

Additional information required for assessment by preliminary documentation

38-Lot Subdivision, Ecclestone Road, Riverside, Tasmania (EPBC 2022/09282)

On 29 June 2023 the delegate of the Minister for the Environment determined the above project is likely to have a significant impact on the following matters protected under Part 3 of the Environment Protection and Biodiversity Act 1999 (EPBC Act):

- Listed threatened species and communities (section 18 & section 18A);

It has been determined that the proposed action will be assessed by preliminary documentation. Preliminary documentation for the proposal will include:

- The information contained in the original referral;
- The further information you provide on the impacts of the action and the strategies you propose to avoid, mitigate and offset those impacts (as described below); and
- Any other relevant information on the matters protected by the EPBC Act.

The preliminary documentation should be sufficient to allow the Minister (or delegate) to make an informed decision on whether to approve, under Part 9 of the EPBC Act, the taking of the action for the purposes of each controlling provision.

The preliminary documentation must address the matters set out below and follow the content, style and formatting requirements set out in [Appendix A](#).

1. DESCRIPTION OF THE ACTION

Information required	
1.1	The location, boundaries and size (in hectares) of the disturbance footprint and of any adjoining areas which may be indirectly impacted by the proposal, including nearby vegetation. Include mapping and coordinates.
1.2	An indicative layout plan for the proposed action area, including the location and type of land use, key infrastructure, and the number and location of buildings. Include mapping and coordinates for each of the above.
1.3	A description of any changes to the project design since the referral documentation was submitted.

2. HABITAT ASSESSMENT

Background

Based on the information provided in your referral, and other available information, the department considers that the listed species identified below may be significantly impacted by the proposed action.

It is the proponent's responsibility to be aware of any changes to the distribution of listed threatened species and information available in the Species Profile and Threats (SPRAT)

Database. The proponent must ensure that a recent Protected Matters Search Tool (PMST) report has been generated and considered before finalising the draft preliminary documentation.

Habitat assessments must be informed by desktop and field surveys (in accordance with departmental guidelines or as defined by best practice surveys), and with reference to relevant departmental documents (e.g. approved Conservation Advices, Recovery Plans, draft referral guidelines and Listing Advices, and SPRAT Database), including published research and other relevant sources.

The PD should include the material provided in the referral and further information requests. Below requests are an outline of the information requirements to inform the assessment.

The department notes much of the information requested below has already been included in the referral and subsequent information provided, however, given the volume and number of iterations of some of the material requests that provided in the PD in a consolidated form.

Listed threatened species:

- Tasmanian Devil (*Sarcophilus harrisii*) – endangered
- Eastern Quoll (*Dasyurus viverrinus*) – endangered
- Eastern Barred Bandicoot (Tasmanian Population) (*Perameles gunnii gunnii*) – vulnerable
- Tasmanian Wedge-tailed Eagle (*Aquila audax fleayi*) – endangered
- Spotted-tailed Quoll (Tasmanian Population) – *Dasyurus maculatus maculatus* (Tasmanian population) – vulnerable
- Tasmanian Masked Owl (*Tyto novaehollandiae castanops*) – vulnerable

2.1 Species general information

Information required	
2.1.1	Provide a habitat assessment for relevant listed threatened species, including discussion of breeding, foraging and dispersal habitat requirements in the context of the proposed action area.
2.1.2	Identify and describe known historical records of the listed threatened species and ecological communities in the broader region. All known records must be supported by an appropriate source (i.e. Commonwealth and State databases, published research, publicly available survey reports, etc.), the year of the record and a description of the habitat in which the record was identified.

2.1.3	<p>Provide detailed mapping of suitable habitat within and adjacent to the project area for all listed threatened species, which:</p> <ul style="list-style-type: none"> • is specific to the habitat assessment undertaken for each listed threatened species; • includes an overlay of the project disturbance footprint; • includes known records of individuals derived from desktop analysis and field surveys; and • is provided separately as attachments in JPEG format.
2.1.4	<p>Include an assessment of the adequacy of any surveys referenced in the PD (including survey effort and timing). In particular, the extent to which these surveys were appropriate for the listed species or community and undertaken in accordance with relevant departmental survey guidelines.</p>
2.1.5	<p>Attach all relevant ecological surveys referenced in the referral and preliminary documentation as supporting documents to the preliminary documentation.</p>

3. IMPACT ASSESSMENT

Background

The proposed action is considered likely to have impacts to listed threatened species. The preliminary documentation must include an assessment of direct, indirect and consequential impacts as a result of the proposed action and must be assessed in accordance with relevant departmental policies and guidelines, including the SPRAT Database.

The PD should include the material provided in the referral and further information requests. The below request details a general outline of the information requirements to inform the assessment.

The department notes much of the information requested below has already been included in the referral and subsequent information provided. However, given the volume and number of iterations of some of the material, the department requests that it be provided in the PD in a consolidated form.

