

Planning Secretary's Environmental Assessment Requirements

Section 5.16 of the *Environmental Planning and Assessment Act 1979*

Application Number	SSI 10040
Project Name	Project EnergyConnect (NSW – Western Section) which includes: <ul style="list-style-type: none"> • development of a new 330kV double-circuit transmission line connecting the SA and NSW electricity grids; • upgrading the existing transmission line between Buronga substation and the NSW/Vic border; and • expansion of the existing Buronga substation.
Location	From the SA/NSW border at Chowilla to the NSW/Vic border at Red Cliffs, via Buronga, NSW, for a length of approximately 160 km within the Wentworth Shire local government area.
Applicant	TransGrid
Date of Issue	31/07/2020
General Requirements	<p>The Environmental Impact Statement (EIS) for the project must comply with the requirements in Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation).</p> <p>In particular, the EIS must include:</p> <ul style="list-style-type: none"> • a stand-alone executive summary; • a summary of the background to the project, including alternatives that were considered to the project; • a full description of the project, accompanied by suitable maps and plans, including the: <ul style="list-style-type: none"> - disturbance area; - physical layout of the project over time, including sections of key components; - key uses and activities to be carried out on site; - likely timing of the project including any stages, the key phases within each stage (site preparation, construction, commissioning, operation, decommissioning and rehabilitation) and the sequencing of these stages and phases; • the relevant strategic context for the project, having regard to: <ul style="list-style-type: none"> - State legislation, policies and guidelines including current initiatives to improve energy security and reliability in the National Electricity Market; - any other existing, approved or proposed projects that could result in cumulative impacts with the project; • the relevant statutory context for the project, including: <ul style="list-style-type: none"> - the assessment pathway for the project under the <i>Environmental Planning and Assessment Act 1979</i>; - the approvals required before the project may be carried out; - any relevant matters for consideration; • a description of the engagement that was carried out during the preparation of the EIS, the key issues raised during this engagement and the proposed engagement strategy for the project if it is approved; • an assessment of the likely economic, social and environmental impacts of the project having regard to the requirements in any relevant Government legislation, policies and guidelines (see below), including: <ul style="list-style-type: none"> - the state of the existing environment; - community views;

	<ul style="list-style-type: none"> - the measures that would be implemented to avoid or minimise impacts, including a consolidated summary of the proposed mitigation measures for the project; - the predicted impacts of the project, including any cumulative impacts; - actions proposed to deal with any uncertainties associated with the assessment; <ul style="list-style-type: none"> • a detailed evaluation of the merits of the project as a whole. <p>In addition to the matters set out in Schedule 1 of the <i>EP&A Regulation</i>, the EIS must be accompanied by a signed report from a suitably qualified person that includes an accurate estimate of the capital investment value of the development (as defined in Clause 3 of the <i>EP&A Regulation</i>).</p>
<p>Key issues</p>	<p>The level of assessment of key matters must be proportionate to the likely significance of the impacts on the matter.</p> <p>In particular, the EIS must address the following matters:</p> <ul style="list-style-type: none"> • Biodiversity: <ul style="list-style-type: none"> - an assessment of the biodiversity impacts of the project in accordance with the NSW <i>Biodiversity Conservation Act 2016</i>, the Biodiversity Assessment Method (BAM) and documented in a Biodiversity Development Assessment Report (BDAR); - the BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the BAM; and - an assessment of the impacts of the project on aquatic ecology including impacts on key fish habitat and threatened species of fish; • Heritage: <ul style="list-style-type: none"> - an assessment of the Aboriginal and historic heritage (cultural and archaeological) impacts of the project; and - adequate consultation with the local Aboriginal community and other relevant stakeholders, having regard to the <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents</i> (OEH, 2010); • Water: <ul style="list-style-type: none"> - an assessment of the impacts of the project on the quantity and quality of the region's surface water resources, including the Murray River, the Darling, Great Darling Anabranch and Lake Victoria, having regard to <i>NSW Water Quality Objectives</i>; - details of water requirements, supply arrangements and wastewater disposal arrangements for construction and operation; - an assessment of the impacts of the project on groundwater aquifers and groundwater dependent ecosystems having regard to the <i>NSW Aquifer Interference Policy</i> and relevant <i>Water Sharing Plans</i>; and - an assessment of the potential flooding impacts and risks of the project; • Land: <ul style="list-style-type: none"> - an assessment of impacts of the project on soils and land capability of the site and surrounds; - an assessment of the risk of soil contamination and disturbance of land associated with naturally occurring asbestos in the vicinity of the site; - assessment of impact of the project on any Crown lands and travelling stock reserves; • Transport: <ul style="list-style-type: none"> - an assessment of the transport impacts of the project on the capacity, condition, safety and efficiency of the local and State road network; and

