



13 July 2021

Karl Okorn
Team Leader Energy Assessments
Department of Planning, Industry and Environment
12 Darcy Street
PARRAMATTA NSW 2150
Locked Bay 5022

Dear Mr Okorn,

**Re: West Wyalong Solar Farm (SSD 9504) – Section 4.55(1A) Modification Application - Schedule 3
Condition 5 Road Upgrades and Site Access**

This Modification Application has been prepared on behalf of Lightsource bp and is seeking consent to modify the wording of *Schedule 3 Condition 5 Road Upgrades and Site Access* in Development Consent SSD9504 West Wyalong Solar Farm. The consent was granted by the delegate of the Minister for Planning on 28th November 2019.

Background – Need for Proposed Modification

Lightsource bp is undertaking steps to finalise all post approval requirements under the development consent prior to commencing construction. One of these requirements is completing upgrades to roads and the site access point under Schedule 3 Condition 5 of Development Consent SSD 9504. The condition states the following:

Road Upgrades and Site Access

5. Prior to commencing construction, the Applicant must:

- (a) upgrade the intersection of the Newell Highway and Bodells Lane, including a Basic Left Turn (BAL) treatment to cater for the largest vehicle accessing the site;
- (b) seal Bodells Lane for a minimum of 50 m from its intersection with the Newell Highway, to a standard that allows two-way heavy vehicle movements;
- (c) upgrade Blands Lane between Bodells Lane and Clear Ridge Road, including grading and an all-weather seal;
- (d) design the site access point off Blands Lane (shown in Appendix 1) with a Rural Property Access type treatment to cater for the largest vehicle accessing the site.

These upgrades must comply with the Austroads Guide to Road Design (as amended by RMS supplements), and be carried out to the satisfaction of the relevant roads authority.

Lightsource bp has been preparing detailed engineering plans for the upgrade of the Newell Highway and Bodells Lane intersection and the upgrading of Blands Lane as required by the condition. In preparing the plans, Lightsource bp has found the condition to be either partly incorrect or not have sufficient spatial, temporal or causal nexus to justify the significant construction costs and biodiversity impacts. In particular:

- Condition 5(a) – the largest vehicle accessing the Newell Hwy and Bodells Lane would be an *over-dimensional vehicle* or B-Double travelling from the Northeast. Consequently, it was agreed with Transport for NSW (TfNSW) that a BAL (to accommodate B-Doubles from the Southwest) was no longer

required;

- Condition 5(c) – Blands Lane will accommodate only light vehicles and shuttle buses from the access point on Blands Lane west to Clear Ridge Road (Schedule 3 Condition 4) for a 9 -12 month construction period. Accordingly, the upgrading of this section of Blands Lane including grading and to an all weather seal (when Clear Ridge Road and many other local roads in the area are unsealed) would have excessive construction costs. Blands Lane will still be upgraded between the site access point and Bodells Lane to accommodate *over-dimensional* and *heavy vehicle* access, as agreed with Bland Shire Council (Council).

Lightsource bp has consulted with Bland Shire Council (Council) and Transport for NSW (TfNSW) and has reached agreement that the upgrades referred in Schedule 3 Condition 5 can now be limited to the following:

- Condition 5(a) - upgrade the intersection of the Newell Highway and Bodells Lane to allow for *over-dimensional vehicles* (B-Double) movements from the Northeast whilst allowing *heavy vehicles* from either the Southwest or the Northeast; and
- Condition 5(c) - upgrade Blands Lane between Bodells Lane and the site access point only.

Council's advice indicating they support the changes to the proposed upgrade to Bland Lane is provided in **Attachment 1**. A copy of the layout for this upgrade is provided in **Attachment 2**.

Similarly, TfNSW advice indicating they support the changes to the proposed upgrade to the Bodells Lane and Newell Highway intersection is provided in **Attachment 3**. A copy of the layout for this upgrade is provided in **Attachment 4**.

