



File Ref. No: BFS18/153 (8000002520)
 TRIM Doc. No: D18/5443
 Contact: Station Officer Graeme Turnbull

30 January 2018

Planning & Environment
 C/- Eleanor Parry
 GPO Box 39
 SYDNEY NSW 2001

E: eleanor.parry@planning.nsw.gov.au

Dear Eleanor Parry,

**Secretary's Environmental Assessment Requirements (SEARs)
 Mulwala Solar Farm Project (SSD9039)
 Savernake Road, Mulwala (Federation Shire Council)**

I refer to the above development proposal and the Department of Planning & Environment's (the Department) invitation for agencies to provide input for consideration in development of the SEARs. Fire & Rescue NSW (FRNSW) have reviewed aspects of the proponent's scoping report and the following comments and recommendations are submitted for consideration.

FRNSW notes that the facility's proposed location is within a NSW Rural Fire Services' (RFS) Fire District. Notwithstanding, in the event of a significant fire event (either on or off-site near the development) or hazardous material incident FRNSW will be responded to either assist the RFS or to fulfill the role of designated combat agency.

It is FRNSW experience that small and large scale photovoltaic installations present unique electrical hazard risks to our personnel when fulfilling their emergency first responder role (n.b. the Fire Brigades Act 1989 imposes specific statutory functions and duties upon the Commissioner of FRNSW).

In addition, the Work Health and Safety (WHS) Act 2011 (and its subordinate Regulation) classify FRNSW as an entity conducting a business or undertaking (PCBU). Clauses 34 and 35 of the WHS Regulation impose specific obligations upon a PCBU to identify hazards and manage risks at workplaces.

Due to the electrical hazards associated with large scale photovoltaic installations and the potential risk to the health and safety of firefighters, both FRNSW and the NSW Rural Fire Service must be able to implement effective and appropriate risk control measures when managing an emergency incident at the proposed site.



Recommendation/s

Should a fire or hazardous material incident occur, it is important that first responders have ready access to information which enables effective control measures to be quickly implemented. Without limiting the scope of the emergency response plan (ERP), the following matters are recommended to be addressed:

1. That a comprehensive ERP is developed for the site.
2. That the ERP specifically addresses foreseeable on-site and off-site fire events and other emergency incidents, (e.g. fires involving solar panel arrays, bushfires in the immediate vicinity or potential hazmat incidents).
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 (including electrical hazards). Such measures would include the level of personal protective clothing required to be worn, the minimum level of respiratory protection required, decontamination procedures, minimum evacuation zone distances and a safe method of shutting down and isolating the photovoltaic system (either in its entirety or partially, as determined by risk assessment).
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.
5. That two copies of the ERP (detailed in recommendation 1 above) be stored in a prominent 'Emergency Information Cabinet' which is located in a position directly adjacent to the site's main entry point/s.
6. Once constructed and prior to operation, that the operator of the facility make contact with the relevant local emergency management committee (LEMC). The LEMC is a committee established by virtue of Section 28 of the State Emergency and Rescue Management Act 1989. LEMCs are required to be established so that emergency services organisations and other government agencies can proactively develop comprehensive inter agency local emergency procedures for significant hazardous sites within their particular local government area. The contact details of members of the LEMC can be obtained from the relevant local council.

For further information please contact Fire Safety Assessment Unit, referencing FRNSW file number BFS18/153 (8000002520). Please ensure that all correspondence in relation to this matter is submitted electronically to firesafety@fire.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rory Fegan', followed by a period.

Station Officer Rory Fegan
Team Leader
Fire safety Assessment Unit

OUT18/1082

Ms Eleanor Parry
Resource and Energy Assessments
NSW Department of Planning and Environment

eleanor.parry@planning.nsw.gov.au

Dear Ms Parry

**Mulwala Solar Project (SSD 9039)
Request for input to SEARs**

I refer to your email of 17 January 2018 to the Department of Industry in respect to the above matter. Comment has been sought from relevant branches of Crown Lands & Water and Department of Primary Industries. Any further referrals to Department of Industry can be sent by email to landuse.enquiries@dpi.nsw.gov.au.

