



Planning

**Mining & Industry Projects**

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Mr John McGuigan  
Director  
Cascade Coal  
GPO BOX 2537  
SYDNEY NSW 2000

Dear Mr McGuigan,

**Mt Penny Coal Project (MP 10\_0234)  
Director-General's Requirements**

The Department has revised the Director General's Requirements (DGRs) for the Mt Penny Coal Project to incorporate the requirements of the Commonwealth Department of the Sustainability, Environment, Water, Populations and Communities (SEWPaC); suggestions from the Bylong Valley Protection Alliance (BVPA); and recent changes to Government policy.

The revised DGRs are attached, and both these requirements and SEWPaC's requirements (see Attachment A) must be addressed in any Environmental Assessment (EA) you submit for the project. I have also attached a copy of the suggestions from the BVPA for your information, noting that comments have already been provided to you from other key state and local government agencies.

I would appreciate it if you would contact the Department at least two weeks before you propose to submit your EA for the project. This will enable the Department to:

- confirm the applicable fee (see Division 1A, Part 15 of the *Environmental Planning and Assessment Regulation 2000*); and
- determine the number of copies (hard-copy and CD-ROM) of the EA that will be required for exhibition purposes.

Once it receives the EA, the Department will review it in consultation with the relevant agencies to determine if it adequately addresses the Director-General's requirements, and may require you to revise it prior to public exhibition. The Department is required to make all the relevant information associated with the project publicly available on its website. Consequently, I would appreciate it if you would ensure that all the documents you subsequently submit to the Department are in a suitable format for the web, and arrange for an electronic version of the EA to be hosted on a suitable website.

If you have any enquiries about these requirements, please contact Stephen O'Donoghue at the details listed above.

Yours sincerely

 30/8/11

David Kitto

**Director Mining and Industry Projects**  
As delegate for the Director-General

cc: Terri-Ann English, SEWPaC.

# Director-General's Requirements

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

<b>Application Number</b>	10_0234
<b>Project</b>	<p>The Mount Penny Coal Project, which includes:</p> <ul style="list-style-type: none"> <li>• establishing an open cut coal mine 3 kilometres north west of Bylong, to produce up to 5 million tonnes of coal per annum for a period of up to 20 years;</li> <li>• constructing and operating a coal handling and preparation plant, workshops, bathhouses and administration buildings;</li> <li>• constructing a 66kV power line from the Bylong substation to the site;</li> <li>• constructing a bi-directional rail loop north of the proposed open pit;</li> <li>• upgrading the local road network;</li> <li>• providing a biodiversity offset package; and</li> <li>• progressively rehabilitating the mine.</li> </ul>
<b>Location</b>	Mt Penny (about 3 kilometres northwest of Bylong)
<b>Proponent</b>	Mt Penny Coal Pty Ltd
<b>Date of Issue</b>	30 August 2011
<b>General Requirements</b>	<p>The Environmental Assessment of the project must include:</p> <ul style="list-style-type: none"> <li>• an executive summary;</li> <li>• a detailed description of the project, including the: <ul style="list-style-type: none"> <li>– need for the project;</li> <li>– alternatives considered including justification for the proposed mine plan;</li> <li>– likely staging of the project;</li> <li>– likely interactions between the project and existing, approved and proposed mining operations in the vicinity of the site;</li> <li>– plans of any proposed building works; and</li> <li>– the proposed rehabilitation strategy for the project area having regard to the key principles in the Strategic Framework for Mine Closure, including: <ul style="list-style-type: none"> <li>○ rehabilitation objectives, methodology, monitoring programs, performance standards and proposed completion criteria; and</li> <li>○ the potential for integrating this strategy with any other offset and rehabilitation strategies in the area;</li> </ul> </li> </ul> </li> <li>• a risk assessment of the potential environmental impacts of the project, identifying the key issues for further assessment;</li> <li>• a detailed assessment of the key issues specified below, and any other significant issues identified in the risk assessment (see above), which includes: <ul style="list-style-type: none"> <li>– a description of the existing environment with sufficient baseline data;</li> <li>– an assessment of the potential impacts of the project, <u>including any potential cumulative impacts</u>, taking into consideration any relevant guidelines, policies, plans and statutory provisions (see below); and</li> <li>– a description of the measures that would be implemented to avoid, minimise and if necessary, offset the potential impacts of the project, including detailed contingency plans for managing any significant risks to the environment;</li> </ul> </li> <li>• a statement of commitments, outlining all the proposed environmental management and monitoring measures;</li> <li>• a signed statement from the author of the Environmental Assessment, certifying that the information contained in the document is neither false nor misleading.</li> </ul>

