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Mr Daniel MacDonald
Development Manager
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PO Box 1708
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Our ref: 11/03761
Your ref:

Dear Mr MacDonald

Proposed Uungula Wind Farm (MP 11_0041) – Supplement to the Director-General's Requirements

I refer to the Director-General's requirements issued for the above project on 14th April, 2011 and the supplementary requirements issued on 16th August, 2011 in relation to community consultation.

As you are aware, the project was declared a Controlled Action under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 4th December, 2013, for likely impacts on listed threatened species and communities. In accordance with section 75F(3) of the NSW *Environmental Planning & Assessment Act 1979*, I have enclosed the Commonwealth's requirements for the assessment.

I also confirm that the interim administrative procedures in relation to the accredited assessment process will apply to the assessment of this project under the EPBC Act, so that the Department can undertake an environmental impact assessment of the project to satisfy the requirements of both NSW and Commonwealth legislation.

You must ensure that the Environmental Assessment adequately addresses the Director-General's requirements issued on 14th April and 16th August, 2011, and the supplementary requirements attached to this letter.

If you have any enquiries about these requirements, please do not hesitate to contact Neville Osborne on the above contact details.

Yours sincerely

Karen Jones

24.12.13

**Director
Infrastructure Projects
as delegate for the Director-General**

Supplementary Director-General's Requirements

Section 75F(3) of the *Environmental Planning and Assessment Act 1979*

The Commonwealth Minister for the Environment has declared the **Uungula Wind Farm, Goolma, NSW** project to be a controlled action under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The controlled action is likely to have direct and indirect impacts on matters of national environment significance, in particular, threatened species and communities listed under sections 18 and 18A of the EPBC Act.

In accordance with the one-off accredited assessment process for this project, the environmental assessment of the impacts of the controlled action is to be assessed under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The assessment should include enough information about the controlled action and its relevant impacts to allow the Commonwealth Minister for the Environment to make an informed decision whether or not to approve the controlled action under the EPBC Act.

The following assessment requirements are to be integrated into the assessment required for Part 3A of the EP&A Act. The following matters in the EPBC Act and schedule 4 of the *Environment Protection and Biodiversity Conservation Regulations 2000* should be considered.

General information

1. The background of the action, including:
 - a. the title of the action;
 - b. the full name and postal address of the designated proponent;
 - c. a clear outline of the objective of the action;
 - d. the location of the action;
 - e. the background to the development of the action;
 - f. how the action relates to any other actions (of which the proponent should reasonably be aware) that have been, or are being, taken or that have been approved in the region affected by the action;
 - g. the current status of the action; and
 - h. the consequences of not proceeding with the action.

Description of the controlled action

2. A description of the action, including:
 - a. all the components of the action;
 - b. the precise location of any works to be undertaken, structures to be built or elements of the action that may have relevant impacts;
 - c. how the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts;
 - d. to the extent reasonably practicable, a description of any feasible alternatives to the controlled action that have been identified through the assessment, and their likely impact, including:

- i. if relevant, the alternative of taking no action;
- ii. a comparative description of the impacts of each alternative on the matters protected by the controlling provisions for the action; and
- iii. sufficient detail to clarify why any alternative is preferred to another.

A description of the relevant impacts of the controlled action

3. An assessment of all relevant impacts¹ with reference to the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines Matters of National Environmental Significance (2009)* that the controlled action has, will have or is likely to have on relevant threatened species and communities listed under sections 18 and 18A of the EPBC Act, including, but not limited to:

- a. White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland (Box-Gum Woodland);
- b. Superb Parrot (*Polytelis swainsonii*);
- c. Swift Parrot (*Lathamus discolor*);
- d. Regent Honeyeater (*Anthochaera phrygia*);

4. Information must include:

- a. a description of the nature, location and extent of all vegetation types occurring on-site;
- b. justification of the likelihood of occurrence within the project area for each relevant EPBC Act listed species and ecological community;
- c. a description and analysis of significance of the potential *inter alia*, direct, indirect, cumulative and facilitative impacts, both in the short and long term, of the action to each relevant species and ecological community, including, but not limited to:
 - i. disruption to breeding, foraging or other key life-cycle stages;
 - ii. habitat loss and fragmentation;
 - iii. aviation lighting;
 - iv. turbine collisions (i.e. blade strike) and barotrauma (i.e. low air pressure zones around the blades); and
 - v. alienation (i.e. behavioural avoidance of species to habitat near turbines).

¹ The term "relevant impact" is defined in section 82 of the EPBC Act.

- d. relevant technical data or other information, within the context of the proposed development site and region, for example:
 - i. the area of occupancy;
 - ii. the availability and condition of potential foraging, roosting, sheltering and breeding habitat for the species;
 - iii. the relative activity levels and areas of importance (e.g. roost sites, breeding sites) of threatened birds;
 - iv. the abiotic (non-living) factors which may be necessary for the survival and functioning of the community, for example ground or surface water levels, soils and nutrients; and
 - v. a map (or maps) showing the hydrology and topography within the development envelope; and
- e. a statement as to whether any relevant impacts are likely to be unknown, unpredictable or irreversible.

These impacts should be described for the construction and operation phases of the controlled action.

