

Notification of approval decision

Goulburn River Solar Farm, Merriwa, NSW (EPBC 2021/9102)

This decision is made under section 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Note that section 134(1A) of the EPBC Act also applies to this approval. That provision 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 conditions.

Approved Action

Person to whom the approval is granted (approval holder)	Lightsource Development Services Australia Pty Ltd ACN: 623 301 799	
Action	The construction, operation, and decommissioning of a large-scale solar	
	farm and Battery Energy Storage System including road upgrade works, 28 km south-west of Merriwa, NSW, as varied by the	
	variation request dated 6 February 2024 [EPBC Act referral 20	021/9102]
Approval decision		
Decision	My decision on whether or not to approve the taking of the Action for the purposes of the controlling provision for the Action is as follows.	
	Controlling Provision	Decision
	Listed threatened species and communities (section 18 and section 18A)	Approved
Period for which the approval has effect	This approval has effect until 10 January 2074.	
Conditions of	The approval is subject to conditions under the EPBC Act at Annexure A.	

Name and position Kate Gowland Branch Head Branch Head Environment Assessments (NSW, ACT) Signature Jacobs 100 (NSW) Date of decision 7 October 2024

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Annexure A

Note: Words and terms appearing in **bold** (excluding headings) have the meaning assigned to them at **Part C – Definitions**.

Part A – Avoidance, mitigation, and compensation conditions

CLEARING LIMITS

- 1) The approval holder must not:
 - a) clear outside of the Action area
 - b) construct outside of the Action area.
- 2) To avoid and mitigate impacts to **protected matters** as a result of the Action, the approval holder must not **clear** more than:
 - a) 494.43 hectares (ha) of Box Gum Woodland
 - b) 42.46 ha of Regent Honeyeater habitat
 - c) 22.49 ha of **Painted Honeyeater habitat**.

Note: Attachment A contains the figures showing where the impacts to protected matters will occur.

3) If the approval holder detects the presence, where likely to be affected by the Action, of any protected matter or the habitat of any protected matter not previously reported to the department as part of the referral of this Action or in accordance with this condition, the approval holder must notify the department in writing of the presence and likely extent of any protected matter or the habitat of any protected matter not previously reported to the department within 10 business days of detecting the presence of any protected matter or the habitat of any protected matter or the habitat of any protected to the department.

BIODIVERSITY MANAGEMENT PLAN

- 4) To avoid and mitigate impacts on **protected matters** as a result of the Action, the approval holder must comply with condition B16 of the **NSW Approval**, to the extent that it relates to **protected matters**.
- 5) The approval holder must implement the Biodiversity Management Plan required by condition B16 of the **NSW Approval**, as approved by the **NSW Planning Secretary**, prior to the **commencement of the Action** and continue to implement the Biodiversity Management Plan required by condition B16 of the **NSW Approval**, as approved by the **NSW Planning Secretary**, until the **completion of the Action**.

OFFSETS

- 6) To compensate for impacts to **protected matters** as a result of the Action, the approval holder must comply with conditions B14 and B15 of the **NSW Approval**, to the extent that they relate to **protected matters**.
- 7) Within 20 **business days** of **retiring** the **biodiversity credits** as required by condition 6, the approval holder must submit evidence to the **department** demonstrating that the **biodiversity credits** have been **retired** in accordance with the **NSW Approval**.

Part B – Administrative conditions

REVISION OF ACTION MANAGEMENT PLANS

- 8) The approval holder must notify the department within 2 days of submitting any request to have a revised version of a plan approved by the NSW Planning Secretary. In this notification, the approval holder must provide the revised version of the plan to the department and specify the proposed changes. If a revised version of a plan is approved by the NSW Planning Secretary, within 5 days of the revised plan being approved by the NSW Planning Secretary, the approval holder must provide the department with:
 - a) the version of the revised **plan** approved by the **NSW Planning Secretary**,
 - b) details of the comparison between the previous and most recently approved versions of the **plan**, describing all changes, and
 - c) a detailed discussion describing any changes to the harm, including impacts, to protected matters which will, or will likely, occur as a result of implementing the version of the revised plan approved by the NSW Planning Secretary.

Note: Condition 8 is not intended to limit the operation of section 143A of the **EPBC Act** which allows the approval holder to submit a revised action management plan, at any time, to the **Minister** for approval.

SUBMISSION AND PUBLICATION OF PLANS

- 9) The approval holder must submit all **plans** required by these conditions electronically to the **department**. This includes **plans** required under any conditions of the **NSW Approval** that are specified in these conditions.
- 10) Unless otherwise agreed to in writing by the Minister, the approval holder must publish each plan on the website within 15 business days of the date the plan is approved by the Minister or by the NSW Planning Secretary as required under NSW Approval conditions which must be complied with in accordance with these EPBC Act approval conditions.
- 11) The approval holder must keep all **plans** required by these conditions published on the **website** until the expiry date of this approval.
- 12) The approval holder is required to exclude or redact **sensitive biodiversity data** from **plans** published on the **website** or otherwise provided to a member of the public. If **sensitive biodiversity data** is excluded or redacted from a **plan**, the approval holder must notify the

department in writing what exclusions and redactions have been made in the version published on the **website**.

MODIFICATIONS TO STATE OR TERRITORY APPROVAL

- 13) The approval holder must notify the **department** in writing of any proposed change to the **NSW** Approval that may relate to protected matters within 2 business days of formally proposing such a change and within 5 business days of becoming aware of any proposed change.
- 14) The approval holder must notify the department in writing of any change to the NSW Approval conditions that may relate to protected matters, within 5 business days of such a change to conditions coming into effect. Such notification must include a copy of the changed NSW Approval conditions showing what changes have been made.

