

Our Ref: 217143\_LET\_007A.docx

6 December 2018

Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Sir/Madam

**MODIFICATION OF SSD8095, WALGETT SOLAR FARM – MINOR AMENDMENT TO APPROVED PLANS WITH RESPECT TO SITE ACCESS**

Geolyse has been engaged by Walgett Solar Pty Ltd to seek a minor modification in respect of SSD 8095, approved by the Minister for Planning on the 14 July 2017, pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*. As the original applicant, Walgett Solar Pty Ltd is entitled to act on the consent and is therefore also entitled to modify the consent pursuant to section 4.55.

The proposed modification relates to amendments to the site access route to avoid crossing Crown land.

**Attachment 1** provides three drawings, being the approved layout as per SSD 8095, which demonstrates the current approved arrangement with respect to access, **Geolyse Drawing 2: Access Road Realignment**, which demonstrates the proposed arrangement as sought via this modification and **BSR Site Access Treatment Drawing 1577-0700-01**.

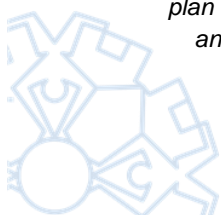
By reference to the above description, the proposed changes are considered minor and the overall development is considered substantially the same as the approved development on the basis that there is no change proposed to the scale or footprint of the approved solar development and no change to operational parameters or construction methodology.

Section 4.55(1A) of the EP&A Act states *inter alia*:

*(1A) Modifications involving minimal environmental impact*

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
  - (i) the regulations, if the regulations so require, or*
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*



*(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Subsections (1), (2) and (5) do not apply to such a modification.*

In determining a modification application the courts have consistently defined the process as being 'beneficial and facultative'. "It is to be construed and applied in a way that is favourable to those who seek to benefit from the provision" (see *North Sydney Council v Michael Standley & Associates Pty Limited* [1998]).

The modification as proposed would result in a development that is substantially the same as the originally approved development on the basis that the fundamental nature of the approved solar farm remains unchanged, with the proposal being limited to minor changes to access.

For this reason, the development is considered to remain substantially the same as the approved development.

Also of relevance to the application assessment is subclause of (3) of Section 4.55 of the Act, which states:

*(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.*

Following an initial assessment of the proposed modification, it has been identified that key impacts associated with the proposal are limited to potential impacts to previously unassessed areas of the site, with the potential for impacts to ecology and Aboriginal heritage. To this end additional ecological and Aboriginal assessments have been commissioned and completed – attached as **Attachments 2 and 3**.

The ecological report (**Attachment 2**) concludes:

*The revised road alignment will result in an overall reduction in impacts arising from the Walgett Solar Farm from 0.38 ha (0.63 ha inclusive of grid connection) to 0.29 ha (0.54 ha inclusive of grid connection). There is a concurrent reduction in credits required to offset impacts from 2 to 1 credit. Walgett Solar will make payment into the Biodiversity Conservation Fund (BCF) to retire this credit requirement.*

The attached ecological report has been prepared on the basis that two hollow bearing trees require removal to facilitate the revised access alignment. However, subsequent design investigations by BSR on behalf of Walgett Solar Pty Ltd has resulted in the micro realignment of the access road such that only one of the potentially impacted trees need be removed, while impact to the other would be restricted to possible limb removal only. On the basis that the assessment assumes complete loss of both trees, and determines a reduced impact by reference to the approved arrangement, it follows that the micro-realignment would result in a further reduction in impact and is therefore acceptable on this basis. To provide for some flexibility within the approval, consent is sought for removal of both trees, however noting that, barring any change in circumstances once site works commence, only one would likely require complete removal.

The Aboriginal heritage report (**Attachment 3**) concludes:

*The management recommendations as outlined in the 2017 ACHA for the project should continue to be applied in addition to the following:*



- *The proposed access track realignment may proceed with no further archaeological assessment.*
- *The proponent must exercise caution when completing works in the vicinity of scarred tree WSF-8 to avoid inadvertent impacts.*
- *All workers (including contractors) should be made aware that it is an offence under the National Parks and Wildlife Act 1974 to destroy, deface or otherwise disturb an Aboriginal object without first obtaining the consent of the Director General of the NSW NPWS.*

A review of other potential impact areas confirms no other matters in relation to Section 4.15 of the EP&A Act requiring additional assessment.

It is further noted for the avoidance of doubt that no additional or unrelated parcels of land are affected by the proposed modification.

In consideration of the comments above, the overall development is considered to remain essentially and materially the same as the approved development.

Please contact Ms Jessica Andrews at Walgett Solar Pty Ltd in relation to payment of application modification application fees. Ms Andrews can be contacted on 0423669422 or [j.andrews@epuron.com.au](mailto:j.andrews@epuron.com.au).

Please call or email the undersigned with any questions regarding this matter.

