

# Environmental Assessment Requirements

## State Significant Development

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979* and Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

<b>Application Number</b>	SSD 10346
<b>Proposal</b>	<p>The Oxley Solar Farm which includes:</p> <ul style="list-style-type: none"> <li>the construction and operation of a solar photovoltaic (PV) energy generation facility with an estimated capacity of 300 MW; and</li> <li>associated infrastructure, including a grid connection and battery storage.</li> </ul>
<b>Location</b>	Gara Road, approximately 10 km east of Armidale within the Armidale Local Government Area
<b>Applicant</b>	Oxley Solar Development
<b>Date of Issue</b>	2 August 2019
<b>General Requirements</b>	<p>The Environmental Impact Statement (EIS) for the development must comply with the requirements in Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>In particular, the EIS must include:</p> <ul style="list-style-type: none"> <li>a stand-alone executive summary;</li> <li>a full description of the development, including: <ul style="list-style-type: none"> <li>details of construction, operation and decommissioning;</li> <li>a site plan showing all infrastructure and facilities (including any infrastructure that would be required for the development, but the subject of a separate approvals process);</li> <li>a detailed constraints map identifying the key environmental and other land use constraints that have informed the final design of the development;</li> </ul> </li> <li>a strategic justification of the development focusing on site selection and the suitability of the proposed site with respect to potential land use conflicts with existing and future surrounding land uses (including other proposed or approved solar farms, rural residential development and subdivision potential);</li> <li>an assessment of the likely impacts of the development on the environment, focusing on the specific issues identified below, including: <ul style="list-style-type: none"> <li>a description of the existing environment likely to be affected by the development;</li> <li>an assessment of the likely impacts of all stages of the development, (which is commensurate with the level of impact), including any cumulative impacts of the site and existing or proposed developments in the region (including the approved Metz Solar Farm and the proposed New England, Salisbury Plains, Tilbuster, Olive Grove and Stringybark Solar Farms), taking into consideration any relevant legislation, environmental planning instruments, guidelines, policies, plans and industry codes of practice;</li> <li>a description of the measures that would be implemented to avoid, mitigate and/or offset the impacts of the development (including draft management plans for specific issues as identified below); and</li> <li>a description of the measures that would be implemented to monitor and report on the environmental performance of the development;</li> </ul> </li> <li>a consolidated summary of all the proposed environmental management and monitoring measures, identifying all the commitments in the EIS; and</li> <li>the reasons why the development should be approved having regard to: <ul style="list-style-type: none"> <li>relevant matters for consideration under the <i>Environmental Planning and</i></li> </ul> </li> </ul>

	<p><i>Assessment Act 1979</i>, including the objects of the Act and how the principles of ecologically sustainable development have been incorporated in the design, construction and ongoing operations of the development;</p> <ul style="list-style-type: none"> <li>- relevant matters for consideration under the <i>National Parks and Wildlife Act 1974</i>;</li> <li>- the suitability of the site with respect to potential land use conflicts with existing and future surrounding land uses; and</li> <li>- feasible alternatives to the development (and its key components), including the consequences of not carrying out the development.</li> </ul> <ul style="list-style-type: none"> <li>· a detailed consideration of the capability of the project to contribute to the security and reliability of the electricity system in the National Electricity Market, having regard to local system conditions and the Department's guidance on the matter.</li> </ul> <p>The EIS must also be accompanied by a report from a suitably qualified person providing:</p> <ul style="list-style-type: none"> <li>- a detailed calculation of the capital investment value (CIV) (as defined in clause 3 of the Regulation) of the proposal, including details of all assumptions and components from which the CIV calculation is derived; and</li> <li>- certification that the information provided is accurate at the date of preparation.</li> </ul> <p>The development application must be accompanied by the consent in writing of the owner/s of the land (as required in clause 49(1)(b) of the Regulation).</p>
<p><b>Specific Issues</b></p>	<p>The EIS must address the following specific issues:</p> <ul style="list-style-type: none"> <li>· <b>Biodiversity</b> – including: <ul style="list-style-type: none"> <li>- an assessment of the biodiversity values and the likely biodiversity impacts of the project in accordance with Section 7.9 of the <i>Biodiversity Conservation Act 2016</i> (NSW), the Biodiversity Assessment Method (BAM) and documented in a Biodiversity Development Assessment Report (BDAR), unless OEH and DPE determine that the proposed development is not likely to have any significant impacts on biodiversity values;</li> <li>- the BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the BAM; and</li> </ul> </li> <li>· <b>Heritage</b> – including an assessment of the likely Aboriginal and historic heritage (cultural and archaeological) impacts of the development, including consultation with the local Aboriginal community in accordance with the <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents</i>;</li> <li>· <b>Land</b> – including: <ul style="list-style-type: none"> <li>- an assessment of the potential impacts of the development on existing land uses on the site and adjacent land, including: <ul style="list-style-type: none"> <li>o a consideration of agricultural land, flood prone land, Crown lands (including Crown Reserve 566), mining, quarries, mineral or petroleum rights, and traveling stock route and Oxley Rivers National Park;</li> <li>o a soil survey to determine the soil characteristics and consider the potential for erosion to occur; and</li> <li>o a cumulative impact assessment of nearby developments;</li> </ul> </li> <li>- an assessment of the compatibility of the development with existing land uses, during construction, operation and after decommissioning, including: <ul style="list-style-type: none"> <li>o consideration of the zoning provisions applying to the land, including subdivision, and;</li> </ul> </li> </ul> </li> </ul>

