



# New England Solar Farm Modification 1

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Revised Road Upgrade Disturbance Boundaries  
State Significant Development Modification Assessment  
(SSD 9255 MOD 1)

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# Executive Summary

UPC Renewables Australia Pty Ltd has approval to develop the New England Solar Farm (the project), located approximately 6 kilometres (km) east of Uralla and 8 km south of Armidale in the New England North West region of NSW.

The consent permits the construction, operation, upgrading and decommissioning of a solar farm with an estimated capacity of 720 megawatt (MW), 200 MW/400 MW hour (MWh) of battery storage, grid connection infrastructure and road upgrades.

## Proposed Modification

Detailed design works for the required road upgrades for the project have identified that an additional disturbance area for these works beyond what was assessed and approved for the project is required in some areas.

This increased disturbance area from 8.6 ha to 12.4 ha is required to accommodate the road widening works at Barleyfields Road (north) and Big Ridge Road (Segments 1,3,4 and 5) and the intersection upgrades of the New England Highway/Barleyfields Road (north) and Barleyfields Road/Big Ridge Road.

As such, the modification application seeks to amend the layout of the road upgrades to increase the disturbance footprint to accommodate these required upgrades and refine the species offset credits following additional targeted surveys on the solar farm site.

## Engagement

The Department published the application on its website on 16 December 2020 and sought comments from Uralla Shire Council, Crown Lands, the Department's Biodiversity, Conservation and Science Directorate (BCS, formerly Biodiversity Conservation Division), Heritage NSW and Heritage NSW – Aboriginal Cultural Heritage. None of the agencies objected to the proposed modification.

## Assessment

In assessing the merits of the proposed modification, the Department has considered the merits of the proposal in accordance with the relevant matters for consideration under the EP&A Act.

The proposed modification would result in an increase in clearing and increase in credit obligation for Blakely's Red Gum - Yellow Box grassy woodland (by 23 ecosystem credits); and Broad-leaved Stringybark - Yellow Box shrub/grass open forest (by 8 ecosystem credits). The credit liability for one vegetation community and three species has been reduced following targeted surveys within the solar farm site.

The Department is satisfied that the modification would not result in any significant biodiversity impacts, subject to the provision of suitable offsets. Other potential impacts to heritage, water and amenity would be minor and could be managed by the existing conditions of consent.