Yours faithfully  
**Geolyse Pty Ltd**



**DAVID WALKER**  
**Senior Town Planner**

No. of Attachments – 3:

1. Modified application drawings
2. Correspondence from EMM dated 30 November 2018 providing comment on potential impacts to biodiversity
3. Correspondence from EMM dated 3 December 2017 providing an addendum to the approved Aboriginal Cultural Heritage Assessment

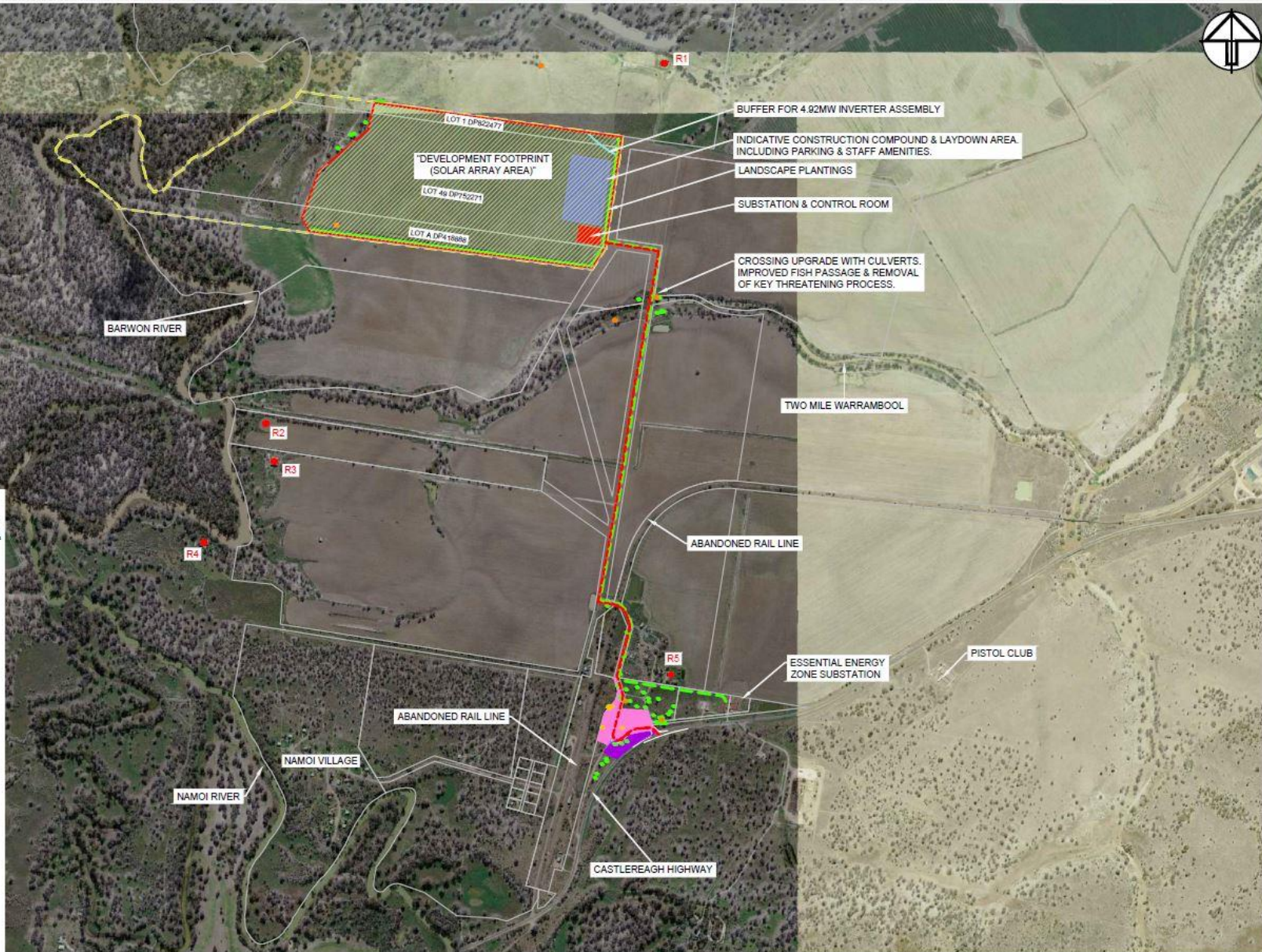






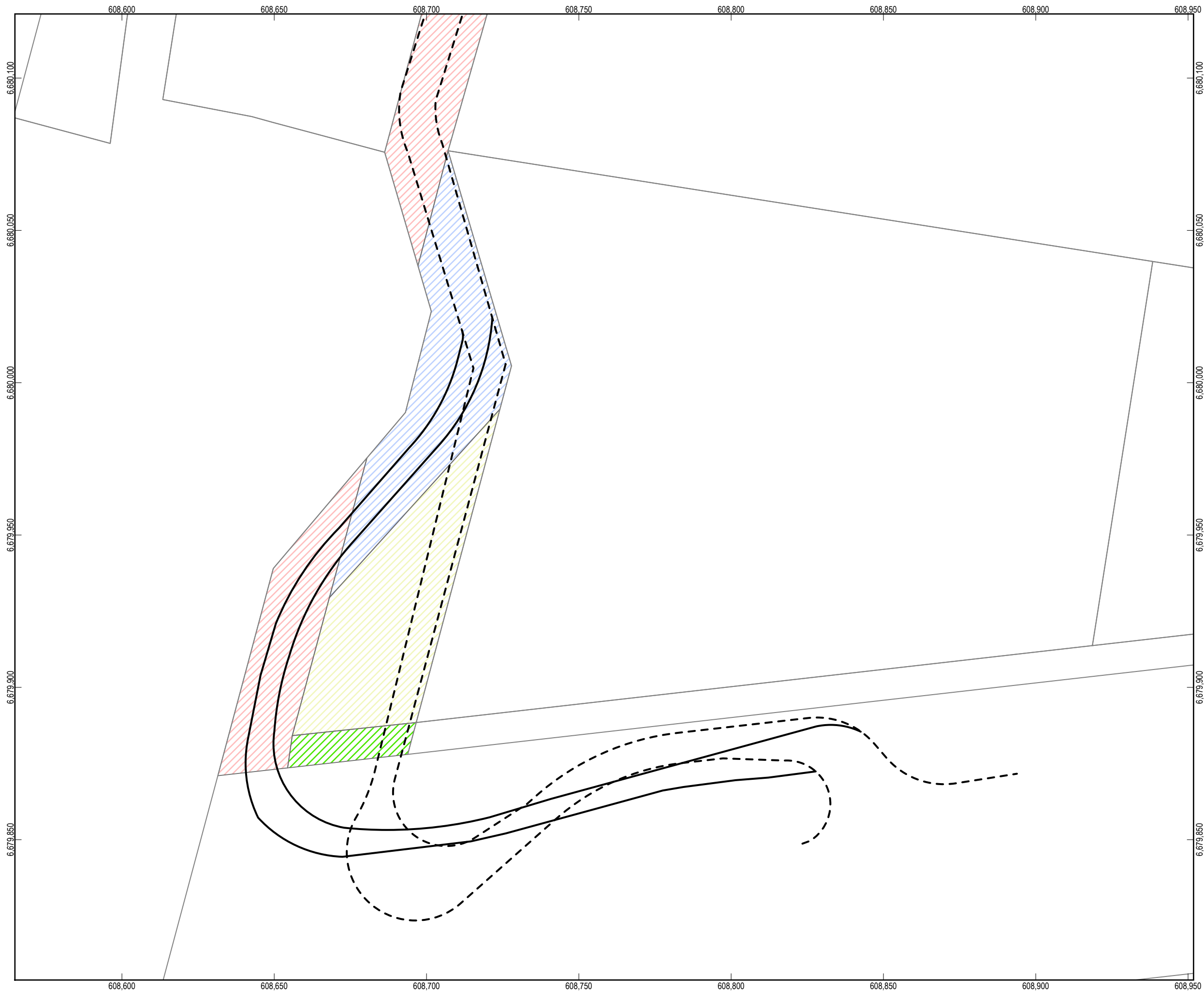
#### LEGEND

-  INDICATIVE CONSTRUCTION COMPOUND & LAYDOWN AREA, INCLUDING PARKING & STAFF AMENITIES.
-  DEVELOPMENT SITE BOUNDARY
-  "DEVELOPMENT FOOTPRINT (SOLAR ARRAY AREA)"
-  SUBSTATION & CONTROL ROOM
-  LOT BOUNDARIES  
NOTE: CADASTRAL LOT BOUNDARIES ARE INDICATIVE ONLY
-  ACCESS ROAD
-  UNDERGROUND GRID CONNECTION
-  RESIDENCES
-  HERITAGE SITES
-  LANDSCAPE PLANTINGS
-  COOLABAH OPEN WOODLAND-MEDIUM CONDITION
-  COOLABAH OPEN WOODLAND-HIGH CONDITION
- HABITAT TREES**
  -  NON HOLLOW BEARING
  -  HOLLOW BEARING





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Meters  
Spatial Reference  
GDA 1994 MGA Zone 55  
Datum: GDA 1994  
Map Units Meter  
Scale 1:1,200 at A3

### Legend

- Proposed Access
- Approved Access
- Cadastral Boundaries
- Crown Land
- Crown Road
- Appropriated Land
- Council Public Road

Revision: A  
Date: 09/11/18

Project Number: 217143

Access Road Realignment  
Walgett Solar Farm  
Walgett Solar Pty Ltd  
Approved / Proposed Access Plan

