



Approval

Liverpool Range Wind Farm, NSW (EPBC 2014/7136)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted	Epuron Pty Ltd
proponent's ABN	70 104 503 380
proposed action	To construct and operate a wind farm including up to 288 wind turbine generators, a 330 kV overhead powerline, electrical reticulation, connection substations, maintenance facilities and access tracks between Coolah and Cassilis, NSW, as described in EPBC referral 2014/7136.

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved

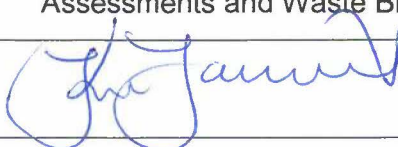
Conditions of approval

This approval is subject to the conditions specified below.

Expiry date of approval

This approval has effect until 31 December 2050

Decision-maker

name and position	Kim Farrant Assistant Secretary Assessments and Waste Branch
signature	
date of decision	29.6.18

Conditions attached to the approval

1. The **person taking the action** must not clear more than 10.37 ha of **EPBC Act** Listed *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* ecological community.
2. The **person taking the action** must not clear more than 234.7 ha of **Regent Honeyeater habitat**.
3. The **person taking the action** must not clear more than 256.3 ha of **Swift Parrot habitat**.
4. To mitigate the impacts of the action on the Regent Honeyeater, the person taking the action must submit a Vegetation Clearance Plan for the written approval of the **Minister**. The approved Vegetation Clearance plan must be implemented. The **person taking the action** must not commence the action until the **Minister** has approved the Vegetation Clearance Plan. The Vegetation Clearance Plan must include:
 - a. Identification of vegetation that could provide nesting or breeding habitat for the Regent Honeyeater within the **development envelope**.
 - b. Identification of the likely Regent Honeyeater breeding season within the development envelope.
 - c. Pre-clearance survey methods, which include, but are not limited to the following requirements:
 - i. If clearing of **Regent Honeyeater habitat** will occur during the **Regent Honeyeater breeding season**, a **qualified ecologist** must undertake a pre-clearance survey within 72 hours prior to the removal of **Regent Honeyeater habitat**, or removal of vegetation within 50 m of nesting or breeding habitat.
 - ii. If **Regent Honeyeater breeding activity** is identified during pre-clearance surveys, vegetation clearing within 100 m of the **Regent Honeyeater breeding activity** must be delayed up until the **Regent Honeyeater breeding activity has ceased**.
5. To mitigate the impacts of the action on the Regent Honeyeater, Swift Parrot and *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* ecological community, the **person taking the action** must submit an Offset Strategy for the written approval of the **Minister**. The approved Offset Strategy must be implemented. The person taking the action must **not commence** the action until the **Minister** has approved the Offset Strategy.

The Offset Strategy must:

- a. Include maps of the final disturbance area and the total area (ha) of *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* ecological community, **Regent Honeyeater habitat** and **Swift Parrot habitat** to be cleared.
- b. In accordance with the **EPBC Act Offset Policy**, or other **Commonwealth endorsed policy**, calculate offset requirements needed to compensate for the loss of:
 - i. *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* ecological community

- ii. **Regent Honeyeater habitat**
- iii. **Swift Parrot habitat.**
- c. Propose an **offset package** that identifies **direct offset sites** and meets the **EPBC Act Offset Policy**, or other **Commonwealth endorsed policy**.
- d. Propose measures for the long term protection and management of **direct offset sites**.

The Offset Strategy must be approved prior to the submission of the Biodiversity Offset Management Plan (required by Condition 7), and must be implemented.

