



# Hornsedale Wind Farm

EPBC Act Annual Compliance Report September 2020

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Prepared by EBS Ecology for Neoen

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## GLOSSARY AND ABBREVIATION OF TERMS

CEMP	Construction Environment Management Plan
Cth	Commonwealth
EBS	EBS Ecology
EMMP	Environmental Management Plan and Monitoring Plan
EPA	Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
HWF	Hornsedale Wind Farm
km	kilometre(s)
km <sup>2</sup>	square kilometres
m	metre(s)
PBTL	Pygmy Blue-tongue Lizard ( <i>Tiliqua adelaidensis</i> )
SA	South Australia/South Australian
SEB	Significant Environmental Benefit
SEDMP	Soil Erosion and Drainage Management Plan
WTG	Wind turbine generator

## DEFINITIONS

**Commencement of construction:** Commencement of any works involved in the construction phase of the project, including clearing vegetation, the erection of any onsite temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for buildings or infrastructure. This excludes geotechnical investigation works, and the erection of signage, fences, barriers or bunting for the purposes of excluding areas containing listed threatened species and/or ecological communities.

**Department:** The Australian Government Department responsible for the *Environment Protection and Biodiversity Conservation Act 1999*.

**Minister:** The Minister responsible for administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

**Person taking the action:** Hornsdale Asset Co Pty Ltd.

**Proposed action:** To construct and operate the Hornsdale Wind Farm, north of Jamestown in South Australia. The project comprises up to 105 Wind Turbine Generators and associated infrastructure (see EPBC Act referral 2012/6573).

**Works:** Includes all works involved in the construction, operation and decommissioning of the project. This includes preparatory works required to be undertaken including clearing vegetation, the erection of any on-site temporary structures, laydown and stockpile areas, and the use of heavy equipment for the purpose of breaking the ground for buildings, infrastructure, or the removal of infrastructure. This excludes the erection of signage, fences, barriers or bunting for the purposes of excluding areas containing listed threatened species and/or ecological communities.

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# 1 INTRODUCTION

EBS Ecology was engaged by Neoen (Hornsedale Asset Co Pty Ltd) to complete an Annual Compliance Report for the Hornsedale Wind Farm (HWF) Project. The HWF Project was granted approval on 10 May 2013, subject to conditions under sections 130 (1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The approval (EPBC 2012/6573) has effect until 10 May 2042.

The approval was subject to 15 conditions, one of which (approval condition 11) states that:

*Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published.*

This is the fifth Annual Compliance Report for the HWF Project. The action commenced 3 August 2015.

## 1.1 Project background

The HWF is located approximately 10 km north of Jamestown, in the Mid North of South Australia. The project site extends about 15 km in a north-south direction, and about 8 km in an east-west direction, covering a site area of 74 km<sup>2</sup>. The HWF Project consists of the following components:

- 99 wind turbine generators (WTGs) and associated hardstands;
- Access tracks;
- An underground electrical cable network;
- On-site grid connection infrastructure (substation) and above ground power lines;
- Operations and maintenance facilities; and
- Temporary construction facilities and laydown areas.

Commercial operation of the HWF commenced on 18 December 2017.

## 2 CONDITIONS OF THE APPROVAL

The following 15 conditions of approval for the project were implemented 10 May 2013:

**1. The person taking the action must carry out the action in accordance with the South Australian Development Assessment Planning approval conditions 7, 8, and 12 (July 2012).**

The development application for the HWF Project was approved under the *Development Act 1993* on 4 July 2015. The following planning approval conditions (Conditions 7, 8 and 12) are taken from the final development approval (764/V001/11 V1), which was supplied with the first HWF Project EPBC Act Annual Compliance Report submitted in 2016:

**South Australian Development Assessment Planning approval condition 7:**

***A Rehabilitation Plan for the site, including options for environmental offsets and a management program (to be undertaken during the operational life of the project) and end-of-project decommissioning works (to outline the extent of reinstatement and restoration activities upon the removal of the wind-farm and associated infrastructure), shall be submitted for approval by the Minister for Planning prior to the commencement of construction.***

A *Rehabilitation and Decommissioning Plan* for the HWF Project was approved by the Minister for Planning on 31 July 2015. The action commenced 3 August 2015. The *Rehabilitation and Decommissioning Plan* was supplied with the first HWF EPBC Act Annual Compliance Report submitted in 2016.

