



# Riverina Solar Farm Modification 1

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Subdivision of Land and Revised Road Upgrade  
Treatments  
State Significant Development Modification Assessment  
(SSD 7482 MOD 1)

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# Executive Summary

SF Suntech Australia Pty Ltd has approval to develop the Riverina Solar Farm (the project), located approximately 6 kilometres (km) southeast of Griffith, in the Griffith City Council local government area. In March 2018, Suntech Power Japan Corporation transferred the project to Riverina Solar Pty Ltd (Riverina Solar).

The consent permits the construction, operation, upgrading and decommissioning of a solar farm with an estimated capacity of 30 megawatts (MW), grid connection infrastructure and road upgrades.

## Proposed Modification

In 2016, the Applicant estimated that the project would have a generating capacity of 30 megawatts (MW). However, due to technological improvements, the same development footprint can now produce 40 MW of power within the same approved development footprint.

As such, Riverina Solar is proposing to build two additional connection points to the Essential Energy 33-kilovolt distribution network as the TransGrid network can only accommodate 30 MW.

The modification application seeks to subdivide the existing eastern allotment of the project site to facilitate two 5 MW connection points to comply with the requirements of the network service provider. It also seeks a change to the upgrade requirements at the Burley Griffin Way/Ross Road intersection, to reflect the upgrades already completed by the adjoining Griffith Solar Farm (SSD 6604).

## Engagement

The Department published the application on its website on 12 November 2020 and sought comments from TransGrid, Essential Energy, Transport for NSW and Griffith City Council. None of the agencies objected to the proposed modification.

## Assessment

In assessing the merits of the proposed modification, the Department has considered the merits of the proposal in accordance with the relevant matters for consideration under the EP&A Act.

The proposed subdivision would create lots below the minimum lot size and is prohibited under a strict reading of the *Griffith Local Environmental Plan 2014* (LEP). Notwithstanding, development consent under section 4.38(3) of the *Environmental Planning & Assessment Act 1979* can be granted for the modification application despite the subdivision component being prohibited under the LEP.

In this instance, the Department considers it to be appropriate, as the subdivision is necessary for the project to connect to the electricity network, broadly meets the intent of the restrictions on minimum lot size under the LEP and would not unreasonably impact on the natural and environmental values of the surrounding area.

As Griffith Solar has already completed the necessary road upgrade treatments at the Burley Griffin Way and Ross Road intersection, Riverina Solar is seeking to modify its consent condition to reflect these works accordingly. Griffith City Council, as the relevant road authority did not object to the proposed modification.

## Summary

The Department's assessment has concluded that the modification would not result in any significant impacts beyond those that were assessed and approved. The Applicant could mitigate residual environmental and amenity impacts associated with the proposed modification by adhering to the revised conditions of consent.

Notably, the proposed changes would ensure the project's ability to connect to the electricity network. Consequently, it is in the public interest and should be approved.

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# 1 Introduction

SF Suntech Australia Pty Ltd has approval to develop the Riverina Solar Farm (the project), located approximately 6 km southeast of Griffith, in the Riverina Murray region of NSW (see **Figure 1**).



**Figure 1 | Regional Context Map**

## 1.1 Consent History

The project was granted consent on 14 June 2016 by the Executive Director, Resource Assessments and Business Systems, as delegate for the then Minister of Planning. In March 2018, Riverina Solar Pty Ltd (Riverina Solar) took ownership of the project.

The consent permits the construction, operation, upgrading and decommissioning of a solar farm with a generating capacity of approximately 30 megawatts (MW) (see Figure 2) and includes:

- approximately 120,000 solar panels supported by approximately 30,000 piles;
- 13 to 15 inverter containers;
- a 33 kV underground or overhead power line connecting the eastern and western lots;
- a 33 kV underground power line connecting to the adjoining Griffith/Yoogali Substation; and
- internal access tracks, equipment storage shed, staff office and amenities, vegetation screening, fire breaks and security fencing.

Riverina Solar has yet to commence the construction of the project.





**Figure 2 | Approved Project Layout**

## 2 Proposed modification

The modification application seeks to subdivide the eastern allotment of the project site to facilitate two additional connection points to the electricity network and an administrative change to road upgrade requirements.

