

Goyder South Hybrid Renewable Energy Facility - Wind Farm 1B, 5km south Burra
EPBC Act Approval (2021/8957) Annual Compliance Report: 15 August 2022 - 14 August 2023

2 November 2023

Version 2 - Final

Prepared by EBS Ecology for NEOEN Australia Pty Ltd

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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 decision.

Signed: 

Full name: Louis de Sambucy

Position: Managing Director

Organisation: Neoen Australia Pty Ltd

Date: 08/11/2023

GLOSSARY AND ABBREVIATION OF TERMS

BAMP	Bird Adaptive Management Plan
CEMP	Construction Environmental Management Plan
ha	hectare(s)
km	kilometre(s)
m	metre(s)
MW	Megawatts
MWh	Megawatt hours
NEOEN	NEOEN Australia Pty Ltd
OMP	Offset Management Plan
OTL	Overhead Transmission Line
PBTL	Pygmy Blue-tongue Lizard (<i>Tiliqua adelaidensis</i>)
PBTL OMP	Pygmy Blue-tongue Lizard Offset Management Plan
PBTL Research Plan	Pygmy Blue-tongue Lizard Scientific Monitoring and Research Plan
PCC	Pre-clearance Check
SA	South Australia
TEC	Threatened Ecological Community
WTG	wind turbine generator

DEFINITIONS ASSOCIATED WITH EPBC 2021/8957

Business day	means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
CEMP	means the Construction Environmental Management Plan required under and currently approved in accordance with the requirements of condition 9 of the SA development approval .
Clear / Clearing	means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation.
Commencement of the action / Commence the action	means the first instance of any specified activity associated with the action including clearing and construction . Commencement of the action/Commence the action does not include minor physical disturbance necessary to: <ul style="list-style-type: none">i. undertake pre-clearance surveys or monitoring programs;ii. install signage and /or temporary fencing to prevent unapproved use of the project area;iii. protect environmental and property assets from fire, weeds and pests, including installation of temporary fencing, and use of existing surface access tracks;iv. install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on the protected matters; orv. undertaking geotechnical investigations if it causes only minor physical disturbance and is required well in advance of most site works to inform design.
Commission / Commissioning	means all activities, including turning of turbines, after the components of the first complete wind turbine are installed. The date on which commission/commissioning commences is the first date on which the blades of the first completed wind turbine start rotating.
Completion data	means an environmental report and spatial data clearly detailing how the conditions of this approval have been met. The Department's preferred spatial data format is shapefile .
Completion of the action	means the date on which all specified activities associated with the action have permanently ceased.
Compliance records	means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.
Compliance report(s)	means written reports: <ul style="list-style-type: none">i. providing accurate and complete details of compliance, incidents, and non-compliance with the conditions and the plans;ii. consistent with the <i>Annual Compliance Report Guidelines</i>, Commonwealth of Australia 2014;iii. include a shapefile of any clearance of any protected matters, or their habitat, undertaken within the relevant 12 month period;iv. annexing a schedule of all plans prepared and in existence in relation to the conditions during the relevant 12 month period; and

- v. advising of the identity and current contact details of all persons authorised to act for the approval holder in relation to this approval.

Construct / Construction	means the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of temporary fences and signage.
Department	means the Australian Government agency responsible for administering the EPBC Act .
Environmental Management Plan Guidelines	means the <i>Environmental Management Plan Guidelines</i> , Commonwealth of Australia 2014.
Environmental Offsets Policy	means the <i>Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy</i> , Commonwealth of Australia 2012, or any subsequent official revision produced by the Department .
EPBC Act	means the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).
Goyder South Hybrid Renewable Energy Facility	is a renewable energy development located between Burra and Robertstown in the Mid North of South Australia. The Goyder South Hybrid Renewable Energy Facility includes, in addition to the action subject of this approval, the proposed actions described in the EPBC Act referrals EPBC 2021/8958, EPBC 2021/8959 and EPBC 2021/8960.
Guide to providing maps and boundary data for EPBC Act projects	means the <i>Guide to providing maps and boundary data for EPBC Act projects</i> , Commonwealth of Australia 2021.
Guidelines for Biological Survey and Mapped Data	means the <i>Guidelines for Biological Survey and Mapped Data</i> , Commonwealth of Australia 2018.
Impact (verb)	means any event which has the potential to, or does, impact on one or more protected matter .
Incident	means any event which has the potential to, or does, impact on one or more protected matter .
Independent audit	means an audit conducted by an independent and suitably qualified person as detailed in the <i>Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines</i> , Commonwealth of Australia 2019.
Iron-grass Natural Temperate Grassland of South Australia TEC	means the EPBC Act listed threatened ecological community (TEC) <i>Iron-grass Natural Temperate Grassland of South Australia</i> .
Legal securing mechanism	means the legal agreement and/or legally binding mechanism under relevant South Australia state legislation, or equivalent, adopted to provide enduring protection for the offsets against development incompatible with conservation.

Listed bird species	means all bird species listed under the EPBC Act as a listed threatened species or as a listed migratory species.
Minister	means the Australian Government Minister administering the EPBC Act including any delegate thereof.
Monitoring data	means the data required to be recorded under the conditions of this approval.
New or increased impact	means a new or increased environmental impact or risk relating to any protected matter , when compared to the likely impact of implementing the action management plan that has been approved by the Minister under conditions 3, including any subsequent revisions approved by the Minister , as outlined in the <i>Guidance on 'new or increased impact' relating to changes to approved management plans under EPBC Act environmental approvals</i> , Commonwealth of Australia 2017.
Operation	means all activities that occur after the components of the final wind turbine generator are installed.
PBTL Management Plan	means the <i>Goyder South Hybrid Renewable Energy Facility PBTL Management Plan</i> prepared by EBS Ecology for NEOEN Australia Pty Ltd (version 3 of 28 June 2022 or subsequent versions thereof).
PBTL Research Plan	means the Pygmy Blue-tongue Lizard Scientific Monitoring and Research Plan, required under condition 9 of EPBC Act approval 2021/8958, and aimed at monitoring and better understanding the potential long-term impacts to the Pygmy Blue-tongue Lizard resulting from wind turbine noise, vibration and shadow flickering.
Peppermint Box (<i>Eucalyptus odorata</i>) Grassy Woodland of South Australia	means the EPBC Act listed threatened ecological community Peppermint Box (<i>Eucalyptus odorata</i>) Grassy Woodland of South Australia, whose distribution within and near the project area is mapped in <u>Attachment D</u> (attached to the EPBC approval).
Plan(s)	means any of the documents required to be prepared, approved by the Minister , implemented by the approval holder and published on the website in accordance with these conditions (includes action management plans and/or strategies).
Project area	means the location of the action, represented by the area shown enclosed by the turquoise line labelled 'Wind Farm 1B' on the maps at <u>Attachments A-D</u> (attached to the EPBC approval).
Protected matter(s)	means a matter protected under a controlling provision in Part 3 of the EPBC Act for which this approval has effect.
Pygmy Blue-tongue Lizard (PBTL)	means the EPBC Act listed threatened species <i>Tiliqua adelaidensis</i> .
Pygmy Blue-tongue Lizard habitat	means remnant native grassland or grassy woodland with a sparse overstorey of trees, represented in the map at <u>Attachment C</u> by the areas shown enclosed by the green line labelled as 'Pygmy Blue-tongue Lizard habitat' (attached to the EPBC approval).

SA development approval	means the approved development application number 422/V009/20 R1 (or subsequent approved revisions thereof) granted under section 131 (19) of the <i>Planning, Development and Infrastructure Act 2016</i> (SA) for the Goyder South Hybrid Renewable Energy Facility .
Secure / secured / securing	means to execute a legal agreement and/or legally binding mechanism under relevant South Australia state legislation, or equivalent, to provide enduring protection for the offsets against development incompatible with conservation.
Sensitive ecological data	means data as defined in the <i>Sensitive Ecological Data – Access and Management Policy V1.0</i> , Commonwealth of Australia 2013.
Shapefile	means location and attribute information of the action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.
Significant impacts	are impacts which are important, notable, or of consequence, having regard to their context or intensity, and assessed within the framework of the <i>Matters of National Environmental Significance – Significant Impact Guidelines 1.1</i> , Commonwealth of Australia 2013.
Suitably qualified bird expert	means a person who has relevant professional qualifications and at least 3 years of work experience designing and implementing plans for the conservation management of birds, who can identify bird species, and who can give an authoritative assessment and advice practices to avoid and mitigate impacts on birds using relevant protocols, standards, methods and/or literature. If the person does not have appropriate professional qualifications, the person must have at least 10 years of work experience identifying bird species, and designing and implementing plans for the conservation management of birds.
Suitably qualified person	means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.
Website	means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

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1 INTRODUCTION

Goyder Wind Farm 1B Pty Ltd received approval in accordance with the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for the Goyder South Hybrid Renewable Energy Facility – Wind Farm 1B, 5km south Burra (Stage 1B) on 13 July 2022 (EPBC 2021/8957). NEOEN Australia Pty Ltd (NEOEN) is contracted by Goyder Wind Farm 1B Pty Ltd to ensure compliance with the approval, which is subject to specific conditions of approval (refer to Appendix 1 for the approval documentation). In particular, Condition 15 refers to annual compliance reporting, as follows:

15. *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:*
- a. publish each **compliance report** on the **website** within 60 **business days** following the relevant 12 month period;*
 - 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 5 **business days** of the date of publication;*
 - c. keep all **compliance reports** publicly available on the **website** until this approval expires;*
 - d. exclude or redact **sensitive ecological data** from **compliance reports** published on the **website**; and*
 - e. where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **Department** within 5 **business days** of publication.*

Note: Compliance reports may be published on the **Department's** website.

As such this document has been prepared to provide an annual compliance report for Stage 1B of the Goyder South Hybrid Renewable Energy Facility (EPBC 2021/8957), which commenced on 15 August 2022. This is the first annual compliance report for Stage 1B and applies to the first 12 months of the Project, from 15 August 2022 to 14 August 2023. During this timeframe, construction works have commenced and continued on site.

A summary of the approved action and compliance report details is provided in Table 1 on the following page.

Table 1. Summary of approved action and compliance report details.

EPBC Number	2021/8957
Project name	Goyder South Hybrid Renewable Energy Facility – Wind Farm 1B, 5km south Burra SA (referred to as Stage 1B)
Approval holder	Goyder Wind Farm 1B Pty Ltd
Approval holder ACN / ABN	649 965 944
The approved action	To construct and operate up to 37 wind turbine generators and associated infrastructure as part of the Goyder South Hybrid Renewable Energy Facility, approximately 5 km south of Burra, South Australia.
Location of the Project	Approximately 5 km south of Burra, South Australia (refer to Figure 1).
Person accepting responsibility for the report	Mr. Louis de Sambucy
Date of commencement of the action	15 August 2022
Annual compliance report reporting period	15 August 2022 to 14 August 2023 (inclusive)
Date of preparation of this annual compliance report	2 November 2023

1.1 Project background

NEOEN is developing the Goyder South Hybrid Renewable Energy Facility (the Goyder South Project; the Project) between Burra and Robertstown in the Mid North of South Australia (SA). The Project combines wind, solar and energy storage in one integrated project and will be capable of delivering a steady, reliable, dispatchable output of power throughout the day and night. The Goyder South Project will generate more than 4,800,000 Megawatt hours (MWh) of power annually and is comprised of:

- A wind farm of up to 163 turbines with a capacity of up to 1200 Megawatts (MW), a maximum hub height of 121 metres (m), a maximum blade length of 78 m and an overall maximum height (tip height) of 199 m;
- A solar farm (across two sites) of up to 3000 hectares (ha) of solar panels with a capacity of up to 600 MW;
- An energy storage facility (lithium-ion battery) with a capacity of up to 900 MW / 1,800 MWh (2 hours);
- Associated infrastructure for connection to the electricity grid including three substations, access tracks, underground connection cabling and overhead transmission lines (OTLs);
- Permanent operations and maintenance compounds;
- Temporary construction compounds for both wind and solar components, including concrete batching plants; and
- A number of meteorological masts (in addition to those already on the site) to record wind speed and other meteorological data, both pre- and post- construction.

As the Goyder South Project will total up to \$3 billion in investment, NEOEN propose to implement the Project in stages, with each stage having its own legal entity, construction contracts and financing packages. An overview of each stage currently proposed for development, along with the corresponding EPBC approvals sought and obtained is outlined in Table 2.

Table 2. Current proposed stages and corresponding EPBC approvals for the Goyder South Project.

Project Stage / Proposed Action	Legal Entity	EPBC Referral Reference	EPBC Referral Decision	Date EPBC Approval Received
Stage 1A (38 WTGs and associated infrastructure)	Goyder Wind Farm 1A Pty Ltd	2021/8958	Controlled Action	5/07/2022
Stage 1B (37 WTGs and associated infrastructure)	Goyder Wind Farm 1B Pty Ltd	2021/8957	Controlled Action	13/07/2022
Common Asset (OTL and Substation)	Goyder Wind Farm Common Asset Pty Ltd	2021/8959	Controlled Action	28/07/2022
			Variation of conditions attached to approval	Variation received 19/12/2022
Battery	NEOEN Australia Pty Ltd	2021/8960	Not a Controlled Action	Not required

Each of the currently proposed stages of the Project are shown in Figure 1. Other components of the Goyder South Project, including the remaining wind farm areas, the two solar farms, overhead transmission lines and substations are potential future stages.

As stated previously, this annual compliance report is for Stage 1B of the Goyder South Project.

