Monday, 13 July 2026

Emmalene Gottwald
Director Biodiversity Impact Assessment
Regions, Environment, Climate Action and First Peoples Group
Department of Energy, Environment and Climate Action
Level 2, 8 Nicholson Street,
East Melbourne, Victoria 3002

Dear Ms Gottwald

Re: CEC feedback regarding the Advisory Notes to complement the Handbook for the development of renewable energy in Victoria

The Clean Energy Council (***CEC***) welcomes the opportunity to provide a submission to the Department of Energy, Environment and Climate Action (***DEECA***) on the following:

- *Onshore Renewable Energy Development in Victoria: Guidance for proponents on engaging with DEECA to seek pre-application advice (**Pre-Application Advice Note**)*
- *Consultation Draft Advisory Note 1: Unmapped Brolga flocking areas (**Brolga Note**);*
- *Consultation Draft Advisory Note 2: Unknown Bent-wing Bat roosting sites (**Bent-wing Bat Note**);*
- *Consultation Draft Advisory Note 3: Demonstrating the application of a risk-based approach for onshore renewable energy (**Risk Framework Note**);*
- *Consultation Draft Advisory Note 4: Monitoring, reporting and adaptive management (**Monitoring, Reporting and Adaptive Management Note**);*
- *Consultation Draft Advisory Note 5: Developing compensatory measures (**Compensatory Measures Note**); and*
- *Consultation Draft Advisory Note 6: Community engagement and biodiversity values (**CE Note**).*

Together, the ***Advisory Notes***. These Advisory Notes complement the *Handbook for the development of renewable energy in Victoria: Guidance to avoid, minimise, mitigate and compensate for impacts on threatened bird and bat species (the **Handbook**).*

We commend DEECA on the work that has gone into preparing the Advisory Notes and appreciate that comments from industry consultation and preliminary feedback have been thoughtfully considered. The CEC supports the intent of the Advisory Notes and welcomes DEECA's efforts to provide clearer guidance for proponents.

Our recommendations focus on: clearer and more proportionate survey expectations, stronger recognition of project-specific evidence, and practical guidance on implementation matters such as compensatory measures, adaptive management and trigger-based conditions.

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The CEC also supports DEECA's intention to update these Advisory Notes to ensure consistency with:

- the draft catalogue of measures to avoid and mitigate collisions of birds and bats with wind farms (***Catalogue of Measures***);
- the draft Australian Collision Risk Framework (***ACRF***); and
- the reforms being undertaken by the federal Department of Climate Change, Energy, the Environment and Water (***DCCEEW***) to the *Environment Protection and Biodiversity Conservation Act 1999* (***EPBC Act***).

Our comments on the Advisory Notes, based on feedback from industry, are set out in **Annexure A**.

The CEC welcomes further engagement with DEECA in relation to the Advisory Notes. If you have any queries or would like to discuss this submission in more detail please contact me on erutherfurd@cleanenergycouncil.org.au.

Kind regards,

Elise Rutherfurd

General Manager, Environment and Planning

ANNEXURE A

Pre-Application Advice Note

The CEC welcomes the Pre-Application Advice Note and its focus on early engagement with proponents to support the development of adaptive mitigation and management measures, and reduce delays in the approvals process. We recommend that the Pre-Application Advice Note should include further detail on the available options for addressing impacts to Crown land, including how these impacts are to be assessed and managed within the pre-application framework. It should also clarify the scope of matters on which DEECA can provide written advice. In particular, greater clarity is needed on the status and weight of such advice, including whether and to what extent proponents can rely on it when subsequently seeking statutory approvals.

Brolga Note

We welcome the significant updates made to the Brolga Note in response to consultation taken to date. The revised Brolga Note provides a clearer framework for identifying unmapped flocking areas and assessing proposals for non-default buffers. The inclusion of additional explanatory material and examples is a positive step towards improving consistency and transparency in the assessment process.

