

ASSESSMENT REPORT

Nevertire Solar Farm

Modification 1 (SSD 8072 MOD 1)

1. BACKGROUND

Nevertire Solar Pty Ltd (the Applicant) has approval to develop the Nevertire Solar Farm approximately 60 kilometres (km) south east of Nyngan in the Warren Shire Local Government Area (LGA) (see **Figure 1**).

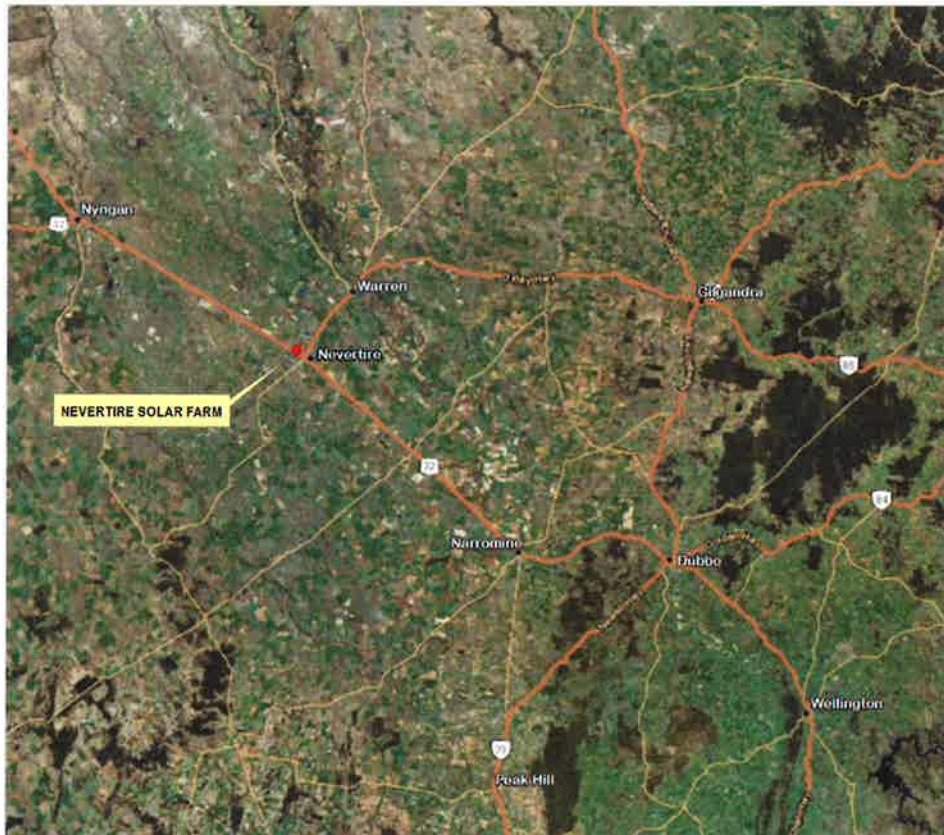


Figure 1: Regional context

On 5 July 2017, the Executive Director, Resource Assessments and Business Systems, as delegate of the Minister for Planning, granted approval for the Nevertire Solar Farm (SSD 8072).

The consent allows for the construction, upgrading and decommissioning of a photovoltaic solar farm with an initial capacity of 105 megawatts (MW). This includes approximately 364,000 solar panels, associated infrastructure and vegetation screening along the southern and eastern boundaries of the site.

The Applicant has yet to commence construction of the project.

2. PROPOSED MODIFICATION

The Applicant has lodged an application under Section 96(1A) of the *Environmental Planning and Assessment Act* (EP&A Act) to modify the project approval for the Nevertire Solar Farm.

The proposed modification seeks to extend the development footprint by approximately 23 hectares, from 177 ha to 200 ha, to include the south-western portion of the site. A comparison between the approved and proposed project layouts is shown in **Figure 2**.



Figure 2: Comparison between approved and proposed project layout

The proposed modification is described in detail in the Environmental Impact Statement (EIS) that was submitted in support of the application (see **Appendix A**).

3. STATUTORY CONTEXT

The Nevertire Solar Farm was originally approved under Section 89E of the EP&A Act. As such, any modification to this approval must be made under Section 96 of the EP&A Act.

Based on its assessment, the Department is satisfied that the application can be characterised as a modification to the existing consent as the proposal would neither significantly alter the approved layout or disturbance area of the development, nor would it increase the environmental impacts of the development as approved.

