



**VARIATION OF CONDITIONS ATTACHED TO APPROVAL  
Sapphire Solar Farm Project, 28 km east of Inverell, NSW (EPBC  
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**

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<b>Person to whom the approval is granted</b>	Sapphire Solar Farm Pty Ltd ACN: 620 649 069
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<b>Approved action</b>	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].
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**Variation**

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<b>Variation of conditions attached to approval</b>	The variation is:  Delete condition 4 attached to the approval and substitute with the conditions specified in the table below
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<b>Date of effect</b>	This variation has effect on the date the instrument is signed
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**Person authorised to make decision**

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<b>Name and position</b>	Declan O'Connor-Cox Assistant Secretary A/g Assessments (Vic, Tas) and Post Approvals Branch
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<b>Signature</b>	
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<b>Date of decision</b>	14 December 2020
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Date of decision	Conditions attached to the approval
Original dated 15/10/2018	<p>1. To minimise the impacts of the action on <b>protected matters</b>:</p> <p>a. The person taking the action must not <b>clear</b> more than 68.3 ha of <b>Box Gum Woodland</b> within the <b>development footprint</b>.</p> <p>b. The person taking the action must not <b>clear</b> more than 29.5 ha of <b>woodland habitat</b> for the <b>Swift Parrot</b> (<i>Lathamus discolor</i>) within the <b>development footprint</b>.</p> <p>c. The person taking the action must not <b>clear</b> any <b>bluegrass</b> (<i>Dichanthium setosum</i>) or <b>Austral Toadflax</b> (<i>Thesium australe</i>) within the site as recorded at <u>Annexure B</u>.</p>
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 <b>state development consent</b> where they relate to monitoring, managing, avoiding, mitigating, offsetting, recording or reporting on impacts to <b>protected matters</b>.</p>
Original dated 15/10/2018	<p>3. The <b>Biodiversity Management Plan</b> required under Condition 11 of the <b>state development consent</b> must be published on the approval holder's website within 1 month of being approved by the <b>Secretary</b>.</p>
As varied on the date this instrument was signed	<p>4. To offset the residual impacts of the action on <b>Box Gum Woodland</b> and <b>Swift Parrot</b>, the approval holder must:</p> <p>a. Retire 1172 <b>Box Gum Woodland ecosystem credits</b>, or a lesser number as a result of <b>further avoidance</b> of impacts to <b>Box Gum Woodland</b> within the development footprint if agreed to by the <b>Minister</b> in writing, calculated in accordance with the <b>Biodiversity Assessment Method</b>.</p> <p>b. The <b>Box Gum Woodland ecosystem credits</b> required under condition 4.a. may be retired in stages, on the basis that the number of <b>ecosystem credits</b> required for a particular stage must be agreed to by the <b>Minister</b> in writing in advance of that stage commencing and all the <b>ecosystem credits</b> required for a particular stage of <b>construction</b> must be retired within two years of commencing <b>construction</b> of that stage;</p> <p>c. Use one or a combination of the following methods to implement sub-conditions 4a and 4b:</p> <p>i. Retiring 'biodiversity credits' within the meaning of the <i>Biodiversity Conservation Act 2016</i> (NSW). Any credits acquired or retired must be <b>like for like</b>. Any Biodiversity Stewardship Agreements or other agreements to retire the credits must be provided to the <b>Department</b> within 1 month of being finalised.</p> <p>ii. Making payments into an offsets fund that has been developed by the NSW Government and that has been endorsed by the <b>Minister</b>. The financial contribution of payments into an offset fund must be determined by converting biodiversity credits to an equivalent dollar value through the <b>NSW offsets payment calculator</b>. Any payments into an offset fund must have written approval from the <b>Minister</b> before being made.</p> <p>iii. Providing <b>supplementary measures</b>. The financial contribution of <b>supplementary measures</b> must be determined by converting biodiversity credits to an equivalent dollar value through the <b>NSW offsets payment calculator</b>. Any <b>supplementary measures</b> provided must be <b>like for like</b> and approved by the <b>Minister</b> before financial contribution is made.</p>
Original dated 15/10/2018	<p>5. The approval holder must notify the <b>Department</b> in writing of any proposed changes to the conditions of the <b>state development consent</b> 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 <b>Department</b> in writing of any change to the conditions of the <b>state development consent</b> referred to in the conditions of this approval, within 2 weeks of a change being finalised.</p>