We make a number of recommendations to ensure the guidance is clear, internally consistent and capable of being applied proportionately and consistently by proponents and decision-makers. In particular, members have raised concerns that the due diligence requirements for unmapped Brolga flocking areas may be interpreted as requiring two years of monthly field investigations from December to June for all projects within the Brolga area of interest, regardless of risk profile. A more proportionate approach may be to apply staged due diligence: first, desktop assessment, historical records review and stakeholder and local engagement; and second, targeted field surveys only where potential flocking habitat is identified or uncertainty remains.

Our other comments primarily relate to the following overarching themes:

- **Internal consistency:** A couple of provisions are potentially inconsistent or create uncertainty when read together, particularly the criteria for identifying flock roost wetlands, the survey requirements for confirming unmapped flocking areas, and the circumstances in which a single season of records may be sufficient to identify a flocking area.
- **Clear and proportionate survey expectations:** The Brolga Note would benefit from greater clarity regarding when survey obligations have been satisfied. Without a defined endpoint, there is a risk that proponents will continue undertaking additional surveys on a precautionary basis, creating unnecessary delays and uncertainty without improving ecological outcomes.

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- **Greater certainty in implementation:** A number of concepts are currently undefined or lack sufficient guidance, including 'large' flocks, 'mortality triggers', adaptive versus stringent adaptive management, movement corridors and spatially explicit models. We recommend defining these concepts and, where appropriate, providing worked examples.
- **Recognition of project-specific evidence and practical implementation:** The Brolga Note should acknowledge that project-specific survey data may, in some circumstances, provide a more reliable basis for decision-making than generalised datasets. Similarly, recommendations relating to compensatory measures and modelling should recognise practical constraints, proportionality and feasibility within typical project development timeframes.

Specific recommendations are set out in the table below.

Heading in Brolga Note	CEC Comment	Further detail
What are unmapped flocking areas?	Potential inconsistency between Criteria 1 and 3 in the definition of 'flock roost wetland'	Criterion 3 requires records from *more than one month in each flocking season*, which appears inconsistent with Criterion 1, which requires only two or more counts of ≥10 Brolgas.[1] If Criterion 3 is applied strictly, internal consistency would require at least four qualifying records (i.e. records from at least two months in each of two consecutive flocking seasons). Alternatively, if two qualifying records are intended to be sufficient, Criterion 3 should explicitly clarify whether records from the same month in different flocking seasons satisfy this requirement. This ambiguity has practical implications. For example, counts of 17 Brolgas in February 2025 and 14 Brolgas in February 2026 meet the numerical threshold and occur in consecutive flocking seasons, but both occur in the same month. Under a strict interpretation of Criterion 3, the site would not qualify despite demonstrating repeated seasonal use.
	Unclear whether one season of records is sufficient or two are required	The guidance states that '*if flocking is recorded in one year, then it is expected that surveys should occur in the following year or a decision can be made that the site is a flocking area'*.[2] This suggests that a single year of positive records may, in some circumstances, be sufficient to identify a flocking area, which appears inconsistent with the requirement for evidence across two consecutive flocking seasons. Clarification is needed on whether proponents are expected to treat such sites as flocking areas immediately or whether confirmation through surveys in a second consecutive season is required.

[1] Brolga Note, page 1.
[2] Brolga Note, page 3.

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Heading in Brolga Note	CEC Comment	Further detail
	Does not define when survey requirements are considered complete	In the past, proponents have been advised that where uncertainty exists, additional surveys should be undertaken. Accordingly, many proponents have continued seasonal surveys beyond the minimum requirement of two consecutive flocking seasons. The Brolga Note should address situations where two consecutive seasons do not satisfy the flock roost wetland criteria, but non-consecutive seasons do, for example Years 1 and 3. We recommend including clarification on when survey obligations have been satisfied to avoid ongoing surveying on a precautionary basis.
What due diligence should be undertaken to identify unmapped flocking areas?	Consistency with CE Note	To avoid any inconsistency, we recommend replacing the wording in the last dot point regarding community engagement with the following: '*engagement in accordance with Advisory Note 6 – Community engagement and biodiversity values*'. By way of example, it is unclear if the 10km geographical reference in the CE Note would also apply to this wording in the Brolga Note.
What are the buffering requirements for unmapped flocking areas?	Clarify whether commercial factors can justify alternative buffer reductions.	The Brolga Note requires proponents to provide a '*clear rationale for why an alternative to the 5 km recommended buffer distance is being proposed'.*[3] We recommend clarifying whether commercial or project planning considerations may be accepted as part of that rationale, provided the proposed alternative buffer adequately protects the unmapped flocking area and manages potential impacts.
	Restating approach to measuring buffers	For readability, we recommend expressly stating in this section that 'unmapped flocking area buffer must be measured from the boundary of the [flocking] wetland/s.' This point is made later in the paper but it would assist with readability to restate this upfront.
	Example of 'protecting and managing night and day roosts'	Proponents are required to give a clear rationale for how a non-default buffer 'protects and manages impacts to night and day roost wetlands'.[4] Examples should be provided of what information can be used as a rationale.