The modification is described in detail in the Modification Report (**Appendix B**) and proposes to:

- subdivide lot 2 DP 1255796<sup>1</sup> into two allotments (each for a transmission connection point) as Essential Energy require a separate land parcel for each connection point; and
- amend condition 6 in Schedule 3, to reflect the upgrades to the intersection of Burley Griffin Way and Ross Road completed by Griffith Solar Farm.

### Subdivision

In 2016, the Applicant estimated that the project would have a generating capacity of 30 MW. However, considering the technology improvements since then, Riverina Solar calculates that it can now produce 40 MW within the same approved development footprint.

Because the TransGrid transmission network can only accommodate 30 MW, Riverina Solar is proposing to build two additional connection points (5 MW each) to the Essential Energy 33kV distribution network running east-west along the southern boundary of the project site. A subdivision is required as the network operators need an individual allotment for each connection point, and the approved 33 kV underground connection between Ross Road would no longer be required.

The subdivision would create two 14 hectare (ha) irregular-shaped allotments (see **Figure 3**) each containing an inverter acting as the connection point. Both would physically connect to the distribution network via overhead connections.

Riverina Solar proposes to consolidate the two subdivided lots during the project's decommissioning, to ensure that the project does not result in the fragmentation of agricultural lands.

### Revised Road Upgrade Treatments

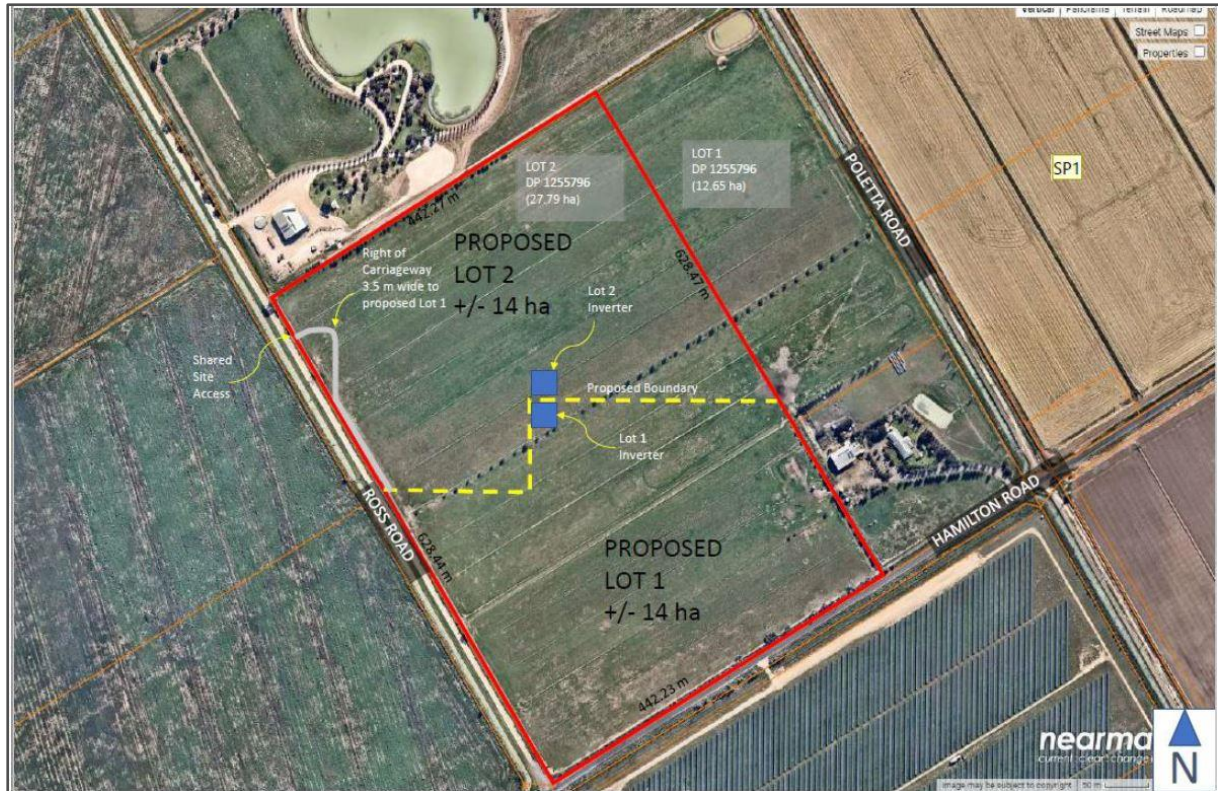
The administrative change to condition 6 of Schedule 3 of SSD 7482 is regarding the road upgrade treatment at the intersection of Burley Griffin Way and Ross Road (see **Figure 4**). Condition 6 of Schedule 3 was similarly applied to the development consent for the nearby approved Griffith Solar Farm (SSD 6604) which was subsequently modified under the terms of that consent to provide a Basic Right Turn and Auxiliary Left Term (Short) sealed treatment at this intersection.

