

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	SSD 8696
Project Name	Suntop Solar
Applicant	Suntop Solar Farm Pty Ltd
Consent Authority	Minister for Planning

Decision

The Executive Director under delegation from the Minister for Planning has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (the Act) granted consent to the development application subject to the recommended conditions.

A copy of the Department of Planning and Environment's Assessment Report, development consent and conditions are available [here](#).

Date of decision

4 December 2018

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;
- all information submitted with the development application and during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report; 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 industry;
 - a capital investment of approximately \$260 million;
 - creating up to 250 construction jobs;
 - generating enough electricity to power up to 65,000 homes, saving up to 357,000 tonnes of greenhouse gas emissions per year; 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;
- the impacts on the community and the environment can be appropriately minimised, managed or offset, subject to the recommended conditions of consent;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through the conditions of consent (see Attachment 1); and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from Wednesday 6 June 2018 until Friday 6 July 2018 (30 days) and received one public submission in objection to the project, from a resident living within 1 kilometre of the project site.

The Department visited the site on 22 November 2017.

The key issues raised by the objector and considered in the Department's Assessment Report and by the decision maker include land use compatibility, visual impacts, increased bushfire risks and impacts on soil and water. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Compatibility of the proposed land use</i></p> <ul style="list-style-type: none"> Perceived incompatibility of the project with the surrounding area. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The whole of the project is located on land zoned RU1 – Primary Production under the <i>Wellington Local Environmental Plan 2012</i>. Under <i>State Environmental Planning Policy (Infrastructure) 2007</i> electricity generating works are permissible on any land in a prescribed rural, industrial or special use zone, including RU1. The Department considers that the loss of 472 ha of agricultural cropping land represents a very small fraction of the agricultural output of the region and would result in a negligible impact on its overall productivity. Further, the agricultural output of the land would not be affected by the project. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No specific conditions required.
<p><i>Visual impacts</i></p> <ul style="list-style-type: none"> Visual impacts of the solar panels on surrounding residents and flow-on impacts to property values. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Portions of the project would be visible to surrounding residences due to the undulating terrain of the site. The Department considers that subject to the implementation of visual impact mitigation measures, including vegetation screening, the visual impacts of the project on the landscape and local residents would be acceptable. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Establish and maintain a mature vegetation buffer along portions the project's eastern, northern and western boundaries. This buffer must: <ul style="list-style-type: none"> be established prior to the commencement of operations; consist of species that facilitate the best possible outcome in terms of visual screening (i.e. the buffer does not have to consist only of native vegetation); and be effective at screening views of the solar panels and ancillary infrastructure from surrounding residences within 3 years of the commencement of construction.
<p><i>Bushfire</i></p> <ul style="list-style-type: none"> Potential increased risk of bushfire. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers that bushfire risks can be suitably controlled through the implementation of standard fire management procedures, including establishment of a static water supply (50,000 litres) near the substation for fire protection. The Applicant has committed to managing the entire site as an Asset Protection Zone. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Ensure that the development complies with the relevant asset protection requirements in the RFS's <i>Planning for Bush Fire Protection 2006</i>. Prepare and implement a Fire Management and Emergency Response Plan in consultation with RFS and Fire & Rescue NSW.
<p><i>Soil and Water</i></p> <ul style="list-style-type: none"> Reduced access to water for neighbouring farming operations. Reduction in soil health and increased salinity. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The site includes one second order stream, two first order streams and numerous first order ephemeral drainage lines that have been heavily modified. The Applicant has designed the development footprint to incorporate the required buffer distances for the second order stream and the two first order perennial streams that are still intact. The remaining first order streams have been substantially altered from their natural condition and DoI – L&W advised they did not need to be avoided. With the incorporated buffers of the relevant streams, the Department considers the project is unlikely to have significant effect on surface water behaviour. The project would require around 10 megalitres (ML) of water during construction and decommissioning (mainly for dust suppression) and 1.5 ML of water annually during operation. The Applicant is proposing to either source this water from rainwater collected via the on-site dams or via tankers. The project is not expected to affect groundwater resources. The Department considers any erosion and sedimentation risks associated with the project can be effectively managed using best practice construction techniques. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Prohibit water pollution in accordance with Section 120 of the Protection of the Environment Operations Act 1997. Undertake activities in accordance with OEH's <i>Managing Urban Stormwater: Soils and Construction</i> (Landcom, 2004) manual and Guidelines for Controlled Activities on Waterfront Land (DPI Water, 2012).