



# Wollar Solar Farm Modification 2

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Site access and subdivision  
State Significant Development Modification Assessment  
(SSD 9254 MOD 2)

November 2020



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# Executive Summary

Wollar Solar Development Pty Ltd (WSD Pty Ltd) has approval to develop the Wollar Solar Farm (the project), located approximately 7 kilometres (km) south of Wollar and 38 km north east of Mudgee in the Central West and Orana region of NSW.

The approved project includes the construction, operation, upgrading and decommissioning of a solar farm with an estimated capacity of 290 megawatts (MW) with 30 MW/ 30 MW-hour of battery storage.

The modification application seeks to amend the approved layout to optimise the constructability of the solar farm, ability to connect to the electricity network and to enable the effective management of TransGrid assets and construction of electrical infrastructure following consultation with TransGrid in detailed design.

The modification application seeks to relocate a section of the main site access road further south from the existing TransGrid substation with associated change in the project site boundary and minor increase in development footprint, increase the number of over-dimensional vehicles from 2 to 5 vehicles during construction, maintenance and decommissioning and include a subdivision of the existing lots within the project site to create one new lot for TransGrid's substation and asset.

The Department published the modification application on its website on 31 August 2020 and sought comments from Mid – Western Regional Council (Council), the Department's Biodiversity and Conservation Division and Transport for NSW. None of the agencies objected to the proposed modification but provided advice related to their respective regulatory responsibilities.

In assessing the merits of the proposed modification, the Department has considered the existing conditions of consent, previous environmental assessments for the project, the modification application and supporting information, the amendment letters, applicable government policies and guidelines and requirements of the *Environmental Planning and Assessment Act* (EP&A Act).

The key matters considered in the Department's assessment are compatibility of the proposed land use and impacts on biodiversity, amenity (including visual and traffic) and heritage.

The modification would result in an increase impacted native vegetation with corresponding increase in ecosystem credits, and a recalculation of species credits with corresponding reduction species credits. Both the Department and the Department's Biodiversity and Conservation Division are satisfied that the modification would not result in significant biodiversity impacts, subject to the provision of the revised offset liability credits.

The potential amenity impacts (i.e. visual and traffic) and heritage impacts as a result of the proposed amendments are considered to be negligible and will be managed and mitigated adequately with the existing conditions of consent. The Department, Transport for NSW and Council are satisfied that the proposed changes would have negligible impact on road network capacity, efficiency or safety.

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

In this regard, the proposed modification would allow the benefits of the project to be realised following detailed design, would facilitate connection to TransGrid's substation and would assist with the delivery of dispatchable energy to the electricity network.

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 revised conditions of consent.

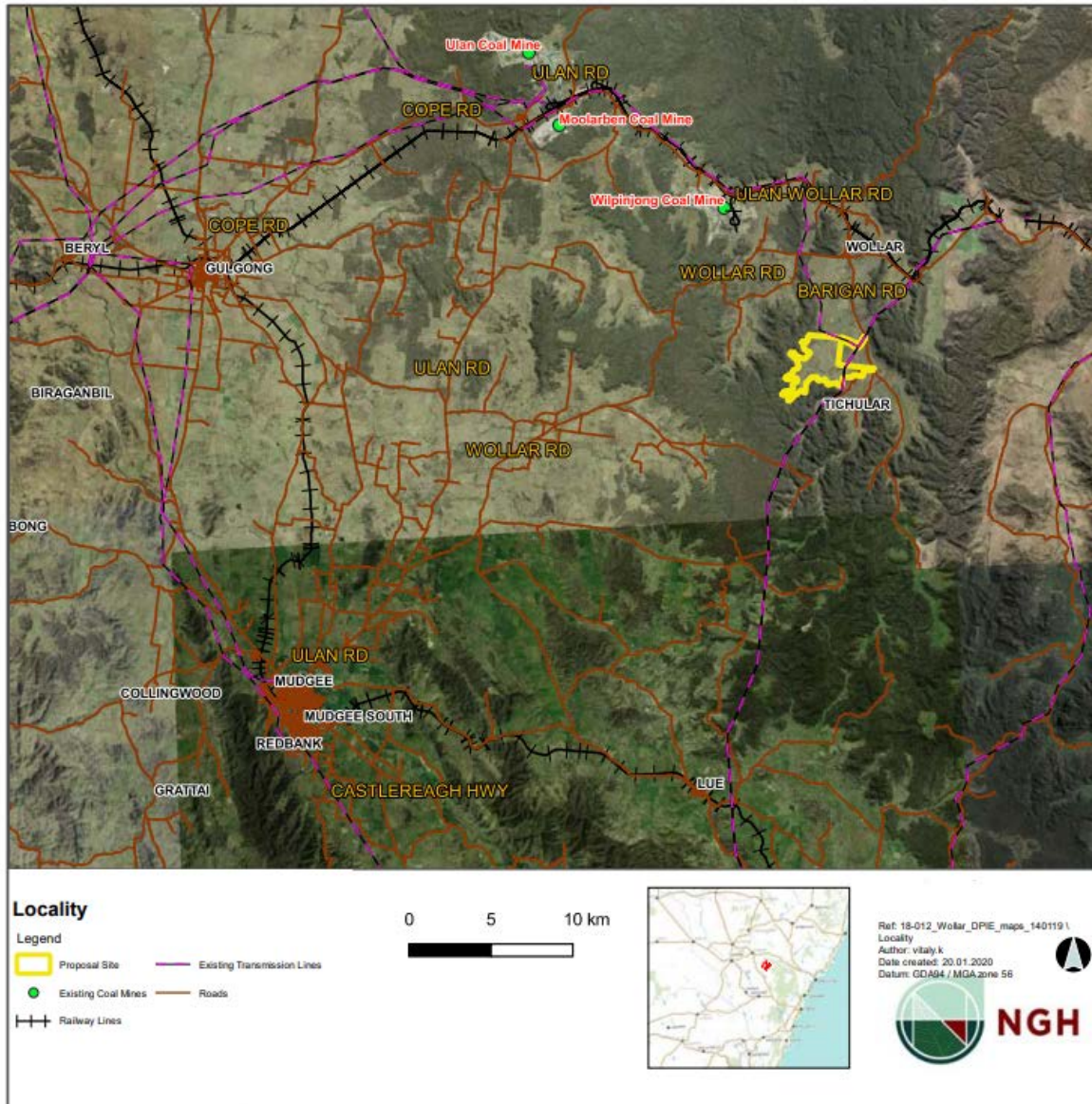
The proposed changes would ensure the project's constructability and ability to connect to the electricity network. As such, the Department considers that the proposed modification should be approved.

