

Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979* Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

Application Number	SSD-22472709
Project Name	<p>Jeremiah Wind Farm, which includes:</p> <ul style="list-style-type: none"> • the construction, operation and decommissioning of a wind farm with an estimated capacity up to 400 megawatts (MW), a maximum of 65 turbines and a maximum height of 300 m (to blade tip); • a battery with a nominal storage of 150 MW / 150 MWh; and • permanent ancillary infrastructure, including site offices, internal roads, underground and overhead cabling, and a substation.
Location	The suburb of Adjungbilly, approximately 29 km east of Gundagai, NSW in Cootamundra-Gundagai Local Government Area (LGA)
Applicant	CWP Renewables Pty Ltd
Date of Issue	23/09/2021
General Requirements	<p>The environmental impact statement (EIS) must be prepared in accordance with, and meet the minimum requirements of clauses 6 and 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i> (the EP&A Regulation).</p> <p>In particular, the EIS must include:</p> <ul style="list-style-type: none"> • a stand-alone executive summary; • a full description of the development, including: <ul style="list-style-type: none"> – details of construction, operation and decommissioning, including any proposed staging of the development or refurbishing of turbines over time; – all infrastructure and facilities, such as substations, transmission lines, battery energy storage system, construction compounds, concrete batching plants, internal access roads, and road upgrades (including any infrastructure that would be required for the development, but the subject of a separate approvals process); – plans for any buildings; – high quality site plans and maps at an adequate scale with dimensions showing: <ul style="list-style-type: none"> ○ the location and dimensions of all project components including coordinates in latitude / longitude and maximum AHD heights of the turbines; ○ existing infrastructure, land use, and environmental features in the vicinity of the development, including nearby residences and approved residential developments or subdivisions within 5 km of a proposed turbine, and any other existing, approved or proposed wind farms in the region; and ○ the development corridor that has been assessed, including any allowance for micro-siting of turbines and identification of the key

environmental constraints that have been considered in the design of the development;

- consolidated list and GIS data of coordinates of wind turbines, project infrastructure and relevant receivers and distances to potentially impacted receivers; and
- details of the progressive rehabilitation of the site;
- a list of any approvals that must be obtained before the development may commence;
- the terms of any proposed voluntary planning agreement with the relevant local council;
- an assessment of the likely impacts of the development on the environment, focusing on the specific issues identified below, including:
 - a description of the existing environment likely to be affected by the development using sufficient baseline data;
 - an assessment of the likely impacts of all stages of the development (which is commensurate with the level of impact), including any cumulative impacts of the site and existing or proposed developments in the Riverina Murray region, in accordance with the *Cumulative Impact Assessment Guideline* (DPIE, July 2021) (application subject to transitional arrangements), taking into consideration any relevant legislation, environmental planning instruments, guidelines, policies, plans and industry codes of practice and including the *NSW Wind Energy Guidelines for State Significant Wind Energy Development* (2016);
 - a description of the measures that would be implemented to avoid, mitigate and/or offset the impacts of the development, including details of consultation with any affected non-associated landowners in relation to the development of mitigation measures, and any negotiated agreements with these landowners; and
 - a description of the measures that would be implemented to monitor and report on the environmental performance of the development, including adaptive management strategies and contingency measures to address residual impact;
- a consolidated summary of all the proposed environmental management and monitoring measures, identifying all the commitments in the EIS; and
- a detailed evaluation of the merits of the project as a whole having regard to:
 - the requirements in Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and how the principles of ecologically sustainable development have been incorporated in the design, construction and ongoing operations of the development;
 - the environmental, economic and social costs and benefits of the development, having regard to the predicted electricity demand in NSW and the National Electricity Market, NSW's *Climate Change Policy Framework*, NSW's *Net Zero Plan Stage 1: 2020 - 2030* and the greenhouse gas savings of the development;
 - feasible alternatives to the development (and its key components), including the consequences of not carrying out the development; and
 - the suitability of the site with respect to potential land use conflicts with existing and future surrounding land uses, including rural villages, rural dwellings, subdivisions, land of high scenic value, conservation areas (including National Parks, State Parks and Reserves), strategic agricultural land, state forests, mineral and coal resources, triangulation

