

Modification of Development Consent

Section 4.55(1) 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.



Iwan Davies
Director
Energy Assessments

Sydney

16 June 2026

SCHEDULE 1

Development consent:	SSD-9039 granted by the Minister for Planning on 18 December 2018
For the following:	Mulwala Solar
Applicant:	EE Australia Pty Ltd
Consent Authority (Modification)	Minister for Planning and Public Spaces
Land:	See Appendix 2
Modification:	SSD-9039-Mod-2: BESS relocation

SCHEDULE 2

1. In the table of DEFINITIONS in Schedule 1, in the definition of 'EIS':
 - remove the word 'and' after '8 October 2025' and replace with ','; and
 - after '14 October 2025' insert ', and the Mulwala Solar Farm Modification 2 Report dated 16 February 2026 (SSD-9039-Mod-2), and additional information provided on 23 March 2026 and 30 April 2026'.

2. In the table of DEFINITIONS in Schedule 1, in the definition of 'Material harm', delete '\$10,000' and replace with '\$50,000'.

3. In the table of DEFINITIONS in Schedule 1, add the following definition in alphabetical order:

Maximum Discharge Capacity (MW)	Energy Capacity	Is the rated output active power as defined by 4.3.5 of IEC 62933-1 Ed. 2.0 b:2024, <i>Electrical energy storage (EES) systems - Part 1</i>
NSW EPA		NSW Environment Protection Authority

4. After Condition 4 of Schedule 2, insert new condition 4A as follows:

'BATTERY ENERGY STORAGE RESTRICTION

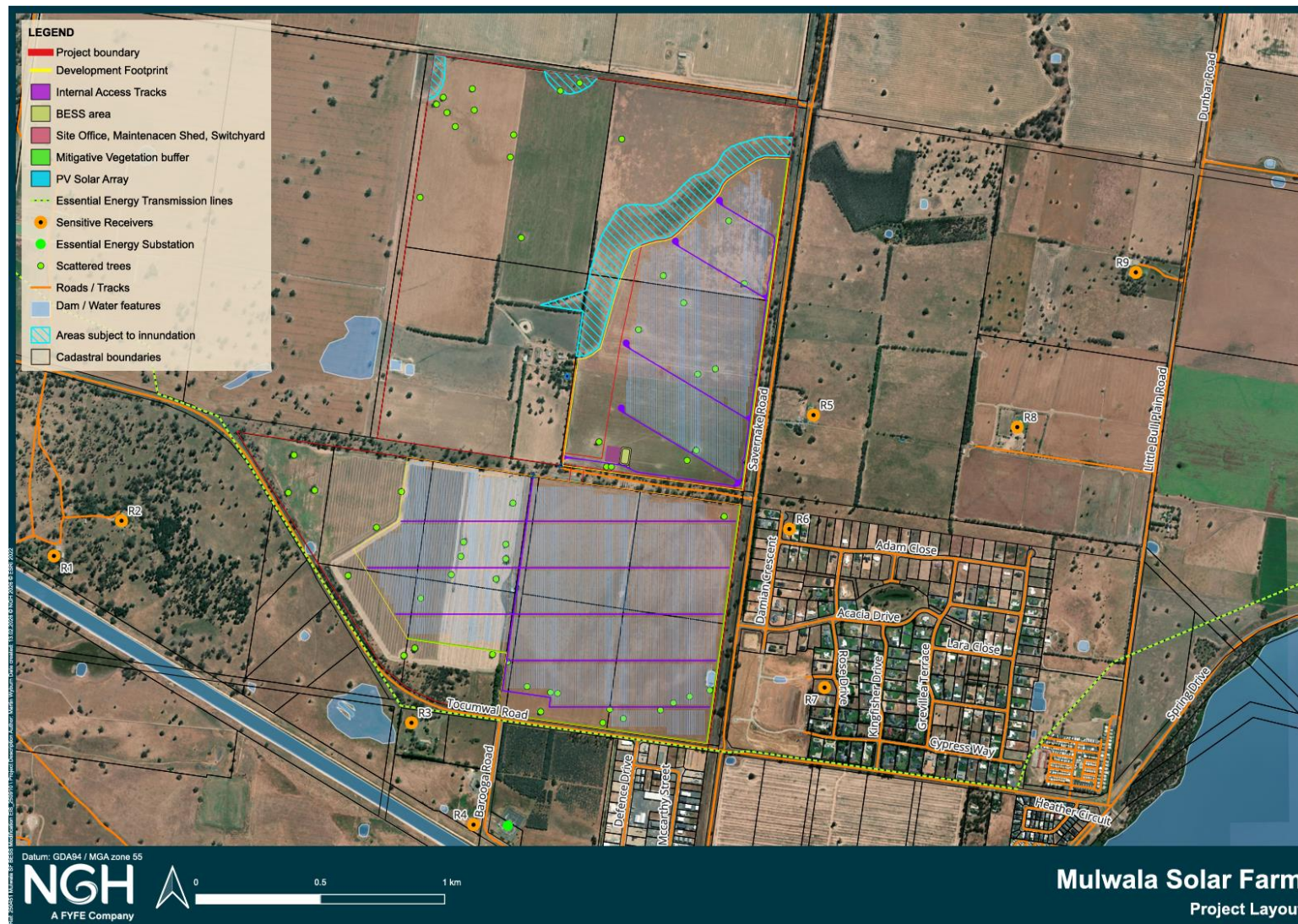
4A. Unless the Planning Secretary agrees otherwise, the battery energy storage system associated with the development must not exceed a Maximum Energy Discharge Capacity of 30 MW.

Note: This condition does not prevent the Applicant from seeking to lodge a separate development application or modify this consent to increase the parameters of the battery energy storage system in the future.'

5. After condition 26 of Schedule 3, insert new condition 26A as follows:

'26A. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.'

6. In condition 28 of Schedule 3, remove the word 'and' after 'controls of the development;' and after 'vicinity of the site' delete '.' and add '; and'
 - (e) include an Emergency Services Information Package in accordance with *Emergency services information package and tactical fire plan* (FRNSW, 2019)'.
7. In Appendix 1, delete the current figure and replace with the following:



**End of modification
(SSD-9039-MOD-2)**