

# Modification of Development Consent

## Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

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



11/12/19

Nicole Brewer  
Director  
Energy Assessments

Sydney

2019

### SCHEDULE 1

The development consent for the Wellington Solar Farm (SSD 8573), granted by the Executive Director, Resource Assessments and Business Systems, as delegate of the Minister for Planning, on 25 May 2018.

### SCHEDULE 2

1. In Schedule 1, replace the Applicant with 'Lightsource Development Services Australia Pty Ltd'.
2. In Schedule 1, in the description of 'Development', after 'Wellington Solar' insert 'Farm'.
3. In Schedule 1, in the table of DEFINITIONS, delete the definitions for 'Applicant', 'Department', 'EIS', 'Minister' and 'OEH' and insert the following in alphabetic order:

Applicant	Lightsource Development Services Australia Pty Ltd, or any person who seeks to carry out the development approved under this consent
Ancillary infrastructure	All project infrastructure with the exception of solar panels, including but not limited to collector substations, switching stations, permanent offices, site compounds, electricity transmission lines and internal roads
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCD	the Department's Biodiversity and Conservation Division
Department	Department of Planning, Industry and Environment
EIS	The environmental impact statement for Wellington Solar Park (NGH Environmental Pty Ltd, 30 November 2018) as amended by: <ul style="list-style-type: none"><li>• Wellington Solar Farm Submissions Report (NGH Environmental Pty Ltd, March 2018) and additional information provided to the Department on 11 May 2018;</li><li>• Wellington Solar Farm Substation Expansion Modification Report (NGH Environmental Pty Ltd, October 2018) and Applicant's Amendment Letter dated 25 November 2019.</li></ul>
EPA	Environment Protection Authority
Minister	Minister for Planning and Public Spaces, or delegate
TSC Act	<i>Threatened Species Conservation Act 1995</i>

4. In Schedule 1 in the definition of 'Construction', delete 'any upgrades' and replace with 'road upgrades or maintenance works'.
5. In Schedule 1 in the definition of 'Development footprint', after 'constructed' insert '(shown in Appendix 1)'.
6. In Schedule 1 in the definition of 'Temporary facilities', after 'stockpiles' insert ', laydown areas and parking spaces'.
7. Delete all reference to 'OEH' and replace with 'BCD'.
8. In Schedule 2, condition 10, delete '4A' and replace with '6'.

9. In Schedule 3, condition 1, after 'decommissioning' delete 'and' and after 'operations;', insert the following:
- 'and
  - 2 over-dimensional vehicle movements during construction, upgrading or decommissioning;'

10. In Schedule 3, condition 7, after 'management' delete '.' and insert ', unless the Secretary agrees otherwise.'

11. In Schedule 3, delete condition 10 and replace with the following:

10. Within two years of commencing development under this consent, unless otherwise agreed by the Secretary, the Applicant must retire biodiversity credits of a number and class specified in Table 1 and Table 2 below to the satisfaction of BCD.

The retirement of these credits must be carried out in accordance with the *NSW Biodiversity Offsets Scheme* and can be achieved by:

- (a) acquiring or retiring 'biodiversity credits' within the meaning of the BC Act;
- (b) making payments into an offset fund that has been developed by the NSW Government; or
- (c) providing supplementary measures.

*Table 1: Ecosystem Credit Requirements*

<b>Vegetation Community</b>	<b>PCT ID</b>	<b>Credits Required under the TSC Act</b>	<b>Credits Required under the BC Act</b>
White Box grassy woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion	266	3	1

*Table 2: Species Credit Requirements*

<b>Species Credit Species</b>	<b>Credits Required under the BC Act</b>
Pink-tailed Legless Lizard ( <i>Apraisia parapulchella</i> )	2

*Note: Following repeal of the TSC Act on 25 August 2017, credits created under that Act are taken to be "biodiversity credits" under the BC Act by virtue of clause 22 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017.*

10. In Schedule 3, condition 12, after 'the Secretary:' insert the following:
- '• activities that are inaudible at non-associated receivers;'
11. In Schedule 3, condition 19 (d), before 'a program' insert 'include'.
12. In Schedule 3, condition 28, delete reference to 'Table 2' and replace with 'Table 3'.
13. In Schedule 4, delete conditions 2 to 6 and replace with:

#### **Revision of Strategies, Plans and Programs**

2. The Applicant must:
- (a) update the strategies, plans or programs required under this consent to the satisfaction of the Secretary prior to carrying out any upgrading or decommissioning activities on site; and
  - (b) review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Secretary within 1 month of the:
    - submission of an incident report under condition 4 of Schedule 4;
    - submission of an audit report under condition 6 of Schedule 4; or
    - any modification to the conditions of this consent.

#### **Updating and Staging of Strategies, Plans or Programs**

3. With the approval of the Secretary, the Applicant may submit any strategy, plan or program required by this consent on a progressive basis.

To ensure the strategies, plans or programs under the conditions of this consent are updated on a regular basis, the Applicant may at any time submit revised strategies, plans or programs to the Secretary for approval.

With the agreement of the Secretary, the Applicant may prepare any revised strategy, plan or program without undertaking consultation with all the parties referred to under the relevant condition of this consent.

*Notes:*

- *While any strategy, plan or program may be submitted on a progressive basis, the Applicant must ensure that all development being carried out on site is covered by suitable strategies, plans or programs at all times.*

- If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.

## COMPLIANCE

### Incident Notification

4. The Department must be notified in writing 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.

### Non-Compliance Notification

5. The Department must be notified in writing within 7 days after the Applicant becomes aware of any non-compliance with the conditions of this consent. The 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 done, or will be, undertaken to address the non-compliance.

## INDEPENDENT ENVIRONMENTAL AUDIT

6. The Applicant must commission and pay the full cost of Independent Environmental Audits of the development. The audits must:
  - (a) be prepared in accordance with the relevant *Independent Audit Post Approval* requirements (DPE 2018);
  - (b) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
  - (c) be prepared, unless otherwise agreed with the Secretary:
    - (i) within 3 months of commencing construction;
    - (ii) within 3 months of commencement of operations; and
    - (iii) as directed by the Secretary;
  - (d) be carried out in consultation with the relevant agencies;
  - (e) assess whether the development complies with the relevant requirements in this consent, and any strategy, plan or program required under this consent; and
  - (f) recommend appropriate measures or actions to improve the environmental performance of the development and any strategy, plan or program required under this consent.

Within 3 months of commencing an Independent Environmental Audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations.

The recommendations of the Independent Environmental Audit must be implemented to the satisfaction of the Secretary.

## ACCESS TO INFORMATION

7. 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;
    - approved strategies, plans or programs required under the conditions of this consent;
    - 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;
    - compliance reports;
    - any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
    - any other matter required by the Secretary; and
  - (b) keep this information up to date.

- 14 Delete the figure in Appendix 1, and replace with:

