

ATTACHMENT 2 - DEE letters dated:

- 6 October 2017 - Decision on referral – Iluka Residential Subdivision, Hickey Street, Iluka, NSW – the proposed action is a controlled action; and
- 25 October 2017 – Additional Information required for preliminary documentation Iluka Residential Subdivision, Hickey Street, Iluka, NSW.



Mr Ben Johnson
Development Manager
Stevens Holdings Pty Limited
PO Box 3171
ERINA NSW 2250

Dear Mr Johnson

**Decision on referral
Iluka residential subdivision, Hickey Street, Iluka, NSW**

Thank you for submitting a referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This is to advise you of my decision about the referral of the proposed action, to construct a community title residential subdivision on Lot 99 DP 823635 in Iluka, NSW.

As a delegate of the Minister for the Environment and Energy, I have decided under section 75 of the EPBC Act that the proposed action is a controlled action and, as such, it requires assessment and a decision about whether approval for it should be given under the EPBC Act.

The information that I have considered indicates that the proposed action is likely to have a significant impact on the following matters protected by the EPBC Act:

- World Heritage properties (sections 12 & 15A)
- National Heritage places (sections 15B & 15C)
- Listed threatened species and communities (sections 18 & 18A)

Based on the information available in the referral, the proposed action is likely to have a significant impact on the following matters of national environmental significance, but not limit to:

- Koala (*Phascolarctos cinereus*) (combined populations of Qld, NSW and the ACT) – vulnerable. The proposed action will adversely affect habitat critical to the survival of the species.
- Gondwana Rainforests of Australia – world heritage property and national heritage place. The proposed action is likely to diminish the biological and ecological heritage values through the impacts to attribute species from the clearing of fauna habitat and movement corridors in proximity to Iluka Nature Reserve.

In addition, the following species are potentially significantly impacted by the proposed action and further assessment is required to consider appropriate mitigation and management measures:

- Scented Acronychia (*Acronychia littoralis*) – endangered
- Spot-tailed Quoll (*Dasyurus maculatus maculatus*) (SE mainland population) – endangered
- Grey-headed Flying-fox (*Pteropus poliocephalus*) – vulnerable.

A copy of the document recording this decision is enclosed. Please note that this decision only relates to the potential for significant impacts on matters protected by the Australian Government under Chapter 2 of the EPBC Act.

I have also decided that the project will need to be assessed by preliminary documentation. The assessment will require a public consultation period in which any third parties can comment on the proposed action.

Please note, under subsection 520(4A) of the EPBC Act and the *Environment Protection and Biodiversity Conservation Regulations 2000*, your assessment is subject to cost recovery. Please find attached a copy of the fee schedule for your proposal and an invoice for Stage 1. Fees will be payable prior to each stage of the assessment proceeding. Further details on cost recovery are available on the Department's website at: <http://www.environment.gov.au/epbc/cost-recovery>.

If you disagree with the fee schedule provided, you may apply under section 514Y of the EPBC Act for reconsideration of the method used to work out the fee. The application for reconsideration must be made within 30 business days of the date of this letter and can only be made once for a fee. Further details regarding the reconsideration process can be found on the Department's website at: <http://www.environment.gov.au/epbc/cost-recovery>.

Details on the assessment process for the project and the responsibilities of the proponent are set out in the enclosed fact sheet. Further information is available from the Department's website at <http://www.environment.gov.au/topics/environment-protection/environment-assessments>.

While I have determined that your project will be assessed by preliminary documentation, some further information will be required to be able to assess the relevant impacts of the action. You should expect to receive a letter from the Department within 10 business days of the payment of Stage 1 fees, outlining the information required.

I have also written to Ms Elizabeth Ashby of Keystone Ecological Pty Ltd to advise her of this decision.

You may elect under section 132B of the EPBC Act to submit a management plan for approval at any time before the Minister makes an approval decision of the proposed action under section 133 of the EPBC Act. If an election is made under section 132B of the EPBC Act, cost recovery will apply to the approval of any action management plans you submit.

Cost recovery does not apply to the approval of action management plans where you do not elect to submit an action management plan for approval under section 132B of the EPBC Act and the approval of the action management plan does not arise from a variation to the approval conditions that you have requested. Where you vary an approval condition and it results in you being required to submit an action management plan for approval, cost recovery will apply to the approval of the action management plan.

