

## Proponent Response to Audit Findings

### Non-Compliances

Condition Number (ID)	Compliance Requirement	Independent Audit Finding	Independent Audit Recommendation	Proponent's Proposed Action/Action taken/Response (as applicable)	Proposed Action Due Date
B7	Prior to the commencement of construction, the Proponent shall provide written evidence to the satisfaction of the Secretary that the lease agreements with the site landowners have adequate provisions to require that the decommissioning occurs in accordance with this Approval and is the responsibility of the Proponent.	<p>Evidence:</p> <ul style="list-style-type: none"> <li>• BWF Decommissioning &amp; Rehabilitation Plan 23 June 2017 which states: <i>'The Bodangora Wind Farm lease agreements have adequate provisions to require that decommissioning occurs in accordance with the Approval and is the responsibility of Bodangora Wind Farm Pty Ltd. In compliance with Project Approval B7, written evidence has been provided to the Department of Planning and Environment (DPE). Approval of this was received from the DPE on 14th December 2016.'</i></li> <li>• Director General's Environmental Assessment Report – Major Project Assessment: Bodangora Wind Farm, Page 52 which states: <i>'The Department is satisfied that these matters (in regard to decommissioning) have been adequately addressed.'</i></li> </ul>	<p>Considered compliant</p> <p>As discussed in the construction IEA conducted by J2M Systems in July 2018 this issue is considered by Infigen (Iberdrola) to have been managed prior to project funding and approval to proceed.</p> <p><b>Recommendation:</b> The Decommissioning and Rehabilitation Plan (DRP) is scheduled to be updated in May 2022 and needs to include Modification 4.</p>	<p><b>Proposed Action</b></p> <p>Review and update the Decommissioning and Rehabilitation Plan in May 2022 and include Modification 4.</p>	31 <sup>st</sup> May 2022
B9	The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the Project. No condition of this approval removes the obligation of the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the Project.	<p>BWF was approved under (since repealed) Section 75J of the Environmental Planning &amp; Assessment Act as a <i>Part 3A Major infrastructure and other projects</i>. Original Project Approval (MP 10_0157) has since been modified 4 times, current version is Modification 4, December 2017.</p> <p>Project Approval and Environmental Protection Licence (EPL) are the only licences, permits, and approvals required and obtained for the project.</p> <p>Evidence sighted:</p> <ul style="list-style-type: none"> <li>• Environmental Protection Licence 20927(29-Jun-2017), due for review 29 Jun 2022. EPL available on website and sighted during the audit</li> <li>• Project Approval available on website and sighted.</li> </ul>	<p>Considered compliant</p> <p><b>Recommendation:</b> EPL (01/02/2019) on BWF website needs to be updated to most recent version (4/11/2020)</p>	<p><b>Proposed Action</b></p> <p>Update website with the most recent version of the EPL</p>	14th March 2022
C6 (b)	(b) set out monitoring requirements in order to assess the impact of the Project on bird and bat populations, including details on survey locations, parameters to be measured, frequency of surveys and analyses and reporting. The monitoring program shall be capable of detecting any changes to the population of birds and / or bats that can reasonably be attributed to the operation of the Project, that is, data may be required to be collected prior to the commencement of construction;	<p><b>Evidence sighted</b></p> <ul style="list-style-type: none"> <li>• BBAMP - Second Annual Report, Nature Advisory, September 2021. Report No. 15124 (20.1)</li> <li>• Annual Report on the Implementation of the Bird and Bat Adaptive Management Plan, Nature Advisory, August 2020. Report No. 15124 (20.0)</li> <li>• NOTE: Monthly Monitoring Report - December 2019, Report No. 15124 (14.0). Corrections to the dates in the December monitoring report need to be made and it be listed as the 7th monitoring report.</li> <li>• Bodangora Wind Farm Mortality Estimate - Years 1 and 2 Prepared for Nature Advisory by Symbolix, 17 September 2021, Ver. 1.0</li> </ul>	<p>The approved BBAMP states that the first two years of operation of the BMF will provide focused monitoring to inform of impacts and mortality estimates of birds and bats at the windfarm.</p> <p>As per the BBAMP (Section 3.1.1) 'an initial one year of monitoring is proposed for the Superb Parrot to include the following: Summer –Autumn Migration (1 February to 30 April).' The focused Superb Parrot Survey, Nature Advisory, May 2018. Report No. 15124(6.0) indicates that all survey requirements for the Superb Parrot were met, no behaviours that meet the definition of Superb</p>	<p><b>Action Taken</b></p> <p>The monthly monitoring report for May 2021 has been provided to the auditor (7<sup>th</sup> March 2022). The number of monthly reports now totals 24 months as required by the BBAMP</p>	7 <sup>th</sup> March 2022

