



Suntop Solar Farm (Mod 1)

*State Significant
Development
Modification Assessment
(SSD 8696 MOD 1)*



October 2019

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Executive Summary

Suntop Solar Farm Pty Ltd (SSF) has approval to develop the Suntop Solar Farm (the project), approximately 10 km west of Wellington, within the Dubbo Regional local government area.

The approved project includes the construction, operation, upgrading and decommissioning of a solar farm with an estimated capacity of 170 megawatts (MW).

Proposed Modification

The modification application seeks approval to revise the onsite substation layout, location and associated access road route, which has resulted from ongoing negotiations with TransGrid, and additional vegetation screening on the western boundary to mitigate potential visual impacts of these proposed changes. The modification also seeks approval for the consequential amendments to the project layout and subdivision plan to reflect the proposed substation changes.

Engagement

The Department published the application on its website on 26 July 2019 and sought comment from Dubbo Regional Council, the Office of Environment and Heritage, the Environment Protection Authority and the closest neighbouring landowners. None of the agencies objected to the proposed modification but provided advice related to their respective regulatory responsibilities. Several community members provided representations raising concerns in regard to the proposed modification as well as the project as approved.

Assessment

In assessing the merits of the proposed modification, and particularly the potential impacts on the local community, the Department has considered the existing conditions of consent; previous environmental assessments for the project; the modification application and supporting information; applicable government policies and guidelines; and requirements of the EP&A Act. The key matters for consideration on this project include the compatibility of land use, impacts on visual amenity and biodiversity values, and subdivision.

The proposed substation location is within the existing project site and does not seek to change the approved development footprint. The proposed modification would not result in additional impacts on the inherent agricultural capability of the land beyond those considered and assessed under the existing consent as the proposed changes are within the approved development footprint.

Although the proposed changes would result in the substation being located slightly closer to R1 to the west, there would still be approximately 900 m between R1 and the substation. The proposed additional landscape screening, coupled with the approved screening, would provide a continuous landscape screen along the western boundary. The Department considers that existing vegetation, the proposed continuous landscaping screening and the vacant residence on the project site would provide adequate mitigation from the visual impacts of the proposed changes.

The modification would not increase impacts to biodiversity values as the proposed substation location is predominantly approved for solar panels under the existing consent. The residual 0.3 ha of disturbance area is within the development footprint, is highly disturbed agricultural land and the groundcover is predominantly exotic species. Further, the new disturbance area would not require any additional clearing of native vegetation or endangered ecological communities (EEC).

The proposed changes to the substation would result in consequential changes to the location and dimension of Lot 2 in the subdivision plan. As such, the modification proposes to relocate and increase the size of the approved Lot 2 to align with the proposed substation changes. The revised subdivision is consistent with the existing consent

merging the existing five lots into three new lots. Lot 2 remains below the minimum rural lot size of 400 ha, however there are no dwelling entitlements on this lot.

Summary

On balance, the Department considers that the proposed modification has merit, and is in the public interest.

The Department's assessment has concluded that the modification would not result in any significant impacts beyond those that were assessed and approved. Any residual environmental and amenity impacts associated with the proposed modification could be mitigated and managed through the existing conditions of consent.

In modifying the consent, the Department has taken the opportunity to update and strengthen the existing conditions relating to compliance reporting and environmental audits to better reflect contemporary conditions that apply to other solar farms in NSW.

Importantly, the proposed revision of the substation layout and location is required to ensure SSF addresses TransGrid's connection requirements to provide adequate setbacks between the substation and the surrounding fencing, and separation of the substation's ancillary infrastructure. As such, the Department considers that the proposed modification should be approved.



1. Introduction

Suntop Solar Farm Pty Ltd (SSF), a joint venture owned by Canadian Solar Energy Holdings Singapore 4 Pte Ltd and Polpo Investments Ltd, has consent to develop the Suntop Solar Farm (the project) located approximately 10 kilometres (km) west of Wellington, within the Dubbo Regional local government area (see **Figure 1**).

