Your ref: SSD-86276211
Our ref: DOC25-533136

Michael Dimitrakopoulos
Student Planning Officer
Department of Planning, Housing and Infrastructure– NSW Planning Group

Via Major Projects Portal: PAE-86986729

Dear Michael

Subject: Request for Secretary's Environmental Assessment Requirements – Bondo Wind Farm (SSD-86276211)

Thank you for your email dated 1 July 2025 seeking advice from the Regional Delivery (RD) Division of the NSW Department of Climate Change, Energy, the Environment and Water into the Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for this project.

RD has reviewed the Scoping Report and provide SEARs for the proposed development in **Attachment A.** Guidance material is listed in **Attachment B**.

RD recommends that the EIS appropriately address the following:

1. Biodiversity
2. Flood Risk Management
3. National Parks

The EIS should fully describe the proposal, the existing environment, and impacts of the development that may impact on flooding and biodiversity. It is important that all conclusions are supported by adequate data. The assessment must include all ancillary infrastructure associated with the project such as roads, water and power supplies, and Rural Fire Service requirements for asset protection. Strategies for adaptive management and monitoring will need to align with the current NSW and Australian standards and guidelines for windfarm developments. Note that regional-scale Plant Community Type (PCT) mapping may not be accurate at a site scale so should not be relied upon for the assessment.

<u>Biodiversity</u>

The Scoping Report indicates that the northern boundary of the proposed wind farm is approximately 5 km from the Large Bent-winged Bat (*Miniopterus orianae oceanensis*) maternity site at Church Cave near Wee Jasper. This cave is of very high conservation value as it is estimated that up to 30% of the female population in NSW utilise the cave to raise their young. It has been demonstrated that females fly at height making them susceptible to blade strike and that they fly more than 30km from the cave to forage.

As previously advised by RD on 30 August 2024, RD recommends that turbines should be positioned 30 kilometres from the known maternity cave to avoid a serious and irreversible impact (SAII) to the Large Bent-winged Bat. To quantify the risk to the species, we recommend the survey effort below be completed as a minimum:

- Ground based ultrasonic recording devices are installed at 80 locations stratified based on landscape position and proximity to vegetation. The survey needs to be conducted for two breeding seasons.

- Surveys need to be conducted from at least mid-December to late March, which is the period that female large bent-winged bat are resident at Church Cave and are likely to be foraging in the subject site.
- Each site should be surveyed for at least 30 nights across this period.
- Collection of at height data from at least 5 locations distributed evenly across the site.

The EIS must consider the adoption of smart curtailment practices to reduce the risk of strikes on threatened species, particularly the Large Bent-winged Bat. Options include feathering of turbines or complete shutdown at night when Large Bent-winged Bat are resident at Church Cave during key breeding and migratory events. Depending on the final location of turbines, such techniques may be adopted to avoid SAII on the species.

The Scoping Report also indicates that three other species at risk of SAII are known to occur in the project area, as well as several threatened species and threatened ecological communities. The Biodiversity Development Assessment Report (BDAR) must demonstrate how the proposal has investigated and implemented all reasonable options to avoid and minimise impacts to biodiversity. These investigations should consider site selection, the location of project components (including infrastructure, turbines, and ancillary development components) and project design (including turbine design). Evidence to demonstrate avoidance and minimisation efforts should be supported by available data and scientific research.

Minimum requirements for the biodiversity assessment are listed in Appendix K of the BAM. Minimum spatial data requirements for the BDAR submission are listed in Appendix D (Table 7) of the BAM Stage 2 Operational Manual. The Accredited Assessor preparing the BDAR is advised to follow the BDAR template. When the BDAR is submitted, we request that the BAM accredited assessor provides the required spatial data which reflects the figures in the BDAR directly to RD.

The BDAR must provide an assessment of the impacts of the development on birds and bats, including blade strike, alteration to movement patterns, and cumulative impacts of other wind farms in the vicinity. The assessment must also include the preparation of a Bird and Bat Adaptive Management Plan (BBAMP) for the development, informed by mitigation measures proposed to manage impacts. Strategies for adaptive management and associated monitoring for the project will need to conform to the most current standards and guidelines present for windfarm developments.