		<p><b>Monthly monitoring report May 2021 not evidenced. The addition of this report would total 24 months (2 years) of monitoring.</b></p>	<p>Parrot 'risk' behaviour were recorded during the surveys at Bodangora Wind Farm. No mortalities of Superb Parrots were recorded during the two-year monitoring period. The risk posed to Superb Parrot from the BWF is assessed as low. The survey, results and findings of this report are satisfactory. No further recommendations.</p> <p>Pre and Post-construction surveys were undertaken for the Grey-crowned babbler (GCB). During monitoring no GCB were detected as mortalities during two years of carcass monitoring. There is no evidence of 'indirect' impact on this species by the operation of the BWF. The risk posed to GCB from the BWF is assessed as low. The survey, results and findings of this report are satisfactory. No further recommendations.</p> <p>Two years of carcass monitoring has yielded little meaningful data from a total of 68 insectivorous bat carcasses located - a significant number of mortalities may have gone unnoticed during these carcass detection surveys.</p> <p>The reporting period coincided with drought, regional fires, heavy summer rains and a regional rodent plague. It is unclear whether highly mobile raptor species found on site were responding to regional conditions or increased food supply or not. The report states that it is unknown whether they will continue to occupy and/or abandon the BWF area in future when conditions change.</p> <p>Considered compliant</p>		
C7	<p>Following final design, and prior to commencement of construction in areas requiring native vegetation clearing, or as otherwise agreed to by the Secretary, the Proponent shall develop and submit a Biodiversity Offset Package for the approval of the Secretary. The Package shall detail how the ecological values lost as a result of the Project will be offset. The Biodiversity Offset Package shall be developed in consultation with the OEH and shall (unless otherwise agreed by the Secretary) include, but not necessarily be limited to:</p> <p>(a) the identification of the extent and types of habitat that would be lost or degraded as a result of the final design of the Project;</p> <p>(b) the objectives and biodiversity outcomes to be achieved (including 'improve or maintain' biodiversity values), and the adequacy of the proposed offset considered;</p> <p>(c) the final suite of the biodiversity offset measures selected and secured, including but not necessarily limited to:</p> <ol style="list-style-type: none"> <li>an offset proposal which is supported by a suitable metric method (such as the Biobanking Assessment Methodology);</li> <li>details of the relative condition and values of communities on the offset site in comparison to those to be impacted, including all areas of derived native grassland in moderate to good condition; and</li> <li>proposed management actions and expected gains;</li> </ol> <p>(d) the monitoring requirements for compensatory habitat works and other biodiversity offset measures proposed to ensure the outcomes of the package are achieved, including:</p>	<p>Evidence sited:</p> <ul style="list-style-type: none"> <li>Biodiversity Offset Package 23/02/2018 available on BWF Website</li> <li>Letter from the Mike Young on behalf of the secretary on 24/11/2017 stating approving the increase in clearing limit and the BOP</li> <li>Letter from Infigen to the Biodiversity Conservation Trust (BCT) with the following attachments: <ol style="list-style-type: none"> <li>Cover letter from Infigen to the BCT dated 09/10/2018</li> <li>Application form for payment into the Biodiversity Conservation Fund by Infigen dated 08/10/2018</li> <li>Statement of assessment of reasonable equivalence of biodiversity credits from OEH to BWF dated 3/08/2018</li> <li>Biodiversity Offset Payment Calculator results dated 01/08/2018</li> <li>Project boundary shape file</li> </ol> </li> <li>Section 6.33 certificate Statement confirming payment into the BCF for an offset obligation dated 31/8/2018 which is used to demonstrate to the consent authority that this biodiversity credit obligation has been met.</li> </ul>	<p>The Biodiversity Offset Package (BOP) for the proposal was developed as per this condition and in consultation with the OEH to offset the impact of 3 hectares of native vegetation (as per Section B3). The BOP has been approved by the Secretary and is available on the proponent's website.</p> <p>The sequence for calculating and fulfilling the offsetting requirement occurs as follows:</p> <ol style="list-style-type: none"> <li>Infigen developed the approved Biodiversity Offset Package (BOP) under the Biobanking Scheme which concluded the project needed <b>40 credits of PCT281</b> and <b>73 credits of PCT266</b> (PCT = plant community type)</li> <li>Initially Infigen was going to enter into a Biobanking agreement and establish an offset area within 'Glen Oak' to offset the credit requirement</li> <li>In 2017 the change in legislation meant the Biobanking Assessment Methodology (BBAM) was replaced by the Biodiversity Assessment Method (BAM)</li> <li>Infigen (Tim Maddever) then consulted with OEH and chose to pay into the Biodiversity Conservation Fund (BCF) under BAM rather than enter into the biobanking agreement</li> <li>OEH then calculated a 'reasonable equivalence' of biodiversity credits and decided that <b>40 credits</b></li> </ol>	<p><b>Proposed Action</b></p> <p>Engage NGH Environmental to update The Biodiversity Offset Package with the additional information demonstrating how offset obligations have been met through payment into the BCT. Provide updated document to DPI.</p>	30 <sup>th</sup> April 2022

