



# Wollar Solar Farm – Annual EPBC Act Compliance Report

EPBC Approval 2018/8258

11 August 2020 - 10 August 2024

Prepared for BJEI Australia

Prepared by Beca Pty Ltd

ABN: 85 004 974 341

5 September 2024



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## Declaration of Accuracy

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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:** Melody Valentine

**Position:** Principal Environmental Planner

**Organisation:** Beca Pty Ltd (ABN: 85 004 974 341)

**Date:** 05 September 2024

## Revision History

Revision N°	Prepared By	Description	Date
1.0	Fran Soler	Draft for client review	20/08/2024
2.0	Fran Soler	Update as per client comments	05/09/24

## Document Acceptance

Action	Name	Signed	Date
Prepared by	Fran Soler		05/09/24
Reviewed by	Melody Valentine		05/09/24
Approved by	Melody Valentine		05/09/24
on behalf of	Beca Pty Ltd		

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# 1 Introduction

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## 1.1 Purpose

Approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) was granted to Wollar Solar Development Pty Ltd (WSD) (ABN: 88 621 969 266) in relation to the development of the Wollar Solar Farm (WSF) on 6 August 2020.

Specifically, Approval (EPBC 2018/8258) allows for the action “to construct a solar farm in Wollar, NSW [See EPBC Act referral 2018/8258], subject to the variation of the action accepted by the Minister under section 156B on 23 December 2019.” The original proposal, varied proposal and variation included in the EPBC Act Approval action are as follows:

- **Original proposal:** To construct a solar farm in Wollar, NSW [See EPBC Act referral 2018/8258].
- **Varied proposal:** To construct a solar farm in Wollar, NSW [See EPBC Act referral 2018/8258 and variation request received 18 October 2019].
- **Variation:** Inclusion of access road upgrades, including amendment of the development footprint.

The purpose of this report is to document an assessment of compliance with the conditions of the EPBC Act Approval 2018/8258, in accordance with Condition 12 of the Approval. As per Condition 12, annual reporting of compliance with the EPBC Act Approval is required. This report is inclusive of four periods of compliance reporting:

- 11 August 2020 – 10 August 2021
- 11 August 2021 – 10 August 2022
- 11 August 2022 – 10 August 2023
- 11 August 2023 – 10 August 2024

## 2 Description of Activities

### 2.1 Project Background

Wollar Solar Development Pty Ltd (WSD), a subsidiary of Beijing Energy International (Australia) Holding Pty Ltd (BJEI), is currently constructing the Wollar Solar Farm. The development is located on a rural property, 7km south of Wollar and 55km north-east of Mudgee in NSW. The WSF will have a capacity of up to 280MW and comprise approximately 660,000 solar panels across 463 hectares.

### 2.2 Project Stages

The development of the project was divided into several stages, as follows:

Stage	Description	Works performed by	Status
Stage 1: Upgrade of Barigan Road	Upgrade of unsealed road	Mid-Western Regional Council	Commenced 11 August 2020 and completed at the start of 2021
Stage 2: Northern Access Road	Development of a road across private land to allow access to the solar farm.	A1 Earthworx	Commenced August 2021 – completed December 2021
Stage 3A: TransGrid Substation	Development of the substation that will allow connection of the solar farm to the electricity transmission network.	Transgrid Downer (subcontractor)	Commenced December 2021 – reached practical Completion in April 2023
Stage 3B: Solar Farm	Development of the solar arrays and associated infrastructure.	Sunterra Energy Shanghai Electric Power Design Institute Co., Ltd. (SEPD) (subcontractor)	Construction commenced 20 February 2023 - present
Stage 4: Upgrades to Barigan Road south and Maree River Road	Another 2km of Barigan Rd that would need to be upgraded and then new access.	(TBC if required)	Not expected to proceed at this time.

### 3 Conditions of Approval Compliance

The following table includes each of the conditions of the EPBC approval and assessment of the compliance against each condition for each of the four annual compliance periods.