Scope of Proposed Modification

Matters to be considered under this proposed modification are as follows:

- The proposed modification to Schedule 3 Condition 5 does not require a modification to Schedule 3 Condition 3 as this condition refers to *over-dimensional vehicle* and *heavy vehicle* movements from the Northeast Southwest on Newell Highway. The proposed modification has no impact on *over-dimensional* and *heavy vehicle* access routes described in Condition 3.

Access Routes

3. All over-dimensional and heavy vehicles associated with the development must travel to and from the site via the:
 - (a) Newell Highway (northeast), Bodells Lane and Blands Lane; or
 - (b) West Wyalong Heavy Vehicle Bypass, the Newell Highway (southwest), Bodells Lane and Blands Lane;and the approved site access point on Blands Lane, as identified in the figure in Appendix 4.

Note: The Applicant is required to obtain relevant permits under the Heavy Vehicle National Law (NSW) for the use of over-dimensional vehicles on the road network.

- The proposed modification does not require modification to Schedule 3 Condition 4 as the proposed modification does not alter access routes for light vehicles and shuttle buses required in Condition 4.

4. All light vehicles and shuttle buses associated with the development must travel to and from the site via the Newell Highway, Clear Ridge Road, Blands Lane and the approved site access point on Blands Lane, as identified in the figure in Appendix 4.

- The proposed modification is only changing the scope of the road upgrades as agreed with the relevant road authorities. There is no deviation from the vehicle access routes approved under the Development Consent.
- There is no need for additional traffic or transport impact assessment advice;
 - as there are no changes to approved transport routes;
 - the relevant road authorities have agreed to the proposed modification;

- the traffic impacts for the access routes were considered in the Traffic Impact Assessment in the EIS and by DPIE in granting consent;

Accordingly, it is our opinion that further traffic assessment is not required for this modification application.

- The proposed modifications concerning Blands Lane will significantly reduce the road upgrades from what was assessed in the EIS and required by Condition 5(c).

Proposed modification to Schedule 3 Condition 5

Based upon Council and TfNSW advice supporting the revised upgrade works and subsequent amendment to Schedule 3 Condition 5, application is now sought to amend the condition as follows:

Road Upgrades and Site Access

5. Prior to commencing construction, the Applicant must:

- (a) upgrade the intersection of the Newell Highway and Bodells Lane, ~~including a Basic Left Turn (BAL) treatment to cater for the largest vehicle accessing the site;~~
- (b) seal Bodells Lane for a minimum of 50 m from its intersection with the Newell Highway, to a standard that allows two-way heavy vehicle movements;
- (c) upgrade Blands Lane between Bodells Lane and ~~Clear Ridge Road~~ **the site access point**, ~~including grading and an all-weather seal~~
- (d) design the site access point off Blands Lane (shown in Appendix 1) with a Rural Property Access type treatment to cater for the largest vehicle accessing the site.

These upgrades must comply with the Austroads Guide to Road Design (as amended by RMS supplements), and be carried out to the satisfaction of the relevant roads authority.

Section 4.55(1A) Modifications involving minimal environmental impact

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) allows a consent authority to modify a development consent subject to a number of conditions and requirements. An assessment of the permissibility of the modification against the requirements of the EP&A Act are presented in **Table 1**.

Table 1 Assessment of modification against Section 4.55(1A)

Section	Requirement	Application to the Proposed Modification
4.55(1A)		
(a)	<i>it is satisfied that the proposed modification is of minimal environmental impact</i>	The infrastructure works required in Condition 5 are located in existing public road reserves. The proposed modifications, particularly concerning Blands Lane, will reduce the footprint to significantly less than what was assessed in the EIS and required by Condition 5. The proposed modification is of minimal environmental impact.
(b)	<i>it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and</i>	The development consent is for a solar farm. The proposed modifications concern ancillary road infrastructure to facilitate construction of the solar farm only. Accordingly, the modified consent is substantially the same development.
(c)	<i>it has notified the application in accordance with— (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the</i>	Whilst DPIE may wish to notify the modification application in addition to Lightsource bp's consultations with Council and TfNSW, there are no regulations requiring notification of the modification application. To assist DPIE's assessment, a copy of Lightsource bp's consultation with both agencies is provided in Attachment 1 and 3 .

