

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-9515 Yanco Solar Farm
Applicant	ib vogt GmbH
Consent Authority	Independent Planning Commission

Decision

On 16 July 2020, the Executive Director granted consent to the development application for the Yanco Solar Farm subject to conditions, under delegation from the Independent Planning Commission 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

16 July 2020

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);
- applicable NSW Government policies and guidelines;
- all information submitted to the Department during the assessment of the development application and 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 Leeton Shire Council; and
- the views of the community about the project (see Appendix 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 \$99 million;
 - creating up to 120 construction jobs;
 - a Voluntary Planning Agreement with Leeton Shire Council worth \$900,000 focused on funding community infrastructure projects;
 - generating enough electricity to power around 22,000 homes;
 - storage of energy for dispatch to the National Energy Market with the 81 MW / 57 MWh battery 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, Large-Scale Solar Energy Guideline* and *Riverina Murray Regional Plan*;
- 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.

Appendix 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 24 April 2019 until 22 May 2019 (29 days) and received seven submissions from the community (five objecting and two supporting the project) and two submissions from special interest groups (one in support and one providing comments).

The Department visited the site on 9 and 26 September 2019.

The key issues raised by the community and Council and considered in the Department's Assessment Report include land use compatibility, amenity (visual impacts) and decommissioning of the project and rehabilitation of the site.

Issue	Consideration
<p><i>Compatibility of the proposed land use</i></p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • A number of community submissions and Council raised concerns about the use of agricultural land. • The project site is entirely located on irrigated land and is predominantly Class 3 (high capability land), meaning that the land is suited to grazing, but capable of sustaining cultivation on a rotational basis. The amended development has reduced the development footprint by a total of 31 ha on irrigated land. • The cumulative loss of irrigated agricultural land associated with the project represents a very small fraction of irrigated land within the Murrumbidgee Irrigation Area (~0.17%). • The site would be returned to agricultural use following decommissioning. • The project site is located on land zoned RU1 – Primary Production under the Leeton LEP, and the project is permitted with consent within this zone. • The project would comply with Murrumbidgee Irrigation's operating rules, would not impact the irrigation infrastructure within the site, and the delivery water entitlement charges attached to the site would continue to be paid to Murrumbidgee Irrigation for the life of the solar farm. Murrumbidgee Irrigation has confirmed that it has no residual concerns with the project. • Council offered conditional support for the project based on the development consent including a limit to the operation of the solar farm of 30 years. • In response, the Applicant agreed to accept a condition of consent limiting the life of the project to 30 years and offered a voluntary planning agreement of \$900,000 over the life of the development. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Maintain the agricultural land capability of the site, including establishing the ground cover of the site within 3 months following completion of any construction or upgrading, properly maintaining the ground cover with appropriate perennial species and weed management, and maintaining grazing within the development footprint. • Cease operations within 30 years from the date that development consent is granted, unless otherwise agreed with the Secretary, in consultation with Council • Restore land capability to pre-existing use (at least Class 3 Land Capability). • All solar farm infrastructure to be decommissioned and removed prior to site rehabilitation.
<p><i>Decommissioning and Rehabilitation</i></p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • A number of community submissions raised concerns about decommissioning, rehabilitation and the use of the land after its operational life. • The Department has developed standard conditions for solar farms that would cover this stage of the project life cycle, including clear decommissioning triggers and rehabilitation objectives such as removing all above and below ground infrastructure and restoring land capability to its pre-existing agricultural use (i.e. at least Class 3 Land Capability). • With the implementation of these measures, the Department considers that the solar farm could be suitably decommissioned at the end of the project life, or within 18 months of cessation of operations and that the site would be appropriately rehabilitated. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Include rehabilitation objectives requiring the site to be rehabilitated within 18 months of cessation of operation.

Issue	Consideration
<i>Visual Impacts</i>	<p data-bbox="496 150 635 174"><i>Assessment</i></p> <ul data-bbox="496 181 1385 483" style="list-style-type: none"> <li data-bbox="496 181 1230 206">• Concerns about visual impacts were raised in three submissions. <li data-bbox="496 212 1385 344">• Existing vegetation, the relatively low height of the infrastructure (panels up to 2.2 m high), the proposed vegetation buffer along most of the project boundaries and the increased setbacks distances of infrastructure from project boundaries would limit the visual impacts of the project from nearby residences and the surrounding landscape. <li data-bbox="496 351 1385 427">• The photovoltaic panels are designed to absorb rather than reflect sunlight, and the Department considers that the project would not cause noticeable glint or glare compared to other building surfaces. <li data-bbox="496 434 1385 483">• The Department considers the visual impacts of the project on the surrounding residences and landscape would be minimal. <p data-bbox="496 506 619 530"><i>Conditions</i></p> <ul data-bbox="496 537 1385 748" style="list-style-type: none"> <li data-bbox="496 537 1385 586">• Minimise the off-site visual impacts of the development, including the potential for any glare or reflection; <li data-bbox="496 593 1385 669">• Ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape. <li data-bbox="496 676 1385 748">• The Applicant must establish and maintain a vegetation buffer along the northern and western site boundaries to minimise views from three nearby residences within three years of commencing operations.