COMMENCEMENT OF THE ACTION

- 15) The approval holder must notify the **department** electronically of the date of **commencement of the Action**, within 5 **business days** following **commencement of the Action**.
- 16) The approval holder must not **commence the Action** later than 5 years after the date of this approval decision.

COMPLIANCE RECORDS

- 17) The approval holder must maintain accurate and complete **compliance records** and document the procedure for recording and storing **compliance records**.
- 18) 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 by an **independent auditor** in accordance with section 458 of the **EPBC Act**, and/or be used to verify compliance with the conditions. Summaries of the results of an audit may be published on the **department's website** or through the general media.

- 19) The approval holder must ensure that any **monitoring data**, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guidelines for biological survey and mapped data*, Commonwealth of Australia 2018, or as otherwise specified by the **Minister** in writing.
- 20) The approval holder must ensure that any **monitoring data**, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guide to providing maps and boundary data for EPBC Act projects*, Commonwealth of Australia 2021, or as otherwise specified by the **Minister** in writing.
- 21) The approval holder must submit all monitoring data, surveys, maps, other spatial and metadata and all species occurrence record data (sightings and evidence of presence) electronically to the department within 20 business days of the next anniversary of the date of this approval decision except where otherwise specified in a plan.

ANNUAL COMPLIANCE REPORTING

- 22) The approval holder must prepare a **compliance report** for each **Annual Compliance Report period** (**ACR period**).
- 23) The approval holder must ensure each **compliance report** includes:
 - a) accurate and complete details of compliance and any non-compliance with:
 - i) each condition imposed under the **NSW Approval**, if a condition attached to this approval decision requires compliance with that **NSW Approval** condition,
 - ii) each condition attached to this approval decision, and
 - iii) all commitments made in each plan,
 - b) a schedule of all **plans** in effect in relation to these conditions during the **ACR period**,
 - c) accurate and complete details of how each **plan** was implemented during the **ACR period**, and
 - d) if any **incident** occurred, accurate and complete details of each **incident**.
- 24) The approval holder must ensure each **compliance report** is completed to the satisfaction of the **Minister** and is consistent with the *Annual Compliance Report Guidelines*, Commonwealth of Australia 2023.
- 25) The approval holder must, within 20 **business days** following the end of each **ACR period**, in a format that is easily accessible and downloadable, publish on the **website**:
 - a) each **compliance report**, and
 - b) a **shapefile** showing all **clearing** of **protected matters**, and their habitat, undertaken within the **ACR period**.
- 26) The approval holder must:
 - a) Exclude or redact **sensitive biodiversity data** from each **compliance report** and **shapefile** published on the **website** or otherwise provided to a member of the public.
 - b) If sensitive biodiversity data is excluded or redacted from a version of a compliance report published or otherwise provided to a member of the public, submit the full compliance report to the department within 5 business days of its publication on the website and notify the department in writing what exclusions and redactions have been made in the version published on the website or otherwise provided to a member of the public.
 - c) If sensitive biodiversity data is excluded or redacted from a version of a shapefile published or otherwise provided to a member of the public, submit the full shapefile to the department within 5 business days of its publication on the website and notify the department in writing what exclusions and redactions have been made in the version published on the website or otherwise provided to a member of the public.

- 27) The approval holder must notify the **department** electronically, within 5 **business days** of each date of publication that the **compliance report** has been published on the **website**. In this notification, the approval holder must provide the **department** with the web address for where the **compliance report** and related **shapefile** are published on the **website**.
- 28) The approval holder must keep each **compliance report** and related **shapefile** published on the **website** from the first date which that **compliance report** must be published and until the expiry date of this approval.

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

REPORTING NON-COMPLIANCE

- 29) The approval holder must notify the **department** electronically, within 2 **business days** of becoming aware of any **incident**. The approval holder must specify in each notification:
 - a) any condition or commitment made in a **plan** which has not been, or may have not been, complied with,
 - b) a short description of the incident, and
 - c) the location (if applicable, including co-ordinates), date and time of the **incident**.
- 30) The approval holder must provide to the **department** in writing, within 12 **business days** of becoming aware of an **incident**, the details of that **incident**. The approval holder must specify:
 - a) all corrective measures and investigations which the approval holder has already taken in respect of the **incident**,
 - b) the potential impacts of the incident,
 - c) the method and timing of any corrective measures that the approval holder proposes to undertake to address the **incident**, and
 - d) any variation of these conditions or revision of a **plan** that will be required to prevent recurrence of the **incident** and/or to address its consequences.

INDEPENDENT AUDIT

- 31) The approval holder must ensure that an **independent audit** of compliance with the conditions is conducted for every **audit period**.
- 32) The approval holder must submit details of the proposed **independent auditor** and their qualifications to the **department** within 10 **business days** following the end of each **audit period**.
- 33) The approval holder must ensure the scope of each independent audit is sufficient to determine the compliance status for each condition of approval, and each commitment made in each plan.

- 34) The approval holder must ensure the criteria for each independent audit and the undertaking of each independent audit are consistent with the Independent Audit and Audit Report Guidelines.
- 35) The approval holder must submit an **audit report** to the **department** for written agreement from the **department** within 3 months following the end of each **audit period**, or as otherwise directed by the **Minister** in writing.
- 36) The approval holder must ensure each **audit report** is completed to the satisfaction of the **Minister** and is consistent with the **Independent Audit and Audit Report Guidelines**.
- 37) The approval holder must publish each **audit report** on the **website**, in a format that is easily accessible and downloadable, within 10 **business days** of the date the **department** agrees to that **audit report** in writing.
- 38) The approval holder must notify the department within 5 business days of the date the audit report is published on the website. In this notification, the approval holder must provide the department with the web address for where the audit report is published on the website.
- 39) The approval holder must keep each **audit report** published on the **website** from the first date which that **audit report** must be published and until the expiry date of this approval.

