

Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*

Part 8 of the *Environmental Planning and Assessment Regulation 2021*

Application Number	SSD-29491142
Project	<p>Cobbora Solar farm which includes:</p> <ul style="list-style-type: none"> • The construction, operation and decommissioning of a solar photovoltaic (PV) energy generating facility with an estimated capacity up to 700MW: and • Associated infrastructure, including battery storage of up to 200MW/200MWh
Location	Golden Highway, 6km south-west of Cobbora within Dubbo Regional and Warrumbungle Shire local government areas
Proponent	MARBLE ENERGY PTY LTD
Date of Issue	16 October 2023
SEARs expire	11 November 2024
General Requirements	<p>The environmental impact statement (EIS) for the development must comply with the requirements in part 8, Division 5 of the <i>Environmental Planning and Assessment Regulation 2021</i> (the Regulation) and must have regard to the <i>State Significant Development Guidelines</i> and <i>Large-scale Solar Energy Guideline (2022)</i>.</p> <p>In particular, the EIS must include:</p> <ul style="list-style-type: none"> • a stand-alone executive summary; • a full description of the development, including: <ul style="list-style-type: none"> - details of construction, operation and decommissioning, including any staging of the development; - a high quality site plan at an adequate scale showing all infrastructure and facilities (including any infrastructure that would be required for the development, but the subject of a separate approvals process); - a high quality detailed constraints map identifying the key environmental and other land use constraints that have informed the final design of the development; • 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 energy facilities, Crown lands within and adjacent to the project site, rural residential development and subdivision potential); • a risk assessment of the potential impacts of the development, identifying the key issues for further assessment;

- an assessment of the likely impacts of the development on the environment, focusing on the specific issues identified below, including:
 - a description of the existing environment likely to be affected by the development using sufficient baseline data;
 - 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, any road upgrades and existing or proposed developments in the region, taking into consideration any relevant legislation, environmental planning instruments, guidelines, policies, plans and industry codes of practice including the *Cumulative Impact Assessment Guideline* (DPIE, Oct 2022) (application subject to transitional arrangements) including but not limited to Spicers Creek Wind Farm, Dunedoo Solar Farm, Tallawang Solar Farm, Birriwa Solar Farm and Barneys Reef Wind Farm.
 - 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
 - a description of the measures that would be implemented to monitor and report on the environmental performance of the development;
- a consolidated summary of all the proposed environmental management and monitoring measures, identifying all the commitments in the EIS;
- a detailed evaluation of the merits of project as a whole having regard to:
 - the requirements in Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and how the principles of ecologically sustainable development have been incorporated in the design, construction and ongoing operations of the development;
 - the suitability of the site with respect to potential land use conflicts with existing and future surrounding land uses; and
 - feasible alternatives to the development (and its key components), including the consequences of not carrying out the development;
- 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; and

Capital Investment Value and Employment

- Provide a detailed calculation of the capital investment value (CIV) of the development, prepared by an AIQS Certified Quantity Surveyor or RICS Chartered Quantity Surveyor in accordance with Planning Circular PS 21-020: Calculation of Capital Investment Value. The calculation of the estimated CIV is to be accurate at the date of application and includes details of all components and assumptions from which it is derived.
- Provide an estimate of the jobs that will be created during the construction and operational phases of the proposed development, including details of the methodology to determine the figures provided.

The development application must be accompanied by

- the consent of the owner/s of the land (as required in Section 23(1) of the EP&A Regulation); and
- a declaration from a Registered Environmental Assessment Practitioner

	<p>that the EIS includes the information specified in the Department's Registered Environmental Assessment Practitioner Guidelines.</p>
<p>Key issues</p>	<p>The EIS must address the following specific matters:</p> <p>Biodiversity – including:</p> <ul style="list-style-type: none"> - 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 BCS and DPIE determine the proposed development is not likely to have any significant impacts on biodiversity values; - 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; - an assessment of the likely impacts on listed aquatic threatened species, populations or ecological communities, scheduled under the <i>Fisheries Management Act 1994</i>, and a description of the measures to minimise and rehabilitate impacts, including potential impacts on Sandy Creek and Laheys Creek and - if an offset is required, details of the measures proposed to address the offset obligation. <p>Heritage – including:</p> <ul style="list-style-type: none"> - an assessment of the impact to Aboriginal cultural heritage items (cultural and archaeological) in accordance with the <i>Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW</i> (OEH, 2011) and the <i>Code of Practice for the the Archaeological Investigation of Aboriginal Objects in NSW</i> (DECCW, 2010), including results of archaeological test excavations (if required); - evidence of consultation with Aboriginal communities in determining and assessing impacts, developing options and selecting options and mitigation measures (including the final proposed measures), having regard to the <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents</i> (DECCW, 2010); and - assess the impact to historic heritage having regard to the <i>NSW Heritage Manual</i>. <p>Land – including:</p> <ul style="list-style-type: none"> - a detailed justification of the suitability of the site and that the site can accommodate the proposed development having regard to its potential environmental impacts, permissibility, strategic context and existing site constraints; - 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"> o agricultural land, flood prone land, Crown lands, mining, quarries, mineral or petroleum rights; o a soil survey to determine the soil characteristics and consider the potential for erosion to occur; and o a cumulative impact assessment of nearby developments; - 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"> o consideration of the zoning provisions applying to the land, including subdivision; o completion of a Land Use Conflict Risk Assessment in accordance with the Department of Industry's <i>Land Use Conflict Risk Assessment Guide</i>; and o assessment of impact on agricultural resources and agricultural

production on the site and region.

