CENTRAL-WEST ORANA RENEWABLE ENERGY ZONE

TRANSMISSION PROJECT (EPBC 2022/09353)

ANNUAL COMPLIANCE REPORT

CWO-PRO-050-ENV-RPT-000029 REV 00

8 AUGUST 2024 – 7 AUGUST 2025

DOCUMENT STATUS

Revision	Date	Action	Description
Rev 00	29/08/2025	Prepared by ACJV for EnergyCo	Preparation of report for EnergyCo

Declaration of accuracy

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed: Peter Bennett

Full name: Peter Bennett

Position: Executive Project Director

Organisation: Energy Corporation of New South Wales

Date 02/09/2025

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1. Introduction

1.1. PURPOSE OF REPORT

The report has been prepared to address the requirements of Condition 25 of the Central-West Orana Renewable Energy Zone Transmission Project approval (EPBC Approval 2022/09353) issued under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Condition 25 of the EPBC Act Approval requires the following:

The approval holder must prepare a compliance report for each Annual Compliance Report period (ACR period).

This report has been prepared in line with the *Annual Compliance Report Guidelines: Reporting under the Environment Protection and Biodiversity Conservation Act 1999*, Commonwealth of Australia 2023.

The description of activities that relate to the approval are detailed in Table 1.

TABLE 1 DESCRIPTION OF ACTIVITIES

Project details	Description
EPBC number	2022/09353
Project name	Central-West Orana Renewable Energy Zone Transmission Project
Approval holder and ABN	Energy Corporation of New South Wales ABN: 13 495 767 706
Approved action	To construct and operate new high voltage electricity transmission infrastructure, energy hubs, switching stations, supporting communication infrastructure and ancillary infrastructure to connect to energy generation and storage projects within the Central-West Orana Renewable Energy Zone (REZ), and transfer this energy onto the national electricity network. (See EPBC Act referral 2022/09353 subject to the variation of the proposed action accepted by the Minister under section 156B on 26 June 2024.)
Project location	The project is located within the Warrumbungle, Mid-Western Regional, Dubbo Regional and Upper Hunter local government areas (LGAs) and generally extends north to south from Cassilis to Wollar and east to west from Cassilis to Goolma.
Declared by	Peter Bennett, Executive Project Director, Central-West Orana Transmission Project
Reporting period	08/08/2024-07/08/2025
Date	5th September 2025

1.2. ANNUAL COMPLIANCE REPORT CONTENT

The report has been prepared to include the requirements of Condition 26 of the Central-West Orana Renewable Energy Zone Transmission Project EPBC Act

Condition 26 of the EPBC Act Approval requires the following:

The approval holder must ensure each compliance report includes:

a) Accurate and complete details of compliance and any non-compliance with:

i) Each condition imposed under the NSW approval, if a condition attached to this approval decision requires compliance with that NSW approval condition, the extent that it relates to projected matters

ii) Each condition attached to this approval decision

iii) All commitments made in each plan, to the extent that they relate to protected matters

b) A schedule of all plans in effect in relation to these conditions during the ACR period

c) Accurate and complete details of how each plan was implemented during the ACR period

d) If any incident occurred, accurate and complete details of each incident

1.3. BACKGROUND

The Central-West Orana Renewable Energy Zone Transmission Project (the project) is classified as State Significant Infrastructure under Part 5, Division 5.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and Division 5 of the State Environmental Planning Policy (Infrastructure) 2007. The project was declared Critical State Significant Infrastructure (CSSI) by the NSW Minister for Planning and Public Spaces (the Minister) on 23 November 2020 (amended in February 2023) under Section 5.13 under the EP&A Act and Section 23 in Schedule 5 of the State Environmental Planning Policy (Planning Systems) 2021.

The project was a Controlled Action under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) (Commonwealth) and required a separate approval from the Commonwealth Minister for the Environment and Water (or its delegate) under the EPBC Act. The project was assessed under the NSW Assessment Bilateral Agreement under Part 9 of the EPBC Act, and the EPBC assessment requirements were included in the Secretary's environmental assessment requirements (SEARs) issued for the project.

The project was approved under the EP&A Act by the Minister on 26 June 2024. A modification to the Infrastructure Approval, along with additional supporting information (dated 11 October 2024), was approved by the Planning Secretary (Modification 1) on the 14 October 2024. Approval for the project under the EPBC Act was granted by the Australian Minister for the Environment and Water on 8 August 2024 (EPBC 2022/09353).

The project environmental impact statement (dated September 2023) (EIS) was prepared to assess the impacts of construction and operation of the Central-West Orana Renewable Energy Zone Transmission project. A Response to Submission report (dated March 2024) (RtS) was prepared in response to submissions received on the EIS. A Project Amendment Report (13 March 2024) (AR) was subsequently prepared to address project changes resulting from submissions and design progress. The environmental mitigation measures within the EIS were revised and included in Appendix E of the AR.

1.4. PROJECT OVERVIEW

The Central-West Orana Renewable Energy Zone (REZ) Transmission project (the project) is located within Warrumbungle, Mid-Western Regional, Dubbo Regional and Upper Hunter local government areas (LGAs) and generally extends north to south from Cassilis to Wollar and east to west from Cassilis to Goolma, refer to Figure 1.

The project comprises the construction and operation of new electricity transmission infrastructure, new energy hubs and switching stations and ancillary works required to connect new renewable energy generation and storage projects within the Central-West Orana REZ to the NSW electricity network.

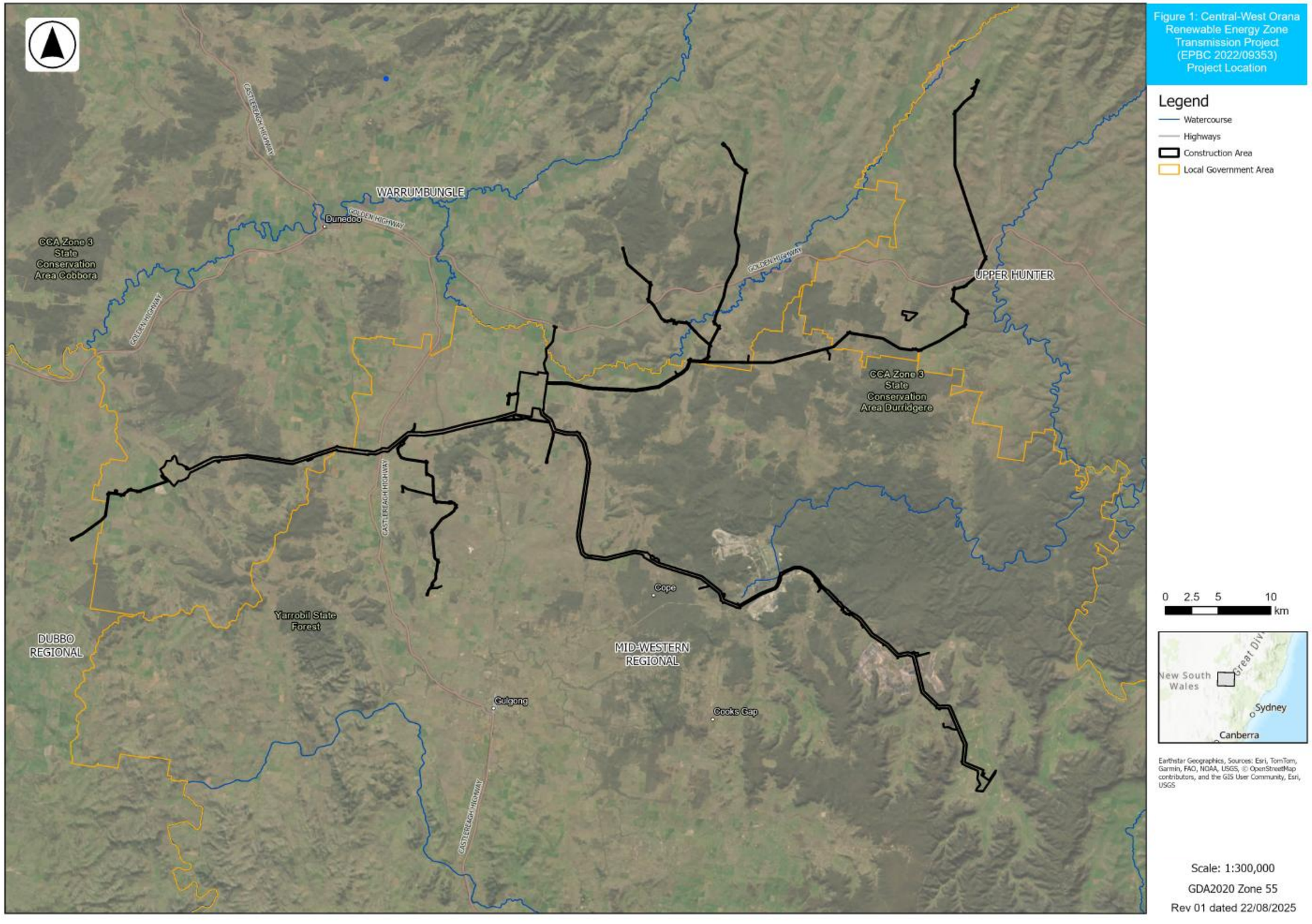

FIGURE 1 PROJECT LOCATION

1.5. ACTIVITIES DURING THE REPORT PERIOD

The key project activities are described in Table 2.

TABLE 2 KEY PROJECT ACTIVITIES

Project stage	Key activities
Pre-construction minor works	Pre-construction minor works for the project including: • Installation of fencing, gates, barricades, exclusion zones and other access controls • Property adjustment work • Establishment of permanent and temporary environmental controls and monitoring equipment • Minor vegetation clearance • Establishment of construction compounds, interim workforce accommodation camps and laydown areas • Biodiversity, heritage and other investigations including test excavation, protection, salvage, environmental monitoring and recordings, geotechnical and contamination investigations • Establishment of new access tracks and upgrades to existing access tracks • Utility works, connections, adjustments, augmentations, relocations, and protection • Delivery of construction plant and equipment to site and delivery of materials at laydown areas • Other survey work, such as road dilapidation surveys, and surveys of the general alignment and existing utilities, installing survey controls, installing repeater stations, carrying out surveys of existing and future utilities • Road and intersection upgrades
Transmission line construction	Construction of each transmission line tower include the following key steps: • Site preparation, including survey, access, vegetation clearance and earthworks
Energy hub, maintenance facility and switching station construction	The following activities associated with the construction of energy hubs, maintenance facility and switching station sites: • Establishment of suitable access • Earthworks and site preparation • Civil construction works

2. Compliance assessment

The EPBC Act approval provides a list of conditions to be complied with and evidence of compliance with these conditions are provided in Table 7.

The compliance status of each condition was determined using the relevant descriptors in Table 3and as described in the *Annual Compliance Report Guidelines Reporting under the Environment Protection and Biodiversity Conservation Act* Commonwealth of Australia, 2023.

TABLE 3 COMPLIANCE DETECTORS

Status	Description
Compliant	'Compliance' is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
Non-compliant	A designation of 'non-compliant' must be given where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.
Not applicable	A designation of 'not applicable' must be given where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example, a condition that applies to an activity that has not yet commenced.

2.1. COMPLIANCE SUMMARY

The compliance performance for the reporting period is summarised in Table 4.

