



SUNTOP SOLAR FARM

MODIFICATION APPLICATION 1
DEVELOPMENT CONSENT SSD 8696

JULY 2019

PREPARED FOR SUNTOP SOLAR FARM PTY LTD

Prepared by



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1. EXECUTIVE SUMMARY

Suntop Solar Farm Pty Ltd is the proponent of the Suntop Solar Farm (**Project**). Development consent for construction and operation of the Project was granted by the Minister for Planning on 4th under Section 4.38 of the *Environmental Planning and Assessment Act 1979* (NSW), reference SSD 8696. (**EP&A Act**).

The purpose of this report is to support the application to the Minister to modify the Development Consent under Section 4.55 (1) & (1A) of the *Environmental Planning & Assessment Act 1979*.

The application to modify the development consent involves relocation of the substation and ancillary infrastructure, increased landscaping, a minor administrative change to the Site Plan and modifications to the originally submitted subdivision layout corresponding with the substation relocation.

An updated Site Plan is provided in Figure 1 below and at Appendix 1 for reference. An updated subdivision plan is provided at Appendix 3 for reference. Additional detailed plans have been provided to further show the details of the proposed modification. These plans are relevant to the impacts of the proposed modification.

It is considered the proposed modification will not result in any unreasonable additional environmental impacts than assessed under the original development and represents substantially the same development.

- 1) The main substation, containing the transformer(s) and connection into the grid. The site area of this component is 175m x 125m. A typical layout and elevation plan for the substation is provided in the Indicative Substation Layout plan and General Substation Arrangement and Elevation plans for a 132kV substation attached at Appendix 2 for reference. This is indicative of the substation that will be constructed on the site and is based on ongoing discussions with TransGrid. This final design is subject to ongoing detailed design to be completed with TransGrid.
- 2) Switching gear and auxiliary equipment, an area containing between 2 and 6 X 40 ft shipping container size and style buildings to house medium voltage (MV) and low voltage (LV) switchgear as well as auxiliary equipment. The site area of this component is 80m x 125m.

To further assist with understanding the changes associated with the proposed substation relocation, a comparison site plan has been provided at Appendix 1 and comparison plan showing a close up of the substation area is provided at Appendix 2. These plans show the original and proposed position of the substation area for the project to assist in understanding the changes proposed under this modification and their potential impacts. In addition an environmental impact assessment is provided below in Section 5 below.

The separation of the substation into two discrete elements is the result of ongoing negotiations with TransGrid and their requirements with respect to how this infrastructure is to be owned and operated. All of these elements were described in the original EIS submission for the Suntop Solar Farm and it was noted that these elements would be subject to further detailed design.

Whilst the land area for the proposed substation has been increased to allow for increased setbacks from the substation fence, the total footprint of the substation is proposed to be generally the same with the exception of the four additional shipping container style buildings in the "Switching gear and auxiliary equipment". The necessity for these additional buildings in the Switching gear and auxiliary equipment is to be determined through the final detailed design process for the substation.

The proposed relocation of the substation is entirely within the assessed Development Footprint of the Suntop Solar Farm. The revised location for the substation is largely replacing an area proposed to be a solar field under the originally approved development. The comparison Site Plan comparing the originally approved and proposed substation location and layout is provided in Figure 2 below and at Appendix 1 and close up plan of this area is provided at Appendix 2 for reference. Whilst the modification will result in a reduction in the solar field area, it is anticipated that the impacts on the total capacity of the solar farm can be recovered through the detailed design and design optimisation processes.