**South Australian Development Assessment Planning approval condition 8:**

***An Environmental Management Plan and Monitoring Plan (EMMP) for the Construction and Operational phases of the development shall be approved by the Minister for Planning prior to the commencement of construction.***

An Environmental Management Plan and Monitoring Plan for the HWF Project was approved by the Minister for Planning on 31 July 2015. The action commenced 3 August 2015. The *Environmental Management Plan and Monitoring Plan* was supplied with the first HWF EPBC Act Annual Compliance Report submitted in 2016.

**South Australian Development Assessment Planning approval condition 12:**

***Prior to work commencing on site, a Construction Environment Management Plan (CEMP) must be submitted to the satisfaction of the EPA and the measures contained in the CEMP must be implemented during the construction and rehabilitation phases of the work. The CEMP must include as a minimum:***

- a. Soil Erosion and Drainage Management Plan (SEDMP) prepared according to the EPA's Stormwater Pollution Prevention Code of Practice (for the Building and Construction Industry), March 1999; and***
- b. Measures to manage potential dust and noise emissions, solid and liquid wastes and concrete wastes from construction works.***

A *Construction Environment Management Plan* (CEMP) for the HWF Project was approved by the Minister for Planning on 31 July 2015. The action commenced 3 August 2015. The plan includes a *Soil Erosion and Drainage Management Plan* (SEDMP), as well as measures to manage potential dust and noise emissions, solid and liquid wastes and concrete wastes from construction works.

The following environmental sub plans are incorporated into the CEMP:

- *Soil Erosion and Drainage Management Plan.*
- *Dust and Noise Management Plan.*
- *Waste Management Plan.*
- *Bushfire Risk Management Plan.*
- *Native Vegetation Management Plan.*
- *Native Fauna Management Plan.*
- *Pest Plant and Animal Management Plan.*
- *Heritage Management Plan.*
- *Remediation Management Plan.*
- *Rehabilitation Management Plan.*

The CEMP was supplied with the first HWF EPBC Act Annual Compliance Report submitted in 2016.

It was a requirement of the Engineering Procurement Construction Contract that Siemens complied with the requirements of the CEMP. Hornsdale Asset Co Pty Ltd contracted EBS Ecology to conduct site inspections during the construction period of the wind farm to ensure the construction contractor implemented the requirements outlined in the CEMP. Site inspections were no longer required after ground disturbance activities were finished.

Commercial operation of the wind farm commenced on 18 December 2017 and all construction works have since been completed.

**2. To offset the potential impacts to the EPBC Act listed *Tiliqua adelaidensis* the person taking the action must secure the 'area for conservation' of 75 hectares (of which 3.1 hectares will relate to *Tiliqua adelaidensis* offset), as identified in the map Appendix 2 (Note: this refers to Appendix 2 of the 2012/6573 approval decision document), under a Heritage Agreement under the South Australia Native Vegetation Act 1991. The Heritage Agreement must be submitted to the Minister for approval prior to being registered, and must be registered prior to the commencement of construction. If a Heritage agreement is not registered prior to the commencement of construction, evidence of a legal agreement providing for the conservation of the 'area for conservation' must be submitted to the Minister for approval. This legal agreement must be submitted and approved by the minister prior to the commencement of construction.**

The 75 hectare 'area for conservation' (of which 3.1 hectares will relate to *Tiliqua adelaidensis* offset) was approved by the Native Vegetation Council on 19 June 2015. A copy of the approval was supplied with the first HWF EPBC Act Annual Compliance Report submitted in 2016.