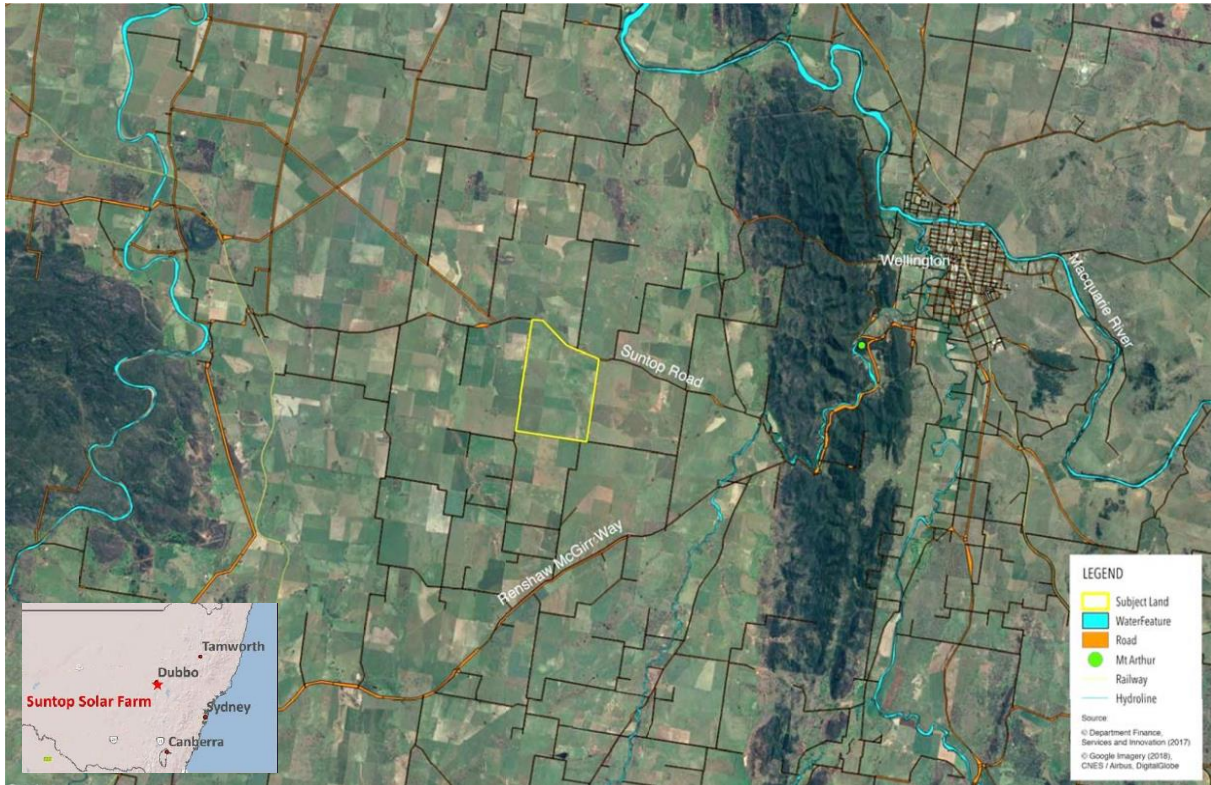


Figure 1 | Regional Context

1.1 Consent History

The project was granted development consent on 4 December 2018 by the Executive Director, Resource Assessments and Business Systems, as delegate of the then Minister for Planning. The consent permits for the construction, operation, upgrading and decommissioning of a solar farm with a generating capacity of approximately 170 MW and includes:

- approximately 550,000 solar panels (up to 4 m in height), 60 inverter stations (up to 2.9 m in height) and an onsite substation;
- internal access tracks, underground cabling, staff amenities, offices, maintenance and equipment buildings, laydown areas, onsite car parking and security fencing;
- vegetation screening along the boundaries of the site; and
- subdivision for the project site and the substation.

SSF has yet to commence construction of the project.

1.2 Development Footprint

The project site is 517 hectare (ha) with a 472 ha development footprint, which was designed to avoid impacts on remnant native vegetation, riparian zones and Aboriginal heritage items.

The site has historically been cleared for agricultural purposes and is currently used for grazing and cropping. An existing 132 kV overhead transmission line traverses the site and connects to TransGrid's Wellington substation.

The area surrounding the project site is gently undulating and generally slopes downwards to the west with slightly elevated rises located along the eastern and south-eastern project site boundaries. The nearest residence is located approximately 200 m north of the project and there are five residences within 1 km radius of the project (see **Figure 2**).

1.3 Onsite Substation

Under the existing consent, the onsite substation would occupy 0.5 ha about 1.5 km south of the approved access point on Suntop Road along the western boundary of the site, south of the unnamed second order stream that traverses the site. As TransGrid require permanent right of access to the substation, the access road would cross the waterway.

1.4 Vegetation Screening

The existing consent requires vegetation screening for portions of the western, northern and eastern boundary of the site to mitigate the visual impacts of the project from surrounding neighbours and Suntop Road.



2. Proposed Modification

The modification application seeks approval for minor amendments to the approved solar farm layout.

The proposed modification is within the existing development footprint and seeks to:

- revise the substation layout, location and access road route;
- include additional vegetation screening on the western boundary; and
- amend the project layout and subdivision plan to reflect the proposed changes and to correct an administrative error.

2.1 Substation Layout, Location and Access Road

The proposed changes to the substation are to address TransGrid's requirements for additional setbacks between the substation infrastructure and the surrounding security fencing. The dimensions of the substation would remain substantially the same as approved.

