


ANNUAL COMPLIANCE REPORT

Sapphire Wind Farm, NSW
EPBC 2011/5854

6 December 2021

REVISION CONTROL

Revision	Date	Issue	Author	Reviewed	Approved	Signature
1	23/12/2021	Final/Issued	Mikayla Henderson	Leanne Cross	Jose Fortes	

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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.

Signed	
Full name (please print):	Jose Fortes
Position (please print):	Head of Operations
Organisation (please print including ABN/ACN if applicable):	SWF1 Operations Pty Ltd (ACN 601 425 316) SWF2 Operations Pty Ltd (ACN 601 425 325) SWF3 Operations Pty Ltd (ACN 601 425 334)
Date: 23/12/2021	

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 11 June 2018 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 covers the 2021 reporting period, being the 12 months previous to the 31 December. During the reporting period, SWF has been in the operational phase.

2 Compliance Table

Table 1 – Compliance Table

Number	Condition	Stage	Compliance Status	Status / Comment
1	The person taking the action must provide The Minister with a Construction Flora and Fauna Management Plan . The Construction Flora and Fauna Management Plan 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 Conditions E21 and E22(f) 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	Commencement of construction may not occur until the Construction Flora and Fauna Management Plan has been approved by the Minister.	Pre-construction	Compliant	The CFFMP was approved by the Minister 18 November 2016 (prior to commencement of construction 9 December 2016).
2	Prior to commencement of construction , the approval holder must provide for the Minister's approval a Biodiversity Offset Package (Package) 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 was approved by the Minister 4 March 2018. No change to the Biodiversity Offset Package occurred within 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 Biodiversity Offset Package.
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 Biodiversity Offset Package.
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 Biodiversity Offset Package.

2(d)	<p>Provide for the protection of offset sites containing at least:</p> <ul style="list-style-type: none"> i. 260 hectares of BGW at Offset Site A (Annexure A) within 18 months of the commencement of construction; 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 iii. 725 hectares of habitat for the Regent Honeyeater and Swift Parrot at Offset Sites A and B (Annexure A), or alternate offset sites for the Regent Honeyeater and Swift Parrot agreed in writing by The Minister, within five years of the commencement of operation. 	Pre-operation	Compliant	Section 4.4 of the approved Biodiversity Offset Package.
2	<p>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.</p>	Pre-operation	Compliant	Note
2A	<p>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.</p>	Construction	Compliant	<p>Offset Site A (Windemere) has been secured with BioBanking Agreement #379 on 15 January 2019 and was registered over the title.</p> <p>Offset Site B (Rockview South) has been secured with BioBanking Agreement #376 on the 16 January 2019 and registered over title. The Approval Holder has entered into a Biobanking Credit Acquisition Deed to acquire the credits required to meet the conditions of approval from this property.</p> <p>No change to the Agreements have occurred within the reporting period.</p> <p>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.</p>

3	The approval holder must provide for The Minister's approval an Offset Management Plan 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 The Minister for approval after the Package has been approved by The Minister. 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).
3 (a) – (i)	<ul style="list-style-type: none"> a) a qualitative and quantitative analysis of the ecological values of the offset sites in relation to the matter/s being offset; b) measures to prevent and control pest animal, weed or pathogen incursions, including through edge effects, and feasible measures to eradicate invasive weed species; c) measures to prevent unauthorised public access; d) measures to maintain or enhance the values of the offset sites through ecologically sensitive fire regimes; e) measures to enhance the offset values of Offset Site A (Annexure A); f) measures to maintain or enhance the offset values of Offset Site B (Annexure A); g) a monitoring and reporting regime for tracking offset conditions and the effectiveness of management measures; h) an adaptive implementation programme for the Plan; and i) timeframes for Plan implementation. 	Pre-operation	Compliant	The BioBanking Agreements for Offset Sites A (Windemere) and B (Rockview South) address item (a) – (i).
3	<u>Operation of the action may not commence</u> until Offset Management Plans have been approved in writing by The Minister. The Plans, once approved, must be implemented.	Pre-operation	Non-compliant	Non-compliance identified in previous reporting period as the BioBanking Agreements were not provided to The Minister for approval. The BioBanking Agreements for Offset Site A (Windemere) and B (Rockview South) were provided to the Minister for approval on 1 April 2021 however have not yet been formally approved in writing by The Minister.
3	<i>Note: For convenience, Offset Management Plans for multiple offset sites may be combined.</i>	Pre-operation	Note	Non-compliance identified in previous reporting period as the BioBanking Agreements were not provided to The Minister for approval. The BioBanking Agreements for Offset Site A (Windemere) and B (Rockview South) were provided to the Minister for approval on 1 April 2021 however have not yet been formally approved in writing by The Minister.
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 approval holder must contribute no less than \$250,000 (GST exclusive) in funding towards research by an appropriate institution, to assist in building the body of knowledge	Construction	Compliant	The following payments have been made toward research for the Regent Honeyeater and Swift Parrot: <ul style="list-style-type: none"> • Year 1 \$83,000;

