### 2.0 TERMS OF REFERENCE

This chapter provides the endorsed Terms of Reference (TOR) for the proposed project. The TOR endorsement letter from the DOE is as attached in **Appendix I**.

### 2.1 Introduction

This Terms of Reference (TOR) is written as part of the preparation for an Environmental Impact Assessment (EIA) for:

# THE PROPOSED "PENAMBAKAN KAWASAN LAUT SELUAS 400 EKAR UNTUK CADANGAN PEMBANGUNAN BERCAMPUR-CAMPUR, KAWASAN BANDAR XLVI, DAERAH MELAKA TENGAH, MELAKA SECARA PENSWASTAAN UNTUK YAYASAN MELAKA".

The TOR is prepared prior to the preparation of the EIA report in accordance with the latest EIA guidelines issued by the Department of Environment (DOE). The purpose of the TOR is as follows:

- i. To describe, and provide details of, the scope and major project work components of the project;
- ii. To list and describe, in detail, potential significant environmental impacts that can arise by the project works or components in the EIA;
- iii. To study, analyse and describe alternatives measures or methods that will eliminate, ameliorate or mitigate these impacts;
- iv. To list out standards, criteria, methodologies etc. that will be used to assess the environmental impacts to be investigated; and
- v. To outline possible mitigation measures or best management practices from similar projects that may be used to address the environmental impacts on this project.

# 2.2 Project Initiator

This Project is initiated by Yayasan Melaka. Any enquiries regarding the Project may be directed to:

### YAYASAN MELAKA

No.40 - 48 & 52, Jalan BKD 27, Taman Bukit Katil Damai 2, 75450 Bukit Katil, Melaka, Malaysia

(Attn: Pn. Azlinah binti Aziz)

Tel / Fax: 06-2311822 / 06-2311307

# 2.3 Project Consultants

An environmental study team comprising of multi-discipline specialists has been appointed to carry out the Environmental Impact Assessment (EIA) Study. The team will be led by **Gopinath Nagaraj**, an EIA Consultant registered with the Department of Environment (DOE Reg. No. CS0474). Enquiries and correspondence pertaining to this report can be made to:

### CIRI SELASIH SDN. BHD. (Co. Reg. No.: 372321-V)

No. 40, Jalan TU 40,

Taman Tasik Utama,

75450 Ayer Keroh, Melaka.

(Attn: Datuk Ir. Othman Abdul Rahim)

 $Tel / Fax : 06 - 253 \ 4005 / 06 - 231 \ 0895$ 

E-mail : ciriselasih@gmail.com

**Table 2.1** shows the list of team members who will be involved in the EIA study.

**Table 2.1: List of EIA Team Members** 

N	01:6:4:-	Registration With DOE				Proposed Study Area
Name	Qualification	Category	Area/ Field	ID. No.	Valid Date	
A. EIA STUDY TE	AM LEADER					
Gopinath Nagaraj	Certificate in Fish Hatchery Management, BSc (Aquatic Biology), Master in Aquaculture	EIA Consultant	<ul> <li>Fisheries</li> <li>Ecological Studies (Marine &amp; Freshwater Ecology)</li> <li>Aquaculture</li> </ul>	CS0474	1 October 2019	• Fisheries & Aquaculture
B. EIA CONSULTA	ANT / SUBJECT CONSU	ULTANT				
Datuk Ir. Othman bin Abdul Rahim	B.Sc (Hons) Civil Engineering	EIA Consultant	<ul><li>Hydrology</li><li>Water Quality</li></ul>	C0006	31 July 2019	Hydrological Regime     Water Quality
Puvanesuri Sandera Sagaren	Master of Environment B.Sc (Hons.) Aquatic Biology	EIA Consultant	<ul> <li>Ecological Studies         (Freshwater &amp; Marine</li></ul>	CS0956	30 November 2020	Aquatic Ecology
Ms. Ng Shu Chin	M.Sc (Sanitary and Environmental Engineering), Certified Professional in Erosion & Sediment Control (CPESC No. 6585)	EIA Consultant	Hydrology     Water Quality	C0270	31 July 2019	Water Quality
Prof. Dr. Mohd Shahwahid Haji Othman	BS (Forestry), MA (Economics), MS (Resource Management & Policy), PhD (Resource Management & Policy)	Subject Consultant	<ul> <li>Economic Valuation /         Economic Analysis</li> <li>Social Impact         Assessment</li> </ul>	SS0523	9 April 2021	Social Impact     Assessment