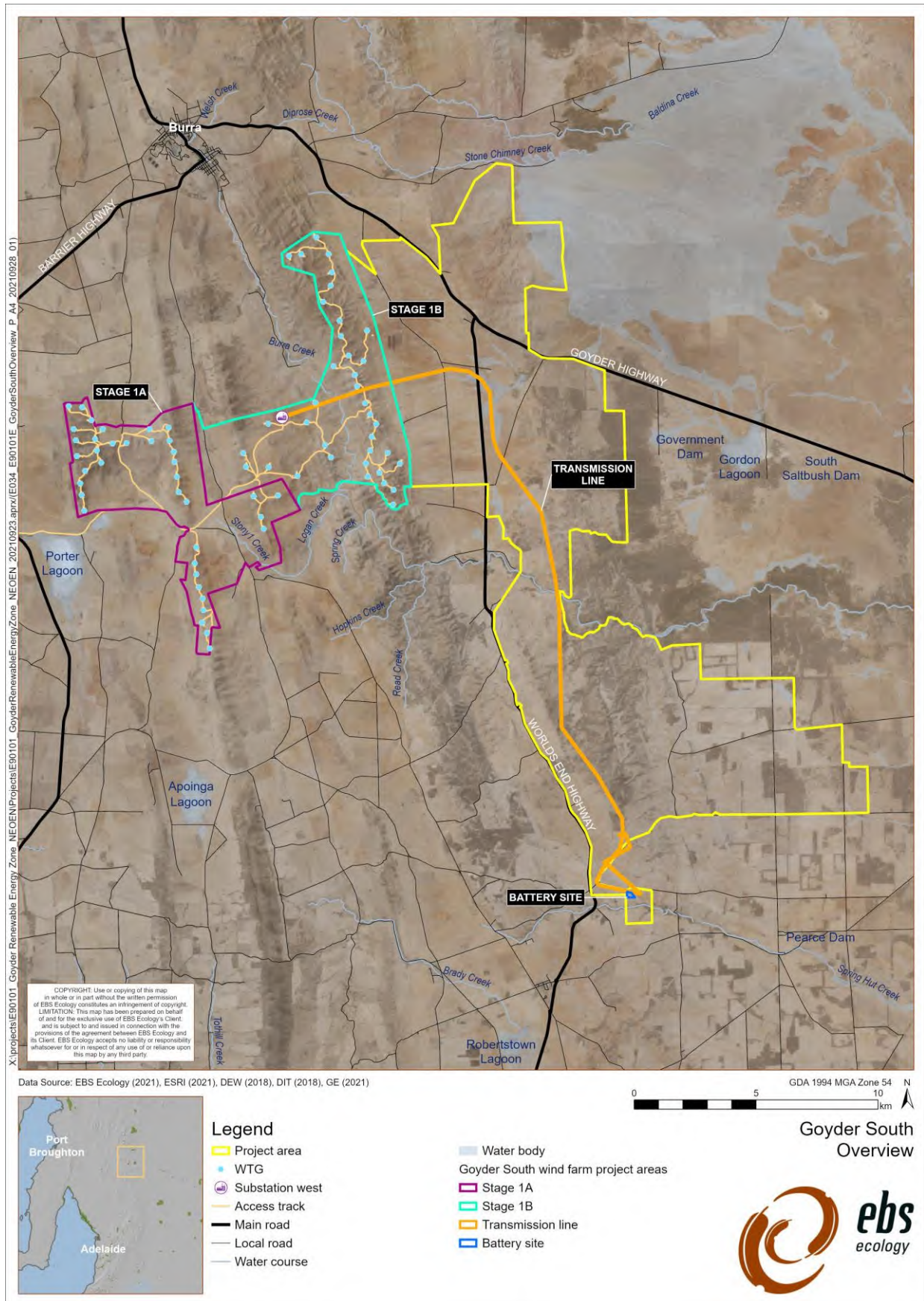


Figure 1. Current proposed stages of the Goyder South Project.

2 COMPLIANCE WITH CONDITIONS OF APPROVAL

Compliance with the conditions associated with the Stage 1B EPBC approval (EPBC 2021/8957) is presented in Table 3 on the following pages.

Compliance has been achieved for all conditions of approval applicable to the timeframe of this annual compliance report (15 August 2022 to 14 August 2023), while several conditions of approval are not applicable to this annual compliance report.

Table 3. Conditions of approval associated with the Stage 1B EPBC approval (2021/8957).

Condition of approval	Is the project compliant with this condition?	Evidence / Commentary
Part A – Conditions specific to the action		
Construction/clearance limits		
1. To minimise impacts to protected matters, the approval holder must not:		
a. construct more than 37 wind turbine generators within the project area;	Compliant	The approval holder is constructing 37 wind turbine generators (WTGs) within the Stage 1B project area. Refer to Appendix 2 for a map showing the Stage 1B project area and WTGs being constructed.
b. clear outside the project area;	Compliant	The approval holder has not cleared outside the Stage 1B project area, except for clearance within the Stage 1A and Common Asset project areas , which the approval holder has separate EPBC Act approvals for (EPBC 2021/8958 and 2021/8959).
c. clear more than 2.61 ha of Pygmy Blue-tongue Lizard habitat within the project area; and	Compliant	The approval holder has not cleared more than 2.61 ha of Pygmy Blue-tongue Lizard habitat within the Stage 1B project area. 0.72 ha of Pygmy Blue-tongue Lizard habitat was cleared within the project area in the timeframe applicable to this annual compliance report (15 August 2022 to 14 August 2023). Refer to Figure 20 in Appendix 2 for mapping.
d. clear any areas of the Peppermint Box (<i>Eucalyptus odorata</i>) Grassy Woodland of South Australia threatened ecological community within the project area.	Compliant	The approval holder has not cleared any areas of Peppermint Box (<i>Eucalyptus odorata</i>) Grassy Woodland of South Australia threatened ecological community within the project area. While some Peppermint Box (<i>Eucalyptus odorata</i>) Grassy Woodland has been cleared to construct project infrastructure, the vegetation did not qualify as the Peppermint Box (<i>Eucalyptus odorata</i>) Grassy Woodland of South Australia threatened ecological community. Refer to Appendix 3 for an assessment report. Refer to Appendix 2 for mapping showing the Stage 1B project area and the Peppermint Box (<i>Eucalyptus odorata</i>) Grassy Woodland (which did not qualify as the threatened ecological community) within the project area.
Environmental Management Plans		
2. To minimise impacts to protected matters during the construction and operation, the approval holder must implement the CEMP.	Compliant	The approval holder has implemented the Construction Environmental Management Plan (CEMP) required under condition 9 of the SA development approval , since the action commenced on 15 August 2022. The approval holder intends to continue to implement the CEMP for the duration of construction.

Condition of approval	Is the project compliant with this condition?	Evidence / Commentary
<p>3. For the protection of the Pygmy Blue-tongue Lizard, the approval holder must implement the PBTL Management Plan for the duration of this approval.</p>	<p>Compliant</p>	<p>The approval holder has implemented the PBTL Management Plan since the action commenced on 15 August 2022 and intends to continue to implement it for the duration of the EPBC approval.</p>
<p>4. The approval holder must submit to the Department for the Minister's approval a Bird Adaptive Management Plan (BAMP) within 12 months of the date of this approval. The environmental objectives of the BAMP are to effectively monitor for any impacts to listed bird species during the operation of the wind farm from (but not limited to) wind turbine strikes and, if any impacts are detected, to implement the technology, measures and procedures necessary to ensure that the impacts are accurately measured, reported and remain insignificant.</p> <p>The BAMP must:</p> <ol style="list-style-type: none"> be consistent with the Environmental Management Plan Guidelines; specify relevant protected matters, and reference to the EPBC Act approval conditions to which the BAMP refers; include a table of commitments to achieve the BAMP's environmental objectives and a reference to where the commitments are detailed in the BAMP; include an assessment of risks to achieving the BAMP's environmental objectives and risk management strategies that will be applied; include a post-commissioning long-term wind turbine generator collision monitoring program to detect and manage potential impacts to listed bird species as a result of collision, which must: <ol style="list-style-type: none"> contain details of the nature, timing and frequency of monitoring to inform 	<p>Compliant</p>	<p>The approval holder submitted a Bird Adaptive Management Plan (BAMP) to the Department for the Minister's approval on 5 July 2023, within 12 months of the date of the EPBC approval (13 July 2022) (refer to Appendix 4 for submission email).</p> <p>The BAMP was specifically prepared to satisfy the requirements of this condition of approval.</p> <p>The approval holder received feedback from the Department on the BAMP on 4 August 2023.</p> <p>The BAMP has been revised and resubmitted to the Department for the Minister's approval (with resubmission occurring after the timeframe applicable to this annual compliance report of 15 August 2022 to 14 August 2023).</p> <p>The approval holder expects to finalise the BAMP and receive Minister's approval within the timeframe of the second annual compliance report.</p> <p>The approval holder has not yet commissioned the Project.</p> <p>The approval holder intends to commence implementing the approved BAMP before commissioning and continue implementing the approved BAMP until the completion of the action.</p>

Condition of approval	Is the project compliant with this condition?	Evidence / Commentary
<p>progress against achieving the environmental outcomes and be sufficient to determine whether the BAMP is likely to achieve those environmental outcomes in adequate time to implement all necessary corrective actions;</p> <ul style="list-style-type: none"> ii. include the findings of exhaustive pre-commissioning scavenger activity and searcher efficiency trials; iii. demonstrate how site-specific and species-specific risks and uncertainties (for example, findings of the pre-commissioning scavenger activity and searcher efficiency trials) have informed the design of the monitoring program; and iv. contain commitments to DNA test carcasses that cannot be otherwise identified by a suitably qualified bird expert, to undertake further periodic carcass persistence and searcher efficiency trials to check if assumptions need revision, to maximise turbine collision detection in a timely manner, and to maximise carcass detection in a timely manner. <p>f) include reporting commitments and timeframes for the provision of site-specific and species-specific information, which must:</p> <ul style="list-style-type: none"> i. contain annual turbine strike reports comprising raw data and strike notifications, survey methodologies, results of detection/persistence trials, environmental/meteorological conditions, and associated statistical analysis; and ii. contain estimation of annual mortality rate for each listed bird species comprising supporting evidence from case studies of listed bird species carcass size classes, results of persistence trials and searcher 		

Condition of approval	Is the project compliant with this condition?	Evidence / Commentary
<p>efficiency trials, annual probability of detection and monthly strike monitoring, and collision monitoring protocol and survey effort; and</p> <p>iii. contain species occurrence records prepared in accordance with the Guidelines for Biological Survey and Mapped Data.</p> <p>g) include an adaptive management framework designed to:</p> <p>i. ensure that no significant impacts to listed bird species are likely to occur as a result of the action;</p> <p>ii. clearly demonstrate the linkages between environmental outcomes, implementation and management measures, monitoring, reporting and investigations, and implementation of corrective actions to ensure the environmental outcomes will be achieved;</p> <p>iii. incorporate site-specific data collected through ongoing monitoring activities, and to take into account changes to turbine risk ratings;</p> <p>iv. propose corrective actions if triggers are reached, such as bird and insect deterrents, low wind speed curtailments, wind turbine generator temporary or permanent shutdown, and/or permanent decommissioning of specific wind turbine generators; and</p> <p>h) commit that, if significant impacts to listed bird species occur, or are likely to have occurred, as a result of the action, the approval holder will, within 3 months of becoming aware of any actual or likely significant impact, submit to the Department for the approval of the Minister a revised BAMP responding to, and accompanied by, an evaluation report prepared by a suitably qualified bird expert of</p>		

Condition of approval	Is the project compliant with this condition?	Evidence / Commentary
<p>the effectiveness of the BAMP in preventing significant impacts to listed bird species.</p> <p>The approval holder must not commission unless the BAMP has been approved by the Minister in writing. The approval holder must commence implementing the approved BAMP before commissioning and continue implementing the approved BAMP until the completion of the action.</p>		
<p>Environmental offsets</p>		
<p><i>Offset Management Plan</i></p> <p>5. To compensate for residual significant impacts to the Pygmy Blue-tongue lizard, the approval holder must submit to the Department for the Minister's approval an Offset Management Plan (OMP) within 6 months of the date of this approval.</p> <p>The OMP must:</p> <ol style="list-style-type: none"> be consistent with the Environmental Management Plan Guidelines; include a reference to the EPBC Act approval conditions to which the OMP refers; include summary information on the residual significant impacts to the Pygmy Blue-tongue Lizard that will be compensated for by the offset(s); identify a suitable environmental offset(s) to compensate for residual significant impacts to the Pygmy Blue-tongue lizard which meets the requirements of the Environmental Offsets Policy to the satisfaction of the Minister; include the size of the proposed offset(s) in hectares, maps that visually describe the location and the accurate boundaries of the offset(s), in accordance with the Guide to providing maps and boundary data for EPBC 	<p>Compliant</p>	<p>The approval holder submitted a Pygmy Blue-tongue Lizard Offset Management Plan (PBTL OMP) to the Department on 5 January 2023, within 6 months of the date of the approval (13 July 2022) (refer to Appendix 5 for submission email).</p> <p>The PBTL OMP was specifically prepared to satisfy the requirements of this condition of approval.</p> <p>A revised version of the PBTL OMP was submitted to the Department on 12 June 2023.</p> <p>The approval holder received comments from the Department on the revised version of the PBTL on 5 September 2023, which is after the timeframe applicable to this compliance report (15 August 2022 to 14 August 2023).</p> <p>The PBTL OMP has been revised and re-submitted to the Department for the Minister's approval (after the timeframe applicable to this compliance report).</p> <p>The approval holder expects to receive Minister's approval of the PBTL OMP within the timeframe of the second annual compliance report.</p> <p>The approval holder has not yet commenced commissioning of the Project.</p> <p>The approval holder intends to implement the approved PBTL OMP for the periods specified in the approved PBTL OMP.</p>

Condition of approval	Is the project compliant with this condition?	Evidence / Commentary
<p>Act projects, and detailed baseline habitat quality information on the proposed offset(s);</p> <p>f. specify the nature and timing of the proposed legal mechanism to secure the offset area(s), with proposed contingency measures for if the specified legal mechanism is not established within the specified timeframe;</p> <p>g. commit to measurable and achievable ecological benefits and provide timeframes for their achievement;</p> <p>h. detail how the offset(s) will be protected, and how ecological benefits will be maintained once achieved;</p> <p>i. detail a monitoring program which will determine progress towards achievement and maintenance of the ecological benefits of the proposed offset(s), which must include:</p> <ul style="list-style-type: none"> i. measurable performance indicators to monitor the progress of the offset towards the achievement of the ecological benefits; ii. trigger values for corrective actions; and iii. the timing and frequency of monitoring to detect trigger values and changes in the performance indicators. <p>j. include an assessment of risks to achieving the ecological benefit(s) and what risk management strategies will be applied to address these;</p> <p>k. specify how and at what frequency offset(s) management results, monitoring program findings and assessments of ecological benefits will be reported to the Department and the public;</p> <p>l. propose corrective actions if trigger values are reached, or if performance indicators are not attained, to ensure ecological benefits are achieved and maintained once achieved;</p> <p>m. include links to referenced plans and applicable conditions of approval (including State approval conditions), if any; and</p>		