The modification also proposes to separate the substation and associated ancillary infrastructure into two distinct elements to facilitate the ownership and operation of the ancillary infrastructure. The substation would be owned and operated by TransGrid, and the ancillary infrastructure would be owned and operated by SSF. The ancillary infrastructure includes low voltage (LV) and medium voltage (MV) switchgear as well as auxiliary equipment.

The area required for the proposed changes would increase from the approved 0.48 ha to approximately 3.1 ha. To accommodate the increased area required, the substation would need to be relocated.

The proposed location was identified in consultation with TransGrid to allow the substation to abut the easement for the existing TransGrid electricity transmission line, whilst maintaining the required APZ. The proposed location is approximately 400 m north east of the approved location, is relatively flat farmland setback approximately 90 m from the unnamed second order stream and is entirely within the approved development footprint. The ancillary infrastructure would be positioned adjacent to the north of the proposed substation location.

Under the existing consent, the proposed substation location is predominantly approved for solar panels installed, with a residual 0.3 ha disturbance area within the development footprint.

The proposed substation location is north of the waterway and requires consequential changes to the substation access road. As a result, the substation access road would no longer need to utilise the existing waterway crossing on the western boundary of the site.

2.2 Vegetation Screening to the Western boundary

The approved vegetation screening on the western boundary was designed to augment existing native vegetation. The modification seeks to supplement the approved vegetation screening to form a continuous buffer along the western boundary to provide screening from the proposed substation location (see **Figure 2**).

2.3 Amended Project Layout and Subdivision Plan

The proposed substation changes result in a consequential change to the subdivision layout. The original application proposed a consolidation and subdivision of the existing five lots into three lots (see **Figure 3**). The modification seeks approval for a minor amendment to Lot 2 to reflect the substation changes. As such, the modification proposes to:

- relocate Lot 2 to align with the proposed substation location; and
- increase the size of Lot 2 to allow for the increased setbacks required by TransGrid.

The amended subdivision is consistent with the development consent as it would still merge the existing five lots into three lots (see **Table 1** and **Figure 4**).

Table 1 | Approved subdivision Compared to Proposed Subdivision

Lot	Purpose	Approved Lot Size (ha)	Proposed Lot Size (ha)
1	Access Road and Farm buildings	4	4
2	Substation	0.5	2
3	Project site	513	512

Finally, due to drafting error, the project layout in the development consent incorrectly positioned the existing vacant dwelling in the new Lot 1. The layout has been updated and the dwelling is now correctly included in Lot 3 (the solar farm site) (see **Figure 2**).