Date of decision	Conditions attached to the approval
Original dated 15/10/2018	6. Within 20 business days after the commencement of <b>construction</b> , the person taking the action must advise the <b>Department</b> 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 <b>Department</b> . Such records may be subject to audit by the <b>Department</b> 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 <b>Department's</b> 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 <b>construction</b> , 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 <b>Department</b> at the same time as the compliance report is published.
Original dated 15/10/2018	9. Upon the direction of the <b>Minister</b> , the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the <b>Minister</b> . The independent auditor must be approved by the <b>Minister</b> prior to the commencement of the audit. Audit criteria must be agreed to by the <b>Minister</b> and the audit report must address the criteria to the satisfaction of the <b>Minister</b> .
Original dated 15/10/2018	10. If, at any time after five years from the date of this approval, the person taking the action has not commenced <b>construction</b> , then the person taking the action must not commence <b>construction</b> without the written agreement of the <b>Minister</b> .

Date of decision	Definitions attached to approval
Original dated 15/10/2018	<b>Austral Toadflax</b> means the species <i>Thesium australe</i> listed as vulnerable under the EPBC Act.
Original dated 15/10/2018	<b>Biodiversity Assessment Method</b> means the biodiversity assessment method established under section 6.7 of the <i>Biodiversity Conservation Act 2016</i> (NSW).
Original dated 15/10/2018	<b>Bluegrass</b> means the species <i>Dichanthium setosum</i> listed as vulnerable under the EPBC Act.
Original dated 15/10/2018	<b>Box Gum Woodland</b> 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	<b>Clear</b> means to cut down, fell, thin, log, remove, kill, destroy, poison, ringbark, uproot or burn native vegetation.
Original dated 15/10/2018	<b>Construction</b> has the same meaning as "construction" in the definitions of the <b>state development consent</b> .
Original dated 15/10/2018	<b>Department</b> means the Australian Government Department or any other agency administering the EPBC Act from time to time.
Original dated 15/10/2018	<b>Development footprint</b> means the "development footprint" shown on the map at <u>Annexure A</u> .
Original dated 15/10/2018	<b>Ecosystem Credits</b> has the same meaning as 'ecosystem credits' within the <b>Biodiversity Assessment Method</b> .
Original dated 15/10/2018	<b>EPBC Act</b> means the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
Original dated 15/10/2018	<b>Further avoidance</b> means a reduction in the area of clearing as compared to the maximum impact areas specified in Conditions 1(a) and 1(b).

Date of decision	Definitions attached to approval
Original dated 15/10/2018	<b>Like for like</b> means of direct benefit to the specific protected matter impacted by the action.
Original dated 15/10/2018	<b>Minister</b> means the Minister administering the EPBC Act and includes a delegate of the Minister.
Original dated 15/10/2018	<b>NSW offsets payment calculator</b> means the offsets payment calculator established under Division 6 of the <i>Biodiversity Conservation Act 2016</i> (NSW).
Original dated 15/10/2018	<b>Protected matters</b> means the matters protected under the controlling provisions of the EPBC Act for which this approval applies, being: <b>Austral Toadflax, Bluegrass, Box Gum Woodland, and Swift Parrot.</b>
Original dated 15/10/2018	<b>Secretary</b> has the same meaning as “Secretary” in the definitions of the <b>state development consent.</b>
Original dated 15/10/2018	<b>State development consent</b> 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	<b>Supplementary measures</b> 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	<b>Swift Parrot</b> means the species <i>Lathamus discolor</i> listed as critically endangered under the EPBC Act.
Original dated 15/10/2018	<b>Woodland habitat</b> 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	<u>Annexures</u>
Original dated 15/10/2018	Annexure A - Sapphire Solar Development footprint and native vegetation to be impacted.
Original dated 15/10/2018	Annexure B - Sapphire Solar Threatened flora identified within the site