



# ***Bomen Solar Farm (Mod 1)***

*State Significant  
Development  
Modification Assessment  
(SSD 8835 MOD 1)*



August 2019

© Crown Copyright, State of NSW through its Department of Planning, Industry and Environment 2019

### **Cover photo**

Department of Planning, Industry and Environment Image Database (<https://images.planning.nsw.gov.au>).

### **Disclaimer**

While every reasonable effort has been made to ensure this document is correct at time of printing, the State of NSW, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance or upon the whole or any part of this document.

### **Copyright notice**

In keeping with the NSW Government's commitment to encourage the availability of information, you are welcome to reproduce the material that appears in this report. This material is licensed under the Creative Commons Attribution 4.0 International (CC BY 4.0). You are required to comply with the terms of CC BY 4.0 and the requirements of the Department of Planning and Environment. More information can be found at: <http://www.planning.nsw.gov.au/Copyright-and-Disclaimer>.



## Executive Summary

Spark Infrastructure RE Pty Ltd (Spark Infrastructure) has approval to develop the Bomen Solar Farm in Bomen, approximately 7 kilometres northeast of Wagga Wagga in the City of Wagga Wagga local government area.

The approved project includes a 100 megawatt (MW) solar farm, 10 MW/40 MW-hour battery storage facility and associated ancillary infrastructure.

The approval allows for up to 30 heavy vehicle movements a day during construction, upgrading and decommissioning, which must travel to and from site via the approved heavy vehicle access route along the Sturt Highway, Eunony Bridge Road, Byrnes Road and Trahairs Road.

### Proposed Modification

Spark Infrastructure is proposing to deliver some materials from port to Bomen via the Main Southern Railway Line.

The modification application seeks approval to use an additional heavy vehicle route (via Jersey Street, Dorset Drive, Merino Road and Byrnes Road) to transfer materials from an existing rail siding and freight depot in Bomen Industrial Park to two offsite laydown areas during construction.

The transfer of materials between the freight depot and the laydown areas would involve up to five heavy vehicle movements per day over a three-month period. Materials from the laydown areas would then be trucked to the site using the currently approved access route. The approved limit of 30 daily heavy vehicle movements during construction would remain unchanged.

### Engagement

The Department made the application available on its website on 19 July 2019 and notified Wagga Wagga City Council, as the relevant roads authority. Council confirmed it had no concerns about the modification.

### Assessment

In assessing the merits of the proposed modification, the Department has considered the existing project approval conditions; 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 project would have no additional environmental impacts beyond those assessed in the original approval. The additional transport route and laydown areas are confined to existing infrastructure, specifically local road corridors through Bomen Business Park and an existing warehouse and hardstand area.

The route is suitable for the proposed heavy vehicle movements and meets the RMS standards for a B-double access route. Furthermore, no residences would be adversely affected by the proposal, as the surrounding land uses are industrial receivers.

### Summary

The Department's assessment has concluded that the modification would not significantly increase the environmental or amenity impacts of the project beyond those that were already assessed and approved.

The modification would enable rail transportation of goods to the site helping facilitate the construction process. This would reduce the total number of heavy vehicle movements from the port to the site, helping to reduce road hazards and providing a more environmentally sustainable transport option as goods can be transported in bulk. As such, the Department considers it is in the public interest and should be approved.



