Technical Assistance Consultant's Report

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TA 7566-REG: Strengthening and Use of Country Safeguard Systems

Subproject: Strengthening Implementation Capacity for EIA (Vanuatu)

DEPC OPERATIONS MANUAL

Prepared by ADB Consultant Team

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Strengthening and Use of Country Safeguard Systems

Vanuatu Subproject: Strengthening the Regulatory Framework for EIA in Vanuatu

DEPC Operations Manual

CONTENTS

ABBREVIATIONS & ACRONYMS

ADB	-	Asian Development Bank
CEMP	-	Contractor's Environment Management Plan
CSS	-	Country Safeguard System
CSR	-	Country Safeguards Review
DEPC	-	Department of Environmental Protection and Conservation
DG	-	Director General (of a Ministry)
DGMWR	-	Department of Geology, Minerals, Mines and Water Resources
DLA	-	Department of Local Authorities
DMC	-	Developing Member Country
EIA	-	Environmental Impact Assessment
ELS	-	Environmental Legal Specialist (to the TA)
EMP	-	Environmental Management Plan
EMMP	-	Environmental Monitoring and Management Plan
EPC Act	-	Environmental Protection and Conservation Act
FDA	-	Foreshore Development Act
GOV	-	Government of the Republic of Vanuatu
IEE	-	Initial Environmental Examination
MCCA	-	Ministry of Climate Change Adaptation, Meteorology, Geo-hazards, Energy, Environment and Disaster Management
MFEM	-	Ministry of Finance and Economic Management
MIPU	-	Ministry of Infrastructure and Public Utilities
MOIA	-	Ministry of Internal Affairs
NEMS	-	National Environmental Management Strategy
NGO	-	Non-governmental organisation
NSDP	-	National Sustainable Development Plan
PAA	-	Priority Action Agenda
PAM	-	Project Administration Manual
PEA	-	Preliminary Environmental Assessment
PMO	-	Prime Minister's Office
PSC	-	Public Service Commission
PVMC	-	Port Vila Municipal Council
PVUDP	-	Port Vila Urban Development Program
SEMP	-	Site-specific Environmental Management Plan
SSF	-	Social Safeguards Framework
TOC	-	Table of Contents
TOR	-	Terms of Reference

1 INTRODUCTION

Background and Objectives

1. Under the *Technical Assistance for Strengthening and Use of Country Safeguard Systems* (RETA 7566-REG) Vanuatu has been in receipt of support for developing its environmental safeguards processes. This Operations Manual for the environment permitting procedures and environmental impact assessment (EIA) process was prepared to provide an overview and guidance of various environmental safeguard and compliance requirements in Vanuatu. The manual is primarily intended to assist the Department of Environmental Protection and Conservation (DEPC) of the Ministry of Climate Change Adaptation, Meteorology and Geo-Hazards; Energy; Environment and the National Disaster Management Office (MCCA) in implementing its system of environmental safeguards.

2. This manual also provides an overview for other agencies and project proponents should they wish to explore the environmental permitting process under the Environmental Protection and Conservation Act (EPC Act) in detail. Guidelines have been specifically developed for applicants and others to assist and also raise awareness of environmental permitting requirements for projects. These guidelines and application forms are included within the Annexes to this report.

3. The intent of the manual is to provide clarity to the EIA procedures while incorporating the recommended changes as proposed by the TA as gap filling and strengthening measures of environmental permitting and development control in Vanuatu.

4. The manual takes into consideration the findings and recommendations of the outputs of the TA including the legal review (Final Report 1) and the implementation capacity assessment (Final Report 2).

Contents of this Manual

5. The manual is divided into three parts.

- **Part 1** provides an overview of the technical assistance, its findings and the recent development and operation of the environmental impact assessment process in Vanuatu.
- **Part 2** outlines the environmental procedures and highlights any changes to each stage for further addressing gaps or potential improvements in the environment permitting process.
- **Part 3** comprises the Annexes which include forms, checklists, templates, guides and other tools and references designed to assist the DEPC to implement the Vanuatu environmental safeguards system.

2 OVERVIEW OF THE TECHNICAL ASSISTANCE AND FINDINGS

2.1 Vanuatu's Environmental Safeguards Process

6. **Background**. Vanuatu is one of the fastest growing Pacific developing member countries (DMCs) of ADB. The country's national development strategy, the Priorities and Action Agenda 2006–2015 (PAA) is currently being reviewed and a National Sustainable Development Plan (NSDP) is being developed and it is expected that a greater emphasis on integrating environmental and social protection in projects will be a result of the new NSDP.

7. The Department of Environmental Protection and Conservation (DEPC) in the Ministry of Climate Change Adaptation, Meteorology, Geo-hazards, Energy, Environment and Disaster Management (MCCA) is the key government agency responsible for environmental safeguards in Vanuatu.

8. Other agencies involved in Vanuatu's environmental safeguards include the departments of: Fisheries, Lands, Ports and Marine, Internal Affairs and Geology, Mines and Water Resources (DGMWR).

9. In addition to the above agencies, the Ministry of Infrastructure and Public Utilities (MIPU) is the key government agency responsible for infrastructure development and the management of public works. The Vanuatu Project Management Unit (VPMU) looks after the project management of large infrastructure projects (over US$10 million) and essentially acts in the place of MIPU for these larger projects.

10. The Asian Development Bank (ADB) has been assisting the government in the implementation of infrastructure projects financed by ADB and other development partners by providing capacity assistance to a number of projects run by the VPMU and now DEPC.

2.2 The Technical Assistance

11. The Government of Vanuatu (GOV) is addressing the challenges of applying and enforcing its safeguards both by strengthening the CSS framework and also building internal capacity in the DEPC. To assist GOV, ADB has provided support to Vanuatu through a subproject under the *Technical Assistance for Strengthening and Use of Country Safeguard Systems* (RETA 7566-REG). This technical assistance (TA) subproject has supported government initiatives to build capacity for strengthening the application of the CSS for environment in Vanuatu.

12. Following the adoption of its Safeguard Policy Statement (SPS) in June 2009, ADB initiated implementation of the RETA 7566 project that aims to improve the implementation of environmental and social safeguards through strengthened CSS in DMCs. As a key policy feature, the SPS places major emphasis on the need to assist DMCs to strengthen their own safeguard systems and enhance their implementation capacity in addressing environmental and social risks associated with development projects. The TA 7566 project in Vanuatu is designed to help strengthen and improve the implementation of the country's existing safeguard systems.

13. The TA subproject in Vanuatu has included the following main elements: (i) diagnostic of the legal regulatory framework for environment; (ii) institutional capacity assessment; (iii) strengthened procedures, capacity building and outreach; and (iv) Operations Manual. The strengthened procedures (iii) are included within this Operations Manual along with recommendations for further strengthening.

2.3 Summary of Findings and Recommendations of Legal Review

14. The legal review undertook a comparison of the legal regulatory framework with the ADB's 2009 Safeguard Policy Statement (SPS) Safeguard Requirement 1: Environment (SR1).

15. The Vanuatu EIA requirements are set out in the Environment Protection and Conservation Act [Cap. 283] and the Environmental Impact Assessment Regulations Order No. 175 of 2011 (as amended by Order No. 102 of 2012).

16. The first part of the legal review concluded that Vanuatu legislation and policies are fully equivalent with most of the basic components of environment safeguards as established by international best practice.[1] Comparison with ADB Safeguard Policy Statement 2009 (SPS) was used as a benchmark for good practice and found that the overall objective of ensuring the environmental soundness and sustainability of projects and supporting the integration of environmental considerations into the project decision-making process is provided by the EPC Act and the EIA Regulations. It can also be found in legislation from certain line ministries, including legislation on forestry and mining (including quarries) and may also be seen in a number of policies, including the PAA, the DEPC Strategic Plan 2014-2024, the National Biodiversity Conservation Strategy 1999 (currently being revised), the draft NEP and the draft NEMS.

17. The legal analysis shows that the environmental legislation of Vanuatu is fully equivalent with 26 of the 80 key elements (34.67%) of the ADB's (SR1) principles,. partially equivalent with 24 of the key elements (32.0%), and not equivalent with 25 of the key elements (33.3%).

18. The main recommendations to bring about full equivalence with the ADB environmental safeguards include:

a. A number of revisions to the EPC Act;
b. A number of revisions to the EIA Regulations;
c. A number of revisions to the Preliminary Environmental Assessment (PEA) format;
d. The adoption of a format (minimum requirements) for the EIA Report;
e. The adoption of a format (minimum requirements) for the Environmental Management and Monitoring Plan (EMMP);
f. Clarification of the interaction between the EIA process and the Pollution (Control) Act and the Public Health Act;
g. Adoption of the implementing regulations under the Pollution (Control) Act;
h. Adoption of the implementing regulations under the Waste Management Act; and
i. Adoption of the implementing regulations under the Health and Safety at Work Act.

19. A number of the recommendations relate to the EIA procedure for projects likely to have significant environmental, social and/or custom impacts, while others relate to the initial PEA procedure. The TA picks up on those recommendations from the legal report and addresses them as part of process improvements. Once an improved process has been established then it will be supported by the necessary legislative amendments.

[1] ADB. 2014. Technical Assistance for Strengthening and Use of Country Safeguard Systems: Vanuatu environment subproject, Final Report 1 – Legal Analysis.

2.4 Institutional Roles and Responsibilities

20. There are several key agencies that work together for safeguards on infrastructure and other development projects in Vanuatu. The DEPC is the implementing agency for Vanuatu's environmental and conservation commitments and objectives. These other agencies are departments of Fisheries, Lands, Ports and Marine, Internal Affairs and Geology, Mines and Water Resources (DGMWR).

21. For larger infrastructure projects the Vanuatu Project Management Unit (VPMU), part of the Prime Minister's Office; and Ministry of Infrastructure and Public Utilities (MIPU) through the Department of Public Works (PWD) are involved with managing infrastructure projects.

22. The national planning instrument; the Priority Action Agenda (PAA) expires in 2015 and currently the government is developing a National Sustainable Development Plan (NSDP) and is obtaining technical assistance for this from the ADB.[2] The PAA provides strategic direction for delivering a national vision and includes direction about the environment, particularly in relation to primary sector development.

23. The department has the following policies, plans and strategies in draft form: DEPC Strategic Plan 2014-2024; National Environmental Management Strategy (NEMS); and the National Environment Policy (NEP). The department intends to consolidate these documents in line with the forthcoming NSDP in early 2016.

24. **Capacity for safeguards implementation**. Currently the capacity of DEPC to undertake its safeguards responsibilities is limited and the department lacks sufficient resources to effectively implement and monitor CSS. DEPC staff are well qualified and experienced in the national safeguards system and have good experience in environmental safeguards for smaller development projects. However for larger infrastructure projects EIA Officers have limited experience in donor safeguard assessments, and implementation and monitoring of those plans. This limited experience and capacity presents several challenges in implementing safeguards in infrastructure and other large development projects. As a result the application of environmental safeguards has typically been on a project by project basis rather than based on procedures. Therefore safeguards outcomes can vary across different projects. The situation is further compounded for larger infrastructure projects as donors require their own safeguards processes to be adhered to by project managers irrespective of whether they correspond to established stages of domestic safeguards processes.

25. The DEPC still faces some additional obstacles in its ability to properly implement and enforce the system of environmental assessment under the EPC Act. Historically, environmental safeguards have been only nominally respected by developers, including other government agencies. Many developments in the past have commenced without the required environmental permits and some continue to do so. The development of guidelines and a new, more enquiring approach to application forms will hopefully help raise awareness for the need to respect and follow domestic safeguards processes.

26. With infrastructure investments now being made and other development projects continuing, the current regulatory framework requires strengthening to ensure that Vanuatu's environment is protected from unsustainable and environmentally destructive practices. This strengthening will be in the form of consolidation and amendments to environmental and related legislation which must take into account process changes.

[2] ADB.2015. *Technical Assistance for TA-8724VAN: Supporting the Preparation of the National Sustainable Development Plan*

27. **Findings and recommendations**. The TA has confirmed that CSS strengthening requires: i) a systems approach for putting in place appropriate frameworks, systems and procedures/guidelines for environment and social safeguards, and ii) appropriate training in these implements/resources. Revised systems and procedures will need to be supported by legislative amendments. The human resources of DEPC in particular but also of other agencies involved in safeguards administration must also be addressed in line with these initiatives. Greater clarity in the institutional arrangements for working together on safeguards implementation, for all types of development projects including larger infrastructure projects is required.

28. As the lead agency for environment safeguards, DEPC capacity strengthening recommendations include: i) guidelines to assist in decision-making in the environmental assessment process. This is for all stages of the process from pre-application screening through to conditions and enforcement of environmental management and monitoring plans (EMMP) to setting environmental permit conditions; ii) awareness-raising, education and training to line ministries, private sector and civil society about their roles in the environmental assessment process; iii) Linkages to outside experts to assist in PEA and EIA Report reviews; and iv) improving the tracking system for traceability and accountability. These recommendations are in addition to the gap-filling amendments to the environment assessment legislation as identified in the legal analysis to provide clarity to the process. The process amendments and improvements are included under Section 2 of this manual.

2.5 EIA in the Infrastructure Project Cycle

29. Under the current legislation all activities or proposed projects that impact or are likely to impact the environment of Vanuatu must make an application for approval to DEPC (referred to as an Environmental Permit). There is a schedule to the EIA Regulations that sets out the types of activities/projects that require an approval from the department. For all of these activities, once an application is lodged and fee paid, the DEPC EIA Officers carry out a PEA and determine whether an EIA Report is required or not. An EIA Report is required for those activities/projects that cause or are likely to cause significant impacts on *"environment, social and/or custom*". The EIA report and an environmental management and monitoring plan (EMMP) are submitted to the Director of DEPC for review by an EIA review committee, which makes recommendations to the Director. The Director can then: approve the application (with or without conditions); refer the matter back to the EIA review committee for further assessment; or reject the application.

30. It should be noted that the existing legislation does not fully support the current processes in practice. For example, where an EIA Report is not required, the DEPC issues an environmental permit with conditions. Such a step does not have a legal basis. The legal analysis has identified these gaps in legislation.

31. For infrastructure projects, Vanuatu's experience has been mixed with many projects following different process based on project funding and project management requirements. As a result, the straightforward approach set out in the legislation has not always been followed with various infrastructure projects applying for an environmental permit via a variety of different initial applications including: Initial Environmental Examinations (IEE) with or without outline Environmental Management and Monitoring Plans (EMMP) included; IEEs for an entire project but with insufficient detail for the DEPC to make a determination and a project that assumed the need for an EIA Report and simply provided a thorough project description and an outline terms of reference for discussion and approval. DEPC would prefer to receive information on the

DEPC application form for an environmental permit rather than in an IEE as this corresponds with the PEA undertaken by department EIA Officers. In the event that an IEE is prepared, DEPC would prefer to see the sections of the IEE cross referenced on the application form for an environmental permit. The IEE would then form part of the application. Further details on infrastructure applications can be found under Section 2.5 of this manual.

32. For domestic projects the environmental permit system can often be considered after a project is planned and ready for implementation. This is reflected in poor quality applications and pressure on DEPC to approve at PEA stage without the need for an EIA Report to be prepared.

2.6 Analysis of the Standard Environmental Assessment Process

33. The environmental impact assessment (EIA) process is applied to those projects that come under the definition of the EPC Act (i.e. those that impact or are likely to impact the environment). A schedule to the regulations lists a wide variety of developments that need to be referred to the department for a preliminary environmental assessment by EIA Officers. Some of these nominated developments are more to do with planning rather than environmental impacts, for example the need for PEAs for retail stores in urban areas. This broad span of developments requiring PEA in large part comes about due to a failure of land use planning processes rather than the actual environmental impacts of activities.

34. The DEPC has developed a flow chart (now out of date) of the EIA process and procedures and it is published on the Ministry of Lands website. An updated version of the flow chart is included under Section 2.1 of this report. Although the process presented is generally what is followed by DEPC, in practice the process can sometimes differ depending on the individual project. The usual practice of the different stages of environmental permit application and assessment process are set out in Section 2.

35. It should also be noted under legislation there is a great deal of discretion in terms of the EIA process, in particular for larger infrastructure projects. There is a specific subsection that compares the different approaches between large infrastructure safeguards and how these fit with Vanuatu safeguards. Annexes with draft tables of contents for IEE demonstrate some safeguards for infrastructure projects have been approached by DEPC.

3 VANUATU ENVIRONMENTAL SAFEGUARDS PROCESS MANUAL

3.1 Process Improvements

36. Vanuatu has an existing environmental safeguards process. The approach taken by the TA was to improve on the existing elements of the safeguards process to ensure they reduce resource requirements, improve decision making and identify in some detail the requirements for legislative change.

EIA Officers and the Acting Director confirmed in early March 2015 the DEPC's preference for the following stages and timelines for improving EIA processes progressively following the stages from pre-application through to decision making as far as possible over the duration of the TA. The main areas for improvement were agreed as:

- Confirm a revised approach for assessing large infrastructure projects based on the experience from the case studies in the ICA report (Final Report 2).
- Work through the current activities listed in schedule 1 of the EIA Regulations to recommend how the current projects schedule could be divided into new categories.
- Develop and propose revised application forms for the PEA stage including options for the different categories of projects (in English and Bislama).
- Develop a checklist for information required in PEA applications.
- Develop some standard conditions, standards and guidelines for those smaller, standard project applications and permits commonly received by DEPC.
- Improve the EIA decision-making process with a particular focus on: Role of the EIA review committee; identifying issues regarding good decision making and reducing liability; development of permit conditions; delegations to other agencies and working through detailed process for amended applications etc.
- Improve administration and process management arrangements including: collaboration with other departments and integration of other regulatory processes; roles and responsibilities for monitoring.

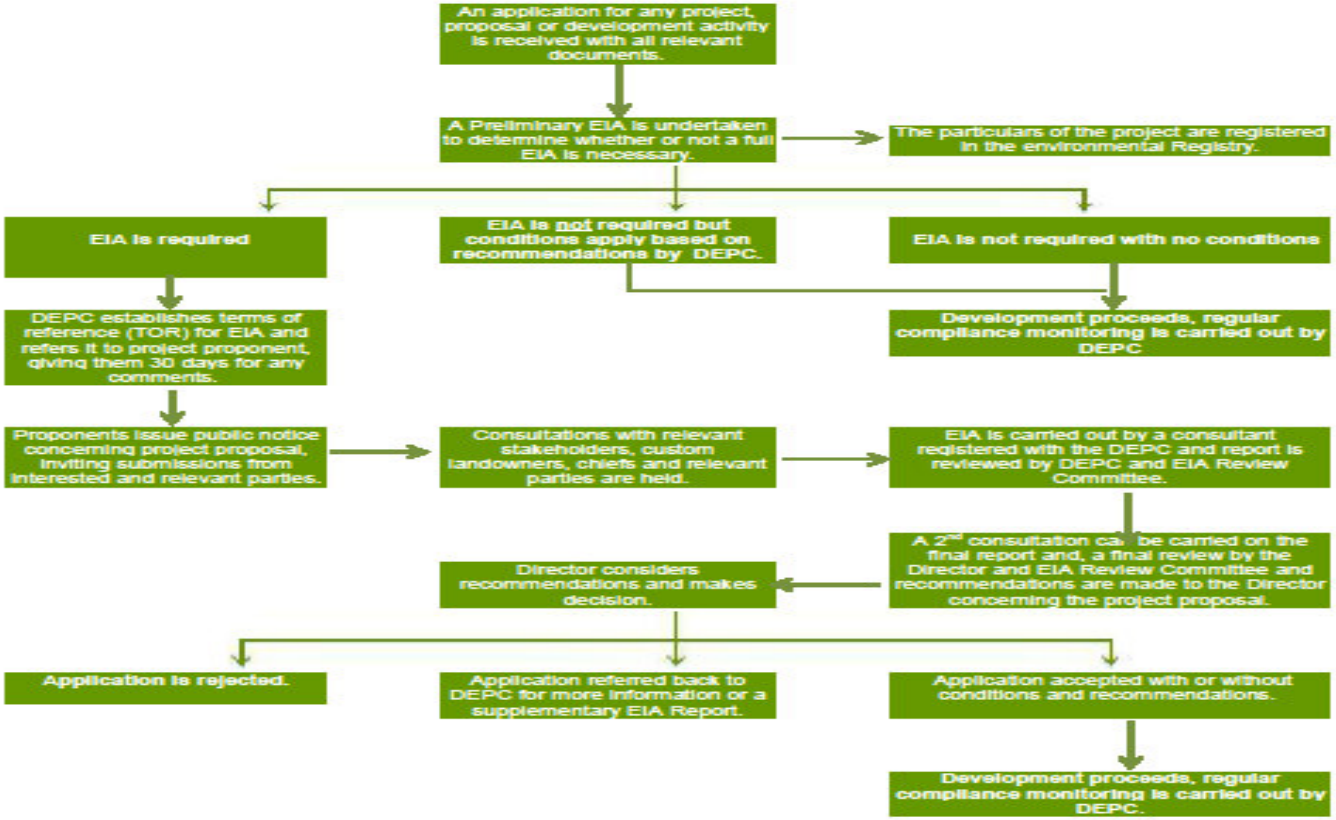
37. The MCCA Director General (DG) further confirmed that any process improvements could only be implemented if able to do so under the current legislation. He instructed that any other process improvements should wait until legislation is amended to enable them to be legally implemented.[3]

38. Therefore the TA and improvements to the process to date should largely be regarded as steps in a continuum of continuous improvement. The challenge is to ensure regulatory processes evolve in line with the country's development. By so doing DEPC will ensure that appropriate EIA process will continually support and enable sustainable development in Vanuatu. Opportunities for further improvement are presented in bold at the end of each stage of the EIA process.

