



## **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 proposal to construct a 36 kilometre pipeline and ancillary infrastructure (including a powerline) from the Macquarie River to the Suma Park Dam near Orange and the abstraction and pumping of water from the Macquarie River to Suma Park Dam, in New South Wales (EPBC 2011/6202) to be a controlled action under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) as it is likely to have a significant impact on:

- Listed threatened species and communities (sections 18 & 18A) including the Trout Cod (*Maccullochella macquariensis*)
- Wetlands (Ramsar) (sections 16 & 17B)
- Listed migratory species (sections 20 & 20A).

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* (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 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.

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.

### **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; and
  - (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 and potentially present in the vicinity of the proposed action site and the Macquarie Marshes Ramsar site; and
- (c) the Macquarie Marshes Ramsar site (sections 16 & 17B).

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 their suitable habitat (including habitat critical to the survival of threatened species) within the site and in surrounding areas that may be impacted by the proposal;
- (c) where there is a potential habitat for EPBC Act listed species, such as the Trout Cod, surveys must be undertaken. These surveys must be timed appropriately and undertaken for a suitable period of time by a qualified person<sup>1</sup>.
- (d) a description of the relevant impacts of the action on listed threatened species and ecological communities and migratory species (including, but not limited to the species and ecological community listed at Appendix A);
- (e) a detailed assessment of the nature and extent of the likely short term, long term, direct and indirect relevant impacts as a result of the action including, but not be limited to, an assessment of any habitat loss, degradation or fragmentation;
- (f) a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
- (g) analysis of the significance of the relevant impacts; and

<sup>1</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>



(h) any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

(i) analysis of the potential impacts on the ecological character of the Macquarie Marshes Ramsar site (refer to [Appendix A](#)).

#### **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
- (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; 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 relevant 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.

#### **6. Environmental record of person proposing to take the action**

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

#### **7. 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.

#### **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; and
  - (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**

### *Listed threatened species and communities and listed migratory species*

The Macquarie River to Orange pipeline is likely to have a significant impact on threatened species and ecological communities and migratory bird species listed under the EPBC Act.

These include, but are not limited to the following:

1. Regent Honeyeater (*Anthochaera phrygia*)
2. Swift Parrot (*Lathamus discolor*)
3. Superb Parrot (*Polytelis swainsonii*)
4. Australian Painted Snipe (*Rostratula australis*)
5. Murray Cod (*Maccullochella peelii*)
6. Booroolong Frog (*Litoria booroolongensis*)
7. Large-eared Pied Bat (*Chalinolobus dwyeri*)
8. Spot-tailed Quoll (*Dasyurus maculatus maculatus* (SE mainland population))
9. Euphrasia arguta
10. Thesium australe (*Austral Toadflax*)
11. White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland Ecological community

### *Macquarie Marshes Ramsar site*

The EA must address potential impacts on the ecological character of the Macquarie Marshes Ramsar site.

Whilst the department does not require complex hydrological modelling of drought flows in the Macquarie River from upstream of the abstraction site to the Macquarie Marshes, the EA must provide estimates of (and assess) the likely impact of the proposed extraction rates on water flowing into the Macquarie Marshes in drought periods.

The EA must assess the proposed abstraction volumes as a portion of the drought flows past the abstraction point and into the Macquarie Marshes, rather than comparing the proposed abstraction volumes with long term average flows in the river in non-drought periods.

