

Environmental Impact Assessment Regulations 2010

Guidelines for completing Form 1

Determination of category of assessment

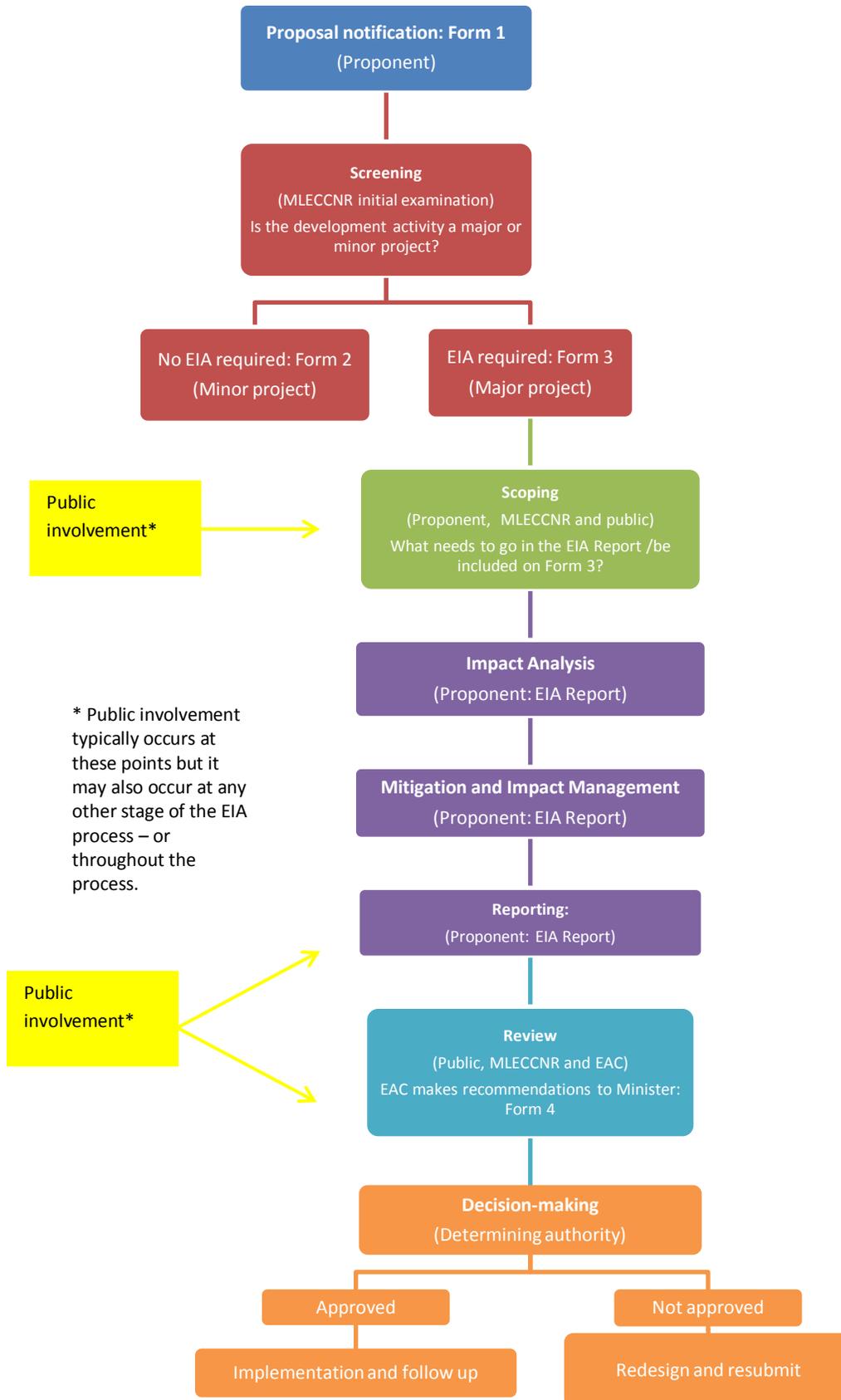
Background: What is Form 1?

Form 1 is part of the Tongan Government's Environmental Impact Assessment (EIA) framework.

EIA is a procedure for evaluating the likely impact of a proposed development activity on the environment. The object of an EIA is to provide decision-makers with information about the possible environmental effects of a development activity so that they can make an informed decision about whether the activity can proceed.

In Tonga, the environmental impact of a development activity is assessed by the Ministry of Lands, Environment, Climate Change and Natural Resources (MLECCNR) in accordance with the *Environmental Impact Assessment Act 2003* (the EIA Act) and *Environmental Impact Assessment Regulations 2010* (the EIA Regulations). Under this legislation MLECCNR needs to determine whether your development activity is a major or minor project. Form 1 provides MLECCNR with the information needed to do this.