COMPLETION OF THE ACTION

- Within 20 business days after the completion of the Action, and, in any event, at least
 20 business days before this approval expires, the approval holder must notify the department electronically of the date of completion of the Action and provide completion data.
 The approval holder must submit any spatial data that comprises completion data as a shapefile.
- 41) The approval holder must notify the **department** electronically 60 **business days** prior to the expiry date of this approval, that the approval is due to expire.

Note: Section 145C of the **EPBC Act** entitles the approval holder to request an extension to the period of effect of this approval.

Part C – Definitions

Words and terms appearing in **bold** (excluding headings) have the meaning assigned to them in the list below:

Action area or development footprint means the location of the Action, represented in

- <u>Attachment A</u> by the zone enclosed by the black line designated 'Development Footprint / Action Area', excluding the green shaded area titled 'Retained / Impact Avoidance Areas' (i.e. the Solar Farm action area), and
- <u>Attachment B</u>, <u>Attachment C</u>, and <u>Attachment D</u> by the zone enclosed by the red line designated 'Development Footprint' (i.e. the Road Upgrade action area).

Annual Compliance Report period or **ACR period** means each subsequent 12-month period following the date of this approval decision until the expiry date of this approval, unless otherwise specified in writing by the **Minister**.

Audit period means each subsequent five-year period following the commencement of the Action until the expiry date of this approval unless otherwise specified in writing by the Minister.

Audit report means a written report of an independent audit.

Biodiversity credits means the unit of measure for offsets in accordance with the Biodiversity Offsets Scheme under the *Biodiversity Conservation Act 2016* (NSW).

Biodiversity data means 'biodiversity data' as described in the *Policy on Accessing and Sharing Biodiversity Data*, Commonwealth of Australia 2024.

Box Gum Woodland means the **EPBC Act** listed ecological community White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland. The location of **Box Gum Woodland** identified within the **Action area** is represented in the maps at:

- <u>Attachment E</u> by the black hatching designated 'White Box Yellow Box Blakely's Red Gum Grassy Woodland and Derived Native Grassland VEC - EPBC Act', and
- <u>Attachment H</u> by the yellow polygons designated 'Extent of EPBC Act listed White box
 Yellow box Blakely's Red Gum Woodland'.

Business day/s means a day that is not a Saturday, a Sunday, or a public holiday in New South Wales.

Clear, **cleared** or **clearing** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation, not including any weed or fire management specified in a **plan**.

Commence the Action or **commences the Action** means the first instance of any on-site **clearing**, **construction** or other physical activity associated with the Action, but does not include minor physical disturbance necessary to:

- Undertake pre-clearance surveys or monitoring programs, including building/road dilapidation surveys, artefact survey and/or salvage, and overhead line safety marking.
- Install signage and/or fencing, so long as the signage and/or fencing is located where it does not harm any protected matter.
- Protect environmental and property assets from fire, weeds, and feral animals, including use of existing surface access tracks.
- Install temporary site facilities for persons undertaking pre-commencement activities so long as these facilities are located where they do not harm any protected matter.

 Undertake soil sampling or geotechnical investigations provided these cause only minor physical disturbance, will not harm any protected matter and are required in advance of commencement of site works.

Commencement of the Action means the date on which the approval holder **commences the Action**.

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met.

Completion of the Action means the date on which all activities associated with the approved Action have permanently ceased and/or been completed.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with these conditions of approval (including compliance with commitments made in **plans**) in the approval holder's possession, or that are within the approval holder's power to obtain lawfully.

Compliance report means a written report of compliance with, and fulfilment of, these conditions (including compliance with commitments made in **plans**).

Construct, 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,
- any work which involves breaking of the ground (including pile driving) or bulk earthworks,
- the laying of pipes and other prefabricated materials in the ground, and
- any associated excavation work.

Construction does not include the installation of fences or signage, or the exclusions listed for the definition of **Commence the Action**.

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

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

Harm means to cause any measurable direct or indirect disturbance or deleterious change as a result of any activity associated with the Action.

Incident means any:

- event which has the potential to, or does, harm any protected matter,

- potential non-compliance with these conditions, including the administrative requirements,
- actual non-compliance with these conditions, including the administrative requirements,
- potential non-compliance with one or more commitment made in a **plan**, and/or
- actual non-compliance with one or more commitment made in a **plan**.

Independent audit means an audit, conducted by an **independent auditor**, of compliance with and fulfilment of these conditions and the commitments made in **plans**, objectively evaluated against the audit criteria developed by the **independent auditor**, in accordance with the **Independent Audit and Audit Report Guidelines**.

Independent Audit and Audit Report Guidelines means the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines,* Commonwealth of Australia 2019.

Independent auditor means a person, or firm, who:

- does not have any individual, financial*, employment* or family affiliation or any conflicting interests with the Action, the approval holder or the approval holder's staff, representatives, or associated persons,
- has demonstrated experience in undertaking government-regulated environmental compliance audits, and
- holds relevant professional qualifications and accreditations.

*Other than for the purpose of undertaking the role for which an independent person, or firm, is required.

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

Monitoring data means the data required to be recorded under the conditions of this approval, including **sensitive biodiversity data**.

