



Australian Government

BUILDING OUR FUTURE



The Northern Road Upgrade Mersey Road, Bringelly to Glenmore Parkway, Glenmore Park

NSW Environmental Impact Statement /
Commonwealth Draft Environmental Impact Statement

Appendix E – Environment Protection and Biodiversity Conservation Regulation Checklist

June 2017



Appendix E – Commonwealth Guidelines for a draft EIS checklist

The Commonwealth EIS Guidelines outlines the requirements for the content and presentation of the draft EIS. **Table E-1** provides a checklist to demonstrate where these requirements have been included within the draft environmental impact statement for The Northern Road upgrade.

Table E-1 Commonwealth EIS Guidelines checklist

Requirement	Where addressed in this EIS
FORMAT AND STYLE	
The EIS should comprise three elements, namely	
<ul style="list-style-type: none"> the executive summary the main text of the document, and appendices containing detailed technical information and other information that can be made publicly available. 	<p>The EIS comprises the following three elements:</p> <ul style="list-style-type: none"> Executive summary at the start of the EIS Commonwealth Draft EIS (this document) Appendices A through to S of the EIS.
The guidelines have been set out in a manner that may be adopted as the format for the EIS. This format need not be followed where the required information can be more effectively presented in an alternative way. However, each of the elements must be addressed to meet the requirements of the EPBC Act and Regulations	The EIS has been prepared in accordance with the Commonwealth EIS guidelines for the project and to meet the requirements of the EPBC Act and Regulations
The EIS should be written so that any conclusions reached can be independently assessed. To this end all sources must be appropriately referenced using the Harvard standard. The reference list should include the address of any Internet “web” pages used as data sources	All sources have been identified and appropriately referenced using the Harvard standard
<p>The main text of the EIS should include a list of abbreviations, a glossary of terms and appendices containing:</p> <ul style="list-style-type: none"> a copy of these guidelines; a list of persons and agencies consulted during the EIS; contact details for the Proponent; and the names of the persons involved in preparing the EIS and work done by each of these persons. 	<p>A glossary of terms and abbreviations is included in the EIS after the certification pages</p> <p>The following appendices are included:</p> <ul style="list-style-type: none"> Appendix C containing a copy of the Commonwealth EIS guidelines Appendix F containing a list of persons and agencies consulted during the EIS The Certification section at the beginning of the document contains contact details for the Proponent Appendix S contains the names of the persons involved in preparing the EIS and work done by each of these persons.
Maps, diagrams and other illustrative material should be included in the EIS. The EIS should be produced on A4 size paper capable of being photocopied, with maps and	Maps, diagrams and other illustrative material have been included in A4 format throughout the various

Requirement	Where addressed in this EIS
diagrams on A4 or A3 size and in colour where possible	chapters of the EIS
The Proponent should consider the format and style of the document appropriate for publication on the Internet. The capacity of the website to store data and display the material may have some bearing on how the document is constructed	The format and style of the document has been prepared as appropriate for publication on the Internet
General information	
<p>This should provide the background and context of the action including:</p> <ul style="list-style-type: none"> the title of the action; the full name and postal address of the designated Proponent a clear outline of the objective of the action the location of the action; the background to the development of the action 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 the current status of the action; and the consequences of not proceeding with the action 	<p>General information regarding the background and context of the action as required by the guidelines is provided in the Certification pages at the beginning of the EIS, and further outlined in the following chapters of the EIS:</p> <ul style="list-style-type: none"> Chapter 1 Introduction Chapter 3 Strategic justification and project need Chapter 4 Project Development and alternatives, including Do Minimum scenario of not proceeding with the action Chapter 5 Project Description Chapter 9 Cumulative Impact
DESCRIPTION OF THE ACTION	
All construction, operational and (if relevant) decommissioning components of the action should be described in detail. This should include the precise location (including coordinates) of all works to be undertaken, structures to be built or elements of the action that may have impacts on matters of National Environmental Significance	Chapter 5 Project description
The description of the action must also include details on how the works are to be undertaken (including stages of development and their timing) and design parameters for those aspects of the structures or elements of the action that may have relevant impacts	Chapter 5 Project description
FEASIBLE ALTERNATIVES	
<p>Any feasible alternatives to the action to the extent reasonably practicable, including:</p> <ul style="list-style-type: none"> (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; and (c) sufficient detail to make clear why any alternative is preferred to another. <p>Short, medium and long-term advantages and disadvantages of the options should be discussed</p>	Chapter 4 Project development and alternatives
DESCRIPTION OF THE ENVIRONMENT	
The EIS must include a description of the environment of the proposal site and the surrounding areas that may be affected by the action. It is recommended that this include	<p>Chapter 7 Assessment of key issues</p> <p>Chapter 8 Assessment of other issues</p>

