

# Wyalong Solar Farm

## Response to Submissions

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**CONTENTS**

1	Project Information.....	4
1.1	Overview .....	4
1.2	Project status .....	4
2	Proponent’s response to Community Submissions .....	4
3	Proponent’s response to Government Agency Submissions.....	8
3.1	Office of Environment and Heritage – Conservation and Regional Delivery Division .....	8
3.1.1	Aboriginal Cultural Heritage .....	8
3.1.2	Biodiversity .....	13
3.2	Office of Environment and Heritage – Heritage Division.....	14
3.3	Roads & Maritime Services .....	14
3.4	Department of Planning & Environment – Division of Resources & Geoscience .....	18
3.5	Department of Industry – Land and Water.....	18
3.6	NSW Rural Fire Service.....	19
3.7	Fire & Rescue NSW.....	20
3.8	NSW Government – Riverina Local Land Services .....	21
3.9	NSW Environment Protection Authority.....	21
3.10	Bland Shire Council .....	21
4	Specific consultation with close neighbour (R5).....	26
5	Appendices:.....	26
5.1	Appendix 1: Project Layout.....	27
5.2	Appendix 2: Updated Final Aboriginal & Cultural Heritage Report (incl. consultation log) .	28
5.3	Appendix 3: Updated Final Biodiversity Assessment Report (BAR).....	29
5.4	Appendix 4 – Correspondence with RAPs, Bland Shire Council and OEH.....	30
5.5	Appendix 5 – Bland Shire Council – confirmation of viable water source .....	31
5.6	Appendix 6 – Updated Project Area Location Map .....	32

## 1 Project Information

### 1.1 Overview

ESCO Pacific is proposing to undertake the development and operation of a utility-scale solar energy facility with a capacity up to 130 megawatts (MW) (the project) on Lots 160 on Plan DP750615, 1409 Newell Highway, approximately 7kms northeast of West Wyalong, NSW 2671 (the site).

The project will involve the installation of solar panel arrays across an area of up to 260 hectares and a local connection to the NSW power grid. The site is highly modified due to its history of agriculture and grazing, and is comprised largely of canola, barley, pasture grasses and some environmental weeds. Apart from scattered paddock trees, native vegetation is largely absent except along fence lines and adjacent to the southwestern corner of the site.

Access to the site during construction and operation will be from Newell Highway, located immediately south of the site. The Project Layout is provided in Appendix 1.

### 1.2 Project status

ESCO Pacific lodged an Environmental Impact Statement (EIS) and supporting documentation for the proposed Wyalong Solar Farm to the Department of Planning and Environment (DPE) on 15 November 2018 (State Significant Development application number SSD 18\_9564). The public exhibition of the project commenced on 20 November and finished on the 19 December 2018. Public and government agency comments on the project were received on 22 December 2018. No objections were received. One submission from a neighbouring land owner was received.

All project information is available via the NSW DPE Major Project Assessments website.

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9564](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9564)

## 2 Proponent’s response to Community Submissions

Comment	Response
<p>I take the opportunity to submit concerns and questions about the proposed Wyalong Solar Farm as a Land Owner of neighbouring property to the development site on the Newell Highway.</p> <p>Despite the outcomes published of the significant environmental impact study and the transparency of the conclusions and planned mitigations I list below areas which as a neighbouring land holder continue to raise concerns with the suitability of the location and nature of the project:</p> <p>1. Observations made and the extensive impact during the 2016 local flooding event raised concerns about water flow issues and established drainage systems of the Newell Hwy. I question why such a recent major</p>	<p>ESCO Pacific thanks the neighbouring Land Owner for their detailed response to the EIS and wishes to respond to each issue below.</p> <p>1. Flooding - Hydrology and water resources have been addressed in Section 8.4 of the EIS (p. 105). A site specific flood risk assessment, including the development of a flood model, was undertaken by Alluvium in response to State Environmental Assessment Requirements (SEARs).</p> <p>The development site is not located within a flood planning area as designated under the Bland LEP 2011.</p> <p>In their response to the EIS Exhibition, the Office of Environment and Heritage (OEH)</p>