NSW Approval means the development consent granted for the Goulburn River Solar Farm Project (SSD-33964533) by the **NSW Planning Secretary** under section 4.39 of the *Environmental Planning and Assessment Act* 1979 (NSW) on 22 August 2024. At the time of this approval, the **NSW Approval** can be accessed on the NSW Major Projects website via the following webpage address: <u>www.planningportal.nsw.gov.au/major-</u> <u>projects/projects/goulburn-river-solar-farm</u>.

NSW Planning Secretary means the Planning Secretary as defined in the NSW Approval.

Painted Honeyeater means the EPBC Act listed threatened species Grantiella picta.

Painted Honeyeater habitat means any area which provides habitat for the Painted Honeyeater. Within the Action area, the extent of Painted Honeyeater habitat identified at the

time of this approval is represented in <u>Attachment G</u> by the zones shaded dark green designated 'PCT 483 – Grey Box x White Box grassy open woodland on basalt hills in the Merriwa region, upper Hunter Valley – Scattered Trees'.

Plan means any action management plan or strategy that the approval holder is required by these conditions to implement.

Protected matter/s means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

Regent Honeyeater means the EPBC Act listed threatened species Anthochaera phrygia.

Regent Honeyeater habitat means any area which provides habitat for the **Regent Honeyeater**. Within the **Action area**, the extent of **Regent Honeyeater habitat** identified is represented in the maps at

- <u>Attachment F</u> by the zones shaded with black hatching designated 'Regent Honeyeater Species Polygon', and
- <u>Attachment</u> I by the zones shaded green designated 'Regent Honeyeater Species Polygon'.

Retire, Retired, Retiring means to retire **biodiversity credits** in accordance with the Biodiversity Offset Scheme under the *Biodiversity Conservation Act 2016* (NSW), such that the **biodiversity credits** are like-for-like and can no longer be bought or sold.

Sensitive biodiversity data means **biodiversity data** which, if released, published or otherwise exposed, may result in **harm** to the relevant **protected matter** as a result of the intentional or unintentional misuse of that **biodiversity data**.

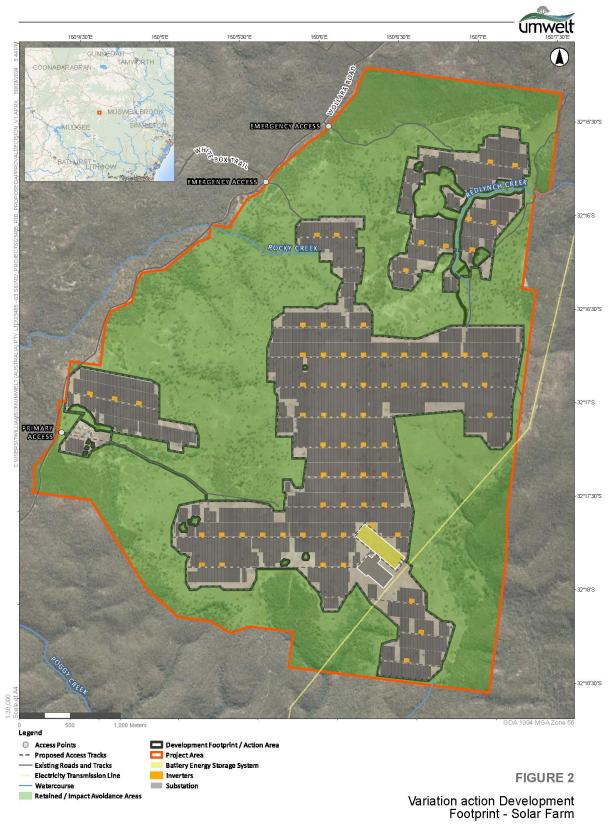
Shapefile means location and attribute information about the Action provided in an Esri shapefile format containing:

- '.shp', '.shx', '.dbf' files,
- a '.prj' file which specifies the projection or geographic coordinate system used, and
- 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.

Attachments

A: Solar Farm action area





B1: Road Upgrade action area (1 of 9)

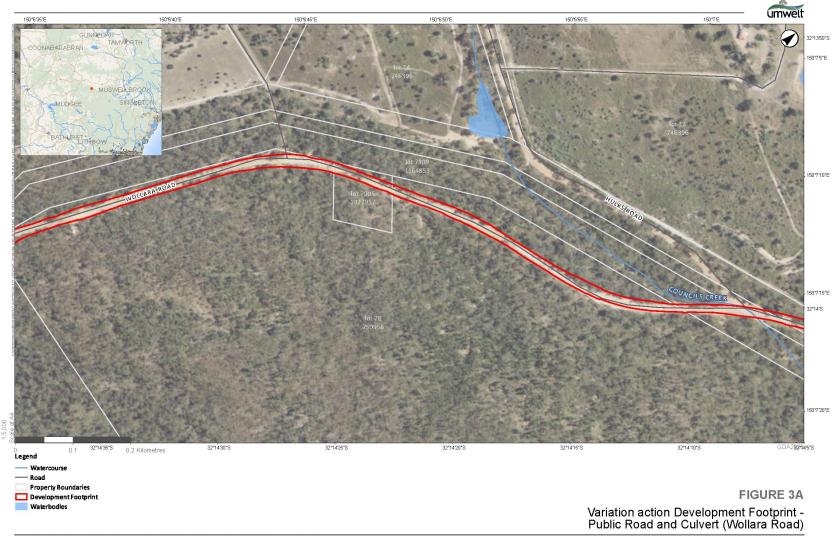


Image Source: ESRI Basemap (2023) Data source: NSWLPI (2023), NSW DSFI (2023); NPWS Estate (2023)

