

Generic Scope for Proponent EPBC Assessment Documentation

1 BACKGROUND

Assessment of this project (controlled action) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is to be via an accredited state assessment process, as set out in Schedule 1 of the 2014 *Bilateral (Assessment) Agreement between the Commonwealth and the State of Victoria* under section 45 of the EPBC Act (the Bilateral Agreement). Accredited state processes help avoid duplication and enable efficient consideration of related impacts on relevant state and commonwealth matters together, as well as improve alignment of approval conditions and mitigation requirements under the relevant state and commonwealth law.

The proponent will need to prepare draft “Assessment Documentation” that addresses this scope and specific matters of national environmental significance (MNES) covered in Appendix 1. The draft Assessment Documentation is to accompany the planning permit application, such that it describes:

- the proposed action;
- the likely relevant impacts of the action, as defined in section 82 of the EPBC Act, and includes an assessment of those impacts;
- to the extent practicable, any feasible alternatives to the proposed action that could avoid or reduce relevant impacts; and
- possible mitigation measures

Following completion of the draft Assessment Documentation, to the satisfaction of the Minister for Planning or delegate, the proponent will be able to advertise the draft Assessment Documentation for public comment, consistent with requirements under Schedule 1 to the Bilateral Agreement.

Any public comments received on the advertised draft Assessment Documentation must then be responded to by the proponent (within an addendum or revised Assessment Documentation), which is to be submitted to DTP, Impact Assessment. This will inform the preparation the Minister for Planning’s ‘Assessment Report’, which will be provided to the Australian Minister for the Environment and Water, for the Commonwealth EPBC Act approval decision.

2 GENERAL CONTENT, FORMAT AND STYLE

The draft Assessment Documentation needs to provide background to the action and should include sufficient information to avoid the need to search for supplementary reports, documents and references, such that interested stakeholders and decision-makers can readily understand the environmental consequences of the proposed development, on relevant MNES. It should be written so that any conclusions reached can be independently assessed – as such the information provided should be objective, clear and succinct and where appropriate supported by maps, plans, diagrams or other descriptive detail. Detailed technical information, studies or investigations necessary to support the main text and assessment of relevant impacts should be attached as appendices.

The documentation should include details on relevant uncertainties, including whether any impacts are unknown, unpredictable or irreversible, as well as analysis of the acceptability of the relevant impacts.

The proponent should consider the format and style of the documentation such that it is appropriate for publication on the internet for the public notification /advertisement phase of the process. It should also include a concise executive summary.

The documentation must avoid passive language and use active, clear commitments (e.g. 'must' and 'will') wherever appropriate.

3 PLANS, POLICIES, GUIDELINES, INSTRUMENTS OF RELEVANCE

The draft Assessment Documentation needs to identify the plans, policies, guidelines, and instruments of relevance to the assessment of impacts on MNES through this process, which then need to be taken into account when examining impacts in the draft Assessment Documentation, including but not limited to:

- any action statements and recovery plans for the relevant species or communities;
 - any conservation advice for the relevant species or communities;
 - any threat abatement plan for a process that threatens the relevant species or communities; and
 - any wildlife conservation plan for the relevant species or communities; and
 - EPBC Act Environmental Offsets Policy.
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4 DESCRIPTION OF THE PROJECT

The draft Assessment Documentation must describe all components of the project (controlled action) in sufficient detail, including the location of all works to be undertaken, structures to be built and proposed operations and management activities.

The description of the project must also include details on how the works are proposed to be undertaken (including stages of development, construction techniques, operational approaches and their timing) and design parameters for structures, elements or operation that may have relevant impacts.

Please rely upon and incorporate any relevant information that was provided within the EPBC referral as necessary.