Condition Number/ Reference	Approval Condition	Reporting Period	Is the Project Compliant with this Condition?	Evidence/ Comments
Part A – Conditions specific to the action				
1.	The approval holder must not clear outside of the area identified as 'development footprint' on the map 'General Layout of Development' at Appendix 1 of the NSW Development Consent.	2020/21	Compliant	Aerial photographs of the completed works and photographic evidence of flagging during construction was sighted. All evidence sighted supported a finding that construction activities during the 2020/21 reporting period. Were confined to the EPBC Act approved development footprint. Refer to <b>Appendix A</b> for aerial and site photographs.
		2021/22	Compliant	Aerial photographs, a video of the completed works and inspection and test checklists were sighted. All evidence sighted supported a finding that construction activities during the 2022/22 reporting period were confined to the EPBC Act approved development footprint. Refer to <b>Appendix A</b> for aerial and site photographs.
		2022/23	Compliant	Aerial photographs were sighted. Photographs sighted supported a finding that construction activities during the 2022/23 reporting period were confined to the EPBC Act approved development footprint. Refer to <b>Appendix A</b> for aerial and site photographs.
		2023/24	Compliant	Aerial photographs were sighted. Photographs sighted supported a finding that construction activities during the 2023/24 reporting period were confined to the EPBC Act approved development footprint. Refer to <b>Appendix A</b> for aerial and site photographs.

Condition Number/ Reference	Approval Condition	Reporting Period	Is the Project Compliant with this Condition?	Evidence/ Comments
2.	The approval holder must not clear more than: a. 229.6 ha of White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland (critically endangered), comprising of: i. 24.5 ha occurring as woodland; ii. 205.1 ha occurring as Derived Native Grassland	All reporting periods	Compliant	While they were requested, at the time this report was written, specific vegetation clearance details had not been provided Mid-Western Regional Council. However, aerial photography of the works along Barigan Road demonstrated that all activities were contained within the development footprint and therefore it is considered that the development would have complied.  A ground disturbance register documenting the total vegetation areas cleared for Stage 2 and 3 was reviewed. A total of 0.3216ha Zone 1 (PCT 1303 White Box – Grey Gum) and Zone 3 (PCT 1303 Cultivated Low Condition) was cleared as part of Stage 2 works.  A total of 8.9ha of native vegetation and 6.4ha of non-native vegetation was cleared during Stage 3A and 3B. Records show that a cumulative total of Stage 2 and Stage 3 of 15.62ha was cleared during the most recent three reporting periods.  Refer to <b>Appendix B</b> for the ground disturbance register.
	b. 24.6 ha of foraging habitat for the Regent Honeyeater ( <i>Anthochaera phrygia</i> ) (critically endangered) corresponding to 2a.i and 0.1 ha of White Box – Black Cypress Pine shrubby woodland; within the area identified as as 'development footprint' on the map 'General Layout of Development' at Appendix 1 of the NSW Development Consent.	2020/21	Not applicable	As per the environmental management zones for the development, White Box – Black Cypress is located in Zones 8 and 9. There were no works impacting Zones 8 and 9 during Stage 1 and therefore there were no impacts on the foraging habitat for the Regent Honeyeater ( <i>Anthochaera phrygia</i> ) in the 2020/21 reporting period.
		2021/22	Not applicable	As per the environmental management zones for the development, White Box – Black Cypress is located in Zones 8 and 9. There were no works impacting Zones 8 and 9 during Stage 2 and therefore there were no impacts on the foraging habitat for the Regent Honeyeater ( <i>Anthochaera phrygia</i> ) in the 2022/23 reporting period.
		2022/23	Not applicable	As per the environmental management zones for the development, White Box – Black Cypress is located in Zones 8 and 9. There were no works impacting Zones 8 and 9 during Stage 3A foraging habitat for the Regent Honeyeater ( <i>Anthochaera phrygia</i> ) in the 2022/23 reporting period.