	<ul style="list-style-type: none"> - details of the ongoing maintenance works required to service assets, outlining the measures to maintain the road network; • Amenity: <ul style="list-style-type: none"> - an assessment of the likely visual impacts of the development on surrounding residences, scenic or significant vistas, night lighting, air traffic and road corridors in the public domain; - an assessment of the construction, operational and road noise and vibration impacts of the project; • Air – an assessment of the air quality impacts of the project; • Hazards: <ul style="list-style-type: none"> - an assessment of potential hazards and risks associated with electric and magnetic fields (EMF) having regard to the latest advice of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA); - an assessment of the risks to public safety, paying particular attention to bushfire risks, emergency egress and evacuation, and the handling and use of any dangerous goods. • Waste – identify, quantify and classify the likely waste streams to be generated during construction and operation, and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste; • Social & Economic – including an assessment of the social and economic impacts and benefits of the project (including the workers accommodation facility) for the region and the State as a whole, including consideration of any increase in demand for community infrastructure and services.
Legislation, Policies & Guidelines	<p>A list of some of the legislation, policies and guidelines that may be relevant to the assessment of the project can be found at:</p> <ul style="list-style-type: none"> • https://www.planningportal.nsw.gov.au/major-projects/assessments/policies-and-guidelines; and • http://www.environment.gov.au/epbc/publications#assessments
Consultation	<p>During the preparation of the EIS, you should consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups, affected landowners, Native Title holders, exploration licence holders, quarry operators and mineral title holders.</p>
Further consultation after 2 years	<p>If you do not lodge the EIS for the project within 2 years of the issue date of these requirements, you must seek revised requirements for the EIS for the project.</p>

APPENDIX A

Guidelines for preparing assessment documentation relevant to the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) for proposals being assessed under the NSW Assessment Bilateral.

Project EnergyConnect (NSW – Western Section) (EPBC 2020/8673)

Introduction

1. On 25 June 2020, a delegate of the Federal Minister for the Department of Agriculture, Water and the Environment (formerly Department of Environment and Energy) determined that Project EnergyConnect (NSW – Western Section) was a controlled action under section 75 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The EPBC Act controlling provisions for the proposed actions are:
 - i. listed threatened species and communities (section 18 and 18A)
2. The proposed action will be assessed in accordance with the bilateral assessment agreement Amending Agreement No. 1, and as such, is required to be assessed in the manner specified in Schedule 1 to that Agreement, including, addressing the matters outlined in Schedule 4 of the Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations).
3. The proponent must undertake an assessment of all protected matters that may be impacted by the development under the controlling provision identified in paragraph 1. The Commonwealth Department of Agriculture, Water and the Environment considers that the proposed action is likely to have a significant impact on threatened species and communities and migratory species listed in Appendix A.
4. The proponent must consider each of the protected matters under the triggered controlling provisions that may be impacted by the action. Note that this may not be a complete list and it is the responsibility of the proponent to undertake an analysis of the relevant impacts and ensure all protected matters that are likely to be impacted are assessed for the Commonwealth Minister's consideration.

General Requirements

Relevant Regulations

5. The Environmental Impact Statement (EIS) must address all matters outlined in Schedule 4 of the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth) and all matters outlined below in relation to the controlling provisions.

