



Nevertire Solar Farm

*State Significant
Development
Modification Assessment
(SSD 8072 MOD 3)*



November 2018

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Cover photo

Source: Moree Solar Farm. Moree, NSW. Department of Planning and Environment Image Database (<https://images.planning.nsw.gov.au>).

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Executive Summary

Nevertire Solar Pty Ltd (the Applicant) owns the Nevertire Solar Farm, located approximately one kilometre from the township of Nevertire and 90 kilometres west of Dubbo in the Warren Shire local government area.

The Applicant is seeking to modify the Nevertire Solar Farm development consent to allow for the use of an adjoining lot for temporary access and parking for light vehicles for approximately six to eight months during the construction phase. The proposed modification does not involve any changes to solar panels or other infrastructure.

The Department notified both Roads and Maritime Services and Warren Shire Council, and neither objected to the proposed modification.

The Department's assessment has concluded that the modification would not result in any significant impacts beyond those that were previously assessed and approved. As such, the Department considers that the proposal should be approved, subject to recommended conditions.



1. Introduction

This report provides an assessment of an application to modify the State significant development consent (SSD 8072) for Nevertire Solar Farm (the project).

The modification application seeks approval for the use of an adjoining lot for temporary access and parking for light vehicles, during construction.

The application was lodged on 28 September 2018 pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) (see **Appendices A and B**).

1.1 Background

Nevertire Solar Pty Ltd (the Applicant) has approval to develop the project approximately one kilometre from the township of Nevertire and 90 kilometres west of Dubbo in the Warren Shire local government area.

1.2 Approval History

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 two occasions to revise the development footprint, facilitate a subdivision and amend the site facilities layout.

The consent allows for the construction, upgrading and decommissioning of a photovoltaic solar farm on a 254.9 hectare (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, 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 currently approved development footprint sits wholly within Lot 26 DP 755292. The Applicant is seeking to include Lot 81 DP 132913 in the development consent for use as a temporary parking area. During the construction phase of the project, it is predicted that up to 100 light vehicles would access the site. The use of Lot 81 would provide parking for these vehicles. There is no proposal to change heavy vehicle access and routes.

The parking area would:

- provide a separate entrance checkpoint and security area for workers and visitors to gain access to the site;
- be operational for a six to eight month period during the construction phase only;
- require construction of a separate access track from the approved Mitchell Highway access point along the southern boundary of the site within Lot 81 (see **Figure 1**); and
- include temporary perimeter fencing.