	<i>notification or advertising of applications for modification of a development consent,</i>	
(d)	<i>it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</i>	Any notification of the modification application to reduce the footprint and associated impacts of the ancillary road infrastructure is unlikely to generate significant issues or submissions.

The proposed modification would have minimal environmental impact and accordingly the modification application can be made under Section 4.55(1A) of the EP&A Act.

Evaluation of Modification Application under Section 4.15(1)

Section 4.55(3) of the EP&A Act requires the consent to take into consideration matters referred to in *Section 4.15 Evaluation (1) Matters for consideration - general*. An evaluation of the modification application is provided in **Table 2**.

Table 2 Evaluation of modification application under Section 4.15(1)

Section 4.15 Evaluation	Evaluation against modification application
<i>(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—</i>	
<i>(a) the provisions of—</i>	
<i>(i) any environmental planning instrument, and</i>	The relevant EPI is <i>State Environmental Planning Policy State and Regional Development</i> . The proposed modification does not raise any issues with the provisions of this SEPP.
<i>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	There are no known proposed instruments that have been publicly exhibited that would have a bearing upon the proposed modification.
<i>(iii) any development control plan, and</i>	There is no DCP that regulates the approved development or the proposed modification.
<i>(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>	The site of the development consent for the solar farm is not subject to any Voluntary Planning Agreements.
<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i>	The regulations do not prescribe matters for considering the modification application or matters to which the modification application relates.
<i>(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,</i>	The proposed modification will upgrade the Newell Hwy and Bodells Lane intersection to a different intersection type commensurate to construction vehicle type (B-doubles) and movements that is acceptable to TfNSW. Upgrading Blands Lane between the site access point and Bodells Lane commensurate to construction vehicle type and movements allows the rest of Blands Lane west of the site to Clear Ridge Road to remain as a local rural road for use only by light vehicles and shuttle buses, and for this reason, is acceptable to Council. There no mitigation measures proposed nor required to support the modification application above and beyond existing conditions in the consent.
<i>(c) the suitability of the site for the development,</i>	The site subject to the modification application are existing roads and road reserves. Accordingly, the site is suitable for the proposed modification.
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	DPIE will consider any planning issues raised in submissions as part of the assessment of the application.
<i>(e) the public interest.</i>	The modification application is in the public interest as it supports the implementation of a development consent for a utility scale solar farm and ensuring that necessary infrastructure upgrades have a causal, spatial and temporal nexus with the short term construction impacts and the long term operational impacts of the approved solar farm.

The proposed modification application to amend Schedule 3 Condition 5 of the Development Consent is required to achieve the provision of a level and type of road infrastructure upgrades that has an appropriate nexus with the construction and operational traffic associated with the approved solar farm, as agreed with TfNSW and Council.

If you wish to discuss this letter, please don't hesitate to call me on 0438 744 815.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Trevor Allen', with a stylized flourish at the end.

Trevor Allen

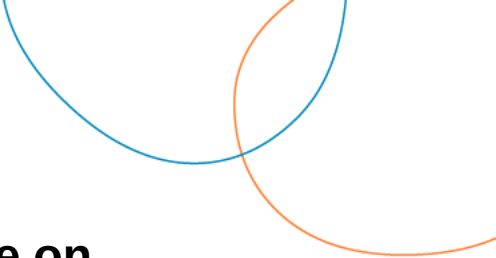
Senior Associate Environmental Planner

pitt&sherry

B.C.A; B.A.(Hons.); GDip. Nat. Res. Law & Policy

Member of Planning Institute of Australia (PIA) Member 68843

Encl 4 attachments



Attachment 1 Bland Shire Council advice on proposed modification of Schedule 3 Condition 5

7 June, 2021

Georgia King
Environmental Planner
LightSource BP Pty Ltd
georgia.king@lightsourcebp.com

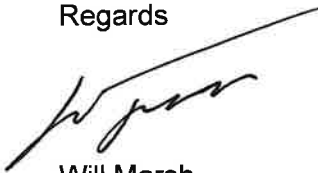
Dear Georgia,

Subject: Draft Section 4.55(1A) Modification Application - Schedule 3 Condition 5 Road Upgrades and Site Access - West Wyalong Solar Farm (SSD 950)

Bland Shire Council is in receipt of the final road drawings based on the modification and is satisfied with the construction design. Council is also comfortable that LightSource BP understands that no works (or section of works) are to commence without Council's approval and any changes in the design made by Council on site will be actioned.