Assessments should consider impacts to species in the context of the local environment, and to populations at a local, regional and species-wide scale.

The department considers the proposed action may result in, but is not limited to, the following impacts:

- Vegetation clearing and loss or fragmentation of habitat.
- Increased predation from introduced species, including domestic animals.
- Habitat degrading processes such as weed, pest or pathogen invasion.
- Increased light, vibration, and noise pollution, and visual disturbances.

- Increased risk of fauna vehicle strike.
- Increased risk of secondary poisoning.

3.1 Listed Threatened Species

Information required	
3.1.1	An assessment of the likely impacts associated with the habitat clearance and ongoing residential use.
3.1.2	An assessment of the likely impacts as a result of the direct and <u>indirect</u> loss and/or disturbance of MNES individuals and habitat as a result of the proposed action. This must include the quality of the habitat impacted and quantification of the individuals and habitat area (in hectares) to be impacted.
3.1.3	An assessment of the impacts of habitat fragmentation in the proposed action area and surrounding areas, including consideration of species' movement patterns and habitat requirements to support breeding.
3.1.4	An assessment and justification of project design options with respect to fragmentation, habitat clearance and indirect impacts, and associated likely impacts.
3.1.5	An assessment of impacts of increased presence of domestic animals in and around the proposed action area on listed threatened species.
3.1.6	An assessment of impacts of secondary poisoning to the Tasmanian Masked Owl, and other relevant listed threatened species, as a result of the proposed action.
3.1.7	Justification, with supporting evidence, how the proposed action will not be inconsistent with: <ul style="list-style-type: none"> • Australia's obligations under the Biodiversity Convention, the Convention on Conservation of Nature in the South Pacific (Apia Convention), and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); and • a recovery plan or threat abatement plan.

4. AVOIDANCE, MITIGATION AND MANAGEMENT MEASURES

Background

Avoidance and mitigation measures are the primary methods of eliminating and reducing significant impacts on MNES. Where possible and practicable, it is best to avoid impacts. If impacts cannot be avoided, then they should be minimised or mitigated as much as

possible. Avoidance and mitigation measures must be investigated thoroughly as a part of the assessment and be supported by evidence to demonstrate likely success.

Management commitments by the person proposing to take the action must be clearly distinguished from recommendations or statements of best practice made by the document author or other technical expert.

The SPRAT Database, and associated statutory documents, may provide relevant mitigation measures for listed threatened species and ecological communities and listed migratory species.

The department recommends that the PD identifies mitigation options to maximise likelihood of species persistence in the habitat patch prior to considering offset obligations.

Information required	
4.1	A detailed summary of measures proposed to be undertaken by the proponent to avoid, mitigate and manage relevant impacts of the proposed action on relevant MNES, including consideration of measures to reduce impacts of domestic animals and secondary poisoning, and to maintain connectivity through the site.
4.2	An analysis of whether mitigation measures are suitable to maintain species persistence and habitat usage in the remainder of the habitat patch, or whether offsets for that habitat area is required
4.3	The proposed measures must be based on best available practices, appropriate standards, evidence of success for other similar actions and supported by published scientific evidence.
4.4	All proposed measures for MNES must be drafted to meet the 'S.M.A.R.T' principle: <ul style="list-style-type: none"> • S – Specific (what and how) • M – Measurable (baseline information, number/value, auditable) • A – Achievable (timeframe, money, personnel) • R – Relevant (conservation advices, recovery plans, threat abatement plans) • T – Time-bound (specific timeframe to complete)
4.5	Details of specific and measurable environmental outcomes to be achieved for relevant MNES. All commitments must be drafted using committal language (e.g. 'will' and 'must') when describing the proposed measures.

4.6	Details of the proposed measures to be undertaken to avoid, mitigate and manage the relevant impacts of the proposed action, including those required through other Commonwealth, State and local government approvals.
4.7	Information on the timing, frequency and duration of the proposed avoidance, mitigation, management and monitoring measures, and corrective actions to be implemented.
4.8	An assessment of the expected or predicted effectiveness of the proposed measures.
4.9	Any statutory or policy basis for the proposed measures, including reference to the SPRAT Database and relevant approved conservation advice, recovery plan or threat abatement plan, and a discussion on how the proposed measures are not inconsistent with relevant plans.
4.10	Details of ongoing management, including monitoring programs to support an adaptive management approach, that validate the effectiveness of the proposed measures and overall demonstrate that environmental outcomes will be achieved.
4.11	Details of tangible, on-ground corrective actions that will be implemented in the event the monitoring programs indicate that the environmental outcomes have not or will not be achieved.