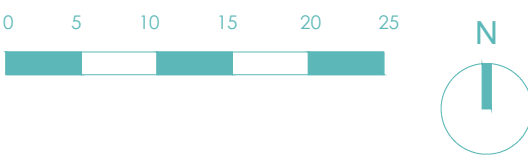
Drawing 02



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Key:

- Area to avoid
- Area to avoid
- Passing Area
- Passing Area
- Proposed Access Track

35 and 35a The Mallings  
Lower Charlton Trading Estate,  
Shepton Mallet,  
Somerset, BA4 5QE

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T:01458 224900  
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Project:  
Walgett Solar Park

Location:  
Walgett, New South  
Wales, Australia

Title:  
Site Access Treatment

Scale: 1:500

Revision Notes:  
Initial Issue

Drawn By:	Date:
AK	05.12.18
Checked By:	Date:
MB	05.12.18
Approved By:	Date:
RP	05.12.18

Drawing Number:  
1577-0700-01

Drawing Status:  
Proposal

Issue: 02





5 December 2018

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Jessica Andrews  
Project Manager  
Walgett Solar Pty Ltd  
Level 11, 75 Miller Street  
North Sydney, NSW 2060

**Re: Biodiversity impact assessment of the revised road alignment, Walgett Solar Farm**

Dear Jessica,

## 1.1 Introduction

Walgett Solar Pty Ltd (Walgett Solar) has been given approval for a large-scale solar farm near Walgett which will produce ~30 MW of power over 90 ha. The solar farm is approximately 5 km north of the town and will generate renewable electricity which will feed into the national electricity grid. The project achieved approval from the Department of Planning on 14 July 2017 (SSD 16\_8095) and will commence construction in 2019.