Requirement	Where addressed in this EIS
the following information	
Listed threatened species (and suitable habitat) and ecological communities that are likely to be present in all areas of potential impact. To satisfy this requirement details must be presented on the scope, timing/effort (survey season/s) and methodology for studies and surveys used to provide information on the relevant listed threatened species/ecological community/habitat (as identified in Attachment 3	Section 7.3 Biodiversity Appendix I Biodiversity Assessment Report
This includes details of: <ul style="list-style-type: none"> ○ how best practice survey guidelines have been applied ○ how surveys are consistent with (or a justification for divergence from) published Australian Government guidelines and policy statements 	Section 7.3 Biodiversity Appendix I Biodiversity Assessment Report
A description of the environment in all areas of potential impact, including all components of the environment as defined in Section 528 of the EPBC Act: <ul style="list-style-type: none"> ○ ecosystems and their constituent parts, including plants and animals, people and communities, landscapes and soils ○ natural and physical resources, including water resources and air ○ the qualities and characteristics of locations, places and areas ○ heritage values of places ○ the social, economic and cultural aspects of a thing mentioned in preceding dot-points. 	Section 7.3 Biodiversity Section 7.4 Socio-economic and land use Section 8.2 Soils, water and contamination Section 8.3 Aboriginal heritage Section 8.4 Non-Aboriginal heritage Section 8.5 Urban design and visual impact assessment Section 8.6 Air quality
RELEVANT IMPACTS	
The EIS must include a description of all of the relevant impacts of the action. <p>Relevant impacts are impacts that the action will have or is likely to have on a matter protected by a controlling provision (as listed in the preamble of this document). Impacts during both the construction, operational and (if relevant) the decommissioning phases of the project should be addressed, and the following information provided:</p> <ul style="list-style-type: none"> ○ a detailed assessment of the nature and extent of the likely short-term and long-term relevant impacts; ○ a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible; ○ analysis of the significance of the relevant impacts; and ○ any technical data and other information 	Chapter 7 Assessment of key issues Chapter 8 Assessment of other issues

Requirement	Where addressed in this EIS
used or needed to make a detailed assessment of the relevant impacts	
The EIS should identify and address cumulative impacts, where potential project impacts are in addition to existing impacts of other activities (including known potential future expansions or developments by the proponent and other proponents in the region and vicinity)	Chapter 9 Cumulative impacts
The EIS should also address the potential cumulative impact of the proposal on ecosystem resilience. The cumulative effects of climate change impacts on the environment must also be considered in the assessment of ecosystem resilience.	Section 7.3 Biodiversity Chapter 9 Cumulative impacts
Where relevant to the potential impact, a risk assessment should be conducted and documented	Chapter 11 Environmental risk analysis
The EIS should also provide a detailed assessment of any likely impact that this proposed action may facilitate MNES at the local, regional, state, national and international scale	Section 7.3 Biodiversity Section 8.4 Non-Aboriginal heritage <i>A search of the Protected Matters Search Tool was conducted which did not identify any other MNES relevant to the project.</i>
If the conclusion is made that any relevant controlling provision or element of a relevant controlling provision will not be impacted by the proposed action, then justification must be provided for how this conclusion has been reached. This includes any threatened species or ecological communities that are likely to be present on site, heritage items/places likely to be on site and other relevant elements of the environment that may be impacted by the proposed action	Chapter 7 Assessment of key issues Chapter 8 Assessment of other issues
To support the assessment of local historic and indigenous heritage values, the EIS must include a full heritage impact assessment and the findings of the further program of archaeological survey that was foreshadowed in the referral for this project	Section 8.3 Aboriginal heritage / Appendix M Aboriginal Cultural Heritage Assessment Report Section 8.4 Non-Aboriginal heritage / Appendix N Non-Aboriginal Heritage Assessment
Further details of threatened species and ecological communities protected by the controlling provisions of Part 3 of the EPBC Act are provided at <u>Attachment 3</u>	N/A (note only)
Impacts to the environment (as defined in section 528) should include but not be limited to the following <ul style="list-style-type: none"> Changes to water quality on site and downstream of the site Changes to siltation Hydrological changes Removal and degradation of heritage items/places (historic, natural and indigenous) Native flora and fauna habitat removal and degradation (on site and in surrounding 	Section 7.2 Noise and vibration Section 7.4 Socio-economic and land use Section 7.3 Biodiversity Section 8.1 Hydrology and flooding Section 8.2 Soils, water and contamination

