

Mulwala Solar Farm Modification 2

State Significant Development Modification Assessment Report (SSD-9039-Mod-2)

June 2026





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past and present through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au

Mulwala Solar Farm Modification 1 (SSD-9039-Mod-2) Assessment Report

Published: June 2026

Copyright and disclaimer

© State of New South Wales through Department of Planning, Housing and Infrastructure 2026. Information contained in this publication is based on knowledge and understanding at the time of writing, June 2026, and is subject to change. For more information, please visit nsw.gov.au/copyright.

Executive Summary

ESCO Pacific Pty Ltd received consent in 2018 to develop the Mulwala Solar Farm, located approximately 1.2 kilometres north west of Mulwala within the Federation local government area.

EE Australia Pty Ltd (EE Australia) acquired the project and associated development consent in September 2024.

EE Australia seeks to modify the Mulwala Solar Farm consent to:

- relocate the Battery Energy Storage System (BESS) to the north portion of the site (Lot 1 in DP1316892);
- increase the BESS discharge and storage capacity from 20 megawatts (MW) and 40 MW hours (MWh) to a maximum energy discharge capacity of 29.6 MW and a maximum energy storage capacity of 118.53 MWh; and
- modify the solar panel array footprint in the northern portion of the site.

The application did not require exhibition due to the minor nature of the modification. The modification would not have any additional impacts on hazards and risks, biodiversity values, heritage, agriculture or traffic. The Department is satisfied the modification would not result in any noise impacts beyond those that were assessed and approved for the original project.

Advice was received from Federation Council who did not object to the modification.

The Department's assessment has concluded that the modification should be approved, as it would not result in any significant impacts beyond those that were assessed and approved under the existing consent and would facilitate construction of the project. The modification would increase the project's contribution to renewable energy through a minor increase in BESS storage capacity. Consequently, it is in the public interest and should be approved.

Contents

Executive Summary	i
1 Introduction.....	3
2 Proposed modification.....	3
3 Strategic context	6
4 Statutory context.....	6
4.1 Scope of modification and assessment pathway.....	6
4.2 Consent authority	6
4.3 Matters for consideration.....	6
5 Engagement	7
6 Assessment.....	7
7 Evaluation	10
8 Recommendation	12
9 Determination	12
Appendices.....	13
Appendix A – Modification application.....	13
Appendix B – Government agency advice	13
Appendix C – Instrument of Modification	13
Appendix D – Consolidated Consent	13
Appendix E – Statutory considerations.....	13
Appendix F – Summary of Minor and Administrative Changes to Conditions	14

1 Introduction

ESCO Pacific Pty Ltd received consent in 2018 to develop the 80 megawatt (MW) Mulwala Solar Farm, located approximately 1.2 kilometres (km) north west of Mulwala in the Federation local government area. EE Australia Pty Ltd (EE Australia) acquired the project and associated consent in September 2024.