# 1. Introduction

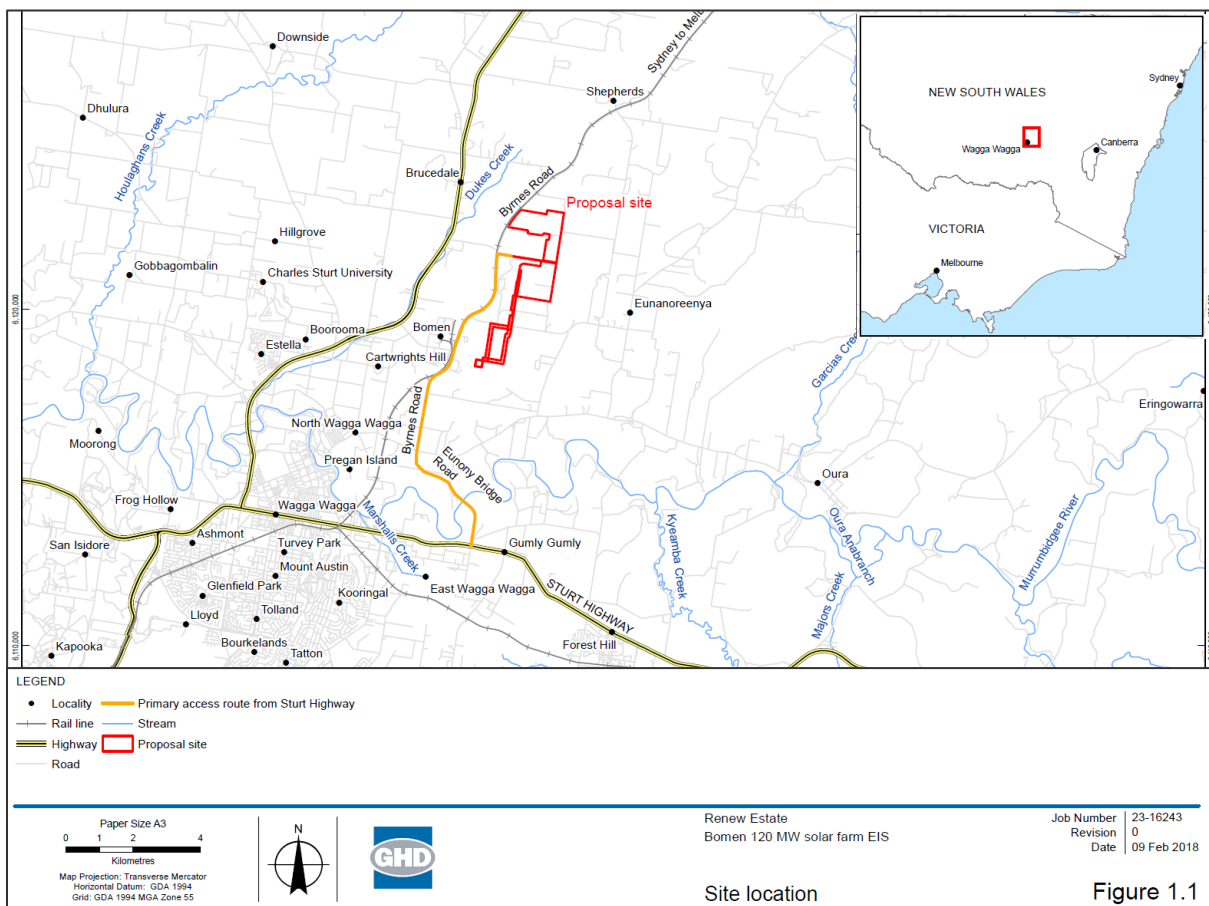
## 1.1 Background

Spark Infrastructure RE Ltd (Spark Infrastructure) has approval to develop the Bomen Solar Farm (the project) in Bomen, approximately 7 km northeast of Wagga Wagga in the City of Wagga Wagga local government area (see **Figure 1**).

The project was granted consent on 8 November 2018 and permits the development of a 100 megawatt (MW) solar farm, 10 MW/40 MW-hour (MWh) battery storage facility and ancillary infrastructure.

The consent allows for up to 30 heavy vehicle movements per day during construction via the Sturt Highway, Byrnes Road, Eunony Bridge Road and Trahairs Road as the designated heavy vehicle access route.

The project commenced construction on 3 June 2019.



**Figure 1 | Site Location**



## 2. *Proposed Modification*

Spark Infrastructure is proposing to deliver some materials from port to Bomen via the Main Southern Railway Line.