<p>weather event does not appear to be noted to help form any understanding of the probable flood hazards of this proposed location.</p> <p>2. There does not appear to be any disclosure of what would happen once the operational stage is established, for the monitoring or future minimising of impact if issues do arise.</p> <ol style="list-style-type: none"> <li>I. What happens in the event of the emergence of such issues as reflectivity, glare or visual impact or the development of electromagnetic interference?</li> <li>II. What are the future safe guards held for any implications over time to the impact upon neighbouring houses and land, if the occurrence of such issues or any other arose?</li> <li>III. What recourse and measures of support would be provided?</li> <li>IV. What if in reality it's not as the environmental impact study proposes?</li> </ol> <p>3. A question of suitability of location due to the vulnerability of the solar farm being adjacent to productive functioning agricultural land. Despite upmost best practise, what are the ramifications in the event of any contamination to the solar farm from farm chemical spray drift or dust from soil disturbance during cultivation and tillage.</p>	<p>acknowledges that this development site is only subject to local overland flow type flooding.</p> <p>While the 2016 event was not specifically referenced in the EIS, the modelling does consider the 1% Annual Exceedance Probability events (i.e. 'the worst case' – 1:1,000yr, 1:100yr and 1:20yr), which would encompass the 2016 event.</p> <p>The modelling and the flood impact assessment established the potential impact of the 1% AEP events on the following:</p> <ul style="list-style-type: none"> <li>• Surrounding properties: Although the solar panels will increase the sites impervious area from an aerial view, the terrain below will be relatively unimpeded, meaning that runoff from the panels will fall from the module and drain across the site, resulting in a negligible change to run-off and no impact on flood levels or flow to neighbouring properties.</li> <li>• The project assets: modelling of the most severe events shows that critical infrastructure, including the substation and inverters can be located outside the high and extreme flooding area or mounted on piles to above flood water levels.</li> </ul> <p>Flood mitigation measures include:</p> <ul style="list-style-type: none"> <li>• Implementation of mitigation measures as part of a Stormwater Management Plan, ensuring post-development flows from the site are limited to pre-development flows for all storms up to and including the 100-year Average Recurrence Interval event.</li> <li>• Critical infrastructure (e.g. substation, inverters) to be located outside the flooding area or above the flood water levels;</li> <li>• Maintaining vegetation cover under all solar panel arrays to maximise water infiltration; and</li> <li>• Ensuring the Emergency Response Procedures (ERP) for the project</li> </ul>
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	<p>includes procedures to be followed in the event of flooding within the development site or surrounding area, including information on safe evacuation routes.</p> <p>2. Operational Monitoring – Section 8.8.4 of the EIS (p. 138) assesses the visual impacts on neighbouring properties and land.</p> <p>The visual impact assessment finds that only three residences (R3, R4 and R5) are to be considered sensitive receivers, as the project will be visible from the households or the home yard area (pp. 138-39).</p> <p>Extensive consultation has been undertaken with R5, the only resident not associated with the project land owner. Mitigation measures, such as vegetation screening, have been discussed with R5 and are likely to result in any operational visual amenity impacts being negligible.</p> <p>Solar panels are designed to absorb the highest amount of solar energy possible to generate the maximum amount of electricity, reflecting only 3-20% of the light received, depending on the angle of the panels. They generally do not create noticeable/nuisance glare compared with other commonly existing surfaces such as roofs and are less reflective than other naturally occurring elements<sup>1</sup>. (see Table 3.6 in Appendix H to the EIS Main Report).</p> <p>RMS recommends inclusion of the following condition in the Development Consent: <i>Glint and glare from the solar panels shall not cause a nuisance, disturbance or hazard to the travelling public on the public road network. In the event of glint or glare from the solar plant being evident from a public road, the proponent shall immediately implement glare mitigation measures such as construction of a barrier (e.g. fence) or other approved device to remove any nuisance, distraction and/or hazard caused as a result of glare from the solar panels.</i></p>
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<sup>1</sup> Avery & Berlin (1992). *Reflectivity of Different Materials, Fundamentals of Remote Sensing & Airphoto Interpretation*. Fifth Edition. New York. Macmillan Publishing Company.

	<p>ESCO Pacific accepts the inclusion of this condition.</p> <p>Furthermore, a preliminary risk assessment table is presented in Table 7.5 (p. 69). Both Electromagnetic radiation and altered property values have been considered. The likelihood of these impacts occurring are considered to be 'unlikely' and 'rare' respectively and the resulting risk factor to be considered low in both instances. Given the distance of these residences to the development site and substation, electromagnetic radiation levels at these residences are not expected to increase significantly as a result of the project.</p> <p>During construction and operation neighbours and community members will be able to contact either the developer or the Contractor to discuss any amenity or compliance concerns relating to the solar farm. A Complaints Management Plan will be developed in to the satisfaction of the DPE to facilitate this.</p> <p>ii. Assessment is deemed to consider operational impacts to existing sensitive receptors over the 40 year permitted timeframe. Should the appearance or operational practices change materially a Development Consent modification application and associated consultation and assessment would be required. Pursuant to the Act the assessment can only consider impacts to existing sensitive receptors and land uses.</p> <p>iii. The Development Consent including the conditions, plans and associated reports form part of the approval and must be complied with. The Act enables recourse for any non-compliance, to be administered by the Responsible Authority.</p> <p>On the matter of compliance with Development Consent – since 2017, the NSW DPE has undertaken 78 inspections of 28 wind and solar farms across NSW (see Fact Sheet <a href="https://www.planning.nsw.gov.au/-/media/Files/DPE/Factsheets-and-faqs/fact-sheet-wind-and-solar-farm-inspection-program-2018-12-20.ashx?la=en">https://www.planning.nsw.gov.au/-/media/Files/DPE/Factsheets-and-faqs/fact-sheet-wind-and-solar-farm-inspection-program-2018-12-20.ashx?la=en</a>).</p>
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	<p>Penalty notices and official cautions are used to ensure developers are constructing or operating in accordance with their conditions of consent.</p> <p>The DPE will continue to monitor wind and solar farm developments across NSW and investigate allegations of non-compliance to ensure projects comply with their conditions of consent (DPE 2019).</p> <p>3. Impacts of existing agricultural land uses must be factored into the operational requirements of the solar farm at the asset owner’s cost. Cleaning of modules from sedimentation, landscape barriers and spray drift due to existing and typical agricultural practices are the responsibility of the asset owner.</p> <p>Impacts on solar farm caused by neighbouring farming practices - Section 3.5.1 of the EIS (p. 30) outlines operational activities, including the monitoring of assets and cleaning solar panels at regular intervals depending on system performance, and weather conditions.</p>
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### 3 Proponent’s response to Government Agency Submissions

#### 3.1 Office of Environment and Heritage – Conservation and Regional Delivery Division

##### 3.1.1 Aboriginal Cultural Heritage

The Aboriginal Cultural Heritage Assessment Report (ACHAR) has been updated from the version appended to the Wyalong Solar Farm EIS, in response to comments received from the Office of Environment and Heritage. The updated report is included in Appendix 2 and general responses to submissions are listed in the table below.

