



***ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999***

***Part 10 Strategic Assessments  
Section 146 (1) Agreement***

Relating to the assessment of the impacts of the Program to develop the Growth Centres in Western Sydney, NSW

between

**THE COMMONWEALTH OF AUSTRALIA**

and

**THE STATE OF NEW SOUTH WALES**

## Attachment B: Terms of Reference

# **Draft Terms of Reference for Strategic Assessment of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* and relevant biodiversity measures under Part 7 of Schedule 7 to the *Threatened Species Conservation Act 1995***

## **1. PURPOSE AND DESCRIPTION OF THE PROGRAM BEING ASSESSED**

The Report, referred to in clause 6 of the Agreement, must describe the Program, including:

- a) how the Program has been developed and its legal standing;
- b) the regional context (natural and human);
- c) the land use planning (zoning) arrangements and outcomes;
- d) the actions that will take place under the Program over the short, medium and long term. This may include relevant construction and operational aspects associated with urban development;
- e) a description of the areas proposed for development and those to be protected within the Growth Centres, as well as other conservation measures associated with the Program; and
- f) the State management, planning and approval arrangements and the person(s) or authority responsible for the adoption or implementation of the Program.

## **2. PROMOTING ECOLOGICALLY SUSTAINABLE DEVELOPMENT AND BIODIVERSITY CONSERVATION**

### **2.1 Environment affected by the Program**

The Report must provide a detailed description of the environment likely to be affected by the Program. This description must identify the environmental assets and characteristics, including biophysical processes, associated with the area set to be affected by the Program as well as the surrounding terrestrial, riparian and aquatic environments likely to be directly or indirectly impacted, including:

- a) components of biodiversity and maintenance of important ecological processes recognising the potential importance of large intact areas and landscape connectivity in protecting and maintaining ecological processes;
- b) listed threatened and migratory species under the Act;
- c) listed ecological communities under the Act;
- d) other matters of national environmental significance and Commonwealth land under the Act that may be affected by the Program; and
- e) other areas of biodiversity values – e.g. species or ecological communities listed as threatened under the *Threatened Species Conservation Act 1995*.

In addition the report will make specific reference to areas of environmental values that will provide a long term and viable contribution to the conservation of biodiversity and ecological processes.

## **2.2 Planning for and promoting ecologically sustainable development**

The Report must describe the social and economic factors and considerations associated with development under the Program. The Report should include an analysis of how socio-economic issues and implications might relate to, or integrate with, environmental values of the Program area and the choice of alternative options to maintain or enhance these values.

In particular the Report must describe how the following principles of ecologically sustainable development have been considered in the Program development process and that the Program promotes these principles as described in the Act:

- a) Decision making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations.
- b) 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.
- c) 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.
- d) The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making.
- e) Improved valuation, pricing and incentive mechanisms should be promoted.

The Report must identify the mechanisms in the Program that seek to achieve ecologically sustainable development including actions to maintain or enhance biodiversity, having regard for species diversity and abundance, and the extent, condition, connectivity and protection of native vegetation.

## **3. PREVENTING IMPACTS ON MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE, AND PROMOTING THE PROTECTION AND CONSERVATION OF BIODIVERSITY AND HERITAGE VALUES**

### **3.1 Nature and significance of impacts**

The Report must include a comprehensive analysis of the potential impacts of the Program on matters protected by the EPBC Act. The analysis must include:

- a) A description and analysis of potential impacts, including any indirect impacts, with reference to relevant Policy Statements, for example the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines*.
- b) An assessment of whether any impacts will be: short, long term or permanent; local or regional in extent; discrete or cumulative, or exacerbated by the likely impacts of climate change.
- c) An assessment of the scientific confidence associated with the likelihood and consequence(s) of potential impacts, including reference to technical data and other information relied upon in identifying and assessing those impacts.

### **3.2 Management, mitigation or offset of likely impacts**

The Report must describe the management measures and undertakings (e.g. on-ground actions regulatory interventions, management plans, market based instruments) that will be implemented to prevent, minimise, rehabilitate or offset the potential environmental impacts on matters protected by the Act.

For management measures and undertakings, the Report must set out:

- a) the approach taken to addressing the impacts of the actions or classes of actions;
- b) the predicted effectiveness of proposed measures and undertakings and a description of the methodology used to formulate these predictions/confidence limits;
- c) ongoing maintenance or operational requirements associated with proposed measures;
- d) who is responsible for the proposed measures and undertakings;
- e) compliance arrangements for ensuring the measures are undertaken;
- f) the budgetary, regulatory and other arrangements in place or proposed to implement the measures and undertakings, including ongoing compliance, maintenance or operational requirements; and
- g) timelines and accountabilities for implementing proposed measures and undertakings, and associated compliance and maintenance requirements.

## **4 ADAPTIVE MANAGEMENT: ADDRESSING UNCERTAINTY AND MANAGING RISK**

The Report must identify key uncertainties associated with the management measures and undertakings for protecting matters protected by the Act, and the responses for addressing these uncertainties and adapting to changed circumstances.

The Report must set out:

- a) key uncertainties (for example uncertainty about timing, effectiveness, or capacity to enforce measures);
- b) the responses to addressing these uncertainties;
- c) the circumstances in which the Program will be reviewed and modified (for example new information or changing standards); and
- d) the procedures which would be undertaken to review, modify or abandon the Program, including regular reviews.

## **5 AUDITING AND REPORTING**

The Report must set out monitoring, public reporting processes and auditing to be undertaken in the Program's implementation.

## **6 ENDORSEMENT CRITERIA**

The Report must describe how the Program meets the criteria set out in Attachment C – Endorsement Criteria.

## **7 INFORMATION SOURCES**

For information used in the assessment, the Report must state:

- a) the source of the information;
- b) how recent the information is; and
- c) the reliability and limitations of the information.