5 DESCRIPTION OF THE IMPACTS

The draft Assessment Documentation needs to include a description of all of the relevant foreseeable impacts of the project (controlled action) during the construction, operational and management phases of the project on relevant MNES protected by controlling provisions of Part 3 of the EPBC Act. Where relevant information was provided within the EPBC referral, please incorporate as necessary. This needs to encompass:

- a sufficiently detailed analysis of the nature and extent of the likely direct, indirect and consequential impacts relevant to MNES, including likely short-term and long-term impacts – refer to the Significant Impact Guidelines 1.1 - Matters of National Environmental Significance for guidance on the various types of impact that need to be considered;
- a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
- any technical data and other information used or needed to make a detailed assessment of the relevant impacts;

- 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); and
 - assessment of any likely impact that this proposed action may facilitate on the relevant MNES at the local, regional, state and national scale.
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6 DETAILS OF PROPOSED AVOIDANCE AND MITIGATION MEASURES / ALTERNATIVES

The draft Assessment Documentation must provide sufficiently detailed information on proposed avoidance and mitigation measures to manage the relevant impacts of the action on MNES, based on best available practices and must include, but not be limited to, the following:

- A consolidated list of mitigation measures proposed to be undertaken to prevent or minimise the relevant impacts of the project on specific aspects /values.
- Maps that illustrate the location of proposed exclusion or protection zones and details on how these areas will be excluded or protected.
- Assessment of the expected or predicted effectiveness of the mitigation measures, including the scale and intensity of impacts of the proposed action and the on-ground benefits to be gained through each of these measures, and any statutory or policy basis for the mitigation measures.
- A description of the outcomes that the avoidance and mitigation measures will achieve.
- Outline of a plan for the continuing management, mitigation and monitoring of relevant MNES impacts of the action and any provisions for independent environmental auditing.
- Where appropriate, each project phase (construction, operation, decommission) must be addressed separately. It must state the environmental outcomes, performance criteria, monitoring, reporting, corrective action, contingencies, responsibility and timing for each environmental issue.
- The name of the agency responsible for endorsing or approving each mitigation measure or monitoring program.
- The predicted cost of the mitigation measures.

Alternatives

The draft Assessment Documentation must describe any feasible alternatives to the action to the extent reasonably practicable, including:

- if relevant, the alternative of not undertaking the project or only part of it;
- a comparative description of the impacts of each alternative on the relevant MNES protected by controlling provisions of Part 3 of the EPBC Act for the action;
- sufficient detail to make clear why any alternative is preferred to another; and
- a comparative description of the impacts, advantages and disadvantages of any feasible alternative, including on the values of MNES.

7 RESIDUAL IMPACTS / OFFSETS

The Assessment Documentation must also examine and document details of:

- The likely residual impacts on relevant MNES, that are likely to occur *after* the proposed activities to avoid and mitigate all impacts are taken into account.
- If applicable, include the reasons why avoidance or mitigation of impacts cannot be reasonably achieved.
- Details of the offset package to compensate for any significant residual impacts on MNES.
- An analysis of how the offset package meets the requirements of the EPBC Act Offsets Policy.

Offset Package

The Assessment Documentation needs to include details of an offset package proposed to be implemented to compensate for any residual significant impact of the project on MNES, as well as an analysis about how the offset meets the requirements in the Department's EPBC Act Environmental Offsets Policy.

The offset package can comprise a combination of direct offsets and other compensatory measures, so long as it meets the requirements of the EPBC Act Environmental Offsets 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.

Offsets must directly contribute to the ongoing viability of the MNES impacted by the project and deliver an overall conservation outcome that improves or maintains the viability of the MNES as compared to what is likely to have occurred under the status quo, that is if neither the action nor the offset had taken place.

Offsets required by the State or under State requirements should be included if the offsets meet the EPBC Act Environmental Offsets Policy.

8 SOCIAL AND ECONOMIC

The draft Assessment Documentation must identify the social and economic impacts (both positive and negative) of the proposed project. This may include:

- relevant details and outcomes of any public consultation activities undertaken;
 - projected costs and benefits of the project; and
 - any monitoring programs to monitor ongoing changes to economic and social characteristics potentially affected by the proposed project.
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9 ENVIRONMENTAL RECORD OF PERSON(S) PROPOSING TO TAKE THE PROJECT

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 project (action); and
- For a project or action for which a person has applied for a permit, the person making the application.

If the person proposing to take the project is a corporation, details of the corporation's environmental policy and planning framework is to be described.