	<p>regarding how these species interact with, and are impacted by, wind farms.</p> <p>This sum may be donated in five increments of at least \$50,000 to be paid annually, commencing on operation of the action and thereafter on each anniversary of this date until up until the fourth anniversary, with evidence of payment provided to The Department within 30 days of each payment being made. An alternative payment structure may be implemented, following agreement by The Department that the alternate payment structure will realise a benefit to the body of knowledge of the research project/s to be funded.</p> <p>The expected outcomes and milestones of this research project/s must:</p>			<ul style="list-style-type: none"> • Year 2 \$83,000; and • Year 3 \$84,000. <p>During the previous reporting period the final payment was made totalling \$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>This Proposal is available upon request to relevant state government agencies and the public. It is also published on the approval holders website.</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	
4 (c)	be made available to the Department, relevant state government agencies and to the public within 20 business days of their approval and published on the approval holder's website throughout the duration of the research project/s and action.	Construction	Compliant	
4	Operation 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 the Minister.	Construction	Compliant	<p>The payment structure, expected outcomes and milestones of the research project were approved by the Minister in writing 4 March 2018.</p> <p>No change to the payment structure, expected outcomes and milestones occurred during the reporting period.</p>
5	If at any time the NSW Director Generals Assessment Report and approval conditions (June 2013) are modified, the approval holder must notify the Department in writing of the actual date of the modification.	All	Compliant	<p>CWP Renewables notified Commonwealth Minister of the proposed changes to the wind farm and that the NSW DPE has modified the Approval Conditions on 20 June 2016.</p> <p>The NSW Director Generals Assessment Report and approval conditions were not modified during this reporting period.</p>
6	<u>Within 10 days after the commencement of the action</u> , the approval holder must advise the Department in writing of the actual date of commencement.	Pre-construction	Compliant	The Department was notified 17 December 2016 that commencement of the action occurred 9 December 2016.

7	The approval holder 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 Department. Such records may be subject to audit by the Department 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 the Departments 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 commencement of the action , the approval holder must publish a report on their website addressing compliance with the conditions of this approval over the previous 12 months, including implementation of the Management Documents. 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 the Department in writing within five business days of the approval holder becoming aware of the actual or potential non-compliance.	Construction Operation	Compliant	Non-compliance identified in previous reporting period as the report addressing compliance with the conditions of approval was not published on the website by 31 December 2020 however has since been published.
9	Upon the direction of the Minister, the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.	All	Compliant	No request from the Minister has been made to conduct an independent audit of compliance.
10	If the approval holder wishes to carry out any activity otherwise than in accordance with the Management Documents as specified in the conditions, the approval holder must submit to the Department for the Minister's written approval a revised version of that Management Document. The varied activity shall not commence until the Minister has approved the varied Management Document in writing. The Minister will not approve a varied Management Document unless the revised Management Document would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised Management Document, that Management Document	All	Compliant	Management Documents have not been revised during this reporting period.

must be implemented in place of the Management Document originally approved.

11	If the Minister 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, the Minister may request that the approval holder make specified revisions to the Management Document specified in the conditions and submit the revised Management Document for the Minister's written approval. The approval holder must comply with any such request. The revised approved Management Document must be implemented. Unless the Minister has approved the revised Management Document, then the approval holder must continue to implement the Management Document originally approved, as specified in the conditions.	All	Compliant	No request from the Minister has been made to revise the Management Documents.
12	If, at any time after five years from the date of this approval, the approval holder has not commenced the action, then the approval holder must not commence the action without the written agreement of the Minister.	Pre-construction	Compliant	Construction commenced 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 the Minister, 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 the Minister 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 The Minister, the approval holder 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.



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