



APPENDIX 1

SEARs Table and Checklist

SEARs Checklist

Table 1 Secretary's Environmental Assessment Requirements

Requirement	Addressed in EIS
General Requirements	
<ul style="list-style-type: none"> • a stand-alone executive summary; 	Executive Summary
<ul style="list-style-type: none"> • 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); 	Section 3.0 Figure 3.1
<ul style="list-style-type: none"> • 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 existing land use, other proposed or approved solar and major projects, rural/residential development, Crown lands within and adjacent to the project site and subdivision potential) having regard to the Solar Guideline; 	Section 2.0 Section 7.1 Section 7.2
<ul style="list-style-type: none"> • 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"> ○ 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 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 <i>Solar Guideline and Cumulative Impact Assessment Guideline</i> ○ 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; 	Section 2.5 Section 6.0
<ul style="list-style-type: none"> • a consolidated summary of all the proposed environmental management and monitoring measures, identifying all the commitments in the EIS; 	Appendix 5
<ul style="list-style-type: none"> • a detailed evaluation of the merits of the project as a whole having regard to: <ul style="list-style-type: none"> ○ the requirements in Section 4.15 of the <i>Environmental Planning and 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; ○ 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, and the consequences of not carrying out the development; 	Appendix 3 Section 7.4 Section 2.8
<ul style="list-style-type: none"> • 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 	Section 2.1

Requirement	Addressed in EIS
<ul style="list-style-type: none"> a signed statement from the author of the EIS, certifying that the information contained within the document is neither false nor misleading; 	EIS Declaration
<ul style="list-style-type: none"> The EIS must also be accompanied by: <ul style="list-style-type: none"> a report from a AIQS Certified Quantity Surveyor or RICS Chartered Quantity Surveyor providing a detailed calculation of the capital investment value (CIV) (as defined in Schedule 7 of the EP&A Regulation) of the proposal, including details of all assumptions and components from which the CIV calculation is derived. The report shall be prepared on company letterhead and indicate applicable GST component of the CIV and include certification that the information provided is accurate for the development at the time of application; 	Appendix 20
<ul style="list-style-type: none"> an estimate of the jobs that will be created during the construction and operational phases of the proposed development. 	Section 3.4 Section 3.5
<ul style="list-style-type: none"> 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). 	Appendix 4
Key Issues	
Biodiversity	
<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) 2020 and documented in a Biodiversity Development Assessment Report (BDAR), including a detailed description of the proposed regime for avoiding, minimising, managing and reporting on the biodiversity impacts (including on grasslands) of the development over time, and a strategy to offset any residual impacts of the development in accordance with the BC Act 	Section 6.11 Appendix 14
<ul style="list-style-type: none"> 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 impacts to Physics Creek; and 	Section 2 and Section 9.8 BDAR (Appendix 14)
<ul style="list-style-type: none"> if an offset is required, details of the measures proposed to address the offset obligations. 	Section 6.11.4.1 Appendix 13
Heritage	
<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 Code of Practice for the <i>Archaeological Investigation of Aboriginal Objects in NSW</i> (DECCW, 2010), including results of archaeological test excavations (if required); 	Section 6.12 Appendix 15
<ul style="list-style-type: none"> 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 Aboriginal Cultural Heritage Consultation Requirements for <i>Proponents</i> (DECCW, 2010); and 	Section 6.12.2 Appendix 15
<ul style="list-style-type: none"> assess the impact to historic heritage having regard to the NSW Heritage Manual. 	Section 6.13 Appendix 16

Requirement	Addressed in EIS
Land	
<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, having regard to the Solar Guideline; 	Section 6.14 Appendix 17
<ul style="list-style-type: none"> 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"> flood prone land, Crown lands, mining, quarries, mineral or petroleum rights; a soil survey to determine the soil characteristics and consider the potential for erosion to occur; and a cumulative impact assessment of nearby developments; 	Section 6.14 Appendix 17
<ul style="list-style-type: none"> an assessment of the compatibility of the development with existing land uses, during construction, operation and after decommissioning, including subdivision (if required); and 	Section 6.14 Appendix 17
<ul style="list-style-type: none"> an assessment of the agricultural impacts in accordance with the Solar Guideline. 	Section 6.14 Appendix 17
Landscape and Visual	
<ul style="list-style-type: none"> a landscape and visual impact assessment, prepared in accordance with the Solar Guideline and the Technical Supplement – Landscape and Visual Impact Assessment; 	Section 6.8 Appendix 11 and Appendix 12
<ul style="list-style-type: none"> a detailed assessment of the likely visual impacts (including night lighting) of all components of the project on surrounding residences (including approved developments, lodged development applications and dwelling entitlements), and key locations, scenic or significant vistas and road corridors in the public domain; and 	Section 6.8 Appendix 11 and Appendix 12
<ul style="list-style-type: none"> details of measures to mitigate and/or manage potential impacts (including a draft landscaping plan for on-site perimeter planting, with evidence it has been developed in consultation with affected landowners); 	Section 6.8.3 Appendix 11 and Appendix 12
Glint and Glare	
<ul style="list-style-type: none"> provide a glint and glare assessment prepared having regard to the Solar Guideline. 	Section 6.9
Noise	
<ul style="list-style-type: none"> 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 <i>NSW Noise Policy for Industry (2017)</i>, 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; 	Section 6.16 Appendix 19
Transport	
<ul style="list-style-type: none"> an assessment of the peak and average traffic generation, including over-dimensional vehicles and construction worker transportation; 	Section 6.10 Appendix 13
<ul style="list-style-type: none"> an assessment of the likely transport impacts to the site access route(s), site access point(s), any Crown land, particularly in relation to the capacity and condition of the roads, road safety and intersection performance; 	Section 6.10 Appendix 13
<ul style="list-style-type: none"> a cumulative impact assessment of traffic from nearby developments; and 	Section 6.10.5 Appendix 13