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B2: Road Upgrade action area (2 of 9)





B3: Road Upgrade action area (3 of 9)





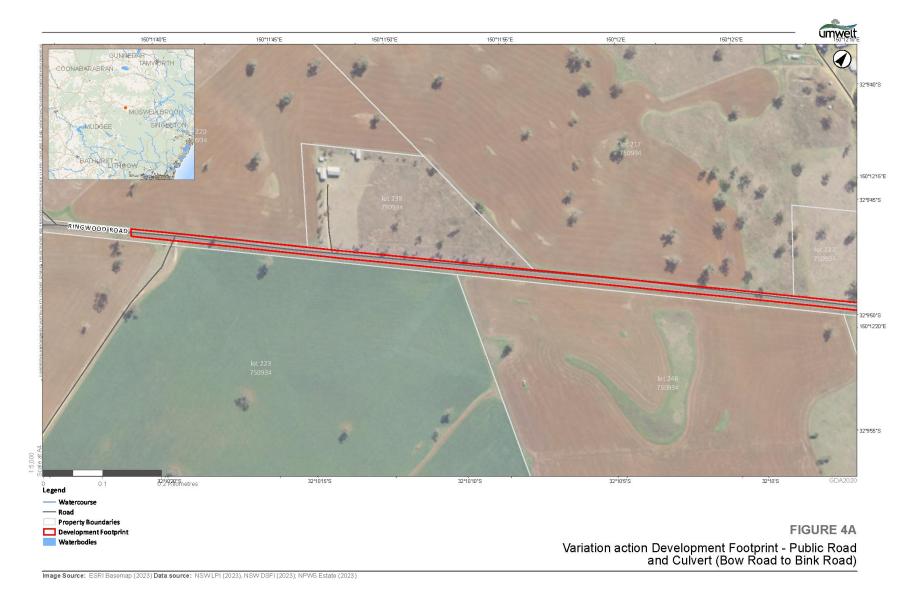
B4: Road Upgrade action area (4 of 9)



Image Source: ESRI Basemap (2023) Data source: NSW LPI (2023), NSW DSFI (2023); NPWS Estate (2023)

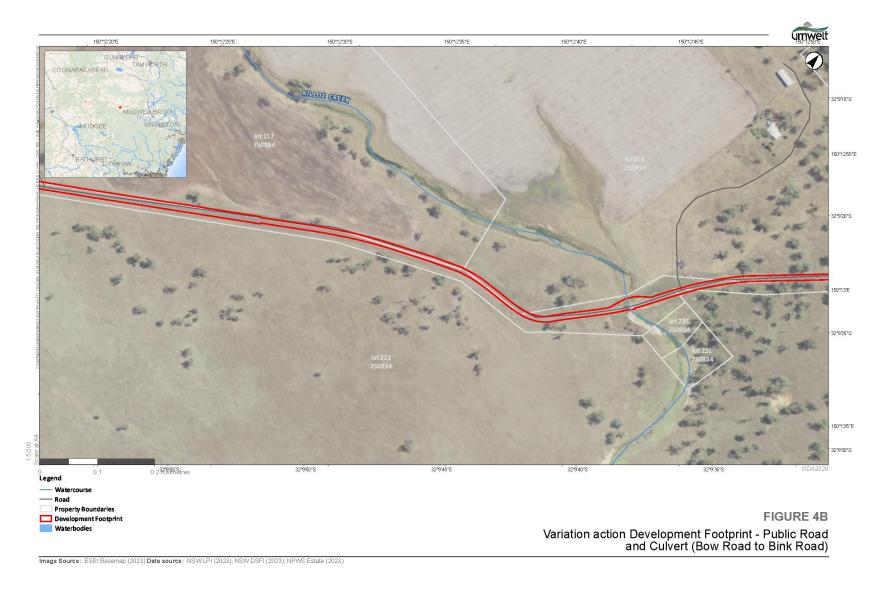


C1: Road Upgrade action area (5 of 9)



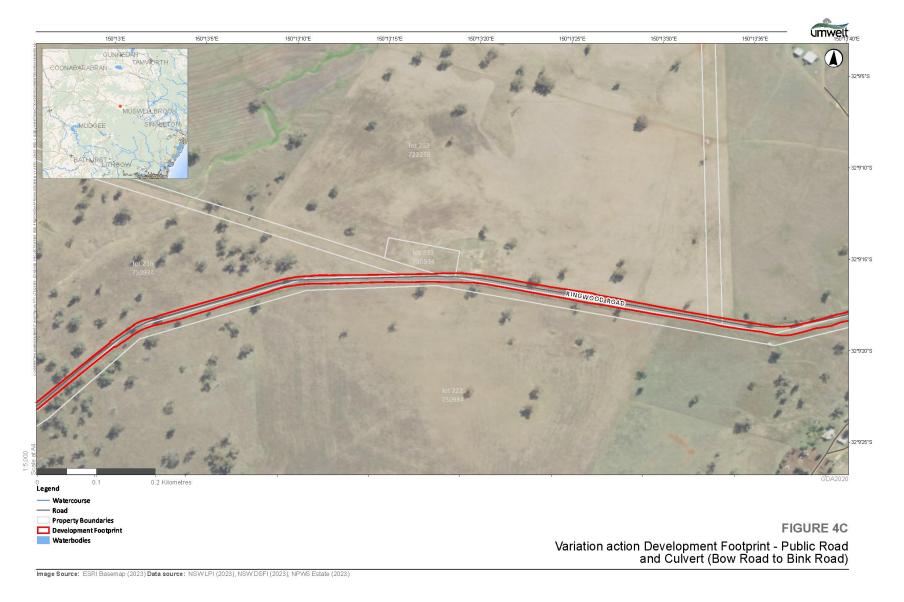


C2: Road Upgrade action area (6 of 9)





