

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-6687 Uungula Wind Farm
Applicant	Uungula Wind Farm Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

On 7 May 2021, the Acting Executive Director granted consent to the development application for the Uungula Wind 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

7 May 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 Dubbo 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 \$820 million;
 - creating up to 250 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 150 MW / 150 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 relevant NSW Government policies and guidelines, including the *Climate Change Policy Framework*, *Net Zero Plan Stage 1: 2020 – 2030*, *Wind 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 27 May 2020 until 8 July 2020 (42 days) and received submissions from the community (14 in support, 11 objections, and one comment) and seven submissions from special interest groups (three in support, two objecting and two comments).

The Department consulted with government agencies and Dubbo Regional Council throughout the assessment process and visited surrounding landowners on 9 February 2021 and 24 March 2021.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report include visual, traffic, biodiversity and noise impacts.

<i>Issue</i>	<i>Consideration</i>
<p><i>Visual Impacts</i></p> <ul style="list-style-type: none"> Changing the landscape character Cumulative visual impacts with Bodangora Wind Farm 	<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 benefits from several surrounding ridgelines and densely vegetated areas which generally obstruct views of the turbines from the broader landscape. A small number of residences located within 5 km of a proposed turbine may have some views of turbines and the Department considers these impacts could be sufficiently mitigated through the provision of visual impact mitigation measures (such as landscaping and visual screening). The Department considers that subject to the implementation of visual mitigation measures, including visual screening, the residual visual impacts of the project would be acceptable. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Reduce the visual impacts of the project by offering visual impact mitigation measures, such as landscaping and/or vegetation screening, to all non-associated residences within 5 km of any approved turbine. Secure an agreement with the landowner of residence TMR022 in regard to the visual impacts prior to the construction of turbines 1, 2, 3 and 4
<p><i>Noise Impacts</i></p> <ul style="list-style-type: none"> Noise impacts during construction Operational Noise from turbines 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The noise modelling indicated the project would be able to comply with the relevant operational noise criteria at all non-associated residences. During construction, a number of residences may be subject to temporary noise levels above the relevant noise criteria from construction activities or construction related traffic. The level of disturbance to residents would be directly related to the proximity of the residence to the construction activity or road upgrades. The project will require an Environment Protection Licence administered by the EPA to operate. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Noise generated by the operation of wind turbines must not exceed the higher of 35 dB(A) or the existing background noise level ((L_{A90 (10-minute)}) plus 5 dB(A) for each integer wind speed, measured at hub height, from cut-in to rated wind turbine generator power, at any non-associated residence Take all reasonable steps to minimise the construction or decommissioning noise of the development, including any associated traffic noise. Ensure that the noise generated by any construction or decommissioning activities is managed in accordance with the requirements outlined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009). Require the operation of ancillary infrastructure to comply with the requirements of the <i>Noise Policy for Industry (2017)</i>. Restrict construction hours to Monday to Friday 7 am – 6 pm, and Saturday 8 am – 1 pm.
<p><i>Biodiversity impacts</i></p> <ul style="list-style-type: none"> Adequacy of ecological assessment Clearing of native vegetation Impact on endangered species 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The project site is characterised by cleared farmland, mostly comprised of modified grassland communities with pockets of remnant native vegetation remaining, mostly along ridgelines and slopes. CWP designed the project to avoid disturbance of native vegetation where practicable, including micro-siting turbines to reduce impacts on biodiversity. The project would require clearing of up to 626 ha of native vegetation, which

	<p>is predominantly modified grassland communities (483 ha).</p> <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Reduce biodiversity impacts through additional micro-siting of wind turbines and ancillary infrastructure. • Offset residual impacts of the project in accordance with the requirements of the <i>NSW Biodiversity Offsets Policy for Major Projects</i>. • Prepare a Biodiversity Management Plan, Bird and Bat Adaptive Management Program and a biodiversity offset strategy.
<p><i>Traffic</i></p> <ul style="list-style-type: none"> • Suitability of road network for construction traffic; • Increased traffic over an extended period; • Road safety 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The potential traffic and transport impacts would be largely restricted to the 24 to 36 month 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 closure of the existing intersection at Goolma Road and Twelve Mile Road and construction of a new intersection 400 m to the north. <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. • All road upgrades must be carried out to the satisfaction of the relevant roads authority, including the intersection of Goolma Road and Twelve Mile Road.
<p><i>Economic</i></p> <ul style="list-style-type: none"> • Lack of local benefits • Property devaluation 	<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"> o up to 250 jobs during 24 – 36 month construction period and 12 ongoing full-time jobs during operation; o expenditure on accommodation and businesses in the local economy by workers who would reside in Dubbo LGA, or the adjoining LGAs; o procurement of goods and services by CWP and associated contractors; and o upgrading and maintenance of roads used by project related traffic. • CWP has committed to a local participation and procurement approach. • CWP committed to a voluntary planning agreement (VPA) with Council, which includes a community benefit fund for projects within the Wellington region, as well as road maintenance projects. The funding would comprise \$3,309 per annum per turbine constructed or under construction, totalling up to \$320,973 per annum (adjusted annually to increase in CPI) for the lifetime of the development. • Under the Infrastructure SEPP, 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 wind 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.