The modification application therefore seeks approval to use an additional heavy vehicle route to transfer materials from an existing rail siding and freight depot in Bomen Industrial Park to two offsite laydown areas (see **Figure 2**) during construction.

The proposed additional heavy vehicle route incorporates the following roads:

- Jersey Street – for 50 m between the Bomen rail siding to the intersection with Dorset Drive;
- Dorset Drive – for 1.5 km to the roundabout intersection with Merino Road; and
- Merino Road – for 300 m to the roundabout intersection with Byrnes Road.

The proposed offsite laydown areas are:

- Laydown Area 1 - an existing warehouse at 560 Byrnes Road which would provide covered storage space.
- Laydown Area 2 - an existing hardstand area behind an industrial warehouse at 280 Byrnes Road for materials that do not require cover.

Spark Infrastructure has advised that using these existing facilities as laydown areas would:

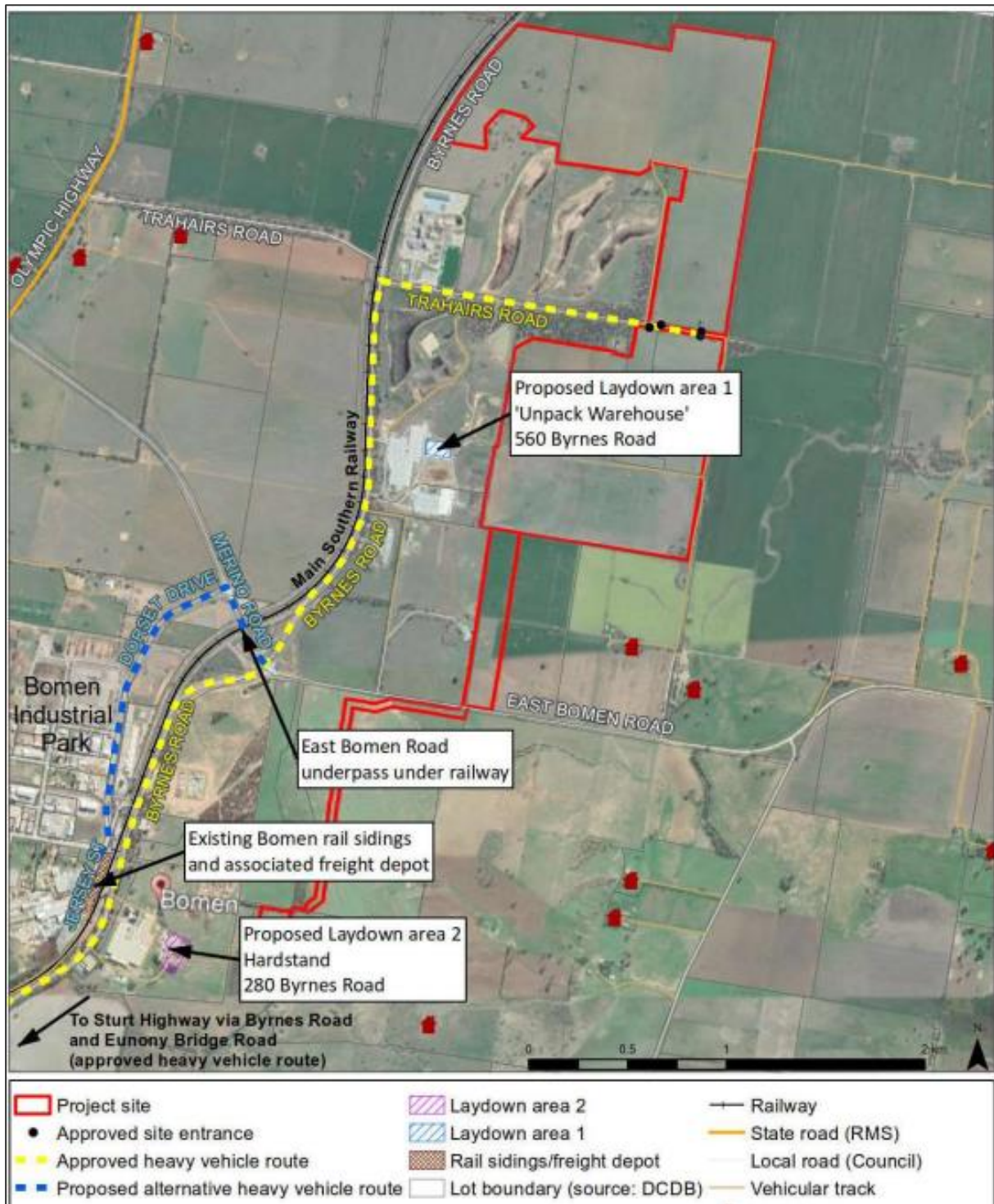
- reduce the area of hardstand required within the main project site;
- provide flexibility in staging truck deliveries to the main site; and
- increase worker safety, as containers can be unloaded in all weather conditions.

