

# ANNUAL EPBC COMPLIANCE REPORT

Bango Wind Farm

EPBC 2013/6810

13 October 2022

Version 1  
Author CWP Renewables  
Client BWF Nominees Pty Ltd

## REVISION CONTROL

Revision	Date	Issue	Author	Reviewed	Approved
1	13/10/2022	Final/Issued	Alana Gordijn	James McNamara	Brendan McAvoy

## CONFIDENTIALITY

This document contains proprietary and confidential information, which is provided on a commercial in confidence basis. It may not be reproduced or provided in any manner to any third party without the consent of CWP Renewables Pty Ltd.

© Copyright CWP Renewables 2022. This work and the information contained in it are the copyright of CWP Renewables Pty Ltd. No part of this document may be reprinted or reproduced without the consent of CWP Renewables Pty Ltd.

## DISCLAIMER

Whilst every effort has been made to ensure the accuracy of this information, the publisher accepts no responsibility for any discrepancies and omissions that may be contained herein.

## DECLARATION OF ACCURACY

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cwth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed:

*Brendan McAvoy*

Full name (please print): Brendan McAvoy  
Position (please print): Head of Asset Management  
Organisation: CWP Renewables Pty Ltd  
Date: 21 October 2022

# Contents

1	Project Description.....	1
2	Compliance Report.....	2
3	New Environmental Risks .....	16
	Attachment 1 - BBAMP Monitoring results .....	17

## Tables

Table 1	Compliance Report.....	2
Table 2:	Summary of BBAMP construction phase monitoring results from the reporting period (14 Aug 2021 – 13 Aug 2022) .....	17

# 1 Project Description

The Bango Wind Farm is located in the Hilltops and Yass Valley Local Government Areas, approximately 8km southwest of Rye Park and 20km north of Yass. The nearest township is Boorowa, which is located approximately 12 km to the north along Lachlan Valley Way. The site is characterised by a mix of native woodland and open-forest, native pasture, exotic pasture and cleared land.

The project was granted State Significant Development Approval (SSD6686) by the Independent Planning Commission on 1 May 2018.

On 25 May 2018, a third-party appeal was made to the Court by several landowners challenging the granting of the IPC consent. On 6 December 2018, an agreement was reached during a conciliation conference ordered pursuant to s 34 of the *Land and Environment Court Act 1979* (LEC Act).

A Modification (SSD 6686 MOD 1) was granted on 7 June 2019 to approve the subdivision of land (to create one freehold lot for the construction of the collector substation) and amend the description of the Land to include two additional parcels of land to accommodate the oversail of three wind turbine blades onto these two lots.

The Minister for Environment and Energy granted approval on 9 August 2018 with conditions covered by the Commonwealth EPBC Approval (EPBC 2013/6810). The Approval holder is BWF Nominees Pty Ltd (ACN 633 105 405). Variations to the EPBC Approval were granted on 4 April 2019, 19 November 2020, and 27 July 2021.

It is noted that a Variation to the EPBC Approval was also granted on 13 September 2022, and included variations to Conditions 9 and 11. As this variation was made after the end of the current reporting period (14<sup>th</sup> August 2021 – 13<sup>th</sup> August 2022), the varied conditions have not been addressed within this compliance report. They will be addressed within the report for the next reporting period (14<sup>th</sup> August 2022 – 13<sup>th</sup> August 2023).

The project involves construction, operation and decommissioning of the wind farm. Construction on the site commenced on 14 August 2019 (commencement of the action). Construction of the wind farm is still in progress. Practical completion of the wind farm and commencement operations is currently scheduled for late 2022 or early 2023.

The reporting period covered in this report is 14<sup>th</sup> August 2021 to 13<sup>th</sup> August 2022.