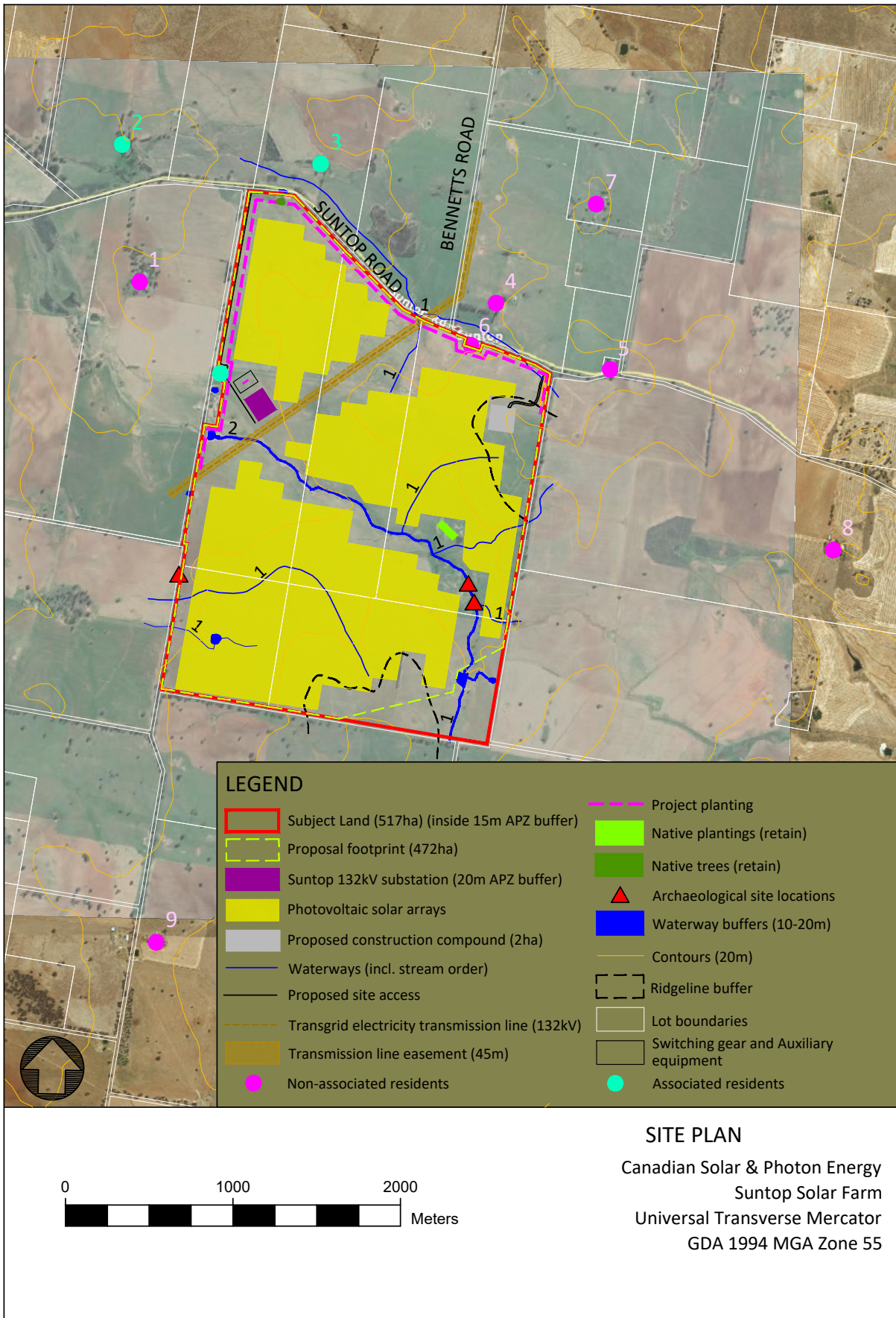
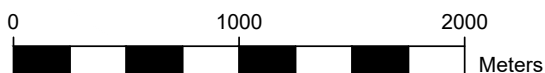
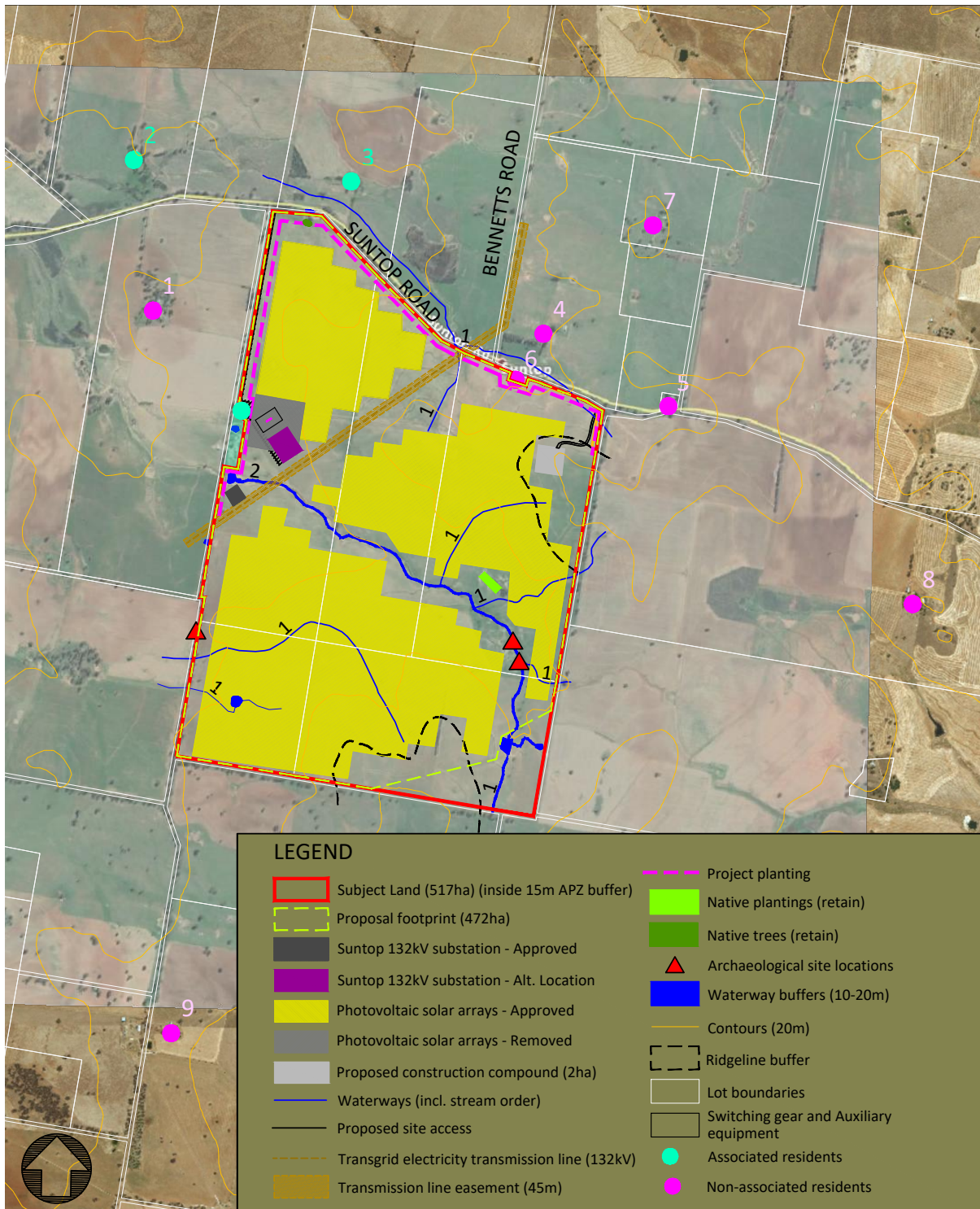


FIGURE 1 SITE LAYOUT RELOCATED SUBSTATION AND ANCILLARY BUILDINGS



SITE PLAN COMPARISON

Canadian Solar & Photon Energy
Suntop Solar Farm
Universal Transverse Mercator
GDA 1994 MGA Zone 55

FIGURE 2: SITE LAYOUT PLAN SHOWING COMPARISON OF APPROVED AND PROPOSED SUBSTATION LOCATION

2. Increased landscaping along western boundary

The modification proposes a minor change to the proposed vegetation screening along the western boundary to increase the screening for the revised substation location. Also shown in Figure 1 above and attached at Appendix 1. It is now proposed to implement a contiguous landscaped screen along the western boundary of the site from the front to the northern edge of the 132kV Powerline easement. Under the approved plan, this planting was infill planting only.

3. Administrative change to the Site Plan

The modification also proposes a minor administrative change to the Site Plan. This change involves rectifying a minor drafting error in the location of the site boundary around the existing vacant dwelling on the Suntop Solar Farm Site. Due to the high-level scale of this plan, the boundary currently unintentionally excludes the dwelling from the site in the approved General Layout of Development Plan and the Green dot indicating this dwelling is incorrectly positioned. As detailed in the EIS assessment and several figures and other associated plans, the intention was always to include this dwelling in the solar farm site. To this end, the submitted Site Plan at Figure 1 below and at Appendix 1 has been updated to rectify this minor error by moving the site boundary to the south of this dwelling so it is included in the solar farm site and moving the green dot indicating the location of this dwelling into the correct position.

4. Amending the subdivision plan, creation of an access easement and subsequent formal consent of the proposed subdivision by condition in Development Consent

Finally, the modification proposes changes to the subdivision plan in alignment with the proposed relocation of the substation, requirements from TransGrid and formalisation of the subdivision in the Development Consent.

Proposed Modification to Subdivision Layout & Creation of Access Easement

The Suntop Solar Farm EIS proposed a subdivision of the existing five lots into three lots.

The subdivision was detailed as follows:

- Lot 1 - formerly a 4ha portion of Lot 3 DP 506925 comprising an access road and farm buildings; and
- Lot 2 – an 80m x 60m lot for the substation
- Lot 3 – the remaining 513ha of Lot 3 DP506925 plus Lots 1 and 2 DP 506925, Lot 122 DP 753238 and Lot 90 DP 657805 including agricultural paddocks and a vacant residential building.

The originally submitted subdivision is shown below in Figure 3 below and attached at Appendix 3 for reference.

Subsequent to the Development Consent, the proposed substation relocation now requires a change to location and dimension of Lot 2 and TransGrid have advised they also require permanent right of access to the substation.

The modification therefore proposes the following changes to the plan of subdivision:

- Relocation of the proposed lot for the substation in the subdivision to align with the proposed substation relocation

- Increase the size of the substation lot area to allow for the setbacks required by TransGrid
- Creation of an access easement to the substation from Suntop Road for TransGrid.

