

Nicole Brewer
Director
Energy Assessments
Department of Planning and Environment



BWF Nominees Pty Ltd
as trustee for the BWF Trust

23 May 2022

Dear Ms Brewer,

Re: Request for extension – Biodiversity credit retirement (SSD 6686, CoA 3.19)

Bango Wind Farm Pty Ltd (BWF) is requesting an extension of time to retire biodiversity credits consistent with condition 3.19 of the Development Consent (SSD6686).

Condition 3.19 states:

Within two years of the commencement of construction, unless the Secretary agrees otherwise, the Applicant must retire the required biodiversity credits, to the satisfaction of OEH.

The retirement of the credits must be carried out in accordance with the NSW Biodiversity Offsets Policy for Major Projects, and can be achieved by:

- (a) acquiring or retiring 'biodiversity credits' within the meaning of the Biodiversity Conservation Act 2016;*
- (b) making payments into an offset fund that has been established by the NSW Government; or*
- (c) providing suitable supplementary measures.*

On 22 June 2021, the Department of Planning and Environment (DPE) granted an extension of time until 14 August 2022 for the formal securement of biodiversity offsets under the conditions of consent for the Bango Wind Farm Wind Farm (SSD 6686).

To date, BWF has satisfied part of its biodiversity offset credit liability, via:

- Retirement of biobanking credits in June 2021 (CoA 3.19a); and
- Payment into the Biodiversity Conservation Fund in June 2021 (CoA 3.19b).

The remainder of the biodiversity offset credit liability is intended to be satisfied via establishment of a Biodiversity Stewardship Agreement (BSA) and subsequent retirement of the required biodiversity credits in accordance with CoA 3.19a.

On behalf of BWF, Eco Logical Australia (ELA) lodged an application for a BSA with the Biodiversity Conservation Trust (BCT) on 4 June 2021. This application has been under assessment with the BCT since lodgement. During this time BWF and ELA have been actively engaging and supporting the progress of the application (refer to the consultation log provided at Attachment 1). Based on the latest correspondence with the BCT, it is anticipated that the BSA can be finalised, and credits released to BWF by 30 August 2022 at the very earliest.

After the credits are released, BWF will then need to prepare and submit an application to the BCT to formally retire credits. The timeframe required for the BCT to process these applications is typically three to four weeks.

Given the above, BWF is requesting an extension of 12 weeks, until 4 November 2022 to retire the required biodiversity credits in accordance with CoA 3.19.

Please do not hesitate to contact me on 0477 056 801 if you would like further information or to discuss this request for extension.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Cross', is positioned above the printed name.

Leanne Cross
Environment Manager
CWP Renewables

Consultation log between BWF/ELA and BCT

Date	Correspondence type	Details/ purpose
4/06/2021	ELA submitted the BSA application via BOAMS.	Application submitted to BOAMS.
7/06/2021 5:05pm	Email - BCT to ELA & BWF	Email formally acknowledging receipt of the BSA application.
8/06/2021 3:28pm	Email - BCT to ELA & BWF	BCT provide notification of application outstanding items.
8/06/2021 4:16pm	Email - ELA to BCT	Response clarifying that items have been provided, or status of pending items.
9/06/2021 11:11am	Email - BCT to ELA	Response confirming additional information received and note regarding IT error in BOAMS being fixed.
9/06/2021 12:07pm	Email - ELA to BCT	Confirmation that all items were uploaded via OneDrive.
10/06/2021 9:53am	Email - BCT to ELA & BWF	Confirmation that all components of the application have been received.
11/06/2021 11:28am	Email - BCT to ELA & BWF	Email acknowledging completion of the initial review of the BSA Application - requirements for application completeness have been met.
11/06/2021 11:11am	Email - ELA to BCT	Acknowledgement of application completeness confirmation.
22/06/2021 2:21pm	Email – BCT to ELA	BSA application with Regional BCT officer for review. BCT commences with 'red flag' review and indicates will be completed by second week of July 2021.
19/07/2021	Email – BCT to ELA & BWF	Notification that BCT is progressing with the full review of the BSA Application after completion of the 'red flag' review.
19/07/2021	Correspondence between ELA & BCT	Making arrangements for a site inspection to be conducted in August 2021.
19/07/2021	Phone conversation ELA & BCT	Joint site visit tentatively scheduled for 4-5 August 2021.
20/07/2021 11:22am	Email – ELA to BCT	Email to BCT confirming site audit requirements with considerations for COVID-19 safety. Locked in 5 th August 2021 for the site audit.
2/08/2021	Email - ELA to BCT	Confirmation that the BCT can conduct their site inspection on 5 th August.
5/08/2021 4:39pm	Text message – BCT to BWF	Confirmation that the site inspection was completed.