39. An edited overview of the current EIA application process as presented on the Department's website is set out below.

[3] Meeting 9 February 2015 at Meteo Offices, Port Vila. At that meeting the DG also requested that work should commence to start on the required legislative amendments.

EIA APPLICATION PROCESS - CURRENT



3.2 SCREENING

3.2.1 Environmental Permit Application procedure

40. Project proponents are encouraged to discuss their potential applications with EIA Officers.

41. There is no formal pre-application screening process. However applicant enquiries to the department are responded to by EIA Officers and EIA Officers meet with applicants visiting the department to discuss proposed developments. EIA Officers will typically refer to colleagues with specialist expertise (eg waste management, invasive species etc) where required to give further guidance to developers.

42. Usually applicants visiting the department are given an application form and a supporting information form to take away and complete. The application form also includes schedule 1 from the EIA Regulations which sets out the range of activities requiring preliminary environmental assessment and also a schedule of minor projects, those projects that require less detailed description due to their scale and nature. The application forms have been redesigned in order to improve the quality of information supporting development applications.

43. Guidelines have now been developed in English and Bislama and are available to give to developers to assist them with their applications.

44. Applicants are advised that unless minor and on the minor projects schedule, the additional form: Supporting Information for an Evirionmental Permit must also be completed for all projects.

3.2.2 Proponent lodges an application for an environment permit

45. The proponent lodges their environment permit application with DEPC. The proponent must pay the application fee at this time (paid to EIA).

46. The DEPC Administrator uses the checklist on the Environmental Permit Application Form to see if application is complete. Incomplete applications are not accepted. If complete the Administrator will enter details of the project into the EIA database on the department's shared folder.

47. Each application has a unique file number and a category code representing the type of application. The Administrator sets up a physical file marked with the file number and name of project or project proponent and puts it into the in-tray in the EIA Unit office which is marked as "Applications to be processed".

3.2.3 EIA Officer undertakes initial appraisal of environmental permit application

48. The EIA Officer undertakes a preliminary appraisal of the environmental permit application. This usually includes:

- identifying the nature and location of the proposed project;
- establishing the type of development applied for;
- identifying the site and the site layout;
- checking that all the necessary drawings and plans have been provided; and

- checking that the information in the forms is sufficient to proceed to assessment.

49. In the event that any of the required documents are missing, the EIA officer follows up with the proponent. The EIA Officer will write a letter to the applicant outlining what further information is required to proceed with assessment.

50. After all the required information has been provided the EIA officer contacts the proponent to arrange a site visit. If the development is outside Efate or Luganville and surrounds, this will usually include a request for payment to meet the officer's travel expenses to the project site.

3.2.4 Site Visit and Preliminary Environmental Assessment

51. The EIA Officer undertakes site visit and completes the PEA Report. Further information may be required from an applicant as a result of the site visit and if so this is in writing (refer to further information letter in paragraph 49 above) including by email.

52. The PEA Report is designed as an assessment and decision making tool. It includes a set of questions aimed at determining the extent of the proposed project's potential environmental impacts. It also helps EIA Officers to assess the adequacy of the applicant's proposed approach to environmental management and mitigation as set out in the application form and accompanying documents. The Officer making the assessment determines if the project, including the proposed environmental management and mitigation measures will result in a low, medium or high level of environmental impact.

53. The design of the PEA Report also assists the officer in determining any conditions that may be required to manage potential environmental impacts of the project.

3.2.5 Consultation at the PEA stage

54. Included in the PEA Report form are the names of other government departments that are typically required to be consulted on applications for example the Department of Geology, Mines and Water Resources (DGMWR) for quarrying and sand mining applications or the Ministry of Internal Affairs (MOIA) for coastal developments that may require a foreshore development permit in addition to an environmental permit.

55. EIA Officers consult with counterparts in these other agencies on an as required basis for their input in to the process or the status of other licenses or permits that may be required for the development. Typically information gained through these consultations acts as an awareness raising for those consulted with as well as informing the PEA Report.

56. The Department may use a consultant to undertake PEAs on its behalf. The consultant must be formally registered with the department.

3.2.6 Recommendations to Director DEPC at the PEA stage

57. In the PEA Report, the EIA officer makes recommendations to the Director DEPC. It is preferable that the EIA Officer presents the application and the PEA recommendations to the Director in person to allow discussion of the application and the officer's recommendations. These recommendations include:

- Grant permit for the application without conditions.

- Grant permit for the application subject to conditions.
- Require an EIA Report for all or part of the application.

58. Due to legislation there is currently no ability for EIA Officers or the Director to decline or refuse a permit at this point in the process therefore these are the only options available to the department.

59. The EIA Officer may propose conditions for a permit in the PEA Report. This allows the officer to recommend how to reduce, mitigate or avoid the project's environmental impacts and to impose environmental management conditions on the applicant.

3.2.7 Grant permit for the application without conditions

60. It is unusual for this option to be recommended by EIA Officers as there are typically some basic conditions required to reduce minimise or mitigate the impacts of any project. However in some instances, for example when the department receives a sufficiently detailed application and undertakings for environmental management are included within the application, then an application may be agreed without conditions.[4]

3.2.8 Grant permit for the application subject to conditions

61. This is the most common result for applications. Projects assessed as having low or medium impact will usually be granted with appropriate conditions to ensure that environmental impacts are avoided, minimised or mitigated in some way.

62. There are some standardised general conditions in template letters for the more common types of development applications. These same templates leave room for project specific conditions to be applied to individual developments. The project specific conditions are typically included from the relevant section of the PEA Report and any other additional conditions the Director may impose after discussion with the EIA Officer.

3.2.9 Require an EIA Report for the application

63. On average around 10-12% of applications received by the department require an Environmental Impact Assessment Report. An EIA Officer recommends an EIA Report if the potential impacts are considered significant enough to warrant further studies and a greater understanding is required of the impacts of a development on the surrounding environment. The need for an EIA Report is more likely if the perceived impacts, assessed through the PEA, would result in widespread impacts including social impacts or irreversible damage to sensitive environments. This corresponds to the high environmental impact classification in the PEA Report.

[4] Some applications, such as detailed initial environmental examinations (IEE) can be received instead of a permit application under some donor funded infrastructure projects. These IEEs can contain sufficient detailed information and environmental management controls meaning they can be approved without further conditions.

3.2.10 Director DEPC decision

64. The EIA officer delivers the completed PEA Report and recommendations to the Director DEPC. Usually the officer presents the PEA Report to the Director in order to discuss the application and recommendations including any proposed conditions.

65. The Director can ask for further information before confirming his decision. The Director is not bound by the recommendation of EIA Officers and can decide differently to the PEA recommendation however both the decision and the reasons for the final decision must be recorded in the PEA Report.

3.2.11 Applicant Advised of Decision

66. Once a decision is made, a decision letter is prepared to send to the applicant with the details of the Director's decision under the relevant parts of legislation.

67. A series of standardised and template letters are available for EIA Officers to use that include general conditions as well as project specific conditions. These template letters are included in the annexes of this manual.

68. The sending of the decision letter for projects not requiring an EIA Report ends the Environmental Permit process at this point apart from permit monitoring (refer section to 2.4.6).

69. There is a standard letter to advise an applicant if an EIA Report is required for the proposed project. The draft terms of reference for the EIA Report is usually included with the letter advising the applicant that an EIA Report is required for their proposed development.

3.3 SCOPING

3.3.1 Developing the Terms of Reference for EIA Reports

70. Under legislation the terms of reference (TOR) for the EIA Report must be issued by the DEPC. There is usually written correspondence between the department and the proponent before the TOR are formally issued.

71. Legislation requires that all EIA Reports must be prepared by a registered EIA consultant. Details for the registration of EIA consultants are included under Section 2.5.6 of this manual. It is good practice for the consultant to be recorded as the EIA Report author in the document.

72. In practice the form of the proposed TOR can vary greatly and some examples are included in the Annexes to this report. This is an area of inconsistency in the EIA process and may be at risk of resulting in incomplete EIA and EIA Reports. Alternatively the use of some TORs that require a large amount of unnecessary detail should also be avoided. An amended form of the proposed TOR from the SPREP EIA Manual is also included in the annexes.

In order to ensure a more consistent approach to EIA Reports, DEPC could explore the opportunity for preparing a suite of draft TORs for use in the main areas of activity that typically require EIA Reports.

Developing the drafts should also include EIA Review Committee members as well as registered consultants.

3.3.2 Public consultation

73. Public consultation on a development is required under law however its extent is to be determined by the DEPC Director. In practice, public consultation is typically undertaken at a late stage in the project process meaning EIA Reports do not tend to include concerns raised by those stakeholders consulted with.

74. There have been a few exceptions to this where proponents have been required to publicly consult on their EIA Report for some projects that have had a high level of public interest. However the general situation is a lack of requirement by the DEPC for proponents to undertake public consultation at an early stage and so developments tend to go ahead as originally planned without taking into account the results of any consultation.

75. EIA Reports reflect this poor consultation and it is quite common for them to merely include lists of those consulted with and no notes or remarks on any concerns or support from the consultation.

Public consultation is recognised by DEPC as being poorly undertaken at present by applicants.

It will take some changes to legislation to clarify what consultation should include and at what point or points in the project cycle it should take place. Once clearly established in law, capacity building and public information and education will need to take place to ensure that developments suitably consider public and stakeholder concerns.

3.3.3 Environmental Management and Monitoring Plan

76. An Environmental Management and Monitoring Plan (EMMP) is required to be included in the EIA Report either in the body of the text or as an appendix. The EMMP is intended to demonstrate how the applicant will manage the project to ensure the avoidance or mitigation of the project's impacts on the environment and how these are to be monitored and reported on. Therefore the EMMP applies from preconstruction through to project commissioning and decommissioning.

77. The EMMP should be updated post permit to ensure that it includes any conditions on the environment permit. Providing the requirements are clear then there is no need for the EMMP to be resubmitted to DEPC as it is expected that the applicant will follow the permit conditions.[5]

78. The EMMP may be prepared as a standalone document, or may be an appendix to the EIA report. If the EMMP is prepared as a stand-alone document, the EIA Report should include a summary of the EMMP. There is a proposed minimum format for the EMMP in the annexes.

3.3.4 EIA Report Delivery and Initial Assessment

79. The EIA Report is delivered in electronic copy along with five hard copies as required by legislation. EIA Officers will initially look over the report for completeness and its general quality standard. The EIA Officer then reviews the EIA Report in more detail and may prepare a short written summary for the EIA Review Committee.

80. The department has the option of using a review consultant for the review of the EIA Report and to make recommendations to the EIA Review Committee either in person or in writing.

81. In principle the EIA Officer should assess the incoming EIA Report at least for completeness and compliance with the TOR however this is not always possible.

82. As EIA Reports are not always fully assessed in advance of going to the EIA Review Committee, there is a risk that applications can be delayed due to incomplete information or even declined due to a lack of important information. It is up to the consultant to ensure that the EIA Report meets all the requirements as set out in the agreed TOR.

Tools for use of EIA Officers reviewing the completeness of an EIA Report have been used by the Department in the past however these have fallen out of use largely due to a lack of available time and resources. DEPC would like to reintroduce their use if possible and if it can fit in the assessment process.

A draft template for EIA review is attached as an Annex to this report. The template is adapted from the SPREP EIA handbook and was used at a DEPC workshop in Port Vila, October 2015.

[5] Some development partner funded infrastructure projects require additional approval where management and monitoring plans are also developed by the contractor. DEPC prefers that the contract managers ensure all permit conditions including EMMP are met without further inputs from officers.

3.4 EIA ASSESSMENT AND DECISION MAKING

3.4.1 EIA Review Committee

83. The EIA Review Committee is comprised of senior staff (Directors or Senior Officers) from relevant government agencies with responsibility for the environment in the development location or the relevant licenses for the application in hand and a representative from a relevant NGO. For example coastal development may include representatives from Fisheries, Internal Affairs (responsible for Foreshore Development Act), or Ports and Marine. Usually a representative from local government is also included (the relevant provincial or municipal government council).

84. The Senior EIA Officer makes up the list of members to be invited and a letter is sent via email to the invited members to attend the meeting. Increasingly electronic copies of the EIA Report to be assessed are sent in advance to committee members to allow them to read the about the application in advance.

3.4.2 EIA Review Committee Proceedings

85. The committee sits formally with the Director as Chair and the consultants present at the hearing in order to help the committee members understand the proposed application and to assist in their setting relevant conditions in their recommendations to the Director. Discussions on various aspects take place and reference is also made to the agreed TOR for the EIA Report. The relevant representatives comment on their specific areas of interest and expertise and on behalf of their agencies.

86. During the meeting it is the responsibility of the EIA Officer to record the attendees at the meeting, explain the project and take notes during the meeting. These notes form the basis of the committee's recommendations which are also recorded by the officer.

Consultants that are invited to present to the EIA Review Committee must be advised by the EIA Officer inviting them what they are to present on and the amount of time they are to be present at the meeting.

3.4.3 EIA Review Committee Assessment and Recommendations

87. The committee and the DEPC Officer assess the accuracy and completeness of the EIA Report and look for serious environmental/social/economic effects that require monitoring, mitigation or project alteration. Currently they do not use any assessment tools but instead make assessment based on their area of responsibility or expertise.

88. The committee writes a report about the application which includes recommendations on the application to the Director DEPC. These recommendations include deferral of the recommendation pending further information, to decline the application or to approve the application with or without conditions. In practice as the Director is the chairman of the committee, the decision is discussed between all committee members who sign the recommendations before they are sent to the Director. The EIA Officer present at the meeting usually assists the committee to develop suitably worded conditions for recommendation to the Director.

3.4.4 Director's Decision

89. The Director makes the decision in the form of an approval letter which is sent to the Applicant. If an application is approved the letter usually contains the conditions as recommended by the Committee. The decision letter is filed with the application file for use in any monitoring activities.

3.4.5 Changes to the Director's Decision

90. Currently under legislation an Applicant can request the Director to vary the decision. Changes to approval conditions can be made at the discretion of the Director. The Director is not required to take into account any particular recommendations from the EIA Review Committee or EIA Officers in making a decision to change conditions.

91. Any changes to conditions should be filed with the original decision letter in the application file.

It is proposed that legislation is to be amended to require referral to the EIA Review Committee rather than the Director to review any proposed changes to conditions so that all environmental risks can be taken into account.

3.4.6 Monitoring and Compliance

92. It is common for a condition to be included in an approval that the applicant should contact the department to advise them that the project works are starting. However in practice this condition is rarely met.

93. The Compliance Officer should therefore monitor all permits granted by the department in order to make site visits to ensure permit conditions are being followed. Increasingly EMMPs are requiring self reporting meaning that department officers can take on more of an auditing role for compliance with conditions. This is particularly useful for larger infrastructure projects where the DEPC Compliance Officer cannot be present for all the works.

94. DEPC has received support for monitoring and enforcement in the past via Australian Volunteers and a manual with a range of templates for use in monitoring and enforcement under the EPC Act and Ozone Layer Protection Act was produced in 2012 however this has not been updated since that time. Meanwhile further monitoring and enforcement responsibilities and licenses have been created through the Waste Management and Pollution (Control) Acts.

DEPC to investigate opportunities for technical support for monitoring and enforcement activities under amended EPC Act and other legislation.

3.5 OTHER ASSESSMENTS AND ACTIVITIES

3.5.1 Major infrastructure projects

95. An increasing number of infrastructure projects are commencing in Vanuatu that do not necessarily follow the Environmental Permit process set out above. These projects take up a disproportionate amount of departmental resources for their assessment and the department may use registered review consultants for assessing and making recommendations to the Director. The costs of these reviews is to be met by the project proponent. Depending on individual project governance arrangements, most large infrastructure project applications come through the VPMU.

96. Currently DEPC tries to follow the requirements of domestic legislation and the basic stages of assessment (i.e. screening, scoping etc) when assessing these infrastructure projects. However this approach does not always fit with either Donor or project contract requirements. Refer table below for general stages and typical activities for safeguards assessment of large infrastructure projects.

97. The EIA legislation does allow for the DEPC Director to develop alternate processes and requirements for individual applications. Therefore legislation can still be broadly followed through these alternate processes that are tailored to fit with the Donor's project safeguards process requirements.

98. In some cases, alternate processes include the preparation of an IEE. DEPC would prefer to see the information about the project on an Environmental Permit Application Form rather than in an IEE. However, a project proponent could cross reference the IEE in their application. If an IEE is used, DEPC would like to discuss and set the contents of IEEs in advance with project managers. This means these IEEs can be considered through PEA in the manner set out by law. Sample Tables of Contents (TOC) for large infrastructure IEEs are contained in the annexes to this manual and can be used as a basis for the development of detailed IEEs for complex projects involving multiple activities across a project site or a project involving multiple sites.

TABLE 1 - LARGE INFRASTRUCTURE PROJECTS

SAFEGUARDS STAGE	Development partner approach	VANUATU EQUIVALENCE AND ACTIVITIES
Initial Screening/ Categorisation	Donor categories A, B or C (WB, ADB)	None (takes place prior to application to DEPC)
Screening for EIA	IEE with EMP attached or SEMP or some other project summary delivered by contractor or VPMU to DEPC. Variable formats.	Application for Environmental Permit, PEA (using PEA Report) and recommendation to Director. Option for registered consultant to undertake a PEA on the Director's behalf.
Decision	Decision strongly preferred at this stage.	EIA Report required or grant permit with conditions.
Scoping	EIA TOR often provided by Contractor or VPMU.	DEPC prepares or reviews TOR (option for a review consultant to be used). Issues EIA Report TOR.
Public Consultation	Usually determined by the contractor can also be at initial project design/screening stage	DEPC may require additional consultation for an EIA Report.

Delivery of EIA Report	By contractor to VPMU for quality check; VPMU delivers to DEPC. EIA Report authors should be registered as consultants with DEPC.	DEPC initial review (option for a review consultant to be used).
EMMP	Included in EIA Report (but can also be included with an IEE).	Must accompany an EIA Report
EIA Decision	Usually sent to VPMU with conditions	EIA Review Committee, preferably with presentation by applicant, makes recommendation to Director.
Conditions and Variations	Usually sent or negotiated via VPMU	Usually DEPC EIA Officers or review consultant makes recommendations to Director.
CEMP (post contract)	Can be approved by contractor/VPMU or sent to DEPC for approval.	DEPC prefers conditions to be applied by the contractor directly.

99. For large infrastructure projects that take place in sensitive environment such as close to or affecting coral, discharges to freshwater etc it is quite likely that an EIA Report will be required. In such circumstances the initial IEE can be substituted by a full project description and description of the environment and a draft TOR for the EIA Report to discuss with DEPC. The use of DEPC application forms for this is preferred by DEPC in order to assess the need for an EIA Report in line with legislation.

