

Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Iwan Davies
A/Director
Energy Assessments

Sydney

7 October 2022

SCHEDULE 1

Development consent: SSD-8025 granted by the Executive Director, Resource Assessments and Business Systems on 31 August 2017

For the following: Limondale Solar Farm

Modification: **SSD-8025-Mod-2:** Modification for the installation and operation of a Battery Energy Storage System

SCHEDULE 2

1. In the table of DEFINITIONS, after the definition of 'Aboriginal stakeholders', add "Ancillary Infrastructure" and insert the definition "All project infrastructure with the exception of solar panels, including but not limited to collector substations, switching stations, permanent offices, site compounds, battery storage, electricity transmission lines and internal roads"
2. In the table of DEFINITIONS, after the definition of 'Applicant', add "Battery storage" and insert the definition "Large scale energy storage system"
3. In the table of DEFINITIONS, after the definition of 'Battery storage', add "BCS" and insert the definition "Biodiversity, Conservation and Science Directorate within the Department"
4. In the table of DEFINITIONS, after the definition of 'Cessation of operations', add "Commissioning" and insert the definition "The testing of the components, equipment and systems of the development following completion of construction, prior to operations commencing"
5. In the table of DEFINITIONS, in the definition of 'EIS', add the following at the end of the definition:
 - *Limondale Solar Farm Modification 2 Report* dated 17 March 2022; and
 - *Limondale Solar Farm Modification 2 Submissions Report* dated July 20022.
6. In the table of DEFINITIONS, after the definition of 'Heritage item', add "Heritage NSW" and insert the definition "Heritage Division within the department of Premier and Cabinet"
7. In the table of DEFINITIONS, delete the definitions for 'OEH' and 'RMS'
8. In the table of DEFINITIONS, replace the title of the definition of 'Secretary' with "Planning Secretary"
9. In the table of DEFINITIONS, after the definition of 'Temporary facilities', add "TfNSW" and insert the definition "Transport for New South Wales"
10. In Schedules 2 to 4 (inclusive), delete all references to 'Secretary' and replace with "Planning Secretary"
11. In Schedules 2 to 4 (inclusive), delete all references to 'RMS' and replace with "TfNSW"
12. Replace Condition 1, Schedule 3 with the following:

The battery storage associated with the development must not exceed a total delivery capacity of 200 MW.

Note: This condition does not prevent the Applicant from seeking to lodge a separate development application or modify the consent to increase the capacity of the battery storage in the future.
13. In Condition 9 and 11, Schedule 3 replace 'OEH' with "BCS"
14. In Condition 13, Schedule 3, after 'or its latest version' insert the following additional part to the schedule:

; and

- (b) ensure that the noise generated by the operation of the development does not exceed 35 dB(A) LAeq, 15min during operation, determined in accordance with the procedures in the *NSW Noise Policy for Industry* (EPA, 2017) at any non-associated residence

15. In Condition 17, 18 and 20, Schedule 3 replace 'OEH' with "Heritage NSW"

16. Replace Condition 24, Schedule 3, with the following:

The Applicant must:

- (a) store and handle all chemicals, fuels and oils used on-site in accordance with:
 - i. the requirements of all relevant Australian Standards; and
 - ii. the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook* if the chemicals are liquids.
- (b) ensure the substation is suitably bunded; and
- (c) minimise any spills of hazardous materials or hydrocarbons, and clean up any spills as soon as possible after they occur

In the event of an inconsistency between the requirements of (i) and (ii) above, the most stringent requirement must prevail to the extent of the inconsistency.

17. In Condition 25(a), Schedule 3, after 'development', insert ", including managing vegetation fuel loads on-site"

18. In Condition 25(b), Schedule 3, after 'solar array area', insert ", and a 10m defendable space around any battery storage and associated infrastructure areas"

19. In Condition 25(b), Schedule 3, replace '2006' with "2019"

20. In Condition 26, Schedule 3, after 'commencement of operations' insert "(excluding battery storage)"

21. After Condition 26, Schedule 3, insert the following conditions:

26A. Prior to commissioning of the battery storage, the Applicant must revise the Emergency Response Plan, in consultation with the RFS and Fire & Rescue NSW. The revised plan must:

- (a) be prepared in accordance with the findings of the Fire Safety Study required under Condition 27 of Schedule 3;
- (b) be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'* and RFS's *Planning for Bushfire Protection 2019* (or equivalent);
- (c) include details on how the battery storage and sub-systems can be safely isolated in an emergency;
- (d) include bushfire emergency management planning, including:
 - details of the location, management and maintenance of Asset Protection Zones;
 - a list of works that must not be carried out during a total fire ban;
 - details of how RFS would be notified, and procedures that would be implemented in the event that:
 - there is a fire on-site or in the vicinity of the site;
 - there are any activities on site that would have the potential to ignite surrounding vegetation; or
 - there are any proposed activities to be carried out during a bushfire danger period; and

- (e) include an Emergency Services Information Package, prepared in accordance with *Emergency services information package and tactical fire plan* (Fire & Rescue NSW, 2019).