## Key Issues

- **Biodiversity** – including:
  - measures taken to avoid, reduce or mitigate impacts on biodiversity;
  - accurate estimates of proposed vegetation clearing;
  - a detailed assessment of the potential impacts of the project on any:
    - terrestrial or aquatic threatened species or populations and their habitats, endangered ecological communities and water dependent ecosystems; and
    - regionally significant remnant vegetation, or vegetation corridors; and
  - a comprehensive offset strategy to ensure the project maintains or improves the terrestrial and aquatic biodiversity values of the region in the medium to long term;
- **Traffic & Transport** – including:
  - an assessment of the potential traffic impacts of the proposal on the safety and efficiency of the road network during the construction, operation and decommissioning of the project, including detailed predictions of road traffic and transport volumes and types, travel routes and peak hours;
  - a description of any roads that are proposed to be closed to facilitate the project;
  - an assessment of the potential impacts of the proposal on the safety and efficiency of the rail network, including an assessment of the availability of train paths for both the eastern route (to Newcastle) and the western/southern route (to Port Kembla); and
  - a description of the measures that would be implemented to upgrade and/or maintain rail and road infrastructure over the life of the project, including a description of the realignment and widening requirements of Wollar Road and the Bylong Valley Way;
- **Water Resources** – including:
  - a detailed project water balance, including a description of site water demands, water disposal methods (inclusive of the volume and frequency of any water discharges), water supply infrastructure and water storage structures;
  - demonstration that water supplies for the construction and operation of the mine can be obtained from an appropriately authorised and reliable supply in accordance with the operating rules of the relevant Water Sharing Plan, including:
    - consideration and assessment of any proposed amendments to access rules (such as cease to pump) identified in the relevant Water Sharing Plan;
    - identification of need for water supply requirements from water sources outside of Water Sharing Plans (for example fractured rock aquifers) and potential issues associated with cross connectivity to alluvial / surface aquifers
  - a description of the measures proposed to ensure the project can operate in accordance with the proximity and water source protection criteria of the relevant Water Sharing Plan;
  - a detailed assessment of potential impacts on:
    - the quality and quantity of existing surface and ground water resources, including assessment of transfer of water trading entitlements into and within the water source as per Water Sharing Plan requirements;
    - affected licensed water users and basic landholder rights; and
    - environmental flows to the Bylong River;
  - a detailed description of the proposed water management system and water monitoring program for the project and other measures to mitigate surface and groundwater impacts, with particular reference to management of channel and overland flows into and within the proposed mining area;
  - a detailed flood impact assessment identifying the impact of the project on flooding and the floodplains of the Bylong River and

