

Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*
Part 8 of the *Environmental Planning and Assessment Regulation 2021*

Application Number	SSD-76610458
Project	<p>Devlins Bridge Wind Farm, which includes:</p> <ul style="list-style-type: none"> the construction, operation and decommissioning of a wind farm with an estimated capacity of 680 megawatts (MW), up to 94 turbines with a maximum height of 290 metres (to blade tip); and ancillary infrastructure including one primary terminal station and one collector substation, underground and overhead cabling, meteorological monitoring masts, operational maintenance facility, access tracks, construction compound, and grid connection to the transmission network.
Location	22 kilometres west of Narrandera and 17km south-west of Leeton, immediately south of the Sturt Highway in the Narrandera local government area.
Proponent	Devlins Bridge Wind Farm Holdco Pty Ltd (Stromlo Energy)
Date of Issue	20 December 2024
General Requirements	<p>The Environmental Impact Statement (EIS) must meet the minimum form and content requirements as prescribed by Part 8 of the <i>Environmental Planning and Assessment Regulation 2021</i> (the Regulation) and must have regard to the</p> <ul style="list-style-type: none"> State Significant Development Guidelines; and Renewable Energy Planning Framework, including the <i>Wind Energy Guideline</i> and its supporting <i>Technical Supplement for Landscape Character and Visual Impact Assessment</i> and <i>Technical Supplement for Noise Assessment</i> and the <i>Benefit-Sharing Guideline</i>. <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); the Project Area (as per Table 1 of the <i>SSD guidelines - preparing an environmental impact statement</i>) and Development Footprint (disturbance area including but not limited to areas for infrastructure, road works, access tracks, defensible space, fencing and temporary laydown); plans for any buildings;

	<ul style="list-style-type: none"> • high quality site plans and maps at an adequate scale with dimensions showing: • 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; • consistency in information presented in the EIS and all technical reports, including distances, development footprint, project design and infrastructure proposed, construction timeframes and receiver numbers; • demonstrate the suitability of the site and viability of the wind resources for the project and include high quality maps showing the wind resource; • a list of any approvals that must be obtained before the development may commence; • a model for community benefit-sharing, prepared in accordance with the Benefit-Sharing Guideline, including the terms of any proposed voluntary planning agreement with the relevant local council; • a risk assessment of the potential environmental impacts of the development, identifying the key issues for further assessment; • an assessment of the likely impacts of the development on the environment and any other significant issues identified in this risk assessment, focusing on the specific issues identified below, including: <ul style="list-style-type: none"> • 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 the cumulative impacts of the site and existing or proposed developments in the region in accordance with the <i>Cumulative Impact Assessment Guideline</i> (DPIE, 2022), taking into consideration any relevant State and Commonwealth legislation, environmental planning instruments, guidelines, policies, plans and industry codes of practice and including the <i>Wind Energy Guideline</i>; • a description of the measures that would be implemented to avoid, mitigate and/or offset residual impacts of the development and the likely effectiveness of these measures, 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 impacts; • a consolidated summary of all the proposed environmental mitigation, management and monitoring measures, identifying all the commitments in the EIS;
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	<ul style="list-style-type: none"> • a detailed evaluation of the merits of the project as a whole having regard to: • the requirements in Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> (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, <i>NSW's Climate Change Policy Framework</i>, <i>NSW's Net Zero Plan Stage 1: 2020 – 2030</i> and the greenhouse gas savings of the development; • feasible alternatives to the development (and its key components) including project design alternatives to avoid impacts to areas of biodiversity value, indirect impacts to any nearby national parks or nature reserves and archaeological sensitivity, opportunities for shared infrastructure with proposed developments in the region and the consequences of not carrying out the development; • 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, strategic agricultural land, state forests, mineral and coal resources, triangulation stations, tourism facilities, existing or proposed wind farms, and the capacity of the existing electricity transmission network to accommodate the development; and • 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. <p>Estimated Development Cost and Employment</p> <ul style="list-style-type: none"> • Provide the estimated development cost (EDC) of the development prepared in accordance with the relevant planning circular using the Standard Form of EDC Report. • Provide an estimate of the retained and new jobs that would be created during the construction and operational phases of the development, including details of the methodology to determine the figures provided. <p>The development application must be accompanied by:</p> <ul style="list-style-type: none"> • the consent of the owner/s of the land (as required in Section 23(1) of the Regulation); and • a declaration from a Registered Environmental Assessment Practitioner that the EIS includes the information specified in the Department's <i>Registered Environmental Assessment Practitioner Guidelines</i>.
Key issues	<p>The EIS must address the following specific issues for the wind farm and associated infrastructure:</p> <p>Landscape and Visual – including a detailed assessment of the landscape and visual impacts of all components of the project (including turbines, transmission lines, substations, and any other ancillary infrastructure) in accordance with the <i>Wind Energy Guideline</i> and supporting <i>Technical Supplement for Landscape Character and Visual Impact Assessment</i>.</p> <p>Noise and Vibration – including:</p>