- 5. Where there is potential habitat for EPBC Act listed species, surveys should be undertaken or justification provided addressing why surveys are not necessary. Any surveys must be timed appropriately and undertaken for a suitable period of time by a qualified person².

Proposed safeguards and mitigation measures

- 6. A description of feasible mitigation measures, changes to the controlled action or procedures, which have been proposed by the proponent or suggested in public submissions, and which are intended to prevent or minimise relevant impacts. Information must include:
 - a. a consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the relevant impacts of the action;
 - b. a description and assessment of the expected or predicted effectiveness of the mitigation measures;
 - c. any statutory or policy basis for the mitigation measures;
 - d. the cost of the mitigation measures;
 - e. an outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing; and
 - f. the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program.

² Where available, species-specific survey guidelines can be obtained on the Department's *Species Profile and Threats Database*: <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>.

Offsets

7. Where impacts cannot be avoided or mitigated, an offset package to compensate for any predicted or potential residual significant impacts on matters of national environmental significance. Offsets should demonstrate consistency with the Commonwealth EPBC Act Environmental Offsets Policy (October 2012, or subsequent versions), available at: www.environment.gov.au/epbc/publications/environmental-offsets-policy.html. The Department's information requirements in relation to EPBC Act offset proposals is provided at Appendix A. Information must include:
 - a. the description of any offset package should include how the offset compensates for the residual impacts, when the offset will be delivered and how the offset will be managed
 - b. an assessment of the impact of the offsets on other matters of environmental, economic, or social significance and
 - c. analysis of cost, both financial and other, related to offsets.

Other approvals and conditions

8. Any other requirements for approval or conditions that apply, or that the proponent reasonably believes are likely to apply, to the proposed action. Information must include:
 - a. details of any local or State government planning scheme, or plan or policy under any local or State government planning system that deals with the proposed action, including:
 - i. what environmental assessment of the proposed action has been, or is being, carried out under the scheme, plan or policy; and
 - ii. how the scheme provides for the prevention, minimisation and management of any relevant impacts;
 - b. a description of any approval that has been obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the Act), including any conditions that apply to the action;
 - c. a statement identifying any additional approval that is required; and
 - d. a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.

Economic and social matters

9. A description of the short-term and long-term social and economic implications and/or impacts of the project.

Environmental record of person proposing to take the action

10. Details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:
- a. the proponent; and
 - b. for an action for which a person has applied for a permit, the person making the application.
11. Details of the proponent's environmental policy and planning framework.

Information sources

12. For information given in an environment assessment, the draft must state:
- a. the source of the information;
 - b. how recent the information is;
 - c. how the reliability of the information was tested; and
 - d. what uncertainties (if any) are in the information.

Consultation

13. Any consultation about the action, including:
- a. any consultation that has already taken place;
 - b. proposed consultation about relevant impacts of the action; and
 - c. if there has been consultation about the proposed action — any documented response to, or result of, the consultation.
14. Identification of affected parties, including a statement mentioning any communities that may be affected and describing their views.

Appendix A

Information requirements for EPBC Act offset proposals

- Details in relation to the proposed offsets package, including:
 - the location and size, in hectares, of any offset site(s);
 - maps clearly showing for each offset site:
 - the relevant ecological features;
 - the landscape context; and
 - the cadastre boundary.
 - the current tenure arrangements (including zoning and ownership) of any proposed offset sites;
 - confirmed records of presence (or otherwise) of relevant protected matter(s) on the offset site(s); and
 - detailed information regarding the presence and quality of habitat for relevant protected matter(s) on the offset site. The quality of habitat should be assessed in a manner consistent with the approach outlined in the document titled *How to use the offset assessment guide* available at: <http://www.environment.gov.au/epbc/publications/environmental-offsets-policy.html>.
- Provide information and justification regarding how the offsets package will deliver a conservation outcome that will maintain or improve the viability of the protected matter(s) consistent with the *EPBC Act environmental offsets policy* (October 2012) including:
 - management actions that will be undertaken that improve or maintain the quality of the proposed offset site(s) for the relevant protected matter(s). Management actions must be clearly described, planned and resourced as to justify any proposed improvements in quality for the protected matter(s) over time;
 - the time over which management actions will deliver any proposed improvement or maintenance of habitat quality for the relevant protected matter(s);
 - the risk of damage, degradation or destruction to any proposed offset site(s) in the absence of any formal protection and/or management over a foreseeable time period (20 years). Such risk assessments may be based on:
 - presence of pending development applications, mining leases or other activities on or near the proposed offset site(s) that indicate development intent;
 - average risk of loss for similar sites; and
 - presence and strength of formal protection mechanisms currently in place.
 - the legal mechanism(s) that are proposed to protect offset site(s) into the future and avert any risk of damage, degradation or destruction.
- Provide information regarding how the proposed offsets package is additional to what is already required, as determined by law or planning regulations, agreed to under other schemes or programs or required under an existing duty-of-care.
- The overall cost of the proposed offsets package; including costs associated with, but not limited to:
 - acquisition and transfer of lands/property;
 - implementation of all related management actions; and
 - monitoring, reporting and auditing of offset performance.