[3] Brolga Note, page 2.
[4] Brolga Note, page 2.

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Heading in Brolga Note	CEC Comment	Further detail
What factors should be considered and addressed when developing a proposal for a non-default buffer for an unmapped flocking area?	Reliance on GPS tracking data	The Brolga Note places substantial weight on GPS tracking data. Noting that this approach is not mandatory, we recommend clarifying that existing GPS tracking data should not be applied determinatively where robust project-specific data supports an alternative conclusion. Without clear guidance confirming that site-specific survey data will be appropriately weighted over reference datasets, there remains a risk for proponents that the financial investment in undertaking long-duration surveys will be undermined.
	Definition of a 'large' flock	The Brolga Note indicates that the size of a flock may influence whether a non-default buffer is appropriate, with particular emphasis on 'large Brolga flocks'.[5] We recommend defining the term 'large' in this context.
	Greater recognition of practical limits on compensatory measures	The compensatory measures described in the Brolga Note do not adequately recognise the practical limitations faced by individual proponents. In particular, 'restoration of the natural flooding regime of wetland by closing drains' and 'increasing inundation frequency…through artificial flooding'[6] may not be feasible due to constraints such as land access, landholder agreement, tenure, cost and ongoing management obligations. The Brolga Note should acknowledge these practical limitations when discussing compensatory measures.
	Define mortality triggers	The Brolga Note states that the Bat and Avifauna Management Plan should amongst other things include a description of mortality triggers.[7] Additional detail should be provided on the concept of 'mortality triggers', including how they are defined, the circumstances in which they would be applied, and the management or regulatory consequences of a trigger being reached.
	Define spatially explicit model requirements	The CEC acknowledges that a 'spatially explicit model' can enhance the precision of estimates.[8] That said, these models can have practical implementation challenges. We recommend that the Brolga Note provide clear guidance on what is required, including the

[5] Brolga Note, page 4.
[6] Brolga Note, page 5.
[7] Brolga Note, page 6.
[8] Brolga Note, page 6.

Heading in Brolga Note	CEC Comment	Further detail
		expected inputs, methodology, analytical approach, statistical framework, outputs and appropriate timeframes.
Applying an unmapped flocking area	Consistent terminology	Where possible, ensure that references throughout are consistent, for example references to 'known foraging areas' should clarify if these are 'non-wetland foraging areas' and whether 'non-wetland foraging areas' are the same as 'non-wetland foraging habitat'. Similarly, the references to the term 'potential breeding wetlands' may require further review and consideration.
	Define movement corridor extent	The Brolga Note states that '[m]ovement corridors between wetlands for non-wetland foraging should be included in the buffer'.[9] The Brolga Note should clarify the distance over which a movement corridor is expected to be maintained, particularly where wetlands are separated by substantial distances.
	Unclear on buffering requirements for mapped Brolga flocking area	The statement that '*any wetlands that are inside or intersected by a boundary of a mapped Brolga flocking area are considered within that flocking area and no further assessment or buffering is required'*[10] is unclear. This statement potentially suggests that buffering is not required in relation to mapped Brolga flocking areas. Further clarification is required regarding the circumstances in which a wetland does not require additional assessment or buffering. We recommend including a worked example.
	Clarifications on buffer reduction categories	The Brolga Note currently indicates that both a 'substantial reduction' and a 'significant reduction' in the default 5 km buffer may be subject to the same potential requirements. The Brolga Note should be updated so that different thresholds apply to these scenarios. In addition, this section refers to categories of buffer reduction and corresponding 'adaptive' and 'stringent adaptive' management requirements. These terms should be clearly defined, including the thresholds that distinguish each category and the management expectations associated with them.