Requirement	Addressed in EIS
<ul style="list-style-type: none"> provide details of measures to mitigate and/or manage potential impacts including a schedule of all required road upgrades (including resulting from heavy vehicle and over mass/over dimensional traffic haulage routes), road maintenance contributions, and any other traffic control measures, developed in consultation with the relevant road authorities; 	Section 6.10.7 Appendix 13
Water	
<ul style="list-style-type: none"> an assessment of the likely impacts of the development (including flooding) on surrounding watercourses (including their Strahler Stream Order) and groundwater resources and measures proposed to monitor, reduce and mitigate these impacts; 	Section 6.5 Appendix 9
<ul style="list-style-type: none"> details of water requirements and supply arrangements for construction and operation; and 	Section 3.7.1 Section 6.5.3
<ul style="list-style-type: none"> 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 in accordance with the DPI Guidelines for Controlled Activities on Waterfront Land (2018) and (if necessary) Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (DPI 2003), and Policy & Guidelines for Fish Habitat Conservation & Management (DPE, 2013); and 	Section 6.5.3 Appendix 9
<ul style="list-style-type: none"> a description of the erosion and sediment control measures that would be implemented to mitigate any impacts in accordance with <i>Managing Urban Stormwater: Soils & Construction</i> (Landcom 2004); 	Section 6.5, Section 6.14, Appendix 9 and Appendix 17
Hazards	
<ul style="list-style-type: none"> a preliminary risk screening completed in accordance with <i>State Environmental Planning Policy (Resilience and Hazards)</i>; 	Section 6.7.1.3 Appendix 10
<ul style="list-style-type: none"> a Preliminary Hazard Analysis (PHA) must be prepared in accordance with Hazardous Industry Planning Advisory Paper No. 6 – Guideline for Hazard Analysis (DoP, 2011) and Multi-Level Risk Assessment (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 Hazardous Industry Advisory Paper No. 4, ‘Risk Criteria for Land Use Safety Planning (DoP, 2011); and 	Section 6.7.1 Appendix 10
<ul style="list-style-type: none"> an assessment of potential hazards and risks including but not limited to fires, spontaneous ignition, 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>; 	Section 6.7
<ul style="list-style-type: none"> identify potential hazards and risks associated with bushfires / use of bushfire prone land including the risks that a solar farm would cause bush fire and demonstrate compliance with <i>Planning for Bush Fire Protection 2019</i>; 	Section 6.4
Social	
<ul style="list-style-type: none"> including an assessment of the social impacts in accordance with <i>Social Impact Assessment Guideline</i> (DPIE, July 2021) and consideration of construction workforce accommodation 	Section 6.3 Appendix 7
Economic	
<ul style="list-style-type: none"> including an assessment of the economic impacts or benefits of the project for the region and the State as a whole, and 	Section 6.15 Appendix 18

Requirement	Addressed in EIS
Waste	
<ul style="list-style-type: none"> identify, quantify and classify the likely waste stream to be generated throughout all stages of the project, and describe the measures to be implemented to reduce waste generation, manage, reuse, recycle and safely dispose of this waste; and 	Section 6.17
<ul style="list-style-type: none"> provide a waste management plan prepared in accordance with the Solar Guideline. 	A waste management plan will be prepared by Ark Energy Prior to construction of the Project
Plans and Documents	
<ul style="list-style-type: none"> The EIS must include all relevant plans, diagrams and relevant documentation required under Part 3 of the EP&A Regulation. Provide these as part of the EIS rather than as separate documents. 	Provided
<ul style="list-style-type: none"> In addition, the EIS must include high quality files of maps and figures of the subject site and proposal. 	Appendix 2
Legislation, Policies and Guidelines	
<ul style="list-style-type: none"> The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. A list of some of the legislation, policies and guidelines that may be relevant to the assessment of the project can be found at: <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-and-guidelines; and http://www.environment.gov.au/epbc/publications#assessments 	Section 2.0 Section 6.0 Appendix 3
Consultation	
<ul style="list-style-type: none"> During the preparation of the EIS, you should consult with the relevant local, State or Commonwealth Government authorities, infrastructure and service providers, community groups, affected landowners and any exploration licence and/or mineral title holders. In particular, you must undertake detailed consultation with affected landowners surrounding the development, Richmond Valley Council and relevant government agencies. The EIS must: <ul style="list-style-type: none"> detail how engagement undertaken was consistent with the <i>Undertaking Engagement Guidelines for State Significant Projects</i> (DPIE, 2021); 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. 	Section 5.0 Section 6.3 Appendix 4 Appendix 7