	<ul style="list-style-type: none"> • an assessment of wind turbine noise in accordance with the <i>Wind Energy Guideline</i>, including the supporting <i>Technical Supplement for Noise Assessment</i>; • an assessment of noise generated by ancillary infrastructure in accordance with the <i>NSW Noise Policy for Industry</i> (EPA, 2017); • an assessment of construction noise under the <i>Interim Construction Noise Guideline</i> (DECC, 2009); • an assessment of traffic noise under the <i>NSW Road Noise Policy</i> (DECCW, 2011); • an assessment of vibration under the <i>Assessing Vibration: A Technical Guideline</i> (DECC, 2006); and • an assessment of the cumulative noise impacts (considering other developments in the area). <p>Biodiversity – including:</p> <ul style="list-style-type: none"> • an assessment of the biodiversity values and the likely biodiversity impacts of the project in accordance with Section 7.9 of the <i>Biodiversity Conservation Act 2016</i> (NSW), the Biodiversity Assessment Method (BAM) and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must: <ul style="list-style-type: none"> o be prepared using the approved BDAR template; o document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the BAM; o assess impacts associated with transport route road upgrades; o any indirect impacts to nearby conservation areas and nature reserves; and o be finalised by an accredited assessor as BAM-compliant within 14 days of submission; • an assessment of the impact of the project on birds and bats from blade strikes, low air pressure zones at the blade tips (barotrauma), and alteration to movement patterns resulting from the turbines and considering cumulative effects of other wind farms in the vicinity; • an assessment of the likely direct and indirect impacts on listed aquatic threatened species, populations or ecological communities, scheduled under the <i>Fisheries Management Act 1994</i>, and a description of the measures to minimise and rehabilitate impacts; • a cumulative impact assessment of biodiversity values in the region from nearby developments; • if an offset is required, details of the measures proposed to address the offset obligation; and • an assessment of the impacts on matters of national environmental significance in accordance with the <i>Environment Protection and Biodiversity Conservation Act 1999</i> and the requirements in Attachment 1 <p>Heritage – including:</p> <ul style="list-style-type: none"> • an assessment of the impact to Aboriginal cultural heritage items (archaeological and cultural) in accordance with the <i>Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW</i> (OEH, 2011) and the <i>Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW</i> (DECCW, 2010), identifying, describing, and
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assessing any impacts to any Aboriginal cultural heritage sites or values associated with the site (including impacts from any proposed earth works, construction works and road upgrades), including results of archaeological test excavations (where required), undertaken in accordance with the relevant standards and requirements;

- evidence of adequate consultation with Aboriginal communities in determining and assessing impacts, identifying and selecting options for avoidance of Aboriginal cultural heritage and identifying appropriate mitigation measures (including the final proposed measures), having regard to the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010); including the consultation process outline within; and
- an assessment of the impacts to historic heritage having regard to the *NSW Heritage Manual*.

Traffic and Transport – including:

- an assessment of the construction, operational and decommissioning traffic impacts of the development on the local and State road network;
- details of the peak and average traffic volumes (including light, heavy and over-mass / over-dimensional vehicles / heavy vehicles requiring escort and construction worker transportation) and transport and haulage routes during construction, operation and decommissioning, including traffic associated with sourcing raw materials (water, sand and gravel);
- an assessment of 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;
- an assessment of 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;
- an assessment 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;
- a cumulative impact assessment of traffic from nearby developments; and
- details of measures to mitigate and / or manage potential impacts (developed in consultation with the relevant road authorities) including:
 - o a schedule of all required road upgrades (including resulting from heavy vehicle and over mass / over dimensional traffic haulage routes),
 - o clear figures of proposed road upgrades (including the site access point); and
 - o road maintenance contributions, and any other traffic control measures, developed in consultation with the relevant road and / or rail authority.