It has now been identified that a small portion of the proposed access track for the Walgett Solar Farm is located on Crown land. As a result, the access track needs to be moved approximately 40 m west of the original alignment approved as part of the original development plan (Figure 1). Geolyse, on behalf of Walgett Solar, is preparing a modification to the original approval for this revised road alignment. This letter report sets out the revised impact biodiversity impact assessment.

## 1.2 Assessment method and results

Data collected by Biosis (2017), including mapping of vegetation zones and site value data collected by plots and transects, was used to determine the impacts from the road re-alignment. To determine impacts arising from the revised road alignment the extent of each vegetation zone within the revised disturbance footprint was calculated using a geographic information system (ArcGIS Desktop 10.6). Revised data was inputted into the calculator associated with the Framework for Biodiversity Assessment (FBA, OEH 2014).

Impacts arising from the original and revised road alignments are summarised in Table 1 and shown in Figure 1.

**Table 1 Impacts to native vegetation arising from the original and revised road alignments**

Vegetation zone	Original impact (ha)	Revised impact (ha)
PCT 40 – Coolabah open woodland wetland (NA130) Moderate/good – Medium	0.29	0.27
PCT 40 – Coolabah open woodland wetland (NA130) Moderate/good – High	0.09	0.02
TOTAL	0.38	0.29

Notes: The original project resulted in impacts to a further 0.25 hectares of PCT 40 – Coolabah open woodland wetland (NA130) Moderate/good – Medium from the grid connection. This impact remains the same between the original and revised proposals.



The original project resulted in a requirement for 2 credits as a result of impacts to 0.09 ha of PCT 40 – Coolabah open woodland wetland (NA130) in Moderate/good – High condition. As outlined in Biosis (2017a, 2017b) areas of PCT 40 – Coolabah open woodland wetland (NA130) in Moderate/good – Medium condition had a site value score of less than 17, and no offsets were required. The original project would have resulted in indirect impacts to two hollow-bearing trees, as they were located immediately adjacent to the alignment.

The revised project will result in a requirement for 1 credit as a result of impacts to 0.02 ha of PCT 40 – Coolabah open woodland wetland (NA130) in Moderate/good – High condition. No offsets for PCT 40 – Coolabah open woodland wetland (NA130) in Moderate/good – Medium condition are required. The revised project will also result in the removal of two hollow-bearing trees.

### 1.3 Offset strategy

The biodiversity offset strategy for the project is outlined in Section 9 of Biosis (2017a). Making payments into an offset fund that has been developed by the NSW Government is an option permitted in the Development Consent. Walgett Solar will make payment into the Biodiversity Conservation Fund (BCF) to retire their credit obligation.

### 1.4 Conclusion

The revised road alignment will result in an overall reduction in impacts arising from the Walgett Solar Farm from 0.38 ha (0.63 ha inclusive of grid connection) to 0.29 ha (0.54 ha inclusive of grid connection). There is a concurrent reduction in credits required to offset impacts from 2 to 1 credit. Walgett Solar will make payment into the Biodiversity Conservation Fund (BCF) to retire this credit requirement.

Yours sincerely



**Nathan Garvey**

Associate Director - Ecology

[ngarvey@emmconsulting.com.au](mailto:ngarvey@emmconsulting.com.au)