Comment	Response
<p>The following points from the SEARs need to be finalised:</p> <p>6. The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR).</p>	<p>The updated final ACHAR (Appendix 2) addresses these issues.</p> <p>Section 5.4 of the ACHAR lists all the newly recorded Aboriginal sites identified in the Project Area. Section 5.10 identified the likely impact to Aboriginal cultural heritage values within the Project Area.</p>

<p>7. Consultation with Aboriginal people must be undertaken and documented in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.</p> <p>8. Impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.</p>	<p>ESCO Pacific undertook the Aboriginal consultation for this project in line with the ACHCRs. The proponent has updated the consultation log – attached in Appendix 1 of the ACHAR, including correspondence with Bland Council and OEH regarding notice of the project and identifying a full list of known Aboriginal parties and stakeholders. Section 4.2.1 describes the cultural heritage values that was documented during the fieldwork between OzArk and the RAPs.</p> <p>The impact assessment in the ACHAR was prepared in line with the current project layout (RTS Appendix 1). This project layout was used during the field survey and the assessment in the ACHAR.</p>
<p>The proponent should demonstrate in the final report how the views and wishes of Aboriginal people have been met regarding the management of ACH. A Cultural Heritage Management Plan is proposed to address the potential for finding additional Aboriginal artefacts during construction and the management of the artefact sites.</p>	<p>The consultation log documents that the Aboriginal community were provided with a copy of the ACHAR for review and comment, however, no detailed responses were received, also updated in Section 2.3.3.</p> <p>The fate and management of the Aboriginal artefacts is outlined in Section 6.4 (particularly point 1 and 5) of the ACHAR.</p>
<p>The EIS contains some outdated legislative references.</p> <p>Section 5.2.1 which states “Under Section 89J of the EP&amp;A Act, an Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974 would not be required for an SSD” (Assent Environmental, 2018:44). The EP&amp;A Act has been amended and renumbered. This statement should be amended to under section 4.41 of the EP&amp;A Act, an Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974 would not be required for State significant development that is authorised by a development consent.</p> <p>Section 5.2.19 refers to the Due Diligence Code of Practice for the protection of Aboriginal</p>	<p>Please note the EIS should read as follows:</p> <p>Section 5.2.18 (p. 52) - Under section 4.41 of the EP&amp;A Act, an Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974 would not be required for State significant development that is authorised by a development consent.</p> <p>Section 5.2.19 referring to the Due Diligence Code of Practice is to be disregarded.</p>

<p>Objects in NSW. Due diligence is not the appropriate assessment process for ACH for SSD (refer to OEH input to the SEARS).</p> <p>Section 8.2.3 states “a series of guidelines have been developed by DPE to quantify and standardise impact assessments (DPE 2016). All impacts have been graded based on the matrix outlined in DPE 2016” (Accent Environmental, 2018:100). The reference needs to be provided in the bibliography for the EIS.</p> <p>Section 8.2.4 – impacted sites may only be salvaged following project approval and not before.</p> <p>The impact assessment for sites has not been finalised, which is also evident from the Executive Summary of the EIS. We request the impact assessment be finalised. If this is not achievable, provide a response explaining why and a timeframe of when this impact assessment will be finalised.</p> <p>Comments on the proposed management by the RAPs have not been documented. Copies of RAP responses on the draft ACHAR and proposed management are required as well as a response stating how these have been addressed.</p> <p>Section 9.2, Table 9.1. AH.1.1 The ACHMP should be developed in consultation with the RAPs, OEH and DPE. AH.1.4 Aboriginal sites can be salvaged only after development consent is issued for SSD.</p>	<p>In consistency with the ACHAR, the bibliography for the EIS should include the following reference:</p> <p>DP&amp;E 2016 - Department of Planning and Environment. Guidelines for the Economic Assessment of Mining and Coal Seam Gas Proposals. Commissioned by the NSW Department of Planning and Environment.</p> <p>Section 8.2.4 (page 101), fourth point - Should the project receive development consent, impacted isolated finds (Glenroy-IF1; Glenroy-IF3 to IF5; Glenroy-IF7 to IF8; and Glenroy-IF10) that have been recorded will be salvaged, along with any located near the perimeter of the development site that are unable to be avoided.</p> <p>The impact assessment for sites has been finalised and is presented in the updated final version of the ACHAR, see Appendix 2.</p> <p>ESCO Pacific commits to the preparation of an ACHMP as part of development consent. This plan will be prepared in consultation with DPE, OEH and the project RAPs.</p> <p>Responses to the proposed management options by the RAPs have now been included in the updated ACHAR. No detailed comments regarding the management and mitigation of the Aboriginal heritage in the Project Area were received. The consultation log is updated to reflect this (Appendix 1 of the ACHAR). Also see RTS Appendix 4 - copies of the email responses from RAPs confirming they are satisfied with the contents of the ACHAR.</p> <p>Section 6.1 of the ACHAR now states that an ACHMP will be developed should this project receive Development Approval.</p>
<p>Comments on ACHAR:</p>	<p>The updated final ACHAR (RTS Appendix 2) addresses these issues.</p>

