

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

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

**Proposed action**

<b>person to whom the approval is granted</b>	Sapphire Solar Farm Pty Ltd
<b>proponent's ACN</b>	ACN 620 649 069
<b>proposed 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].

**Approval decision**

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved


**conditions of approval**

This approval is subject to the conditions specified below.

**expiry date of approval**

This approval has effect until 31 December 2043.

**Decision-maker**

<b>name and position</b>	Mike Smith A/g Assistant Secretary Assessments and Waste Branch
<b>signature</b>	
<b>date of decision</b>	15.10.18

## Conditions attached to the approval

1. To minimise the impacts of the action on **protected matters**:
  - 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** (*Lathamus discolor*) within the **development footprint**.
  - c. The person taking the action must not **clear** any **bluegrass** (*Dichanthium setosum*) or **Austral Toadflax** (*Thesium australe*) within the site as recorded at Annexure B.
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**.
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**.
4. To offset the residual impacts of the action on **Box Gum Woodland** and **Swift Parrot**, the approval holder must:
  - a. Retire 1172 **Box Gum Woodland ecosystem credits** within two years of commencing **construction**, or a lower number if agreed to by the **Minister** as a result of **further avoidance** of impacts to **Box Gum Woodland** within the development footprint, calculated in accordance with the **Biodiversity Assessment Method**.
  - b. Use one or a combination of the following methods to implement Conditions 4a:
    - i. Retiring 'biodiversity credits' within the meaning of the *Biodiversity Conservation Act 2016* (NSW). 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 **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.
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.

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.
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.
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.
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**.
10. If, at any time after five 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** without the written agreement of the **Minister**.

### **Definitions**

**Austral Toadflax** means the species *Thesium australe* listed as vulnerable under the EPBC Act.

**Biodiversity Assessment Method** means the biodiversity assessment method established under section 6.7 of the *Biodiversity Conservation Act 2016* (NSW).

**Box Gum Woodland** means the ecological community *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland* listed as critically endangered under the EPBC Act.

**Bluegrass** means the species *Dichanthium setosum* listed as vulnerable under the EPBC Act.

**Clear** means to cut down, fell, thin, log, remove, kill, destroy, poison, ringbark, uproot or burn native vegetation.

**Construction** has the same meaning as "construction" in the definitions of the **state development consent**.

**Department** means the Australian Government Department or any other agency administering the EPBC Act from time to time.

**Development footprint** means the "development footprint" shown on the map at Annexure A.

**Ecosystem Credits** has the same meaning as 'ecosystem credits' within the **Biodiversity Assessment Method**.

**EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth)

**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).

**Like for like** means of direct benefit to the specific protected matter impacted by the action.

**Minister** means the Minister administering the EPBC Act and includes a delegate of the Minister.

**NSW offsets payment calculator** means the offsets payment calculator established under Division 6 of the *Biodiversity Conservation Act 2016* (NSW).

**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.**

**Secretary** has the same meaning as “Secretary” in the definitions of the **state development consent**.

**State development consent** means the development consent under section 4.38 of the *Environmental Planning and Assessment Act 1979* (NSW) for application number SSD 8643, dated 16 August 2018, as in force from time to time.

**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 (*Lathamus discolor*). Birds Australia, Melbourne.

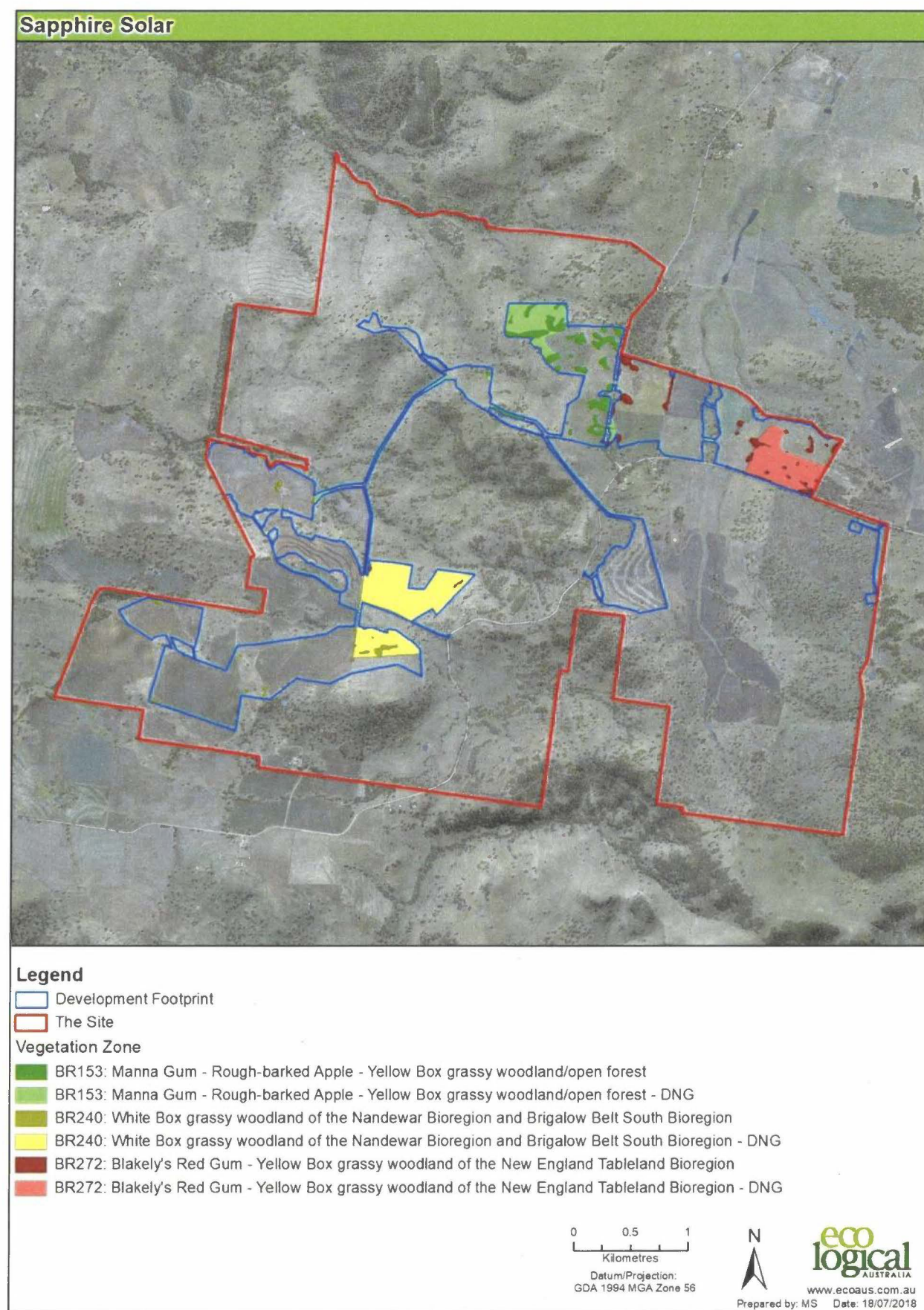
**Swift Parrot** means the species *Lathamus discolor* listed as critically endangered under the EPBC Act.