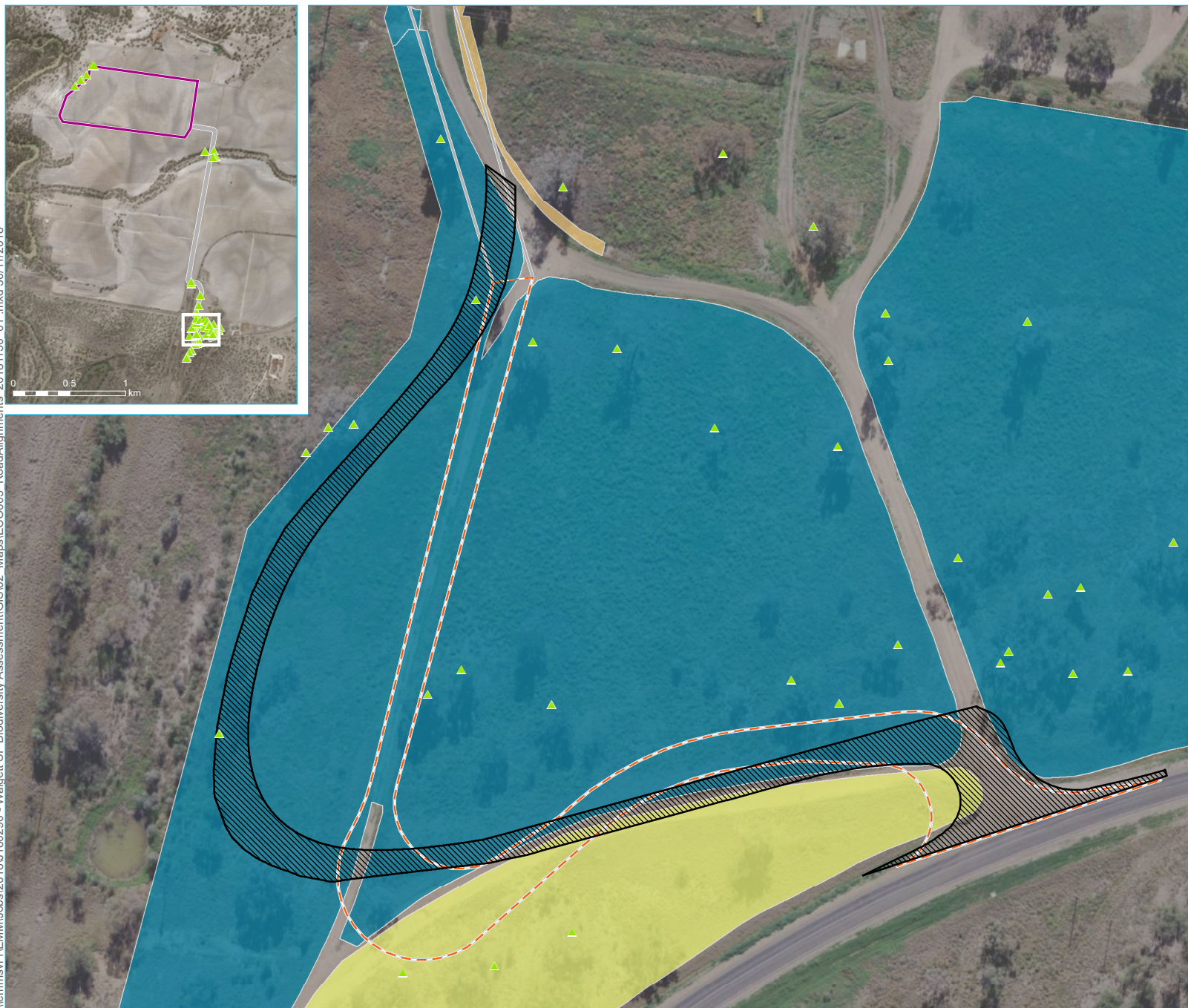
### 1.5 References

Biosis 2017a. Walgett Solar Farm, NSW: Biodiversity Assessment Report. Report for Geolyse (on behalf of Walgett Solar Pty Ltd). Authors: N Garvey & A Barreto.

Biosis 2017b. Walgett Solar Farm Biodiversity Assessment – Response to Submissions. Letter for Geolyse (on behalf of Walgett Solar Pty Ltd). Author: N Garvey.

OEH 2014. Framework for Biodiversity Assessment. Office of Environment and Heritage, Sydney.

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# KEY

- Walgett Solar Farm
- Access road
- Original road alignment
- Revised road alignment
- Hollow-bearing trees

## Plant community type

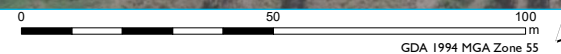
- PCT 40 - Coolabah open woodland wetland with chenopod/grassy ground cover on grey and brown clay floodplains (NA130); moderate/good, Derived grassland; moderate/good condition
- PCT 40 - Coolabah open woodland wetland with chenopod/grassy ground cover on grey and brown clay floodplains (NA130); moderate/good, high and Moderate/good condition
- PCT 40 - Coolabah open woodland wetland with chenopod/grassy ground cover on grey and brown clay floodplains (NA130); moderate/good, medium and Moderate/good condition

Original and revised road alignments, including native vegetation

Walgett Solar Farm Modification 1  
Biodiversity assessment

Figure 1

Source: EMM (2018); Biosis (2017); DFSI (2017); GA (2015)



6 December 2018

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Walgett Solar Pty Ltd  
c/o Andrew Brownlow  
Manager - Environmental / Director  
Geolyse Pty Ltd  
154 Peisley Street (PO Box 1963)  
Orange NSW 2800

**Re: Walgett Solar Farm - Addendum to ACHA**

---

Dear Andrew,

## 1 Introduction

Walgett Solar Pty Ltd (Walgett Solar) received State Significant Development (SSD) approval from the Department of Planning in July 2017 for construction of a large-scale solar farm on approximately 90 ha of land located 5 km north of Walgett in northern NSW.

Construction of the Walgett Solar Farm (WSF) is scheduled to commence in 2019, and it was subsequently identified that a minor realignment of the proposed access track is required. The realignment will move the access track approximately 40 m west of the original alignment approved as part of the project development plan. An Aboriginal cultural heritage assessment (ACHA) for the WSF was completed by Access Archaeology and Heritage Pty Ltd (2017). Although the previous assessment covered the nearby initial access track alignment, it did not extend into the footprint of the proposed realignment.

The realignment will avoid all previously recorded Aboriginal sites. However, as the revised footprint extends into an area not previously assessed and the activity is likely to require vegetation removal including potentially mature trees, an archaeological assessment of the proposed realignment is required in accordance with recommendation 10.2 of the ACHA (Williams 2017: 18)

EMM Consulting Pty Ltd (EMM) was engaged by Geolyse Pty Ltd (Geolyse) (the client) on behalf of Walgett Solar Pty Ltd (the proponent) to prepare an addendum report to the project ACHA documenting the results of an assessment of the proposed realignment in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (the Code) (DECCW 2010).

### 1.1 Project area

The proposed access track realignment (the project area) is located approximately 5 km north of Walgett as you exit the Castlereagh Highway. The project area is adjacent to a railway line and existing unsealed access roads and demonstrates associated moderate to high levels of disturbance in addition to historical pastoral use of the land.