Requirement	Where addressed in this EIS
<p>areas that may be affected by the action)</p> <ul style="list-style-type: none"> ○ Road noise and vibration impacts on everyday activities and on sensitive environmental receptors (all sensitive receptors within the community and natural environment). Discussion and quantification/modelling of road noise impacts should include the range and frequency of noise, noise contours, cumulative exposure, peak noise and variations in noise patterns due to seasonal and meteorological factors. ○ Noise and vibration from construction activities and machinery ○ Changes to air quality during construction and operation (including consideration of seasonal and meteorological variations that influence local air quality) ○ Vehicle strike (fauna) ○ Lighting impacts on everyday activities and on sensitive environmental receptors (all sensitive receptors within the community and natural environment) ○ Changes in recreational use and amenity of natural areas ○ Creation of any risks or hazards to people or property that may be associated with any component of the action 	<p>Section 8.3 Aboriginal heritage</p> <p>Section 8.4 Non-Aboriginal heritage</p> <p>Section 8.5 Urban design and visual impact</p> <p>Section 8.8 hazard and risk</p>
<p>Quantification and assessment of impacts should:</p> <ul style="list-style-type: none"> ○ Be against appropriate background/baseline levels ○ Be prepared according to best practice guidelines and compared to best practice standards ○ Consider seasonal and temporal variations where appropriate (including temporal changes in the sensitivity of the receptor) ○ Be supported by maps, graphs and diagrams as appropriate to ensure information is readily understandable ○ Guidelines and standards used to quantify baselines and impacts should be explained and justified 	<p>Chapter 7 Assessment of key issues</p> <p>Chapter 8 Assessment of other issues</p> <p>Appendices G to R</p>
PROPOSED SAFEGUARDS AND MITIGATION MEASURES	
<p>The EIS must provide information on proposed safeguards and mitigation measures to manage the relevant impacts of the action. Specific and detailed descriptions of proposed measures must be provided and substantiated, based on best available practices and must include the following elements</p>	<p>Chapter 7 Assessment of key issues</p> <p>Chapter 8 Assessment of other issues</p> <p>Chapter 12 Summary of environmental management measures</p>