	<p>stations, tourism facilities, existing or proposed wind farms, and the capacity of the existing electricity transmission network to accommodate the development;</p> <ul style="list-style-type: none"> • a detailed consideration of the capability of the project to the security and reliability of the electricity system in the National Electricity Market, having regard to local system conditions and the Department's guidance on the matter; and • a signed statement from the author of the EIS, certifying that the information contained within the document is neither false nor misleading. <p>The development requires approval under the EPBC Act and is being assessed under the Bilateral Agreement. The EIS should address the requirements of Attachment A.</p> <p>The EIS must also be accompanied by a report from a suitably qualified person providing:</p> <ul style="list-style-type: none"> • a detailed calculation of the capital investment value (CIV) (as defined in clause 3 of the Regulation) of the proposal, including details of all assumptions and components from which the CIV calculation is derived; • an estimate of jobs that will be created during the construction and operational phases of the proposed infrastructure; and • certification that the information provided is accurate at the date of preparation. <p>The development application must be accompanied by the consent of the owner/s of the land (as required in clause 49(1)(b) of the Regulation).</p>
<p>Key issues</p>	<p>The EIS must address the following specific issues for the wind farm and associated infrastructure:</p> <p>Landscape and Visual – the EIS must include a detailed assessment of the visual impacts of all components of the project (including turbines, transmission lines, substations, battery energy storage system, and any other ancillary infrastructure) in accordance with the <i>NSW Wind Energy: Visual Assessment Bulletin</i> (DPE, 2016), including detailed consideration of potential visual impacts on local residences, scenic or significant vistas and road corridors in the public domain.</p> <p>Noise and Vibration – the EIS must:</p> <ul style="list-style-type: none"> • assess wind turbine noise in accordance with the <i>NSW Wind Energy: Noise Assessment Bulletin</i> (EPA/DPE, 2016); • assess noise generated by ancillary infrastructure in accordance with the NSW Noise Policy for Industry (EPA, 2017); • assess construction noise impacts of the development in accordance with the <i>Interim Construction Noise Guideline</i> (DECC, 2009), and a draft noise management plan if the assessment shows construction noise is likely to exceed applicable criteria); • assess traffic noise under the NSW Road Noise Policy (DECCW, 2011); and • assess vibration under the <i>Assessing Vibration: A Technical Guideline</i> (DECC, 2006). <p>Biodiversity – the EIS must include:</p>

- an assessment of the biodiversity values and the likely biodiversity impacts of the project in accordance with the *Biodiversity Conservation Act 2016*, the Biodiversity Assessment Method (BAM) and documented in a Biodiversity Development Assessment Report (BDAR), unless BCD and DPIE determine the proposed development is not likely to have any significant impacts on biodiversity values;
- details of the application of the avoid, minimise and offset framework, including assessing all direct, indirect and prescribed impacts in accordance with the BAM;
- an assessment of the likely impacts on listed aquatic threatened species, populations or ecological communities, scheduled under the *Fisheries Management Act 1994*, and a description of the measures to minimise and rehabilitate impacts;
- an assessment of the impact of the development on birds and bats, including blade strike, low air pressure zones at the blade tips (barotrauma), alteration to movement patterns, and cumulative impacts of other wind farms in the vicinity and
- if an offset is required, details of the measures proposed to address the offset obligation.

Transport – the EIS must:

- assess the construction, operational and decommissioning traffic impacts of the development on the local and State road network;
- provide details of the peak and average traffic volumes (including light, heavy and over-mass / over-dimensional vehicles) and transport and haulage routes during construction, operation and decommissioning, including traffic associated with sourcing raw materials (water, sand and gravel);
- assess the potential traffic impacts of the project on road network function including intersection performance, site access arrangements, site access and haulage routes, and road safety, including school bus routes and school zones;
- assess the capacity of the existing road network to accommodate the type and volume of traffic generated by the project (including over-mass / over-dimensional traffic haulage routes from port) during construction, operation and decommissioning;
- assess of the likely transport impacts to the site access and haulage routes, site access point, any rail safety issues, any Crown Land, particularly in relation to the capacity and conditions of the roads and use of rail level crossings (and rail safety assessment if required), and impacts to rail underbridges and overbridges; and
- provide details of measures to mitigate and / or manage potential impacts including a schedule of all required road upgrades (including resulting from over mass / over dimensional traffic haulage routes), road maintenance contributions, and any other traffic control measures, developed in consultation with the relevant road and / or rail authority.