## 2 Background

### 2.1 Previous assessment

In 2017 Access Archaeology and Heritage Pty Ltd completed an ACHA for the WSF (Williams 2017). The assessment included archaeological survey of Lot 1 DP822477, Lot 49 DP752271, Lot A DP418888 and Lot 21 DP752271, with grid connection through Crown Land and Lot 92 DP752271 (Williams 2017: 1).

Consultation in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* was completed by Access, and registered Aboriginal parties (RAPs) Walgett Local Aboriginal Land Council (LALC) and Dharriwaa Elders Group participated in the archaeological survey.

A search of the AHIMS register (as at December 2016) of a 140 km<sup>2</sup> area centred on the proposed WSF project area identified 84 culturally modified trees, one (1) artefact scatter, three (3) isolated artefacts, four (4) burials, and one (1) potential archaeological deposit. AHIMS data demonstrated that no previously recorded Aboriginal sites were located within the proposed WSF project area, with the nearest previously recorded site located in excess of 1km from the project area boundary.

A total of five Aboriginal archaeological sites were recorded as a result of the ACHA including one (1) isolated artefact and four (4) culturally modified (scarred) trees. In addition, two (2) historical survey blaze trees were identified. Scarred tree WSF-5 (AHIMS #56-1-0521) and surveyors blaze WSF-6 were recorded adjacent to the initial access track alignment (see Figure 4.1).

### 2.2 AHIMS data

A search of the Aboriginal Heritage Information System (AHIMS) database conducted on 30 November 2018 found three (3) registered Aboriginal sites within a 7 km<sup>2</sup> area, centred on the project area (Appendix A.1).

EMM confirmed that the sites previously recorded by the 2017 ACHA are registered in AHIMS<sup>1</sup>, however they are not identified in the AHIMS extensive search results. This is likely due to an error in the locational data submitted to or transcribed by OEH. For the purposes of the current assessment the previously recorded sites are shown on Figure 4.1 following the coordinates provided in the ACHA.

## 3 Consultation

RAPs Walgett LALC and Dharriwaa Elders Group were contacted by EMM on 15 and 16 of November 2018 and were advised of the proposed access track realignment. Both RAPs were emailed a map of the proposed realignment and a copy of the previous ACHA, and were invited to participate in archaeological survey of the proposed access track realignment (Access 2017).

Walgett LALC representative Kelvin Boreland (also known as Shane Boney) and his trainee Andrew Boreland and Dharriwaa Elders Group representative Virginia Robinson participated in the archaeological survey.

Walgett LALC and Dharriwaa Elders Group were provided a copy of this letter on Thursday 6 December 2018 for their records.

<sup>1</sup> The naming convention used sites recorded by Access Archaeology as listed in AHIMS does not conform to the ACHA. Sites appear in AHIMS registered as "WWSF" not "WSF".

## 4 Archaeological assessment

### 4.1 Overview

On Tuesday 20 November 2018, EMM Senior Archaeologist Morgan Wilcox completed an archaeological survey of the project area.

Walgett LALC representative Kelvin Boreland (also known as Shane Boney) and his trainee Andrew Boreland and Dharriwaa Elders Group representative Virginia Robinson participated in the archaeological survey. Virginia was not capable of walking the length of the alignment but was driven by Morgan along the alignment and to points of interest identified by the pedestrian survey effort for her inspection and input.

### 4.2 Survey strategy

The archaeological survey and data collection methods followed Section 2.2 of the Code which sets out the required recording methods. The pedestrian survey team comprised three (3) persons and survey coverage spaced at approximately 5 m to 10 m intervals. Survey transects were recorded using a hand-held non-differential GPS unit (GDA94 Zone 55) with accompanying photographs to identify landscape context. The survey strategy was to cover the entire project area, focusing on areas with ground surface exposures and inspection of all trees for evidence of cultural modification.

### 4.3 Recording methodology

Survey transects were recorded using the *Australian Soil and Land Survey Field Book* (CSIRO 2009) as a guide. The project area landform unit was classed as a 'very gently undulating plain'. The methodology for identifying and recording Aboriginal sites is in accordance with the Code, with any sites identified to be recorded using a hand-held non-differential GPS unit (GDA94 Zone 55).

