



Shane Quinnell
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Dear Mr Quinnell

**Granite Hills Wind Farm (SSD 8220) (EPBC: 2018/8212)
Revised Environmental Assessment Requirements**

As you are aware, the Granite Hills Wind Farm has been determined to be a controlled action under the *Environment Protection Biodiversity Conservation Act 1999*. The Commonwealth Department of the Environment has provided the NSW Department of Planning and Environment with input on the Secretary's Environmental Assessment Requirements (SEARs).

The Department provides the Commonwealth's requirements as a supplement to the SEARs issued on 7 April 2017. The additional matters should be considered in the Environmental Impact Statement (EIS) for the project.

Please note that the Department will review the EIS before putting it on public exhibition. If it fails to adequately address these requirements, you will be required to submit an amended EIS.

If you wish to discuss the matter further please contact Iwan Davies on 9228 6374.

Yours sincerely

15/11/18

Steve O'Donoghue
A/Director, Resource Assessments
(as nominee of the Secretary)

Guidelines for preparing assessment documentation relevant to the EPBC Act for proposals being assessed under the NSW Assessment Bilateral.

Granite Hills Wind Farm (EPBC 2018/8212; SSD 8220)

Introduction

1. These guidelines provide information on assessment requirements in relation to matters of national environmental significance (MNES) in accordance with the *New South Wales Bilateral Agreement relating to environmental assessment (February 2015)*. To meet requirements, the project must be assessed in the manner specified in Schedule 1 to that agreement including that the assessment documentation contains:
 - i. An assessment of all impacts that the action is likely to have on each matter protected by a provision of Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
 - ii. Enough information about the proposal and its relevant impacts to allow the Commonwealth Minister to make an informed decision on whether or not to approve.
 - iii. Information addressing the matters outlined in Schedule 4 of the *Environment Protection and Biodiversity Conservation Regulations (2000)*.
2. In the circumstance that a proposal has been determined to be a 'controlled action' requiring full assessment, the decision will identify which MNES protected under the EPBC Act have triggered for assessment. These are called the controlling provisions. Proponents are only required to provide an assessment of protected matters under the controlling provisions that have been triggered. Following is the full list of possible controlling provisions:
 - listed threatened species and communities (sections 18 and 18A)
 - listed migratory species (sections 20 and 20A)
3. The proponent must consider each of the protected matters under the triggered controlling provisions that may be impacted by the action. The proponent will be informed in the assessment requirements issued by the Department of Planning and Environment, which protected matters i.e. species and communities, World Heritage values etc, are considered likely to be significantly impacted (see [Attachment A](#)). 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.

Relevant Regulations

4. Assessment documentation prepared for the purposes of approval under the EPBC Act must, in addition to providing sufficient information for a decision, address the matters outlined in Schedule 4 of the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth). The following includes requirements that have been identified as additional to the requirements prescribed in Schedule 2 of the NSW *Environmental Planning and Assessment Regulations 2000*. Proponents are advised to check that requirements in Schedule 4 of the EPBC Regulations have been appropriately addressed. http://www.austlii.edu.au/au/legis/cth/consol_reg/epabcr2000697/

General Requirements

Project Description

5. The title of the action, background to the action of the action and current status.

6. 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.
7. How the action relates to any other actions that have been, or are being taken in the region affected by the action.
8. 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

9. 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

10. 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.
11. 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.
12. 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,

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

- ii. relevant threat abatement plan for a process that threatens the species or community
- iii. wildlife conservation plan for the species
- iv. management plan for Ramsar wetland
- v. management plan for a World Heritage property or National Heritage place;
- vi. Marine Bioregional Plan;
- vii. 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>]

13. 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 10-24.

Key Issues

Biodiversity (threatened species and communities and migratory species)

14. 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.
15. 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; and
 - 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 Framework for Biodiversity Assessment (FBA) 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 FBA 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 FBA, 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.]

16. Any significant residual impacts not addressed by the FBA may need to be addressed in accordance with the Environment Protection and Biodiversity Conservation Act 1999 Environmental Offset Policy. <http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy>.

Other approvals and conditions

17. 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

18. 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

19. 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*
- NSW Assessment Bilateral Agreement (2015) - 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
- *Information Guidelines for Independent Expert Scientific Committee advice on coal seam gas and large coal mining development proposals* (2014)

The Department of the Environment and Energy'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:

- Swift Parrot (*Lathamus discolor*) - critically endangered
- Parris' Pomaderris (*Pomaderris parrisiae*) - vulnerable
- Giant Burrowing Frog (*Heleioporus australiacus*) - vulnerable
- Littlejohn's Tree Frog (*Litoria littlejohni*) - vulnerable
- Alpine Tree Frog (*Litoria verreauxii alpina*) - vulnerable
- Stuttering Frog (*Mixophyes balbus*) - vulnerable
- White-throated Needletail (*Hirundapus caudacutus*) - migratory

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

- Greater Glider (*Petauroides volans*) - vulnerable
- Grey-headed Flying-fox (*Pteropus poliocephalus*) - vulnerable
- Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) (*Phascolarctos cinereus* (combined populations of Qld, NSW and the ACT)) - vulnerable
- Spotted-tailed Quoll (SE mainland population) (*Oasyurus maculatus maculatus*) - endangered
- Swamp Everlasting (*Xerochrysum palustre*) - vulnerable
- Natural Temperate Grassland of the South Eastern Highlands – critically endangered
- Pacific Swift (*Apus pacificus*) - migratory
- Latham's Snipe (*Gallinago hardwickii*) - migratory
- Black-faced Monarch (*Monarcha melanopsis*) - migratory
- Satin Flycatcher (*Myiagra cyanoleuca*) - migratory
- Rufous Fantail (*Rhipidura rufifrons*) - migratory