Water and Soils – including:

- a site water balance for the development, quantify water demand, identify water sources (surface and groundwater), including any licensing requirements, and determine whether an adequate and secure water supply is available for the development (including consultation with suppliers);
- an assessment of the likely impacts of the development (including flooding and flood modelling) on surface water and groundwater resources traversing

	<p>the site and surrounding watercourses (including their Strahler Stream Order), drainage channels, wetlands, riparian land, farm dams, groundwater dependent ecosystems and acid sulfate soils, related infrastructure, adjacent licensed water users and basic landholder rights, and measures proposed to monitor, reduce and mitigate these impacts;</p> <ul style="list-style-type: none"> • 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); and • a description of the measures to minimise surface and groundwater impacts, including how works on 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. <p>Air Quality – including</p> <ul style="list-style-type: none"> • an assessment of 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); • demonstrate how the development minimises greenhouse gas emissions (reflecting the Government’s goal of net zero emissions by 2050). <p>Land – including:</p> <ul style="list-style-type: none"> • a detailed justification of the suitability of the site and that the site can accommodate the proposed development having regard to its potential environmental impacts, permissibility, strategic context and existing site constraints; • an assessment of the potential impacts of the development on existing land uses on the site and adjacent land, including: <ul style="list-style-type: none"> o flood prone land, agricultural land, irrigated lands, Crown lands, travelling stock routes, mining, quarries, mineral or petroleum rights; o a soil survey to determine the soil characteristics and consider the potential for erosion to occur; o the impact of the development on the South West Woodland Nature Reserve and Murrumbidgee Valley National Park having regard to the <i>Developments adjacent to NPWS lands: Guidelines for consent and planning authorities</i> (NPWS 2020); o a cumulative impact assessment of nearby developments; and o the development potential of that land, in accordance with the development rights guidance included in Attachment 2 • an assessment of the compatibility of the development with existing land uses, during construction, operation and after decommissioning, including: <ul style="list-style-type: none"> o consideration of the zoning provisions applying to the land, including subdivision (if required); o completion of a Land Use Conflict Risk Assessment in accordance with the Department of Industry’s <i>Land Use Conflict Risk Assessment Guide</i>; and
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- o assessment of impact on agricultural resources and agricultural production on the site and region.

Hazards and Risks – including an assessment of the following:

- **Aviation Safety:**
 - o prepare an aviation impact assessment in accordance with Appendix A of the *Wind Energy Guideline* and the *National Airports Safeguarding Framework Guideline D: Managing Wind Turbine Risk to Aircraft*; and
 - o 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** – identify potential hazards and risks associated with electric and magnetic fields (EMF) and demonstrate the application of the principles of prudent avoidance, including an assessment against the *International Commission on Non-Ionizing Radiation Protection (ICNIRP) Guidelines for limiting exposure to Time-varying Electric, Magnetic and Electromagnetic Fields*;
- **Bushfire:**
 - o assess potential hazards and risks associated with bushfires / use of bushfire prone land, including the risk of the project causing bush/grass fires;
 - o identify measures to prevent a fire occurring within the site from developing into a bushfire;
 - o consider any potential impacts of the project on the aerial fighting of bushfires; and
 - o demonstrate compliance with Planning for *Bush Fire Protection 2019*;
- **Blade Throw** – assess blade throw risks, including consideration of associated dwellings, non-associated dwellings and neighbouring infrastructure;
- **Dangerous Goods** – a preliminary risk screening completed in accordance with the *State Environmental Planning Policy (Resilience and Hazards) 2021*.

Social Impact – including:

- an assessment of the social impacts in accordance with the *Social Impact Assessment Guideline* (DPE, 2023) and *SIA Guideline - Technical Supplement* (DPE, 2023) including:
 - o consideration of any increase in demand for community infrastructure services; and
 - o consideration of construction workforce accommodation.

Economic and Benefit-Sharing – including:

- any economic impacts and benefits of the project for the region and the State as a whole; and
- details of proposed benefit sharing arrangements, in accordance with the *Benefit-Sharing Guideline*.