Requirement	Where addressed in this EIS
<p>The EIS must take into account relevant agreements and plans that cover impacts or known threats to a matter protected by a controlling provision (including but not necessarily limited to):</p> <ol style="list-style-type: none"> any recovery plan and/or conservation advice for the affected species or ecological community any threat abatement plan for a process that threatens an affected species or ecological community any wildlife conservation plan for the affected species any relevant strategic assessment undertaken in accordance with an agreement under Part 10 of the EPBC Act 	<p>Section 7.3 Biodiversity</p> <p>Appendix I Biodiversity Assessment Report</p>
<p>A consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the relevant impacts of the action, including:</p> <ul style="list-style-type: none"> a detailed description of the environmental outcomes the measures are expected to achieve including details of any baseline data or proposed monitoring to demonstrate progress towards achieving these outcomes; a description of proposed safeguards and mitigation measures to deal with relevant impacts of the action, including mitigation measures proposed to be taken by State governments, local governments or the Proponent; assessment of the expected or predicted effectiveness of the mitigation measures; any statutory or policy basis for the mitigation measures; the cost of the mitigation measures; and the likely cost of the mitigation measures 	<p>Chapter 7 Assessment of key issues</p> <p>Chapter 8 Assessment of other issues</p> <p>Chapter 12 Summary of environmental management measures</p>
<p>A detailed outline of an Environmental Management Plan (EMP) that sets out the framework for continuing management, mitigation and monitoring of relevant impacts of the action, including any provisions for independent environmental auditing.</p> <p>The EMP needs to address the project phases (construction, operation, decommission) separately. It must state the environmental objectives, performance criteria, monitoring, reporting, corrective action, responsibility and timing for each environmental issue.</p> <p>The EMP should also describe contingencies for events such as failure of sewerage systems, heavy or prolonged rainfall, or saltwater intrusion into ground water.</p>	<p>Chapter 12 Summary of environmental management measures</p>

Requirement	Where addressed in this EIS
The name of the agency responsible for endorsing or approving each mitigation measure or monitoring program	
RESIDUAL IMPACTS AND OFFSETS	
The EIS must provide details of the likely residual impacts upon a matter protected by a controlling provision after the proposed avoidance and mitigation measures have been taken into account. This includes: <ul style="list-style-type: none"> a. the reasons why avoidance or mitigation of impacts may not be reasonably achieved. b. quantification of the extent and scope of significant residual impacts 	Chapter 7 Assessment of key issues Chapter 8 Assessment of other issues Section 7.3 Biodiversity / Appendix I Biodiversity Assessment Report
The EIS must include details of an offset package to be implemented to compensate for residual significant impacts associated with the project as well as an analysis of how the offset meets the requirements of the Department's <i>Environmental Protection and Biodiversity Conservation Act 1999</i> Environmental Offsets Policy October 2012 (EPBC Act Offset Policy) or a state offsetting policy that has been endorsed by the Commonwealth	Section 7.3 Biodiversity / Appendix I Biodiversity Assessment Report
The offset package can comprise a combination of direct offsets and other compensatory measures, as long as it meets the requirements of the EPBC Act Offset Policy. Offsets should align with conservation priorities for the impacted protected matter and be tailored specifically to the attribute of the protected matter that is impacted in order to deliver a conservation gain	Section 7.3 Biodiversity / Appendix I Biodiversity Assessment Report
Offsets should compensate for an impact for the full duration of the impact. Offsets must directly contribute to the ongoing viability of the protected matter impacted by the project and deliver an overall conservation outcome that maintains or improves the viability of the protected matter, compared to what is likely to have occurred under the 'status quo' (i.e. if the action and associated offset had not taken place)	Section 7.3 Biodiversity / Appendix I Biodiversity Assessment Report
Note: offsets do not make an unacceptable impact acceptable and do not reduce the likely impacts of a proposed action. Instead, offsets compensate for any residual significant impact	Section 7.3 Biodiversity / Appendix I Biodiversity Assessment Report
The EIS must provide: <ul style="list-style-type: none"> a. Details of the offset package to compensate for significant residual impacts on a protected matter; and b. An analysis of how the offset package meets the requirements of the EPBC Act Offsets Policy <p>Information requirements to address this section are provided in greater detail in <u>Attachment 4</u></p>	Section 7.3 Biodiversity / Appendix I Biodiversity Assessment Report
OTHER APPROVALS AND CONDITIONS	
The EIS must include information on any other requirements for approval or conditions that apply, or that the proponent reasonably believes are likely to apply, to the proposed	Chapter 2 Assessment process Chapter 4 Project development and