Lodging your Form 1 is the first step in the EIA process and is how you notify MLECCNR about your proposed development activity. The diagram below shows the major steps in the EIA process.



What do I need to include on Form 1?

Form 1 asks you for 10 pieces of general information. A copy of Form 1 is included at the end of these guidelines.

The guidelines below provide:

- A summary of what you need to do
- Some questions for you to think about when filling in your Form 1. Your answers are what you should include on your Form 1.
- Examples of the type of information you should include on your Form 1

1. Full description of the proposed activity/development and its costs

This is an overview of your development activity so:

- Describe what you are proposing to do
- State the cost of what you are proposing to do

For example, you want to build a new house. To describe this activity you should include information that answers these questions:

- What will the house be made of?
- How big will the house be?
 - How many stories is it?
 - How many bedrooms will it have?
- Will the house be connected to town water and power?
- What size septic tank will be installed?

Example: It is proposed to construct a one level, three bedroom house. The house will be connected to town water and power and be made of concrete masonry blocks with corrugated iron roofing. Activities involve the construction of a septic tank (size 2) and the installation of a rainwater tank. The building is approximately 243m² and is estimated to cost TOP \$243, 000.

2. Location of the proposed activity and of any associated developments

Describe where your development activity will be. Include details of the village and the island/island group.

3. Full description of the existing environment of the sites and their relationship to existing adjoining uses or habitation; in particular details of any significant physical, biological, social or cultural heritage items which may be affected by the proposed development or activity

This is where you explain what is currently happening on the site you want to develop and what is happening in the areas nearby.

Look at your proposed site and the surrounding environment:

- What is the site currently used for?
- What is on your proposed site?
 - Is there vegetation? What type of vegetation? Do any animals live in the vegetation? For example, is the site a grassy block of land or a site with a number of coconut trees?
 - Are there existing buildings? What type of buildings? What condition are the buildings in? What are the buildings used for?
 - Is there any existing infrastructure?
 - Does the site flood when it rains?
 - Are there any cultural heritage sites/items?
- What is around your proposed site? What type of area is your site in?
 - Is it in a residential area, an industrial area, a coastal area, an area that hasn't been developed before? What type of buildings are in the area?
 - Is it near the ocean or lagoon?
 - Is it close to any fishing grounds?
 - Is it close to any items of cultural heritage?
 - Is it used for social gatherings or sporting activities?

4. Timing of design, construction and operation of the development

Tell us about the timeline for your development activity.

- Have you finalised the project design? If not, when will the design be finalised?
- When will you start construction?
- How long will construction take?
- When will construction finish?
- How long will the development operate for?

5. Estimated type, source and volume of any materials to be used in the construction and operation of the development; and proposed demand for utility services

Think about your development activity. What does it involve?

- What materials do you need to construct your development? What materials are needed for the ongoing operation of the development?
- Where will you get the materials from? Locally or overseas?
- Will your development activity produce any waste? When will the waste be produced – during construction, operation or both?
- How will you dispose of the waste?
- Will you need access to water?
- How will you get water? Do you need to be connected to the town water supply?
- Do you need electricity?
- How will you get electricity? Do you need to be connected to the electricity grid?
- Do you need an internet connection or phone line?
- Do you need access to any other services?

6. Any plant or animal species to be introduced which are not native to Tonga

Will you be introducing any plants or animals?

7. Any likely solid, liquid or gaseous emissions from the activity/development, whether or not totally contained upon site

Will your development activity produce solid, liquid or gaseous emissions? What type of emissions?

Examples:

- a coal-fired power station emits carbon dioxide.
- A mechanic's workshop collects oil and car parts.
- A drainage system will ultimately discharge waste water.

For many development activities this question is linked to the disposal of waste. You need to consider whether your development activity is likely to pollute the environment.

8. Likely noise generated by the development, and assessment of likely increases in traffic flow

This question has two parts. The first part is a general question about the noise that will be produced by your development activity. This includes any construction noise as well as any ongoing noise associated with the type of development.

- Based on the nature of your development activity and the materials you will need, what type of noise will be made during construction?
- How much noise?

The second part is a more specific question about noise associated with any changes in the amount of traffic on the roads surrounding your proposed site. This needs to be addressed because the construction of a development activity means that a number of people will need access to the development site. For example, builders will be working on site and there may be deliveries of materials.

- How will your project change the amount of people driving on the nearby roads?
- How many more people are going to be driving on the nearby roads as a result of your development activity?
- When will there be more people on the road? Just in the morning and afternoon or will there be lots of traffic coming in and out of your site all day?
- Will any changes to traffic flow just be for a certain period of time or for the life of the project? During construction and operation?