<p>Section 2.3.1 – The ‘ACH Consultation Requirements for Proponents’ (DECCW 2010:10) as referred to in the OEH SEARs input letter require that the proponent write the local council (in this case Bland Shire Council) as part of identifying stakeholders. This is also absent from the consultation log. The ACHAR needs to indicate if this has been done and if any response was received from Bland Shire Council.</p> <p>Section 2.3.3 does not state when the draft ACHAR was sent to the RAPs. This section is to be updated including a summary of RAP responses and how the proponent has responded to and/or propose to implement the RAP comments.</p> <p>Table 5-3 Survey Results – update with AHIMS ID.</p> <p>Tables 5-4, 5-5 and 5-6 provide a single range of measurement of artefacts in cm (e.g. 0-2cm). Requirements 7a and 19 in the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW states the attributes that must be recorded in accordance with the AHIMS site recording form which has length, width and thickness in mm. These tables should be amended with the length, width and thickness (in mm) of the artefacts.</p> <p>Table 5-7 Significance Assessment. This needs to be updated with social or cultural values, by seeking comment from the RAPs. Update Table 5-7 with AHIMS ID.</p>	<p>Please note the updated consultation log.</p> <p>Table 6.1 (p. 60) of the EIS Main Report and Section 2.3.1 (p. 2) of the ACHAR confirms the project RAPs. Please note these were:</p> <ul style="list-style-type: none"> <li>• Mark Saddler (individual)</li> <li>• West Wyalong (LALC)</li> <li>• Young (LALC)</li> </ul> <p>Although no formal correspondence on the confirmed RAPs was exchanged with Bland Shire Council and OEH, ESCO Pacific did liaise with both organisations to ensure all relevant RAPs and stakeholders in the region could be identified through public notices in local newspapers (see RTS Appendix 4 – Correspondence with RAPs, Bland Shire Council and OEH).</p> <p>Section 2.3.3 of ACHAR now updated with responses from the RAPs. The RAPS had no further comments on the ACHAR.</p> <p>Table 5.3 in ACHAR is updated.</p> <p>These measurements are updated in the required tables in the ACHAR.</p> <p>All sites have been given a high social or cultural value. No feedback was received relating directly to the social or cultural value of the</p>
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<p>Table 5-8 Impact assessment – update with AHIMS ID.</p> <p>It is unclear if the final design known? If so the impact assessment needs to be finalised. If not, provide a response as to why and a timeframe of when the impact assessment will be completed.</p> <p>Table 5-9 states that 6 Aboriginal sites will be impacted, but elsewhere (Table 5-8 and Table 6-1 of the ACHAR) and in the EIS it says 7 sites will be impacted. Confirm the number of sites that will be impacted and amend text and tables accordingly to be consistent across both reports.</p> <p>Table 6-1 – update with AHIMS ID.</p> <p>Section 6.3.1 – Aboriginal Site Impact Recording Forms (ASIRFs) will need to be completed and submitted to AHIMS for each site harmed.</p> <p>Section 6.4 – the meaning of the following sentence is not clear and should be revised for clarity “If approval of the project determines that these sites will be directly impacted, they will be managed in accordance with item 4 below”. Further, should “item 4 below” be changed to “item 7 below”?</p> <p>Section 6-4 it says sites Glenroy-OS1 and Glenroy-IF6 are described as no harm and fenced in Table 6-1 yet in Section 6.4 Statement of Commitments it says efforts will be made to avoid these sites. This inconsistency needs to be clarified and the ACHAR amended.</p> <p>Section 6-4 – if artefacts are reburied, this must be done in accordance with requirement 26 of</p>	<p>newly recorded sites. Table 5-7 in ACHAR is updated.</p> <p>Table 5.8 in ACHAR is updated.</p> <p>The finalised design of the development footprint is what was used in the heritage assessment and the impact assessment of the ACHAR (see RTS Appendix 1 Project Layout).</p> <p>Seven sites are confirmed to be impacted, this is updated in the ACHAR.</p> <p>Table 6-1 in ACHAR is updated.</p> <p>Section 6.3.1 and Section 6.4 point 5 in the ACHAR states that an ASIRF from will be prepared and submitted for all salvaged sites.</p> <p>Section 6.4 has been further clarified and sentence reference to ‘item 4’ updated.</p> <p>This has been updated in the ACHAR. Reference to Glenroy-OS1 and Glenroy-IF6 removed from Section 6-4.</p> <p>Section 6.4 point 5 states this. The need for a Care Agreement has not been stated as an ACHMP will be used to manage the Aboriginal cultural heritage within the project Site.</p>
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<p>the Code of Practice. If this not achievable, then a Care Agreement may be sought.</p> <p>Appendix 1 Log of Aboriginal community consultation – this is to be updated following comments received from RAPs on draft ACHAR. Update if a letter was sent to and response received from Bland Shire Council regarding a list of potential stakeholders. The consultation log does not document if a letter was sent to OEH and the Local Aboriginal Land Council (LALC) with a list of stakeholders within 28 days from the closing date of registration as required under stage 1 of the ‘ACH Consultation Requirements for Proponents’ (DECCW 2010:11). It needs to be stated if this if this was done and if so a copy of the letters provided in the ACHAR.</p>	<p>The proponent has updated the consultation log and this has been added in Appendix 1 of the ACHAR.</p>
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### 3.1.2 Biodiversity

The Biodiversity Development Assessment Report (BDAR) has been updated from the version appended to the Wyalong Solar Farm EIS, in response to comments received from the Office of Environment and Heritage. The updated report is included in RTS Appendix 3 and general responses to submissions are listed in the table below.

Comment	Response
<p>Overall the Biodiversity Development Assessment Report (BDAR) addresses the SEARs requirements.</p> <p>A reasonable assessment of impacts is provided, however lacks some of the detail and justification as required by the Biodiversity Assessment Method (BAM). These are as follows:</p> <ul style="list-style-type: none"> <li>• Assessment of direct and indirect impacts does not include the detail outlined in Section 9.1 of the BAM.</li> <li>• The BDAR does not explicitly state there are no Serious and Irreversible Impacts.</li> <li>• Percent cleared value of PCTs (BAM Section 5.2.1.16).</li> </ul>	<p>The updated final BDAR (RTS Appendix 3) addresses these issues.</p> <p>See additional table of impacts in section 6.2 and table 6.1 (page 50-53)</p> <p>See Section 6.1 (page 50), where these words are used in the impact assessment</p> <p>See changes to table 4.1 (Page 24) not done in track changes</p> <p>See changes to table 4.2 (Page 26)</p>

<ul style="list-style-type: none"> <li>• Patch size area used in calculations not clearly identified (BAM Section 5.3.2).</li> <li>• Table of current and future vegetation integrity scores for vegetation zones (BAM Section 5.3).</li> <li>• Table of relevant habitat components and their sensitivity to loss or gain classes.</li> </ul> <p>The latter four of the above points relate to PCT 76 of which 0.16 ha will form the proposed entrance to the site. This detail needs to be provided and the BDAR amended accordingly.</p>	<p>Integrity scores not included in this instance due to tight project deadlines, as confirmed by the Biobanking Assessor (7/1/19)</p> <p>See added section 5.3.1 and table 5.1 (Page 45-46)</p>
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### 3.2 Office of Environment and Heritage – Heritage Division

