

## Consultant checklist for preparation of REF

<b>Project</b>	
<b>Draft date</b>	
<b>Author</b>	

The checklist below is to be used as a guide only. The checklist is not an exhaustive list of matters to be considered in the REF. The particular matters that need to be considered will vary depending on the project and the Consultant must ensure that all relevant matters, including all legal requirements, are properly considered and addressed. Consultants should be familiar with the Procedural Guideline for Environmental Impact Assessment (CEPG2016). The overriding objective under section 111 of the *Environmental Planning and Assessment Act 1979* (EPA Act) is to consider all matters affecting or likely to affect the environment by reason of the project.

Matter	Considered	REF Reference
<b>1 Is the proposal clearly described?</b> Are all the components of the proposal identified (including all ancillary activities)?		
What works are required for the proposal?		
Location of site/description of locality including map?		
Location of route/works including map?		
What use will follow construction?		
What maintenance work will be required?		
Access to site/route (eg. for construction and maintenance)		
Who owns the land and are there are there likely to be issues with easements and native title issues?		
What mitigation measures are proposed (the impact of these measures should be considered as part of the project itself)?		
Does the REF and all supporting studies (eg. flora and fauna assessment) describe the proposal consistently?		
<b>2 Is a project approval required under Part 3A of the EPA Act?</b> Does SEPP (Major Projects) apply and has the Minister formed the opinion that this is a Major Project?		
Has the Minister declared in the gazette that Part 3A applies to the development or class of development?		
<b>3 Is development consent required under Part 4 of the EPA Act for all or part of the project?</b>		
Are the Model Provisions, clause 36 of the Standard LEP or other relevant exemptions included in the applicable environmental planning instrument (EPI) in relation to electricity works?		

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Does SEPP 4 Development Without Consent, apply?		
Have necessary inquiries been made and consideration given as to all applicable environmental planning instruments?		
Do any State Environmental Planning Policies (SEPPs) (including SEPP 14 – Coastal Wetlands, SEPP 19 – Bushland in Urban Areas, SEPP 26 – Littoral Rainforest, SEPP 44 – Koala Habitat Protection, SEPP 71 – Coastal Protection, SEPP Major Projects) or Regional Environmental Planning Policies (REPs) apply?		
If so how do they apply?		
Have assessments/studies/referrals required under applicable SEPPs/REPs been undertaken / met?		
<p><b>4 Duty to consider the environmental impact under section 111 and Part 5 of the EPA Act - Have all matters in Section 111 of EP&amp;A Act been dealt with adequately?</b></p> <p>Examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the activity (proposal) (section 111(1)).</p>		
The effect of the activity on any conservation agreement under the <b>National Parks and Wildlife Act 1975 (NPWA) (section 111(2) (a))</b> ?		
The effect of the activity on any plan of management under <b>NPWA (section 111(2) (b))</b> ?		
The effect of the activity on any joint management agreement under <b>Threatened Species Conservation Act 1995 (section 111(2) (c))</b> ?		
Any impact on wilderness area within the meaning of the <b>Wilderness Act 1987 (section 111(3))</b> ?		
The effect of the activity on impact on critical habitat (section 111(4) (a))?		
Is there likely to be a significant effect on threatened species, populations or ecological communities or their habitats (sections 5A and 111 (4) (b))?		
Any impact on protected fauna or protected native plants under the NPWA (section 111(4) (c))?		
<p><b>5 Clause 228(1) of the Environmental Planning and Assessment Regulation 2000 (the EPA Reg)</b></p>		
Are there specific guidelines under clause 228 that apply to the project and if so have the factors in those guidelines been taken into account (noting what inquiries have been made in relation to guidelines)?		
Has consideration been given to the general guidelines that apply and the Department of Planning guidelines: Is an EIS Required?		
Have each of the matters referred to in clause 228(2) been adequately considered?		

Matter	Considered	REF Reference
a Will there be any environmental impacts on a community? b Will there be a transformation of a locality? c Will there be any environmental impact on the ecosystems of the locality? d Will there be any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality? e Will there be any effect on a locality, place or building having aesthetic, anthropological, archaeological, cultural, historical, scientific or social significance or other special value for present or future generations? f Will there be any impact on the habitat of protected fauna? g Will there be any endangering of any species of animal, plant or other form of life, whether living on land, in water, or on air? h Will there be any long term effects on the environment? i Will there be any degradation of the quality of the environment? j Will there be any risk to the safety of the environment? k Will there be any reduction in the range of beneficial uses of the environment? l Will there be any pollution of the environment? m Will there be any problems associated with the disposal of waste? n Will there be any increased demands on resources (natural or otherwise) that are, or are likely to become in short supply?		
<b>6 Is there adequate consideration of all environmental impacts during construction and operation?</b>		
<b>7 Has flora and fauna been adequately considered?</b>  Adequate desktop analysis and literature review to identify threatened species, populations etc ... likely to occur in the area?		
Are fieldwork/surveys required/completed and have sampling techniques and study methodologies been documented?		
Has an "Assessment of Significance" under Part 5A of the EP&A Act (consistent with the requirements of the Threatened Species Conservation Act 1995) been undertaken for each threatened species, population, ecological community and their habitats?		
Have the above assessments been completed in accordance with the Draft Threatened Biodiversity Survey and Assessment Guidelines for Development and Activities (Working draft November 2004 or final of a later date)?		