A revised plan of subdivision is shown below in Figure 4 and attached at Appendix 3 for reference. The subdivision is effectively a merging of the existing five lots (Lot 3 DP506925, Lot 122 DP753238, Lot 90 DP657805, Lot 2 DP506925, Lot 1 DP506925) into three lots as per the original Development Consent.

The three lots in the proposed modification to the subdivision are described as follows:

- Lot 1 - formerly a 4ha portion of Lot 3 DP 506925 comprising an access road and farm buildings; and
- Lot 2 – approximately 2ha portion of Lot 3 DP 506925 for the substation
- Lot 3 – the remaining 512ha of Lot 3 DP506925 plus Lots 1 and 2 DP 506925, Lot 122 DP 753238 and Lot 90 DP 657805 including agricultural paddocks and a vacant residential building and creation of an access easement over the solar farm access road in this lot in benefit of the owners of Lot 2 (TransGrid).

Include Subdivision in Development Consent

The proposed subdivision was submitted as part of the EIS and assessed through this approval process but no formal request was made to formalise the approval in the Development Consent. As such, in addition to the above proposed subdivision modifications it is considered appropriate to formally request that Schedule 2 of the Development Consent (SSD 8696) be updated to include a condition that formalises consent of the subdivision.

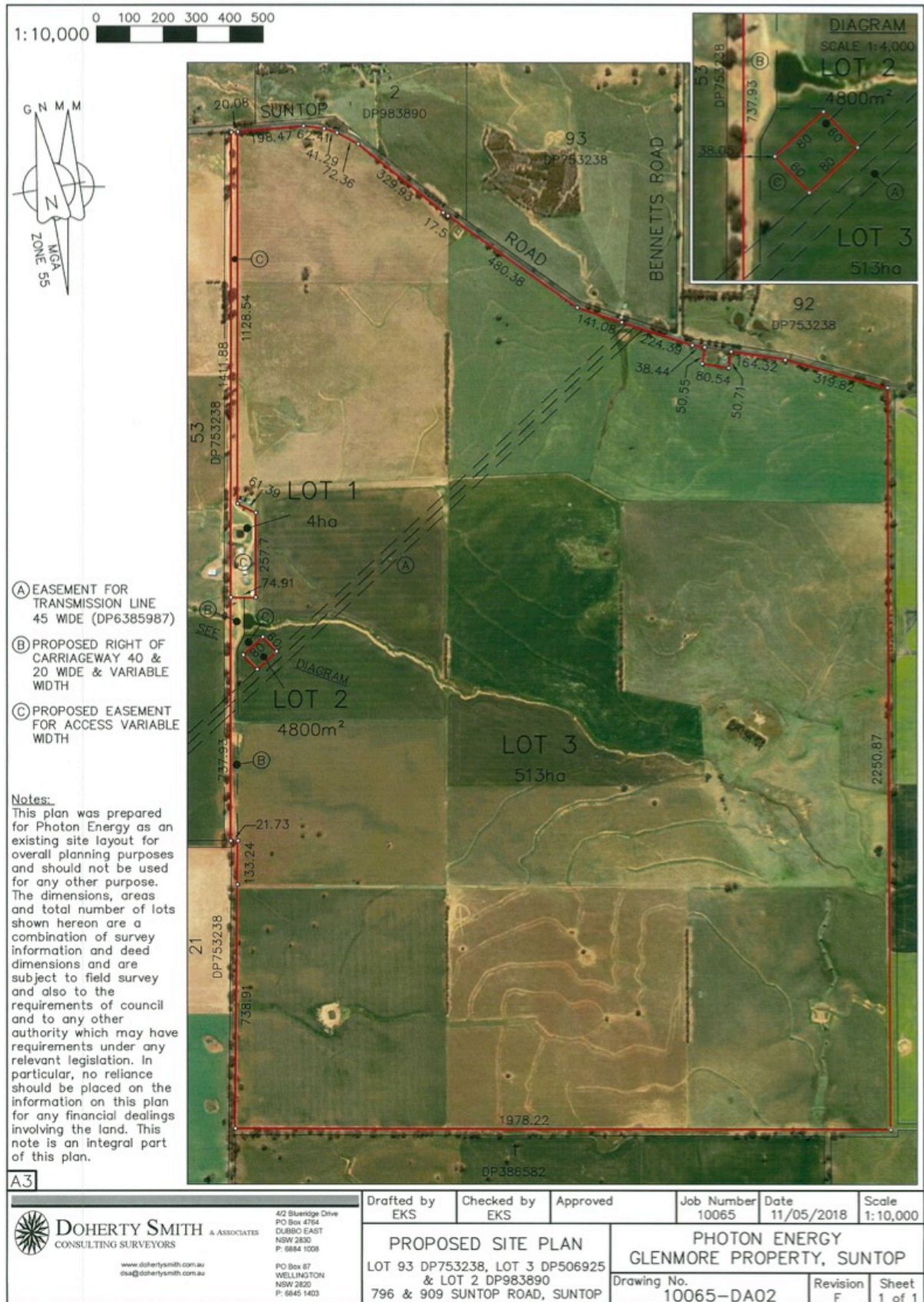


FIGURE 3: ORIGINAL SUBDIVISION LAYOUT (3 LOTS)