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# 1 Introduction

Wollar Solar Development Pty Ltd (WSD Pty Ltd) has approval to develop the Wollar Solar Farm (the project). The project is located approximately 7 kilometres (km) south of Wollar and 38 km north east of Mudgee in the Central West and Orana region of NSW (see **Figure 1**).



**Figure 1 | Regional Context**

## 1.1 Consent History

The project was granted development consent on 24 February 2020 by the Executive Director, Energy, Resources and Compliance, as delegate of the Minister for Planning and Public Spaces. The consent permits the construction, operation, upgrading and decommissioning of a solar farm with an estimated capacity of 290 megawatts (MW) with 30 MW/ 30 MW-hour of battery storage and includes:

- approximately 922,000 solar panels (up to 4 m high, either fixed tilt or tracking panels) and 58 power conversion units (PCU) (up to 4 m high);
- an onsite substation and connection to TransGrid's 330 kV transmission line;
- a lithium-ion battery storage facility (30 MW/30 MWh) located within 15 containers in the northeastern corner of the site in a building approximately 5 m in height;
- substation and operations and maintenance buildings (approximately 5 m in height); and
- internal access tracks, staff amenities, maintenance buildings (up to 6 m high to include transformers), laydown areas, car parking and security fencing (2.3 m high).

WSD Pty Ltd commenced construction (Stage 1 road upgrades) of the project in August 2020.

Modification 1 was originally lodged by the applicant for the realignment of site access and subdivision for the substation. This was formally withdrawn by the applicant on 30 June 2020.

## 2 Proposed modification

The modification application seeks amendments to the solar farm to optimise constructability, ability to connect to the electricity network and to enable the effective management of TransGrid assets and construction of electrical infrastructure following consultation with TransGrid in detailed design.

The modification is described in detail in the Modification Report (**Appendix B**) and summarised in **Table 1** and seeks to:

- relocate a section of the main site access road further south from the existing TransGrid substation within a development corridor;
- subdivide the existing two lots within the project site to create a new lot for the substation;
- increase the number of over-dimensional vehicle movements allowed under the existing consent from two to five during construction, maintenance and decommissioning;
- include a lot that was omitted from the development consent in error; and
- update the species credit requirements to rectify a calculation error in the previous Biodiversity Development Assessment Report.

**Table 1 | Summary of proposed changes**

Component	As approved	Proposed modification	Change
Total development footprint	463 ha	463.3 ha	0.06%
Relocation of section of main site access route	Approximately 20 m south from the existing TransGrid substation	Approximately 60 m south from the existing TransGrid substation	Relocated 40 m south of the approved indicative location
Over-dimensional vehicle movements during construction, maintenance and decommissioning	2	5	Increase of 3 additional over – dimensional vehicles

The approved and proposed project layouts are illustrated in **Figure 2** and **Figure 3** respectively.