The department has reviewed the draft SEARs and Preliminary Environmental Assessment and recommends the following amendments to the draft SEARs:

Specific Issues

Land including:

- an assessment of the impact of the development on agricultural land **and enterprises, including an assessment of current and potential Important Agriculture Land on the development site and surrounding locality**, and flood prone land, a soil survey to consider the potential for erosion to occur, and paying particular attention to the compatibility of the development with the existing land uses on the site and adjacent land (e.g. operating mines, extractive industries, mineral or petroleum resources, exploration activities, aerial spraying, dust generation, and ~~risk of weed and pest infestation~~ **biosecurity risk**) during operation and after decommissioning, with reference to the zoning provisions applying to the land, in particular the R2 – Low Density Residential zone; and
- **an assessment of rehabilitation and decommissioning/closure management that outlines rehabilitation objectives and strategies to guide the return of the land back to agricultural production;**

Water including:

- an assessment of the likely impacts of the development (including flooding) on surface water and groundwater resources (including, wetlands, riparian land, 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, **including details of licensing and approval requirements and proposed new/modified water management infrastructure;** 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);

Environmental Planning Instruments, Policies, Guidelines & Plans

Land [Land Use Conflict Risk Assessment \(LUCRA\) Guide](#)
[A guideline to identifying important agricultural lands in NSW](#)

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)

Yours sincerely



Alison Collaros
Manager, Assessment Advice
31 January 2018

31 January 2018

Eleanor Parry
Resource and Energy Assessments – Planning Services
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Your Reference: Mulwala Solar Farm Project (SSD9039)

Our Reference: OUT18/1369

Emailed: eleanor.parry@planning.nsw.gov.au

Dear Ms Parry,

Re: Mulwala Solar Farm Project SSD 9039 request for EARs

Thank you for the opportunity to provide advice on the above matter. This is a response from the NSW Department of Planning & Environment – Division of Resources & Geoscience, Geological Survey of New South Wales (GSNSW).

The Division has reviewed the information supplied in relation to the Mulwala Solar Farm Project and provides the following advice:

The Division notes that according to departmental databases, there are no current mineral, coal or petroleum titles or operating mines over the site or adjacent lands (Figure 1).

The Division has no resource sterilisation concerns regarding the Project at this stage. However, the Draft SEARs for the Project requires an assessment of the impact of the development on existing land uses, including the compatibility of the development with the existing land uses on the site and adjacent land (e.g. operating mines, extractive industries, mineral or petroleum resources, exploration activities), during operation and after decommissioning. This requires the proponent to identify any of the above in the Environmental Impact Statement (EIS) and consult with the operators and/or titleholders to establish if the proposal is likely to have a significant impact on current or future extraction of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and any way the proposed development may be incompatible with any existing or approved uses, or current or future extraction or recovery under the land use compatibility requirements of Part 3 (13) of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

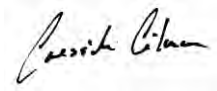
In fulfilling these requirements, the EIS must include a mineral, coal and petroleum titles search through the Division's MinView application, with the results shown on a map(s). Current mining, and exploration titles and applications can be viewed at:

<http://www.resourcesandenergy.nsw.gov.au/miners-and-explorers/geoscience-information/services/online-services/minview>

Should biodiversity offsets be considered for this project, LUTA requests consultation to ensure there are no potential sterilisation impacts to resources.

Queries regarding the above information, and future requests for advice in relation to this matter, should be directed to the GSNSW Land Use team at landuse.minerals@industry.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Cressida Gilmore', is positioned above the printed name.