A Heritage Agreement over the offset area was not supported by the State Government due to the poor quality of the native vegetation. Therefore, in place of a Heritage Agreement, the offset area will be

registered as a Significant Environmental Benefit (SEB) offset under the *Native Vegetation Act 1991*. A variation to condition 2 of the approval was granted under section 143 of the EPBC Act on 3 August 2015 and a copy of the variation to condition 2 was supplied with the first HWF EPBC Act Annual Compliance Report submitted in 2016. The condition now attached to the approval is:

*To offset the potential impacts to the EPBC Act listed *Tiliqua adelaidensis* the person taking the action must secure the area for conservation of 75 hectares (of which 3.1 hectares will relate to *Tiliqua adelaidensis* offset), as identified in the map at Appendix 2 (Note: this refers to Appendix 2 of the 2012/6573 approval decision document), as a Significant Environment Benefit offset under the *Native Vegetation Act 1991 (SA)*. The Significant Environment Benefit offset must be submitted to the Minister for approval prior to being registered, and must be registered within 6 months of the commencement of construction. If the Significant Environment Benefit offset is not registered within 6 months of the commencement of construction, evidence of a legal agreement providing for the conservation of the 'area for conservation' must be submitted and approved by the Minister within 6 months of the commencement of construction.*

A Management Plan for the SEB offset area, prepared by EBS Ecology, was approved by the Minister's Delegate on 7 July 2015. The plan was approved prior to the commencement of construction which took place on 3 August 2015. A copy of the Plan was supplied with the first HWF EPBC Act Annual Compliance Report submitted in 2016.

**3. *To offset the potential impacts to the EPBC Act listed *Tiliqua adelaidensis* the person taking the action must submit to the minister for approval an Offset Management Plan for the offset site prior to the commencement of construction.***

The Offset Management Plan prepared by EBS Ecology, was approved by the Minister's Delegate on 7 July 2015. The plan was approved prior to the commencement of construction which took place on 3 August 2015.

**4. *To offset the potential impacts to the EPBC Act listed *Tiliqua adelaidensis* the person taking the action must submit to the Minister for approval a scientific monitoring and research plan to monitor impacts to *Tiliqua adelaidensis* at the project site from both the construction and operation of the wind farm, as referred to in Section 6 of the final Preliminary Documentation (March 2013). The Scientific monitoring and research plan must include details of how research results will be made publicly available. The scientific monitoring and research plan must be approved prior to the commencement of construction. The approved plan must be implemented.***

The Scientific Monitoring and Research Plan prepared by EBS Ecology, was approved by the Minister's Delegate on 7 July 2015. The plan was approved prior to the commencement of construction which took place on 3 August 2015 and a copy of the plan was supplied with the first HWF EPBC Act Annual Compliance Report submitted in 2016. Summary reports including research results will be uploaded onto the Hornsdale Wind Farm Website on an annual basis.

The Scientific Monitoring and Research Plan was previously made available to the public on the Hornsdale Wind Farm Website (<http://hornsdailewindfarm.com.au/approval-of-the-offset-management-plan-and-scientific-monitoring-and-research-plan/>) on 6 August 2015.

The Scientific Monitoring and Research Plan commenced during September 2015 and subsequent monitoring events were carried out during October to December 2015, January to March 2016, October to December 2016, January to March 2017, 6-9 and 20-21 February 2018, and 11-14 and 20-22 February 2019. Reports were provided with the first (2016), second (2017) third (2018) and fourth (2019) HWF EPBC Act Annual Compliance Reports.

The most recent round of monitoring was conducted from 11-13 February and 18-20 February 2020. A total of 1,919 burrows across eleven quadrats were checked for *Tiliqua adelaidensis* occupancy, of which 109 burrows (5.68 %) contained one or more *Tiliqua adelaidensis*. Overall, 113 *Tiliqua adelaidensis* were recorded in the 109 burrows (95 adults and 18 juveniles).

Whilst the number of *Tiliqua adelaidensis* recorded (113) in the most recent round of monitoring has decreased by 97 compared to 2019 (with 210), the number of burrows searched (1,919) also decreased (by 304) compared to 2019 (with 2,223).

