

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 9820
Project name	Maxwell Solar Farm
Applicant	Maxwell Solar Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

On 19 August 2020, the Executive Director granted consent to the development application for the Maxwell 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 and development consent is available [here](#).

Date of decision

19 August 2020

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 information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- advice from government agencies and Muswellbrook Shire Council;
- 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:
 - a capital investment of approximately \$39.35 million;
 - creating up to 50 construction jobs;
 - generating enough electricity to power around 9,354 homes, saving up to 52,980 tonnes of greenhouse gas emissions per year;
 - 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 none of the government agencies or Council objected to the project;
- 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;
- all submissions received from the general public were supportive of the project; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Community/Council Views

The Department exhibited the Environmental Impact Statement for the project from 13 December 2019 until 3 February 2020 (53 days) and received two submissions from the general public, both supporting the project.

One of the public submissions stated that clean energy is positive measure to address the climate emergency and the other supports the project, without additional information.

The Department's Assessment Report acknowledges that large scale solar projects could help to reduce reliance on fossil fuels, thereby contributing to reductions in air pollution and greenhouse gas emissions, consistent with Federal and State policies and frameworks.

While Muswellbrook Shire Council did not object to the project, it raised a number of issues that have been considered in detail in the Department's Assessment Report, as summarised below.

<i>Issue</i>	<i>Consideration</i>
<p><i>Developer contributions</i></p> <ul style="list-style-type: none"> ● Council requests a condition of approval requiring a contribution toward road maintenance, and provision of community infrastructure. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> ● The Department is satisfied that the project can adequately address short term construction related demands and would not create ongoing demand for community infrastructure and road maintenance. ● Consequently, the Department does not consider that a Voluntary Planning Agreement or a Section 7.12 levy is necessary or warranted in this case. <p><i>Conditions/Response</i></p> <ul style="list-style-type: none"> ● Consent conditions for the repair of any damaged local roads that result from the construction of the project.
<p><i>Rehabilitation & Decommissioning</i></p> <ul style="list-style-type: none"> ● Consistency with the existing obligations associated with the rehabilitation of the former Drayton Coal Mine. ● Conditions of approval are required to make it clear which company (i.e. the mining company or solar company) will be responsible for removal of infrastructure and rehabilitation of the site. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> ● The Department considers that all decommissioning and rehabilitation obligations for the mine and associated infrastructure should remain the sole responsibility of the mining company, and the responsibility for the decommissioning and rehabilitation of solar farm should be the responsibility of the solar company. ● Any amendments to the existing requirements for the Drayton mine to accommodate the solar farm would be addressed through modifications to the existing Drayton consent and/or Mining Lease, or through any approval of the proposed Maxwell Underground Coal Project. <p><i>Conditions/Response</i></p> <ul style="list-style-type: none"> ● Consent conditions to decommission the solar project and rehabilitate the site for the solar project in accordance with rehabilitation objectives that are consistent with other solar farms in NSW.
<p><i>Soil and erosion</i></p> <ul style="list-style-type: none"> ● Water used for washing panels should be low in salt and heavy metals to limit soil impacts. ● Ground cover under panels must be maintained. ● A weed management program is required. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> ● Maxwell Solar has committed to use water that meets <i>Australian and New Zealand guidelines for fresh and marine water quality - Water quality for irrigation and general water use.</i> <p><i>Conditions/Response</i></p> <ul style="list-style-type: none"> ● Consent conditions to maintain soil stability, including establishing and maintaining ground cover with perennial species and implementing weed management on the site.