N	Qualification	Registration With DOE				Proposed Study Area
Name		Category	Area/ Field	ID. No.	Valid Date	
Prof. Dr. Capt. Mohd Ibrahim Hj. Mohamed	PhD (Marine), M.(Marine Affairs)	EIA Consultant	<ul><li> Maritime Studies</li><li> Marine Studies</li></ul>	SS1054	31 March 2020	• Marine Traffic Assessment
C. EIA ASSISTAN	T CONSULTANT					
Norhayati Sabudin	B.Sc (Fishery Science)	Assistant Consultant	<ul> <li>Ecological Studies         (Marine &amp; Freshwater         Ecology)     </li> <li>Aquaculture</li> </ul>	AC1050	Not applicable	• Fisheries & Aquaculture
Faizah binti Othman	B. Eng (Hons) (Chemical Engineering)	Assistant Consultant	<ul><li>Water Quality</li><li>Wastewater</li><li>Chemical &amp; Industrial Processes</li></ul>	AC1321	Not applicable	Water Quality

# 2.4 Project Description

The project is located at Kawasan Bandar XLVI, District of Melaka Tengah, Melaka. The nearest landmark is Sekolah Henry Gurney, located at the northwest of the site. **Figure 2.1** shows the location of the project site.

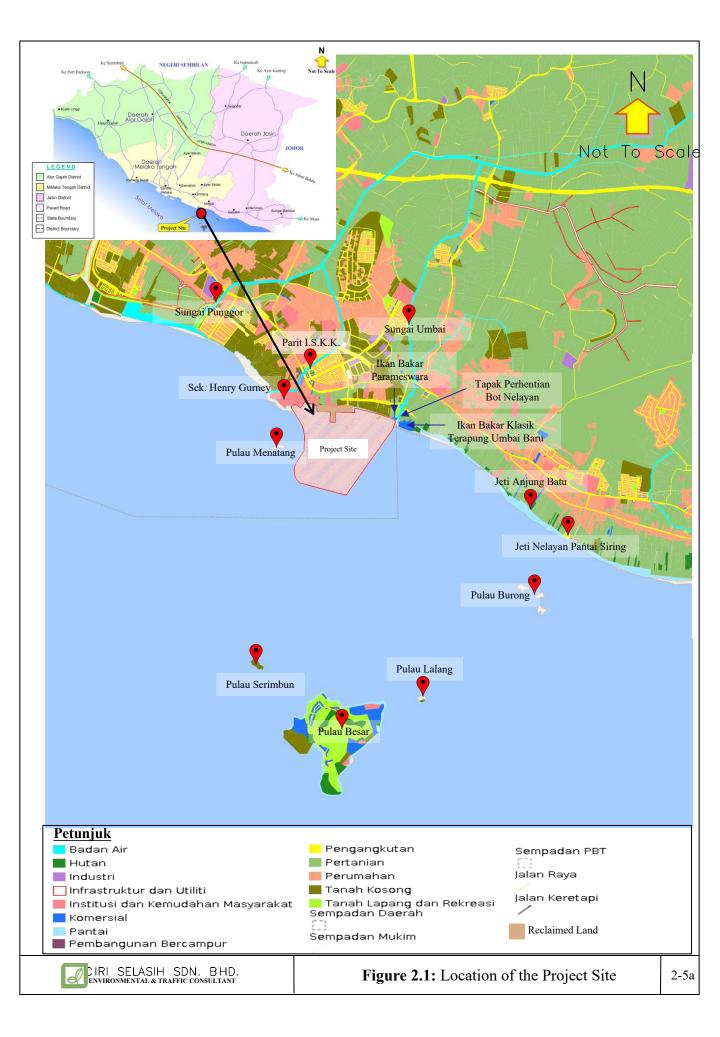
Yayasan Melaka intends to reclaim 400 acres (161.87 hectares) of the sea at the proposed location. The overall layout is as shown in **Figure 2.2**.

Since the proposed project is a prescribed activity that falls under Activity 7(a) i.e. coastal reclamation or land reclamation along river banks involving an area of 50 hectares or more in the Second Schedule, Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order 2015, the project proponent is required to prepare and submit an Environmental Impact Assessment (EIA) report to ensure the EIA is undertaken, consonant with the protocols established by the Director General of the Department of Environment (DOE), Malaysia.