100. The project construction contracts usually require a contractor to prepare either a Site Environmental Management Plan (SEMP) or a Contractor's Environmental Management Plan (CEMP). DEPC can be requested to approve these documents however it is preferable that the EMP or EMMP included in the IEE or EIA Report as delivered by the applicant to be as comprehensive as possible. Any further DEPC conditions or requirements for management plans should be made clear to the applicant by DEPC. This approach means that the ensuing management plans (SEMP, CEMP) produces by contract managers of contractors do not require to be specifically reviewed by EIA Officers who rely on the applicant to ensure that EMMP conditions and commitments are followed so reducing resource demands on the department.

101. DEPC continues to work on ensuring that domestic environmental and social safeguards required under the EPC Act are met on these large infrastructure projects.

It is proposed that in the future VPMU will ensure that there is sufficient budget in large infrastructure projects to enable DEPC to engage an independent review consultant to review the various project documents passed to the department for assessment under the EPC Act and EIA Regulations.

3.5.2 Foreshore Development Applications

102. Applications for developments taking place on or below the high water mark are subject to the Foreshore Development Act (FDA). A foreshore development cannot take place without environmental permit so assessments for the two processes are often combined. Under current processes the MOIA (the Ministry responsible for administering the Foreshore Development Act) will no longer accept applications for foreshore development unless an environmental permit has first been gained by the applicant.

103. For environmental safeguards purposes under the EPC Act, these FDA applications still follow the standard process as described in above however the department typically coordinates site visits with officers from the Physical Planning Unit in the MOIA. If possible officers from the relevant local government council also attend the site visit.

104. Should an application progress to the EIA Report stage then an officer from MOIA must also be included in the EIA Review Committee as representative from the Ministry as well as the relevant local government council.

3.5.3 Land lease creation and changes

105. When a land lease is created or its class is changed from one lease class to another an applicant is required to consult with different departments[6] including DEPC to see if there are any environmental constraints or considerations to be taken into account. DEPC typically includes advice on whether an application should be made for an environmental permit as the form used[7] requires the applicant to summarise the intended development of the land to be leased or reclassified.

106. Currently there is no linking of developments proposed on a particular land lease as presented in the land lease creation or change of classification processes and the actual application for an environmental permit.

3.5.4 Mines and Quarries

107. The Department of Geology, Mines and Water Resources (DGMWR) has the delegated authority to make preliminary environmental assessments for renewal or extension of sand mining permits and quarries. These PEAs are completed in line with DEPC practices and a DEPC Officer checks the application and then presents it to the Director DEPC for approval. A standard letter with general and site specific conditions is used for straightforward approvals. Under current processes the DGMWR (the department responsible for administering the Mines and Minerals and Quarry Acts) will not approve applications for quarry permits unless an environmental permit has first been gained by the applicant.

108. It is recognised by DEPC and the DGMWR that all applications for the development of new quarries will normally require EIA Reports. The DGMWR advises applicants of this need when they first apply for a Quarry Permit under the Quarries Act.

DGMWR Officers need to be brought up to speed with changes in the Environment Permits process. In future guidelines for environmental management of quarries and mines will be developed to standardise quarry and mining operations and so assist the DGMWR in its monitoring and compliance responsibilities.

[6] The other departments are: Lands and Survey, Geo-Hazards, Geology, Mines and Water Resources, Agriculture, Forestry, Fisheries, the relevant Local Government Council and the Vanuatu Cultural Centre.

[7] Department of Lands Form 6 (Bislama only)

3.5.5 Roads and Government Infrastructure Development

109. Currently all roading works undertaken by the Ministry of Public Utilities and Infrastructure (MIPU) are not formally permitted under the EPC Act and go ahead regardless. MIPU has developed a Social Safeguards Framework with environment as one of seven elements for consideration.

110. DEPC intends to develop guidelines and standards for environmental performance to ensure environmental considerations are taken into account in nationally funded MIPU roading and infrastructure projects.

DEPC to work with MIPU to develop environmental safeguards guidelines for infrastructure management and repair which fit with current MIPU social safeguards but meet EPC Act requirements at the same time.

3.5.6 Registration of EIA consultants

111. Under the EIA Regulations there are several categories of consultants. The categories of EIA consultant are: (a) principal consultant; (b) technical assistant; (c) assistant consultant; and (d) review consultant.

112. The criteria for registration of a consultant are determined by the Director and are usually for individuals however some overseas firms have been registered from time to time. Consultants are usually registered for three years before renewing their registration however one year registrations are also possible. Registration may be cancelled or not renewed in certain circumstances.

113. Under legislation only registered consultants can prepare EIA Reports or studies. These consultants are engaged directly by the applicant.

114. Consultants registered under the Review Consultants category are generally used by the Department to ensure that the safeguards document(s) presented to DEPC for review and approval meet the department's quality requirements. DEPC can also use a review consultant to review permit applications and undertake PEAs on its behalf[8]. The payment of review consultants can be problematic and it is good practice to obtain a quote in advance for the work from the review consultant and to obtain agreement from the applicant in writing to pay the quoted fee directly to the consultant as current government finance policies mean that the department cannot receive funds to pay the consultant directly.

3.5.7 Information management and the Environment Register

115. The Environment Register is required under law and is currently in the form of various lists and spreadsheets held internally. The EIA part of the register is in the form of an Excel spreadsheet on the DEPC shared drive.

116. When an application is formally received the application details, including the payment of fees, are entered onto the EIA database spreadsheet by the Department Administrator who also

[8] The legislation allows DEPC to use a registered consultant to undertake a PEA on its behalf.

assembles files and allocates file numbers including a classification according to development type.

117. The files are then delivered to the EIA Unit office in-tray which is marked as "Applications to be processed". EIA Officers then allocate applications internally depending on the availability of EIA Officers.

118. As the application progresses through the assessment process EIA Unit officers record the details on the register. The EIA database spreadsheet has colour coded columns corresponding to the main stages of the EIA Process (Application and PEA; EIA Report and post EIA Report; Implementation).

119. As the shared drive has just been networked across the department (mid November 2015) it will be some time before it is commonly used and becomes a normal part of administering and managing applications.

All EIA application files and records on personal computers will require to be transferred across to the shared drive once its filing structure has been confirmed.

4 ANNEXES

These annexes include forms, draft letters and templates and guidelines, covering all stages of the Environmental Permit process from the receiving of applications through to final decision making and the issuing of permits.

The development of these tools, templates and examples is ongoing work for those engaged in the process at DEPC. It is fully expected that through regular use these various tools etc will be progressively adapted and improved for day to day use.

The annexes are presented in five sections:

1. Application
2. Preliminary Environmental Assessment
3. EIA Report Documents and Templates
4. Large Infrastructure Projects
5. EIA Administration

The contents of each section are presented along with an introduction to the section.

The intention is that the documents and guidelines within each annex are used on a regular basis and amended and improved as required.

4.1 Application Documents

These documents, templates and guidelines are intended to support the Environmental Permit application process. The following documents are included in this annex:

1. Application Form
2. Supporting Information for an Environmental Permit
3. Application Form (Bislama Version)
4. Supporting Information for an Environmental Permit (Bislama Version)
5. Schedule of Minor Projects
6. Full Schedule from EIA Regulations
7. A guide to Completing an Environmental Permit Application (bilingual Bislama/English)

The Department of Environmental Protection and Conservation

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How to Complete this Application Form

If you need help to complete this form, please read: Guide to Completing an Environmental Permit Application.

This application form and any supporting information provided with it are for the purpose of enabling an assessment process under the Environmental Protection and Conservation Act and the EIA Regulations.

An assessment must be conducted for any activity that is likely to impact on the environment of Vanuatu and requires any license, permit or approval under any law (e.g. Quarry Permit or Foreshore Development Consent). A list of activities that require an environmental permit is attached to this form.
Your application will not be considered unless you return to the DEPC:

a. This form, completed and signed
b. All relevant attachments and information required
c. An application fee.

No work may commence unless and until written approval is given by the DEPC.

1. Applicant Details

Full Name

Business details
Please Tick
❑ Registered Business (attach your business licence)
❑ Other Organisation (attach your VFSC certificate)

Organisation Name & CT Number (if applicable)

Address

Physical Address

PO Box Address

Contact Details

Tel:	Mobile:	Email:
Website:		

2. The Project Proposal

You must give full details of your project and attach the required information. Insufficient or unclear information will delay your application. Please use separate sheet(s) if required to give a full description of your project.

If you need help about completing this form, please read Guide to Completing an Environmental Permit Application.

WHAT IS THE NAME OF YOUR PROJECT?	
WHAT IS YOUR PROJECT? *Please describe your project from construction through to operation. Include plans and layout of project on the site with your application. Use another sheet of paper if required.*	
WHERE IS YOUR PROJECT LOCATED? *Give name of island, area and nearest town or village and other directions.* *Please also include a map clearly showing location in relation to neighbouring properties, coastal or other features etc.* *Photos of the project site are helpful.* *Google maps can also be used to show location.*	
WHAT IS THE TIMING FOR YOUR PROJECT? *Please advise proposed start date and duration of construction and also the operational life of the development.*	**Construction (including site preparation):** Start Date: Duration: **Operational life:**
WHAT IS THE LAND STATUS AT THE PROJECT LOCATION? *Please tick box and provide required details. You must include a copy of the land lease. For kastom land, please attach a signed, dated agreement to the proposed project from the kastom owner.*	❑ Leased Land Title number: Lease class: ❑ Customary Land ❑ In the process of acquiring land
WHAT IS THE TOTAL LAND AREA OF THE PROJECT? *Area to be used by the project.*	……ha/m^2

3. ENVIRONMENTAL IMPACTS

Please complete this section for your project.

For all projects apart from minor projects (see schedule attached), please also fill out the separate form: Supporting Information for an Environmental Permit.

Insufficient or unclear information will delay your application.
If you need help about completing this section please read Guide to Completing an Environmental Permit Application.

WHAT IS THE CURRENT ENVIRONMENT AT THE PROJECT LOCATION? *(such as vegetation cover, fauna, human settlement)* *Is the land already cleared or developed?*	
WHAT OTHER ACTIVITIES ARE CLOSE TO YOUR PROJECT LOCATION? *(such as neighbouring land uses and developments)* *Please also include these on your location map.*	
DOES THE PROJECT LOCATION INCLUDE OR IS NEAR TO: *Please tick yes or no. If Yes, please mark on your location map.*	Coast: ❑ Yes ❑ No River or stream, wetland: ❑ Yes ❑ No Cultural sites: ❑ Yes ❑ No Protected areas: ❑ Yes ❑ No
DOES THE PROJECT INVOLVE RESETTLEMENT OF PEOPLE OR BUSINESS ACTIVITIES?	❑ Yes *(Please provide details in the separate form:* **Supporting Information for an Environmental Permit***)* ❑ No

4. APPLICATION CHECKLIST

All Applicants: ***Please tick to confirm each item on this checklist***	**Official use only**
❑ Completed all sections of this Application Form	Y/N
❑ Completed an Supporting Information for an Environmental Permit (All projects except minor projects listed in attached schedule)	Y/N
Attached copies of:	
❑ Draft plans & designs	Y/N

❑ Site plan	Y/N
❑ Location map of area	Y/N
❑ Land lease document (*if leased land*)	Y/N
❑ Application fee (20,000 vatu)	Y/N
❑ Other approvals (eg kastom owner consent for coastal developments).	Y/N

Official use only

Date received:

DEPC reference number:

Due date for decision:

5. APPLICANT DECLARATION

I/We _____declare that all the information presented herein and attached is correct and is an accurate description of the proposed development project.

Applicant signature:_____ **Date**: _____
(*Official Stamp where applicable*)

IMPORTANT: The information contained in this application form and the attached documents and plans forms part of the formal environmental permit application process and the permit terms and conditions. Failure to comply with the project proposal as set out in this application form may result in penalties under the Environmental Protection and Conservation Act. Any changes or variations to the project must be referred to the DEPC before the development goes ahead.

THIS APPLICATION IS FOR A PERMIT UNDER THE ENVIRONMENTAL PROTECTION AND CONSERVATION ACT ONLY.

THE GRANTING OF A PERMIT UNDER THE ENVIRONMENTAL PROTECTION AND CONSERVATION ACT DOES NOT INFER OR ASSUME THE GRANTING OF LICENCES OR PERMITS UNDER ANY OTHER VANUATU LEGISLATION.

SUPPORTING INFORMATION FOR AN ENVIRONMENTAL PERMIT

This form is to be completed for all projects.

The aim of this form is to draw attention to issues where positive or negative environmental, social or custom impacts could occur as a result of your proposed project.

The questions are designed to direct your attention towards issues that should be considered at the early stages of project planning and also during project construction and operation.

If you lack technical knowledge then please seek assistance from a suitably experienced person.

In order to complete this form, please consider and answer each question in relation to your project.

If you answer **yes** to any question in this form then please use the second column to provide details on how the impact is to be managed and minimised.

The Department of Environmental Protection and Conservation (DEPC) will be using similar headings to assess your project so the more information that can be provided in this document, the more easily your application can be processed by DEPC Officers.

It is important that you describe the following in this template:

1. Current environment and the likely impacts of the project
2. Impacts of project construction and how these will be managed
3. Impacts of project operation and how these will be managed

Please also refer to: Guide to completing an Environmental Permit Application

IMPORTANT: Once completed and attached with the application form, this document becomes part of your formal application under the Environmental Protection and Conservation Act. Please make sure the information contained in this form is accurate.

Any changes or variations to the project must be referred to DEPC before the development goes ahead.

CURRENT ENVIRONMENT	Y/N	IF YES, PLEASE DESCRIBE THE ENVIRONMENT AND HOW YOUR PROJECT WILL IMPACT IT
Sensitive Or Fragile Habitat Is the project site located on or close to the sea? Is the project site located on or close to a river, stream or wetland? Is the project site located in, close to or include a protected area?		
Existing Vegetation Is the local vegetation mainly: Mangroves? Swamp or coastal vegetation or forest? Established forest/ dark bush? Modified or agricultural land? If project is coastal, are there colonies of coral or reef, seagrass beds?		
Existing Fauna What animal and bird species use, are present on or close to the project site (eg megapode nesting sites, flying fox roost)? What fish and marine species are present on or close to the project site (eg turtle nesting sites)? Are there important or endangered species in the area of the project?		
EXISTING LAND USES What is the current land use of the site? What are the neighbouring land uses?		
Existing Settlement and Social Environment Are there existing homes, settlements or other activities present on or adjacent to the project site? Is the area culturally or archaeologically sensitive?		

IMPACTS OF PROJECT <u>CONSTRUCTION</u>	Y/N	**IF YES, PLEASE DESCRIBE THESE ENVIRONMENTAL IMPACTS AND HOW YOU WILL MANAGE PROJECT <u>CONSTRUCTION</u> TO MINIMISE THEM**
Siltation, erosion, pollution or other damage Will the project construction involve discharges to freshwater, wetlands or coastal waters? Will the project construction involve extraction of materials from rivers or disturbance of the near-shore area? Will there be stockpiles of project materials on site? Will dumping of spoil or removal of timber and vegetation, rock or soils affect land stability? Will the immediate or downstream effects of the project affect marine species, fisheries resources or marine habitat? Will the immediate or downstream effects of the project impact on coastal areas (beaches, seabed, coral reefs, and sea grass beds) wetlands, lagoons or swamps? Will the immediate or downstream effects of the project change or modify the existing habitats?		*Consideration must also be given to the potential for amplification of minor impacts by storms or tidal effects.*
Waste management Will waste products be treated / disposed of on site? Will any waste products be treated or disposed of offsite?		
Hazardous Materials Will project construction involve any hazardous substances (including pesticides, fertilizers, petrol, oils, tar, paints or industrial chemicals) to be used or stored on site?		
Noise Will the project construction require the use of heavy or noisy machinery or equipment?		
Dust, smoke or odours Will the project construction cause dust? Will there be any burning of materials on site?		
Traffic What are impacts on local traffic from project construction? Will workers be accommodated on the site?		
Other Will there be other impacts from project construction? Will there be a need to repair environmental damage following completion of construction?		

IMPACTS OF PROJECT <u>OPERATIONS</u>	Y/N	**IF YES, PLEASE DESCRIBE THESE ENVIRONMENTAL IMPACTS AND HOW YOU WILL MANAGE PROJECT <u>OPERATIONS</u> TO MINIMISE THEM**
Waste Products Will the project operations generate: sewerage, solid wastes, rock or soil wastes, chemically contaminated waste or hazardous materials?		
Waste Treatment Will waste products be treated / disposed of on site? Will any waste products be treated or disposed of offsite? Will the project or waste treatment and disposal affect the quality of local streams or ground water through sedimentation, erosion or contamination?		
Hazardous Materials Will any hazardous substances (including pesticides, fertilizers, petrol, oils, tar, paints or industrial chemicals) be used or stored in the project area?		
Noise Will there be ongoing noise from operations?		
Dust, Smoke or Odours Will operations create any dust, smoke or odour? Will there be any other emissions from the operations?		
Traffic Will operations result in increased vehicle movements? Have you provided for parking and supply loading and unloading?		
Environmental Risks Is the project likely to be affected by a rise in sea level, earthquake or landslip, cyclones or severe storms, floods or droughts?		
Environmental Monitoring What steps will you take to ensure that your project operations are not impacting the environment?		

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Hao blong komplitim Aplikesen Fom ia

Sipos yu nidim help blong komplitim fom ia plis ridim: Gaed Blong Komplitim Wan Envaeronmen Pemit Aplikesen.

Aplikesen Fom ia mo ol infomesen we istap wetem hemia oli sapotem asesmen proses anda long Environmental Protection and Conservation Act mo ol EIA Regulations.

I mas gat wan asesmen anda long legislesen sipos wan projek i gat potensel blong damejem envaeronmen blong yumi long Vanuatu mo we projek ia i nidim wan lisens, permit o apruval anda eni loa (for eksampol wan Kuari Pemit o Forsor Divelopmen Konsen). Igat wan list blong ol aktiviti we oli nidim envaeronmen pemit ataj long fom ia.
Plis mekem sua se yu mekem wan ful aplikesen inkludem:

a. Fom ia wetem ol pat oli komplit finis, mo saenem lo las pej
b. Ol ataj infomesen we i rikwaerem mo ful infomesen
c. Pem fee.

Sipos aplikesen blong yu i no gat ol infomesen, Dipatmen blong Envaeronmen bae i no save prosesem aplikesen blong yu.
Yu no save statem wok long projek blong yu sipos yu no gat wan pemit blong DEPC.

6. Ol Ditel Blong Huia Mekem Projek

Ful Nem

Ditel blong bisnis
(Plis makem bokis we i aplae)
❑ Rejister Bisnis (atajem bisnes lisens)
❑ Narafala kaen Organisesen (atajem VFSC setifiket)

Nem blong Organisesen & CT Namba (sipos i gat)

Adres

Stret ples we yu stap

PO Bokis

Kontak Ditel

Fon:	Mobael:	Email:
Website:		

7. Projek Proposol

Yu mas givim ol <u>ful ditel</u> blong projek blong yu mo atajem ol infomesen we i rikwaerem.
Sipos infomesen i no klia o yu mestem sam ditel apliksen mo pemit blong yu bae i kam sloslo tumas.
Sipos yu nidim, plis usum narafala pepa blong fuli diskraebem projek blong yu

Sipos yu nidim help blong komplitim fom ia plis ridim: <u>Gaed Blong Komplitim Wan Envaeronmen Pemit Aplikesen</u>.

WANEM NEM BLONG PROJEK BLONG YU?	
PROJEK BLONG YU HEMI WANEM? *Plis descraebem projek ia long taem yu staem konstraksen kasem ful operesen blong hem.* *Plis atajem wan map o wan plan blong some wehem projek i stap long graon o projek saet.* *Sipos yu nidim, plis usum wan narafala pepa blong soem ol ditel.*	
PROJEK BLONG YU ISTAP WEA? *Putum nem blong aelan, eria mo taon o vilej we istap klosap mo hao blong faendem graon ia.* *Plis inkludum wan map we i soem lokesen, ol properties klosap, solwora mo narafala poin blong interes etc.* *Eni pikja o foto blong graon blong projek bae oli veri helpful tu.* *Yu save usum Google maps blong soem lokesen.*	
PROJEK BAE I TEKEM HAMAS TAEM? *Plis advaesem deit blong statem projek, hamas taem konstraksen bae i tekem, mo laef blong projek (ful operesenol laef).*	**Konstraksen (inkludum klirim graon blogn stat):** Stat Deit: Hamas dei/wik manis: **Operesonol laef blong divelopmen:**
WANEM STATUS BLONG GRAON LONG PROJEK LOKESEN? *Plis tikim bokis mo provaedem ol ditel.* *Yu mas inkludum wan kopi blong lis taetol wetem aplikesen.* *Blong kastom graon, plis inkludum wan leta we i soem se kastom owner i bin agri long projek ia.*	❑ Lis Graon Taetol namba: Kaen Lis: ❑ Kastom Graon ❑ No pem graon iet (lis ino apruv iet)

WANEM SAES GRAON YU USUM BLONG PROJEK?	…….ha/m^2

8. OL IMPAKT LONG ENVAERONMEN

1. **<u>Olgeta projek aplikesen oli mas komplitim seksen ia.</u>**
2. **Olgeta projek plis komplitim narafala fom: <u>Infomesen Blong Sapotem Wan Envaeronmen Pemit Aplikesen.</u>**
3. **Sipos projek hemi smolsmol (kaen projek we i mas stap long list ataj long fom ia) yu save jas komplitim fom ia nomo.**

<u>Sipos infomeson we yu givim i no klia, bae i sloem daon aplikesen blong yu.</u>

Sipos yu nidim help blong komplitim fom ia, plis ridim: <u>Gaed Blong Komplitim Wan Envaeronmen Pemit Aplikesen</u>.