## Summary

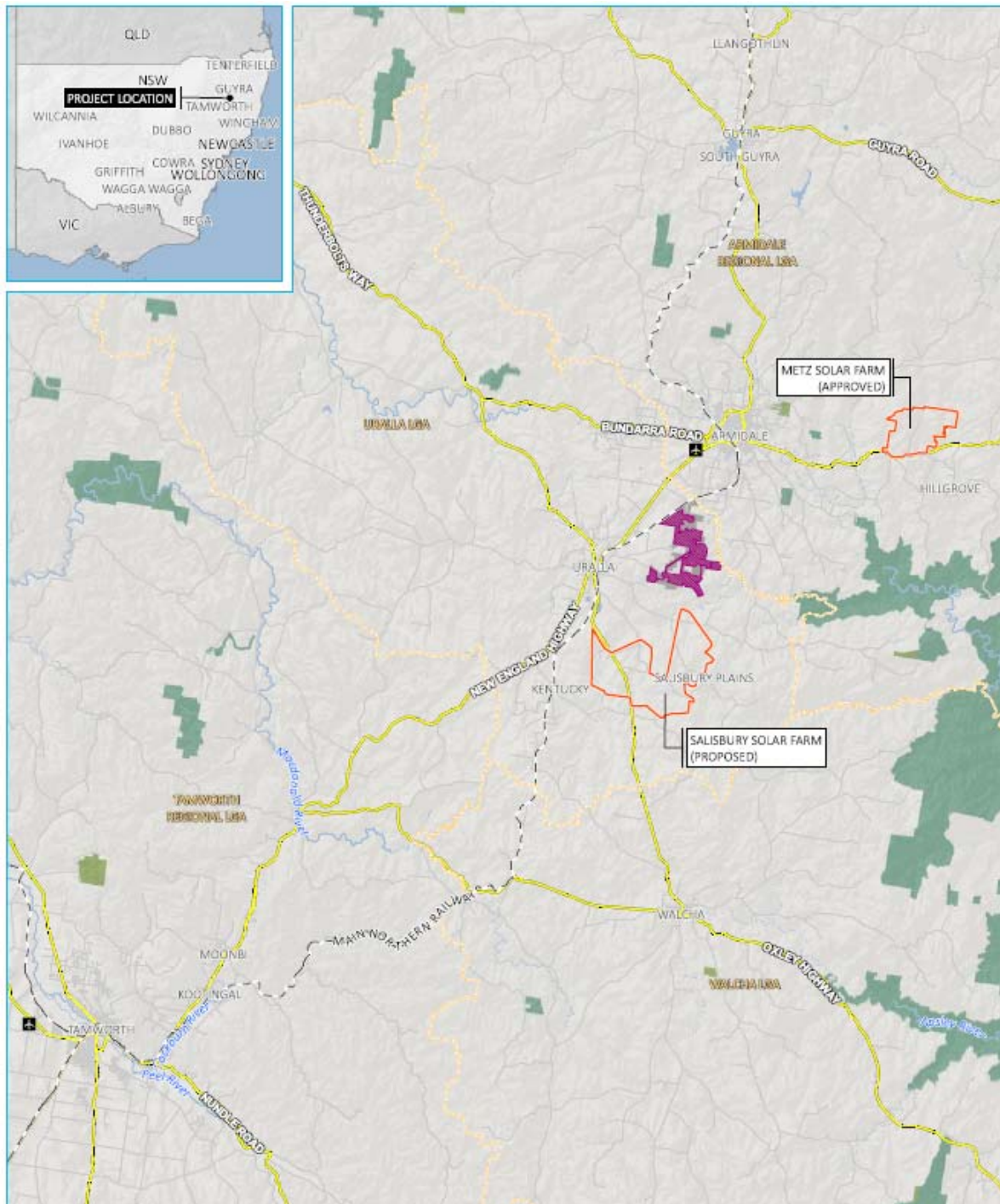
The Department's assessment has concluded that the modification should be approved to reflect the amended layout and the corresponding reduction in biodiversity impacts of the project, in comparison with the assessed project. Consequently, it is in the public interest and should be approved.

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# 1 Introduction

UPC Renewables Australia Pty Ltd (UPC) has approval to develop the New England Solar Farm (the project), located approximately 6 kilometres (km) east of Uralla and 8 km south of Armidale in the Uralla Shire local government area (LGA) (see **Figure 1**).