- 6. Within two years from the **commencement** of the action, and prior to the **commissioning** of wind turbines, the **person taking the action** must meet their **offset package** requirements as described in the approved Offset Strategy (Condition 5).
- 7. The **person taking the action** must prepare and submit a Biodiversity Offset Management Plan (BOMP) that covers the **direct offset sites** in the approved Offset Strategy. At a minimum, the BOMP must:
 - a. Clearly identify the **direct offset sites** described in the Offset Strategy. This must include **offset attributes, shapefiles**, textual descriptions and maps to clearly define the location and boundaries of the **direct offset sites**.
 - b. Provide a description of the offset attributes for each **protected matter** and how the **direct offset site** will be in accordance with the approved Offset Strategy.
 - c. Provide a survey and description of the current condition (prior to any management activities) of the **direct offset sites** identified in the Offset Strategy.
 - d. Include detailed management actions, including regeneration and revegetation strategies to be undertaken at the **direct offset sites** to improve the ecological quality of these areas. The BOMP must also include:
 - i. Management actions relating to improving habitat quality for **protected matters** including but not limited to: weed management, feral animal management, erosion and sediment control and fire management.
 - ii. A description and timeframes that management measures would be implemented to improve the condition of **White Box CEEC** and **Regent Honeyeater habitat** and **Swift Parrot habitat** on the **direct offset sites**.
 - iii. Performance and completion criteria for evaluating the management of the **direct offset sites**, and criteria for triggering remedial action.
 - iv. A program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria.
 - v. A description of potential risks to the successful implementation of the plan, a description of the measures that will be implemented to mitigate against these risks and a description of the contingency measures that will be implemented if defined triggers arise.
 - vi. Details of who would be responsible for monitoring, reviewing, and implementing the plan.

The BOMP must be submitted for the **Minister's** approval and the approved BOMP must be implemented.

8. To manage potential impacts to the Regent Honeyeater resulting from blade strike, the **person taking the action** must:
 - a. Implement condition 22 of the approval under the NSW *Environment Planning and Assessment Act 1979*, as per Development Consent SSD-6696 dated 27 March 2018, which requires a Bird and Bat Adaptive Management Plan to be prepared and implemented. The Bird and Bat Management Plan must include trigger levels for further investigation and measures proposed to minimise blade strike impacts to the Regent Honeyeater. Submit the Bird and Bat Adaptive Management Plan to the **Minister** for approval. **Commissioning** of wind turbines must not occur until the Bird and Bat Adaptive Management Plan is approved by the **Minister**.
 - b. Notify the **Department** in writing of any proposed change to the conditions of the NSW Government approval for which Condition 8a applies, no later than 10 business days after formally proposing a change or becoming aware of the NSW Government proposing a change.
 - c. Notify the **Department** in writing of any change to the NSW Government approval for which Condition 8 applies within 10 business days of a change being finalised
9. Within 20 business days after the **commencement** of the action, the **person taking the action** must advise the **Department** in writing of the actual date of **commencement**.
10. The **person taking the action** must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the Vegetation Clearance Plan, Offset Strategy, BOMP and the Bird and Bat Adaptive 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 **Department's** website. The results of audits may also be publicised through the general media.
11. Within three months of every 12 month anniversary of the commencement of the action, the **person taking the action** must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published. Reports must remain published for the life of the approval. The person taking the action must continue to publish reports until otherwise advised by the **Minister** in writing.
12. Upon the direction of the **Minister**, the **person taking the action** 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**.
13. The **person taking the action** may choose to revise a management plan or strategy approved by the **Minister** under conditions 4, 5, 7 and 8 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the

revised plan or strategy would not be likely to have a **new or increased impact**. If the person taking the action makes this choice they must:

- a. notify the **Department** in writing that the approved plan or strategy has been revised and provide the **Department** with an electronic copy of the revised plan or strategy;
 - b. implement the revised plan or strategy from the date that the plan or strategy is submitted to the **Department**; and
 - c. for the life of this approval, maintain a record of the reasons the approval holder considers that taking the action in accordance with the revised plan or strategy would not be likely to have a **new or increased impact**.
14. The **person taking the action** may revoke their choice under condition 13 at any time by notice to the **Department**. If the person taking the action revokes the choice to implement a revised plan or strategy, without approval under section 143A of the Act, the plan or strategy approved by the **Minister** must be implemented.
15. Condition 13 does not apply if the revisions to the approved plan or strategy include changes to environmental offsets provided under the plan or strategy in relation to a matter protected by a controlling provision for the action, unless otherwise agreed in writing by the **Minister**. This does not otherwise limit the circumstances in which the taking of the action in accordance with a revised plan or strategy would, or would not, be likely to have **new or increased impacts**.
16. If the **Minister** gives a notice to the **person taking the action** that the **Minister** is satisfied that the taking of the action in accordance with the revised plan or strategy would be likely to have a **new or increased impact**, then:
- a. Condition 13 does not apply, or ceases to apply, in relation to the revised plan or strategy; and
 - b. The person taking the action must implement the plan or strategy approved by the **Minister**.
- To avoid any doubt, this condition does not affect any operation of conditions 13, 14 and 15 in the period before the day the notice is given.
- At the time of giving the notice the **Minister** may also notify that for a specified period of time that condition 13 does not apply for one or more specified plan or strategy required under the approval.
17. Conditions 13, 14, 15 and 16 are not intended to limit the operation of section 143A of the EPBC Act which allows the **person taking the action** to submit a revised plan or strategy to the **Minister** for approval.
18. If, at any time after five (5) years from the date of this approval, the **person taking the action** has not **substantially commenced** the action, then the person taking the action must not **substantially commence** the action without the written agreement of the **Minister**.
19. Unless otherwise agreed to in writing by the **Minister**, the **person taking the action** must publish all plans and strategies referred to in these conditions of approval on their website. Each plan and strategy must be published on the website within 1 month of being approved