However, the proportion of adult *Tiliqua adelaidensis* observed in 2020 (84.07 %) was greater than the Baseline (71.94 %) and 2018 (835.53 %) surveys, but less than the 2019 survey (91.9 %). In contrast, the proportion of juvenile *Tiliqua adelaidensis* observed in 2020 (15.93 %) was less than the number of juvenile and sub-adult *Tiliqua adelaidensis* observed in the Baseline (28.06 %) and 2018 (16.47 %) surveys, but greater than the 2019 (8.1 %) survey.

The results of the most recent round of monitoring suggest that there is no significant difference between the number of *Tiliqua adelaidensis* individuals between years. Although there was a decline in the number of *Tiliqua adelaidensis* observed in 2020, the population cannot be considered to be declining as there has only been a single year of fewer *Tiliqua adelaidensis*. Further monitoring will be important to determine the trajectory or stochasticity of the *Tiliqua adelaidensis* population.

Please refer to Attachment 1: *Hornsedale Wind Farm SEB Offset Area Monitoring 2020* (EBS Ecology 2020) for more information.

**5. The person taking the action must maintain a minimum buffer distance of 20 metres between all works and vegetation association 7. *Eucalyptus microcarpa* (Grey Box) tall woodland and *Eucalyptus odorata* (Peppermint Box) +/- *Eucalyptus leucoxylon subsp pruinosa* (Blue Gum) low woodland as indicated in the maps at Appendix 3 (Note: this refers to Appendix 3 of the 2012/6573 approval decision document),**

This condition was incorporated into the final design for the Project and listed in the requirements of the CEMP for the Project, which was supplied with the first HWF EPBC Act Annual Compliance Report submitted in 2016. No works were or are planned in close proximity (within 200 m) to the listed vegetation associations.

Hornsedale Asset Co Pty Ltd contracted EBS Ecology to conduct site inspections during the construction period of the HWF to ensure the construction contractor was implementing the requirements outlined in the CEMP and the EPBC approval conditions.

No works have been carried out within 200 m of the listed vegetation associations.

**6. The person taking the action must ensure no clearance of *Olearia pannosa subsp pannosa* occurs on the project site as indicated in the map at Appendix 4 (Note: this refers to Appendix 4 of the 2012/6573 approval decision document),**

This condition was incorporated into the final design of the Project and listed in the requirements of the CEMP for the Project, which was supplied with the first HWF EPBC Act Annual Compliance Report submitted in 2016.

Hornsedale Asset Co Pty Ltd contracted EBS Ecology to conduct site inspections during the construction period of the HWF to ensure the construction contractor implemented the requirements outlined in the CEMP and the EPBC approval conditions.

No *Olearia pannosa subsp. pannosa* have been impacted upon as a result of the construction of the HWF.

**7. The person taking the action must maintain a minimum buffer distance of 200 metres between all works and *Olearia pannosa subsp pannosa* as indicated in the map at Appendix 4 (Note: this refers to Appendix 4 of the 2012/6573 approval decision document), unless written notification is provided to the Department. The written notification must demonstrate that any incursion into the 200 metre buffer area will not have any impact on *Olearia pannosa subsp pannosa*. Signage and exclusion barriers must be erected around *Olearia pannosa subsp pannosa*, prior to the commencement of works in the 200 metre buffer area.**

This condition was incorporated into the final design of the Project and listed in the requirements of the CEMP for the Project, which was supplied with the first HWF EPBC Act Annual Compliance Report submitted in 2016. Hornsedale Asset Co Pty Ltd contracted EBS Ecology to conduct site inspections during the construction period of the HWF to ensure the construction contractor implemented the requirements outlined in the CEMP and the EPBC approval conditions.