## 2 Compliance Report

Table 1 Compliance Report

Condition Number	Condition	Stage	Compliance status	Status/comments
<b>1</b>	The <b>approval holder</b> must:			
<b>1a</b>	Implement conditions 8, 9, 11 and 12 of Schedule 2 and conditions 16, 17, 18, 19 (a) and (c), 20 and 21 of Schedule 3 of the <b>NSW development consent</b> as they relate to impacts to <b>protected matters</b> .	All	Compliant	Measures for managing impacts to <b>protected matters</b> are contained within the approved Biodiversity Management Plan (BMP) and Environmental Management Strategy (EMS).  BWF has implemented and complied with all referenced conditions from the <b>NSW development consent</b> .
<b>1b</b>	Notify the <b>Department</b> in writing of any proposed change to the conditions of the <b>NSW development consent</b> for which Condition 1a applies no later than 5 <b>business days</b> after proposing a change or becoming aware of the NSW Government proposing a change.	All	Compliant	During this reporting period, there have been no changes proposed to the <b>NSW development consent</b> .  Previously, on 28/11/2018, changes were proposed to the conditions of the <b>NSW Development consent</b> .  Subsequently, a written notification was provided to the <b>Department</b> on 02/12/2018 (2 <b>business days</b> after the changes were proposed. The written notification outlined the proposed changes against each relevant condition.
<b>1c</b>	Notify the <b>Department</b> in writing of any change to the <b>NSW development consent</b> for which <b>EPBC</b> sub-condition 1a applies within 5 <b>business days</b> of a change being finalised.	All	Compliant	During this reporting period, there have been no changes to the <b>NSW development consent</b> for which EPBC sub-condition 1a applies.  Previously, on 6/12/2018, an agreement was reached during the s34 conciliation conference. The updated Conditions of <b>development consent</b> then became available on 12/12/2018.  Two <b>business days</b> later, on 14/12/2018, CWP issued an email to the <b>Department</b> advising of the updated Conditions of the <b>development consent</b> .
<b>2</b>	The <b>approval holder</b> must not clear more than:			
<b>2a</b>	39.54 ha of <b>Golden Sun Moth</b> habitat (as marked in pink and purple on the map at Annexure B)	All	Compliant	Clearing records provided by the construction contractor in January 2022 provide that no more than 39.54 ha of <b>Golden Sun Moth</b> habitat has been cleared.

Condition Number	Condition	Stage	Compliance status	Status/comments
2b	9.54 ha of <b>Superb Parrot</b> habitat (as marked in brown on the map at Annexure C)	All	Compliant	Clearing records provided by the construction contractor in January 2022 provide that no more than 9.54 ha of <b>Superb Parrot</b> habitat has been cleared.
2c	0.32 ha of <b>Box Gum Woodland</b> (as marked in red on the map at Annexure D)	All	Compliant	Clearing records provided by the construction contractor in January 2022, provide that no more than 0.32 ha of <b>Box Gum Woodland</b> (Cth listed) has been cleared.
2d	8 <b>primary hollow bearing trees</b> (as marked on the map at Annexure C)	All	Compliant	No <b>primary hollow bearing trees</b> were removed during the current reporting period.  Overall, 5 primary hollow bearing trees have been removed to date. BWF anticipates that no more primary hollow bearing trees will be removed.
3	The <b>approval holder</b> must protect <b>known and potential Superb Parrot nest trees</b> by:			
3a	Only conducting blasting within 50 m and clearing within 30 m of <b>known and potential Superb Parrot nest trees</b> between 1 February and 31 August (outside the breeding season).	Construction	Not applicable	No blasting was conducted at the project site during the reporting period.
3b	Locating wind turbines at least 50 m away from <b>known and potential Superb Parrot nest trees</b> .	Construction	Compliant	All wind turbines have been located at least 50m away from <b>known and potential Superb Parrot nest trees</b> .  Distances between turbines and <b>known and potential Superb Parrot nest trees</b> was verified during detailed design to ensure that the turbines would not be located within 50m of a <b>known or potential Superb Parrot nest tree</b> (except for the <b>known or potential Superb Parrot nest trees</b> that have been, or will be cleared, in accordance with condition 2d of the approval).  The closest wind turbine is located 85m horizontal distance to a <b>known or potential Superb Parrot nest tree</b> .
3c	locating onsite infrastructure, with the exception of wind turbines, at least 30m away from <b>known and potential Superb Parrot nest trees</b> .  <i>Note: for the purposes of this section, crane hardstands and turbine foundations are not considered turbines.</i>	Construction	Compliant	Onsite infrastructure is located at least 30m away from <b>known and potential Superb Parrot nest trees</b> .

Condition Number	Condition	Stage	Compliance status	Status/comments
4	The <b>approval holder</b> must submit plans for site layout required by condition 11 and 12 of Schedule 2 of the <b>NSW development consent</b> to the <b>Minister</b> at the same time as it is submitted to the Secretary of the Department of Planning and Environment for approval.	Construction	Compliant	<p>The site layout plan was submitted to the Secretary of the NSW Department of Planning and Environment (DPE) (per Condition 11 of the <b>NSW Development consent</b>) on 17/05/2019. The same Site layout plan was also submitted to the <b>Minister</b> on 10/06/2019. That site layout plan was subsequently approved by DPE on 15/07/2019.</p> <p>The Site layout plan was revised and submitted to the Secretary of the NSW Department of Planning, Industry and Environment (DPE), per Condition 12 of the <b>NSW development consent</b>, on 06/05/2020. This plan was also submitted to the <b>Minister</b> on 07/05/2020.</p> <p>During consultation with the DPE, a further revision and update was made to the Site layout plan on 16/07/2020. Approval from the Secretary was subsequently received on 25/08/2020 and this plan was submitted to the <b>Minister</b> on 27/08/2020.</p> <p>The site layout plan dated 16/07/2020 is the current site layout plan.</p>