**Figure 1 | Regional Context Map**

## 1.1 Consent History

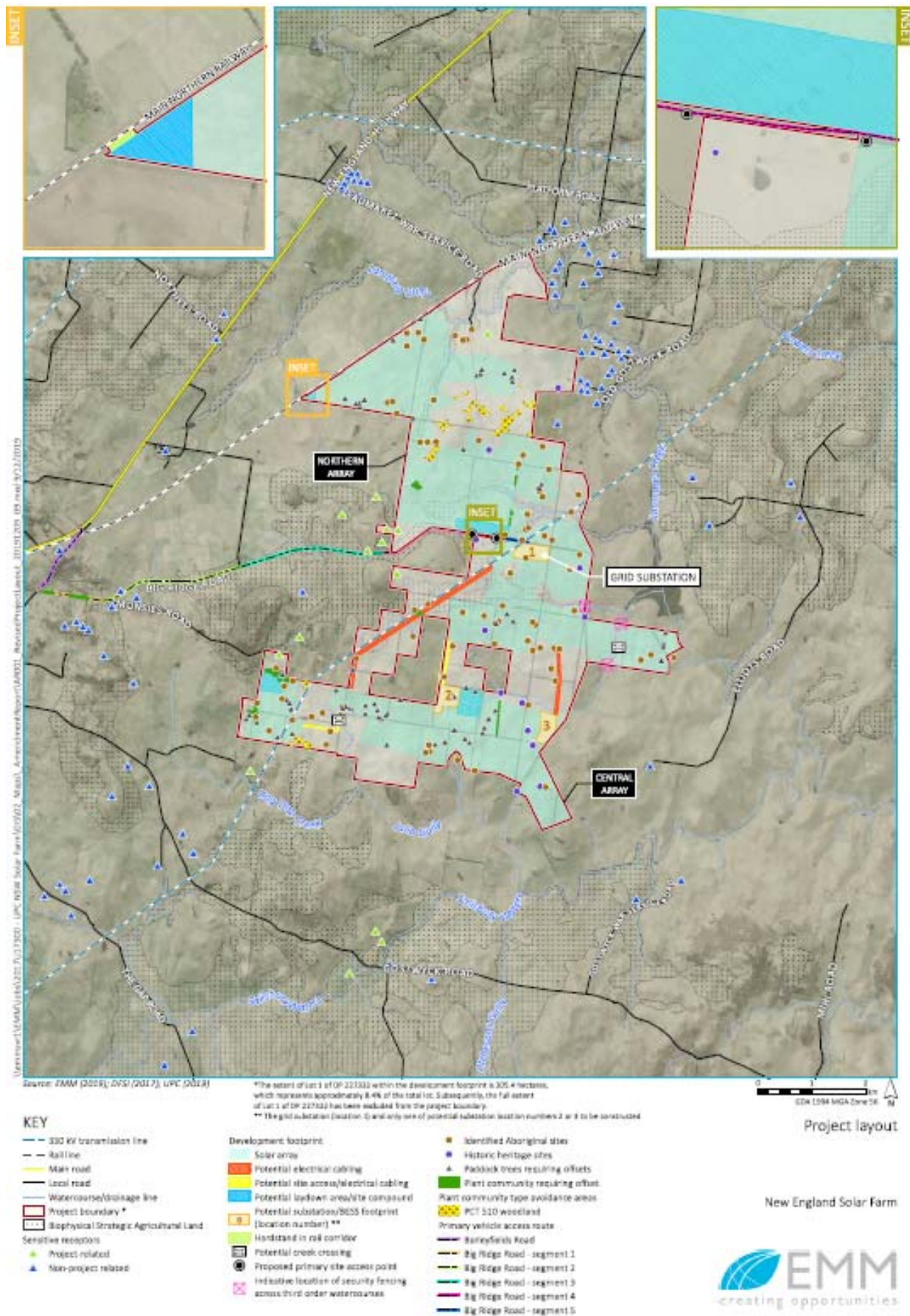
The project was granted development consent on 9 March 2020 by the Independent Planning Commission (Commission).

The consent permits the construction, operation, upgrading and decommissioning of a solar farm with a generating capacity of approximately 720 megawatts (MW) (see **Figure 2**) and includes:

- approximately 2.4 million solar panels (up to 4.3 m high);
- 150 inverter stations (up to 2.7 m high);
- a lithium-ion battery storage facility (200 MW/400 MWh);
- an on-site substation and connection to TransGrid's existing 330 kilovolt (kV) transmission line;
- train unloading area, internal access tracks, staff amenities, maintenance buildings, offices, laydown areas, on-site car parking, fire breaks and security fencing; and
- subdivision of the lots on which the grid substation would be located.

UPC has yet to commence construction of the project.





**Figure 2 | Approved Project Layout**

## 2 Proposed modification

The modification application seeks amendments to the disturbance footprint of the approved road upgrades to improve constructability and refine the species offset credits following additional targeted surveys on the solar farm site.

The modification is described in detail in the Modification Report (**Appendix B**) and proposes to:

- increase the disturbance footprint for the required road widening works on Barleyfields Road (north) and Big Ridge Road (Segments 1,3,4 and 5);
- increase the disturbance footprint for the required upgrades at the intersections of the New England Highway / Barleyfields Road (north) and Barleyfields Road / Big Ridge Road; and
- refine the species offset credits for certain species that were assumed to be present on the solar farm site but have since been confirmed in targeted surveys.

The Department notes that the increase in vegetation and surface disturbance would be restricted to:

- a narrow strip on the northern side of the existing carriageway of the New England Highway; and
- narrow strips on either side of the existing carriageways for Barleyfields Road (north) and Big Ridge Road (Segments 1, 3, 4 and 5).

The original application assumed a 10 m wide disturbance footprint for the upgrades and the detailed engineering design has identified that in certain locations a larger footprint is required to undertake the approved upgrade works.

The maximum disturbance area for the project as whole has increased from 8.6 ha to 12.6 ha.