### 2.5 Scope of Project

The works that will be involved in realising the proposed project includes the following:-

- i. Pre-survey works and site preparation;
- ii. Land acquisition for access;
- iii. Environmental mitigation works;
- iv. Reclamation works;
- v. Revetment works; and
- vi. Post survey works.



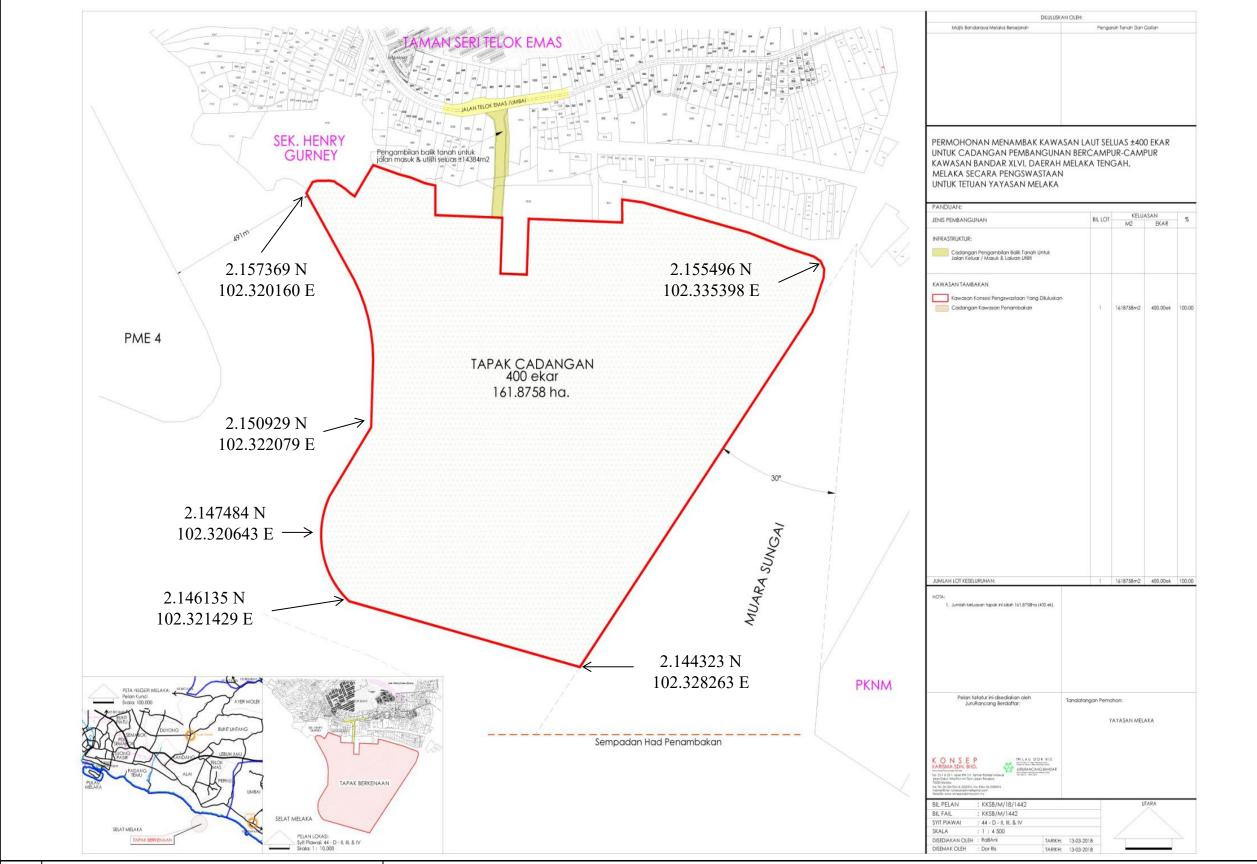


Figure 2.2: Overall Layout Plan

### 2.6 Alternative Consideration

This section shall outline alternative solutions which will be studied or described to justify that the project will result in the least environmental impacts. The following are options that will be taken into consideration and will be further detailed out in the EIA:

- i. No-Project option a comparison between "No-Project" and "With-Project" will be done to see the impacts and the advantages / disadvantages of having the project;
- ii. Sand source option to study the most suitable sand source and the route to be used;
- iii. Structural measures for coastal protection option to consider the best structural measures which can be implemented to protect the coastal area; and
- iv. Reclamation method to study the most suitable reclamation method to be adopted given the environmental conditions at the site.

