



Variation of conditions attached to approval

Sapphire Solar Farm Project, 28 km east of Inverell, NSW (EPBC ref 2017/8121)

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

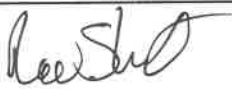
Approved action

approval holder	Sapphire Solar Farm Pty Ltd ACN 620 649 069 and Sapphire Battery Nominees Pty Ltd, in its capacity as trustee of the Sapphire Battery Trust ACN 641 182 998
approved action	To build and operate a utility-scale photovoltaic solar farm with battery storage, 28 km east of Inverell, NSW. See EPBC Act referral 2017/8121.

Variation

variation of conditions attached to approval	The variation is: Delete condition 10 attached to the approval and substitute with the condition specified in the table below.
date of effect	This variation has effect on the date this instrument is signed.

Person authorised to make decision

name and position	Rachel Short Branch Head Environment Assessments (Vic, Tas) and Post Approvals Branch
Signature	
date of decision	25 September 2023

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date of decision	Conditions attached to approval
Original dated 15/10/2018	<p>1) To minimise the impacts of the action on protected matters:</p> <ul style="list-style-type: none">a. The person taking the action must not clear more than 68.3 ha of Box Gum Woodland within the development footprint.b. The person taking the action must not clear more than 29.5 ha of woodland habitat for the Swift Parrot (<i>Lathamus discolor</i>) within the development footprint.c. The person taking the action must not clear any bluegrass (<i>Dichanthium setosum</i>) or Austral Toadflax (<i>Thesium australe</i>) within the site as recorded at <u>Annexure B</u>.
Original dated 15/10/2018	<p>2) The approval holder must comply with Conditions 1-4 of Schedule 2 and Condition 11 of Schedule 3 of the state development consent where they relate to monitoring, managing, avoiding, mitigating, offsetting, recording or reporting on impacts to protected matters.</p>
Original dated 15/10/2018	<p>3) The Biodiversity Management Plan required under Condition 11 of the state development consent must be published on the approval holder's website within 1 month of being approved by the Secretary.</p>
As varied on 14/12/2020	<p>4) To offset the residual impacts of the action on Box Gum Woodland and Swift Parrot, the approval holder must:</p> <ul style="list-style-type: none">a. Retire 1172 Box Gum Woodland ecosystem credits, or a lesser number as a result of further avoidance of impacts to Box Gum Woodland within the development footprint if agreed to by the Minister in writing, calculated in accordance with the Biodiversity Assessment Method.b. The Box Gum Woodland ecosystem credits required under condition 4a may be retired in stages, on the basis that the number of ecosystem credits required for a particular stage must be agreed to by the Minister in writing in advance of that stage commencing and all the ecosystem credits required for a particular stage of construction must be retired within two years of commencing construction of that stage;c. Use one or a combination of the following methods to implement sub-conditions 4a and 4b:<ul style="list-style-type: none">i) Retiring 'biodiversity credits' within the meaning of the <i>Biodiversity Conservation Act 2016 (NSW)</i>. Any credits acquired or retired must be like for like. Any Biodiversity Stewardship Agreements or other agreements to retire the credits must be provided to the Department within 1 month of being finalised.ii) Making payments into an offsets fund that has been developed by the NSW Government and that has been endorsed by the

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Minister. The financial contribution of payments into an offset fund must be determined by converting biodiversity credits to an equivalent dollar value through the **NSW offsets payment calculator**. Any payments into an offset fund must have written approval from the **Minister** before being made.

- iii) Providing **supplementary measures**. The financial contribution of **supplementary measures** must be determined by converting biodiversity credits to an equivalent dollar value through the **NSW offsets payment calculator**. Any supplementary measures provided must be **like for like** and approved by the **Minister** before financial contribution is made.

Original dated 15/10/2018 5) The approval holder must notify the **Department** in writing of any proposed changes to the conditions of the **state development consent** referred to in the conditions of this approval, no later than 2 weeks after formally proposing a change or becoming aware of a change being proposed. The approval holder must also notify the **Department** in writing of any change to the conditions of the **state development consent** referred to in the conditions of this approval, within 2 weeks of a change being finalised.

Original dated 15/10/2018 6) Within 20 business days after the commencement of **construction**, the person taking the action must advise the **Department** in writing of the actual date of commencement

Original dated 15/10/2018 7) The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of 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 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.

Original dated 15/10/2018 8) By 31 December of each year after the commencement of **construction**, the approval holder must publish a report on its website addressing compliance with the conditions of this approval over the previous 12 months. Non-compliance with any of the conditions of this approval must be reported to the **Department** at the same time as the compliance report is published.

Original dated 15/10/2018 9) Upon the direction of the **Minister**, the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.

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As varied on the date this instrument was signed 10) If, at any time after seven years from the date of this approval, the person taking the action has not commenced **construction**, then the person taking the action must not commence **construction**.