9. Employment likely to be generated by the activity/development, and contribution (if any) to the local or national economy

- Will your development activity employ any people?
- How many people will the development activity employ during construction?
- How many people with the development activity employ during operation?
- Will the employees be local people or will they be coming from overseas?
- How else will your development activity contribute to Tonga’s economy?

10. Assessment of anticipated environmental risks and impacts, and measures to be taken by the proponent to mitigate the same

The previous nine questions have made you think about your development activity and what you will be doing. The result of this process should be a list of the possible environmental risks and impacts associated with your development activity. This section is where you summarise these impacts and what you propose to do about them.

Think about including the information in a table like this:

Activity	Risk/impact	Mitigation measures
Example: Clearing vegetation	Removal of vegetation Possible soil erosion	No mitigation measures are necessary as only one small tree will be removed. The site is otherwise grassy so there is little risk of soil erosion.
Example: Clearing vegetation	Removal of vegetation Loss of biodiversity Possible soil erosion	The sites adjacent to the proposed site have vegetation similar to that proposed to be removed. It is proposed to remove only those trees necessary to pour the concrete slab. This will leave a strip of vegetation approximately 15m wide that will connect the vegetated areas and reduce the risk of soil erosion.
Example: Stockpiling sand for	Dust emissions Sedimentation of adjacent	Place stockpile away from the reef (i.e., on the other

Activity	Risk/impact	Mitigation measures
construction of a building	reef if sand is washed away during storms	side of the site). Ensure the stockpile is covered so that it won't be affected by wind and rain. Create settling ponds to trap any sediment that washes towards the reef.
Example: Construction of a jetty	Stir up sediment in the water	'Fence' the area around the construction site with a sediment curtain. This will contain the sediment plume, minimising the area affected.
Example: Construction in residential area	Noise pollution	Only undertake construction between 9am and 5pm.
Example: Collection of waste oil	Oil spill	Collect oil in sealed containers stored in a bunded area. Erect warning signs.
Example: Construction of a workshop that will service air conditioners containing ozone depleting substances.	Release of ozone depleting substances into the atmosphere	Obtain permits required under the <i>Ozone Layer Protection Act 2010</i> and ensure employee's training is up to date.

Is there a fee associated with Form 1?

Yes, Form 1 has a \$10 registration fee. This fee needs to be paid when you lodge your Form 1. MLECCNR will not assess your application until the fee has been paid.

How do I submit my completed Form 1 and pay the registration fee?

There are two ways you can submit your completed Form 1. To find out which way you need to use you need to work out if your development activity needs a building permit or an authorisation from another ministry.

1. I need a building permit or authorisation from another ministry

Most development activities involve works that require a building permit from the Ministry of Infrastructure (MOI). If this is the case, the EIA process has been designed to work with the building permit application process so that you can lodge all your documents together.

To start the process you need to lodge your building permit application and Form 1 with MOI. MOI will then undertake a preliminary appraisal of your application and require all or part of the building permit application fee to be paid.

When MOI has finished their preliminary appraisal they will contact you. Generally, you will need to go and pick up your building permit application (including Form 1) and deliver it to MLECCNR.

Delivering your application to MLECCNR involves two steps.

1. Paying your \$10 registration fee to the accounting officers at the Lands Office. The accounting officers will issue you a receipt.
2. Delivering your application to the EIA Unit at the Environment Office. The EIA Unit will check that a Form 1 is attached to your building permit application and photocopy your receipt.

If you don't need a building permit application but do need another type of permit, the same process applies. That is, you should lodge your Form 1 with your other permit application. The other ministry will then assess your application and either contact you to collect your application for delivery to MLECCNR or refer your Form 1 to MLECCNR. If the other ministry refers your application to MLECCNR, MLECCNR will contact you to arrange payment of the \$10 registration fee.

2. I don't need any other permits at this stage

If you don't need any other permits you may deliver your Form 1 to MLECCNR directly.

Delivering your application to MLECCNR involves two steps.

1. Paying your \$10 registration fee to the accounting officers at the Lands Office. The accounting officers will issue you a receipt.
2. Delivering your application to the EIA Unit at the Environment Office. The EIA Unit will check that you have used the correct form and photocopy your receipt.

What does MLECCNR do with my Form 1?

Once MLECCNR has received your Form 1 it is assessed against the criteria in the EIA Act and EIA Regulations. MLECCNR uses this assessment to determine if your development activity is a minor or major project. If your project is a minor project, MLECCNR will issue you with a Form 2. If your project was notified to MLECCNR via another ministry you might receive Form 2 as an attachment to your other approval.

If your project is a major project, MLECCNR will issue you with a Form 3 and explain the next steps of the EIA process to you.

Who can I contact if I have any questions?

Lesieli Tuivai: Ecologist and Environmentalist, EIA Unit, MLECCNR

Mafile'o Masi: Senior Environmentalist/Acting Head of Environment Division, MLECCNR