TABLE 4 SUMMARY OF COMPLIANCE DURING THE REPORTING PERIOD

Status	Number of conditions	Number of incidents
Compliant	32	Nil
Non-compliant	2	2
Not applicable	22	Nil
Total	56	2

2.1.1. Non-compliance

Two non-compliances have been documented during the reporting period and summarised in Table 5.

TABLE 5 SUMMARY OF NON-COMPLIANCES

Condition Number / Reference	Evidence / Comment
4	The BAVR was prepared in accordance with Condition of Approval B25. DPHI approved the BAVR on 02/04/2025. EnergyCo submitted a copy of the BAVR to the department on 29/04/2025, which was outside the allowable 5 business days to submit to the department.

	As per Section 3.8 of the Annual Compliance Report Guidelines (Commonwealth of Australia, 2023), findings of non-compliance are detailed below.
	• If the department was notified of the non-compliance and, if so, when, and how and to whom
	  ○ The department was notified on the 29th of April 2025 via email to the Environment.compliance@dcceew.gov.au; epbcmonitoring@dcceew.gov.au
	• The relevant condition number and reference
	  ○ This notification related to an administrative non-compliance with condition 4, which states:
	  4) The approval holder must prepare a Biodiversity Assessment Verification Report in accordance with condition B25 of the NSW Approval to the extent that it relates to protected matters and, within 5 business days of the NSW Planning Secretary approving the Biodiversity Assessment Verification Report, submit to the department a copy of the Biodiversity Assessment Verification Report.
	• Who detected the non-compliance
	  ○ Shannon Schofield, Manager Planning, EnergyCo
	• Date when the non-compliance was detected
	  ○ 28th of April 2025
	• How the non-compliance was/will be corrected
	  ○ Please refer to detail in the incident notification attached in Appendix C
	• Who (the actual person completing the correction) was/is responsible for correcting the noncompliance
	  ○ Courtney Moran, Principal Advisor, Planning & Environment, EnergyCo
	• Date when correction measures were/will be commenced and/or completed or the time frame for correction
	  ○ Please refer to detail in the incident notification attached in Appendix C
	• What measures have been/ will be taken to avoid recurrence
	  ○ Please refer to detail in the incident notification attached in Appendix C

12	Plans have been published on the project website in accordance with this condition, except for the following cases:
	• On 12/03/2025 DPHI approved the Offset Measures BMP and was made available on the project website on 17/04/2025
	• The Mining Offset Package was approved by the department on 25/03/2025. The Mining Offset Package was made available on the project website on 21/05/2025
	Due to the project website publication date for the Mining Offset Package/ Offset Measures BMP, this condition is non-compliant.
	As per Section 3.8 of the Annual Compliance Report Guidelines (Commonwealth of Australia, 2023), findings of non-compliance are detailed below.
	• If the department was notified of the non-compliance and, if so, when, and how and to whom
	  ○ Regarding the MOP, the department was notified on the 23rd of May 2025 via email to the Environment.compliance@dcceew.gov.au; epbcmonitoring@dcceew.gov.au
	  ○ As a result of the investigation into the MOP non-compliance it was identified that the Offset Measures BMP had not been made available within the required timeframe. The Department was notified on 10 June 2025 via email to the Environment.compliance@dcceew.gov.au; epbcmonitoring@dcceew.gov.au
	• The relevant condition number and reference
	  ○ This notification related to an administrative non-compliance with condition 12, which states:
	  12) Unless otherwise agreed to in writing by the Minister, the approval holder must publish each plan on the website within 15 business days of the date:
	• The plan is approved by the Minister in writing, if the plan requires the approval of the Minister
	• The plan is approved by the NSW Planning Secretary as required under the NSW approval which must be complied with in accordance with these EPBC Act conditions

- Who detected the non-compliance
  - Anthony Lusher, Environmental Approvals and Compliance Lead, ACJV
- Date when the non-compliance was detected
  - MOP: 21st of May 2025
  - Offset Measures BMP: 3rd June 2025
- How the non-compliance was/will be corrected
  - Please refer to detail in the incident notification attached in Appendix C
- Who (the actual person completing the correction) was/is responsible for correcting the noncompliance
  - Lorryn Williamson, Senior Environment and Sustainability Manager, ACJV
- Date when correction measures were/will be commenced and/or completed or the time frame for correction
  - Please refer to detail in the incident notification attached in Appendix C
- What measures have been/ will be taken to avoid recurrence
  - Please refer to detail in the incident notification attached in Appendix C

2.1.2. Incidents

An incident is defined in the EPBC approval as any:

- Event which has the potential to, or does, harm any protected matter
- Potential non-compliance with these conditions, excluding the administrative requirements
- Actual non-compliance with these conditions, including the administrative requirements
- Potential non-compliance with one or more commitment made in a plan
- Actual non-compliance with one or more commitment made in a plan

All environmental incidents reported during the reporting period are summarised in Table 6.

TABLE 6 SUMMARY OF ENVIRONMENTAL INCIDENTS

Title	Date	Status	Details	Actions
Evidence of BAVR issue to DCEEW Condition 4	29/04/2025	Closed	A copy of the Biodiversity Assessment Verification Report (BAVR) was not provided to the Department by EnergyCo within 5 days of the NSW Planning Secretary approving the BAVR.	Refer to Appendix C
EPBC Condition 12 - Publish Plans on Website	21/05/2025	Closed	A copy of the Mining Offset Package was not uploaded to the project website within 15 business days of the NSW Planning Secretary approving the plan.	Refer to Appendix C
	03/06/2025	Closed	Offset Measures Biodiversity Management Plan (BMP) not uploaded to the project website within 15 business days of the NSW Planning Secretary approving the plan.	Refer to Appendix C

2.2. CONDITIONS COMPLIANCE TABLES

The conditions and evidence of compliance are provided in Table 7.

TABLE 7 EPBC CONDITIONS OF APPROVAL, NSW APPROVAL AND REMMS COMPLIANCE TABLE

Condition Number / Reference	Condition	Is the project compliant with this condition?	Evidence/ Comments
EPBC Approval conditions			
1	The approval holder must undertake clearing and construction activities in accordance with condition A2(c) and A2(d) of the NSW approval to the extent that it relates to protected matters.	Compliant	The clearing and construction activities which has occurred on protected matters during the reporting period, has been in accordance with condition A2(c) and A2(d) of the NSW approval. There have been no non-compliances of condition A2(c) or A2(d) under the NSW approval.
2	To avoid and mitigate harm to protected matters, the approval holder must comply with condition B21 of the NSW approval to the extent that it relates to protected matters.	Compliant	The clearing which has occurred on protected matters during the reporting periods, does not exceed the clearing limits listed in condition B21 of the NSW approval. The clearing to date is as follows: • 0.6 ha of PCT281 • 0.6 ha of Euphrasia arguta (*Euphrasia arguta*) • 0.1 ha of Regent Honey Eater (*Anthochaera phrygia*)
3	The approval holder must comply with condition B24 of the NSW approval in relation to targeted surveys where it relates to Koala.	Compliant	Targeted koala surveys were completed over a seven-month period from 29 July 2024 to 29 January 2025 as per the Condition of Approval B24 and outcome incorporated into the Biodiversity Offset Package and Offset Measures Biodiversity Management Plan in consultation with the Conservation, Programs, Heritage, and Regulation division.
4	The approval holder must prepare a Biodiversity Assessment Verification Report in accordance with condition B25 of the NSW approval to the extent that it relates to protected matters and, within 5 business days of the NSW Planning Secretary approving the Biodiversity Assessment Verification Report, submit to the department a copy of the Biodiversity Assessment Verification Report.	Non-compliant	The BAVR was prepared in accordance with Condition of Approval B25. DPHI approved the BAVR on 02/04/2025. EnergyCo submitted a copy of the BAVR to the department on 29/04/2025, which was outside the allowable 5 business days to submit to the department.
5	If the approval holder detects the presence, where likely to be directly impacted by the action, of any protected matter or the habitat of any protected matter not previously reported to the	Compliant	To date, there has been no detection of any protected matter or habitat of any protected matter not previously reported to the department that is likely to be directly impacted.

Condition Number / Reference	Condition	Is the project compliant with this condition?	Evidence/ Comments
	department as part of the referral of this action or in accordance with this condition, the approval holder must: a) Notify the department in writing of the presence and likely extent of any protected matter or the habitat of any protected matter not previously reported to the department within 10 business days of detecting the presence of any protected matter or the habitat of any protected matter not previously reported to the department b) Not clear any area where the protected matter or the habitat of the protected matter is located unless the impact is permissible under the NSW approval		EnergyCo notified the department on previously unreported protected matters on 21/02/2025 (unassessed SAS locations and road upgrades), refer to Appendix D.
6	The approval holder must comply with condition B26 of the NSW Approval in relation to the preparation of a Biodiversity Management Plan to the extent that it relates to protected matters.	Compliant	On 30/08/2024, the Department of Planning, Housing and Infrastructure (DPHI) approved the staging of Biodiversity Management Plan. The Offset Measures Biodiversity Management Plan was approved by DPHI on 12/03/2025 and the Construction Biodiversity Management Plan was approved by DPHI on 01/05/2025. The Construction Biodiversity Management Plan relates to protected matters.
7	To compensate for residual impacts to protected matters as a result of the action, the approval holder must consult with the department on the preparation of a Biodiversity Offset Package prior to obtaining approval of the Biodiversity Offset Package from the NSW Planning Secretary. The Biodiversity Offset Package must: a) Be prepared in accordance with condition B22 of the NSW approval b) Include details of how offset obligations will be delivered for residual significant impacts to: i) Koala ii) Regent Honeyeater iii) Swift Parrot iv) Large-eared Pied Bat	Compliant	The Biodiversity Offset Package (BOP) was prepared in consultation with the department in November 2024 prior to its approval by DPHI 09/05/2025. The BOP was prepared in accordance with condition B22. The BOP details how offset obligations will be delivered for residual significant impacts to: • Koala • Regent Honeyeater • Swift Parrot • Large-eared Pied Bat
8	The approval holder must provide to the department confirmation that the biodiversity offset measures in the Biodiversity Offset Package have been implemented and delivered no later than 26	Not applicable	The approval holder will provide the department with confirmation that the biodiversity offset measures in the BOP have been implemented and delivered prior to 26 June 2026 unless otherwise agreed by the NSW Planning Secretary.