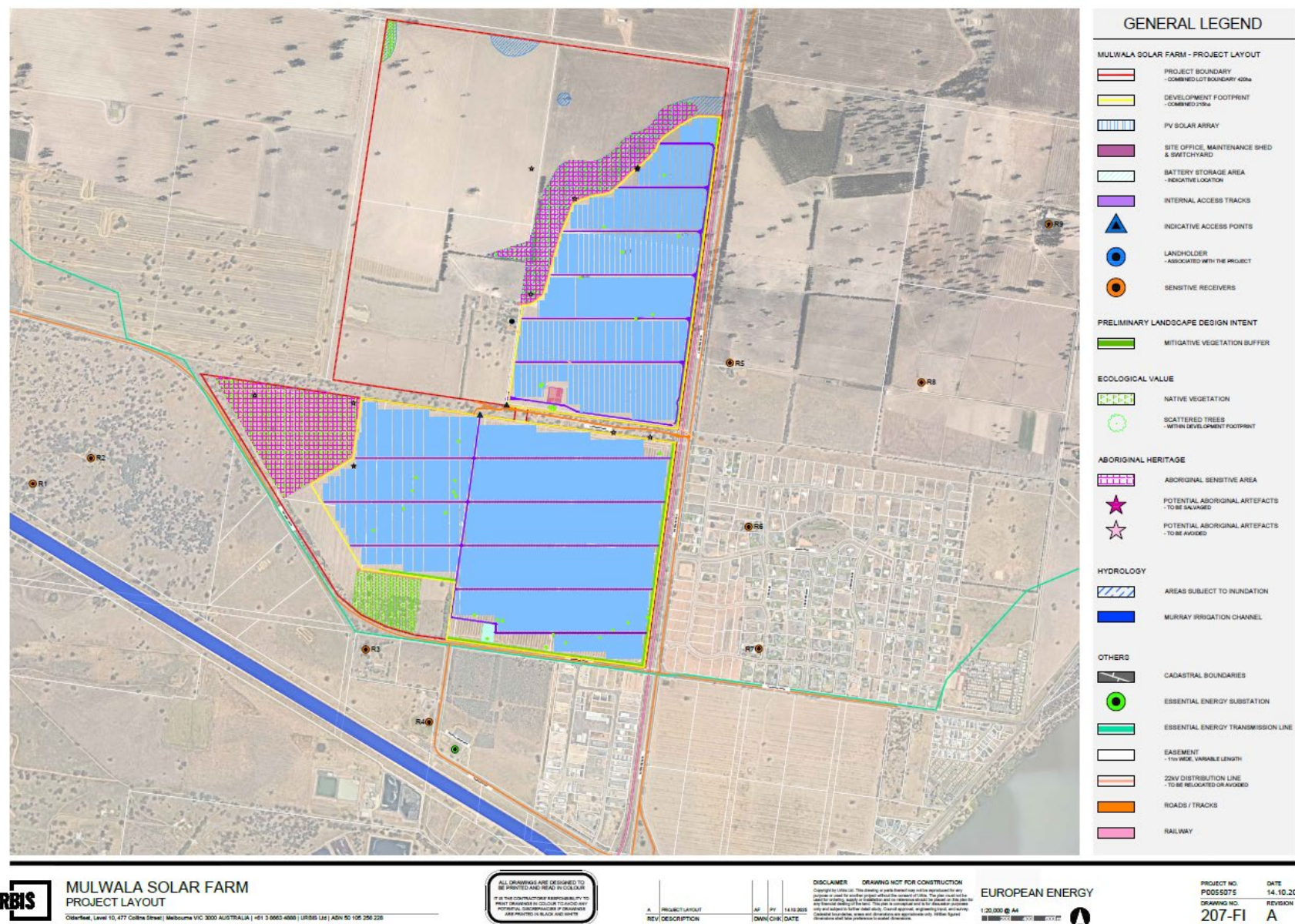
The project was modified in 2025 for the change in applicant name and relocation of the switchyard, site office and maintenance shed (switchyard compound), and relocation of the access road. The modification was approved 17 October 2025. Construction works commenced in September 2025.

2 Proposed modification

EE Australia seeks to modify the Mulwala Solar Farm consent to:

- relocate the approved location of the Battery Energy Storage System (BESS) from Lot 4 DP 1316892 (as identified in **Appendix 1** of the consent) to Lot 1 in DP 1316892, north of Lambruk Lane within the approved development footprint (see **Figure 2**).
- increase the BESS discharge and storage capacity from 20 megawatts (MW) / 40 MW hours (h) to a maximum energy discharge capacity of 29.6 MW and maximum energy storage capacity of 118.53 MWh, reflecting updates in BESS technology. This includes:
 - a change in battery chemistry from lithium-ion battery to the lithium-iron-phosphate chemistry; and
 - a change in the Original Equipment Manufacturer (OEM) from Tesla Powerpack 2 to CATL EnerX.
- modify the solar array footprint within Lot 1 in DP1316892 and Lot 14 in DP1316892 to accommodate the BESS relocation and amend the location of the access tracks, resulting in a 11.2 hectare (ha) reduction in solar panel array, while maintaining the approved solar generation capacity of 80 MW.

The modification is described in detail in the Modification Report (**Appendix A**).