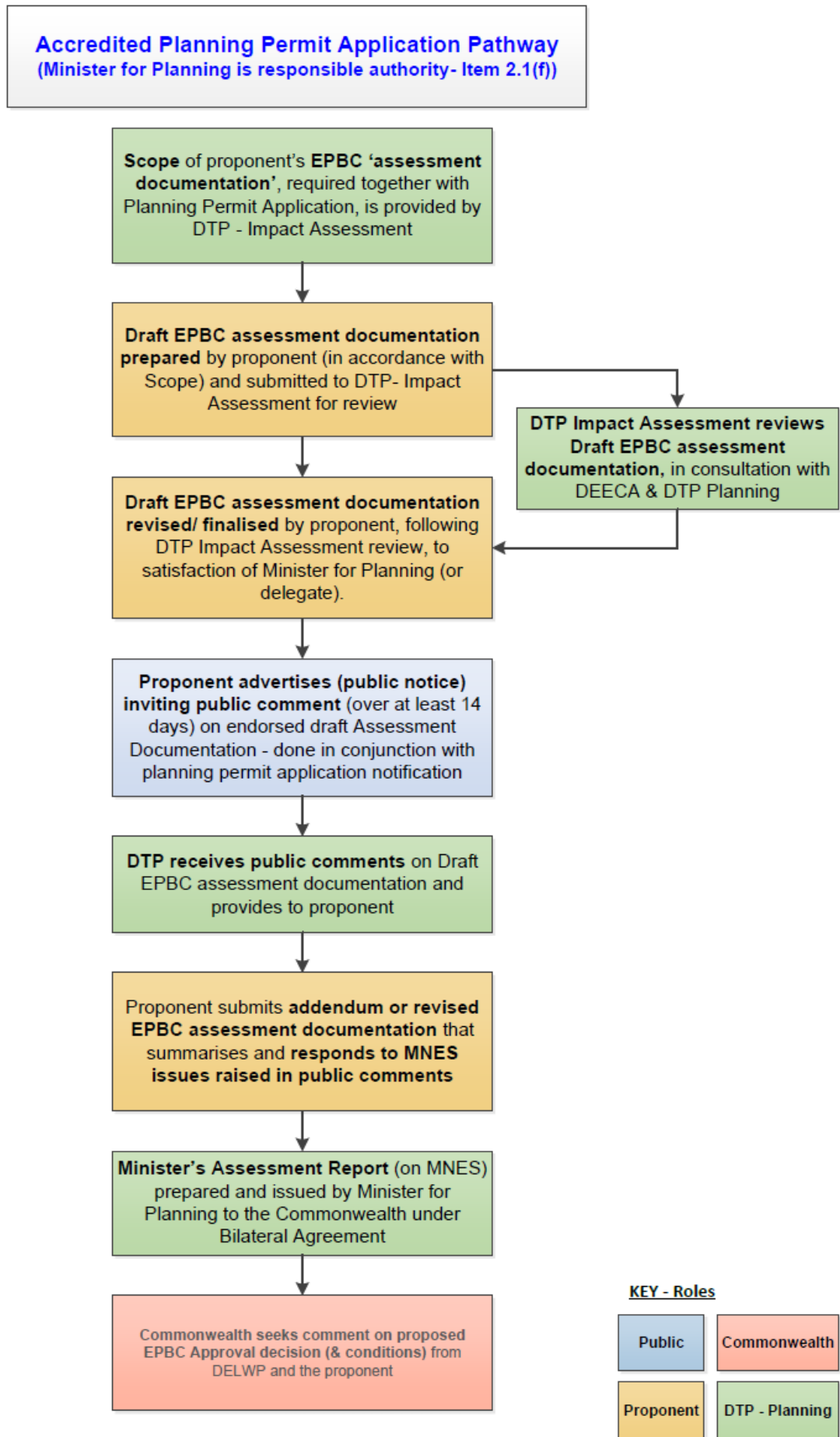
10 INFORMATION SOURCES PROVIDED IN THE ASSESSMENT DOCUMENTATION

For information given in the draft Assessment Documentation, please clearly state:

- the source of the information;
- how recent the information is;
- how the reliability of the information was tested;
- what uncertainties (if any) are in the information; and
- what guidelines, plans and/or policies did you consider and how they were considered

Scope for EPBC Assessment Documentation under EPBC Act Bilateral (Assessment) Agreement 2014 –
Accredited Planning Permit application process (item 2.1(f))

Steps of accredited assessment process for item 2.1(f), Schedule 1, EPBC Bilateral Agreement



Appendix 1 – Normanville Energy Park (EPBC 2024-10070) Relevant MNES

The proposed Normanville Energy Park project requires assessment and approval under the EPBC Act because it is considered likely to have a significant impact on Ramsar wetlands (EPBC controlling provisions sections 16 and 17B), nationally listed threatened species and communities (EPBC controlling provisions sections 18 & 18A), and listed migratory species (EPBC controlling provisions sections 20 and 20A).