Please also note that once a proposal to take an action has been referred under the EPBC Act, it is an offence under section 74AA to take the action while the decision making process is on-going (unless that action is specifically excluded from the referral or other exemptions apply). Persons convicted of an offence under this provision of the EPBC Act may be liable for a penalty of up to 500 penalty units. The EPBC Act is available on line at: <http://www.environment.gov.au/epbc/about/index.html>

The Department has recently published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines the Department's commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at: <http://www.environment.gov.au/epbc/publications/index.html>.

If you have any questions about the referral process or this decision, please contact the project manager, Katie Lowe, by email to katie.lowe@environment.gov.au, or telephone 02 6274 1431, and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



Antonella Bates
Acting Assistant Secretary
Assessments (NSW, ACT) and Fuel Branch

6 September 2017
O Jones



**Notification of
REFERRAL DECISION AND DESIGNATED PROPONENT – controlled action
DECISION ON ASSESSMENT APPROACH**

Iluka Residential Subdivision, Hickey Street, Iluka, NSW (EPBC 2017/8003)

This decision is made under section 75 and section 87 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

proposed action To construct a community title residential subdivision on Lot 99 DP 823635 in Iluka, NSW [See EPBC Act referral 2017/8003].

decision on proposed action The proposed action is a controlled action.
The project will require assessment and approval under the EPBC Act before it can proceed.

relevant controlling provisions

- World Heritage properties (sections 12 & 15A)
- National Heritage places (sections 15B & 15C)
- Listed threatened species and communities (sections 18 & 18A)

designated proponent Stevens Holdings Pty Limited
ACN 002 386 450

assessment approach The project will be assessed by preliminary documentation.

Decision-maker

Name and position Antonella Bates
Acting Assistant Secretary
Assessments (NSW, ACT) and Fuel Branch

Signature

date of decision 6.10.17



EPBC Ref: 2017/8003

Mr Ben Johnson
Development Manager
Stevens Holdings Pty Limited
PO Box 3171
ERINA NSW 2250

Dear Mr Johnson

**Additional information required for preliminary documentation
Iluka Residential Subdivision, Hickey Street, Iluka, NSW**

I am writing to you in relation to your proposal to construct a community title residential subdivision on Lot 99 DP 823635 in Iluka, NSW.

On 6 October 2017, a delegate of the Minister decided that the proposed action is a controlled action and that it will be assessed by preliminary documentation. Additional information will be required for the Department to be able to assess the relevant impacts of the proposed action.

Details of the additional information you are required to provide are outlined in the preliminary documentation requirements at Attachment A.

If you have any questions about the assessment process or the additional information required, please contact Katie Lowe, by email to katie.lowe@environment.gov.au or telephone 02 6274 1431 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

Dane Roberts
Director
Assessments (NSW, ACT) and Fuel Branch

25 October 2017

**GUIDELINES FOR REQUEST FOR ADDITIONAL
DOCUMENTATION FOR
PRELIMINARY DOCUMENTATION**

Iluka residential subdivision, Hickey Street, Iluka, NSW

***Environment Protection and Biodiversity Conservation Act
1999***

(EPBC 2017/8003)

GUIDELINES FOR REQUEST FOR ADDITIONAL INFORMATION FOR PRELIMINARY DOCUMENTATION FOR

Iluka residential subdivision, Hickey Street, Iluka, NSW (EPBC 2017/8003)

GENERAL ADVICE ON GUIDELINES

1 GENERAL CONTENT, FORMAT AND STYLE

The preliminary documentation package (PD) should be a stand-alone document, which includes all information provided in your initial referral (updated or corrected as necessary) as well as the additional information requested below.

The documentation should enable interested stakeholders and the Minister to understand the environmental consequences of the proposed development. The information provided should be objective, clear, succinct, and where appropriate, supported by maps, plans, diagrams or other descriptive detail.

The level of analysis and detail in the PD should reflect the level of expected impacts on the environment. Any variables or assumptions made in the assessment should be clearly stated and discussed. The extent to which limitations, if any, of available information may influence the conclusions of the environmental assessment should be discussed.