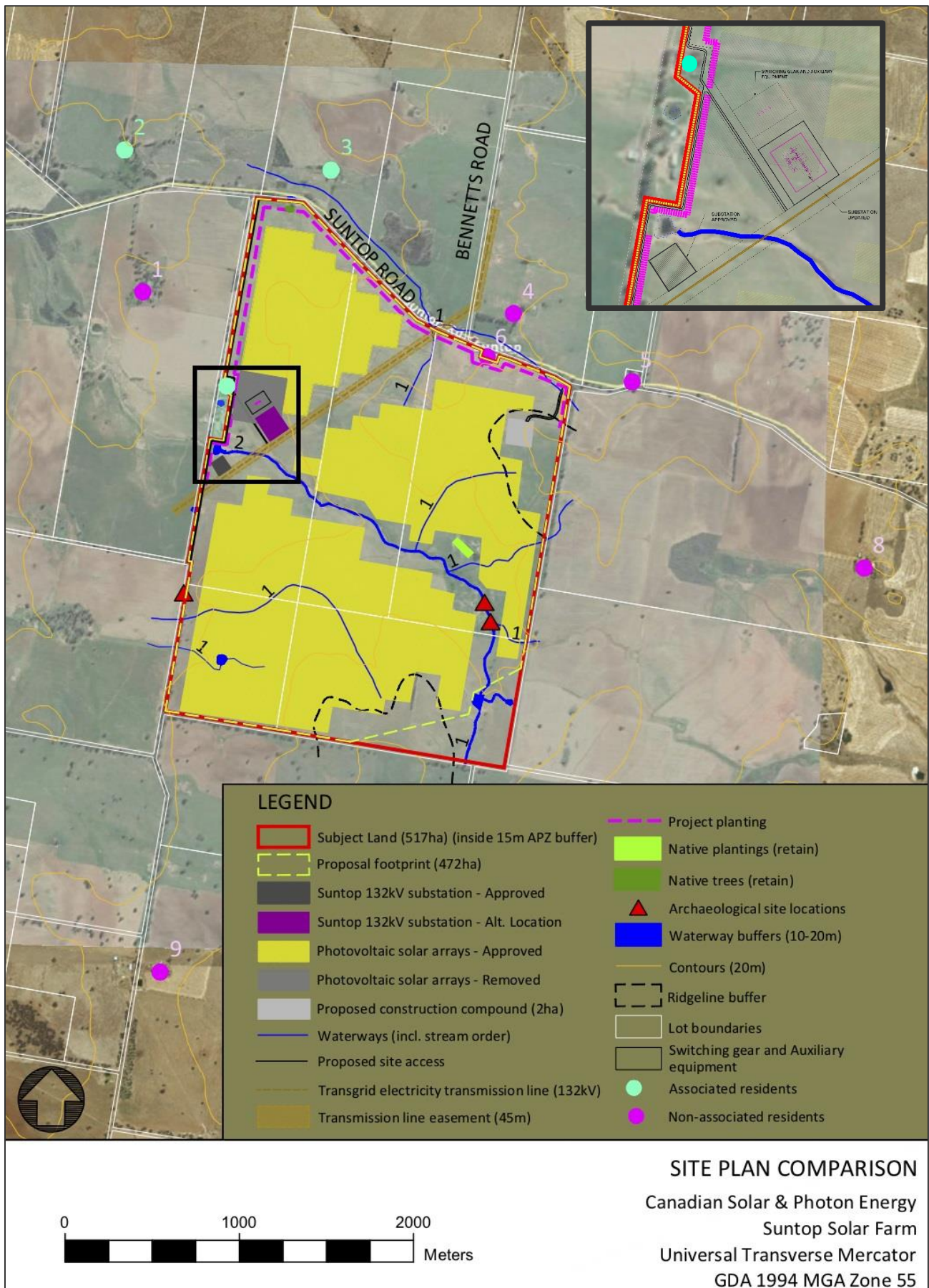


Figure 2 | Comparison of Approved and Proposed Substation Layout

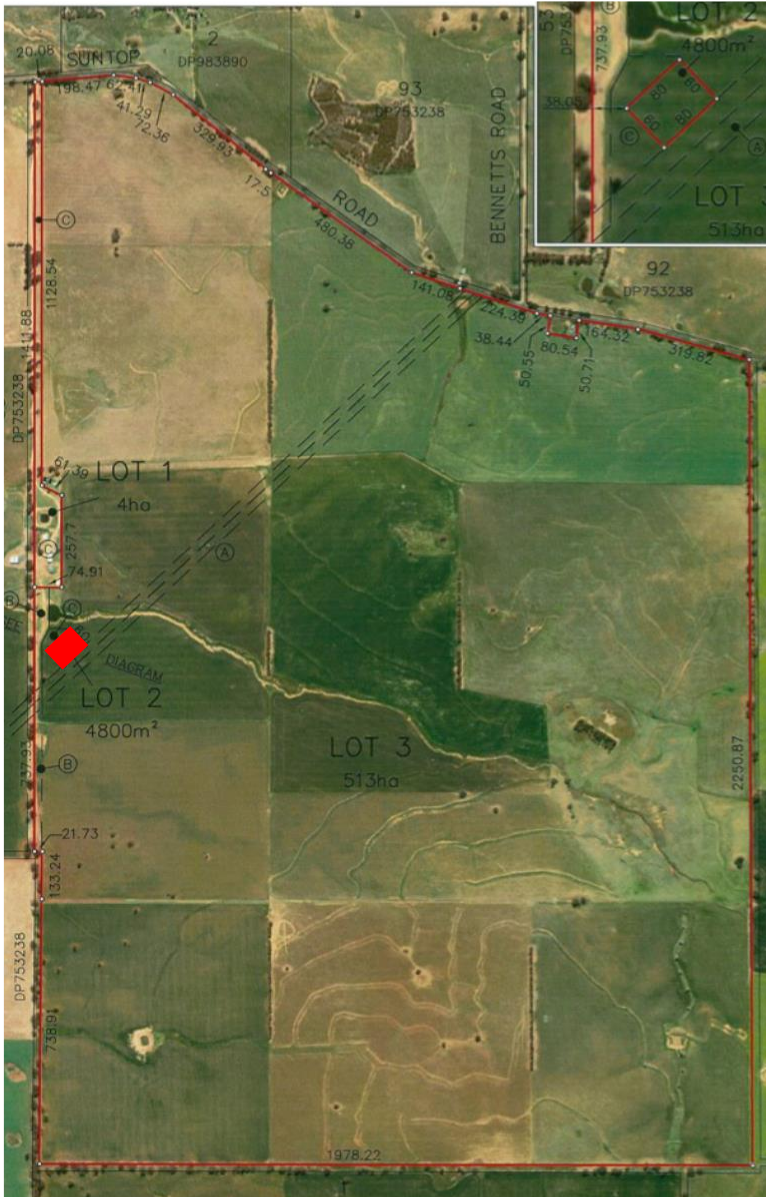


Figure 3 | Location of Lot 2 in the Approved Subdivision Plan

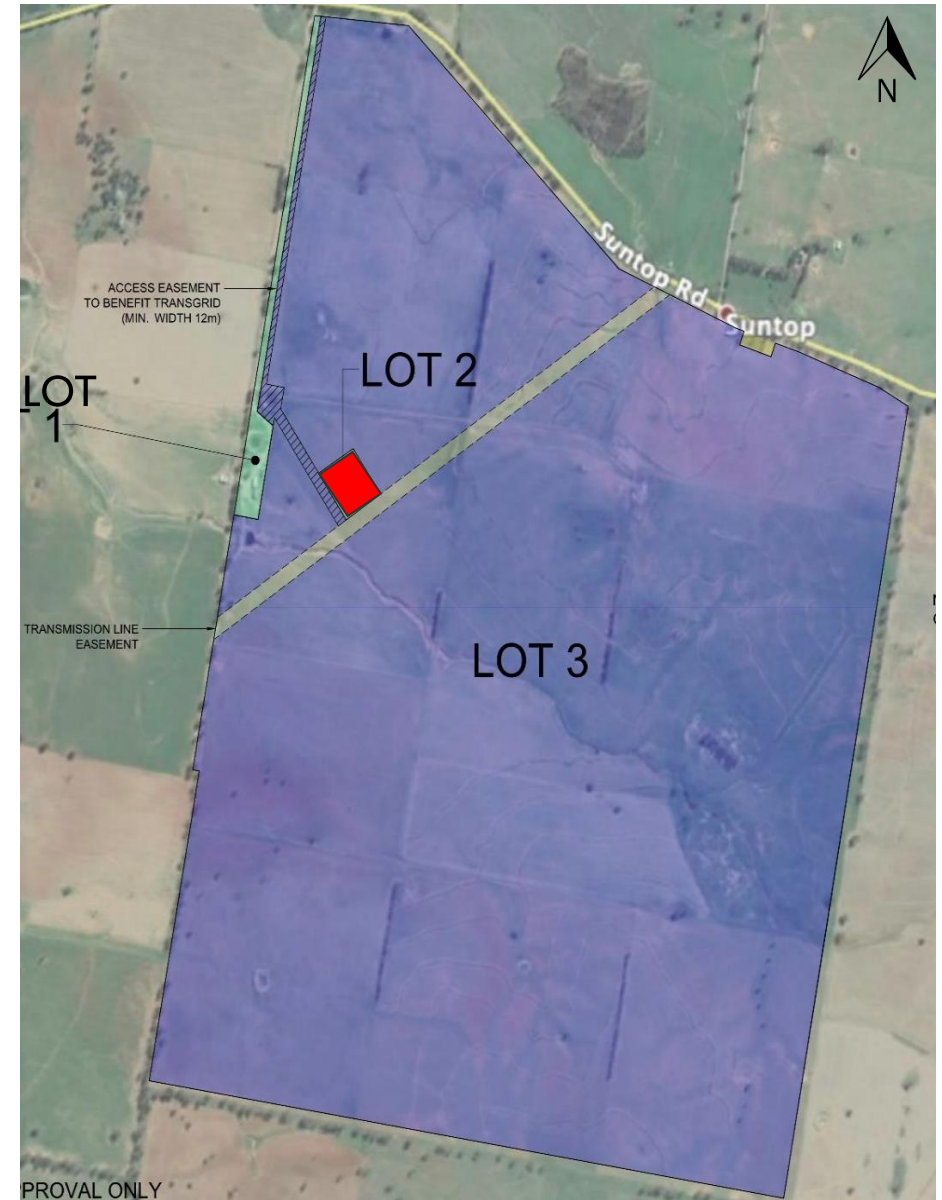


Figure 4 | Location of Lot 2 in the Proposed Subdivision Plan



3. Statutory Context

3.1 Scope of Modification

Consideration as modification

The project was originally approved under Section 4.38 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and any modification to this consent must be made under Section 4.55 of the EP&A Act.

The Applicant considered that the modified project would be substantially the same as the development that was originally considered in accordance with section 115(1) of the EP&A Regulation.

The Department has considered the scope of the modification application and the original consent and considers that the modification is substantially the same development as originally approved and can be considered as a modification and does not require a new development application.

Type of modification

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;
- would not change the approved development footprint; and
- is substantially the same development as originally approved.

Consequently, the Department is satisfied that the application can be characterised as a modification to the existing consent under Section 4.55(1A) of the EP&A Act, as it would result in substantially the same project as originally approved.

