

# 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 and project name</b>	SSD 9619 Tilbuster Solar Farm
<b>Applicant</b>	Enerparc Australia Pty Ltd
<b>Consent Authority</b>	Minister for Planning

### Decision

On 3 March 2022, the Director, Energy Assessments granted consent to the development application for the Tilbuster 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 is available [here](#).

### Date of decision

3 March 2022

### 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 Armidale 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 \$174 million;
  - creating up to 125 construction jobs;
  - generating enough electricity to power around 56,100 homes, saving over 317,000 tonnes of greenhouse gas emissions per year;
  - storage of energy for dispatch to the National Energy Market with the 15 MW / 30 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 or Council objected to 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 21 October 2020 until 18 November 2020 (29 days) and received nine submissions, including six objections, two in support and one providing comments to the project.

The Department consulted with government agencies and Armidale Regional Council throughout the assessment process and inspected the site and visited surrounding landowners on 27 April 2021.

The key issues raised by the community (including in submissions) and considered in the Department's assessment report include visual impacts, impacts on agricultural land, fire hazards, impacts to soil and water and property devaluation.

<i>Issue</i>	<i>Consideration</i>
<p><i>Visual Impacts</i></p> <ul style="list-style-type: none"> <li>Change the landscape character</li> <li>Site visibility from surrounding properties including potential glare</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The site would be in a relatively isolated area with few nearby receivers.</li> <li>Topography, distance, existing intervening vegetation, and the relatively low height of the proposed infrastructure would limit visual impacts on residences and public viewpoints within 2 km of the site.</li> <li>Visual impacts on New England Highway motorists are not considered to be significant.</li> <li>Enerparc offered to provide visual screening and reached agreement with specific landowners around the site to provide visual screening.</li> <li>The Department considers that, subject to the implementation of proposed visual impact mitigation measures, the visual impact of the project on the landscape and local residents would be acceptable.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Visual appearance of all ancillary infrastructure (including paint colours) must blend in as far as possible with the surrounding landscape.</li> <li>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.</li> </ul>
<p><i>Impacts on agricultural land</i></p> <ul style="list-style-type: none"> <li>The loss of quality agricultural land for energy generation</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The site is wholly located on land that is zoned RU1 (Primary Production), under the <i>Armidale Dumaresq Local Environmental Plan 2012</i>. Solar farms are permissible on land in the RU1 zone under State Environmental Planning Policy (Infrastructure) 2007.</li> <li>The Department considers that the loss of 170 ha of agricultural land represents a very small fraction of the agricultural output of the region and would result in a negligible impact on its overall productivity.</li> <li>Although the agricultural output of the land would be reduced for the life of the project, the scale and nature of the project has generally low impacts, and the land could easily be returned to agricultural uses following decommissioning.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Maintain the agricultural land capability of the site, including establishing the ground cover of the site within 3 months following completion of construction, maintaining ground cover with appropriate perennial species, weed management.</li> <li>The site must be rehabilitated following specific objectives within 18 months of cessation of operations, including restoring the land capability to pre-existing use.</li> </ul>
<p><i>Bushfire hazards</i></p> <ul style="list-style-type: none"> <li>The project would increase bushfire risks to surrounding properties</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The site is not mapped as bushfire prone land, however around the site there are areas with category 1 vegetation mapped as high bushfire risk.</li> <li>The Department is satisfied that the bushfire risks can be suitably controlled through the implementation of standard fire management procedures and recommendations made by the RFS and FRNSW, including: <ul style="list-style-type: none"> <li>managing the site as an Asset Protection Zone, with a 10 m defendable space around the perimeter of the solar array areas and around buildings, switching station and battery storage;</li> <li>establish and maintain a 20,000 litre water tank for fire protection; and</li> <li>develop and implement an Emergency Response Plan.</li> </ul> </li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Ensure that the development complies with the relevant asset protection requirements in the RFS's <i>Planning for Bushfire Protection 2019</i> and Standards for Asset Protection Zones.</li> </ul>

	<ul style="list-style-type: none"> <li>• Ensure the defensible space and solar arrays are managed as an Asset Protection Zone and the development is suitably equipped to respond to fires including water supply tank and appropriate connectors.</li> <li>• Prepare a Fire Safety Study and an Emergency Plan for the development.</li> </ul>
<p><i>Impacts to soil</i></p> <ul style="list-style-type: none"> <li>• Soil erosion</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• Any erosion and sedimentation risks associated with the project can be effectively managed using adequate construction techniques.</li> <li>• Enerparc has committed to prepare and implement a soil and water management including erosion and sediment control plans.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• Minimise the siting of solar panels and ancillary infrastructure within watercourses.</li> <li>• Design, construct and maintain the project to reduce impacts on surface water and flooding at the site.</li> <li>• Minimise any soil erosion in accordance with <i>Managing Urban Stormwater: Soils and Construction (Landcom, 2004)</i> and ensure the project is constructed and maintained to avoid causing erosion on site.</li> <li>• Ensure all works are undertaken in accordance with <i>Guidelines for Controlled Activities on Waterfront Land (NRAR, 2018)</i>.</li> <li>• Ensure there is sufficient water for all stages of the project, and if necessary, adjust the scale of the development to match available water supply.</li> </ul>
<p><i>Property devaluation</i></p> <ul style="list-style-type: none"> <li>• The project would devalue surrounding properties</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• Under the Armidale LEP and Infrastructure SEPP, the project is permissible with consent, and the Department's assessment demonstrates the project would not result in any significant amenity or environmental impacts.</li> <li>• The Department considers the project would not result in any significant or widespread reduction in land values in the areas surrounding the project.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• No specific conditions required.</li> </ul>
<p><i>Waste</i></p> <ul style="list-style-type: none"> <li>• Capacity of Council landfills and the need for waste minimisation.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• There is potential for waste to be generated primarily during construction.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• Waste generated by the development must be classified in accordance with the <i>Waste Classification Guidelines 2014</i> (or its latest version) and must be sent to an appropriately licensed waste facility for reuse or disposal.</li> </ul>
<p><i>Traffic</i></p> <ul style="list-style-type: none"> <li>• Road safety</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The potential traffic and transport impacts would largely be restricted to the 12 month construction period.</li> <li>• 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 access road and its intersection with the New England Highway</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• Prepare a Traffic Management Plan in consultation with TfNSW and Council, including measures to minimise traffic impacts during construction, upgrading or decommissioning of works.</li> <li>• Road and intersection upgrades must be carried out to the satisfaction of the relevant roads authority.</li> </ul>
<p><i>Accommodation</i></p> <ul style="list-style-type: none"> <li>• Workforce accommodation</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• While there is sufficient workers accommodation for this project, there is potential for cumulative impacts associated with multiple projects in the region such as Metz Solar Farm and the New England Solar Farm that are currently under construction and other projects in the assessment process such as Oxley Solar Farm and Armidale BESS. If these projects are approved, up to 1,450 construction personnel may be required in the region.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• Prepare and implement an Accommodation and Employment Strategy in consultation with Armidale Regional Council for the development.</li> </ul>