Assessment should clearly address any standards or criteria published by the Commonwealth Department of the Environment and Energy (the Department) that are relevant to matters being assessed, and appropriate reference must be made to any relevant policy documents, including how the policy requirements and objectives have been met.

The PD 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 web pages used as data sources and when these were last accessed. The PD should also include a list of persons or agencies consulted and the date, names of, and work done by, the persons involved in preparing the documentation.

Detailed technical information, studies or investigations supporting the text of the main document should be included as appendices, or at least directly linked to avoid readers having to search for the documents. Any such documents that are not already available to the public should be made available at appropriate locations at least during the period for public display of the PD. If it is necessary to make use of material that is considered to be confidential in nature, the proponent should consult the Department on the preferred presentation of that material, before submitting the documents to the Department.

The PD should be produced on A4 size paper capable of being photocopied, with maps and diagrams on A4 or A3 size and in colour. 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 additional information must include a copy of these guidelines and a table referencing the headings and sub-headings below to indicate where the information fulfilling the guidelines is included in the PD.

2 SCOPE

The PD should fully assess the direct and indirect impacts upon all *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) listed threatened species and ecological communities (sections 18 & 18 A), world heritage properties (sections 12 & 15A) and national heritage places (sections 15B & 15C). Should the assessment identify impacts upon other matters to those identified herein, the Department should be contacted with a view to whether including these matters in the documentation is appropriate for this assessment.

Based on the information available in the referral, the Department considers that the following listed threatened species are likely to be significantly impacted, or have the potential to be significantly impacted, by the proposed action:

- Koala (*Phascolarctos cinereus*) (combined populations of Qld, NSW and the ACT) – vulnerable
- Scented Acronychia (*Acronychia littoralis*) – endangered
- Spot-tailed Quoll (*Dasyurus maculatus maculatus*) (SE mainland population) – endangered
- Grey-headed Flying-fox (*Pteropus poliocephalus*) – vulnerable

The proposed action is also likely to have a significant impact on the heritage values of the Gondwana Rainforests of Australia (Iluka Nature Reserve); a world heritage property and national heritage place. The following species, which are attributes of the Outstanding Universal Value (OUV) of the property, were recorded on the subject site, and therefore require assessment:

- White-eared Monarch (*Monarcha leucotis*)
- Wonga Pigeon (*Leucosarcia melanoleuca*)
- Wompoo Fruit-Dove (*Ptilinopus magnificus*)
- Rose-crowned Fruit-dove (*Ptilinopus regina*)
- Superb Fruit-Dove (*Ptilinopus superbus*)
- Rufous Fantail (*Rhipidura rufifrons*) – listed migratory
- Eastern Free-tail Bat (*Mormopterus norfolkensis*)
- Little Bentwing Bat (*Miniopterus australis*)
- Eastern Long-eared Bat (*Nyctophilus bifax*)

This is not necessarily a comprehensive list of attributed that may be affected by the proposed action. The assessment should have regard to all elements of the biological and ecological heritage values represented within Iluka Nature Reserve.

In order to adequately assess the likely scale and potential impacts of the proposed action on the matters listed above, additional information is required as follows.

SPECIFIC CONTENT

1. DESCRIPTION OF THE ACTION

All components of the action should be described in detail, and include the precise location of all works to be undertaken, structures to be built and elements of the action that may have impacts on the matters of national environmental significance described above.

While the referral provides appropriate details of the current subdivision layout, if components of the proposed action are further revised to improve outcomes for protected matters, additional information is required to identify the components that will change and/or details of the final subdivision layout.

The preliminary documentation must contain:

- A.** Where components of the proposed action have been revised, a description and justification of the revisions, including:
 - i. Which components have been revised
 - ii. How the components deviate from that described in the referral
 - iii. Why the revisions have been made
 - iv. What outcomes the revision is proposed to meet.

Where components of the action will not change, please include a statement to confirm how the subdivision layout will align with the information provided at referral stage.

- B.** Maps/plans of the final subdivision layout, showing
 - v. Boundaries and size (in hectares) of the disturbance footprint.
 - vi. Size and positioning of retained vegetation, specifying areas of conservation.
 - vii. Proposed layout of the subdivision, including placement on subject site.