3.2 Consent Authority

Although the Minister for Planning and Public Spaces is the consent authority for the application, the Director, Energy Assessments, may determine the application under the Minister's delegation dated 11 October 2017 as Council did not object to the proposal and SSF did not make any political donations. Notwithstanding, whilst the modification application was not required to be formally exhibited, the Department informed adjoining landowners of the proposed modification. Six representations were received from members of the public.

3.3 Matters for Consideration

In accordance with section 4.55(3) of the EP&A Act, the following must be considered in granting the modification application as relevant to the application:

- environmental planning instruments, proposed instrument or development control plan;
- any planning agreement;
- EP&A Regulation;
- likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts;
- suitability of the site;
- any submissions;
- the public interest;
- the reasons for granting the consent for the original application.

The Department has considered the relevance of the considerations for the modification application below.

Environmental planning instruments, proposed instrument or development control plan

The environmental planning instrument relevant to this modification is the *Wellington Local Environment Plan 2012* (LEP). There are no proposed or draft LEPs or development control plans (DCPs) for Dubbo LGA for consideration in this modification.

The proposed consequential changes to the approved subdivision plan are required to reflect the proposed substation location.

The considerations under the relevant LEPs are contingent upon whether the subdivision would also create a lot or give rise to new dwelling entitlements. Council did not object to the subdivision in the original application.

While there are development standards that apply to subdivisions, these apply to the granting of development consent and the modification of a consent is not taken to be the granting of consent in accordance with section 4.55(4). Consequently, there are no constraints on the Department granting the modification.

A consideration of the LEPs for the amended subdivision plan is outlined in **Section 5** of this report.

Any planning agreement

There are no voluntary planning agreements between SSF and Dubbo Regional Council.

EP&A Regulation

There are no additional considerations relevant to the modification application in the EP&A Regulation.

Likely impacts of the modification application

The likely impacts of modification are considered in **Section 5** of this report.

Suitability of the site

The Department's assessment of the original application concluded that the site was suitable for a solar farm subject to the conditions of consent. SSF is proposing to reconfigure ancillary infrastructure within the development footprint, which is zoned RU1 Primary Production under the Wellington LEP. The suitability of the site with the proposed changes is considered in **Section 5.1**.

Submissions

The Department notified and sought advice from Dubbo Regional Council, the Office of Environment and Heritage, the Environment Protection Authority and TransGrid. Six representations were received from the general public, providing comments on the modification and the project as approved. The Agency comments and public representations are discussed further in **Section 4**.

Public Interest

The consideration of public interest is provided in **Section 6** of this report.

The reasons for granting the consent for the original application

The Department considered the impacts and benefits of the solar farm in accordance with the EP&A Act in granting consent.



4. Engagement

4.1 Department's Engagement

In accordance with section 45 of the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP), the Department is required to notify and seek comment from TransGrid, as the modification seeks to relocate the substation and amend the subdivision for the purposes of the electricity substation.

TransGrid requested the substation location be further revised to abut the existing transmission line easement, to avoid the need for further work to connect to the transmission line. SSF revised the relocation of the substation to address these comments and is depicted in **Figure 2** and **Figure 4**.

In accordance with the EP&A regulations, the Department is not required to notify any other parties of the modification application. Notwithstanding, the Department sought comment from Dubbo Regional Council, the Office of Environment and Heritage, the Environment Protection Authority and TransGrid, consulted with nearby adjacent landowners, and the application was made publicly available on the Department's website on 26 July 2019.

4.2 Key Issues – Government Agencies

While none of the agencies objected to the proposed modification, several provided advice. This advice is summarised below, and where relevant, considered in more detail in **Section 5** of this report.

Dubbo Regional Council (Council) provided comments on several aspects of the project as approved but did not object to the proposed modification.

The **Office of Environment and Heritage** (OEH) and **Environment Protection Authority** (EPA) raised no concerns noting the nature of the modification being minor would not introduce additional impacts that those already assessed and approved.

4.3 Key Issues - Community

While the Department did not formally exhibit the application, it consulted with nearby adjacent landowners. Several landowners raised concerns about the increased visual impact resulting from the proposed substation location and expanded layout, the effectiveness of vegetation screening during drought conditions, fragmentation of agricultural land, inadequate community consultation, as well as concerns about the broader impacts of the project as approved.

The Department has considered these concerns further in **Section 5** to the extent that they relate to the proposed modification, noting that the solar farm was approved following a detailed assessment process.

The engagement undertaken by the Department is described in **Section 4.1** and is in accordance with the EP&A Regulation and the requirements for a modification of this nature.



5. Assessment

The Department has considered the merits of the proposed modification application in accordance with the relevant matters for consideration described in **Section 3.3**.

In assessing the merits of the proposed modification, the Department has considered the existing development consent; previous environmental assessments for the project; comments from adjacent landowners; the modification application; applicable government policies and guidelines; and requirements of the EP&A Act. A list of the key documents that informed the assessment is provided in **Appendix A**.