Comment	Response
<p>The OEH Heritage Division had no further comments on the development application.</p>	<p>ESCO Pacific acknowledges the Division's response.</p>

### 3.3 Roads & Maritime Services

Comment	Response
<p>Roads and Maritime Services has assessed the Development Application based on the documentation provided and would raise no objection to the development proposal subject to the Consent Authority ensuring that the development is undertaken in accordance with the information submitted as amended by the inclusion of the following as conditions of consent (if approved):</p> <ol style="list-style-type: none"> <li>1. A Traffic Management Plan shall be prepared in consultation with the relevant road authorities (Council and Roads and Maritime Services) to outline measures to manage traffic related issues associated with the development, particularly during the construction and decommissioning processes [...]</li> <li>2. The Proponent must engage an appropriately qualified person to prepare a Road Dilapidation Report for all road routes to be used during the construction (and decommissioning)</li> </ol>	<p>ESCO Pacific accept the inclusion of these Conditions if the project is approved.</p>

<p>activities, in consultation with the relevant road authority (Roads and Maritime Services and Council).</p> <ol style="list-style-type: none"> <li>3. Prior to the commencement of construction on-site, the Proponent must undertake all works to upgrade any road, its associated road reserve and any public infrastructure in that road reserve, to a standard suitable for use by heavy vehicles to meet any reasonable requirements that may be specified by the relevant roads authority.</li> <li>4. As a minimum each of the access driveways to the Newell Highway shall be constructed and maintained to the satisfaction of Roads and Maritime Services to provide the following:             <ol style="list-style-type: none"> <li>i) The required Safe Intersection Sight Distance (SISD) with a reaction time of 2.5 seconds in either direction in accordance with the Austroads Publications as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the vehicular access.</li> <li>ii) A Basic Right Turn (BAR) and Basic Left Turn (BAL) treatment at its intersection with the Newell Highway in accordance with the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services for the posed speed limit on the Newell Highway. The intersection is to be constructed to the standards required for an approved road train route.</li> <li>iii) Two way movement and be sealed for at least 50 metres form its intersection with the Newell Highway. The intersection shall be</li> </ol> </li> </ol>	
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<p>designed and constructed so that vehicles turning between the Newell Highway and the access road are not required to cross to the opposing travel lane in order to perform a turn manoeuvre.</p> <p>iv) Not reduce the capacity of the existing roadside drainage network and to prevent water from proceeding onto, or ponding within, the carriageway of the Newell Highway for the posed speed limit it is to be constructed with a traversable type headwall.</p> <p>5. A management plan to provide measures to suppress dust generation from the development site and the transportation route shall be prepared and implemented to the satisfaction of Council and Roads and Maritime Services.</p> <p>6. No external lighting of any infrastructure associated with the project is permitted at night that may cause distraction to road users other than low intensity security lighting.</p> <p>7. Glint and glare from the solar panels shall not cause a nuisance, disturbance or hazard to the travelling public on the public road network. In the event of glint or glare from the solar plant being evident from a public road, the proponent shall immediately implement glare mitigation measures such as construction of a barrier (e.g. fence) or other approved device to remove any nuisance, distraction and/or hazard caused as a result of glare from the solar panels.</p> <p>8. The intersection of the access roadway and the Newell Highway is to be designed and constructed so as not to interfere with the capacity of the current roadside drainage network and to prevent water from proceeding onto, or ponding within, the carriageway of</p>	
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the Newell Highway. If a culvert is to be installed and is to be located within the required clear zone of Newell Highway for the posted speed zone it is to be constructed with a traversable type headwall.

9. Once the access roadway is constructed all existing accesses to the development site from the Newell Highway shall be removed and any damage or disturbance to the road reserve of Newell Highway shall be restored to match surrounding landform in accordance with Council requirements.
10. The Newell Highway is part of the State Road network. For works on the State Road network the developer is required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services before finalising the design or undertaking any construction work within or connecting to the road reserve. The WAD documentation is to be submitted for each specific change to the state road network for assessment and approval by Roads and Maritime Services, prior to the commencement of any works within the road reserve. The application can contact the Land Use Manager, South West Region on Phone 02 69236611 for further detail.
11. Any works within the road reserve of the Newell Highway requires approval under Section 138 of the Roads Act 1993 from the road authority (Council) and the concurrence from Roads and Maritime Services prior to commencement of any such works. The developer is responsible for all public utility adjustment/relocation works, necessitated by the development and as required by the various public utility authorities and/or their agents.
12. All works associated with the development shall be at no cost to the Roads and Maritime Services.

### 3.4 Department of Planning & Environment – Division of Resources & Geoscience

Comment	Response
<p>The Department of Planning &amp; Environment – Division of Resources &amp; Geoscience (the Division) has reviewed the EIS for the Wyalong Solar Farm Project (SSD 9564) in relation to the SEARs requirements.</p> <p>The EIS includes a map of the proposal area in relation to current exploration license EL8430, as well as mineral occurrences in the area. The EIS includes discussion of the potential impacts of the proposal on mineral exploration and development in the area including acknowledgement of the high prospectivity of the regional geology, the area of exploration license covered by the proposal site, current targets of exploration and operating mines in the region.</p> <p>The EIS includes a record of consultation between the proponent ESCO Pacific Pty Ltd and Argent Minerals Limited. ESCO Pacific has also provided records of ongoing consultation during the public exhibition period to the Division. The Division has undertaken further discussions with the titleholder Argent Minerals Limited to establish the potential for the proposal to impact on exploration activities planned on the tenement. As a result of this the</p> <p>Division is satisfied that authentic consultation with the titleholder has been undertaken and recorded, that concerns regarding access to the tenement for exploration have been addressed, and that the Wyalong Solar Farm proposal will not impact on the titleholder’s exploration activities.</p> <p>The EIS has addressed all requirements relating to coal, petroleum and mineral resources.</p> <p>The Division has no further issues to raise with the proposal.</p>	<p>ESCO Pacific acknowledges the Divisions response.</p>