**Woodland habitat** means the following vegetation zones shown on the map at Annexure A that are not identified as DNG:

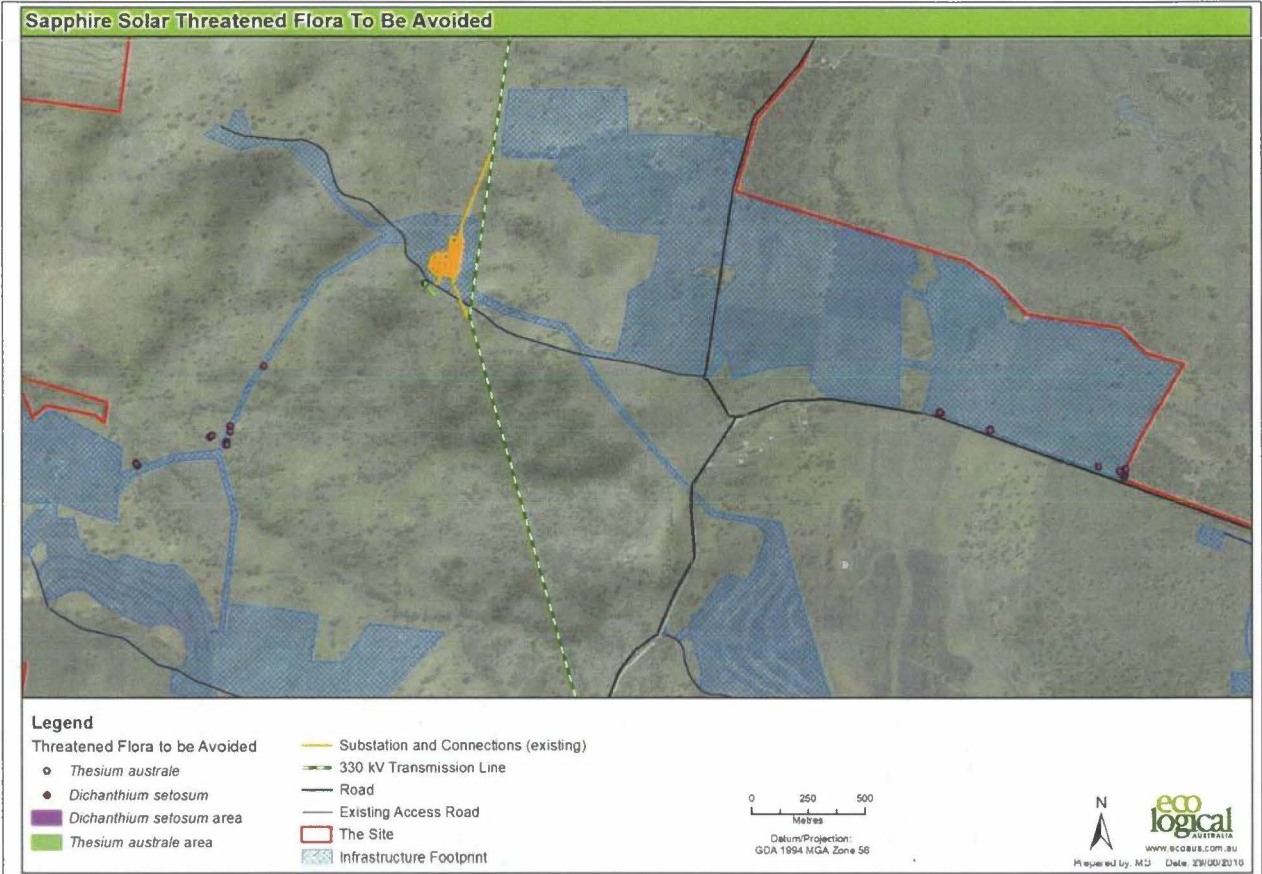
BR153: Manna Gum - Rough-barked Apple - Yellow Box grassy woodland/open forest

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



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



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