The Department has considered whether the proposed changes would result in any material increases in the environmental or amenity impacts of the project. The key matters for consideration on this project include the compatibility of land use, impacts on visual amenity, biodiversity values and subdivision.

5.1 Compatibility of Proposed Land Use

The development consent allows for solar panels and associated infrastructure within a 472 ha development footprint within the 513 ha project site. The proposed modification does not seek to increase the development footprint. The proposed changes to the substation and separation of ancillary infrastructure is contained within the development footprint. The Department considers that, with the proposed modification, the project would remain consistent with the objectives of the RU1 Primary Production under the Wellington LEP and that the project would remain consistent with objectives of the RU1 zone.

The proposed modification would not result in additional impacts on the inherent agricultural capability of the land beyond those considered and assessed under the existing consent as the proposed changes are within the approved development footprint. Further, the proposed changes would not limit the ability of the site to return to agricultural use in the future once the project is decommissioned.

The Department considers that proposed changes represent an effective and compatible use of the land within the region. The existing conditions, including the decommissioning and rehabilitation objectives in the consent, adequately address the potential impacts on agricultural land.

5.2 Visual

Four community members raised concerns about the increased visual impact of the proposed substation changes on residential receivers and while travelling on Suntop Road, including the closest receiver (R1) to the proposed substation.

Although the proposed changes would result in the substation being located about 200 m closer to R1 to the west, there would still be approximately 900 m between R1 and the relocated substation. In addition, the Department considers that existing vegetation, the approved and proposed continuous landscaping screening and the vacant dwelling on site would provide adequate mitigation from the visual impacts of the relocation.

The proposal would also move the substation approximately 400 m closer to Suntop Road to the north. The proposed substation would still be 1 km from Suntop Road and the approved project includes vegetation screening along the northern boundary of the site. Consequently, the Department considers the proposed location would result in minimal visual impacts beyond those already assessed and approved under the consent.

Concern was also raised by one adjacent neighbour regarding the effectiveness of vegetation screening considering the current drought conditions. Under the existing consent, SSF is required to prepare and implement a Landscape Plan, including monitoring and reporting on the effectiveness of the measures. The Department

considers this requirement adequately addresses the establishment and maintenance of the approved and proposed vegetation screening.

5.3 Biodiversity

The Biodiversity Development Assessment Report (BDAR) submitted with the original application surveyed the 513 ha project site, however only the 472 ha development footprint was assessed and approved as the disturbance area. The proposed substation location is within the 472 ha development footprint.

The majority of the proposed substation location is approved to be occupied by solar panels under the existing consent. The residual 0.3 ha of disturbance is within the development footprint and is comprised of cleared agricultural land with a history of cropping and livestock grazing. The groundcover is predominantly exotic species. The expanded disturbance area would not require any additional clearing of native vegetation or endangered ecological communities (EEC).

The Department, in consultation with OEH, considers that the modification would not increase impacts to biodiversity values, the area was surveyed in the original application, and a further BDAR is not required.

5.4 Subdivision

The proposed substation changes would result in consequential changes to the location and dimension of Lot 2 in the subdivision plan as shown in **Figures 3** and **Figure 4**. As such, the modification proposes the following changes to the subdivision plan:

- relocation of Lot 2 to align with the proposed substation location; and
- increase the size of Lot 2 to approximately 2 ha to allow for the proposed substation expansion.

Council did not object to original application with the understanding that no additional dwelling entitlements were attached to the subdivided lots. The proposed modification would not result in any additional dwelling entitlements on the residual lots.

The revised subdivision is consistent with the existing development consent, merging the existing five lots into three new lots. As such, the Department considers the revised subdivision plan should be approved as it:

- is necessary to address TransGrid's connection requirements and for the operation of the substation;
- would not result any additional dwelling entitlements on the subdivided lots; and
- is consistent with the key objectives of the RU1 zone as it would encourage diversity and primary industry enterprises and minimise conflict between land uses.

5.5 Other Matters for Consideration

Heritage

The proposed substation location is within the approved development footprint, which was surveyed as part of the original application, and does not contain any Aboriginal heritage sites. As such, the Department and OEH consider that the proposed modification would not increase the Aboriginal heritage impacts of the project or require any changes to the heritage management conditions under the existing consent.

Bushfire Risk

The existing consent requires SSF to manage the development as an APZ. Further, the proposed changes would increase the setbacks to 20 m between the substation infrastructure and the fencing around the substation, whilst also maintaining the required 10 m defendable space around the perimeter of the solar panel area within the development footprint as required by the existing consent.

Water and Soil

As the proposed substation location would be north of the unnamed second order stream, the existing waterway crossing on the western boundary of the site would no longer form part of the access road required for TransGrid to access the substation. Further, the relocated substation is set back further from the waterway, thereby reducing potential impacts on the riparian corridor.