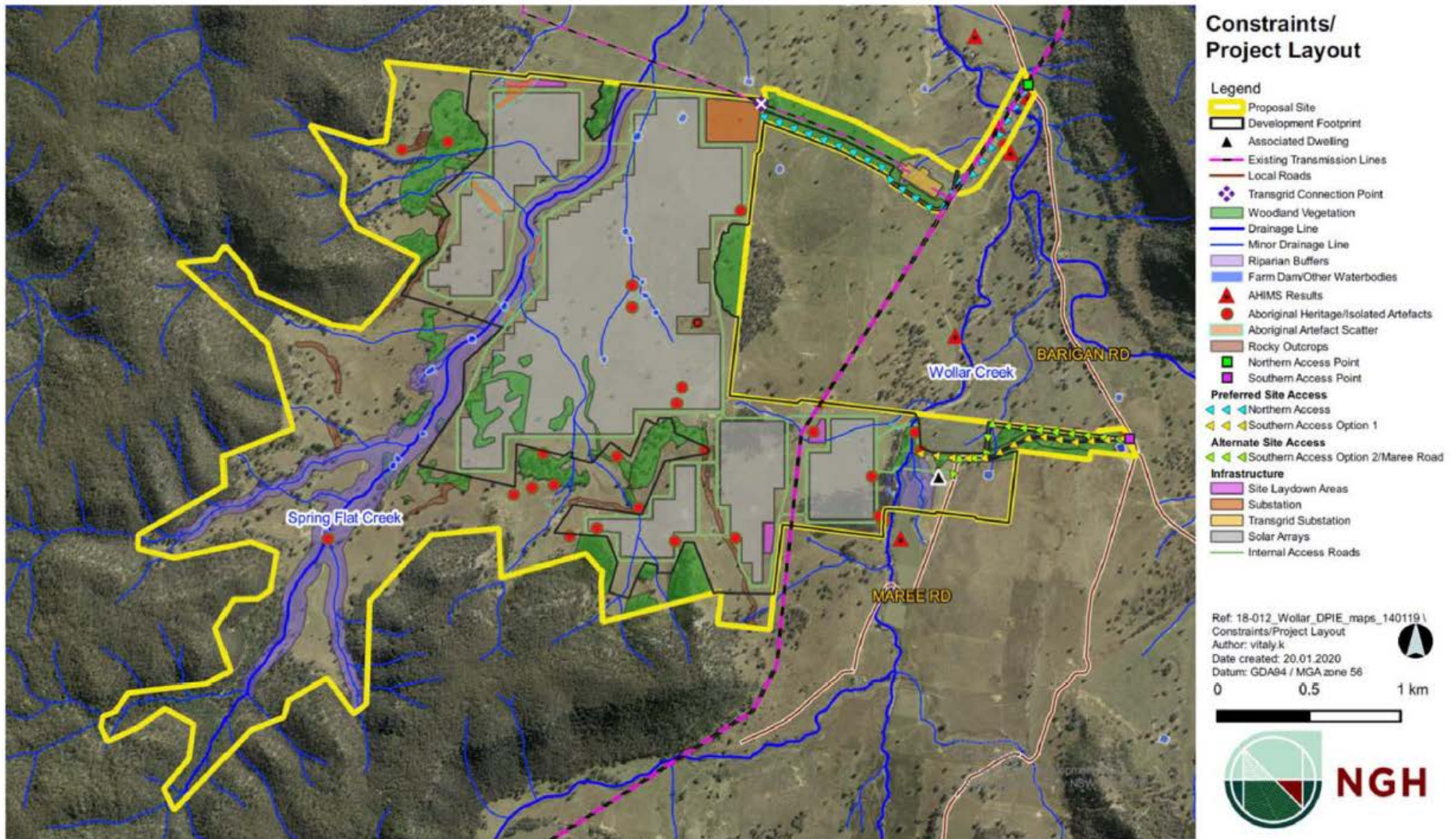


Figure 2 | Approved Project Layout

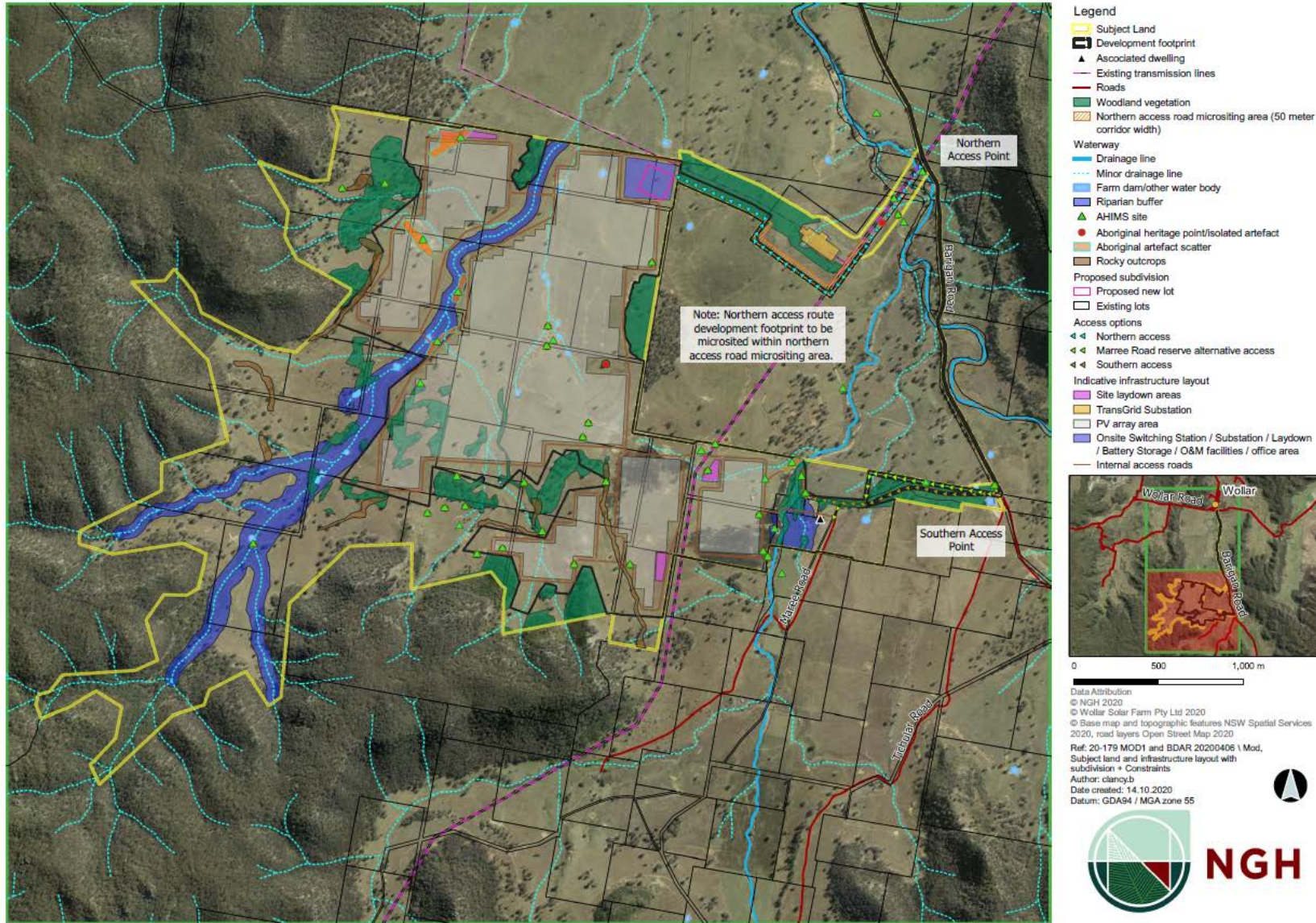


Figure 3 | Proposed Project Layout

## 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.

WSD Pty Ltd 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 Mid-Western Regional Council (Council) did not object to the proposal and there were no political donations.

### 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 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 *Mid-Western Regional Local Environmental Plan 2012* (Mid-Western LEP). There are no proposed or draft LEPs or development control plans for Mid-Western LGA for consideration in this modification. A consideration of the Mid-Western LEP is outlined in **section 5** of this report.

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

As previously noted in the Department's original assessment, it was noted that WSD Pty Ltd agreed to contribute one payment to Council for the purpose of local road network maintenance during the construction of the project. This contribution would be paid upfront in full when construction commences and administered through an agreement between WSD Pty Ltd and Council. The Department notes that a draft agreement is currently underway between the applicant and 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**.

### ***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. Whilst WSD Pty Ltd is proposing a minor modification to the development footprint to extend outside of the approved project boundary, the outcomes of the assessment, including biodiversity and heritage impact is 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, Transport for NSW and the Biodiversity Conservation Division 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 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 