6. OFFSETS

Background

Environmental offsets are measures that compensate for the residual significant impacts of an action on the environment. Offsets provide environmental benefits to counterbalance the impacts that remain after consideration of avoidance and mitigation measures. It is important to consider environmental offsets early in the assessment process. Correspondence with the department regarding offsetting is highly encouraged. The department's *EPBC Act Environmental Offsets Policy* (2012) (Offsets Policy) is available at: www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy.

Include a draft Offset Area Management Plan (OAMP) as an appendix in the preliminary documentation for assessment and approval. The department is likely to recommend to the Minister (or delegate) that the conditions of approval require the environmental offset/s or the OAMP be implemented prior to the commencement of the proposed action.

Based on the referral information, the department considers the proposed action is likely to have a residual significant impact on Tasmanian Devil, Eastern Quoll and Tasmanian Wedge-tailed Eagle, and considers further assessment of mitigation options is required to determine whether offsets are required for the remaining species.

Information required	
6.1	An assessment of the likelihood of residual significant impacts occurring on relevant MNES, after avoidance, mitigation and management measures have been applied.
6.2	A summary of the proposed environmental offset and key commitments to achieve a conservation gain for each protected matter.
6.3	Include a draft OAMP as an appendix to the PD. The draft OAMP must meet the information requirements set out in <u>Appendix B</u> , and must be prepared by a suitably qualified ecologist and in accordance with the department's <i>Environmental Management Plan Guidelines</i> (2014), available at: www.environment.gov.au/epbc/publications/environmental-management-plan-guidelines .

7. ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

Information required	
7.1	<p>A description of how the proposed action meets the principles of ESD, as defined in section 3A of the EPBC Act. The following principles are <i>principles of ecologically sustainable development</i>:</p> <ul style="list-style-type: none"> • decision making processes should effectively integrate both long term and short term economic, environmental, social and equitable considerations; • if there are 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; • the principle of inter-generational equity—that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations; • the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision making; • improved valuation, pricing and incentive mechanisms should be promoted.

8. ECONOMIC AND SOCIAL MATTERS

Information required	
8.1	An analysis of the economic and social impacts of the action, both positive and negative.
8.2	Details of any public consultation activities undertaken and their outcomes.

8.3	<p>Details of any consultation with Indigenous stakeholders.</p> <p>Indigenous engagement</p> <p>Identify existing or potential native title rights and interests, including any areas and objects that are of particular significance to Indigenous peoples and communities, possibly impacted by the proposed action and the potential for managing those impacts.</p> <p>Describe any Indigenous consultation that has been undertaken, or will be undertaken, in relation to the proposed action and their outcomes.</p> <p>The department considers that best practice consultation, in accordance with the <u><i>Guidance for proponents on best practice Indigenous engagement for environmental assessments under the EPBC Act (2016)</i></u> includes:</p> <ul style="list-style-type: none"> • identifying and acknowledging all relevant affected Indigenous peoples and communities; • committing to early engagement; • building trust through early and ongoing communication for the duration of the project, including approvals, implementation and future management; • setting appropriate timeframes for consultation; and • demonstrating cultural awareness. <p>Describe any state requirements for approval or conditions that apply, or that the proponent reasonably believes are likely to apply, to the proposed action with regards to Indigenous peoples and communities.</p>
8.4	<p>Projected economic costs and benefits of the project, including the basis for their estimate through cost/benefit analysis or similar studies.</p>
8.5	<p>Employment opportunities expected to be generated by the project (including construction and operational phases).</p>

9. ENVIRONMENTAL RECORD OF THE PERSON PROPOSING TO TAKE THE ACTION

Information required	
<p>Include details of any past or present proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:</p>	
9.1	<p>the person proposing to take the action;</p>
9.2	<p>for an action for which a person has applied for a permit, the person making the application;</p>

9.3	if the person is a body corporate—the history of its executive officers in relation to environmental matters; and
9.4	if the person is a body corporate that is a subsidiary of another body or company (the parent body)—the history in relation to environmental matters of the parent body and its executive officers.

APPENDIX A: Preliminary documentation content, style and formatting requirements

A1. Content requirements	
A1.1	Be a stand-alone document containing sufficient information to avoid the need to search out previous or supplementary reports.
A1.2	Enable interested stakeholders and the Minister to easily understand the consequences of the project on matters of national environmental significance (MNES).
A1.3	Be written so that any conclusions reached can be independently assessed. Include all key claims, findings, proposals and undertakings in the main document.
A1.4	Refer to all relevant standards, policies and other guidance material published by the department. Any instances where published guidance is not followed must be justified. Where no Commonwealth standards exist, state government and industry standards may be useful.
A1.5	Include the names, roles and qualifications (where relevant) of all persons involved in preparing the preliminary documentation.
A1.6	Include a copy of this request for information and a cross-reference table indicating where the information fulfilling this request is included in the preliminary documentation (e.g. Section 4.2.2 and Appendix A, Chapter 2.1).
A1.7	The preliminary documentation must state the following for all information provided: <ul style="list-style-type: none">• The source and date of the information;• How the reliability of the information was tested;• The uncertainties (if any) in the information;• The guidelines, plans, and/or policies considered.
A2. Format and style requirements	
A2.1	Be in a suitable format to be published in hardcopy (A4 or A3 size, with maps and diagrams in A4 or A3 size and in colour) and published in electronic format (e.g. MSWord or PDF) on the internet.
A2.2	Include detailed technical information, studies or investigations necessary to support the information in the stand-alone document as appendices.
A2.3	Be objective, clear, succinct, avoid technical jargon and, where appropriate, be supported by maps, plans, diagrams, data or other descriptive detail.