### 3.5 Department of Industry – Land and Water

Comment	Response
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<p>A viable water source should be confirmed for the construction and operation requirements of the proposed development.</p>	<p>ESCO Pacific estimates that about 30ML of water will be used throughout the construction of the Wyalong Solar Farm. Once operational, it is estimated the site will require 500 KL each year (40 years) for operational and maintenance purposes. These requirements are outlined in Section 3.3.2 on page 27 of our EIS Main Report.</p> <p>Please see attached confirmation (Appendix 5) from Bland Shire Council that a viable water source is available to the project, which will be explored post development approval.</p>
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### 3.6 NSW Rural Fire Service

Comment	Response
<p>The NSW Rural Fire Service has no objection to the proposal and provides the following recommended conditions to be included to any consent granted.</p> <ol style="list-style-type: none"> <li>1. A Fire Management Plan (FMP) shall be prepared in consultation with the local NSW RFS District Office. The FMP shall include [...]</li> <li>2. The entire solar array development footprint to be managed as an Asset Protection Zone (APZ) as outlined in section 4.1.3 Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.</li> <li>3. To allow for emergency service personnel to undertake property protection activities, a 10 metre defendable space, managed as an APZ, shall be provided around the buildings, substation, battery storage units, around the outside perimeter of the solar array, and around all areas of unmanaged vegetation being retained within the site.</li> <li>4. A minimum 20,000 litre water supply (tank fitted with a 65mm Storz fitting shall be located adjoining the internal</li> </ol>	<p>ESCO Pacific accept the inclusion of these Conditions if the project is approved.</p> <p>Note: A total minimum tank capacity of 40,000 litres will be located on site, such that there is suitable all weather access for the NSW Rural Fire Services.</p>

property access road with the required APZ.	
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### 3.7 Fire & Rescue NSW

Comment	Response
<p>Should a fire or hazardous material incident occur, it is important that first responders have ready access to information which enables effective hazard control measures to be quickly implemented. Without limiting the scope of the emergency response plan (ERP), the following matters are recommended to be addressed:</p> <ol style="list-style-type: none"> <li>1. That a comprehensive ERP is developed for the site.</li> <li>2. That the ERP specifically addressed foreseeable on-site and off-site fire events and other emergency incidents.</li> <li>3. That the ERP detail the appropriate risk control measures that would need to be implemented to safely mitigate potential risks to the health and safety of firefighters and other first responders [...].</li> <li>4. Other risk control measures that may need to be implemented in a fire emergency due to any unique hazards specific to the site should also be included in the ERP.</li> <li>5. That two copies of the ERP be stored in a prominent 'Emergency Information Cabinet' located in a position directly adjacent to the site's main entry point/s.</li> <li>6. Once constructed and prior to operation, that the operator of the facility contacts the relevant local emergency management committee (LEMC) [...].</li> </ol> <p>Further to the above recommendations, Fire &amp; Rescue NSW requests to be consulted with respect to the operational compatibility of the proposed fire and life safety systems and their configuration at the project's preliminary and final design phases.</p>	<p>ESCO Pacific accept the inclusion of these Conditions if the project is approved.</p>

	ESCO Pacific accepts to consult Fire & Rescue NSW during the project's preliminary and final design phases.
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### 3.8 NSW Government – Riverina Local Land Services

Comment	Response
The only request that that Local Land Services would have is that the boundary fence of lot 160 DP 750615 adjoining the Newell Highway, which is a frequently used as a Travelling Stock Route, be established and maintained in a stock proof condition at all times to prevent passing livestock from potentially entering the site of the Solar farm.	ESCO Pacific confirms there will be a project boundary fence (LOT 160) inset from the existing property boundary fence (which will be retained) the Newell Highway (with a setback from the existing vegetation along the property boundary). This cyclone-proof fence will be established and maintained in a stock proof condition.

### 3.9 NSW Environment Protection Authority

Comment	Response
NSW Environment Protection Authority has no comments in relation to the development application.	ESCO Pacific acknowledges the Authority's response.

### 3.10 Bland Shire Council

Comment	Response
<p><b>Consultation</b></p> <p>It is crucial that the current level of consultation with Bland Shire Council, the community and landholders is maintained by ESCO Pacific during construction, operation and decommissioning of the solar farm.</p>	ESCO Pacific acknowledges Council's response and is fully committed to ongoing consultation with all project stakeholders through construction, operation and decommissioning of the solar farm.
<p><b>Visual impact and screening</b></p> <p>Bland Shire Council would like to see a landscaping plan be included as part of the overall site to ensure that the visual impact of the solar farm to the identified residences is minimised and also provide screening of the</p>	ESCO Pacific acknowledges Council's response. The Visual Impact Assessment outlines, in section 4.2, that landscaping and visual screening treatments within the site are not considered to be required. Unless a vegetation buffer is specifically required by the Secretary,