Condition of approval	Is the project compliant with this condition?	Evidence / Commentary
<p>n. justify and specify the period for which the OMP will be implemented.</p> <p>The approval holder must not commence commissioning until the OMP has been approved by the Minister in writing. The approval holder must implement the approved OMP for the period specified in the approved OMP.</p>		
<p>6. If the OMP (required under Condition 5) has not been approved by the Minister in writing within 18 months of the date of this approval, and the Minister notifies the approval holder that the submitted OMP is not suitable for approval, the Minister may, at least 2 months after so notifying the approval holder, approve a version of the OMP revised by the Department.</p>	Not applicable	<p>This document is the first annual compliance report for Stage 1B and covers the first 12 month period following the date of commencement of the action, from 15 August 2022 to 14 August 2023. While the OMP (required under Condition 5) has not yet been approved by the Minister, 18 months since the date of EPBC approval (13 July 2022) has not yet lapsed. As such, this Condition is not applicable to this annual compliance report (15 August 2022 to 14 August 2023).</p>
<p>7. The approval holder must provide written evidence to the Department that the offset site(s) required under the approved OMP has/have been acquired and secured within 12 months of the OMP approval date. The approval holder must provide written evidence to the Department identifying the legal securing mechanism by which each offset site will be permanently protected for conservation within 10 business days of securing the offset.</p> <p>Note: The approval holder may choose to combine the OMPs required as conditions of approval for other proposed elements of the Goyder South Hybrid Renewable Energy Facility. In this case, the approval holder must clearly demonstrate how the offset requirement(s) for each individual proposed element is being met and identify unique offset area(s) for each approved action geospatially.</p>	Not applicable	<p>This Condition is not applicable to this annual compliance report (15 August 2022 to 14 August 2023) as the OMP has not yet been approved by the Minister.</p>
<p>8. The approval holder must make a financial contribution to fund the undertaking of the PBTL Research Plan for the purpose of providing an offset for impacts of this action on the Pygmy</p>	Not applicable	<p>The approval holder has not yet made a financial contribution to fund the undertaking of the PBTL Research Plan, as the PBTL Research Plan has not yet been approved by the Minister. As such this Condition of approval is not yet applicable.</p>

Condition of approval	Is the project compliant with this condition?	Evidence / Commentary
<p>Blue-tongue Lizard. The approval holder's financial contribution must represent approximately 13% of the total cost of undertaking all aspects of the PBTL Research Plan. The approval holder must provide documentary evidence to the Department showing all financial contributions to the undertaking of the PBTL Research Plan in each compliance report and in a report of the financing and expenditure of the PBTL Research Plan which must be submitted to the Department within 30 business days of completing the PBTL Research Plan and in any case at least 60 business days prior to the expiry of this approval.</p>		<p>The PBTL Research Plan is expected to be approved by the Minister within the timeframe of the second annual compliance report (i.e., 15 August 2023 to 14 August 2024).</p> <p>The approval holder intends to make a financial contribution to fund the undertaking of the PBTL Research Plan for the purpose of providing an offset for impacts of this action on the PBTL. However, as implementation of the PBTL Research Plan has not yet commenced, this Condition of approval is not yet applicable.</p> <p>The approval holder intends to provide documentary evidence to the Department showing all financial contributions to the undertaking of the PBTL Research Plan in each future compliance report (once implementation of the PBTL Research Plan has commenced).</p>
<p>Part B – Standard administrative conditions</p>		
<p>Notification of date of commencement of the action</p>		
<p>9. The approval holder must notify the Department in writing of the date of commencement of the action and the date of commissioning within 10 business days after the date of commencement of the action and after the date of commissioning.</p>	<p>Compliant</p>	<p>NEOEN (on behalf of the approval holder) notified the Department in writing on 1 August 2022 of the date of commencement of the action, prior to the date of commencement of the action (15 August 2022). Refer to Appendix 6 for correspondence regarding commencement of the action.</p> <p>Commissioning did not commence within the timeframe applicable to this annual compliance report (15 August 2022 to 14 August 2023).</p>
<p>10. 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.</p>	<p>Compliant</p>	<p>Commencement of the action occurred on 15 August 2022, which is within 5 years from the date of the approval (13 July 2022).</p>
<p>Compliance records</p>		
<p>11. The approval holder must maintain accurate and complete compliance records.</p>	<p>Compliant</p>	<p>The approval holder is maintaining accurate and complete compliance records.</p>

Condition of approval	Is the project compliant with this condition?	Evidence / Commentary
<p>12. If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request.</p> <p>Note: Compliance records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the Department's website or through the general media.</p>	Compliant	The Department did not make a request in writing for electronic copies of compliance records within the timeframe applicable to this annual compliance report (15 August 2022 to 14 August 2023).
Submission and publication of plans		
<p>13. The approval holder must:</p> <ol style="list-style-type: none"> a. submit plans electronically to the Department for approval by the Minister; b. unless otherwise agreed to in writing by the Minister, publish each plan on the website within 20 business days of the date: <ol style="list-style-type: none"> i. of this approval decision if the version of the plan to be implemented is specified in these conditions; or ii. the plan is approved by the Minister if these conditions require that the plan be approved by the Minister; or iii. the plan is approved by a responsible State minister of State authority if the plan is required as part of the SA development approval; iv. a revised action management plan is submitted to the Minister or the Department if the plan is submitted in accordance with condition 23; c. exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and d. keep plans published on the website until the end date of this approval. 	Compliant	<p>The Construction Environmental Management Plan (CEMP) and PBTL Management Plan were provided to the Department as part of the Preliminary Documentation during the EPBC referral assessment process.</p> <p>The CEMP is available on the Project's website at: https://goyderenergy.com.au/wp-content/uploads/2023/01/GSWF-ELECNOR-EHS-PLN-0005-Rev-13-Construction-Environmental-Management-Plan.pdf</p> <p>The PBTL Management Plan is available on the Project's website at: https://goyderenergy.com.au/wp-content/uploads/2023/01/PBTL_Man_Plan_Final_20220628.pdf</p> <p>The PBTL OMP has not yet been approved by the Minister. This plan will be uploaded to the Project's website within 20 business days of being approved by the Minister.</p> <p>The approval holder intends to keep these plans published on the Project's website until the end date of the EPBC approval.</p>

Condition of approval	Is the project compliant with this condition?	Evidence / Commentary
14. The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under a plan is prepared in accordance with the Guidelines for biological survey and mapped data , and submitted electronically to the Department in accordance with the requirements of the plan .	Not applicable	<p>This document is the first annual compliance report for Stage 1B and covers the first 12 month period following the date of commencement of the action, from 15 August 2022 to 14 August 2023. The PBTL OMP was not approved by the Minister prior to the end of timeframe applicable to this annual compliance report.</p> <p>The approval holder will ensure that monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under a plan (such as the PBTL OMP) is prepared in accordance with the <i>Guidelines for biological survey and mapped data</i>, Commonwealth of Australia (2018), and submitted electronically to the Department in accordance with the requirements of the plans.</p>
Annual compliance reporting		
15. 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:	Compliant	<p>The action commenced on 15 August 2022.</p> <p>This document is the first annual compliance report for Stage 1B and covers the first 12 month period following the date of commencement of the action, from 15 August 2022 to 14 August 2023.</p>
a. publish each compliance report on the website within 60 business days following the relevant 12 month period;	Compliant	<p>This annual compliance report will be published on the Project's website within 60 business days following the first 12 month period, which equates to 8 November 2023.</p> <p>This annual compliance report will be available at the following website page: https://goydereenergy.com.au/documents/</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 5 business days of the date of publication;	Compliant	<p>NEOEN will notify the Department by email that this compliance report has been published on the Project's website and provide the weblink for the compliance report within 5 business days of the date of publication (which equates to ~15 November 2023).</p>
c. keep all compliance reports publicly available on the website until this approval expires;	Compliant	<p>NEOEN will keep all compliance reports publicly available on the Project's website until the EPBC Act approval expires, which is 31 December 2057.</p>
d. exclude or redact sensitive ecological data from compliance reports published on the website ; and	Compliant	<p>Sensitive ecological data will be excluded or redacted from compliance reports published on the Project's website.</p>
e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the	Compliant	<p>The full compliance report containing sensitive ecological data will be submitted to the Department within 5 business days of publication (which equates to ~15 November 2023).</p>

Condition of approval	Is the project compliant with this condition?	Evidence / Commentary
<p>Department within 5 business days of publication.</p>		
<p>Note: Compliance reports may be published on the Department's website.</p>		Noted.
<p>Reporting non-compliance</p>		
<p>16. 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 2 business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <ul style="list-style-type: none"> a. any condition which is or may be in breach; b. a short description of the incident and/or non-compliance; and 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. 	Compliant	No incident , non-compliance with the conditions, or non-compliance with the commitments made in plans has occurred within Stage 1B in the timeframe applicable to this compliance report (15 August 2022 to 14 August 2023).
<p>17. The approval holder must provide to the Department the details of any incident or non-compliance with the 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> <ul style="list-style-type: none"> a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; b. the potential impacts of the incident or non-compliance; and c. the method and timing of any remedial action that will be undertaken by the approval holder. 	Compliant	No incident , non-compliance with the conditions, or non-compliance with the commitments made in plans has occurred within Stage 1B in the timeframe applicable to this compliance report (15 August 2022 to 14 August 2023).

Condition of approval	Is the project compliant with this condition?	Evidence / Commentary
Independent audit		
18. The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister .	Not applicable	No independent audit of compliance with the conditions has been requested in writing by the Minister .
19. For each independent audit , the approval holder must: <ul style="list-style-type: none"> a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and c. submit an audit report to the Department within the timeframe specified in the approved audit criteria. 	Not applicable	Not applicable for this annual compliance report .
20. The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval.	Not applicable	Not applicable for this annual compliance report .
Revision of action management plans		
21. The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act . If the Minister approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.	Not applicable	This document is the first annual compliance report for Stage 1B and covers the first 12 month period following the date of commencement of the action, from 15 August 2022 to 14 August 2023. The approval holder did not apply to the Minister for a variation to an action management plan approved by the Minister , within the first 12 month period following the date of the commencement of the action (15 August 2022 to 14 August 2023), so this condition of approval is not applicable.

Condition of approval	Is the project compliant with this condition?	Evidence / Commentary
<p>22. The approval holder may choose to revise an action management plan approved by the Minister under conditions 3, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the RAMP would not be likely to have a new or increased impact.</p>	<p>Not applicable</p>	<p>This document is the first annual compliance report for Stage 1B and covers the first 12 month period following the date of commencement of the action, from 15 August 2022 to 14 August 2023. The approval holder did not revise an action management plan approved by the Minister, within the first 12 month period following the date of the commencement of the action (15 August 2022 to 14 August 2023), so this condition of approval is not applicable.</p>
<p>23. If the approval holder makes the choice under condition 22 to revise an action management plan without submitting it for approval, the approval holder must:</p> <ol style="list-style-type: none"> a. notify the Department in writing that the approved action management plan has been revised and provide the Department with: <ol style="list-style-type: none"> i. an electronic copy of the RAMP; ii. an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP; iii. an explanation of the differences between the approved action management plan and the RAMP; iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a new or increased impact; and v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 business days after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the Department. 	<p>Not applicable</p>	<p>Not applicable for this annual compliance report.</p>

Condition of approval	Is the project compliant with this condition?	Evidence / Commentary
<p>b. subject to condition 25, implement the RAMP from the RAMP implementation date.</p>		
<p>24. The approval holder may revoke their choice to implement a RAMP under condition 22 at any time by giving written notice to the Department. If the approval holder revokes the choice under condition 22, the approval holder must implement the action management plan in force immediately prior to the revision undertaken under condition 22.</p>	Not applicable	Not applicable for this annual compliance report.
<p>25. If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the RAMP would be likely to have a new or increased impact, then:</p> <ul style="list-style-type: none"> a. condition 22 does not apply, or ceases to apply, in relation to the RAMP; and b. the approval holder must implement the action management plan specified by the Minister in the notice. 	Not applicable	Not applicable for this annual compliance report.
<p>26. At the time of giving the notice under condition 25, the Minister may also notify that for a specified period of time, condition 22 does not apply for one or more specified action management plans.</p>	Not applicable	Not applicable for this annual compliance report.
<p>Note: conditions 22, 23, 24 and 25 are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised action management plan, at any time, to the Minister for approval.</p>		Noted.

Condition of approval	Is the project compliant with this condition?	Evidence / Commentary
Completion of the action		
27. Within 20 days after the completion of the action , and, in any event, before this approval expires, the approval holder must notify the department electronically of the date of completion of the action and provide completion data .	Not applicable	The action has not yet been completed, so this condition of approval is not applicable for this annual compliance report .

3 ADDITIONAL PBTL HABITAT FOUND POST EPBC ACT APPROVAL

Understanding of PBTL occurrence and habitat within the Goyder South Project Area has evolved significantly over time, particularly after EPBC Act approvals were received and more detailed and targeted pre-clearance check (PCC) surveys and micro-siting surveys were undertaken.

PCC surveys of the proposed infrastructure footprint have been undertaken on site, prior to the commencement of ground disturbance works. In accordance with the environmental management measures outlined in the Project's **CEMP**, Flora and Fauna Management Plan and **PBTL Management Plan**, all areas required for construction of project infrastructure, including areas required temporarily during construction, are subject to a PCC survey prior to the commencement of any ground disturbance works, such as vegetation removal, topsoil stripping, excavation and other earthworks. During PCC surveys, additional PBTLs and PBTL habitat have been found in areas that were not previously identified or mapped as PBTL habitat. Furthermore, some additional PBTLs have been found in areas that had previously been identified and mapped as PBTL habitat, but where individual PBTL records had not yet been recorded.

Similarly, in accordance with the environmental management measures outlined in the Project's **CEMP**, Flora and Fauna Management Plan and **PBTL Management Plan**, infrastructure which will impact upon PBTLs and PBTL habitat, will be micro-sited (i.e., shifted and/or adjusted slightly) away from PBTLs, wherever possible, to avoid and/or minimise direct impacts to PBTLs and PBTL habitat, as much as possible. As such, when PBTLs have been located within the proposed infrastructure footprint during PCC survey, additional surveys for PBTLs (i.e., micro-siting surveys) have been undertaken within the adjacent areas to determine if the proposed infrastructure footprint could be micro-sited away from the PBTLs. During micro-siting surveys, additional PBTLs and PBTL habitat have also been found in areas that were not previously identified and mapped as PBTL habitat. Furthermore, some additional PBTLs have been found in areas that had previously been identified and mapped as PBTL habitat, but where individual PBTL records have not yet been recorded.

A total of 280.45 ha of additional PBTL habitat, consisting of 143.35 ha of *Potential* and 137.11 ha of *Likely* PBTL habitat, was found during PCC surveys and micro-siting surveys, as outlined in Table 4.

Table 4. Area of additional PBTL habitat found post EPBC Act approval.

Potential	Likely	Total
143.35 ha	137.11 ha	280.45 ha

This additional PBTL habitat found during PCC surveys and micro-siting surveys (which were undertaken after EPBC Act approval was received) has been categorised as '*PBTL habitat Post EPBC Act approval*', while initial PBTL habitat (included in the EPBC Act referral and subsequent approval, and defined/referred to as **Pygmy Blue-tongue Lizard habitat** in the *Conditions of Approval* and *Definitions* associated with the EPBC Act approval) is categorised as '*PBTL habitat Pre EPBC Act approval*', both of which are shown in Figure 32 and Figure 33 in Appendix 7.