**8. To minimise potential impacts on *Tiliqua adelaidensis* from construction, operation, and decommissioning activities, the person undertaking the action must ensure that:**

**a. Works are not undertaken in areas identified as 'likely' habitat as indicated in the map at Appendix 5 (Note: this refers to Appendix 5 of the 2012/6573 approval decision document).**

Hornsedale Asset Co Pty Ltd contracted EBS Ecology to conduct site inspections during the construction period of the HWF to ensure the construction contractor implemented the requirements outlined in the CEMP and the EPBC approval conditions, including condition 8a. No construction works have been carried out in areas identified as 'likely' *Tiliqua adelaidensis* habitat and with all roads, tracks, laydown areas and cables now installed, the risk of these areas being directly impacted by the Project has been removed.

**b. A minimum buffer distance of 200 metres is maintained between works and the areas identified as 'likely' and 'possible' habitat, as indicated in the map at Appendix 5 (Note: this refers to Appendix 5 of the 2012/6573 approval decision document), unless written notification is provided to the department. This written notification must demonstrate that any incursion into the 200 metre buffer area will not have any impact on *Tiliqua***

***adelaidensis. Signage and exclusion barriers must be erected around the 'likely' and 'possible' habitat areas, prior to the commencement of works in the 200 metre buffer area.***

Hornsedale Asset Co Pty Ltd contracted EBS Ecology to conduct site inspections during the construction period of the HWF to ensure the construction contractor implemented the requirements outlined in the CEMP and the EPBC approval conditions, including condition 8b. As reported in the HWF EPBC Act Annual Compliance Report submitted in 2017, written notification was provided to the Department regarding works to be undertaken within the nominated buffer zone in several locations. This was part of the original design. All buffer areas and possible habitat was inspected prior to any works being undertaken. No *Tiliqua adelaidensis* were found within these areas.

***c. Where any works are required within areas identified as 'possible' habitat, as indicated in the map at Appendix 5 (Note: this refers to Appendix 5 of the 2012/6573 approval decision document), a targeted fauna search of the proposed works area is undertaken by a qualified ecologist prior to the commencement of works in this area. If *Tiliqua adelaidensis* is found during this search, the area where it is found must be re-classified as 'likely' habitat, and works must not be undertaken in this area (as per condition 8a).***

No additional *Tiliqua adelaidensis* surveys, within 'possible' habitat areas, have been required within the Stage 1, Stage 2 or Stage 3 areas of the HWF since the first HWF EPBC Act Annual Compliance Report was submitted in 2016.

All recommendations detailed in previous EBS Ecology reports were followed by Hornsdale Asset Co Pty Ltd, and as a result no works have been carried out in areas classified as 'likely' *Tiliqua adelaidensis* habitat.

***d. Any works undertaken in areas identified as 'possible' habitat, as indicated in the map at Appendix 5 (Note: this refers to Appendix 5 of the 2012/6573 approval decision document), are undertaken during 1 April and 30 September, and 1 December and 31 January, unless written notification is provided to the Department. This written notification must demonstrate that works undertaken outside of the periods specified above will not have any impact on *Tiliqua adelaidensis*. If works are to be undertaken outside of the periods specified above, a lizard exclusion barrier must be erected around any open trenches to prevent lizards entering trenches, prior to the commencement of works in the 'possible' habitat areas. Open trenches located in 'possible' habitat areas must be inspected for *Tiliqua adelaidensis* every morning and afternoon until closed, and any entrapped individuals removed.***

Apart from what was reported in the HWF EPBC Act Annual Compliance Report submitted in 2017, no further works have been undertaken in areas identified as 'possible' *Tiliqua adelaidensis* habitat.

***9. Within 10 days after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement.***

The action commenced on 3 August 2015. The Ministers delegate was advised via email from Hornsdale Asset Co Pty Ltd on 3 August 2015, that the action had commenced on the 3 August 2015.

**10. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the plans required by this approval, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions with the conditions of approval. Summaries of audits will be posted on the Department’s website. The results of audits may also be publicised through the general media.**

Hornsedale Asset Co Pty Ltd maintains documents substantiating all activities associated with or relevant to the conditions of approval. These are available upon request from the Department.

