

Guidelines for preparing Assessment Documentation relevant to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)

Springdale Solar Farm (EPBC 2018/8173; SSD 8703)

1. On 1 May 2018, the proposed Springdale Solar Farm was determined to be a controlled action for impacts on the following matter of national environmental significance (MNES) protected under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act):
 - **threatened species and communities (sections 18 and 18A)**
2. The project will be assessed by NSW under an accredited assessment in accordance with section 87 of the EPBC Act. These requirements are a supplement to the NSW Secretary's Environmental Assessment Requirements (SEARs) issued on 26 September 2017, and should be addressed in conjunction with those requirements.
3. Assessment documentation prepared for the purposes of approval under the EPBC Act must address the statutory requirements outlined in Schedule 4 of the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth) (EPBC Regulations). Proponents are advised to check these requirements have been appropriately addressed:
http://www.austlii.edu.au/au/legis/cth/consol_reg/epabcr2000697/.
4. The requirements are intended to ensure MNES are sufficiently addressed in the EIS such that the Commonwealth decision-maker can make a determination on whether or not to approve the action.
5. The EIS must include an assessment of **all** protected matters that may be impacted by the proposed action under the controlling provision identified in paragraph 1, noting that:
 - Protected matters that the Department considers are likely to be significantly impacted by the proposed action are listed at Attachment A.
 - This list is not exhaustive and it is the proponent's responsibility to ensure any relevant protected matters under this controlling provision are adequately assessed for the Commonwealth decision-maker's consideration.

Project Description

6. The title of the action, background to the development 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.

Identification of threatened species and communities

9. The EIS must identify **each** EPBC Act-listed species and community likely to be significantly impacted by the proposed action, and provide evidence as to why other EPBC Act-listed species and communities likely to be located in the project area or in the vicinity are unlikely to be impacted.
10. For **each** of the relevant EPBC Act-listed species and communities likely to be impacted, the EIS must provide:
 - A description of the habitat and habits (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, threat abatement plans and wildlife conservation plans; and

- details of the scope, timing and methodology for studies or surveys used and how they are consistent with (or justification for divergence from) published Commonwealth guidelines and policy statements.

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

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

Information to address Requirement 10 can be drawn from the Biodiversity Development Assessment Report in accordance with Table 25 of the *Biodiversity Assessment Method*. Although EPBC Act-listed species and communities must be individually described and assessed for Commonwealth approval purposes, it is acceptable, where possible, to use the mapping and assessment of Plant Community Types (PCTs) and the species surveys prescribed by the BAM as the basis for identifying EPBC Act-listed species and communities. The proponent must provide evidence that PCTs are associated with specific EECs and species habitat. Occasionally there will be species that are not contained in the databases underpinning the BAM; in these cases Commonwealth survey guidelines should be used.

Impacts

11. The EIS must include a comprehensive assessment of impacts on any relevant EPBC Act-listed species and communities. The assessment must address the nature, geographic extent, magnitude, timing and duration of any likely direct, indirect and consequential impacts. The description of impacts must have regard to the full national extent of the species or community's range (i.e. not just NSW).

Information to address Requirement 11 can be drawn from the Biodiversity Development Assessment Report in accordance with Table 26 of the *Biodiversity Assessment Method*.

Avoidance and mitigation

12. For each of the EPBC Act-listed species and communities that are likely to be impacted by the development, the EIS must provide information on proposed avoidance and mitigation measures to deal with the impacts of the action, and a description of the predicted effectiveness and outcomes that the avoidance and mitigation measures will achieve.

Information to address Requirement 12 can be drawn from the *Biodiversity Development Assessment Report* in accordance with Table 26 of the *Biodiversity Assessment Method*.

Offsets

13. Where a significant residual adverse impact to EPBC Act-listed species or communities 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, how offsets will be secured, and timing of protection.

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 i.e. 'like for like'.

A number of offsets options available under the NSW *Biodiversity Conservation Act 2016* will be acceptable for EPBC Act approval purposes. The main requirement is that offsets are like-for-like. For Commonwealth purposes, like-for-like includes protection of native vegetation that is the same EEC or habitat community being impacted, or funding to provide a direct benefit to the entity being impacted i.e. threat abatement, breeding and propagation programs or other relevant conservation measures.

14. For each EPBC Act-listed species and community likely to be significantly impacted by the action, the EIS must provide reference to, and consideration of, relevant approved conservation advice or recovery plan for the species or community.

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>

Environmental Record of person proposing to take the action

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

Information Sources

16. For information given in the 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.

Attachment A

The Department's Environment Reporting Tool (ERT) identifies threatened species and communities that may occur within 5 km of the proposed action. 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:

- Golden sun moth (*Synemon plana*) – critically endangered
- Natural temperate grassland of the south eastern highlands – critically endangered

In addition, there is some risk that there may be significant impacts on the following matters and levels of impact should be further investigated.

- Superb parrot (*Polytelis swainsonii*) – vulnerable
- Striped legless lizard (*Delma impar*) – vulnerable
- White box- yellow box- Blakely's red gum grassy woodland and derived native grassland (Box Gum Woodland) – critically endangered