Condition Number	Condition	Stage	Compliance status	Status/comments
5	<p>The <b>approval holder</b> must submit a Biodiversity Management Plan (BMP) to the <b>Minister</b> for approval. <b>Commencement of the action</b> must not occur unless the <b>Minister</b> has approved the BMP. The approval holder must implement the approved BMP.</p> <p>The BMP must include:</p>	Pre-construction	Compliant	<p>A draft BMP was first submitted to the <b>Minister</b> on 07/05/2019.</p> <p>Following rounds of reviews and updates, the <b>Minister</b> approved the BMP on 17/06/2019, prior to the <b>commencement of the action</b>.</p> <p>The BMP has been implemented by the approval holder and its contractors.</p> <p>Implementation by the Contractors has been through the development and implementation of specific designs, plans and procedures in accordance with the requirements of the BMP, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Detailed design with consideration to all conditions of the EPBC Approval 2013/6810.</li> <li>• Construction Environmental Management Plan</li> <li>• Biodiversity Management Sub-Plan, containing: <ul style="list-style-type: none"> <li>- Pre-clearance survey procedure</li> <li>- Vegetation clearing procedures</li> <li>- Vegetation clearing tracking register</li> <li>- Fauna management protocols</li> <li>- Habitat salvage requirements</li> </ul> </li> <li>• Biosecurity Management Sub-plan</li> </ul> <p>BWF have undertaken inspections and monitoring to verify the implementation of the BMP by the construction Contractors. The project is compliant with this condition.</p>
5a	Spatial maps, description and quantification of the final disturbance footprint in relation to proposed impacts to <b>protected matters</b> , including the number, type of <b>hollow bearing trees</b> and size of hollows to be removed.	Pre-construction	Compliant	The approved BMP addresses this requirement in Section 2 and Appendix A.
5b	Management measures to ensure the protection and maintenance of habitat for <b>protected matters</b> during the construction and operational phases of the approved action.	Pre-construction	Compliant	The approved BMP addresses this requirement in Section 4.

Condition Number	Condition	Stage	Compliance status	Status/comments
6	The <b>approval holder</b> must submit a Bird and Bat Adaptive Management Plan (BBAMP) to the <b>Minister</b> for approval. The approval holder must not export electricity for sale from more than 23 wind turbines simultaneously, other than for the purposes of hold point testing and commissioning, unless the Minister has approved the BBAMP. The BBAMP must include, but is not limited to:	Construction	Compliant	The BBAMP was approved by the <b>Minister</b> on 16/04/2021. At that time, electricity was not being exported from more than 23 wind turbines simultaneously.
6a	An on-going monitoring program, which must include a description of the methodology and frequency of monitoring.	Construction	Compliant	The approved BBAMP addresses this condition within Section 3 and Appendix 4.
6b	Trigger levels to shut down any turbines when there is a high risk of collision based on monitoring data and the results of research conducted as part of EPBC condition 13 on <b>Superb Parrot</b> habitat use and breeding ecology.	Construction	Compliant	The approved BBAMP addresses this condition within Section 4.
6	The results of the monitoring program from each year must be submitted as part of the annual report required under EPBC condition 17.	Construction	Compliant	<p>The Bango Wind Farm is still under construction and commissioning trials of equipment are still being conducted. As such, the BBAMP operation phase monitoring program had not commenced during the current reporting period.</p> <p>In accordance with the BBAMP, construction-phase monitoring has been conducted during the reporting period which has included monthly carcass searches at a subset of the commissioned turbines.</p> <p>Attachment 1 provides a summary of the results of the construction-phase monitoring that has been completed during the reporting period, per the requirements of the BBAMP.</p>
7	If the <b>Minister</b> considers, based on monitoring taken under EPBC condition 6, compliance reporting required by EPBC condition 17 and the risk assessment and mitigation measures included in the BBAMP, the operation of the action is having a detrimental impact on <b>protected matters</b> , then the <b>Minister</b> may notify the <b>approval holder</b> in writing that specified wind turbines must not be operated for a specified period of time. If the <b>Minister</b> makes a written notice under this condition, the <b>approval holder</b> must implement that written notice.	Operation	Not applicable	The <b>Minister</b> has not issued any notice to BWF in accordance with this condition.
8	Prior to the <b>commencement of the action</b> , the <b>approval holder</b> must submit to the <b>Minister</b> , the calculation of biodiversity impacts consistent with Condition 18 of Schedule 3 of the <b>NSW development consent</b> as it relates to <b>protected matters</b> .	Pre-construction	Compliant	<p>BWF, as the <b>approval holder</b>, <b>commenced the action</b> on 14/08/2019.</p> <p>Calculations of biodiversity impacts were submitted to the <b>Minister</b> on 16/06/2019.</p>