C3: Road Upgrade action area (7 of 9)





C4: Road Upgrade action area (8 of 9)

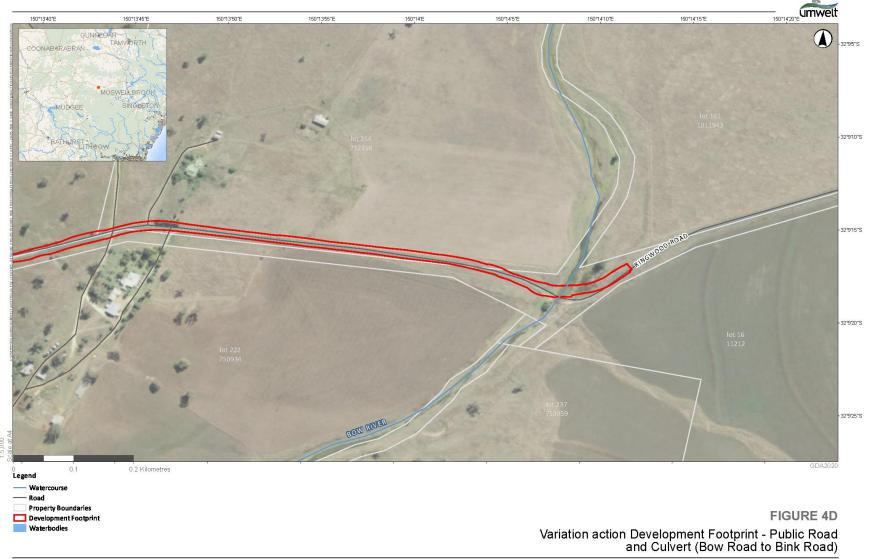
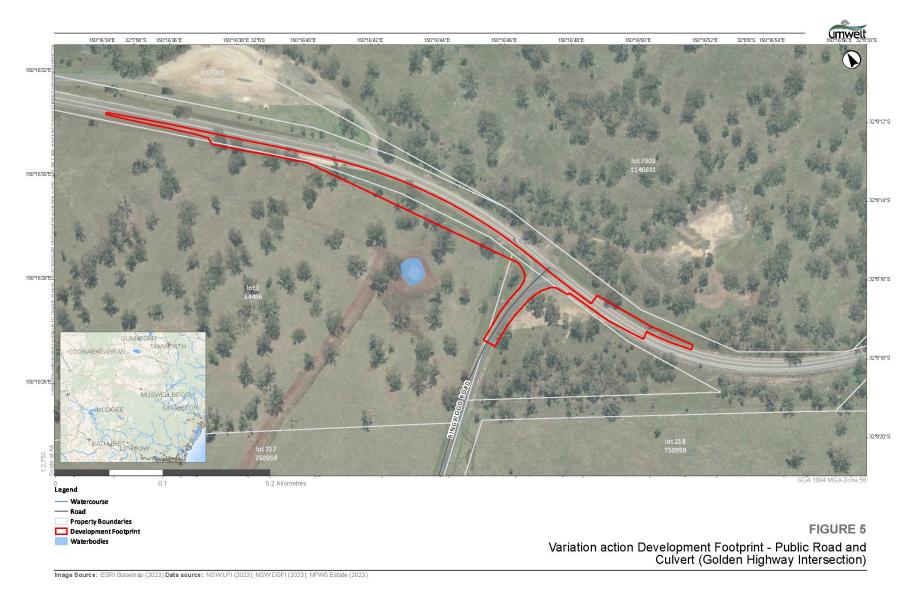


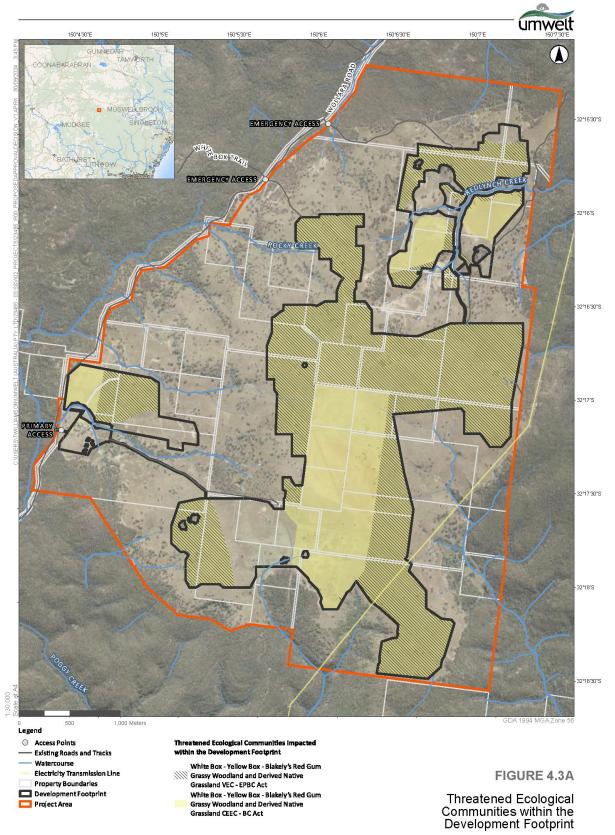
Image Source: ESRI Basemap (2023) Data source: NSW LPI (2023), NSW DSFI (2023); NPWS Estate (2023)