Materials would be transported from the rail siding to the laydown areas by up to five heavy vehicle movements per day over a three-month period.

Transporting materials via rail would reduce the number of heavy vehicles travelling between the port and project site by up to 314.

The approved limit of 30 daily heavy vehicle movements during construction would remain unchanged.





**Figure 2** | Proposed Alternative Heavy Vehicle Access Route and Laydown Area Locations



## 3. Statutory Context

### 3.1 Scope of Modifications

The project was approved on 8 October 2018 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 Department has reviewed the scope of the modification 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; and
- would reduce the volume of heavy vehicle traffic between port to site during construction.

Consequently, the Department is satisfied that the application can be characterised as a modification to the existing approval 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, Spark Infrastructure did not make any political donations and there were no objections.

### 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; and
- the reasons for granting the approval 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 *Wagga Wagga Local Environment Plan 2010* (Wagga Wagga LEP). A Draft Amendment to the Wagga Wagga LEP relating to exempt provisions for temporary promotional banners or flags is currently on exhibition, however is not relevant to this modification.

#### ***Any planning agreement***

There are no voluntary planning agreements between Spark Infrastructure and Wagga Wagga City 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 the modification are considered in **Section 5** of this report.

### ***Suitability of the site***

Spark Infrastructure is proposing to use existing infrastructure and facilities within the Bomen Business Park zoned as IN1 General Industrial under the Wagga Wagga LEP for the delivery of materials from port to site. The Department considers this purpose is consistent with the land use objectives for this industrial zoning and a suitable use of the existing facilities.

### ***Submissions***

The Department notified and sought advice from Wagga Wagga City Council as the relevant roads authority for the additional heavy vehicle access route. This is discussed further in **Section 5** of this report.

### ***Public Interest***

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

### ***The reasons for granting the approval for the original application***

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



## **4. Engagement**

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 Wagga Wagga City Council, and the application was made available on the Department's website from 19 July 2019.

Council supports the proposed modification and advised that the proposed route is already gazetted as an approved B-double route.



## **5. Assessment**

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

In assessing the merits of the proposed modification, the Department has considered the existing development consent, previous environmental impact statement for the project; the modification application; applicable government policies and guidelines; agency comments and the requirements of the EP&A Act. A list of 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 traffic and transport (see **Section 5.1**); and noise and vibration (see **Section 5.2**) associated with the additional heavy vehicle route and proposed laydown areas.

### **5.1 Traffic and Transport**

The proposed additional heavy vehicle traffic route to transfer materials from the Bomen rail siding is along Jersey Street, Dorset Drive and Merino Road, joining the approved heavy vehicle route along Byrnes Road. There would be five heavy vehicle movements a day over a period of three months on this proposed route.



The traffic impacts associated with the addition of five heavy vehicle movements a day on the proposed transport route would be negligible. This is because the proposed route consists of sealed single carriageway roads which already service the Bomen Business Park and is designated as an approved B-double route by Roads and Maritime Services.

