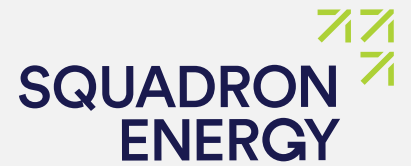


# ANNUAL COMPLIANCE REPORT EPBC 2011/5854



**Sapphire Wind Farm**  
**2 December 2023 – 1 December 2024**

**16 December 2024**



**Final**

### Revision Control

Revision	Date	Issue	Author	Reviewed	Approved
1	16/12/24	Final/Issued	Z Jokadar	C. Somerville	C. Somerville

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## Declaration of accuracy

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (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.

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<b>Signed</b>	
<b>Full name (please print):</b>	Candice Somerville
<b>Position (please print):</b>	Environmental Manager
<b>Organisation (please print including ABN/ACN if applicable):</b>	SWF1 Operations Pty Ltd (ACN 601 425 316) SWF2 Operations Pty Ltd (ACN 601 425 325) SWF3 Operations Pty Ltd (ACN 601 425 334)
<b>Date:</b>	16/12/2024

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# 1 Project Description

The Sapphire Wind Farm (SWF) is located 28 km east of Inverell and 18 km west of Glen Innes in the Northern Tablelands of NSW. The wind farm site covers approximately 8,921 ha of land that has been mostly cleared for grazing, however areas of scattered remnant woodland still exist across the site, and on the elevated ridges to the north, north-east and south. The area is of moderate-to-high elevation (750 m to 1,100 m above sea level, Australian Height Datum (AHD)), adjacent to the Waterloo Range to the east of the Project. The nearest township is Glen Innes, which is located approximately 18 km to the east along the Gwydir Highway.

Development Consent was granted by the NSW Planning Assessment Commission (09\_0093) on 26 June 2013 and later modified on the 30 June 2016.

The Minister for Environment and Energy granted approval of SWF on 5 December 2014 with conditions covered by EPBC 2011/5845. The approval holder is SWF1 Operations Pty Ltd (ACN 601 425 316), SWF2 Operations Pty Ltd (ACN 601 425 325) and SWF3 Operations Pty Ltd (ACN 601 425 334). Variations to the EPBC approval were granted on the 21 June 2016 and 4 March 2018.

The project involves construction, operation and decommissioning of SWF. Construction on the site commenced December 2016 and operations commenced November 2018.

As required by Condition 8 of EPBC 2011/5845, the following report addresses compliance with the conditions of this approval over the previous 12 months, being 2 December 2023 to 1 December 2024. During the reporting period, SWF has been in the operational phase.

# 2 Description of Activities

Activities undertaken at the Project during the reporting period included:

- Operation of 75 WTGs;
- Regular maintenance of the WTGs and other project assets and infrastructure; and
- Land management including weed control, bird and bat monitoring and biodiversity offset management.

### 3 Compliance Report

Table 1 Compliance Table as per the conditions of the EPBC Approval 2011/5854

Number	Condition	Timing	Compliance Status	Status / Comment
1	The person taking the action must provide <b>The Minister</b> with a <b>Construction Flora and Fauna Management Plan</b> . The <b>Construction Flora and Fauna Management Plan</b> must:	Pre-construction	Compliant	The Construction Flora and Fauna Management Plan (CFFMP) was approved by the Minister 18 November 2016 (prior to commencement of construction 9 December 2016).  No change to the CFFMP has occurred within the reporting period.
1(a)	meet the requirements of <b>Conditions E21</b> and <b>E22(f)</b> of the NSW Minister for Planning and Environment's approval of the proposed action; and	Pre-construction	Compliant	Section 5.6 of the CEMP and Annex G (CFFMP).
1(b)	include analysis of the impacts on Regent Honeyeater and Swift Parrot and how these impacts will be managed (including relocation and micro-siting).	Pre-construction	Compliant	Section 5.6 of the CEMP and Annex G (CFFMP).
1	<b>Commencement of construction</b> may not occur until the <b>Construction Flora and Fauna Management Plan</b> has been approved by <b>The Minister</b> .	Pre-construction	Compliant	The CFFMP was approved by the Minister 18 November 2016 (prior to commencement of construction 9 December 2016).
2	Prior to the <b>commencement of construction</b> , the <b>approval holder</b> must provide for <b>The Minister's</b> approval a <b>Biodiversity Offset Package (Package)</b> to protect White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community (BGW), and habitat for the Regent Honeyeater, Swift Parrot and Border Thick-tailed Gecko in perpetuity. The Package must:	Pre-Operation	Compliant	The Biodiversity Offset Package (BOP) was approved by the Minister on 4 March 2018.  In accordance with the letter from the NSW Secretary on 2 December 2016, the BOP may be revised once final credit calculations are available for each Offset Site, during the BioBank registration process. An Addendum BOP was prepared on 27 October 2023, to reflect the final credit calculations for each offset site. Copy provided in EPBC 2023 Annual Compliance report.  The updates of the BOP did not affect the mechanism for fulfilling the biodiversity offset obligations under the EPBC 2011/5845 approval. The updates in the Addendum BOP do not change how any of the activities are carried out in accordance with the approved BOP.  No changes to the BOP have occurred during the reporting period.
2(a)	Outline the purpose of the Package;	Pre-operation	Compliant	Section 1.2, 1.3 and 4.1 of the approved BOP.