As Griffith Solar Farm has already completed these road upgrades, Riverina Solar is seeking to modify its consent conditions accordingly.

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<sup>1</sup> Current Lot 1 and Lot 2 DP 1255796 constitute former Lot 2 DP 1105962.





**Figure 3 |** Proposed subdivision (lot 2 DP 1255796)



**Figure 4 |** Completed road upgrades at Burley Griffith Way and Ross Road intersection

## 3 Statutory context

### 3.1 Scope of modifications

#### Consideration as modification

The project was originally approved under Section 4.38 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and any modification to this consent must be made under Section 4.55 of the EP&A Act.

Riverina Solar has given an undertaking that the modified project remains substantially the same as the project that was originally approved in accordance with Section 115(1) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

The Department has considered the scope of the modification application and the original consent and considers that it can be characterised as a modification involving minimal environmental impacts, it is substantially the same development as originally approved and can be considered as a modification and does not require a new development application.

#### Type of modification

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not significantly increase the environmental impacts of the project as approved;
- would not change the approved development footprint; and
- is substantially the same development as originally approved.

Consequently, the Department is satisfied that the application can be characterised as a modification to the existing consent under Section 4.55(1A) of the EP&A Act. Accordingly, the application may be assessed and determined under this section.

### 3.2 Consent authority

Although the Minister for Planning and Public Spaces is the consent authority for the application, the Director, Energy Assessments, may determine the application under the Minister's delegation dated 9 March 2020 as Griffith City Council (Council) did not object to the proposal, Riverina Solar did not make any political donations, and there were no public objections.

### 3.3 Mandatory matters for consideration

In accordance with Section 4.55(3) of the EP&A Act, the following must be considered in determining the modification application as relevant to the application:

- environmental planning instruments, proposed instrument or development control plan;
- any planning agreement;
- EP&A Regulation;



- likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts;
- suitability of the site;
- any submissions;
- the public interest;
- the reasons for granting the consent for the original application.

The Department has considered the relevance of the considerations for the modification application below.

### **Environmental planning instruments, proposed instrument or development control plan**

The environmental planning instrument relevant to this modification is the *Griffith Local Environmental Plan 2014* (the LEP). There are no proposed or draft LEPs or development control plans (DCPs) for Griffith City Council LGA for consideration in this modification. The modification is entirely within the approved project site boundary, specifically within land zoned RU1 – Primary Production under the LEP.

### **Any planning agreement**

There are no voluntary planning agreements between Riverina Solar and Griffith City Council

### **EP&A Regulation**

The modification application satisfies the requirements of Section 115 of the EP&A Regulation. There are no additional considerations relevant to the modification application in the EP&A Regulation.

### **Likely impacts of the modification application**

The likely impacts of the modification are considered in **section 5**.

### **Suitability of the site**

The Department's assessment of the original application concluded that the site was suitable for a solar farm subject to the conditions of consent. Riverina Solar is not proposing to modify the development footprint.

### **Submissions**

The Department notified and sought advice from Council and relevant government agencies, and this is discussed in **section 4**.

### **Public Interest**

The consideration of public interest is provided in **section 6**.

### **The reasons for granting the consent for the original application**

The Department has considered the reasons for granting consent to the original application and is satisfied that the proposed modification is consistent with those reasons. The Department also considered the impacts and benefits of the solar farm in accordance with the EP&A Act in granting consent.

## 4 Engagement

### 4.1 Department's engagement

In accordance with the EP&A Regulation, the Department is not required to notify any other parties of the modification application. Notwithstanding, the Department sought comments from TransGrid, Essential Energy, Transport for NSW (TfNSW) and Griffith City Council. The application was also made publicly available on the Department's website on 12 November 2020. There were no public submissions.

### 4.2 Key Issues – Government Agencies and Utility Providers

While none of the government agencies objected to the proposed modification, TransGrid, Essential Energy, TfNSW and Griffith City Council provided advice, summarised below and considered in more detail in **section 5**.