Condition Number / Reference	Condition	Is the project compliant with this condition?	Evidence/ Comments
	June 2026, unless otherwise agreed by the NSW Planning Secretary.		
9	To compensate for residual impacts to protected matters in existing offset areas, the approval holder must submit a Mining Offset Package to the department for the Minister's approval prior to carrying out any clearing or construction that would impact protected matters within the existing offset areas. The approval holder must not carry out any clearing or construction that would impact protected matters within the existing offset areas unless the Mining Offset Package has been approved by the Minister in writing. The Mining Offset Package must include details of how the obligations of existing offsets for the Moolarben mine and Wilpinjong mine will be replaced.	Compliant	The Mining Offset Package (MOP) was approved by the department on 25/03/2025. The MOP includes details of how the obligations of existing offsets for the Moorlarben and Wilpinjong mines will be replaced.
10	The approval holder must implement the approved Mining Offset Package no later than 26 June 2026 unless otherwise agreed by the Minister.	Not applicable	The approval holder will implement the approved MOP prior to 26 June 2026.
11	Wherever these conditions require the approval holder to submit any plan to the department, all such plans must be submitted to the department electronically.	Compliant	The definition of 'plan' within the Commonwealth Approval means any action management plan or strategy that the approval holder is required by these conditions to implement and includes offset packages. The plans which apply to these conditions and were submitted to the department electronically include: • Biodiversity Offset Package DCCEEW 09/05/2025 DPHI • Construction Biodiversity Management Plan 01/05/2025 DPHI • Offset Measures Biodiversity Management Plan 12/03/2025 DPHI • Mining Offset Package 25/03/2025 DCCEEW
12	Unless otherwise agreed to in writing by the Minister, the approval holder must publish each plan on the website within 15 business days of the date: a) The plan is approved by the Minister in writing, if the plan requires the approval of the Minister b) The plan is approved by the NSW Planning Secretary as required under the NSW approval which must be complied with in accordance with these EPBC Act conditions	Non-compliant	Plans have been published on the project website in accordance with this condition, except for the following cases: • On 12/03/2025 DPHI approved the Offset Measures BMP and was made available on the project website on 17/04/2025. • The Mining Offset Package was approved by the department on 25/03/2025. The Mining Offset Package was made available on the project website on 21/05/2025. Due to the project website publication date for the Mining Offset Package/ Offset Measures BMP, this condition is non-compliant.
13	The approval holder must keep all plans published on the website, in a format that is easily accessible and downloadable, from the	Compliant	The project website currently has all current plans published on the website, easily accessible, in PDF format and downloadable, refer to

Condition Number / Reference	Condition	Is the project compliant with this condition?	Evidence/ Comments
	first date which that plan must be published and for the full period for which this approval has effect. This requirement applies to all current and superseded versions of plans.		the register provided in Appendix E. To date, there are no superseded versions of these plans.
14	The approval holder is required to exclude or redact sensitive biodiversity data from any version of a plan before that plan is published on the website or otherwise provided to a member of the public. If sensitive biodiversity data is excluded or redacted from a plan, the approval holder must notify the department in writing what exclusions and redactions have been made in the version published on the website or otherwise provided to a member of the public.	Compliant	No notifications were made to the department regarding redactions or exclusions in published documents. This is because none of the redacted information meets the definition of Sensitive biodiversity data under the EPBC Act approval, refer to Appendix E. Sensitive biodiversity data refers to data which, if released, published, or otherwise exposed, may result in harm to the relevant protected matter due to intentional or unintentional misuse. The redactions applied do not meet this threshold; therefore, written notification was not required.
15	The approval holder must notify the department in writing of any proposed change to the NSW approval that may relate to protected matters within 2 business days of formally proposing such a change.	Compliant	On 13 September 2024, EnergyCo submitted a request to modify the NSW Approval conditions. The department was notified within two business days on 16 September 2024. On 10 July 2025, EnergyCo submitted a request to DPHI to modify the wording of the NSW Approval Condition B22. The department was notified of this request within two business days on 11 July 2025.
16	The approval holder must notify the department in writing of any change to the NSW approval conditions that may relate to protected matters, within 5 business days of such a change to conditions coming into effect. Such notification must include a copy of the changed NSW approval conditions showing what changes have been made.	Compliant	On 14 October 2024, DPHI approved the modification to the NSW Approval and the department was notified within five business days on 18 October 2024.
17	The approval holder must notify the department electronically of the date of commencement of the Action, within 5 business days following commencement of the Action.	Compliant	Notification to the department was provided on 11/02/2025 for the commencement of the Action.
18	The approval holder must not commence the Action later than 5 years after the date of this approval decision.	Compliant	Notification of the commencement of the Action was provided to the department on 11/02/2025. The notification dates provided are within the 5 year period required for commencement from the date of the approval.
19	The approval holder must notify the department electronically of the date of when clearing or construction begins within the existing offset areas within 5 business days following when clearing or construction begins within the existing offset areas.	Not applicable	This Condition has not yet been triggered.

Condition Number / Reference	Condition	Is the project compliant with this condition?	Evidence/ Comments
20	The approval holder must maintain accurate and complete compliance records and document the procedure for recording and storing compliance records.	Compliant	Records of works, including compliance records are maintained in accordance with this condition. The project compliance records are documented and stored on SharePoint, Ribcx and TeamBinder.
21	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.	Not applicable	No request for such records was received during the reporting period.
22	The approval holder must ensure that, to the extent that it relates to protected matters, any monitoring data, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the Guidelines for biological survey and mapped data, Commonwealth of Australia 2018, or as otherwise specified by the Minister in writing.	Compliant	For the threatened flora and fauna, the scientific species name, geocode of observation, site identifier and date of observation were included as required by the Guidelines.
23	The approval holder must ensure that, to the extent that it relates to protected matters, any monitoring data, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the Guide to providing maps and boundary data for EPBC Act projects, Commonwealth of Australia 2021, or as otherwise specified by the Minister in writing.	Compliant	Any monitoring data, surveys, maps, and other spatial and metadata have been prepared in accordance with the relevant guidelines.
24	The approval holder must submit all monitoring data, surveys, maps, other spatial and metadata and all species occurrence record data (sightings and evidence of presence), to the extent that it relates to protected matters, electronically to the department within 20 business days of the next anniversary of the date of this approval decision except where otherwise specified in a plan.	Compliant	All monitoring data, surveys, maps, and other spatial and metadata and all species occurrence record data (sightings and evidence of presence), to the extent that it relates to protected matters has been provided to the department. The notification from EnergyCo to the department (EPBC Condition 5) of previously unreported protected matters on 21/02/2025 included surveys, maps and other spatial data.
25	The approval holder must prepare a compliance report for each Annual Compliance Report period (ACR period).	Compliant	This report is the Annual Compliance Report for the 12 month period from 8 August 2024 to 7 August 2025, and is the first report prepared for the project.
26	The approval holder must ensure each compliance report includes: a) Accurate and complete details of compliance and any non-compliance with: i) Each condition imposed under the NSW approval, if a condition attached to this approval decision requires	Compliant	The details for each of the required items is provided in the following sections: • Details of compliance is provided within this table. There have been 2 non-compliances which have been reported to the department. • All plans in effect during the ACR period are attached in Appendix E

Condition Number / Reference	Condition	Is the project compliant with this condition?	Evidence/ Comments
	compliance with that NSW approval condition, the extent that it relates to projected matters ii) Each condition attached to this approval decision iii) All commitments made in each plan, to the extent that they relate to protected matters b) A schedule of all plans in effect in relation to these conditions during the ACR period c) accurate and complete details of how each plan was implemented during the ACR period d) if any incident occurred, accurate and complete details of each incident		• Refer to Appendix A of this compliance report for further information. • Any incidents that occurred during the ACR period, are described in Section 2.1.2 and attached in Appendix C
27	The approval holder must ensure each compliance report is consistent with the Annual Compliance Report Guidelines, Commonwealth of Australia 2023.	Compliant	This Annual Compliance Report has been prepared to be consistent with the Annual Compliance Report Guidelines, Commonwealth of Australia 2023. In line with Section 3 and Appendix A of the guidelines, the compliance report includes: • A declaration of accuracy • Document version control • A table of contents • A description of the activities undertaken during the reporting period • How all conditions have been addressed • A compliance table identifying the findings against each condition (ie compliant, non-compliant or not applicable) • Corrections of non-compliances • New environmental risks • Other information Refer to Appendix B of this Annual Compliance Report for further information.
28	The approval holder must, within 20 business days following the end of each ACR period, in a format that is easily accessible and downloadable, publish on the website: a) Each compliance report b) A shapefile showing all clearing of protected matters, and their habitat, undertaken within the ACR period	Compliant	The end of the 12-month ACR period is the 7th August 2025. Twenty business days after this is 5 September 2025. This Annual Compliance Report and associated shapefile will be published on the project website by 5 September 2025.

Condition Number / Reference	Condition	Is the project compliant with this condition?	Evidence/ Comments
29	The approval holder must: a) Exclude or redact sensitive biodiversity data from each compliance report and shapefile published on the website or otherwise provided to a member of the public. b) If sensitive biodiversity data is excluded or redacted from a version of a compliance report published or otherwise provided to a member of the public, submit the full compliance report to the department within 5 business days of its publication on the website and notify the department in writing what exclusions and redactions have been made in the version published on the website or otherwise provided to a member of the public. c) If sensitive biodiversity data is excluded or redacted from a version of a shapefile published or otherwise provided to a member of the public, submit the full shapefile to the department within 5 business days of its publication on the website and notify the department in writing what exclusions and redactions have been made in the version published on the website or otherwise provided to a member of the public.	Compliant	There is not considered to be sensitive biodiversity data within this Annual Compliance Report which requires redaction. Other sensitive information (ie personal details) have been redacted. Any sensitive biodiversity data from each shapefile has been redacted. The full Annual Compliance Report and associated shapefiles was submitted to the department on 05/09/2025 which was within 5 business days of its publication to the project website. At the same time, the department was notified of any redactions made to the published report and shapefiles.
30	The approval holder must notify the department electronically, within 5 business days of each date of publication that the compliance report has been published on the website. In this notification, the approval holder must provide the department with the web address for where the compliance report and related shapefile are published on the website.	Not applicable	This Condition has not yet been triggered.
31	The approval holder must keep each compliance report and related shapefile published on the website from the first date which that compliance report must be published and for the full period for which this approval has effect	Not applicable	Each Annual Compliance Report will be uploaded and remain on the project website.
32	The approval holder must notify the department electronically, within 2 business days of becoming aware of any incident. The approval holder must specify in each notification: a) Any condition or commitment made in a plan which has not been, or may have not been, complied with b) A short description of the incident c) The location (if applicable, including co-ordinates), date and time of the incident	Compliant	The 2 incidents raised during the ACR period were notified to the Department within 2 business days of the approval holder becoming aware. The 2 non-compliances issued to the department, included the information required by Condition 32.

Condition Number / Reference	Condition	Is the project compliant with this condition?	Evidence/ Comments
33	The approval holder must provide to the department in writing, within 12 business days of becoming aware of an incident, the details of that incident. The approval holder must specify: a) All corrective measures and investigations which the approval holder has already taken in respect of the incident b) The potential impacts of the incident c) The method and timing of any corrective measures that the approval holder proposes to undertake to address the incident d) Any variation of these conditions or revision of a plan that will be required to prevent recurrence of the incident and/or to address its consequences	Compliant	There have been 2 incidents associated with the conditions, or the commitments made in plans. There have been 2 non-compliances during the reporting period. Details of the non-compliances were provided within 12 business days of becoming aware and included the detail required by Condition 33.
34	The approval holder must ensure that an independent audit of compliance with the conditions is conducted for every audit period.	Not applicable	The first independent audit is due 5 years from the commencement of the Action. The Action commenced on 07/02/2025 and therefore, the first independent audit is due in 2030.
35	The approval holder must submit details of the proposed independent auditor and their qualifications to the department within 10 business days following the end of each audit period.	Not applicable	The first independent audit is due in 2030.
36	The approval holder must ensure the scope of each independent audit is sufficient to determine the compliance status for each condition of approval, and each commitment made in each plan.	Not applicable	The first independent audit is due in 2030.
37	The approval holder must ensure the criteria for each independent audit and the undertaking of each independent audit are consistent with the Independent Audit and Audit Report Guidelines	Not applicable	The first independent audit is due in 2030.
38	The approval holder must submit an audit report to the department for written agreement from the department within 3 months following the end of each audit period, or as otherwise directed by the Minister in writing.	Not applicable	The first independent audit is due in 2030.
39	The approval holder must ensure each audit report is completed to the satisfaction of the Minister and is consistent with the Independent Audit and Audit Report Guidelines.	Not applicable	The first independent audit is due in 2030.
40	The approval holder must publish each audit report on the website, in a format that is easily accessible and downloadable, within 10 business days of the date the department agrees to that audit report in writing.	Not applicable	The first independent audit is due in 2030.