Table 2 Summary of Assessment Requirement (Supplementary SEARs)

Requirement	Addressed in the EIS or BDAR
<p>3. The proponent must undertake an assessment of all Section 9.1 and Ap that may be impacted by the development under the controlling provision identified in paragraph 1. The Commonwealth Federal Minister for the Environment and Water considers that the proposed action is likely to have a significant impact on threatened species and communities listed in Appendix A.</p>	<p>Section 6.11.3 of the EIS and Section 9.1 and Appendix 5 of the BDAR</p>
Specific Risks	
<p>Key risks associated with the proposed action from the Commonwealth perspective include:</p> <ul style="list-style-type: none"> • That the proposed activities may have significant direct impacts upon the following listed threatened species via: <ul style="list-style-type: none"> ○ clearing of native vegetation used for foraging and/or breeding which constitutes habitat critical to survival ○ the installation of project infrastructure such as (but not limited to) temporary and permanent fencing, leading to the fragmentation of potentially important habitat and populations. 	<p>Noted</p>
<ul style="list-style-type: none"> • That the proposed activities may result in indirect impacts upon the following listed threatened species via: <ul style="list-style-type: none"> ○ Trucks and other vehicular movements associated with construction may result in vehicle strikes and interfere with fauna movement through and between habitat areas. 	<p>Noted</p>
Threatened Species and Communities	
<p>Based on the information in the referral documentation, the location of the action, species records and likely habitat present in the area, there are likely to be significant impacts to:</p>	<p>Section 6.11.3.8 of the EIS and Section 9 of the BDAR (Appendix 14 of the EIS)</p>
<p>Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>) – vulnerable</p>	
<p>Koala (<i>Phascolarctos cinereus</i>) (combined populations of Queensland, New South Wales and the Australian Capital Territory – endangered)</p>	
<p>Slaty Red Gum (<i>Eucalyptus glaucina</i>) – vulnerable</p>	
<p>Additionally, there is some risk that there may be significant impacts on the following matters and further assessment to determine if the communities and species listed below are present in the proposed action area and, if so, the extent to which they may be impacted by the proposed action, is required:</p>	<p>Section 6.11.4 of the EIS and Section 9 of the BDAR</p>
<p>Subtropical eucalypt floodplain forest and woodland of the New South Wales North Coast and South East Queensland bioregions – endangered</p>	
<p>Giant Barred Frog, Southern Barred Frog (<i>Mixophyes iteratus</i>) – vulnerable</p>	
<p>Scrub Turpentine, Brown Malletwood (<i>Rhodamnia rubescens</i>) – critically endangered</p>	
<p>Native Guava (<i>Rhodomyrtus psidioides</i>) – critically endangered</p>	
<p>Rupp’s Wattle (<i>Acacia ruppiae</i>) – endangered</p>	
Relevant Regulations	
<p>5. The Environmental Impact Statement (EIS) must address all matters outlined in Schedule 4 of the EPBC Regulations and all matters outlined below in relation to the controlling provisions.</p>	<p>Noted</p>

Requirement	Addressed in the EIS or BDAR
Project Description	
6. The title of the action, background to the action and current status.	Section 1.0
7. The precise location and description of all works to be undertaken (including associated offsite works and infrastructure), structures to be built or elements of the action that may have impacts on Matters of National Environmental Significance (MNES).	Section 3.0
8. How the action relates to any other actions that have been, or are being taken in the region affected by the action.	Section 2.0 and Section 6.11
9. How the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts on MNES.	Section 3.0 and Section 6.11
Impacts	
10. The EIS must include an assessment of the relevant impacts of the action on the matters protected by the controlling provisions, including:	
i. a description and detailed assessment of the nature and extent of the likely direct, indirect and consequential impacts, including short term and long term relevant impacts;	Section 6.11.3 of the EIS and Section 6 and Appendix 5 of BDAR (Appendix 14 of the EIS)
ii. a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;	Section 6.11.3.5 of the EIS and Section 6.4 of BDAR (Appendix 14 of the EIS)
iii. analysis of the significance of the relevant impacts; and iv. any technical data and other information used or needed to make a detailed assessment of the relevant impacts.	Section 6.11.3.8 of the EIS and Section 9 and Appendix 5 of the BDAR
Avoidance, Mitigation and Offsetting	
11. For each of the relevant matters protected that are likely to be significantly impacted by the action, the EIS must provide information on proposed avoidance and mitigation measures to manage the relevant impacts of the action including:	
i. a description, and an assessment of the expected or predicted effectiveness of the mitigation measures;	Appendix 5 of the BDAR (Appendix 14 of the EIS)
ii. any statutory policy basis for the mitigation measures;	
iii. the cost of the mitigation measures;	
iv. an outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing;	
v. the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program.	
12. Where a significant residual adverse impact to a relevant protected matter is considered likely, the EIS must provide information on the proposed offset strategy, including discussion of the conservation benefit associated with the proposed offset strategy.	Appendix 5 of the BDAR (Appendix 14 of the EIS)