### 4.4 Survey coverage

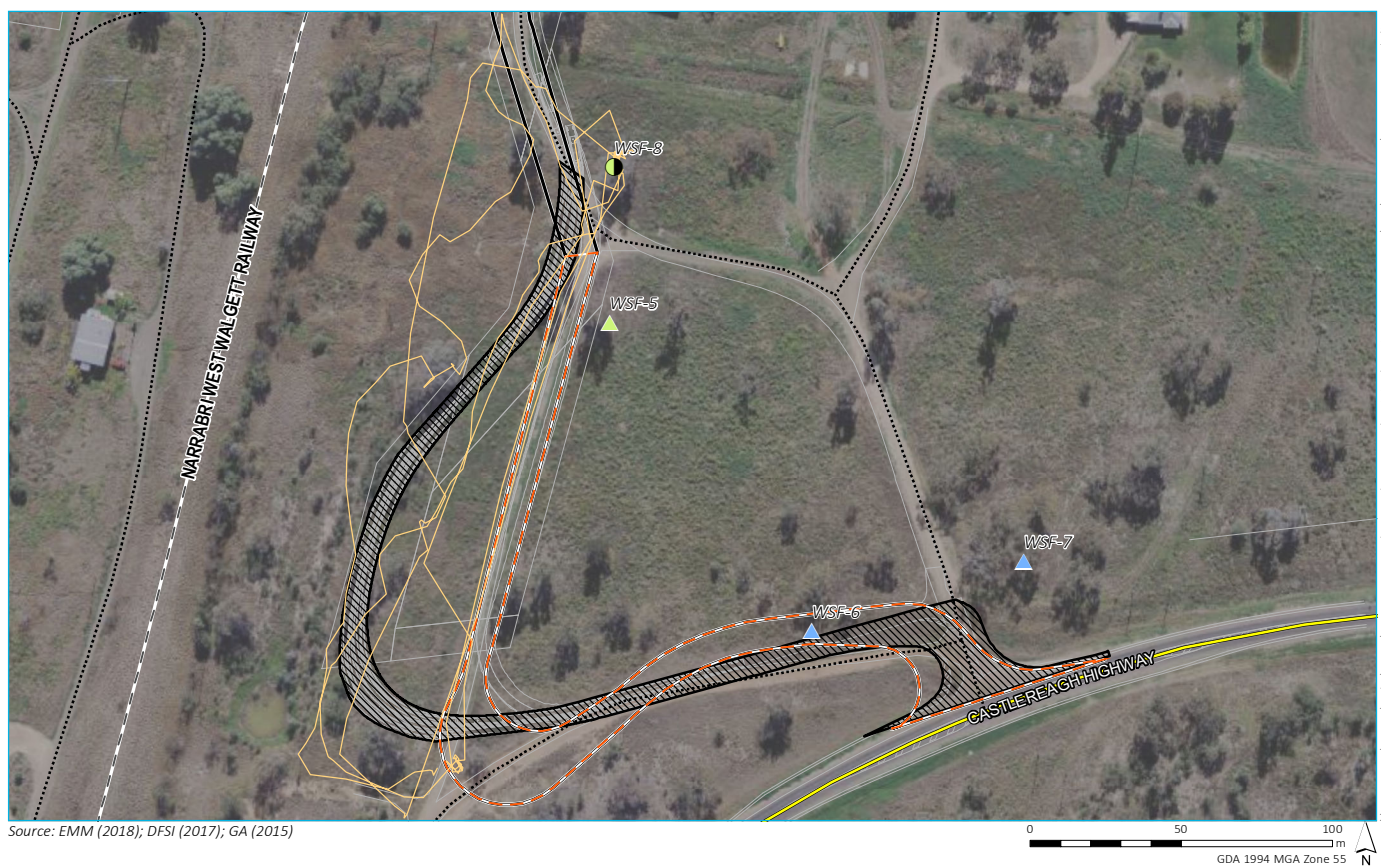
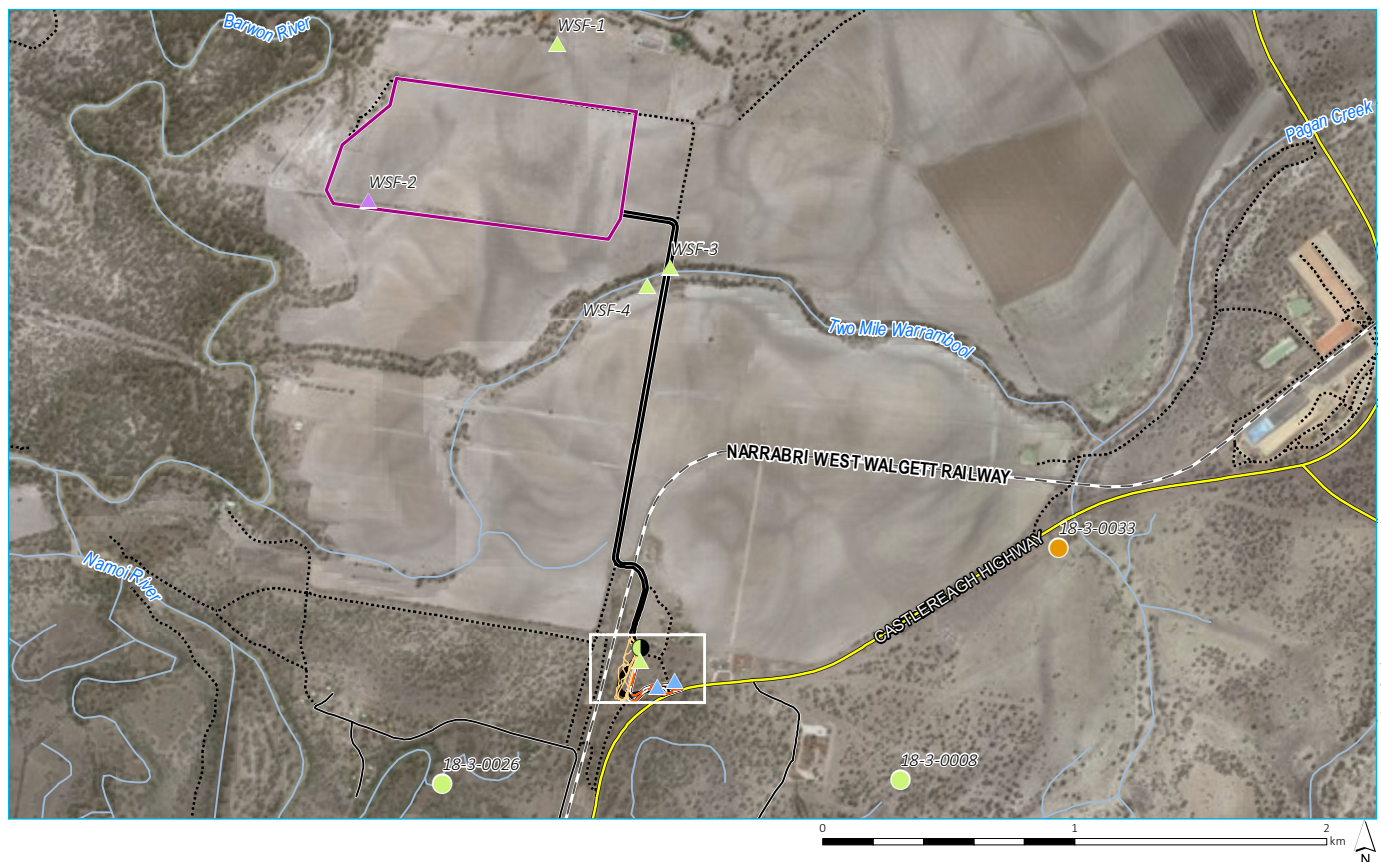
Figure 4.1 presents the survey transects logged by GPS and represents only where the GPS holder walked during the survey. It does not represent the transect width covered by the survey team (three people spaced at 10 m). Effective survey coverage, as presented in Table 4.1, as a result of high visibility high due to limited ground vegetation cover and a high level of ground surface exposure due to disturbance of the project area.

