

# Notice of decision

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

<b>Application type</b>	State significant development
<b>Application number</b>	SSD 9564
<b>Project name</b>	Wyalong Solar Farm
<b>Applicant</b>	ESCO Pacific Pty Ltd
<b>Consent Authority</b>	Minister for Planning

### Decision

On 7 May 2019, the Executive Director granted consent to the development application for the Wyalong Solar Farm subject to conditions, under delegation from the Minister for Planning and section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)*.

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

### Date of decision

7 May 2019

### 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; and
- the findings and recommendations in the Department's Assessment Report.

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 \$130 million;
  - creating up to 150 construction jobs;
  - generating enough electricity to power up to 37,500 homes, saving up to 212,000 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 to an acceptable level, 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 recommended 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 20 November 2018 until 19 December 2018 and received one public submission, providing comments on the project.

The Department also consulted with the relevant Government agencies throughout the assessment process.

The key issues raised by the community and considered in the Department's Assessment Report and by the decision maker include potential visual and flooding impacts, and potential impacts on neighbouring agricultural activities. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Visual impacts</i></p> <ul style="list-style-type: none"> <li>• Visual impacts of the solar panels on surrounding residences</li> <li>• Reflectivity and glare from the solar panels</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The photovoltaic panels are designed to absorb rather than reflect the sunlight, and the Department is satisfied that the project would not cause a noticeable glint or glare compared to other roofs or building surfaces.</li> <li>• All project related infrastructure would be a similar size to agricultural sheds commonly found throughout the local area. The maximum solar panel height would be up to 4 m, the maintenance building up to 5 m and the battery storage facility up to 3 m.</li> <li>• The Department considers that subject to the implementation of visual impact mitigation measures, including vegetation screening, there would be no significant visual impacts on these residences.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• Establish and maintain a mature supplementary vegetation buffer along the southern boundary of the site (adjacent to the Newell Highway). This buffer must: <ul style="list-style-type: none"> <li>– be established prior to the commencement of operations;</li> <li>– consist only of species which are endemic to the area;</li> <li>– be effective at screening views of the solar panels and ancillary infrastructure from road users of the Newell Highway within 3 years of the commencement of construction; and</li> <li>– be properly maintained with appropriate weed management.</li> </ul> </li> <li>• A detailed Landscaping Plan for the site must include a description of measures that would be implemented to ensure the effectiveness of the vegetation buffer. This plan must also include a program to monitor and report on the effectiveness of these measures.</li> <li>• The Department has also required that external lighting and potential for any glare or reflection are minimised and comply with the relevant Australian Standards, and prohibits any signage or advertising on the site, unless it is required for safety purposes.</li> </ul>
<p><i>Flooding</i></p> <ul style="list-style-type: none"> <li>• Potential flood impacts.</li> <li>• Accuracy of the flood impact assessment.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The site is not mapped as flood prone area under the LEP.</li> <li>• The Department considers that the project represents a low flood risk and the impact of the project to the surrounding areas would be negligible.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• No specific conditions required.</li> </ul>
<p><i>Potential impacts on neighbouring agricultural land and activities</i></p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• Concerns included impacts on the solar farm from neighbouring farm activities such as spray and dust onto panels and potential for these impacts to restrict agricultural neighbouring activities.</li> <li>• The Department notes that agricultural activities on neighbouring properties would not be restricted and potential spray and dust would be cleaned regularly from panels.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• No specific conditions required.</li> </ul>
<p><i>Electromagnetic impacts</i></p> <ul style="list-style-type: none"> <li>• Potential for the project to increase electromagnetic impacts on neighbouring properties</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The impact is assessed to be low.</li> <li>• Due to distances to the neighbouring properties the Department considers unlikely the project would significantly increase electromagnetic radiation levels at the neighbouring residences.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• No specific conditions required.</li> </ul>