EP&A Regulation, the Department is not required to notify any other parties of the modification application. Notwithstanding, the Department sought comment from Council, the Department's Biodiversity and Conservation Division and Transport for NSW. The application was also made publicly available on the Department's website on 31 August 2020. The application did not require formal exhibition

### 4.2 Key Issues – Government Agencies

While none of the government agencies objected to the proposed modification, several provided advices. The advices are summarised below and considered in more detail in **section 5**.

**Mid-Western Regional Council** (Council) did not object to the proposed modification and raised no specific concerns.

The **Department's Biodiversity and Conservation Division** (BCD) advised that they are satisfied that the additional areas of impact and the excised areas have been adequately assessed. BCD advised the method used to determine the amended credit requirement was acceptable and in accordance with the Biodiversity Assessment Method (BAM) and the correct methodology had been used for the recalculation of species credit polygons.

**Transport for NSW** (TfNSW) did not object to the proposed modification and requested that all over-size/over-mass vehicle movements (OSOM) are subject to approval of a special permit via the National Heavy Vehicle Regulator (NHVR) prior to haulage commencing. TfNSW requested the project Traffic Management Plan (TMP) be amended accordingly to include the increase in OSOM movements; and that such increase be quantified within the development consent. The recommended consent includes the revised OSOM movements. The Department notes that the existing consent requires management plans to be updated following any modification to the conditions of consent.