3.1 Management of compliance with relevant conditions associated with the EPBC Act approval

Condition 1 c. of the EPBC Act approval requires the approval holder not to clear more than 2.61 ha of **Pygmy Blue-tongue Lizard habitat** and Condition 3 of the EPBC Act approval requires the approval holder to implement the **PBTL Management Plan** for the duration of the approval. Refer to Appendix 1 for the EPBC Act approval, as well as a definition of **Pygmy Blue-tongue Lizard habitat**).

The **PBTL Management Plan** outlines a process where any additional PBTLs or PBTL habitat that is found is designated as PBTL habitat, and management measures outlined in the Plan are implemented. For example, Table 14 in Section 7 of the **PBTL Management Plan** outlines management targets, performance indicators and triggers, including the following trigger:

- *“Discovery of PBTL individual or population (outside of previously observed areas).”*

Section 8 of the **PBTL Management Plan** outlines response measures and corrective actions in the event that one of the triggers in Section 7 occurs, including a process where:

“If live PBTL individuals or populations are discovered (in areas not previously identified as PBTL habitat), the following actions are to be taken:

- *All works will cease in the immediate vicinity until an appropriately qualified ecologist provides advice and relocates PBTLs if necessary;*
- *The area is designated as PBTL habitat and the management measures outlined in Section 11 and Section 12 are to be implemented;”*

As outlined previously, additional PBTLs and PBTL habitat have been found during PCC surveys and micro-siting surveys, in areas that were not previously identified or mapped as PBTL habitat. As such, the *discovery of PBTL individual or population (outside of previously observed areas)* trigger was reached, and the abovementioned associated response measures and corrective actions process outlined in Section 8 of the **PBTL Management Plan** have been implemented.

Neoen consulted with the **department** regarding the additional PBTLs and PBTL habitat discovered within Stage 1B and compliance with the EPBC Act approval, meeting with representatives from the **department** on multiple occasions, including 18/08/2022, 7/09/2022, 8/09/2022 and 16/09/2022. A letter from the **department** is provided in Appendix 8 for reference.

After consultation, meetings and correspondence from the **department** (Appendix 8), it is the approval holder's understanding that impact to the *additional* PBTLs and PBTL habitat discovered post EPBC Act approval in the Stage 1B Project Area, does not require a variation to the Stage 1B EPBC Act approval to include the *additional* PBTLs and PBTL habitat with the **Pygmy Blue-tongue Lizard habitat** defined in the approval; or to increase the clearing limit, as impact to *additional* PBTLs and PBTL habitat discovered post EPBC Act approval is covered by the process outlined in the **PBTL Management Plan** (which was reviewed and accepted by DCCEEW during the EPBC Act referral and assessment process). As such, no variation to the Stage 1B EPBC Act approval has been, or will be, sought.

3.2 Impact to '*PBTL habitat Post EPBC Act approval*'

Where '*PBTL habitat Post EPBC Act approval*', has been found within the proposed infrastructure footprint during PCC survey, additional surveys for PBTLs (i.e., micro-siting surveys) have been undertaken within the adjacent areas to determine if the proposed infrastructure footprint could be micro-sited (shifted and/or adjusted slightly) away from the PBTLs to avoid and/or minimise impacts to PBTLs as much as possible, in accordance with the **PBTL Management Plan**. However, the proposed infrastructure footprint has not been micro-sited if impact to PBTLs and PBTL habitat could not be reduced, compared to the impact of the initial proposed infrastructure footprint, for example if PBTLs and PBTL habitat were also found in the micro-siting survey area. Where the proposed infrastructure footprint has not been micro-sited, individual PBTLs located within the footprint have been relocated to the nearest suitable release site in accordance with the procedure outlined in the **PBTL Management Plan**.

While the proposed infrastructure footprint has been micro-sited as much as possible to avoid and/or minimise impacts to PBTLs and PBTL habitat, a total of 17.09 ha of '*PBTL habitat Post EPBC Act approval*' has been impacted (cleared) during construction works undertaken in the timeframe applicable to this annual **compliance report** (15 August 2022 to 14 August 2023). Refer to Figure 32 and Figure 33 in Appendix 7 for mapping. As this impact is considered a residual impact, an EPBC Offset is required and has been incorporated into the *Goyder South Hybrid Renewable Energy Facility – Stage 1 Pygmy Blue-tongue Lizard (*Tiliqua adelaidensis*) Offset Management Plan* (EBS Ecology 2023), which, at the time of writing this annual **compliance report**, is currently being reviewed by the **department**.


3.3 Revision of PBTL Management Plan

The **PBTL Management Plan** (required under Condition 3) has been revised to include the additional PBTLs and PBTL habitat found during PCC and micro-siting surveys (i.e., '*PBTL habitat Post EPBC Act approval*') and to ensure that likely and potential direct and indirect impacts to the PBTLs and PBTL habitat during construction and operation of the Project are avoided, minimised and mitigated as much as possible

The revised version of the **PBTL Management Plan** (version 4, dated 22/09/2023) has been submitted to the **department** for approval (after the timeframe applicable to this **compliance report** (15 August 2022 to 14 August 2023)).

4 APPENDICES

Appendix 1. EPBC Act approval documentation



Australian Government
**Department of Climate Change, Energy,
the Environment and Water**

APPROVAL

Goyder South Hybrid Renewable Energy Facility – Wind Farm 1B, 5km south Burra SA (EPBC 2021/8957)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (the EPBC Act). Note that section 134(1A) of the EPBC Act applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

Details

Person to whom the approval is granted (approval holder)	Goyder Wind Farm 1B Pty Ltd
ACN of approval holder	649 965 944
Action	To construct and operate up to 37 wind turbine generators and associated infrastructure as part of the Goyder South Hybrid Renewable Energy Facility, approximately 5 km south of Burra, South Australia [See EPBC Act referral 2021/8957].

Approval decision

My decisions on whether or not to approve the taking of the action for the purposes of each controlling provision for the action are as follows.

Controlling Provisions

Listed Threatened Species and Communities	
Section 18	Approve
Section 18A	Approve

Listed migratory species	
Section 20	Approve
Section 20A	Approve

Period for which the approval has effect

This approval has effect until 31 December 2057.

Decision-maker


Name and position	Kylie Calhoun Assistant Secretary Environment Assessments West (WA, SA, NT) Branch
Signature	
Date of decision	13 July 2022

Figure 2. EPBC Act Approval (page 1 of 17).

Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.

Figure 3. EPBC Act Approval (page 2 of 17).

ANNEXURE A – CONDITIONS OF APPROVAL

Part A – Conditions specific to the action

Construction/clearance limits

1. To minimise **impacts** to **protected matters**, the approval holder must not:
 - a. **construct** more than 37 wind turbine generators within the **project area**;
 - b. **clear** outside the **project area**;
 - c. **clear** more than 2.61 ha of **Pygmy Blue-tongue Lizard habitat** within the **project area**; and
 - d. **clear** any areas of the **Peppermint Box (*Eucalyptus odorata*) Grassy Woodland of South Australia** threatened ecological community within the **project area**.

Environmental management plans

2. To minimise **impacts** to **protected matters** during **construction** and **operation**, the approval holder must implement the **CEMP**.
3. For the protection of the **Pygmy Blue-tongue Lizard**, the approval holder must implement the **PBTL Management Plan** for the duration of this approval.
4. The approval holder must submit to the **Department** for the **Minister's** approval a Bird Adaptive Management Plan (BAMP) within 12 months of the date of this approval. The environmental objectives of the BAMP are to effectively monitor for any **impacts to listed bird species** during the **operation** of the wind farm from (but not limited to) wind turbine strikes and, if any **impacts** are detected, to implement the technology, measures and procedures necessary to ensure that the **impacts** are accurately measured, reported and remain insignificant.

The BAMP must:

- a. be consistent with the **Environmental Management Plan Guidelines**;
- b. specify relevant **protected matters**, and reference to the **EPBC Act** approval conditions to which the BAMP refers;
- c. include a table of commitments to achieve the BAMP's environmental objectives and a reference to where the commitments are detailed in the BAMP;
- d. include an assessment of risks to achieving the BAMP's environmental objectives and risk management strategies that will be applied;
- e. include a post-**commissioning** long-term wind turbine generator collision monitoring program to detect and manage potential **impacts to listed bird species** as a result of collision, which must:
 - i. contain details of the nature, timing and frequency of monitoring to inform progress against achieving the environmental outcomes and be sufficient to determine whether the BAMP is likely to achieve those environmental outcomes in adequate time to implement all necessary corrective actions;
 - ii. include the findings of exhaustive pre-**commissioning** scavenger activity and searcher efficiency trials;
 - iii. demonstrate how site-specific and species-specific risks and uncertainties (for example, findings of the pre-**commissioning** scavenger activity and searcher efficiency trials) have informed the design of the monitoring program; and
 - iv. contain commitments to DNA test carcasses that cannot be otherwise identified by a **suitably qualified bird expert**, to undertake further periodic carcass persistence and searcher efficiency trials to check if assumptions need revision, to maximise turbine

3

Figure 4. EPBC Act Approval (page 3 of 17).

collision detection in a timely manner, and to maximise carcass detection in a timely manner.

- f. include reporting commitments and timeframes for the provision of site-specific and species-specific information, which must:
 - i. contain annual turbine strike reports comprising raw data and strike notifications, survey methodologies, results of detection/persistence trials, environmental/meteorological conditions, and associated statistical analysis; and
 - ii. contain estimation of annual mortality rate for each **listed bird species** comprising supporting evidence from case studies of **listed bird species** carcass size classes, results of persistence trials and searcher efficiency trials, annual probability of detection and monthly strike monitoring, and collision monitoring protocol and survey effort; and
 - iii. contain species occurrence records prepared in accordance with the **Guidelines for Biological Survey and Mapped Data**.
- g. include an adaptive management framework designed to:
 - i. ensure that no **significant impacts to listed bird species** are likely to occur as a result of the action;
 - ii. clearly demonstrate the linkages between environmental outcomes, implementation and management measures, monitoring, reporting and investigations, and implementation of corrective actions to ensure the environmental outcomes will be achieved;
 - iii. incorporate site-specific data collected through ongoing monitoring activities, and to take into account changes to turbine risk ratings;
 - iv. propose corrective actions if triggers are reached, such as bird and insect deterrents, low wind speed curtailments, wind turbine generator temporary or permanent shutdown, and/or permanent decommissioning of specific wind turbine generators; and
- h. commit that, if **significant impacts to listed bird species** occur, or are likely to have occurred, as a result of the action, the approval holder will, within 3 months of becoming aware of any actual or likely **significant impact**, submit to the **Department** for the approval of the **Minister** a revised BAMP responding to, and accompanied by, an evaluation report prepared by a **suitably qualified bird expert** of the effectiveness of the BAMP in preventing **significant impacts to listed bird species**.

The approval holder must not **commission** unless the BAMP has been approved by the **Minister** in writing. The approval holder must commence implementing the approved BAMP before **commissioning** and continue implementing the approved BAMP until the **completion of the action**.

Environmental offsets

5. To compensate for residual **significant impacts** to the **Pygmy Blue-tongue Lizard**, the approval holder must submit to the **Department** for the **Minister's** approval an Offset Management Plan (OMP) within 6 months of the date of this approval.

The OMP must:

- a. be consistent with the **Environmental Management Plan Guidelines**;
- b. include a reference to the **EPBC Act** approval conditions to which the OMP refers;
- c. include summary information on the residual **significant impacts** to the **Pygmy Blue-tongue Lizard** that will be compensated for by the offset(s);
- d. identify a suitable environmental offset(s) to compensate for residual **significant impacts** to the **Pygmy Blue-tongue Lizard** which meets the requirements of the **Environmental Offsets Policy** to the satisfaction of the **Minister**;

Figure 5. EPBC Act Approval (page 4 of 17).

- e. include the size of the proposed offset(s) in hectares, maps that visually describe the location and the accurate boundaries of the offset(s), in accordance with the **Guide to providing maps and boundary data for EPBC Act projects**, and detailed baseline habitat quality information on the proposed offset(s);
- f. specify the nature and timing of the proposed legal mechanism to **secure** the offset area(s), with proposed contingency measures for if the specified legal mechanism is not established within the specified timeframe;
- g. commit to measurable and achievable ecological benefits and provide timeframes for their achievement;
- h. detail how the offset(s) will be protected, and how ecological benefits will be maintained once achieved;
- i. detail a monitoring program which will determine progress towards achievement and maintenance of the ecological benefits of the proposed offset(s), which must include:
 - i. measurable performance indicators to monitor the progress of the offset towards the achievement of the ecological benefits;
 - ii. trigger values for corrective actions; and
 - iii. the timing and frequency of monitoring to detect trigger values and changes in the performance indicators.
- j. include an assessment of risks to achieving the ecological benefit(s) and what risk management strategies will be applied to address these;
- k. specify how and at what frequency offset(s) management results, monitoring program findings and assessments of ecological benefits will be reported to the **Department** and the public;
- l. propose corrective actions if trigger values are reached, or if performance indicators are not attained, to ensure ecological benefits are achieved and maintained once achieved;
- m. include links to referenced plans and applicable conditions of approval (including State approval conditions), if any; and
- n. justify and specify the period for which the OMP will be implemented.

The approval holder must not commence **commissioning** until the OMP has been approved by the **Minister** in writing. The approval holder must implement the approved OMP for the period specified in the approved OMP.

6. If the OMP (required under Condition 5) has not been approved by the **Minister** in writing within 18 months of the date of this approval, and the **Minister** notifies the approval holder that the submitted OMP is not suitable for approval, the **Minister** may, at least 2 months after so notifying the approval holder, approve a version of the OMP revised by the **Department**.
7. The approval holder must provide written evidence to the **Department** that the offset site(s) required under the approved OMP has/have been acquired and **secured** within 12 months of the OMP approval date. The approval holder must provide written evidence to the **Department** identifying the **legal securing mechanism** by which each offset site will be permanently protected for conservation within 10 business days of **securing** the offset.

Note: The approval holder may choose to combine the OMPs required as conditions of approval for other proposed elements of the **Goyder South Hybrid Renewable Energy Facility**. In this case, the approval holder must clearly demonstrate how the offset requirement(s) for each individual proposed element is being met and identify unique offset area(s) for each approved action geospatially.

