

# Notice of Modification

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

As delegate of the Minister for Planning, I modify the Development Consent referred to in Schedule 1, as set out in Schedule 2.



David Kitto  
Executive Director  
Resource Assessments and Business Systems

Sydney

19 JUNE

2019

### SCHEDULE 1

The Development Consent for the Gilgandra Solar Farm (SSD 6785) granted by the Executive Director, Resource Assessments and Business Systems, as delegate of the Minister for Planning on 17 July 2017.

### SCHEDULE 2

1. In the list of definitions, delete the definitions for 'Battery storage', 'Incident' and 'Material harm to the environment' and insert the following in alphabetical order:

Battery storage	Large scale energy storage system
Incident	A set of circumstances that causes or threatens to cause material harm to the environment
Material harm	Is harm that: <ul style="list-style-type: none"><li>• involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or</li><li>• results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment</li></ul>
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval but is not an incident
2. In the definition of 'EIS', after 'June 2017', insert:

, as modified by modification application SSD 6785 Mod 1 and accompanying Environmental Assessment titled *Gilgandra Solar Farm Modification 1 SSD 6785* dated February 2019, subdivision plan (see Appendix 2) and additional information provided by the Applicant dated 17 June 2019.
3. In the notes after condition 9 of Schedule 2, delete:
  - '4A' and replace with '6'; and
  - 'proposed building works' and replace with 'development'.
4. After condition 12 of Schedule 2, insert:

### SUBDIVISION PLAN

13. The Applicant may subdivide the site to create two new allotments, as identified in the figure in Appendix 2 and in accordance with the requirements of the EP&A Act and EP&A Regulation.

*Notes:*

- Under Part 6 of the EP&A Act, the Applicant is required to obtain a subdivision certificate for a plan of subdivision.
- Division 4 of Part 8 of the EP&A Regulation sets out the application requirements for subdivision certificates

5. In condition 9(f) of Schedule 3, delete all words after 'maintained', and replace with ', including management of weeds; and'.
6. In condition 9(g) of Schedule 3, after 'fenced', insert 'to exclude stock'.
7. In condition 10 of Schedule 3, after 'plan must', insert 'include'.
8. In conditions 10(a), 10(b) and 10(c) of Schedule 3, delete 'include'.
9. Delete condition 11(c) of Schedule 3, and replace with:  
  
(c) manage weeds within this ground cover.
10. In condition 12 of Schedule 3, after Table 1, insert:

*Note: Following repeal of the Threatened Species Conservation Act 1995 on 25 August 2017, credits created under that Act are taken to be "biodiversity credits" under the Biodiversity Conservation Act 2016 by virtue of clause 22 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017.*

11. Delete conditions 2, 3 and 4 of Schedule 4, 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 7 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 to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) 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 to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) 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.

### **Compliance Reporting**

6. Prior to commencing the construction, upgrading and decommissioning of the development, the Applicant must submit a compliance report to the Department in accordance with the relevant *Compliance Reporting Post Approval Requirements* (DPE 2018), or its latest version.

### **INDEPENDENT ENVIRONMENTAL AUDIT**

7. Within 6 months of commencing construction, or as directed by the Secretary, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit 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 carried out in consultation with the relevant agencies;
  - (d) assess whether the development complies with the relevant requirements in this consent, and any strategy, plan or program required under this consent; and
  - (e) recommend appropriate measures or actions to improve the environmental performance of the development and any strategy, plan or program required under this consent.

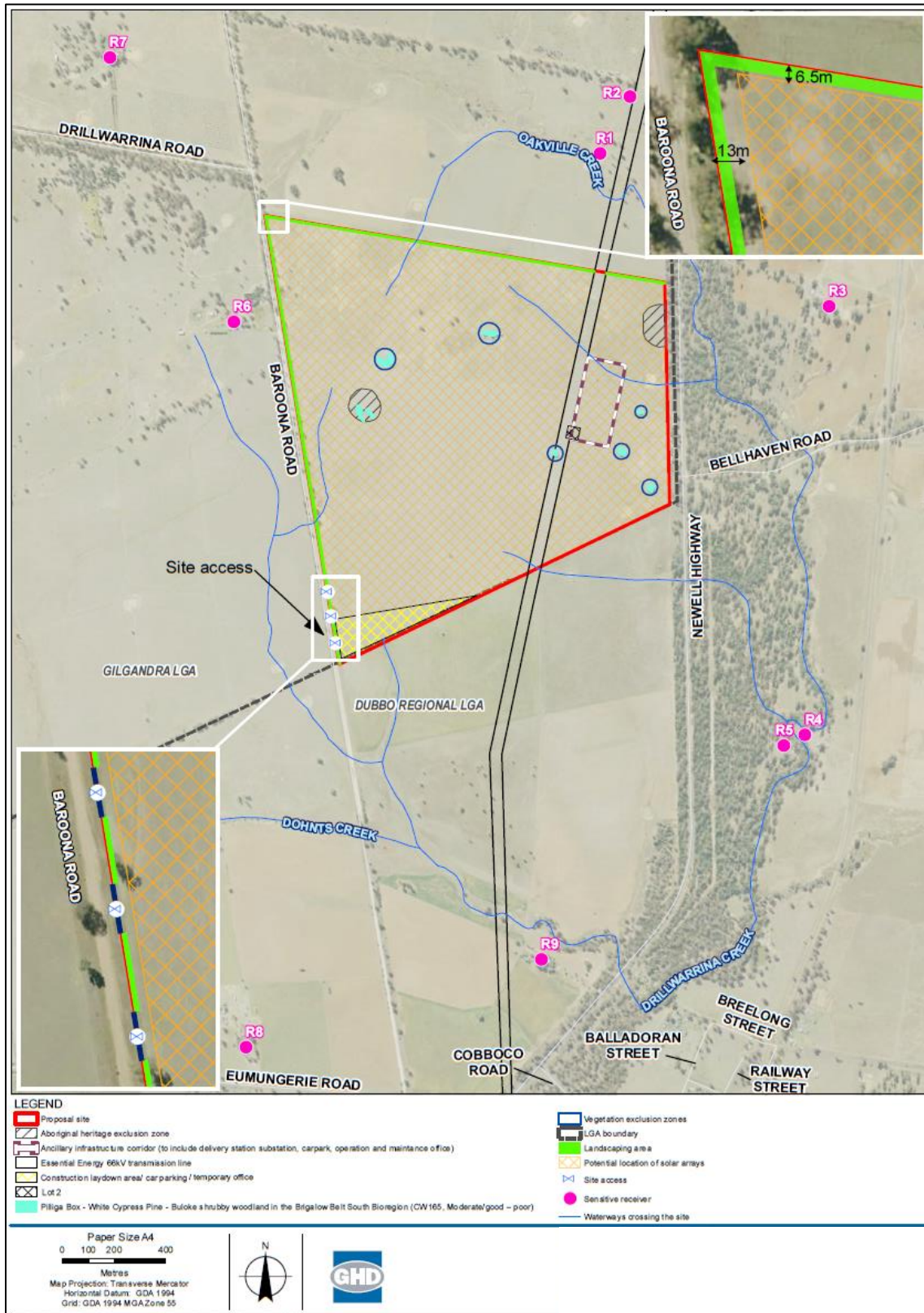
Within 3 months of commencing an Independent Environmental Audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a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

8. 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.
12. Delete the figure in Appendix 1 and replace with:

# **APPENDIX 1 GENERAL LAYOUT OF DEVELOPMENT**



13. After Appendix 1, insert the following:

**APPENDIX 2  
SUBDIVISION PLAN**