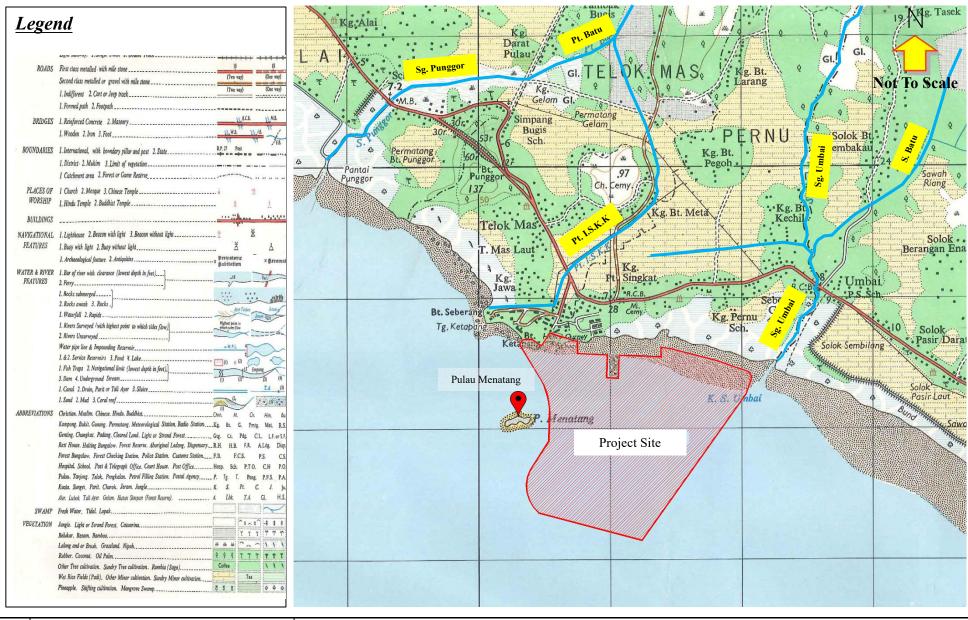
The outcome of the Hydraulic Study will also be included in the EIA Study.

# 2.7 Significant Environmental Impacts & Study Boundaries

The potential impacts to be studied and detailed out in the EIA report are as follow;

**Table 2.2: Potential Impacts** 

No.	Potential Impacts	Description		
1.	Erosion of	Instability of the reclaimed banks might occur and will lead to		
	coastal /	banks erosion. Detail explanation on this issue will be deliberated		
	reclaimed banks.	in the EIA report.		
2.	Hydrological	The proposed project can impact on the flow of nearby rivers i.e.		
	regime	Sg. Punggor and Sg. Umbai as well as nearby islands such as Pulau		
		Menatang as shown in Figure 2.3. The impacts of the proposed		
		development to the nearby islands / rivers and their tributaries shall		
		be studied and deliberated in the EIA report.		
3.	Solid waste	Expected to be generated during the construction phase i.e. during		
		construction of structures for coastal protection.		
4.	Scheduled waste	Generated from the usage of oil / chemicals for construction /		
		operation (including machineries / equipment mobilization)		





No.	Potential Impacts	Description
		purposes.
5.	Water quality	<ul> <li>Changes in water quality due to the dispersion of silt during the reclamation activities.</li> <li>Increase in turbidity.</li> <li>Changes in water quality due to the potential contaminated discharges from the project site.</li> </ul>
6.	Air quality	Expected to be impacted during construction phase. A baseline monitoring will be conducted to determine the existing air quality at the site before the project starts.
7.	Noise level	Expected to arise during reclamation works and construction of relevant structures at the site. A noise level monitoring will be done to obtain baseline data for the existing condition at the site.
8.	Land traffic	During the reclamation activities and construction of the structural protection for coastal, the construction traffic including mobilisation of machineries and equipment will affect the tranquillity of the nearby area especially during mobilisation of equipment / machineries.
9.	Marine traffic	Additional vessels are expected during the reclamation activities and construction. Consequently, the marine traffic movement is expected to increase in the vicinity of the Project area, impacting the existing marine traffic including fishing traffic and daily service ferries at the nearby jetties. Hence, a marine traffic assessment shall be conducted to assess any impact of the project activities on traffic safety and navigational activity resulting from the proposed activities.
10.	Socio-economy	During the reclamation activities and construction of the structural coastal protection, local community may have perceptions on impacts of air and noise quality, tranquillity of the nearby area and disturbance and degradation to fishing activities. Impacts on health will also be studied based on secondary resources available. Local community perception survey and focus group discussions will be undertaken.
11.	Aquatic Environment, Fisheries and Aquaculture	Land reclamation activities and accompanying activities such as construction of coastal protection structures can have adverse effects on the marine environment, particularly the coastal and near-shore habitats within the impact zone e.g. estuaries (Sg. Punggor and Sg. Umbai), coral reefs (Pulau Besar) and mudflats as well as species occurring in these habitats e.g. fish and invertebrates (shrimp and crabs).  Another most significant impact of reclamation works would be the deterioration of water quality due to increased suspended sediment caused by dispersion of sediment particles. This in turn could

