



West Wyalong Solar Farm Modification 1

Road upgrades
State Significant Development Modification Assessment
(SSD 9504 MOD 1)

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Executive Summary

Lightsource Development Services Australia Pty Ltd (Lightsource BP) has approval to develop the West Wyalong Solar Farm (the project), located approximately 16 kilometres (km) northeast of West Wyalong in the Riverina Murray region of NSW.

The approved project includes the construction, operation, upgrading and decommissioning of a solar farm with an estimated capacity of 90 megawatts (MW) with 50 MW/90 MW hour of battery storage. The project commenced construction in August 2021.

Proposed Modification

The proposed modification application seeks to make changes to the access route and road upgrade requirements including removal of a Basic Left Turn treatment at the intersection of Newell Highway and Bodells Lane, changes to the access route for heavy and over-dimensional vehicles, and removal of the requirement to include an all-weather seal on Blands Lane between Clear Ridge Road and the site access point.

Engagement

The Department published the modification application on its website on 26 July 2021 and sought comments from Bland Shire Council, the Department's Biodiversity, Conservation and Science Directorate and Transport for NSW. Following amendments to the modification, none of the agencies objected, but provided advice related to their respective regulatory responsibilities.

Assessment

In assessing the proposed modification, the Department has considered the merits of the proposal in accordance with the relevant matters for consideration under the *Environmental Planning and Assessment Act* (EP&A Act).

Traffic impacts were a key consideration in the Department's assessment.

Changes to the project's road upgrading requirements have been proposed in conjunction with additional limits on heavy vehicle sizes and transport routes. Potential traffic impacts will be managed and mitigated under the revised and existing conditions of consent.

The Department, Bland Shire Council and Transport for NSW are satisfied that the proposed changes would have no significant impacts on road network capacity, efficiency or safety.

Summary

The Department's assessment has concluded that the modification would not result in any significant impacts beyond those that were assessed and approved. Any residual environmental and amenity impacts associated with the proposed modification could be mitigated and managed through the revised conditions of consent. As such, the Department considers that the proposed modification is in the public interest and should be approved.

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1 Introduction

Lightsource Development Services Australia Pty Ltd (Lightsource BP) has approval to develop the West Wyalong Solar Farm (the project). The project is located approximately 16 kilometres (km) northeast of West Wyalong in the Bland Shire local government area (LGA) (see **Figure 1**).



Figure 1 | Regional Context

1.1 Consent History

The project was granted development consent on 28 November 2019 by the then A/Executive Director, Energy and Resource Assessments, as delegate of the Minister for Planning and Public Spaces. The consent permits the construction, operation, upgrading and decommissioning of a solar farm with an estimated capacity of 90 megawatts (MW) with 50 MW/90 MW-hour (MWh) of battery storage and includes:

- approximately 296,000 solar panels (up to 4 m high) and 15 inverters (up to 3 m high);
- an on-site substation and connection to Essential Energy's 132 kV transmission line;
- a distributed lithium-ion battery storage facility (50 MW/90 MWh);
- internal access tracks, staff amenities, offices, maintenance buildings (up to 5 m high), offices, laydown areas, car park, vegetation screening and security fencing.

Lightsource BP commenced construction of the project in August 2021.

2 Proposed modification

Lightsource BP proposes to make changes to access route and road upgrade requirements to better respond to the construction and operational traffic demands. Following consultation with Bland Shire Council and Transport for NSW (TfSNW), Lightsource BP provided additional information and revised the proposed modification.

The modification is described in detail in the Modification Report (**Appendix B**) and additional information (**Appendix C**) and is summarised below in **Table 1**.

Table 1 | Summary of proposed changes

Component	Approved project	Proposed modification	Change
Upgrade intersection of the Newell Highway and Bodells Lane	Intersection upgrade to include a Basic Left Turn (BAL) treatment.	Intersection upgrade to cater for the largest vehicle accessing the site.	Removal of BAL treatment.
Heavy and over-dimensional vehicle access routes	Heavy and over-dimensional vehicles can travel to and from the site via the Newell Highway from the northeast or southwest.	Heavy vehicles up to 19 metres (m) in length can travel to and from the site via the Newell Highway northeast or southwest. Heavy vehicles greater than 19 m in length and over-dimensional vehicles must travel to and from the site via the Newell Highway northeast.	Restrict vehicles greater than 19 m in length from accessing the site via the Newell Highway southwest.
Road upgrades to Blands Lane	Upgrade Blands Lane between Bodells Lane and Clear Ridge Road, including grading and an all-weather seal.	Upgrade Blands Lane between Bodells Lane and Clear Ridge Road, including grading, with an all-weather seal to be applied only between the site access point and Bodells Lane.	Removal of requirement to include all-weather seal between Clear Ridge Road and the site access point.