Hazards and Risks – the EIS must include an assessment of the following:

- a Preliminary Hazard Analysis (PHA), prepared in accordance with *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* and the Department's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis' and Multi-level Risk Assessment*.
- *Aviation Safety*:

- assess the impact of the development under the *National Airports Safeguarding Framework Guideline D: Managing Wind Turbine Risk to Aircraft*;
- provide associated height and co-ordinates for each turbine assessed;
- assess potential impacts on aviation safety, including cumulative effects of wind farms in the vicinity, potential wake / turbulence issues, the need for aviation hazard lighting considering defined air traffic routes, aircraft operating heights, approach / departure procedures, radar interference, communication systems, navigation aids;
- identify aerodromes within 30 km of the turbines and consider the impact to nearby aerodromes and aircraft landing areas;
- address impacts on obstacle limitation surfaces; and
- assess the impact of the turbines on the safe and efficient aerial application of agricultural fertilisers and pesticides in the vicinity of the turbines and transmission line;
- *Telecommunications* – identify possible effects on telecommunications systems, assess impacts and mitigation measures including undertaking a detailed assessment to examine the potential impacts as well as analysis and agreement on the implementation of suitable options to avoid potential disruptions to radio communication services, which may include the installation and maintenance of alternative sites;
- *Health* – consider and document any health issues having regard to the latest advice of the National Health and Medical Research Council, and identify potential hazards and risks associated with electric and magnetic fields (EMF) and demonstrate the application of the principles of prudent avoidance;
- *Bushfire* – identify potential hazards and risks associated with bushfires / use of bushfire prone land, including the risks that a wind farm would cause bush fire and any potential impacts on the aerial fighting of bushfires and demonstrate compliance with *Planning for Bush Fire Protection 2019*; and
- *Blade Throw* – assess blade throw risks.

Heritage – the EIS must:

- assess the impact to Aboriginal cultural heritage items (archaeological and cultural) in accordance with the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH, 2011) and the Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW (DECCW, 2010);
- provide evidence of consultation with Aboriginal communities in determining and assessing impacts, developing options and selecting options and mitigation measures (including the final proposed measures), having regard to the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010); and
- assess the impact to historic heritage having regard to the NSW Heritage Manual.

Water and Soils– the EIS must:

- assess the likely impacts of the development (including flooding) on surface water and groundwater resources traversing the site and surrounding watercourses, drainage channels, wetlands, riparian land, farm dams, groundwater dependent ecosystems and acid sulfate soils, related infrastructure, adjacent licensed water users and basic landholder rights,

	<p>and measures proposed to monitor, reduce and mitigate these impacts;</p> <ul style="list-style-type: none"> • detail water requirements and supply arrangements for construction and operation; • where the project involves works within 40 metres of the high bank of any river, lake or wetlands (collectively waterfront land), identify likely impacts to the waterfront land, and how the activities are to be designed and implemented in accordance with the <i>DPI Guidelines for Controlled Activities on Waterfront Land</i> (2018) and (if necessary) <i>Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings</i> (DPI 2003); and <i>Policy & Guidelines for Fish Habitat Conservation & Management</i> (DPI, 2013); • describe of the measures to minimise surface and groundwater impacts, including how works on steep gradient land or erodible soil types would be managed and any contingency requirements to address residual impacts in accordance with the <i>Managing Urban Stormwater: Soils and Construction</i> series of guidelines; • assess risks of dust generation and propose mitigation measures designed in accordance with the <i>Approved Methods and Guidelines for the Modelling and Assessment of Air Pollutants in New South Wales</i> (DECC, 2005); and • assess the potential for encountering naturally occurring asbestos and the impacts resulting from the disturbance of any naturally occurring asbestos within soils during construction and operation. <p>Waste – the EIS must identify, quantify and classify the likely waste streams to be generated during construction and operation, and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste.</p> <p>Social & Economic – the EIS must include an assessment of the social and economic impacts in accordance with <i>Social Impact Assessment Guideline</i> (DPIE, July 2021) (application subject to transitional arrangements) and benefits of the project for the region and the State as a whole, including consideration of any increase in demand for community infrastructure services, assessment of impact on agricultural resources and agricultural production on the site and region, and details of how the construction workforce will be managed to minimise local impacts.</p>
<p>Plans and Documents</p>	<p>The EIS must include all relevant plans, diagrams and relevant documentation required under Schedule 1 of the Regulation. Provide these as part of the EIS rather than as separate documents.</p> <p>In addition, the EIS must include high quality files of maps and figures of the subject site, proposal, and proposed road upgrades.</p>
<p>Consultation</p>	<p>During the preparation of the EIS, you must:</p> <ul style="list-style-type: none"> • consult with relevant local, State or Commonwealth Government authorities, infrastructure and service providers, community groups, affected landowners, exploration licence holders, quarry operators and mineral title holders; • establish a Community Consultative Committee for the project in accordance with the Community Consultative Committee Guidelines for State Significant Projects, and consult with the committee during the preparation of the EIS, and • carry out detailed consultation with the following: <ul style="list-style-type: none"> – Cootamundra-Gundagai Regional Council – NSW Aboriginal Land Council – DPIE’s Biodiversity, Conservation and Science Directorate