Number	Condition	Timing	Compliance Status	Status / Comment
2(b)	Include map/s that clearly depict BGW, Border Thick-tailed Gecko, Regent Honeyeater and Swift Parrot habitat in the offset sites;	Pre-operation	Compliant	Figures 4, 5, 8, 9 and 10 in Section 2.1 and 2.2 of the approved BOP.
2(c)	Describe how the offset sites will be legally secured and managed to ensure the enduring value of the offset; and	Pre-operation	Compliant	Section 4.4 of the approved BOP.
2(d)	Provide for the protection of offset sites containing at least: <ul style="list-style-type: none"> <li>i. 260 hectares of BGW at Offset Site A (<b>Annexure A</b>) within 18 months of the <b>commencement of construction</b>;</li> <li>ii. 165 hectares of habitat for the Border Thick-tailed Gecko at Offset Site B (Annexure A), or alternate offset sites for the Border Thick-tailed Gecko agreed in writing by The Minister, within five years of the commencement of operation; and</li> <li>iii. 725 hectares of habitat for the Regent Honeyeater and Swift Parrot at Offset Sites A and B (<b>Annexure A</b>), or alternate offset sites for the Regent Honeyeater and Swift Parrot agreed in writing by <b>The Minister</b>, within five years of the <b>commencement of operation</b>.</li> </ul>	Pre-operation	Compliant	Section 4.4 of the approved BOP. Letter submitted to the Department on 6 September 2023 evidencing how condition 2d has been fulfilled and requesting confirmation from the government. Credit report and shapefiles sent also provided in the correspondence. <ul style="list-style-type: none"> <li>i. Offset Site A - Windemere Biobanking Agreement (BA379), is owned by SWF. This agreement provides for the protection of 260 ha of BGW. A GIS shapefile of Offset Site A outlining the area of BGW was provided with the 2023 EPBC Annual report, in the email attachments.</li> <li>ii. Offset Site B – Rockview South Biobanking Agreement (BA376) is owned by a private entity and not by the SWF. In order to achieve compliance with this condition, SWF retired 1,172 Border Thick-tailed Gecko (BTG) credits from Offset Site B. BTG credits on BA376 were generated at 7.1 credits/ha, meaning that retirement of 1,172 credits is equivalent to protecting 165ha of habitat.</li> <li>iii. Offset Site A provides for the protection of 292.28 ha of Regent Honeyeater and Swift Parrot habitat. A GIS shapefile Offset Site A outlining the area of Regent Honeyeater and Swift Parrot was provided with the 2023 EPBC Annual report, in the email attachments. As Offset Site B is owned by a private entity and not by the SWF, the required area was secured by retiring 3,702 credits. This is equivalent to 432.72 ha at 7.1 credits/ha. By securing 292.28 ha from Offset Site A and 432.72 ha from Offset Site B, a total of 725 ha of Regent Honeyeater and Swift Parrot habitat has been secured.</li> </ul>
2	Where an area of habitat is deemed suitable to meet the offset requirements of more than one species or community, the area of habitat may count towards the offset requirements for each species or community.	Pre-operation	Compliant	Note



