

ASSESSMENT REPORT

Nevertire Solar Farm

Site Layout and Subdivision Modification (SSD 8072 MOD 2)

EXECUTIVE SUMMARY

Nevertire Solar Pty Ltd is seeking to modify the Nevertire Solar Farm to amend the location of the project's substation, maintenance building and staff amenities infrastructure, and to subdivide the project site allotment to enable Essential Energy to take ownership of their portion of the substation site.

The Department's assessment has concluded that the modification would not result in any significant impacts beyond those that were already assessed and approved.

1. BACKGROUND

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

The project was approved on 5 July 2017 by the Executive Director, Resource Assessments and Business Systems, as delegate of the Minister for Planning. The project has since been modified on one occasion to revise the development footprint.

The consent allows for the construction, upgrading and decommissioning of a photovoltaic solar farm on an 254.9 ha site comprised of one allotment (i.e. Lot 26 DP 755292). The project would have an initial capacity of 105 megawatts (MW) and includes approximately 364,000 solar panels, a substation, maintenance building and staff amenities 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

Essential Energy would take ownership of a portion of the substation to be constructed under the project's development consent. To enable registration of a long-term lease of the substation to Essential Energy, the associated land needs to be excised from the existing allotment through subdivision of land.

Accordingly, the Applicant is seeking to modify the project approval to facilitate the subdivision of the allotment. The subdivision would result in the creation of:

- an 0.4 ha lot at the site of the Essential Energy portion of the substation; and
- a 254.5 ha lot which would contain the remainder of the project's infrastructure.

Additionally, the modification involves (see **Figure 1**):

- relocating the substation, maintenance building and staff amenities infrastructure approximately 150m northeast of the approved location so that a shorter overhead transmission line would be required to connect to the existing transmission line; and
- increasing the indicative footprint of this infrastructure from approximately 0.47 ha to 0.60 ha.

