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Mr Graeme Head
Chief Executive
Sydney Catchment Authority
PO Box 323
PENRITH NSW 2751

Our ref: S06/01253

Dear Mr Head,

Kangaloon Borefields Project – Supplement to the Director-General's Requirements

I refer to the Director-General's Requirements issued for the above project on 21 January 2007.

As you are aware, the project has been declared a Controlled Action under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). As a result, the Department of Planning, on behalf of the Minister for Planning, has confirmed to the Commonwealth that the Bilateral Agreement between the NSW and Commonwealth Governments will apply. Accordingly, the Department will undertake an environmental impact assessment of the project to satisfy the requirements of both NSW and Commonwealth legislation.

To ensure that sufficient information is provided to enable an appropriate level of assessment of relevant controlling actions, the Director-General has issued supplementary requirements for the Environmental Assessment under section 75F(3) of the *Environmental Planning and Assessment Act 1979*. A copy of the supplementary Director-General's requirements is attached.

You must ensure that the Environmental Assessment adequately addresses the Director-General's requirements issued on 21 January 2007, and the supplementary requirements attached to this letter.

Should you have any further enquiries please do not hesitate to contact Joanna Bakopanos on (02) 9228 6461.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Yolande Stone'.

Yolande Stone
Executive Director
Major Project Assessments
As delegate for the Director-General

Supplementary Director-General's Requirements

Section 75F(3) of the *Environmental Planning and Assessment Act 1979*

The Kangaloon Borefields project (reference: 06_0331, EPBC 2006/3209) has been declared to be a Controlled Action under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The relevant controlling provisions are section 18 and 18A of the EPBC Act (Listed threatened species and communities).

Under the provisions of the bilateral agreement between New South Wales and the Commonwealth, the environmental impacts of the controlled action will be assessed under Part 3A of the *Environmental Planning & Assessment Act 1979*.

To enable the assessment of impacts on the protected matters/ controlling provisions under the EPBC Act, the Director-General's requirements issued for the project on 21 January 2007 are supplemented with the following additional requirements.

The Environmental Assessment must include:

- a description of the controlled action;
- a description of the relevant impacts¹ of the controlled action;
- a description of feasible mitigation measures or compensatory measures, changes to the controlled action or procedures, which have been proposed by the proponent or suggested in public submissions, and which are intended to prevent or minimise relevant impacts;
- to the extent practicable, a description of any feasible alternatives to the controlled action that have been identified through the assessment, and their likely impact;
- an assessment of all relevant impacts that the controlled action has, will have or is likely to have on the *Temperate Highland Peat Swamps on Sandstone* ecological community, and other species or ecological communities potentially present and listed under sections 18 and 18A of the EPBC Act;
- sufficient information about the controlled action and its relevant impacts to allow an informed decision whether or not to approve the controlled action under the EPBC Act; and
- information to address the matters outlined in Schedule 4 of the Commonwealth *Environment Protection and Biodiversity Conservation Regulation 2000*.

The description and assessment of these issues in the Environmental Assessment must be integrated as far as is practicable with the description and assessment of the other flora and fauna impacts of the project. However, a separate stand alone chapter or summary specifically addressing impacts on the relevant protected matters/ controlling provisions under the EPBC Act, together with any commitments or proposed measures to mitigate such impacts, should also be included in the Environmental Assessment.

¹ The term "relevant impact" is defined in section 82 of the EPBC Act.