Number	Condition	Timing	Compliance Status	Status / Comment
2A	The approval holder must legally secure Offset Sites A and B (or alternate offset sites agreed in writing by the Minister) in accordance with the approved Package. Evidence of the legal securing of the offset must be provided to the Department within one month of the offset sites being secured including associated GPS coordinates and shapefiles.	Construction	Compliant	Offset Site A (Windemere) was secured with BioBanking Agreement BA00379 on 15 January 2019 and was registered over the title. Offset Site B (Rockview South) was secured with BioBanking Agreement BA00376 on the 16 January 2019 and registered over title. The Approval Holder entered into a Biobanking Credit Acquisition Deed to acquire the credits required to meet the conditions of approval from this property. A non-compliance was identified in previous reporting period as evidence of legally securing Offset Sites A and B was not provided within one month. Evidence of legally securing the offset sites was provided to the Department on 1 April 2021 to rectify the non-compliance. A formal letter of approval from the Department was received on 26 April 2022.
3	The <b>approval holder</b> must provide for <b>The Minister's</b> approval an <b>Offset Management Plan</b> for offset sites specified in the approved Package. The Offset Management Plans (the Plans) must be consistent with the Package, and can only be submitted to <b>The Minister</b> for approval after the Package has been approved by <b>The Minister</b> . A Plan must include:	Pre-operation	Compliant	Per condition 3A the biodiversity offsets are secured under the NSW Biodiversity Banking and Offsets Scheme. The BioBanking Agreements for Offset Sites A (Windemere) and B (Rockview South) address item (a) – (i). The Minister approved the Offset Management Plans (i.e. the Biobanking Agreements of Windemere and Rockview South) on 26 April 2022
3 (a) – (i)	<ul style="list-style-type: none"> <li>a) a qualitative and quantitative analysis of the ecological values of the offset sites in relation to the matter/s being offset;</li> <li>b) measures to prevent and control pest animal, weed or pathogen incursions, including through edge effects, and feasible measures to eradicate invasive weed species;</li> <li>c) measures to prevent unauthorised public access;</li> <li>d) measures to maintain or enhance the values of the offset sites through ecologically sensitive fire regimes;</li> <li>e) measures to enhance the offset values of Offset Site A (<b>Annexure A</b>);</li> <li>f) measures to maintain or enhance the offset values of Offset Site B (<b>Annexure A</b>);</li> <li>g) a monitoring and reporting regime for tracking offset conditions and the effectiveness of management measures;</li> <li>h) an adaptive implementation programme for the Plan; and</li> </ul>	Pre-operation	Compliant	The BioBanking Agreements for Offset Sites A (Windemere) and B (Rockview South) address item (a) – (i).



Number	Condition	Timing	Compliance Status	Status / Comment
	i) timeframes for Plan implementation.			
3	<b>Operation</b> of the action may not commence until Offset Management Plans have been approved in writing by <b>The Minister</b> . The Plans, once approved, must be implemented.	Pre-operation	Compliant	The BioBanking Agreements for Offset Site A (Windemere) and B (Rockview South) were provided to the Minister for approval on 12 October 2021. The Minister's approval was obtained on 26 April 2022.
3	<i>Note: For convenience, Offset Management Plans for multiple offset sites may be combined.</i>	Pre-operation	Note	
3A	If, in accordance with the Package, an offset site is to be legally secured under the NSW Biodiversity Banking and Offsets Scheme, the management plan developed under the NSW Biodiversity Banking Agreement for that offset site is an Offset Management Plan for the purposes of Condition 3.	Pre-operation	Compliant	As both Offset Site A (Windemere) and B (Rockview South) have been secured under the NSW Biodiversity Banking and Offset Scheme, the management plans are those that have been developed under the BioBanking Agreements.
4	To compensate for impacts on habitat for the Regent Honeyeater and Swift Parrot, the <b>approval holder</b> must contribute no less than \$250,000 (GST exclusive) in funding towards research by an <b>appropriate institution</b> , to assist in building the body of knowledge regarding how these species interact with, and are impacted by, wind farms.  This sum may be donated in five increments of at least \$50,000 to be paid annually, commencing on <b>operation</b> of the action and thereafter on each anniversary of this date until up until the fourth anniversary, with evidence of payment provided to <b>The Department</b> within 30 days of each payment being made. An alternative payment structure may be implemented, following agreement by <b>The Department</b> that the alternate payment structure will realise a benefit to the body of knowledge of the research project/s to be funded.  The expected outcomes and milestones of this research project/s must:	Construction	Compliant	The following payments have been made toward research for the Regent Honeyeater and Swift Parrot: <ul style="list-style-type: none"> <li>• Year 1 \$83,000;</li> <li>• Year 2 \$83,000; and</li> <li>• Year 3 \$84,000.</li> </ul> <p>These payments total \$250,000, consistent with the payment structure outlined in the approved research project.</p> <p>Non-compliance identified in previous reporting period as notification of payment not completed within 30 days of each payment being made, Evidence of payment was provided to the Department 11 March 2021 to rectify this non-compliance.</p> <p>The project will directly contribute to implementing Strategy 1 and Strategy 3 in the Regent Honeyeater National Recovery Plan and Action 1, Action 2 and Action 3 from the Swift Parrot National Recovery Plan.</p> <p>Findings from BBAMP monitoring program would be provided to Fenner School if Regent Honeyeaters of Swift Parrot are identified at the Project during monitoring.</p>
4 (a)	be consistent with the relevant Recovery Plans for the species;	Construction	Compliant	
4 (b)	take into account any results from the Bird and Bat Adaptive Monitoring Program referred to in Condition C6 of the NSW Minister for Planning and Environment's approval of the proposed action; and	Construction	Compliant	This Proposal is available upon request to relevant state government agencies and the public. It is also published on the approval holders website.
4 (c)	be made available to <b>The Department</b> , relevant state government agencies and to the public within 20 business	Construction	Compliant	