[9] Brolga Note, page 7.
[10] Brolga Note, page 7.

Bent-wing Bat Note

We support the intent of the Bent-wing Bat Advisory Note and the additional guidance and case studies for identifying and assessing previously unknown roosting sites. Our comments primarily relate to the following overarching themes:

- **Clear and proportionate survey expectations:** Further guidance is required regarding the scope of desktop investigations, on-ground surveys and the assessment radius for unknown roosts. Clearer expectations on what constitutes reasonable due diligence would also assist.
- **Internal consistency and process clarity:** Several aspects of the Bent-wing Bat Note would benefit from improved consistency, including the timing of assessments, the relationship between different assessment steps, and alignment with other Advisory Notes.
- **Greater certainty in implementation:** We recommend including additional detail on key assessment methodologies and decision points, including circumstances where further assessment is not feasible, appropriate methodologies for estimating bat numbers, and how uncertainty should be incorporated into risk assessments. A scenario should be provided to guide proponents on the scenario where unknown roosting sites cannot be discounted, and how remaining risk will be dealt with by DEECA (without defaulting to curtailment conditions).

We provide further specific recommendations in the table below.

Heading in Bent-wing Bat Note	CEC Comment	Further Detail
What are unknown roosting sites for Bent-wing Bats?	Measuring 10km radius	Reasonable due diligence requires a proponent to 'understand whether there are any unknown roosts within their site or within 10km of the site in the surrounding area'.[11] More specific guidance should be provided on the appropriate assessment radius, including confirmation of when a 10 km buffer is considered sufficient.
	Figure 1 and offsite assessments	The process diagram at Figure 1 should clarify how 'offsite' due diligence within a 10km radius fits into the process (as the current diagram only references unmapped roost sites within the project area).[12]

[11] Bent-wing Bat Note, page 1.
[12] Bent-wing Bat Note, page 1.

Heading in Bent-wing Bat Note	CEC Comment	Further Detail
Step 1 - How do proponents determine if indicators suggest the presence of an unknown roosting site?	Desktop and spatial analysis	The Bent-wing Bat Note refers to additional desktop and spatial analysis of likely topographical and geographic features. We recommend clarifying that this analysis should be informed by appropriately qualified specialists (separate to community feedback undertaken under the CE Note), such as geologists, bat ecologists and hydrologists, to ensure assessments are based on relevant local knowledge and expertise. We also recommend that DEECA improve visibility of desktop assessments and known Bent-wing Bat roost locations, allowing proponents to identify existing assessments and avoid duplication, inconsistencies, or conflicting interpretations between projects (potentially in partnership with the Environment Information Australia).
	Scope of on-ground surveys	Further guidance is required on the expected extent of on-ground surveys and the level of analysis required where potential habitat is identified through desktop investigations. Such surveys can be extensive and are often constrained by project design, land access, cost and safety considerations. We recommend that DEECA provide greater guidance on acceptable survey methodologies.
Step 2 – How can proponents determine if the potential unknown roosting site is on the proposed WEF site?	Minor clarifications	The first sentence in this section requires re-writing. In the final paragraph, 'appropriated' should be 'appropriate'. In dot point three, the reference to site should be updated to 'previously unknown roosting site' to avoid confusion between project site and roosting site.
Step 3 - What due diligence should be undertaken to investigate whether a previously unknown Bent-wing Bat	Timing for assessment of 10km radius:	The Bent-wing Bat Note states that '*where indications suggest that there may be an unknown roost, but none has been identified on site, proponents should investigate whether it may be in the surrounding area'.*[13] This wording suggests that assessment of the surrounding 10 km area is only required where no roost is identified within the project area (although we note that Scenario 3 states that the assessments occur concurrently). We recommend clarifying whether this is the intended approach, as it has implications for the timing and scope of desktop assessments. In particular,

[13] Bent-wing Bat Note, page 4.

