

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

19 February 2021

SCHEDULE 1

Development consent:	SSD 9255 granted by the Independent Planning Commission on 9 March 2020
For the following:	New England Solar Farm
Modification:	Revised Road Upgrade Disturbance Boundaries

SCHEDULE 2

1. In Schedule 1, in the table of DEFINITIONS, delete the definitions for 'BCD', 'EIS', 'Heritage NSW', 'RMS' and insert the following in alphabetic order.

BCS	Biodiversity, Conservation and Science Directorate within the Department
EIS	The Environmental Impact Statement for New England Solar Farm dated February 2019, the Amendment Report dated June 2019, the Response to Submissions dated June 2019, additional information dated 31 October 2019 and 10 December 2019, the subdivision plan (see Appendix 3) and the additional information provided to the Independent Planning Commission of NSW on 7 February 2020 and 18 February 2020, as amended by: <ul style="list-style-type: none"> • <i>New England Solar Farm Modification Application – Modification Report</i> dated 16 December 2020.
EPA	Environment Protection Authority
Heritage NSW	Heritage NSW within the Department of Premier and Cabinet
TEC	Threatened ecological community, as defined under the <i>NSW Biodiversity Conservation Act 2016</i>
TfNSW	Transport for NSW

2. Delete all references to "RMS" and replace with "TfNSW" and delete all references to 'BCD' and replace with 'BCS'.
3. In condition 10 of Schedule 3, replace Tables 1 and 2 with:

Table 1: Ecosystem Credit Requirements

Vegetation Community	PCT ID	Credits Required
Blakely's Red Gum - Yellow Box grassy woodland of the New England Tableland Bioregion	510	107
Silvertop Stringybark open forest of the New England Tableland Bioregion	1174	78
Broad-leaved Stringybark - Yellow Box shrub/grass open forest of the New England Tableland Bioregion	567	18

Table 2: Species Credit Requirements

Vegetation Community	Credits Required
Bluegrass (<i>Dichanthium setosum</i>)	44
Hawkweed (<i>Picris evae</i>)	43
Austral Toadflax (<i>Thesium australe</i>)	33
Pale-headed Snake (<i>Hoplocephalus bitorquatus</i>)	39
Glossy Black-Cockatoo (<i>Calyptrorhynchus lathamii</i>)	30
Squirrel Glider (<i>Petaurus norfolcensis</i>)	39
Koala (<i>Phascolarctos cinereus</i>)	39
Barking Owl (<i>Ninox connivens</i>)	5

4. In condition 16 of Schedule 3, delete "Australian Standard AS4282 (INT) 1997" and replace with "Australian/New Zealand Standard AS/NZS 4282:2019".

5. Delete conditions 7, 8 and 9 of Schedule 4 and replace with:

COMPLIANCE

Incident Notification

7. The Planning Secretary must be notified in writing via the Major Projects website portal 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. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 7.