WANEM KAEN ENVAERONMEN ISATAP LONG PROJEK GRAON NAOIA? *(eksampol: kaen bus,TRI, animol, eni haos o vilej)* *Graon ia hemi divelop finis?*	
WANEM KAEN AKTIVITI STAP KLOSAP LONG PLES BLONG PROJEK? *(wanem ol aktiviti long ol garon long saed-saed blong graon blong projek?)* *Plis markem ol aktiviti ia long lokesen map.*	
PLES BLONG PROJEK HEMI INKLUDIM O HEMI KLOSAP LONG: *Plis markem Yes or No. Sipos Yes, plis markem long lokesen map.*	Solwora: ❑ Yes ❑ No Riva, strim o swamp ❑ Yes ❑ No Tabu ples: ❑ Yes ❑ No Eria we igat proteksen lo hem: ❑ Yes ❑ No
PROJEK IA I RIKWAEREM SAM MAN O BISNIS I MAS MUV AOT LO ERIA?	❑ Yes *(Plis putum ol ditel long fom:* **<u>Infomesen Blong Sapotem Wan Envaeronmen Pemit Aplikesen.)</u>** ❑ No
HAO NAO BAE YU PROPOS BLO REDIUSUM O NO DAMEJEM ENVAREONMEN BLONG PROJEK BLONG YU? *Plis givim sot deskripsen hao nao bae yu minimisim ol damej long envaeronmen.* *Sipos projek blong yu hemi no wan Minor Projek (long list ataj long fom ia) plis givim infomesen information long fom:* **<u>Infomesen</u>**	

Blong Sapotem Wan Envaeronmen Pemit Aplikesen.	

4. APLIKESEN JEKLIST

OLGETA APLIKAN: ***Plis konfamem evri samting we istap long jeklist ia.***	**Dipatmen nomo usum**
❑ Filimaot ol pat blong Aplikesen Fom ia.	Y/N
❑ Komplitim Fom: Infomesen Blong Sapotem Wan Envaeronmen Pemit Aplikesen (Sipos hemi no wan smolsmol projek long list)	Y/N
Atajem kopi blong:	
❑ Plan mo disaen blong projek	Y/N
❑ Plan o map blong projek graon	Y/N
❑ Lokesen map blong eria (wetem ol ditel mark long hem)	Y/N
❑ Lis Taetol (*sipos graon i stap anda wan lis)*	Y/N
❑ Aplikesen Fee (20,000 vatu)	Y/N
❑ Narafal aprvul (eksampol: leta blong kastom ona we i apruvum projek).	Y/N

Dpatmen nomo i usum

Date received:

DEPC reference number:

Due date for decision:

5. OFISOL DEKLERESEN BLONG APLIKANT

Mi/Mifala _____deklerem se ol informesen we istap insaed mo ataj wetem aplikesen ia hemi stret mo i givim ol ful ditel blong divelopmen projek mi/mifala proposem.

Aplikant saen:_____ **Deit**: _____
(*Offisol Stamp sipos igat*)

IMPOTAN: Infomesen we istap long fom ia mo ol pepa, plan, map, fom mo ditel ataj oli kam pat blong aplikesen blong yu mo mbae oli kam pat blong eni Envaeronmen Permit. Sipos yu no folem proposol blong yu we istap stret wetem aplikesen ating baembae i save gat faen anda long Environmental Protection and Conservation Act. Sipos igat eni jenjes long projek yu mas askedm Dipatmen blong agri long jenjes bifo yu gohed wetem projek mo jenjes we yu wantem mekem.

APLIKESEN IA HEMI BLONG WAN PEMIT ANDA LONG ENVIRONMENTAL PROTECTION AND CONSERVATION ACT NOMO.

TAEM YU RISIVIM WAN PEMIT ANDA LONG ENVIRONMENTAL PROTECTION AND CONSERVATION ACT INO MINIM SE YU SAVE WINIM ENI PEMIT O LISENS ANDA ENI NARAFALA LOA BLONG VANUATU.

Infomesen Blong Sapotem Wan Envaeronmen Pemit Aplikesen

Ol aplikan we oli aplae long wan Envaeronment Pemit mas komplitim fom ia.

Sipos projek hemi wan smolsmol wan we istap long skedul yu no nid blong komplitim fomia.

Poin blong fom ia hemi blo mekem sua se ol isu (gud mo nogud) we i save kamaot long projek blong yu oli kam klia. Ol isu we yumi mas konsiderem inkludum ol envaeronmental, sosol mo kastom impact we oli kam olsem risalt blong propos divelopmen projek blong yu.

Ol kwesjen long fom ia oli bin disaen blo mekem yu tingbaot ol kaenkaen isu so planing blong projek blo yu hemi tekem into akoun thru long ful projek process (long disaen igo kasem operesen).

Sipos yu nogat inaf teknikol save blo anserem sam kwejen ia plis askem wan man we igat save mo eksperiens.

Taem yu komplitim fom ia, plis konsideren projek blong yu mo ansa evri kwesjen.

Sipos mbae yu ansa YES long eni kwesjen, plis filimaot spes long saed blong kwesjen wetem aproj blogn yu blong manejem o minimaesim ol impakt ia.

Dipatmen blong Envaeronmental Proteksen mo Konsevesen (DEPC) mae i asesem projek blong yu long semak fasin long ol kwesjen we i stap long fom ia. Hemia i minim se bae i gud tmas blong mekem sua se yu provaedem planti infomeses long fom ia blong givhan long DEPC mo mekem sua se fasen blong yu olsem owna blong projek hemi klia.

Hemi impotan tumas blong discraebem hemia long fom:

1. Envaeronmen we istap naoia mo hao nao projek blong yu mbae i afektem envaeronmen.
2. Ol impakt blong konstraksen stej blong projek mo hao mbae yu manejem ol impakt.
3. Ol impakt blong ol operseen blong projek mo hao mbae yu manejem ol impact.

Yu save lukluk long : Gaed Blong Komplitim Wan Envaeronmen Pemit Aplikesen blong givhan long yu taem yu komplitim fom ia

IMPOTAN NOTIS : ***Taem yu komplitim mo atajem form ia wetem aplikesen blong yu hemi kam pat blong eni Envaeronmen Permit.*** **Yu mas mekem sua se ol infomesen yu putum long fom ia hemi stret.**

ENVAERONMEN WE I STAP NAOIA	YES/NO	SIPOS YU PUTUM YES, PLIS DESCRAEBEM MO HAO PROJEK BLONG YU BAE I AFEKTEM ENVAERONMEN
Sensitive Or Fragile Habitat Projek bae i stap long o klosap long solwora? Projek bae i stap long o klosap long wan riva, strim o swamp? Projek bae i stap long o klosap long wan protected o consevesen eria?		
Ol plant mo bus we istap naoia Ol kaen plant hemi inkludem: Natongtong? Swamp o tri o bus blong coastal eria? Olfala forest/ dak bus? Graon blogn agrkalja o garen? Sipos project is tap klosap o afektem solwora igat enikoral, rik o seagras istap?		
Animal mo Pijin Wanem kaen animal mo pijin istap usum o bildim haos blogn olgeta long eria ia (eksampol: namalao, flaeng fokis tri)? Wanem kaen animol mo fis istap o usum eria blong projek (eksampol sanbij we totel i usum blong nest)? Are there important or endangered species in the area of the project?		
Hao nao graon i usum Wanem nao ol aktiviti long graon blong projek? Wanem kaen aktiviti istap klosap long graon blong projek?		
Ol Haos mo kastom aktiviti and Social Environment Igat eni haos, vilej o aktivit long raon ia o klosap long graon blong projek?, Igat eni kastom ples, tabu ples or olfala ples blogn histori?		

OL IMPAK TAEM BLONG KONSTRAKSEN	YES/NO	**SIPOS YU PUTUM YES, PLIS DESCRAEBEM HAO KONSTRAKSEN BAE I AFEKTEM ENVAERONMEN MO HAO BAE YU MANEJEM BLONG MEKEM SUA SE OL IMPAK OLI NO BIGWAN TUMAS**
Siltation, erosion, pollution or other damage Konstraksen bae i sakem doti o weswwota long fresowta, swamp o sorlwara? Konstraksen bae i inkludum karem o digim aot garon, san o coral long riva, sanbij o klosaplong solwora? Bae yu storem ol konstraksen materiel long ples blong projek? Sipos yu dampem garon o katme ol tri bae i afektem stability blong graon? Mbae yu afektem eni kaen animol we istap long wora? Mbae yu afektem eni kostal eria (sanbij, graon anda long solwora, rif, koral) swamp? Mbae yu jenjem ol envaironment we istap naoia?		*Tingabaot hao nao ol taed mo win o ren bae i afektem konstraksen.*
Manejem Doti Bae yu tritim doti or berem long graon ia? Bae yu tritim doti or berem long wan difren ples?		
Hasadas Sabstens Konstraksen mbae i iusum mo storem eni kaen hasadas sabstens (olsem pesticides, fertilizers, petrol, oils, tar, paints or industrial chemicals)?		
Nois Projek konstraksen mbae i usum ol bigfala misin mo masin we i save mekEm bigfala nois?		
Dast, smok o smel Projek konstraksen mbae i mekem dast? Mbae yu bonem eni samting long graon blong projek?		
Trafik Projek konstraksen, hao bae i afektem lokol trafik? Ol woka bae oli slip long graon ia?		
Narafala impak blong konstraksen Mbae igat eni narafala impak blong konstraksen? Mbae yu nid blong fiksimap envaeronmen taem konstraksen i finis?		

OL IMPAK TAEM BLONG OPERESEN	Y/N	**SIPOS YU PUTUM <u>YES</u>, PLIS DESCRAEBEM HAO <u>OPERESEN</u> BAE I AFEKTEM ENVAERONMEN MO HAO BAE YU MANEJEM BLONG MEKEM SUA SE OL IMPAK OLI NO BIGWAN TUMAS**
Ol Kaen Doti Mbae operesens mekem eni septic, solid doti, doti wota, ston, koral, kemikol o narafala doti?		
Manajem mo Tritim Doti Bae yu tritim doti or berem long graon ia? Bae yu tritim doti or berem long wan difren ples? Taem yu tritim o berem mbae i save afektem graonwora, solwora, riva, strim o nara envaeronmen?		
Hasadas Sabstens Operesen mbae i iusum mo storem eni kaen hasadas sabstens (olsem pesticides, fertilizers, petrol, oils, tar, paints or industrial chemicals)?		
Nois Operesen mbae i mekem eni nois?		
Dast, Smok o Smell Projek konstraksen mbae i mekem dast? Operesen mbae i krietem dast, smok o smel?		
Trafik Operesen mbae i mekm moa trafik? Yu bin mekem spes blong ol paking mo saplei, deliveri mo transpotg?		
Ol Risk blong envaeronmen Yu tekem into kaon o riks olsemklaemet jenj, ertquek, saeklon, hevi ren?		
Lukaotem ol Impak long Envaeronmen Hao nao bae yu mekem sua se projek blogn yu mbae i no afektem o impaktem envaeronmen?		

SCHEDULE OF MINOR PROJECTS

(1) **Foreshore Developments**

Repairs or like for like replacement of all types of existing, permitted foreshore developments. Works not to exceed 10% increase in size or scale of any development.

Dwellings or other buildings constructed within 30 metres of the high water mark

(2) **Tourism-related developments**

For example the construction or expansion of any of the following:

a) Hotel, resort or other tourist accommodation under 10 units not in coastal area;
b) Restaurant, Café or Bar; (urban location or within a Physical Planning Area as designated under the Physical Planning Act).

(6) **Retail and wholesale developments**

For example the construction or alteration of a:

(a) Retail shop; or
(b) Wholesale shop; or
(c) Warehouse; or
(d) Show room.

Within a declared physical planning area.

8) **Transportation and telecommunication facilities**

For example the repair or minor alteration (not expansion) of existing facilities or the construction of the following:

a) Telecommunications towers in urban areas not requiring earthworks or roading.

(11) **Sub-division developments** under 10 lots.

(13) **Recreational or leisure facilities**

For example the construction or alteration of:

(b) Playgrounds; or

(14) Churches or other places of worship.

For example the alteration of Churches or any other places of worship. Works not to exceed 10% increase in size or scale of any existing church building or place of worship.

ACTIVITIES REQUIRING PRELIMINARY ENVIRONMENTAL ASSESSMENT

(see Schedule 1, Environmental Impact Assessment Regulations 2011)

(1) Foreshore developments, for example the construction or alteration of any of the following:

(a) Marina;

(b) Jetty (floating or permanent);

(c) Boat ramp;

(d) Wharf;

(e) Mooring;

(f) Pier;

(g) Swimming pool;

(h) Artificial islands;

(i) Sea walls;

(j) Reclamation;

(k) any over water structure;

(l) any activity that involves:

(i) the clearance of any mangroves or the disturbance of any other coastal/estuarine ecosystem including seagrasses, coral, sand etc; or

(ii) dredging.

(2) Tourism-related developments, for example the construction or alteration of any of the following:

(a) Hotel;

(c) Motel;

(d) Restaurant;

(e) Café;

(f) Bar;

(g) Golf course;

(h) any other tourist accommodation facilities.

(3) Mining, quarrying and logging activities, for example any activity that involves:

(a) Mining, prospecting for minerals or reprocessing of tailings;

(b) Quarrying;

(c) Excavations and extractions;

(d) Logging or sawmilling activities;

(e) Forestry.

(4) Clearing of tress, bushes and natural vegetation over areas of more than 10 hectares.

(5) Industrial development, for example the construction or alteration of any of the following:

(a) Fish processing plant;

(b) Abattoirs and meat processing facilities;

(c) Canneries;

(d) Oil mill;

(e) Breweries and any beverage production;

(f) Garages and any motor vehicle repair facilities;

(g) Service stations and fuel depots;

(h) Manufacture of cement, lime or plaster;

(i) Manufacture of structural or fabricated metal products;

(j) Manufacture of soap;

(k) Manufacture of chemicals;

(l) Manufacture of paper, bottles and plastics.

(6) Retail and wholesale developments, for example the construction or alteration of a:

(a) Retail shop; or

(b) Wholesale shop; or

(c) Shopping mall; or

(d) Warehouse; or

(e) Show room.

(7) Commercial aquaculture and agriculture activities, for example commercial farming and livestock.

(8) Transportation and telecommunication facilities, for example the construction or alteration of any of the following:

(a) Airport, airstrips and transport terminals;

(b) Roads;

(c) Telecommunications towers;

(d) Bridges.

(9) Energy generation facilities and other infrastructure services, including the construction or alteration of any of the following:

(a) hydropower facilities;

(b) power stations;

(c) wind energy facilities;

(d) geothermal activities;

(e) pipelines.

(10) Waste disposal facilities, for example landfill facility, composting plant, marine outfall, waste water treatment plant or recycling facilities including:

(a) operation of incinerators or destructors of household, commercial or industrial waste; or

(b) operation of rubbish tips or land fills for the accumulation and burying or processing of household, commercial or industrial waste.

(11) Sub-division developments.

(12) Permanent health facilities and medical centres.

(13) Recreational or leisure facilities, for example the construction or alteration of:

(a) Stadiums; or

(b) Playgrounds; or

(c) any other sports facilities.

(14) Churches or other places of worship.

(15) Any development impacting a water source (river, stream, lake, estuary, underground aquifer, hot spring etc).

(16) Any other development as the Director considers appropriate.

GUIDE TO COMPLETING AN ENVIRONMENTAL PERMIT APPLICATION

INTRODUCTION

Our environment is important in Vanuatu and that is why we have laws to protect our environment from the impacts of development. As our population grows and development continues it becomes more and more important to look after our environment.

Part of this protection is the legal requirement for the formal assessment of development projects that may damage the environment. Under law all developments that require permits or are part of a schedule must apply for an environmental permit.

This guide is written to assist you completing the application form for your development project as required by the law. The Department of Environmental Protection and Conservation (DEPC) will provide further information and support if you have problems with completing any parts of your application.

GAED BLONG KOMPLITIM FOM BLONG ENVAERONMEN PERMIT

INTRODAKSEN

Envaeronmen blong yumi long Vanuautu hemi impotan tumas. That is wei yumi gat ol loa blo protektem envaeronmen blong yumi long ol impak mo damej i kam long ol kaen divelopmen. Nao populeson blong kantri i stap gro kwiktaem mo divelopmen i stap kam antap tu so hemi kam moa impotan blo lukatoem gud envaeronmen blo yumi.

Wan pat blo proteksen ia hemi loa wea i rikwaerim ol divelopmen projek we oli gat janis blo damejem envaeronmen oli mas gat permit mo asesmen blong mekem sua se oli lukaotem gud envaeronmen blo yumi evriwan. Anda long law ia, ol kaen divelopmen we oli mas gat permit oli stap long wan skedul blo loa.

Gaed ia bae i givhan long yu taem yu gat wan projek mo yu mas komplitim wan aplikesen fom blo winim wan permit we law i bin rikwaerim. Sipos yu gat eni problem o sipos fom i rikwaerem sam infomesen we i no klia tumas, Department blong Environmental Protection mo Conservation (DEPC) i save givim infomesem mo advaesem yu hao blong komplitim fom ia.

APPLICATION FORM - PURPOSE

This form is now in two parts: The first or main part contains the main details of your project. There is also an additional information form for projects not marked on the Schedule of Minor Projects. The form is designed to help you fully describe your project and how you will reduce and manage any environmental impacts arising from the project construction or ongoing operation.

THE APPLICATION FORM

Section 1. Applicant Details

Please fill out all parts of this section.

Please give your full name and also the name of your organisation or business. If an organisation or business you must include evidence of this (VFSC certificate or business licence).

Please give your full contact details including an address and mobile phone number. We must have contact details in order to contact you for any questions and to arrange a site visit.

Section 2. The Project Proposal

Department officers need to understand the details of your proposed project. Please include as much information, plans and drawings as possible.

Name of Project The name of the project is the name used to refer to the project so for example the name could be a description such as “foreshore development at Samson property Efate” or a formal title such as “Port Vila Casino extension”.

APLIKESEN FOM – PEPOS BLONG FOM IA

Fom naoia istap long 2 pat. Feswan hemi men fom we yu mas komplitim from hemi setemaot ol men stampa mo details blong divelopmen blong yu. I gat wan narafala fom yu mas komplitim sipos development blong yu hemi bigwan o hemi stap klosap long solwora o wan ples we environment hemi sensitif. Nem blong fom ia hemi ***Infomesen Blong Sapotem Envaeronmen Permit Aplikesen.*** Ol fom ia oli disaen blo givhan long yu blo tingbaot hao nao bae yu save manejem ol impak long envaeronmen we oli save kam long divelopmen blong yu.

APLIKESEN FOM

Seksen 1. Infomesen blong yu

Plis komplitim evri pat blo seksen ia. Givim ful nem blo yu mo oganisesen o bisnis. Sipos yu wan oganisesen o bisnis plis inkludem VFSC setifiket o bisnis lisens.

Plis givim ol kontak ditel (mobael, stret ples blong yu) from mifala save kam luk lo stret ples blong projek blong yu.

Seksen 2. Projek yu Propos

Ol DEPC Ofisa oli mas kasem ol ditel blong divelopmen blong yu. Bae i gud tumas blong inkludem planti infomesen mo as much infosmesen as posibol lo seksen ia. Sipo yu nidim, yu save putum moa infomesen long narafala pepa.