Given the location of the proposal in relation to a number of other proposed wind farms in the area, including Jeremiah Wind Farm, Saddletop Wind Farm and Bookham Wind Farm, the cumulative impact of the project in the surrounding region should be assessed through application of the Cumulative Impact Assessment Guidelines for State Significant Projects.

The EIS should identify any relevant Matters of National Environmental Significance, and whether the proposal has been referred to the Australian Government or already determined to be a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999*.

<u>Flood Risk Management</u>

The project site is spread over a large area prone to high levels of seasonal rainfall. The proposed project infrastructure is also located adjacent to several watercourses including Adjungbilly Creek, Bombowlee Creek, Shaking Bog Creek, Tumorrama Creek, Micalong Creek and several unnamed first, second and third order Strahler streams according to the scoping report.

Given the proximity of the project site to these local creeks and waterways and the local topography, some degree of flooding is likely in and around the project site in major events. Flooding within the project site is most likely to occur due to intense local rainfall events that activate the local stream systems that drain to the major river systems such as the Tumut and Murrumbidgee Rivers.

It is important to assess all potential sources of flooding impacting on the project site especially at the location of the various proposed creek crossings and sensitive project infrastructure such as substations, battery sites and any proposed worker accommodation camps.

The EIS should specifically address the attached requirements for flood risk management and conduct a quantitative flood impact and risk assessment to appropriately locate infrastructure and assess impacts, including on waterway crossings for site access.

National Park Estate

Access to land reserved under the NPW Act by the proponent to conduct any survey, or environmental investigation to inform the overall preparation of the EIS must seek prior consent from the relevant NPWS Areas Manager:

Brindabella National Park – Alpine-Queanbeyan Area via npws.alpinequeanbeyan@environment.nsw.gov.au

Kosciuszko National Park – Riverina-Highlands Area / Murrumbidgee Area via riverinahighlands.npws@environment.nsw.gov.au / murrumbidgee.area@environment.nsw.gov.au

If you have any questions about this advice, please contact Simon Maffei, Senior Project Officer, via planning.southwest@environment.nsw.gov.au.

Yours sincerely

Adam Vey
15 July 2025

Director South West
Regional Delivery
Conservation Programs, Heritage and Regulation Group
NSW Department of Climate Change, Energy, the Environment and Water

ATTACHMENT A – Recommended Environmental Assessment Requirements for Bondo Wind Farm (SSD- 86276211)
ATTACHMENT B – Guidance material

Attachment A **Recommended Environmental Assessment Requirements for Bondo Wind Farm (SSD- 86276211)**

Sources of guidance material for terms in blue are in Attachment B

Biodiversity
1. Biodiversity impacts related to the proposed development are to be assessed in accordance with Section 7.9 of the *Biodiversity Conservation Act 2016* using the Biodiversity Assessment Method (BAM) 2020 and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the *Biodiversity Conservation Act 2016* (s6.12), Biodiversity Conservation Regulation 2017 (s6.8) and the BAM, unless it is determined that the proposed development is not likely to have any significant impact on biodiversity values.
2. The BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect, uncertain and prescribed impacts in accordance with the BAM.
3. The BDAR must include details of the measures proposed to address the offset obligation as follows; a. The total number and classes of biodiversity credits required to be retired for the development/project; b. The number and classes of like-for-like biodiversity credits proposed to be retired; c. The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules; d. Any proposal to fund a biodiversity conservation action; e. Any proposal to make a payment to the Biodiversity Conservation Fund. If seeking approval to use the variation rules, the BDAR must contain details of the reasonable steps that have been taken to obtain requisite like-for-like biodiversity credits.
4. The BDAR must be submitted with all digital spatial data associated with the survey and assessment as per Appendix K of the BAM. Minimum spatial data requirements for the BDAR submission are listed in Appendix D of the BAM Stage 2 Operational Manual.
5. The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 under s6.10 of the *Biodiversity Conservation Act 2016*.
6. The EIS must assess the impact of wind turbine strikes on protected animals including; a. Predict the likelihood of impact on aerial species resident in, or likely to fly over, the project area, including but not limited to bat/bird strike and barotrauma. b. Predict the rate of impact per turbine per year for species likely to be affected. c. Justify predictions of likelihood of impact and rates of impact with reference to relevant literature and other published sources of information. d. Predict the consequences of impacts for the persistence of bioregional populations, with reference to relevant literature and other published sources of information.