Condition Number/ Reference	Approval Condition	Reporting Period	Is the Project Compliant with this Condition?	Evidence/ Comments								
		2023/24	Compliant	A total of 0.9277ha of Zone 9 (PCT 1610 White Box – Black Cyprus) was cleared as part of Stage 3B. Refer to <b>Appendix B</b> for the ground disturbance register.								
3.	<p>To compensate for impacts to protected matters, the approval holder must comply with Condition 13 of Schedule 3 of the NSW Development Consent to retire biodiversity credits of the specified number and class for the following vegetation communities that relate to the protected matters (Box Gum Grassy Woodland and Regent Honeyeater habitat):</p> <table border="1"> <thead> <tr> <th>Vegetation community</th> <th>PCT</th> </tr> </thead> <tbody> <tr> <td>White Box - Grey Gum - Kurrajong grassy woodland on slopes of the northern Capertee Valley, Sydney Basin Bioregion</td> <td>1303</td> </tr> <tr> <td>Rough-Barked Apple - red gum - Yellow Box woodland on alluvial clay to loam soils on valley flats in the northern NSW South Western Slopes Bioregion and Brigalow Belt South Bioregion</td> <td>281</td> </tr> <tr> <td>White Box - Black Cypress Pine shrubby woodland of the Western Slopes</td> <td>1610</td> </tr> </tbody> </table>	Vegetation community	PCT	White Box - Grey Gum - Kurrajong grassy woodland on slopes of the northern Capertee Valley, Sydney Basin Bioregion	1303	Rough-Barked Apple - red gum - Yellow Box woodland on alluvial clay to loam soils on valley flats in the northern NSW South Western Slopes Bioregion and Brigalow Belt South Bioregion	281	White Box - Black Cypress Pine shrubby woodland of the Western Slopes	1610	All reporting periods	Non-compliant	<p>Condition 13 of Schedule 3 of the NSW Development consent required that biodiversity credits for the specified vegetation communities were retired prior to the commencement of development. A letter from the Department of Planning, Housing and Infrastructure (DPHI) to NGH Pty Ltd, dated 31 December 2020, documents an agreement to extend the timing for the required retirement of the biodiversity credits until 31 December 2021.</p> <p>As per the letter from WSD (dated 17 January 2024) and acknowledgement from DPHI (email communication dated 4 March 2024) 721 credits of PCT ID 266 were retired in accordance with Condition 13 of Schedule 3 of the NSW Development Consent. The credits of PCT ID 266 were confirmed to have the equivalency of PCT 266, PCT 1303 and PCT 281. Refer to <b>Appendix C</b> for the letter of confirmation from DPHI. Additionally, a statement confirming payment into the Biodiversity Conservation Fund for an offset obligation (dated 12 July 2023) was sighted for biodiversity credits relating to PCT 1610. Refer to <b>Appendix D</b> for the statement of payment confirmation.</p> <p>While each reporting period assessed as part of this review has been determined as non-compliant, the obligations of this condition have now been discharged.</p>
Vegetation community	PCT											
White Box - Grey Gum - Kurrajong grassy woodland on slopes of the northern Capertee Valley, Sydney Basin Bioregion	1303											
Rough-Barked Apple - red gum - Yellow Box woodland on alluvial clay to loam soils on valley flats in the northern NSW South Western Slopes Bioregion and Brigalow Belt South Bioregion	281											
White Box - Black Cypress Pine shrubby woodland of the Western Slopes	1610											

Condition Number/ Reference	Approval Condition	Reporting Period	Is the Project Compliant with this Condition?	Evidence/ Comments
4.	To compensate for impacts to the Derived Native Grassland that are not covered by the NSW Development Consent, the approval holder must, within 6 months of commencement of the action, submit an offset strategy for approval by the Minister. If approved, the offset strategy must be implemented.  The offset strategy must include details of:	2020/21	Compliant	A biodiversity offset strategy was prepared and provided to DAWE (currently known as DCCEEW) on 26 March 2020, within the required timeframe.  After consultation with DAWE, an addendum to the offset strategy was prepared and provided on 8 April 2021.
		2021/22	Non-compliant	An updated offset strategy to address Commonwealth recommendations was prepared 2 May 2022.  No evidence was sighted to confirm that the strategy was provided to the Minister for approval.
		2022/23	Non-compliant	2022 offset strategy in place and letter with updates of the status of offsets under the EPBC Act approval was provided to DCCEEW on 3 April 2023. However, no evidence was sighted to confirm that the strategy in place had been provided to the Minister for approval.
		2023/24	Non-compliant	An updated offset strategy to address commonwealth recommendations was prepared 13 December 2023.  No evidence was sighted to confirm that the strategy was provided to the Minister for approval.
a.	The proposed offset package, including offset site(s) to compensate for the loss of up to 205.1 ha of Derived Native Grassland;	2020/21	Compliant	The 2020 offset strategy and 2021 addendum were prepared in consultation with DAWE (currently known as DCCEEW). The offset strategy was prepared to address the conditions of consent and the addendum acknowledged that an offset strategy was being prepared in accordance with condition 14.  The 2022 offset strategy included details required by Condition 4(a). A letter to DCCEEW, dated 3 April 2023, requested an update to the offset strategy for impacts to the Derived Native Grassland. The 2022 offset strategy is now a superseded document and the December 2023 offset strategy is in place.
		2021/22 2022/23		
		2023/24	Compliant	Refer to Table 3-1 of the offset strategy.  Refer to <b>Appendix E</b> for the offset strategy.