8. The approval holder must make a financial contribution to fund the undertaking of the **PBTL Research Plan** for the purpose of providing an offset for impacts of this action on the **Pygmy Blue-tongue Lizard**. The approval holder's financial contribution must represent approximately 13% of the total cost of undertaking all aspects of the **PBTL Research Plan**. The approval holder must

Figure 6. EPBC Act Approval (page 5 of 17).

provide documentary evidence to the **Department** showing all financial contributions to the undertaking of the **PBTL Research Plan** in each **compliance report** and in a report of the financing and expenditure of the **PBTL Research Plan** which must be submitted to the **Department** within 30 **business days** of completing the **PBTL Research Plan** and in any case at least 60 **business days** prior to the expiry of this approval.

Part B – Standard administrative conditions

Notification of date of commencement of the action

9. The approval holder must notify the **Department** in writing of the date of **commencement of the action** and the date of **commissioning** within 10 **business days** after the date of **commencement of the action** and after the date of **commissioning**.
10. 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**.

Compliance records

11. The approval holder must maintain accurate and complete **compliance records**.
12. If the **Department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **Department** within the timeframe specified in the request.

Note: **Compliance records** may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the **Department's** website or through the general media.

Submission and publication of plans

13. The approval holder must:
 - a. submit **plans** electronically to the **Department** for approval by the **Minister**;
 - b. unless otherwise agreed to in writing by the **Minister**, publish each **plan** on the **website** within 20 **business days** of the date:
 - i. of this approval decision if the version of the plan to be implemented is specified in these conditions; or
 - ii. the **plan** is approved by the **Minister** if these conditions require that the **plan** be approved by the **Minister**; or
 - iii. the **plan** is approved by the responsible State minister or State authority if the **plan** is required as part of the **SA development approval**.
 - iv. a revised action management plan is submitted to the **Minister** or the **Department** if the **plan** is submitted in accordance with condition 23;
 - c. exclude or redact **sensitive ecological data** from **plans** published on the **website** or provided to a member of the public; and
 - d. keep **plans** published on the **website** until the end date of this approval.
14. The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under a **plan** is prepared in accordance with the **Guidelines for Biological Survey and Mapped Data**, and submitted electronically to the **Department** in accordance with the requirements of the **plan**.

Figure 7. EPBC Act Approval (page 6 of 17).

Annual compliance reporting

15. 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:
- publish each **compliance report** on the **website** within 60 **business days** following the relevant 12 month period;
 - notify the **Department** by email that a **compliance report** has been published on the **website** and provide the weblink for the **compliance report** within 5 **business days** of the date of publication;
 - keep all **compliance reports** publicly available on the **website** until this approval expires;
 - exclude or redact **sensitive ecological data** from **compliance reports** published on the **website**; and
 - where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **Department** within 5 **business days** of publication.

Note: Compliance reports may be published on the Department's website.

Reporting non-compliance

16. 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 2 **business days** after becoming aware of the **incident** or non-compliance. The notification must specify:
- any condition which is or may be in breach;
 - a short description of the **incident** and/or non-compliance; and
 - 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.
17. The approval holder must provide to the **Department** the details of any **incident** or non-compliance with the 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:
- any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
 - the potential **impacts** of the **incident** or non-compliance; and
 - the method and timing of any remedial action that will be undertaken by the approval holder.

Independent audit

18. The approval holder must ensure that **independent audits** of compliance with the conditions are conducted as requested in writing by the **Minister**.
19. For each **independent audit**, the approval holder must:
- provide the name and qualifications of the independent auditor and the draft audit criteria to the **Department**;
 - only commence the **independent audit** once the audit criteria have been approved in writing by the **Department**; and
 - submit an audit report to the **Department** within the timeframe specified in the approved audit criteria.

Figure 8. EPBC Act Approval (page 7 of 17).

20. The approval holder must publish the audit report on the **website** within 10 **business days** of receiving the **Department's** approval of the audit report and keep the audit report published on the **website** until the end date of this approval.

Revision of action management plans

21. The approval holder may, at any time, apply to the **Minister** for a variation to an action management plan approved by the **Minister** or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the **EPBC Act**. If the **Minister** approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.
22. The approval holder may choose to revise the action management plan approved by the **Minister** under condition 3, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the action in accordance with the RAMP would not be likely to have a **new or increased impact**.
23. If the approval holder makes the choice under condition 22 to revise an action management plan without submitting it for approval, the approval holder must:
- notify the **Department** in writing that the approved action management plan has been revised and provide the **Department** with:
 - an electronic copy of the RAMP;
 - an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP;
 - an explanation of the differences between the approved action management plan and the RAMP;
 - the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a **new or increased impact**; and
 - written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 **business days** after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the **Department**.
 - subject to condition 25, implement the RAMP from the RAMP implementation date.
24. The approval holder may revoke their choice to implement a RAMP under condition 22 at any time by giving written notice to the **Department**. If the approval holder revokes the choice under condition 22, the approval holder must implement the action management plan in force immediately prior to the revision undertaken under condition 22.
25. If the **Minister** gives a notice to the approval holder that the **Minister** is satisfied that the taking of the action in accordance with the RAMP would be likely to have a **new or increased impact**, then:
- condition 22 does not apply, or ceases to apply, in relation to the RAMP; and
 - the approval holder must implement the action management plan specified by the **Minister** in the notice.
26. At the time of giving the notice under condition 25, the **Minister** may also notify that for a specified period of time, condition 22 does not apply for one or more specified action management plans.

Note: conditions 22, 23, 24 and 25 are not intended to limit the operation of section 143A of the **EPBC Act** which allows the approval holder to submit a revised action management plan, at any time, to the **Minister** for approval.

Completion of the action

Figure 9. EPBC Act Approval (page 8 of 17).

27. Within 20 business days after the **completion of the action**, and, in any event, before this approval expires, the approval holder must notify the **department** electronically of the date of **completion of the action** and provide **completion data**.

Part C – Definitions

In these conditions, except where contrary intention is expressed, the following definitions are used:

Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.

CEMP means the Construction Environmental Management Plan required under and currently approved in accordance with the requirements of condition 9 of the **SA development approval**.

Clear/Clearing means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation.

Commencement of the action/Commence the action means the first instance of any specified activity associated with the action including **clearing** and **construction**. **Commencement of the action/Commence the action** does not include minor physical disturbance necessary to:

- i. undertake pre-clearance surveys or monitoring programs;
- ii. install signage and /or temporary fencing to prevent unapproved use of the **project area**;
- iii. protect environmental and property assets from fire, weeds and pests, including installation of temporary fencing, and use of existing surface access tracks;
- iv. install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no **impact** on the **protected matters**; or
- v. undertaking geotechnical investigations if it causes only minor physical disturbance and is required well in advance of most site works to inform design.

Commission/Commissioning means all activities, including turning of turbines, after the components of the first complete wind turbine are installed. The date on which **commission/commissioning** commences is the first date on which the blades of the first completed wind turbine start rotating.

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met. The **Department's** chosen spatial data format is **shapefile**.

Completion of the action means the date on which all specified activities associated with the action have permanently ceased.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.

Compliance report(s) means written reports:

- i. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions and the **plans**;
- ii. consistent with the *Annual Compliance Report Guidelines*, Commonwealth of Australia 2014;
- iii. include a **shapefile** of any clearance of any **protected matters**, or their habitat, undertaken within the relevant 12 month period;
- iv. annexing a schedule of all **plans** prepared and in existence in relation to the conditions during the relevant 12 month period; and

Figure 10. EPBC Act Approval (page 9 of 17).

- v. advising of the identity and current contact details of all persons authorised to act for the approval holder in relation to this approval.

Construct/Construction means the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of temporary fences and signage.

Department means the Australian Government agency responsible for administering the EPBC Act.

Environmental Management Plan Guidelines means the *Environmental Management Plan Guidelines*, Commonwealth of Australia 2014.

Environmental Offsets Policy means the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy*, Commonwealth of Australia 2012, or any subsequent official revision produced by the **Department**.

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

Goyder South Hybrid Renewable Energy Facility is a renewable energy development located between Burra and Robertstown in the Mid North of South Australia. The **Goyder South Hybrid Renewable Energy Facility** includes, in addition to the action subject of this approval, the proposed actions described in the EPBC Act referrals EPBC 2021/8958, EPBC 2021/8959 and EPBC 2021/8960.

Guide to providing maps and boundary data for EPBC Act projects means the *Guide to providing maps and boundary data for EPBC Act projects*, Commonwealth of Australia 2021.

Guidelines for Biological Survey and Mapped Data means the *Guidelines for Biological Survey and Mapped Data*, Commonwealth of Australia 2018.

Impact (verb) means to cause any measurable direct or indirect disturbance or harmful change as a result of any activity associated with the action.

Incident means any event which has the potential to, or does, impact on one or more **protected matter**.

Independent audit means an audit conducted by an independent and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines*, Commonwealth of Australia 2019.

Legal securing mechanism means the legal agreement and/or legally binding mechanism under relevant South Australia state legislation, or equivalent, adopted to provide enduring protection for the offsets against development incompatible with conservation.

Listed bird species means all bird species listed under the EPBC Act as a listed threatened species or as a listed migratory species.

Minister means the Australian Government Minister administering the EPBC Act including any delegate thereof.

Monitoring data means the data required to be recorded under the conditions of this approval.

New or increased impact means a new or increased environmental impact or risk relating to any **protected matter**, when compared to the likely impact of implementing the action management plan that has been approved by the **Minister** under condition 3, including any subsequent revisions approved by the **Minister**, as outlined in the *Guidance on 'new or increased impact' relating to changes to approved management plans under EPBC Act environmental approvals*, Commonwealth of Australia 2017.

Figure 11. EPBC Act Approval (page 10 of 17).

Operation means all activities that occur after the components of the final wind turbine generator are installed.

PBTL Management Plan means the *Goyder South Hybrid Renewable Energy Facility PBTL Management Plan* prepared by EBS Ecology for NEOEN Australia Pty Ltd (version 3 of 28 June 2022 or subsequent versions thereof).

PBTL Research Plan means the Pygmy Blue-tongue Lizard Scientific Monitoring and Research Plan, required under condition 9 of **EPBC Act** approval 2021/8958, and aimed at monitoring and better understanding the potential long-term impacts to the **Pygmy Blue-tongue Lizard** resulting from wind turbine noise, vibration and shadow flickering.

Peppermint Box (*Eucalyptus odorata*) Grassy Woodland of South Australia means the **EPBC Act** listed threatened ecological community Peppermint Box (*Eucalyptus odorata*) Grassy Woodland of South Australia, whose distribution within and near the **project area** is mapped in [Attachment D](#).

Plan(s) means any of the documents required to be prepared, approved by the **Minister**, implemented by the approval holder and published on the **website** in accordance with these conditions (includes action management plans and/or strategies).

Project area means the location of the action, represented by the area shown enclosed by the turquoise line labelled 'Wind Farm 1B' on the maps at [Attachments A-D](#).

Protected matter(s) means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

Pygmy Blue-tongue Lizard means the **EPBC Act** listed threatened species *Tiliqua adelaidensis*.

Pygmy Blue-tongue Lizard habitat means remnant native grassland or grassy woodland with a sparse overstorey of trees, represented in the map at [Attachment C](#) by the areas shown enclosed by the green line labelled as 'Pygmy Blue-tongue Lizard habitat'.

SA development approval means the approved development application number 422/V009/20 R1 (or subsequent approved revisions thereof) granted under section 131 (19) of the *Planning, Development and Infrastructure Act 2016 (SA)* for the **Goyder South Hybrid Renewable Energy Facility**.

Secure/secured/securing means to execute a legal agreement and/or legally binding mechanism under relevant South Australia state legislation, or equivalent, to provide enduring protection for the offsets against development incompatible with conservation.

Sensitive ecological data means data as defined in the *Sensitive Ecological Data – Access and Management Policy V1.0*, Commonwealth of Australia 2013.

Shapefile means location and attribute information of the action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

Significant impacts are **impacts** which are important, notable, or of consequence, having regard to their context or intensity, and assessed within the framework of the *Matters of National Environmental Significance – Significant Impact Guidelines 1.1*, Commonwealth of Australia 2013.

Suitably qualified bird expert means a person who has relevant professional qualifications and at least 3 years of work experience designing and implementing plans for the conservation management of birds, who can identify bird species, and who can give an authoritative assessment and advice practices to avoid and mitigate impacts on birds using relevant protocols, standards, methods and/or literature. If the person does not have appropriate professional qualifications, the person must have at least 10 years of work experience identifying bird species, and designing and implementing plans for the conservation management of birds.

Figure 12. EPBC Act Approval (page 11 of 17).

Suitably qualified person means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Figure 13. EPBC Act Approval (page 12 of 17).

ATTACHMENTS

1. **Attachment A** – Location of Wind Farm 1B within the Goyder South Renewables Energy Facility.
2. **Attachment B** – Project area and Infrastructure footprint.
3. **Attachment C** – Pygmy Blue-tongue Lizard habitat.
4. **Attachment D** – Peppermint Box (*Eucalyptus odorata*) Grassy Woodland of South Australia habitat.

Figure 14. EPBC Act Approval (page 13 of 17).