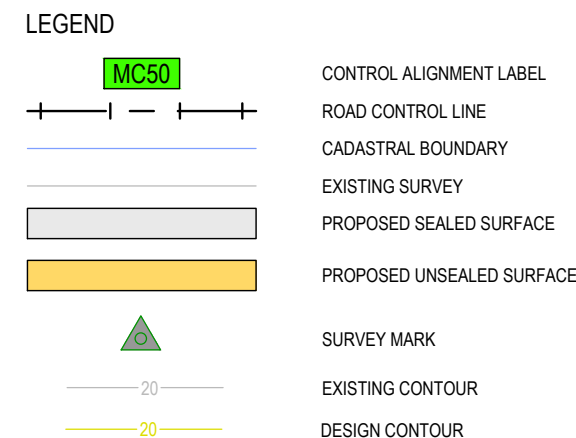
Therefore, Bland Shire Council supports the draft modification.

Regards



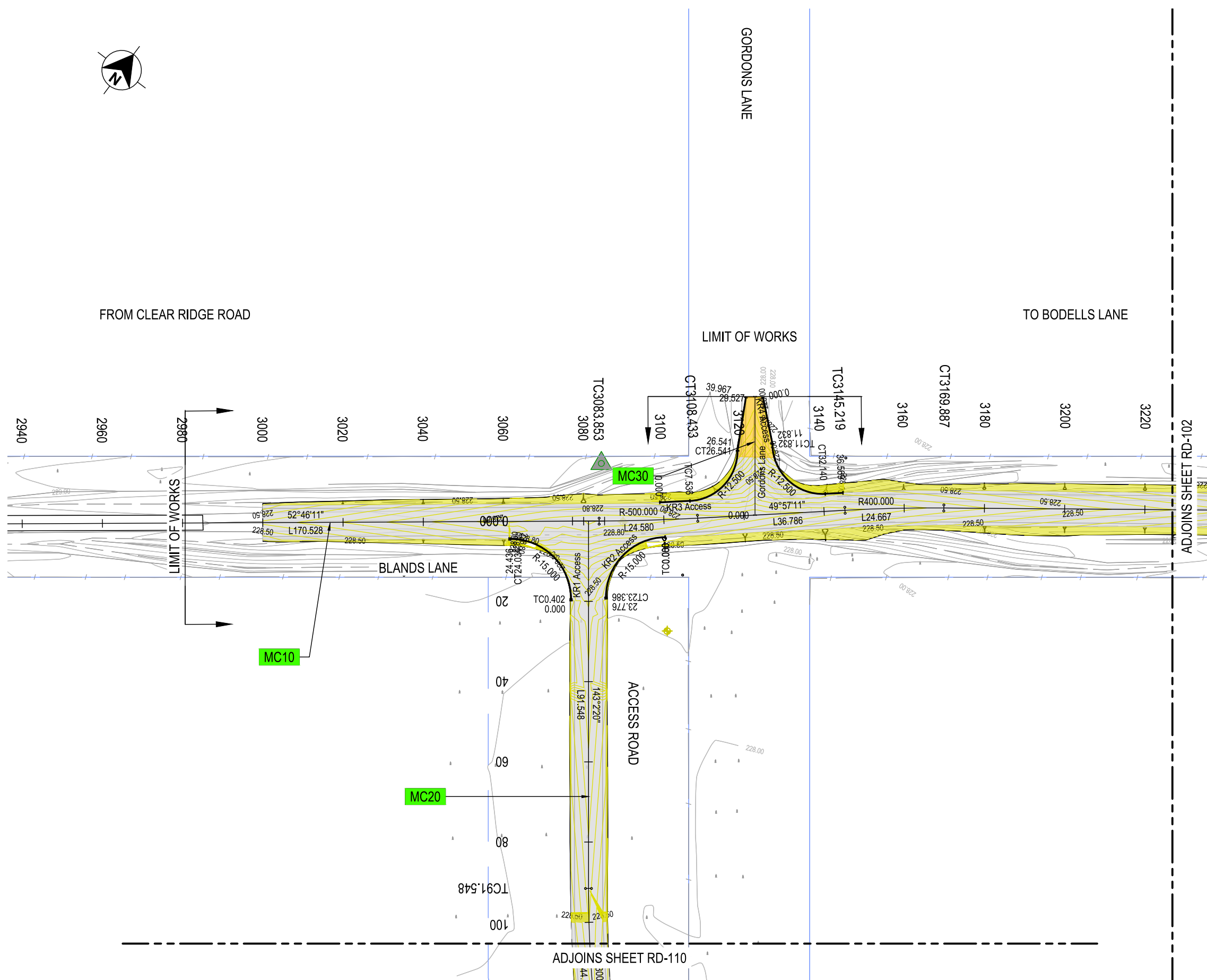
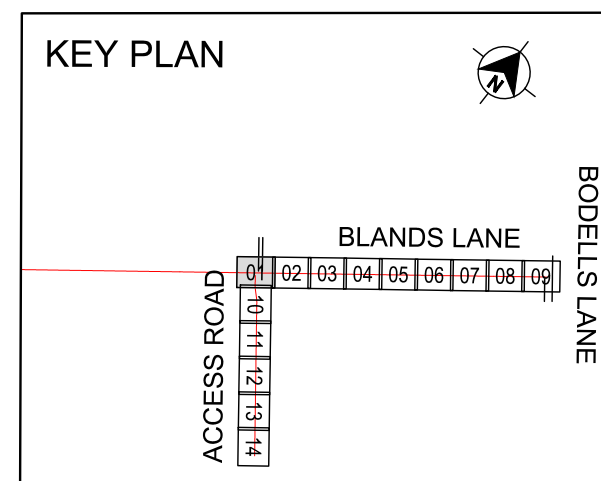
Will Marsh
Director Technical Services