Condition Number/ Reference	Approval Condition	Reporting Period	Is the Project Compliant with this Condition?	Evidence/ Comments
	b. Measures for the long term management and improvement of Box Grassy Gum Woodland on the offset site(s); the current quality of protected matters on the offset site, and time-bound completion criteria and performance targets.	2020/21 2021/22 2022/23	Compliant	The 2020 offset strategy and 2021 addendum were prepared in consultation with DAWE (currently known as DCCEEW). The offset strategy was prepared to address the conditions of consent and the addendum acknowledged that an offset strategy was being prepared in accordance with condition 14.  The 2022 offset strategy included details required by Condition 4(b). A letter to DCCEEW, dated 3 April 2023, requested an update to the offset strategy for impacts to the Derived Native Grassland. The 2022 offset strategy is now a superseded document and the December 2023 offset strategy is in place.
		2023/24	Compliant	Refer to Table 3-1 of the offset strategy. Refer to <b>Appendix E</b> for the offset strategy.
	c. How the offset package either:  i. Meets the requisite like-for-like ecosystem credit requirement, where the like- for-like ecosystem credits generated at the offset site are calculated using the BAM, and the number of like-for-like ecosystem credits required is calculated using Equation 1 of the BAM; or  ii. Provides a suitable gain calculated using the EPBC offsets assessment guide.	2020/21 2021/22 2022/23	Compliant	The 2020 offset strategy and 2021 addendum were prepared in consultation with DAWE (currently known as DCCEEW). The offset strategy was prepared to address the conditions of consent and the addendum acknowledged that an offset strategy was being prepared in accordance with condition 14.  The 2022 offset strategy included details required by Condition 4(c). A letter to DCCEEW, dated 3 April 2023, requested an update to the offset strategy for impacts to the Derived Native Grassland. The 2022 offset strategy is now a superseded document and the December 2023 offset strategy is in place.
		2023/24	Compliant	Refer Section 2 of the offset strategy. Refer to <b>Appendix E</b> for the offset strategy.

Condition Number/ Reference	Approval Condition	Reporting Period	Is the Project Compliant with this Condition?	Evidence/ Comments
	d. The timeframe and legal mechanism for securing the offset site(s). This may include a plan for staging the delivery of offsets sites corresponding to the actual quantity and timing of impacts the action.	2020/21 2021/22 2022/23	Compliant	The 2020 offset strategy and 2021 addendum were prepared in consultation with DAWE (currently known as DCCEEW). The offset strategy was prepared to address the conditions of consent and the addendum acknowledged that an offset strategy was being prepared in accordance with condition 14.  The 2022 offset strategy included details required by Condition 4(d). A letter to DCCEEW, dated 3 April 2023, requested an update to the offset strategy for impacts to the Derived Native Grassland. The 2022 offset strategy is now a superseded document and the December 2023 offset strategy is in place.
		2023/24	Compliant	Refer to Table 3-1 of the offset strategy. Refer to <b>Appendix E</b> for the offset strategy.
5.	The offset strategy may include provisions for: a. The impacts of the action on Derived Native Grassland to be re-quantified after three years of operation, based on the results of monitoring data. The monitoring data must be collected in accordance with a monitoring methodology and monitoring criteria set out in a Biodiversity Management Plan approved by the Minister. b. The offset package to be adjusted based on the re-quantification of impacts, subject to further written approval from the Minister, if the monitoring data shows that the action has not adversely impacts on the	All reporting periods	Compliant	Refer to Table 3-1 and Section 4.2 of the offset strategy. Refer to <b>Appendix E</b> for the offset strategy.