	<p>Waste –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 and an assessment of sewage (if required) and provide a waste management plan.</p>
Plans and Documents	<p>The EIS must include all relevant plans, diagrams and relevant documentation required under Part 3 of the EP&A 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>
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>While not exhaustive, 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/renewable-energy/renewable-energy-planning-framework • 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/assessment/policies-and-guidelines; and • https://www.dcceew.gov.au/environment/epbc/publications#assessments.
Engagement	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, infrastructure and service providers, community groups and affected landowners.</p> <p>The EIS must:</p> <ul style="list-style-type: none"> • detail how engagement undertaken was consistent with the <i>Undertaking engagement Guide: Guidance for State Significant Projects</i> (DPHI, 2021); and • 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>In particular you must consult with:</p> <ul style="list-style-type: none"> • the relevant local, State or Commonwealth Government authorities, service providers, community groups, affected landowners, exploration licence holders, quarry operators, mineral title holders and irrigation channel owners; and • carry out detailed consultation with the following: <ul style="list-style-type: none"> - Narrandera Shire Council - NSW Aboriginal Land Council - NSW Local Land Services - NSW DCCEEW – Heritage NSW Group - NSW DCCEEW – Biodiversity Conservation and Science Group - NSW DCCEEW – Water Group - NSW DCCEEW – Natural Resource Access Regulator - National Parks and Wildlife Service

	<ul style="list-style-type: none"> - Environment Protection Authority - Crown Lands - Department of Primary Industries and Regional Development – NSW Resources - Department of Primary Industries and Regional Development – Agriculture division - Department of Primary Industries and Regional Development – Fisheries division - Transport for NSW - Transgrid - NSW Telco Authority - Fire & Rescue NSW - NSW Rural Fire Service - Commonwealth Department of Defence - Civil Aviation Safety Authority - Airservices Australia - Murray Darling Basin Authority
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>

Attachment 1

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

Devlins Bridge Wind Farm (EPBC 2024/09894)

Introduction

1. On 27 September 2024, a delegate of the Federal Minister for the Environment and Water determined Devlins Bridge 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 (sections 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 Australian Government Department of Climate Change, Energy, the Environment and Water (AG DCCEEW) 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 EPBC Regulations and all matters outlined below in relation to the controlling provisions.

Project Description

6. The title of the action, background to 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 impacts¹ of the action on the matters protected by the controlling provisions, including:

¹ Relevant impacts are those impacts likely to significantly impact on any matter protected under the EPBC Act

- 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 Climate Change, Energy, the Environment and Water 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:
- i. 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;

- ii. 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;
- iii. description of the relevant impacts of the action having regard to the full national extent of the species or community's range; and
- iv. description of the specific proposed avoidance and mitigation measures to deal with relevant impacts of the action;
- v. identification of significant residual adverse impacts likely to occur after the proposed activities to avoid and mitigate all impacts are taken into account;
- vi. a description of any offsets proposed to address residual adverse significant impacts and how these offsets will be established.
- vii. 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
- viii. 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'. Like-for-like includes protection of native vegetation that is the same ecological community or habitat being impacted (preferably in the same region where the impact occurs), or funding to provide a direct benefit to the matter being impacted e.g. threat abatement, breeding and propagation programs or other relevant conservation measures.

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.

<https://www.dcceew.gov.au/environment/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.

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.

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 Protection and Biodiversity Conservation Act 1999* Environmental Offsets Policy October 2012

The international conventions, management plans and principles that must be considered in relation to this proposal include:

- Listed threatened species or communities
 - o Australia's obligations under the:
 - Convention on Biological Diversity;
 - the Convention on Conservation of Nature in the South Pacific (Apia Convention);
 - the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); and
 - o Any relevant recovery plans or threat abatement plans.
- Listed migratory species
 - o Australia's obligation under the:
 - Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention);
 - the China-Australia Migratory Bird Agreement (CAMBA);
 - the Japan-Australia Migratory Bird Agreement (JAMBA); and
 - the Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA).
 - o Any other international agreement approved under section 209(4) of the EPBC Act.
- Relevant conservation advice/s: <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>
- Bioregional plans
- Relevant strategic assessment reports

Commonwealth Listing Advice, Survey Guidelines and Referral Guidelines contain information on threatened species and ecological communities which may provide further support in considering and evaluating the significance of residual impacts on the action's controlling provisions. These documents can be found on the SPRAT Database: <https://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>

Appendix A

Protected matters relevant to the Devlins Bridge Wind Farm (EPBC 2024/09894) project

Specific risks:

Key risks associated with the proposed action from the Commonwealth perspective include:

- Direct threats to listed species:
 - Habitat clearing
 - Fatal turbine strike
 - Fatal blade sweep from the turbulent wake behind the blades
 - Displacement from critical habitat
 - Erosion
 - Overshadowing.
- Indirect threats to listed species:
 - Noise impacts
 - Dust impacts.