Number	Condition	Timing	Compliance Status	Status / Comment
	days of their approval and published on the <b>approval holder's</b> website throughout the duration of the research project/s and action.			
4	<b>Operation</b> of the action must not commence until the payment structure, expected outcomes and milestones of the research project/s have been approved in writing by <b>The Minister</b> .	Construction	Compliant	The payment structure, expected outcomes and milestones of the research project were approved by the Minister in writing 4 March 2018. The final payment was completed in 2020, consistent with the payment structure outlined in the approved research project.
5	If at any time the NSW Director Generals Assessment Report and approval conditions (June 2013) are modified, the <b>approval holder</b> must notify the Department in writing of the actual date of the modification.	All	Compliant	CWP Renewables (now SQE) notified Commonwealth Minister of the proposed changes to the wind farm and that the NSW Department of Planning Housing and Infrastructure (DPHI) has modified the Approval Conditions on 20 June 2016. The NSW Director Generals Assessment Report and approval conditions were not modified during this reporting period.
6	Within 10 days after the <b>commencement of the action</b> , the <b>approval holder</b> must advise <b>the Department</b> in writing of the actual date of <b>commencement</b> .	Pre-construction	Compliant	The Department was notified on 17 December 2016 that commencement of the action occurred on 9 December 2016.
7	The <b>approval holder</b> must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the Offset Site Management Plan required by this approval, and make them available upon request to the <b>Department</b> . Such records may be subject to audit by <b>the Department</b> or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on <b>the Departments</b> website. The results of audits may also be publicised through the general media.	Construction Operation	Compliant	No audits conducted by the Department during the reporting period. SWF, as the approval holder, maintains accurate records substantiating to all activities associated with or relevant to the conditions of approval, including measures taken to implement management plans.
8	By 31 December of each year after the <b>commencement</b> of the action, the <b>approval holder</b> must publish a report on their website addressing compliance with the conditions of this approval over the previous 12 months, including implementation of the <b>Management Documents</b> . These compliance reports must remain on the website for 12 months from the date of publishing. Potential or actual non-compliance with any of the conditions of this approval must be reported to	Construction Operation	Compliant	The previous Annual Compliance Report, dated 1 December 2023, was published on the project website before 31 December 2023. This Annual Compliance Report is for the 12-month reporting period 2 December 2023 to 1 December 2024. This report will be published on the website before 31 December 2024. Non-compliance identified in previous 2020 reporting period as the report addressing compliance with the conditions of approval was