The Applicant must:

- (a) implement the revised Emergency Response Plan for the duration of the development;
- (b) provide a copy to the local Fire Control Centre and Fire & Rescue NSW; and
- (c) following commencement of operations of the battery storage, keep a copy of the Emergency Services Information Package on-site in a prominent position adjacent to the site entry point at all times.

Fire Safety Study

27. Prior to commencing construction of the battery storage, unless the Planning Secretary agrees otherwise, the Applicant must prepare a Fire Safety Study to the satisfaction of the Planning Secretary, in consultation with Fire & Rescue NSW. The study must:
- (a) be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study'* guideline;
 - (b) be consistent with the NSW *'Best Practice Guidelines for Contaminated Water Retention and Treatment Systems'*.
 - (c) describe the final design of the battery storage;
 - (d) include reasonable worst-case fire scenario to and from the battery storage and the associated fire management;
 - (e) identify measures to eliminate the expansion of any fire incident including:
 - adequate fire safety systems and water supply;
 - separation and / or compartmentalisation of battery units; and
 - strategies and incident control measures specific to the battery storage design.

Following approval by the Planning Secretary, the Applicant must implement the measures described in the Fire Safety Study.

Note: to satisfy 'in consultation with Fire & Rescue NSW' above, the Applicant should provide confirmation in writing from Fire & Rescue NSW that the Study meets the requirements of Fire & Rescue NSW.

Final Hazard Analysis

28. Prior to commencing construction of any flow battery storage, unless the Planning Secretary agrees otherwise, the Applicant must prepare a Final Hazard Analysis in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'* to the satisfaction of the Planning Secretary.

Following approval, the Applicant must implement the Final Hazard Analysis.

Safety Management System

29. Prior to commencing commissioning of any flow battery storage, the Applicant must prepare and implement a Safety Management System in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'* to the satisfaction of the Planning Secretary.

Following approval, the Applicant must implement the Safety Management System.

22. In Table 2 of Condition 32, Schedule 3, after ‘Solar farm’ insert “and battery storage”
23. Delete Condition 3 and 4 of Schedule 4, and replace with the following:

COMPLAINEE

Incident Notification

3. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 3.

NON-COMPLIANCE NOTIFICATION

4. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.
- 4A. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- 4B. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

INDEPENDENT ENVIRONMENTAL AUDIT

5. Independent Audits of the development must be conducted and carried out at the frequency and in accordance with the *Independent Audit Post Approval Requirements (2020)*

In addition, a Hazard Audit prepared by a suitably qualified person must be conducted and carried out within 12 months of commencing operations of any flow battery in accordance with the:

- (a) Department’s *Hazardous Industry Planning Advisory Paper No. 5, ‘Hazard Audit Guidelines’*; and
- (b) *Independent Audit Post Approval Requirements (2020)* (excluding audit frequencies).

5A. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.

5B. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in condition 6 of Schedule 4 upon giving at least 4 weeks’ notice to the Applicant of the date upon which the audit must be commenced.

5C. In accordance with the specific requirements in the *Independent Audit Post Approval Requirements (2020)*, the Applicant must:

- (a) review and respond to each Independent Audit Report prepared under condition 6 of Schedule 4 of this consent, or condition 6B of Schedule 4 where notice is given by the Planning Secretary;
- (b) submit the response to the Planning Secretary; and

- (c) make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.

5D. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approvals Requirements (2020)* unless otherwise agreed by the Planning Secretary.