date of decision	Definitions attached to approval
Original dated 15/10/2018	Austral Toadflax means the species <i>Thesium australe</i> listed as vulnerable under the EPBC Act.
Original dated 15/10/2018	Biodiversity Assessment Method means the biodiversity assessment method established under section 6.7 of the <i>Biodiversity Conservation Act 2016</i> (NSW)
Original dated 15/10/2018	Bluegrass means the species <i>Dichanthium setosum</i> listed as vulnerable under the EPBC Act.
Original dated 15/10/2018	Box Gum Woodland means the ecological community <i>White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland</i> listed as critically endangered under the EPBC Act
Original dated 15/10/2018	Clear means to cut down, fell, thin, log, remove, kill, destroy, poison, ringbark, uproot or burn native vegetation.
Original dated 15/10/2018	Construction has the same meaning as "construction" in the definitions of the state development consent .
Original dated 15/10/2018	Department means the Australian Government Department or any other agency administering the EPBC Act from time to time.
Original dated 15/10/2018	Development footprint means the "development footprint" shown on the map at <u>Annexure A</u> .
Original dated 15/10/2018	Ecosystem Credits has the same meaning as 'ecosystem credits' within the Biodiversity Assessment Method .
Original dated 15/10/2018	EPBC Act means the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
Original dated 15/10/2018	Further avoidance means a reduction in the area of clearing as compared to the maximum impact areas specified in Conditions 1(a) and 1(b).
Original dated 15/10/2018	Like for like means of direct benefit to the specific protected matter impacted by the action.
Original dated 15/10/2018	Minister means the Minister administering the EPBC Act and includes a delegate of the Minister.
Original dated 15/10/2018	NSW offsets payment calculator means the offsets payment calculator established under Division 6 of the <i>Biodiversity Conservation Act 2016</i> (NSW).

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Original dated 15/10/2018	Protected matters means the matters protected under the controlling provisions of the EPBC Act for which this approval applies, being: Austral Toadflax, Bluegrass, Box Gum Woodland, and Swift Parrot.
Original dated 15/10/2018	Secretary has the same meaning as “Secretary” in the definitions of the state development consent.
Original dated 15/10/2018	State development consent means the development consent under section 4.38 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW) for application number SSD 8643, dated 16 August 2018, as in force from time to time.
Original dated 15/10/2018	Supplementary measures means conservation actions set out in approved Commonwealth policies or plans, including: Department of Environment, Climate Change and Water NSW (2010). National Recovery Plan for White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland. Department of Environment, Climate Change and Water NSW, Sydney. Saunders, D.L. & C.L. Tzaros (2011). National Recovery Plan for the Swift Parrot (<i>Lathamus discolor</i>). Birds Australia, Melbourne.
Original dated 15/10/2018	Swift Parrot means the species <i>Lathamus discolor</i> listed as critically endangered under the EPBC Act.
Original dated 15/10/2018	Woodland habitat means the following vegetation zones shown on the map at <u>Annexure A</u> that are not identified as DNG: BR153: Manna Gum - Rough-barked Apple - Yellow Box grassy woodland/open forest BR240: White Box grassy woodland of the Nandewar Bioregion and Brigalow Belt South Bioregion BR272: Blakely's Red Gum – Yellow Box grassy woodland of the New England Tableland Bioregion

date of decision

Annexures

Original dated 15/10/2018

Annexure A

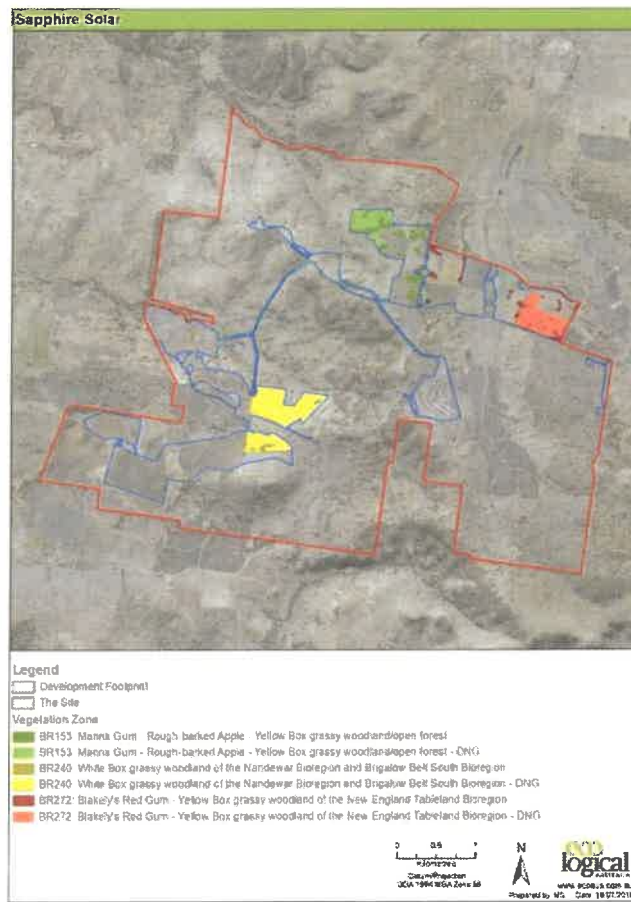


Figure 1: Development footprint and native vegetation to be impacted [extracted from Additional Information at Appendix C of the NSW Assessment Report]

Original dated 15/10/2018

Annexure B

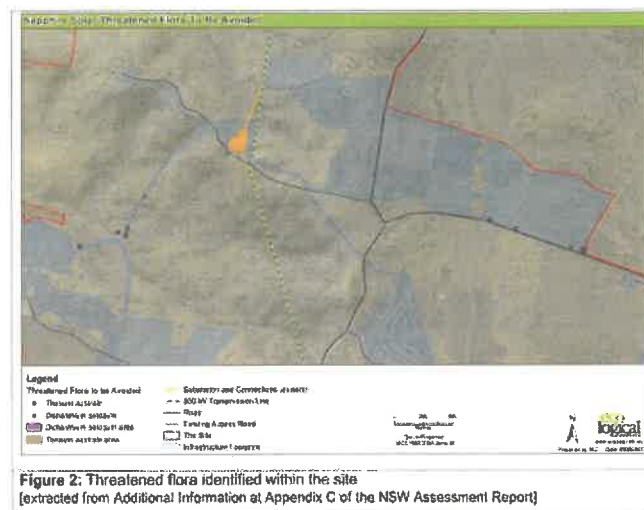


Figure 2: Threatened flora identified within the site [extracted from Additional Information at Appendix C of the NSW Assessment Report]