

## Supplementary Director-General's Requirements

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

The Commonwealth Minister for Sustainability, Environment, Water, Population and Communities has declared the **Crudine Ridge Wind Farm** 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 a direct and indirect impact on matters of national environment significance, in particular, threatened species and/or threatened ecological communities listed under sections 18 and 18A, and migratory species listed under sections 20 and 20A 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 Sustainability, Environment, Water, Population 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 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 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 migratory and threatened species and/or ecological communities listed under sections 18, 18A, 20 and 20A 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. Regent Honeyeater (*Anthochaera phrygia*);
  - c. Small Purple-pea (*Swainsona recta*);
  - d. Cannon's Stringybark (*Eucalyptus macrorhyncha* subsp. *cannonii*); and
  - e. *Prasophyllum* sp. *Wybong*
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 proposed development envelope for each relevant 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 bartotrauma (i.e. low air pressure zones around the blades); and

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

- v. alienation (i.e. behavioural avoidance of species to habitat near turbines).
- d. evidence and outcome of consultation with experts in relation to potential impacts to the Regent Honeyeater (*Anthochaera phrygia*);
- e. 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
- f. 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 a potential habitat for EPBC Act listed species, surveys should be undertaken, or justification why surveys are not necessary. Any surveys must be timed appropriately and undertaken for a suitable period of time by a qualified person<sup>2</sup>.

### **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<sup>3</sup>;
  - 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

<sup>2</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>. The survey methodology for *Eucalyptus macrorhyncha* subsp. *cannonii* must be sufficient to differentiate between it and the closely related *Eucalyptus macrorhyncha* (Red Stringybark). Hybrids are considered to be protected under the EPBC Act.

<sup>3</sup> For *Swainsona recta*, in particular.

- 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.

### **Offsets**

7. 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. Information required includes:
  - a. a description of the proposed offset measure/s, such as how, when and where the offset will be delivered and managed;
  - b. detail of how the offset/s compensate for the impact on each relevant matter of NES, resulting from the action;
  - c. a description of how the offset/s will ensure the protection, conservation and management of the relevant matter of NES, in perpetuity;
  - d. description of how the offset/s are consistent with relevant Commonwealth policies or advice on offsets under the EPBC Act; and
  - e. the cost (financial and other) of the offset/s.

### **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.