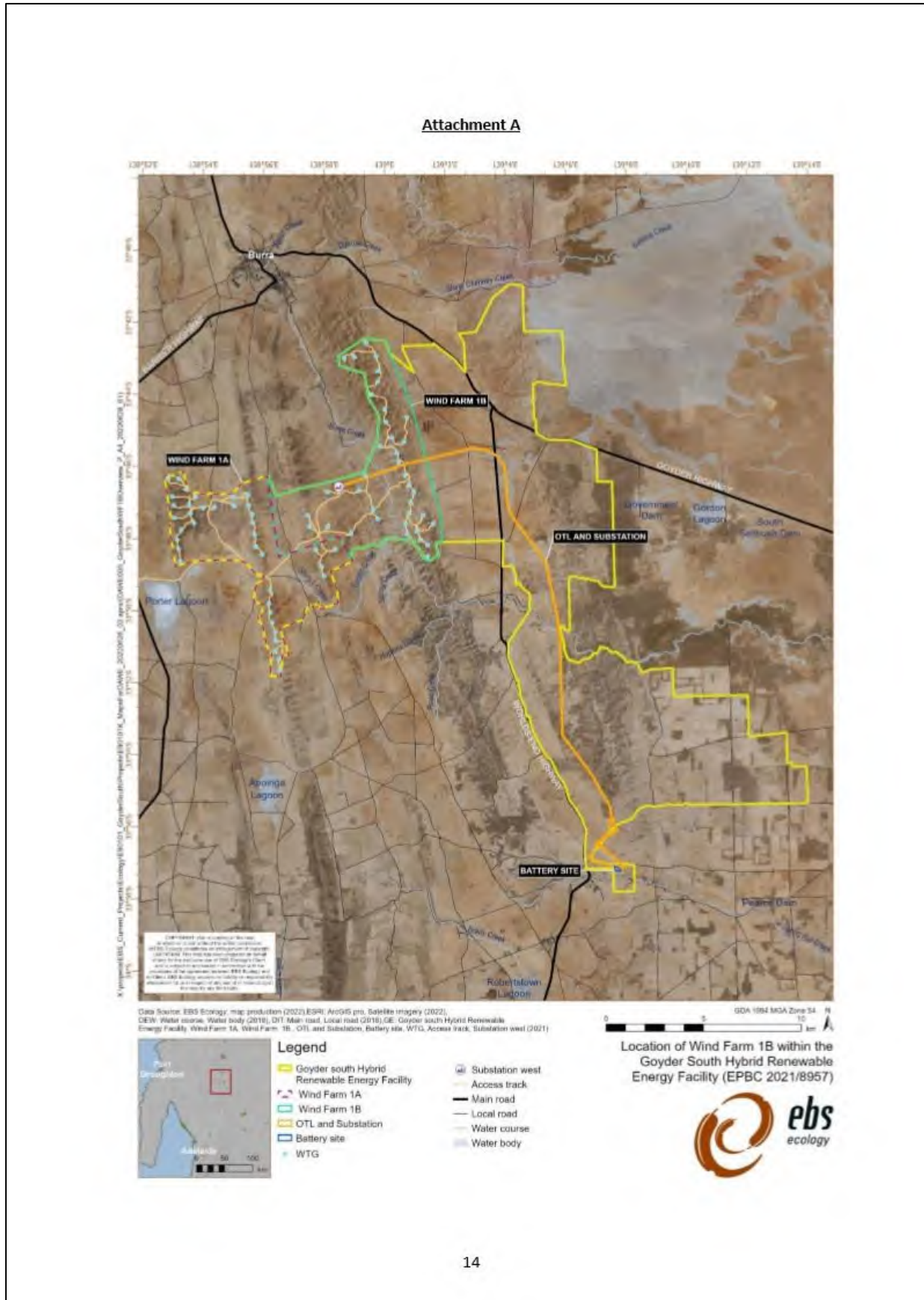


Figure 15. EPBC Act Approval (page 14 of 17).

Attachment B



Figure 16. EPBC Act Approval (page 15 of 17).

Attachment D



Figure 18. EPBC Act Approval (page 17 of 17).

Appendix 2. Maps

Refer to the following pages.



Figure 19. Stage 1B Project Area, including WTGs and other infrastructure; *Eucalyptus odorata* (Peppermint Box) Closed Woodland; 'Pygmy Blue-tongue Lizard habitat'; and impacted areas (refer to the following figure for more detail).

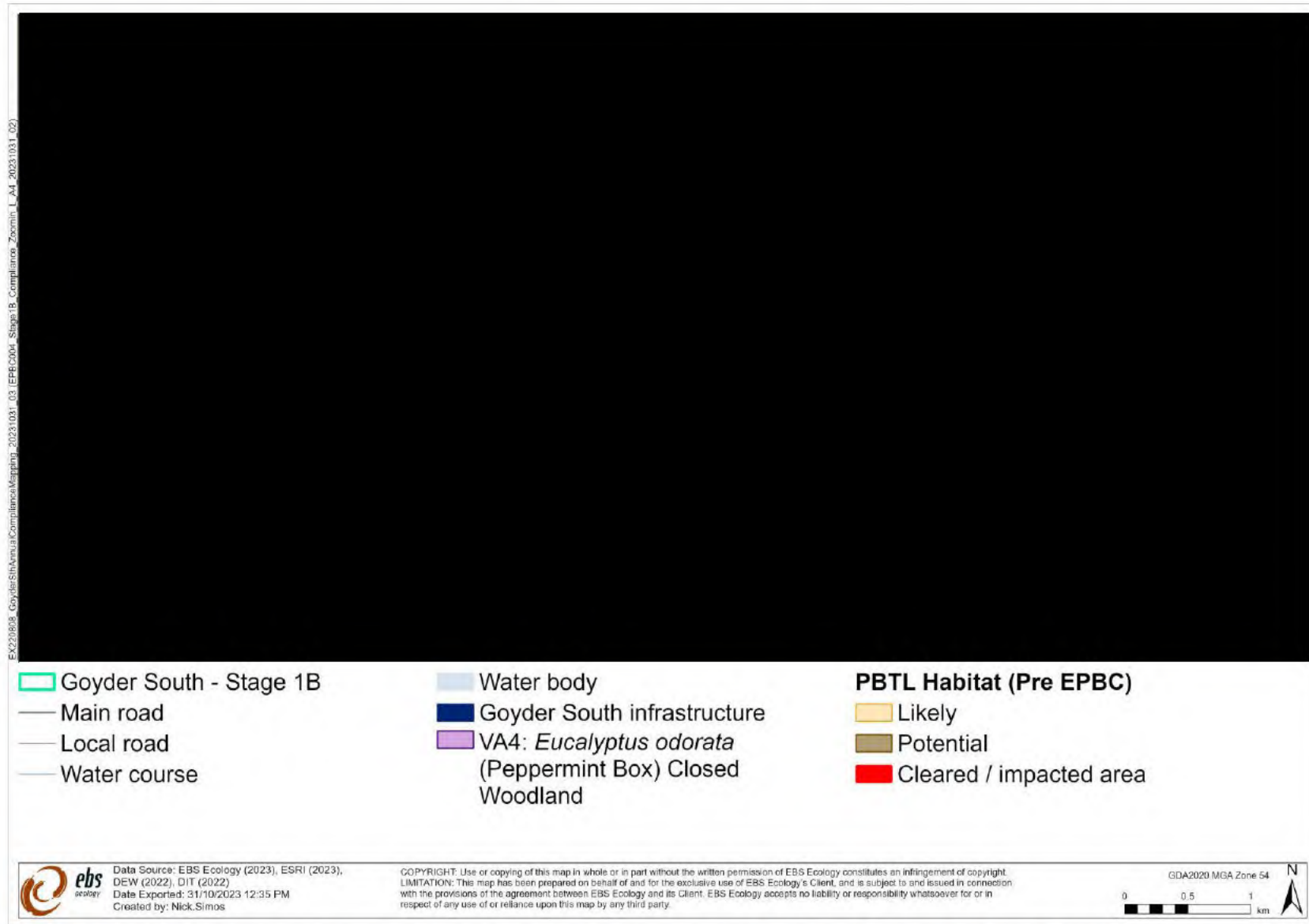


Figure 20. Impact to 'Pygmy Blue-tongue Lizard habitat' within the Stage 1B Project Area, with *Eucalyptus odorata* (Peppermint Box) Closed Woodland also shown.

Appendix 3. Peppermint Box (*Eucalyptus odorata*) Grassy Woodland TEC Assessment

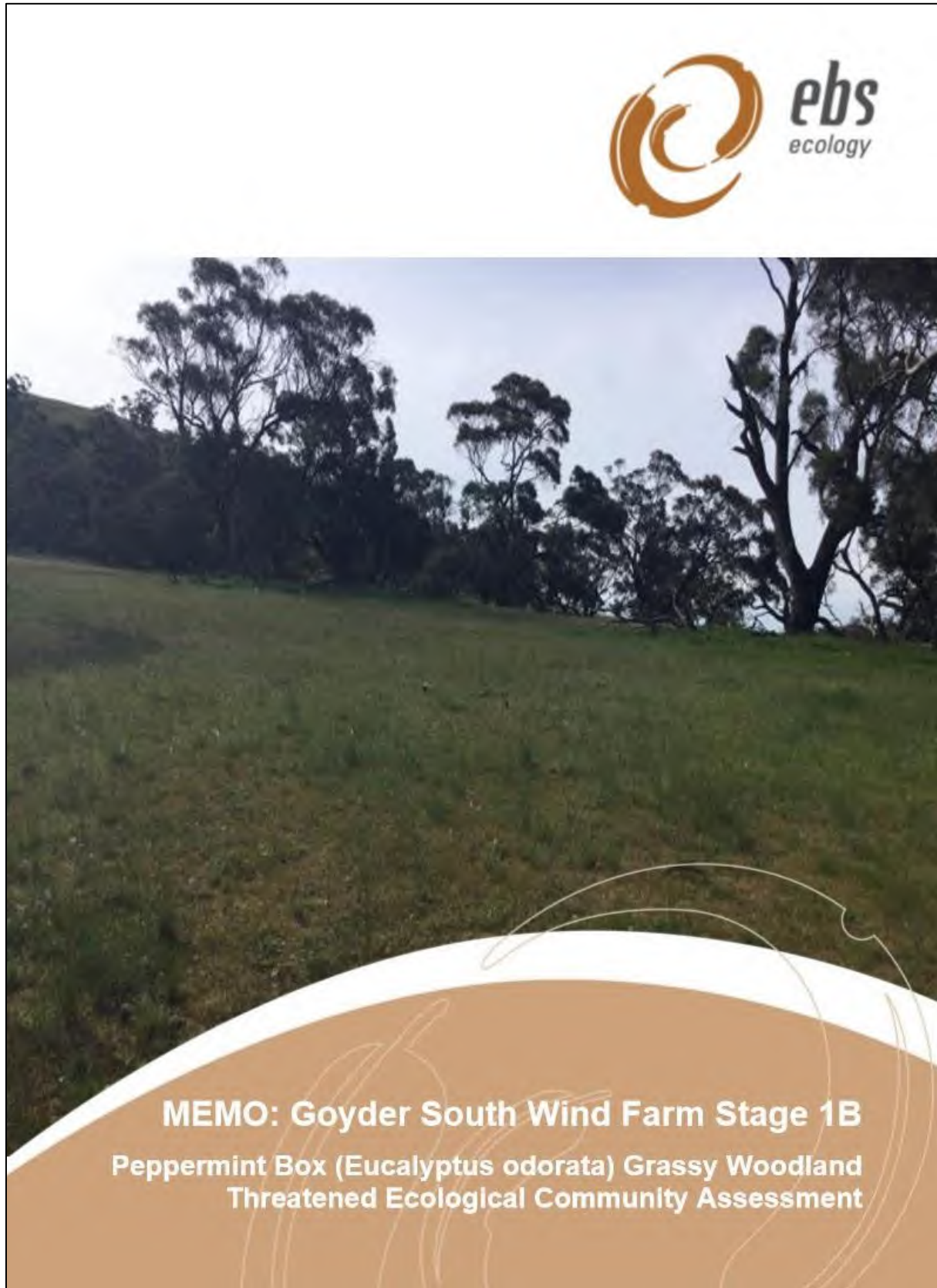


Figure 21. Peppermint Box (*Eucalyptus odorata*) Grassy Woodland TEC Assessment (Page 1 of 8).

MEMO: Goyder South Wind Farm Stage 1B Peppermint Box (Eucalyptus odorata) Grassy Woodland Threatened Ecological Community Assessment

28 October 2022

Version 2 - Final

Prepared by EBS Ecology for Neoen

Document Control					
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Cover photograph: Peppermint Box Grassy Woodland adjacent assessment site.

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Figure 22. Peppermint Box (Eucalyptus odorata) Grassy Woodland TEC Assessment (Page 2 of 8).

MEMO: Goyder South Wind Farm Stage 1B Peppermint Box (*Eucalyptus odorata*) Grassy Woodland
Threatened Ecological Community Assessment

1 INTRODUCTION

One patch of *Eucalyptus odorata* (Peppermint Box) Closed Woodland was identified within the north-western extent of Stage 1B by EBS Ecology during initial flora and fauna assessment for Goyder South in 2019 (EBS Ecology 2020). This patch has the potential to be the Peppermint Box (*Eucalyptus odorata*) Grassy Woodland of South Australia (PBGW) Threatened Ecological Community (TEC) (PBGW TEC) which is protected by the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

When assessed in 2019, this patch did not qualify as the TEC (EBS Ecology 2020). However, at the time of assessment, it was determined that there was potential for the criteria of the TEC to be met. This would require enough native species (15), native broad-leaved herbaceous species resistant to disturbance (3) and native grasses (2) to occur to enable the patch to qualify as Class B and therefore constitute the PBGW TEC (EBS Ecology 2020). The patch had not been assessed further for its TEC status as no Project infrastructure was proposed within it and Neoen had committed to avoiding any direct impact to it.

However, a section of the Koonoona Road to Substation access track is now proposed to go through the patch of *Eucalyptus odorata* (Peppermint Box) Closed Woodland to minimise impacts to the Pygmy Blue-tongue Lizard (*Tiliqua Adelaidensis*) (PBTL), which is also protected by the EPBC Act and has recently been recorded within the infrastructure footprint of the previously proposed Koonoona Road to Substation access track (Figure 1). As such, the patch of *Eucalyptus odorata* (Peppermint Box) Closed Woodland where the proposed track passes through has been assessed to determine if it qualifies as the PBGW TEC.



Figure 23. Peppermint Box (*Eucalyptus odorata*) Grassy Woodland TEC Assessment (Page 3 of 8).