e. Predict and map the likely zone of disturbance around wind turbines for aerial species resident in, or likely to fly over, the project area, with reference to relevant literature and other published sources of information.
f. Map significant landscape and habitat features within the zone of disturbance for species likely to be affected, including but not limited to hollow bearing trees, nest trees, microbat habitat and important habitat for migratory species.
g. Predict the likelihood and describe the nature of indirect impacts on aerial species resident in, or likely to fly over, the project area including but not limited to barriers to migratory pathways and breeding, feeding and resting resources.
h. For migratory species, predict the impact of avoidance behaviour relative to migration distances and the availability of suitable habitat for breeding, feeding and resting over the migration route, with reference to relevant literature and other sources of published information.
i. Justify prediction of likelihood and nature of impact, with reference to relevant literature and other published sources of information.
j. Predict the cumulative impact of the project together with existing wind farms with respect to movement patterns and the use of adjacent habitat and provide justification for these predictions.

Flood Risk Management

7. The EIS must map the following features relevant to flooding as described in the Flood Risk Management Manual: the policy and manual for flood liable land (NSW Government 2023) including:
   a. Flood prone land.
   b. Flood planning area, the area below the flood planning level.
   c. Hydraulic categorisation (floodways and flood storage areas).
   d. Flood hazard.
8. The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 5% Annual Exceedance Probability (AEP), 1% AEP flood levels and the probable maximum flood, or an equivalent extreme event.
9. The EIS must model the effect of the proposed development (including fill) on the flood behaviour under the following scenarios:
   a. Current flood behaviour for a range of design events as identified in 8 above. This includes the 0.5% and 0.2% AEP year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.
10. Modelling in the EIS must consider and document:
    a. Existing council flood studies in the area and examine consistency to the flood behaviour documented in these studies.
    b. The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood.

c. Impacts of the development on flood behaviour resulting in detrimental changes in potential flood affection of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazards and hydraulic categories.

d. The flood risks on project infrastructure with particular emphasis on sensitive assets and access roads used for site evacuation.

e. Relevant provisions of the Flood Risk Management Manual: the policy and manual for flood liable land (2023).

11. The EIS must assess the impacts of the proposed development on flood behaviour, including:

a. Whether there will be detrimental increases in the potential flood affectation of other properties, assets and infrastructure.

b. Consistency with Council Floodplain Risk Management Plans.

c. Compatibility with the flood hazard of the land.

d. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land.

e. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site.

f. Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

g. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the SES and Council.

h. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the SES and Council.

i. Emergency management, evacuation and access, and contingency measures for the development considering the full range or flood risk (based upon the probable maximum flood or an equivalent extreme flood event). These matters are to be discussed with and have the support of Council and the SES.

j. Any impacts the development may have on the social and economic costs to the community as consequence of flooding.

National Parks and Wildlife Estate

12. The EIS must identify and assess:

a. In the case of a project that adjoins, is in the immediate vicinity of, or upstream of land reserved under the NPW Act, ensure the matters outlined in the Developments adjacent to National Parks and Wildlife Service lands - Guidelines for consent and planning authorities (DPIE 2020) are adequately considered and include:

i. recognition of the natural, cultural and social values attached to that land

ii. recognition of the impacts, including direct, indirect and cumulative impacts as they relate to the environmental values of that land, its location, and greater landscape connectivity

iii. extent of the direct, indirect and cumulative impacts on that land

iv. duration of the direct, indirect and cumulative impacts on the interface, the greater environmental values and the reserves connectivity in the landscape to other reserved land.

b. Measures proposed to prevent, control, abate, minimise and manage the direct and indirect impacts including an evaluation of the proposed measures effectiveness and reliability over the life of the project.

c. Identification of any perceived amenity impacts within Brindabella National Park and Kosciuszko National Park, including the public use of campgrounds and day use areas.

d. Acknowledgement that noise levels above 40dB(A) has the potential to impact on wildlife occupying NPWS estate. Areas of park are to be treated as a 'sensitive receiver' for the purposes of noise level management. If exceedance occurs, impacts on biodiversity values will need to be assessed in more detail.

