

Notification of approval decision

New transmission infrastructure, Humelink, NSW (EPBC 2021/9121)

This decision is made under section 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Note that section 134(1A) of the EPBC Act also applies to this approval. That provision provides, in general terms, that if the approval holder authorises another person to undertake any part of the Action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such conditions.

Approved Action

person to whom the	NSW Electricity Networks Operations Pty Limited	
approval is granted (approval holder)	ACN: 609 169 959	
Action	To construct approximately 360 km of new high-voltage transmission lines and associated infrastructure, as varied by the variation request dated 20 May 2024 [See EPBC Act referral 2021/9121].	
Approval decision		
Approval decision	My decision on whether or not to approve the taking of the Action for the purposes of the controlling provision for the Action is as follows.	
	Controlling Provision	Decision
	National Heritage values of a national heritage place (section 15B and section 15C)	Approved
	Listed threatened species and communities (section 18 and section 18A)	Approved
	Listed migratory species (section 20 and section 20A)	Approved
period for which the approval has effect	This approval has effect until 31 December 2124	
conditions of approval	The approval is subject to conditions under the EPBC Act as se Annexure A.	et out in

DCCEEW.gov.au John Gorton Building - King Edward Terrace, Parkes ACT 2600 Australia GPO Box 3090 Canberra ACT 2601 ABN: 63 573 932 849 NOT 401 v10.6

Person authorised to make decision

name and position	Kate Gowland
	Branch Head
	Environment Assessments (NSW, ACT)
Signature	fatronland
date of decision	18 December 2024

Annexure A

Note: Words and terms appearing in **bold** (excluding headings) have the meaning assigned to them at **Part C – Definitions**.

Part A – Avoidance, mitigation, and compensation conditions

CLEARING LIMITS

- The approval holder must undertake clearing and construction activities in accordance with conditions A2(c) and A2(d) of the NSW approval to the extent that they relate to protected matters.
- 2) To avoid and mitigate **harm** to **protected matters**, the approval holder must comply with condition B25 of the **NSW approval** to the extent that it relates to **protected matters**.
- Prior to carrying out any activity that could harm Habitat for Bago Leek-orchid, Habitat for Brandy Marys Leek Orchid, Habitat for Kelton's Leek-orchid and Habitat for Blue-tongued Orchid, the approval holder must submit an Orchid Management Plan to the department for the Minister's approval.
- 4) The approval holder must not harm any Habitat for Bago Leek-orchid, Habitat for Brandy Marys Leek Orchid, Habitat for Kelton's Leek-orchid and Habitat for Blue-tongued Orchid unless the Minister has approved the Orchid Management Plan in writing. The approval holder must implement the Orchid Management Plan approved by the Minister during construction and operation until the expiry of this approval.
- 5) The Orchid Management Plan must be prepared by a **suitably qualified orchid specialist**. All commitments, including environmental outcomes, management measures, corrective measures, trigger values and performance indicators in the Orchid Management Plan must be **SMART** and based on referenced or included evidence of effectiveness. The Orchid Management Plan must be consistent with the **Environmental Management Plan Guidelines**, and must include:
 - a) clear environmental outcomes for the implementation of the **plan**,

- b) details of the **Bago Leek-orchid**, **Brandy Marys Leek Orchid**, **Kelton's Leek-orchid** and the **Blue-tongued Orchid** and a reference to the **EPBC Act** approval conditions to which the **plan** refers,
- c) a table of commitments made in the **plan** to achieve the environmental outcomes, and a reference to exactly where these commitments are detailed in the **plan**,
- d) commitments capable of ensuring that the environmental outcomes are achieved,
- e) reporting and review mechanisms to demonstrate compliance with the commitments made in the **plan**,
- an assessment of risks relating to achieving the environmental outcomes and risk management strategies and/or mitigation measures that will be applied to address identified risks,
- g) impact avoidance, mitigation and/or repair/compensation measures, and the timing of those measures,
- h) a monitoring program, which must include:
 - i) performance indicators,
 - ii) trigger values for corrective measures,
 - iii) the timing and frequency of monitoring, ensuring monitoring is capable of detecting trigger values and changes in the performance indicators, and
 - iv) proposed corrective measures if trigger values are reached,
- i) links to other relevant **plans** or conditions of approval (including state or territory approval conditions),
- j) consistency with species specific guidelines/conservation advices for the Bago Leek-orchid,
 Brandy Marys Leek Orchid, Kelton's Leek-orchid and the Blue-tongued Orchid.