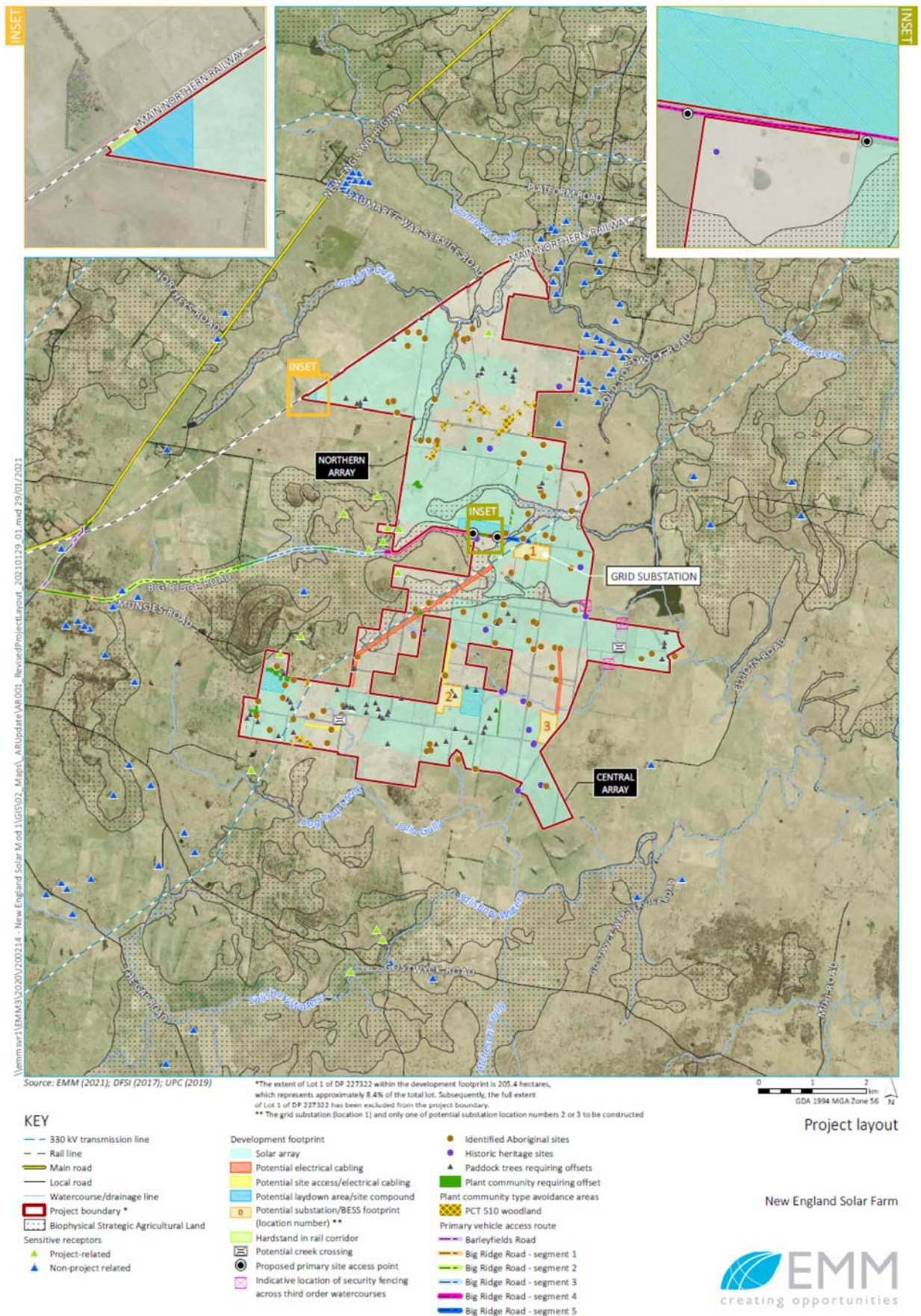
Non-Compliance Notification

8. The Planning Secretary must be notified in writing via the Major Projects website portal within 7 days after the Applicant becomes aware of any non-compliance.
9. 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.
10. A non-compliance which has been notified as an incident does not need to also be notified as a noncompliance.

INDEPENDENT ENVIRONMENTAL AUDIT

11. 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.
- 11A. Proposed independent auditors be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- 11B. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in condition 11 of Schedule 4 upon giving at least 4 weeks' notice to the Applicant of the date upon which the audit must be commenced.
- 11C. 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 11 of Schedule 4 of the consent, or condition 11B 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.