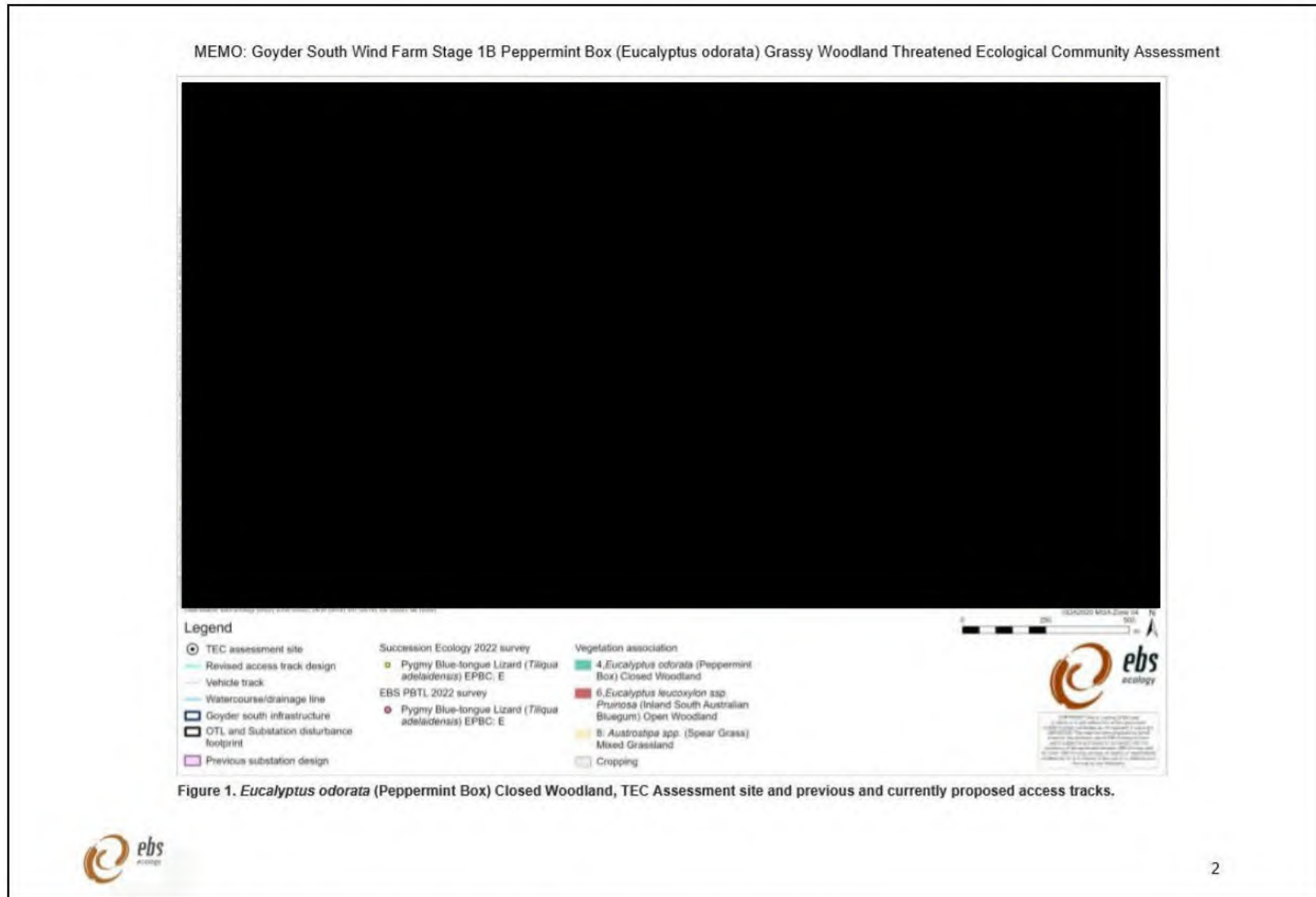


Figure 24. Peppermint Box (*Eucalyptus odorata*) Grassy Woodland TEC Assessment (Page 4 of 8).

MEMO: Goyder South Wind Farm Stage 1B Peppermint Box (*Eucalyptus odorata*) Grassy Woodland
 Threatened Ecological Community Assessment

2 SURVEY SUMMARY

On 10th October 2022 EBS Ecology staff (Dr Travis How, Jessica Skewes and Ella West) undertook a TEC assessment of the patch of *Eucalyptus odorata* (Peppermint Box) Closed Woodland, in accordance with the criteria outlined in the EPBC Act policy statement 3.7 – Peppermint Box (*Eucalyptus odorata*) Woodland of South Australia and Iron-grass Natural Temperate Grassland of South Australia (EPBC Act Policy Statement; DEWR 2007). The criteria in the EPBC Act Policy Statement is outlined in Table 1 and enables classification of Peppermint Box (*Eucalyptus odorata*) Grassy Woodland of South Australia as the listed TEC which is protected by the EPBC Act, or as a degraded patch that is amenable to rehabilitation but not protected by the EPBC Act.

Table 1. Condition classes for the Peppermint Box (*Eucalyptus odorata*) Grassy Woodland of South Australia.

Condition class	Minimum size	Diversity of native plant species ¹	No. of broad-leaved herbaceous species ¹ in addition to identified disturbance resistant species ²	No. of native perennial grass species ¹
Listed ecological community				
A	≥ 0.1 ha	> 30	≥ 10	≥ 5
B	≥ 1 ha	> 15	≥ 3	≥ 2
Degraded patches amenable to rehabilitation				
C		> 5	No minimum	1

¹ As measured in a 50 m x 50 m quadrat (or equivalent).

² The following species are identified as disturbance resistant species: *Ptilotus spathulatus forma spathulatus*; *Sida corrugata*; *Oxalis perennans*; *Convolvulus angustissimus*; *Euphorbia drummondii*; and *Maireana enchylaenoides*.

Classes A and B are indicative of the listed ecological community which is protected by the EPBC Act. Class A patches are considered the highest quality representation of the community, while Class B patches are also of high quality, but do not have the native species diversity of Class A. Class C is indicative of patches that are degraded but could be rehabilitated to the listed ecological community, for example, through measures such as weed control, natural regeneration and protection from grazing. Class C patches are not part of the listed ecological community. For a patch of vegetation to fall within a condition class it must meet or exceed each of the thresholds.

As such, the assessment involved searching for and recording all species found within a 50 x 50 metre (m) quadrat within a representative area of the patch. All species observed within the quadrat were then categorised (i.e., native plant, broad-leaved herbaceous species, disturbance resistant species, native perennial grass species) and compared against the benchmark criteria outlined in the EPBC Act Policy Statement (DEWR 2007).



Figure 25. Peppermint Box (*Eucalyptus odorata*) Grassy Woodland TEC Assessment (Page 5 of 8).

MEMO: Goyder South Wind Farm Stage 1B Peppermint Box (*Eucalyptus odorata*) Grassy Woodland
 Threatened Ecological Community Assessment

3 RESULTS

The patch of *Eucalyptus odorata* (Peppermint Box) Closed Woodland is larger than 0.1 ha in size, so warrants TEC assessment. All species recorded during the TEC assessment are listed in Table 2.

A total of twelve native plant species, three disturbance resistant species, one broad-leaved herbaceous species (in addition to identified disturbance resistant species) and two native perennial grass species were recorded. As such, the patch of *Eucalyptus odorata* (Peppermint Box) Closed Woodland does not meet the criteria for the listed PBGW TEC (Table 1). Therefore, it is not protected by the EPBC Act and no EPBC Act approval is required to impact it.

Table 2. Species recorded during the TEC assessment.

Scientific name	Common name	Native plant species	Disturbance resistant species	Broad-leaved herbaceous species	Native perennial grass species
<i>Amyema</i> sp.	Mistletoe	Yes			
<i>Arthropodium fimbriatum</i>	Nodding Vanilla-lily	Yes			
<i>Atriplex semibaccata</i>	Berry Saltbush	Yes			
<i>Austrostipa scabra</i> ssp.	Rough Spear-grass	Yes			Yes
<i>Calostemma</i> sp.	Garland-lily	Yes			
<i>Einadia nutans</i> ssp.	Climbing Saltbush	Yes			
<i>Eucalyptus odorata</i>	Peppermint Box	Yes			
<i>Maireana enchylaenoides</i>	Wingless Fissure-plant	Yes	Yes		
<i>Oxalis perennans</i>	Native Sorrel	Yes	Yes	Yes*	
<i>Ptilotus spathulatus</i>	Pussy-tails	Yes	Yes	Yes*	
<i>Rytidosperma</i> sp.	Wallaby-grass	Yes			Yes
<i>Vittadinia gracilis</i>	Woolly New Holland Daisy	Yes		Yes	
<i>Arctotheca calendula</i>	Cape Weed				
<i>Avena barbata</i>	Bearded Oat				
<i>Brassica</i> sp.					
<i>Capsella bursa-pastoris</i>	Shepherd's Purse				
<i>Carduus tenuiflorus</i>	Slender Thistle				
<i>Carthamus lanatus</i>	Saffron Thistle				
<i>Cicendia quadrangularis</i>	Square Cicendia				
<i>Echium plantagineum</i>	Salvation Jane				
<i>Erodium</i> sp.	Heron's-bill/Crowfoot				
<i>Hordeum vulgare</i>	Barley				
<i>Hypochaeris glabra</i>	Smooth Cat's Ear				
<i>Lycium ferocissimum</i>	African Boxthorn				
<i>Marrubium vulgare</i>	Horehound				
<i>Moraea setifolia</i>	Thread Iris				
<i>Petrorhagia</i> sp.	Pink				
<i>Rumex</i> sp.	Dock				
<i>Trifolium</i> sp.	Clover				
Totals		12	3	1	2

*As these are disturbance resistant species, they are excluded from the broad-leaved herbaceous species count.



Figure 26. Peppermint Box (*Eucalyptus odorata*) Grassy Woodland TEC Assessment (Page 6 of 8).

MEMO: Goyder South Wind Farm Stage 1B Peppermint Box (*Eucalyptus odorata*) Grassy Woodland
Threatened Ecological Community Assessment

4 REFERENCES

DEWR (2007) *EPBC Act policy statement 3.7 – Peppermint Box (Eucalyptus odorata) Woodland of South Australia and Iron-grass Natural Temperate Grassland of South Australia*. Department of the Environment and Water Resources.

EBS Ecology (2020) *Goyder South Hybrid Renewable Energy Facility: Flora and Fauna Assessment*. Report to Neoen. EBS Ecology, Adelaide



Figure 27. Peppermint Box (*Eucalyptus odorata*) Grassy Woodland TEC Assessment (Page 7 of 8).



Figure 28. Peppermint Box (*Eucalyptus odorata*) Grassy Woodland TEC Assessment (Page 8 of 8).

Appendix 4. Submission of BAMP

From: Inès Béchameil <ines.bechameil@neoen.com>
Sent: Wednesday, 5 July 2023 3:06 PM
To: Dowd, Tony
Cc: Post Approval
Subject: Goyder South Hybrid Renewable Energy Facility - Bird Adaptative Management Plan
Attachments: BAMP_20230705.pdf

Dear Tony,

In respect of the Wind Farm 1A and Wind Farm 1B components of the Goyder south Hybrid Renewable Energy Facility, we as the approval holder, submit to the Department of Climate Change, Energy, the Environment and Water (the **Department**) a combined Bird Adaptative Management Plan (**BAMP**). This submission is made pursuant to:

- Condition 5 of the *Goyder South Hybrid Renewable Energy Facility – Wind Farm 1A, 10km south Burra SA (EPBC 2021/8958)*, dated 5 July 2022;
- Condition 4 of the *Goyder South Hybrid Renewable Energy Facility – Wind Farm 1B, 5km south Burra SA (EPBC 2021/8957)*, dated 13 July 2022; and

As the EPBC approval conditions state that the approval holder must not *commission* (refer to the definition in relevant approval conditions) until the BAMP has been approved by the Minister in writing, and the current Project schedule involves the commencement of commissioning of the first turbine for Wind Farm 1A in September 2023 and commencement of commissioning of the first turbine for Wind Farm 1B in April 2024, please note that Neoen is aiming for **approval of the BAMP by the end of August 2023**.

Could you please confirm receipt of this email and of the BAMP?

And could you please let us know whether you are available for a meeting within the next 2 weeks so we can present this BAMP and start discussing any comments or questions that DCCEEW would have before approval can be provided?

Thank you in advance.

Kind Regards,

Inès Béchameil
Project Manager – Australia

NEOEN

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Figure 29. Submission of BAMP to the Department via email.

Appendix 5. Submission of PBTL OMP

From: Inès Béchameil <ines.bechameil@neoen.com>
Sent: Thursday, 5 January 2023 5:09 PM
To: Aldred, Jeremy; Nielsen, Robin
Cc: Post Approval
Subject: Goyder South Hybrid Renewable Energy Facility - PBTL Offset Management Plan
Attachments: PBTL OMP_20230105.pdf

Dear Jeremy and Robin,

In respect of the Wind Farm 1A, Wind Farm 1B, and OTL and Substation components of the Goyder south Hybrid Renewable Energy Facility, we as the approval holder, submit to the Department of Climate Change, Energy, the Environment and Water (the **Department**) a combined Pygmy Blue-tongue lizard Offset Management Plan (**PBTL OMP**). This submission is made pursuant to:

- Condition 6 of the *Goyder South Hybrid Renewable Energy Facility – Wind Farm 1A, 10km south Burra SA (EPBC 2021/8958)*, dated 5 July 2022;
- Condition 5 of the *Goyder South Hybrid Renewable Energy Facility – Wind Farm 1B, 5km south Burra SA (EPBC 2021/8957)*, dated 13 July 2022; and
- Condition 4 of the *Goyder South Hybrid Renewable Energy Facility – OTL and Substation, Worlds End, SA (EPBC 2021/8959)*, dated 28 July 2022 as well as corresponding variation dated 19 December 2022.

Please note that as the final design for Wind Farm 1A and Wind Farm 1B components of the Goyder South Hybrid Renewable Energy Facility is planned to be finalised in January 2023, we have not yet confirmed in this PBTL OMP the expected impact and offset required due to unexpected PBTL discoveries raised with DCCEEW between August and October 2022. Accordingly, we are planning to submit a revised PBTL MP to DCCEEW in February 2023, incorporating the impact of those findings.


As the EPBC approval conditions state that the approval holder must not commence *operation or commissioning* (refer to definitions in relevant approval conditions) until the INTG TEC OMP has been approved by the Minister, and the Project schedule involves the operation of the OTL and Substation in July 2023 and commencement of commissioning of the first turbine for Wind Farm 1A in August 2023 and commencement of commissioning of the first turbine for Wind Farm 1B in January 2024, please note that Neoen is aiming for **approval of the PBTL OMP by the end of May 2023**.

Could you please confirm receipt of this email and of the PBTL OMP?

And could you please let us know whether the Department is available for a meeting by end January 2023 so we can present this PBTL MP and start discussing any comments or questions that DCCEEW would have before approval can be provided?

Kind Regards,

Inès Béchameil
Project Manager – Australia



Level 21 / 570 George Street, Sydney NSW 2000
M. +61 432 273 429

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Figure 30. Submission of PBTL OMP via email.

Appendix 6. Notification of commencement of the action

From: Inès Béchameil <ines.bechameil@neoen.com>
Sent: Monday, 1 August 2022 11:04 AM
To: EPBCMonitoring@awe.gov.au
Cc: John Tregear
Subject: Goyder South Hybrid Renewable Energy Facility - Wind Farm 1B (EPBC 2021/8957) - Date of commencement of the action
Attachments: 2021-8957 Final decision letter.pdf; 2021-8957 Approval decision.pdf

Hi EPBC Monitoring,

Please take this email as a notification from Goyder Wind Farm 1B Pty Ltd under Condition 9 of the Approval Decision attached, that the date of commencement of the action will be the 15th August 2022.

Please note that moving forward, our contact details will be as detailed in the table below. Please ensure to send all correspondences to those 3 email addresses, when required.

