



APPROVAL

Wollar Solar Farm, 7km South of Wollar, NSW (EPBC 2018/8258)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. Note that section 134(1A) of the **EPBC Act** applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

Details

Person to whom the approval is granted (approval holder)	Wollar Solar Development Pty Ltd
ACN or ABN of approval holder	88 621 969 266
Action	To construct a solar farm in Wollar, NSW [See EPBC Act referral 2018/8258], subject to the variation of the action accepted by the Minister under section 156B on 23 December 2019.

Approval decision

My decisions on whether or not to approve the taking of the action for the purposes of each controlling provision for the action are as follows.

Controlling Provisions

Listed Threatened Species and Communities	
Section 18	Approve
Section 18A	Approve

Period for which the approval has effect

This approval has effect until 31 December 2038

Decision-maker

Name and position	Louise Vickery Assistant Secretary Environment Approvals and Wildlife Trade Branch
Signature	
Date of decision	6 / 7 /2020

Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.

ANNEXURE A – CONDITIONS OF APPROVAL

Part A – Conditions specific to the action

1. The approval holder must not **clear** outside of the area identified as ‘development footprint’ on the map ‘General Layout of Development’ at Appendix 1 of the NSW **Development Consent**.
2. The approval holder must not **clear** more than:
 - a. 229.6 ha of **White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland** (critically endangered), comprising of:
 - i. 24.5 ha occurring as woodland;
 - ii. 205.1 ha occurring as **Derived Native Grassland**
 - b. 24.6 ha of foraging habitat for the **Regent Honeyeater** (*Anthochaera phrygia*) (critically endangered) corresponding to 2a.i and 0.1 ha of White Box – Black Cyprus Pine shrubby woodland;

within the area identified as as ‘development footprint’ on the map ‘General Layout of Development’ at Appendix 1 of the NSW **Development Consent**.

3. To compensate for impacts to **protected matters**, the approval holder must comply with Condition 13 of Schedule 3 of the NSW **Development Consent** to **retire** biodiversity credits of the specified number and class for the following vegetation communities that relate to the **protected matters (Box Gum Grassy Woodland and Regent Honeyeater habitat)**:

Vegetation community	PCT
White Box - Grey Gum - Kurrajong grassy woodland on slopes of the northern Capertee Valley, Sydney Basin Bioregion	1303
Rough-Barked Apple - red gum - Yellow Box woodland on alluvial clay to loam soils on valley flats in the northern NSW South Western Slopes Bioregion and Brigalow Belt South Bioregion	281
White Box - Black Cypress Pine shrubby woodland of the Western Slopes	1610

4. To compensate for impacts to the **Derived Native Grassland** that are not covered by the NSW **Development Consent**, the approval holder must, within 6 months of **commencement of the action**, submit an **offset strategy** for approval by the **Minister**. If approved, the **offset strategy** must be implemented.

The **offset strategy** must include details of:

- a. The proposed offset package, including **offset site(s)** to compensate for the loss of up to 205.1 ha of **Derived Native Grassland**;
- b. Measures for the long term management and improvement of **Box Grassy Gum Woodland** on the **offset site(s)**; the current quality of **protected matters** on the **offset site**, and time- bound completion criteria and performance targets.
- c. How the **offset** package either:
 - i. Meets the requisite **like-for-like ecosystem credit** requirement, where the **like- for-like ecosystem credits** generated at the **offset site** are calculated

using the **BAM**, and the number of **like-for-like ecosystem credits** required is calculated using **Equation 1 of the BAM**; or

- ii. Provides a suitable gain calculated using the **EPBC offsets assessment guide**.
 - d. The timeframe and legal mechanism for securing the **offset site(s)**. This may include a plan for staging the delivery of **offsets sites** corresponding to the actual quantity and timing of impacts the action.
5. The **offset strategy** may include provisions for:
- a. The impacts of the action on **Derived Native Grassland** to be re-quantified after three years of operation, based on the results of monitoring data. The monitoring data must be collected in accordance with a monitoring methodology and monitoring criteria set out in a Biodiversity Management Plan approved by the **Minister**.
 - b. The offset package to be adjusted based on the re-quantification of impacts, subject to further written approval from the **Minister**, if the monitoring data shows that the action has not adversely impacts on the overall condition and persistence of the Derived Native Grassland.
6. The approval holder must comply with Condition 14 of Schedule 3 the NSW **Development Consent**, for the preparation and implementation of a Biodiversity Management Plan, as it relates to the avoidance and mitigation of impacts to **protected matters**.
7. Within 20 **business days** of completing the requirements of Condition 3, the approval holder must provide the **Department** with **evidence** of when and how the **like-for-like ecosystem credits** were **retired**.
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Part B – Standard administrative conditions

Notification of date of commencement of the action

8. The approval holder must notify the **Department** in writing of the date of **commencement of the action** within 10 **business days** after the date of **commencement of the action**.
9. If the **commencement of the action** does not occur within 5 years from the date of this approval, then the approval holder must not **commence the action** without the prior written agreement of the **Minister**.

Compliance records

10. The approval holder must maintain accurate and complete **compliance records**.
11. If the **Department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **Department** within the timeframe specified in the request.

Note: Compliance records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the **Department's** website or through the general media.

Annual compliance reporting

12. The approval holder must prepare a **compliance report** for each 12 month period following the date of **commencement of the action**, or otherwise in accordance with an annual date that has been agreed to in writing by the **Minister**. The approval holder must:

- a. publish each **compliance report** on the **website** within 60 **business days** following the relevant 12 month period;
- b. notify the **Department** by email that a **compliance report** has been published on the **website** and provide the weblink for the **compliance report** within five **business days** of the date of publication;
- c. keep all **compliance reports** publicly available on the **website** until this approval expires;
- d. exclude or redact **sensitive ecological data** from **compliance reports** published on the **website**; and
- e. where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **Department** within 5 **business days** of publication.