	<p>Goulburn River, and measures proposed to mitigate potential flood impacts;</p> <ul style="list-style-type: none"> <li>- development of a salinity budget for the Coggan Creek catchment, and evaluation of salt migration to the Bylong River during the operational and post-mining phases of the project; and</li> <li>- a detailed assessment (environmental, hydro-geological and geomorphic) of the proposed final alignment of Coggan Creek;</li> </ul> <ul style="list-style-type: none"> <li>• <b>Land Resources</b> – including a detailed assessment of the impacts of the project on: <ul style="list-style-type: none"> <li>- the Goulburn River National Park; and</li> <li>- agricultural land and productivity, which includes: <ul style="list-style-type: none"> <li>o a description of land capability and suitability of soils within the project area pre and post-mining;</li> <li>o a description of the agricultural resources (especially soils and water resources used or capable of being used for agriculture) and agricultural enterprises of the locality;</li> <li>o identification of any regionally or state significant agricultural resources in the locality, with particular reference to higher productive alluvial soils and associated surface/ groundwater systems in the wider Bylong Valley area that may be impacted by the proposal;</li> <li>o a detailed assessment of the potential impacts of the project on agricultural resources and/or enterprises of the locality including: <ul style="list-style-type: none"> <li>- impacts as a result of re-allocation of licensed water extraction from irrigation to mining uses; and</li> <li>- direct impacts on groundwater and surface water resources as a result of mining activity;</li> </ul> </li> <li>o a detailed description of the measures that would be implemented to avoid, reduce or mitigate impacts of the project on agricultural resources and/or enterprises of the locality including; and</li> <li>o justification for any significant long term changes to agricultural resources, particularly if highly productive agricultural resources (eg. alluvial lands and associated groundwater resources) are proposed to be affected by the project;</li> </ul> </li> <li>• <b>Air Quality</b> – including a quantitative assessment of potential: <ul style="list-style-type: none"> <li>- construction, operational, blasting and rail transportation impacts;</li> <li>- spontaneous combustion properties of overburden or reject material;</li> <li>- reasonable and feasible mitigation measures, including costing of the proposed measures; and</li> <li>- monitoring and management measures, in particular real-time and attended air quality monitoring and predictive meteorological modelling, to facilitate proactive management of operations to ensure that impacts remain within relevant criteria and goals throughout the life of the project;</li> </ul> </li> <li>• <b>Noise &amp; Blasting</b> – including a quantitative assessment of potential: <ul style="list-style-type: none"> <li>- construction, operational, transport and offsite rail and road noise impacts, taking into consideration seasonal variations in weather and topographic features within proximity to the project area;</li> <li>- blasting impacts on people, livestock and property;</li> <li>- reasonable and feasible mitigation measures, including costing of the proposed measures; and</li> <li>- monitoring and management measures, in particular real-time and attended noise monitoring and predictive meteorological modelling, to facilitate proactive management of operations to ensure that impacts remain within relevant criteria and goals throughout the life of the project;</li> </ul> </li> <li>• <b>Heritage</b> – including an assessment of impacts on both Aboriginal and historic heritage, as follows: <ul style="list-style-type: none"> <li>- <i>Aboriginal heritage</i> (including both cultural and archaeological significance): the assessment must be undertaken by suitably qualified heritage consultants and demonstrate effective consultation</li> </ul> </li> </ul> </li></ul>
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	<p>with Aboriginal communities in determining and assessing impacts, and developing and selecting options and mitigation measures (including the final proposed measures). Where impacts on heritage are proposed, the EA must outline proposed mitigation and management measures (including an evaluation of the effectiveness and reliability of the measures); and</p> <ul style="list-style-type: none"> <li>– <i>Historic heritage</i> (including archaeology): the assessment must be undertaken by suitably qualified heritage consultants. Where impacts to State or locally significant historic heritage items are proposed, the EA must include a statement of heritage impact (including significance assessment) and outline proposed mitigation and management measures (including an evaluation of the effectiveness and reliability of the measures);</li> <li>• <b>Visual</b> - including a detailed assessment of the pre-mining, operational and proposed post mining landforms;</li> <li>• <b>Greenhouse Gases</b> - including: <ul style="list-style-type: none"> <li>– a quantitative assessment of the potential scope 1, 2 and 3 greenhouse gas emissions of the project;</li> <li>– a qualitative assessment of the potential impacts of these emissions on the environment; and</li> <li>– an assessment of all reasonable and feasible measures that could be implemented to minimise greenhouse gas emissions and ensure energy efficiency;</li> </ul> </li> <li>• <b>Waste</b> - including: <ul style="list-style-type: none"> <li>– accurate estimates of the quantity and nature of the potential waste streams of the project, including coarse reject; and</li> <li>– a detailed description of the measures that would be implemented to minimise the production of waste on site, and ensure that any waste produced is appropriately handled and disposed of;</li> </ul> </li> <li>• <b>Hazards</b> - including bushfires; and</li> <li>• <b>Social &amp; Economic</b> – including an assessment of the potential impacts of the project on the local and regional communities, including: <ul style="list-style-type: none"> <li>– temporary and permanent housing needs for the construction and operational workforce and their families (including location, availability and related impacts (eg traffic));</li> <li>– potential impacts on local and regional amenity;</li> <li>– an assessment of the demand the project may generate for the provision of additional local infrastructure and services, including fire fighting capability;</li> <li>– a detailed description of all contributions that would be provided to service the demand on hard and soft infrastructure generated by the project; and</li> <li>– a detailed assessment of the costs and benefits of the project as a whole, and whether it would result in a net benefit for NSW.</li> </ul> </li> </ul>
<b>References</b>	<p>The environmental assessment of the key issues listed above must take into account relevant guidelines, policies, and plans. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this project.</p>
<b>Consultation</b>	<p>During the preparation of the Environmental Assessment, you should consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</p> <p>In particular you must consult with the:</p> <ul style="list-style-type: none"> <li>• Commonwealth Department of Sustainability, Environment, Water, Population and Communities;</li> <li>• Department of Environment, Climate Change and Water, including the NSW Office of Water;</li> <li>• Industry and Investment NSW;</li> <li>• Mid-Western Regional Council;</li> <li>• Muswellbrook Council</li> </ul>