## 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**.

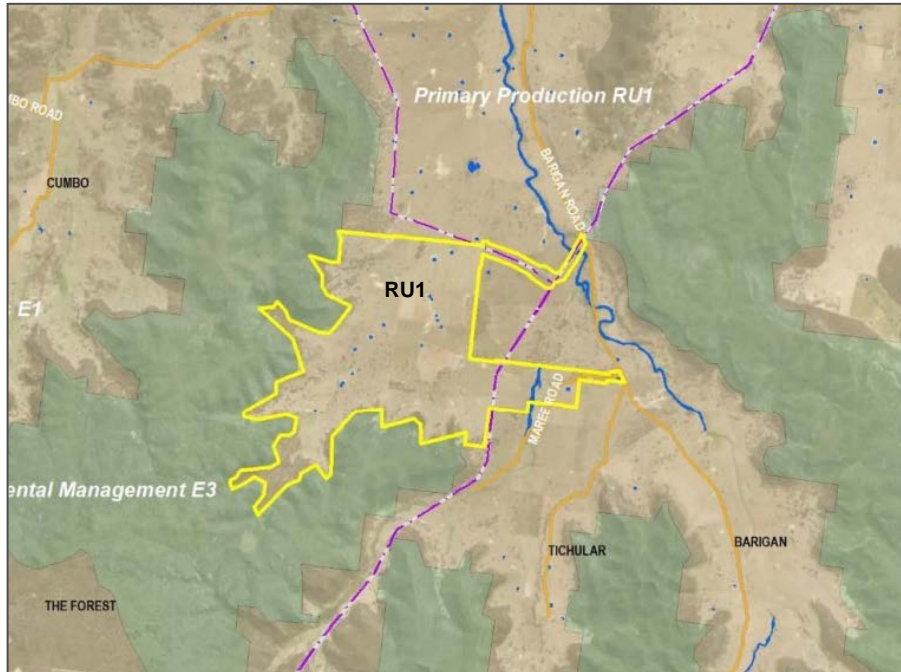
In assessing the merits of the proposed modification, the Department has considered the existing development consent, previous environmental assessments for the project, the modification application, applicable government policies and guidelines, agency advice and requirements of the EP&A Act. A list 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. The key matters for consideration on this project include compatibility of the proposed land use, impacts to biodiversity and heritage, and amenity impacts (including visual, noise and traffic) and hazards.

## 5.1 Compatibility of Proposed Land Use

The existing development consent allows for solar panels and associated infrastructure in a 463 ha development footprint within the 878 ha project site. Apart from the proposed relocation of the main site access further south of TransGrid's substation lot to enable further expansion of the substation in the future, the remainder of the proposed changes to the project layout, including the proposed subdivision of existing lots are contained within the project site boundary.

The project site is located wholly within the RU1 Primary Production zone under the Mid-Western LEP 2012 (shown in **Figure 4**).



**Figure 4 | Land Zoning within the Project Boundary**

### Subdivision

The proposed subdivision component seeks to subdivide the existing two lots (Lot 106 DP 755430 – 26.61 ha and Lot 80 DP 755430 – 30.227 ha) to create one additional lot (approximately 2.58 ha). Both lots are within the project substation footprint and the creation of the new lot for the substation would be transferred to TransGrid following construction of the approved substation (see **Figure 5**).



**Figure 5 | Proposed Subdivision Lot**

The merits of the proposed subdivision to create a lot for the substation have been assessed against the Mid-Western LEP 2012. The minimum subdivision lot size for land zones R91 is 100 ha under clause 4.1 of the LEP. The new lot being 2.58 ha would be below the minimum lot size. The proposed subdivision removing a 2.68 ha lot would not change the dwelling entitlements of the residual lots.

Broadly, the intent of the restrictions on minimum lot size in the LEP is to:

- ensure that subdivision of land occurs in a manner that promotes suitable land uses and development;
- to minimise and likely impact of subdivision and other development on the amenity of neighbouring properties;
- to ensure that lot sizes and dimensions can accommodate development, consistent with relevant development controls;
- to ensure that rural lands are not fragmented in a manner that threatens either their future use, or the use of neighbouring land, for agricultural production;
- to ensure that subdivision does not have an inappropriate impact on the natural environment; and
- to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in, areas that are able to access commercial quantities of irrigation water.

The Department has considered the modification against the intent of the RU1 zone and concluded that the proposed subdivision is in the public interest as:

- the project is a permissible use as an energy generation works for land zoned primary production under the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP);

- the subdivided land would not be used for residential purposes;
- the subdivision would not adversely affect the use of the surrounding land for agriculture and would not cause any rural land use conflicts;
- the subdivided land would be the same use (as energy generation works) allowed under the existing consent;
- the subdivision for the substation is necessary for the ongoing operation of the solar farm as it is required for the transfer of the substation to TransGrid and is supported by the current private landowner;
- the subdivided lot for the substation does not contain a dwelling, and the substation would not change the existing dwelling entitlements;
- there are no land use conflicts between the subdivided land and the use of surrounding land in the locality (including agricultural land) noting that the solar farm and associated substation have been assessed in detail and the existing approval would effectively manage and minimise any residual impacts associated with the project; and
- the subdivision is consistent with the natural and physical constraints of the land.

Further, Mid- Western Regional Council has not objected to the proposed subdivision.

The Department considers that on the basis of the above, it is reasonable to grant the modification with a condition to limit the subdivision to the creation of one lot for the subdivision providing information is provided in accordance with requirements of section 157 of the *Environmental Planning and Assessment Regulation 2000*.

### Administrative Description of Lots

The proposed modification also seeks to amend an error in the description of the lots described in the existing consent, specifically to include Lot 7, DP 1090027 being one of the lots associated with the development footprint on either side of Barigan Road (within the road reserves). The lot is within the assessed and approved project boundary. Although it was not listed in original Environmental Impact Statement (EIS) landowner consent had also been provided for this lot as part of the original approval.

The recommended conditions of consent update the Schedule of Lands to include this lot.

## 5.2 Biodiversity

The updated Biodiversity Development Assessment Report (BDAR) assessed the biodiversity impacts for the new areas proposed to be impacted and areas where the impacts would now be avoided and excised from the development footprint.

The Department accepts that it is not possible to further avoid impacts to native vegetation to allow the project to optimise constructability of the solar farm.