Heading in Bent-wing Bat Note	CEC Comment	Further Detail
roost is present in the surrounding area?		proponents would benefit from knowing whether topographical assessments should be undertaken across the entire required assessment area from the outset or only where on-site investigations do not identify a roost.
	Minor clarifications	Dot point 1 on page 5 does not flow, should be capitalised and updated to reference 'a property'. This section also clarifies that where a potential roosting site cannot be confirmed it must still be taken into account as part of Step 5. We recommend clarifying here that in that case Step 4 in relation to assessing the number of bats is not feasible and not required.
	Consistency with CE Note	To avoid any inconsistency, we recommend replacing the wording in dot point 2 with the following: '*additional stakeholder engagement regarding known previous or current bat activity in accordance with Advisory Note 6 – Community engagement and biodiversity values*'.
Step 4 - How can the number of bats using a located roost or the level of associated activity be assessed?	Step 4 not required for potentially unknown roosting sites that cannot be reasonable located/assessed	Clarify under step 4 that where a potentially unknown roosting site is suggested by indicators, but could not be reasonably located or assessed, a proponent is not required to undertake step 4 (ie. estimate the potential number of bats located at the potentially unknown roosting site).
	Outline methodology for guano and bat exit counts	The proposed generalist methodology for guano present and fly out counts should be included to provide a baseline for consultation with the department otherwise expectations can be varied and not in the remit of a proponent developing a project. A timeframe for this consultation should be set to avoid inefficiencies from delayed negotiations.
Step 5 – How can proponents demonstrate that they have factored in the presence of an unknown roosting site	Clarification regarding risk level in circumstances where	The Bent-wing Bat Note states that *'[w]here the location and/or the number of bats associated with a roost could not be identified, the level of risk associated with the site can be related to the recorded activity levels of SBWBs on the site'*.[14] Further detail is required here, we recommend noting that the risk can also be linked to the reliability/or unreliability of the information regarding the activity level (eg.

[14] Bent-wing Bat Note, page 7.

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Heading in Bent-wing Bat Note	CEC Comment	Further Detail
into their risk and impact analysis?	location of the roost cannot be identified	an unreliable account of a Bent-wing bat that does not result in an identified roost should not attract the same level of risk).

Risk Framework Note

We support the intent of the Risk Framework Note and consider that the framework provides a useful basis for improving consistency in assessing project impacts. Our comments primarily relate to the following overarching themes:

- **Alignment with existing frameworks:** Greater consistency with the EPBC Act framework and related guidance would improve certainty and reduce duplication. We recommend a careful review of terms such as risk, impact, residual impact to ensure that the terms are defined and used consistently and it is clear when those definitions align with the EPBC Act.
- **Clarity and proportionality:** Further guidance is needed on key concepts, survey expectations and the application of proportionality, supported by practical examples. In particular, we recommend where possible using words such as risk, impact, significant likelihood, significant consequence are defined and used consistently.
- **Recognition of project-specific evidence:** The guidance should better recognise the value of robust site-specific data and clarify how it is weighted against desktop information.
- **Balanced mitigation approach:** The Risk Framework Note should acknowledge the full range of mitigation and compensatory measures available, rather than implying a preference for particular measures.

Specific recommendations are set out in the table below.

Heading in Risk Framework Note	CEC Comment	Further detail
Why is DEECA asking for this information?	Scope of investigations and alignment with EPBC wording regarding 'significant impact'	The scope of investigations is broad – *all* reasonable and practicable steps to identify *any* potential risks. Where possible we recommend aligning with the federal EPBC framework, where the scope is limited to 'significant impact'. We suggest limiting the investigations to identifying and assessing potentially *significant* risks. There are also potential