No.	Potential Impacts	Description
		retard primary productivity and by extension, the rest of the marine food web.  Sediment communities are expected to be permanently lost where land is reclaimed from the sea. Where the reclamation footprint is concerned, there is little scope for mitigation measures to totally ameliorate much of this loss. It is critical, therefore that the area being developed be carefully assessed with respect to the resources that it supports, and mitigation measures taken to reduce the negative impacts of the proposed project.
12.	Abandonment	The abandonment of the proposed project would definitely create an adverse impact on the environment as well as the local populace. The impact severity shall be further deliberated in the EIA.

The landuse surrounding the project shall cover a radius of 5km from the project site. The study shall also cover the impact from the project to the neighbouring area / activities as well as the impact from the neighbouring area / activities to the project. This shall include fishing activities, recreational fisheries nearby, Medan Ikan Bakar Umbai, recreational / tourism activities at Pulau Melaka, Environmental Sensitive Areas (ESA) as well as potential projects to be developed by KAJ Development Sdn. Bhd. and Perbadanan Kemajuan Negeri Melaka (PKNM) at the west and east of the project site respectively.

### 2.8 Assessment Standards & Methodologies

Table 2.3: Summary of Assessment Standards & Methodologies

No.	Items	Assessment Standards & Methodologies
1.	Landuse,	Site visit.
	Topography & Geological Character and Meteorology	<ul> <li>Secondary resources (topography maps, Google Earth / Map, Local Plans etc.)</li> <li>Meteorological data from Batu Berendam Meteorological Station.</li> <li>Study on the geology of the site will only be done using secondary resources. However, registered geologists have already been appointed by the Civil Engineering consultant to study the settlement behaviour of the reclaimed land. This more</li> </ul>

No.	Items	Assessment Standards & Methodologies
		detail study shall be done later during the Soil Investigation (SI) and is not part of the EIA Study. The appointed registered geologists for the proposed project are Muhammad Farhad bin Ramli (Contact No.: 012-3790384) and Muhamas Aidil bin Mustafa (Contact No.: 017-3966732).
2.	Coastal Erosion & Hydrology	<ul> <li>Site visit.</li> <li>Secondary resources (topography maps, Google Earth / Map, Local Plans, <i>Manual Saliran Mesra Alam</i> (MSMA) etc.)</li> <li>Hydraulic study findings.</li> </ul>
3.	Solid Waste & Scheduled Waste	DOE and SWCorp guidelines / regulations.
4.	Water Quality Assessment	<ul> <li>Sets of water samples taken will be used as reference to establish the baseline profiles.</li> <li>Parameter analysed will be based on <i>Malaysia Marine Water Quality Criteria and Standard (MWQCS)</i> and <i>National Water Quality Standard For Malaysia (NWQSM)</i>.</li> <li>Calculation of Marine Water Quality Index (MWQI) to indicate the classes of existing marine water quality.</li> </ul>
5.	Air quality	<ul> <li>Data collection i.e. air quality sampling. The measurement of Total Suspended Particulate (TSP) shall be carried out in accordance to the ASTM D4096 method.</li> <li>The monitoring results will then be compared to the standard as specified in Malaysian Recommended Environmental Air Quality Guidelines.</li> </ul>
6.	Noise level	$ullet$ Data collection i.e. noise level measurement. The parameters to be tested include $L_{eq}$ , $L_{Max}$ $L_{Min}$ and $L_{N}$ of the A – weighted sound level. The results will then be compared with the standard as specified in Schedule 1 in Annex A of The Planning Guidelines For Environmental Noise Limits and Control.
7.	Land traffic	• Traffic count survey will be conducted to determine the existing traffic volume and to analyse the road capacity nearby the project site.
8.	Marine traffic	<ul> <li>Site visit</li> <li>Primary and secondary data collection including vessel traffic data, type of vessel and traffic density data, vessel traffic in related ports and harbours, fishing traffic and vessel accident data.</li> <li>Data analysis of marine vessel activity along route, traffic volume, vessel traffic volume for the past 5 years (if available).</li> </ul>
9.	Social Impact Assessment (SIA)	<ul> <li>Site visit</li> <li>Involve both secondary data and surveys to be conducted to identify the key stakeholders and their socio-economic profile</li> </ul>