by the **Minister** or being submitted under condition 13, and remain published until the approval expires or otherwise advised by the **Minister** in writing.

20. Unless otherwise agreed to in writing by the **Minister**, the **person taking the action** must provide a copy of any plan or strategy referred to in these conditions of approval to members of the public upon request, within a reasonable time of the request.

Definitions

Commencement means earthworks, vegetation removal or construction of any infrastructure, excluding fences and signage, associated with the proposed action.

Commencement does not include:

- physical disturbance necessary to undertake pre-clearance surveys or establishing monitoring programs; or
- activities that are associated with mobilisation of plant and equipment, materials, machinery and personnel prior to the start of development only if such activities will have no adverse impact on **protected matters**.

Commonwealth endorsed policy means a policy endorsed by the **Department** and listed in the *Environment Protection and Biodiversity Conservation Act 1999 Condition-setting Policy*.

Commissioning means all activities after the components of the wind turbines are installed.

The **Department** means the Australian Government department or any other agency that is responsible for administering the *Environment Protection and Biodiversity Conservation Act 1999*.

Development envelope means the area identified as the development envelope at Schedule 1, Figure 1 and Figure 2.

Direct offset site means an offset site that is required by Conditions 5 and 7 that will protect and improve habitat for the relevant **protected matter**.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

EPBC Act Offset Policy means the Australian Government Department of Sustainability, Environment, Water Population and Communities (2012) *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy*. Commonwealth of Australia, Canberra.

The **Minister** is the Commonwealth minister responsible for administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the **Minister**.

New or increased impact means a new or increased impact on any matter protected by the controlling provisions for the action, when compared to the plan that has been approved by the **Minister**.

Non-habitat trees are trees that do not meet the habitat requirements for the Regent Honeyeater, as described in the *Recovery Plan for the Regent Honeyeater (*Anthochaera phrygia*)* (2016).

Offset attributes means an '.xls' file capturing relevant attributes of the **direct offset site**, including the action's EPBC reference ID number, the physical address of the **direct offset site**, coordinates of the boundary points in decimal degrees, the EPBC **protected matters** that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.

Offset package means a combination of direct and indirect offsets that has been approved by the **Minister**.

Person taking the action is the person to whom the approval is granted as identified on the approval notice for EPBC 2014/7136, or to whom the approval is transferred under S145B of the **EPBC Act**.

Protected matter means the *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* ecological community, the Regent Honeyeater (*Anthochaera phrygia*) or Swift Parrot (*Lathamus discolor*). **Qualified ecologist** means a person who has a minimum of five years' experience in locating, capturing, handling, caring for and the safe release of native animals.

Regent Honeyeater habitat is any habitat that meets the habitat requirements for the Regent Honeyeater (*Anthochaera phrygia*), as described in the *Recovery Plan for the Regent Honeyeater (Anthochaera phrygia) (2016)*.

Regent Honeyeater breeding activity means when adult Regent Honeyeaters are observed constructing nests, adult Regent Honeyeater birds are observed flying to and from, or sitting on a nest.

Regent Honeyeater breeding activity has ceased means when Regent Honeyeater young are no longer in the nest and Regent Honeyeaters are no longer seen coming or going from the nest for 2 days.