Project Description

6. The title of the action, background to the action of the action and current status.
7. The precise location and description of all works to be undertaken (including associated offsite works and infrastructure), structures to be built or elements of the action that may have impacts on MNES.
8. How the action relates to any other actions that have been, or are being taken in the region affected by the action.

9. 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 on MNES.

Impacts

10. The EIS must include an assessment of the relevant impacts¹ of the action on the matters protected by the controlling provisions, including:
- i. a description and detailed assessment of the nature and extent of the likely direct, indirect and consequential impacts, including short term and long term relevant impacts;
 - ii. a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
 - iii. analysis of the significance of the relevant impacts; and
 - iv. any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

Avoidance, mitigation and offsetting

11. For each of the relevant matters protected that are likely to be significantly impacted by the action, the EIS must provide information on proposed avoidance and mitigation measures to manage the relevant impacts of the action including:
- i. a description, and an assessment of the expected or predicted effectiveness of the mitigation measures,
 - ii. any statutory policy basis for the mitigation measures;
 - iii. the cost of the mitigation measures;
 - iv. 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;
 - v. the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program.
12. Where a significant residual adverse impact to a relevant protected matter is considered likely, the EIS must provide information on the proposed offset strategy, including discussion of the conservation benefit associated with the proposed offset strategy.
13. For each of the relevant matters likely to be impacted by the action the EIS must provide reference to, and consideration of, relevant Commonwealth guidelines and policy statements including any:
- i. conservation advice or recovery plan for the species or community;
 - ii. relevant threat abatement plan for the species or community;
 - iii. wildlife conservation plan for the species; and

¹ Relevant impacts are those impacts likely to significantly impact on any matter protected under the EPBC Act

iv. any strategic assessment.

Note: the relevant guidelines and policy statements for each species and community are available from the Department of the Environment Species Profiles and Threats Database.

<http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>

14. In addition to the general requirements described above, specific information is required with respect to each of the determined controlling provisions. These requirements are outlined in paragraphs 15-17.

Key Issues

Biodiversity (threatened species and communities and migratory species)

Assessment Requirements

15. The EIS must identify each EPBC Act listed threatened species and community and migratory species likely to be impacted by the action. For any species and communities that are likely to be impacted, the proponent must provide a description of the nature, quantum and consequences of the impacts. For species and communities potentially located in the project area or in the vicinity that are not likely to be impacted, provide evidence why they are not likely to be impacted.
16. For each of the EPBC Act listed threatened species and communities and migratory species likely to be impacted by the action the EIS must provide a separate:
- a. description of the habitat (including identification and mapping of suitable breeding habitat, suitable foraging habitat, important populations and habitat critical for survival), with consideration of, and reference to, any relevant Commonwealth guidelines and policy statements including listing advice, conservation advice and recovery plans;
 - b. details of the scope, timing and methodology for studies or surveys used and how they are consistent with (or justification for divergence from) published Australian Government guidelines and policy statements;
 - c. description of the relevant impacts of the action having regard to the full national extent of the species or community's range;
 - d. description of the specific proposed avoidance and mitigation measures to deal with relevant impacts of the action;
 - e. identification of significant residual adverse impacts likely to occur after the proposed activities to avoid and mitigate all impacts are taken into account;
 - f. a description of any offsets proposed to address residual adverse significant impacts and how these offsets will be established.
 - g. details of how the current published NSW Biodiversity Assessment Method (BAM) has been applied in accordance with the objects of the EPBC Act to offset significant residual adverse impacts; and
 - h. details of the offset package to compensate for significant residual impacts including details of the credit profiles required to offset the action in accordance with the BAM and/or mapping and descriptions of the extent and condition of the relevant habitat and/or threatened communities occurring on proposed offset sites;

Note: For the purposes of approval under the EPBC Act, it is a requirement that offsets directly contribute to the ongoing viability of the specific protected matter impacted by a proposed action and deliver an overall conservation outcome that improves or maintains the viability of the MNES i.e. 'like for like'. In applying the BAM, residual impacts on EPBC Act listed threatened ecological communities must be offset with Plant Community Type(s) (PCT) that are ascribed to the specific

EPBC listed ecological community. PCTs from a different vegetation class will not generally be acceptable as offsets for EPBC listed communities.

