

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 Schedule 2.



Nicole Brewer
Director
Energy Assessments

Sydney

24 November 2020

SCHEDULE 1

Development consent: SSD 9031 granted by the Executive Director, Energy and Resources, as delegate of the Minister for Planning on 8 August 2019

For the following: Avonlie Solar Farm

Modification: Disturbance footprint and intersection change

SCHEDULE 2

1. In Schedule 1, in the table of DEFINITIONS, delete the definitions for 'DoI L&W', 'EIS', 'OEH' and 'RMS' and insert the following in alphabetic order:

BCD	Biodiversity and Conservation Division within the Department
DPIE Water	Water Group within the Department
EIS	The Environmental Impact Statement for Avonlie Solar Farm dated June 2018, the amended development application letter dated 21 February 2019, the Response to Submissions dated June 2019 and the subdivision plan (see Appendix 3), as amended by: • <i>Avonlie Solar Farm Modification Report</i> dated 8 October 2020 and additional information dated 5 November 2020.
EPA	Environment Protection Authority
FRNSW	Fire and Rescue NSW
Heritage NSW	Heritage NSW within the Department of Premier and Cabinet
TfNSW	Transport for NSW

2. Delete all references to "RMS" and replace with "TfNSW".
3. In condition 5 of Schedule 3:
 - delete "Prior" and replace with "Unless otherwise agreed with the Secretary, prior"
 - delete "BAR/BAL treatments" and replace with "BAR treatment"; and
 - immediately after "supplements)," insert "be generally in accordance with the figures in Appendix 5".
4. In condition 10 of Schedule 3, delete "to the satisfaction of OEH".
5. In condition 10 of Schedule 3, delete "Table 1: Ecosystem Credit Requirements" and "Table 2: Species Credit Requirements", and replace with the following:

Table 1: Ecosystem Credit Requirements

Vegetation Community	PCT ID	Credits Required
Western Grey Box – White Cypress Pine tall woodland on loam soil on alluvial plains of NSW South Western Slopes Bioregion and Riverina Bioregion	80	76

