



VARIATION TO CONDITIONS ATTACHED TO APPROVAL

Sapphire Wind Farm, NSW (EPBC No 2011/5854)

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

Person to whom the approval is granted

SWF1 Operations Pty Ltd (ACN 601 425 316)
SWF2 Operations Pty Ltd (ACN 601 425 325)
SWF3 Operations Pty Ltd (ACN 601 425 334)

Approved action

To construct and operate a wind farm and associated infrastructure comprising up to 159 wind turbines, with a maximum generating capacity of approximately 238 to 425 megawatts between Glen Innes and Inverell, NSW [See EPBC Act referral 2011/5854].

Variation

Variation of conditions of approval

The variation is:

Delete conditions 1, 2, 3 and 4 attached to the approval dated 5 December 2014 and substitute with the conditions 1, 2, 3 and 4 specified below.

Delete definitions "Listed threatened species" and "Listed migratory species" attached to the approval dated 5 December 2014.

Delete definition "Management Documents" attached to the approval dated 5 December 2014 and substitute with the definition "Management Documents" specified below.

Insert conditions 2A, 3A and 14.

Insert Annexure A.

Note: All other conditions including the definitions in the approval dated 5 December 2014 remain unchanged.

Date of effect

This variation has effect on the date the instrument is signed

Person authorised to make decision

Name and position

Shane Gaddes
Assistant Secretary
Compliance & Enforcement Branch

Signature

Date of decision

21 June 2016

Conditions attached to the approval

1. The person taking the action must provide **The Minister** with a **Construction Flora and Fauna Management Plan**. The **Construction Flora and Fauna Management Plan** must:
 - a. meet the requirements of Conditions E21 and E22(f) of the NSW Minister for Planning and Environment's approval of the proposed action, and
 - b. include an analysis of the impacts on Regent Honeyeater and Swift Parrot and how these impacts will be managed (including relocation and micro-siting).

Commencement of construction may not occur until the **Construction Flora and Fauna Management Plan** has been approved by **The Minister**.

2. Prior to the **commencement of construction**, the **approval holder** must provide for **The Minister's** approval a Biodiversity Offset Package (Package) to protect White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community (BGW), and habitat for the Regent Honeyeater, Swift Parrot and Border Thick-tailed Gecko. The Package must:
 - a. Outline the purpose of the Package;
 - b. Include map/s that clearly depict BGW, Border Thick-tailed Gecko, Regent Honeyeater and Swift Parrot habitat in the offset sites;
 - c. Describe how the offset sites will be legally secured and managed to ensure the enduring value of the offset; and
 - d. Provide for the protection of offset sites containing at least:
 - i. 260 hectares of BGW at Offset Site A (**Annexure A**) within one year of the **commencement of construction**;
 - ii. 165 hectares of habitat for the Border Thick-tailed Gecko at Offset Site B (**Annexure A**), or alternate offset sites for the Border Thick-tailed Gecko agreed in writing by **The Minister**, within five years of the **commencement of operation**; and
 - iii. 725 hectares of habitat for the Regent Honeyeater and Swift Parrot at Offset Sites A and B (**Annexure A**), or alternate offset sites for the Regent Honeyeater and Swift Parrot agreed in writing by **The Minister**, within five years of the **commencement of operation**.

Where an area of habitat is deemed suitable to meet the offset requirements of more than one species or community, the area of habitat may count towards the offset requirements for each species or community.

- 2A. The **approval holder** must legally secure Offset Sites A and B (or alternate offset sites agreed in writing by **The Minister**) in accordance with the approved Package. Evidence of the legal securing of the offset must be provided to **The Department** within one month of the offset sites being secured, including associated GPS coordinates and shapefiles.
3. The **approval holder** must provide for **The Minister's** approval an Offset Management Plan for offset sites specified in the approved Package. The Offset Management Plans (the Plans) must be consistent with the Package, and can only be submitted to **The Minister** for approval after the Package has been approved by **The Minister**. A Plan must include:
 - a. a qualitative and quantitative analysis of the ecological values of the offset sites in relation to the matter/s being offset;

- b. measures to prevent and control pest animal, weed or pathogen incursions, including through edge effects, and feasible measures to eradicate invasive weed species;
- c. measures to prevent unauthorised public access;
- d. measures to maintain or enhance the values of the offset sites through ecologically sensitive fire regimes;
- e. measures to enhance the offset values of Offset Site A (**Annexure A**);
- f. measures to maintain or enhance the offset values of Offset Site B (**Annexure A**);
- g. a monitoring and reporting regime for tracking offset conditions and the effectiveness of management measures;
- h. an adaptive implementation programme for the Plan; and
- i. timeframes for Plan implementation.

Operation of the action may not commence until Offset Management Plans have been approved in writing by **The Minister**. The Plans, once approved, must be implemented.

Note: For convenience, Offset Management Plans for multiple offset sites may be combined.

- 3A. If, in accordance with the Package, an offset site is to be legally secured under the NSW Biodiversity Banking and Offsets Scheme, the management plan developed under the NSW Biodiversity Banking Agreement for that offset site is an Offset Management Plan for the purposes of Condition 3.
- 4. To compensate for impacts on habitat for the Regent Honeyeater and Swift Parrot, the **approval holder** must contribute no less than \$250,000 (GST exclusive) in funding towards research by an **appropriate institution**, to assist in building the body of knowledge regarding how these species interact with, and are impacted by, wind farms.

This sum may be donated in five increments of at least \$50,000 to be paid annually, commencing on **operation** of the action and thereafter on each anniversary of this date until up until the fourth anniversary, with evidence of payment provided to **The Department** within 30 days of each payment being made. An alternative payment structure may be implemented, following agreement by **The Department** that the alternant payment structure will realise a benefit to the body of knowledge of the research project/s to be funded.

The expected outcomes and milestones of this research project/s must:

- a. be consistent with the relevant Recovery Plans for the species;
- b. take into account any results from the Bird and Bat Adaptive Monitoring Program referred to in Condition C6 of the NSW Minister for Planning and Environment's approval of the proposed action; and
- c. be made available to **The Department**, relevant state government agencies and to the public within 20 business days of approval and published on the **approval holder's** website throughout the duration of the research project/s and action.