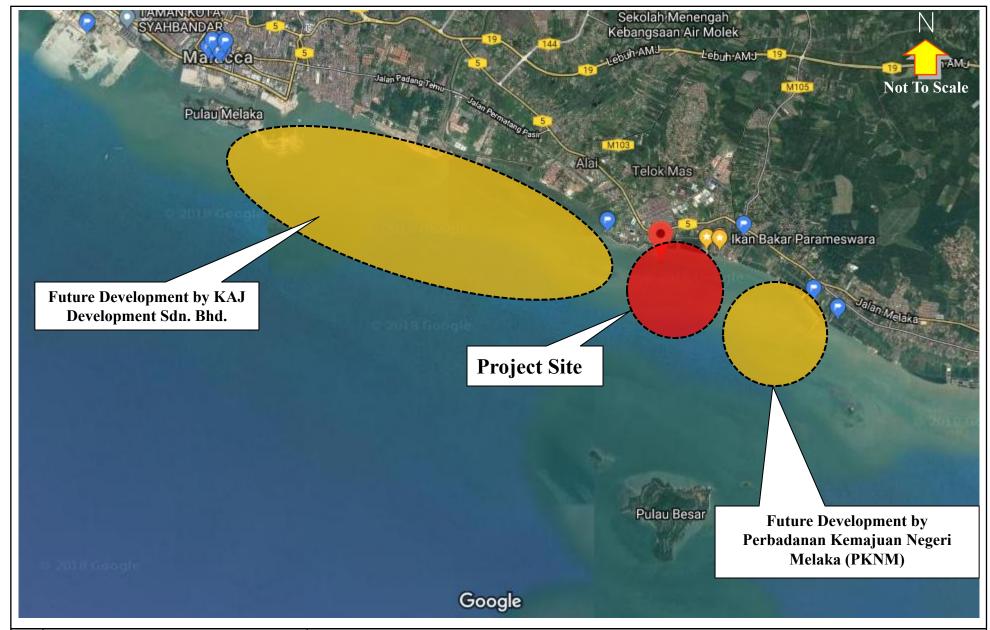
No.	Items	Assessment Standards & Methodologies
		as well as to gather their initial feedback, opinions or views
		about the development proposal.
		Public Stakeholders Consultation Meetings with targeted groups
		via public meetings and discussions will also be conducted as
		part of the study.
		Secondary resources to be used to study health impacts.
10.	Aquatic	Site appreciation.
	Environment,	Primary data collection including assessment of:
	Fisheries and	- Marine biological resources (plankton, macrobenthic, fish
	Aquaculture	fauna and coral reefs)
		- Coastal vegetation particularly mangroves
		- Marine fauna particularly turtle landings
		- Capture fisheries, aquaculture and recreational fisheries
		• Meeting and discussion with officers from Melaka State
		Department of Fisheries.
		• Secondary data collection from various sources, including
		literature review of existing data, reports (published and
		unpublished), records and other secondary sources with respect
		to the study area.

# 2.9 Consideration of Concurrent Projects

There is no on-going development at the immediate surroundings of the site. However, the western area and the eastern area of the site will be developed by KAJ Development Sdn. Bhd. and Perbadanan Kemajuan Negeri Melaka (PKNM) respectively (refer to **Figure 2.4**). The preliminary studies of these projects are currently on-going. The potential impact arising from the project site to the neighbouring potential projects and vice versa will be assessed.

