



West Wyalong Solar Farm Modification 2

Subdivision for substation
State Significant Development Modification Assessment
(SSD 9504 Mod 2)

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Executive Summary

Lightsource Development Services Australia Pty Ltd (Lightsource BP) has approval to develop the West Wyalong Solar Farm (the project), in the Bland Shire local government area.

The modification proposes subdivision of the project site to facilitate the transfer of ownership of the site substation to the network operator, Essential Energy. Despite being below the prescribed minimum lot size, the subdivision would not conflict with the land use and subdivision objectives of *Bland Local Environmental Plan 2011* (Bland LEP). No additional works are proposed.

The Department considers that the proposed modification, creating a utility lot, would facilitate the operation of the solar farm without impacting surrounding agricultural land uses. The Department is satisfied that the proposed modification is in the public interest and should be approved subject to conditions.

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1 Introduction

Lightsource Development Services Australia Pty Ltd (Lightsource BP) received approval to develop the West Wyalong Solar Farm (the project) in November 2019. The project is located 16 km north-east of West Wyalong, within the Bland Shire local government area (LGA).

The consent permits the development of a solar farm with an estimated capacity of 90 megawatts (MW) with 50 MW / 90 MW-hour (MWh) of battery storage. Lightsource BP commenced construction of the project in August 2021.

The development consent has been modified on one occasion to facilitate road upgrades in 2021.

2 Proposed modification

Lightsource BP proposes subdivision of Lot 118 DP 1276160 (283.7 ha) to create a utility lot (0.52 ha) for the site substation, and a residual lot (283.18 ha). The ownership of the utility lot would be transferred to the network operator, Essential Energy.

No additional works are proposed or required, and legal access to the utility lot is proposed via an extension of the approved access easement connecting with Blands Lane to the north. The easement will be registered separately in accordance with the *Conveyancing Act 1919*. The proposed subdivision is as shown in **Figure 1** and **Figure 2**.

The modification is described in detail in the Modification Report (**Appendix A**).

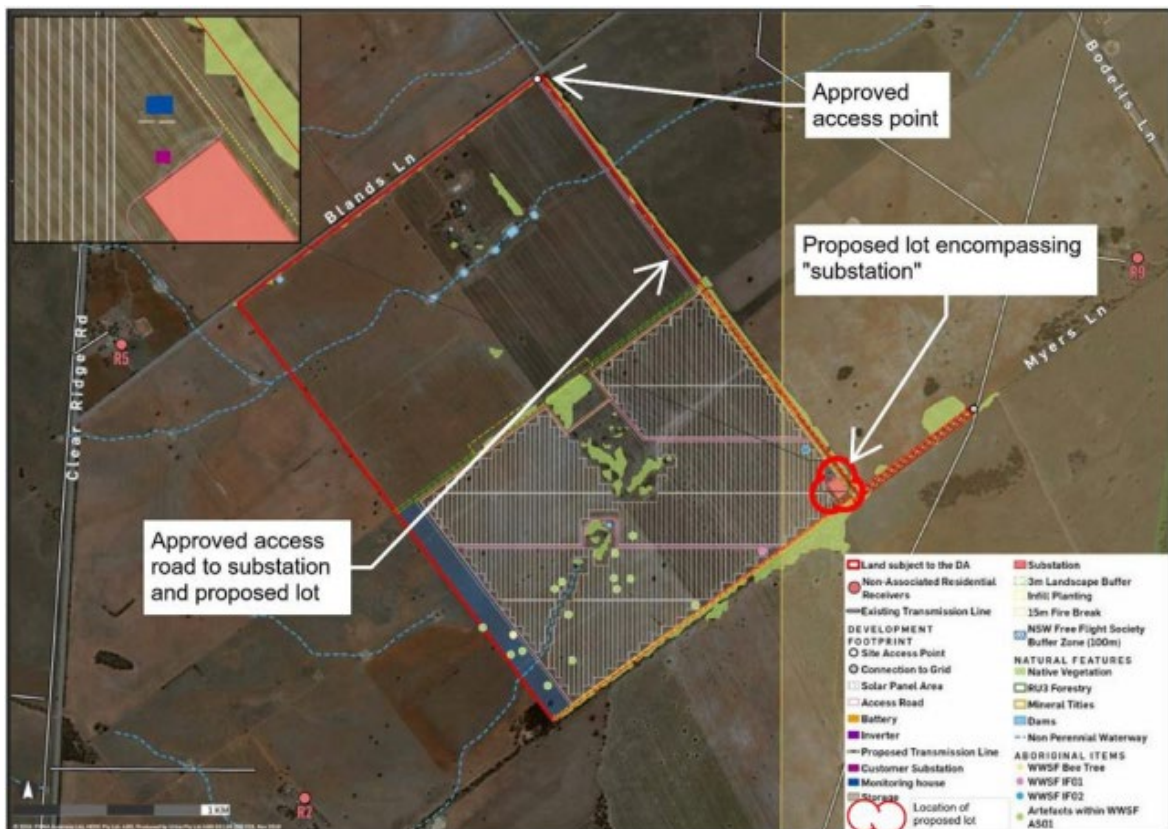


Figure 1 | Project layout



Figure 2 | Proposed subdivision

Lightsource BP has given an undertaking that the modified project will remain substantially the same development as originally approved in accordance with section 100(1) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), and lodged the modification application under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Department considers the application is substantially the same development as originally approved, and the modification would involve minimal environmental impacts. Consequently, the Department considers that the proposed modification is within the scope of section 4.55(1A) of the EP&A Act.