Contacts	Name	Title	Phone number	Email address
Primary Contact	Generic Email address	N/A	N/A	contact@goydereenergy.com.au
Primary Contact	Ines Bechameil	Construction Project Manager	+61 432 273 429	ines.bechameil@neoen.com
Back-Up Contact	John Tregear	Construction Project Director	+61 487 688 660	john.tregear@neoen.com

Kind Regards,

Inès Béchameil
Project Manager – Australia

NEOEN

Level 21 / 570 George Street, Sydney NSW 2000
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Figure 31. Notification of commencement of the action via email.

Appendix 7. Maps of additional PBTL habitat (PBTL habitat Post EPBC Approval)

Refer to the following pages.

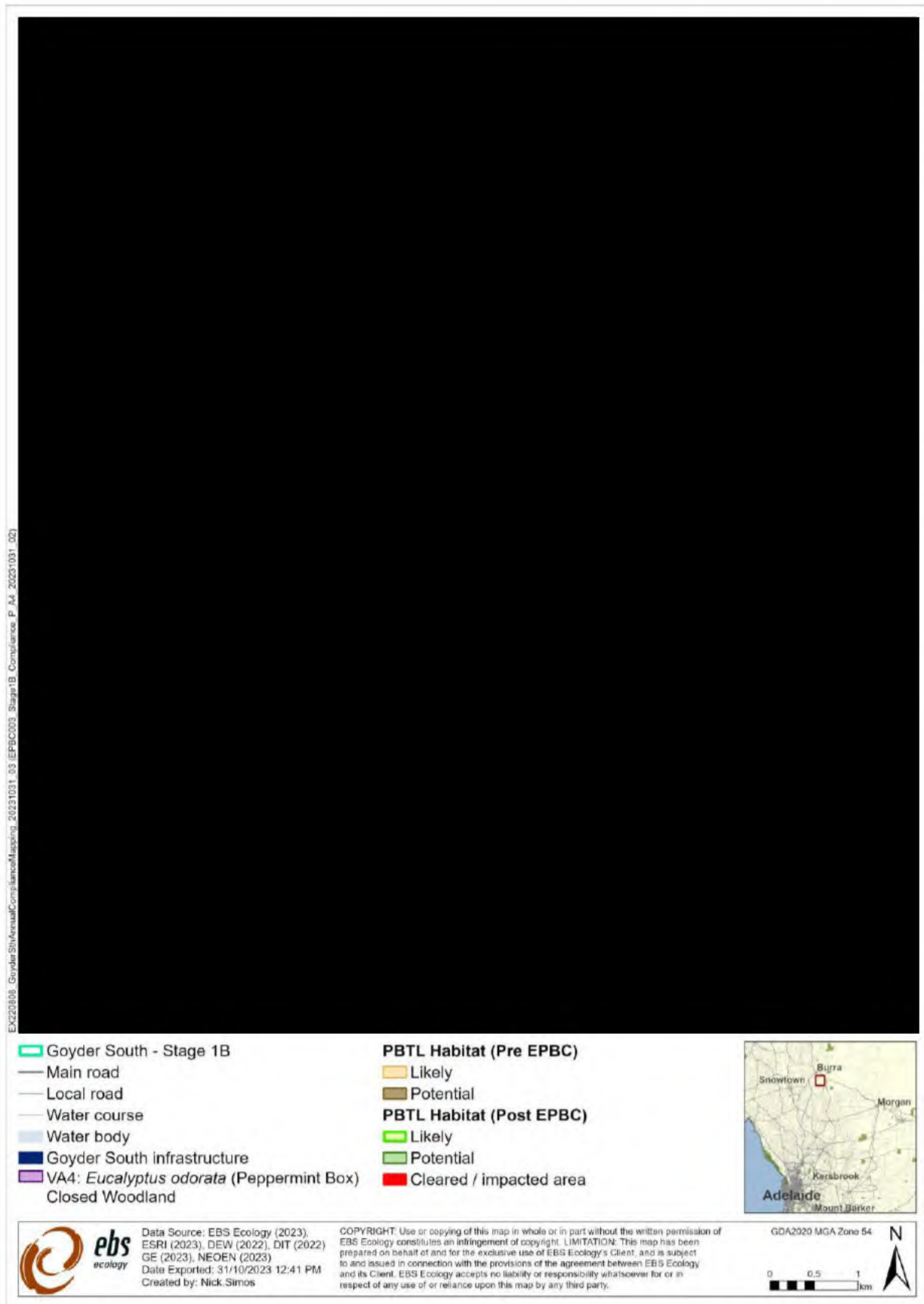


Figure 32. Stage 1B Project Area, including WTGs and other infrastructure; 'Pygmy Blue-tongue Lizard habitat' (Pre EPBC approval); additional PBTL habitat Post EPBC approval; and impacted areas (refer to the following figure for more detail).

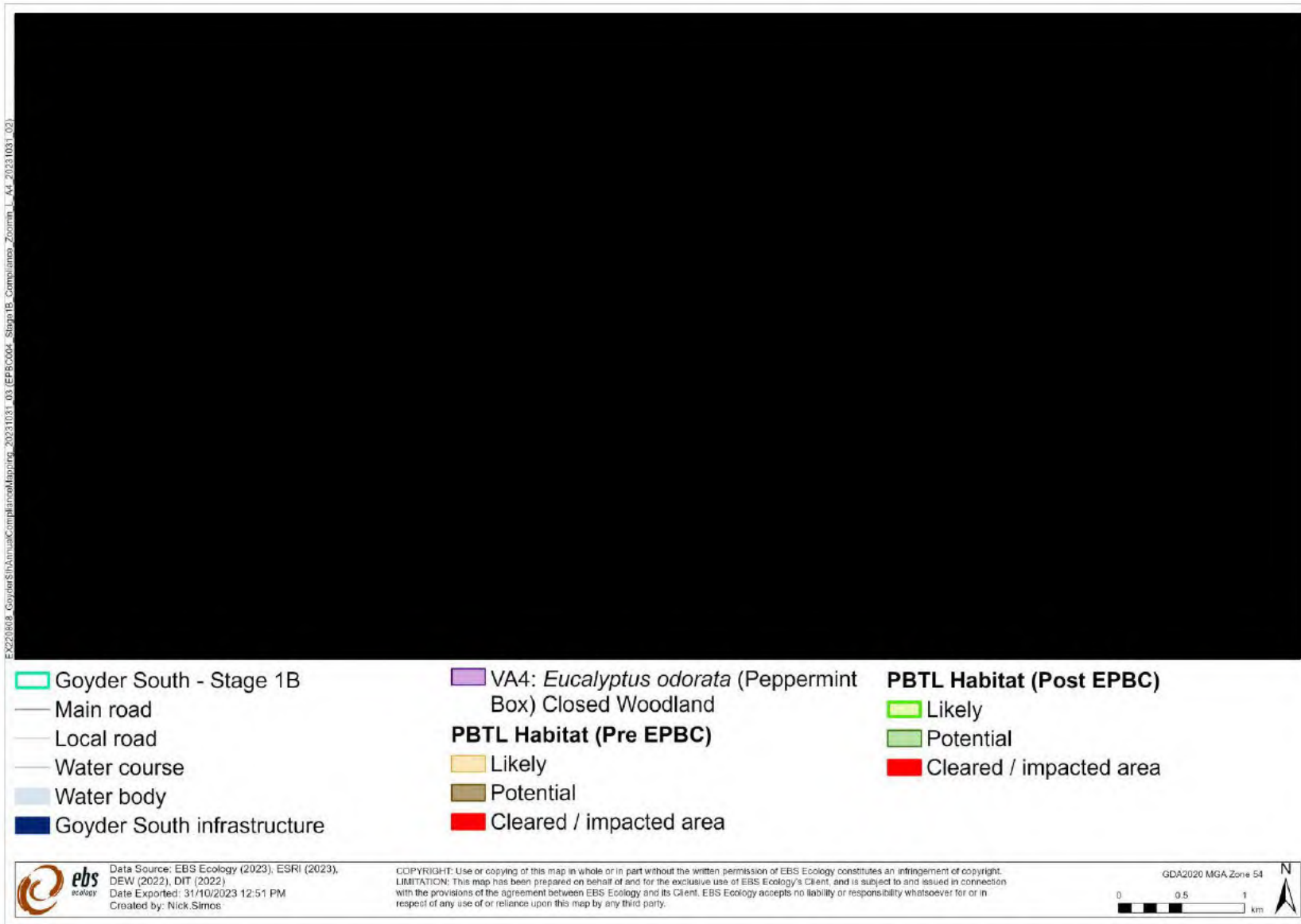


Figure 33. Stage 1B Project Area, including WTGs and other infrastructure; 'Pygmy Blue-tongue Lizard habitat' (Pre EPBC approval); additional PBTL habitat Post EPBC approval; and impacted areas.

Appendix 8. Letter from the Department 20/09/2022

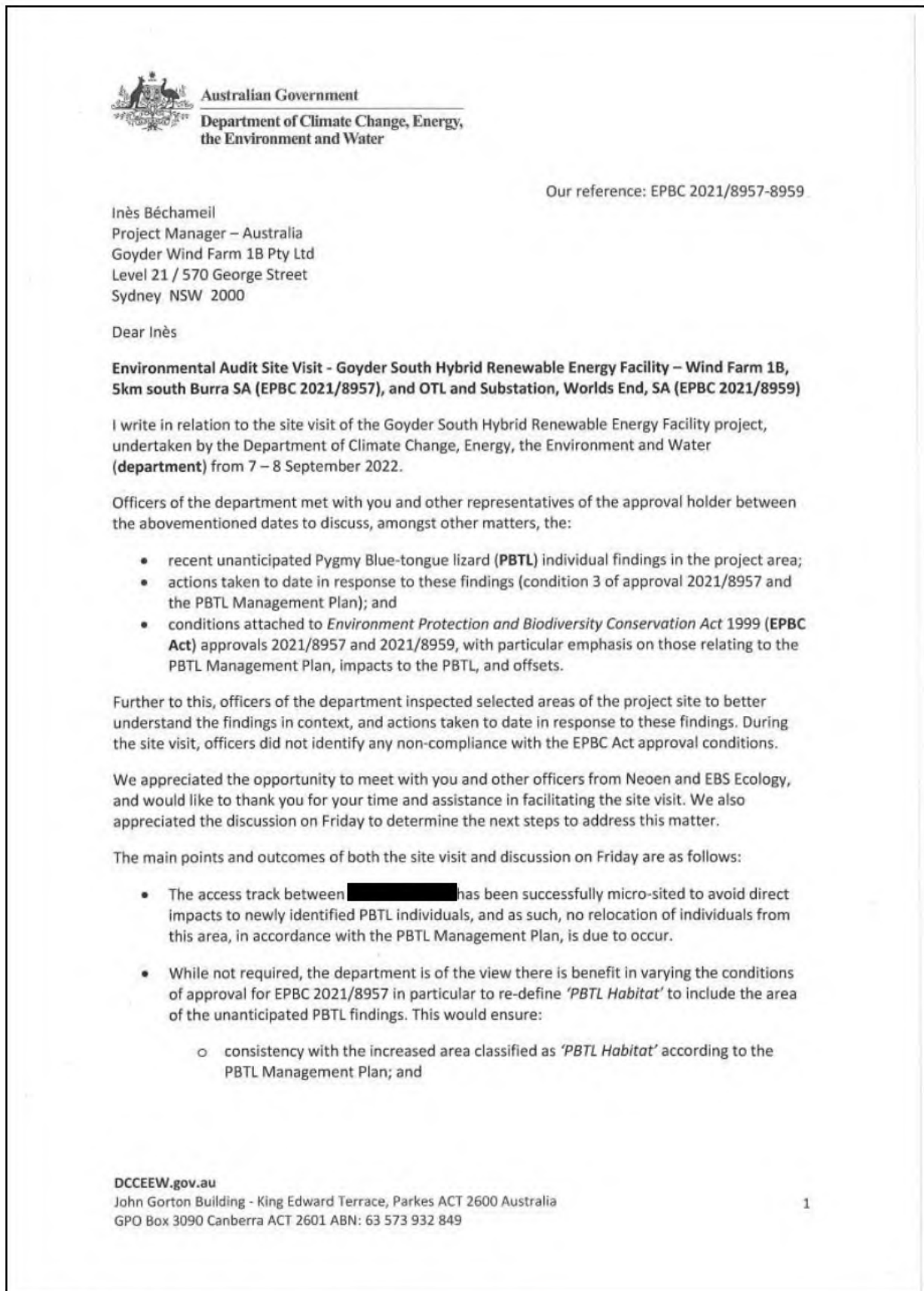


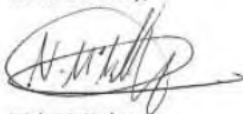
Figure 34. Letter from the Department 20/09/2022 (page 1 of 2).

- you, as the approval holder and the Minister/their delegate, agree on the impacts to the PBTL that are to be offset— which is expected to expedite review and approval of the Offset Management Plan (OMP) when submitted for approval.
- Pre-clearance surveys of all impact areas are complete but EBS Ecology are conducting further surveys to ensure all PBTL individuals expected to be directly impacted, and the residual impacts to PBTL habitat, are fully captured.
- Surveying of the [REDACTED] component of the project (EPBC approval 2021/8959) is complete and approx. 25 PBTL individuals are expected to be impacted by the current design (noting the current inability to micro-site the location of the substation).
- Construction of the [REDACTED] infrastructure is a priority for Neoen, and you intend to submit a request to vary the conditions of approval within approximately 2 weeks. This request will be (*inter alia*) to add a disturbance limit for impacts to the PBTL and may also request variations to conditions for:
 - appropriate impact reduction and mitigation measures such as translocation or relocation of PBTL individuals, plus extension and/or revision of PBTL Management measures in the existing PBTL management plan for EPBC approvals 2021/8957-8959; and
 - offset requirements for any permitted impacts to both PBTL individuals and PBTL habitat, including any impacts resulting from relocation or translocation processes.
- As part of the request to vary EPBC 2021/8959 approval conditions, myself, Post-Approvals, and our Assessment colleagues will discuss any potential need to refer translocation as a separate action, should this be the preferred method for impact avoidance and reduction.
- Further and continued engagement with the Post-approvals section will be required to progress the request to vary the conditions of approval for 2021/8959 in the first instance, and subsequent variations required thereafter.

Please continue to maintain accurate records of all activities associated with, or relevant to, the conditions of the approval so that they can be made available to the department on request. Such documents may be subject to audit and be used to verify compliance.

If you would like to discuss this matter further please contact myself on 0450 578 848 or via email at epbcmmonitoring@environment.gov.au or nick.mcNulty@environment.gov.au.

Yours sincerely,



Nick McNulty
A/g Assistant Director
Environmental Audit Section
Environment Compliance Branch

20 September 22

Figure 35. Letter from the Department 20/09/2022 (page 2 of 2).



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