Regent Honeyeater breeding season means the period of time, and/or ecological indicator (such as flowering of key eucalypt species), described in the approved Vegetation Clearance Plan that identifies when the Regent Honeyeater is likely to display breeding activity within the **development envelope**.

Shapefiles means a Shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the **direct offset sites**, including the shape, the actions EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in '.xls' format.

Substantially commenced means earthworks, vegetation removal or construction of any infrastructure, excluding fences and signage, associated with the proposed action.

Swift Parrot habitat means any habitat that meets the habitat requirements for the Swift Parrot (*Lathamus discolor*), as described in the National Recovery Plan for the Swift Parrot (*Lathamus discolor*) (2011).

White Box CEEC means the EPBC Act listed *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* ecological community.

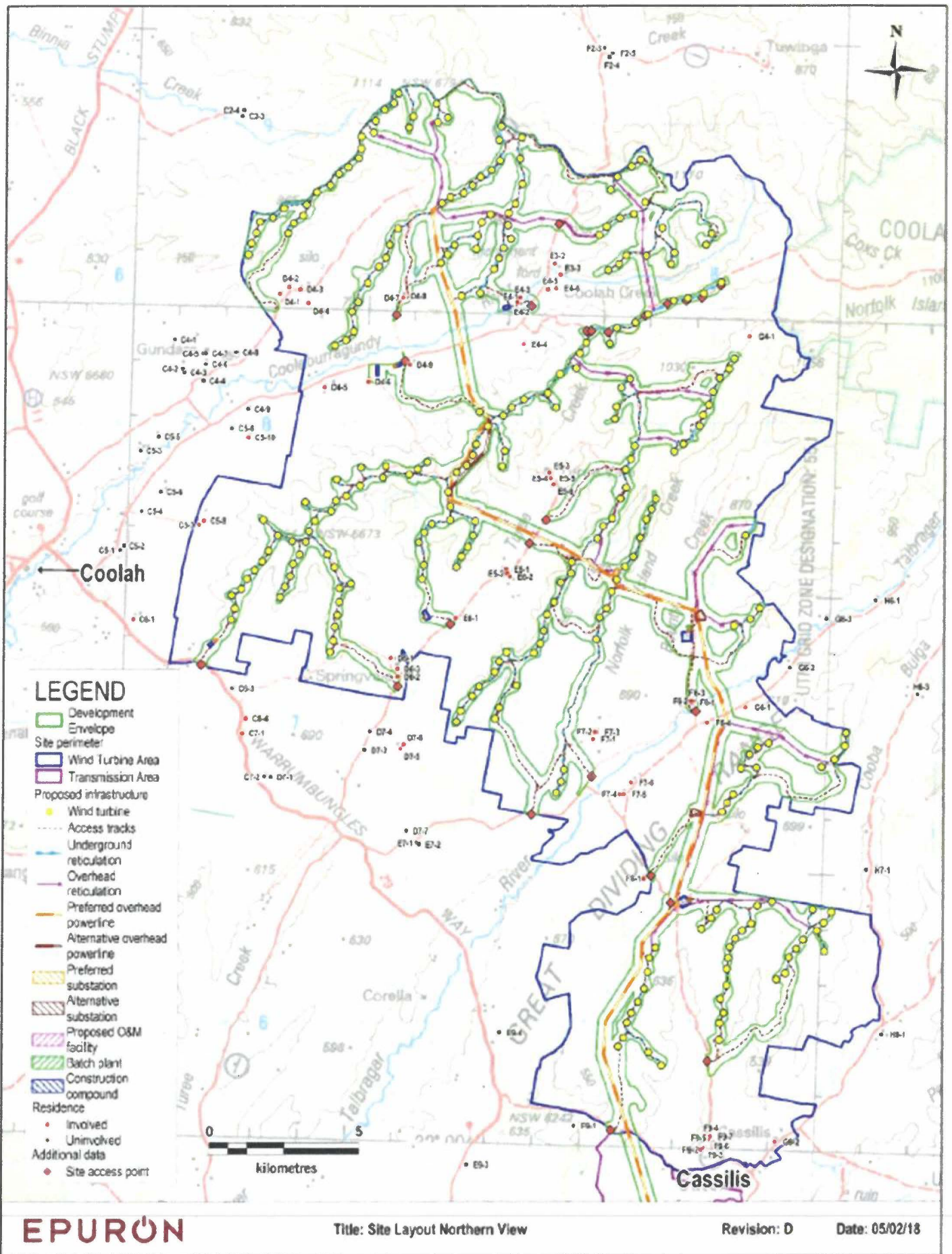


Figure 1: Site Layout (North)

