

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	SSD 8777
Project name	Maryvale Solar Farm
Applicant	Maryvale Solar Farm Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

On 4 December 2019, the Executive Director granted consent to the development application for the Maryvale Solar Farm subject to conditions, under delegation from the Minister for Planning and Public Spaces 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, development consent and conditions are available [here](#).

Date of decision

4 December 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];
- 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 \$188 million;
 - creating up to 150 construction jobs;
 - generating enough electricity to power up to 46,750 homes, saving up to 265,000 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, subject to the recommended conditions of consent;
- Dubbo Regional Council supports the project and there are no residual concerns from the NSW Government agencies;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through the 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 21 November 2018 until 19 December 2018 and received four public submissions in objection to the project.

The Department visited the site on 22 November 2017.

The key issues raised by the objectors and considered in the Department's Assessment Report and by the decision maker include land use compatibility, visual impacts, increased bushfire risks and impacts on soil and water. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Compatibility of the proposed land use</i></p> <ul style="list-style-type: none"> Perceived incompatibility of the project with the surrounding area. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The project is located on land zoned RU1 – Primary Production under the <i>Wellington Local Environmental Plan 2012</i>. Under <i>State Environmental Planning Policy (Infrastructure) 2007</i> electricity generating works are permissible on any land in a prescribed rural, industrial or special use zone, including RU1. The Department considers that the loss of 375 ha of agricultural cropping land represents a very small fraction of the agricultural output of the region and would result in a negligible impact on its overall productivity. The land is mapped Biophysical Strategic Agricultural Land. Although the agricultural output of the land would be reduced for the life of the project, the scale and nature of the development has generally low impacts and the land could easily be returned to agricultural uses following decommissioning. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Decommissioning and rehabilitation objectives
<p><i>Visual impacts</i></p> <ul style="list-style-type: none"> Visual impacts of the solar panels on surrounding residents. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Portions of the development would be visible to surrounding residences due to the undulating terrain of the site. 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 6 m. The Department considers that subject to the implementation of visual impact mitigation measures, including vegetation screening, the visual impacts of the project on the landscape and local residents would be acceptable. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Establish and maintain a mature vegetation buffer along portions the project's eastern, southern and western boundaries. This buffer must: <ul style="list-style-type: none"> be planted prior to commencing operations; be comprised of species that are endemic to the area; be effective at screening views within 3 years of commencing construction; and be properly maintained with appropriate weed management.
<p><i>Bushfire</i></p> <ul style="list-style-type: none"> Potential increased risk and liability with bushfire. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers that bushfire risks can be suitably controlled through the implementation of standard fire management procedures, including establishment of a static water supply (20,000 litres) near the substation for fire protection; and The Applicant has committed to managing the entire site as an Asset Protection Zone. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Ensure that the development complies with the relevant asset protection requirements in the RFS's <i>Planning for Bush Fire Protection 2006</i>. Prepare and implement an Emergency Plan in consultation with RFS and Fire & Rescue NSW.
<p><i>Soil and Water</i></p> <ul style="list-style-type: none"> Reduced access to water for neighbouring farming operations. Reduction in soil health and increased salinity. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The site includes one unnamed second order stream and several first order ephemeral flowlines; The Applicant has designed the development footprint to incorporate the required buffer distances for the second order stream; The ephemeral flowlines will be suitably graded into a shallow and broad swale, revegetated, then developed with solar panels; With the incorporated buffer of the relevant stream, the Department considers the project is unlikely to have significant effect on surface water behaviour. The project would require around 10 megalitres (ML) of water during construction and decommissioning (mainly for dust suppression) and 1.5 ML of water annually during operation. The Applicant is proposing to either source this water from potable water being trucked to site.

	<ul style="list-style-type: none"> • The project is not expected to affect groundwater resources. • The Department considers any erosion and sedimentation risks associated with the project can be effectively managed using best practice construction techniques. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Prohibit water pollution in accordance with Section 120 of the Protection of the Environment Operations Act 1997. • Undertake activities in accordance with OEH's <i>Managing Urban Stormwater: Soils and Construction</i> (Landcom, 2004) manual and <i>Guidelines for Controlled Activities on Waterfront Land</i> (DPI Water, 2012).
<p><i>Construction Traffic</i></p> <ul style="list-style-type: none"> • Concern that construction traffic will reduce road quality and raise safety issues 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The proposed road upgrades have been developed in consultation with RMS and Council. • Council and RMS are satisfied that the proposed road upgrades and road maintenance address road safety. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Prepare and implement a Traffic Management Plan in consultation with the relevant roads authority.