Requirement	Where addressed in this EIS
action. This must include	alternatives
<p>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:</p> <ul style="list-style-type: none"> ○ what environmental assessment of the proposed action has been, or is being, carried out under the scheme, plan or policy; and ○ how the scheme provides for the prevention, minimisation and management of any relevant impacts 	Section 2.1 Approval framework
<p>a description of any approval that has been obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the Act), including</p> <ul style="list-style-type: none"> ○ any conditions that apply to the action ○ a statement identifying any additional approval that is required; and ○ a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action 	No approvals have been obtained for the action
CONSULTATION	
<p>Any consultation about the action, including</p> <ol style="list-style-type: none"> any consultation that has already taken place; proposed consultation about relevant impacts of the action; if there has been consultation about the proposed action, any documented response to, or result of, the consultation; and identification of affected parties, including a statement mentioning any communities that may be affected and describing their views 	<p>Chapter 6, specifically:</p> <ul style="list-style-type: none"> • Section 6.2 Consultation process and activities to date • Section 6.4 Future consultation • Section 6.3 Summary of issues raised • Section 6.3.2 Issues raised by the community and Section 6.3.3 Issues raised by the Aboriginal community
ENVIRONMENTAL RECORD OF PERSON(S) PROPOSING TO TAKE THE ACTION	
<ol style="list-style-type: none"> The information provided must include 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 the person proposing to take the action; and for an action for which a person has applied for a permit, the person making the application 	Appendix A – Proponent details and environmental performance of the proponent
If the person proposing to take the action is a corporation, details of the corporation's environmental policy and planning framework must also be included	Section 12.1 Environmental management framework
ECONOMIC AND SOCIAL MATTERS	
<p>The economic and social impacts of the action, both positive and negative, must be analysed. Matters of interest may include:</p> <ul style="list-style-type: none"> ○ details of any public consultation activities 	<p>Section 6 Consultation including:</p> <ul style="list-style-type: none"> • Section 6.2 Consultation process and activities to date, including Aboriginal cultural heritage consultation

Requirement	Where addressed in this EIS
<ul style="list-style-type: none"> ○ undertaken, and their outcomes; ○ details of any consultation with indigenous stakeholders; ○ projected economic costs and benefits of the project, including the basis for their estimation through cost/benefit analysis or similar studies; ○ employment opportunities expected to be generated by the project (including construction and operational phases). <p>Economic and social impacts should be considered at the local, regional and national levels. Details of the relevant cost and benefits of alternative options to the proposed action, as identified in section 3 above, should also be included</p>	<ul style="list-style-type: none"> • Section 6.3 Summary of issues raised, including issues raised by the Aboriginal community <p>Section 7.4 Socio-economic and land use</p>
INFORMATION SOURCES PROVIDED IN THE EIS	
<p>For information given in a draft Environmental Impact Statement, the draft must state:</p> <ul style="list-style-type: none"> a. the source of the information; b. how recent the information is; c. how the reliability of the information was tested d. what uncertainties (if any) are in the information; and e. what guidelines, plans and/or policies have been considered during preparation of the EIS 	<p>References are provided in Chapters 7 and 8, and at the end of the EIS</p> <p>Specific guidelines and references are also included in the relevant Appendices A to S</p>
CONCLUSION	
<p>An overall conclusion as to the environmental acceptability of the proposal on protected matters must be provided, including</p>	<p>Chapter 13 Project justification and conclusion</p>
<p>discussion on how consideration has been given to the objects of the EPBC Act, principles of ecological sustainable development SD and the precautionary principle (as detailed at Attachment 1);</p>	<p>Section 13.1.3 Objects of the EPBC Act</p>
<p>justification for undertaking the proposal in the manner proposed, including the acceptability of the avoidance and mitigation measures</p>	<p>Section 13.1 Justification</p>
<p>a discussion of residual impacts and any offsets and compensatory measures proposed or required for significant residual impacts on protected matters, and the relative degree of compensation and acceptability</p>	<p>Chapter 7 Assessment of key issues</p> <p>Chapter 8 Assessment of other issues</p> <p>Section 13.2 Conclusion</p>