If the proposed subdivision layout changes for any other reason, such as in response to state agency requirements, please contact the Department before the PD is submitted.

2. DESCRIPTION OF THE EXISTING ENVIRONMENT

Listed threatened species & communities (sections 18 & 18A)

The Department notes that habitat is present onsite and in the surrounding area for the Koala, Scented Acronychia, Spot-tailed Quoll and Grey-headed Flying-fox. From the information provided in the referral, the Department understands that substantial survey work has been conducted within and adjacent to the subject site between 2014 and 2017. The preliminary documentation should provide a consolidated summary of this survey information for all relevant EPBC listed matters.

For each species that has the potential to be significantly impacted by the proposed action, the preliminary documentation must contain:

- C.** A description of the survey effort and methodology, demonstrating that survey work has been undertaken in accordance with the survey guidelines listed below, i.e. that surveys are timed appropriately and undertaken for a suitable period of time by a qualified

person and use accepted methodology for targeting each species in their respective habitat. Surveys should be consistent with the survey guidelines in the following EPBC Act policy documents:

- i. Survey guidelines for Australia's threatened mammals (2011)
<http://www.environment.gov.au/system/files/resources/b1c6b237-12d9-4071-a26e-ee816caa2b39/files/survey-guidelines-mammals.pdf>,
 - ii. Survey guidelines for Australia's threatened bats (2010)
<http://www.environment.gov.au/resource/survey-guidelines-australias-threatened-bats-guidelines-detecting-bats-listed-threatened>
 - iii. EPBC Act referral guidelines for the vulnerable koala
<http://www.environment.gov.au/system/files/resources/dc2ae592-ff25-4e2c-ada3-843e4dea1dae/files/koala-referral-guidelines.pdf>.
 - iv. Any other survey recommendations described in the SPRAT profiles at
<http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>
- D.** The results of all surveys, and a description of the distribution and abundance of the species, including, but not limited to, the estimated size, density and location of occurrences on-site and in the region, and identification of any relevant important populations of vulnerable species (particularly, Grey-headed Flying-fox).
- E.** A quantification and description of the extent of suitable habitat on-site and in the region, including whether the habitat is critical to the survival of the species.
- F.** Maps displaying the above information (points A, B & C) overlaid with the proposed action.

Please note that, if it is identified that surveys have not been undertaken in accordance with best practice survey techniques, additional targeted field surveys must be undertaken for the assessment.

World heritage properties (sections 12 & 15A) and national heritage places (sections 15B & 15C)

Based on available spatial data, the Department notes that the subject site boundary is approximately 60 m from the Iluka Nature Reserve boundary at its closest point, separated by Iluka Road and Bundjalung National Park.

The Gondwana Rainforests of Australia's world heritage values are considered as a surrogate for the property's national heritage values as it was inscribed to the national heritage list in May 2007 for values similar to its OUV. The preliminary documentation can therefore address world heritage and national heritage values collectively in terms of the property's OUV.

The OUVs that are potentially impacted by the proposed action and need to be addressed in the preliminary documentation are in relation criteria (ix) and (x).

- (ix) To be outstanding examples representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals.

(x) To contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation.

The Department considers that the referral documentation has not comprehensively identified the heritage values that may be affected by the proposed action. To inform further assessment the preliminary documentation must contain:

- G.** A description of the attributes that contribute to the OUV represented within Iluka Nature Reserve, such as species, taxa, ecosystems, and natural habitats, and how these attributes interact with the subject site.

To establish a full list of values, please refer to the following documents:

- i. Statement of Outstanding Universal Value
<http://whc.unesco.org/en/list/368/>
 - i. 'World Heritage and associative natural values of the Central Eastern Rainforest Reserves of Australia' (2004), available via the OEH website
 - ii. 'Nomination of Central Eastern Rainforests of Australia for inclusion on the World Heritage List' (1994)
 - iii. 'NSW Rainforests nomination for the World Heritage List' (1987)
- H.** A description of the management and protective arrangements that exist for the heritage property at Iluka Nature Reserve. Refer to:
 - iv. 'Broadwater National Park, Bundjalung National Park and Iluka Nature Reserve Plan of Management' (1997) available via the OEH website.