Nem blong divelopmen ia: Yu save putum nem blong projek blong yu long ples ia. Nem save stret nem blo wok olsem “Niu Wof blong xx Aelan” o yu save bisnis nem blo divelopmen for eksampol: “Blue Sky Resort”.

To fill in the next box of the form please refer to the attached **Schedule** of project types. This will be checked by DEPC officers who will require the required information to be included in your application.

What is your project? Please summarise the whole of your project and include diagrams, drawings and layout of the project on the site.

Where is your project located? So that officers can locate your project, please give an accurate location and include a map that clearly shows the project site and points out other features such as the coastline and neighbouring properties.

Project Timing? Please complete this section as accurately as possible.

Land status? Please complete this section accurately and include a copy of the land title(s) if leased land.

Land area? Please give this in either hectares or square metres for areas less than 1 ha.

Blong komplitim nekis seksen blong Aplikesen Fom, plis lukluk festaem long ***Schedule*** *ataj wetem Fom ia.*

Wanem Projek ia? Plis talem klia wanem stret divelopmen blong yu. Yu sud atajem ol map mo plan blong divelopmen. Putum wan map we isa soem stret ples long graon o lis plan we divelopmen bae i tekem ples.

Wem stret ples blong projek blong yu? Plis putum wan gudfala map mo instraksen we i mekem i klia stret ples blo divelopmen. Wan kastom nem o wan big map i no givhan long ol DEPC Ofisa taem oli mas visitim graon blong asesem aplikesen blong yu.

Map blo graon i mas soem ol aktiviti, haos, vilej mo rod we istap klosap long divelopmen.

Taem blong projek? Plis putum hamas taem bae i tek blong bildim development mo hao long divelopmen bae is stap long operesen.

Status blong Graon? Plis filimaot seksen ia, putum land lis namba mo inkludum kopi blong lis titol pepa.

Saes blong graon? Plis skelem divelopmen mo hamas graon bae i usum o karemap.

3. Environmental Impacts

You need to complete all the parts of this section.

Please give as much information as possible and use additional sheets of paper if required. It is important that you carefully consider the environmental impacts of your project and describe how you will reduce or avoid these impacts.

Unless your project is a minor project on the schedule, you must also fill in the separate ***Supporting Information for an Environmental Permit*** as the department will need this level of information required to assess your project

4. Application Checklist

This short section sets out all the information that MUST be included in your application. If you do not complete the application form(s) and provide this information your application will either be rejected or the department will contact you to supply the required information. No assessment will take place until all the required information is included.

3. Ol Impak long Envaeronmen

Yu mas komplitim seksen ia.

Plis mekem sua se yu putum ful infomesen long seksen ia. Sipos yu nidim, yu save usum narafala pepa blong mekem sua se yu givim ol infomesen we i bin askem. Hemi impotan tu blo mekem sua se yu talem hao nao bae yu protektem environment taem yu bildim mo operetem development blong yu.

Sipos divelopmen blong yu i no wan minor projek yu mas filimaot wan narafala fom: ***Infomesen Blong Sapotem Envaeronmen Permit Aplikesen****. Yu nid blong komplitim narafala fom ia from hemi impotan tumas blong givim infomesen bifo ol DEPC Ofisa bae oli asesem development blong yu.*

4. Jekem ol Infomesen

Hemia wan sot seksen we i setemaot ol infomesen we i MAS stap long aplikesen blong yu.

Sipos yu no komplitim ol fom mo inkludum ol infomesen we istap long lis ia, aplikesen blong yu DEPC bae i no save akseptem aplikesen o oli mas risivim ful infomesen we yu no inkludum bifo oli save stat blong asesem aplikesen blong yu.

5. Applicant Declaration

This is your declaration that your application is complete and that the description of your project and its impacts on the environment and how you intend to protect the environment is accurate and true.

The details in your application are part of your permit under the EPC Act. Any unauthorised change to your projects as set out in the application means that you will be operating outside the conditions of your permit and potentially face penalties under the Act. Therefore please ensure the department is informed of any changes to your project.

5. Konfamem aplikesen blong yu hemi stret

Seksen ia hemi wan legal dekleresen blong yu we yu deklerem se ol infomesen long aplikesen blong yu hemi stret. Dekleresen ia hemi impotan tumas from aplikesen blong yu, mo ol infomesen we i stap insaed long hem, hemi pat blong Environmental Permit blong divelopmen ia.

Sipos wan samting i no stret long aplikesen mo wanem yu bin delklerem hemi no tru, bae i mekem permit blong yu i kam nogud.

Tu, sipos yu mekem wan samting long development blong yu mo i nogat permit blong hem anda long loa, yu save risivim wan penalti.

4.2 Preliminary Environmental Assessment Documents

These tools and templates are intended to support the Preliminary Environmental Assessment of an application. The template letters are provided in text form only due to formatting compatibility with DEPC Letterhead header.

The following documents are included in this annex:

1. PEA Report
2. Letter Template: Unpaid Application Fee
3. Letter Template: Additional Information Required
4. Letter Template: Cancel Application and Close File
5. Letter Template: PEA Approval (General)
6. Letter Template: PEA Approval (Coastal)
7. Letter Template: PEA Approval (Quarry)
8. Letter Template: EIA Report Required

PRELIMINARY ENVIRONMENTAL ASSESSMENT REPORT
This report is prepared for the purpose of Section 14(2) of the Environmental Protection and Conservation Act [Cap 283]

DATE:

DEPC REFERENCE NUMBER:

APPLICANT:

PROJECT:

LOCATION:

PROVINCE:

PROPERTY OWNERSHIP: ❑ Lease ❑ Custom ❑ In the process of acquiring land

TYPE AND PURPOSE OF PROJECT:

KEY: **Y = Impacts may occur; N = Not present or No Impact would occur; N/A = Not Applicable**.

CURRENT ENVIRONMENT	Y/N/NA	DOES THE APPLICATION ADEQUATELY DESCRIBE THIS? ADDITIONAL INFORMATION?
Sensitive Or Fragile Habitat Is the project site located on or close to the sea? Is the project site located on or close to a river, stream or wetland? Is the project site located in, close to or include a protected area?		
Existing Vegetation Is the local vegetation mainly: Mangroves? Swamp or coastal vegetation or forest? Established forest/ dark bush? Modified or agricultural land? If project is coastal, are there colonies of coral or reef, seagrass beds?		
Existing Fauna What animal and bird species use, are present on or close to		

the project site (eg megapode nesting sites, flying fox roost)? What fish and marine species are present on or close to the project site (eg turtle nesting sites)? Are there important or endangered species in the area of the project?		
EXISTING LAND USES What is the current land use of the site? What are the neighbouring land uses?		
Existing Settlement and Social Environment Are there existing homes, settlements or other activities present on or adjacent to the project site? Is the area culturally or archaeologically sensitive?		

IMPACTS OF PROJECT CONSTRUCTION	**Y/N/NA**	**DOES THE APPLICATION MANAGE PROJECT CONSTRUCTION TO MINIMISE IMPACTS? ANY ADDITIONAL REQUIREMENTS?**
Siltation, erosion, pollution or other damage Will the project construction involve discharges to freshwater, wetlands or coastal waters? Will the project construction involve extraction of materials from rivers or disturbance of the near-shore area? Will there be stockpiles of project materials on site? Will dumping of spoil or removal of timber and vegetation, rock or soils affect land stability? Will the immediate or downstream effects of the project affect marine species, fisheries resources or marine habitat? Will the immediate or downstream effects of the project impact on coastal areas (beaches, seabed, coral reefs, and sea grass beds) wetlands, lagoons or swamps? Will the immediate or downstream effects of the project change or modify the existing habitats?		*Consideration must also be given to the potential for amplification of minor impacts by storms or tidal effects.*
Waste management Will waste products be treated / disposed of on site? Will any waste products be treated or disposed of offsite?		
Hazardous Materials Will construction involve any hazardous substances (including pesticides, fertilizers, petrol, oils, tar, paints or industrial chemicals) to be used or stored on site?		
Noise Will the project construction require the use of heavy or noisy		

machinery or equipment?		
Dust, smoke or odours Will the project construction cause dust? Will there be any burning of materials on site?		
Traffic What are impacts on local traffic from project construction? Will workers be accommodated on the site?		
Other Will there be other impacts from project construction? Will there be a need to repair environmental damage following completion of construction?		

IMPACTS OF PROJECT OPERATIONS	**Y/N/NA**	**DOES THE APPLICATION MANAGE PROJECT OPERATIONS TO MINIMISE IMPACTS? ANY ADDITIONAL REQUIREMENTS?**
Waste Products Will the project operations generate: sewerage, solid wastes, rock or soil wastes, chemically contaminated waste or hazardous materials?		
Waste Treatment Will waste products be treated / disposed of on site? Will any waste products be treated or disposed of offsite? Will the project or waste treatment and disposal affect the quality of local streams or ground water through sedimentation, erosion or contamination?		
Hazardous Materials Will any hazardous substances (including pesticides, fertilizers, petrol, oils, tar, paints or industrial chemicals) be used or stored in the project area?		
Noise Will there be ongoing noise from operations?		
Dust, Smoke or Odours Will operations create any dust, smoke or odour? Will there be any other emissions from the operations?		
Traffic Will operations result in increased vehicle movements? Is there been provision for parking and supply loading and unloading?		
Environmental Risks Is the project likely to be affected by a rise in sea level, earthquake or landslip, cyclones or severe storms, floods or droughts?		
Environmental Monitoring What steps will be required to ensure that project operations		

are not impacting the environment?	[redacted]

CONSULTATION	
Identify who has been consulted for the PEA: ❑ Lands ❑ Fisheries ❑ Forestry ❑ Environmental Health ❑ Municipality ❑ Provincial Government ❑ Internal Affairs ❑ Quarantine & Livestock ❑ NDMO ❑ Mines & Water Resources ❑ NAB ❑ Local Community ❑ Other……..	*Can be by DEPC or the Applicant*
Site visit	*Include date of site visit and the officers that attended*
Are there any other interested persons (e.g. custom landowners, public) that should be consulted [consultation should occur before any approval is given for the project]?	
Other relevant information for assessment (e.g. cumulative impacts, precedents)	*Include additional information requested and provided*

Alternatives considered (e.g. alternative sites):

Magnitude and significance of potential impacts: ❑ LOW ❑ MEDIUM ❑ HIGH (refer EPC Act Section 2 "significant environmental impact")

(NB takes mitigation and conditions into account)

Recommendation (tick one):

❑ Grant permit, no EIA report required but the following conditions should be attached to the permit:

_____

❑ EIA required (draft TOR attached)

❑ Refusal, for the following reasons:

_____

PEA report prepared by:	**Date**:

Section below to be completed by Director of the Department of Environmental Protection and Conversation:

Recommendation: ❑ Accepted

❑ Not accepted

If recommendation is not accepted, provide reasons why:

(Eg further information or study required by Applicant)

Name: _____ **Signature:** _____ **Date:** _____

TEMPLATE LETTER: UNPAID APPLICATION FEE

Dear xx,

INCOMPLETE APPLICATION: UNPAID APPLICATION FEE

We have received your application under the Environmental Protection and Conservation Act (EPCA) for XXX at xx. We have not commenced processing your application as the required fee of VT20,000 was not included with your application.

The fee for your application must be received by us by within 21 days from the date of this letter or we will close your application file and you will need to make a new application.

We look forward to receiving the application fee as soon as possible in order to start assessing your application.

Please note that you require a permit under the Environmental Protection and Conservation Act before any works can take place.

Yours sincerely,

xxxx
EIA Officer
Department of Environmental Protection and Conservation

TEMPLATE LETTER: ADDITIONAL INFORMATION REQUIRED

Dear xx,

PROPOSED DEVELOPMENT AT XXXX

We have received your application for an environmental permit for xxxx at xxx(location).

We are currently unable to process your application due to a lack of information.

The following information is required for EIA Officers to undertake a Preliminary Environmental Assessment:

1. xx.
2. xx
3. etc.

We look forward to receiving this additional information as soon as possible. Once this information is received we will be able to assess your application.

I also draw your attention to the requirement for a permit under the Environmental Protection and Conservation Act before any works can take place.

Yours sincerely,

xxxx
Director
Department of Environmental Protection and Conservation

TEMPLATE LETTER: CANCEL APPLICATION AND CLOSE FILE

Dear xx,

Re: Application for approval for xx (activity) at xx (location)

I refer to your application made to the Department of Environmental Protection and Conservation (the Department) under section 14 of the *Environmental Protection and Conservation Act* [CAP 283] for approval to undertake xx at xx. Your application was received by the Department on xx (date).

On xx(date), EIA Officers requested further information/ payment/ other.

As it has been over three months since this further information/ payment /other was requested and we have not received any response, I wish to advise you that the Department is now closing the application file. Should you wish to progress this development, a new application and application fee will need to be submitted to the Department.

Should you require any further information, please contact the Department on the above number.

Yours sincerely

xx
Director
Department of Environmental Protection and Conservation

TEMPLATE LETTER: PEA APPROVAL (GENERAL)
PRELIMINARY ENVIRONMENTAL ASSESSMENT
S.14 DETERMINATION - APPROVAL

Dear xx,

Re: Application for Environmental Permit for xxxx at xxx (location)

I refer to your application made under section 14 of the Environmental Protection and Conservation Act [CAP 283] (the Act) for approval of xx at xx. Your application was received on xx (date received).

As the Director of the Department, I am required to undertake a Preliminary Environmental Assessment (PEA) of the proposed project. The purpose of the PEA is to screen the application and determine if there is a need for an Environmental Impact Assessment (EIA) Report for the development project.

I wish to inform you that upon reviewing the PEA, I have determined that an EIA Report is **NOT** required and that your project is approved.

In making my determination, I have taken into account the following matters:

1. Whether the activity is likely to cause any environmental, social or custom impact;
2. The significance of any identified impact;
3. Whether any proposed action is likely to effectively mitigate, minimise, reduce or eliminate any identified significant impact.

This approval is subject to the following terms and conditions:

Conditions

- xx;
- xx;
- Allow DEPC EIA Officers on site for monitoring development activities.

Please note that a failure to comply with the above terms and conditions is an offence against the Act and carries with it significant penalties.

This approval is only valid for the specific development activity for which it is approved. The approval must not be transferred or used for any other purpose other than the purpose for which it is approved.

As the project proponent, you are responsible for ensuring that all approvals, permits, licenses, agreements, authorities or permissions required under any other laws of the Republic of Vanuatu are obtained before proceeding with the approved development activity.

Should you require any further information, please contact the Department on the above number.

Yours sincerely

xxx
Director
Department of Environmental Protection and Conservation

TEMPLATE LETTER: PEA APPROVAL (COASTAL)
PRELIMINARY ENVIRONMENTAL ASSESSMENT
S.14 DETERMINATION - APPROVAL

Dear xx,

Re: Application for Environmental Permit for xxxx at xxx (location)

I refer to your application made under section 14 of the Environmental Protection and Conservation Act [CAP 283] (the Act) for approval of xx at xx. Your application was received on xx (date received).

As the Director of the Department, I am required to undertake a Preliminary Environmental Assessment (PEA) of the proposed project. The purpose of the PEA is to screen the application and determine if there is a need for an Environmental Impact Assessment (EIA) Report for the development project.

I wish to inform you that upon reviewing the PEA, I have determined that an EIA Report is **NOT** required and that your project is approved.

In making my determination, I have taken into account the following matters:

1. Whether the activity is likely to cause any environmental, social or custom impact;
2. The significance of any identified impact;
3. Whether any proposed action is likely to effectively mitigate, minimise, reduce or eliminate any identified significant impact.

This approval is subject to the following terms and conditions:

General Conditions

- Works under the high water mark shall be carried out during low tide;
- Any machinery used for the development shall be positioned on dry land;
- Machinery shall be serviced and maintained in good condition to avoid leakage and spillage of oil, fuel and other contaminants;
- Develop proper arrangements for safe storage, handling and containment of any construction materials, oils, fuels and other chemicals;
- Discharging of any type of wastes into the water is prohibited;
- Working hours in accordance with Control of Nocturnal Noise Act [Cap. 40], no physical work is carried out between 9 pm and 5 am;
  and
- Allow DEPC EIA Officers on site for monitoring development activities.

Project or site specific conditions

- xx.
- xx.

Please note that a failure to comply with the above terms and conditions is an offence against the Act and carries with it significant penalties.

This approval is only valid for the specific development activity for which it is approved. The approval must not be transferred or used for any other purpose other than the purpose for which it is approved.

As the project proponent, you are responsible for ensuring that all approvals, permits, licenses, agreements, authorities or permissions required under any other laws of the Republic of Vanuatu are obtained before proceeding with the approved development activity. We note for this development that a foreshore development consent from the Ministry of Internal Affairs will be required.

Should you require any further information, please contact the Department on the above number.

Yours sincerely

xxx
Director
Department of Environmental Protection and Conservation

Cc:
Physical Planning Unit, Department of Internal Affairs

TEMPLATE LETTER: PEA APPROVAL (QUARRY)

PRELIMINARY ENVIRONMENTAL ASSESSMENT
S.14 DETERMINATION - APPROVAL

Dear xx,

Re: Application for xxx -description or name of project

I refer to your application made under section 14 of the Environmental Protection and Conservation Act [CAP 283] (the Act) for xxxxx. Your application was received on date 20xx.

As the Director of the Department, I am required to undertake a Preliminary Environmental Assessment (PEA) of the proposed project. The purpose of the PEA is to screen the application and determine if there is a need for an Environmental Impact Assessment (EIA) Report for the development project.

I wish to inform you that upon reviewing the PEA, I have determined that an EIA Report is NOT required and that your project is approved.

In making my determination, I have taken into account the following matters:

1. Whether the activity is likely to cause any environmental, social or custom impact;
2. The significance of any identified impact;
3. Whether any proposed action is likely to effectively mitigate, minimise, reduce or eliminate any identified significant impact.

This approval is subject to the following terms and conditions:

General Conditions

- Dust shall be controlled to avoid nuisance to any neighbouring land uses including gardens or habitations;
- Machinery shall be serviced and maintained in good condition to avoid leakage and spillage of oil, fuel and other contaminants;
- Ensure proper arrangements for safe storage, handling and containment of any materials, oils, fuels and other chemicals;
- Discharging of any type of wastes or materials into water or placing them where they could enter water (coast, stream or river) is prohibited;
- Working hours in accordance with Control of Nocturnal Noise Act 1965, no physical work to be carried out between 9 pm and 5 am;
- All traffic to and from site, including loads of quarried materials must be managed to ensure no hazards to other road users;
  and
- Allow DEPC EIA Officers on site for monitoring development activities.

Project or site specific conditions

- Fill in this section with specific conditions to control the impacts of this project.
- For example: protection controls/ stockpiles to be located away from the water/trees planted for screening, truck washing if onto tar seal road/ waste management etc
- xx

Please note that a failure to comply with the above terms and conditions is an offence against the Act and carries with it significant penalties.

This approval is only valid for the specific development activity for which it is approved. The approval must not be transferred or used for any other purpose other than the purpose for which it is approved.

As the project proponent, you are responsible for ensuring that all approvals, permits, licenses, agreements, authorities or permissions required under any other laws of the Republic of Vanuatu are obtained before proceeding with the approved development activity.

Should you require any further information, please contact the Department on the above number.

Yours sincerely

xx
Director
Department of Environmental Protection and Conservation

LETTER TEMPLATE: EIA REPORT REQUIRED

PRELIMINARY ENVIRONMENTAL ASSESSMENT
S. 14 DETERMINATION – EIA IS REQUIRED

Dear xx

Re: Preliminary Environmental Assessment for xx(activity) at xx(location)

I refer to your application made under section 14 of the Environmental Protection and Conservation Act [CAP 283] (the Act) for approval of xx (activity) at xx (location). Your application was received by the Department of Environmental Protection and Conservation (the Department) on xx (date).

As the Director of the Department, I am required to undertake a Preliminary Environmental Assessment (PEA) of the project proposal. The purpose of the PEA is to screen the application and determine if there is a need for an Environmental Impact Assessment (EIA) Report for the proposed subdivision.

In making my determination, I have taken into account the following matters:

1. Whether the activity is likely to cause any environmental, social or custom impact;
2. The significance of any identified impact;
3. Whether any proposed action is likely to effectively mitigate, minimize, reduce or eliminate any identified significant impact.