Requirement	Addressed in the EIS or BDAR
13. For each of the relevant matters likely to be impacted by the action the EIS must provide reference to, and consideration of, relevant Commonwealth guidelines and policy statements including any:	
i. conservation advice or recovery plan for the species or community;	Appendix 5 of the BDAR (Appendix 14 of the EIS)
ii. relevant threat abatement plan for the species or community;	
iii. wildlife conservation plan for the species; and	
iv. any strategic assessment.	
14. In addition to the general requirements described above, specific information is required with respect to each of the determined controlling provisions. These requirements are outlined in paragraphs 15–17.	
Key Issues	
Biodiversity	
15. The EIS must identify each EPBC Act listed threatened species and community and migratory species likely to be impacted by the action. For any species and communities that are likely to be impacted, the proponent must provide a description of the nature, quantum and consequences of the impacts. For species and communities potentially located in the project area or in the vicinity that are not likely to be impacted, provide evidence why they are not likely to be impacted.	Appendix 5 of the BDAR (Appendix 14 of the EIS)
16. For each of the EPBC Act listed threatened species and communities and migratory species likely to be impacted by the action the EIS must provide a separate:	
a. description of the habitat (including identification and mapping of suitable breeding habitat, suitable foraging habitat, important populations and habitat critical for survival), with consideration of, and reference to, any relevant Commonwealth guidelines and policy statements including listing advice, conservation advice and recovery plans;	Appendix 5 of the BDAR (Appendix 14 of the EIS)
b. details of the scope, timing and methodology for studies or surveys used and how they are consistent with (or justification for divergence from) published Australian Government guidelines and policy statements;	
c. description of the relevant impacts of the action having regard to the full national extent of the species or community's range; and	
d. description of the specific proposed avoidance and mitigation measures to deal with relevant impacts of the action;	
e. identification of significant residual adverse impacts likely to occur after the proposed activities to avoid and mitigate all impacts are taken into account;	
f. a description of any offsets proposed to address residual adverse significant impacts and how these offsets will be established;	
g. details of how the current published NSW Biodiversity Assessment Method (BAM) has been applied in accordance with the objects of the EPBC Act to offset significant residual adverse impacts; and	
h. details of the offset package to compensate for significant residual impacts including details of the credit profiles required to offset the action in accordance with the BAM and/or mapping and descriptions of the extent and condition of the relevant habitat and/or threatened communities occurring on proposed offset sites.	
17. Any significant residual impacts not addressed by the BAM may need to be addressed in accordance with the EPBC Act 1999 Environmental Offset Policy.	Appendix 5 of the BDAR (Appendix 14 of the EIS)

Requirement	Addressed in the EIS or BDAR
http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy .	
Other approvals and conditions	
18. Information in relation to any other approvals or conditions required must include the information prescribed in Schedule 4 Clause 5 (a) (b) (c) and (d) of the EPBC Regulations 2000.	Appendix 5 of the BDAR (Appendix 14 of the EIS)
Environmental Record of person proposing to take the action	
19. Information in relation to the environmental record of a person proposing to take the action must include details as prescribed in Schedule 4 Clause 6 of the EPBC Regulations 2000.	Submitted as part of the Referral for the Project under the EPBC Act
Information Sources	
20. For information given in an EIS, the EIS must state the source of the information, how recent the information is, how the reliability of the information was tested; and what uncertainties (if any) are in the information.	Appendix 5 of the BDAR (Appendix 14 of the EIS)

Table 3 SEARs Advice

Agency / Requirement	Addressed in EIS and/or specialist report
BCD (ref: DOC22/609142-6) – 25 July 2022	
<ul style="list-style-type: none"> The EIS must assess biodiversity impacts related to the project in accordance with Section 7.9 of the Biodiversity Conservation Act 2017 using the Biodiversity Assessment Method (BAM) and must document this assessment in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the Biodiversity Conservation Act 2016 (s6.12), Biodiversity Conservation Regulation 2017 (s6.8) and the BAM, unless the Biodiversity and Conservation Division and Planning and Assessment Group determine that the project is not likely to have any significant impacts on biodiversity values. 	Noted
<ul style="list-style-type: none"> 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. 	Section 6.11 of the EIS and Section 5 and Section 7 of the BDAR (Appendix 14 of the EIS)
<ul style="list-style-type: none"> The BDAR must include details of the measures proposed to address the offset obligation as follows: <ul style="list-style-type: none"> The total number and classes of biodiversity credits required to be retired for the project; The number and classes of like-for-like biodiversity credits proposed to be retired; The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules; Any proposal to fund a biodiversity conservation action; Any proposal to conduct ecological rehabilitation (if a mining project); Any proposal to make a payment to the Biodiversity Conservation Fund. 	Section 6.11 of the EIS and Section 8.3 and Section 11 of the BDAR (Appendix 14 of the EIS)

