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Our ref: 11/21677-1

Mr Michael Jeffery  
State Water Corporation  
GPO Box 1604  
SYDNEY NSW 2001

Attention: Mr Jubrahil Khan

Dear Mr Jeffery

**Chaffey Dam Augmentation Project (SSI – 5039) – Director-General's Requirements**

I refer to the Director-General's Requirements for the above project which were issued on 23 January 2012, in accordance with section 115Y of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

As you will be aware on 28 September 2012 the Minister for Sustainability, Environment, Water, Population and Communities declared the project a controlled action and consequently the project requires assessment and approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Commonwealth Minister has also decided the project will be assessed by NSW, through an accredited assessment under Part 5.1 of the EP&A Act.

The Department of Sustainability, Environment, Water, Population and Communities has provided the Department with the Commonwealth's environmental assessment requirements for the project. In accordance with section 115Y(4) of the EP&A Act, the Director-General has modified the Director-General's Requirements for the project. The Proponent, in the preparation of the Environmental Impact Statement for the project must, in addition to the requirements dated 23 January 2012, address the enclosed Commonwealth requirements for the assessment of the controlled action.

If you have any queries in relation to this matter, please contact Swati Sharma on (02) 9228 6221 or via email at [swati.sharma@planning.nsw.gov.au](mailto:swati.sharma@planning.nsw.gov.au).

Yours sincerely

Felicity Greenway  
**A/Director, Infrastructure Projects**  
as delegate of the Director-General





Environment Assessment Requirements for input into the Director-General's Requirements  
Chaffey Dam Augmentation and Safety Upgrade, Tamworth, NSW  
(EPBC Ref. 2012/6523)

The delegate for the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities has determined that the proposed action, to augment and upgrade Chaffey Dam, near Tamworth, NSW, is 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 threatened species and ecological communities 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's 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.



**Key Assessment requirements:**

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

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

- a) all construction, operational (including water uses) and (if relevant) de-commissioning 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 impacts on matters of National Environmental Significance (NES); and
- 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 (as per section 5(a)).

**3. Feasible alternatives**

Any feasible alternatives to the referred action, to the extent reasonably practicable, including:

- a) if relevant, the alternative of taking no action;
- b) a comparative description of the impacts of each alternative on the NES matters protected by controlling provisions of Part 3 of the EPBC Act for the action;
- c) sufficient detail to make clear why any alternative is preferred to another; and



- d) a description of short, medium and long-term advantages and disadvantages of the different options.

#### 4. Description of the existing environment and relevant matters of national environmental significance

A description of the environment of the proposal site and the surrounding areas (upstream, within and downstream of the impoundment) that may be directly or indirectly affected by the action, including:

- a) quantification and description of, and maps showing, the location, nature, extent and where relevant, the condition, of all vegetation types occurring on and adjacent to the vegetation on site;
- b) quantification and description of the quality, quantity and hydrological flow regimes of surface and groundwater – including seasonal dynamics (e.g. volume, timing, duration and frequency of flows) – and relevant water planning and allocation frameworks, including release strategies;
- c) quantification and description of, and maps showing, the distribution and abundance of EPBC Act listed threatened species and ecological communities within the site and in surrounding areas that may be impacted by the proposal. This should include, *but not be limited to*, up-to-date survey results for the Booroolong Frog<sup>1</sup>, Murray Cod, Border Thick-tailed Gecko, Small Snake Orchid, Bluegrass, *Euphrasia arguta*, and the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community (and any other relevant listed species and ecological communities);
- d) quantification and description of, and maps showing, the nature, location and extent of habitat for EPBC Act listed threatened species and ecological communities (as in 4(c)) within the site and in surrounding areas (including upstream, within and downstream of the impoundment) that may be impacted by the proposal; and,
- e) a detailed description of the methodology, timing, effort and results of all targeted surveys undertaken for all relevant EPBC Act matters and associated habitat, how the methodologies compare with any relevant guidelines or policies and a description of any limitations and constraints of the surveys undertaken.

<sup>1</sup> **Booroolong Frog** – in relation to 4c) and 4d) the survey methods must be appropriate for this species and ensure high probability of detection. For example, surveys in the Peel River catchment should be within the breeding period for the species (mid-November – mid-December), should identify known and potential breeding (and other) habitat and then survey a high proportion of those habitats for the species to determine distribution and relative abundance (e.g. breeding habitat is known to be areas of stream bank with cover of loose rock or bedrock containing rock crevices). Strict hygiene protocols should be implemented in any survey work, to prevent introduction or spread of *Chytridiomycosis* or any other harmful pathogen.



#### 5. Assessment of relevant impacts

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 short-term and long-term direct, indirect, facilitated and cumulative impacts, that the action will have or is likely to have on threatened species and ecological communities listed under sections 18 and 18A of the EPBC Act during all stages of the project (e.g. before and during construction, operational and (if relevant) de-commissioning stages);
- b) whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
- c) analysis of the scale of the relevant impacts for each EPBC Act listed threatened species and ecological community – including in a local, regional and national context; and
- d) any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

#### 6. 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 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) 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 matters;
- 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 threatened species and ecological communities. This should be in accordance with the EPBC Act Environmental Offsets Policy and include:



- i. an assessment of how any proposed offset compensates for the residual impacts on 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.

#### 7. 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.

#### 8. Consultation

A description of any consultation undertaken 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; and
- d) identification of affected parties, including a statement mentioning any communities that may be affected and describing their views.

#### 9. Economic and Social Matters

The economic and social impacts of the action, both positive and negative, must be analysed. This analysis must include:

- a) details of any public consultation activities undertaken, and their outcomes;
- b) projected economic costs and benefits of the project, including the basis for their estimation through cost/benefit analysis or similar studies; and
- c) employment opportunities expected to be generated by the project (including construction and operational phases).



#### 10. 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.

#### 11. 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.

#### 12. Conclusion

An overall conclusion as to the environmental acceptability of the proposal must be provided, including discussion on compliance with principles of ESD and the objects and requirements of the EPBC Act. Reasons justifying undertaking the proposal in the manner proposed should be outlined.

Measures proposed or required by way of offset for any unavoidable impacts on NES matters, and the relative degree of compensation, should be re-stated here.