For species identified as attributes of the OUV that interact or potentially interact with the subject site, the preliminary documentation must provide:

- I.** A description of the distribution and abundance of these species, including, but not limited to, the estimated size, density and location of occurrences on-site and in the region.
- J.** A quantification and description of the extent of suitable habitat on-site and in the region.
- K.** Maps displaying the above information (points G, H) overlaid with the proposed action.

It is important to note that values representing the property's OUV can change over time as new information becomes available, this must be considered in the PD's investigation into world heritage values.

3. RELEVANT IMPACTS

Listed threatened species & communities (sections 18 & 18A)

While the referral documentation concludes that no significant impacts are likely in relation to threatened species, the Department has determined that potential significant impacts arise in relation to the Koala, Scented Acronychia, Spot-tailed Quoll and Grey-headed Flying-fox. Further analysis is required to ensure the full scope of impacts are identified in the preliminary documentation.

Please note that significance will not be re-determined unless the avoidance and mitigation measures are substantially changed from the referral. If you consider that new proposed avoidance and mitigation measures are likely to reduce the level of impacts below significance, please contact the Department before the PD is submitted. In the event that there are significant impacts that cannot be avoided or mitigated, an offsets package to compensate for residual impacts must be provided (see section 5).

For each of these listed protected matters, the preliminary documentation must contain:

- L.** A description of the direct and indirect impacts that the action will have, or is likely to have, both within the subject site and on adjacent land, including but not limited to:
 - i. habitat fragmentation
 - ii. edge effects and spread of weeds
 - iii. erosion and sedimentation
 - iv. hydrological changes
 - v. increased risk of predation by domestic pets (cats and dogs)
 - vi. light pollution
- M.** Identification of the timing and duration of those impacts (e.g. temporary impacts associated with construction activities, versus permanent impacts from residential use).
- N.** The total area (ha) of habitat that will be impacted. The total area calculation should include habitat within all areas to be cleared and all areas that will be disturbed including, but not limited to, disturbances within Parks E and F.

When addressing relevant impacts, consideration should be given to Recovery Plans, Conservation Advices and Threat Abatement Plans relevant to each protected matter that is 'likely to be' or 'may be' significantly impacts by the proposed action.

World heritage properties (sections 12 & 15A) and national heritage places (sections 15B & 15C)

The Department has determined that potential significant impacts arise in relation to world and national heritage values, as the proposed action may fragment, isolate or substantially damage habitat important for the conservation of biological diversity and/or habitat for rare, endemic or unique animal populations or species in a heritage property.

To ensure all of the property's world heritage and natural heritage values under the criteria (ix) and (x) are assessed, further analysis is required to determine the direct and indirect impacts to the property's attributes of OUV. This involves detailing the impacts on the species and population associated with the Iluka Nature Reserve that may intermediately, or more frequently, use habitat on the subject site within their range.

For each species identified as an attribute of the heritage property's OUV, with potential or known habitat occurrence within the subject site, the preliminary documentation must contain:

- O.** A description of the direct and indirect impacts that the action will have, or is likely to have, on species and their habitats within the subject site and on adjacent land. This should include:
 - i. Impacts that occur outside Iluka NR such as habitat clearing, fragmentation, obstruction to fauna movement, increased mortality risks, light pollution.
 - ii. Impacts that may be experienced within Iluka NR, such as weed invasion, increased risk of predation by domestic pets (cats and dogs).
- P.** A discussion of the extent to which the above impacts may impact on the distribution and abundance of these species within Iluka NR, and in turn how the likely extent to which the OUV may be degraded, damaged, altered, modified, obscured or diminished.
- Q.** A discussion of the extent to which the proposed action is likely to affect the existing integrity, management and protective arrangements of Iluka Nature Reserve.

Note, integrity is a measure of the wholeness and intactness of the natural heritage and its attributes (refer to the Operational Guidelines for the Implementation of the World Heritage Convention).

As above, if you consider that proposed avoidance and mitigation measures are likely to reduce the level of impact below significance, please contact the Department before the PD is submitted. In the event that there are significant impacts that cannot be avoided or mitigated, an offsets package to compensate for residual impacts must be provided (see section 5).