**Attachment 2 Blands Lane General Arrangement Plan
to support the proposed modification of Schedule 3
Condition 5**



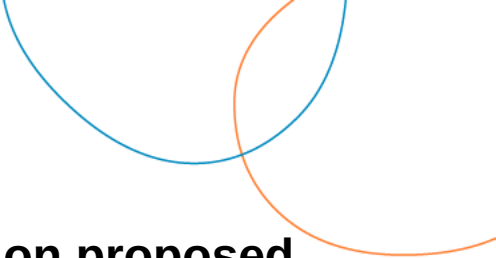
NOTES

1. REFER TO DRG.GE-002 FOR GENERAL NOTES.
2. READ THESE NOTES IN CONJUNCTION WITH OTHER ENGINEERING DRAWINGS, SPECIFICATIONS AND WRITTEN INSTRUCTIONS. ALWAYS REFER TO TECHNICAL SPECIFICATION FOR CLASSIFICATION AND DETAILS.
3. ALL DIMENSIONS ARE IN METRES UNLESS NOTED OTHERWISE. ALL LEVELS, METERAGES, CHAINAGES AND CO-ORDINATES ARE EXPRESSED IN METRES.
4. ACCESS TO PROPERTIES TO BE MADE AVAILABLE BY THE CONTRACTOR AT ALL TIMES DURING CONSTRUCTION.
5. WHEN REFERENCING LEFT HAND SIDE AND RIGHT HAND SIDE OF ROADWAY IT IS ALWAYS DONE LOOKING IN DIRECTION OF INCREASING CHAINAGE.
6. ALL MAIN CARRIAGEWAY CHAINAGES AND DESIGN ELEMENTS ARE REFERENCED TO THE DESIGN CONTROL ALIGNMENT (MC10) BLANDS LAKE, (MC20) ACCESS ROAD AND (MC30) GORDONS LAKE.
7. ALL UTILITIES SHOWN ARE INDICATIVE ONLY. CONTRACTOR TO CONFIRM LOCATION OF ALL SERVICES PRIOR TO COMMENCING WORK.
8. REFER DRAWING RD-401 FOR SETTING OUT INFORMATION.