Condition Number / Reference	Condition	Is the project compliant with this condition?	Evidence/ Comments
41	The approval holder must notify the department within 5 business days of the date the audit report is published on the website. In this notification, the approval holder must provide the department with the web address for where the audit report is published on the website.	Not applicable	The first independent audit is due in 2030.
42	The approval holder must keep each audit report published on the website from the first date which that audit report must be published and until the final date for which this approval has effect.	Not applicable	The first independent audit is due in 2030.
43	Within 20 business days after the completion of the Action, and, in any event, at least 20 business days before the final date for which this approval has effect, the approval holder must notify the department electronically of the date of completion of the Action and provide completion data. The approval holder must submit any spatial data that comprises completion data as a shapefile.	Not applicable	The Action is currently ongoing.
44	The approval holder must notify the department electronically 60 business days prior to the final date for which this approval has effect, that the approval is due to expire.	Not applicable	This approval has effect until 27/06/2124
NSW Approval conditions			
A2	The development must be carried out: a) In compliance with the conditions of this approval b) In accordance with all written directions of the Planning Secretary c) Generally in accordance with the EIS d) Generally in accordance with the Development Layout in Appendix 1	Compliant	There have been no non-compliances of condition A2. The clearing and construction activities which has occurred on protected matters during the reporting period, has been in accordance with condition A2(c) and A2(d).
B21	Unless otherwise agreed with the Planning Secretary, the Proponent must: a) Ensure that the vegetation and habitat clearing limits specified in Table 2-1, Table 2-2 and Table 2-3 of Appendix 2 are not exceeded b) Minimise: i) The impacts of the development on hollow-bearing trees ii) The impacts of the development on threatened species iii) The clearing of native vegetation and key habitat	Compliant	Clearing during this ACR period has been undertaken in compliance with the vegetation and habitat clearing limits specified in this condition. Refer to EPBC Condition 2 for further information on current clearing values.

Condition Number / Reference	Condition	Is the project compliant with this condition?	Evidence/ Comments
B22	Prior to carrying out any development that would impact on biodiversity values that require offsetting, the Proponent must prepare a Biodiversity Offset Package (Package) that is consistent with the EIS, in consultation with BCS and BCT and to the satisfaction of the Planning Secretary in writing. The Package must include, but not necessarily be limited to: a) Details of the specific biodiversity offset measures to be implemented and delivered in accordance with the EIS b) The cost for each specific biodiversity offset measure, which would be required to be paid into the Biodiversity Conservation Fund if the relevant measure is not implemented and delivered, as determined in accordance with a BCF Charge Quote indexed on a monthly basis in accordance with the Biodiversity Offsets Payment Calculator Order 2022 c) The timing and responsibilities for the implementation and delivery of the measures required in the Package d) Confirmation that the biodiversity offset measures will have been implemented and delivered no later than 26 June 2026, unless otherwise agreed with the Planning Secretary Following the Planning Secretary's approval, the Proponent must implement and deliver the Biodiversity Offset Package.	Compliant	The Biodiversity Offset Package has been approved (09/05/2025) and made available on the project website.
B24	Prior to carrying out any development that would impact on the relevant biodiversity values, the Proponent must undertake the following further targeted surveys as committed to in the EIS: a) For koala, in previously unsurveyed patch sizes of less than 5 hectares b) For Indigofera efoliata and Euphrasia arguta, in the area of assumed presence to confirm whether additional biodiversity offset measures are required for the koala, or reduced biodiversity offset measures are required for the Indigofera efoliata and Euphrasia arguta. Following the completion of the surveys, any required changes to biodiversity offset measures must be incorporated into a revised version of the Biodiversity Offset Package under condition B22 and addressed in a revised version of the Biodiversity	Compliant	On 29/05/2025, the approval holder has completed all B24 species survey verification as per the condition of approval. The completed survey results have been provided to BCS for comment. The surveys were completed on 29 May 2025. The BOP and BMP will be updated at relevant project milestones.

Condition Number / Reference	Condition	Is the project compliant with this condition?	Evidence/ Comments
	Management Plan required under condition B26, in consultation with BCS, to the satisfaction of the Planning Secretary.		
B25	Unless otherwise agreed by the Planning Secretary, a Biodiversity Assessment Verification Report must be prepared. The Report must: a) Be prepared prior to carrying out any development that would impact on the relevant biodiversity values specified in condition B25(e) b) Be prepared to the satisfaction of the Planning Secretary c) Be prepared by a suitably qualified, experienced and independent biodiversity consultant with Biodiversity Assessment Methodology (2020) (BAM) Accreditation whose appointment has been endorsed by the Planning Secretary d) Be prepared in consultation with BCS e) Review the following matters: i) Whether the application of species polygons in the EIS for the large-eared pied bat, eastern cave bat, large bent-winged bat, southern myotis, squirrel glider, Swainsona sericea, pink-tailed legless lizard, little eagle and square-tailed kite are reasonable ii) Whether complete loss of habitat value should be assumed for the squirrel glider, pale-headed snake, and southern myotis in areas of partial impact, including consideration of the basis for the generation of the species credits for those species iii) Whether the 63.61 hectare of land that was classified as PCT 0 in the BDAR should be included as Category 2 – Regulated land With reference to the Biodiversity Assessment Methodology (2020) or any other guidance document that is relevant and applicable at the time surveys were undertaken or the BDAR was prepared; and provide findings and recommendations relating to the matters in (e), including, but not limited to, options of undertaking additional surveys or reducing the relevant credit obligations.	Compliant	The Biodiversity Assessment Verification Report was approved by DPHI on 2 April 2025. The Report was made available on the Major Projects Portal on 13/05/2025.

Condition Number / Reference	Condition	Is the project compliant with this condition?	Evidence/ Comments
B26	Prior to carrying out any development that could impact biodiversity values that require offsetting, the Proponent must prepare a Biodiversity Management Plan for the development to the satisfaction of the Planning Secretary. This plan must: a) Be prepared by a suitably qualified and experienced biodiversity expert/s b) Be prepared in consultation with BCS and NPWS c) Be prepared generally in accordance with the BDAR d) Include a description of the measures that would be implemented for: i) Meeting the biodiversity mitigation requirements in condition B21 ii) Minimising: A. The amount of vegetation clearing on site B. The loss of key fauna habitat (including tree hollows) C. The impacts of fauna on site, including undertaking pre-clearance surveys D. Potential indirect impacts on threatened flora and fauna species iii) Ensuring the development does not adversely affect the native vegetation and habitat outside the disturbance footprint iv) Protocols for unexpected finds of threatened species and threatened ecological communities within the disturbance footprint including the requirements for: A. All work in the associated location to stop to prevent further impact B. Notification (in writing) and consultation with the Planning Secretary and BCS (and AG DCCEEW where relevant) on any additional measures to be implemented C. The Planning Secretary to endorse the recommencement of work v) Rehabilitation of temporary disturbance areas to facilitate natural regeneration with suitable native species	Compliant	A Staging Letter was issued pertaining to the BMP, on 05/08/2024 and approved on 30/08/2024. The approved Staging Request allows the BMP to be staged as follows: Biodiversity Offset Measures Construction (Stage 1) Operation, Decommissioning and Upgrade (Stage 2) The Offset Measures BMP was prepared by EnergyCo and was approved by DPHI on 12/03/2025. The Construction BMP was approved by the Planning Secretary on 1 May 2025.

Condition Number / Reference	Condition	Is the project compliant with this condition?	Evidence/ Comments
	vi) Monitoring the areas of partial clearance within three months of the commencement of construction and provision of a verification report to confirm if any changes are required to this plan vii) Maximising the salvage of resources within the approved disturbance area – including vegetative and soil resources – for beneficial reuse (such as fauna habitat enhancement) during the rehabilitation and revegetation of the site viii) Collecting and propagating seed (where relevant) ix) Controlling erosion, weeds and feral pests x) Bushfire management xi) Minimising impacts on entities at risk of a serious and irreversible impact (SAII), including ensuring that an additional 241.16 hectares of Box Gum Woodland and 132.58 hectares of regent honeyeater habitat is securely conserved within a Biodiversity Stewardship Agreement within 3 years (over and above the relevant credit obligations); and xii) Ensure appropriate offsets have been provided to replace the obligations of existing offsets on Moolarben, Wilpinjong and Ulan mines. e) Include a program to monitor, evaluate and publicly report on the effectiveness of these measures Following the Planning Secretary's approval, the Proponent must implement the Biodiversity Management Plan.		
Updated Mitigation Measures compliance (Amendment Report, March 2024)			
BMP, UMM B3	Prior to construction activities taking place within 100 m of rocky areas containing caves, overhangs or crevices, cliffs or escarpments and during the breeding season for the ***Large-eared Pied Bat**, Eastern Cave Bat, Large Bent winged Bat (November to February), an ecologist will be engaged to determine if the species are present. If present, an impact assessment of proposed activities will be completed to determine what, if any, activities can take place within the 100 m and what mitigation measures need to be implemented. Measures may	Not applicable	This UMM as it relates to a protected matter has not yet been triggered.

Condition Number / Reference	Condition	Is the project compliant with this condition?	Evidence/ Comments
	include cessation of certain activities, amending the construction methodology including selecting alternative plant or equipment.		

**Note: Bold and underlined text is an EPBC listed species. The evidence/comments for these references relate only to the EPBC listed species*

2.3. PRIOR NON-COMPLIANCES

There are no previous instances of non-compliance to address.

2.4. NEW ENVIRONMENTAL RISKS

No new environmental risks have been identified within the current reporting period (8 August 2024 to 7 August 2025) for the project.

2.5. OTHER INFORMATION

There is no other known information.