## 2.10 Study Timeline

The study inclusive of the Hydraulic Study, the TOR and the EIA is expected to be completed within 30 weeks. **Figure 2.5** shows the timeline detail breakdown:



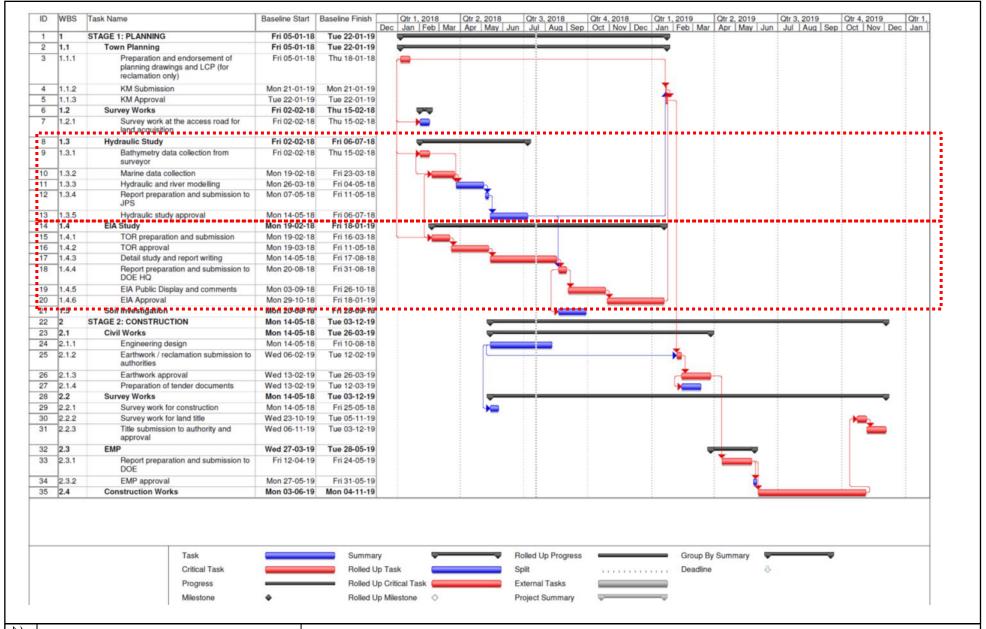


Figure 2.5: Hydraulic and EIA Study Timeline

# 2.11 Possible Mitigation Measures

**Table 2.4: Possible Mitigation Measures** 

Issue	Possible Mitigating Measures / Best Management Practices (BMPs)
Coastal / reclaimed banks erosion	<u>During construction phase</u>
	Conduct shoreline monitoring before and during the construction period.
	2. Provide coastal protection structures / system.
	During operational phase
	During operational phase
	1. Conduct shoreline monitoring after the construction period.
Hydrological regime	<u>During construction phase</u>
	Impact of hydrological regime is negligible.
	2. All waterways (drains or streams) at the existing coastline shall be maintained and outlet extension of the drainage shall be
	constructed to ensure flow is not hindered or reduced.
	During operational phase
	1. All outlets structure constructed shall be maintained to ensure flow is not hindered.
Solid waste	<u>During construction phase</u>
	1. Waste generated from the reclamation activities and from the workers camp (if any) shall be collected and disposed off at the approved landfill site.
	2. Inspection shall be done weekly to detect any improperly managed waste.
	3. Water monitoring shall be done monthly to ensure that stipulated limits are complied to.
	<u>During operational phase</u>
	No solid waste will be generated.
Scheduled waste	During construction phase
	<ol> <li>Scheduled wastes produced during construction must be kept at a specific area before being transported. This area shall follow the requirements stated in the Guidelines for Packaging, Labelling and Storage of Scheduled Wastes in Malaysia.</li> <li>The scheduled wastes shall be transported by a DOE licensed contractor, before being disposed at a prescribed site.</li> <li>Inspection of the scheduled waste storage area must be periodically done.</li> <li>An Emergency Response Plan must be prepared and followed in case of spillages.</li> </ol>