	<p>i. the monitoring of the condition of species and ecological communities at offset locations;</p> <p>ii. the methodology for the monitoring program(s), including the number and location of offset monitoring sites, and the sampling frequency at these sites; and</p> <p>iii. provisions for the annual reporting of the monitoring results for a set period of time as determined in consultation with the OEH;</p> <p>(e) timing and responsibilities for the implementation of the provisions of the Package;</p> <p>(f) evidence that the offset(s) has been acquired and / or is permanent and secure prior to the commencement of construction;</p> <p>(g) how securing the site addresses the residual impacts of the action on threatened species;</p> <p>(h) proposed long term funding for management actions as well as roles and responsibilities; and</p> <p>(i) key milestones, performance indicators, corrective actions and timeframes for the completion of all actions outlined in the Package.</p> <p>Land offsets shall be consistent with the Principles for the use of Biodiversity Offsets in NSW (OEH, 2011) and the Environmental Protection and Biodiversity Conservation Act 1999 – Environmental Offset Policy. Any land offset shall be enduring and be secured by a conservation mechanism which protects and manages the land in perpetuity. Where land offsets cannot solely achieve compensation for the loss of habitat, additional measures shall be provided to collectively deliver an improved or maintained biodiversity outcome for the region.</p> <p>Where monitoring indicates that biodiversity outcomes are not being achieved, feasible and reasonable remedial actions shall be undertaken to ensure that the objectives of the Biodiversity Offset Package are achieved.</p>		<p>of PCT281 and 56 credits of PCT266 was needed to be offset for the project</p> <p>6. Infigen paid the into the BCT for this offset obligation (\$254,451.42 on 31/8/2018)</p> <p>7. The offset obligation has been met; no further action is required.</p> <p>Considered Compliant.</p> <p><b>Recommendation:</b>  <b>The Biodiversity Offset Package needs to be updated with additional information demonstrating how offset obligations have been met through payment into the BCT.</b></p>		
D4	<p>Prior to the commencement of construction, or as otherwise agreed by the Secretary, the Proponent shall establish and maintain a new website, or dedicated pages within an existing website, for the provision of electronic information associated with the Project, for the life of the Project. The Proponent shall, subject to confidentiality, publish and maintain up-to-date information on the website or dedicated pages including, but not necessarily limited to:</p> <p>(a) information on the current implementation status of the Project;</p> <p>(b) a copy of the documents referred to under condition B1 of this Approval, and any documentation supporting modifications to this Approval that may be granted;</p> <p>(c) a copy of this Approval and any future modification to this Approval;</p> <p>(d) a copy of each relevant environmental approval / consent, licence or permit required and obtained in relation to the Project;</p>	<p>The website is active and can be readily accessed:  <a href="https://www.infigenenergy.com/our-assets/owned-renewable-energy-assets/bodangora/">https://www.infigenenergy.com/our-assets/owned-renewable-energy-assets/bodangora/</a></p>	<p>Considered compliant</p> <p><b>Recommendation:</b>  <b>Some documents need updating to current versions, dates inserted (since the project shifted from construction to operation), or are overdue for an annual review:</b></p> <ul style="list-style-type: none"> <li>• EPL license needs most recent version online</li> <li>• Compliance Tracking Program needs updating regarding relevant dates and timing as the project has moved from construction to operation since the program was developed. Also, the reference to the CEMP should be replaced with the OEMP.</li> <li>• Pollution Incident Response Management Plan overdue for annual review</li> <li>• OEMP overdue for annual review</li> </ul>	<p><b>Proposed Action</b></p> <p>As per B9 – update website with latest version of EPL</p> <p>Update Compliance Tracking Program. Update website with latest revision and provide copy to DPI.</p> <p>Undertake annual review of PIRMP</p> <p>Undertake annual review of OEMP and provide latest revision to DPI</p> <p>Refer C7 for BOP</p>	30 <sup>th</sup> April 2022