Condition Number/ Reference	Approval Condition	Reporting Period	Is the Project Compliant with this Condition?	Evidence/ Comments
	overall condition and persistence of the Derived Native Grassland.			
6.	The approval holder must comply with Condition 14 of Schedule 3 the NSW Development Consent, for the preparation and implementation of a Biodiversity Management Plan, as it relates to the avoidance and mitigation of impacts to protected matters.	2020/21	Compliant	The Wollar Solar Farm Biodiversity Management Plan (BMP) has been prepared and implemented in accordance with Condition 14 of Schedule 3 the NSW Development Consent. Evidence of biodiversity management activities undertaken as per the BMP for the 2020/21 reporting period was sighted, including a ground disturbance permit for works, targeted surveys, pre-clearing inspections and clearing supervisions.
		2021/22	Compliant	The Wollar Solar Farm BMP has been prepared and implemented in accordance with Condition 14 of Schedule 3 the NSW Development Consent. Evidence of biodiversity management activities undertaken as per the BMP for the 2021/22 reporting period was sighted, including a pre-clearing assessment, preliminary weed survey, environmental inspection checklists, environmental site audits and management plans from the Contractor.
		2022/23	Compliant	The Wollar Solar Farm BMP has been prepared and implemented in accordance with Condition 14 of Schedule 3 the NSW Development Consent. Evidence of biodiversity management activities undertaken as per the BMP for the 2022/23 reporting period was sighted, including an environmental site audit, environmental site inspection, Construction Environmental Management Plan and survey report.
		2023/24	Compliant	The Wollar Solar Farm BMP has been prepared and implemented in accordance with Condition 14 of Schedule 3 the NSW Development Consent. Evidence of biodiversity management activities undertaken as per the BMP for the 2022/23 reporting period was sighted, including vertebrate pest monitoring, a weed action plan, ground disturbance permit and tree clearance review.  Refer to <b>Appendix F</b> for the Wollar Solar Farm BMP.



Condition Number/ Reference	Approval Condition	Reporting Period	Is the Project Compliant with this Condition?	Evidence/ Comments
7.	Within 20 business days of completing the requirements of Condition 3, the approval holder must provide the Department with evidence of when and how the like-for-like ecosystem credits were retired.	2020/21 2021/22 2022/23	Not applicable	The retirement of biodiversity credits did not occur within these reporting periods.
		2023/24	Non-compliant	WSD advised DCCEEW of their offset strategy, including the retirement of credits (letter dated 3 April 2023). The biodiversity credits were retired on 11 January 2024. DPHI was advised of the retirement of credits on 17 January 2024, however evidence was not provided to DCCEEW.
Part B – Standard administrative conditions				
8.	The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.	2020/21	Non-compliant	The action commenced on 11 August 2020, however there is no evidence that the Department was notified of the commencement of the action within the required 10 business days.
		2021/22 2022/23 2023/24	Not applicable	No further action is required. Applicable to the 2020/21 reporting period only.
9.	If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.	All reporting periods	Not applicable	The action commenced on 11 August 2020, which is within 5 years from the date of the approval (6 July 2020).
10.	The approval holder must maintain accurate and complete compliance records.	All reporting periods	Compliant	WSD is maintaining compliance records in accordance with Condition 10. A selection of these were sighted during the review.
11.	If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department	All reporting periods	Not applicable	This condition has not been triggered as the Department has not made a request for compliance records to date.

Condition Number/ Reference	Approval Condition	Reporting Period	Is the Project Compliant with this Condition?	Evidence/ Comments
	within the timeframe specified in the request.			
12.	<p>The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister the approval holder must:</p> <p>a. publish each compliance report on the website within 60 business days following the relevant 12 month period;</p> <p>b. notify the Department by email that a compliance report has been published on the website and provide the weblink for the compliance report within five business days of the date of publication;</p> <p>c. keep all compliance reports publicly available on the website until this approval expires;</p> <p>d. exclude or redact sensitive ecological data from compliance reports published on the website; and</p> <p>e. where any sensitive ecological data has been excluded from the version published, submit the full compliance</p>	2020/21	Non-compliant	<p>A compliance report for the August 2020 – August 2021 reporting period was not prepared and published within the specified timeframe.</p> <p>This compliance report is intended to fulfil the requirements of Condition 12 for the August 2020 – August 2021 reporting period.</p>
		2021/22	Non-compliant	<p>A compliance report for the August 2021 – August 2022 reporting period was not prepared and published within the specified timeframe.</p>