	<ul style="list-style-type: none"> <li>• NSW Roads and Traffic Authority;</li> <li>• Australian Rail Track Corporation;</li> <li>• Heritage Office of NSW;</li> <li>• Hunter-Central Rivers Catchment Management Authority;</li> <li>• Land &amp; Property Management Authority; and</li> <li>• Bylong Valley Protection Alliance.</li> </ul> <p>The consultation process and the issues raised must be described in the Environmental Assessment.</p>
<p><b>Deemed Refusal Period</b></p>	<p>90 days</p>

# Policies, Guidelines & Plans

## Risk Assessment

AS/NZS 4360:2004 Risk Management (Standards Australia)  
 HB 203: 203:2006 Environmental Risk Management – Principles & Process (Standards Australia)

## Biodiversity

Draft Guidelines for Threatened Species Assessment under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) (DEC)  
 NSW State Groundwater Dependent Ecosystem Policy (DLWC)  
 Policy & Guidelines - Aquatic Habitat Management and Fish Conservation (NSW Fisheries)  
 Policy & Guidelines - Fish Friendly Waterway Crossings (NSW Fisheries)  
 State Environmental Planning Policy No. 44 – Koala Habitat Protection

## Water Resources

### Surface Water

National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ)  
 National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ)  
 National Water Quality Management Strategy: Guidelines for Sewerage Systems – Effluent Management (ARMCANZ/ANZECC)  
 National Water Quality Management Strategy: Guidelines for Sewerage Systems – Use of Reclaimed Water (ARMCANZ/ANZECC)  
 Using the ANZECC Guideline and Water Quality Objectives in NSW (DEC)  
 State Water Management Outcomes Plan  
 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009  
 NSW Government Water Quality and River Flow Objectives (DECC)  
 Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC)  
 Managing Urban Stormwater: Soils & Construction (Landcom)  
 Managing Urban Stormwater: Treatment Techniques (DECC)  
 Managing Urban Stormwater: Source Control (DECC)  
 Floodplain Development Manual (DIPNR)  
 Floodplain Risk Management Guideline (DECC)  
 A Rehabilitation Manual for Australian Streams (LWRRDC and CRCCH)  
 Technical Guidelines: Bunding & Spill Management (DECC)  
 Environmental Guidelines: Use of Effluent by Irrigation (DECC)

### Groundwater

National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)  
 NSW State Groundwater Policy Framework Document (DLWC, 1997)  
 NSW State Groundwater Quality Protection Policy (DLWC, 1998)  
 NSW State Groundwater Quantity Management Policy (DLWC, 1998)  
 Murray-Darling Basin Groundwater Quality. Sampling Guidelines. Technical Report No 3 (MDBC)  
 Murray-Darling Basin Commission. Groundwater Flow Modelling Guideline (Aquaterra Consulting Pty Ltd)  
 Guidelines for the Assessment & Management of Groundwater Contamination (DECC, 2007)  
 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

## Air Quality

Protection of the Environment Operations (Clean Air) Regulation 2002  
 Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DEC)  
 Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (DEC)

<b>Noise &amp; Blasting</b>	<p>NSW Industrial Noise Policy (DECC)</p> <p>Environmental Noise Management – Assessing Vibration: a technical guide (DEC)</p> <p>Environmental Criteria for Road Traffic Noise (NSW EPA)</p> <p>Interim Guidelines for the Assessment of Noise From Rail Infrastructure Projects (DECC)</p> <p>Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration (ANZEC)</p> <p>Interim Construction Noise Guideline (DECC)</p> <p>DIN 4150 Part 3 - Structural Vibration: effects of vibration on structures (ISO, 1999)</p>
<b>Goulburn River National Park</b>	<p>Guidelines for Developments Adjoining Land and Water Managed by the Department of Environment, Climate Change and Water (DECCW)</p>
<b>Soil Resources and Agricultural Land</b>	<p>Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC)</p> <p>Rural Land Capability Mapping (DLWC)</p> <p>Agricultural Land Classification (DPI)</p>
<b>Traffic &amp; Transport</b>	<p>Guide to Traffic Generating Development (RTA)</p> <p>Road Design Guide (RTA)</p>
<b>Heritage</b>	<p>Draft Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation (DEC)</p> <p>The Burra Charter (The Australia ICOMOS charter for places of cultural significance)</p>
<i>Aboriginal</i>	<p>NSW Heritage Manual (NSW Heritage Office)</p>
<i>Non-Aboriginal</i>	<p>The Burra Charter (The Australia ICOMOS charter for places of cultural significance)</p>
<b>Greenhouse Gases</b>	<p>National Greenhouse Accounts Factors (Australian Department of Climate Change (DCC))</p> <p>Guidelines for Energy Savings Action Plans (DEUS)</p>
<b>Waste</b>	<p>Waste Classification Guidelines (DECC)</p>
<b>Hazards</b>	<p>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines (DUAP)</p> <p>Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis</p>
<b>Rehabilitation</b>	<p>Mine Rehabilitation – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth of Australia)</p> <p>Mine Closure and Completion – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth of Australia)</p> <p>Strategic Framework for Mine Closure (ANZMEC-MCA)</p>
<b>Social &amp; Economic</b>	<p>Draft Economic Evaluation in Environmental Impact Assessment (DoP)</p> <p>Techniques for Effective Social Impact Assessment: A Practical Guide (Office of Social Policy, NSW Government Social Policy Directorate)</p>