FIELD VERIFICATION EFFORTS

6) The approval holder must provide to the **department** the Supplementary Biodiversity Strategy and Biodiversity Assessment Verification Report required under conditions B28 and B29 of the **NSW approval.**

BIODIVERSITY MANAGEMENT PLAN

7) The approval holder must comply with condition B30 (Biodiversity Management Plan) of the NSW Approval. The Biodiversity Management Plan must be prepared in accordance with the Environmental Management Plan Guidelines and condition B30 of the NSW Approval.

OFFSETS

- 8) To compensate for the residual significant impacts of the Action on protected matters, the approval holder must submit to the department a Biodiversity Offset Package 10 business days prior to obtaining approval of the Biodiversity Offset Package from the NSW Planning Secretary. The Biodiversity Offset Package must be prepared in accordance with condition B26 of the NSW approval.
- 9) The approval holder must provide a report in writing to the **department** confirming that the biodiversity offset measures in the Biodiversity Offset Package for the **protected matters** that have required offsets under this approval have been implemented and delivered by 13 November 2026 or timing otherwise agreed by the **NSW Planning Secretary.**

Part B – Administrative conditions

SUBMISSION AND PUBLICATION OF PLANS

- 10) Wherever these conditions require the approval holder to submit any **plan** to the **department**, all such **plans** must be submitted to the **department** electronically.
- 11) Unless otherwise agreed to in writing by the Minister, the approval holder must publish each plan on the website within 15 business days of the date the plan is approved by the NSW Planning Secretary or the plan is approved by the Minister in writing.
- 12) The approval holder must keep all **plans** published on the **website**, in a format that is easily accessible and downloadable, from the first date which that **plan** must be published and until the expiry date of this approval. This requirement applies to all current and superseded versions of **plans**.
- 13) The approval holder is required to exclude or redact sensitive biodiversity data from any version of a plan before that plan is published on the website or otherwise provided to a member of the public. If sensitive biodiversity data is excluded or redacted from a plan, the approval holder must notify the department in writing what exclusions and redactions have been made in the version published on the website.

REVISION OF ACTION MANAGEMENT PLANS

- 14) The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister or as subsequently revised in accordance with the following conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of any previous version of the action management plan.
- 15) The approval holder may choose to revise an action management **plan** approved by the **Minister** under condition 3, or as subsequently revised in accordance with these conditions, without

submitting it for approval under section 143A of the **EPBC Act**, if the taking of the Action in accordance with the RAMP would not be likely to have a **new or increased impact**.

- 16) If the approval holder makes the choice under condition 15 to revise an action management plan without submitting it for approval, the approval holder must:
 - a) Notify the **department** electronically that the approved action management **plan** has been revised and provide the **department** with:
 - i) An electronic copy of the RAMP.
 - ii) An electronic copy of the RAMP marked up with track changes to show the differences between the approved action management **plan** and the RAMP.
 - iii) An explanation of the differences between the approved action management **plan** and the RAMP.
 - iv) The reasons the approval holder considers that taking the Action in accordance with the RAMP would not be likely to have a **new or increased impact**.
 - v) Written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 **business days** after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the **department**.
 - b) Subject to condition 18, implement the RAMP from the RAMP implementation date.
- 17) The approval holder may revoke its choice to implement a RAMP under condition 15 at any time by giving written notice to the **department**. If the approval holder revokes the choice under condition 15, the approval holder must implement the action management plan in force immediately prior to the revision undertaken under condition 15.
- 18) If the **Minister** notifies the approval holder that the **Minister** is satisfied that the taking of the Action in accordance with the RAMP would be likely to have a **new or increased impact**, then:
 - a) Condition 15 does not apply, or ceases to apply, in relation to the RAMP.
 - b) The approval holder must implement the action management plan specified by the **Minister** in the notice.
- 19) At the time of giving the notice under condition 18 the Minister may also notify that for a specified period of time, condition 15 does not apply for one or more specified action management plans.