	<ul style="list-style-type: none"> - Heritage NSW - DPIE's Water Group - WaterNSW - Environment Protection Authority - Crown Lands - Regional NSW – Mining, Exploration & Geoscience (MEG) - Department of Primary Industries – Agriculture and Fisheries divisions - Transport for New South Wales - TransGrid - Department of Finance, Services and Innovation – Telco Authority - Fire & Rescue NSW - NSW Rural Fire Service - Civil Aviation Safety Authority - Airservices Australia. <p>The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p>
Expiry Date	<p>If you do not lodge a Development Application and EIS for the development within 2 years of the issue date of these SEARs, your SEARs will expire. If an extension to these SEARs will be required, please consult with the Planning Secretary 3 months prior to the expiry date.</p>
Legislation, Policies & Guidelines	<p>The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified.</p> <p>A list of some of the legislation, policies and guidelines that may be relevant to the assessment of the project can be found at:</p> <ul style="list-style-type: none"> • https://www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Rapid-Assessment-Framework/Improving-assessment-guidance • https://www.planningportal.nsw.gov.au/major-projects/assessments/policies-and-guidelines and • http://www.environment.gov.au/epbc/publications#assessments

Attachment A
Guidelines for preparing assessment documentation relevant to the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) for proposals being assessed under the NSW Assessment Bilateral.

Jeremiah Wind Farm (EPBC 2021/8978)

Introduction

1. On 17 August 2021, a delegate of the Federal Minister for the Department of Agriculture, Water and the Environment (formerly Department of Environment and Energy) determined that Jeremiah Wind Farm was a controlled action under section 75 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The EPBC Act controlling provisions for the proposed actions are:
 - i. listed threatened species and communities (section 18 and 18A); and
 - ii. listed migratory species (sections 20 and 20A).
2. The proposed action will be assessed in accordance with the bilateral assessment agreement Amending Agreement No. 1, and as such, is required to be assessed in the manner specified in Schedule 1 to that Agreement, including, addressing the matters outlined in Schedule 4 of the *Environment Protection and Biodiversity Conservation Regulations 2000* (EPBC Regulations).
3. The proponent must undertake an assessment of all protected matters that may be impacted by the development under the controlling provision identified in paragraph 1. The Commonwealth Department of Agriculture, Water and the Environment considers that the proposed action is likely to have a significant impact on threatened species and communities and migratory species listed in **Appendix A**.
4. The proponent must consider each of the protected matters under the triggered controlling provisions that may be impacted by the action. Note that this may not be a complete list and it is the responsibility of the proponent to undertake an analysis of the relevant impacts and ensure all protected matters that are likely to be impacted are assessed for the Commonwealth Minister's consideration.

General Requirements

Relevant Regulations

5. The Environmental Impact Statement (EIS) must address all matters outlined in Schedule 4 of the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth) and all matters outlined below in relation to the controlling provisions.

Project Description

6. The title of the action, background to the action of the action and current status.
7. The precise location and description of all works to be undertaken (including associated offsite works and infrastructure), structures to be built or elements of the action that may have impacts on MNES.

8. How the action relates to any other actions that have been, or are being taken in the region affected by the action.
9. How the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts on MNES.

Impacts

10. The EIS must include an assessment of the relevant impacts of the action on the matters protected by the controlling provisions, including:
- i. a description and detailed assessment of the nature and extent of the likely direct, indirect and consequential impacts, including short term and long term relevant impacts;
 - ii. a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
 - iii. analysis of the significance of the relevant impacts; and
 - iv. any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

Avoidance, mitigation and offsetting

11. For each of the relevant matters protected that are likely to be significantly impacted by the action, the EIS must provide information on proposed avoidance and mitigation measures to manage the relevant impacts of the action including:
- i. a description, and an assessment of the expected or predicted effectiveness of the mitigation measures,
 - ii. any statutory policy basis for the mitigation measures;
 - iii. the cost of the mitigation measures;
 - iv. an outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing;
 - v. the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program.
12. Where a significant residual adverse impact to a relevant protected matter is considered likely, the EIS must provide information on the proposed offset strategy, including discussion of the conservation benefit associated with the proposed offset strategy.
13. For each of the relevant matters likely to be impacted by the action the EIS must provide reference to, and consideration of, relevant Commonwealth guidelines and policy statements including any:
- i. conservation advice or recovery plan for the species or community;
 - ii. relevant threat abatement plan for the species or community;
 - iii. wildlife conservation plan for the species; and
 - iv. any strategic assessment.

Note: the relevant guidelines and policy statements for each species and community are available from the Department of the Environment Species Profiles and Threats Database.