Date	Correspondence type	Details/ purpose
12/08/2021	Email – BCT to ELA	BCT provides update from the site audit on 5 th August with some indicative queries that will be raised in the BCT feedback table. BCT starts reviewing and collating comments on the BSA application following the site audit.
20/09/2021 4:22pm	Email - BCT to BWF	Email containing a receipt for the BSA Application fee.
30/09/2021 10:10am	Email – ELA to BCT	Email to BCT seeking update on status of BCT assessment. Touching base to set up second site audit with ELA as the Accredited Assessor (previously unable to go due to COVID lockdown in Sydney).
11/10/2021 12:51pm	Email – ELA to BCT	Follow up email to BCT seeking update on the BSA application and second site visit.
11/10/2021 2:25pm	Email – BCT to ELA	BCT update on position regarding site visits. Start making arrangements for second site visit in October or early November.
12/10/2021	Emails between ELA & BCT	Tentative arrangements made for a joint site inspection with BCT & ELA, on 4 th November 2021.
3/11/2021	Text messages between ELA & BCT	Site visit rescheduled for 11 th November 2021 due to poor weather conditions forecast for 4 th November.
11/11/2021	Joint site audit conducted at Golden Hollows (ELA & BCT)	Completion of site audit (1 day).
15/12/2021 3:15pm	Email - ELA to BCT	Email seeking an update on the status of the assessment of the BSA Application – requesting estimated timing for receiving the feedback table.
17/01/2022 12:00pm	Email - ELA to the BCT	Email seeking an update on the status of the Golden Hollows BSA Application assessment. ELA: <i>"We are keen to progress with the next stages to ensure we can meet the timeframes for registration and retirement of credits from the BSA to meet the conditions of consent for Bango Wind Farm"</i> . Received out of office bounce back from BCT audit officer.
25/01/2022 1:51pm	Email - ELA to the BCT	Email seeking an update on the status of the Golden Hollows BSA Application assessment. ELA: <i>"We are keen to progress with the next stages to ensure we can meet the timeframes for registration and retirement of credits from the BSA to meet the conditions of consent for Bango Wind Farm"</i> .
27/01/2021 1:23pm	Email - BCT to ELA & BWF	BCT indicate that they are aiming for Friday 18 th Feb to have the first full round of comments to ELA & BWF.
2/02/2022 6:31pm	Email - ELA to BCT	Email noting the timeframes around retirement of credits to meet the consent conditions: ELA: <i>"I understand that the biggest factor in our timeline will be the length of time it takes Lands to register the Agreement on title so that credits can be issued. We would need credits to be issued by July at the latest so that we can meet our Conditions of Consent"</i> .
14/02/2022 4:38pm	Email – BCT to ELA	BCT requesting additional shapefiles for Management Zones. Indicated that the BCT officer review will "go for internal QA tomorrow (15/02/2022) and should be back in a couple of days"