Condition Number	Condition	Stage	Compliance status	Status/comments
9	<p>Within three years of the <b>commencement of the action</b>, the <b>approval holder</b> must submit evidence of credit retirement consistent with condition 19 (a) or (c) of Schedule 3 of the <b>NSW development consent</b> to the <b>Minister</b>.</p> <p><i>[Note: this condition was varied on 13 September 2022, after the end of the current reporting period. Details of compliance with the varied condition will be reported in the next Annual EPBC Compliance Report].</i></p>	Construction	Compliant	<p>BWF, as the <b>approval holder</b>, <b>commenced the action</b> on 14/08/2019.</p> <p>On 8 July 2020, BWF submitted evidence to the <b>Minister</b> via email regarding the retirement of BioBanking credits consistent with Condition 19 (a) of Schedule 3 of the <b>NSW development consent</b>.</p> <p>On 22/06/2021, the NSW DPE granted a 12-month extension of time to retire additional biodiversity credits under Condition 19 of Schedule 3 of the <b>NSW development consent</b> (to 14/08/2022). Evidence of that extension granted by the NSW DPE was provided to the <b>Minister</b> via email on 8/07/2021.</p> <p>On 9/06/2022, the NSW DPE granted a further extension of time to retire additional biodiversity offset credits (to 4/11/2022). Evidence of that extension granted by the NSW DPE was provided to the <b>Minister</b> via email on 24/06/2022.</p> <p>It is anticipated that the credit retirement will occur by 4/11/2022, or as otherwise agreed by the DPE Secretary in accordance with condition 19 of the NSW development consent.</p>

Condition Number	Condition	Stage	Compliance status	Status/comments
10	<p>In the case that the <b>approval holder</b> is establishing <b>BioBanking site(s)</b>, they must ensure that the <b>BioBanking Agreement(s)</b> for the <b>BioBanking site(s)</b> include measures for the long-term management of <b>protected matters</b> including but not limited to:</p> <ul style="list-style-type: none"> <li>a) Specific reference to <b>Superb Parrot, Golden Sun Moth</b> and <b>hollow bearing trees</b> providing habitat to <b>Superb Parrot</b>.</li> <li>b) A textual description of the offset sites, including <b>offset attributes, shapefiles</b>, and a map clearly defining the location and boundaries of the proposed offset sites.</li> <li>c) Site survey and baseline data and documentation of key biodiversity threats and opportunities at each site.</li> <li>d) A detailed description of management actions and responsibilities designed to protect and improve the ecological quality of habitat of <b>Superb Parrot</b> and <b>Golden Sun Moth</b> on the offset sites.</li> <li>e) Key milestones, performance indicators and timeframes for each management action.</li> <li>f) A monitoring program to determine the effectiveness of the management actions.</li> <li>g) Corrective actions and contingency measures to be implemented where monitoring of the offset site shows that management actions are not effectively achieving key milestones or prescribed performance indicators are not being met or are unlikely to be met.</li> </ul>	All	Compliant	<p>As the Successor Mechanism to <b>BioBanking Agreements</b>, the <b>approval holder</b> is establishing a Biodiversity Stewardship Agreement (BSA) under the <i>Biodiversity Conservation Act 2016</i> (as agreed to by the Department via email 24/04/2019).</p> <p>The BSA will include measures for the long-term management of <b>protected matters</b> including those listed in Conditions 10a to 10g.</p> <p>Once the BSA has been finalised and executed, a copy will be provided to the <b>Minister</b> as required under Condition 11.</p>
10	Where appropriate offsets credits are acquired from the market, it is accepted that the credit provider has made suitable and appropriate measures to meet the above intent.	All	Not applicable	Offset credits for <b>Protected Matters</b> have not been acquired from the market.