The proposed changes to the main site access add 2.16 ha to the project footprint, excise 1.86 ha, resulting in a net increase of 0.3 ha to the project footprint area. The change would increase the area of impacted native vegetation by 0.32 ha of predominantly good quality White Box -Grey Gum grassy woodland endangered ecological community (see **Table 2**). The Department notes that the increased area of impacted native vegetation is slightly larger than the net change in footprint due areas in the modified footprint being remapped as native vegetation.



The BDAR concludes this would generate an additional 10 ecosystem credits, specifically 9 credits generated for White Box – Grey Gum – Kurrajong grassy woodland and 1 credit for the paddock tree. BCD have reviewed the BDAR and is satisfied that the additional areas of impact and the excised areas have been adequately assessed and the updated credit requirements are in accordance with the Biodiversity Assessment Method (BAM).

**Table 2 | Impacts to vegetation**

Vegetation Community	PCT	Total area impacted (ha)	Total credits required (change)
White Box – Grey Gum – Kurrajong grassy woodland	1303	16.82 ha	478 (+9)
Paddock Tree	1303	-	1 (+1)
Rough-Barked Apple – red gum Yellow Box woodland	281	7.99 ha	238 (0)
Paddock Tree(s)	281	-	4 (0)
White Box – Black Cypress Pine shrubby woodland	1610	0.14 ha	2 (0)
		<b>24.95 ha</b>	<b>723 (+10)</b>

The modification also recalculates the species credit polygons along Barigan Road and the proposed relocated TransGrid access road site, to accurately reflect the trees that would be removed compared to the trees that would be retained but are indirectly impacted and deleting overlaps and duplications of polygon areas that previously overestimated species credits.

The updated BDAR concludes there would be a reduction in the number of species credits, specifically for the *Gang Gang Cocktaoo*, *Barking*, *Masked* and *Powerful Owls* and the *Brush-tailed Phasogale* (see **Table 3**).

BCD acknowledged the changes and advised that the correct methodology and calculation of the species credit requirement for the project had been used.

**Table 3 | Impacts to Threatened Species**

Ecosystem credit species	Total area of habitat (ha) or counts of individuals impacted	Total credits required (change)
Austfield's Wattle ( <i>Acacia ausfeldii</i> )	1.2	34
Bush Stone-curlew ( <i>Burhinus grallarius</i> )	1.2	34
Gang-gang Cocktaoo ( <i>Callocephalon fimbriatum</i> )	8.8	67 (-115)
Large-eared Pied Bat ( <i>Chalinolobus dwyeri</i> )	1.2	50
<i>Commersonia procumbens</i>	0.4	2
Large-leafed Monotaxis ( <i>Monotaxis macrophylla</i> )	1.2	34

Ecosystem credit species	Total area of habitat (ha) or counts of individuals impacted	Total credits required (change)
Barking Owl ( <i>Ninox connivens</i> )	1.3	16 (-20)
Powerful Owl ( <i>Ninox strenua</i> )	1.3	16 (- 20)
Squirrel Glider ( <i>Petaurus norfolcensis</i> )	1.1	34
Brush-tailed Phasogale ( <i>Phasogale tapoatafa</i> )	0.2	13 (-19)
Koala ( <i>Phascolarctos cinereus</i> )	1.2	34
Masked owl ( <i>Tyto novaehollandiae</i> )	1.3	16 (- 20)

Both the Department and the BCD are satisfied that the modification would not result in any significant biodiversity impacts, subject to the provision of the updated offset liability credits.