Condition Number/ Reference	Approval Condition	Reporting Period	Is the Project Compliant with this Condition?	Evidence/ Comments
	report to the Department within 5 business days of publication.			Note: This compliance report is intended to fulfil the requirements of Condition 12 for the August 2021 – August 2022 reporting period.
		2022/23	Non-compliant	A compliance report for the August 2022 – August 2023 reporting period was not prepared and published within the specified timeframe. An independent internal audit was conducted during November 2022 to December 2022 with the report finalised in February 2023. It is noted that the audit included an assessment of the EPBC Act approval requirement, however does not satisfy the requirements of Condition 12.  Note: This compliance report is intended to fulfil the requirements of Condition 12 for the August 2022 – August 2023 reporting period.
		2023/24	Compliant	This compliance report covers the 12-month period 11 August 2023 to 12 August 2024. As per email communication from DCCEEW (dated 12 August 2024) the due date for the 2024 Annual Compliance Report has been extended to 11 October 2024.
13.	The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify:  a. any condition which is or may be in breach;  b. a short description of the incident and/or non-compliance; and	2020/21	Non-compliant	DCCEEW were not notified within the required timeframes of the following non-compliances: <ul style="list-style-type: none"> <li>• Biodiversity credits were not retired within required timeframes as per Condition 3</li> <li>• DCCEEW was not advised of the commencement of action as per Condition 8</li> <li>• An annual compliance report was not prepared and published as per the requirements of Condition 12.</li> </ul>

Condition Number/ Reference	Approval Condition	Reporting Period	Is the Project Compliant with this Condition?	Evidence/ Comments
	c. the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.	2021/22	Non-compliant	DCCEEW were not notified within the required timeframes of the following non-compliances: <ul style="list-style-type: none"> <li>Biodiversity credits were not retired within required timeframes as per Condition 3</li> <li>An annual compliance report was not prepared and published as per the requirements of Condition 12.</li> </ul>
		2022/23	Non-compliant	DCCEEW were not notified within the required timeframes of the following non-compliances: <ul style="list-style-type: none"> <li>Biodiversity credits were not retired within required timeframes as per Condition 3</li> <li>An annual compliance report was not prepared and published as per the requirements of Condition 12. It is noted that an independent audit was prepared 1 February 2023 that included an assessment of the EPBC Act approval conditions, however this was not published as a compliance report on the WSD website in accordance with Condition 12.</li> </ul>
		2023/24	Non-compliant	DCCEEW were not notified within the required timeframes of the following non-compliances: <ul style="list-style-type: none"> <li>Biodiversity credits were not retired within required timeframes as per Condition 3</li> <li>DCCEEW were not notified of the retirement of biodiversity credits as per the requirements of Condition 7.</li> </ul> <p>It is noted that on 21 May 2024 WSD notified DCCEEW of the non-compliance with Condition 12. DCCEEW was advised that compliance reporting had not been completed and published for prior reporting periods since the commencement of the action.</p>
14.	The approval holder must provide to the Department the details of any incident or non-compliance with the	2020/21	Non-compliant	

Condition Number/ Reference	Approval Condition	Reporting Period	Is the Project Compliant with this Condition?	Evidence/ Comments
	<p>conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <p>a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;</p> <p>b. the potential impacts of the incident or non-compliance; and</p> <p>c. the method and timing of any remedial action that will be undertaken by the approval holder.</p>			Further details of non-compliances during the 2020/21 reporting period were not provided to DCCEEW as per the requirements of Condition 14.
		2021/22	Non-compliant	Further details of non-compliances during the 2021/22 reporting period were not provided to DCCEEW as per the requirements of Condition 14.
		2022/23	Non-compliant	Further details of non-compliances during the 2022/23 reporting period were not provided to DCCEEW as per the requirements of Condition 14.
		2023/24	Non-compliant	<p>Further details of non-compliances during the 2023/24 reporting period were not provided to DCCEEW as per the requirements of Condition 14.</p> <p>It is noted that on 21 May 2024 WSD notified DCCEEW of the non-compliance with Condition 12. DCCEEW was advised that compliance reporting had not been completed and published for prior reporting periods since the commencement of the action. WSD advised that an annual compliance report will be prepared and published as per the requirements of Condition 12 for the 2023/24 reporting period.</p>



Condition Number/ Reference	Approval Condition	Reporting Period	Is the Project Compliant with this Condition?	Evidence/ Comments
15.	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	All reporting periods	Not applicable	The action has not yet been completed.