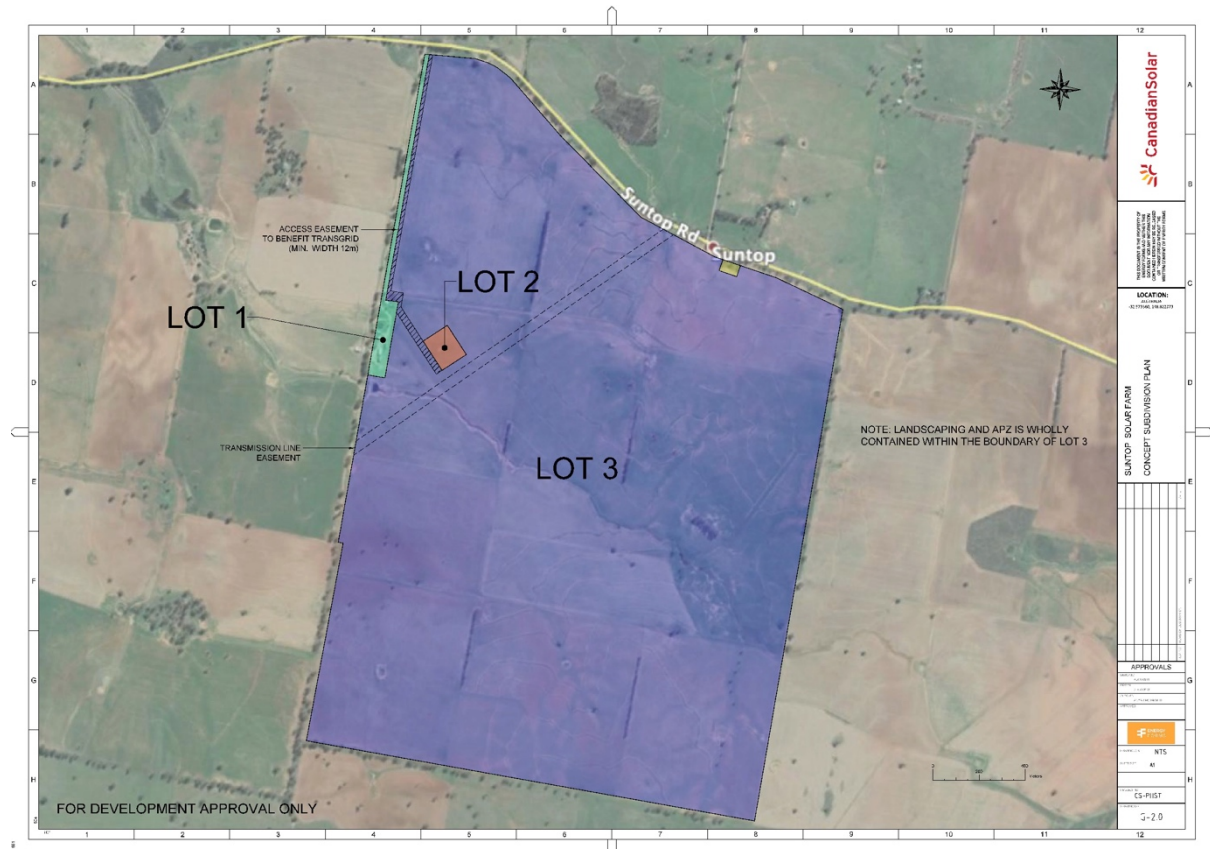


FIGURE 4: PROPOSED MODIFICATION TO SUBDIVISION RELOCATING LOT FOR THE SUBSTATION AND CREATING AN ACCESS EASEMENT TO THE SUBSTATION (3 LOTS)

Summary

Based on the information provided above, the proposed modification is considered to represent substantially the same development as the approved development and will not result in an increase in environmental impacts. The application to modify the Development Consent is therefore considered to meet the requirements for an application under Section 4.55 (1) & (1A) of the *Environmental Planning & Assessment Act 1979*.

MODIFICATION JUSTIFICATION

The relocation of the substation will result in a net improvement in environmental outcomes for the site and surrounds based on the following:

- The proposed changes under the modification are entirely within the approved Development Footprint
- Increased setbacks from the waterway resulting in reduced potential for impacts on the waterway;
- The proposed substation access road as shown in the modified plans will now not be required to be built over the waterway, reducing any potential impacts on this waterway;
- The relocation area:
 - Is clear of any archaeological sites
 - will only require minor additional earthworks but in a location that is set further away from sensitive interfaces and will not have any additional soil and water impacts compared with the works proposed under the approved development
 - is largely replacing an area that was proposed to be occupied by the solar field
 - does not require in the removal of any native trees or plantings and will not change the amount
 - is further away from the Asset Protection Zone (APZ) around the boundary of the site;
- The relocation area and accessway will retain and increase the existing project planting areas;
- The relocation will not result in any increase in visual impacts on the relevant sensitive receivers associated with the project;
- Changes to the vegetation screening will ensure the amenity of the respective sensitive receivers is protected; and
- The submitted layout in the EIS was concept and anticipated changes to the layout based on ongoing grid connection negotiations and the detailed design process.

The Environmental Impact Statement prepared for the Suntop Solar Farm included a visual impact assessment from a number of public and private viewpoints analysing visual impacts and proposing mitigation measures to be integrated into the development, including planting on the northern and western site boundaries. These landscaping requirements now form part of the approval.

These approved landscape measures will continue to assist in minimising the impact of the relocated substation and ancillary building areas given these areas will be located in the north west portion of the site. The modification proposes to further enhance these landscape measures along the western boundary to provide additional protection to the respective sensitive receiver on the respective neighbouring property to the west.

It is noted that whilst the modification increases the setback from the western boundary the nearest part of the substation will be approximately 400m closer to the northern site boundary (abutting Suntop Road), decreasing the setback of this element of the project from approximately 1.5km to approximately 1.1km. However, over this distance any additional impact on Suntop Road (as a sensitive receiver) is considered to be negligible.

Envisage Consulting undertook a Visual Impact Assessment for the Suntop Solar Farm and their Assessment report formed part of the submitted EIS for the project. Envisage Consulting were further engaged to review the net impacts of the proposed modification with respect to their original assessment of the now approved development. The conclusion from this analysis is that there will be no impact resulting from the proposed modification excluding a modest increase in visibility of the substation from the neighbours to the immediate west, however this was considered to represent an increase in visual impacts from the now approved development. Envisage therefore concluded there would be no change to their impact ratings from their original assessment and summarised these findings in a Memorandum attached at Appendix 4 for reference.

The potential impacts of the relocation of the substation and ancillary buildings area to nearby sensitive receptors (NSRs) are mitigated through:

- the revised location increases western boundary setbacks
- the relocated substation and ancillary buildings area will continue to be screened by proposed plantings and additional plantings along the north and west boundaries;
- the revised location remains approximately 1.1km from Suntop Road with many rows of panels in this 1.1km area.

Along with a Memorandum from Envisage Consulting, the relevant photomontages prepared as part of the original Visual Impact Assessment (VIA) submitted with the EIS for the project have been revised to reflect the impacts of the proposed substation relocation.

The EIS submission and assessment for Suntop Solar Farm included a three-lot subdivision. The modification to the subdivision relocates the proposed freehold parcel for the substation and proposes an access easement benefiting the ultimate owner of the substation parcel. These changes will not have any adverse environmental impacts but are necessary for the substation asset to be transferred into the ownership of TransGrid and for their ongoing permanent access for operations and maintenance purposes.

The creation of this lot will only proceed in association with the development of the solar farm and therefore this will not lead to any unreasonable fragmentation of rural land, as with the approved proposed lot for the farm buildings. The proposed access easement to the benefit of TransGrid will ensure their independent access is protected in perpetuity to allow ongoing operation and maintenance of this infrastructure. This road will be shared with the proposed solar farm access roads.

4. COMPARATIVE ANALYSIS

Table 1 below provides a comparative analysis between the approved development and the development in the proposed modification. In addition to the above comparison plan at figure 2, an extract of the site layout and proposed modified layout are provided side by side below at Figure 4 for reference.

