

# Supplementary Director-General's Requirements

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

The Boco Rock Wind Farm Project (reference: MP09\_0103, EPBC 2009/4905) has been declared to be a Controlled Action under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The relevant controlling provisions are sections 18 and 18A (listed threatened species and ecological communities) of the EPBC Act.

The project will be subject to an accredited assessment process and the environmental impacts of the controlled action will be assessed under Part 3A of the *Environmental Planning & Assessment Act 1979*.

To enable the assessment of impacts on the protected matters/ controlling provisions under the EPBC Act, the Director-General's requirements issued for the project on 1 June 2009 are supplemented with the following additional requirements.

The Environmental Assessment (EA) must include:

### 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 controlled action

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;
  - iii. sufficient detail to clarify why any alternative is preferred to another.

### 3. A description of the relevant impacts of the controlled action

- a. 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 (May 2006)* that the controlled action has, will have or is likely to have on:
  - i. threatened species and threatened ecological communities potentially present and listed under sections 18 and 18A of the EPBC Act, including, but not limited to, the Grassland Earless Dragon and the NTG;
  - ii. RAMSAR Wetlands; and
  - iii. world heritage areas.
- b. Information must include:
  - i. a description of the relevant impacts of the action on matters of national environmental significance;
  - ii. a detailed assessment of the nature and extent of the likely short term and long term relevant impacts;
  - iii. a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
  - iv. analysis of the significance of the relevant impacts;
  - v. any technical data and other information used or needed to make a detailed assessment of the relevant impacts.
- c. A description of the relevant impacts on the NTG should include direct, indirect, cumulative and facilitative impacts on the:
  - i. quality or integrity of the NTG (including, but not limited to, assisting invasive species that are harmful to the NTG, to become established; or causing regular mobilisation of fertilisers, herbicides or other chemicals or pollutants into the NTG which kill or inhibit the growth of species in the ecological community);
  - ii. extent of the NTG, including connectivity with other areas of NTG;
  - iii. the Grassland Earless Dragon at, in or in any way dependent upon, the NTG;
  - iv. composition of the NTG;
  - v. habitat present on site critical to the survival of the NTG<sup>2</sup>; and
  - vi. abiotic (non-living) factors (such as water, nutrients or soil) necessary for the NTG's 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.

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

<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.

- d. A description of the relevant impacts on the Grassland Earless Dragon should include, inter alia, direct, indirect, cumulative and facilitative impacts on the:
  - i. population of the Grassland Earless Dragon species at the site;
  - ii. area of occupancy of the species;
  - iii. habitat critical to the survival of the species;
  - iv. breeding cycle of the population; and
  - v. availability or quality of habitat for the species;

#### **4. Proposed safeguards and mitigation measures**

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, and an assessment of the expected or predicted effectiveness of, the mitigation measures;
- b. any statutory or policy basis for the mitigation measures;
- c. the cost of the mitigation measures;
- d. 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;
- e. the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program;
- f. a consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the relevant impacts of the action.

#### **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; 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.

#### **6. Economic and social matters**

A description of long-term and short-term economic and social considerations regarding the project.

**7. 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 proponent; and
  - ii. for an action for which a person has applied for a permit, the person making the application.
- b. Details of the proponent's environmental policy and planning framework.

**8. Information sources**

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.

**9. 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.

The description and assessment of these issues in the Environmental Assessment must be integrated as far as is practicable with the description and assessment of the other flora and fauna impacts of the project. However, a separate stand alone chapter or summary specifically addressing impacts on the relevant protected matters/ controlling provisions under the EPBC Act, together with any commitments or proposed measures to mitigate such impacts, should also be included in the Environmental Assessment.