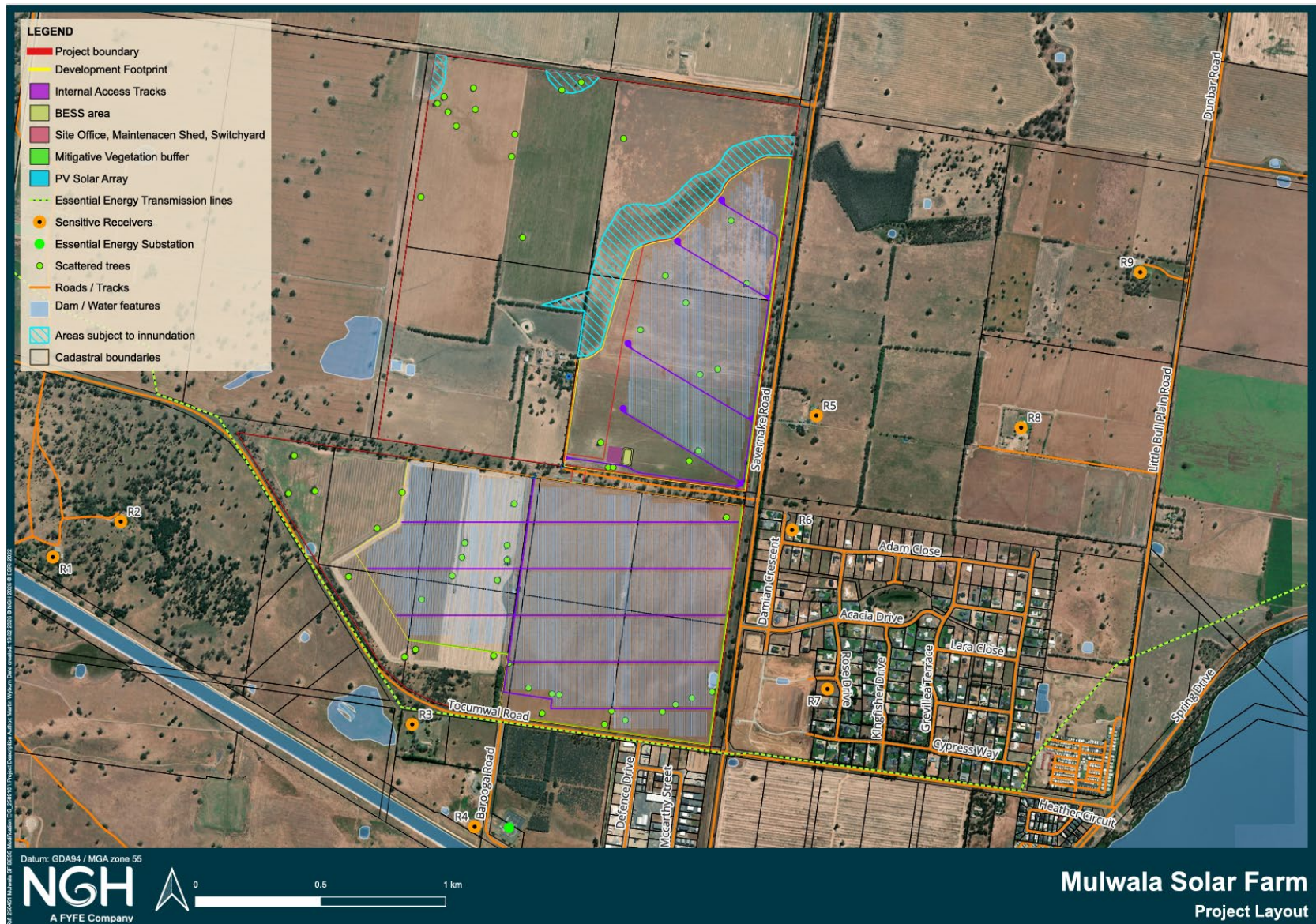


Figure 2 | Modified project layout figure

3 Strategic context

As NSW transitions away from coal fired power, there is an increasing need for increased renewable energy generation, as well as battery storage to firm these renewable energy sources.

The *NSW Electrical Strategy* (2019) notes that all coal fired power plants in NSW are scheduled for closure within the next fifteen years and that firmed renewables are the lowest cost option to replace aging coal power stations. The *NSW Net Zero Plan Stage 1: 2020 – 2030* (2020) and *Implementation update* (2022) aims to achieve net zero emissions in NSW by 2050 and reduce emissions by 70% by 2035.

The Australian Energy Market Operator's (AEMO) *2024 Integrated System Plan* forecasts that there will be a demand for 83 GW of utility-scale wind and solar in the National Electricity Market by 2034-35, and 127 gigawatts by 2049-50.