TABLE 1 COMPARATIVE ANALYSIS BETWEEN APPROVED SOLAR FARM AND PROPOSED MODIFICATION

Project Element	Originally Approved Development	Proposed Modification
Development size, scale and footprint	<p>170MW(AC) solar farm on approximately 517 Hectares constructed single axis tracking mounting structures.</p> <p>The development footprint allowed for an area of approximately 472 Hectares.</p> <p>Approved Substation is in the south west of the site near the western boundary on the south side of the waterway with an area of 60m x 80m.</p>	<p>No change to development size and scale alteration to the general location and footprint of ancillary infrastructure such as roads. A minor administrative change to the site plan is proposed to rectify a drafting error.</p> <p>Relocation of the substation to the north side of the waterway to include a substation area 175m x 125m with adjacent switching gear and auxiliary equipment area with 125m x 80m. These land areas are significantly larger than what will be required for the final footprint of the substation and Switching gear and auxiliary equipment. The key change in terms of indicative footprint is the addition of between 2 and 4 additional shipping container style buildings which will serve as switching station/auxiliary buildings. It is noted that the substation and switching gear and auxiliary equipment are being located in areas that are currently occupied by a solar array under the approved layout. On this basis the footprint of the overarching project is not being increased.</p> <p>The relocation also requires the access road to this infrastructure to be moved to provide ongoing access to the substation. In addition, since the granting of the Development Consent, Transgrid has requested this access be formalised as an easement.</p> <p>The relocation allows for improved access without impact on the existing waterway & increased setbacks from the waterway.</p> <p>The proposed substation infrastructure in its relocated position will occupy an area that was designated as solar photovoltaic arrays in the approved General Layout Plan.</p>

Project Element	Originally Approved Development	Proposed Modification
		<p>Only part of the security fence for the substation will project outside of the original indicative footprint for the proposed solar field. This is evident in the Comparison Layout Plan of the approved and proposed layouts provided at Appendix 2 for reference. This is a negligible change with no potential for adverse environmental or amenity impacts given its location within the site and being a farm paddock set well away from any sensitive receivers.</p> <p>The modification also proposes a minor administrative change to the Site Plan. This change involves rectifying a minor drafting error in the location of the site boundary around the existing vacant dwelling on the Suntop Solar Farm Site. As detailed in the EIS assessment and several figures and other associated plans, the intention was always to include this dwelling in the solar farm site. To this end, the submitted Site Plan at Figure 1 below and at Appendix 1 has been updated to rectify this minor administrative error.</p> <p>It is anticipated that the impacts on the total capacity of the solar farm can be recovered through the detail design/design optimisation process to be completed for the project.</p>
Key infrastructure	Solar arrays: approximately 550,000 solar panels supported by a mounting system installed on single axis trackers.	No increase in solar panels, potentially a decrease, to be informed by the final detailed design/design optimisation process.
	The panels would be installed including single axis tracking system facing east-west and tilted (to a maximum) 60° along the north-south axis.	No change.
	Up to 60 central inverters located throughout the development. Indicatively located adjacent to the 132kV powerline.	No change.

Project Element	Originally Approved Development	Proposed Modification
	Above and/or below ground onsite cabling and electrical connections.	No change.
	Support buildings indicatively located alongside the substation including communications equipment and switchgear within an area of 60m x 80m.	Three additional switchgear containers and one additional auxiliary building container are proposed to allow flexibility in the final detailed substation design prepared by TransGrid.
	Onsite access tracks.	Onsite access tracks will be slightly reduced due to the relocation of the substation access track in association with the relocation of the substation to the north side of the waterway. It will no longer be necessary to create a crossing over the waterway to allow access to the substation. The new section of the access track is within the approved Development Footprint and will not result in an increase in environmental impacts.
	Substation containing a 132kV transformer and associated 33kV switchgear and directly connected into the existing 132 kV transmission line.	No change.
	Perimeter fence (security fence approximately 2.5 m high);	No change.
	Vegetation screening along the northern and western boundaries of the site.	This screening has been increased to ensure screening of the proposed new substation location is provided as per the attached revised site plan. A full landscape screen now extends along the western boundary from the frontage of the site to the northern edge of the powerline easement. Originally infill planting was proposed along this boundary and stopped at northern side of the waterway.
	15 metre defendable space around the perimeter of the site.	No change.
	Three lot subdivision proposed creating one lot for farm buildings and an associated independent access road, a second lot for the substation and third for Suntop Solar Farm.	<p>The proposed modification to the subdivision proposes to relocate the lot for the substation and create an associated access easement for the substation lot.</p> <p>The purpose of this lot and easement is to enable transfer of the substation asset into the ownership of TransGrid as per</p>

Project Element	Originally Approved Development	Proposed Modification
		<p>their requirements (TransGrid will Build, Own and Operate the substation).</p> <p>All other aspects of the previously proposed 3 lot subdivision will remain the same excluding a small reduction in the land area associated with the solar farm lot which will be reduced by the lot being created for the substation being increased.</p>
Intensity of production	Approximately 379GWh per annum.	No change.
Primary, secondary and ancillary use	The proposed primary use is a solar farm and there are no secondary uses and ancillary uses include a substation and operations and maintenance and storage buildings.	No change.
Project life and hours of operation	30-year life span operation during daylight hours.	No change.
Extent, duration and severity of impacts.	Comparison of impacts are assessed in Table 2 below.	

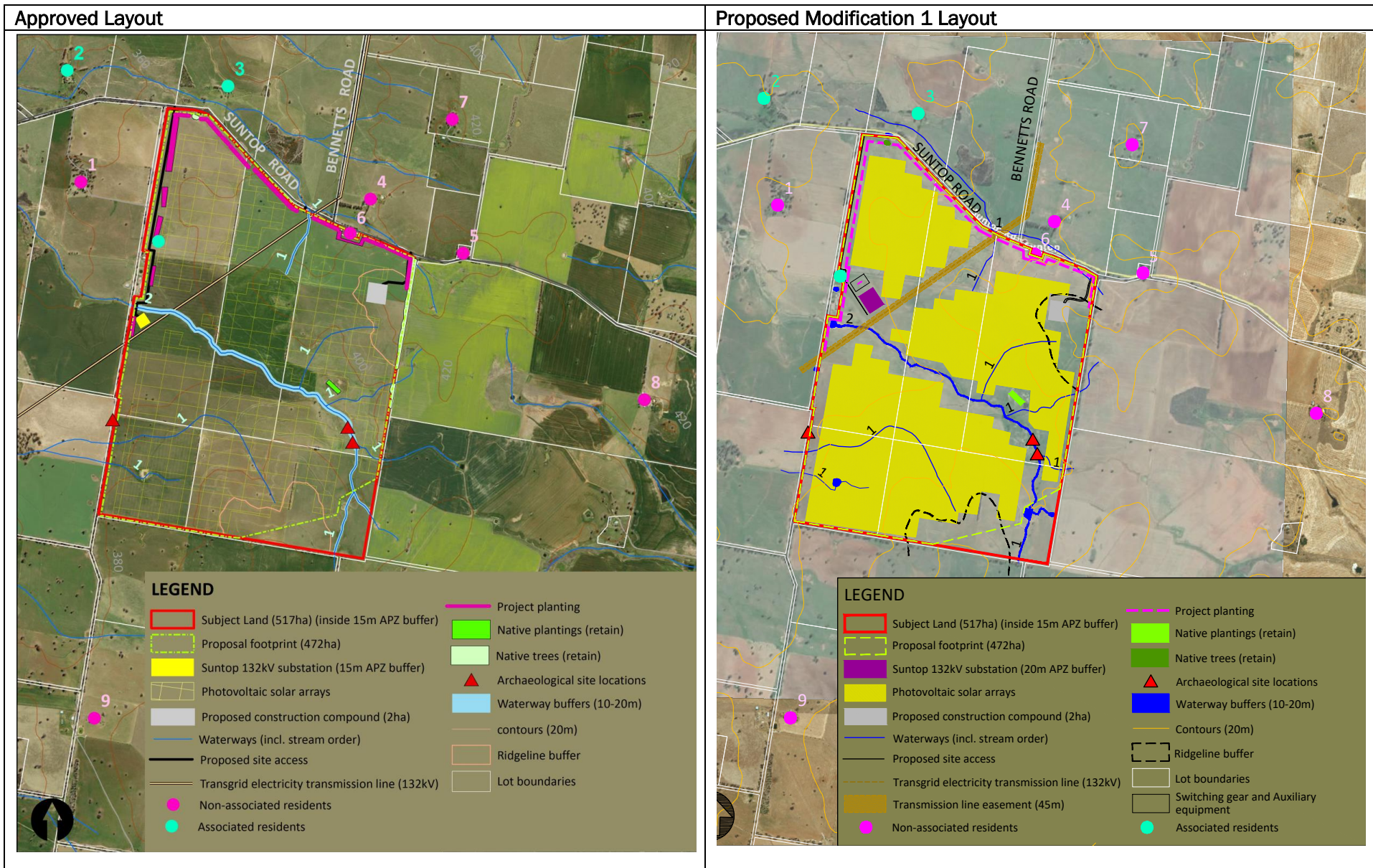


FIGURE 5 COMPARISON OF INDICATIVE LAYOUT FROM ORIGINAL APPROVAL VERSUS PROPOSED LAYOUT FOR MODIFICATION

5. ENVIRONMENTAL IMPACT ASSESSMENT

An updated Environmental Impact Assessment for the proposed modification is provided below in Table 2 below.

TABLE 2 ENVIRONMENTAL IMPACT ASSESSMENT FOR PROPOSED MODIFICATION

Issue	Response	Environment Impact
Land	<p>The proposed modification occupies an area that is entirely within the approved development footprint. The substation relocation is largely occupying an area that is shown as a solar field area in the approved general layout. In the proposed layout, only part of the substation security fence extends outside of what was originally an indicative solar field area. It is noted the Development Consent requires the final detailed plans be submitted to the Secretary, including any details of siting of solar panels and ancillary infrastructure.</p> <p>This modified layout shows the substation in the proposed new location. Approval of this layout is required to continue with the grid connection and other development activities for the project and allow for appropriate setbacks for the substation as required by TransGrid. The potential additional two - six shipping container scale buildings within the "Switching gear and auxiliary equipment" are within the footprint of the approved development and will not require any significant increase in the level of excavation than already contemplated by the approved development. In addition, these works will be further set away from the existing waterway on site.</p> <p>A further detailed design layout will be submitted to the Department for approval prior to the commencement of works on the site in accordance with Schedule 2, Condition 5 of the Suntop Solar Farm Development Consent.</p> <p>The proposed modification does not alter potential impacts to land resources beyond those assessed within the original Environmental Impact Assessment.</p>	No increased impact.
Biodiversity	<p>The proposed modification occupies a footprint that is generally within the approved project footprint, with a small section of the substation and the substation access road projecting south of the indicative solar field in the approved layout. The proposed position for the substation relocation will not impact on any existing native vegetation and will be set further away from existing native vegetation than the approved substation location.</p> <p>Biodiversity impacts of the project development footprint were assessed as part of the Environmental Impact Statement including a Biodiversity Assessment</p>	No increased impact.

Issue	Response	Environment Impact
	<p>Report(BAR) prepared by Flora Search (May 2018). A copy of this BAR report is attached to this Modification Application at Appendix 5 for reference. Page 17 of this BAR includes a plan that details the location of the native vegetation paddock trees to be removed as part of the development. This includes 3 trees to the immediate south west of the proposed new location for the substation (Two <i>Callitris columellaris</i> trees and one <i>Eucalyptus albens</i> tree).</p> <p>Furthermore, the insertion of aerial imagery into the updated Substation Layout at Appendix 2 provides further evidence that no additional native vegetation will be impacted by the proposed modification application.</p> <p>The BAR also calculates the appropriate offset credits based on the appropriate Biodiversity Assessment Method (BAM) which remains unchanged as a result of the proposed modification application.</p> <p>This report confirms that there is no other native vegetation located in the new substation location that will be impacted by the modification. There are no other aspects of the proposed modification that would change the biodiversity impacts of the development footprint assessed under the BAR.</p> <p>The additional landscaping along the western boundary will provide opportunity to deliver additional biodiversity outcomes above and beyond the approved development.</p>	
Heritage	The proposed modification has no impact on known historic heritage values of the site identified in the Aboriginal Heritage Assessment undertaken as part of the Environmental Impact Assessment for the project.	No increased impact.
Transport	<p>The proposed modification does not alter site access or transport arrangements or traffic volumes associated with the project. It is noted that the proposed relocation will improve internal access arrangements for the substation including avoiding the need to traverse the existing waterway as per the approved development.</p> <p>The improved substation access will reduce complexities with respect to transporting key substation components such as the transformer to the substation site.</p>	Reduced impact.
Visual	In considering the visual impacts of the proposed substation relocation it was determined necessary to re-issue relevant photomontages based on the modified layout to understand the potential impacts and also revisit the visual impacts on each of the sensitive receivers reviewed as part of the Visual Impact Assessment prepared for the project. The specialist	No increased impact.

Issue	Response	Environment Impact
	<p>consultants who prepared the photomontages and Visual Impact Assessment (Cambium Group and Envisage Consultants) were re-engaged to undertake this work.</p> <p>Updated photomontages for the potentially affected sensitive receivers and an assessment of the proposed modification against the original Visual Impact Assessment are provided in Appendix 4 for reference.</p> <p>The summary of findings is as follows:</p> <p><i>“The proposed modification to the substation location would result in two private viewpoints (VP13 and VP38) seeing the substation whereas previously they had no view of the approved substation. However, both viewpoints are distant (over approximately 2.5km away), and the substation is still on lower-lying land with trees in the foreground along the property boundary. At this distance the substation would be barely perceptible from other solar farm infrastructure and would not be prominent in the view, and therefore, the original rating given for these viewpoints has not changed.</i></p> <p><i>From the public viewpoint (VP Suntop Road) there would also be views of the substation whereas previously there was no view. However, locations from Suntop Road with views to the substation are very limited, and only the top few metres of the substation would be seen. Therefore, the original rating given for this viewpoint has not changed.</i></p> <p><i>The only other viewpoint that would see the proposed modified substation is VP1, which already viewed the approved substation. Overall the revised proposal does not represent a substantial change to the approved proposal when viewed from this residence, and therefore, the original rating has not changed. To further mitigate the visual impact to VP1 in the longer term, additional landscaping has been proposed along the western boundary closest to the substation in consultation with this landholder. Over time this landscape planting would break-up views of the substation in addition to the screening originally proposed, however, the taller elements of the substation would remain visible.”</i></p> <p>In addition to the above, it is noted the assessment completed by Envisage did not result in any changes to impact level for any of sensitive receivers when comparing the approved development with the proposed modification.</p> <p>It is also noted the additional vegetation screening will further mitigate any increased visibility of the substation from the sensitive receiver to the immediate west. Furthermore, the land to the immediate west is now the basis for the proposed and associated Suntop 2 Solar Farm.</p>	