Condition Number	Condition	Stage	Compliance status	Status/comments
11	<p>In the case that the <b>approval holder</b> is establishing <b>BioBanking site(s)</b>, they must submit a copy of the <b>BioBanking Agreement(s)</b> to the <b>Minister</b> within three years of the <b>commencement of the action</b>.</p> <p><i>[Note: this condition was varied on 13 September 2022, after the end of the current reporting period. Details of compliance with the varied condition will be reported in the next Annual EPBC Compliance Report].</i></p>	Construction	Compliant	<p>The approval holder is establishing a Biodiversity Stewardship Agreement (BSA) (as the successor mechanism to BioBanking Agreements).</p> <p>Due to delays to the BSA review and approval process within the NSW Biodiversity Conservation Trust, the BSA was still being reviewed and finalised at the end of the current reporting period (13/08/2022). Whilst the ongoing delays were due to factors outside of the approval holder's control, the approval holder took the following steps to mitigate the delays:</p> <ul style="list-style-type: none"> <li>Proactively engaging with the NSW BCT to progress the BSA review and finalisation process.</li> <li>Engaging with the <b>Department</b> early, notifying the <b>Department</b> of the ongoing delays to the BSA processing.</li> <li>Seeking advice from the <b>Department</b> on a suitable pathway to vary Condition 11 to allow additional time to provide the BSA to the <b>Minister</b>.</li> <li>Formally requesting a variation to Condition 11, to allow additional time to provide the BSA to the <b>Minister</b>.</li> </ul> <p>A variation request was being processed by the Department at the end of the reporting period, to extend the due date for submission of the BSA to 4/11/2022.</p> <p>The <b>Department</b> subsequently approved a variation to Condition 11, to provide an extension of time until 4/11/2022 to provide a copy of the BSA to the Minister.</p>
12	<p>For each <b>primary hollow bearing tree</b> (as marked in the map at Annexure C) removed within 50 m of each turbine (as confirmed through quantification of <b>hollow bearing trees</b> impacts through EPBC condition 5), the <b>approval holder</b> must legally protect and secure 10 <b>hollow bearing trees</b> from the same vegetation formation within the <b>South-west Slopes of NSW Important Bird Area</b>.</p>	Construction	Compliant	<p>The <b>approval holder</b> legally securing and protecting the required number of <b>hollow bearing trees</b> in accordance with the evidence that was provided to the <b>Minister</b> on 31/05/2021 (refer to Condition 12a below).</p>

Condition Number	Condition	Stage	Compliance status	Status/comments
12a	Within two years of the <b>commencement of the action</b> , the <b>approval holder</b> must submit evidence to the <b>Minister's</b> satisfaction of the final number of <b>hollow bearing trees</b> to be legally protected and secured.	Construction	Compliant	The date of <b>commencement of the action</b> was 14/08/2019.  On 31/05/2021, evidence of the final number of <b>hollow bearing trees</b> to be legally protected and secured was submitted to the <b>Minister</b> .  On 27/07/2021, a delegate of the <b>Minister</b> wrote to BWF confirming that they were satisfied with the evidence provided in relation to the final number of <b>hollow bearing trees</b> to be legally protected and secured.
13	To compensate for potential cumulative impacts on <b>Superb Parrot</b> , the <b>approval holder</b> must prepare and implement a Superb Parrot Conservation Research Plan (SPCRP).	Pre-construction	Compliant	The Superb Parrot Conservation Research Plan (SPCRP) has been prepared and is available at the following web location:  <a href="https://cwprenewables.com/assets/main/Bango/PDF/Plans.%20Strategies%20and%20Programs/Superb%20Parrot%20Conservation%20Research%20Plan.pdf">https://cwprenewables.com/assets/main/Bango/PDF/Plans.%20Strategies%20and%20Programs/Superb%20Parrot%20Conservation%20Research%20Plan.pdf</a>  The Superb Parrot Conservation Research Team have implemented the SPCR during the 2021 – 2022 period.
13	The SPCR must be submitted to the <b>Minister</b> for approval prior to <b>commencement of the action</b> . The action must not <b>commence</b> unless the <b>Minister</b> has approved the SPCR. The approved SPCR must be implemented.	Pre-construction	Compliant	The SPCR v1 (dated 3/06/2019) was approved by the <b>Minister</b> on 2 July 2019.  The SPCR was revised on 29/07/2020, and a copy of the revised SPCR (v2) was submitted to the <b>Department</b> on 31/07/2020.
13	The SPCR must contribute to better understanding <b>Superb Parrot</b> habitat use and breeding ecology within the <b>South-west Slopes of NSW Important Bird Area</b> , with a focus on identification of key breeding sites, better understanding local movement patterns during the breeding season and landscape scale movements between the key breeding areas and the winter foraging grounds.	Pre-construction	Compliant	The SPCR addresses this requirement.  Refer to the SPCR (v2) available at the weblink provided above.
13	The SPCR must contain, but is not limited to, the following:			
13a	Conservation research activities consistent with the National Recovery Plan for the Superb Parrot <i>Polytelis swainsonii</i> (2011) and reflect input and advice from the <b>National Superb Parrot Recovery Team</b> .	Pre-construction	Compliant	The SPCR is consistent with the National Recovery Plan and has been prepared with input from the <b>National Superb Parrot Recovery Team</b> .  Refer to the SPCR (v2) available at the weblink provided above.