**11. Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published.**

The action commenced on 3 August 2015. Therefore, the fifth 12 month anniversary is 3 August 2020. This compliance report and associated attachments will be published on the HWF website (<http://hornsedalewindfarm.com.au>) once it is approved by the Ministers Delegate. This is currently planned for 30 October 2020 (but is dependent on receiving approval by the Ministers Delegate).

Compliance was met for all 15 conditions of the approval. A summary of EPBC Act annual compliance reporting for the HWF Project to date is provided in Table 1.

**Table 1. Summary of EPBC Act annual compliance reporting to date.**

12 month anniversary of the commencement of the action	Anniversary date	Annual Compliance Report title	Uploaded to the HWF website
First 12 month anniversary	3 August 2016	<i>Hornsedale Wind Farm – Annual Compliance Report under the EPBC Act (2016)</i> (for 3 August 2015 to 2 August 2016)	Prior to 3 November 2016.
Second 12 month anniversary	3 August 2017	<i>Hornsedale Wind Farm – Annual Compliance Report under the EPBC Act September 2017</i> (for 3 August 2016 to 2 August 2017)	Prior to 3 November 2017.
Third 12 month anniversary	3 August 2018	<i>Hornsedale Wind Farm Annual Compliance Report under the EPBC Act September 2018</i> (for 3 August 2017 to 2 August 2018)	Prior to 3 November 2018.
Fourth 12 month anniversary	3 August 2019	<i>Hornsedale Wind Farm Annual Compliance Report under the EPBC Act October 2019</i> (for 3 August 2018 to 2 August 2019)	Prior to 3 November 2019.
Fifth 12 month anniversary	3 August 2020	<i>Hornsedale Wind Farm EPBC Act Annual Compliance Report September 2020</i> (for 3 August 2019 to 2 August 2020)	Proposed to be prior to 3 November 2020.

**12. If the person taking the action wishes to carry out any activity otherwise than in accordance with the plans as specified in conditions 3 and 4, the person taking the action must submit to the department for the Minister's written approval a revised version of that plan. The varied activity shall not commence until the Minister has approved the varied plan in writing. The minister will not approve a varied plan unless the revised plan would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised plan, that plan must be implemented in place of the plan originally approved.**

No variations to activities listed in the plans specified in conditions 3 and 4 have been carried out or required. All activities have been in accordance with the plans. This condition has been acknowledged and noted by Hornsdale Asset Co Pty Ltd.

**13. If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and ecological communities to do so, the Minister may request that the person taking the action make specified revisions to the plan specified in the conditions and submit the revised plan for the Minister's written approval. The person taking the action must comply with any such request. The revised approved plan must be implemented. Unless the Minister has approved the revised plan, then the person taking the action must continue to implement the plan originally approved, as specified in the conditions.**

This condition has been acknowledged and noted by Hornsdale Asset Co Pty Ltd.

**14. If, at any time after 5 years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.**

Approval was given on 10 May 2013 and the action commenced on 3 August 2015.

**15. Unless otherwise agreed to in writing by the Minister, the person taking the action must publish the Offset Management plan, referred to in Condition 3, and the scientific monitoring and research plan, referred to in Condition 4, on their website within 1 month of being approved. To protect the local population of *Tiliqua adelaidensis*, the publication of such plans may exclude any figures or information identifying the location of *Tiliqua adelaidensis* populations at a paddock level.**

The Offset Management Plan and Scientific Monitoring and Research Plan prepared by EBS Ecology, were approved by the Minister's Delegate on 7 July 2015.

The plans were previously made available to the public on the HWF website (<http://hornsdalewindfarm.com.au/approval-of-the-offset-management-plan-and-scientific-monitoring-and-research-plan/>) on 6 August 2015.

### 3 ATTACHMENTS

Attachment 1. EBS Ecology (2020) Hornsdale Wind Farm SEB Offset Area Monitoring 2020. Report to NEOEN. EBS Ecology, Adelaide.



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