The increased vegetation and surface disturbance would largely remain within the designated road corridors with some locations extending beyond the designated road corridor due to discrepancies between cadastral mapping and the location of the existing road. The revised road disturbance boundaries also include several private landholder driveways and access points to ensure consistency with road geometry and water flow through the road corridors to prevent water pooling. Additional vegetation clearance is required to accommodate this arrangement.

The width of the sealed, unsealed and overall total carriageway of road upgrades and solar farm development would be unchanged.



## 3 Statutory context

### 3.1 Scope of modifications

#### 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.

UPC 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 *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

The Department has considered the scope of the modification application and the existing 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 substantially change the approved development footprint; and
- is substantially the same development as originally approved.

Consequently, the Department is satisfied that the application is within the scope of Section 4.55(1A) of the EP&A Act. Accordingly, the application may be assessed and determined under this section.

### 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 9 March 2020 as Uralla Shire Council (Council) did not object to the proposal and there were no political donations and there were no public objections.

### 3.3 Mandatory 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 agreements;
- 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 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 *Uralla Shire Council Local Environmental Plan 2012* (Uralla LEP). There are no proposed or draft LEPs or development control plans for Uralla LGA for consideration in this modification.

### **Any planning agreement**

There are no voluntary planning agreements between UPC and Uralla Shire Council.

### **EP&A Regulation**

The modification application satisfies the requirements of Section 115 of the 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**.

### **Suitability of the site**

The Department's assessment of the original application concluded that the site was suitable for a solar farm and associated infrastructure subject to the conditions of consent. UPC is proposing to modify the development footprint but would not substantially change the approved project. The outcomes of the assessment, including biodiversity and heritage impacts are consistent with the approved project and considered to be acceptable. The suitability of the site with the proposed changes is considered in **section 5.1**.

### **Submissions**

The Department notified and sought advice from Council and relevant government agencies, and this is discussed in **section 4**.

### **Public Interest**

The consideration of public interest is provided in **section 6**.

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

The Department has considered the reasons for granting consent to the original application and is satisfied that the proposed modification is consistent with those reasons. The Department also 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 the EPA Regulation, the Department is not required to notify any other parties of the modification application. Notwithstanding, the Department sought comments from Uralla Shire Council, Biodiversity, Conservation and Science Directorate within the Department (BCS formerly Biodiversity Conservation Division), Crown Lands, Heritage NSW and Heritage Council of NSW. The application was also made publicly available on the Department's website on 17 December 2020. There were no public submissions.

### 4.2 Key Issues – Government Agencies

While none of the government agencies objected to the proposed modification; Uralla Shire Council, BCS, Crown Lands and Heritage NSW provided advice, summarised below and considered in more detail in **section 5**.

**Uralla Shire Council** advised that the modified road upgrade disturbance boundaries are subject to any affected landowners providing written landowner consent. Council also advised that a Section 138 Approval under the *Roads Act 1993* has been provided for the proposed road works.

**BCS** reviewed both the modification report and accompanying Biodiversity Development Assessment Report (BDAR) and acknowledged several anomalies with the credit numbers presented in the original consent and applicant's BDAR calculations have now been resolved.

**Crown Lands** advised that any works proposed to occur within the Crown Reserve and Crown Road will require a licence from Crown Land and be required to comply with appropriate water drainage.

**Heritage NSW** provided support for the modification as proposed and reviewed the addendum Aboriginal Cultural Heritage Assessment provided in the Modification Application, including field survey assessments and consultation undertaken and raised no concern.

**Heritage Council of NSW** advised no issues were raised with the modification given no issues concerning historic heritage.

## 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, the modification application, applicable government policies and guidelines, agency advice 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. Biodiversity is discussed in **section 5.1** and other matters for consideration are discussed in **section 5.2**.

### 5.1 Biodiversity

UPC prepared a BDAR for the proposed modification, to assess the biodiversity impacts that would result from the additional disturbance footprint of the road upgrade. The direct impacts of the road upgrades include the clearing of native vegetation and the removal of potential threatened species habitat.

The total maximum disturbance area for the project as a whole including the proposed revised footprint for the upgrades has increased from 8.6 ha to 12.4 ha. The proposed modification would result in the following additional clearing of native vegetation:

- 3.24 ha of Blakely's Red Gum - Yellow Box grassy woodland; and
- 0.59 ha of Broad-leaved Stringybark - Yellow Box shrub/grass open forest.