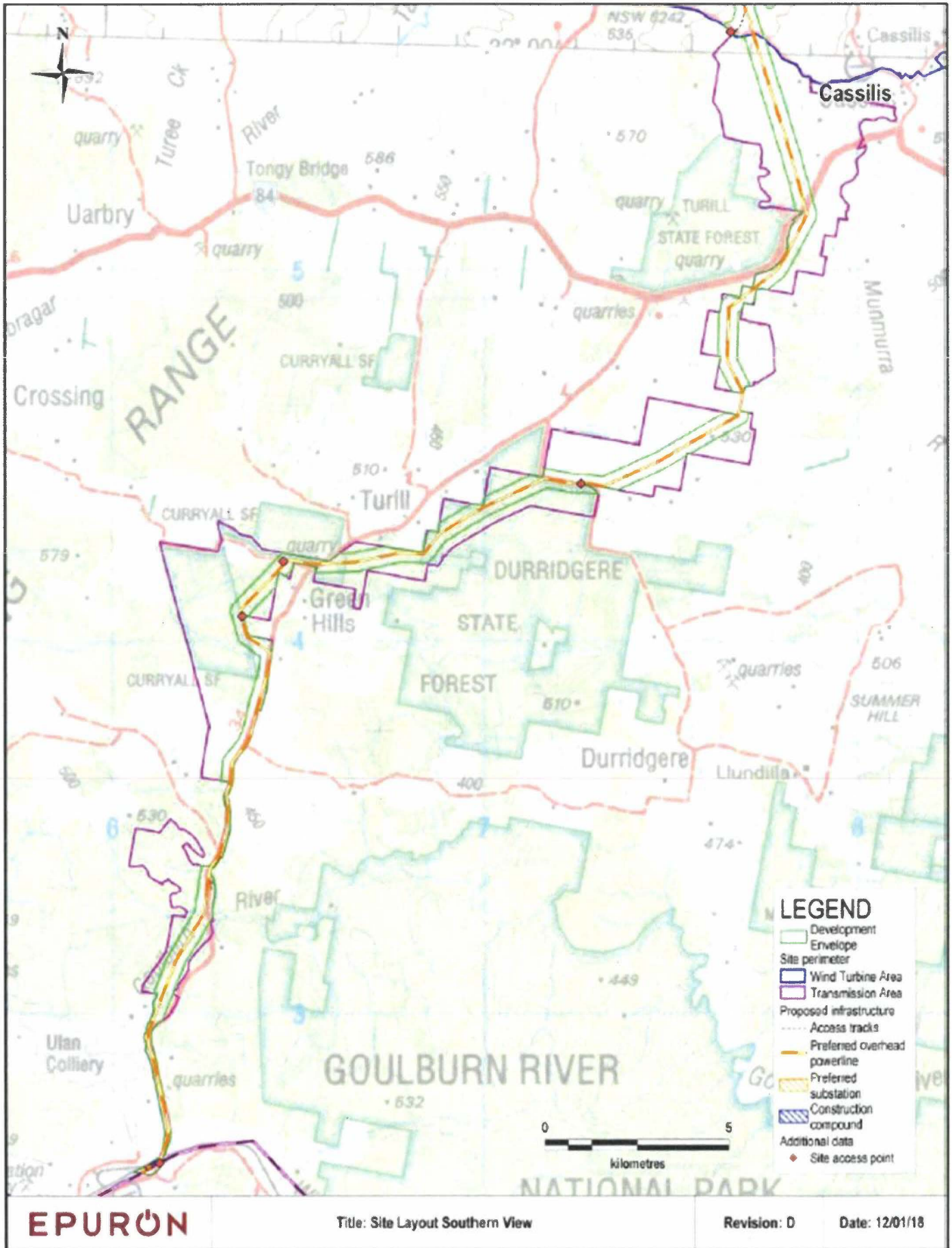


Figure 2: Site Layout (South)