In undertaking the PEA I have determined that this project proposal requires more information to fully understanding the scope of work.

I wish to inform you that upon reviewing the PEA, I have determined that an **EIA REPORT IS REQUIRED**.

Terms of Reference
Attached to this letter are the Terms of Reference prepared in accordance with section 19 of the Act, which provides an outline of the EIA process that must be undertaken before a final decision can be made on your application.

Public notice of EIA
Following a site inspection and PEA conducted by the Department I have determined that there is a need for wider consultation with other agencies and communities.
In accordance with section 20 of the Act, I determine that the proponent must comply with the following public consultation requirements:

1. That the proponent consult with all relevant stakeholders, including members of the public, affected neighbours, custom landowners and relevant government bodies in relation to the proposal;
2. That stakeholders be invited to make written submissions on the proposal;
3. That notice of public consultation be published in the Daily Post on two occasions;
4. That the notice specify the time period by which submissions must be received and the address to which submissions must be sent (e.g. post or email); and
5. That a copy of all submissions received by the proponent also be provided to the Department.

Note: All costs associated with the public consultation process are the responsibility of the proponent.

The outcome of the above consultation should be addressed in the proponent's EIA report. On receipt of the EIA report, I will consider whether any further consultation is required.

Should you require any further information please contact the Department's Senior Environmental Impact Assessment Officer, or myself on xx(telephone contact number).

Yours sincerely

xx
Director
Department of Environmental Protection and Conservation

4.3 EIA Report Documents and Templates

Currently there are no confirmed templates or approaches to developing Terms of Reference (TOR) for EIA Reports.

Therefore these templates are examples of preferred TORs used in the past by DEPC EIA Officers. Also included is an adapted version of a template from the proposed SPREP EIA Guidelines for Pacific Countries.

It is hoped that as the EIA process develops, DEPC will refine and confirm suitable templates and assessment tools to meet Vanuatu requirements and standards.

The second set of documents in this annex are to do with review of EIA Reports, the EIA Review Committee and related templates, agendas and reports.

The following documents are included in this annex:

1. Sample EIA Report TOR: Coastal Tourism Development
2. Sample EIA TOR Report: Various Foreshore Activities
3. Sample EIA TOR Report: Fish Processing Plant
4. Template EIA Report TOR based on SPREP Guidelines Template
5. Template EIA Report Report Review Tool based on SPREP Guidelines Template
6. Template EIA Review Committee Report and Recommendations
7. Letter Template: Environment Approval (General)

SAMPLE EIA REPORT TOR: COASTAL TOURISM DEVELOPMENT

CONTENTS

EXECUTIVE SUMMARY

INTRODUCTION

- The scope of the EIA report
- Outline project focus or target
- Project overview
- Legislative Framework (Different legislation provisions)

METHODOLOGY

- Public and Community involvement & consultation requirements (involving youths, local women, other affected parties like civil groups & individuals expressing formal interest in the project); record suggestions and how these are taken into account by project.
- Consult local residents; local Community
- Focus groups;
- Data Collection and record;
- Literature Review and references;
- Site visitation, observations and evaluation

NB: - Describe clearly what approaches used for community/public consultations e.g. forum meetings, questionnaires, interviews etc. to collect data

PROJECT DESCRIPTION (Project components & site selection)

- Principal development Area;
- Location Map of site;
- Operation of the Project
  - Different phases & processes of the whole project
  - Hours of Operation
  - Duration of Project
  - Machinery and equipments used in different phases of operation
- Construction & Infrastructure developments
  - Different construction works or components/activities and operation; e.g. recreational areas, executive villas, beach fares, beaches, water fares, parking areas,, storage areas, swimming pools, rock pools
  - Hours of Construction & operation for each component;
  - Duration of construction;
  - Construction materials, types & sources;
  - Machinery & equipments used during construction & operation;
  - Access arrangements to site before, during & after
  - Additional Infrastructure developments
- Engineering Plans & Designs
  - Size, layout & construction buildings;
  - Wastewater Management Plans and designs of buildings;
  - Drainage designs of the project

- Management of Water, Energy, Waste (Solid & Liquid) & Air Emissions Management

  Water supply & Management
  - Source of water supply
  - Capacity to meet demand;

  Energy Management
  - Sources of Energy
  - Other alternatives e.g. backup generators (storages sites), solar panels etc.

  Solid & organic waste management: Sanitation
  - define nature of wastes; kitchen wastes,
  - Confirm treatment system & assess its attributes and capabilities; acceptable;
  - Provide details on disposal of solid wastes generated during operation;
  - Identify who will be responsible for collecting and disposing of the waste
  - Storage areas of waste before disposing at approved sites (existing tip)
  - Approved waste disposal tips?

EXISTING ENVIRONMENT

- Physical topography of sites, soil types & geological structures;
- Drainage designs & outlets
- Existing water resources, ground water and sea proximity;
- Flora & fauna – list of predominant species and comment on biodiversity levels/ sensitive ecosystems;
- Present use and accessibility to sites, transportation & water supply
- Types of services present
- Population figures (Eton Village)
- Detail settlements, public institutions and private residences ;f any in the premises:
- Land use patterns of existing sites
- Significance **of existing sites (Historical, cultural, archeological & aesthetic)**

ENVIRONMENTAL IMPACT ANALYSIS

- Use a summary matrix to identify specific impacts affecting different environmental dimensions or levels;
- Construction Impacts
- Operational Impacts
- Describe how wastewater will be captured, stored, treated and disposed of so that it does not pollute the environment;
- Describe what sewage system to be used for this development project & how it will be managed
- Describe how solid waste will be properly managed;
- Sanitation systems
  - clearly identify all sanitation systems to be used;
  - What adverse impacts the systems may likely to pose;
  - Details of liquid waste treatment, storage and disposal facilities and any associated risks;

  - Detail of storage and disposal of solid wastes
  - Health analysis
- Water quality test;
- Impact on terrestrial & Aquatic Ecosystems
  - biodiversity at sites
  - Geology, soils, terrain – topography of sites including soil types; detail any areas likely to be exposed to erosion;
  - Vegetation & wild life; sensitive ecosystems, predominant species of plants and animals, endangered & endemic species;
  - Impact of marine species (due to foreshore developments);
  - Impact to other aquatic resources if any

SOCIO-ECONOMIC & CULTURAL IMPACTS

- Determine how many people will directly benefit from the development (local employees etc);
- Project contribution to overall economy at local & national level;
- Employment opportunities short & long term;
- Contribution to local livelihoods;
- Identify economic effect on other industry investment e.g. Will it attract other investments into the area?
- Social and public health impacts; prostitutions etc.
- Who are the stakeholders, affected parties?
- What local knowledge do they have that might be useful in scoping impacts?
- What specific concerns and values might they have that need to be recognized?
- Population & health data
- Identify traditional use of land and immediate environment;

MAJOR FINDINGS

- Summary of major findings (in bullet points)

MITIGATION MEASURES, MONITORING & MANAGEMENT

- Occupational Health & Safety (OHS) of labor & public at large; physical hazards, exposure to noise, etc.)
- Emergency procedures for guest & workers;
- Hazard mitigation measures (cyclone, tsunami, earthquake, flooding, storm surges sea level rise); building standards & sheltering of vessels from cyclones or storm surges;
- Risk mitigation measures (sewage treatment);
- Sediment load and disposal plans during construction;
- Waste and sewerage management plans – waste reduction options;
- Natural disaster management plan;
- Terrestrial and aquatic mitigation plan; minimize erosion;
- Highlight mitigation measures either through an agreement or engineering designs taking into consideration all the potential social, economic and environmental impacts of the proposed project;
- Pollution prevention options; noise pollution, land pollution and water pollution;
- Emergency respond/action plans;

- How to mitigate or address public or stakeholders concerns & suggestions raised during consultations;
- Plans to maintain support the public consultation process

REHABILITATION PLANS

- Rehabilitation of affected areas and decommissioning plan;
- Liability and insurance for physical structure and human life;
- Insurance and liability for environment damage

CONCLUSION

REFERENCES

APPENDIX

- List of stakeholders and individuals consulted
- Land lease documents
- Business/operational plans & designs
- Business organizational programme
- List of legislation applicable to this development etc…

SAMPLE EIA REPORT TOR: VARIOUS FORESHORE ACTIVITIES

Terms of Reference (TOR)

For Environmental Impact Assessment (EIA) – Foreshore works (Excavation, Mangrove clearing, Reclamation, swimming pool & Jetty)

A. EXECUTIVE SUMMARY

The executive summary of the EIA report describes the critical facts and significant findings of the EIA report and their resolutions in sufficient detail. The significance and scope of the issues should be understandable and the appropriateness of the approach taken to resolve them. This summary should be presented clearly and concisely. This can be used as stand-alone document or can be extracted for submission to the EIA Review Committee and disclosure to the public.

B. INTRODUCTION

(i) Purpose of the Report
(ii) The scope of the EIA report
(iii) Brief description of the nature, size and location of the project
(iv) Brief outline of the contents of the report including methods used for identifying issues, assessing impacts and designing measures for the protection of the environment
(i) Policies, Legislative framework and requirements
(ii) Other pertinent background information

C. DETAILED PROJECT DESCRIPTION

This section of the EIA report should provide sufficient details of the following:

(i) Type & different phases of project activities
(ii) Description of work at construction phase (Land-base & Marine Base), operation phase
(iii) Location (maps showing general location, specific location, project boundary and project site layout)
(iv) Size of operations including any other associated activities required by or for the project
(v) Drawings showing the project layout with the different components of project

D. DESCRIPTION OF EXISTING ENVIRONMENT

This section outline clearly description of exiting environmental resources and values within which the adverse impacts of project activities must be considered. The baseline environment information should include the following areas:

(i) **Physical Resources**: atmosphere, topography and soils, surface water, ground water, geology/seismology
(ii) **Ecological Resources**: fisheries, aquatic biology, wildlife, rare or endangered species, protected areas and coastal resources
(iii) **Economic developments**: Land use (dedicated area/zoning of area), transportation, infrastructures, drainages, power sources
(iv) **Social and Cultural Resources**: Population and communities, socio-economic conditions (community structure, etc…), health and education facilities, recreational activities, current use of lands and resources for traditional purposes by indigenous peoples, significance of site (historical, archaeological, aesthetic significance)

E. ALTERNATIVES

Are there alternatives for the project?
(i) If there is, what are the alternatives?
(ii) What are the environmental impacts associated with each alternative?
(iii) What is the rationale for selecting the preferred alternative?

F. ANTICIPATED ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

This section will evaluate the project's expected impacts on each resource or value.

(i) **Review Characteristics of Each Environmental Impact and Mitigating adverse effects**: Environmental impacts to be investigated will include those due to; project location, caused by possible accidents, related to design and during construction, regular operations and rehabilitation of a completed project. Where adverse effects are indicated, discuss measures for minimizing and/or offsetting these effects. Both direct and indirect effects will be considered.
(ii) **Irreversible and irretrievable impacts**: The EIA report will identify the extent to which the proposed project would irreversibly curtail or limit the potential uses of the resources or environment. E.g. removal of mangroves, sea grasses, marine organism habitats etc… can result in retrievable damage to these sensitive ecosystems. Other impacts that maybe irreversible include changes to historical sites, wetlands, elimination of recreational areas.
(iii) **Temporary Effects During Project Construction**: The construction phase of the project involves special environmental impacts (to be terminated on completion of construction) will be discussed separately including proposed remedial measures; E.g. Wastes, sediment load, impact on traffic, noise, vibrations,

G. ENVIRONMENTAL MANAGEMENT & MONITORING PLAN

This section describes how the mitigation and other measures to enhance or improve the benefits of environmental protection will be implemented. It explains how measures will be managed, who will implement them and when and where they will be implemented.

(i) Implementation of mitigation measures during project design
(ii) Implementation of mitigation measures by contractors
(iii) Contingency response plan for natural or other disasters
(iv) Environmental management and monitoring costs including mitigation costs

The environmental monitoring plan describes the monitoring activities to ensure that adverse environmental impacts will be minimized and the EMP implemented. The plan describes how, when and where the monitoring activities will be undertaken; who will carry them out and who should receive the monitoring report.

Also the capacity of the executing agency to implement the EMMP should be described and implementation costs clearly identify.

Also the rehabilitation plan needs to be discussed after completion of physical work on site including insurance and liability for human life and environment damage.

H. PUBLIC INVOLVEMENT /CONSULTATIONS

(i) List of different personals and organizations consulted
(ii) Describe the process undertaken to involve the public in the project
(iii) Summarize major comments and opinions received from beneficiaries, communities, land owners, and others and discuss how these comments are addressed
(iv) Dates, attendance, topics of public meetings
(v) Describe other related materials or activities (e.g. press releases, notifications) as part of the effort to gain public participation

I. CONCLUSION

The EIA will present the conclusions of the study including:

(i) Explanation of how adverse effects could be minimized or offset, and compensated to make these impacts acceptable
(ii) Explanation of use of any irreplaceable resources
(iii) Provisions of follow-up surveillance and monitoring

Simple presentations of the type and size of impacts may aid the decision-maker

Attachments/Appendices

- Attachments – Letter from the chief

SAMPLE EIA TOR REPORT: FISH PROCESSING PLANT

Terms of Reference (TOR) for the Fish Processing Plant at Black Sands, Mele Bay, Efate

CONTENTS

- number of fishing vessels used for delivery
- frequency of delivery
- details of size, capacity & conditions of long liners or other vessels used
- number of crews (Chinese or Ni-Vans)
- ship's pilots
- details of sea route into Mele bay
- where and how catches will be cleaned
- equipments used on vessels
- support services expected/needed for the long line fleets
- define nature of waste produced by vessel
- how vessels disposed off solid & other vessel wastes
- cleaning of fishing vessels (Where)
- maintenance and repairing of vessels (where, who, how often)

- <u>Land Transportation of catch</u>
  - Details of type & weight of trucks used to transport raw product from pontoons to plant facility
  - Capacity & conditions of trucks used
  - Vehicle drivers
  - Cleaning vehicles (Where)
  - Frequency of road trips to & from the Plant
  - Tons of catches transported per trip
  - Routes to be taken
  - Traffic congestion & management
- <u>Tuna Fish Processing Plant operation</u>
  - Detail information on operation
  - different stages of operation in the Plant
  - hours of operation
  - volume of products to be processed and stored
  - Information on refrigerated containers
  - Detail information on handling, export & local sale of product
  - Cleaning of raw products
  - Chemicals used in Plant
  - Number of employees in the Plant (how many Ni-Vanuatu and how many are expatriate workers)
  - Management of the Plant
  - Language of labels, instructions or information used
  - Nature (guts & gills, blood, tails & frames) and level of waste produced at the Plant and how they are managed
  - Define by-catch
  - Confirm Fish Plant Treatment System & assess its attributes and capabilities
  - Provide details on sludge treatment & disposal
  - Management of other waste at Plant
  - Storage areas of waste before disposing at approved sites
  - Drainage design of Plant facility

- Air Transportation (Exportation) & Operation
    - Details on airport facilities
    - percentage of product to be exported
    - market destinations
    - frequency of flights or exportation
    - vessels to fly the products – is it Air Vanuatu or a new vessel arranged specifically to transport products to destination
    - timing of flights
    - storage areas & facilities at the Airport
    - route to be taken to the airport from the Plant
    - traffic congestion

- Operational & Organizational flowcharts

- Management of Water and Energy (at Plant)
    - Source of water supply
    - Water supply facilities
    - Capacity to meet demand
    - Quantity to be used per month
    - Sources of Energy
    - Other alternatives e.g. backup generators
- Air Emissions & Chemical Management
    - identify the likely sources of odour, dust or other air borne particles
    - estimation of odour adjacent to sensitive land use areas at the pontoon and plant surroundings
    - describe chemicals to be used at relevant locations
    - how chemicals will be stored

EXISTING ENVIRONMENT (Pontoon & Plant)

- Describe the annual climatic conditions of the locality
- Describe wind pattern and water currents at Mele bay including strength and direction
- Rain fall across different seasons
- Physical topography of sites, soil types & geological structures
- Drainage designs & outlets
- Existing water resources, ground water and sea proximity
- Flora & fauna
- Sensitive ecosystems
- Present use & accessibility to sites
- Water supply and electricity at sites
- Types of services present
- Population figures
- Detail land use patterns at existing Plant site (public institutions, private residence, agriculture, farming, industries, etc.)

- Significance of existing sites(historical, cultural, archeological & aesthetic)
- Identify the nature & location of nearby sensitive areas (e.g. water sources, private homes, tourist accommodation, schools, retail outlets, nurseries, etc…) exposed to odour, dust and air born particles

ENVIRONMENTAL IMPACT ANALYSIS

- Operational impact at the Pontoon
  - Vessels are normally washed to clean off fish blood. Impact to local waters if waste water is directly discharged into the sea
  - Potential impact of shark attacks in Mele bay if fish blood is spilled into water
  - Water contamination analysis
  - Spillage of oil & fuel in the bay from vessels
  - Navigational hazards
  - Water supply to pontoon & ships
  - Impact on capability and strength of pontoon
  - Impact of increase traffic & congestion
  - Impact on harbor water sports
  - Impact on recreation sport fishery
  - Impact on other working sectors in the premises eg, Hideaway Island Resort
  - Level of odour that will impact nearby sensitive areas
  - Expected noise level to be generated at the pontoon
  - Introduction of foreign organisms and diseases from vessels
- Impact of Land Transportation
  - Impact of traffic congestion on roads
  - possible impact of spillage of fish blood on road
  - Impact of odours, dust or other air borne particles through nearby sensitive areas such as private homes, tourist accommodations, schools, retail outlets, nurseries, etc…

- Operational impact at Plant
  - Communities & residences that are directly affected
  - Relocation of affected communities
  - Level of impact on wastes at the Plant
  - Water demand & use
  - It is a water intensive project, what impact does this water intensive have on the Port Vila reserves or sources (UNELCO or underground, or rivers)
  - Impact on underground and surface water reserves
  - Waste water used for cleaning, where will it go/discharged to?
  - Likely impact on water bodies e.g. LaColle River, Tagabe River or underground water and nearby settings
  - Water contamination analysis

- Potential impact of shark attacks in the Mele bay; recreational and commercial activities in the Mele bay
- Describe if waste water to be re-used
- Describe what sewage system to be used at the Plant & how it will be managed
- Determining impact of odours or air borne particles at the Plant that may likely to affect surrounding residents
- Expected noise level to be generated at Plant during operation

- Impact on Bouffa Landfill
  - fish discards & by-catch will be given out for free to general public or disposed off at Bouffa landfill
  - capacity of landfill to accommodate & process waste received from the Plant
  - lifespan of landfill if increase waste onto the site
  - possibility for the collection of fish waste at the landfill by people

- Operational impact at the Airport
  - Level of impact on airport operations (Air Vanuatu) – storage facilities
  - Impact of odour at the airport
  - Capacity of storage areas
- Sanitation systems
  - clearly identify sanitation systems and what adverse impacts the systems may likely to pose
  - details of liquid waste treatment, storage and disposal facilities and any associated risk
- Impact on terrestrial & aquatic ecosystems
  - biodiversity at sites that may be impacted
  - geology, soils, terrain – topography of sites including soil types and detail any areas likely to be exposed to erosion
  - vegetation & wildlife; sensitive ecosystems that can possibly be affected
  - impact on marine species; by-catch
  - impact on other aquatic resources

SOCIO-ECONOMIC & CULTURAL IMPACTS

- Describe how many people will directly benefit from the development (local employees etc.)
- Project contribution to overall economy at local & national level
- Government estimates of annual revenue
- Employment opportunities short & long term
- Contribution to local livelihoods
- Changes in annual expenditure
- Number of expatriate Chinese to be engaged and their accommodation

- Level of skills required for local staff and skills training opportunities
- Resettlement and government support and compensation to affected residents (Blacksands, Salili, Prima etc.)
- Identify economic effect on other industry investment e.g. how will the presence of the operating Plant impact on residential, recreational and tourism facilities? Will it attract other investments into the area
- Impact analysis on tourism industry as proposed sites are located in the same geographical area (Vila harbour & Mele bay area)
- If by-catch products are sold on open market, what will be the social-economic impact on local fishermen
- Social & public health impacts; prostitutions, STDs etc
- Affected stakeholders
- Specific public and community concerns and values needed to be addressed and recognized
- Population & health data

