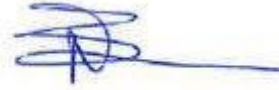


# Modification of Development Consent

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

22 September 2021

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## SCHEDULE 1

**Development consent:** **SSD 9504** granted by the A/Executive Director, Energy and Resource Assessments, as delegate of the Minister for Planning and Public Spaces, on 28 November 2019.

**For the following:** West Wyalong Solar Farm

**Applicant:** Lightsource Development Services Australia Pty Ltd

**Consent Authority:** Minister for Planning and Public Spaces

**The Land:** Lots 17 & 18 in DP753081

**Modification:** Road upgrades

## SCHEDULE 2

1. In the TABLE OF CONTENTS in Schedule 1 after “ROAD UPGRADES AND SITE ACCESS”, insert “APPENDIX 5 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS”.
2. In the DEFINITIONS in Schedule 1, delete the definitions for ‘BCD’, ‘EIS’ and ‘RMS’ and insert the following in alphabetic order.

BCS	Biodiversity, Conservation and Science Directorate within the Department
EIS	The Environmental Impact Statement for West Wyalong Solar Farm dated 24 January 2019, the amended development application letter dated 12 September 2019, the Response to Submissions dated 1 October 2019 and the additional information provided by the Applicant to the Department dated 18 May 2019 and 3 October 2019, as modified by: <ul style="list-style-type: none"><li>• <i>West Wyalong Solar Farm Modification Application – Modification Report</i> dated 13 July 2021 and the additional information provided by the Applicant to the Department dated 25 August 2021.</li></ul>
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, 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 5 of Schedule 2, after “the Secretary”, insert “via the Major Projects website”.
6. In condition 7 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 8 of Schedule 2, after “in writing”, insert “via the Major Projects Website”.
8. In condition 3 of Schedule 3:
  - i. after “All”, delete “over dimensional and”; and
  - ii. after “heavy vehicles”, insert “up to a maximum of 19 metres in length”.
9. After condition 3 of Schedule 3, insert:
  - 3A. All heavy vehicles greater than 19 metres in length and over-dimensional vehicles associated with the development must travel to and from the site via the Newell Highway (northeast), Bodells Lane and Blands Lane and the approved site access point on Blands Lane, as identified in the figure in Appendix 4.
10. In condition 5 of Schedule 3, delete “including a Basic Left Turn (BAL) treatment”.

11. In condition 5 of Schedule 3, delete “and an all-weather seal;” and replace with “with an all-weather seal to be applied on Blands Lane between the site access point and Bodells Lane;”.
12. In condition 12 of Schedule 3, delete “BCD” and replace with “BCS”.
13. In condition 13 of Schedule 3, delete “BCD” and replace with “BCS”.
14. In condition 13(b) of Schedule 3, delete “BCD” and replace with “BCS”.
15. In condition 18 of Schedule 3, delete “*Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*” and replace with “*Australian/New Zealand Standard AS/NZS 4282:2019 – Control of Obtrusive Effects of Outdoor Lighting*”.
16. After condition 19 of Schedule 3, insert “19A”.
17. In condition 20(b) of Schedule 3, delete “BCD” and replace with “Heritage NSW”.
18. In condition 23 of Schedule 3, delete “*Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (2004)*” and replace with “*Policy and Guidelines for Fish Habitat Conservation and Management (2013)*”.
19. In condition 24 of Schedule 3, after “satisfaction of”, insert “FRNSW and”.
20. In condition 25 of Schedule 3, delete “listed from (a) to (b)” and replace with “(a) and (b)”.
21. In condition 27 of Schedule 3:
  - i. delete “Following approval”; and
  - ii. after “Emergency Plan” insert “for the duration of the development”.
22. In condition 30 of Schedule 3, delete “Table 3” and replace with “Table 2”.
23. In Schedule 4, delete conditions 4 to 6 and replace with:

## **COMPLIANCE**

### **Incident Notification**

4. The Secretary must be notified in writing via the Major Projects website 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 5.

### **Non-Compliance Notification**

5. 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.
- 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.

### **INDEPENDENT ENVIRONMENTAL AUDIT**

6. 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.
- 6A. Proposed independent auditors be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
  - 6B. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in condition 6 of Schedule 4 upon giving at least 4 weeks' notice to the Applicant of the date upon which the audit must be commenced.
  - 6C. 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 6 of Schedule 4 of the consent, or condition 6B 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.
  - 6D. 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.
  - 6E. 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.

24. Delete figure in Appendix 4 and replace with:



25. 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 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;
  - (e) describe what immediate steps were taken in relation to the incident;
  - (f) identify further action(s) that will be taken in relation to the incident; and
  - (g) 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 9504 MOD 1)**