Heading in Risk Framework Note	CEC Comment	Further detail
		inconsistencies, for example the Adaptive Management Note takes a narrower approach of limiting the goal of monitoring and reporting to tracking and recording 'impacts on *threatened* birds and bats'.[15]
	Scope of investigations and alignment with EPBC wording regarding 'residual significant impact'	We recommend that the requirement to undertake all reasonable and practicable steps to 'estimate the likely residual impact'[16] should also be aligned with the EPBC Act and instead refer to 'residual significant impact'. The same comment applies to the dot point relating to compensatory measures and adaptive management for residual impacts. The section on estimating residual impacts should cross-reference the ACRF, particularly to support consistency between State and Commonwealth assessments. More generally, we recommend a careful review of terms such as risk, impact, residual impact and significant likelihood to ensure that the terms are defined and used consistently and it is clear when those definitions align with the EPBC Act. Words that are not intended to align with the EPBC Act or set a different threshold should ideally be defined and used consistently.
	Clarification regarding risks vs impacts	We support DEECA's suggestion that further clarification could be included regarding the difference in assessing risks vs impacts. A case study or template for proponents to complete could be useful. We note that some of this is already called out in the dot points on page 2, however this could be more expressly addressed in a call out box given the importance.
	Express reference to proportionality	The requirement to identify and justify compensatory measures should explicitly incorporate the principle of proportionality, ensuring that measures are commensurate with the level of risk.
How can DEECA be satisfied that the proponent has	Express acknowledgement of how DEECA will address known data gaps	The additional detail on demonstrating an 'adequate and robust' analysis is useful and welcomed by industry. We recommend that this section more directly address known

[15] Adaptive Management Note, page 2.
[16] Risk Framework Note, page 1.

Heading in Risk Framework Note	CEC Comment	Further detail
adequately considered the risks and impacts from a development?		scientific data limitations and state how the department will consider those limitations in assessments. Examples or case studies would be useful.
What data or information should a proponent provide to demonstrate the above?	Further clarity on 'sufficient period'	Further clarity is required on what constitutes a 'sufficient period' for on-site surveys and assessments. While site-specific nuance is acknowledged, greater certainty should be provided through case studies illustrating when two years of monitoring is required versus two seasons.
	Weighting of project-specific data	We recommend addressing the weighting of project-specific data against desktop data, such as published literature. Project-specific data should not be discounted solely because it is unpublished, provided it has been collected in accordance with a valid survey design.
How can proponents demonstrate that avoidance, minimisation and/or mitigation measures proposed are suitable to address the risks and impacts identified?	Overemphasis on curtailment	The example table lists 'targeted curtailment' as the proposed mitigation measure for collision risk. Worked examples such as this have the potential to unintentionally establish a hierarchy of preferred mitigation measures by suggesting a particular response is the default for a particular risk. We recommend revising the examples to better reflect the full range of avoidance, minimisation, mitigation, adaptive management and compensatory measures available under the Handbook, rather than suggesting that a particular mitigation measure is the default response. For example, the collision risk example could instead reference measures such as turbine siting, turbine height or adaptive management. If curtailment is retained as the example mitigation measure, the Risk Framework Note should acknowledge that it will not be appropriate in many circumstances and should only be considered where supported by robust, geographically relevant evidence. It should also acknowledge the operational and financial constraints associated with curtailment.
	Role of offsetting	Greater recognition should be given to the role of offsets within the mitigation hierarchy. We recommend cross reference in this section to the Compensatory Measures Note.

Monitoring, Reporting and Adaptive Management Note

The Monitoring, Reporting and Adaptive Management Note is useful. In particular, guidance in relation to impact triggers, when monitoring of up to five years may be appropriate (including the example of new technology supporting a longer monitoring period) and guidance in relation to monitoring for staged projects. We recommend including a couple of worked examples (as these are useful in the Bent-wing Bat Note). In particular in relation to when two vs five years of monitoring may be appropriate and an example of calculating an impact trigger.