Condition Number	Condition	Stage	Compliance status	Status/comments
13b	Specific project objectives, indicative timetable for activities, nomination of persons or organisations responsible for carrying out the activities, and outline commitments to the provision and timing of funding.	Pre-construction	Compliant	The SPCRP addresses this requirement. Refer to the SPCRP (v2) available at the weblink provided above.
14	The <b>approval holder</b> must provide at least \$100,000 each year for five years to fund the conservation research activities outlined in the SPCRP. The first year's contribution must be made within 20 <b>business days</b> from the <b>commencement of the action</b> .	Construction	Compliant	The date of <b>commencement of the action</b> was 14/08/2019. The \$100,000 payment for Year 1 was made on 03/09/2019 (14 <b>business days</b> after <b>commencement of the action</b> ). The \$100,000 payment for Year 2 was processed in Sept 2020. The \$100,000 payment for Year 3 was processed in Sept 2021. The \$100,000 payment for Year 4 was processed in Aug 2022.
15	Within 14 <b>business days</b> after the <b>commencement of the action</b> , the <b>approval holder</b> must advise the <b>Department</b> in writing of the actual date of <b>commencement</b> .	Pre-construction	Compliant	On 16/08/2019, BWF, as the <b>approval holder</b> , notified the <b>Department</b> in writing that the <b>commencement of the action</b> occurred on 14/08/2019. Notification of the <b>commencement of the action</b> was provided to the <b>Department</b> by email on 16/08/2019, two <b>business days</b> after the date of <b>commencement</b> .
16	The <b>approval holder</b> must maintain accurate records substantiating all activities associated with or relevant to these conditions of approval, including measures taken to implement the management plans, and make them available upon request to the <b>Department</b> . Such records may be subject to audit by the <b>Department</b> or an <b>independent auditor</b> in accordance with section 458 of the <b>EPBC Act</b> , or used to verify compliance with the conditions of approval. Summaries of audits will be published on the <b>Department's</b> website. The results of audits may also be publicised through the general media.	All	Compliant	BWF, as the <b>approval holder</b> , maintains accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans.

Condition Number	Condition	Stage	Compliance status	Status/comments
17	<p>Within three months of every 12 month anniversary of the <b>commencement of the action</b>, the <b>approval holder</b> must publish a report on its <b>website</b> addressing compliance with each of the conditions of this approval including implementation of the management plans. Documentary evidence providing proof of the date of publication must be provided to the <b>Department</b> at the same time as the compliance report is published. The report must remain published on the website for the duration of the approval. Reports must continue to be published until such time as advised by the <b>Minister</b> in writing.</p> <p><i>Note: Compliance reports may be published on the Department's website. The first compliance report may report a period less than 12 months so that it and subsequent compliance reports align with the similar requirement under state approval.</i></p>	All	Compliant	<p>The compliance report for the 2020 – 2021 reporting period was published on the Bango Wind Farm project website on 22/10/2020, within three months of the anniversary of the commencement of the action.</p> <p>On 22/10/2021, BWF wrote to the <b>Department</b> via email to notify that the report had been published on the project website that day and provided a direct link to the report on the website.</p> <p>This compliance report details the activities undertaken by BWF as <b>the person taking the action</b>, pursuant to the reporting period 14/08/2021 to 13/08/2022.</p> <p>This annual compliance report will be published on the project website by 14/11/2022, and evidence of the date of publication will be provided to the <b>Department</b> at the same time.</p>
18	Potential or actual contraventions of the conditions of the approval must be reported to the <b>Department</b> in writing within two <b>business days</b> of the <b>approval holder</b> becoming aware of the actual or potential contravention.	All	Not applicable	There were no contraventions of the conditions of the approval during the reporting period 14/08/2021 – 13/08/2022.
19	Upon the direction of the <b>Minister</b> , the <b>approval holder</b> must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the <b>Minister</b> . The <b>independent auditor</b> must be approved by the <b>Minister</b> prior to the commencement of the audit. Audit criteria must be agreed to by the <b>Minister</b> and the audit report must address the criteria to the satisfaction of the <b>Minister</b> .	All	Not applicable	The <b>Minister</b> did not direct an independent audit of compliance during the reporting period.
20	If, at any time after five years from the date of this approval, the <b>approval holder</b> has not <b>commenced</b> the action, then the <b>approval holder</b> must not commence the action without the written agreement of the <b>Minister</b> .	All	Not applicable	This condition is no longer applicable as the action <b>commenced</b> on 14/08/2019.