Note: Conditions 15, 16, 17, 18 and 19 are not intended to limit the operation of section 143A of the **EPBC Act** which allows the approval holder to submit a revised action management plan, at any time, to the **Minister** for approval.

MODIFICATIONS TO STATE OR TERRITORY APPROVAL

20) The approval holder must notify the **department** in writing of any proposed change to the **NSW approval** (including management **plans** under the **NSW approval** referenced in these conditions)

that may relate to **protected matters** within 2 **business days** of formally proposing such a change and within 5 **business days** of the approval holder becoming aware of any proposed change by the **NSW planning secretary.**

21) The approval holder must notify the **department** in writing of any change to the **NSW approval** conditions (including management **plans** under the **NSW approval** referenced in these conditions) that may relate to **protected matters**, within 5 **business days** of such a change to conditions coming into effect. Such notification must include a copy of the changed **NSW approval** conditions, or management **plans**, showing what changes have been made.

COMMENCEMENT OF THE ACTION

- 22) The approval holder must notify the **department** electronically of the date of **commencement of the Action**, within 5 **business days** following **commencement of the Action**.
- 23) The approval holder must not **commence the Action** later than 5 years after the date of this approval decision.
- 24) The approval holder must notify the **department** electronically of the date of when **clearing** or **construction** begins within 5 **business days**.

COMPLIANCE RECORDS

- 25) The approval holder must maintain accurate and complete **compliance records** and document the procedure for recording and storing **compliance records**.
- 26) If the **department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **department** within the timeframe specified in the request.

Note: Compliance records may be subject to audit by the **department**, or by an **independent auditor** in accordance with section 458 of the **EPBC Act**, and/or be used to verify compliance with the conditions. Summaries of the results of an audit may be published on the **department's website** or through the general media.

- 27) The approval holder must ensure that any **monitoring data**, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guidelines for biological survey and mapped data*, Commonwealth of Australia 2018, or as otherwise specified by the **Minister** in writing.
- 28) The approval holder must ensure that any **monitoring data**, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guide to providing maps and boundary data for EPBC Act projects*, Commonwealth of Australia 2021, or as otherwise specified by the **Minister** in writing.
- 29) The approval holder must submit all monitoring data, surveys, maps, other spatial and metadata and all species occurrence record data required under the conditions of this approval (sightings and evidence of presence) electronically to the department within 20 business days except where otherwise specified in a plan.

ANNUAL COMPLIANCE REPORTING

- 30) The approval holder must prepare a **compliance report** for each **Annual Compliance Report period** (**ACR period**).
- 31) The approval holder must ensure each **compliance report** includes:
 - a) accurate and complete details of compliance and any non-compliance with:
 - each condition imposed under the NSW approval, if a condition attached to this approval decision requires compliance with that NSW approval condition, to the extent that it relates to protected matters,
 - ii) each condition attached to this approval decision, and
 - iii) all commitments made in each plan,
 - b) a schedule of all plans in effect in relation to these conditions during the ACR period,
 - c) accurate and complete details of how each **plan** was implemented during the **ACR period**, and
 - d) if any **incident** occurred, accurate and complete details of each **incident**.
- 32) The approval holder must ensure each **compliance report** is completed to the satisfaction of the **Minister** and is consistent with the *Annual Compliance Report Guidelines*, Commonwealth of Australia 2023.
- 33) The approval holder must, within 20 **business days** following the end of each **ACR period**, in a format that is easily accessible and downloadable, publish on the **website**:
 - a) each compliance report, and
 - b) a **shapefile** showing all **clearing** of **protected matters**, and their habitat, undertaken within the **ACR period**.
- 34) The approval holder must:
 - a) Exclude or redact **sensitive biodiversity data** from each **compliance report** and **shapefile** published on the **website** or otherwise provided to a member of the public.
 - b) If sensitive biodiversity data is excluded or redacted from a version of a compliance report published or otherwise provided to a member of the public, submit the full compliance report to the department within 5 business days of its publication on the website and notify the department in writing what exclusions and redactions have been made in the version published on the website or otherwise provided to a member of the public.
 - c) If sensitive biodiversity data is excluded or redacted from a version of a shapefile published or otherwise provided to a member of the public, submit the full shapefile to the department within 5 business days of its publication on the website and notify the