The BDAR also included additional targeted surveys undertaken on the solar farm site to confirm the presence of species that were assumed to be present in the original application.

A minor administrative error was identified in the original consent in transcribing the offsets required for ecosystem credits in the original application for Blakely's Red Gum - Yellow Box grassy woodland (85 in the consent rather than 84 credits in the original application) and derived native grassland (5 in the consent rather than 6 credits in the original application).

The modification revises the credit requirement for the revised development footprint for the upgrades with respect to the credits in the original application and has been confirmed in consultation with UPC and BCS (see **Table 1**).



**Table 1 | Modified Biodiversity Offsets (Ecosystem Credit Requirements)**

<b>Vegetation Community</b>	<b>PCT ID</b>	<b>Credits required in consent</b>	<b>Credits Required (original application)</b>	<b>Credits Required (Modification 1)</b>	<b>Total</b>
Blakely's Red Gum - Yellow Box grassy woodland of the New England Tableland Bioregion (including paddock trees)	510	85*	84	+23	<b>107</b>
Blakey's Red Gum – Yellow Box grassy woodland of the New England Tableland Bioregion – Derived Native Grassland		5*	6	-6	<b>0</b>
Silvertop Stringybark open forest of the New England Tableland Bioregion	1174	78	78	0	<b>78</b>
Broad-leaved Stringybark - Yellow Box shrub/grass open forest of the New England Tableland Bioregion	567	10	10	+8	<b>18</b>
Note: * Administrative error in original consent					

**Table 2 | Modified Biodiversity Offsets (Species Credit Requirements)**

<b>Species Credit</b>	<b>Credits required in consent</b>	<b>Credits Required (original application)</b>	<b>Credits Required (Modification 1)</b>	<b>Total</b>
Bluegrass ( <i>Dichanthium setosum</i> )	15 <sup>1</sup>	16	+28	<b>44</b>
Hawkweed ( <i>Picris euae</i> )	16	16	+27	<b>43</b>
Silky Swainson-pea ( <i>Swainsona serices</i> )	16	16	0	<b>0<sup>2</sup></b>
Austral Toadflax ( <i>Thesium australe</i> )	12	12	+21	<b>33</b>
Pale-headed Snake ( <i>Hoplocephalus bitorquatus</i> )	11	11	+28	<b>39</b>
Bush Stone-curlew ( <i>Burhinus grallarius</i> )	11	11	0	<b>0<sup>2</sup></b>
Glossy Black-Cockatoo ( <i>Calyptorhynchus lathami</i> )	11	11	19	<b>30</b>
Eastern Pygmy Possum ( <i>Cercartetus nanus</i> )	11	11	0	<b>0<sup>2</sup></b>
Squirrel Glider ( <i>Petaurus norfolcensis</i> )	11	11	28	<b>39</b>
Koala ( <i>Phascolarctos cinereus</i> )	11	11	28	<b>39</b>
Barking Owl ( <i>Ninox connivens</i> )		0	5	<b>5</b>
Notes:				
1 – Administrative error in original consent				
2 – Species credits no longer required following additional surveys on the solar farm site				

The additional biodiversity surveys carried out for the approved road upgrade areas and in the solar site confirmed the vegetation integrity score of Blakely's Red Gum - Yellow Box grassy woodland derived native grassland was low and did not to require offsets (see **Table 1**) and was confirmed in consultation with BCS.

A minor administrative error was also identified in the original consent in transcribing the offsets required species credits for the original application for Bluegrass (15 in the consent rather than 16 credits in the original application).

The modification revises the credit requirement with respect to the credits in the original application for the revised development footprint for the upgrades and confirmed in consultation with UPC and BCS

(see **Table 2**). One additional species was identified in the revised development footprint for the road upgrades (Barking Owl) requiring species credits.

Additional targeted surveys were also undertaken on the solar farm site. Three species were assumed to be present on the solar farm site in the original application and additional surveys provided in the modification application confirmed that the following requirement for species credits was no longer required:

- Silky Swanson-pea;
- Bush Stone-curlew; and
- Eastern Pygmy Possum.

BCD confirmed that the previous credit anomalies are now accounted for and the revised credit requirements are correct. UPC have agreed to the revised credit requirements numbers.