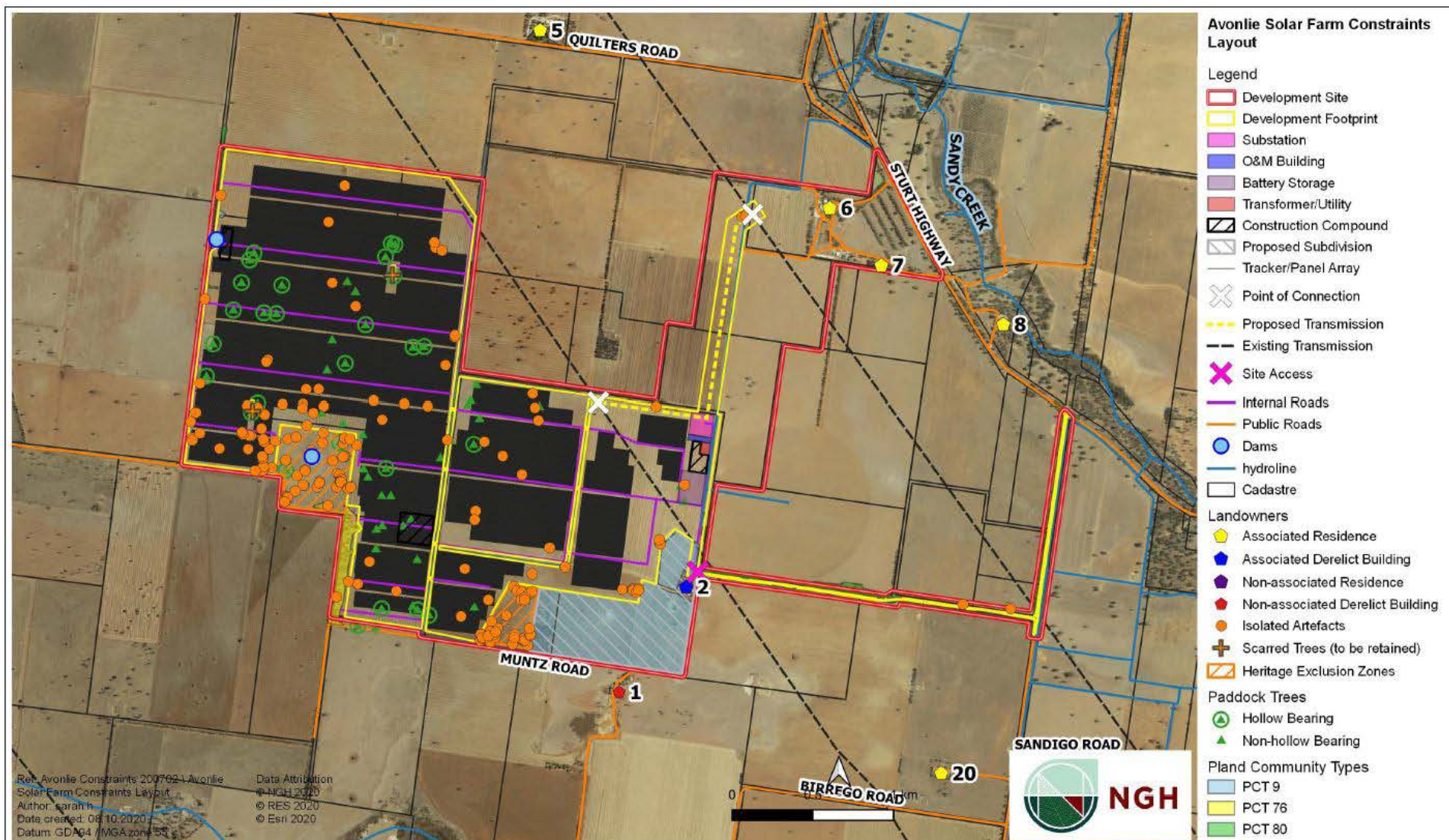
Table 2: Species Credit Requirements

Species Credit Species	Credits Required
Sand-hill Spider Orchid (<i>Caladenia Arenaria</i>)	40
Oaklands Diuris (<i>Diuris</i> sp.)	40
Pine Donkey Orchid (<i>Diuris tricolor</i>)	21
A Spear Grass (<i>Austrostipa wakoolica</i>)	27
Superb Parrot (<i>Polytelis swainsonii</i>)	6
Major Mitchell Cockatoo (<i>Lophochroa leadbeateri</i>)	6