Issue	Response	Environment Impact
	On this basis it is concluded that the modification will not result in any net increase in impacts on the sensitive receivers associated with the proposed development.	
Water	<p>The proposed modification does not alter the potential impacts to water resources or aquatic ecology as assessed within the Environmental Assessment. The increased setback from the watercourse will ensure that environmental impact is reduced. The revised location is not positioned within a waterway and natural drainage line.</p> <p>The substation relocation is also determined to be less prone to any salinity impacts than the approved location and therefore will not require the same level of protection and mitigation measures with respect to salinity risks.</p>	Reduced impact.
Noise	<p>The proposed modification does not alter the potential noise impacts as assessed within the Environmental Assessment. The substation in the proposed new location will remain substantially set away from the nearest sensitive receiver.</p> <p>In addition, this nearest sensitive receiver is now the subject of the associated Suntop 2 Solar Farm EIS.</p>	No increased impact.
Hazards	The proposed modification does not alter the potential hazards as assessed within the Environmental Assessment. The substation relocation will increase the buffer of the substation from existing native vegetation on site and will be further setback from the site boundary and the waterway.	No increased impact
Subdivision	<p>The proposed subdivision relocates the lot for the substation and creates an access easement to the substation for TransGrid. This will not have any adverse environmental impacts and is necessary for substation asset to be transferred into the ownership of TransGrid. A three-lot subdivision was submitted and assessed as part of the original Environmental Impact Assessment process for Suntop Solar Farm and created a Lot that is smaller than 400 Hectares to allow the excision of farm buildings on the site along with a lot for the substation in its original area. This modification is simply relocating the substation lot, slightly increasing the size and creating the access easement to benefit the ultimate owner of the substation (TransGrid).</p> <p>The subdivision will only proceed should the development of the solar farm go ahead and therefore will not result in any unreasonable fragmentation of rural land.</p> <p>In addition, the modification proposes to update Schedule 2 of the Development Consent to formalise consent of the</p>	No increased impact

Issue	Response	Environment Impact
	<p>subdivision by way of a specific condition. The subdivision has already been assessed as part of the EIS and the proposed changes will not result in any additional environmental and land-use impacts.</p> <p>It is understood that whilst the subdivision condition would formally allow the subdivision, the applicant would still be required to obtain a Subdivision Certificate through Dubbo Regional Council.</p>	

6. STATUTORY CONSIDERATIONS

The following legislation, regulations and policies are considered to be relevant to the modification:

- Environment Planning & Assessment Act 1979
- Application for modification of development consent (cf clause 71A of EP&A Regulation 1994)
- Large-Scale Solar Energy Guideline for State Significant Development, December 2018
- Wellington Local Environmental Plan 2012
- Zone and Lot Size

Environment Planning & Assessment Act 1979

This request for a modification is being made under Section 4.55 (1) & (1A) of the Environmental Planning & Assessment Act 1979.

Section 4.55(1A) of the EP&A Act identifies that *for 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.

Environmental Planning and Assessment Regulation 2000.

Division 12, Clause 115, Application for modification of development consent (cf clause 71A of EP&A Regulation 1994)

- 1) An application for modification of a development consent under section 4.55 (1), (1A) or (2) or 4.56 (1) of the Act must contain the following information:
 - a. the name and address of the applicant,
 - b. a description of the development to be carried out under the consent (as previously modified),
 - c. the address, and formal particulars of title, of the land on which the development is to be carried out,
 - d. a description of the proposed modification to the development consent,
 - e. a statement that indicates either:
 - f. that the modification is merely intended to correct a minor error, misdescription or miscalculation, or
 - g. that the modification is intended to have some other effect, as specified in the statement,
- g1. a description of the expected impacts of the modification,

- h. an undertaking to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved,
 - i. in the case of an application that is accompanied by a biodiversity development assessment report, the reasonable steps taken to obtain the like-for-like biodiversity credits required to be retired under the report to offset the residual impacts on biodiversity values if different biodiversity credits are proposed to be used as offsets in accordance with the variation rules under the Biodiversity Conservation Act 2016,
 - j. if the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the making of the application (except where the application for the consent the subject of the modification was made, or could have been made, without the consent of the owner),
 - k. a statement as to whether the application is being made to the Court (under section 4.55) or to the consent authority (under section 4.56),
 - l. and, if the consent authority so requires, must be in the form approved by that authority.
- 2) The notification requirements of clause 49 apply in respect of an application if the consent of the owner of the land would not be required were the application an application for development consent rather than an application for the modification of such consent.
- 3) In addition, if an application for the modification of a development consent under section 4.55 (2) or section 4.56 (1) of the Act relates to residential apartment development and the development application was required to be accompanied by a design verification from a qualified designer under clause 50 (1A), the application must be accompanied by a statement by a qualified designer.

Large-Scale Solar Energy Guideline for State Significant Development, December 2018

The guideline notes that some sites may require the subdivision of land to support the proposed development. For example, subdivisions may be required for substations within a project site, or for land that will be leased for longer than five years. Local councils are generally the relevant consent authorities for subdivisions and applicants should discuss subdivision options with the relevant council and the Department. Based on this consultation, applicants may wish to include the subdivision in the scope of their State Significant Development application.

Wellington Local Environmental Plan 2012 **Zone and Lot Size**

Under the Wellington LEP the subject land falls under a RU1 Primary Production Zone and within the Lot Size category AF which has a minimum lot size of 400ha. Section 2.6 of the Wellington LEP outlines that the size of a lot resulting from the subdivision of land to which this clause applies is not to be less than the applicable area shown on the Lot Size Map.

The proposed subdivision will result in a lot smaller than 400ha. However, Section 4.38 of the EP&A Act allows the consent authority to grant development consent to a State Significant Development which may include activities which are restricted by an environmental planning instrument. The Development Consent approved the proposed subdivision and there will be no new dwelling entitlements attached to the newly created Lots.

As detailed, the proposed subdivision will allow the Substation area to be transferred to and managed by TransGrid.

The following sections of the Wellington Local Environmental Plan apply:

2.6 Subdivision—consent requirements

- 1) Land to which this Plan applies may be subdivided, but only with development consent.
- 2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

4.2 Rural subdivision

- 1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- 2) This clause applies to the following rural zones:
 - a. Zone RU1 Primary Production,
 - b. Zone RU2 Rural Landscape,
 - Baa. Zone RU3 Forestry,
 - c. Zone RU4 Primary Production Small Lots,
 - d. Zone RU6 Transition.
- 3) Note. When this Plan was exhibited, it did not include Zone RU2 Rural Landscape or Zone RU6 Transition.
- 4) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
- 5) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- 6) A dwelling cannot be erected on such a lot.

Note: A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

7. CONSULTATION

COMMUNITY CONSULTATION

Extensive consultation was undertaken as part of the initial Environmental Impact Statement/Development Consent process and the information provided above indicates no increased impact will be caused with some reduced impacts from the modifications. As such, given the relatively minor nature of the modification and negligible net environmental impacts, it was determined that a further detailed and broad ranging consultation process with respect to the modification was not required.

On this basis consultation regarding the relocation of the substation and ancillary buildings was undertaken with the immediate adjoining neighbours of the project shown in Figure 5 below.