	<p>(e) a copy of each current strategy, plan, program or other document required under this Approval;</p> <p>(f) the outcomes of compliance tracking in accordance with condition D5 of this Approval; and</p> <p>(g) details of contact point(s) to which community complaints and enquiries may be directed, including a telephone number, a postal address and an email address.</p>		<p>• <b>Biodiversity Offset Package needs additional information demonstrating how offset obligations have been met through payment into the BCT.</b></p>		
D5	<p>The Proponent shall develop and implement a <b>Compliance Tracking Program</b> to track compliance with the requirements of this Approval. The Program shall be submitted to the Secretary for approval prior to the commencement of construction and operate for the life of the Project. The Program shall include, but not necessarily be limited to:</p> <p>(a) provisions for the notification of the Secretary prior to the commencement of construction and prior to the commencement of operation of the Project (including prior to each stage, where works are being staged);</p> <p>(b) provisions for periodic review of the compliance status of the Project against the requirements of this Approval;</p> <p>(c) provisions for periodic reporting of compliance status to the Secretary, including a Pre-Construction Compliance Report, during construction reporting, and a Pre-Operation Compliance Report;</p> <p>(d) a program for independent environmental auditing in accordance with <i>ISO 19011:2003 - Guidelines for Quality and / or Environmental Management Systems Auditing</i>;</p> <p>(e) mechanisms for recording environmental incidents during construction, and actions taken in response to those incidents;</p> <p>(f) provisions for reporting environmental incidents to the Secretary and relevant public authorities (including Council) during construction and for the life of the Project;</p> <p>(g) procedures for rectifying any non-compliance identified during environmental auditing, and review of compliance or incident management; and</p> <p>(h) provisions for ensuring all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this Approval relevant to their respective activities.</p>	<p>The Construction IEA conducted by J2M Systems in 2018 states the proponent was compliant with this condition and sighted the submission and approval letters for the Program.</p> <p>The Bodangora Wind Farm compliance tracking program available on the website. This document was reviewed in this 2022 audit.</p> <p>This program has been approved.</p>	<p>Considered compliant</p> <p><b>Recommendation:</b> This document needs updating in regard to relevant dates and timing updated as well as change the reference to the superseded CEMP to current OEMP.</p>	<p><b>Proposed Action</b></p> <p>As per D4 – update Compliance Tracking Program, add to website and provide copy to DPI.</p>	30 <sup>th</sup> April 2022
D9	<p>Within 3 months of commencing an audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report and a timetable for the implementation of the recommendations.</p>	<p>The 2018 audit was submitted to the Secretary. A letter from Katrina O'Reilly as nominee of the Secretary dated 31/8/2018 re: BWF IEA 2018 was sighted. This letter stated <i>The department has reviewed the IEA and considers it to generally satisfy the requirement of Condition D8 of the approval in relation to the IEA.</i></p>	<p>Considered compliant</p> <p><b>Recommendation:</b> As per the letter from the Secretary dated 31/8/2018, the 2018 IEA and IEA action plan should be uploaded to the company website.</p>	<p><b>Proposed Action</b></p> <p>Upload 2018 IEA and action plan to Iberdrola website</p>	31 <sup>st</sup> March 2022
F5	<p>Disturbance to watercourses and / or associated riparian vegetation shall be rehabilitated to a standard equal to or better than the existing condition in consultation with the CL&amp;W and DPI (Fisheries) within six months of the cessation of construction activities at the relevant area. Any revegetation</p>	<p>There is no evidence of consultation with the CL&amp;W and DPI (Fisheries) within six months of the cessation of construction activities at the relevant areas. The proponent assumed this was covered by the requirements of Condition F6 which covers all access</p>	<p><b>Recommendation:</b> The proponent is recommended to contact CL&amp;W and DPI (Fisheries) regarding this Condition and provide a copy of the Niche Revegetation Monitoring Report.</p>	<p><b>Proposed Action</b></p> <p>Iberdrola Australia will contact both CL&amp;W and DPI (Fisheries) to ensure the disturbance created during</p>	30 <sup>th</sup> April 2022



	measures undertaken shall be monitored and maintained consistent with the requirements of Condition F6.	tracks which was assumed to conclude creek crossings on site. Due to the lack of consultation with the relevant parties, the Proponent has been found to be <b>Non Compliant</b> for Condition F5.	<b>Areas which may be of interest to CL&amp;W and DPI where mapped hydro lines and Key Fish Habitat intersect BWF internal roads have been indicated on a map, see Photo Reference 13, Appendix B. Photos of these areas could be provided with consultation.</b>	construction to watercourses has been rehabilitated to a standard equal to or better than pre-construction. This correspondence with these two entities will be communicated with The DPI as required.	
