

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.



3/9/19

Nicole Brewer
A/Director
Energy Assessments

Sydney

2019

SCHEDULE 1

The Development Consent for the Jemalong Solar Farm (SSD 8803) granted by the Executive Director, Resource Assessment and Business Systems, as delegate of the Minister for Planning, on 18 May 2018.

SCHEDULE 2

1. Delete all references to 'Department of Planning and Environment', and replace with 'Department of Planning, Industry and Environment'.
2. Replace the description of the project in Schedule 1 with the following:
Applicant: Genex Power Limited
3. In the definitions in Schedule 1, insert the following in alphabetic order:

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
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4. In the definition of 'Applicant' of Schedule 1, delete 'Vast Solar Pty Ltd' and replace with 'Genex Power Limited'.
5. In the definition of 'Construction' of Schedule 1, delete 'any upgrades' and replace with 'road upgrades or maintenance works'.
6. In the definition of 'Development footprint' of Schedule 1, after 'construction' insert '(shown in Appendix 1)'.
7. In the definition of 'EIS' of Schedule 1, delete '.' at the end of the last dot point and insert the following:
 - '; and
 - Jemalong Solar Modification Report (RPS Group, July 2019).'
8. In the definition of 'Minister' of Schedule 1, after 'Minister of Planning' insert 'and Public Spaces'.
9. Delete conditions 2 to 6 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 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 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:

- be prepared in accordance with the relevant *Independent Audit Post Approval requirements* (DPE 2018);
- be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
- be carried out in consultation with the relevant agencies;
- assess whether the development complies with the relevant requirements in this consent, and any strategy, plan or program required under this consent; and
- 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.

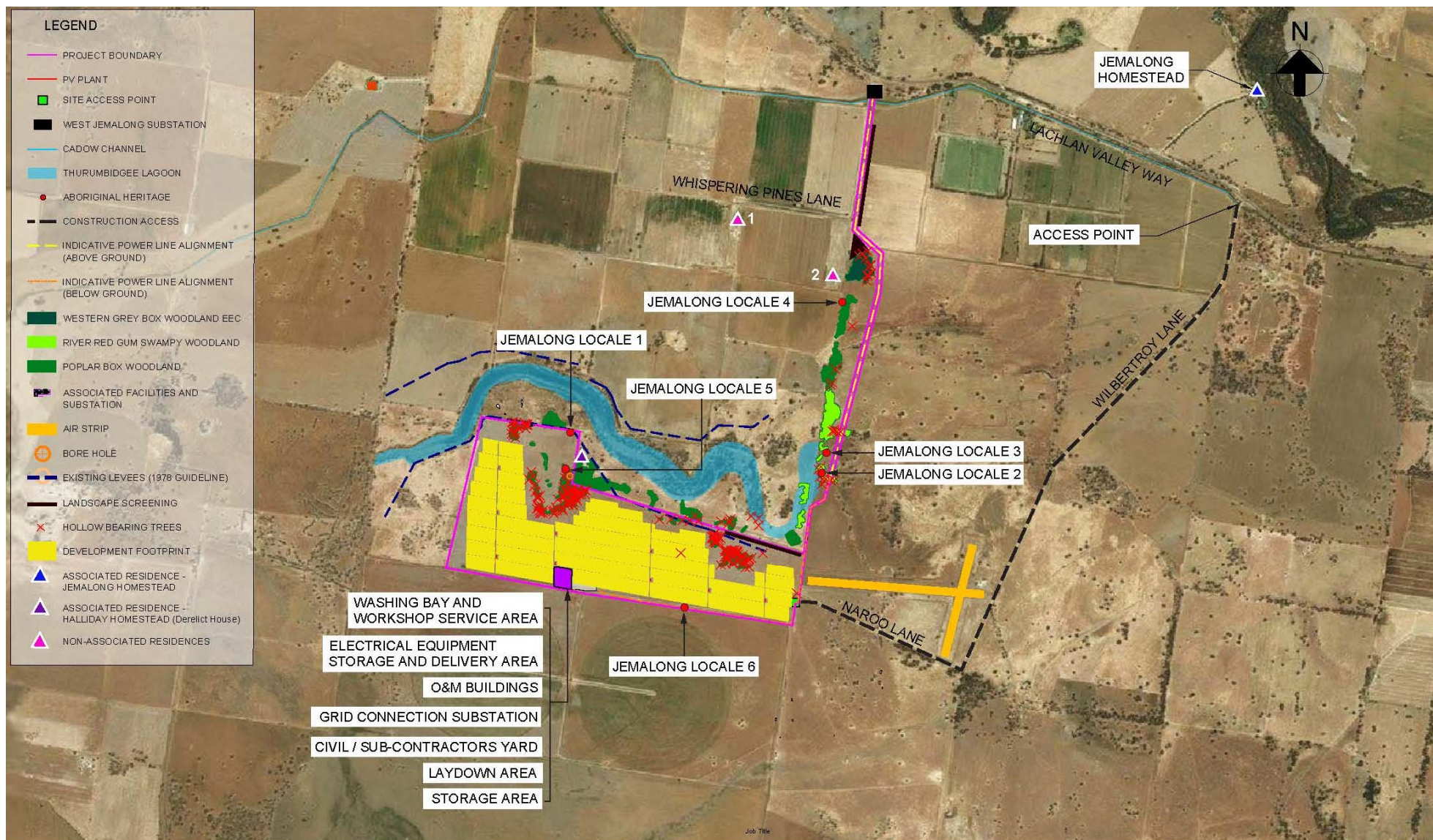
ACCESS TO INFORMATION

8. The Applicant must:
- 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

(g) keep this information up to date.

10. Delete figure in Appendix 1 and replace with:



End of modification
(SSD 8803 MOD 2)