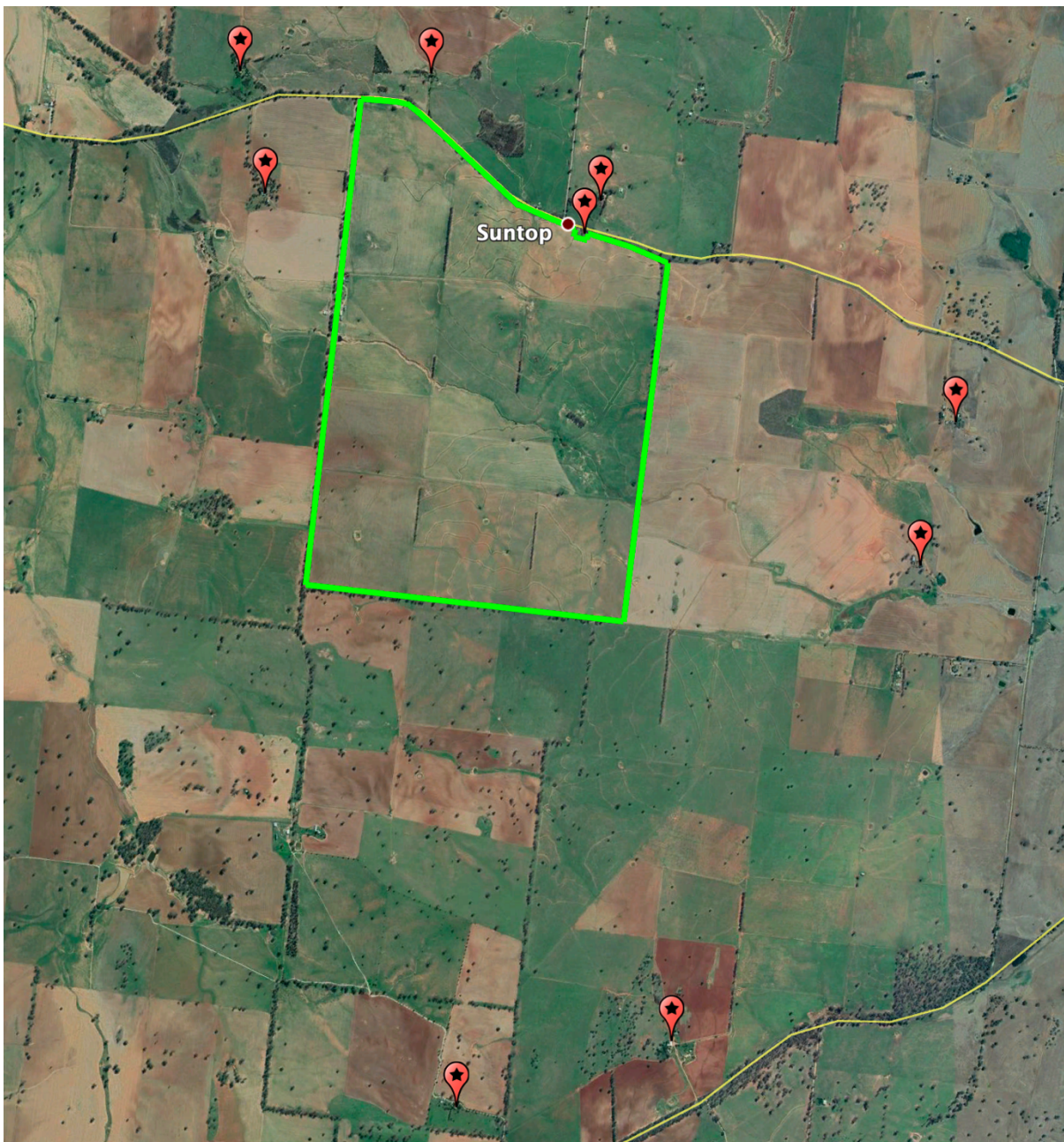


FIGURE 5: ADJOINING NEIGHBOURS CONSULTED REGARDING MODIFICATION

All immediately adjoining neighbours shown in Figure 5 above were contacted by phone or email to advise them of the proposed application to modify the Development Consent and information forwarded via email as requested. A meeting was held with the immediate neighbour to the west as they were considered to be the only potentially affected party by the modification. It is noted these landowners are now associated landowners through the proposal of the Suntop 2 Solar Farm.

The only issues raised during this consultation was from the landowners to the immediate west. They noted that if Suntop 2 Solar Farm goes ahead then they would have no concerns with the modification however if it doesn't then their original objections to the project would remain and extend to the proposed modification because the substation would be partly still visible and closer to their dwelling on this site.

The visual impact analysis and photomontages completed for the proposed modification revealed that whilst the substation will be closer to this property (dwelling) the net visual impact of the substation relocation will be consistent with the original approval on the following basis:

- The substation would be visible in the approved development and in the proposed modification, albeit closer to the dwelling, and the net impact level was considered to remain unchanged.
- The new location for the substation will replace an area that is occupied by a solar field in the current approved layout.
- Additional landscape screening proposed along the respective boundary that would assist with screening the substation over time.

It is also noted that this land is now also a subject site for a proposed solar farm (Suntop 2 Solar Farm) that is associated with Suntop Solar Farm.

Finally, the relocated lot proposed in the subdivision is solely associated with the proposed substation and will not have any adverse impacts on the farming activities in the area through unreasonable fragmentation of land.

On this basis it is concluded that the modification will not result in any additional impact on the visual amenity of the respective sensitive receiver.

KEY STAKEHOLDER CONSULTATION

Dubbo Regional Council - were consulted regarding the proposed modification and raised no objection in principal subject to formal notification from the Department.

TransGrid - were consulted regarding the proposed modification and are supportive as it aligns with their current requirements for the connection of Suntop Solar Farm to their electricity network.

8. CONCLUSION

The above assessment and associated appendices are considered to demonstrate the proposed modification is substantially the same development as the originally approved development and that potential impacts associated with the proposed modification are minimal. Furthermore, with the implementation of the proposed mitigation actions (in addition to those already identified within the original Environmental Impact Assessment), the potential environmental impacts of the modification are considered to be the same or less than that of the approved development.

Based on the details and plans provided in this submission, it is anticipated that the proposed modification could be approved under Section 4.55 (1) & (1A) of the EP&A Act.

As required, a Political Donations Disclosure Statement accompanies this application.

APPENDIX 1 – REVISED SUNTOP SOLAR FARM SITE PLAN & COMPARISON SITE PLAN (APPROVED VS PROPOSED)

APPENDIX 2 – INDICATIVE SUBSTATION LAYOUT PLAN, GENERAL SUBSTATION ARRANGEMENT
AND ELEVATION PALNS FOR A 132KV SUBSTATION & COMPARISON SUBSTATION LAYOUT PLAN
(APPROVED VS PROPOSED)

APPENDIX 3 – PROPOSED SUBDIVISION LAYOUT

APPENDIX 4 – VISUAL IMPACT ASSESSMENT & PHOTOMONTAGES

APPENDIX 5 – BIODIVERSITY ASSESSMENT REPORT PREPARED FOR EIS SUBMISSION