Whilst the modification has generated additional ecosystem and species credits for some species, there are also species credits which are no longer applicable for the project and therefore a reduction in those credits, respectively.

The recommended conditions reflect the changes to account for the administrative error and modified disturbance footprint for the required road upgrade works.

## 5.2 Other issues

The potential impacts for changes resulting from the amended project are considered in **Table 5**.

**Table 5 |** Summary of other impacts as a result of the proposed modification

Issue	Findings	Recommendations
<b>Aboriginal and Cultural Heritage</b>	The ACHA addendum presented the outcomes of further survey work and consultation on the road corridor where additional disturbance is now proposed. The Department noted that the survey outcomes revealed no additional impacts to Aboriginal cultural heritage. Heritage NSW are satisfied that the modification would not result in additional Aboriginal heritage impacts.	No
<b>Historic Heritage</b>	The Department notes that no additional heritage items listed on Commonwealth, National or State registers are located within the additional disturbance areas. The Heritage Council was consulted regarding the project but raised no concerns. The Department is satisfied that the project would not have any adverse impacts on local or State heritage items in the local area.	No
<b>Soil and water</b>	The impact on soil erosion, water pollution and drainage can be minimised via the existing consent conditions.	No

The Department is satisfied that the modification would not result in any significant additional environmental or amenity impacts, beyond those currently approved for the project and that the revised conditions of consent would adequately address any potential impacts.

### 5.3 Summary

The Department is satisfied that the modification would allow the benefits of the project to be realised, particularly as it would ensure the project's constructability and ability to provide adequate road upgrades to facilitate the development and operation of the solar farm. The modification does not have any additional significant environmental or amenity impacts, subject to the existing conditions. The Department has also taken the opportunity to update the original consent with new agency names, and new standard compliance conditions (see summary of administrative changes in **Appendix E**). UPC has reviewed these changes to the conditions and does not object to them.

## 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 current approved project. The Department has assessed the proposed modification to modify the project disturbance boundaries to facilitate the road upgrades and widening works to be consistent with the impacts associated with the approved project, as described in **section 2**.

### 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 LEP;
- the modification would not significantly impact on the natural and built environments, and there would not be any social and economic impacts beyond those already assessed;
- there are no draft environmental planning instruments, development control plans and planning agreements or requirements in the EP&A Regulation relevant to the modification application;
- 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.

The Department has drafted a Notice of Modification (see **Appendix C**) and a consolidated version of the development consent (see **Appendix D**). The Department has recommended updated conditions for development layout plan, schedule of lands and subdivision. UPC has reviewed the conditions and does not object to them.

The Department is satisfied that the proposed modification is in the public interest and should be approved subject to these conditions.



## 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 New England Solar Farm Modification 1 falls within the scope of section 4.55(1A) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies** the consent (SSD 9255);
- **signs** the attached approval of the modification (**Appendix C**).

**Recommended by:**



18/2/21

**May Patterson**

Team Leader

Energy Assessments

## 8 Determination

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



19/2/21

**Nicole Brewer**

Director

Energy Assessments

as delegate of the Minister for Planning and Public Spaces

# Appendices

## Appendix A – List of referenced documents

New England Solar Farm – Modification Report for the modification to development consent, EMM Consulting, dated 16 December 2020.

## Appendix B – Modification report

## Appendix C – Notice of Modification

## Appendix D – Consolidated consent

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

<https://www.planningportal.nsw.gov.au/major-projects/project/12516>

## Appendix E – Summary of Administrative Changes to Conditions

Condition Number	Administrative changes	Reasons for Change
Definitions	Delete old agency names and acronyms and insert current agency names and acronyms	These updates ensure the correct agencies are consulted in accordance with the consent following changes to agency names and divisions.
	Update the definition of EIS	To include the Modification Application Report and additional information provided to the Department.
	Insert Threatened ecological community (TEC)	To align with the NSW Biodiversity Conservation standards
Schedule 4: condition 7	Insert the Department's current incident reporting requirements	To align with the Department's current approach for incident reporting notifications.
Schedule 4, condition 8	Insert the Department's current non-compliance notification requirements	To align with the Department's current approach for non-compliance notifications.
Schedule 4, condition 11	Insert the Department's environmental audit requirements.	To align with the Department's current approach for independent environmental audits.