4 Statutory context

4.1 Scope of modification and assessment pathway

The proposed modification is permissible with consent and the Department considers that the proposed modified development would be substantially the same development as the development for which consent was originally granted. The modification does not increase the project disturbance footprint, does not change the development type, and does not substantially increase the environmental impacts of the approved project. Based on the Department's assessment, the modification is of minimal environmental impact and is therefore within the scope of section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

4.2 Consent authority

The Minister for Planning and Public Spaces (the Minister) is the consent authority for the application under section 4.55(1A) of the EP&A Act. However, under the Minister's delegation to determine State Significant Development modifications, signed on 9 March 2022, the Director, Energy Assessments, may determine the application as Federation Council (Council) did not object to the proposal and EE Australia did not make any political donations.

4.3 Matters for consideration

The Department has considered the matters that must be considered in determining a modification application in accordance with section 4.55(3) of the EP&A Act.

5 Engagement

In accordance with Part 5, Division 2 of the *Environmental Planning & Assessment Regulations 2021* (EP&A Regulation), the application did not require exhibition, however the Department received comments from Council (**Appendix B**).

Council reviewed the modification report and did not raise any issues and did not request any additional information.

Fire and Rescue NSW (FRNSW) reviewed the modification report and recommended that an Emergency Services Information Package (ESIP) be developed in accordance with the FRNSW *Fire Safety Guideline – Emergency Services Information Package and Tactical Fire Plan*. This requirement has been incorporated into the consent via the condition requiring an Emergency Plan (Condition B28).

The Rural Fire Service (RFS) reviewed the modification report and did not raise any concerns regarding the modification.

The Department's specialist Hazards Team also reviewed the modification report and did not raise any specific concerns regarding the modification and noted the proposed increased capacity does not trigger the preparation of a preliminary hazards analysis. It recommended conditions to manage the increased BESS capacity and management of dangerous materials stored on site.

6 Assessment

The Department's consideration and assessment of issues relating to the proposed modification are provided in **Table 2**. The Department has also taken the opportunity to make administrative updates to the consent as described in **Appendix F**.

Table 1 | Assessment of modification

Landscape and Visual

- The project EIS included a comprehensive visual impact assessment based on seven viewpoints and in consideration of a 'worst case' scenario of a maximum height of 4 m for the proposed battery units. Under the conditions of consent, EE Australia must develop and implement a Landscaping Plan and establish and maintain a vegetation buffer, in accordance with the layout in **Appendix 1** of the consent, prior to commencing operations. With the proposed avoidance and mitigation measures, the Department considered that the visual impacts to surrounding receivers would not be significant.
- EE Australia confirmed the dimensions of the battery units are less than the heights assessed in the EIS – being 3.1 m high (2.9 m container height with 0.2 m foundation).

- Within its proposed location, the BESS would be of a scale consistent with the approved PV panels and switchyard. The combination of existing roadside vegetation along Lambruck Lane and proposed buffer planting along Savernake Road would assist in ensuring that visual impacts remain consistent with the findings of the EIS.
- The Department is satisfied the modification would not result in any visual impacts beyond those that were assessed and approved for the original project. Any visual impacts would continue to be managed via the existing conditions of consent, including the requirement for implementation of a landscape plan and vegetation screening along Tocumwal Road and Savernake Road.

Noise

- An Environmental Noise Assessment (ENA) (12 February 2026) was submitted as part of the modification application. Consistent with the EIS, the ENA assessed noise impacts at one associated receiver (R08, a landholder associated with the project) and eight non-associated receivers within 2 km of the project boundary. The Department considers that these locations are representative of receivers in the vicinity of the project and capture the closest sensitive receivers.
- The ENA considered the noise impacts associated with the operation of the BESS in the proposed location in Lot 1 DP1316892. Operational noise modelling was conducted under standard, meteorological conditions, including the scenario of a well-developed moderate ground-based temperature inversion. Operational noise levels were predicted to comply with the residential and industrial assessment criteria in accordance with the *NSW Noise Policy for Industry* (EPA, 2017) (NPfI) during the daytime, evening and night-time periods at all receivers and are consistent with the EIS.
- Noting operational noise level predictions are consistent with those predicted in the EIS and compliant with the NPfI, the Department is satisfied that the modification would not result in any noise impacts beyond those that were assessed and approved for the original project. Operational noise from the project would continue to be managed via the existing conditions of consent.