department in writing what exclusions and redactions have been made in the version published on the **website** or otherwise provided to a member of the public.

- 35) The approval holder must notify the **department** electronically, within 5 **business days** of each date of publication that the **compliance report** and related **shapefile** has been published on the **website**. In this notification, the approval holder must provide the **department** with the web address for where the **compliance report** and related **shapefile** are published on the **website**.
- 36) The approval holder must keep each **compliance report** and related **shapefile** published on the **website** from the first date which that **compliance report** must be published and until the expiry date of this approval.

Note: Compliance reports may be published on the department's website.

REPORTING NON-COMPLIANCE

- 37) The approval holder must notify the **department** electronically, within 2 **business days** of becoming aware of any **incident**. The approval holder must specify in each notification:
 - a) any condition or commitment made in a **plan** which has not been, or may have not been, complied with,
 - b) a short description of the incident, and
 - c) the location (if applicable, including co-ordinates), date and time of the incident.
- 38) The approval holder must provide to the **department** in writing, within 12 **business days** of becoming aware of an **incident**, the details of that **incident**. The approval holder must specify:
 - a) all corrective measures and investigations which the approval holder has already taken in respect of the **incident**,
 - b) the potential impacts of the incident,
 - c) the method and timing of any corrective measures that the approval holder proposes to undertake to address the **incident**, and
 - d) any variation of these conditions or revision of a **plan** that will be required to prevent recurrence of the **incident** and/or to address its consequences.

INDEPENDENT AUDIT

- 39) The approval holder must ensure that an **independent audit** of compliance with the conditions is conducted for every **audit period**.
- 40) The approval holder must submit details of the proposed independent auditor and their qualifications to the department within 10 business days following the end of each audit period.
- 41) The approval holder must ensure the scope of each **independent audit** is sufficient to determine the compliance status for each condition of approval, and each commitment made in each **plan**.

- 42) The approval holder must ensure the criteria for each independent audit and the undertaking of each independent audit are consistent with the Independent Audit and Audit Report Guidelines.
- 43) The approval holder must submit an **audit report** to the **department** for written agreement from the **department** within 3 months following the end of each **audit period**, or as otherwise directed by the **Minister** in writing.
- 44) The approval holder must ensure each audit report is completed to the satisfaction of the Minister and is consistent with the Independent Audit and Audit Report Guidelines to the extent that the Guidelines are consistent with the conditions of this approval.
- 45) The approval holder must publish each **audit report** on the **website**, in a format that is easily accessible and downloadable, within 10 **business days** of the date the **department** agrees to that **audit report** in writing.
- 46) The approval holder must notify the **department** within 5 **business days** of the date the **audit report** is published on the **website**. In this notification, the approval holder must provide the **department** with the web address for where the **audit report** is published on the **website**.
- 47) The approval holder must keep each **audit report** published on the **website** from the first date which that **audit report** must be published and until the expiry date of this approval.

COMPLETION OF THE ACTION

- 48) Within 20 business days after the completion of the Action, and, in any event, at least 20 business days before this approval expires, the approval holder must notify the department electronically of the date of completion of the Action and provide completion data. The approval holder must submit any spatial data that comprises completion data as a shapefile.
- 49) The approval holder must notify the **department** electronically 60 **business days** prior to the expiry date of this approval, that the approval is due to expire.

Note: Section 145C of the **EPBC Act** entitles the approval holder to request an extension to the period of effect of this approval.