Heading in the Monitoring, Reporting and Adaptive Management Note	CEC Comment	Further detail
What should go into annual reports and when should they be delivered?	Hard copy report	Given many platforms are moving to digital-only reporting, we recommend amending the wording to: 'Reports should be supplied in digital form and in hard copy upon request by DEECA.'
What adaptive management actions should proponents use in response to triggers?	Actionable adaptive management conditions and financing risk	We recommend clarifying that conditions requiring blanket curtailment or shutdown in response to monitoring triggers are generally not acceptable from a financing perspective and may affect project viability. Adaptive management conditions should instead include clear, pre-defined pathways for returning to normal operations once specified criteria have been met.
	Practical restrictions	We recommend that the Monitoring, Reporting and Adaptive Management Note acknowledge the practical limitations associated with trigger-based compensatory measures and provide clearer guidance on how they should be designed and implemented over the life of a project. In particular, the note should recognise the challenges of delivering direct compensation where appropriate offset opportunities may not exist, the difficulty of quantifying ecological benefit and securing long-term measures in response to future triggers, and the distinction between compensation identified at the approval stage and adaptive management measures implemented during operation. Greater emphasis should also be placed on scientifically robust trigger frameworks that account for uncertainty, long-term monitoring and trend analysis, allowing compensatory responses to be evidence-based and proportionate rather than relying on fixed trigger thresholds alone.

Heading in the Monitoring, Reporting and Adaptive Management Note	CEC Comment	Further detail
Can monitoring be used as part of an adaptive management action?	Expanding suitability qualified ecologist to cover other experts	The Monitoring, Reporting and Adaptive Management Note states that monitoring should be carried out by a suitably qualified ecologist. It may be appropriate for monitoring to be undertaken by other experts in some circumstances. We recommend including wording to the effect of ‘or other suitably qualified expert’.

Compensatory Measures Note

The Compensatory Measures Note should more explicitly address trigger-based compensation, where compensation is activated by defined outcomes in permit conditions (for example, where monitoring identifies impacts above predicted or acceptable thresholds). Clear guidance should be provided on how such triggers are set and the evidentiary basis required. In particular, it should be clarified whether proponents are expected to pre-secure offsets or other compensatory measures well in advance (for example, up to 30 years) to address potential future trigger events. Further information should also be included regarding practical implementation, for example we recommend including a few more worked examples of how proponents could develop and justify compensatory measures in specific scenarios.

The Compensatory Measures Note should also be more closely aligned with the EPBC Act, including the concept and definition of ‘residual significant impact’. In particular, the guidance should clarify how residual impacts are to be identified, when they are considered ‘significant’, and how this determination informs the scale and type of compensatory measures required. Without this clarity, there is a risk of inconsistent application and uncertainty in how compensation obligations are triggered and calculated.

Heading in Compensatory Measures Note	CEC Comment	Further detail
Can this Advisory Note also be used to meet other offsetting and/or compensation requirements?	Alignment with the EPBC Act and Bilateral Agreement	We note that, under the bilateral agreement, State assessment outcomes are relevant to Commonwealth assessments under the EPBC Act. This relationship should be expressly acknowledged, rather than stating that the Compensatory Measures Note applies solely to the Handbook. For consistency with EPBC Act assessments, the relationship between ‘residual impact’ in the Compensatory Measures Note and ‘residual significant impact’ under the EPBC Act should also be clarified. The guidance should

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Heading in Compensatory Measures Note	CEC Comment	Further detail
		explicitly state whether these terms are intended to be equivalent and, where appropriate, adopt the EPBC Act concept of 'residual significant impact' to ensure consistency across State and Commonwealth assessment frameworks.
What information should proponents provide as part of their proposed compensation plan?	Practical implementation of the compensation framework	The Compensatory Measures Note could be strengthened by providing greater practical scenarios on how compensatory measures should be developed and justified. For example, the statement that 'mitigations must be proportionate to the identified risk' could be supported by a case study highlighting how DEECA would apply proportionality in a collision risk scenario. In many cases, demonstrating a direct ecological equivalence between a predicted collision impact and a proposed compensation action may be difficult. Additional guidance or worked examples illustrating acceptable approaches would greatly improve consistency between projects. Similarly, worked examples could provide practical guidance on common implementation challenges, including securing suitable sites, governance arrangements, implementation timeframes, monitoring ecological outcomes, and contingency measures where compensation actions do not achieve the intended outcomes.
	Adaptive management	In the paragraph relating to monitoring, reporting and adaptive management we recommend expressly recognising that compensation for collision-risk species may need to be adaptive. Given the inherent uncertainty associated with predicting collision risk prior to operation, it may not always be possible to define a complete compensation package at the approval stage. The Compensatory Measures Note should acknowledge that, in appropriate circumstances, compensation may be refined through an adaptive management framework informed by post-construction monitoring, provided clear governance arrangements and trigger points are established.
What is the link between residual impact and	Clarity and Consistency of	The emphasis on proportionality is welcomed. However, there is uncertainty in the requirement that actions should 'adequately compensate' for residual impacts.[17] The guidance also refers to proponents taking 'all reasonable and practicable steps to identify, assess and describe residual impacts' and to