4. PROPOSED AVOIDANCE, MITIGATION AND MANAGEMENT MEASURES

Listed threatened species & communities (sections 18 & 18A), world heritage properties (sections 12 & 15A) and national heritage places (sections 15B & 15C)

While the referral documentation describes measures to avoid or reduce potential impacts on protected matters, the Department considers that further avoidance and mitigation measures are available and should be identified for this proposal. Additional information is also required on the provisions of the community title scheme to ensure that these measures will be effectively implemented in the longer term.

In relation to world and national heritage values, please consider appropriate mitigation and management measures that reflect the OUV, integrity, and management and protective arrangements of Iluka Nature Reserve. Such methods should promote sufficient ongoing protection and management of the property's biological and ecological values.

The preliminary documentation must contain:

- R.** A consolidated list of avoidance and mitigation measures that will be undertaken to prevent or minimise potential impacts each protected matter, including specific and general avoidance and mitigation measures.

When developing specific mitigation measures have regard to policy statements, guidelines and relevant government documents. In particular:

- i. The koala referral guidelines (see 1A iii), which outlines mitigation standards in relation to identified direct and indirect impacts on the koala.

- S. A description of the proposed avoidance and mitigation measures, including for each measure: the environmental objectives, performance criteria, monitoring, reporting (by whom, to whom, how often), corrective actions (including thresholds for actions), responsibility and timing for proposed mitigation measures.
- T. An assessment of the expected or predicted effectiveness of the mitigation measures in reducing impacts on each particular MNES, including any supporting evidence.
- U. Details of the community title to demonstrate how the conservation outcomes will be met for the life of the scheme, including:
 - i. The management statement (or draft provisions relating to protected matters)
 - ii. Management plans (or outlines of the proposed plans)
 - iii. Funding arrangements

5. OFFSETS

In the event that there are significant impacts that cannot be avoided or mitigated, a description of any offsets to compensate for residual impacts on threatened species must be provided for each protected matter.

The Department considers that an offset package may be required to compensate for the residual impacts to the Koala, Scented Acronychia, Spot-tailed Quoll and Grey-headed Flying-fox and Iluka Nature Reserve. If you consider that an offset package is not required for a protected matter, please contact the Department before the PD is submitted. Otherwise, the preliminary documentation must contain:

- V. Details of the proposed offset package that will be provided, and evidence that demonstrates how the proposed offset package meets the requirements of the *EPBC Act Environmental Offsets Policy 2012*. Please refer below for information on meeting EPBC Act offset requirements.

Alternatively, offsets for threatened species may be provided in accordance with the rules established under section 127B of the Threatened Species Conservation Act 1995 (BioBanking Assessment Methodology). In this case, please contact the Department for further information about meeting the offset requirement.

MEETING THE REQUIREMENTS OF THE EPBC ACT OFFSET GUIDE

Offset measures should be consistent with the Department's the *EPBC Act environmental offsets policy 2012* available at: www.environment.gov.au/epbc/publications/environmental-offsets-policy.html.

Providing answers to the following items will assist the Department to determine whether your offset measures are consistent with this policy.

1. Details in relation to a proposed offsets package, must include for direct offsets:
 - a. the location and size, in hectares, of any offset site(s)
 - b. maps clearly showing for each offset site:
 - i. the relevant ecological features

- ii. the landscape context, and
 - iii. the cadastre boundary.
 - c. the current and future tenure arrangements (including zoning and ownership) of any proposed offset sites;
 - d. confirmed records of presence (or otherwise) of relevant protected matter(s) on the offset site(s); and
 - e. detailed information regarding the presence and quality of habitat for relevant protected matter(s) on the offset site. The quality of habitat should be assessed in a manner consistent with the approach outlined in the document titled *How to use the offset assessment guide* available at:

<http://www.environment.gov.au/epbc/publications/environmental-offsets-policy.html>.
2. Details and justification on how the offsets package will deliver a conservation outcome that will maintain or improve the viability of the protected matter(s) consistent with the *EPBC Act environmental offsets policy* (October 2012); including:
- f. Management actions that will be undertaken that improve or maintain the quality of the proposed offset site(s) for the relevant protected matter(s). Management actions must be clearly described, planned and resourced as to justify any proposed improvements in quality for the protected matter(s) over time. Evidence of the likely effectiveness/success of any proposed management actions (i.e. rehabilitation / restoration / re-creation of habitat) must be provided.
 - g. The time over which management actions will deliver any proposed improvement or maintenance of habitat quality for the relevant protected matter(s). This should include the timing for delivery of the offset (e.g. timing of proposed rehabilitation/restoration of habitat in relation to the timeframe for the proposed action).
 - h. The risk of damage, degradation or destruction to any proposed offset site(s) in the absence of any formal protection and/or management over a foreseeable time period (20 years). This information is important in determining the comparative benefit of a proposed offset. Such risk assessments may be based on:
 - i. presence of pending development applications, mining leases or other activities on or near the proposed offset site(s) that indicate development intent
 - ii. average risk of loss for similar sites, and
 - iii. presence and strength of formal protection mechanisms currently in place.
 - i. The legal mechanism(s) that are proposed to protect offset site(s) into the future and avert any risk of damage, degradation or destruction.
3. Information regarding how the proposed offsets package is additional to what is already required, as determined by law or planning regulations, agreed to under other schemes or programs or required under an existing duty-of-care.
4. The overall cost of the proposed offsets package; including costs associated with, but not limited to:

- j. acquisition and transfer of lands/property;
- k. implementation of all related management actions; and
- l. monitoring, reporting and auditing of offset performance.

6. ECONOMIC AND SOCIAL MATTERS

The PD must provide information on the relevant economic and social impacts of the action. This should include:

- W.** Discussion of the action's costs and benefits at a local, regional and national context.
- X.** Where possible, the monetary costs, capital investment and estimated ongoing value of the project (AUD).

7. ENVIRONMENTAL RECORD OF PERSON PROPOSING TO TAKE THE ACTION

The PD must provide information on the environmental record of the person proposing to take the action. This should include:

- Y.** 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.

If the person proposing to take the action is a corporation, details of the corporation's environmental policy and planning framework must also be provided.

8. PRINCIPLES OF ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Provide relevant information to enable the delegate's consideration of the principles of ecologically sustainable development, as defined in Part 1, section 3A of the EPBC Act. This should include but not be limited to:

- Identification and integration of both long-term and short-term economic, environmental, social and equitable considerations.
- Identification of threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
- How health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.
- How the conservation of biological diversity and ecological integrity has been considered in the decision-making process.
- How improved valuation, pricing and incentive mechanisms will be promoted.

9. OUTCOMES BASED CONDITIONS

Outcomes-based conditions may apply to your project in accordance with the Department's *Outcomes-based Conditions Policy 2016* and *Outcomes-based Condition Guidance 2016* (see <https://environment.gov.au/epbc/publications/outcomes-based-conditions-policy-guidance>).

Outcomes need to be specific, measurable and achievable, and should be based on robust baseline data.

Where the Department determines that your project is suitable for outcome based conditions you will be advised and asked to provide additional information including environmental outcomes to be achieved, and reasoning for these with reference to relevant Recovery Plans, Conservation Advices and Threat Abatement Plans.

Under section 134(4)(a) of the EPBC Act and the *Condition-setting Policy 2016*, the Department will consider any conditions of approval imposed under state laws in determining whether to recommend approval of the project, and if so, what conditions to attach to the approval. Where possible during the assessment, please provide the Department with updated information on the status of any state assessments and any conditions imposed or likely to be imposed in relation to any other environmental approval.

10. CONCLUSION

An overall conclusion as to the environmental acceptability of the proposed action should be provided. Reasons justifying undertaking the proposed action in the manner proposed should also be outlined. Measures proposed or required by way of offset for any residual impacts on MNES matters, and the relative degree of compensation, should be restated here.

**THE OBJECTS OF THE
ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999
SECTION 3**

Section 3 Objects of the Act

- (a) to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance
- (b) to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources
- (c) to promote the conservation of biodiversity
- (d) to promote a co-operative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples
- (e) to assist in the co-operative implementation of Australia's international environmental responsibilities
- (f) to recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity,
- (g) to promote the use of indigenous peoples' knowledge of biodiversity with the involvement of, and in co-operation with, the owners of the knowledge.