Community members raised concern regarding dryland salinity outbreaks in the Suntop area both in relation to the proposed modification and the project as approved. The Department considers that, although the proposed changes would result in 0.34 ha of residual disturbance this is contained within the approved development footprint and therefore, the proposed modification would not increase the impacts of the project beyond those that were assessed and approved in the original consent.

Traffic

There would be no changes to the transport route, site access points or vehicle numbers.

Summary

Subject to the revised conditions, the Department considers that the proposed modification would not result in significant impacts on the environment. Further, the substation changes are required in order to address TransGrid's connection requirements within the development footprint and the APZ buffer.

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



6. Evaluation

Proposed Modification

The Department has assessed the modification application in accordance with the relevant statutory requirements, having regard to the Modification Report, and documentation relating to the original project. The Department has assessed the proposed modification to allow for:

- a revised location, layout and access road route for the onsite substation;
- additional vegetation screening on the western boundary to reduce potential visual impacts of the proposed substation changes; and
- amendments to the project layout and subdivision plan to reflect the proposed substation changes and correct an administrative error.

Consent Authority

While there are development standards that apply to subdivisions, these apply to the granting of development consent and the modification of a consent is not taken to be the granting of consent in accordance with section 4.55(4). Consequently, there are no constraints on the Department granting the modification.

Likely impacts of the modification application

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

- relevant matters for consideration identified in **Section 3.3**;
- existing conditions of consent;
- previous EAs for the project; and
- requirements of the EP&A Act.

The Department considers that the proposed modification application meets these requirements as:

- the modification is consistent with the objectives of the Wellington LEP;
- the proposed modification would not impact on the natural and built environments, and there would not be any social and economic impacts given the nature of the proposed substation changes and consequential administrative changes for the subdivision plan;

- there are no draft environmental planning instruments, development control plans and planning agreement or requirements in the EP&A regulation relevant to the modification application;
- TransGrid supports the proposed revision of the substation location and layout given the requirement to revise the substation was a result of detailed design consultation between SSF and TransGrid;
- there are no land use conflicts between the land and the use of surrounding land in the locality (including agricultural land) noting that the solar farm and associated infrastructure have been assessed in detail and the existing consent would effectively manage and minimise any residual impacts associated with the project; and
- the modification application is consistent with the reasons given for the original consent.

The Department's assessment has found that the proposed modification would not result in any significant impacts beyond those that were assessed and approved under the existing consent. Any residual environmental and amenity impacts associated with the proposed modification could be mitigated and managed through the existing conditions of consent.

Importantly, the proposed substation changes are required to ensure SSF addresses TransGrid's connection and APZ buffer requirements.

Consequently, the Department considers that the proposed modification is in the public interest, and recommends that it should be approved.

The Department has drafted a Notice of Modification (see **Appendix C**) and a consolidated version of the development consent as modified (see **Appendix D**). To permit the proposed modification, the conditions have been updated with a new definition of the EIS and a revised figure for the modified project layout.

Additionally, in modifying the development consent, the Department has taken the opportunity to update and strengthen the existing conditions relating to compliance reporting and environmental audits to better reflect contemporary conditions that apply to other solar farms in NSW (see **Appendix E**).

SSF has reviewed the proposed changes to the conditions and does not object to them.



7. Recommendation

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

- **considers** the findings and recommendations of this report;
- **determines** that the application Suntop Solar Modification 1 (SSD 8696) falls within the scope of section 4.55(1A) of the EP&A Act;
- **forms the opinion** under section 7.17(c) of the Biodiversity Conservation Act 2016 that a biodiversity development assessment report is not required to be submitted with this application as the modification will not increase the impact on biodiversity values on the site;
- **accepts and adopts** 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 8696); and
- **signs** the attached consent of the modification (**Attachment C**).

Recommended by:

Natasha Homsey

Environmental Assessment Officer
Energy Assessments

Recommended by:

10/10/19

Iwan Davies

A/Team Leader
Energy Assessments



8. Determination

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

11/10/19

Nicole Brewer

A/Director
Energy Assessments



Appendices

Appendix A – List of Documents

Suntop Solar Farm Modification Application 1, Energy Forms, July 2019

Additional Information received from SSF, dated August and September 2019

Appendix B – Modification Report

Appendix C – Notice of Modification

Appendix D – Consolidated Consent

Appendices B-D - See the Department's Major Projects Website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/14401>

Appendix E – Summary of Administrative Changes to Conditions

Condition Number	Condition	Reason for changes
Schedule 4: condition 5a	Compliance Reporting	Conditions updated to reflect contemporary solar farm development consents
Schedule 4: condition 6	Independent Environmental Audit obligations and Access to Information	Condition updated to reflect contemporary solar farm development consents