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

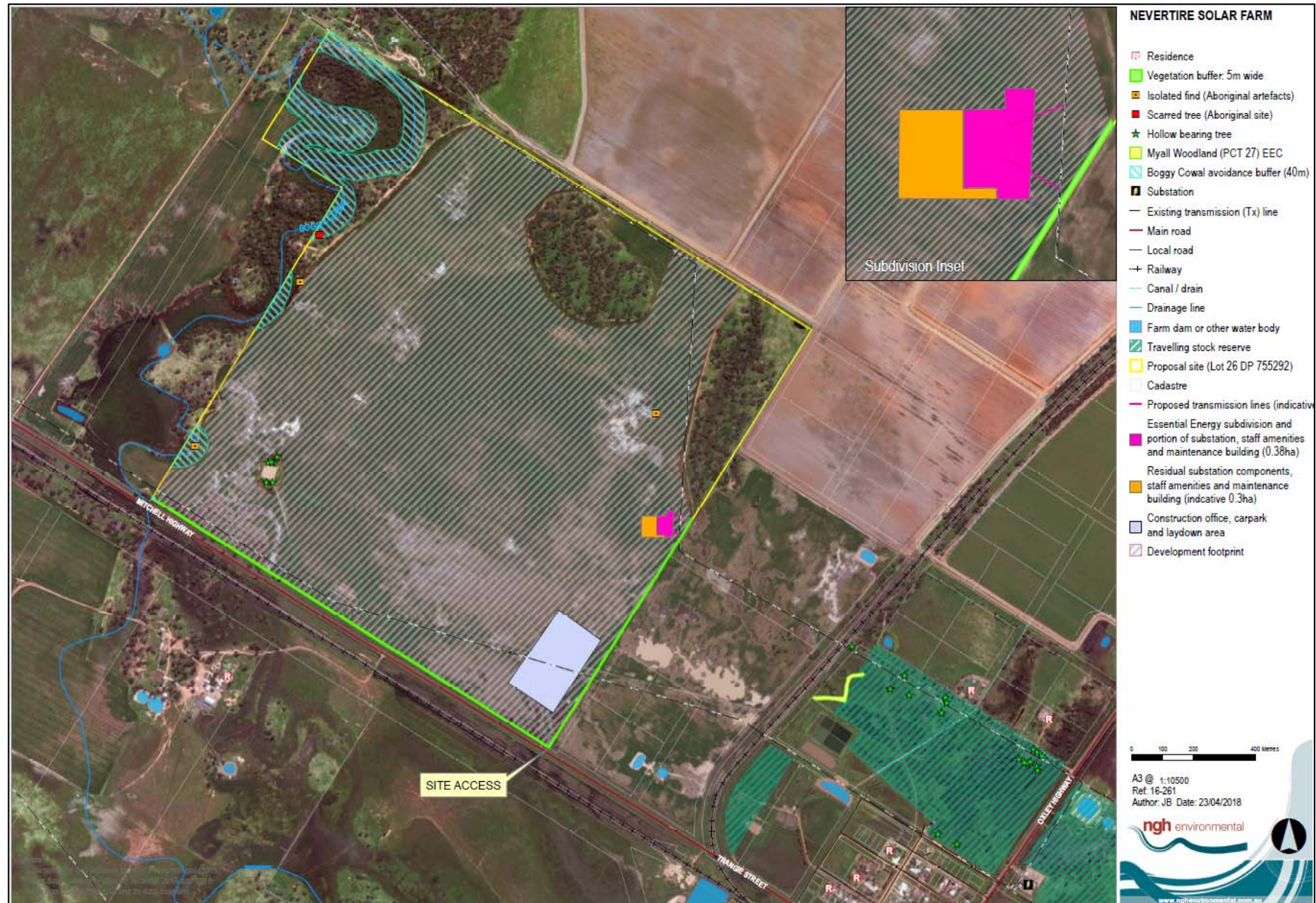


Figure 1: Modified project layout and location of subdivision

3. STATUTORY CONTEXT

The project was originally approved under Section 4.38 (previously Section 89E) of the EP&A Act. As such, any modification to this consent must be made under Section 4.55 of the EP&A Act.

Based on its assessment (see **section 5**), 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 modification application, however the proposal may be determined by the Director, Resource and Energy Assessments, under the Minister's delegation of 11 October 2017. This is because a political disclosure statement has not been made and Warren Shire Council did not object to the proposal.

4. CONSULTATION

The Department notified Warren Shire Council and Essential Energy about the proposed modification, and made the application publicly available on its website from 23 April 2018. Council and Essential Energy did not raise any concerns about the proposed modification.

5. ASSESSMENT

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

- existing conditions of consent;
- previous EIS's for the project, including the previous modification;
- modification application and supporting information;
- relevant environmental planning instruments, policies and guidelines; and
- requirements of the EP&A Act.

Revised infrastructure location

The new proposed position of the substation, maintenance building and staff amenities infrastructure is within the approved development footprint and would not change the project's impacts to the environmental constraints present on the site.

The increased size and change in location of substation, maintenance building and staff amenities infrastructure is not anticipated to change the amenity impacts of the project. The change in visual impact of the proposed infrastructure would be negligible as it would be located adjacent to the proposed vegetation buffer along the eastern boundary of the site. The vegetation 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.

Consequently, the Department is satisfied that the relocation and change in size of the proposed substation, maintenance building and staff amenities infrastructure would not result in any environmental or amenity impacts beyond those currently approved for the project.

Subdivision

The lot proposed to be subdivided is located on land zoned RU1 - Primary Production under the *Warren Local Environmental Plan (LEP) 2012*. The minimum lot size for land zoned RU1 is 1000 ha.

The Department notes that the existing allotment which is 254.9 ha is below the minimum lot size specified in the *Warren LEP 2012*. As such, both proposed lots resulting from the subdivision would be below the minimum lot size.

However, to the extent that the *Warren LEP 2012* restricts the grant of consent for subdivisions below the minimum lot size, the restriction does not confine the application of the modification power in Section 4.55 of the EP&A Act because it is not taken to be the granting of consent.

As such, while the Department must consider the restriction in assessing the merits of the proposed modification, the restriction does not in itself prevent approval of the proposed modification.

The Department considers that the proposed subdivision is consistent with the objectives of the *Warren LEP 2012* as:

- the subdivided land would not be used for residential purposes;
- it would ensure the lots have a practical and efficient layout to meet the intended use of the land under the existing consent, that being electricity generation; and
- it is necessary for the on-going operation of the project as it would enable Essential Energy to take ownership of their portion of the substation site.

As such, the Department supports the Applicant's request to subdivide the land.

6. RECOMMENDED CONDITIONS

The Department has drafted a recommended Notice of Modification (see **Appendix B**), and a consolidated version of the conditions of consent as modified (see **Appendix C**).

The amended conditions would enable the Applicant to subdivide the land, and subsequently lodge a Subdivision Application with a Principal Certifying Authority in accordance with clause 157 of the *Environmental Planning and Assessment Regulation 2000*.

Additionally, the conditions have been updated with a revised figure with the amended location of the substation, maintenance building and staff amenities infrastructure.

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 modification justification, comments from Warren Shire Council, and documents relating to the original project. 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 4.55(1A) of the EP&A Act;
- **modify** the development consent (SSD 8072); and
- **sign** the attached notice of modification (**Appendix B**).

Recommended by:


Eleanor Parry
Environmental Assessment Officer
Resource and Energy Assessments

04/05/18


Recommended by:


Matthew Riley
Specialist Planner
Resource and Energy Assessments

4/5/18

9. DECISION

The recommendation is: Approved / Not approved by:


Clay Preshaw
Director
Resource and Energy Assessments
as delegate of the Minister for Planning

7/5/18

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