Part C – Definitions

Words and terms appearing in **bold** (excluding headings) have the meaning assigned to them in the list below:

Annual Compliance Report period or **ACR period** means each subsequent 12-month period following the date of this approval decision until the expiry date of this approval, unless otherwise specified in writing by the **Minister**.

Audit period means each subsequent five-year period following the commencement of the Action until the expiry date of this approval unless otherwise specified in writing by the Minister.

Audit report means a written report of an independent audit.

Bago Leek-orchid means the EPBC Act listed threatened species Prasophyllum bagoense.

Biodiversity data means 'biodiversity data' as described in the *Policy on Accessing and Sharing Biodiversity Data*, Commonwealth of Australia 2024.

Blue-tongued Orchid (also known as the Blue-tongued Greenhood) means the **EPBC Act** listed threatened species *Pterostylis oreophila*.

Brandy Marys Leek Orchid means the EPBC Act listed threatened species *Prasophyllum innubum*.

Business day means a day that is not a Saturday, a Sunday, or a public holiday in New South Wales.

Clear, **cleared** or **clearing** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation.

Commence the Action or **commences the Action** means the first instance of any on-site **clearing**, **construction** or other physical activity associated with the Action, but does not include minor physical disturbance necessary to:

- Undertake pre-clearance surveys or monitoring programs.
- Install signage and/or temporary fencing to prevent unapproved use of the **Project** footprint, so long as the signage and/or temporary fencing is located where it does not harm any protected matter.
- Protect environmental and property assets from fire, weeds, and feral animals, including use of existing surface access tracks.
- Install temporary site facilities for persons undertaking pre-commencement activities so long as these facilities are located where they do not harm any protected matter.

Commencement of the Action means the date on which the approval holder **commences the Action**.

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met.

Completion of the Action means the date on which all activities associated with the approved Action have permanently ceased and/or been completed.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with these conditions of approval (including compliance with commitments made in **plans**) in the approval holder's possession, or that are within the approval holder's power to obtain lawfully.

Compliance report means a written report of compliance with, and fulfilment of, these conditions (including compliance with commitments made in **plans**).

Construction means:

- the erection of a building or structure that is, or is to be, fixed to the ground and wholly or partially fabricated on-site,
- the alteration, maintenance, repair or demolition of any building or structure,
- any work which involves breaking of the ground (including pile driving) or bulk earthworks,
- the laying of pipes and other prefabricated materials in the ground, and
- any associated excavation work.

Construction does not include the installation of temporary fences or signage, pre-construction minor works, road upgrades and operation of the accommodation camps, or the enabling works as specified in the **NSW approval** definitions of construction and pre-construction minor works.

Department means the Australian Government agency responsible for administering the **EPBC Act**.

Environmental Management Plan Guidelines means the <u>Environmental Management Plan</u> <u>Guidelines (dcceew.gov.au)</u>, Commonwealth of Australia 2024.

EPBC Act means the Environment Protection and Biodiversity Conservation Act 1999 (Cth).

Habitat for Bago Leek-orchid means species habitat preferred by the Bago Leek-orchid (*Prasophyllum bagoense*) where the species may occur, and any known Bago Leek-orchid habitat. Key species habitat characteristics is given in the <u>Approved Conservation Advice for</u> <u>Prasophyllum bagoense (Bago leek-orchid)</u> available on the **department's website**.

Habitat for Brandy Marys Leek Orchid means species habitat preferred by the Brandy Marys Leek Orchid (*Prasophyllum innubum*) where the species may occur, and any known Brandy Marys Leek Orchid habitat. Key species habitat characteristics is given in the <u>Approved</u> <u>Conservation Advice for Prasophyllum innubum (Brandy Mary's leek-orchid)</u> available on the department's website.

Habitat for Kelton's Leek-orchid means species habitat preferred by the Kelton's Leek-orchid (*Prasophyllum keltonii*) where the species may occur, and any known Kelton's Leek-orchid habitat. Key species habitat characteristics is given in the <u>Approved Conservation Advice for</u> <u>Prasophyllum keltonii</u> (Kelton's leek-orchid) available on the **department's website**.

