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Mr Mike Bagot
Project Manager
Suzlon Energy Australia Limited
Level 42, 80 Collins Street
MELBOURNE VIC 3000

Our ref: 10/21434
Your ref:

Dear Mr Bagot

Proposed Rugby Wind Farm (MP 10_0194) – Supplement to the Director-General's Requirements

I refer to the Director-General's requirements issued for the above project on 26th November, 2010.

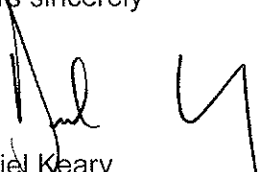
As you are aware, the project was declared a Controlled Action under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 16th March, 2011, for likely impacts on listed threatened species and communities and listed migratory species. In accordance with section 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 26th November, 2010, 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


Daniel Keary
Director – Infrastructure Projects
as delegate for the Director-General

15/4/11



Environment Assessment Requirements for input into the Director-General Requirements

The delegate for the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities has declared the Rugby Wind farm (to construct and operate a wind farm and associated infrastructure comprising approximately 90 wind turbines, with a maximum generating capacity of approximately 290 megawatts near Rugby, NSW) to be a controlled action under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) as it is likely to have a significant impact on threatened species and ecological communities and migratory species listed under the EPBC Act.

These include, but are not limited to, the Superb Parrot (*Polytelis swainsonii*), the Swift Parrot (*Lathamus discolor*), the Regent Honeyeater (*Xanthomyza phrygia*) and a number of other listed species and ecological communities which are included at [Appendix A](#).

In accordance with the one-off accredited assessment process for this project, the environmental assessment of the impacts of the controlled action must be assessed under Part 3A of the *Environmental Planning and Assessment Act 1979* (the EP&A Act). Pursuant to section 75F(3) of part 3A of the EP&A Act the Director-General is required to notify the proponent of these requirements. This assessment is to be integrated into the assessment required for Part 3A of the EP&A Act.

The Assessment must include enough information about the controlled action and its relevant impacts to allow the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities to make an informed decision whether or not to approve the controlled action under the EPBC Act.

General requirements:

The Environmental Assessment (EA) must include a consideration of the following with any variations to be justified:

- Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*

Key Assessment requirements:

- (1) Impacts on species listed under Section 18 and 18A of the *Environment Protection and Biodiversity Conservation Act 1999*;
- (2) Impacts on migratory species listed under the *Environment Protection and Biodiversity Conservation Act 1999*;
- (3) Any relevant State and Commonwealth Government technical and policy guidelines, including the NSW Department of Planning's *Environment Protection and Biodiversity Conservation Act 1999: Guide to implementation in NSW* (May 2007);
- (4) Proposed offset measures to avoid or mitigate impacts on matters of national environmental significance; and
- (5) Matters outlined in Schedule 4 of the *Environment Protection and Biodiversity Conservation Regulation 2000* outlined below.



The following matters must be considered:

1. General information

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.

2. Description of the action

A description of the action, including:

- (a) all the components of the action;
- (b) the precise location of the preferred option for 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;
 - (iii) sufficient detail to make clear why any alternative is preferred to another.
- (e) A description of long-term and short-term economic and social considerations regarding the project.

3. A description of the relevant impacts of the action;

An assessment of all relevant impacts that the action has, will have or is likely to have on:

- (a) threatened ecological communities and threatened species potentially present and listed under sections 18 and 18A of the EPBC Act;
- (b) migratory species listed under sections 20 and 20A of the EPBC Act;

Information must include:

- (a) a description of the nature, location and extent of all vegetation types occurring on-site;
- (b) a description of the nature, location and extent of, threatened species and ecological communities and their suitable habitat (including breeding, foraging, roosting habitat, habitat critical to the survival of threatened species and migration paths) within the site and in surrounding areas that may be impacted by the proposal;
- (c) a description of the relevant impacts of the action on listed threatened species and ecological communities and migratory species;
- (d) a detailed assessment of the nature and extent of the likely short term and long term relevant impacts. This must include, but not be limited to, an assessment of any habitat loss, degradation or fragmentation as a result of the action, and collision risk for relevant EPBC Act listed species (including, but not limited to, species 1 to 4 in Appendix A);



- (e) a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
- (f) analysis of the significance of the relevant impacts;
- (g) any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

4. Proposed safeguards, mitigation and offset measures

A description of feasible mitigation measures, changes to the 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, including mitigation measures proposed to be taken by State governments, local governments or the proponent;
- (b) a description, and an 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 the person or agency responsible for implementing these programs and any provisions for independent environmental auditing;
- (f) the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program.
- (g) in the event that impacts cannot be avoided or mitigated, a description of any offsets to compensate for any predicted or potential residual impacts on threatened species and ecological communities and migratory species.
- (h) the description of any offsets package should include how the offset compensates for the residual impacts, when the offset will be delivered and how the offset will be managed.

5. Other approvals and conditions

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;
 - (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;
- (d) a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.



6. Environmental record of person proposing to take the action

(a) 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:

- (i) the person proposing to take the action; and
- (ii) for an action for which a person has applied for a permit, the person making the application.

(b) If the person proposing to take the action is a corporation — details of the corporation's environmental policy and planning framework.

7. Information sources

For information given in an environment assessment, the draft must state:

- (a) the source of the information; and
- (b) how recent the information is; and
- (c) how the reliability of the information was tested; and
- (d) what uncertainties (if any) are in the information.

8. Consultation

(a) Any consultation about the action, including:

- (i) any consultation that has already taken place;
- (ii) proposed consultation about relevant impacts of the action;
- (iii) if there has been consultation about the proposed action — any documented response to, or result of, the consultation.

(b) Identification of affected parties, including a statement mentioning any communities that may be affected and describing their views.



Appendix A

The Rugby Wind farm is likely to have a significant impact on threatened species and ecological communities and migratory species listed under the EPBC Act.

These include, but are not limited to the following:

1. Superb Parrot (*Polytelis swainsonii*)
2. Swift Parrot (*Lathamus discolor*)
3. Regent Honeyeater (*Xanthomyza phrygia*)
4. Greater Long-eared Bat (*Nyctophilus timoriensis*) (South-eastern form)
5. Yass Daisy (*Ammobium craspedioides*)
6. Golden Sun Moth (*Synemon plana*)
7. Striped legless lizard (*Delma impar*)
8. Spotted-tail Quoll (*Dasyurus maculatus maculatus* SE mainland population);
9. White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland;
10. Natural Temperate Grasslands of the Southern Tablelands of NSW and the ACT;
11. Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and derived native grasslands of South-Eastern Australia

Please note:

- (a) Further surveys will be required for the Greater Long-eared Bat (*Nyctophilus timoriensis*) (South-eastern form). These must be in accordance with recommended survey methodology for the species as described in: Department of the Environment, Water, Heritage and the Arts (2010) *Survey Guidelines for Australia's Threatened Bats*. EPBC Act survey guidelines 6.1.
- (b) Based on the final preferred placement of the action, further surveys are likely to be required for:
 - i. Yass Daisy (*Ammobium craspedioides*)
 - ii. Golden Sun Moth (*Synemon plana*)
 - iii. Striped legless lizard (*Delma impar*)
- (c) Further evidence, including survey methodology and results, is required to support the statement made that vegetation identified on-site does not form part of the three listed ecological communities included in the list above. The information provided must be in accordance with any relevant guidelines for these listed ecological communities.