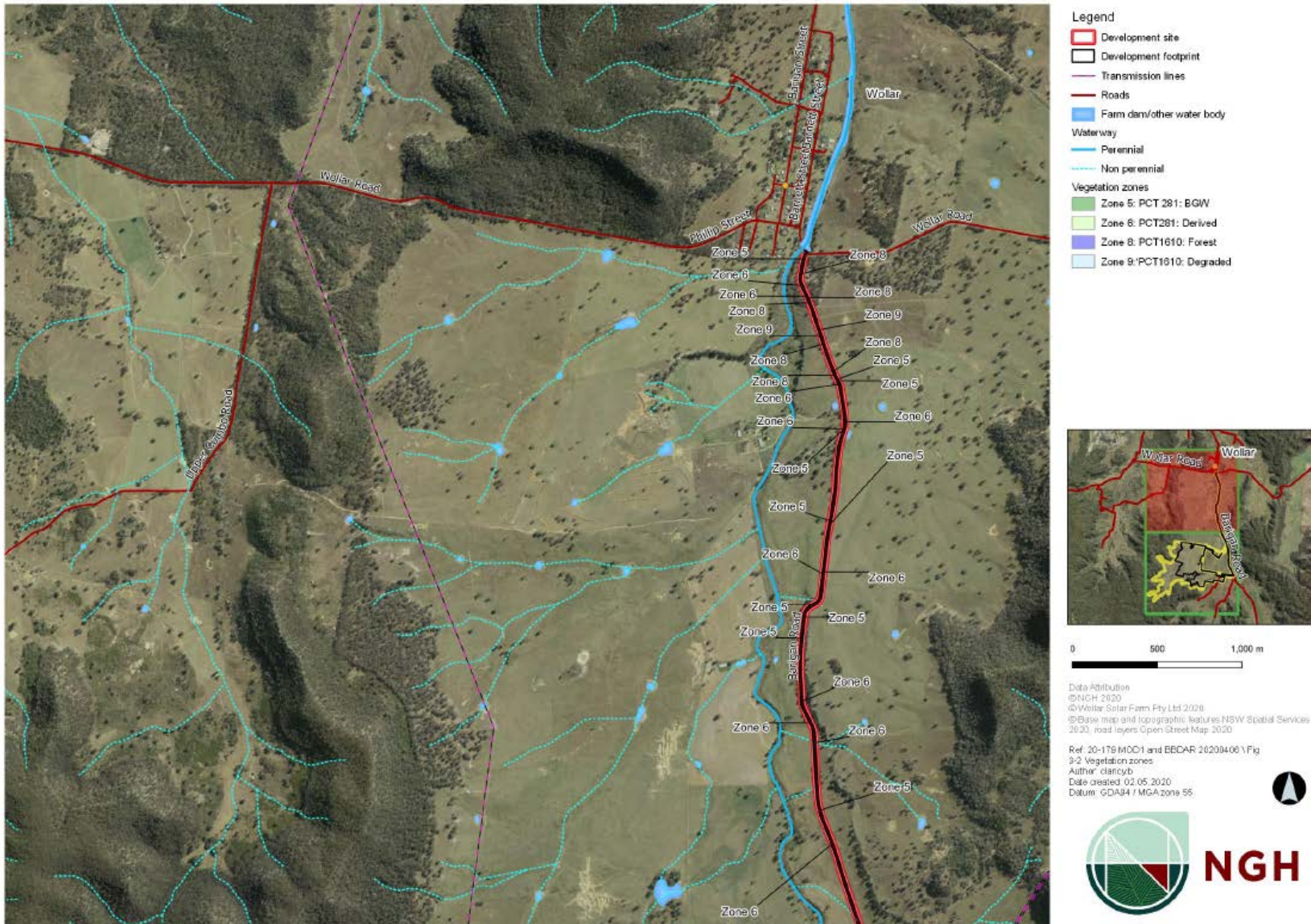
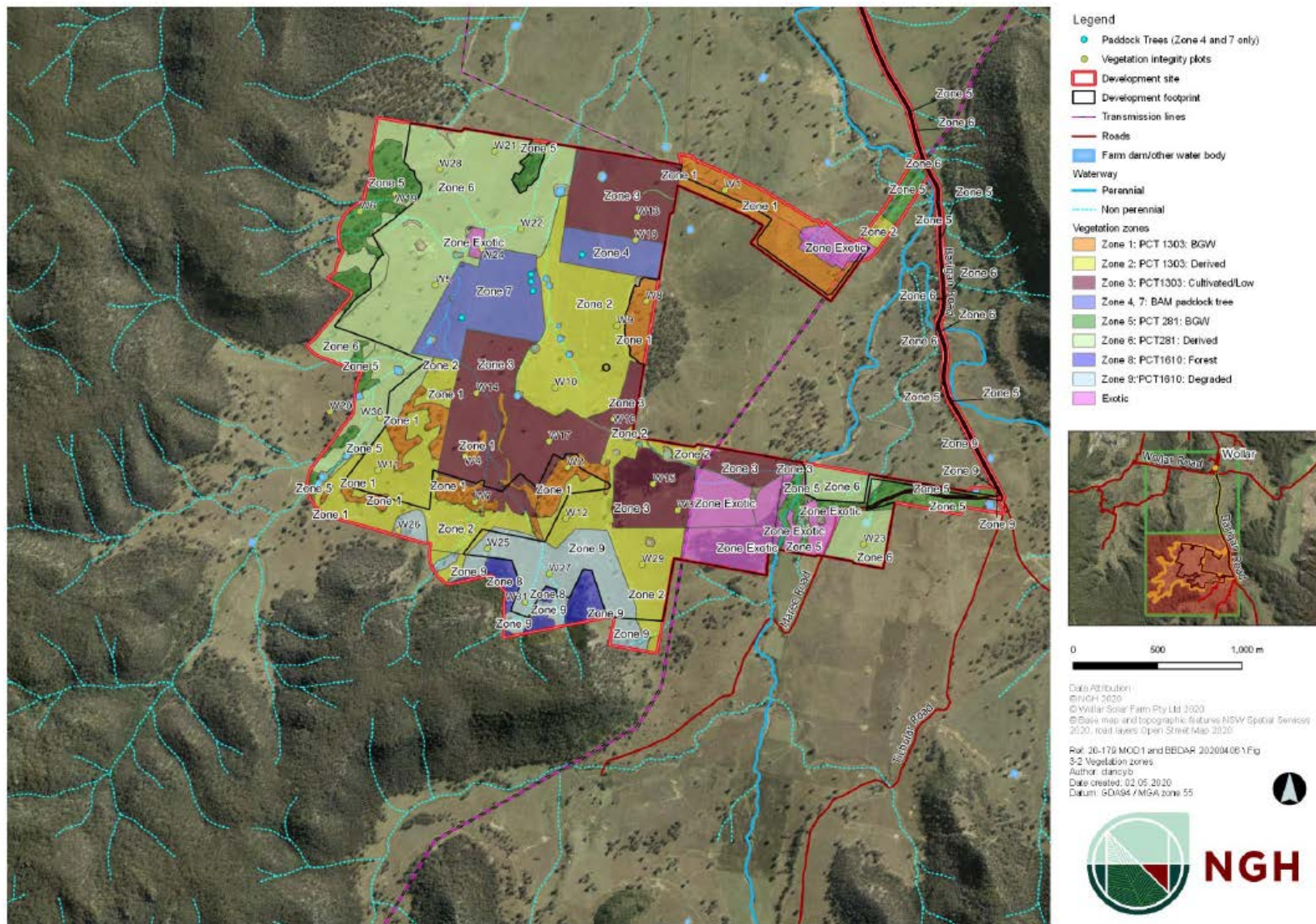