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																	ISSUE STATUS CONSTRUCTION ISSUE		RD-101		ISSUE A	



Attachment 3 Transport for NSW advice on proposed modification of Schedule 3 Condition 5

Georgia King

From: Chris Bamberry <Chris.BAMBERRY@transport.nsw.gov.au>
Sent: Friday, 28 May 2021 12:10 PM
To: Georgia King
Cc: Development South West
Subject: FW: West Wyalong Solar Farm - Road Upgrade Designs -
Attachments: West Wyalong Solar Farm_Modification Application_Draft Report 30.04.2021.docx; JJR-2200508A-Newell_Bodells Intersection_210513.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Georgia,

I confirm that Transport for NSW supports the proposed intersection layout for the intersection of Bodells Lane and the Newell Highway (please refer to attached plans for details).

The modified BAL treatment has been deemed sufficient as it has been indicated on behalf of the proponent that there is no intention to access the site using B-double vehicles from the south approach on the Newell Highway. All B-doubles used to transport components and materials to the site will approach from the north making a right turn from the Newell Highway and will make a left turn only at Bodells Lane on the return journey.

I confirm that modification of the development consent to align with these access arrangements is supported in principle by Transport for NSW.

Regards

Chris Bamberry
Development Services Case Officer
South Region, Regional and Outer Metropolitan
Transport for NSW

(02) 6923 6588
Level 3, 193-195 Morgan Street
Wagga Wagga NSW 2650

From: Georgia King [mailto:georgia.king@lightsourcebp.com]
Sent: Friday, 28 May 2021 10:53 AM
To: Chris Bamberry <Chris.BAMBERRY@transport.nsw.gov.au>
Cc: Diana Mitchell <diana.mitchell@lightsourcebp.com>; Development South West <development.south.west@transport.nsw.gov.au>
Subject: RE: West Wyalong Solar Farm - Road Upgrade Designs -

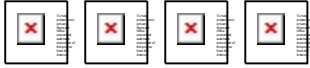
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Hi Chris,

Following up on the below, could you please confirm via email that TfNSW provides in principle support to the revised road upgrade requirements at the Bodells Lane and Newell Highway intersection? We intend to lodge a Modification Application to amend the Development Consent to reflect the changes that have been agreed to date. The draft Modification Application is attached as reference.

Thanks
Georgia

Georgia King Environmental Planner | t +61434258199



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Lightsource bp has continued its global leading charge in the development and management of solar energy projects, while continuing to work remotely where we can throughout this period. Please continue to send any communications via email. For any notices which must be in original/written format, please send by post with a copy by email.

From: Georgia King
Sent: Monday, 24 May 2021 1:00 PM
To: Chris Bamberry <Chris.BAMBERRY@transport.nsw.gov.au>
Cc: Diana Mitchell <diana.mitchell@lightsourcebp.com>; Development South West <development.south.west@transport.nsw.gov.au>
Subject: West Wyalong Solar Farm - Road Upgrade Designs -

Hi Chris,

Thanks for your assistance to date as we have worked through the road upgrade designs for the West Wyalong Solar Farm project.

Now that we have finalised the designs, we will soon be lodging a Modification Application under Section 4.55 (1A) of the EP&A Act to modify the road upgrade requirements under Schedule 3, Condition 5 of the Development Consent (SSD 9504) to reflect the agreed changes to the Newell Highway and Bodells Lane intersection design including removing the requirement for BAL treatment.

To support this Modification Application, could you please confirm that TfNSW provides in principle support to the revised road upgrade requirements, pending formal consultation via the Major Projects application process?

Regards,
Georgia

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**Attachment 4 Bodells Lane and Newell Highway
General Arrangement Plan to support the proposed
modification of Schedule 3 Condition 5**