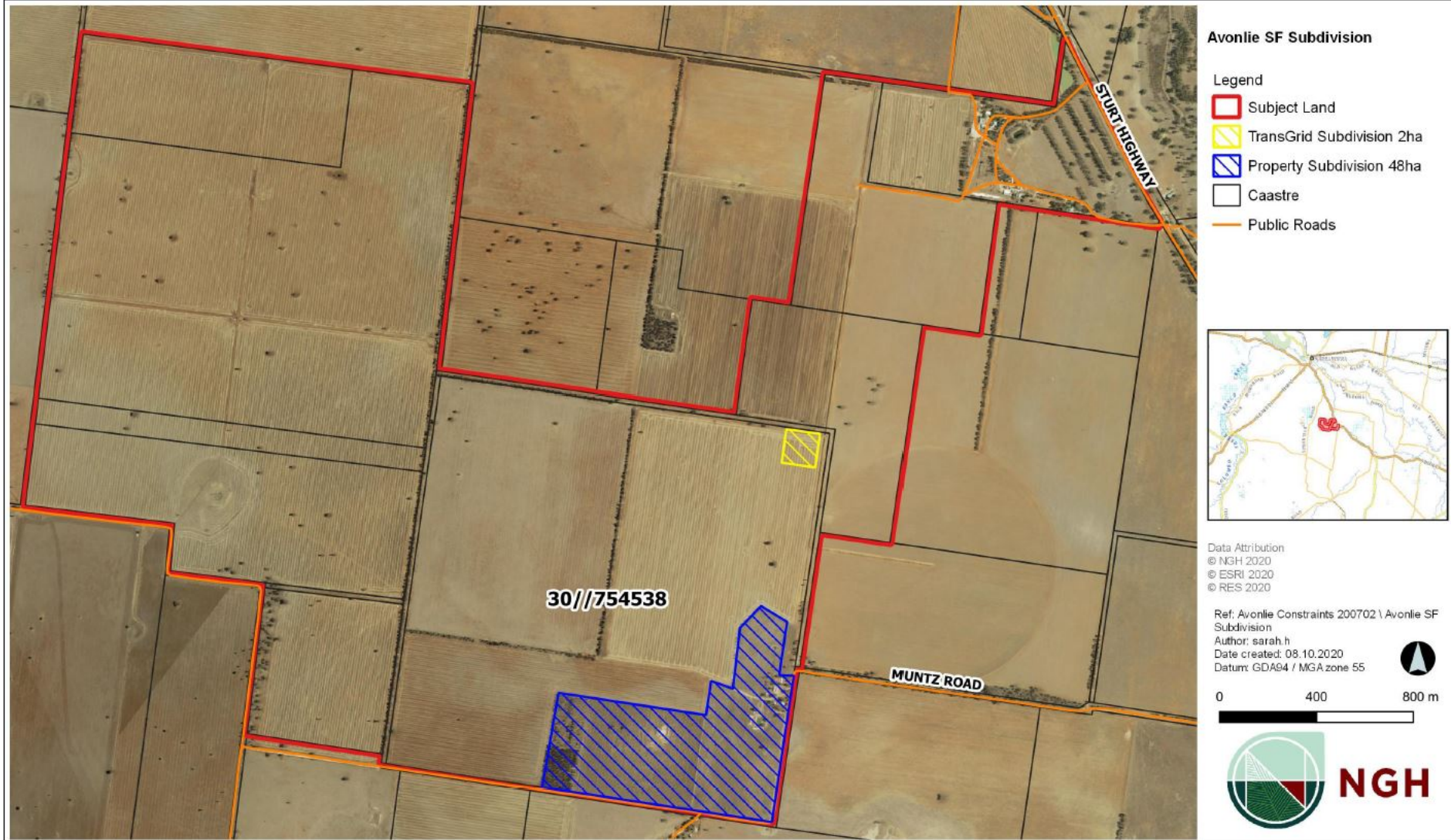
6. In condition 11 of Schedule 3, delete "OEH" and replace with "BCD".
7. In condition 16 of Schedule 3, delete "*Australian Standard AS4282 (INT) 1997*" and replace with "*Australian/New Zealand AS/NZS 4282:2019*".
8. In condition 18 of Schedule 3, delete "OEH" and replace with "Heritage NSW".
9. In condition 21 of Schedule 3, delete "DoI L&W" and replace with "DPIE Water".