Appendix A – Condition 26 requirements

TABLE 8 CONDITION 26 REQUIREMENTS

Requirement	Evidence/Comment
The approval holder must ensure each compliance report includes: Accurate and complete details of compliance and any non-compliance with:	
Each condition imposed under the NSW approval, if a condition attached to this approval decision requires compliance with that NSW approval condition, the extent that it relates to projected matters	Table 7
Each condition attached to this approval decision	Table 7
All commitments made in each plan, to the extent that they relate to protected matters	Table 7
A schedule of all plans in effect in relation to these conditions during the ACR period	Appendix E
Accurate and complete details of how each plan was implemented during the ACR period	Appendix E
If any incident occurred, accurate and complete details of each incident	Section 2.1.2 and Appendix C

Appendix B – Annual compliance report guidelines checklist

TABLE 9 ANNUAL COMPLIANCE REPORT GUIDELINES CHECKLIST TABLE

Requirement	Report Reference
Each page of the Annual Compliance Report must include the EPBC approval number, the name of the project, the date of the report and sequential page numbering.	Refer to the footer of each page.
Reports are to be submitted to the department via email to epbcmonitoring@dcceew.gov.au.	This report was submitted to the department via the email provided.
Submissions must be titled 'Annual Compliance Report' with the project name and EPBC approval number.	This report is titled 'Annual Compliance Report' alongside the project name and EPBC approval number.
The time period of the report must be clearly stated (e.g., 10 October 2023 to 9 October 2024).	The time period of the report is clearly stated as 8 August 2024 to 7 August 2025.
The complete report (text, figures, and appendices) must be supplied as an Adobe Acrobat PDF file.	This report has been supplied as a PDF
At a minimum, the PDF document is to be bookmarked to the major components (e.g., contents, main report, and appendices).	This PDF report has been bookmarked.
Where this is not possible, the department will accept individual components in common formats. Where individual digital components are supplied, please provide a file list and the corresponding report reference.	A PDF report has been provided
Electronic data will be accepted via email or via online storage services with prior arrangement.	Data has been submitted via the email to epbcmonitoring@dcceew.gov.au.
The department may request that an Annual Compliance Report be revised and resubmitted. A resubmitted report must be accompanied by an electronic copy of the document showing tracked changes from the previous report.	Noted, this is the first submission of the compliance report.

All maps, plans and attachments must conform to the following standards.
• Scale – An appropriate standard metric scale must be chosen to best represent the information required (e.g., 1:25 000, 1:10 000 and 1:5000)
• Datum – Plans and cross sections must refer to Australian Height Datum
• Title Block – Plans must have a title block in the lower right-hand corner of the sheet with the following information:
  ○ EPBC number and project name
  ○ Title and number of the plan
  ○ Author
  ○ Scale
  ○ Date
• Legend – Plans must have a clear and comprehensive legend to identify the symbols and colours used.
• Maps, plans, figures, images, and attachments must:
  ○ Use metric measurements throughout
  ○ Show a graphic bar scale
	All maps, plans and attachments include a scale, datum, title block, legend, etc.

- Show any local grid lines and standards
- Have a north point or orientation of sections
- Include a key

Compliance reports must be titled 'Annual Compliance Report' with the project name and EPBC approval number, clearly labelled beneath the title.	The report is titled 'Annual Compliance Report' with the project name and EPBC approval number beneath the title.
Annual Compliance Reports must be forwarded to epbcmonitoring@dcceew.gov.au. The above email address can be used if you are seeking assistance on preparing a compliance report.	This report has been provided to the email address requested.
Under sections 490 and 491 of the EPBC Act, a person must not knowingly provide information to the department that is false or misleading. The extract below must be considered in the context of the EPBC Act as whole, including any related sections and any relevant definitions. You must seek your own legal advice regarding interpretation of the sections.	The extract from the guidelines has been considered in the context of the EPBC Act.
The declaration below must be attached to the compliance report and signed by the approval holder. Even if the approval holder has sub-contracted the project (or part thereof), or the preparation of the compliance report, the responsibility for accuracy still lies with the approval holder.	The Declaration of accuracy has been signed by the approval holder.
The document version control system must be a simple system for ensuring version control and documenting details of key changes to the document over time. It must identify changes and include details of timing, people responsible, and reasons for those changes.	The Document status system has been in place to record key changes to the document.
The table of contents must contain: • All section headings and page numbers • All figures, tables, plans and maps (which must be numbered) • All appendices (with meaningful titles, including sub-appendices if any); if appendices contain a collation of data, include a summary of the contents	The Table of Contents contains all section headings and page numbers, all figures and tables and all appendices.
The description of activities section must contain a description of the approved action and details of the current activities undertaken during the period covered by the report.	Section 1.5contains a description of the approved action and details the current activities undertaken during the reporting period.
The compliance report must clearly identify: • EPBC number • Project name • Approval holder and ACN or ABN • The approved action • Location of the project • Person accepting responsibility for the report – signed declaration (see above) • Dates for the reporting period of the report • Date of preparation of the report	Table 1 clearly lists the items requested here.
The compliance report must: • Demonstrate all conditions of the EPBC approval have been considered and addressed • List the conditions of the EPBC approval, including any variations to those conditions, noting if compliance or non-compliance with each condition has been achieved • If a management plan is required under an approval condition:	Table 7demonstrates how all the conditions of the EPBC approval have been considered. Table 7 also highlights whether compliance or non-compliance with each condition has been achieved.

○ The specifics in a management plan that support an approval condition must be detailed in the compliance report ○ Material must be provided demonstrating that the requirements of that plan have been implemented	
As part of every compliance report, a conditions compliance table in a similar format to that in Appendix A is required. The table must include: • Condition number and reference • Full wording of the condition as per the EPBC approval • Designation regarding compliance or non-compliance • Summary of evidence to support the compliance designation • Any references to any other parts of the compliance report that may relate to that approval condition	Table 7 is a conditions compliance table which is presented in a similar format to that in Appendix A of the guidelines.
The report must include a clear statement that operations were, or were not, compliant with the EPBC conditions of approval, which must be supported by a summary of evidence clearly demonstrating the conclusion that compliance with the condition was (or was not) met.	Table 7 indicates whether or not the condition or requirement was compliant, non-compliant or not applicable with the EPBC conditions of approval and provides justification to the compliance status.
Supporting data such as flora and fauna surveys, photograph monitoring and groundwater monitoring data must be provided as appendices.	Any flora and fauna surveys, photograph monitoring and groundwater monitoring data undertaken during the monitoring period have been provided in the appendices.
The following designations must be used to record findings in compliance reports: • Compliant - 'Compliance' is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions • Non-compliant - A designation of 'non-compliant' must be given where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met • Not applicable - A designation of 'not applicable' must be given where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example, a condition that applies to an activity that has not yet commenced	Section 2 describes the designations that have been used to record findings in the report.
Findings of non-compliance must be accompanied by a summary detailing any corrective measures taken and include: • if the department was notified of the non-compliance and, if so, when, and how and to who • The relevant condition number and reference • Who detected the non-compliance • Date when the non-compliance was detected • How the non-compliance was/will be corrected • Who (the actual person completing the correction) was/is responsible for correcting the noncompliance • Date when correction measures were/will be commenced and/or completed or the time frame for correction • What measures have been/ will be taken to avoid recurrence	Table 5 provides a summary of non-compliances and Table 7 describes any findings on non-compliance.
Instances of non-compliance included in previous compliance reports not fully corrected at the end of the reporting period must have a progress update in the subsequent report and an assessment of the effectiveness of the measures taken.	As this is the first report in the ACR period, there are no previous non-compliances. In future plans, Section 2.3 will

	detail non-compliances from the previous reporting period.
The compliance report must discuss any new environmental risks that have become apparent during the reporting period.	Any new environmental risks are reported in Section 2.4.
If new risks are identified, there must be a risk analysis and reporting.	No new risks were identified.
A commitment to revise the appropriate management plan (if required) must be included in the compliance report.	This was not required.
Any additional monitoring information or environmental research relevant to the EPBC approval and approval conditions can be included in the relevant section or appended to the compliance report.	Additional monitoring information relevant to EPBC approval has not been included.
Appendices can be attached to support reporting against the EPBC approval conditions	Appendix A supports the reporting against EPBC approval conditions.
Colour photographs and/or aerial photography can provide an excellent time record of the operation and should be included.	Colour photographs and aerial photography have not been included.
Any additional information such as supporting documentation, consultant studies and reports must be appended.	Additional information has been included in Appendix C, Appendix D and Appendix E.

Appendix C – Incident reports

Appendix C1
Incident dated 29/04/2025
Relevant Condition 4

From: [redacted]
Sent on: Tuesday, 29 April 2025 3:29:58 PM
To: Environment.compliance@dcceew.gov.au; epbcmonitoring@dcceew.gov.au
CC: [redacted]
Subject: CM Record: Notification of an Incident EPBC 2022/09353 CWO REZ transmission project
Attachments: Evidence of BAVR issue to DCEEW Condition 4.pdf (304.38 KB)

Dear Sir/Madam,

Re: Notification of an Incident under EPBC 2022/09353 Central-West Orana Renewable Energy Zone Transmission project

EnergyCo notifies the department of an incident in accordance with Condition 32 of the Central-West Orana Renewable Energy Zone Transmission Project approval dated 8 August 2024 (EPBC 2022/09353) (Approval). Under the approval, an 'incident' includes an "actual non-compliance with these conditions, including the administrative requirements". EnergyCo has identified an incident that is an administrative non-compliance with the conditions.

Please see below details of the incident as required under condition 32 of the Approval:

a. **any condition or commitment made in a plan which has not been, or may not have been, complied with,**

This incident notification relates to an administrative non-compliance with condition 4, which states:

4) The approval holder must prepare a Biodiversity Assessment Verification Report in accordance with condition B25 of the NSW Approval to the extent that it relates to protected matters and, within 5 business days of the NSW Planning Secretary approving the Biodiversity Assessment Verification Report, submit to the department a copy of the Biodiversity Assessment Verification Report.

b. **a short description of the incident**

EnergyCo did not provide a copy of the Biodiversity Assessment Verification Report (BAVR) to the department within 5 days of the NSW Planning Secretary approving the BAVR. The BAVR was approved on 2 April 2025. EnergyCo provided a copy of the BAVR to the department on 29 April 2025, as soon as practical after becoming aware of the incident, and considers this satisfies the requirement of condition 4 of the Approval.

c. **the location (if applicable, including co-ordinates), date and time of the incident**

Please refer above for the dates relating to the incident. EnergyCo became aware of the incident on 28 April 2025. No location is applicable to the incident because it is a non-compliance of an administrative nature. Evidence of a copy of EnergyCo's submission of the BAVR to the department is attached for reference.

Written notification under Condition 33 will be provided separately and within 12 business days of 28 April 2025.

Please contact me if you need any further information, or would like to discuss.

Regards,

[redacted]
Director, Planning and Policy
Planning and Communities

Energy Corporation of NSW (EnergyCo)

[redacted]

[redacted] **W** energyco.nsw.gov.au

NSW GOVERNMENT

EnergyCo

I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Proudly supporting Diversity and Inclusion.

Appendix C2
Incident dated 12/05/2025
Relevant Condition 4

[redacted]

From: [redacted]
Sent: Monday, 12 May 2025 4:35 PM
To: Environment.compliance@dcceew.gov.au; epbcmonitoring@dcceew.gov.au
Cc: [redacted]
Subject: FW: CM Record: Notification of an Incident EPBC 2022/09353 CWO REZ transmission project
Attachments: Evidence of BAVR issue to DCEEW Condition 4.pdf

Dear Sir/Madam,

Re: Information regarding Incident related to Condition 4 of the EPBC 2022/09353 Central-West Orana Renewable Energy Zone Transmission project (as per Condition 33)

EnergyCo provides information to the department regarding an incident in accordance with Condition 33 of the Central-West Orana Renewable Energy Zone Transmission Project approval dated 8 August 2024 (EPBC 2022/09353) (Approval). EnergyCo previously notified the department in accordance with Condition 32 regarding this incident on the 29th of April 2025 (see attached for a record of this notification).

As per Condition 33, the approval holder must provide to the department in writing, within 12 business days of becoming aware of an incident, the details of that incident. The details of the incident in accordance with Condition 33 is outlined below.

a) all corrective measures and investigations which the approval holder has already taken in respect of the incident

Compliance tracking processes have been reviewed, and improvements have been implemented to ensure pro-active compliance for all EPBC Approval conditions.

b) the potential impacts of the incident,

There are no potential impacts associated with the incident because the nature of the incident was administrative.

c) the method and timing of any corrective measures that the approval holder proposes to undertake to address the incident

- The Biodiversity Verification Assessment Report was provided to the department immediately after becoming aware of the incident. This was completed on the 29th of April.
- All EPBC conditions have been re-reviewed in detail to ensure compliance. This was completed on the 8th of May.
- Processes for regular review of the EPBC approval have been improved to ensure ongoing compliance. This was completed on the 6th of May 2025.

and d) any variation of these conditions or revision of a plan that will be required to prevent recurrence of the incident and/or to address its consequences.

There are no variations to the conditions or revisions of a plan required as a result of this incident.

Please contact me should you have any questions, or require more information.

Regards,

[redacted]

Director, Planning and Policy
Planning and Communities

Energy Corporation of NSW (EnergyCo)

[redacted]

[redacted] **W** energyco.nsw.gov.au

I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Proudly supporting Diversity and Inclusion.

From: [redacted]
Sent: Tuesday, 29 April 2025 3:30 PM
To: Environment.compliance@dcceew.gov.au; epbcmonitoring@dcceew.gov.au
Cc: [redacted]
Subject: CM Record: Notification of an Incident EPBC 2022/09353 CWO REZ transmission project

Dear Sir/Madam,

Re: Notification of an Incident under EPBC 2022/09353 Central-West Orana Renewable Energy Zone Transmission project

EnergyCo notifies the department of an incident in accordance with Condition 32 of the Central-West Orana Renewable Energy Zone Transmission Project approval dated 8 August 2024 (EPBC 2022/09353) (Approval). Under the approval, an 'incident' includes an "actual non-compliance with these conditions, including the administrative requirements". EnergyCo has identified an incident that is an administrative non-compliance with the conditions.

Please see below details of the incident as required under condition 32 of the Approval:

a) **any condition or commitment made in a plan which has not been, or may not have been, complied with,**

This incident notification relates to an administrative non-compliance with condition 4, which states:

4) The approval holder must prepare a Biodiversity Assessment Verification Report in accordance with condition B25 of the NSW Approval to the extent that it relates to protected matters and, within 5 business days of the NSW Planning Secretary approving the Biodiversity Assessment Verification Report, submit to the department a copy of the Biodiversity Assessment Verification Report.

b) **a short description of the incident**

EnergyCo did not provide a copy of the Biodiversity Assessment Verification Report (BAVR) to the department within 5 days of the NSW Planning Secretary approving the BAVR. The BAVR was approved on 2 April 2025. EnergyCo provided a copy of the BAVR to the department on 29 April 2025, as soon as

practical after becoming aware of the incident, and considers this satisfies the requirement of condition 4 of the Approval.

c) the location (if applicable, including co-ordinates), date and time of the incident

Please refer above for the dates relating to the incident. EnergyCo became aware of the incident on 28 April 2025. No location is applicable to the incident because it is a non-compliance of an administrative nature. Evidence of a copy of EnergyCo's submission of the BAVR to the department is attached for reference.

Written notification under Condition 33 will be provided separately and within 12 business days of 28 April 2025.

Please contact me if you need any further information, or would like to discuss.

Regards,

[redacted]
Director, Planning and Policy
Planning and Communities

Energy Corporation of NSW (EnergyCo)

[redacted]

[redacted] **W** energyco.nsw.gov.au

NSW GOVERNMENT EnergyCo

I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Proudly supporting Diversity and Inclusion.

Appendix C3
Incident dated 23/05/2025
Relevant Condition 12(a)

[redacted]

From: [redacted]
Sent: Friday, 23 May 2025 4:22 PM
To: Environment.compliance@dcceew.gov.au; epbcmonitoring@dcceew.gov.au
Cc: [redacted]
Subject: Notification of an Incident EPBC 2022/09353 CWO REZ transmission project

Dear Sir/Madam,

Notification of an Incident under EPBC 2022/09353 Central-West Orana Renewable Energy Zone Transmission project

EnergyCo notifies the Department of an incident in accordance with condition 32 of the Central-West Orana Renewable Energy Zone Transmission Project approval dated 8 August 2024 (EPBC 2022/09353) (Approval).

Under the Approval, an 'incident' includes an "actual non-compliance with these conditions, including the administrative requirements". The Network Operator Design and Construct Contractor (ACJV) for the project has identified an incident that EnergyCo considers is an administrative non-compliance with the Approval.

Please see below details of the incident as required under condition 32 of the Approval:

1. **Any condition or commitment made in a plan which has not been, or may not have been complied with**

   This incident notification relates to an administrative non-compliance with condition 12(a) of the Approval, which states:

   Unless otherwise agreed to in writing by the Minister, the approval holder must publish each plan on the website within 15 business days of the date:
   a) the plan is approved by the Minister in writing, if the plan requires the approval of the Minister,
   b) the plan is approved by the NSW Planning Secretary as required under the NSW approval which must be complied with in accordance with these EPBC Act conditions.

2. **a short description of the incident**

   ACJV did not publish a copy of the approved Mining Offset Package on the website within 15 business days of it being approved by the Minister. The Mining Offset Package was approved by the Minister on 25 March 2025. EnergyCo provided the relevant approved documents under the Mining Offset Package to ACJV on 1 April 2025. ACJV published a copy of the Mining Offset Package on the CWO REZ project website on 21 May 2025, as soon as becoming aware that the document was not published as required. EnergyCo considers the requirement of condition 12(a) of the Approval is now satisfied.

3. **the location (if applicable, including co-ordinates), date and time of the incident**

   Please refer above for the dates relating to the incident. ACJV became aware of the incident on 21 May 2025 and notified EnergyCo on the 22nd of May 2025. No location is applicable to the incident because it is a non-compliance of an administrative nature.

Please contact me should you have any questions, or require further information.

Regards,

[redacted]

Director, Planning and Policy
Planning and Communities

Energy Corporation of NSW (EnergyCo)

[redacted]

[redacted] **W** energyco.nsw.gov.au

I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Proudly supporting Diversity and Inclusion.

Appendix C4
Incident dated 06/06/2025
Relevant Condition 12(a)

[redacted]

From: [redacted]
Sent: Friday, 6 June 2025 2:52 PM
To: Environment.compliance; epbcmonitoring
Cc: [redacted]
Subject: Notification of Incident (12 day) - Condition 12 (a) of the EPBC 2022/09353 Central-West Orana Renewable Energy Zone Transmission project (as per Condition 33)

Dear Sir/Madam,

Re: Information regarding Incident related to Condition 12 (a) of the EPBC 2022/09353 Central-West Orana Renewable Energy Zone Transmission project (as per Condition 33)

EnergyCo provides information to the department regarding an incident in accordance with Condition 33 of the Central-West Orana Renewable Energy Zone Transmission Project approval dated 8 August 2024 (EPBC2022/09353) (Approval). EnergyCo previously notified the department in accordance with Condition 32 regarding this incident on the 23rd of May 2025 (see attached for a record of this notification).

As per Condition 33, the approval holder must provide to the department in writing, within 12 business days of becoming aware of an incident, the details of that incident. The details of the incident in accordance with Condition 33 are outlined below.

a) all corrective measures and investigations which the approval holder has already taken in respect of the incident.
The Network Operator Design and Construct Contractor (ACJV) has reviewed compliance tracking processes and resources, and improvements have been implemented to ensure pro-active compliance for all EPBC Approval conditions.

b) the potential impacts of the incident.
There are no potential impacts associated with the incident because the nature of the incident was administrative.

c) the method and timing of any corrective measures that the approval holder proposes to undertake to address the incident.
The Mining Offset Package was uploaded to the project website immediately after becoming aware of the incident. This was completed 22 May 2025.
All EPBC conditions have been re-reviewed in detail to ensure compliance. This was completed on the 22 May 2025. Processes for regular review of the EPBC Approval compliance requirements have been improved and streamlined to ensure ongoing compliance. This includes daily reviews of internal document communications to capture compliance requirements relevant to publication of plans in accordance with condition 12 (a).

d) any variation of these conditions or revision of a plan that will be required to prevent recurrence of the incident and/or to address its consequences.
Given the nature of the incident was administrative, there are no variations to the conditions or revisions of a plan required as a result of this incident.

Please contact me should you have any questions, or require more information.

Regards,

[redacted]
Director, Planning and Policy
Planning and Communities

Energy Corporation of NSW (EnergyCo)

[redacted]

[redacted] **W** energyco.nsw.gov.au

I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Proudly supporting Diversity and Inclusion.

Appendix C5
Incident dated 10/06/2025
Relevant Condition 12(a)

[redacted]

From: [redacted]
Sent: Tuesday, 10 June 2025 6:04 PM
To: Environment.compliance; epbcmonitoring
Cc: [redacted]
Subject: Notification of Incident (12 day) - Condition 12 (a) of the EPBC 2022/09353 Central-West Orana Renewable Energy Zone Transmission project (as per Condition 33)

Dear Sir/Madam,

Re: Updated Information regarding Incident related to Condition 12 (a) of the EPBC 2022/09353 Central-West Orana Renewable Energy Zone Transmission project (as per Condition 33)

EnergyCo writes to provide an update to the 12 day incident report that was supplied on Friday the 6th of June 2025.

The review of compliance with the EPBC Approval conditions as part of the corrective measures for this incident has identified the following:

- ACJV did not publish a copy of the approved Biodiversity Assessment Verification Report (BAVR) on the website within 15 business days of it being approved by the Minister. The Biodiversity Assessment Verification Report (BAVR) was approved on 2 April 2025 and uploaded onto the project website on 14 May 2025. The report needed to be uploaded to the project website by 28 April 2025 to comply with condition 12.
- ACJV did not publish a copy of the approved the Offset Measures Biodiversity Management Plan (a stage of the Biodiversity Management Plan) on the website within 15 business days of it being approved by the Minister. The Offset Measures Biodiversity Management Plan was approved on 12 March 2025 and uploaded onto the project website on 17 April 2025. The plan needed to be uploaded to the project website by 2 April 2025 to comply with condition 12.

As stated in the original 12 day notification regarding corrective measures, daily reviews of internal document communications to capture compliance requirements have been implemented to ensure documentation is published within the 15 business days of approval going forward.

Regards,

[redacted]
Director, Planning and Policy
Planning and Communities

Energy Corporation of NSW (EnergyCo)

[redacted]

[redacted] **W** energyco.nsw.gov.au

NSW GOVERNMENT EnergyCo

I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Proudly supporting Diversity and Inclusion.

From: [redacted]
Sent: Friday, 6 June 2025 2:52 PM
To: Environment.compliance <environment.compliance@dcceew.gov.au>; epbcmonitoring <epbcmonitoring@dcceew.gov.au>
Cc: [redacted]
Subject: CM Record: Notification of Incident (12 day) - Condition 12 (a) of the EPBC 2022/09353 Central-West Orana Renewable Energy Zone Transmission project (as per Condition 33)

Dear Sir/Madam,

Re: Information regarding Incident related to Condition 12 (a) of the EPBC 2022/09353 Central-West Orana Renewable Energy Zone Transmission project (as per Condition 33)

EnergyCo provides information to the department regarding an incident in accordance with Condition 33 of the Central-West Orana Renewable Energy Zone Transmission Project approval dated 8 August 2024 (EPBC2022/09353) (Approval). EnergyCo previously notified the department in accordance with Condition 32 regarding this incident on the 23rd of May 2025 (see attached for a record of this notification).