Transporting materials by rail from port to Bomen could reduce heavy vehicle movements across the broader road network by up to 314 movements. Furthermore, the approved limit of 30 daily heavy vehicle movements during construction would remain unchanged.

Vehicles would access the laydown areas from Byrnes Road on the approved transport route. Existing site access arrangements to the two laydown areas from Byrnes Road are adequate for heavy vehicles and would not require any intersection treatments as they are industrial facilities which are already being used for similar purposes. Having two laydown areas provides flexibility in staging truck deliveries to the main site and alleviates the risk of congestion from Trahairs Road spilling onto Byrnes Road.

The Department also notes that Wagga Wagga City Council raised no concerns with the additional route and confirmed the route's suitability for the proposed traffic movements. In accordance with the existing consent, Spark Infrastructure would also be required to review and update the traffic management plan in consultation with the relevant road authorities to include the scope of this modification.

As such, the Department is satisfied that the proposed modification would not result in any significant increase in impacts on traffic and transport.

## 5.2 Noise and Vibration

The nearest residential receiver is located 1.2 km from the proposed transport route, with all receivers located within 1 km of the route being industrial receptors.

Both laydown areas are situated on land zoned IN1 General Industrial and are regularly used for the unloading of goods. The nearest residential receivers are 1 km away from Laydown Area 1 and 500 m from Laydown Area 2.

These sensitive receivers are unlikely to be impacted by the proposed modification due to the separation distance from the activities, the low number of daily heavy vehicle movements and existing noise generated from activities within the Bomen Business Park and operation of the Main Southern Railway Line.

Therefore, the Department is satisfied that the proposed modification would not result in any significant impacts to amenity.

## 5.3 Other Matters for Consideration

The proposed modification would be using existing rail and road infrastructure and established hardstand areas that do not require any additional ground disturbance or consumption of resources. Therefore, subject to the existing conditions, the Department considers that the modification would not result in any environmental or amenity impacts beyond those currently approved for the project.



## 6. Evaluation

### Proposed Modification

The Department has assessed the merits of the modification in accordance with the relevant statutory requirements, having regard to the approved project. The Department has assessed the proposed modification to allow for the use of an additional heavy vehicle access route and two offsite laydown areas during construction.

### 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 approval;
- previous environmental assessments 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 Wagga Wagga 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 temporary nature of the truck movements and use of the laydown areas;
- 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;
- there are no land use conflicts as the proposed heavy vehicle route, rail siding and offsite laydown areas are already used for the purposes proposed in the modification; and
- the modification application is consistent with the reasons given for the original approval.

The Department's assessment has found that the proposed modification would not result in any significant impacts beyond those that were assessed and approved for the original project and would reduce impacts on the State and local road network. Any residual environmental and amenity impacts associated with the proposed modification could be mitigated and managed through the existing conditions of approval.

Importantly, the proposed modification could remove up to 314 heavy vehicles movements from the road network between the port and project site during construction.

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

The Department has prepared a recommended Notice of Modification (see **Appendix E**) and a consolidated version of the project approval 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.

Spark Infrastructure 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; and
- **determines** that the application Bomen Solar Farm Modification 1 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;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application;
- **modify** the consent (SSD 8835); and
- **signs** the attached approval of the modification (**Attachment E**).

Recommended by:

 22/8/19  
**Caleb Ferry**

Student Para Planner  
Energy Assessments

Recommended by:

 22/8/19  
**Anthony Ko**

Senior Environmental Assessment Officer  
Energy Assessments



## 8. Determination

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

 23/8/19  
**Nicole Brewer**

A/ Director  
Energy Assessments



# Appendices

## **Appendix A – List of Documents**

Modification Report titled *Bomen Solar Farm: Modification Application for alternative heavy vehicle route and laydown area during construction*

## **Appendix B – Modification Report**

## **Appendix C – Submissions**

## **Appendix D – Consolidated Consent**

## **Appendix E – Notice of Modification**