D: Road Upgrade action area (9 of 9)

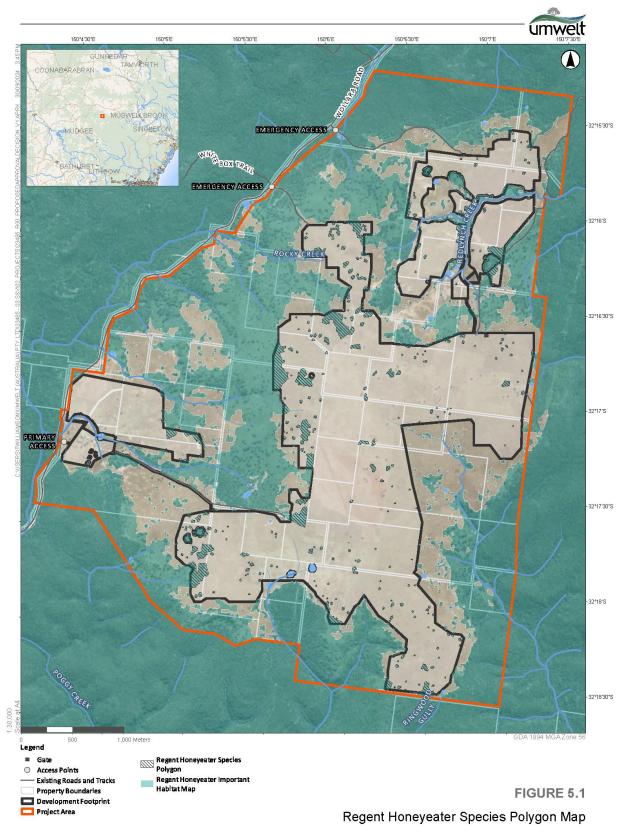






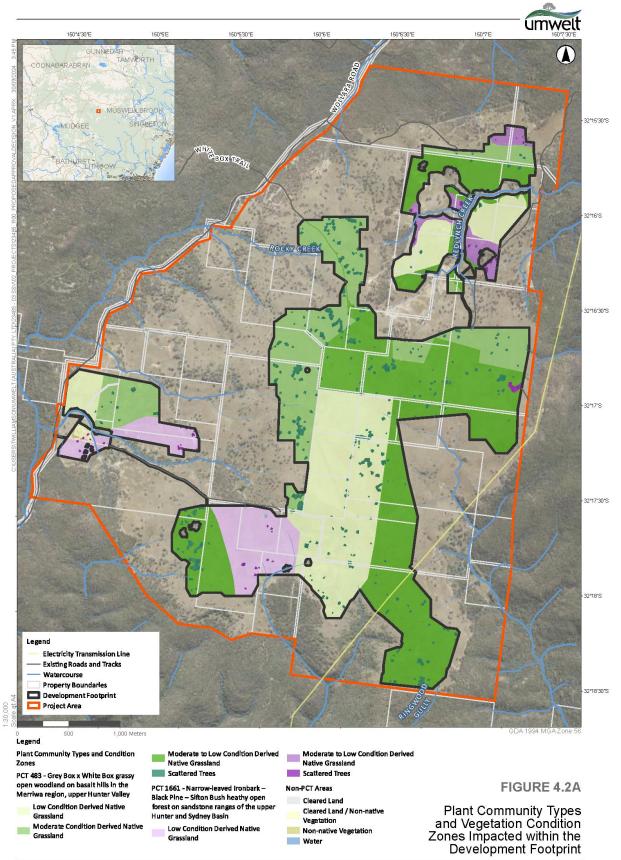
E: Box Gum Woodland in Solar Farm action area





F: Regent Honeyeater habitat in Solar Farm action area

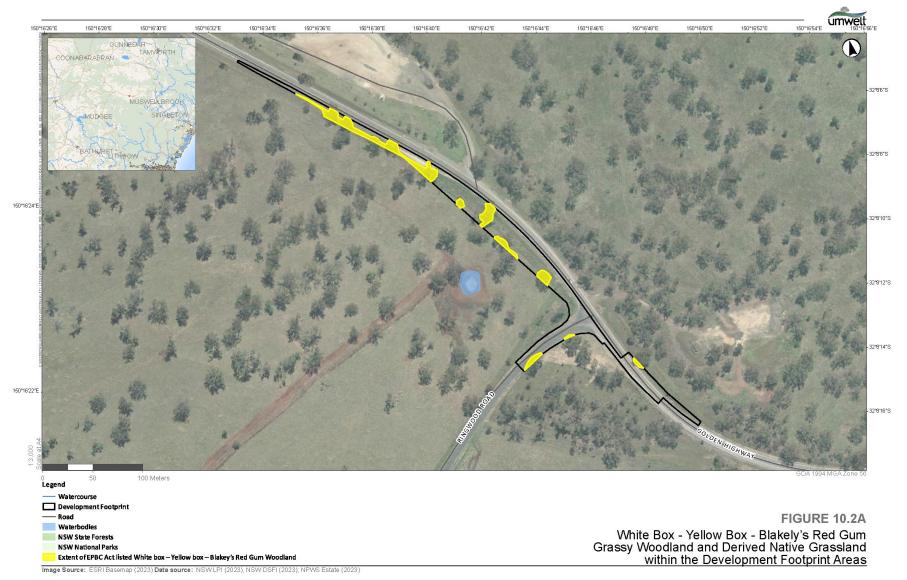




G: Painted Honeyeater habitat in Solar Farm action area



H1: Box Gum Woodland in Road Upgrade action area (1 of 3)



