

# 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 8533
<b>Project name</b>	Vales Point Solar
<b>Applicant</b>	Sunset Power International Pty Ltd
<b>Consent Authority</b>	Minister for Planning

### Decision

The Executive Director under delegation from the Minister for Planning has, under s.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 & Environment's Assessment Report, development consent and conditions are available [here](#).

### Date of decision

25 October 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;
- the considerations under sections 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016* (NSW);
- 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 \$117 million;
  - creating up to 100 construction jobs;
  - generating enough electricity to power up to 20,000 homes, saving up to 116,000 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 majority of the project is permissible with development consent under *State Environmental Planning Policy (Infrastructure) 2007*, *Lake Macquarie Local Environment Plan (LEP) 2014* and *Wyong LEP 2013*, and under Section 4.38(3) of the Act, development consent may be granted despite the development being partly prohibited by an environmental planning instrument;
- the project is consistent with relevant NSW Government policies;
- the project presents a productive reuse of land that is consistent with land zoning;
- 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 16 February 2018 until 18 March 2018 (30 days) and received five public submissions, including two from special interest groups and three from members of the general public. Two of these submissions were objections, including one from a resident living approximately 34 kilometres from the project site and one from the Northern Lakes Disability Tourism Precinct Committee Inc.

The Department visited the site and consulted relevant government agencies throughout the assessment process.

The key issues raised in the objections and considered in the Department's Assessment Report and by the decision maker include impacts associated with traffic and transport, air quality and the operation of the existing coal fired power station and TransGrid's transmission network.

Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Traffic and transport</i> <ul style="list-style-type: none"> <li>Increased traffic</li> <li>Damage to the road network</li> </ul>	<i>Assessment</i> <ul style="list-style-type: none"> <li>The Department has consulted with Lake Macquarie City Council, Central Coast Council and RMS on the proposed transport routes, and has agreed on road upgrades and maintenance requirements for the local road network.</li> </ul> <i>Conditions</i> <ul style="list-style-type: none"> <li>Heavy vehicle restrictions, road upgrades, maintenance requirements and implementation of a detailed Traffic Management Plan.</li> </ul>
<i>Air quality</i> <ul style="list-style-type: none"> <li>Disturbance of ash during construction</li> </ul>	<i>Assessment</i> <ul style="list-style-type: none"> <li>Mitigation measures proposed by the Applicant align with best practice construction techniques.</li> <li>The Applicant is already required to undertake ambient air quality monitoring under Environment Protection Licence 761 which is regulated by the Environment Protection Authority.</li> </ul> <i>Conditions</i> <ul style="list-style-type: none"> <li>Minimise dust generated by the development.</li> </ul>
<i>Existing operations of Vales Point Power Station and transmission line infrastructure</i> <ul style="list-style-type: none"> <li>The project is located within a portion of the ash dam of the Vales Point Power Station which is also owned and operated by the Applicant. The power station is connected with major load centres across the state via TransGrid's transmission network.</li> </ul>	<i>Assessment</i> <ul style="list-style-type: none"> <li>A hazard assessment was undertaken in accordance with <i>SEPP No. 33 – Hazardous and Offensive Development</i> which considered and proposed specific control measures to minimise the risks from handling, storage and operation of the batteries.</li> <li>The proposed development would export energy to Ausgrid's 33 kV distribution network and does not involve any work on the TransGrid network.</li> </ul> <i>Conditions</i> <ul style="list-style-type: none"> <li><i>None proposed</i></li> </ul>
<i>Community Benefit Fund</i> <ul style="list-style-type: none"> <li>Suggestion to implement a community benefit program to the local community for impacts associated with the operation of the existing Vales Point Power Station.</li> </ul>	<i>Assessment</i> <ul style="list-style-type: none"> <li>While the solar farm shares the same site as the Vales Point Power Station and is proposed by the operator of the power station, the scope of the assessment is limited to impacts associated with the construction, operation and decommissioning of the proposed solar farm.</li> <li>As the solar farm would provide a productive reuse of land that would contribute towards Lake Macquarie City Council's emissions reduction target with minimal environmental impacts to the surrounding community, the Department considers a community benefit program is not necessary for the development.</li> </ul> <i>Conditions</i> <ul style="list-style-type: none"> <li><i>None proposed</i></li> </ul>
<i>Decommissioning and Rehabilitation</i> <ul style="list-style-type: none"> <li>Concerns about decommissioning of the solar farm and use of the land after the operational life of the project.</li> </ul>	<i>Assessment</i> <ul style="list-style-type: none"> <li>The Department has developed standard conditions for solar farms to cover this stage of the project life cycle, including clear decommissioning triggers and rehabilitation objectives which would leave the project in a safe, stable and non-polluting situation.</li> </ul> <i>Conditions</i> <ul style="list-style-type: none"> <li>Rehabilitation objectives and requirement for the Applicant to rehabilitate the site within 18 months of the cessation of operations.</li> </ul>