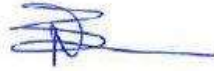


# Modification of Development Consent

Section 4.55(1) 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

22 November 2021

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## SCHEDULE 1

**Development consent:** SSD 9237 granted by the Executive Director, Resource Assessments and Business Systems, as delegate of the Minister for Planning, on 20 December 2018

**For the following:** Yarrabee Solar Farm

**Modification:** Administrative Description of Lots

## SCHEDULE 2

1. In the TABLE OF CONTENTS in Schedule 1 after “APPENDIX 4: ABORIGINAL HERITAGE ITEMS”, insert “APPENDIX 5: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS”.
2. In the DEFINITIONS in Schedule 1, delete the definitions for ‘BCD’ and ‘RMS’ and insert the following in alphabetic order.

BCS	Biodiversity, Conservation and Science Directorate within the Department
Heritage NSW	Heritage NSW division within the Department of Premier and Cabinet
TfNSW	Transport for New South Wales
3. In the DEFINITIONS in Schedule 1:
  - i. under ‘EIS’, delete ‘.’ and insert ‘; ● *Yarrabee Solar Project Modification Report* dated 22 October 2021.’; and
  - ii. under ‘Upgrading’, after “(excluding maintenance)” insert “ in accordance with the conditions of this consent”.
4. Delete all references to “RMS” and replace with “TfNSW”.
5. In condition 6 of Schedule 2, after “the Secretary”, insert “ via the Major Projects website”.
6. In condition 8 of Schedule 2:
  - i. after “the development”, insert “ showing comparison to the approved final layout plans”; and
  - ii. after “the Department”, insert “ via the Major Projects website”.
7. In condition 9 of Schedule 2, after “the Department in writing” insert “ via the Major Projects website”.
8. In condition 9 of Schedule 3, delete all references to “BCD” and replace with “BCS”.
9. In condition 17 of Schedule 3, delete reference to “BCD” and replace with “Heritage NSW”.
10. In condition 4 of Schedule 4, after “nature of the incident.” insert “ Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 5.”
11. In Schedule 4, delete condition 5 and replace with:
  5. The Secretary must be notified in writing via the Major Projects website portal within 7 days after the Applicant becomes aware of any non-compliance.
  - 5A. 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 done, or will be, undertaken to address the non-compliance.
  - 5B. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

12. In Schedule 4, delete condition 7 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 be agreed to in writing by the Secretary prior to the commencement of an Independent Audit.
- 7B. The 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 of 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 the consent, or condition 7B of Schedule 4 where notice is given by the Secretary;
  - (b) submit the response to the Secretary; and
  - (c) make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Secretary unless otherwise agreed by the Secretary.
- 7D. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Secretary within 2 months of undertaking the independent audit and site inspection as outlined in the *Independent Audit Post Approvals Requirements (2020)* unless otherwise agreed by the Secretary.
- 7E. Notwithstanding the requirements of the *Independent Audit Post Approval Requirements (2020)*, the Secretary may approve a request or ongoing independent operational audits to be ceased, where it has been demonstrated to the Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

13. In the Table in Appendix 2, insert the following row in numerical order:

3	1238524
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14. After Appendix 4, insert:

## APPENDIX 5

### 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 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 4 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 Secretary, the Applicant must provide the Secretary and any relevant public authorities (as determined by the 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-9237-MOD-3)**