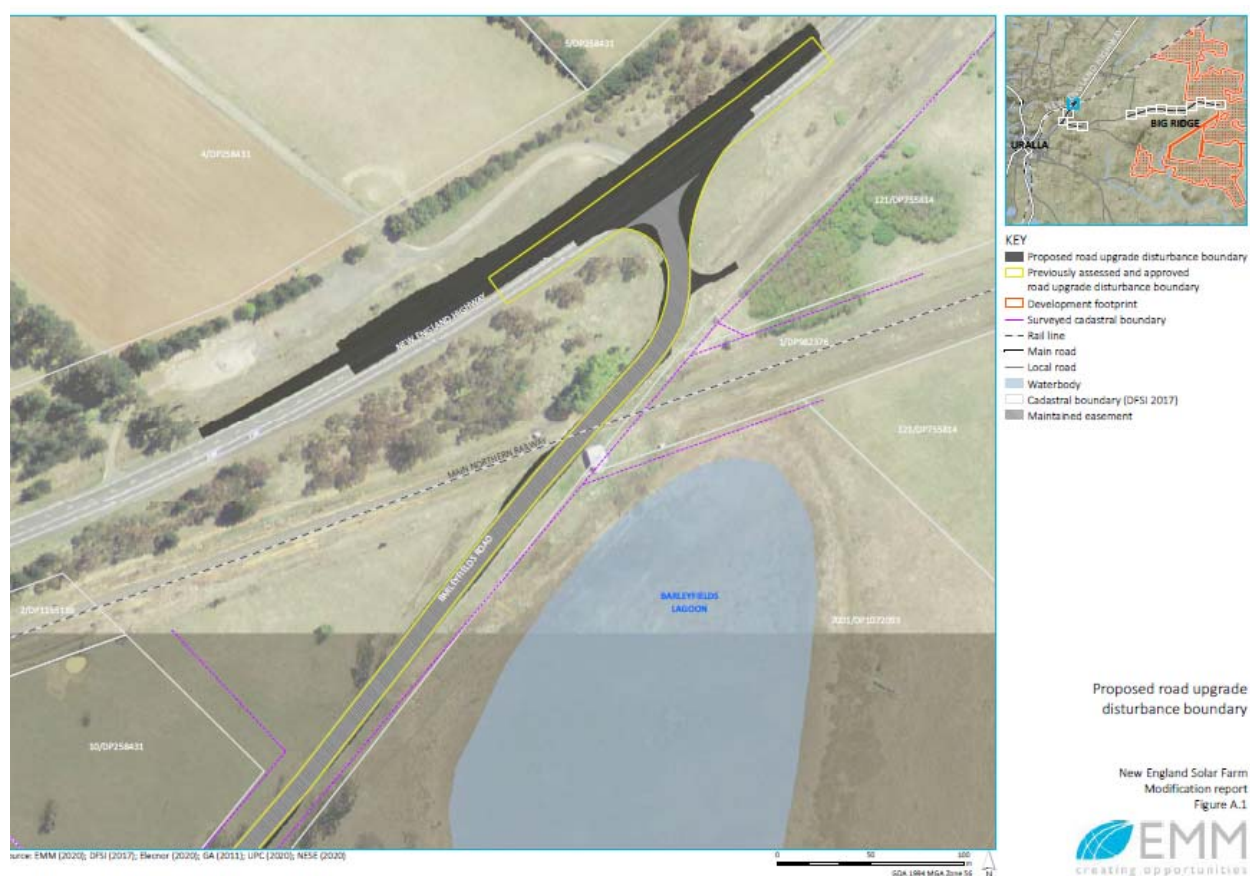
- 11D. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit and site inspection as outlined in the *Independent Audit Post Approvals Requirements* (2020) unless otherwise agreed by the Planning Secretary.
- 11E. Notwithstanding the requirements of the *Independent Audit Post Approval Requirements* (2020), the Planning Secretary may approve a request or 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.
6. Delete figure in Appendix 1 and replace with:



7. In Appendix 2, add the following rows to the end of the table:

7001	DP1072093	170	DP755814
1	DP587246	2	DP587246
3	DP109536	204	DP755814
203	DP755814	1	DP1005647
1	DP1015933	300	DP1036398
1	DP1026550	206	DP755814
207	DP755814	24	DP1171290
216	DP755814	201	DP755814