17. Any significant residual impacts not addressed by the BAM may need to be addressed in accordance with the EPBC Act 1999 Environmental Offset Policy. <http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy>.

Other approvals and conditions

18. Information in relation to any other approvals or conditions required must include the information prescribed in Schedule 4 Clause 5 (a) (b) (c) and (d) of the EPBC Regulations 2000.

Environmental Record of person proposing to take the action

19. Information in relation to the environmental record of a person proposing to take the action must include details as prescribed in Schedule 4 Clause 6 of the EPBC Regulations 2000.

Information Sources

20. For information given in an EIS, the EIS must state the source of the information, how recent the information is, how the reliability of the information was tested; and what uncertainties (if any) are in the information.

REFERENCES

- *Environment Protection and Biodiversity Conservation Act 1999* - section 51-55, section 96A(3)(a)(b), 101A(3)(a)(b), section 136, section 527E
- *Environment Protection and Biodiversity Conservation Regulations 2000 Schedule 4*
- Amending Agreement No. 1 (2020) - Item 18.1, Item 18.5, Schedule 1
- *Matters of National Environmental Significance - Significant impact guidelines 1.1* (2013) EPBC Act
- *Environment Protect and Biodiversity Conservation Act 1999 Environmental Offsets Policy* October 2012

Appendix A

Proposed site

Based on the information in the referral documentation, the location of the action, species records and likely habitat present in the area, there are likely to be significant impacts to:

- Black-eared Miner (*Manorina melanotis*) – **endangered**

Additionally, there is a possibility that the proposed action will have or is likely to have significant impacts on the following species and ecological communities and levels of impact should be further investigated:

- Australasian Bittern (*Botaurus poiciloptilus*) - **endangered**;
- *Austrostipa metatoris* - **vulnerable**;
- *Atriplex infrequens* - **vulnerable**;
- Buloke Woodlands of the Riverina and Murray-Darling Depression Bioregions (*Allocasuarina luehmannii*) - **endangered**;
- Coolibah Black Box Woodlands of the Darling Riverine Plains and the Brigalow Belt South Bioregions – **endangered**;
- Corben's Long-eared Bat (*Nyctophilus corbeni*) – **vulnerable**, recorded in traps in the study area;
- Curlew Sandpiper (*Calidris ferruginea*) – **critically endangered**;
- Malleefowl (*Leipoa ocellata*) - **vulnerable**;
- Mallee Emu-wren (*Stipiturus mallee*) - **endangered**;
- Menindee Nightshade (*Solanum karsense*) - **vulnerable**;
- Mossgiel Daisy (*Brachyscome papillosa*) - **vulnerable**;
- Northern Siberian Bar-tailed Godwit (*Limosa lapponica menzbieri*) – **critically endangered**;
- Plains Wanderer (*Pedionomus torquatus*) – **critically endangered**;
- Red-lored Whistler (*Pachycephala rufogularis*) - **vulnerable**;
- Regent Parrot (Eastern) (*Polytelis anthopeplus monarchoides*) - **vulnerable**;
- Southern Bell Frog (*Litoria raniformis*) - **vulnerable**;
- Swift Parrot (*Lathamus discolor*) - **critically endangered**;

- Winged Pepper-cress (*Lepidium monoplocoides*) - **endangered**; and
- Yellow Swainson-pea (*Swainsona pyrophila*) – **vulnerable**.

Note: uncertainty around the extent and number of protected matters that may be impacted will need to be resolved through the assessment process once final alignment and construction plans have been completed.

Note: this may not be a complete list and it is the responsibility of the proponent to ensure any protected matters under these controlling provisions are assessed for the Commonwealth decision-maker's consideration.