A2.4	Reference all sources using the Harvard standard of referencing. Ensure that other supporting documents (e.g. academic studies, regulatory standards) are publicly accessible, with electronic links provided where possible.
A2.5	Redact the contact details of departmental officers.
A2.6	Not contain any commercial in confidence markings. If the preliminary documentation contains sensitive information, please discuss this with the assessment officer.
A3. Ecological data provision	
A3.1	The preliminary documentation must include an appendix of occurrence records (both sightings and evidence of presence) for all listed threatened and migratory species identified during field surveys for the proposed action. This data may be used by the department to update the relevant species distribution models that underpin the publicly available Protected Matters Search Tool (PMST).
A3.2	The species occurrence records must be provided in accordance with the department's Guidelines for biological survey and mapped data (2018) using the species observation data template provided with this request for additional information. Sensitive ecological data must be identified and treated in accordance with the department's Sensitive Ecological Data – Access and Management Policy V1.0 (2016) or subsequent revision.

APPENDIX B: Information Requirements for EPBC Act Offset Proposals

Minimum Requirements for a draft Offset Area Management Plan:	
B2.1	Specific, committal and measurable environmental outcomes which detail the nature of the conservation gain to be achieved for relevant MNES, including the creation, restoration and revegetation of habitat in the proposed offset area/s.
B2.2	<p>Details, with supporting evidence, to demonstrate how the environmental offset/s compensate for residual significant impacts of the proposed action on relevant MNES, and/or their habitat, in accordance with the principles of the Offsets Policy and all requirements of the Offsets Assessment Guide including:</p> <ul style="list-style-type: none"> • time over which loss is averted (max. 20 years); • time until ecological benefit; • risk of loss (%) without offset; • risk of loss (%) with offset; and • confidence in result (%).
B2.3	A description of the offset area/s, including location, size, condition, environmental values present and surrounding land uses.
B2.4	Baseline data and other supporting evidence that documents the presence of the relevant MNES, and the quality of their habitat within the offset area/s.
B2.5	An assessment of the site habitat quality for the offset area/s
B2.6	Details of how the offset area/s will provide connectivity with other habitats and biodiversity corridors and/or will contribute to a larger strategic offset for the relevant MNES.
B2.7	Maps and shapefiles to clearly define the location and boundaries of the offset area/s, accompanied by the offset attributes (e.g. physical address of the offset area/s, coordinates of the boundary points in decimal degrees, the relevant MNES that the environmental offset/s compensates for, and the size of the environmental offset/s in hectares).
B2.8	Specific offset completion criteria derived from the site habitat quality to demonstrate the improvement in the quality of habitat in the offset area/s over a 20-year period.
B2.9	Details of the management actions, and timeframes for implementation, to be carried out to meet the offset completion criteria.
B2.10	Interim milestones that set targets at 5-yearly intervals for progress towards achieving the offset completion criteria.

B2.11	Details of the nature, timing and frequency of monitoring to inform progress against achieving the 5-yearly interim milestones (the frequency of monitoring must be sufficient to track progress towards each set of milestones, and sufficient to determine whether the offset area/s are likely to achieve those milestones in adequate time to implement all necessary corrective actions).
B2.12	Proposed timing for the submission of monitoring reports which provide evidence demonstrating whether the interim milestones have been achieved.
B2.13	Timing for the implementation of tangible, on-ground corrective actions to be implemented if monitoring activities indicate the interim milestones have not been achieved.
B2.14	Risk analysis and a risk management and mitigation strategy for all risks to the successful implementation of the OAMP and timely achievement of the offset completion criteria, including a rating of all initial and post-mitigation residual risks in accordance with a risk assessment matrix.
B2.15	Evidence of how the management actions and corrective actions take into account relevant approved conservation advices and are consistent with relevant recovery plans and threat abatement plans.
B2.16	Details and execution timing of the mechanism to legally secure the proposed offset area/s, such that legal security remains in force over the offset area/s for at least 20 years to provide enduring protection for the offset area/s against development incompatible with conservation.
B2.17	All proposed management actions, monitoring approach and corrective actions must be written using committed language (e.g. 'will' and 'must').