As per Condition 33, the approval holder must provide to the department in writing, within 12 business days of becoming aware of an incident, the details of that incident. The details of the incident in accordance with Condition 33 are outlined below.

a) all corrective measures and investigations which the approval holder has already taken in respect of the incident.
The Network Operator Design and Construct Contractor (ACJV) has reviewed compliance tracking processes and resources, and improvements have been implemented to ensure pro-active compliance for all EPBC Approval conditions.

b) the potential impacts of the incident.
There are no potential impacts associated with the incident because the nature of the incident was administrative.

c) the method and timing of any corrective measures that the approval holder proposes to undertake to address the incident.
The Mining Offset Package was uploaded to the project website immediately after becoming aware of the incident. This was completed 22 May 2025.
All EPBC conditions have been re-reviewed in detail to ensure compliance. This was completed on the 22 May 2025. Processes for regular review of the EPBC Approval compliance requirements have been improved and streamlined to ensure ongoing compliance. This includes daily reviews of internal document communications to capture compliance requirements relevant to publication of plans in accordance with condition 12 (a).

d) any variation of these conditions or revision of a plan that will be required to prevent recurrence of the incident and/or to address its consequences.
Given the nature of the incident was administrative, there are no variations to the conditions or revisions of a plan required as a result of this incident.

Please contact me should you have any questions, or require more information.

Regards,

[redacted]
Director, Planning and Policy
Planning and Communities

Energy Corporation of NSW (EnergyCo)

[redacted]

[redacted] **W** energyco.nsw.gov.au

EnergyCo

I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

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Appendix D – DCCEEW consultation / notification / approval

Appendix D1
Incident dated 16/09/2024
Relevant Condition 15

[redacted]

From: [redacted]
Sent: Monday, 16 September 2024 9:59 AM
To: [redacted]
Cc: [redacted]
Subject: 2022/09353 - Notification of proposed modification to the associated NSW approval
Attachments: CWO REZ Transmission - Admin Modification Request.pdf

Hi [redacted]

Please be advised that EnergyCo, on Friday 13/09/24, lodged a request with the NSW Planning Secretary for an administrative modification to NSW approval for the CWO REZ transmission project (see attached). The focus of the requested changes is to facilitate the project's delivery and ensure the associated compliance obligations are clear and appropriate.

The proposed changes do not necessitate any variations to the project's corresponding EPBC Act approval (2022/09353). Nor do they limit our ability to comply with the EPBC Act approval.

Condition 15 requires the following:

> *The approval holder must notify the department in writing of any proposed change to the NSW approval that may relate to protected matters within 2 business days of formally proposing such a change.*

As we lodged the NSW approval modification request formally on Friday, 13 September, condition 15 requires EnergyCo to formally notify the department by Tuesday, 17 September 2024.

Could you please advise me on the correct protocol for issuing such notifications to the department? Is there a specific person, team or email address to which we must forward post-approval documents? If there is a web-based portal, could you please provide details?

Please note that I also need to provide the department with a copy of the Biodiversity Offset Package for the project, for consultation in accordance with condition 7. I have issued it formally to BCS for consultation today. Once I have confirmation on the appropriate lodgement protocol, I'll provide it for the department's review and comment.

Happy to discuss when you have a moment.

Regards,

[redacted]
Principal Advisor
Environment and Planning

Alexandra Venice Consulting
[redacted]

www.alexandravenice.com

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Appendix D2
Incident dated 18/09/2024
Relevant Condition 15

[redacted]

From: [redacted]
Sent: Wednesday, 18 September 2024 12:32 PM
To: [redacted]
Cc: [redacted] Post Approval
Subject: RE: 2022/09353 - Notification of proposed modification to the associated NSW approval [SEC=OFFICIAL]

[SEC=OFFICIAL]

Hi [redacted]

Thanks for your email, the project has now been handed to our post-approvals team so the appropriate protocol would be to send any relevant information to the PostApproval@dcceew.gov.au inbox (cc'd).

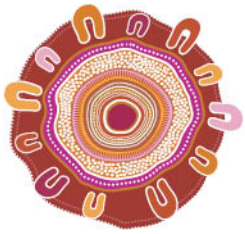
They may pass relevant documents/invoiced on to us. Let me know if you need anything else.

Thank you,

[redacted]
Senior Assessment Officer

Nature Positive Regulation Division | Environment Assessments NSW and ACT Branch | Northern NSW Assessments Section
Ngunnawal and Ngambri Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600 Australia
Department of Climate Change, Energy, the Environment and Water
[redacted]

DCCEEW.gov.au ABN 63 573 932 849



Acknowledgement of Country
Our department recognises the First Peoples of this nation and their ongoing connection to culture and country. We acknowledge Aboriginal and Torres Strait Islander Peoples as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.

From: [redacted]
Sent: Monday, September 16, 2024 9:59 AM
To: [redacted]
Cc: [redacted]
Subject: 2022/09353 - Notification of proposed modification to the associated NSW approval

Hi [redacted]

Please be advised that EnergyCo, on Friday 13/09/24, lodged a request with the NSW Planning Secretary for an administrative modification to NSW approval for the CWO REZ transmission project (see attached). The focus of the requested changes is to facilitate the project's delivery and ensure the associated compliance obligations are clear and appropriate.

The proposed changes do not necessitate any variations to the project's corresponding EPBC Act approval (2022/09353). Nor do they limit our ability to comply with the EPBC Act approval.

Condition 15 requires the following:

> *The approval holder must notify the department in writing of any proposed change to the NSW approval that may relate to protected matters within 2 business days of formally proposing such a change.*

As we lodged the NSW approval modification request formally on Friday, 13 September, condition 15 requires EnergyCo to formally notify the department by Tuesday, 17 September 2024.

Could you please advise me on the correct protocol for issuing such notifications to the department? Is there a specific person, team or email address to which we must forward post-approval documents? If there is a web-based portal, could you please provide details?

Please note that I also need to provide the department with a copy of the Biodiversity Offset Package for the project, for consultation in accordance with condition 7. I have issued it formally to BCS for consultation today. Once I have confirmation on the appropriate lodgement protocol, I'll provide it for the department's review and comment.

Happy to discuss when you have a moment.

Regards,

[redacted]
Principal Advisor
Environment and Planning

Alexandra Venice Consulting
[redacted]

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[SEC=OFFICIAL]

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valid mailing list and no longer want to receive a message such as this one, advise the sender by return e-mail accordingly. This notice should not be deleted or altered ------

Appendix D3
Incident dated 18/10/2024
Relevant Condition 15

[redacted]

From: [redacted]
Sent: Friday, 18 October 2024 3:36 PM
To: Post Approval
Cc: [redacted]
Subject: 2022/09353 - Notification of changes to the associated NSW approval
Attachments: SSI-MOD Instrument.pdf

Team DCCEEW

On Monday, 16 September, EnergyCo advised the department, per condition 15 of the EPBC Act approval (2022/09353) for the CWO REZ transmission project, that it had lodged a request with the NSW Planning Secretary for an administrative modification to NSW approval.

In accordance with condition 16 of EPBC Act approval, please be advised that on Monday, 14 October 2024, Nicole Brewer from the NSW Department of Planning, Housing and Infrastructure (DPHI), as a delegate of the NSW Minister for Planning and Public Spaces, approved the modification of the NSW approval (see attached). Schedule 2 of the attached indicates the specific changes to the NSW approval.

Please note that DPHI has yet to publish the consolidated approval instrument (on the Major Projects website). EnergyCo will provide the consolidated approval instrument to the department when available.

As previously advised, the focus of the requested changes is to facilitate the project's delivery and ensure the associated compliance obligations are clear and appropriate. DPHI accepted this view and approved all requested changes in the modification request dated 17 September 2024. To this end, the proposed changes do not necessitate any variations to the project's corresponding EPBC Act approval (2022/09353) nor limit EnergyCo's ability to comply with the EPBC Act approval.

Notwithstanding the above, I trust this email satisfies the project's obligation under the EPBC Act Approval.

Happy to discuss.

Regards,

[redacted]
Principal Advisor
Environment and Planning

Alexandra Venice Consulting
[redacted]

www.alexandravenice.com

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Appendix D4
Incident dated 11/02/2025
Relevant Condition 17

EnergyCo

Ref: DOC25/87947
11/02/2025

[redacted]
A/g Branch Head, Environment Assessment NSW / ACT
Department of Climate Change, Energy, the Environment and Water
GPO Box 3090
Canberra ACT 2601

Attn: [redacted]

Via Email (postapproval@dcceew.gov.au, epbcmonitoring@dcceew.gov.au)

Re: Central-West Orana REZ transmission project, NSW (EPBC 2022/09353) – Notification of commencement of the development (condition 17)

Dear [redacted]

I refer to the Central-West Orana REZ Transmission Project (EPBC 2022/09353) (the Action), which the Department of Climate Change, Energy, the Environment and Water approved on 8 August 2024 under section 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

This letter serves as formal notification, per condition 17 of the EPBC Act approval, that the Action commenced on 7 February 2025.

The initial activities associated with the Action involve pre-construction minor works at Merotherie, which will expand in scope and location as additional requirements are met and approvals secured under the EPBC Act and NSW approvals.

Should you wish to discuss this notification or require further information regarding the commencement of the Action, please contact the Project's Post-Approvals Lead [redacted] at [redacted]

Sincerely,

[redacted]

Director, Planning and Policy
Planning and Communities

Appendix D5
Incident dated 21/02/2025
Relevant Condition 5(a)

[redacted]

From: [redacted]
Sent: Friday, 21 February 2025 2:43 PM
To: EPBCMonitoring@dcceew.gov.au
Cc: [redacted]
Subject: Central-West Orana REZ Transmission Project (EPBC 2022/09353) – Notification of additional protected matters (condition 5a)
Attachments: Shapefiles.zip; PS204639-WSP-SYD-ECO-REP-002 Rev3.pdf

Team DCCEEW

I am writing, per condition 5a of the approval for the Central-West Orana REZ Transmission Project (EPBC 2022/09353), which commenced on 7 February 2025, to notify the department of the detection of protected matters and the habitat of protected matters not previously reported to the department as part of the referral of this action.

Since approval, EnergyCo has continued biodiversity assessments in locations that were not specifically considered the environmental assessment documentation that supported the referral. These additional biodiversity assessments were focussed on other areas that might be required for project use in future, such as areas adjacent to the assessed construction area, and access points and road intersections that might need to be upgraded.

The additional biodiversity assessments have not identified any new protected matters (entities) that were not identified and considered in the action's environmental assessment documentation. But the additional assessments have identified the presence of protected matters and the habitat of protected matters in new locations that were not considered in the environmental assessment documentation and have not been previously reported to the department. Accordingly, EnergyCo is notifying the department per condition 5) a) and providing relevant information (see attached).

Please note that the presence of the additional protected matters and habitat for protected matters at these additional locations does not mean that the action will impact them. This information was collected to inform decisions about potential project activities at those locations, which will consider the presence. Per condition 5b, no clearing will occur at locations where these additional protected matters are present unless the impact is permissible under the NSW Approval.