Note: **Compliance reports** may be published on the **Department's** website.

Reporting non-compliance

13. The approval holder must notify the **Department** in writing of any: **incident**; non-compliance with the conditions; or non-compliance with the commitments made in **plans**. The notification must be given as soon as practicable, and no later than two **business days** after becoming aware of the **incident** or non-compliance. The notification must specify:
 - a. any condition which is or may be in breach;
 - b. a short description of the **incident** and/or non-compliance; and
 - c. the location (including co-ordinates), date, and time of the **incident** and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.
14. The approval holder must provide to the **Department** the details of any **incident** or non-compliance with the conditions or commitments made in **plans** as soon as practicable and no later than 10 **business days** after becoming aware of the **incident** or non-compliance, specifying:
 - a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
 - b. the potential impacts of the **incident** or non-compliance; and
 - c. the method and timing of any remedial action that will be undertaken by the approval holder.

Completion of the action

15. Within 30 days after the **completion of the action**, the approval holder must notify the **Department** in writing and provide **completion data**.

Part C - Definitions

In these conditions, except where contrary intention is expressed, the following definitions are used:

BAM (Biodiversity Assessment Method) means the biodiversity assessment method established under the *Biodiversity Conservation Act 2016* (NSW) for the purpose of assessing the impact of actions on threatened species and threatened ecological communities, and their habitats.

BAM Equation 1 means Equation 1 as specified in the **BAM** to determine the number of **like-for-like ecosystem? credits** required for the impact on vegetation that is a Threatened Ecological Community or contains listed threatened species habitat.

Biodiversity Conservation Fund has the meaning given under the *Biodiversity Conservation Act 2016* (NSW).

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

Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.

Clearing/clearance/clear means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds – see the *Australian weeds strategy 2017 to 2027* for further guidance).

Commencement of the action means the first instance of any specified activity associated with the action including **clearance** and **construction**. **Commencement of the action** does not include minor physical disturbance necessary to:

- i. undertake pre-clearance surveys or monitoring programs;
- ii. install signage and /or temporary fencing to prevent unapproved use of the project area;
- iii. protect environmental and property assets from fire, weeds and pests, including use of existing surface access tracks; and
- iv. install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on the **protected matters**.

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met. The **Department's** preferred spatial data format is **shapefile**.

Completion of the action means the time at which all approval conditions (except condition 12) have been fully met.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.

Compliance reports means written reports:

- i. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions;
- ii. consistent with the **Department's Annual Compliance Report Guidelines (2014)**; and
- iii. include a **shapefile** of any **clearance** of any **protected matters**, or their habitat, undertaken within the relevant 12 month period.

Construction means the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; preliminary site preparation work which involves breaking of the ground

(including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; road and intersection work or other services work, but excluding the installation of temporary fences and signage.

Department means the Australian Government agency responsible for administering the **EPBC Act**.

Derived Native Grassland means the grassy component of the **Box Gum Grassy Woodland** within the ecological community as a single intermixed entity (PCT's involved in this project: 1303 and 281);

Development consent means the document recording the approval for the Wollar Solar Farm (SSD 9254) under the NSW *Environmental Planning and Assessment Act 1979*, approved by the delegate of the NSW Minister for Planning and Public Spaces on 24 February 2020, as modified from time to time.

Environmental Offsets Policy means the **EPBC Act Environmental Offsets Policy** (2012, or subsequent published revisions).

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

EPBC offsets assessment guide is a tool that has been developed for expert users in the department to assess the suitability of offset proposals. The guide is also available to proponents to assist with planning and estimating future offset requirements.

Evidence means documentation from the relevant authority showing that the **like-for-like credits** have been **retired**.

Incident means any event which has the potential to, or does, impact on one or more **protected matter(s)**.

Like-for-like ecosystem credits has the meaning given under the *Biodiversity Conservation Act 2016* (NSW).

Minister means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.

Offset information means the information requirements specified in Attachments B.

Offset site means an area of land protected and managed to improve its habitat quality to compensate for unavoidable impacts on **protected matters** as a result of the action.

Offset strategy means a detailed proposal for providing one or more offset sites or other offsets in accordance with the **Environmental Offsets Policy**.

Plans refer to any method of thinking out acts and purposes beforehand in regards to the proposed action or any activities involved.

Protected matter(s) means: **Box Gum Grassy Woodland** and the **Regent Honeyeater**, listed under the **EPBC Act**.

Regent Honeyeater means the species *Anthochaera phrygia* listed as critically endangered under the **EPBC Act**.

Regent Honeyeater habitat means woodland and forest containing the key eucalypt species preferred by **Regent Honeyeaters** where the species may occur, and any known **Regent Honeyeater** foraging habitat. A list of key eucalypt species is given in the *National Recovery Plan for the Regent Honeyeater (Anthochaera phrygia)*, which is available on the **Department's** website. (PCT's involved in this project: 1303, 281 and 1610);

Retire/retired/retirement – means to change the status of a credit such that the credit can no longer be bought or sold (*Biodiversity Conservation Act 2016* (NSW)).

Sensitive ecological data means data as defined in the Australian Government Department of the Environment (2016) *Sensitive Ecological Data – Access and Management Policy*.

Shapefile means location and attribute information of the action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.