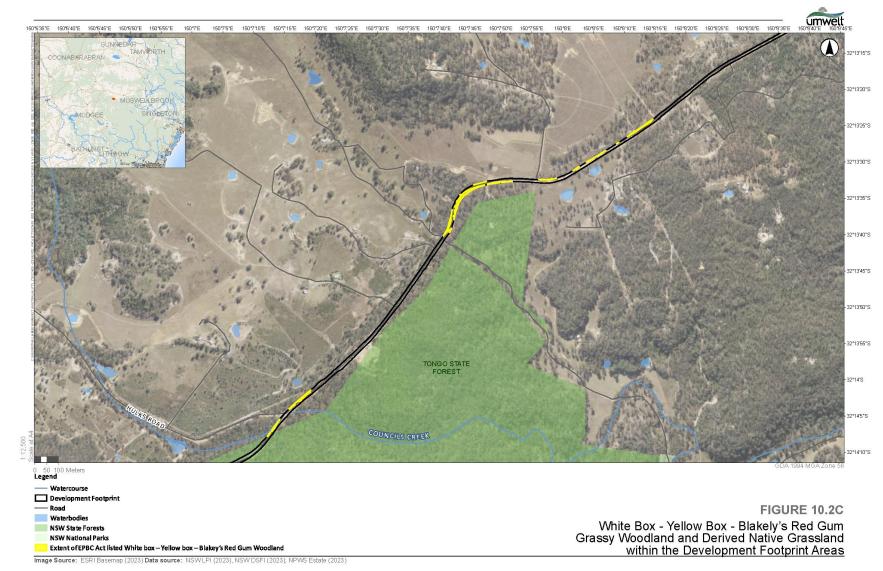


H2: Box Gum Woodland in Road Upgrade action area (2 of 3)



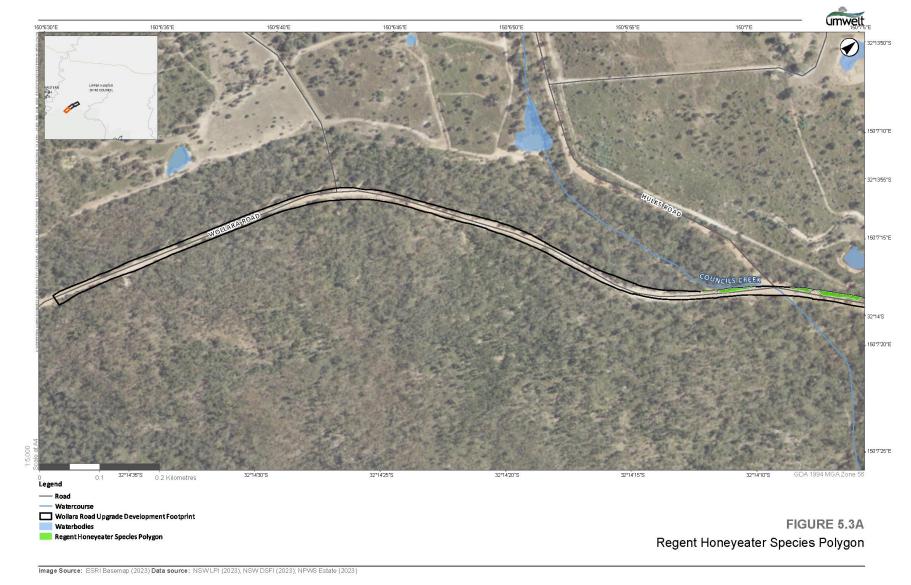
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H3: Box Gum Woodland in Road Upgrade action area (3 of 3)





I1: Regent Honeyeater habitat in Road Upgrade action area (1 of 3)

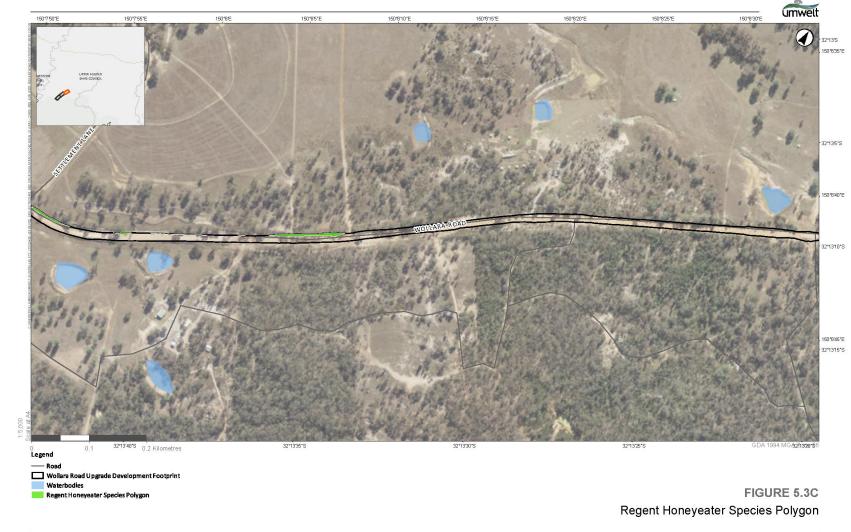




I2: Regent Honeyeater habitat in Road Upgrade action area (2 of 3)

Image Source: ESRI Basemap (2023) Data source: NSW LPI (2023), NSW DSFI (2023); NPWS Estate (2023)





I3: Regent Honeyeater habitat in Road Upgrade action area (3 of 3)

Image Source: ESRI Basemap (2023) Data source: NSW LPI (2023), NSW DSFI (2023), NPWS Estate (2023)