**TransGrid** did not raise concerns and confirmed that the information provided by Riverina Solar is consistent with an executed connection agreement for 30 MW of solar generation to TransGrid's Griffith/Yoogali substation.

**TfNSW** did not object to the modification, noting that construction vehicles would access the site via the intersection of Ross Road and the Burley Griffin Way and that the road upgrade condition at that intersection should reflect the existing road upgrade treatment. TfNSW's advice is consistent with this modification application.

While **Griffith City Council** did not raise any objection to the proposed subdivision, it recommended administrative conditions requiring the issuing of a subdivision certificate, such as an easement for services, right of carriageway and easement for drainage of water (where relevant). As part of this modification, the Department has included a condition on subdivision requirements and notes the documentation requested by Council would generally be included as part of the Subdivision Certificate application process.

**Essential Energy** did not raise any concerns.



## 5 Assessment

The Department has considered the merits of the proposed modification application in accordance with the relevant matters for consideration described in **section 3.3**.

In assessing the merits of the proposed modification, the Department has considered the existing development consent; previous environmental assessments for the project; the modification application; applicable government policies and guidelines; agency advice and requirements of the EP&A Act. A list of the key documents that informed the assessment is provided in **Appendix A**.

The Department has considered whether the proposed changes would result in any material increases in the impacts of the project. The subdivision is discussed in **section 5.1**, road upgrades in **section 5.2** and other matters for consideration are discussed in **section 5.3**.

### 5.1 Subdivision

The merits of the proposed subdivision to create two lots for connections Essential Energy's distribution network have been assessed against the Griffith LEP 2014.

Riverina Solar proposes to subdivide lot 2 DP 1255796 into two newly created 14 ha lots in the eastern portion of project site (see Figure 3), which is below the minimum lot size of 20 ha and prohibited under a strict reading of the LEP.

Broadly, the intent of the restrictions on minimum lot size under the LEP is to:

- protect the productive capacity of agricultural land;
- protect the fragmentation of rural lands; and
- ensure that the subdivision does not unreasonably impact on the natural and environmental values of the area and will not lead to fragmentation of natural areas.

Notwithstanding, under Section 4.38(3) of the EP&A Act, development consent for the modified project as a whole can be granted despite the subdivision component of the application being prohibited by the LEP.

The Department is satisfied that the subdivision is in the public interest as:

- the subdivision is necessary for the two additional connections to the Essential Energy distribution network;
- the subdivision would not result in any additional dwelling entitlements on the subdivided lots;
- the subdivision is consistent with the key objectives of the RU1 zone as it would encourage diversity and primary industry enterprises and minimise conflict between land uses;
- the subdivision would not result in the fragmentation of agricultural lands after the project is decommissioned;
- there are no land use conflicts between the subdivided land and the use of surrounding land in the locality (including agricultural land) noting that the solar farm has been assessed in detail and the existing approval would effectively manage and minimise any residual impacts associated with the project; and
- the subdivision is consistent with the natural and environmental constraints of the land.

The Department notes that Griffith City Council did not object to the proposed subdivision.

The Department considers that on the basis of the above, it is reasonable to grant the modification with a condition to limit the subdivision to the creation of two lots for the distribution network connection providing the information is provided in accordance with the requirements of section 157 of the *Environmental Planning and Assessment Regulation 2000*.

## 5.2 Road upgrades

Currently, condition 6 of Schedule 3 of SSD 7482 requires Riverina Solar to upgrade the intersection of Burley Griffin Way and Ross Road with a Basic Right Turn – Short and Basic Left Turn sealed treatment. This requirement was also imposed on the Griffith Solar Farm development consent (SSD 6604), as both projects use the Burley Griffin Way and Ross Road intersection in its access routes.

The Department subsequently modified the road treatment upgrade condition in the development consent for SSD 6604<sup>2</sup>, replacing the requirement for the 'Basic Left Turn sealed treatment' with an 'Auxiliary Left Turn (short) sealed treatment based on consultation undertaken between the Applicant and the road authorities.

Griffith Solar Farm has upgraded the Burley Griffin Way and Ross road intersection (see **Figure 4**) in accordance with the requirements of its development consent.

TfNSW and Council did not object to the proposed modification.

The Department considers it appropriate to amend condition 6 of Schedule 3 of SSD 7482 to reflect the modified upgrade treatment that was built under the Griffith Solar Farm consent.