Listed threatened species and communities and migratory species

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:

Threatened ecological communities

- Natural Grasslands of the Murray Valley Plain – Critically Endangered
- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland – Critically Endangered
- Weeping Myall Woodlands – Endangered
- Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and Derived Native Grasslands of Southeastern Australia – Endangered

Plants

- *Austrostipa wakoolica* – Endangered
- Mueller Daisy (*Brachyscome muelleroides*) – Vulnerable
- Sand-hill Spider-orchid (*Caladenia arenaria*) – Endangered
- Winged Pepper-cress (*Lepidium monoplacoides*) – Endangered
- Slender Darling-pea (*Swainsona murrayana*) – Vulnerable

Birds

- Southern Whiteface (*Aphelocephala leucopsis*) – Vulnerable
- Fork-tailed Swift (*Apus pacificus*) – Migratory
- Australasian Bittern (*Botaurus poiciloptilus*) – Endangered
- Sharp-tailed Sandpiper (*Calidris acuminata*) – Vulnerable, Migratory
- Brown Treecreeper (south-eastern) (*Climacteris picumnus victoriae*) – Vulnerable
- Latham's Snipe (*Gallinago hardwickii*) – Vulnerable, Migratory
- Painted Honeyeater (*Grantiella picta*) – Vulnerable
- White-throated Needletail (*Hirundapus caudacutus*) – Vulnerable, Migratory
- Major Mitchell's Cockatoo (eastern) (*Lophochroa leadbeateri leadbeateri*) – Endangered
- South-eastern Hooded Robin (*Melanodryas cucullata cucullata*) – Endangered
- Plains-wanderer (*Pedionomus torquatus*) – Critically endangered
- Superb Parrot (*Polytelis swainsonii*) – Vulnerable
- Australian Painted Snipe (*Rostratula australis*) – Endangered
- Diamond Firetail (*Stagonopleura guttata*) – Vulnerable

Mammals

- Corben's Long-eared Bat (*Nyctophilus corbeni*) – Vulnerable

- Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) (*Phascolarctos cinereus*) – Endangered
- Grey-headed Flying-fox (*Pteropus poliocephalus*) – Vulnerable

Amphibians

- Sloane's Froglet (*Crinia sloanei*) – Endangered
- Southern Bell Frog (*Litoria raniformis*) – Vulnerable

A further assessment of significance should be undertaken for these protected matters, and if they are found to be significantly impacted, the proposed avoidance, mitigation and offset measures must be assessed.

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.

Attachment 2

The EIS must include an assessment of the potential impact of the development on existing land uses on the site and adjoining land, including the development potential of that land in accordance with the guidance below.

The applicant may need to consider whether the proposed development would impact the right for neighbouring landholders to develop their land for the purpose of any of the following permitted land uses:

- residential accommodation
- tourist and visitor accommodation
- eco-tourist facility.

In considering the impacts, applicants and consent authorities should only assess impacts on vacant land. That is, land in which there is a development right that has not been acted upon and is vacant of buildings and structures.

Additionally, an assessment should only be undertaken if the land is vacant prior to **12 November 2024**, and would:

- be partly or wholly within the visual impact setback in the Wind Energy Guideline - Technical Supplement for Landscape and Visual Impact Assessment,
- experience exceedances of the relevant noise criteria, or
- be subject to significant risk from blade throw, ice throw or other risks.

The assessment should consider whether the proposed development would unduly impact the development potential of the vacant land. In determining the impact, it may be relevant to consider:

- whether the vacant land is part of a broader contiguous property holding with an existing dwelling, building or structures,
- if a future development could be designed, sited and oriented to avoid or reduce significant impact from the project, and
- any mitigating effects including topography and vegetation.

An example assessment is provided in Appendix B of the Wind Energy Guideline.

If, **as of 12 November 2024**, the vacant land is subject to:

- a development application that has been lodged but is yet to be determined, and/or
- a development application or complying development certificate has been determined/granted but the development is yet to physically commence²,
- the applicant should consider measures to mitigate the impacts on these rights.

Measures may include:

- helping affected landholders modify the existing consent
- seeking a new development consent that would minimise impacts

² 'Physically commence' has the same meaning as that in section 96 of the [Environmental Planning and Assessment Regulation 2021](#).

- screening or landscaping treatments.

For the avoidance of doubt, these approvals should not be treated as existing dwellings, or other receivers for the purpose of conducting a visual impact assessment or noise impact assessment. Any consents or approvals that have physically commenced **as of 12 November 2024** should be treated as existing dwellings, or other receivers for the purpose of conducting a visual impact assessment or noise impact assessment.