<p>Newell Highway to prevent drivers being distracted as they drive past the solar farm.</p>	<p>no Landscaping Plan will be prepared for this project.</p> <p>In their submission, RMS have acknowledged the need for landscaping and visual treatments at the site was not considered to be required due to the distance of the solar panels from roads and residential property and the presence of some existing vegetation in the road reserve.</p> <p>However, in accordance with Bland Local Environmental Plan, the following detailed design measures will be adopted to reduce the visual impact of the project:</p> <ul style="list-style-type: none"> <li>• Apply urban design principles and objectives during detailed design phase;</li> <li>• Investigate colour combinations for infrastructure items to aid visual obscurity; and</li> <li>• Ancillary structures: minimise reflective surfaces with a preferred use of muted colours.</li> </ul>
<p><b>Waste</b></p> <p>Bland Shire Council requests that a detailed Waste Management Plan be required as a condition of development consent and that the plan includes anticipated volumes and types of waste that will be generated by the solar farm.</p> <p>Bland Shire Council has identified Kikoira as the preferred landfill for the solar farm.</p>	<p>ESCO Pacific acknowledges Council’s response.</p> <p>ESCO Pacific will ensure a detailed Waste Management Plan is included in the overall Construction Environment Management Plan (CEMP), to be prepared and approved by the DPE prior to commencement of construction. The plan will include anticipated volumes of waste that will be generated by the project.</p> <p>ESCO Pacific acknowledges that Bland Shire Council has identified Kikoira as the preferred landfill for the solar farm.</p>
<p><b>Approvals from Bland Shire Council/ Principal Certifying Authority</b></p> <p>Construction certificates will be required for the proposed works on site and more detail plans will be required to determine if the following will need the consent of Bland Shire Council or a Principal Certifying Authority:</p> <ul style="list-style-type: none"> <li>• The solar arrays and associated structures</li> <li>• The proposed battery storage facility</li> <li>• The amenity buildings on site</li> </ul>	<p>With consideration of DPE definition of construction expected to be as follows: <i>The construction of the development, including but not limited to the carrying out of any earthworks on site and the construction of solar panels and any ancillary infrastructure (but excludes any upgrades to the public road network required under this consent, installation of fencing, artefact survey, overhead line safety marking, geotechnical drilling and/or surveying).</i></p> <p>Notwithstanding this definition, the applicant and their contractor will seek the construction certificates for the relevant construction</p>

<ul style="list-style-type: none"> <li>• The details of the potable water supply on the site during construction, operation and decommissioning</li> <li>• The details of the onsite sewerage waste management system and the disposal of the effluent from the site during construction, operation and decommissioning</li> </ul>	<p>activities from Bland Shire Council at the appropriate time. ESCO Pacific understands DPE is not responsible for issuing Construction Certificates.</p>
<p><b>Fire Management</b></p> <p>A fire management plan will be required for the control of fires at the solar farm including the battery storage area. Access for firefighting vehicles will be required to be established and maintained over the solar farm site during construction, operation and decommissioning.</p> <p>A total minimum tank capacity of 40,000 litres is recommended. The tank is to be located such that there is suitable all -weather access for the Rural Fire Service.</p>	<p>A Fire Management Plan will be prepared in consultation with NSW Rural Fire Services (RFS) and other relevant agencies.</p> <p>A total minimum tank capacity of 40,000 litres will be located on site, such that there is suitable all weather access for the NSW RFS.</p>
<p><b>Weed Management</b></p> <p>The EIS mentions that the land between the panels and along the boundary of the solar farm will require maintenance to control vegetation growth (through livestock or slasher). Weeds must be managed and minimised on site.</p> <p>Feral Animals</p> <p>The solar farm must be managed to minimise all feral animals on site. The Riverina Regional Strategic Pest Animal Plan 2018- 2023 is a good source of information.</p>	<p>The EIS proposes the following mitigation measures regarding management of Weeds and Pest animals:</p> <ul style="list-style-type: none"> <li>• Biodiversity: Development of Environmental Management Plans (EMPs) to mitigate potential impacts to biodiversity including a Weed and Pest Management Plan to be prepared prior to construction as outlined in section 8.1.4 of the EIS.</li> </ul> <p>ESCO Pacific will also accept the inclusion of Conditions related to Weeds and Pest Management if the project is approved.</p>
<p><b>Employment</b></p> <p>Bland Shire Council would like to see labourers, trades, and services engaged with this project where possible and appropriate.</p> <p>Accommodation for workers during construction, operation and decommissioning</p> <p>There is limited accommodation in the Bland Shire and surrounding Local Government Areas as a result of:</p> <ul style="list-style-type: none"> <li>• Evolution Cowal God Operations</li> </ul>	<p>Prior to commencement of construction, ESCO Pacific shall prepare an Accommodation and Employment Strategy for the project in consultation with Bland Shire Council and to the satisfaction of the DPE.</p> <p>The Plan will focus on commitments to employing local workforce as much as practicable, and accommodating workers in the Bland Shire and/or other regional towns.</p>