**Table 4.1** Effective survey coverage summary

Transect	Length (m)	Width (m)	Area (m <sup>2</sup> )	Exposure	Visibility	Effective coverage (m <sup>2</sup> )	Effective coverage %
1	1,250	30	37,500	30	60	6,750	18

### 4.5 Results

One new scarred tree, WSF-8, was identified as a result of the survey (refer to Table 4.2 and Figure 4.1). The scar is regular in shape and displays a significant amount of regrowth. WSF-8 is assessed as a possible scar of Aboriginal origin, however two metal fastenings were observed in the north and north-western face of the trunk which indicate the tree may also have been utilised for historical purposes.



# KEY

- Walgett Solar Farm
- Access road
- Original road alignment
- Revised road alignment
- Rail line
- Main road
- Local road
- Vehicular track

- Watercourse / drainage line
- Survey coverage
- WSF-8 (Scarred Tree)
- Access Archaeology sites
- Isolated Artefact
- Scarred Tree
- Surveyors Blaze

- AHIMS site features
- Burial
- Modified Tree (Carved or Scarred)

Walgett Solar Farm

Figure 4.1



**Table 4.2**      **Results summary**

Site name	Site type	Location	Description
WSF-8	Culturally modified (scarred) tree	GDA94 Zone 55 608732E 6680034N	Located to the north east of the intersection of two unsealed access tracks. North-eastern oriented scar (Plate 4.4 and Plate 4.5). Length: 44 cm Width: 31 cm Regrowth: 11 cm (top) – 6 cm (side) Ground to base of scar: 7 3cm Material including fencing wire and milled timber (possibly railway sleepers) surrounded the base of the tree and two metal fastenings were observed in the north and north-western face of the tree trunk (Plate 4.6). The purpose of the fastenings is unclear.



**Plate 4.1**      **Southern portion of project area (direction: NW 310 degrees)**





**Plate 4.2** Central portion of project area (direction: NW 335 degrees)



**Plate 4.3** Northern portion of the project area (direction: SE 133 degrees)





Plate 4.4      Scarred Tree WSF-8



Plate 4.5      Scarred Tree WSF-8 (scar detail)





**Plate 4.6**      **Metal fastenings observed on WSF-8 (locations circled in red)**

## 5      Impact assessment

Scarred tree WSF-8 is located outside of the proposed impact footprint and no other Aboriginal objects or areas of potential archaeological deposit were identified within the proposed access track realignment area. As such it is assessed that the proposal has low potential to impact Aboriginal sites.

This assessment outcome was discussed on site with Walgett LALC representative Kelvin Boreland and Dharriwaa Elders Group representative Virginia Robinson who concurred that the proposal was unlikely to result in impacts to Aboriginal sites.

## 6      Management recommendations

The management recommendations as outlined in the 2017 ACHA for the project should continue to be applied in addition to the following:

- The proposed access track realignment may proceed with no further archaeological assessment.
- The proponent must exercise caution when completing works in the vicinity of scarred tree WSF-8 to avoid inadvertent impacts.
- All workers (including contractors) should be made aware that it is an offence under the *National Parks and Wildlife Act 1974* to destroy, deface or otherwise disturb an Aboriginal object without first obtaining the consent of the Director General of the NSW NPWS.

## 7 Closing

I trust that this information suits your request. Please do not hesitate to contact me on my details below if you have any further questions.

Yours sincerely,



**Morgan Wilcox**

Senior Archaeologist

[mwilcox@emmconsulting.com.au](mailto:mwilcox@emmconsulting.com.au)

## References

Department of Environment Climate Change and Water (DECCW) 2010. *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW*.

National Committee on Soil and Terrain 2009. *Australian Soil and Land Survey Field Book*, CSIRO.

Williams, D. 2017. *Aboriginal Cultural Heritage Assessment Report – Proposed Solar Farm, Walgett NSW*, A report by Access Archaeology and Heritage Pty Ltd to Epuron Island GP.