The modification would improve constructability of the project, with road upgrades now being commensurate with the actual transport and traffic requirements identified through detailed design.

The approved and proposed road upgrades and site access maps are shown in **Figure 2** and **Figure 3** respectively.



Figure 2 | Approved road upgrades and site access



Figure 3 | Proposed road upgrades and site access

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.

Lightsource BP considered that the modified project would be substantially the same as the development that was originally considered 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 existing consent and considers that the modification 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 substantially change the approved development footprint; and
- is substantially the same development as originally approved.

Consequently, the Department is satisfied that the application is within the scope of 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 26 April 2021 as Bland Shire Council (Council) did not object to the proposal, Lightsource BP did not make any political donations and there were no public objections. The modification application was not required to be formally exhibited.

3.3 Mandatory matters for consideration

In accordance with Section 4.55(3) of the EP&A Act, the following must be considered in granting 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 *Bland Local Environment Plan 2011* (Bland LEP). There are no proposed or draft LEPs or development control plans for Bland Shire LGA for consideration in this modification. A consideration of the Bland LEP is outlined in **section 5** of this report.

Any planning agreement

There are no voluntary planning agreements between Lightsource BP and Council.

EP&A Regulation

The modification application satisfies the requirements of Clause 115 and 121B 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 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 and associated infrastructure subject to the conditions of consent. The changes proposed by Lightsource BP remain within the development footprint and approved project boundary.

Submissions

The Department notified and sought advice from Council, TfNSW and the Biodiversity Conservation Division 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 comment from Council, the Department's Biodiversity, Conservation and Science Directorate and TfNSW.

The application was also made publicly available on the Department's website on 26 July 2021. The application did not require formal exhibition. There were no public submissions.

4.2 Key Issues – Government Agencies

While none of the government agencies objected to the modification, both Council and TfNSW initially raised concerns about the changes to the road upgrades, which led to Lightsource BP amending the proposed modification. The advice is summarised below and considered in more detail in **section 5**.

Bland Shire Council (Council) initially raised concerns regarding the proposed changes to the road upgrade requirements for Blands Lane. Lightsource BP amended the modification to address these concerns, which is discussed further in **Section 5.1**

Transport for NSW (TfNSW) did not object to the modification, but sought clarification regarding removal of the BAL treatment. Lightsource BP addressed these concerns through additional information relating to access routes and heavy vehicle restrictions.

The **Department's Biodiversity, Conservation and Science Directorate** (BCS) 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 environmental or amenity impacts of the project. The key matter for consideration on this project is traffic impacts.

5.1 Traffic

The proposed modification involves changes to the access routes and road upgrade requirements, including the upgrade to Blands Lane and the intersection of Bodells Lane with the Newell Highway.

Following detailed design of the project in consultation with TfNSW and Council, Lightsource BP refined the access routes for heavy and over-dimensional vehicles. As a result, some of the road upgrades originally required for the project were no longer considered necessary.

Road Upgrades - Blands Lane

The existing development consent requires road upgrades to be undertaken on Blands Lane between Bodells Lane and Clear Ridge Road, including grading and an all-weather seal. Initially, the modification application sought to reduce the scope of the road upgrade to be between Bodells Lane and the site access point and remove the requirement to include grading and an all-weather seal.

Following further consultation with Council, Lightsource BP made changes to the proposal as shown in **Table 2**.