# ATTACHMENT A

## COMMONWEALTH REQUIREMENTS

**Department of the Sustainability, Environment, Water, Populations and Communities – requirements for environmental assessment**

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

The Commonwealth Minister for Sustainability, Environment, Water, Populations and Communities has determined the Mt Penny Coal project (EPBC 2011/6026), involving the proposed construction and operation of a open cut coal mine approximately 3 km north-east of Bylong in New South Wales, 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 a significant impact on the EPBC Act listed critically endangered ecological community White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland (Box-Gum Woodland) and EPBC Act listed migratory and threatened species including *Ozomathumus tessalatus*, the Brush-tailed Rock Wallaby (*Petrogale penicillata*), and the Regent Honeyeater (*Anthochaera phrygia*). Significant impacts are also considered possible for a number of other species protected by the EPBC Act including, but not limited to, those listed in 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 the *Environmental Planning and Assessment Act 1979* (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.

The assessment should include enough information about the controlled action and its relevant impacts to allow the Commonwealth Minister for Sustainability, Environment, Water, Populations and Communities 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 requirements 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. the timing and duration of the works to be undertaken; and
  - e. 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 clarify why any alternative is preferred to another.

## **Description of the existing environment**

3. A description of the existing environment of the proposal location and the surrounding areas that may be affected by the action, including:
  - a. surveys using accepted methodology for targeting listed threatened species, ecological communities and their respective habitat, including but not limited to OEH's *Survey and assessment guidelines* (2009), available at: <http://www.environment.nsw.gov.au/threatenedspecies/surveymethodsfauna.htm> and the Department of Sustainability, Environment, Water, Populations and Communities (DSEWPaC) species-specific survey guidelines for nationally threatened species, available at: <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>

In addition to the requirements outlined in OEH's *Survey and assessment guidelines* (2009) and DSEWPaC survey guidelines for relevant species, the following must also be included:

  - b. a description of the distribution and abundance of threatened species and ecological communities, as well as suitable habitat (including breeding, foraging, roosting habitat, habitat critical to the survival of threatened species) within the site and in surrounding areas that may be impacted by the proposal; and
  - c. the regional distribution and abundance of suitable and potential habitat surrounding the site.

## **Description of the relevant impacts of the controlled action**

4. An assessment of all relevant impacts<sup>1</sup> 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/or threatened ecological communities listed under sections 18 and 18A of the EPBC Act, including but not limited to the Box-Gum Woodland; *Ozomathumnus tessalatus*, Brush-tailed Rock Wallaby and Regent Honeyeater. Information must include:

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

- a. a description of the relevant impacts of the action on matters of national environmental significance;
  - b. a detailed assessment of the nature and extent of the likely short term and long term relevant impacts;
  - c. a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
  - d. analysis of the significance of the relevant impacts;
  - e. any technical data and other information used or needed to make a detailed assessment of the relevant impacts.
5. A description of the relevant impacts on the Box-Gum Woodland should include an analysis of the vegetation condition on the site, as well as the methods by which this was determined. It should also include direct, indirect, cumulative and facilitative impacts on the:
- a. extent of the Box-Gum Woodland, including connectivity with other areas of the ecological communities;
  - b. quality or integrity of the Box-gum Woodland including, but not limited to, assisting invasive species, that are harmful to the ecological communities, to become established; or causing regular mobilisation of fertilisers, herbicides or other chemicals or pollutants into the communities which kill or inhibit the growth of species in the ecological community);
  - c. EPBC Act listed species in, or in any way dependent upon, the Box-Gum Woodland;
  - d. composition of the Box-Gum Woodland;
  - e. habitat present on site critical to the survival of the Box-Gum Woodland <sup>2</sup>; and
  - f. abiotic (non-living) factors (such as water, nutrients or soil) necessary for the Box-Gum Woodland survival, for example increasing groundwater levels or making the site wetter, soil disturbance or substantial alteration of surface water drainage patterns.