Number	Condition	Timing	Compliance Status	Status / Comment
	<b>the Department</b> in writing within five business days of the <b>approval holder</b> becoming aware of the actual or potential non-compliance.			not published on the website by 31 December 2020 however was published in early 2021.
9	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 <b>the Minister</b> . The independent auditor must be approved by <b>the Minister</b> prior to the commencement of the audit. Audit criteria must be agreed to by <b>the Minister</b> and the audit report must address the criteria to the satisfaction of <b>the Minister</b> .	All	Compliant	No request from the Minister has been made to conduct an independent audit of compliance.
10	If the <b>approval holder</b> wishes to carry out any activity otherwise than in accordance with the <b>Management Documents</b> as specified in the conditions, the approval holder must submit to <b>the Department</b> for <b>the Minister's</b> written approval a revised version of that <b>Management Document</b> . The varied activity shall not commence until <b>the Minister</b> has approved the varied <b>Management Document</b> in writing. <b>The Minister</b> will not approve a varied <b>Management Document</b> unless the revised <b>Management Document</b> would result in an equivalent or improved environmental outcome over time. If <b>the Minister</b> approves the revised <b>Management Document</b> , that <b>Management Document</b> must be implemented in place of the <b>Management Document</b> originally approved.	All	Compliant	<p>The approval holder has carried out all activities in accordance with the approved Management Documents.</p> <p>No changes to the Offset Management Plan as they relate to Matters of National Environmental Significant (MNES) have been proposed.</p> <p>A Deed of Variation to the Windemere Biobanking Agreement (BA379) was executed by the Biodiversity Conservation Trust (BCT) on 16 October 2024, to rectify a discrepancy between the amount of the Total Fund Deposit (TFD) shown in Section 5 of the Agreement and the payment schedule shown in Annexure E of the Agreement. The BCT is now arranging to register the variation agreement on the property title. Once registered the BCT will notify SQE and return a copy of the variation agreement for SQE's records.</p> <p>This Deed of Variation does not affect or change the habitat area in hectares for BGW, Regent Honeyeater and Swift Parrot at the Windemere Biobank Site. The Deed of Variation does not affect or change the management actions in the Agreement, therefore it does not change how the approval holder carries out the activities of the Offset Management Plan.</p>
11	If <b>the Minister</b> believes that it is necessary or convenient for the better protection of listed threatened species, listed ecological communities or listed migratory species to do so, <b>the Minister</b> may request that the <b>approval holder</b> make specified revisions to the <b>Management Document</b> specified in the conditions and submit the revised <b>Management Document</b> for <b>the Minister's</b> written approval. The <b>approval holder</b> must comply with any such request. The revised	All	Compliant	No request from the Minister has been made to revise the Management Documents.

Number	Condition	Timing	Compliance Status	Status / Comment
	approved <b>Management Document</b> must be implemented. Unless <b>the Minister</b> has approved the revised <b>Management Document</b> , then the <b>approval holder</b> must continue to implement the <b>Management Document</b> originally approved, as specified in the conditions.			
12	If, at any time after five years from the date of this approval, the <b>approval holder</b> has not commenced the action, then the <b>approval holder</b> must not commence the action without the written agreement of <b>the Minister</b> .	Pre-construction	Compliant	Construction commenced on 9 December 2016, within 5 years from the date of the approval (i.e. 5 December 2014).
13	Unless otherwise agreed to in writing by <b>the Minister</b> , the approval holder must publish the Offset Plan(s) referred to in these conditions of approval on their website. The Offset Plan(s) must be published on the website within 1 month of being approved by <b>the Minister</b> and remain on the website for the life of the approval.	Construction Operation	Compliant	The BioBanking Agreements for Windermere and Rockview South are published on the website.
14	Unless otherwise agreed to in writing by <b>The Minister</b> , the <b>approval holder</b> must not construct or operate more than 109 wind turbines. Any request to construct or operate more than 109 (and up to 159) turbines must include an analysis of impacts relevant to protected matters, and measures to avoid, mitigate and offset those additional impacts.	Construction Operation	Compliant	Only 75 WTG's have been constructed.

## **4 New Environmental Risks**

There have been no significant changes to the activities undertaken on the project site during the reporting period. No new risks to MNES were identified during the reporting period.

## **5 Report Summary**

The Project has complied with all applicable conditions of EPBC Approval 2011/5854 in the previous 12 months, being the reporting period of 2 December 2023 to 1 December 2024.

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