OTHERS

- Language of information materials in reports and in Plant facility (labels & instructions)
- Status of the Environmental Management and Monitoring Plans (EMMP) proposed Steering Committee and Technical Working Group to be established

MAJOR FINDINGS

- Summary of major findings

MITIGATION MEASURES, MONITORING & MANAGEMENT

- Occupational Health & Safety (OHS) of labor (onboard vessels and in plant) & public at large; physical hazards, biological hazards, exposure to chemicals, exposure to noise & vibrations, exposure to cold & heat etc.)
- Emergency procedures for quest & workers;
- Hazard mitigation measures (cyclone, tsunami, earthquake, flooding); building standards & sheltering of vessels from cyclones or storm surges;
- Management of traffic congestion/ safety in harbour (Pontoon) and on land road routes;
- Waste and sewerage management plans – waste reduction options; compost, recycling, manufacturing fish meal from waste and mitigation procedures used at the Plant & Pontoon for long liners
- Describe how wastewater will be captured, stored, treated and disposed off so that it does not pollute the environment;
- Natural disaster management plan;
- Terrestrial and aquatic mitigation plan;
- Baseline waste management and environmental monitoring of Vila harbour/Mele bay and Tagabe river & reporting plans; monitoring data

should be analyzed and reviewed at regular intervals and compare with the operating standards; who will analyze data
- Monitoring institutions and their capacity to undertake responsibilities
- Highlight mitigation measures either through an agreement or engineering designs taking into consideration all the potential social, economic and environmental impacts of the proposed project;
- Water use minimization measures; programs/techniques to be used to minimized water demand;
- Pollution prevention options; air pollution (odour etc), noise pollution, land pollution and water pollution;
- Public health issues
- Management and training measures
    - Who (Institution) will be responsible for monitoring purposes, how often and their technical abilities & capacities required to monitor and manage the plant
    - the responsibility of the 'Steering Committee' and 'Technical Working Group' (TWG)
    - Will lack of finances contribute to neglect of environment safeguards?
    - Who will conduct staff training and supervision?
- Emergency respond/action plans for fire, shark attacks; are they effective? Who is responsible?
- Measures that will be taken to reduce by-catch of endangered species;
- Mechanisms used to preclude fish blood and offal from entering local waters
- Who and how will vessels be monitored to ensure they are fishing legally and within designated zones;
- Who will monitor each catch being unloaded for statistical and reporting purposes
- How to mitigate or address public or stakeholders concerns & suggestions raised during consultations;
- Plans to maintain support of the public consultation process

REHABILITATION PLANS
- Rehabilitation of affected areas and decommissioning plan;
- Liability and insurance for physical structure and human life;
- Insurance and liability for environment damage

RECOMMENDATIONS

CONCLUSION

REFERENCES

APPENDIX
- **List of stakeholders and individuals consulted**

- Department of Environmental Protection and Conservation
- Department of Fisheries
- Vanuatu Livestock limited
- UNELCO
- Geology, Mines & Water Resources Department
- Ports Authority
- Mele and Blacksands community leaders
- SHEFA Province
- VCHSS
- Hideaway Island Resort
- Tagabe River Management Committee
- RAPT Representative
- Chinese Partners etc…

- **Land lease documents**
- **Business/operational plans & designs**
- **Business organizational programme**
- **List of legislation applicable to this development etc…**

TEMPLATE: EIA REPORT TOR BASED ON SPREP GUIDELINES TEMPLATE

This terms of reference (TOR) template is adapted from the SPREP guidelines[9] for use in Vanuatu. It is a template and so covers a range of topics that are often addressed in an EIA Report. This generic template can be modified, shortened or added to by EIA Officers, depending on the scale of a project, its environmental setting, and the industry sector within which it operates. TOR development should also be guided by Vanuatu's EIA Regulations.

A draft TOR is prepared for a particular project should list both general topics any specific information requests related to the development or the location. The TOR must fit the type of development.

A clear TOR helps the applicant's consultants to prepare a quality EIA Report with sufficient and relevant information, so that a project's likely impacts on the environment can be adequately analysed and understood. For example, TOR for a tourist resort might ask a proponent to provide detailed information about the sourcing of potable water, the treatment of wastewater and the management of solid waste; while a TOR for a seawall project might request detailed information about coastal hydrology and weather patterns, seabed bathymetry, coral and sea grass communities and local fishing grounds.

The following definitions are important for using the TOR template:

- 'environment' includes environmental (natural and physical environment), social (people, culture, health, heritage, aesthetics, amenity) and economic aspects, as well as the relationships between these different aspects;
- 'impacts' include impacts of the project on the environment, and impacts of the environment on the project due to environmental hazards and environmental change processes;
- 'environmental hazards' include hazards that are natural (e.g. cyclone, flood, earthquake), human-induced (e.g. oil spill) or technological (e.g. infrastructure failure);
- 'environmental change processes' include climate change; and
- 'mitigation/management measures' include climate change adaptation measures.

EIA REPORT – TERMS OF REFERENCE
Section 1 – Executive summary Present a concise, non-technical outline of the proposed project and each chapter of the EIA report. Include the results of impact and risk assessments, the proposed management/mitigation actions, and the conclusions reached. If required for assisting community participation in consultation on the EIA report the applicant may be required by the Director DEPC to translate the executive summary into

[9] SPREP 2015 Strengthening Environmental Impact Assessment in the Pacific: Guidelines for Practitioners

Bislama.

Section 2 – Table of contents

Section 3 – Glossary, list of acronyms/abbreviations

Section 4 – Introduction

Provide an overview of the project and the proponent, including information such as:

4.1 Project name, background and general description
4.2 Project purpose and objectives (including environmental performance objectives)
4.3 Profile of project proponent
4.4. Contact details for the proponent/project manager

Section 5 – Policy and legal framework

Outline relevant policies and laws that apply to the project and the approvals that need to be obtained from different government agencies, for instance:

5.1 National, regional, laws, by-laws and related government approvals
5.2 Multilateral Environmental Agreements
5.3 Current agreements between government and the proponent
5.4 Environmental policies of any financing organisations involved in the project
5.5 The proponent's environmental management and compliance record

Section 6 – Project description and justification

Present a detailed description of the project and provide justification for its development, covering:

6.1 Project details

- Project location, size and layout, including a description of the project's proximity to relevant environmental features and resources (e.g. watercourses, resource deposits, towns/villages/settlements, transport infrastructure, natural/cultural/ecological assets)
- Maps of the project location, surrounding area and project site, illustrating relevant environmental features and resources (e.g. topography, existing land/sea use, watercourses, resource deposits, towns/villages/settlements, transport infrastructure, natural/cultural/ecological assets)
- Project activities, components, infrastructure and design, including technology and equipment likely to be used
- Predicted resource and public infrastructure requirements, including rates of extraction or usage (e.g. energy, water, labour, transport, minerals, hazardous materials), and any competition for resources or infrastructure that may occur with other projects or the local community
- Predicted type and quantity of waste outputs (e.g. liquid, solid wastes, air emissions)
- Implementation schedule, with key steps and tasks (e.g. timeline for construction, operation, decommissioning, rehabilitation, closure), and

expected project lifespan

6.2 Analysis of alternatives

- Alternative project sites, designs, technologies, timelines; including alternatives that address environmental hazards and environmental change processes
- Advantages and disadvantages of alternatives (e.g. cost, availability of technology)
- Explanation for choice of preferred option(s)

6.3 Project benefits

- Benefits accruing to the local area, island, country, region (e.g. new or upgraded physical infrastructure, improved environmental conditions, employment/livelihood opportunities, improved standards of living, better health or educational facilities)
- Project relevance in the light of existing local or national development and/or future development plans
- The need for the project

Section 7 – Description of the baseline environment

Detail baseline (i.e. current or existing) environmental conditions relevant to the project and surrounding area, to develop awareness and understanding of important environmental features, patterns and trends; to support identification of potential impacts of the project on the environment (section 8) and potential risks to the development (due to environmental or other hazards); and to assist with the formulation of impact mitigation measures.

The level of examination and effort that is required to adequately describe different aspects of the environment will depend on: the type of project, its scale of operation, its physical setting and its area of influence.

In detailing the baseline environment it is important to state what is known or unknown, what assumptions have been made, and how reliable the data/information is. Studies or surveys undertaken by the proponent, their consultant, or third party researchers, should be adequately detailed and referenced (section 16).

Where relevant, the following aspects of the environment should be described:

7.1 Climate (e.g. temperature, rainfall/evaporation, flooding, drought, winds, extreme weather events likely to affect the project)

7.2 Topography, geology and soils (e.g. significant landscape features and characteristics; landscape gradient or slope; land capability and availability; seismic characteristics and earthquake and volcanic potential; areas vulnerable to landslides, rock fall, erosion)

7.3 Land tenure, zoning and use, underlying and surrounding the project (e.g. community food gardens, agriculture, sensitive habitat, community reserve, village settlement, cemetery, manufacturing industry, residential etc)

7.4 Water (e.g. surface and groundwater quantity and quality; site hydrology or

drainage; local catchment area; upstream and downstream water uses/users; areas vulnerable to flooding, inundation or storm surges)

7.5 Marine (e.g. coastal hydrology, tides, waves, currents, storm surge, suspended load, seabed bathymetry)

7.6 Air (e.g. existing sources of air emissions; dust or PM_{10} particles.)

7.7 Noise (eg. baseline noise levels and noise pollution)

7.8 Plant life (e.g. plant species and communities within the project and surrounding area; native, endemic, threatened, invasive or culturally-significant species; areas subject to previous habitat clearing or disturbance; species, plant communities or habitat vulnerable to environmental hazards and environmental change)

7.9 Animal life (e.g. animal species and communities within the project and surrounding area; native, endemic, threatened, migratory, invasive or culturally-significant species; habitat within and adjacent to the project area suitable for species of conservation significance; species, animal communities or habitat vulnerable to environmental hazards and environmental change)

7.10 Human communities (e.g. towns/villages/settlements; population and local demographics; housing; energy and water resource; transport and other infrastructure; cultural traditions and community structure; marginalised groups; community health status; landscape and visual amenity; recreation)

7.11 Local and national economy (e.g. skills, livelihoods and employment; economic and business conditions; distribution of income; major sectors and industries)

7.12 Social/cultural resources and heritage (e.g. objects or sites of social/cultural significance, cultural and archaeological assets; social/cultural resources vulnerable to environmental hazards and environmental change)

Section 8 – Impact assessment

8.1 Assess and describe potential impacts of the project on the environment. The impact assessment should detail negative and positive; immediate, short-term and long-term; unavoidable, irreversible and reversible impacts. In conducting the impact assessment give consideration to:

- all relevant aspects of the environment (section 7, description of the existing environment) and how they are likely *to be changed or affected by the project*, either directly or indirectly. This should include assessment of how the project may exacerbate environmental hazards and environmental change processes (e.g. release of greenhouse gas emissions, contributing to climate change)
- the nature of changes or affects, including negative consequences and/or expected benefits
- over what area, or on what scale, changes or affects are likely to take place
- changes or affects that will arise at different stages of the project (e.g. site preparation prior to construction, construction, operation and potentially decommissioning or closure)

In detailing impacts it is important to acknowledge what is known or unknown, what assumptions have been made, how reliable the data and analyses are, and whether any

information deficiencies or uncertainties have influenced the conclusions reached.

Section 9 – Cumulative impacts

Examine the project in the context of previous, existing and reasonably foreseeable future developments. This will help to ensure that the project's potential impacts are not considered in isolation and that cumulative impacts are identified as far as possible.

Cumulative impact assessment can include an evaluation of changes in:

1.1 Land and seascape processes and functions (e.g. landscape hydrology, coastal stability)

1.2 Natural resource quality and availability (e.g. water, energy, habitat for important plant and animal species)

1.3 Social and community dynamics (e.g. size of human population, traffic volumes)

1.4 Economic conditions (e.g. industry development, job opportunities, cost of living)

For identified cumulative impacts, assess if they will be permanent. If they are not likely to be permanent, specify what steps will be taken to minimise their long-term effects.

Section 10 – Environmental management

Provide a draft environmental management and monitoring plan (EMMP), including a detailed discussion of the mitigation measures that can be feasibly undertaken, and explain how these mitigation measures will address or reduce the anticipated negative impacts and reduce exposure or vulnerability to environmental hazards and environmental change processes.

Also identify any best practices or industry standards the proponent intends to commit to, as well as any optimisation measures to be taken to strengthen or enhance positive impacts.

The draft EMMP should cover all phases of the project, from construction through to operation, decommissioning, closure and site rehabilitation (where relevant). It should be further developed and refined following the conclusion of the EIA process. Provision should also be made for periodic review of the EMMP once the project becomes operational.

Recommended topics to be included in the EMMP document:

10.1 Environmental performance objectives for the project

10.2 The proponent's environmental management framework, i.e. who will have responsibility for overseeing the EMMP, the implementation of different mitigation measures, incident response, environmental monitoring and reporting

10.3 Specialised management plans with a high level of operational detail for sensitive or high-risk aspects of the project (e.g. a waste management plan, a water management plan, an erosion and sediment control plan, a disaster management plan)

10.4 Evidence that environmental mitigation measures and specialised management plans are likely to be effective when implemented

10.5 A detailed monitoring plan, including performance criteria for measuring the

extent of environmental impacts, and/or the success of mitigation measures; and for ensuring early detection of impacts. Monitoring should cover impacts of the project on the environment and impacts of the environment on the project

10.6 Environmental management expectations and requirements to be placed on project contractors

10.7 Provisions for independent auditing (especially in the case of high-risk projects)

10.8 The names of the government agencies the proponent will report their project activity outcomes and monitoring results to

10.9 Staffing and equipment requirements, allocated budget, and any training programmes or capacity development necessary to ensure successful EMP implementation

10.10 A process for responding to unanticipated or emergency incidents

10.11 A process for managing and responding to stakeholder concerns or complaints

10.12 Compensation measures for affected parties for impacts that cannot be mitigated or adequately managed

It is advisable to cross-reference different elements of the EMMP to relevant text in the EIA report.

Section 11 – Local community, land/resource owner and wider stakeholder consultation

Supply details of consultation activities, including:

11.1 How the local community, land/resource owners and other stakeholders have been identified

11.2 Meetings, workshops or other forms of consultation held to date, or to be organised in the future

11.3 The outcomes of consultation, including issues and concerns raised by different groups or affected parties

11.4 Proposals for addressing issues and concerns raised, and for keeping the local community, land/resource owners and other stakeholders informed of project activities

Section 12 – Conclusions

Present the main conclusions of the EIA report taking into account the proposed measures to manage the stages of the projects form site preparation through to operations or closure and site rehabilitation.

Section 13 – Disclosure of consultants

State the names and contact details of all consultants responsible for preparing the EIA report, and the services or work they completed.

Section 14 – References

Appropriately reference all information sources that have been used or consulted during

EIA report preparation (e.g. using the Harvard referencing system). Information sources may include studies or surveys undertaken by the proponent, their consultant, or third party researchers.

Section 15 – Appendice

Include appendiceses that support the main text and that do not contain unnecessary information. Appedices may present:

- Relevant environmental studies and reports
- Detailed technical information
- Draft management plans
- A table listing how the TOR have been addressed, cross-referenced to relevant sections of the EIA report
- A table listing environmental mitigation/management commitments made by the proponent
- A tale listing all public consultation meetings and if possible attendees
- Evidence of project support from stakeholders

GENERAL ADVICE FOR EIA REPORT PREPARATION

- The EIA report should be based on a level of analysis and detail that reflects the significance of the project's potential environmental impacts, and that allows DEPC and interested stakeholders to clearly understand the project's likely environmental consequences
- Information provided in the report should be objective, clear and easily understood by the general reader
- Different sections of the TOR may be combined or re-ordered, if this helps to present information in a clear and logical manner
- Maps, plans and diagrams should be prepared using an appropriate scale, resolution and clarity
- Technical jargon should be avoided or accompanied by a clear, understandable explanation
- Cross-referencing should be used to avoid unnecessary duplication of text
- Key project impacts should be explained in a culturally-appropriate format, using graphics and illustrations to assist with interpretation, where relevant

TEMPLATE: EIA REPORT REVIEW TOOL

This tool has been adapted from a draft in the proposed SPREP EIA Guidelines.[10]

This tool was used by SPREP in a workshop for EIA Review Committee members (and potential members) in Port Vila on 1 October 2015.

The form is designed to guide the EIA Report reviewer and to help them determine if the EIA Report contains sufficient information and detail, and meets an acceptable standard; what key issues and impacts the EIA Report highlights for the development; and what recommendations or recommended conditions should be provided to DEPC.

The order in which the review questions are presented in the template may not follow the order in which information is presented in the EIA Report. Sometimes a reviewer will need to move back and forth between the template questions during the review process.

If a question is irrelevant to a project it is appropriate to write 'N/A' (not applicable). The relevance of questions may depend on the nature, scale and location of a project, and potential impacts associated with the project.

The key to conducting a good EIA review is to *examine the EIA report side-by-side with the TOR* and to:

- identify issues and ask questions about the nature of the project and its impacts;
- take notes and record comments, especially regarding any issues and questions that arise; and
- carefully consider significant issues and impacts that will have a bearing on project approval.

The following definitions are important for the TOR template:

- 'environment' includes environmental (natural and physical environment), social (people, culture, health, heritage, aesthetics, amenity) and economic aspects, as well as the relationships between these different aspects;
- 'impacts' include impacts of the project on the environment;
- 'environmental hazards' include hazards that are natural (e.g. cyclone, flood, earthquake), human-induced (e.g. oil spill) or technological (e.g. infrastructure failure);
- ''mitigation/management measures'.

[10] SPREP 2015 Strengthening Environmental Impact Assessment in the Pacific: Guidelines for Practitioners

EIA REPORT REVIEW		
Section 1 – Project details		
Project reference no.		
Project name		
Project applicant (developer)		
Applicant's email address		
Applicant's phone number		
Project location (including coordinates, if available)		
Type and purpose of project (brief description)		
Section 2 – General questions: assessing the comprehensiveness and adequacy of the EIA report		
Question(s)	*Yes/no/N.A./brief description*	*Is follow-up required with the proponent (Y/N)? If so, briefly explain the follow-up required*
2.1 Is the executive summary clearly written, does it cover the main impacts and findings		
2.2 Is a copy of the TOR provided with the EIA report? Does the EIA report adequately address the TOR?		
2.3 Is the information clearly and logically presented and able to be understood by decision makers and stakeholders? (Important to check if the text is clearly		

written and the maps/diagrams are high-quality)		
2.4 Is the information relevant and sufficient for the purpose of decision-making and setting conditions for development approval? (This question is important for determining if an EIA report can be accepted)		
2.5 Is the boundary of the project site clear and accurate? (An incorrect boundary may result in incomplete and/or inaccurate conclusions in the EIA report)		
2.6 Are the purpose(s) and objectives of the project explained so the reader can easily understand what the project is about and what it hopes to achieve?		
2.7 Is there an adequate description of the project's scale/size, design, activities, components, infrastructure and schedule/timeframe? (The project should be described in enough detail so the reader can understand how the project will be constructed, how and over what timeframe it will operate, and what goods/services it will produce. The description should include diagrams, plans, maps, activity schedules)		

2.8 Is the project operations clearly described? (This is particularly important for industrial /manufacturing/processing plant projects)		
2.9 Is there sufficient description of the resources and public infrastructure required by the project during construction and operation? (This description should include where the resources/infrastructure will be sourced from and how they will be transported to the project site, if they are being sourced off-site)		
2.10 Are the expected types and quantities of waste outputs described? (e.g. liquid and solid wastes, gas/air emissions)		
2.11 Are the important aspects of the baseline environment clearly identified and described, and is the information relevant to the project site and surrounding area? (Important aspects may include areas or features of particular biological, ecological, social, cultural or economic significance; etc.)		
2.12 Are reliable information sources used to describe the baseline environment? (e.g. well-designed field surveys conducted by the proponent or consultant; existing		

data; reliable studies conducted by other researchers; maps of the project area, including environmental hazard maps)		
2.13 Is there adequate identification and description of all potential impacts the project will have on the environment? (This description should cover all likely, significant impacts arising from the project, including negative and positive; immediate, short-term and long-term impacts. The magnitude of the impacts should be estimated, where possible)		
2.14 Has a draft environmental management plan (EMP) been developed that describes suitable mitigation measures for addressing all significant negative impacts? (This should include impacts of the project on the environment, and impacts of the environment on the project. Impacts that cannot be addressed through mitigation measures should be identified, and compensation measures should be proposed, where appropriate. Implementation steps should be clearly outlined for all mitigation measures)		
2.15 Does the EMP include optimisation measures for enhancing significant positive impacts? (This should include impacts of		

the project on the environment, and impacts of the environment on the project)		
2.16 Does the EMP include a monitoring plan for measuring the extent of impacts and the success of mitigation measures?		
2.17 Has a risk assessment been conducted to assess the relative significance of different impacts, and to help prioritise the management of significant negative impacts?		
2.18 Have feasible alternatives to the proposed project been adequately considered and evaluated? (This may cover alternative sites, designs, technologies, timelines)		
2.19 Has adequate consultation been conducted with the local community, land/resource owners and other relevant stakeholders? (The report should outline who was consulted, when and how they were consulted, and how the proponent has responded to concerns and issues raised during consultation)		
2.20 Does the project adhere to government legislation, regulations, policies or guidelines?		