Agency / Requirement	Addressed in EIS and/or specialist report
<ul style="list-style-type: none"> ○ If seeking approval to use the variation rules, the BDAR must contain details of the reasonable steps that have been taken to obtain requisite like-for-like biodiversity credits. 	
<ul style="list-style-type: none"> ● The BDAR must be submitted with all spatial data associated with the survey and assessment as per Appendix 11 of the BAM. 	BAM plot spatial data is provided in Appendix 3.1 and Appendix 3.2 of the BDAR (Appendix 14 of the EIS)
<ul style="list-style-type: none"> ● The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 under s6.10 of the Biodiversity Conservation Act 2016. 	The BDAR has been prepared by a person accredited with the BAM (Mitchell Palmer BAAS17051).
<ul style="list-style-type: none"> ● The EIS should include an appropriate assessment of the potential impacts on the following threatened species known to occur within or near the project boundary: <ul style="list-style-type: none"> ○ Koala Phascolarctos cinereus ○ Squirrel Glider Petaurus norfolcensis ○ Emu population in the NSW North Coast Bioregion and Port Stephens Local Government Area Dromaius novaehollandiae ○ Slaty Red Gum Eucalyptus glaucina ○ Rufous Bettong Aepyprymnus rufescens 	Section 4, Section 6, Appendix 2 and Appendix 5 of the BDAR (Appendix 14 of the EIS)
Crown Lands (Record Number: 22/00069#89) – 8 Augst 2022	
<ul style="list-style-type: none"> ● The Environmental Impact Statement must clearly acknowledge the occurrence of the Crown roads, and ensure the proposal does not include any use or development of the road which is inconsistent with the right of members of the public to pass along a public road, as set out under the Roads Act 1993. 	Section 3.2 of the EIS
<ul style="list-style-type: none"> ● The proponent should consult with the Department regarding any proposed use of the Crown roads so that the relevant processes in relation to consent for works on roads, transfer to an appropriate Roads Authority or for roads to be closed and acquired, can be progressed. 	Section 3.2 of the EIS
DPI Agriculture (OUT22/11450) – 28 July 2022	
<ul style="list-style-type: none"> ● An Agricultural Impact Statement (AIS) is required as some of the site is mapped as draft State Significant Agricultural Land. The AIS should include an assessment of agriculture on the site and locality, and the changes due to the proposed development during construction and operation. The AIS should include an assessment of the state-wide scarcity of highly productive agricultural land and the relative amount of State Significant Agricultural Land in the Myrtle Creek locality and address the cumulative impacts of this proposal and other energy generation and transmission infrastructure in the vicinity. 	Section 6.14 of the EIS and Section 5.5 of the Soil and Agricultural Impact Assessment (Appendix 17)
<ul style="list-style-type: none"> ● Alternative site selection is not explored in the Scoping Report. We refer to the Department's revised Large Scale Solar Energy Guidelines, where it is requested proponents avoid important agricultural land, consider the agricultural capability of the land during the site selection process, and are strongly encouraged to select sites which have limited potential for sustained agricultural production. Accordingly justification for the site selection against the principles set out in the Guidelines should be provided. 	Section 2.8.2 of the EIS

Agency / Requirement	Addressed in EIS and/or specialist report
<ul style="list-style-type: none"> Identification of agricultural land sharing opportunities needs to be included during the operation of the solar farm. Groundcover management should be addressed as part of this. 	Section 3.5 of the EIS and Section 5.3 of the Soil and Agricultural Impact Assessment (Appendix 17)
<ul style="list-style-type: none"> In the operational and decommissioning plans, consideration should be given to underground cabling on the land. Our recommendation is such cabling be buried to a depth greater than 500mm for this land use or be completely removed upon decommissioning. This will enable the land to return to full production including cropping/pasture improvement programs using agricultural machinery. 	Section 3.6 of the EIS and Section 6.1 of the Soil and Agricultural Impact Assessment (Appendix 17)
<ul style="list-style-type: none"> The Rehabilitation and Decommissioning/Closure Management Plan should include a description of the final land use and landform, indicators which may be used to guide the return of the land back to agricultural production, along with the expected timeline for the rehabilitation program 	Section 6.1.2 of the Soil and Agricultural Impact Assessment (Appendix 17)
<ul style="list-style-type: none"> The soil survey referred to in the SEARS should also include baseline information that can be used to determine rehabilitation goals. 	Section 3.2.3 of the Soil and Agricultural Impact Assessment (Appendix 17)
<ul style="list-style-type: none"> An agricultural biosecurity management plan detailing construction and operational risks and controls in relation to pests, weeds, and diseases should be required. The relevant weed or pest animals for a region are described in the regional plans or strategies issued by NSW Local Land Services. 	Section 6.7.5 of the EIS and Section 5.4.2 of the Soil and Agricultural Impact Assessment (Appendix 17)
<ul style="list-style-type: none"> Potential impacts on limited agricultural resources and the ability to rehabilitate the land to enable continued agricultural investment are important issues requiring careful consideration and assessment. Industry guidelines and resource information (Attachment A) should also be provided to the proponent for their consideration when preparing the Environmental Impact Statement 	Resources provided to Ark Energy
DPI Fisheries (REF: C22/445) - 25 July 2022	
<ul style="list-style-type: none"> Information on the likely direct and indirect impacts to key fish habitat within and adjacent to the development footprint associated with construction and operation of the facility including impacts associated with development-related works (e.g. earthworks etc.) directly within key fish habitat, development-related works directly adjacent to key fish habitat, and hydrological impacts to adjacent and downstream key fish habitat; 	Section 5 of the EIS and Section 2.1 of the of the BDAR (Appendix 14 of the EIS)
<ul style="list-style-type: none"> Information on how the development will avoid, minimise and mitigate, and where necessary, offset development- and operational impacts to key fish habitat; and 	Section 5 of the EIS and Section 2.1 of the BDAR (Appendix 14 of the EIS)
<ul style="list-style-type: none"> Information, including a test of significance, for potential impacts to the threatened fish species Southern Purple Spotted Gudgeon. 	Appendix 2 of the BDAR (Appendix 13 of the EIS)
RFS (D22/61732) - 27 July 2022	
<ul style="list-style-type: none"> a bush fire assessment report shall be prepared which identifies the extent to which the proposed development conforms with or deviates from the relevant provisions of Planning for Bush Fire Protection 2019. 	Section 6.4 of the EIS and the Bushfire Threat Assessment (Appendix 17)