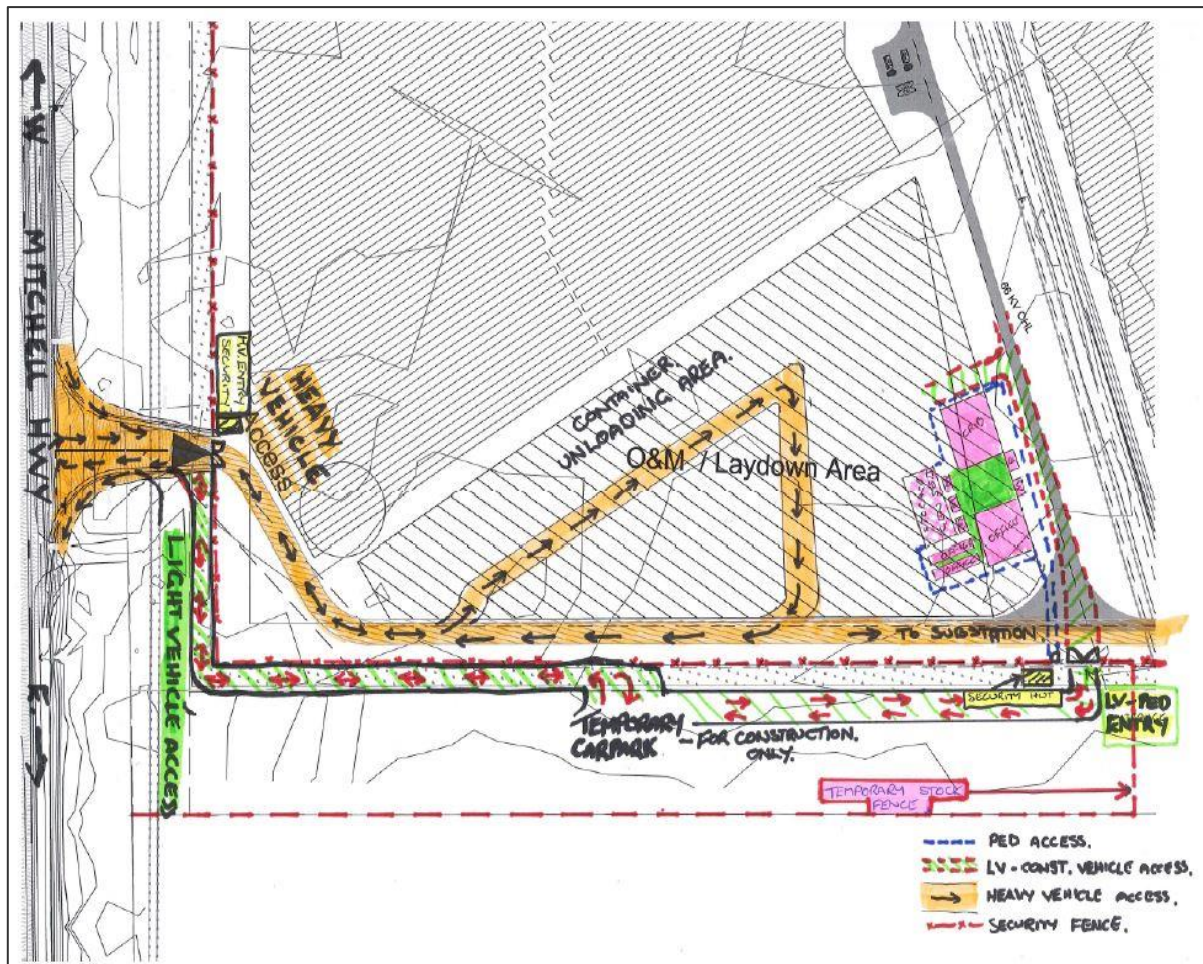


Figure 1 | Proposed temporary car parking area on Lot 81



3. Statutory Context

3.1 Scope of Modification

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

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;
- is substantially the same development as originally approved; and
- would not significantly alter the approved layout or disturbance area of the development.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent Authority

The Minister for Planning is the consent authority under Section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Director, Resource and Energy Assessments, may determine the proposed modification as Warren Shire Council (Council) did not object to the proposal and a political disclosure statement has not been made by the Applicant.



4. Engagement

4.1 Department's Engagement

The Department made the modification application publicly available on the Department's website from 5 October 2018, and referred it to Roads and Maritime Services (RMS) and Council for comment.

RMS did not object to the proposal and Council stated that it continues to support the project.

4.2 Applicant's Engagement

The Applicant undertook consultation with the Department, RMS and Council, while landowners consent has been provided for Lot 81.



5. Assessment

In assessing the merits of the modification application, the Department has considered the:

- existing conditions of consent;
- previous environmental assessments for the project;
- modification application and supporting information;
- applicable government policies and guidelines; and
- requirements of the EP&A Act.

The existing development consent does not allow off-site parking for light vehicles or provide for separate access for light vehicles entering the site from the Mitchell Highway.

The Applicant considers that on-site light vehicle parking may not be operationally efficient, particularly during the morning peak period as the site entrance provides the security checkpoint for all vehicles.

Consequently, the Applicant is proposing to construct a separate access track from the driveway of the Mitchell Highway site access point around the southern boundary of the site to access the temporary parking area (see **Figure 1**). This would remove light vehicles from queuing at the site access point.

Both RMS and Council did not raise concerns with this approach.

There would be no increase impacts to biodiversity values as the parking area is located outside the mapped areas of vegetation and no vegetation would be cleared for the proposed works.

A due diligence assessment for Aboriginal Cultural Heritage, including a field survey, was submitted in support of the application. The Department notes that the location of the proposed parking area does not contain any Aboriginal heritage sites. The existing consent requires the Applicant to prepare a Chance Finds Protocol in consultation with Aboriginal Stakeholders, and to the satisfaction of Office of Environment and Heritage.

The Department considers that the proposed parking area is highly unlikely to increase the visual impacts of the development given the distance to viewpoints, the small area of the parking area and the temporary installation of fencing. The Applicant has committed to including the temporary fencing in the required Landscaping Plan.

Subject to the existing conditions, the Department considers that the modification would result in negligible impacts on the environment. Further, the use of a separate access and parking area for light vehicles upon entering the site would allow for a safer and more efficient operation of the Mitchell Highway.

In summary, the Department considers that the proposed modification would not result in any environmental or amenity impacts beyond those currently approved for the project and that the existing conditions of consent adequately address any potential impacts.

In accordance with the existing consent, the Applicant is required to review and, where necessary, revise its strategies, plans, and programs to include the scope of this modification.



6. Evaluation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act.

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, and should be approved.

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




7. 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 application Nevertire Solar Farm Modification 3 falls within the scope of section 4.55(1A) of the EP&A Act;
- **accept and adopt** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application;
- **modify** the consent (SSD 8072); and
- **sign** the attached notice of modification (**Appendix C**).


Recommended by:

 21/11/2018

Iwan Davies

Senior Environmental Assessment Officer
Resource and Energy Assessments

Recommended by:

 21/11/18

Jessie Evans

Team Leader
Resource Assessments



8. Determination

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



Clay Preshaw

Director
Resource and Energy Assessments

22/11/18



Appendices

Appendix A – Modification Application

See website at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9648

Appendix B – Environmental Assessment

See website at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9648

Appendix C – Notice of Modification

See website at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9648

Appendix D – Consolidated Consent

See website at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9648