F10	The Proponent shall: (a) implement best management practice to minimise the construction, operational, decommissioning and road traffic noise and vibration of the project; (b) implement sector management of wind turbines to manage any wind directions or meteorological conditions that are found to result in exceedances of the noise criteria in condition F8; (c) undertake noise monitoring within 3 months of the commissioning of the wind farm, or other timing as may be agreed by the Secretary, to determine whether the project is complying with the relevant conditions of this approval; and (d) carry out further noise monitoring if required by the Secretary, to the satisfaction of the Secretary.	The proponent has demonstrated it has implemented best management practices to minimise noise and vibration throughout the life of the project. No exceedances of noise criteria have been reported or discovered. No further noise monitoring has been ordered.  Considered Compliant	<b>Recommendation:</b> As stated in the OEMP it is unclear if the following has been done: <i>The results (of noise monitoring within 3 months of commissioning) will also be provided to DPE within one calendar month of completion of the monitoring and assessment report.</i>  <b>If this has been done the OEMP needs to be updated accordingly. If it has not been done the results need to be submitted to DPE.</b>	<b>Proposed Action</b>  For clarity, Iberdrola will provide to the DPI the noise monitoring report that was completed post-construction. The OEMP will be updated to reflect this action.	30 <sup>th</sup> April 2022
F19	Prior to the commencement of operation, or as otherwise agreed by the Secretary, the Proponent shall prepare and implement (following approval) an <b>Operation Environmental Management Plan</b> for the Project. The Plan shall outline the environmental management practices and procedures that are to be followed during operation, and shall be prepared in consultation with relevant agencies and in accordance with the <i>Guideline for the Preparation of Environmental Management Plans</i> (Department of Infrastructure, Planning and Natural Resources, 2004). The Plan shall include, but not necessarily be limited to: (a) a description of activities to be undertaken during operation of the Project (including staging and scheduling); (b) statutory and other obligations that the Proponent is required to fulfil during operation, including approval / consents, consultations and agreements required from authorities and other stakeholders under key legislation and policies; (c) overall environmental policies, guidelines and principles to be applied to the operation of the Project; (d) a description of the roles and responsibilities for relevant employees involved in the operation of the Project, including relevant training and induction provisions for ensuring that employees are aware of their environmental and compliance obligations under these Conditions of Approval; (e) an environmental risk analysis to identify the key environmental performance issues associated with the operation phase of the Project; and (f) details of how environmental performance would be managed and monitored to meet acceptable outcomes, including what actions will be taken to address identified potential adverse environmental impacts, including those safeguards and mitigation measures detailed in the EA (and any impacts arising from the staging of the construction of the Project); and (g) details of how sector management would be used to ensure that operational noise criteria are not exceeded.  The Plan shall be submitted for the approval of the Secretary no later than one month prior to the commencement of operation, or as otherwise agreed by the Secretary. Operation shall not commence until written approval has been received from the Director General. Upon receipt of the Secretary's approval, the Proponent shall make the Plan publicly available as soon as practicable.	Considered Compliant	<b>Recommendation:</b> <b>As per the OEMP Approval letter it is unclear if:</b> <i>further works are required to determine specific sector management measures that will be used by Bodangora to ensure noise criteria are not exceeded.</i> <b>This needs to be clarified and the OEMP updated accordingly if required.</b> <b>The OEMP is overdue for annual review and needs to be updated as required.</b>	<b>Proposed Action</b>  As a part of the annual OEMP review the results of the post-construction noise monitoring will be addressed and noted.	30 <sup>th</sup> April 2022

	<p><i>Note: The approval of an Operation Environmental Management Plan does not relieve the Proponent of any other requirement associated with this Project Approval. If there is an inconsistency with an approved Operation Environmental Management Plan and the conditions of this Project Approval, the requirements of this Project Approval prevail.</i></p>				
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