8. After the figure in Appendix 4, insert:







Proposed road upgrade disturbance boundary

New England Solar Farm
Modification report
Figure A.4

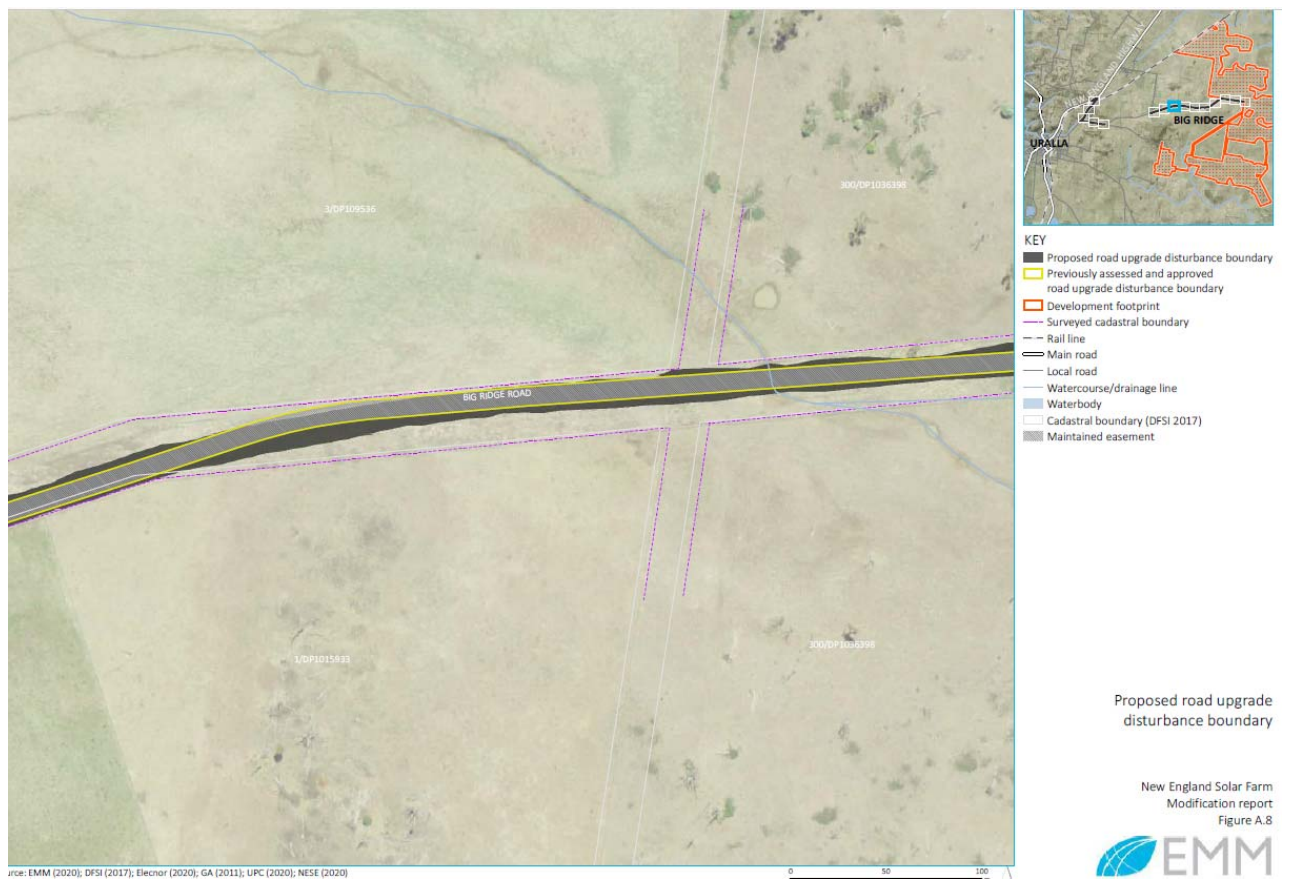


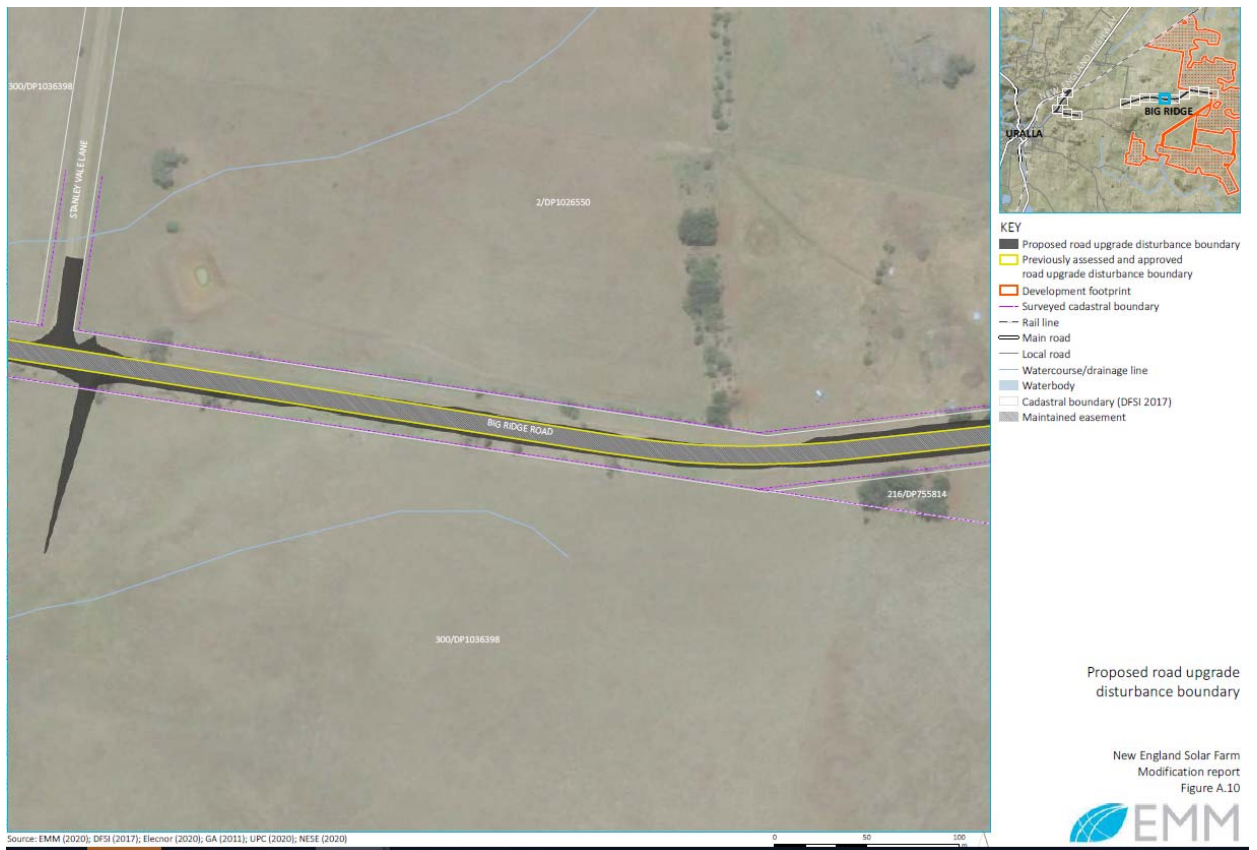
Proposed road upgrade disturbance boundary