Issue	Possible Mitigating Measures / Best Management Practices (BMPs)
	During operational phase
W-4	No scheduled waste is expected during operational phase.    During accounting of the property of the prop
Water quality	<u>During construction phase</u>
	1. Construct dykes, bunds, culverts to control water.
	2. Proper dredging techniques.
	3. Control of dredging rate.
	4. Use of unpolluted fill material.
	5. Perimeter bunding during reclamation.
	6. Install silt curtain to control the dispersion of sediment.
	7. Provide adequate temporary sanitary facilities away from watercourses.
	8. Monitor surface water quality.
	During operational phase
	Structural works maintenance (revetment).
Ambient air quality	During construction phase
	1. Proper approach on transporting construction material (revetment materials).
	2. Proper method and environmental friendly material.
	3. Maintenance of the machineries (including barges, ships etc.) used for the project.
	During operational phase
	1. The road to the project site shall be fully paved to reduce air pollution from the dust from the earth.
Noise Level	During construction phase
	1. Limit working hours to daylight hours only and construction activities are not allowed on rest day.
	2. Controlling the speed of the vehicles entering the project site.
	3. Proper maintenance of machineries used.
	4. Hoarding shall be placed at proper locations not to disrupt the serenity of the residential areas.
	During operational phase
	1. This impact is not expected to be significant.
	1. This impact is not expected to be significant.

Issue	Possible Mitigating Measures / Best Management Practices (BMPs)
Land Traffic	During construction phase
	<ol> <li>Haulage activities, material transportation and heavy vehicles ingressing and egressing the site to be scheduled away from the commuter peak hours.</li> <li>The allocation of warning signboards as a warning of heavy vehicles access and egress shall also be adopted at the road near to the entrance of the project site during construction stage.</li> </ol>
	During operational phase
	1. Land traffic is expected to increase with the improved facilities. Nevertheless, this impact is not expected to be significant after completion of the reclamation works until the reclaimed area is developed into commercial, residential or tourism projects.
Marine Traffic	<u>During construction phase</u>
	1. All dredgers and support vessel must be approved by the Marine Department of Malaysia including crew and fitted with Automatic Identification System (AIS) and DDMS (Dredging and Dumping Monitoring System) to record traversing path and to avoid any collision.
	2. Vessel operating in the Melaka Port limits must adhere to the port limit rules.
	3. Vessels shall be maintained frequently to prevent unnecessary breakdown
	<ul> <li>4. Supporting vessels, tug boats and tankers shall follow planned route to minimize disturbance to normal traffic in the area.</li> <li>5. Project vessel to proceed at slow speed when encountering fishing or ferry boats to avoid capsizing them and keep a lookout for fishing gear to avoid damaging them.</li> </ul>
	During operational phase
	1. Marine traffic may increase once the reclamation is completed, depending on the type of development on the reclaimed land. Thus, a special delineation of the limited space, route direction timing and speed control may be required to avoid conflict of users once the topside development is completed at present not determined.
Socio-economy	During construction phase
	<ol> <li>Timing of reclamation activities has to be limited to day time so as to minimise impact of noise pollution especially at night time.</li> <li>Fishing trails and grounds are expected to be affected. Proper marine traffic has to be implemented so as not to endanger fishermen boat traffic. Any increase in travel time and fuel cost have to be compensated.</li> <li>For land traffic, haulage activities, material transportation and heavy vehicles ingressing and egressing the site has to be scheduled not during commuter peak hours. Adequate warning signboards as a warning of heavy vehicles are needed.</li> </ol> <u>During operational phase</u>
	1. No impact is foreseen, not until the reclaimed area is developed.

Issue	Possible Mitigating Measures / Best Management Practices (BMPs)
Aquatic Environment, Fisheries and	<u>During construction phase</u>
Aquaculture	
	1. Installation of Fish Aggregating Devices (FADs) for Artisanal and Recreational Fishing. The installation of FADs would enable aggregation of fish stocks, which, in turn, would reduce the cost of fishing.
	2. Installation of habitat enrichment infrastructures. These would be infrastructure that would protect and enhance existing habitats, enabling fish stocks to recover from the reclamation to some extent.
	3. To reduce the impact on water quality, silt curtains should be installed at appropriate locations around working site. The silt curtain will retain mud particles within its confines. In addition, discharging of slurry within the near shore area as well as environmental sensitive areas (ESAs) should be strictly prohibited.
	4. Dredgers should be confined to specific navigation channels that are clearly marked. This would prevent them from conflicting with fishing boat traffic.
	5. Alternative jobs should be offered with priority given to fishermen who wish to seek alternative livelihood.
	6. Suitable compensation should be provided for the fishermen.
	During operational phase
	1. Due to potential decline of fish catch, the project should prioritize alternative jobs for the affected fishermen and also provide suitable compensation so that their livelihood will not be severely affected.
Abandonment	A proper abandonment plan shall be prepared appropriately to ensure all measures are taken care off.