e. Risks and increased restrictions imposed to land management operations undertaken by NPWS as a result of the proposed windfarm project, especially in the use of low flight aircraft for aerial pest baiting, weed spraying, firefighting, hazard reduction and search and rescue purposes. Justify compliance with Civil Aviation Safety Authority (CASA) regulations. Consult with NPWS when assessing this.

f. Bushfire protection requirements attached to the proposed windfarm project ensuring they are restricted to the development site, and all ignition threats relating to the project are identified and planned for within the confines of the development site. No fire management is to affect, burden or threaten land that is reserved under Part 4 of the NPW Act.

g. Identification of any interference to the functionality and operation of telecommunication systems used by NPWS and establishment of a working relationship with NPWS to effectively resolve any communication issues with RF links or mobile radio through the life of the project.

h. Residual impacts and their significance subject to the protection and conservation of land that is reserved under Part 4 of the NPW Act.

Attachment B Guidance material

Title	Web address
Relevant Legislation	
Biodiversity Conservation Act 2016	www.legislation.nsw.gov.au/#/view/act/2016/63/full
Commonwealth Environment Protection and Biodiversity Conservation Act 1999	www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/
Environmental Planning and Assessment Act 1979	https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203
National Parks and Wildlife Act 1974	https://legislation.nsw.gov.au/view/html/inforce/current/act-1974-080
Wilderness Act 1987	https://legislation.nsw.gov.au/view/html/inforce/current/act-1987-196
Biodiversity	
Biodiversity Assessment Method 2020 (DPIE 2020)	https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-2020
Biodiversity Assessment Method 2020 Operational Manual – Stage 1 (DPE 2022)	https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-manual-2020-operational-manual-stage-1
Biodiversity Assessment Method 2020 Operational Manual – Stage 2 (DPE 2023)	https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-operational-manual-stage-2
BDAR Template (DPE 2022)	https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidance-for-the-biodiversity-development-assessment-report-template
Biodiversity Offset Scheme guides, tools and databases	https://www2.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/maps-systems-and-resources/guides-tools-and-databases
Biodiversity Values Map	www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap https://datasets.seed.nsw.gov.au/dataset/biodiversity-values-map
Guidance to assist a decision maker to determine a serious and irreversible impact (DPIE 2019)	https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/guidance-decision-makers-determine-serious-irreversible-impact-190511.pdf
Ancillary rules: biodiversity conservation actions	https://www.environment.nsw.gov.au/research-and-publications/publications-search/ancillary-rules-biodiversity-conservation-actions
Ancillary rules: reasonable steps to seek like-for-like biodiversity credits for the purpose of applying the variation rules	https://www.environment.nsw.gov.au/research-and-publications/publications-search/ancillary-rules-reasonable-steps-to-seek-like-for-like-biodiversity-credits
DPIE Threatened Species Profiles	www.environment.nsw.gov.au/threatenedspeciesapp/
BioNet Atlas	www.environment.nsw.gov.au/wildlifeatlas/about.htm

Title	Web address
BioNet Vegetation Classification – see **NSW Plant Community Type (PCT) classification** link for PCT database login page.	http://www.environment.nsw.gov.au/research/Visclassification.htm
NSW SEED Data Portal (access to online spatial data)	https://www.seed.nsw.gov.au/
Fisheries NSW policies and guidelines	https://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/fish-habitat-conservation
Cumulative Impact Assessment Guidelines for Significant Projects	https://www.planning.nsw.gov.au/sites/default/files/2023-03/cumulative-impact-assessment-guidelines-for-ssp.pdf
Flooding	
Flood Risk Management Manual: the policy and manual for flood liable land (2023)	https://www.environment.nsw.gov.au/topics/water/floodplains/floodplain-manual
Australian Rainfall and Runoff: A Guide to Flood Estimation	http://arr.ga.gov.au/
Flood Impact and Risk Assessment, Flood Risk Management Guideline LU01	https://www.environment.nsw.gov.au/research-and-publications/publications-search/flood-impact-and-risk-assessment
National Parks and Wildlife Estate	
Developments adjacent to National Parks and Wildlife Service lands Guidelines for consent and planning authorities (DPIE 2020)	www.environment.nsw.gov.au/research-and-publications/publications-search/developments-adjacent-to-national-parks-and-wildlife-service-lands
Revocation, recategorisation and road adjustment policy (OEH, 2012)	www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-policies/revocation-recategorisation-and-road-adjustment