The Minister for Planning is the consent authority for the application, under section 4.5 (a) of the EP&A Act. However, under the Minister's delegation to determine SSD modifications, signed on 9 March 2022, the Director, Energy Assessments, may determine the application as Council did not object to the proposal, Lightsource BP did not make any political donations and there were less than 15 public objections.

The Department has considered all the matters listed under section 4.55(3) of the EP&A Act in its assessment of the modification as summarised in **section 5** of this report.

4 Engagement

In accordance with the EP&A Regulation, the Department is not required to notify or publicly exhibit the modification application. Notwithstanding, the application was made available on the Department's website from 15 June 2022.

5 Assessment and Evaluation

In assessing the merits of the proposed modification, the Department has considered the existing development consent, the previous environmental assessment for the project, the modification application, applicable government policies and guidelines and requirements of the EP&A Act.

The proposed subdivision would create one undersized allotment of 0.52 ha, which is below the minimum lot size of 200 ha required for the land zoned RU1 – Primary Production, and is therefore prohibited under the strict reading of the Bland LEP.

Broadly, the intent of the minimum lot size requirements are to protect the productive capacity of agricultural land, ensure subdivision does not unreasonably impact on the natural and environmental values, and prevent fragmentation of natural areas.

The Department is satisfied that the proposed subdivision does not conflict with these objectives on the grounds that it is a small utility lot that:

- would not materially impact agricultural capacity within the site or on surrounding lands;
- involves no subdivision works and therefore would not impact natural and environmental values;
- would not materially contribute to the fragmentation of natural areas in the region.

The Department also notes the subdivision:

- would facilitate the management of infrastructure necessary for the operation of the solar farm;
- would not result in any additional dwelling entitlements;
- would also create a residual lot that meets the minimum lot size requirements; and
- is consistent with the objectives of the RU1 zone as it would encourage diversity in primary industry enterprises and systems appropriate for the area.

Bland Shire Council is supportive of the proposed modification and, despite the prohibition under the LEP, development consent can be granted under Section 4.38(3) of the EP&A Act.

Noting the above, the Department considers that the proposed modification would facilitate the operation of the solar farm without adversely affecting the natural and built environments and the use of surrounding land for agricultural purposes.

The Department has drafted a consolidated version of the development consent (see **Appendix B**). Lightsource BP has reviewed the revised 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 conditions.

6 Recommendation

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

- **considers** the findings and recommendations of this report;
- **determines** that the application West Wyalong Modification 2 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 9504); and
- **signs** the attached approval of the modification (**Appendix B**).

Prepared by:



14/7/2022

Kurtis Wathen
Environmental Assessment Officer
Energy Assessments

Recommended by:




22/7/2022

Karl Okorn
Team Leader
Energy Assessments

7 Determination

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



26/7/22

Nicole Brewer
Director
Energy Assessments

as delegate of the Minister for Planning

Appendices

Appendix A – Modification report

Appendix B – Recommended Consolidated Consent

All available at: <https://www.planningportal.nsw.gov.au/major-projects/projects/mod2-subdivision-substation>

Appendix C – Statutory considerations

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 2** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification. The table represents a summary for which additional information and consideration is provided in other sections of this report, as referenced in the table.

Table 1 | Assessment of Section 4.15(1)

Section 4.15(1) Matters for consideration	The Department's assessment
(a)(i) any environmental planning instrument	The modified proposal complies with the relevant legislation as addressed in Section 3 .
(a)(ii) any proposed instrument	
(a)(iii) any development control plan	
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the <i>Environmental Planning and Assessment Regulation 2021</i> , including the procedures relating to applications (Parts 3-5), the requirements for notification (Part 3, Division 5) and fees (Part 13) (refer to Section 3).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department considers the proposed modification, which involves no subdivision works, would not result in adverse environmental impacts (refer to Section 5).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Sections 3 and 5 .
(d) any submissions	Not applicable.
(e) the public interest	The Department considers the modified proposal to be in the public interest as it would enable the electricity network operator to take ownership of the substation and connection infrastructure with minimal environmental impact.

Appendix D – Summary of Minor and Administrative Changes to Conditions

Condition Number	Minor and Administrative Changes	Reason for Change
Definitions	Update the definition of EIS in the consent	To include the Modification Report provided to the Department in the assessment of the modification application
Definitions	Update new titles for the Department (Department of Planning and Environment), its agency head (Planning Secretary) and Minister (for Planning)	To reflect current Departmental and Ministerial titles and responsibilities
Definitions	Update definitions of DPIE Water (now DPE Water)	To reflect changes to agency names
Schedule 2, Condition 13	New condition relating to the proposed subdivision	To enable subdivision at the site
Appendix 1	Update layout plan and schedule of lands	To incorporate the modified layout
Appendix 6	Add subdivision plan	To reflect proposed subdivision