- o completion of a Land Use Conflict Risk Assessment in accordance with the Department of Industry's *Land Use Conflict Risk Assessment Guide*; and
- a description of measures that would be implemented to remediate the land following decommissioning in accordance with *State Environmental Planning Policy No 55 - Remediation of Land*.
- **Visual** – including an assessment of the likely visual impacts of the development (including any glare, reflectivity and night lighting) on surrounding residences, scenic or significant vistas, air traffic and road corridors in the public domain, including a draft landscaping plan for on-site perimeter planting, with evidence it has been developed in consultation with affected landowners;
- **Noise** – including an assessment of the construction noise impacts of the development in accordance with the *Interim Construction Noise Guideline* (ICNG), operational noise impacts in accordance with the *NSW Noise Policy for Industry* (2017), cumulative noise impacts (considering other developments in the area), and a draft noise management plan if the assessment shows construction noise is likely to exceed applicable criteria;
- **Transport** – including:
  - an assessment of the peak and average traffic generation, including over-dimensional vehicles and construction worker transportation;
  - an assessment of the likely transport impacts to the site access route (including New England Highway, Waterfall Way (Grafton Road), Gara Road and Silverton Road), site access point(s), any Crown land, particularly in relation to the capacity and condition of the roads;
  - a cumulative impact assessment of traffic from nearby developments;
  - a description of any proposed road upgrades developed in consultation with the relevant road and rail authorities (if required); and
  - a description of the measures that would be implemented to mitigate any transport impacts during construction;
- **Water** – including:
  - an assessment of the likely impacts of the development (including flooding) on surface water and groundwater resources (including Gara River and Commissioners Waters (and their tributaries), drainage channels, wetlands, riparian land, farm dams, groundwater dependent ecosystems and acid sulfate soils), related infrastructure, adjacent licensed water users and basic landholder rights, and measures proposed to monitor, reduce and mitigate these impacts;
  - details of water requirements and supply arrangements for construction and operation; and
  - a description of the erosion and sediment control measures that would be implemented to mitigate any impacts in accordance with *Managing Urban Stormwater: Soils & Construction* (Landcom 2004);
- **Hazards and Risks** – including:
  - a preliminary risk screening in accordance with State Environmental Planning Policy No. 33 (DoP, 2011), and if the preliminary risk screening indicates the development is “potentially hazardous”, a Preliminary Hazard Analysis (PHA) must be prepared in accordance with Hazard Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis (DoP, 2011) and *Multi-Level Risk Assessment* (DoP, 2011); and
  - an assessment of potential hazards and risks including but not limited to bushfires, spontaneous ignition, electromagnetic fields or the proposed grid