Therefore, the proponent's Assessment Documentation must include a description of all the relevant predicted and foreseeable environmental impacts of the project on all relevant matters of national environmental significance (MNES) as outlined below.

Assessment Documentation must assess the significance of impacts, outlining avoidance and minimisation of impacts, mitigation measures, monitoring and adaptive management approaches, where appropriate.

Ramsar wetlands (sections 16 and 17B)

- Assess potential indirect impacts to the Kerang Wetlands Ramsar site including collision for listed migratory and waterbird species and potential for hydrological alteration and pollution to impact the ecological character of the Ramsar site.
- Outline proposed measures to avoid and mitigate potential impacts to the ecological character of the Ramsar site.

Key listed threatened species and communities (flora and fauna) (sections 18 & 18A) to be examined:

- Assess the potential for impacts (including turbine collision, habitat removal and fragmentation) to the following species:
 - Blue-winged Parrot (*Neophema chrysostoma*) (vulnerable);
 - South-eastern Hooded Robin (*Melanodryas cucullata cucullata*) (endangered);
 - Brown Treecreeper (*Climacteris picumnus victoriae*) (vulnerable); and
 - Corben's Long-eared Bat (*Nyctophilus corbeni*) (vulnerable).

Outline avoidance, mitigation and monitoring commitments to avoid and minimise potential impacts to these species.

Other listed threatened species and communities (flora and fauna) (sections 18 & 18A), to be considered.

Further information (beyond the EPBC referral documentation) is needed to understand whether or not there are any relevant habitat values present and whether the construction and operation of the project poses any potentially significant impact to the following species:

- Southern Whiteface (*Aphelocephala leucopsis*) - Vulnerable
- Australasian Bittern (*Botaurus poiciloptilus*) - Endangered
- Sharp-tailed Sandpiper (*Calidris acuminata*) - Vulnerable
- Curlew Sandpiper (*Calidris ferruginea*) - Critically Endangered
- Grey Falcon (*Falco hypoleucos*) - Vulnerable
- Painted Honeyeater (*Grantiella picta*) - Vulnerable
- Black-tailed Godwit (*Limosa limosa*) – Endangered
- Major Mitchell's Cockatoo - eastern (*Lophochroa leadbeateri leadbeateri*) - Endangered
- South-eastern Hooded Robin (*Melanodryas cucullata cucullata*) - Endangered
- Plains-wanderer (*Pedionomus torquatus*) – Critically Endangered
- Regent Parrot - eastern (*Polytelis anthopeplus monarchoides*) - Vulnerable
- Australian Painted Snipe (*Rostratula australis*) – Endangered

- Diamond Firetail (*Stagonopleura guttata*) - Vulnerable
- Common Greenshank (*Tringa nebularia*) – Endangered
- Plains Mallee Box Woodlands of the Murray Darling Depression, Riverina, and Naracoorte Coastal Plain Bioregions – Critically Endangered
- Buloke Woodlands of the Riverina and Murray-Darling Depression Bioregions - Endangered
- Natural Grasslands of the Murray Valley Plains - Critically Endangered

Listed migratory species (section 20 & section 20A) to be examined, particularly in relation to potential collision with turbines:

- Curlew Sandpiper (*Calidris ferruginea*) – Critically Endangered
- Sharp-tailed Sandpiper (*Calidris acuminata*) – Vulnerable
- Black-tailed Godwit (*Limosa limosa*) – Endangered
- Common Greenshank (*Tringa nebularia*) – Endangered
- Common Sandpiper (*Actitis hypoleucos*)
- Pectoral Sandpiper (*Calidris melanotos*)
- Ruff (*Calidris pugnax*)
- Red-necked Stint (*Calidris ruficollis*)
- Double-banded Plover (*Charadrius bicinctus*)
- Little Curlew (*Numenius minutus*)
- Marsh Sandpiper (*Tringa stagnatilis*)
- Fork-tailed Swift (*Apus pacificus*)