<ul style="list-style-type: none"> <li>• Inland Rail</li> <li>• Parkes Intermodal Terminal</li> <li>• Solar Farms</li> <li>• Clean TeQ Sunrise Operations</li> <li>• Newell Highway projects</li> <li>• Mineral Exploration Activities</li> </ul> <p>Bland Shire Council would like to see ESCO Pacific accommodate the 150 construction, operational and decommissioning workers in the Bland Shire in West Wyalong.</p>	
<p><b>Tourism</b></p> <p>Bland Shire Council would like to see ESCO Pacific develop the solar farm as an education and tourism attraction. Suitable areas for tourist facilities, including an elevated viewing platform, parking and signage should be considered in the development of the site.</p>	<p>ESCO Pacific acknowledges Council’s response and will investigate potential education and tourism initiatives with Bland Shire Council.</p>
<p><b>Voluntary Planning Agreement / Proposed Community Fund</b></p> <p>In accordance with Section 94A of the Environmental Planning and Assessment Act 1979 Bland Shire Council is open to contributions under a Voluntary Planning Agreement and 94A Contributions of 1% as this development is valued in excess of \$200,000.</p> <p>The 94A contributions may be allocated to the following categories:</p> <ul style="list-style-type: none"> <li>• Economic Development and Tourism</li> <li>• Roads and Related Infrastructure including Signage</li> <li>• Pedestrian and Cycling Infrastructure</li> <li>• Stormwater Drainage</li> <li>• Open Space and Recreation</li> <li>• Civic and Community Facilities and Infrastructure</li> </ul> <p>It is noted that the capital cost of The Solar Farm is approximately \$130 million and will engage a construction workforce of 150 for a period of up to nine months that will have a significant impact on infrastructure and facilities of the Bland Shire. Accordingly, Bland Shire Council believes that there should be a monetary</p>	<p>ESCO Pacific will prepare a community Benefit Fund and will provide it to Council in the first instance for feedback. The plan will set up a procedure to offer a fund of money towards community projects. The fund will be jointly administered by representatives of Council, elected members of the community and a representative of the project. It is intended to favour initiatives which benefit the broadest number of local members of the community and neighbours closer to the solar farm, as opposed to groups further away.</p> <p>Council’s Section 94A Development Contribution Plan 2014 applies to applications for development consent and applications for complying development certificates under Part 4 of the Environmental Planning and Assessment Act 1979 (the Act). Part 4 of the EP&amp;A Act (Division 4.2 Consent Authority) states that the Minister is the consent authority in the case of State Significant Developments for developments such as the Wyalong Solar Farm.</p> <p>Unless the Minister (or the Secretary) requires payment of a specific contribution to the local area, ESCO Pacific believe Council’s VPA is not applicable to the Wyalong Solar Farm.</p>

<p>contribution paid under a Voluntary Planning Agreement (VPA). Bland Shire Council would be happy to work with ESCO Pacific to negotiate the VPA which may also include a community fund.</p>	
<p><b>Decommissioning Plan</b></p> <p>A Decommissioning Plan should be prepared in consultation with the landholder and Bland Shire Council as a condition of the consent.</p>	<p>ESCO Pacific accept the inclusion of this Condition if the project is approved.</p>
<p>Other comments received by email from Bland Shire Council on the EIS Main Report during the exhibition:</p> <ol style="list-style-type: none"> <li>1. Page 123 of the EIS mentions the Newell Highway is a State Arterial Road when it is in fact a National Highway.</li> <li>2. Throughout the EIS the construction period changes from eight to nine months.</li> <li>3. Page 134 of the EIS highlights recreational features in the region, including the Hiawatha Precinct. The precinct has been incorrectly mapped throughout the EIS.</li> <li>4. The Bland Shire Council is predominately a dryland agricultural district and not irrigated as is mentioned on a number of occasions throughout the EIA.</li> <li>5. Page 157 lists the populations figures for nearby regional towns. These should be updated to reflect the ABS QuickStats.</li> </ol>	<ol style="list-style-type: none"> <li>1. ESCO Pacific acknowledges Council's response.</li> <li>2. To clarify, the construction period for the Wyalong Solar Farm is approximately 9 months.</li> <li>3. ESCO Pacific acknowledges Council's response. The Hiawatha Precinct is shown on the update map in Appendix 6.</li> <li>4. ESCO Pacific acknowledges Council's response.</li> <li>5. ESCO Pacific acknowledges Council's response. Note updated regional population figures are acknowledges as follows: Temora – 6,110 Forbes – 9,587 Parkes – 14,608 Narrandera – 5,853</li> </ol>

## 4 Specific consultation with close neighbour (R5)

During consultation with the closest neighbours in preparation of the EIS, the neighbour located 1km northwest of the project (R5), raised queries about the project in relation to the visual impact of the solar farm on the property. Figure 8.11 (page 135) of the EIS Main Report shows the viewpoint locations of the Wyalong Solar Farm.

Section 8.8.4 (p. 140) of the EIS Main Report presents the visual amenity impact assessment. The receiver with the highest visual impact rating (moderate) is VP6, which corresponds to residence R5 located to the north of the solar farm off Spauls Lane, the only sensitive receiver not associated with the land owner. Figure 8.12 shows the photomontage simulating the view of the solar farm from the R5 property. The moderate rating is due primarily to the sensitivity of the location, with the front of the property facing directly towards the solar farm (although the distance to the solar farm is 1 km and the eastern half of the solar farm is largely screened by trees).

ESCO Pacific and the neighbour have been continuing to discuss the following:

- A visual screen comprising of 3 meter wide landscaping to a minimum height of 3-4 meters in height, including layered shrubs and trees native to the area;
- Planting is best undertaken in the season of autumn or spring. In order to allow for some advanced growth, ESCO Pacific and the neighbour will aim to agree a concept landscape plan for the property to progress planting in an appropriate season; and
- ESCO Pacific can commence landscaping once we have:
  - Reached agreement for a concept plan with the neighbour, to reasonably mitigate the visual impact; and
  - ESCO Pacific has certainty around the Development Approval and the grid connection (Offer to Connect) to ensure the project will progress.

ESCO Pacific is committed to ongoing consultation with R5 to progress the concept landscape plan to ensure any operational visual amenity impacts being negligible.

## 5 Appendices:

Appendix 1: Project Layout

Appendix 2: Updated Final Aboriginal and Cultural Heritage Report (including consultation log)

Appendix 3: Updated Final Biodiversity Assessment Report (BAR)

Appendix 4: Correspondence with RAPs, Bland Shire Council and OEH

Appendix 5 – Bland Shire Council – confirmation of viable water source

Appendix 6 – Updated Project Area Location Map

5.1 Appendix 1: Project Layout

5.2 Appendix 2: Updated Final Aboriginal and Cultural Heritage Report (incl. consultation log)

5.3 Appendix 3: Updated Final Biodiversity Assessment Report (BAR)

5.4 Appendix 4 – Correspondence with RAPs, Bland Shire Council and OEH

5.5 Appendix 5 – Bland Shire Council – confirmation of viable water source

5.6 Appendix 6 – Updated Project Area Location Map