Agency / Requirement	Addressed in EIS and/or specialist report
Richmond Valley Council (ECM Property Nos 153915, 153930) 12 September 2022	
<ul style="list-style-type: none"> The solar farm is proposed to be located on part of the sites at Nos 255 and 420 Avenue Road, Myrtle Creek. Both of these sites comprise multiple allotments. The Scoping Report notes that the proposal relates to Lot 1 DP 540060 and Lot 32 DP 755607 (No. 255 Avenue Road). However, the subject site, as depicted in all Figures within the report, encroaches Lot 34 DP 755607 (No. 255 Avenue Road). It is unclear why the subject lot has not included. The proposed grid connection to the TranGrid powerlines to the north-west, would require the subject lot to form part of the development site. The EIS shall provide accurate site and lot details. It should also clarify the portions of each lot and the overall site is subject of the proposal and how the remaining part of the sites will be used. 	<p>Appendix 2 of the EIS</p> <p>Section 3 of the EIS</p>
<ul style="list-style-type: none"> It is noted that a Scoping Report (Report No. 22104/REP, dated 23 December 2020), for a solar farm, also prepared by Premise on behalf Terrain Solar, was previously forwarded for Council comments (SSD-12360774). The proposal was described as <ul style="list-style-type: none"> Myrtle Creek Solar Farm with a capacity of approximately 100 megawatts on part of the land holdings at 420 Avenue Road, Myrtle Creek. It is unclear how these two solar farms on the same sites will function operationally. Additionally, a third solar farm described as Summerville Solar Farm, is proposed in the same locality, within a 5-10-kilometre radius, to the western side of Summerland Way. All three Scoping Reports have been prepared in isolation of the remaining solar farms with respect to assessment of the potential impacts. The EIS must have regard for the cumulative impacts associated with multiple solar farms adjacent/in close proximity to each other in the region. In this regard, potential cumulative impacts on rural land uses, sensitive receivers, biodiversity, visual, transport/traffic generation, road capacity, and other similar matters must be considered. All supporting reports must assess and address the cumulative impacts. Consideration must be given to stage the construction of various solar farms in the area, particularly in relation to transport, traffic, and noise. 	<p>Appendix 2 and Appendix 22 of the EIS</p> <p>Section 3 of the EIS</p>
<ul style="list-style-type: none"> The subject development site is zoned part RU1 – Primary Production and part E2 – Environmental Conservation pursuant to the Richmond Valley Local Environmental Plan (RVLEP) 2012. The EIS shall demonstrate functionality of the residual part of the sites zoned as RU1 – Primary Production and how the sites meet objectives of the zone as well as the minimum lot size requirements of the RVLEP 2012. In addition, the EIS shall address potential loss of agriculture land and alienation of primary production land. 	<p>Section 3.2, Section 3.4 6 and Section 5 of the EIS</p>
<ul style="list-style-type: none"> Clarification is required in respect to the operational timeframe of the proposed solar farm, as it ranges between 20 to 30 years in the Scoping Report. <ul style="list-style-type: none"> A rehabilitation strategy must be prepared that ensures the whole of the area is returned to a standard at least equivalent to, but preferably higher than its predevelopment form. The strategy must provide for the removal of all above ground structures and subsurface cabling, conduits, foundations, or the like. It is recommended that as part of the rehabilitation strategy, provision for financial security of the works such as a rehabilitation bond should be considered. 	<p>Section 3 and Appendix 21 of the EIS</p>