## 5.3 Summary

The modification seeks to include two additional transmission connection points and associated infrastructure in the eastern part of the project, which can be accommodated within the approved disturbance footprint.

As such, the Department is satisfied that the modification would not result in any significant additional environmental or amenity impacts, beyond those currently approved for the project and that the revised conditions of consent would adequately address any potential impacts.

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<sup>2</sup> Including modifications: 1 (October 2016), 2 (April 2017) and 3 (July 2017).

## 6 Evaluation

### Proposed modification

The modification proposes to subdivide the eastern lot into two allotments to allow for two additional connection points to the distribution network, within the approved project boundary. It also proposes an administrative modification in relation to road upgrades already completed by the Griffith Solar Farm (SSD 6604). The Department has assessed the modification application in accordance with the relevant statutory requirements, having regard to the Modification Report and documentation relating to the currently approved project.

### Likely impacts of the modification application

In assessing the merits of the proposal, the Department has considered the:

- relevant matters for consideration identified in **section 3.4**;
- existing conditions of approval;
- previous Environmental Assessments for the project; and
- requirements of the EP&A Act.

The Department considers that the proposed modification application meets these requirements as:

- the proposed subdivision meets the network operator's requirements;
- the modification is consistent with the objectives of the LEP;
- the modification would not significantly impact on the natural and built environments, and there would not be any social and economic impacts beyond those already assessed;
- there are no draft environmental planning instruments, development control plans and planning agreements or requirements in the EP&A Regulation relevant to the modification application;
- there are no land use conflicts between the land and the use of surrounding land in the locality (including agricultural land) noting that the solar farm and associated infrastructure have been assessed in detail and the existing consent would effectively manage and minimise any residual impacts associated with the project; and
- the modification application is consistent with the reasons given for the original consent.

The Department's assessment has found that the proposed modification would not result in any significant impacts beyond those that were assessed and approved under the existing consent.

The Department has drafted a Notice of Modification (see **Appendix C**) and a consolidated version of the development consent (see **Appendix D**). The Department has recommended updated conditions for revised biodiversity offset liability and an updated development layout plan. Riverina Solar has reviewed the conditions and does not object to them.

The Department is satisfied that the proposed modification is in the public interest and should be approved subject to these conditions.

## 7 Recommendation

It is recommended that the Director, Energy Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report;
- **determines** that the application Riverina Solar Modification 1 (SSD 7482) falls within the scope of Section 4.55(1A) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification;
- **modifies** the consent (SSD 7482);
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:



**Javier Canon**  
Senior Assessment Officer  
Energy Assessments

Recommended by:

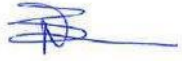


**Anthony Ko**  
Team Leader  
Energy Assessments



## 8 Determination

The recommendation is **Adopted** / ~~Not adopted~~ by:



23/12/20

**Nicole Brewer**

Director

Energy Assessments

as delegate of the Minister for Planning and Public Spaces

# Appendices

## Appendix A – List of referenced documents

Riverina Solar Farm Modification Application, SKM, 5 November 2020.

## Appendix B – Modification Application

## Appendix C – Notice of modification

## Appendix D – Consolidated consent

Appendices B to D – See the Department's Major Projects Website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/40291>

## Appendix E – Summary of Administrative Changes to Conditions

Condition Number	Administrative changes	Reasons for Change
Definitions	Delete old agency names and acronyms and insert current agency names and acronyms.	These updates ensure the correct agencies are consulted in accordance with the consent following changes to agency names and divisions.
	Update the definition of EIS.	To include the Modification Application Report and additional information provided to the Department.
Schedule 3: Condition 28	Update wording of dangerous goods storage and handling.	To align with the Department's current requirements for dangerous goods storage and handlings.
Schedule 4: condition 4	Insert the Department's current updating and staging of Strategies, Plans or Programs.	To align with the Department's current approach for updating and staging Strategies, Plans or Programs.
Schedule 4: condition 5	Insert the Department's current incident reporting requirements.	To align with the Department's current approach for incident reporting notifications.
Schedule 4: condition 6	Insert the Department's current non-compliance notification requirements.	To align with the Department's current approach for non-compliance notifications.
Schedule 4: condition 7	Insert the Department's environmental audit requirements.	To align with the Department's current approach for independent environmental audits.