Visual – including a detailed assessment of the likely visual impacts (including night lighting) of all components of the project (including transmission lines and any other ancillary infrastructure) on surrounding residences, scenic or significant vistas, Siding Spring Observatory in accordance with the *Dark Sky Planning Guideline* (DPE 2018) and road corridors in the public domain;

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;

Glint and Glare – provide a glint and glare assessment prepared in accordance with the Solar Guideline.

Transport – including:

- an assessment of the peak and average traffic generation, including over-dimensional vehicles / heavy vehicles requiring escort, construction worker transportation and transport of materials by rail;
- an assessment of the likely transport impacts to the site access route (including, but not limited to, Golden Highway, Spring Ridge Road Danabar Road, Sandy Creek Road, Seeneys Lane and Tallawonga Road), site access point(s), particularly in relation to the capacity and condition of the roads;
- a cumulative impact assessment of traffic from nearby developments including Spices Creek Wind Farm, Dunedoo Solar Afarm, Birriwa Solar Farm, Tallawang Solar Farm and Barneys Reef Wind Farm; and
- provide details of measures to mitigate and / or manage potential impacts including a schedule of all required road upgrades (including resulting from heavy vehicle, over mass-over dimensional vehicles / heavy vehicles requiring escort traffic haulage routes), road maintenance contributions, and any other traffic control measures, developed in consultation with the relevant road authority;

Water – including:

- a detailed and consolidated site water balance and an assessment of the likely impacts of the development (including flooding) on surface water and groundwater resources (including Sandy Creek and Laheys Creek traversing the site and surrounding watercourses, 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);
- assessing the impacts of the development, including any changes to flood risk and overland flows on-site or off-site, and detail design solutions and operational procedures to mitigate flood risk where required;
- where the project involves works within 40 metres of any river, lake or wetlands (collectively waterfront land), identify likely impacts to the waterfront land, and how the activities are to be designed and implemented

	<p>in accordance with the DPI <i>Guidelines for Controlled Activities on Waterfront Land</i> (2018) and (if necessary) <i>Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings</i> (DPI 2003), and <i>Policy & Guidelines for Fish Habitat Conservation & Management</i> (DPE, 2013).</p> <p>Hazards – including:</p> <ul style="list-style-type: none"> - a preliminary risk screening completed in accordance with <i>State Environmental Planning Policy (Resilience and Hazards)</i> and <i>Applying SEPP 33</i> (DoP, 2011); - a Preliminary Hazard Analysis (PHA) must be prepared in accordance with the <i>Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'</i> and <i>Multi-Level Risk Assessment</i> (DoP, 2011); The PHA must consider all recent standards and codes and verify separation distances to on-site and off-site receptors to prevent fire propagation and compliance with <i>Hazardous Industry Advisory Paper No. 4, 'Risk Criteria for Land Use Safety Planning'</i> (DoP, 2011); and - an assessment of potential hazards and against the RFS <i>Planning for Bushfire Protection 2019</i>, electromagnetic fields or the proposed grid connection infrastructure against the <i>International Commission on Non-Ionizing Radiation Protection (ICNIRP) Guidelines for limiting exposure to Time-varying Electric, Magnetic and Electromagnetic Fields</i> <p>Social and Economic – including an assessment of the social and economic impacts in accordance with <i>Social Impact Assessment Guideline</i> (DPE, Feb 2023), any benefits of the project for the region and the State as a whole, including consideration of any increase in demand for community infrastructure services, detailed assessment of construction workforce accommodation (including cumulative impacts), assessment of impact on agricultural resources and agricultural production on the site and region; and</p> <p>Waste – including:</p> <ul style="list-style-type: none"> - 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; and - provide a waste management plan prepared in accordance with the Solar Guideline.
Plans and Documents	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Part 8 of the Regulation. Provide these as part of the EIS rather than as separate documents.</p> <p>In addition, the EIS must include the following high-quality files of maps and figures of the subject site and proposal.</p>
Legislation, Policies & Guidelines	<p>The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified.</p> <p>A list of some of the legislation, policies and guidelines that may be relevant to the assessment of the project can be found at:</p> <ul style="list-style-type: none"> • https://www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Rapid-Assessment-Framework/Improving-assessment-guidance • https://www.planningportal.nsw.gov.au/major-projects/assessment/policies

	<p>-and-guidelines; and</p> <ul style="list-style-type: none"> • http://www.environment.gov.au/epbc/publications#assessments
Consultation	<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 and any exploration licence and/or mineral title holders.</p> <p>In particular, you must undertake detailed consultation with affected landowners surrounding the development, Warrumbungle Shire Council and Dubbo Regional Council (including regarding water supply, waste, wastewater, accommodation and traffic), Crown Lands, NSW Aboriginal Land Council, Transport for NSW and APA Group.</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.</p> <p>Where amendments have not been made to address an issue, an explanation should be provided.</p> <p>The EIS must:</p> <ul style="list-style-type: none"> • detail how engagement undertaken was consistent with the <i>Undertaking Engagement Guidelines for State Significant Projects</i> (DPIE, Oct 2022); and • 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, an explanation should be provided.
Expiry Date	<p>If you do not lodge a Development Application and EIS for the development by 11 November 2024, your SEARs will expire. If an extension to these SEARs will be required, please consult with the Planning Secretary 3 months prior to the expiry date.</p>