10. In condition 23 of Schedule 3, immediately after “development,” insert “in consultation with FRNSW and RFS, and”.
11. In condition 25 of Schedule 3, immediately after “a 65 mm Storz,” insert “ and a FRNSW compatible”.
12. In condition 26 of Schedule 3, delete “Fire and Rescue NSW” and “NSW Rural Fire Service”, and replace with “FRNSW” and “RFS” respectively.
13. In condition 4 of Schedule 4, delete “to compliance@planning.nsw.gov.au immediately” and replace with “via the Major Projects website portal within 7 days”.
14. In condition 5 of Schedule 4, delete “to compliance@planning.nsw.gov.au” and replace with “via the Major Projects website portal”.
15. Delete condition 6 of Schedule 4.
16. Delete condition 7 of Schedule 4 and replace with:
 7. Independent Audits of the development must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (2020) to the following frequency:
 - (a) within 3 months of commencing construction; and
 - (b) within 3 months of commencement of operations.
 - 7A. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
 - 7B. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in condition 7 of Schedule 4 upon giving at least 4 weeks’ notice to the Applicant of the date upon which the audit must be commenced.
 - 7C. 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 7 of Schedule 4 of this consent, or condition 7B 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.
 - 7D. 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.
 - 7E. 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.

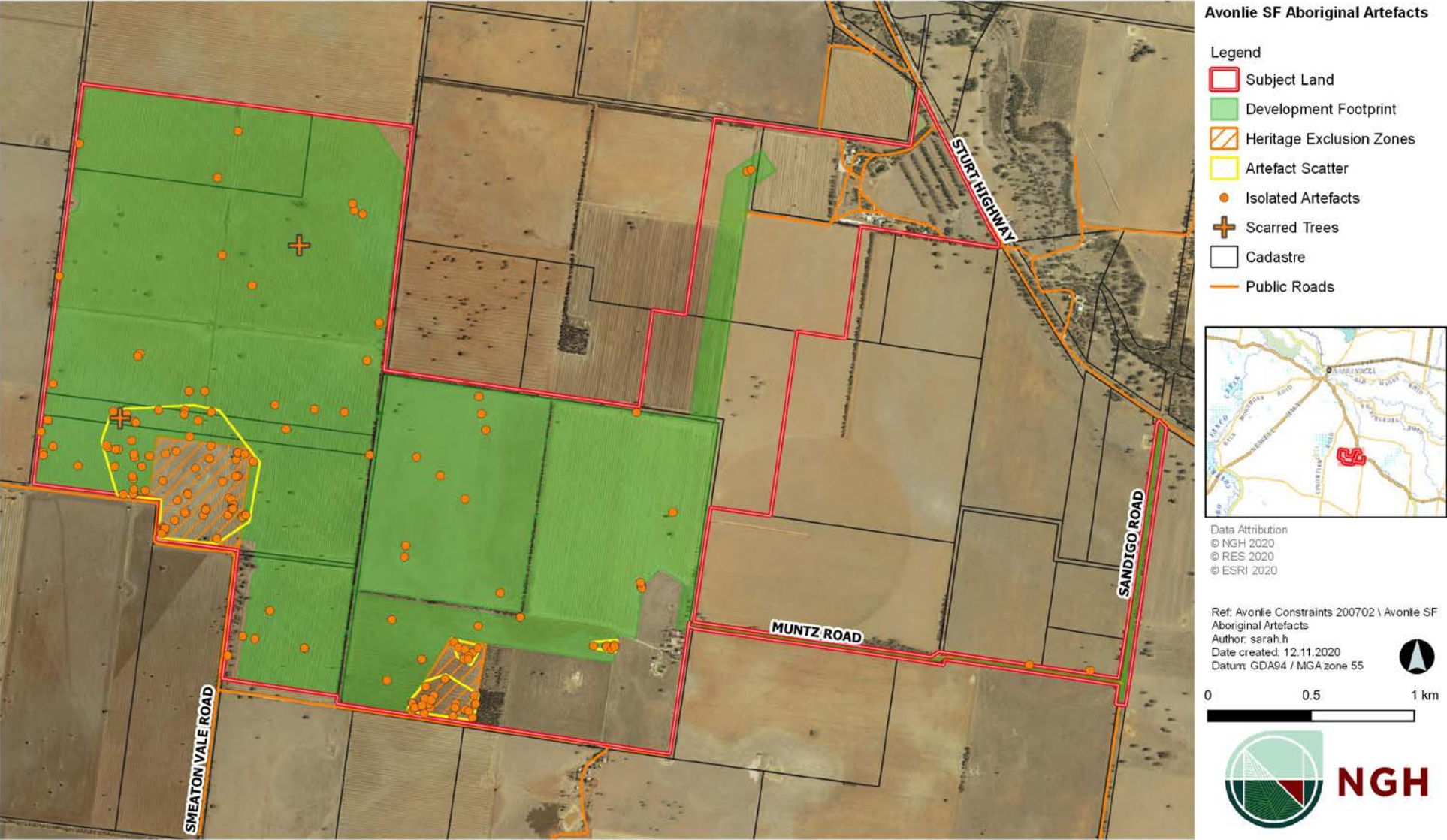
8. In condition 8 of Schedule 4, delete dot point 8 “compliance reports;”
9. In Appendix 1 “GENERAL LAYOUT OF THE DEVELOPMENT” delete the figure and replace with:



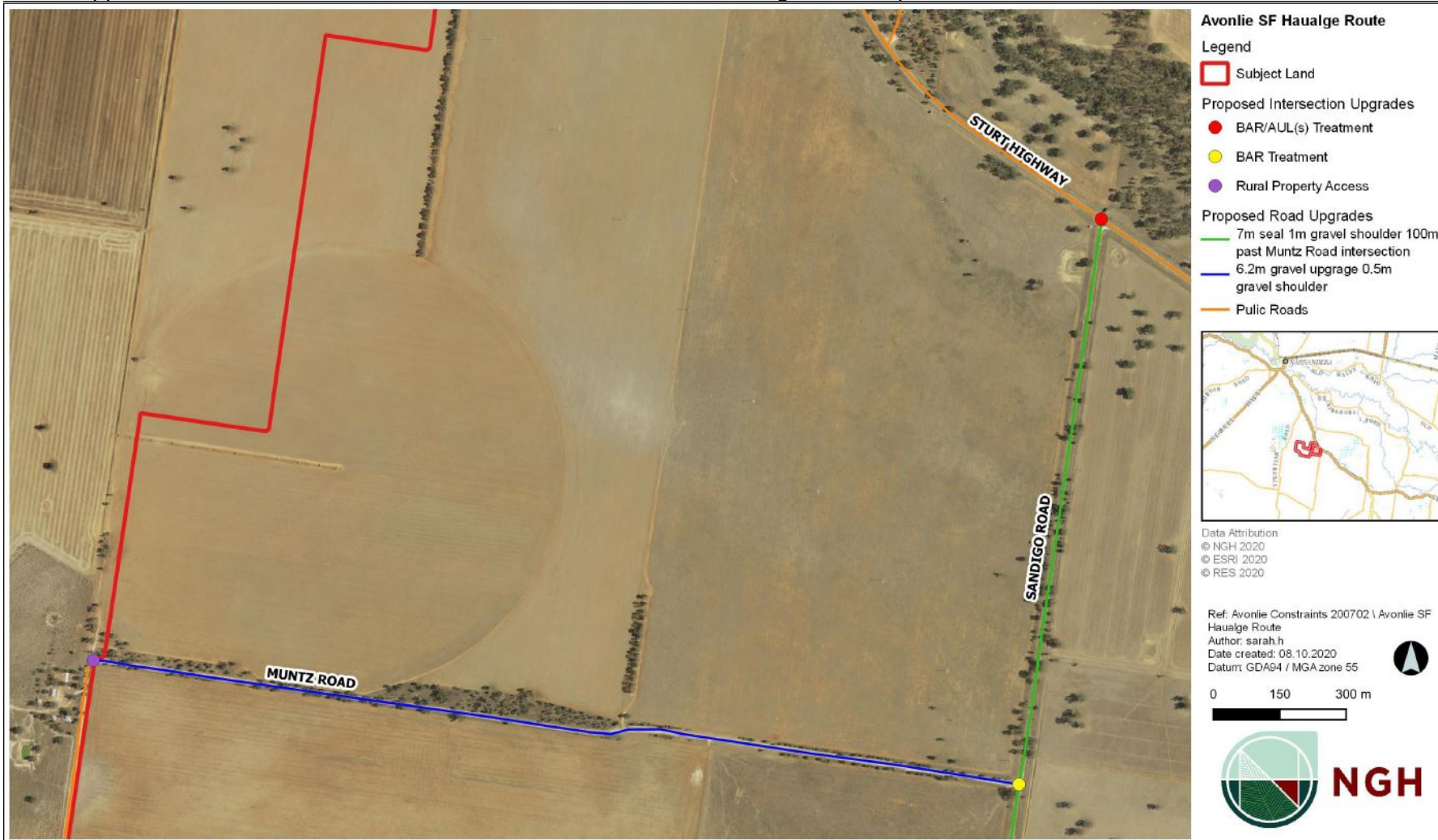
10. In Appendix 3 "SUBDIVISION PLAN" delete the figure and replace with:

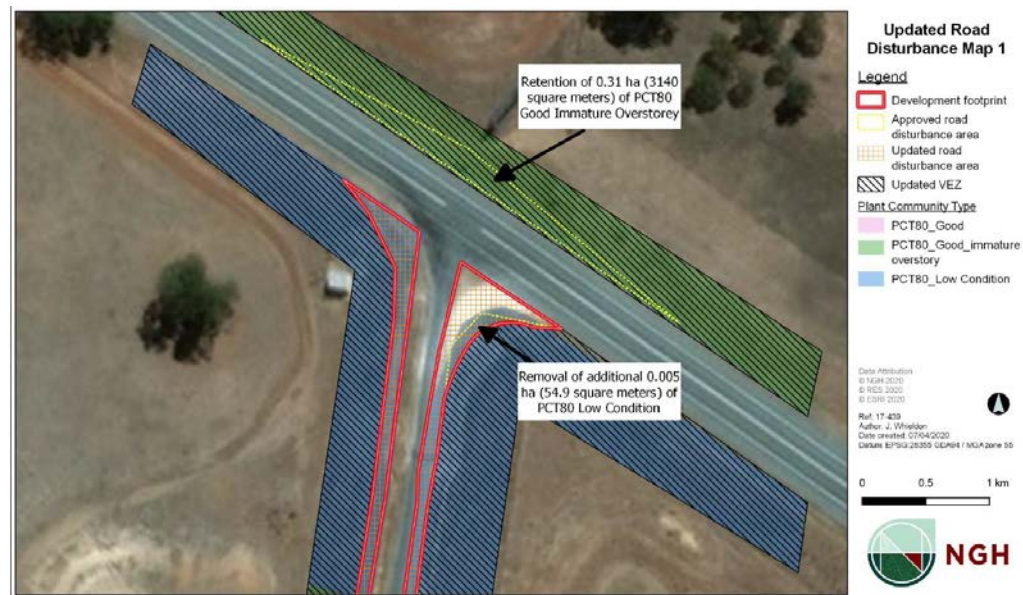


11. In Appendix 4 “ABORIGINAL HERITAGE ITEMS” delete the figure and replace with:



12. In Appendix 5 “ROAD UPGRADES AND SITE ACCESS” delete the figure and replace with:





**End of modification
(SSD 9031 MOD 1)**