Table 2 | Summary of proposed changes

Road section – Blands Lane	Road upgrades – original proposal	Council concerns	Road upgrades - amended proposal
Bodells Lane to site access point	Remove requirement to include grading and an all-weather seal in upgrade	Suitability of the road treatment with regards to heavy and over-dimensional vehicle usage	Include grading and an all-weather seal as per original condition
Site access point to Clear Ridge Road	Remove requirement to upgrade	Accessibility for light vehicles and shuttle buses	Include grading but remove requirement for all-weather seal

The amended treatment proposed for Blands Lane is considered appropriate as it provides a graded and sealed access route for heavy vehicles approaching from the east and graded access for light vehicles approaching from the west.

Road Upgrades – Bodells Lane and Newell Highway Intersection

The proposed modification also seeks to make changes to the access routes and road upgrade requirements for the intersection of Bodells Lane and the Newell Highway.

Following consultation with TfNSW, Lightsource BP provided additional information regarding the access routes for heavy and over-dimensional vehicles, which form the basis of the proposed change to the intersection upgrade of Bodells Lane and the Newell Highway.

Lightsource BP has confirmed that:

- All heavy vehicles up to a maximum 19 m in length associated with the development, would travel to and from the site via the Newell Highway from either the southwest or northeast, then via Bodells Lane and Blands Lane; and
- All over-dimensional vehicles and heavy vehicles greater than 19 m in length associated with the development, would travel to and from the site via the Newell Highway from the northeast only, then via Bodells Lane and Blands Lane.

The proposed modification seeks to remove the requirement to include a BAL treatment at the intersection of Bodells Lane and the Newell Highway, and instead require road upgrades to cater for the largest vehicle accessing the site. The BAL treatment was no longer required because vehicles greater than 19 m in length would be restricted from accessing the site via the Newell Highway southwest, as per advice from TfNSW.

The proposed changes to access routes and road upgrade requirements would not result in any additional vehicle movements or additional impacts on amenity, such as traffic noise or dust. Any potential impacts from the proposed modification would be managed and mitigated through the measures detailed in the Traffic Management Plan.

Subject to the recommended conditions, the Department, TfNSW and Council are satisfied that the modification would not result in significant impacts on the road network capacity, efficiency or safety.

5.2 Other issues

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.

5.3 Summary

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.

The Department is also satisfied that the modification would allow the benefits of the project to be realised, with adequate road upgrades to facilitate the development and operation of the solar farm.

The Department has also taken the opportunity to update the original consent with new agency names, and new standard compliance conditions (see summary of administrative changes in **Appendix E**). Lightsource BP has reviewed these changes to the conditions and does not object to them.

6 Evaluation

Proposed modification

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. The Department has assessed the proposed modification to make changes to road upgrade requirements as described in **section 2**.

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 3.3**;
- 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 modification is consistent with the objectives of the Bland LEP;
- the proposed 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. Any residual environmental and amenity impacts associated with the proposed modification could be mitigated and managed through the revised conditions of consent.

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

The Department has drafted a Notice of Modification (see **Appendix D**) and a consolidated version of the development consent as modified (see **Appendix E**). To permit the proposed modification, the conditions have been updated with a new definition of the EIS and updated road upgrades and site access plan. Lightsource BP has reviewed the proposed changes to the conditions and does not object to them.

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 West Wyalong Solar Modification 1 (SSD 9504) 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 9504); and
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:



22/9/21

Elisha Dunn

Environmental Assessment Officer
Energy Assessments

Recommended by:



22/9/21

Karl Okorn

Team Leader
Energy Assessments

8 Determination

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



22/9/2021

Nicole Brewer

Director

Energy Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

West Wyalong Solar Farm Modification Application, Lightsource BP, July 2021

Additional Information, Lightsource BP, dated 25 August 2021

<https://www.planningportal.nsw.gov.au/major-projects/project/41801>

Appendix B – Modification report

<https://www.planningportal.nsw.gov.au/major-projects/project/41801>

Appendix C – Notice of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/41801>

Appendix D – Consolidated consent

<https://www.planningportal.nsw.gov.au/major-projects/project/41801>

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 4: Condition 4	Insert the Department's current incident reporting requirements	To align with the Department's current approach for incident reporting notifications.
Schedule 4: Condition 5	Insert the Department's current non-compliance requirements	To align with the Department's current approach for non-compliance notifications.
Schedule 4: Condition 6	Insert the Department's environmental audit requirements	To align with the Department's current approach for independent environmental audits.