

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 modification
Application number and project name	SSD-9874-Mod-1 Walla Walla Solar Farm-Mod-1
Applicant	FRV Services Australia Pty Limited
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director, Energy, Resources and Industry under delegation from the Minister for Planning and Public Spaces has, under 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to conditions.

A copy of the instrument of modification and conditions is available at <https://www.planningportal.nsw.gov.au/major-projects/project/42341>

A copy of the Department of Planning, Industry & Environment's assessment report is available at <https://www.planningportal.nsw.gov.au/major-projects/project/42341>

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 reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- the considerations under s 7.17(2) of the Biodiversity Conservation Act 2016 (NSW);
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the submissions made concerning the modification; 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 decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- *Benefits* - the modification would enable the applicant to adopt updated solar panel technology, make arrangements for delivery of the approved substation, and confirm planting schedules based on its expected construction program;
- *Impacts can be managed* - 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, and the conditions of consent; and
- *Community views considered* - the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent, noting that a number of submissions provide support for the overall project as contributing to renewable energy development in NSW.
- *Public interest* – weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

Once the modification application and modification report was submitted to the Department, it was placed on exhibition from 24 September 2021 until 7 October 2021 (14 days). 67 submissions were received, including 18 objections, primarily from residents living within 25 kilometres of the project site.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include visual impacts, including timing of vegetation screening, use of local roads, contribution to the local economy and more broadly renewable energy development and reduction in carbon emissions, development of productive agricultural land, inadequate consultation, health impacts and the waste generated by the project (including photovoltaic cells). Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
Visual impact <ul style="list-style-type: none"> placement of the substation vegetation screening being in place before construction commences and the increase in panel height glint and glare impacts 	Assessment <ul style="list-style-type: none"> The Department's assessment focused on the incremental impacts of the proposed changes to the project, resulting from the increase in solar panel and substation tower heights, and as such did not re-consider the impacts of the approved project, such as the location of the substation and overall site. The Department considers that the changes in visual impact would be minimal and remain acceptable given FRV's commitment to vegetation planting for visual screening and the requirements of existing conditions of consent, including buffers between the site and receivers. The Department is satisfied that vegetation planting can be delayed by up to 3 months after construction commences, enabling winter planting, subject to FRV including its commitments in the Landscaping Plan. The Department considers that potential for incremental glint and glare impacts would be low and can be effectively minimised. Conditions <ul style="list-style-type: none"> Conditions include changes to reflect the commitment to timing of planting.
Traffic <ul style="list-style-type: none"> Amenity and traffic impacts of use of unsealed local roads 	Assessment <ul style="list-style-type: none"> The Department considers that the incremental traffic and amenity impacts of use of Benambra Road by heavy vehicles for the substation construction would be minimal, and limited to the proposed substation construction period. Impacts would be able to managed under the existing requirements for Traffic Management Plan and adaptive management of dust during construction. Conditions <ul style="list-style-type: none"> Conditions include changes to allow use of Benambra Road by limited substation construction heavy vehicles only.
Waste <ul style="list-style-type: none"> Impacts of waste from the development, during construction, operation and decommissioning 	Assessment <ul style="list-style-type: none"> The Department considers that the existing conditions of consent would appropriately manage waste impacts of the project including any potential additional impacts from the modified project. The Department acknowledges initiatives are being developed to solar panel waste from both domestic PV and utility scale solar projects as the industry continues to grow.
Health <ul style="list-style-type: none"> concerns about potential health impacts from EMF and from damage to panels or inappropriate waste management. 	Assessment <ul style="list-style-type: none"> The Department considers that the proposal would not result in an increased impact on EMF from the project. More broadly, the existing conditions of consent establish a strong framework for avoiding any off-site health risks, including requirements for active maintenance of the project, implementation of a Safety Management Study, waste management requirements and detailed rehabilitation requirements and objectives.
Economic impacts and contribution to reduction in carbon emissions	Assessment <ul style="list-style-type: none"> The Department's assessment concluded that the project, as modified, would remain consistent with the strategic need and justification for the overall project, including contribution to renewable energy development.
Agricultural land and site suitability	Assessment <ul style="list-style-type: none"> The Department considers that the modification would not significantly increase the impact of the project on agricultural land, as no changes are proposed to the approved development footprint, or commitment to return the land back to its pre-development state following decommissioning. The Department considers that the site would remain suitable for the project, and impacts on agricultural land uses can be managed under the existing framework in the conditions.