

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 8835
Project Name	Bomen Solar
Applicant	Renew Estate Pty Ltd
Consent Authority	Minister for Planning

Decision

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

Date of decision

8 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;
- all information submitted to the Department during the assessment of the development application and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- 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 \$164 million;
 - creating up to 200 construction jobs;
 - generating enough electricity to power up to 37,000 homes, saving up to 210,000 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* and *Wagga Wagga Local Environment Plan 2010*, 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 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 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 Saturday 21 April 2018 until Monday 21 May 2018 (30 days) and received 29 submissions, including 10 objections and 5 in support of the project.

The Department visited the site on 14 March 2018.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include potential visual impacts and the perceived incompatibility of the project with the surrounding area. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Compatibility of 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 majority of the project site (approximately 99%) is located within land zoned IN1 - General Industrial under the <i>Wagga Wagga Local Environment Plan 2010</i>. Additionally, Wagga Wagga City Council's <i>Bomen Strategic Master Plan 2009</i> explicitly identifies the Bomen precinct for a transition to industrial land uses. Therefore, the Department considers the project to be suitably located, as the project is located in an area that has been earmarked for industrial land uses. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No specific conditions required.
<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 project would be visible to surrounding residences due to the undulating terrain of the site. The Department considers that subject to the implementation of visual impact mitigation measures, including vegetation screening, there would be no significant visual impacts on the surrounding residences. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Establish and maintain a mature vegetation buffer along the northern, southern and western boundaries. This buffer must: <ul style="list-style-type: none"> be established prior to the commencement of operations; consist of species that facilitate the best possible outcome in terms of visual screening (i.e. the buffer does not have to consist only of native vegetation); and be effective at screening views of the solar panels and ancillary infrastructure from surrounding residences within 3 years of the commencement of construction.