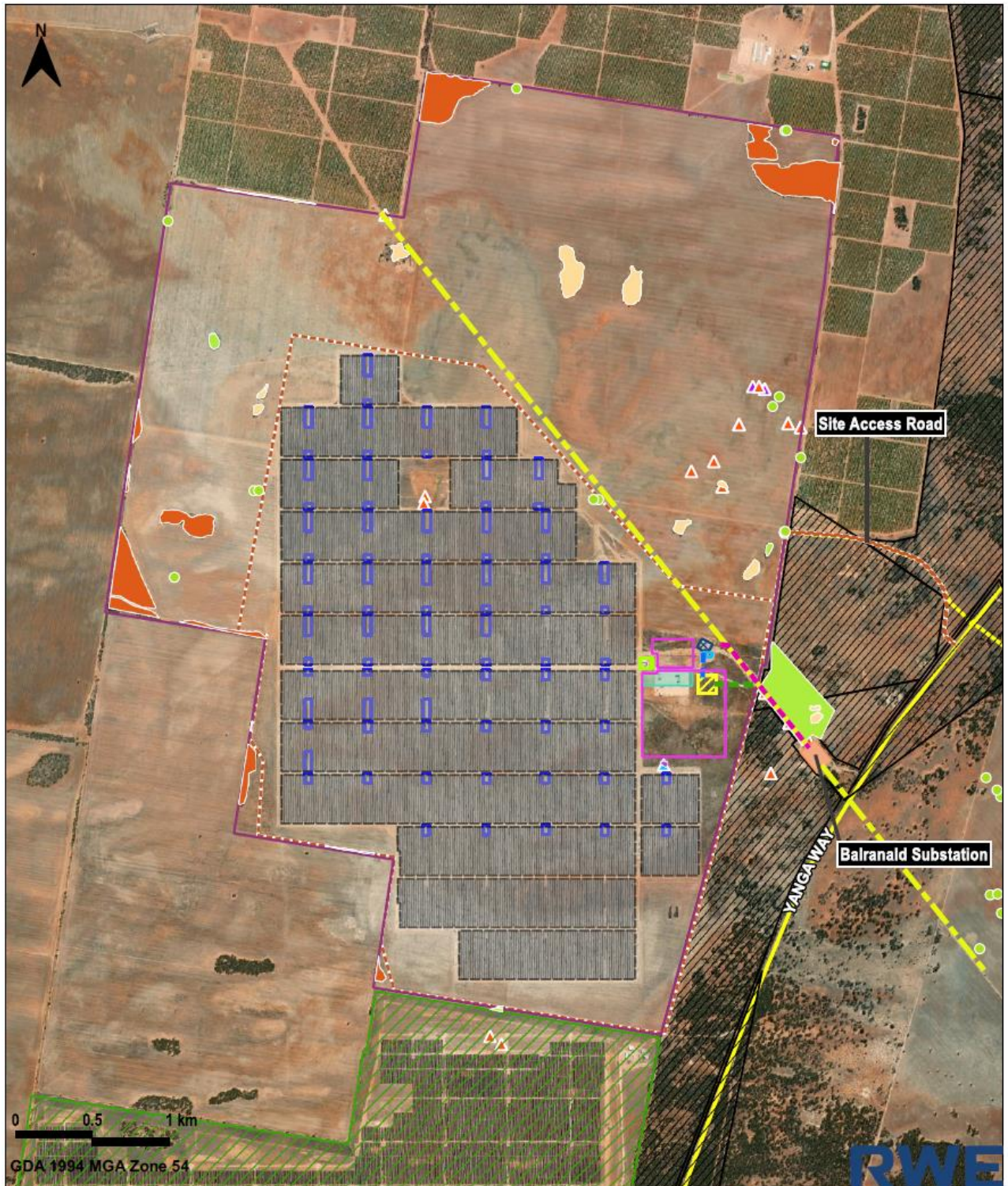
5E. Notwithstanding the requirements of the *Independent Audit Post Approvals Requirements (2020)*, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

ACCESS TO INFORMATION

6. The Applicant must:

- (a) make the following information publicly available on its website as relevant to the stage of the development:
- the EIS;
 - the final layout plans for the development;
 - current statutory approvals for the development;
 - the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
 - how complaints about the development can be made;
 - a complaints register;
 - any other matter required by the Planning Secretary; and
- (b) keep this information up to date.

24. In the APPENDICES, replace the figure in Appendix 1 with the following figure:



Source: RWE(2022), EMM(2017), Biosis(2017), GA(2016), LPMA(2011), DECCW(2010). State of New South Wales (Spatial Services, a business unit of the Department of Customer Service NSW)

KEY		Vegetation Type	
Site Boundary	Indicative Layout Lithium and Flow AC Zone	PCT 16 - Black Box grassy open woodland	PCT23 - Yarran tall open shrubland
Development Footprint (1,025 ha)	Indicative Layout DC Option	PCT170 - Chenopod sandplain mallee	PCT58 - Black Oak - Western Rosewood open woodland (including derived grassland)
Constructed Solar Tracking Layout	Indicative BESS Zone Substation	PCT23 - Yarran tall open shrubland	Woody weeds/planted vegetation
Sunraysia Solar Farm	Indicative Laydown Yard	PCT58 - Black Oak - Western Rosewood open woodland (including derived grassland)	Scattered paddock trees (hollow bearing)
Filters	Original Approved Underground Connection	Woody weeds/planted vegetation	
Office And Maintenance Compound	Connection Option 1 (Aboveground or Underground - AC Option Only)		
Switch Yard			
	Connection Option 2 (Underground - AC Option Only)		
	220kV Transmission Line		
	Travelling Stock Reserves		
	Heritage Items		
	House - ruins		
	Aboriginal heritage site /artefact		
	AHIMS Sites		

25. In the APPENDICES, after Appendix 2, insert the following:

APPENDIX 3:

INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition 5 of Schedule 4 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.

**End of modification
(SSD-8025-MOD-2)**