Habitat for Blue-tongued Orchid means species habitat preferred by the Blue-tongued Orchid (*Pterostylis oreophila*) where the species may occur, and any known Blue-tongued Orchid habitat. Key species habitat characteristics is given in the <u>Approved Conservation Advice for</u> <u>Pterostylis oreophila (Kiandra greenhood)</u> available on the **department's website**.

Harm means to cause any measurable direct or indirect disturbance or deleterious change as a result of any activity associated with the Action.

IBRA Region means the Interim Biogeographic Regionalisation for Australia (IBRA) Version 6.1 (Regions) available on the **department's** website at: <u>Interim Biogeographic Regionalisation for</u> <u>Australia (IBRA) Version 6.1 (Regions) | Find Environmental Data</u>

Incident means any:

- event which has the potential to, or does, harm any protected matter,
- potential non-compliance with these conditions, including the administrative requirements,
- actual non-compliance with these conditions, including the administrative requirements,
- potential non-compliance with one or more commitment made in a **plan**, and/or
- actual non-compliance with one or more commitment made in a **plan**.

Independent audit means an audit, conducted by an **independent auditor**, of compliance with and fulfilment of these conditions and the commitments made in **plans**, objectively evaluated against the audit criteria developed by the **independent auditor**, in accordance with the **Independent Audit and Audit Report Guidelines**, to the extent that the Guidelines are consistent with the conditions of this approval.

Independent Audit and Audit Report Guidelines means the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines,* Commonwealth of Australia 2019.

Independent auditor means a person, or firm, who:

- does not have any individual, financial*, employment* or family affiliation or any conflicting interests with the Action, the approval holder or the approval holder's staff, representatives, or associated persons,
- has demonstrated experience in undertaking government-regulated environmental compliance audits, and
- holds relevant professional qualifications and accreditations.

*Other than for the purpose of undertaking the role for which an independent person, or firm, is required.

Kelton's Leek-orchid means the EPBC Act listed threatened species Prasophyllum keltonii.

Minister means the Australian Government Minister administering the **EPBC Act**, including any delegate thereof.

Monitoring data means the data required to be recorded under the conditions of this approval, including **sensitive biodiversity data**.

New or increased impact means any direct or indirect increase in the impacts of an Action, an increase to the likelihood of an impact occurring, a reduction to the monitoring or mitigation measures for a **protected matter**, and/or a change to the nature or management of an environmental offset as outlined in the *Guidance on 'new or increased impact' relating to changes to approved management plans under EPBC Act environmental approvals*, Commonwealth of Australia 2017.

NSW approval means the NSW Government Infrastructure Approval for the Humelink project made under Section 5.19 of the *Environmental Planning & Assessment Act 1979*, for application number SSI-36656827 approved on 13 November 2024, as in effect on 14 November 2024. At the date of this decision, the **NSW approval** can be accessed at the following webpage address: <u>NSW Project approval (nsw.gov.au)</u>

NSW Planning Secretary means the Planning Secretary as defined in the NSW approval.

Plan means any action management plan or strategy that the approval holder is required by these conditions to implement.

Project footprint means the location of the action, represented in <u>Attachment 1</u> shown by the areas designated 'Project footprint'.

Protected matter(s) means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

Sensitive biodiversity data means **biodiversity data** which, if released, published or otherwise exposed, may result in **harm** to the relevant **protected matter** as a result of the intentional or unintentional misuse of that **biodiversity data**.

Shapefile means location and attribute information about the Action provided in an Esri shapefile format containing:

- '.shp', '.shx', '.dbf' files,
- a '.prj' file which specifies the projection or geographic coordinate system used, and
- an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

SMART means specific, measurable, achievable, relevant and time bound.

Suitably qualified orchid specialist means a person who has at least 7 years demonstrated experience designing and providing advice on the implementation of conservation land management for orchids in the Inland Slopes **IBRA Region**, Bondo **IBRA Region** or Snowy Mountains **IBRA Region**.

Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Attachments

Attachment 1: Maps of Project footprint