Figure 6 | Vegetation Community Zones within the Proposed Modification



**Figure 7 |** Vegetation Community Zones within the Proposed Modification

### **5.3 Traffic**

The proposed modification includes the realignment of a section of the site access road within the proposed TransGrid substation lot, 40 m south from the indicative location included in the original EIS. Both TfNSW and Council have considered the new site access road and did not have any concerns relating to its revised location.

The proposed modification also seeks to increase the number of over-dimensional vehicle movements from two movements to five movements during construction, maintenance and decommissioning to cater for the substation works required. The addendum Traffic Impact Assessment concluded that this would have negligible impact on the capacity of the road network given the expected infrequent movements, and that the over-dimensional movements would be further addressed in the permits.

TfNSW raised no issue with the proposed increase in over-dimensional vehicle movements provided they are subject to a special permit application via the National Heavy Vehicle Regulator and that the Traffic Management Plan be updated accordingly, to the satisfaction of TfNSW and Council. TfNSW also requested that the consent be updated to reflect the increased vehicle movements. Council did not raise any issues on this.

The recommended consent includes the revised OSOM movements. The Department notes that the existing consent requires management plans to be updated following any modification to the conditions of consent.

Subject to the recommended conditions, the Department, TfNSW and Council are satisfied that the modification would not result in significant impacts on road network capacity, efficiency or safety.

### **5.4 Heritage**

#### **Aboriginal Heritage**

An Aboriginal Heritage assessment was undertaken in consultation with the Registered Aboriginal Parties, for the additional area of impact for the relocated site access.

One additional artefact (IF26) was identified within the approved project footprint and would be salvaged prior to the proposed work commencing.

Given the additional artefact was located within the approved project footprint and not within the additional area of impact, the proposed modification is not considered to increase impacts to Aboriginal heritage. Notwithstanding, the recommend conditions are proposed to be reflect the salvage of the prior to works commencing.

#### **Historic Heritage**

The proposed modification would not result in any additional impacts to historic heritage and no additional assessment or mitigation measures are required.

## 5.5 Summary

In summary, subject to the revised conditions, the Department considers that the proposed modification would not result in significant impacts on the environment or amenity impacts beyond those currently approved for the project and that the revised conditions of consent would adequately address 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 currently approved project. The Department has assessed the proposed modification to alter the project layout, including the relocation of a section of the main site access road, subdivision of the existing lots within the project site to create one new lot for TransGrid's substation and assets, increase the number of over-dimensional vehicles and the associated increased development footprint and updates to biodiversity and Aboriginal heritage impacts, 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 Mid-Western Regional LEP;
- the proposed 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 or requirements in the EP&A Regulation relevant to the modification application;
- a draft planning agreement is currently underway between Council and the applicant;
- 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;
- the subdivided land would be the same use (as energy generation works) allowed under the existing approval;
- the subdivision is necessary for the ongoing operation of the solar farm as it is required for the transfer of the substation to TransGrid;
- 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 revised conditions of consent.

The proposed modification would allow the benefits of the project to be realised, particularly as it would ensure the project's constructability and ability to connect to the electricity network.

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

The Department has drafted a Notice of Modification (see **Appendix D**) and a consolidated version of the development consent as modified (see **Appendix E**). To permit the proposed modification, the conditions have been updated with a new definition of the EIS, revised schedule of lands, revised biodiversity offset liability, revised Aboriginal heritage requirement, revised vehicle movements and updated development layout plan. WSD Pty Ltd has reviewed the proposed changes to the conditions and does not object to them.

## 7 Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the application, Wollar Solar Farm Modification 2 (SSD 9254) 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
- **modify** the consent (SSD 9254);
- **signs** the attached approval of the modification (**Appendix H**).

**Recommended by:**



11/11/20

**May Patterson**  
Team Leader  
Energy Assessments

## 8 Determination

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



12/11/20

**Nicole Brewer**

Director

Energy Assessment

as delegate of the Minister for Planning and Public Spaces



# Appendices

## Appendix A – List of referenced documents

Wollar Solar Farm Modification Application, NGH, 24 August 2020

## Appendix B – Modification report

## Appendix D – Notice of Modification

## Appendix E – Consolidated Consent

Appendices B to E – see the Department’s Major Projects Website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/39801>

## Appendix F – Summary of Administrative Changes to Conditions

Condition Number	Considerations	Reasons for changes
Definition	Definition	Amend definition of EIS to include the Modification Application Report
Definition	Definition	Update definitions for current agency names