## 4 Findings

### 4.1 Summary of Findings

A summary of the findings for each of the reporting periods is as per the table below.

Reporting Period	2020/21	2021/22	2022/23	2023/24
Number of compliant items	10	9	9	11
Number of non-compliant items	5	5	5	5
Number of not applicable items	5	6	6	4
Number of closed non-compliances	5	4	4	1

Non-compliances have been identified for reporting periods 2020/21, 2021/22 and 2022/23, however these items are now considered closed with no further action required. Residual non-compliances are outlined in the following section.

### 4.2 Residual non-compliances

A total of five non-compliances were identified for the 2023/24 reporting period, however the requirements of some of these items have now been addressed. The residual non-compliances are as follows:

- Condition 4
- Condition 7
- Condition 13
- Condition 14

Corrective actions to address the above non-compliances are outlined in the following section.

## 5 Corrective Actions and Environmental Risks

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### 5.1 Corrective Actions

#### 5.1.1 Previous Non-Compliances

As this is the first compliance report, there are no previous instances of non-compliance to address.

#### 5.1.2 Current Non-Compliances

Corrective actions for relevant non-compliances identified in this compliance report are as below:

- **Condition 3:** Biodiversity credits were not retired within the required timeframe outlined in Condition 13 of Schedule 3 of the NSW Development Consent; however no further actions are recommended at this time.
- **Condition 4:** It is recommended that the most recent version of the offset strategy is submitted to the Minister for approval.
- **Condition 7:** DCCEEW was not advised of the retirement of the biodiversity credits within the required timeframes, however it is still recommended that WSD advise DCCEEW of the date of the retirement of the credits and how they were retired.
- **Condition 8:** Condition 8 required that the Department be notified of the commencement of the action within 10 business days after the date of commencement. A non-compliance was identified for this condition; however no further actions are recommended at this time.
- **Condition 12:** It is recommended that WSD schedule activities to plan for the preparation of the annual compliance report for each 12-month period, as per the requirements outlined in Condition 12.
- **Condition 13 and 14:** It is recommended that WSD ensure that the Department is notified and provided with all relevant details of any non-compliances as per the requirements of Conditions 13 and 14. It is recommended that a notification procedure is prepared and put in place to ensure that all potential future non-compliances are captured and reported to the Department. The procedure should include all relevant timeframes for notification and all relevant information that is required to be provided to the Department.

### 5.2 Environmental Risks

No new environmental risks were identified during the reporting periods assessed in this compliance report.



Appendix A – Photographs



A large, white, serif capital letter 'B' is centered on the right side of a teal rectangular background.

Appendix B – Ground Disturbance Register





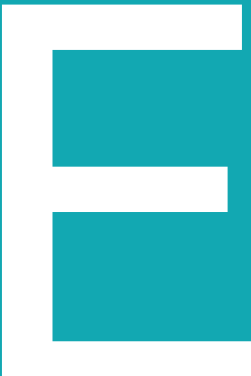
# C

## Appendix C – Retirement of Credits Confirmation Letter

A large, white, serif capital letter 'D' is centered on the right side of a teal rectangular background.

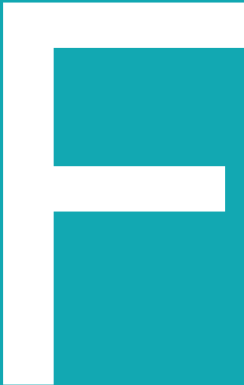
Appendix D – Biodiversity Credit Payment Confirmation



A large, white, stylized letter 'E' is positioned on the right side of a teal rectangular background. The 'E' is composed of three horizontal bars and a vertical stem on the left.

Appendix E – Offset Strategy





Appendix F – Biodiversity Management Plan