<http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>

14. In addition to the general requirements described above, specific information is required with respect to each of the determined controlling provisions. These requirements are outlined in paragraphs 15-17.

Key Issues

Biodiversity (threatened species and communities and migratory species)

Assessment Requirements

15. The EIS must identify each EPBC Act listed threatened species and community and migratory species likely to be impacted by the action. For any species and communities that are likely to be impacted, the proponent must provide a description of the nature, quantum and consequences of the impacts. For species and communities potentially located in the project area or in the vicinity that are not likely to be impacted, provide evidence why they are not likely to be impacted.
16. For each of the EPBC Act listed threatened species and communities and migratory species likely to be impacted by the action the EIS must provide a separate:
- a. description of the habitat (including identification and mapping of suitable breeding habitat, suitable foraging habitat, important populations and habitat critical for survival), with consideration of, and reference to, any relevant Commonwealth guidelines and policy statements including listing advice, conservation advice and recovery plans;
 - b. details of the scope, timing and methodology for studies or surveys used and how they are consistent with (or justification for divergence from) published Australian Government guidelines and policy statements;
 - c. description of the relevant impacts of the action having regard to the full national extent of the species or community's range; and
 - d. description of the specific proposed avoidance and mitigation measures to deal with relevant impacts of the action;
 - e. identification of significant residual adverse impacts likely to occur after the proposed activities to avoid and mitigate all impacts are taken into account;
 - f. a description of any offsets proposed to address residual adverse significant impacts and how these offsets will be established.
 - g. details of how the current published NSW Biodiversity Assessment Method (BAM) has been applied in accordance with the objects of the EPBC Act to offset significant residual adverse impacts; and
 - h. details of the offset package to compensate for significant residual impacts including details of the credit profiles required to offset the action in accordance with the BAM and/or mapping and descriptions of the extent and condition of the relevant habitat and/or threatened communities occurring on proposed offset sites;

Note: For the purposes of approval under the EPBC Act, it is a requirement that offsets directly contribute to the ongoing viability of the specific protected matter impacted by a proposed action and deliver an overall conservation outcome that improves or maintains the viability of the MNES i.e. 'like for like'. In applying the BAM, residual impacts on EPBC Act listed threatened ecological communities must be offset with Plant Community Type(s) (PCT) that are ascribed to the specific EPBC listed ecological community. PCTs from a different vegetation class will not generally be acceptable as offsets for EPBC listed communities.

17. Any significant residual impacts not addressed by the BAM may need to be addressed in accordance with the EPBC Act 1999 Environmental Offset Policy.

<http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy>.

Other approvals and conditions

18. Information in relation to any other approvals or conditions required must include the information prescribed in Schedule 4 Clause 5 (a) (b) (c) and (d) of the EPBC Regulations 2000.

Environmental Record of person proposing to take the action

19. Information in relation to the environmental record of a person proposing to take the action must include details as prescribed in Schedule 4 Clause 6 of the EPBC Regulations 2000.

Information Sources

20. For information given in an EIS, the EIS must state the source of the information, how recent the information is, how the reliability of the information was tested; and what uncertainties (if any) are in the information.

REFERENCES

- *Environment Protection and Biodiversity Conservation Act 1999* - section 51-55, section 96A(3)(a)(b), 101A(3)(a)(b), section 136, section 527E
- *Environment Protection and Biodiversity Conservation Regulations 2000 Schedule 4*
- Amending Agreement No. 1 (2020) - Item 18.1, Item 18.5, Schedule 1
- *Matters of National Environmental Significance - Significant impact guidelines 1.1* (2013)
EPBC Act
- *Environment Protect and Biodiversity Conservation Act 1999 Environmental Offsets Policy* October 2012

Appendix A

Proposed site

Based on the information in the referral documentation, the location of the action, species records and likely habitat present in the area, there are likely to be significant impacts to:

- Greater Glider (*Petauroides volans*) – vulnerable
- Grey-headed Flying-fox (*Pteropus poliocephalus*) – vulnerable
- Yass Daisy (*Ammobium craspedioides*) – vulnerable
- Superb Parrot (*Polytelis swainsonii*) – vulnerable
- White-throated Needletail (*Hirundapus caudacutus*) – vulnerable, migratory
- Fork-tailed Swift (*Apus pacificus*) – migratory

Note: uncertainty around the extent and number of protected matters that may be impacted will need to be resolved through the assessment process once final alignment and construction plans have been completed.

Note: this may not be a complete list and it is the responsibility of the proponent to ensure any protected matters under these controlling provisions are assessed for the Commonwealth decision-maker's consideration.