The Minister for Planning is the approval authority for the application. However, under the Minister's delegation dated 16 February 2015, the Director, Resource and Energy Assessments, may determine the proposed modification as Warren Shire Council has not made an objection, a political disclosure statement has not been made, and no submissions were received on the proposal.

4. CONSULTATION

Given the minor nature of the application, the Department did not formally seek submissions on the application. However, the Department made the application and EIS publicly available on its website on 12 September 2017.

Given the nature of the proposed modification, the Department consulted with the Office of Environment and Heritage (OEH), which confirmed it has no concerns with the proposed modification.

5. ASSESSMENT

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

- the modification application;
- the EIS and conditions of approval for the original project;
- relevant environmental planning instruments, policies and guidelines; and
- the requirements of the EP&A Act.

Biodiversity

The proposed modification seeks to extend the development footprint to include the south-western portion of the site. This portion of the site was identified as suitable habitat for the Sloane's Froglet (*Crinia sloanei*) threatened species in the EIS which accompanied the original development application.

The Applicant was unable to complete appropriate seasonal surveys to confirm the presence of the Sloane's Froglet. Consequently, the Applicant adopted a precautionary approach and proposed a development footprint that excluded the portion of the site containing potential Sloane's Froglet habitat.

Since the determination of the original project, the Applicant has undertaken appropriately timed surveys which found no evidence of the Sloane's Froglet and concluded that it is unlikely to occur at the site. On this basis, the Applicant now proposes to incorporate the south-western portion of the site into the development footprint.

The revised development footprint would not remove any native vegetation, and would continue to avoid the onsite dam and associated remnant native vegetation (approximately 0.84 ha). Furthermore, the revised footprint would still retain a 40 m buffer around the Boggy Cowal watercourse to the west of the site.

OEH has confirmed that it has no concerns with the proposed modification, and noted that the Applicant's Sloane's Froglet survey report satisfies the requirements of the *Framework for Biodiversity Assessment*.

Visual

There were some concerns raised during the exhibition of the original development application regarding potential visual impacts on the nearest residence, located approximately 340 m south of the project boundary.

To address these concerns, the Department included conditions in the project approval requiring the Applicant to establish and maintain a mature vegetation buffer along the site's southern and eastern boundaries. This buffer must be effective at screening views of the solar panels and ancillary infrastructure on site from surrounding residences within 3 years of the commencement of construction.

The Department also required the Applicant to prepare a Landscaping Plan for the site in consultation with RMS, OEH and Council, which would include a detailed description of the measures to ensure the effectiveness of this buffer. The plan must also include a program to monitor and report on the effectiveness of these measures.

As the vegetation buffer required under the existing consent would run along the entire southern boundary of the site, the Department is satisfied that it would be effective in screening views of the solar panels under the revised development footprint.

6. RECOMMENDED CONDITIONS

The Department has drafted a recommended Notice of Modification (see **Appendix B**), and a consolidated version of the project approval as modified (see **Appendix C**). The only changes to the existing consent are an update to the definition of the EIS and a revised map of the general layout of development in Appendix 1. The Applicant has reviewed the proposed changes to the conditions and does not object to them.

7. CONCLUSION

The Department has assessed the modification application in accordance with the relevant statutory requirements, having regard to the EIS, comments from OEH, and documents relating to the original project.

The Department has assessed the key issues associated with the proposed modification, particularly in relation to potential biodiversity and visual impacts. The Department's assessment has found that the proposed modification 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 should be approved.

8. RECOMMENDATION

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


- **Consider** the findings and recommendations of this report;
- **Determine** that the request falls within the scope of section 96(1A) of the EP&A Act;
- **Modify the consent** [SSD 8072]; and
- **Sign** the attached approval of the modification (**Appendix B**).

Recommended by:

 13/10/2017
Iwan Davies
Senior Planner
Resource and Energy Assessments

9. DECISION

The recommendation is: Approved / Not approved by:

 13/10/17
Clay Preshaw
Director, Resource and Energy Assessments
as delegate of the Minister for Planning

APPENDIX A:

ENVIRONMENTAL IMPACT STATEMENT

See website at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8733

APPENDIX B:

NOTICE OF MODIFICATION

See website at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8733

APPENDIX C:

CONSOLIDATED CONSENT

See website at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8733