	<p>connection infrastructure against the International Commission on Non-Ionizing Radiation Protection (ICNIRP) <i>Guidelines for limiting exposure to Time-varying Electric, Magnetic and Electromagnetic Fields</i>.</p> <ul style="list-style-type: none"> <li>· <b>Socio-Economic</b> – including an assessment of the likely impacts on the local community, demands on Council infrastructure and a consideration of the construction workforce accommodation; and</li> <li>· <b>Waste</b> – identify, quantify and classify the likely waste stream to be generated during construction and operation, and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste.</li> </ul>
<b>Consultation</b>	<p>During the preparation of the EIS, you should consult with relevant local, State or Commonwealth Government authorities, infrastructure and service providers, community groups, affected landowners, exploration licence holders, quarry operators and mineral title holders.</p> <p>In particular, you must undertake detailed consultation with affected landowners surrounding the development and Armidale Regional Council.</p> <p>The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p>
<b>Further consultation after 2 years</b>	<p>If you do not lodge a development application and EIS for the development within 2 years of the issue date of these SEARs, you must consult further with the Secretary in relation to the preparation of the EIS.</p>
<b>References</b>	<p>The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this proposal.</p>

## ATTACHMENT 1

### Environmental Planning Instruments, Policies, Guidelines & Plans

Biodiversity	
	Biodiversity Assessment Method (OEH)
	Threatened Species Assessment Guidelines - Assessment of Significance (OEH)
	Biosecurity Act 2015
	Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (DPI)
	Policy and Guidelines for Fish Habitat Conservation and Management (DPI)
Heritage	
	Aboriginal Cultural Heritage Consultation Requirements for Proponents (OEH)
	Code of Practice for Archaeological Investigations of Objects in NSW (OEH)
	Guide to investigating, assessing and reporting on aboriginal cultural heritage in NSW (OEH).
	NSW Heritage Manual (OEH)
Land	
	Primefact 1063: Infrastructure proposals on rural land (DPI)
	Establishing the social licence to operate large scale solar facilities in Australia: insights from social research for industry (ARENA)
	Local Land Services Act 2013
	Australian Soil and Land Survey Handbook (CSIRO)
	Guidelines for Surveying Soil and Land Resources (CSIRO)
	The land and soil capability assessment scheme: second approximation (OEH)
	Land Use Conflict Risk Assessment Guide (Dol – L&W)
Noise	
	NSW Noise Policy for Industry (EPA)
	Interim Construction Noise Guideline (EPA)
	NSW Road Noise Policy (EPA)
Light	
	Dark Sky Planning Guideline: Protecting the observing conditions at Siding Spring (DPE)
Transport	
	Guide to Traffic Generating Developments (RTA)
	Austroroads Guide to Road Design & relevant Australian Standards
	Austroroads Guide to Traffic Management Part 12: Traffic Impacts of Development
Water	
	Managing Urban Stormwater: Soils & Construction (Landcom)
	Floodplain Development Manual (OEH)
	Guidelines for Controlled Activities on Waterfront Land (DPI Water)
	Water Sharing Plans (DPI Water)
	Floodplain Management Plan (DPI Water)
	Guidelines for developments adjoining land and water managed by OEH (OEH)
	Guidelines for Watercourse Crossings on Waterfront Land (DPI Water)
Hazards and Risks	
	Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis (DPE)
	Multi-Level Risk Assessment (DPE)

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State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33 (DoP, 2011)

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<b>Waste</b>
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Waste Classification Guidelines (EPA)
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<b>Electromagnetic Interference</b>
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ICNIRP Guidelines for limiting exposure to Time-varying Electric, Magnetic and Electromagnetic Fields
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<b>Environmental Planning Instruments</b>
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State Environmental Planning Policy (State and Regional Development) 2011
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State Environmental Planning Policy (Infrastructure) 2007
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State Environmental Planning Policy (Primary Production and Rural Development) 2019
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State Environmental Planning Policy No. 44 – Koala Habitat Protection
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State Environmental Planning Policy No. 55 – Remediation of Land
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Armidale Dumaresq Local Environmental Plan 2012
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## **ATTACHMENT 2**

Government Authority Responses to Request for Key Issues