2.21 Is the project relevant to any MEA commitments or obligations, and do these need to be factored into the development approval?		
2.22 Have all data sources been identified and a list of references provided?		

Section 3 – Identification of specific issues (the issues can relate to impacts of the project on the environment and impacts of the environment on the project)

Section & page no.	*Identified issue(s)*	*Comment(s)/question(s) relating to the issue(s)*	*Is/are the issue(s) dealt with in the environmental management section or another part of the EIA report? If so, does this address your comments and questions (Y/N)?*	*Is follow-up required with the proponent on the identified issue(s) (Y/N)? If so, briefly explain the follow-up required*	*Should the issue(s) be considered as part of the development approval and/or the approval conditions (Y/N)? If so, briefly explain why*

Section 4 – Other comments

- .....
- .....
- .....

Recommendation:

☐ **EIA report accepted. The following recommendations and conditions should be considered by the Director DEPC:**

☐ **EIA report not accepted. The following issues need to be addressed in the revision of the EIA report:**

Reasons for recommendation:

Name(s) of reviewing officer(s): **Signature(s):** **Date:**

Job title(s): **Ministry/Department**

TEMPLATE: EIA REVIEW COMMITTEE REPORT AND RECOMMENDATIONS

EIA REVIEW COMMITTEE REPORT AND DECISION RECOMMENDATION PURSUANT TO CLAUSE 13 (5) OF THE EIA REGULATIONS

BACKGROUND TO THE PROJECT

1. This extract was taken from the Executive Summary and the Introduction of the Environmental Impact Assessment Report prepared for XX by XX (Consultancy):

   Project overview
   The project is the (describe) The surrounding environment (describe).
   There is xx Watercourses/coastal or other feature in location.
   The topography is xx

   Project proponent
   The project proponent is xx.

2. The EIA report explains (overview, of project cycle, need for development).

   Description.

SUMMARY OF PROCESS UNDERTAKEN

1. The following is the summary of the process undertaken leading up to this recommendation report:

   a. PEA conducted by xx

b. Development of the EIA report in

c. Submission of the EIA report and the Environmental Management and Monitoring Plan to the Department of Environmental Protection and Conservation in (date)

d. A Public Consultation was held in place in (date)
e. EIA Report Submission fee paid (date)
f. EIA Review Committee reviewed the report in (date)

2. Committee Meeting Minutes of (date) was communicated to the proponent on (date)**.**

EIA REVIEW COMMITTEE DELIBERATIONS

3. On (date), the EIA Review Committee appointed under Clause 13 of the *EIA Regulation* met to Review the report and the following were the deliberations.

   The Review Committee acknowledges the importance of the Project overall, however it mindful of the importance of safeguarding the environment from adverse impacts the project may have on the surrounding environment.

- *The significant impacts are xx The EIA Review Committee raised concerns on the following:*
  1. *xx*
  2. *xx*
  3. *xx*

SITE INSPECTION REPORT

If applicable and members visit the site or attend consultation

4. The following is the summary of the findings and the comments on the specific matters.
   a. X
   b. X
   c. X

Other findings not mentioned in EIA report (the following were other findings not mentioned and discussed in the EIA report for SANMA Meats Abattoir)

d. X

e. X There will be export of beef hide

RECOMMENDATION

5. Under Clause 13 (5) of the EIA Regulations the EIA Review Committee recommends that the Acting Director of the Department of Environmental Protection and Conservation approves the application by Applicant to Activity, Location on the condition that:
   a. the EMMP appended to the EIA report is implemented and complied with
   b. x
   c. x

Sign
xx
Director
Department of Environmental Protection and Conservation

Sign
Department of xx

Sign
Department of xx

LETTER TEMPLATE: ENVIRONMENT APPROVAL

Dear xx

Re: Environment Approval of xx (project), xx (location)

I refer to the EIA Report for xx (project) submitted under clause 11 of the Environmental Impact Assessment Regulation (the Regulations) for approval.

As the Director of the Department of Environmental Protection and Conservation (the Department), I am required to ensure the EIA process is undertaken under Part 3 of the Environmental Protection and Conservation Act [CAP 283] (the Act) and the Regulations.

I wish to acknowledge your efforts in fulfilling the requirements stipulated under the Act and the Regulations and pursuant to section 22 (3) of the Act, I hereby approve the xx (project) subject to the following conditions:

a. That the Environmental Management and Monitoring Plan (EMMP) appended to the EIA report is implemented and complied with;

b. xx;

c. xx;

d. xx

In making my approval, I have taken into account the following matters:

1. The application for environmental permit for xx(Project)
2. The EIA Report for xx(Project);
3. The Environmental Management and Monitoring Plan (EMMP);
4. The public consultation undertaken xx (date), xx (place);
5. Whether the activity is likely to cause any environmental, social or custom impact;
6. The significance of any identified impact;
7. Whether any proposed action is likely to effectively mitigate, minimize, reduce or eliminate any identified significant impact; and
8. The recommendation of the EIA Review Committee made on xx (Date). (Please find attached (***Appendix A***) a copy of the EIA Review Committee Report including the recommendations made by the Committee in part 4 of this report)

This approval applies only to this particular application. It will expire either upon completion of proposed works or pursuant to clause 16 of the Regulations – if the development activity has not substantially commenced within 12 months of the EIA approval granted for the project, the EIA approval will be invalid and a new application will need to be submitted unless the project proponent has obtained a written extension of time from the Director.

As the project proponent, you are responsible for ensuring that approval, permit, license, agreement, authority, or permission required under any other laws of the Republic of Vanuatu are obtained.

Should you require any further information, please contact the Department on the above number.

Yours sincerely

xx
Director
Department of Environmental Protection and Conservation

4.4 Big Projects Tools

Section 2.5.1 of this manual sets out the common approaches to the environmental assessment of big projects (large infrastructure projects). These projects are usually funded by donors and tend to follow donor safeguards processes rather than host country processes should the two processes differ.

The equivalences of typical big project processes to EPC Act processes are also shown in section 2.5.1 as a table. It is the intention of DEPC to require the use of its own application forms for all projects, including large infrastructure projects. However it may be difficult to complete these forms for large infrastructure projects that may be on multiple sites or those that may include multiple activities over a project area.

For one large infrastructure project in particular DEPC found it useful to set out proposed Tables of Contents (TOC) for the project managers and their environmental experts to follow when preparing an IEE which is to be assessed along with an environmental management plan. The use of such example TOCs will assist those responsible for big project safeguards to produce a document that meets EPC Act PEA requirements.

The templates in this annex are examples of these proposed TOCs and include:

1. Sample TOC for Community Sanitation Facilities (multiple project sites)
2. Sample TOC for Roads and Drainage (multiple activities over a project area)

SAMPLE TOC FOR COMMUNITY SANITATION (MULTIPLE PROJECT SITES)

TABLE OF CONTENTS

This proposed TOC includes some notes for the assistance of those responsible for preparing the report document(s).

1. **Executive Summary**
   Summary of the key points of note in both the Initial Environmental Examination (assessment) and EMP parts of the report including roles and actions in design, construction and operations/maintenance.

2. **Background**
   Short description of project. Concise and focusing on the main subprojects/components of the project (not a history of the development of the project, timeline etc).

   - Application is made under EPC Act plus any other relevant legislation
   - IEE comprises 2 main parts: Environmental Assessment and EMP. The two parts should be recognised throughout the text of the report and appendices.
   - The Environmental Assessment is a detailed, site specific assessment.

3. **Project Description**

   3.1. Introduction (clear descriptions of what the project elements are, site locations, scale maps at A3 size showing project elements and work , access, distance to housing or other facilities etc. Sub headings as required. Maps can be included as appendices)

   3.2. Design of soakaways, gross pollutant traps (design capacity, overflow paths, locations and design for each site (show on site map under 3.1 plus any other design drawings showing capacity, treatment, drainage including stormwater, soakage fields etc. Design drawings can be included as appendices and referenced in the main text.)

   3.3. Current environment (physical, biological and socio-economic) and pre-construction land uses at the general project area and at specific sites where activities are to take place such as gross pollutant traps and for each soakaway site. Sub headings as required.)

   3.4. Construction Activities (All activities involved in: a. Clearing or preparing each site, b. Construction, materials to be used, sources of materials, estimated construction force (numbers, timeframe), arrangements for community access when works are underway, waste management including materials extracted from drainage system etc., traffic management arrangements. Sub headings as required.)

3.5. Operations and Maintenance (All activities involved in O&M including likely requirements for maintenance and any resulting restrictions on land use etc. Sub headings as required.)

4. Environmental Impacts and Mitigation Measures

4.1. Introduction (Overview of activities, their impacts and potential impacts over the project cycle, i.e. pre-construction through to O &M.)

4.2. Construction

4.2.1. (All impacts both positive and negative for each site on physical, biological and social/socio-economic elements of the environment need to be presented along with mitigation measures for each. These measures are then repeated in the EMP along with costs (if relevant) and timeframe for implementation etc.)

4.2.2. (Expect to see sub-sections covering traffic, noise, air quality, materials & storage, waste, drainage and water quality, hazardous chemicals, health and safety etc for the project area. Also social impacts identified for pre construction/construction including any potential resettlement, negative impacts on economic activities such as closing of roads and access to businesses, disruptions to central market etc. Refer to all impacts in this section and then include any further reports or agreements to mitigate eg resettlement reports, TORs for traffic management and other relevant plans such as communications etc as appendices).

4.3. Operations and Maintenance

4.3.1. (All impacts both positive and negative for drainage, gross pollutant traps and soakaways on the physical, biological and socio-economic elements of the environment need to be presented along with mitigation measures. These measures are then repeated in the EMP.)

5. Information Disclosure, Consultation and Participation

5.1. Provincial, Municipal and Community Level Consultation (Summary of meetings on environmental and social impacts with outline of key concerns and responses to those concerns. Meeting records and list of individuals as appendices.)

5.2. National and Government Consultation (Summary of meetings on environmental and social impacts with key concerns and responses to those concerns. Meeting records and list of individuals as appendices.)

5.3. Project Communications Plan (Summary of main points and specific reference to the relevant section number of the PVUDP IEE.)

6. Environmental Management and Monitoring Plan

6.1. Grievance redress mechanism (This needs to be clearly described and any flowcharts for handling construction and operations stage complaints and issues clearly labeled.)

6.2. EMP Mitigation Table (Must be clearly presented in three parts: Pre-construction; Construction; and Operations and Management. All impacts

identified in Section 4 to be included in the same order as presented in Section 4.).

6.3. EMP Monitoring Table (Must be clearly presented in two parts: Construction; and Operations and Management. All monitoring of impacts and mitigation, minimization or avoidance measures identified in 6.2 to be included in this section.)

6.4. Reporting (Clearly summarized in terms of content, timing and responsibility. Any sample forms included as appendices, not in this section).

7. Conclusion

Short conclusion confirming that all potential impacts have been identified. Summarize the overall benefits of the project and confirm that any potential impacts can be avoided, mitigated or successfully managed.

Appendices or Annexes

These should be either: grouped together at the back of the document; or bound together as a separate document if too large. Appendices shall be compiled in a manner that follows the main report.

For example the appendix on **Information Disclosure, Consultation and Participation** should include the various community, provincial, municipal and national consultation records as separate parts under a single appendix(eg appendix 3.1, 3.2 etc).

SAMPLE TOC FOR ROADS AND DRAINAGE (MULTIPLE ACTIVITIES OVER A PROJECT AREA)

TABLE OF CONTENTS

This TOC is for Roads and Drainage. It includes some notes for the assistance of those responsible for preparing the report document(s).

1. **Executive Summary**
   Summary of the key points of note in both the Environmental Assessment and EMP parts of the report including roles and actions in design, construction and operations/maintenance.

2. **Background**
   Short description of Project. Concise and focusing on the main subprojects/components of the project (not a history of the development of the project, timeline etc).

   Application is made under EPCA. List other relevant legislation (tabular form is OK).

   NB 1 – The SEMP comprises 2 main parts: Environmental Assessment and EMP. The two parts of the SEMP should be clearly recognised throughout the text of the report and the appendices. *Appendices can be bound separately if required for ease of handling.* Appendices should contain the relevant technical reports referred to in the text of this TOC.

   NB 2 - The Environmental Assessment is a *detailed*, *site specific* assessment for each of the project components.

   NB 3 – For ease of assessment, please use consistent numbering and references to the different components of each of the sub-projects.

3. **Project Description**
   - 3.1. Introduction (clear descriptions of exactly what the project elements are and what is involved for each element, site locations, scale maps at A3 size showing project elements and, access, distance to housing or other facilities etc. Sub headings as required. Maps can be included as appendices)
   - 3.2. Design of project drainage elements. (soakaways, gross pollutant traps, design capacity, overflow paths, locations and design for each site. Please show on site map under 3.1 plus include any other design drawings showing capacity, treatment, drainage including stormwater, soakage fields etc. Design drawings can be included as appendices and referenced in the main text.)
   - 3.3. Current environment (physical, biological and socio-economic) and pre-construction land uses at the general project area where roads and drainage works are taking place and at specific sites where activities are to take place such as gross pollutant traps and for each soakaway site. Sub headings as required.)

3.4. Construction Activities (All activities involved in: a. Clearing or preparing each site, b. Construction, materials to be used, sources of materials, estimated construction force (numbers, timeframe), arrangements for community access when works are underway, waste management including materials extracted from drainage system etc., traffic management arrangements. Sub headings as required.)

3.5. Operations and Maintenance (All activities involved in O&M including likely requirements for maintenance and any resulting restrictions on land use etc. Sub headings as required.)

4. Environmental Impacts and Mitigation Measures

4.1. Introduction (Overview of activities, their impacts and potential impacts over the project cycle, ie pre-construction through to O &M.)

4.2. Construction

4.2.1. (All impacts both positive and negative for each work site on physical, biological and social/socio-economic elements of the environment need to be presented along with mitigation measures for each. These measures are then repeated in the EMP along with costs (if relevant) and timeframe for implementation etc.)

4.2.2. (Expect to see sub-sections covering traffic, noise, air quality, materials & storage, waste and waste management, drainage and water quality, hazardous chemicals, health and safety etc for the project area. Also social impacts identified for preconstruction / construction including any potential resettlement, negative impacts on economic activities such as closing of roads and access to businesses, disruptions to central market etc. Refer to all impacts in this section and then include any further reports or agreements to mitigate eg resettlement reports, TORs for traffic management and other relevant plans such as public communications etc as appendices).

4.3. Operations and Maintenance

4.3.1. (All impacts both positive and negative for drainage, gross pollutant traps and soakaways on the physical, biological and socio-economic elements of the environment need to be presented along with mitigation measures. These measures are then repeated in the EMP.)

5. Information Disclosure, Consultation and Participation

5.1. Provincial, Municipal and Community Level Consultation (Summary of meetings on environmental and social impacts with outline of key concerns and responses to those concerns. Meeting records and list of individuals as appendices only.)

5.2. National and Government Consultation *on this subproject only* (Summary of meetings on environmental and social impacts with key concerns and responses to those concerns. Meeting records and list of individuals as appendices.)

5.3. Project Communications Plan (Summary of main points and specific reference to the relevant section number of the PVUDP IEE.)

6. Environmental Management and Monitoring Plan

6.1. Grievance redress mechanism (This needs to be clearly described and any flowcharts for handling construction and operations stage complaints and issues to be clearly labeled and interpreted.)

6.2. EMP Mitigation Table (Must be clearly presented in three parts: Pre-construction; Construction; and Operations and Management. All impacts identified in Section 4 to be included in the same order as presented in Section 4.).

6.3. EMP Monitoring Table (Must be clearly presented in two parts: Construction; and Operations and Management. All monitoring of impacts and mitigation, minimization or avoidance measures identified in 6.2 to be included in this section.)

6.4. Reporting (Clearly summarized in terms of content, timing and responsibility. Any sample forms included as appendices, not in this section).

7. Conclusion

Short conclusion confirming that all potential impacts have been identified. Summarize the overall benefits of the project and confirm that any potential impacts can be avoided, mitigated or successfully managed. Please do not make any recommendations in this section.

Annexes or Appendices

These should be either: grouped together at the back of the document; or (preferably) bound together as a separate document for ease of handling if too large. Appendices shall be compiled in a manner that follows the main report.

For example the Appendix on **Information Disclosure, Consultation and Participation** should include the various community, provincial, municipal and national consultation records for the sub project as separate parts under a single Appendix (eg Appendix 3.1, 3.2 etc).

4.5 EIA Administration

Sections 2.2 and 2.5 of this manual include the main administrative activities DEPC undertakes for the EIA process under the EPC Act. These processes have been hampered by the lack of a shared drive in the department and so are not always followed by EIA Officers.

The templates for various stages of the EIA process included in the annexes to this manual provide the basis for consistent decision making and notification. The administration is the consistent tracking and monitoring of applications for environmental permits.

The documents in this annex are examples of current preferred practice and include the proposed EIA filing structure (as prepared by AVID volunteer Kate McPherson in collaboration with DEPC Officers) agreed in August 2014.

As access to the shared database has only just been created (mid November 2015) it is hoped that the Database and all active applications etc can be filed and updated on the shared drive in line with the August 2014 proposed filing structure.

The Excel spreadsheet used for tracking applications was too large for inclusion as an Annex.

Proposed Environmental Impact Assessment (EIA) filing structure

Aims:

From Monday 11 August 2014:

1. All Preliminary Environmental Assessment (PEA) Application forms will be recorded in the EIA database
2. The responsibility for the EIA database will be shared between the Support Services Division and the Environmental Planning and Assessment Division
3. All documentation for an EIA project will be filed together in one file (a project file)
4. Each project file will have a unique reference number
5. Electronic records will be filed in folders with the same reference numbers as the hard copy files
6. Project records can be found easily using the details in the EIA database, hard copy and electronic copy files

Filing codes:

All EIA related matters will be filed with a: Section reference > Category code > Individual project number and year.

The section reference for all EIA related matters (other than compliance) is 'ENV304'. Compliance matters have a separate section reference.

The category codes for EIA relate to the activities in schedule 1 of the *Environmental Impact Assessment Regulations* and are:

Category code	**Category name**
TOU	Tourism development
FORE	Foreshore development
IND	Industrial development
MIN	Mining/quarry
LOGG	Logging
RET	Retail/wholesale developments
AG	Agriculture projects
AQ	Aquaculture projects
TR	Transportation and telecommunication
ER	Energy generation facilities
WA	Waste disposal facilities
SUB	Subdivisions
HE	Health facilities
REC	Recreational facilities
CH	Churches etc.
OTH	Other
CON	Registration of consultants

Individual project numbers and years are linked to the category codes.

For example, on 11 August 2014 the Department of Environmental Protection and Conservation received four PEA applications. The first one was to construct a hotel. The second one was to build a wharf. The third one was to develop a quarry and the fourth one was to construct a new resort.

Using the categories above, the filing index reference numbers for the projects would be:

Project 1: ENV304/TOU/001-14

Project 2: ENV304/FORE/002-14

Project 3: ENV304/MIN/003-14

Project 4: ENV304/TOU/004-14

Inside each project file would be all the details and correspondence about the project including the:

- PEA application and supporting documents (e.g., plans, designs, lease documents etc.)
- PEA reports and determinations
- Terms of reference and EIA reports
- Submissions on EIA report (e.g., letters from concerned residents)
- Public consultation notice and meeting minutes
- Review committee minutes and recommendations
- Director's decision