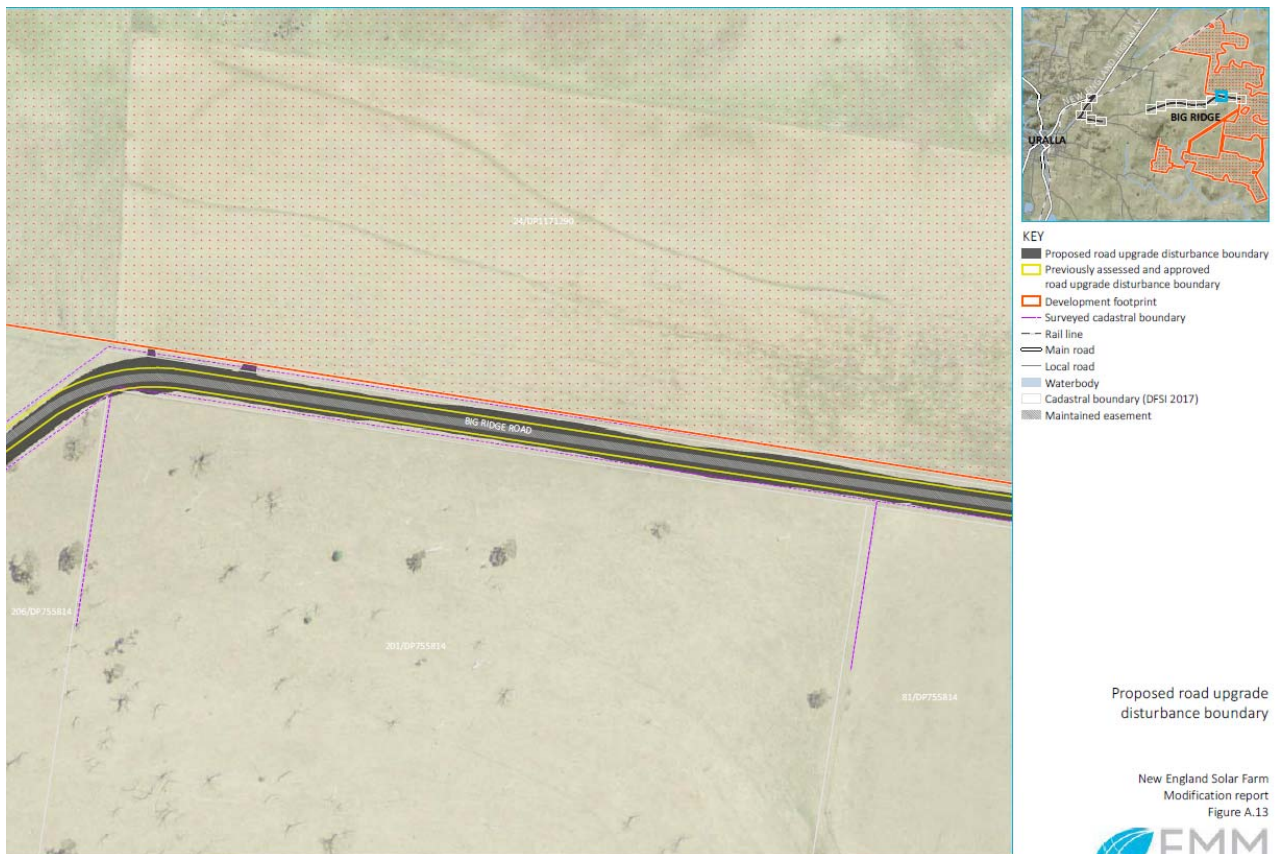
New England Solar Farm
Modification report
Figure A.5













9. After Appendix 6, insert:

APPENDIX 7
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 Planning 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 7 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 Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning 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 9255 MOD 1)