EnergyCo remains committed to ensuring full compliance with all conditions of the EPBC Act approval and will continue to keep the Department informed of any updates or further verification outcomes as required.

If you require further information or wish to discuss this update, please do not hesitate to get it contact.

Regards

[redacted]
Post-Approvals Lead
CWO REZ transmission project
Energy Corporation of NSW (EnergyCo)

[redacted]

[redacted] W EnergyCo.nsw.gov.au

NSW GOVERNMENT

EnergyCo

Appendix D6
Incident dated 25/03/2025
Relevant Condition 9

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

EPBC 2022/09353

[redacted]
Director – Planning and policy
Energy Corporation of New South Wales
GPO Box 39
SYDNEY NSW 2001

Approval of Mining Offset Package for the Central-West Orana Renewable Energy Zone Transmission Project, NSW

Dear [redacted]

I am writing regarding the request to approve the Mining Offset Package for the Central-West Orana Renewable Energy Zone Transmission Project, in accordance with condition 9 of the project's approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). As a delegate of the Minister for the Environment and Water, I have decided to approve the Mining Offset Package, version 2, dated March 2025.

Now this plan has been approved, it must be implemented. The approved plan must also be published on your website in accordance with conditions 11 to 14 of the approval.

As you are aware, the department has an active monitoring program which includes monitoring inspections, desk top document reviews and audits. Please ensure that you maintain accurate records of all activities associated with, or relevant to, the conditions of approval so that they can be made available to the department on request. Should you require any further information please contact the department by email to PostApproval@dcceew.gov.au.

Yours sincerely

[redacted]
Branch Head
Environment Assessments (NSW, ACT) Branch

25 March 2025

Appendix D7
Incident dated 29/04/2025
Relevant Condition 4

Outlook

Biodiversity Assessment Verification Report (BAVR) Condition 4 for DCCEEW

From [redacted]
Date Tue 2025-04-29 12:09 PM
To Post Approval <PostApproval@dcceew.gov.au>; epbcmonitoring <epbcmonitoring@dcceew.gov.au>
Cc [redacted]

2 attachments (5 MB)
Approval_BiodiversityVerificationReport_PA19 (3).pdf; CWO Condition B25 BAVR v1.1 (2).pdf;

Dear DCCEEW Post Approvals Team,

Re: Submission of Biodiversity Assessment Verification Report (BAVR) – Condition 4

Please find attached the Biodiversity Assessment Verification Report (BAVR) and approval letter submitted in accordance with Condition 4.

We note and apologise that the submission has been made later than required. An incident notification regarding this administrative non-compliance will be submitted separately.

Please let us know if you require any further information.

Yours sincerely,

[redacted]

[redacted]
Principal Advisor - Planning & Environment
Energy Corporation of NSW (EnergyCo)
[redacted]
W: energyco.nsw.gov.au

NSW GOVERNMENT EnergyCo

Appendix D8
Incident dated 10/07/2025
Relevant Condition 7(a)

EnergyCo

Ref: DOC25/556764
10 July 2025

[redacted]
Secretary
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Attn: [redacted]

Via NSW Planning Portal

Re: Request to Modify Condition B.22 (Biodiversity Offset Package) of the Central-West Orana REZ Transmission Project (SSI 48323210)

Dear [redacted]

The Central-West Orana Renewable Energy Zone (CWO REZ) Strategic Offset Delivery Agreement (SODA) is the first of its kind and represents a significant inter-agency collaboration aligning the objectives of the NSW Plan for Nature and the Electricity Infrastructure Roadmap, progressing conservation and renewable energy priorities. This joint effort ultimately benefits communities, electricity customers, and the environment.

The SODA will contribute funding to the CWO Conservation Investment Strategy (CIS), a strategy developed by Conservation Programs, Heritage and Regulation (CPHR), to provide a state-led strategic approach to conservation in the CWO region. The strategy prioritises habitat connectivity, ecological resilience and biodiversity stewardship through targeted conservation actions and restoration activities.

On 9 May 2025, the *Biodiversity Conservation Regulation 2017* (BC Regulation) was amended to add SODAs as a new and equivalent conservation measure to meet the offset obligations of certain transmission and electricity generation projects.

To enable this initiative, EnergyCo is seeking to modify Condition B.22 of the CWO REZ project approval under section 5.25 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This modification will nominate the SODA as the mechanism to deliver and implement the Biodiversity Offset Package (BOP), consistent with clauses 6.2.2(f) and 6.3A of the BC Regulation.

The proposed wording of the modified Condition B.22 retains the existing BOP requirements and recommends a new paragraph enabling all or part of the BOP to be implemented and delivered via a SODA. A copy of the proposed modified condition is provided below.

This modification and SODA have been developed in partnership with the CPHR branch of the Department of Climate Change, Environment, Energy and Water (DCCEEW) and aligns with their advice and agreement to this approach. In demonstration of this agreed approach, the Secretary of DCCEEW has issued a Notice of Intention (NOI) under the BC Regulation to enter a SODA with EnergyCo in relation to the CWO REZ Transmission Project. A copy of the NOI is enclosed.

EnergyCo and CPHR are in the final stages of negotiating the terms of the SODA, which will secure biodiversity outcomes in accordance with the CWO Conservation Investment Strategy. The SODA will deliver the biodiversity offset measures required to meet the project's obligations by 26 June 2026, as currently required under the approval and Deed of Agreement dated 19 June 2024.

Since the EIS could not contemplate entry into the SODA, as this was only recently introduced in the BC Regulation, the proposed amended condition aims to recognise that this is now an acceptable basis on which to satisfy the project's biodiversity offset requirements.

DPHI has identified the need to modify condition B.22 for EnergyCo to be able to enter the SODA with the Secretary of DCCEEW for the project. EnergyCo considers this modification necessary to provide legal and administrative clarity in delivery and implementation of the offsets and to ensure alignment between the project approval, the BOP, and the Deed of Agreement.

The Project Approval also requires a Mining Offset Package (MOP) to replace conservation areas established by the Ulan, Wilpinjong and Moolarben coal mines. These areas — set aside under existing mine approvals — will be impacted by the project's alignment and can no longer serve their conservation purpose.

To maintain compliance with the mine approvals, the project will provide replacement conservation areas. EnergyCo has acquired a large property at Ulan for this purpose and has applied to establish a Biodiversity Stewardship Agreement to secure its biodiversity values in perpetuity.

No modification to the MOP condition is required. The BOP addresses the project's biodiversity impacts, while the MOP ensures the mining conservation commitments are retained.

Thank you for considering this request. Should you wish to discuss, please contact [redacted] Manager Planning, on [redacted]

Sincerely,

[redacted]

Director, Planning & Policy
Planning & Communities

Enclosed:

- *Notice of intention to enter SODA*
- *CWO Conservation Investment Strategy*

Proposed modification to Condition B.22 (new text in red below)

Biodiversity Offset Package

B22. Prior to carrying out any development that would impact on biodiversity values, the Proponent must prepare a Biodiversity Offset Package (Package) that is generally consistent with the EIS, in consultation with BCS and BCT and to the satisfaction of the Planning Secretary in writing. The Package must include, but not necessarily be limited to:

- details of the specific biodiversity offset measures to be implemented and delivered in accordance with the EIS;
- the cost for each specific biodiversity offset measure, which would be required to be paid into the Biodiversity Conservation Fund if the relevant measure is not implemented and delivered, as determined in accordance with a BCF Charge Quote indexed on a monthly basis in accordance with the Biodiversity Offsets Payment Calculator Order 2022;
- the timing and responsibilities for the implementation and delivery of the measures required in the Package; and
- confirmation that the biodiversity offset measures will have been implemented and delivered no later than 26 June 2026, unless otherwise agreed with the Planning Secretary.

Following the Planning Secretary's approval, the Proponent must implement and deliver the Biodiversity Offset Package.

All or any part of the Biodiversity Offset Package may be implemented and delivered by entry into a Strategic Offset Delivery Agreement in accordance with clauses 6.2.2(f) and 6.3A of the Biodiversity Conservation Regulation 2017.

Appendix D9
Incident dated 11/07/2025
Relevant Condition 15

[redacted]

From: [redacted]
Sent: Friday, 11 July 2025 11:22 AM
To: postapproval@dcceew.gov.au; [redacted]
Cc: [redacted]
Subject: Notification of Modification to Conditions under EPBC2022/09353 - Central-West Orana Renewable Energy Zone Transmission Project
Attachments: 20250710_Letter re SODA Modification Request CWO REZ.pdf

Dear Sir/Madam,

Re: Notification of Modification to Conditions under EPBC 2022/09353 – Central-West Orana Renewable Energy Zone Transmission Project

EnergyCo writes to notify the Department of Climate Change, Energy, the Environment and Water (the department) of a proposed modification to the conditions of approval for the Central-West Orana Renewable Energy Zone Transmission Project (EPBC 2022/09353), in accordance with Condition 15 *Modifications to State or Territory Approval*. Under this condition, the approval holder must notify the department in writing of any proposed change to the NSW approval that may relate to protected matters within two business days of formally proposing such a change.

On 9 May 2025, the *Biodiversity Conservation Regulation 2017* (BC Regulation) was amended to establish the Strategic Offset Delivery Agreement (SODA) as a new and equivalent conservation measure to meet offset obligations for designated transmission and electricity generation projects.

To enable the use of a SODA for the Central-West Orana (CWO) REZ Transmission Project, EnergyCo submitted a request on 10 July 2025 to modify Condition B.22 of the NSW project approval under Section 5.25 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to the Department of Planning, Housing, and Infrastructure (DPHI).

The proposed modification designates the SODA as the mechanism for delivering and implementing the Biodiversity Offset Package (BOP), consistent with clauses 6.2.2(f) and 6.3A of the BC Regulation. The revised condition retains all existing Biodiversity Offset Package (BOP) requirements and proposes an additional paragraph to enable all or part of the BOP to be delivered via a SODA.

I've attached a copy of the proposed modified condition for your information.

This modification and the proposed use of a SODA have been developed in consultation with the CPHR branch of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW), and align with the department's advice and agreed approach. In support of this, the Secretary of the NSW DCCEEW has issued a Notice of Intention under the BC Regulation to progress the agreement.

Please don't hesitate to contact me if the department requires any further information or wishes to discuss the proposed modification.

Yours sincerely,

[redacted]

Attached: Letter to DPHI RE: Modification and proposed wording to B.22

[redacted]
Director, Planning and Policy
Planning and Communities

Energy Corporation of NSW (EnergyCo)

[redacted]

[redacted] **W** energyco.nsw.gov.au

NSW GOVERNMENT EnergyCo

I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Proudly supporting Diversity and Inclusion.

Appendix E – Plans in effect during the 12-month period

Condition (MCoA Commonwealth)	Description	Document Name	Sensitive biodiversity data requiring redaction (Y/N)	Date Approved	Uploaded (Y/N)	Date Uploaded
12	Approved Plans, Strategies , Programs	Biodiversity Offset package	No	9/05/2025	Yes	14/05/2025
12	Approved Plans, Strategies , Programs	Offset Measures BMP	No	12/03/2025	Yes	17/04/2025
12	Approved Plans, Strategies , Programs	Biodiversity Management Plan	No	1/05/2025	Yes	14/05/2025
12	Approved Plans, Strategies , Programs	Mining Offset Package	No	25/03/2025	Yes	21/05/2025