Condition Number	Condition	Stage	Compliance status	Status/comments
21	<p><b>Revision of action management plans</b></p> <p>The <b>approval holder</b> may, at any time, apply to the <b>Minister</b> for a variation to an action management plan approved by the <b>Minister</b> under conditions 5 and 6, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the <b>EPBC Act</b>. If the <b>Minister</b> approves a revised action management plan (RAMP) then, from the date specified, the <b>approval holder</b> must implement the RAMP in place of the previous action management plan.</p>	All	Compliant	<p>The BBAMP was revised in December 2021 and provided to the NSW DPE for review and approval as required under the Development Consent.</p> <p>The revised BBAMP (v1.25) was not submitted to the <b>Minister</b> for approval, as it was revised in accordance with Condition 21A of the EPBC Approval given the revision would not result in a <b>new or increased impact</b> (refer below).</p>
21A	<p>The <b>approval holder</b> may choose to revise an action management plan approved by the <b>Minister</b> under conditions 5 and 6, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the <b>EPBC Act</b>, if the taking of the action in accordance with the RAMP would not be likely to have a <b>new or increased impact</b>.</p>	All	Compliant	<p>The BBAMP revision (v1.25) was made in accordance with this condition. The revision was minor in nature and would not result in a <b>new or increased impact</b>. The revised BBAMP (v1.25) was therefore submitted to the <b>Minister</b> in accordance with Condition 21B.</p>

Condition Number	Condition	Stage	Compliance status	Status/comments
21B	<p>If the <b>approval holder</b> makes the choice under condition 21 A to revise an action management plan without submitting it for approval, the <b>approval holder</b> must:</p> <p><b>a.</b> notify the <b>Department</b> in writing that the approved action management plan has been revised and provide the <b>Department</b> with:</p> <ul style="list-style-type: none"> <li>i. an electronic copy of the RAMP;</li> <li>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;</li> <li>iii. an explanation of the differences between the approved action management plan and the RAMP;</li> <li>iv. the reasons the <b>approval holder</b> considers that taking the action in accordance with the RAMP would not be likely to have a <b>new or increased impact</b>; and</li> <li>v. written notice of the date on which the <b>approval holder</b> will implement the RAMP (RAMP implementation date), being at least 20 <b>business days</b> after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the <b>Department</b>.</li> </ul> <p><b>b.</b> subject to condition 21 D, implement the RAMP from the RAMP implementation date.</p>	All	Compliant	<p>The BBAMP (v1.25) was submitted to the <b>Minister</b> via email on 18/03/2022 in accordance with this condition. The information required by a) and b) was provided. A copy of the NSW DPE approval of the BBAMP was also provided.</p> <p>BBAMP v1.25 is being implemented.</p>
21C	<p>The <b>approval holder</b> may revoke its choice to implement a RAMP under condition 21 A at any time by giving written notice to the <b>Department</b>. If the <b>approval holder</b> revokes the choice under condition 21A, the approval holder must implement the action management plan in force immediately prior to that RAMP.</p>	All	Not applicable	This condition was not triggered during the reporting period.
21D	<p>If the <b>Minister</b> gives a notice to the <b>approval holder</b> that the <b>Minister</b> is satisfied that the taking of the action in accordance with the RAMP would be likely to have a <b>new or increased impact</b>, then:</p> <p><b>a.</b> condition 21 A does not apply, or ceases to apply, in relation to the RAMP; and</p> <p><b>b.</b> the <b>approval holder</b> must implement the action management plan specified by the <b>Minister</b> in the notice.</p>	All	Not applicable	This condition was not triggered during the reporting period.

Condition Number	Condition	Stage	Compliance status	Status/comments
21E	<p>At the time of giving the notice under condition 21 D, the <b>Minister</b> may also notify that, for a specified period of time, condition 21 A does not apply for one or more specified action management plans.</p> <p><i>Note: Conditions 21A, 21B, 21C and 21D are not intended to limit the operation of Section 143A of the <b>EPBC Act</b> which allows the <b>approval holder</b> to submit a revised action management plan, at any time, to the <b>Minister</b> for approval.</i></p>	All	Not applicable	This condition was not triggered during the reporting period.
22	<p>Unless otherwise agreed to in writing by the <b>Minister</b>, the <b>approval holder</b> must publish all management and research plans referred to in these conditions of approval on its website. Each plan must be published on the website within one month of being approved and remain published on the website for the duration of the approval.</p>	All	Compliant	<p>Management and research plans referred to in the conditions are published on the <a href="#">Bango Wind Farm project website</a>, including:</p> <ul style="list-style-type: none"> <li>• Site layout plan (Condition 4)</li> <li>• Biodiversity Management Plan (Condition 5)</li> <li>• Bird and Bat Adaptive Management Plan (Condition 6)</li> <li>• Superb Parrot Conservation Research Plan (Condition 13).</li> </ul>

### 3 New Environmental Risks

During this reporting period, BWF was in a stage of construction and commissioning and no new environmental risks were identified. During the next reporting period, BWF will be completing construction and commissioning works, and will transition into the operational phase of the project.