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

This information should be provided with reference to the ecological community as it is defined and listed under the EPBC Act.

6. Where there is a potential habitat for EPBC Act listed species (Appendix A), surveys must be undertaken. These surveys must be timed appropriately and undertaken for a suitable period of time by a qualified person<sup>3</sup>. A subsequent description of the relevant impacts on such EPBC Act listed species should include, inter alia, direct, indirect, cumulative and facilitative impacts on the:
- a. population of the species at the site;
  - b. area of occupancy of the species;
  - c. habitat critical to the survival of the species;

<sup>2</sup> "habitat critical to the survival of a species or ecological community" refers to areas that are necessary:

- for activities such as foraging, breeding, roosting, or dispersal;
- for the long-term maintenance of the species or ecological community (including the maintenance of species essential to the survival of the species or ecological community, such as pollinators);
- to maintain genetic diversity and long term evolutionary development; or
- for the reintroduction of population or recovery of the species or ecological community.

Such habitat may be, but is not limited to: habitat identified in a recovery plan for the species or ecological community as habitat critical for that species or ecological community; and/or habitat listed on the register of Critical Habitat maintained by the Minister under the EPBC Act.

<sup>3</sup> 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>

- d. breeding cycle of the population; and
- e. availability or quality of habitat for the species.

If an endangered ecological community or threatened species listed at Appendix A is not believed to be present on the proposed site, detailed information must be included in the Environmental Assessment Report to provide certainty that this community will not be impacted.

### **Proposed safeguards and mitigation measures**

7. 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 description of the mitigation measures that will be undertaken to prevent or minimise the relevant impacts of the action. These mitigation measure should be substantiated and based on best available practices;
  - b. an assessment of the expected or predicted effectiveness of the mitigation measures including the effect on abundance and condition of species, suitable habitat and ecological communities;
  - c. any statutory or policy basis for the mitigation measures;
  - d. the cost of the mitigation measures;
  - e. an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs (including any relevant thresholds for corrective actions) for the relevant impacts of the action. Include the person or agency responsible for implementing these programs and the effectiveness of all mitigation measures, including any provisions for independent environmental auditing;
  - f. the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program;
  - g. identification of mitigation measures proposed to be undertaken by State governments, local governments or the proponent;
  - h. any changes to the controlled action which prevent or minimise relevant impacts on listed threatened species and communities.

### **Offsets**

8. Should any residual impact exist that cannot be mitigated it may be necessary for offset measures to be considered in order to ensure the protection of matters of national environmental significance in perpetuity. If required, the department may negotiate offsets with you during the assessment phase. Reference should be made to the Department's draft policy statement, including any revisions to this statement, at :  
<http://www.environment.gov.au/epbc/publications/draft-environmental-offsets.html>
  - 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**

9. 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;
  - d. a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.

## **Economic and social matters**

10. 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**

11. 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.

12. Details of the proponent's environmental policy and planning framework.

## **Information sources**

13. 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**

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

## **Appendix A**

### **Threatened Ecological Communities**

- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland (Box-Gum Woodland)

### **Threatened Flora**

- *Prasaophyllum* sp. (Wybong)
- *Thesium australe* (Austral Toadflax)
- *Euphrasia arguta*
- *Homoranthus darwinioides*
- *Ozomathumnus tessalatus*
- *Philotheca ericifolia*

### **Threatened Fauna**

- *Anthochaera phrygia* (Regent Honeyeater)
- *Lathamus discolor* (Swift Parrot)
- *Polytelis swainsonii* (Superb Parrot)
- *Chalinolobus dwyeri* (Large-eared Pied Bat)
- *Nyctophilus timoriensis* (Greater Long-eared Bat)
- *Dasyurus maculate maculate* (Spotted –tailed Quoll)
- *Petrogale penicillata* (Brush-tailed Rock-Wallaby)
- *Pseudomys novaehollandiae* ( New Holland Mouse)
- *Pteropus poliocephalis* (Grey-headed Flying-fox)