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Is a Species Impact Statement (SIS) required? (is the activity in respect of land that is critical habitat or is the activity likely to have a significant effect on threatened species, populations, ecological communities or their habitats)?		
Has the impact of the proposal on protected native plants and protected fauna under the NPW Act been addressed?		
Has the impact of the proposal on flora and fauna generally been addressed (other than threatened and protected flora and fauna)?		
<b>8 Has assessment under Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) been dealt with adequately?</b>		
Has each EPBC Act “trigger”, matter of National Environmental Significance (NES) been considered?		
World Heritage Properties		
National Heritage Places		
RAMSAR wetlands		
Listed threatened species and ecological communities		
Migratory species protected under International Agreement		
Commonwealth marine environments		
Nuclear actions		
Will the proposal impact on Commonwealth land (even if taken outside Commonwealth land) – has this been considered and assessed?		
For each matter of NES triggered by the action, has significance been assessed in accordance with the Significant Impact Guidelines - Matters of National Environmental Significance (May 2006), Significant Impact Guidelines - Actions on, or impacting upon, Commonwealth land and Actions by Commonwealth Agencies (May 2006) and other relevant EPBC Act guidelines?		
Have the relevant regulations under the EPBC Act been considered?		
<b>9 Has consideration been given as to whether permissions, approvals or licences are required for the project and the likely “determining authorities”?</b>  Have inquiries been made of all relevant authorities, including;		
The Roads and Traffic Authority (RTA) and Council  Approval under section 138 of <b>Roads Act 1993</b> for work involving public road (if work is within “road” and not covered by savings provision)		

Matter	Considered	REF Reference
<p>The Department of Environment and Conservation (DEC) including:</p> <p>The National Parks and Wildlife Authority (re cultural heritage permits, licences to pick or harm threatened species or native plants, working within National Parks); and</p> <p>Aboriginal heritage community consultation required under the Department of Environment and Conservation “<b>National Parks and Wildlife Act 1974</b>, Part 6 approvals, Interim Community Consultation Requirements for Applicants” (or final guidelines)?; and</p> <p>The Environment Protection Authority (re <b>Protection of the Environment Operations Act 1997</b> (POEO Act) licences (for water pollution, discharges and in respect of scheduled development and activities) and requirements for waste management).</p>		
<p>Local Council (for activities listed in section 68 of the <b>Local Government Act 1993</b>)</p>		
<p>Forests NSW (working near or within national forests, state forests, timber reserves or flora reserves)</p>		
<p>NSW Rural Fire Service (using flames during a total fire ban or working within bushfire protected lands)</p>		
<p>The Department of Lands (if work is to be on Crown land)</p>		
<p>The Department of Natural Resources including:</p> <p>Approval for clearing Native Vegetation under the Native Vegetation Act 2003;</p> <p><b>Working within “protected land” under the Rivers and Foreshores Improvement Act 1948; and</b></p> <p>Water management works.</p>		
<p>Fisheries NSW (working near an aquatic reserve or marine vegetation, dredging of waters)</p>		
<p>Heritage Council (or Local Council) (working within the place of a Heritage Item)</p>		
<p>Mine Subsidence Board (approval to alter or erect improvements or subdivide land within a mine subsidence district)</p>		
<p>WorkCover (if dangerous goods exceed the 'manifest quantity')</p>		
<p>Have inquiries been made as to whether the location of site is environmentally sensitive and if so, what were the results of those inquiries?</p>		

Matter	Considered	REF Reference
<b>10</b> <b>Has necessary/desirable consultation been carried out with other relevant stakeholders, including:</b>  Landholders  Local aboriginal land council and Native Title Service (as required) and using the DEC's Interim Guidelines on Consultation  Community		
<b>11</b> <b>Have conclusions been made referring to s111 and s112 of EP&amp;A Act (using language of Act)?</b>		
Are mitigation measures included as part of the description of the proposal?		
Is there a clear statement as to whether or not an SIS and/or EIS are required?		