

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-10452 Stubbo Solar Farm
Applicant	UPC\AC Renewables Australia
Consent Authority	Minister for Planning and Public Spaces

Decision

On 29 June 2021, the Executive Director, Energy, Resources and Industry Assessments granted consent to the development application for the Stubbo Solar Farm subject to conditions, under delegation from the Minister for Planning and Public Spaces and section 4.38 of the *Environmental Planning and Assessment Act 1979* (the Act).

A copy of the Department of Planning, Industry and Environment's assessment report and development consent is available [here](#).

Date of decision

29 June 2021

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's assessment report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the Biodiversity Conservation Act 2016 (NSW);
- all information submitted to the Department during the assessment of the development application and additional information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- advice from relevant NSW Government agencies and Mid-Western Regional Council; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's assessment report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including:
 - contributing to a more diverse local economy;
 - a capital investment of approximately \$ 418 million;
 - creating up to 400 construction jobs;
 - generating enough electricity to power around 149,000 homes, saving over 847,000 tonnes of greenhouse gas emissions per year;
 - storage of energy for dispatch to the National Energy Market with the 200 MW / 200 MWh battery energy storage facility; and
 - assisting in transitioning the electricity sector from coal and gas fired power stations to renewable energy;
- the project is permissible with development consent, under *State Environmental Planning Policy (Infrastructure) 2007*;
- the project is consistent with NSW Government policies and guidelines, including the *Climate Change Policy Framework, Net Zero Plan Stage 1: 2020 – 2030, Large-Scale Solar Energy Guideline and NSW Electricity Strategy*;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- none of the NSW Government agencies objected to the project and Council is supportive of the project;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent; and
- weighing all relevant considerations, the project is in the public interest, subject to strict conditions of consent.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 12 January 2021 until 19 February 2021 (39 days) and received 17 submissions (one in support and 16 objections) and two submissions from special interest groups (both objections).

The Department consulted with government agencies and Mid-Western Regional Council throughout the assessment process and visited surrounding landowners on 10 February 2021.

The key issues raised by the community (including in submissions) and considered in the Department's assessment report include traffic, socio-economic impacts, bushfire hazards, impacts to water and visual impacts.

<i>Issue</i>	<i>Consideration</i>
<p><i>Traffic</i></p> <ul style="list-style-type: none"> Suitability of the road network for construction traffic; Road safety 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The potential traffic and transport impacts would be restricted to the 24 months construction period. The proposed road upgrades have been developed in consultation with Transport for NSW (TfNSW) and Council. TfNSW and Council are satisfied that the proposed road upgrades and maintenance conditions would address road safety, including the upgrade of the Blue Springs Road and its intersection with Cope Road. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Prepare a Traffic Management Plan in consultation with TfNSW and Council, including measures to minimise traffic impacts (including cumulative traffic impacts with other projects in the area) during construction, upgrading or decommissioning works. Road and intersection upgrades must be carried out to the satisfaction of the relevant roads authority.
<p><i>Socio-economic</i></p> <ul style="list-style-type: none"> Lack of local benefits Property devaluation Workforce accommodation 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The project would generate direct and indirect benefits to the local community, including: <ul style="list-style-type: none"> up to 400 jobs during 24 months construction period and 10 ongoing full-time jobs during operation; expenditure on accommodation and businesses in the local economy by workers who would reside in Mid-Western Regional LGA, or the adjoining LGAs; procurement of goods and services by UPC and associated contractors; and upgrading and maintenance of roads used by project related traffic. UPC committed to a voluntary planning agreement (VPA) with Council. The VPA would comprise \$ 100,000 to be paid to Council during construction and an annual contribution of \$ 300 per MW for the life of the project, towards community projects identified in Council's Community Plan / Delivery Program. Under the Infrastructure SEPP and the Mid-Western Regional LEP, the project is permissible with consent, and the Department's assessment demonstrates that, with the implementation of the recommended conditions, the project would not result in any significant amenity or environmental impacts. Accordingly, the Department considers the project would not result in any significant or widespread reduction in land values in the areas surrounding the project. The Department considers the project would not result in any significant or widespread reduction in land values in the areas surrounding the solar farm. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Prepare an Accommodation and Employment Strategy for the project in consultation with Council, with consideration to prioritising the employment of local workers. Prior to commencing construction, the Applicant must enter into a VPA with Council.
<p><i>Bushfire hazards</i></p> <ul style="list-style-type: none"> The project would increase bushfire risks to surrounding properties 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The site is not identified as bushfire prone land, however grassland and patches of woodland within and around the site constitute a bushfire.

	<ul style="list-style-type: none"> • UPC would maintain a 20 m defensible space around all project infrastructure and manage the defensible space and solar array areas as an Asset Protection Zone (APZ). • UPC have committed to implementing a range of hazard prevention and mitigation measures to manage potential risks associated with the battery storage facility, including: <ul style="list-style-type: none"> ○ a 20 m Asset Protection Zone around the battery storage facility; ○ monitoring and control systems with automated shutdown capability; and ○ appropriate separation between battery sub-units. • The Department and NSW Rural Fire Service (RFS) are satisfied that the bushfire risks can be suitably controlled through the implementation of standard fire management procedures. • Subject to the recommended conditions, the Department is satisfied that risks associated with the project would be minimal. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Ensure that the development complies with the relevant requirements in the RFS's <i>Planning for Bushfire Protection 2019</i> and Standards for Asset Protection Zones. • Ensure that the defensible space and solar arrays are managed as an APZ and the development is suitably equipped to respond to fires including water supply tanks and appropriate connectors. • Prepare and implement an Emergency Plan and a Fire Safety Study in consultation with RFS and Fire & Rescue NSW.
<p><i>Impacts to water</i></p> <ul style="list-style-type: none"> • Water availability for the site • Potential pollution to waterways and groundwater 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The project introduces environmental exclusion zones to avoid Stubbo Creek and surrounding riparian lands, with the exception of two crossings. • The project is not expected to affect groundwater resources or groundwater dependent ecosystems. • The site has been characterised as having low flood risk. • UPC has committed to follow any applicable water restrictions for the area, has consulted with surrounding water suppliers, and would appoint a water contractor post approval. • Subject to the recommended conditions, the Department considers that the project would not result in significant impacts to water resources. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Design, construct and maintain the project to reduce impacts on surface water, ground water and flooding on site. • Prepare a Soil and Water Management Plan in consultation with DPIE Water. • Ensure there is sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.
<p><i>Visual Impacts</i></p> <ul style="list-style-type: none"> • Changing the landscape character • Site visibility from surrounding properties 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The site is located in a sparsely populated area away from major transport routes and public viewpoints, and existing vegetation and topography would limit and obscure views to the site from surrounding areas. • Visual impacts on motorists are not considered to be significant. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Minimise off-site visual impacts of the development, including potential glare and reflection; and ensure the visual appearance of infrastructure blends as far as possible with the surrounding landscape.