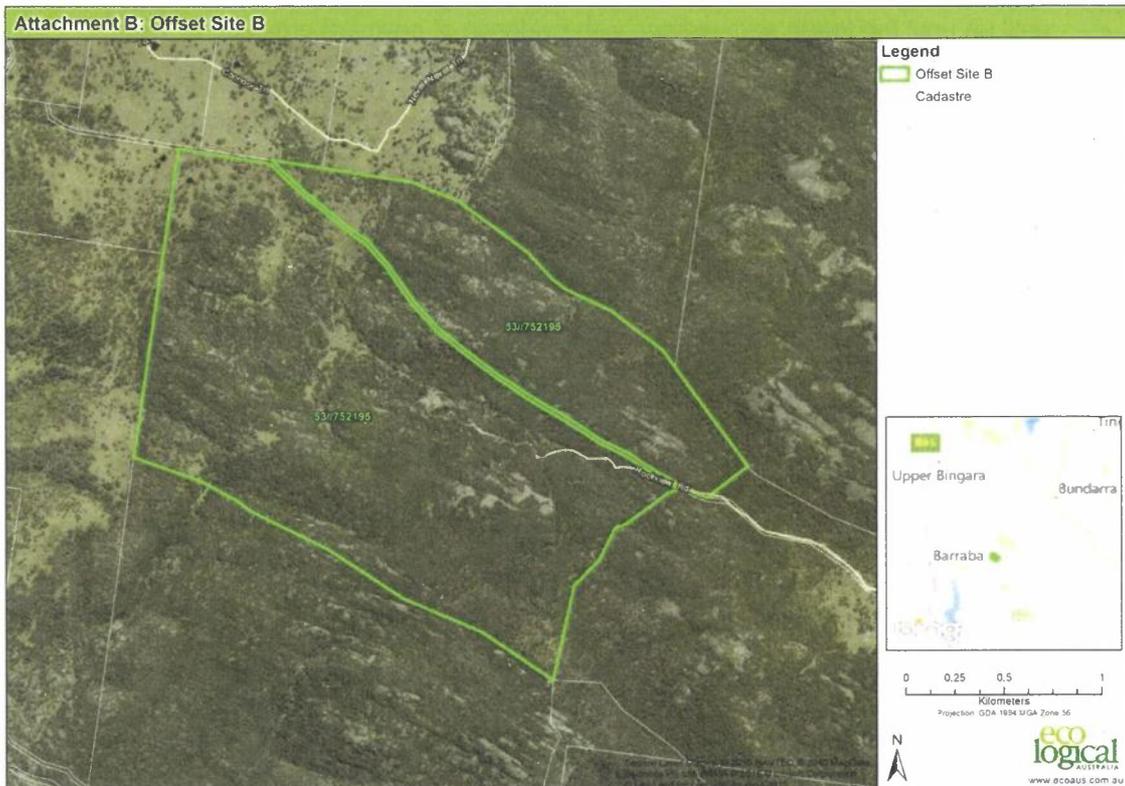
Operation of the action must not commence until the payment structure, expected outcomes and milestones of the research project/s have been approved by **The Minister**.

- 14. Unless otherwise agreed to in writing by **The Minister**, the **approval holder** must not construct or operate more than 109 wind turbines. Any request to construct or operate more than 109 (and up to 159) turbines must include an analysis of impacts relevant to protected matters, and measures to avoid, mitigate and offset those additional impacts.

Definitions

Management Documents means the Construction Flora and Fauna Management Plan required by Condition 1 and the Offset Management Plan required by Condition 3 of this approval.

Annexure A





Mr Ed Mounsey
Chief Operating Officer
CWP Renewables
PO Box 1708
NEWCASTLE NSW 2300

Dear Mr Mounsey

EPBC 2011/5854: Sapphire Wind Farm, variation of approval conditions

Thank you for your letter of 16 February 2016, requesting the variation of conditions of approval for the above project.

I note the variation seeks an increase in turbine rotor tip height from 157 m to 200 m, an increase in the diameter of each rotor from 124 m to 140 m, and a reduction in the number of turbines from 159 to 109. I understand these measures will reduce the development footprint by 161ha and the total swept area by approximately 304,000 m² – effectively equivalent to removing 31 of the 159 approved turbines.

I am advised by the Department that there will be improved outcomes for the relevant protected matters. Whilst offset ratios for Regent Honeyeater and Swift Parrot are slightly increased, they now include high quality breeding and foraging habitat, and there is an increase in the offset ratios for Box Gum Woodland and Border Thick-tailed Gecko.

Following the above I have, as delegate of the Minister, agreed to vary Conditions 1, 2, 3 and 4, and to insert Conditions 2A, 3A and 14 and Annexure A of EPBC Approval 2011/5854. My decision is made in accordance with section 143 of the *Environment Protection and Biodiversity Conservation Act 1999*. The variation notification is attached for your information.

As you are aware, the Department has an active monitoring program which includes monitoring inspections, desk top document reviews and audits. Please ensure that you maintain accurate records of all activities associated with, or relevant to, the conditions of approval so that they can be made available to the Department on request.

Should you require any further information please contact Vaughn Cox on 02 6274 2005 or by email: post.approvals@environment.gov.au.

Yours sincerely

Shane Gaddes
Assistant Secretary
Compliance & Enforcement Branch
Environment Standards Division

21/6/2016