[17] Compensatory Measures Note, page 1.

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Heading in Compensatory Measures Note	CEC Comment	Further detail
compensation in the Handbook?	Assessment Thresholds	demonstrate that compensatory measures are appropriate and acceptable.[18] These terms introduce multiple subjective thresholds (including 'reasonable', 'practicable', 'appropriate' and 'acceptable') which would benefit from clearer definition or replacement with more objective criteria. This is particularly important given that the following section refers to compensation measures needing to be 'robust, credible and feasible',[19] creating inconsistency in terminology and evaluation standards. In particular, these thresholds can be particularly difficult to satisfy in relation to cryptic species with a high degree of uncertainty.

CE Note

We consider the Community Engagement Advisory Note to be well written and a useful addition to the assessment framework. Our primary concern is ensuring it does not duplicate existing community engagement requirements in an already crowded regulatory landscape. We consider DEECA has done a good job of clarifying its intended scope, but there is an opportunity to strengthen this further. In particular, the Advisory Note should recognise compliance with the Commonwealth National Environmental Standard (Community Engagement) 2026 as satisfying equivalent requirements where the same engagement outcomes have been achieved.

Heading in CE Note	CEC Comment	Further detail
Can this Advisory Note be used to meet other community engagement and consultation requirements?	Alignment with the EPBC Act and National	We recommend clarifying in the CE Note that consultation undertaken for the purposes of a protected matter under the EPBC Act, that is determined to consistent with the National Environmental Standard (Community Engagement) 2026, will be deemed to comply with the DEECA CE Note (to the extent the CE Note applies to MNES matters).

[18] Compensatory Measures Note, page 1.
[19] Compensatory Measures Note, page 2.

Heading in CE Note	CEC Comment	Further detail
	Environmental Standards	
	Define terms	The CE Note refers to engagement with 'local communities'. We recommend including a definition of 'community' and/or 'local community'.
What information should proponents provide to demonstrate that they have taken all reasonable and practical steps to consider and use information and data provided by landowners and the local community?	Proportionate and reasonable expectations	The CE Note requires proponents to 'identify the key groups or individuals within the local community who may have knowledge or data on the presence, behaviour and location of threatened birds and bats on the proposed development site or in the surrounding area'. The CE Note states that such groups or individuals may include *'local landowners with properties within 10 kms of the proposed site'.* To align with the EPBC community engagement standard, we recommend removing the blanket 10 km radius. We recommend replacing it with wording that consultation should occur with person who are 'materially affected or potentially materially affected by a proposal, which may include those persons in who are geographically proximate to the proposed action'. This approach provides greater flexibility to ensure consultation is proportionate and appropriate to the nature, scale and location of the proposed development, recognising that a fixed 10 km radius may not be suitable in all circumstances.
	Duplication of regulatory assessment	The CEC supports the statement in the guidance note that 'it is not DEECA's role to assess the adequacy of the proponent's community engagement approach'. However, we are concerned that some aspects of the guidance could be interpreted more broadly, creating uncertainty about the intended scope of DEECA's assessment. To avoid duplication with processes already undertaken by the Department of Planning (and in future, through VicGrid as part of the Connections Process and/or the Access Regime) we recommend clarifying in each of the Advisory Notes that DEECA's assessment is limited to community engagement relevant to biodiversity and environmental matters within the department's statutory responsibilities.