Traffic

- A Traffic Impact Assessment (TIA) (24 February 2026) was submitted as part of the modification application. The TIA identified that, as the BESS units are slightly larger than those assessed in the EIS, a slightly larger vehicle would be required to deliver the BESS units. The likely over size over mass (OSOM) vehicles which would deliver the battery enclosures would be approximately 26m in length and remain consistent with the maximum vehicle length approved for the project. The TIA undertook additional swept path analysis to demonstrate the proposed vehicle would be able to access the site with no additional mitigation measures required.
- The TIA also confirms that the approved number of vehicle movements would remain relevant and no change is requested for the modification.
- EE Australia initially requested updates to the terminology used with the conditions of consent for the classification of heavy vehicles. However, they subsequently confirmed that the change was not required and the project will continue to be compliant with the existing conditions.
- The Department is satisfied that the modification would not result in any traffic impacts beyond those that were assessed and approved for the original project. Traffic from the project would continue to be managed via the existing conditions of consent.

Hazards

- The approved project included approval for a BESS with a 20 MW discharge capacity and 40 MWh energy storage capacity.

- The proposed modification seeks to relocate the BESS to Lot 1 DP1316892, a change in battery manufacturer and an increase in the approved battery capacity. As modified, the BESS would comprise 21 battery enclosures, with a Maximum Energy Discharge Capacity of up to 29.6 MW and a Maximum Energy Storage Capacity of up to 118.53 MWh.
- An updated preliminary risk screening of hazardous materials was undertaken in accordance with the *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* and submitted with the modification application. The screening confirmed that quantities of dangerous goods would remain below the relevant threshold levels. Accordingly, the development is not considered potentially hazardous under the *State Environmental Planning Policy (Resilience and Hazards) 2021*. The Department is satisfied that the modification is unlikely to result in dangerous goods storage exceeding applicable thresholds.
- In accordance with the *Large-Scale Solar Energy Guideline* (DPHI, November 2024, v1.1), a Preliminary Hazard Analysis (PHA) is not required where generating capacity does not exceed 30 MW and was therefore not required for the modification. The potential risks to surrounding land uses from the relocated BESS are considered low, having regard to:
 - the nearest residence being located approximately 500 m from the modified BESS location;
 - the proposed change in battery chemistry to Lithium Iron Phosphate (LFP), which is more thermally stable and presents reduced fire severity and propagation risk compared with the previously approved lithium-ion chemistry; and
 - the provision of a minimum front-facing separation distance of 3.5 m between battery enclosures, consistent with relevant standards.
- The Department’s specialist Hazards Team also reviewed the modification report and did not raise any specific concerns regarding the modification and noted the proposed increased capacity does not trigger the preparation of a preliminary hazards analysis. It recommended conditions to manage the increased BESS capacity and management of dangerous materials stored on site.
- FRNSW reviewed the modification report and did not raise any specific concerns regarding the modification. It recommended inclusion of a requirement for an ESIP in the conditions, to be developed in accordance with the *FRNSW Fire Safety Guideline – Emergency Services Information Package and Tactical Fire Plan*, which the Department has included in the recommended conditions.
- RFS reviewed the modification report and did not raise any concerns regarding the modification.
- The Department is satisfied that the modification would not result in any additional hazardous impacts. Conditions of consent have been included to limit the Maximum Energy Discharge Capacity of the BESS to 30 MW and to require that quantities of dangerous goods stored and handled on-site remain below the Applying SEPP 33 threshold quantities at all times.

Other Issues

Hydrology and groundwater

- A Hydrology Memorandum (25 February 2026) was prepared to assess the applicability of the existing flood and water assessment in relation to the modification.
- Review of the existing flood and water assessment confirmed that flooding from the River Murray is not expected to affect the site, and that this conclusion remains unchanged as a result of the proposed BESS relocation. The original commitment to locate critical infrastructure, including the BESS, a minimum of 300 mm above the natural surface level remains applicable to the modified BESS location.
- The originally approved BESS location was identified as being situated within a localised low point, with potential for ponding and minor displacement of on-site surface storage. The revised BESS location is outside identified low points and primary natural flow paths and is expected to reduce impacts on overland flow and improve the site’s overall post-development drainage performance.

-
- The Department is satisfied that the proposed modification would not result in hydrological or groundwater impacts beyond those previously assessed and approved for the project. Stormwater impacts would continue to be managed through the existing conditions of consent, including the requirement to prepare and implement a Stormwater Management Plan.