Agency / Requirement	Addressed in EIS and/or specialist report
<ul style="list-style-type: none"> ○ Areas of higher biodiversity value should be enhanced to contribute to improved environmental outcomes for the site at commencement. Agricultural capability and soil assessment should be undertaken prior to development to provide a baseline for restoration if required. 	
<ul style="list-style-type: none"> ● It is unclear how the ground surface underneath and in between the photovoltaic solar panel modules and associated infrastructure will be maintained and managed during the operational stage of the solar farm. Details of the on-going maintenance of the solar farm including management of pasture and weeds should be provided. <ul style="list-style-type: none"> ○ The proposal must ensure soft surfaces are maximised, and that suitable treatments are provided near watercourses, waterbodies, and adjacent to areas of retained vegetation. Where livestock are proposed to be utilised for groundcover management, a management plans should be provided to ensure degradation of the site does not occur. ○ The plans should include details of proposed earthworks, drainage and surface water management controls including avoidance of offsite impacts. There should Changes to existing ground levels should be avoided. 	<p>Section 5, Section 14, Appendix 10 and Appendix 17 of the EIS</p>
<ul style="list-style-type: none"> ● The following matters are to be considered and addressed as part of the Development Application and the EIS: <ul style="list-style-type: none"> ○ Removal of vegetation necessary for the installation of photovoltaic solar panel modules, access/ internal road construction and the supporting infrastructure shall be identified. The vegetation may have implications on the net total offsets which could be required for the development. 	<p>Section 5 of the EIS and Section 6 of the of the BDAR (Appendix 13 of the EIS)</p>
<ul style="list-style-type: none"> ○ Impact of an existing Private Native Forestry Plan that applies to Lots 32 and 34 DP) on the proposal 	<p>Section 5 of the EIS and Section 2.1 of the of the BDAR (Appendix 14 of the EIS)</p>
<ul style="list-style-type: none"> ○ A Construction Management Plan (CMP) detailing how the site will be managed in respect to access, traffic, storage of material, sediment erosion and run-offs and the like during the construction phase of the development. 	<p>To be completed prior to construction</p>
<ul style="list-style-type: none"> ○ Architectural Drawings that include a full site plan, identify part of the site that the subject proposal relates to, detail of earth works, elevation plans indicating height of the solar PV modules and the support structures, location of inverters and transformers, battery storage and the like. 	<p>Appendix 2 of the EIS</p>
<ul style="list-style-type: none"> ○ Details of the control room, number of staff and amenities. 	<p>Section 3 of the EIS</p>
<ul style="list-style-type: none"> ○ Owner's consent/s from all the relevant owners of the lots that the subject proposal relates to 	<p>Appendix 5 of the EIS</p>
<p>TfNSW (NTH22/00461/01) - 27 July 2022</p>	
<ul style="list-style-type: none"> ● A map of the surrounding road network identifying the site access, nearby accesses, intersections, relevant traffic route/s and connections to the classified (State) road network. 	<p>Section 6.10 of the EIS and Figure 5 of the TIA (Appendix 13)</p>
<ul style="list-style-type: none"> ● Assessment of all relevant vehicular traffic routes and intersections to / from the subject properties. 	<p>Section 6.10 of the EIS and Section 2.3 of the TIA (Appendix 13)</p>

Agency / Requirement	Addressed in EIS and/or specialist report
<ul style="list-style-type: none"> Current traffic counts for all relevant traffic routes and relevant intersections, including connections to the classified (State) road network. 	Section 6.10 of the EIS and Section 2.5 of the TIA (Appendix 13)
<ul style="list-style-type: none"> The anticipated additional vehicular traffic generated from construction, operational and decommissioning stages of the project. 	Section 6.10 of the EIS and Section 4.1 to Section 4.3 of the TIA (Appendix 13)
<ul style="list-style-type: none"> The distribution on the road network of the trips generated by the proposed development. It is requested that the predicted traffic flows are shown diagrammatically to a level of detail sufficient for easy interpretation. 	Section 6.10 of the EIS and Section 4.0 of the TIA (Appendix 13)
<ul style="list-style-type: none"> Detailed assessment of all vehicular transport routes, relevant intersections and connections to the classified (State) road network for access to / from the proposed development site/s (including ancillary sites). 	Section 6.10 of the EIS and Section 2.3, Section 5.3 and Section 5.4 of the TIA (Appendix 13)
<ul style="list-style-type: none"> Assessment of Over Size Over Mass (OSOM) and heavy vehicle routes for all components associated with the construction of the solar farm and BESS, including swept path analysis for the largest design vehicle/s accessing the site and turning at relevant intersections along the classified (State) road network. 	Section 6.10 of the EIS and Section 4.0 of the TIA (Appendix 13)
<ul style="list-style-type: none"> Consideration of the traffic impacts on existing and proposed intersections, including access to the site, and the capacity of the local and classified road network to safely and efficiently cater for the additional vehicular traffic generated by the proposed development during construction, operational and decommissioning stages. <ul style="list-style-type: none"> Vehicle types to be considered: Commuter (employee and contractor) light vehicles and pool vehicles, Heavy (haulage) vehicles, Over size and over mass (OSOM) vehicles. 	Section 6.10 of the EIS and Section 5.2 and Section 5.3 of the TIA (Appendix 13)
<ul style="list-style-type: none"> Consideration of cumulative impacts to identify and assess the implications of any projects that will potentially be occurring simultaneously with the scheduling of the OSOM movements along the proposed OSOM routes, including but not limited to the scenario where the Myrtle Creek Solar Farm and/or Summerville Solar Farm and/or Clarence Valley Solar Farm were to have coinciding construction timeframes. The assessment should consider the following: <ul style="list-style-type: none"> The cumulative impacts from traffic generated from the construction workforces in terms of the routes, access, AM/PM peaks where there is overlap with other projects. The cumulative impacts of heavy vehicle movements in terms of AM/PM peaks and routes where there is an overlap with other projects. Cumulative impacts and consideration in relation to the timing of movements of OSOMs where other projects will be utilising the same routes as proposed for this development. Any potential for future expansion of the subject development and the potential impacts any such expansion would have on the development, the broader road network and the AM/PM peaks. It should be noted, any future expansion beyond the scope of the subject application, will require additional applications and approvals. 	Section 6.10 of the EIS and Table 12 in Section 4.5 and Section 5.3 (refer Table 19) and Section 5.4 (refer Table 21) of the TIA (Appendix 13)