The operational phase is considered to present reduced environmental risks to protected matters as construction and vegetation clearing activities will have ceased.

# Attachment 1 - BBAMP Monitoring results

Table 2: Summary of BBAMP construction phase monitoring results from the reporting period (14 Aug 2021 – 13 Aug 2022)

Monitoring requirement	Month	Results
<b>Construction phase carcass search monitoring (BBAMP Sections 2.2 &amp; 2.6)</b>	Aug 2021	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
	Sep 2021	<ul style="list-style-type: none"> <li>• Australian Magpie (<i>Gymnorhina tibicen</i>), WTG 1 (Incidental)</li> </ul>
	Oct 2021	<ul style="list-style-type: none"> <li>• Unidentified feather spot, WTG 1</li> <li>• Crimson Rosella (<i>Platycercus elegans</i>) feather spot, WTG 1</li> <li>• Unidentified feather spot, WTG 10</li> <li>• White-striped Freetail Bat (<i>Tadarida australis</i>), WTG 10</li> </ul>
	Nov 2021	<ul style="list-style-type: none"> <li>• White-striped Freetail Bat (<i>Tadarida australis</i>), WTG 7 (Incidental)</li> <li>• White-striped Freetail Bat (<i>Tadarida australis</i>), WTG 4 (Incidental)</li> </ul>
	Dec 2021	<ul style="list-style-type: none"> <li>• Galah (<i>Eolophus roseicapilla</i>), WTG 17</li> </ul>
	Jan 2022	<ul style="list-style-type: none"> <li>• Australian Magpie (<i>Gymnorhina tibicen</i>), WTG 10</li> </ul>
	Feb 2022	<ul style="list-style-type: none"> <li>• Vespertilionidae sp., WTG 19</li> <li>• White-striped Freetail Bat, WTG 34 (Incidental)</li> </ul>
	Mar 2022	<ul style="list-style-type: none"> <li>• Spotted Pardalote (<i>Pardalotus punctatus</i>), WTG 18</li> <li>• Southern Freetail Bat (<i>Mormopterus planiceps</i>), WTG 18</li> <li>• Southern Freetail Bat (<i>Mormopterus planiceps</i>), WTG 18</li> <li>• Gould's Wattled Bat (<i>Chalinolobus gouldii</i>), WTG 16</li> <li>• Unidentified feather spot, WTG 16</li> <li>• Gould's Wattled Bat (<i>Chalinolobus gouldii</i>), WTG 19</li> <li>• Southern Freetail Bat (<i>Mormopterus planiceps</i>), WTG 17</li> </ul>
	Apr 2022	<ul style="list-style-type: none"> <li>• Pied Currawong (<i>Strepera graculina</i>), WTG 9</li> </ul>
	May 2022	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
	Jun 2022	<ul style="list-style-type: none"> <li>• Crimson Rosella (<i>Platycercus elegans</i>), WTG 24</li> <li>• Nankeen Kestrel (<i>Falco cenchroides</i>), WTG 11</li> </ul>
	Jul 2022	<ul style="list-style-type: none"> <li>• Australian Magpie (<i>Gymnorhina tibicen</i>), WTG 2</li> <li>• Grey-headed Flying Fox (<i>Pteropus poliocephalus</i>), WTG 7 (Incidental)</li> <li>• Australian Magpie (<i>Gymnorhina tibicen</i>), WTG 29 (Incidental)</li> <li>• Australian Magpie (<i>Gymnorhina tibicen</i>), WTG 9 (Incidental)</li> </ul>
	Aug 2022	<ul style="list-style-type: none"> <li>• Australian Magpie (<i>Gymnorhina tibicen</i>), WTG 16 (Incidental)</li> <li>• Crimson Rosella (<i>Platycercus elegans</i>) feather spot, WTG 10 (Incidental)</li> </ul>



## CONTACT

### Canberra

Suite 1.01, Level 1  
17 Moore Street  
Canberra, ACT 2601  
Phone: +61 2 6100 2122

### Newcastle

Level 2  
2 Market Street  
Newcastle, NSW 2300  
Phone: +61 2 4013 4640

### Sydney

Unit 11, Shore 2-3  
13 Hickson Road  
Dawes Point, NSW 2000

[cwprenewables.com](http://cwprenewables.com)