Date	Correspondence type	Details/ purpose
15/02/2022 9:33am	Email – ELA to BCT	Email to the BCT in response to request for Management Zones shapefiles.
17/02/2022 3:32pm	Email – BCT to ELA	<p>BCT update on timing of sending feedback table – “won’t have comments to you tomorrow as promised. I haven’t yet received the EMM review from another team and have a few loose ends to tie up on my review before it goes to be checked. This will be on Monday next week. I can incorporate the EMM comments after this check though.</p> <p>There is also new information coming from the DPE Ecosystems Programs branch regarding Superb parrots so I’ve had to hunting SoS officers and Jennie is escalating a few issues regarding species polygon generation and lack of clear enough information for credit generation in the TBDC.”</p>
23/02/2022 2:05pm	Email - BWF to BCT	<p>Email to BCT seeking an update on the status of the BSA Application and when the first round of comments will be provided.</p> <p>BWF: <i>“Bango Wind Farm is working to a deadline within the development consent to retire biodiversity credits by 14th August this year. Although we are still several months away from this date, we need to understand an indicative timeline of remaining steps to be completed to finalise the BSA and ultimately have the credits released. If the BCT has any concerns about the ability to meet this August deadline, I’d like to discuss that as soon as possible”.</i></p>
28/02/2022 2:54pm	Email - ELA to BCT	<p>Email to BCT seeking an update on the status of feedback in regards to the Golden Hollows BSA Application.</p> <p>ELA: <i>“I’ve discussed timing with Alana from CWP and we really need to have credits issued by mid to end of July in order to meet consent conditions. If we could organise a meeting to discuss the timeframes for Bango Wind Farm and the BCTs feedback that would be great”</i></p>
1/03/2022 9:37am	Email - BCT to ELA & BWF	<p>Email from the BCT to ELA & BWF with an update on the status of the BSA Application.</p> <p>BCT: <i>“As I have now received the required feedback and BCT position, I will have my advice ready for internal review by this afternoon. Michelle I will give you a call to discuss the main points, with formal advice to follow, which is likely to be with you mid-late next week”.</i></p>
18/03/2022 3:27pm	Email - ELA to BCT	<p>Email to the BCT to follow up on the status of the BSA Application feedback comments.</p> <p>ELA: <i>“Can we expect that to come next week?”</i></p>
18/03/2022 3:49pm	Email - BCT to ELA & BWF	<p>Email with an update on the status of the assessment.</p> <p>BCT: <i>“I have completed my comments and they are currently being peer reviewed. I’m expecting to meet to discuss the review late next week. After any required amendments they should be with you early the following week”</i></p>
7/04/2022 11:24am	Email - ELA to BCT	<p>Email asking whether the Golden Hollows review has been finalised to be sent back to ELA & BWF.</p> <p>ELA: <i>“We are very conscious of the timing with getting the Agreement registered to meet the Conditions of Consent for Bango Wind Farm”.</i></p>
8/04/2022 2:20pm	Email - BCT to ELA & BWF	BCT provide the feedback table for Golden Hollows BSA Application, including a marked up copy of the Management Plan.

Date	Correspondence type	Details/ purpose
11/04/2022 10:25am	Email - ELA to BCT	Email to arrange a phone meeting to discuss the comments, given the extensive number of comments received.
20/04/2022	Meeting held between BCT, ELA & BWF	Meeting held to go over the comments and feedback table.
20/04/2022 5:54pm	Email - ELA to BCT	Email regarding the BCTs assessment of the Superb Parrot polygon calculations.
22/04/2022 12:51pm	Email - BCT to ELA & BWF	Email from the BCT containing a summary of items that the BCT are following up. As well, an assessment timeline table was proposed by the BCT. The timetable indicated the following key dates: <ul style="list-style-type: none"> • Postage of the Agreement to applicant: 10/06/2022. • Agreement executed by the BCT CEO: 22/06/2022. • Registration of agreement by Land Registry Services: 03/08/2022c. • Credits released: 05/08/2022.
22/04/2022 4:05pm	Email - ELA to BCT	Email confirming receipt of the proposed assessment timetable and noting that the proposed timeframe for release of credits on 5 th August 2022 only allows 5 working days for BWF to retire the credits.
28/04/2022 2:47pm	Email - BWF to BCT	Email acknowledging receipt of the proposed assessment timetable. Amendments to the timetable were proposed to allow the Applicant (BWF) sufficient time to complete their allocated tasks, including: <ul style="list-style-type: none"> • 5 days to make amendments after receipt of BCTs next round of comments. • 10 days to review, sign and return the Agreement. The proposed amendments take the credit release out to 23/08/2022.
3/05/2022 2:30pm	Email - BCT to BWF & ELA	BCT provide an email accepting the proposed amendments to the assessment timetable. BCT notes they are still following up on outstanding items raised during meeting held 20/04/2022.
11/05/2022 10:22am	Email – ELA to BCT & BWF	Email to the BCT enquiring about the status of the outstanding items to be provided by the BCT, necessary to progress the application updates.
13/05/2022 11:59am	Email – BCT to ELA & BWF	Email from the BCT providing the required advice.
16/05/2022 4:52pm	Email – ELA to BCT & BWF	Email to the BCT acknowledging receipt of the advice and requesting further clarifications. Email also notes that due to the timing of BCTs responses/advice, there is insufficient time for BWF & ELA to finalise the application amendments by the agreed date of 19/05/2022. ELA proposed a revised due date of 26/05/2022, noting that this will extend the overall time frame by one week (i.e. credit release date of 30 August 2022).