Biodiversity

- The relocation of the BESS area would avoid impacts to existing paddock trees. No additional trees are required to be removed to accommodate the BESS.
- The Department is satisfied that the modification would not result in any biodiversity impacts beyond those that were assessed and approved for the original project. Biodiversity impacts would continue to be managed via the existing conditions of consent, including the requirement for a Biodiversity Management Plan.

Heritage

- No Aboriginal artefacts or items of historic heritage were identified within the development footprint when surveyed as part of the project EIS.
- The Department is satisfied that any incidental Aboriginal cultural heritage impacts would continue to be managed through the existing conditions of consent.

Cumulative Impacts

- The relocation of the BESS adjacent to the approved switchyard would not result in any additional cumulative impacts beyond what was assessed in the EIS. The mitigation measures outlined in the EIS are sufficient to address cumulative impacts.
-

The Department is satisfied that the proposed modification would not result in any significant additional water, waste, bushfire risk, air quality, social or economic impacts beyond those already assessed and approved for the project. Accordingly, the Department has not recommended any changes to the existing conditions of consent.

7 Evaluation

The Department has assessed the modification application and considered the advice received from Council. The Department has also considered the objectives and relevant considerations under sections 4.55 (3) and 4.15 of the EP&A Act.

The proposed modification seeks to:

- relocate the approved location of the BESS within the approved development footprint;
- increase in the BESS capacity from 20 MW / 40 MWh to 29.6 MW / 118.2 MWh; and
- modify the solar array footprint in Lot 1 in DP1316892 and Lot 14 in DP1316892 to accommodate the BESS.

The modification is minor in nature and achieves an appropriate balance between improving the constructability of the project, whilst minimising the potential impacts on surrounding land uses and receivers.

The Department considers the proposed modification is compatible with the existing land use and would not result in any significant impacts beyond those that were assessed and approved for the original project. Consequently, the Department is satisfied that the proposed modification is in the public interest and is approvable, subject to the recommended conditions.

8 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 the application for the Mulwala Solar Farm Modification 2 (SSD-9039-MOD-2) falls within the scope of section 4.55(1A) of the EP&A Act;
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to approve the modification;
- **modify** the consent for Mulwala Solar Farm (SSD-9039); and
- **signs** the attached instrument of modification (**Appendix C**).

Recommended by:



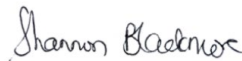
June 2026

Rachael Helsham

Environmental Assessment Officer

Energy Assessments

Recommended by:



June 2026

Shannon Blackmore

Principal Planning Officer

Energy Assessments

9 Determination

The recommendation is **adopted** by:



16 June 2026

Iwan Davies

Director

Energy Assessments

Appendices

Appendix A – Modification application

Appendix B – Government agency advice

Appendix C – Instrument of Modification

Appendix D – Consolidated Consent

Appendices A to D available at: [Modification 2 - BESS relocation | Planning Portal - Department of Planning and Environment](#)

Appendix E - Statutory considerations

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. The below table identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification. The table represents a summary for which additional information and consideration is provided in other sections of this report.

Section 4.15(1) Matters for consideration	The Department's assessment
(a)(i) any environmental planning instrument	The modified proposal complies with the relevant legislation as addressed in Section 4 .
(a)(ii) any proposed instrument	
(a)(iii) any development control plan	
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the <i>Environmental Planning and Assessment Regulation 2021</i> , including the procedures relating to applications (Part 5), the requirements for notification (Part 5, Division 2) and fees (Part 13) (refer to Section 4).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department considers the proposed changes to be minor and would not result in adverse environmental impacts (refer to Section 6).

Section 4.15(1) Matters for consideration	The Department's assessment
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Sections 3 and 6 .
(d) any submissions	The proposed modification was not exhibited. The Department received correspondence from Council which was summarised and considered in Sections 5 and 6 .
(e) the public interest	The Department considers the modified project to be in the public interest as it would achieve an appropriate balance between improving the constructability of the project and minimising the potential impacts on surrounding land users and the environment.

Appendix F – Summary of Minor and Administrative Changes to Conditions

Condition Number	Minor and Administrative Changes	Reason for Change
Definitions	Addition of new definitions	To reflect current practice
Schedule 2 Condition 4A	Insert new condition	To reflect current practice to condition BESS discharge capacity
Schedule 3 Condition 26A	Insert new conditions	New condition to reflect current practice for hazardous materials storage
Schedule 3 Condition 28	Insert additional requirement	Additional requirement for an Emergency Services Information Package (ESIP)