



**Environment Assessment Requirements for input into the Director-General Requirements
Pacific Highway Upgrade – Woolgoolga to Ballina, NSW (EPBC 2012/6394)**

The delegate for the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities has determined that the proposed action, to upgrade approximately 155km of the Pacific Highway from Woolgoolga to Ballina, NSW, is a controlled action under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) as it is likely to have a significant impact on threatened species and ecological communities and migratory species listed under the EPBC Act.

The delegate has also determined that the project be assessed through an accredited assessment of Part 5.1 of the NSW *Environment Assessment and Planning Act 1979* (EP&A Act) - State Significant Infrastructure. In accordance with the accredited assessment process for this project, the assessment of the impacts of the action on the relevant matters of national environmental significance must be integrated into the assessment required for Part 5.1 of the EP&A Act. 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, or his delegate, to make an informed decision of whether or not to approve the controlled action under the EPBC Act.

To this end, provided below are the Environment Assessment requirements under the EPBC Act for input into the Director-General Requirements. Pursuant to section 115Y(4) of Part 5.1 of the EP&A Act, the Director-General is required to notify the proponent of these requirements.

The following matters must be addressed in the Environmental Assessment of the action:

Key Assessment requirements:

- (1) Impacts on ecological communities and threatened species listed under Section 18 and 18A of the *Environment Protection and Biodiversity Conservation Act 1999*;
- (2) Impacts on migratory species listed under Section 20 and 20A of the *Environment Protection and Biodiversity Conservation Act 1999*;
- (3) Any relevant Commonwealth and State Government technical and policy guidelines;
- (4) Matters outlined in Schedule 4 of the *Environment Protection and Biodiversity Conservation Regulation 2000*, included in the requirements below; and
- (5) The requirements outlined below:

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 and 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 existing environment and relevant matters of national environmental significance

A description of the existing environment including:

- a) a description of the nature, location and extent of:
 - a. all vegetation types occurring on-site and immediately adjacent to the site(s); and
 - b. aquatic and riparian environment that is likely to provide suitable habitat for threatened species.
- b) a description and map of the nature, location and extent of likely suitable habitat, and known records for migratory species, threatened species and ecological communities (including breeding, foraging, roosting habitat, habitat critical to the survival of the relevant species and ecological communities, movement corridors and migration paths) within the site and in surrounding areas that may be impacted by the proposal; and
- c) A detailed description of the methodology, timing, effort and results of all targeted surveys undertaken for all relevant matters, in accordance with any relevant guidelines and a description of any limitations and constraints of the surveys undertaken; and
- d) details of relevant baseline conditions to be used to assess the impacts of the action and the performance and effectiveness of proposed mitigation measures, including water quality, road kill data and habitat parameters for relevant areas that support migratory species, listed threatened species and ecological communities; or
- e) details of the monitoring programs to be implemented before, during and after construction to determine these baseline conditions.



4. An assessment of the relevant impacts of the action

An assessment of the relevant impacts of the action including:

- a) a detailed description and assessment of the nature and extent of all relevant impacts, including direct, indirect and facilitated impacts that the action will have or is likely to have on:
 - i. threatened species and ecological communities listed under sections 18 and 18A of the EPBC Act; and
 - ii. migratory listed under sections 20 and 20A of the EPBC Act.This must include, *but not be limited to*, an assessment of any habitat loss, degradation, fragmentation as a result of the action, as well as likely impacts from road strike;
- b) whether any relevant impacts are likely to be unknown, unpredictable or irreversible; and
- c) any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

5. Proposed safeguards, mitigation and offset measures

A description of changes to the action and feasible mitigation measures, that are intended to avoid, minimise or compensate for relevant impacts, including:

- a) a description of how the action has been designed to avoid impacts to migratory species, threatened species and ecological communities;
- b) a consolidated list of mitigation measures proposed to be undertaken to prevent or minimise the relevant impacts of the action, before, during and after construction and during operation;
- c) a description, and an assessment of the expected or predicted effectiveness of, the mitigation measures, including a justification of the location and design of mitigation measures to be implemented to ensure their effectiveness. This analysis should be based on best available knowledge and baseline data for the relevant areas;
- d) a description of the objectives of the mitigation measures, thresholds for corrective actions, and the corrective actions to be implemented should these thresholds be exceeded;
- e) any statutory or policy basis for the mitigation measures;
- f) details of environmental management plans that set 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 provisions for independent environmental auditing;
- g) the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program;
- h) 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 migratory species, threatened species and ecological communities. This should be in accordance with the department's draft Offsets Policy and include:
 - i. an assessment of how any proposed offset compensates for the residual impacts on migratory species, threatened species and ecological communities which remain following avoidance and mitigation measures to be implemented;



- ii. the location of any proposed offset;
- iii. the timing of the delivery of any offset; and
- iv. how the offset will be secured and managed in perpetuity.

6. 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;
 - 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 EPBC 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.

7. Environmental record of person proposing to take the action

A description of the environmental record of the person proposing to take the action, including:

- 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 person proposing to take the action; and
 - ii. for an action for which a person has applied for a permit, the person making the application.
- b) If the person proposing to take the action is a corporation — details of the corporation's environmental policy and planning framework.

8. Information sources

For information given in the environment assessment, the assessment 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 description of any consultation undertaken during the assessment, including:

- 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.