Agency / Requirement	Addressed in EIS and/or specialist report
<ul style="list-style-type: none"> ○ Strategies to manage the risk of damage to public road assets where accelerated deterioration of the road pavement occurs during construction. 	
<ul style="list-style-type: none"> ● An assessment of turn treatment warrants in accordance with the Austroads Guide to Traffic Management Part 6 and Austroads Guide to Road Design Part 4A for each relevant intersection along the identified transport route/s, including connections to the classified (State) road network. 	<p>Section 6.10 of the EIS and Section 5.3 of the TIA (Appendix 13)</p>
<ul style="list-style-type: none"> ● Identify the necessary road network infrastructure upgrades that are required to cater for, and mitigate, the impact of project related traffic on both the local and classified road network for the development (for instance, road widening and/or intersection treatments). ● Strategic (2D) design drawings for any proposed road upgrades and the site access should be prepared to support the TIA and demonstrate the scope, estimated cost and constructability of works required to mitigate the impacts of the development on road safety, traffic efficiency and the integrity of transport infrastructure. All proposed works must be: <ul style="list-style-type: none"> ○ Designed in accordance with Austroads Guidelines, Australian Standards and TfNSW Supplements ○ Appropriately designed for the existing posted speed limit. ○ To the satisfaction of TfNSW and/or Council in accordance with relevant Roads Act functions. ○ To the satisfaction of TfNSW and/or Council in accordance with relevant Roads Act functions. ○ Submitted with the EIS and TIA. ● For any roadwork deemed necessary on the classified (State) road, the developer will be required to enter into a Works Authorisation Deed (WAD) or other suitable agreement as required by TfNSW. The developer will be responsible for all costs associated with the roadwork and administration for the WAD. It is recommended that developers familiarise themselves with the requirements of the WAD process. Further information can be obtained from the TfNSW website. 	<p>Section 6.10 of the EIS and Section 5.3.1 and Section 6.1 of the TIA (Appendix 13)</p>
<ul style="list-style-type: none"> ● Traffic analysis of any major / relevant intersections impacted, using SIDRA or similar traffic model, including: <ul style="list-style-type: none"> ○ Current traffic counts and 10 year traffic growth projections ○ With and without development scenarios ○ 95th percentile back of queue lengths ○ Delays and level of service on all legs for the relevant intersections ○ Electronic data for TfNSW review. 	<p>Section 6.10 of the EIS and Section 5 of the TIA (Appendix 13)</p>
<ul style="list-style-type: none"> ● Relevant swept paths analysis for the largest design vehicle accessing the site. 	<p>Appendix D of the TIA (Appendix 13)</p>
<ul style="list-style-type: none"> ● Impacts on public transport (public and school bus routes consideration for alternative transport modes such as walking and cycling or carpooling and shuttle buses during construction. 	<p>Section 6.10 of the EIS and Section 5.6 of the TIA (Appendix 13)</p>

Agency / Requirement	Addressed in EIS and/or specialist report
<ul style="list-style-type: none"> • Details of any Traffic Management Plan (TMP) proposed to address the construction, operation and decommissioning phases of the proposed development. The TMP should be prepared and implemented in accordance with Australian Standard 1742.3 and the Work Health and Safety Regulation 2017. • It is recommended that any TMP include, but not necessarily limited to, the following; <ul style="list-style-type: none"> ○ A map of the primary transport route/s highlighting critical locations. ○ An induction process for vehicle operators and regular toolbox meetings. ○ Procedures for travel through residential areas, school zones and/or bus route/s. ○ any proposed temporary measures such a Traffic Guidance Scheme (TGS) ○ A Driver Code of Conduct for heavy vehicle operators. ○ A complaint resolution and disciplinary procedure. ○ Community consultation measures proposed for peak periods. ○ Work, health and safety requirements under the Work Health and Safety Regulation 2017. 	<p>A Project specific TMP will be prepared by Ark Energy prior to the commencement of construction works for the Project.</p>
<ul style="list-style-type: none"> ○ Details of any additional construction and / or infrastructure works associated with connecting the proposed development to the existing Transmission Lines / Grid. In particular, clearly identifying the distance between the connection points of the Solar Farm & existing Transmission Line, the construction method and extent of works required. 	<p>Section 6.10 of the EIS and within the assessment conducted as part of the TIA (Appendix 13)</p>
<ul style="list-style-type: none"> ○ Where road safety concerns are identified at a specific location along the proposed haulage routes, TfNSW suggests that the TIA be supported by a targeted Road Safety Audit undertaken by suitably qualified persons in accordance with the Austroads Guidelines. 	<p>Section 6.10 of the EIS and Section 5.5 of the TIA (Appendix 13)</p>