Cressida Gilmore
Manager - Land Use

Mulwala Solar Farm Project



Map produced by LUTA 2018

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- Locality
- Major Road
- Railways
- Electricity Transmission Line
- Mulwala Solar Project SSD 9039
- National Parks Reserves



Planning & Environment
Resources & Geoscience

Figure 1 – Mulwala Solar Farm Project Location



Reference: 18/3269
Contact: Kate Larnach

1 February 2018

NSW Government Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Sir/Madam,

RE: Federation Council comments Mulwala Solar (SSD 9039) - Draft Environmental Assessment Requirements

Reference is made to the request for Environmental Assessment Requirements (EARs) for the Mulwala Solar Farm (SSD 9039) and the request for comments from Federation Council.

In regards to the above mentioned proposal, Council would like to make the following comments;

1. The EIS needs to address traffic safety along all the bordering roads i.e. Tocumwal & Savernake Roads. In particular how road users will be protected from the risk of glare from either the solar panels, frames, or any other constructions within the proposed area.
2. How will water runoff from the solar panels be addressed? What measures will be in place to deal with the changes in surface water runoff to maintain pre development levels including consideration of silt control?
3. The issue of potential restriction of town growth is highlighted as part of the proposed site is zoned R2 low density residential. Residential zoning prohibits the development of a solar farm, however any changes to zoning may restrict future development.

Federation Council is generally in support of this development.

Should you require any further information, please do not hesitate to contact Kate Larnach, Manager Planning and Environment on 02 6033 8999 or kate.larnach@federationcouncil.nsw.gov.au.

Yours sincerely,

Adrian Butler
Interim General Manager



Eleanor Parry
Environmental Assessment Officer
Resource and Energy Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001
Via email: Eleanor.Parry@planning.nsw.gov.au

Dear Ms Parry

RE: Mulwala Solar Farm (SSD 9039) - request for input into Secretary's Environmental Assessment Requirements

I refer to your email dated 17 January 2018 to the Office of Environment and Heritage (OEH) seeking input into the Department of Planning and Environment (DPE) Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the proposed Mulwala Solar Farm (SSD 9039).

OEH has reviewed the available supporting documentation and provides SEARs for the proposed development in **Attachment A** and guidance material in **Attachment B**.

OEH recommends the EIS needs to appropriately address the following:

1. Biodiversity and offsetting
2. Aboriginal cultural heritage
3. Flooding

The assessment must include all ancillary infrastructure associated with the project, including, but not limited to, the items listed in section 3.1.2 of the Preliminary Environmental Assessment (PEA). The EIS should also include Rural Fire Service requirements for asset protection.

Biodiversity

Please note that the *Biodiversity Conservation Act 2016* (BC Act) commenced in August 2017. All Major Projects must now be assessed in accordance with this legislation. The BC Act contains standard methods for assessing impacts of Major Projects on biodiversity and determining offsetting arrangements.

Under section 7.9(2) of the BC Act an application for State significant development must be accompanied by a Biodiversity Development Assessment Report (BDAR) by applying the Biodiversity Assessment Method (BAM) (www.environment.nsw.gov.au/resources/bcact/biodiversity-assessment-method-170206.pdf) to all biodiversity values on the development site. A BDAR is required unless the Planning Agency Head and the Environment Agency Head determine that the project is not likely to have any significant impact on biodiversity values.

The PEA does not provide a development footprint to give OEH an indication of the biodiversity values that may be impacted by the proposal. Recent aerial imagery available to OEH shows that much of the proposal area is cleared but paddock trees and mapped wetlands remain. Consequently, in addition to any other values on site, the EIS will need to describe the nature and extent of paddock tree and wetland areas and the potential impacts that the project may have on threatened species that use these habitats.

The native vegetation present may also be a threatened ecological community or habitat for a threatened species listed on the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. The assessment should identify any relevant Matters of National Environmental Significance and whether the proposal has been referred to the Commonwealth or already determined to be a controlled action.

If you require further information about this matter please contact Simon Stirrat on (03) 5051 6218 or at simon.stirrat@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'MK' or similar, written in a cursive style.

MIRANDA KERR
A/Senior Team Leader Planning
South West Branch
Regional Operations
Office of Environment and Heritage

Enclosure: ATTACHMENT A – Standard Environmental Assessment Requirements for Mulwala Solar Farm (SSD 9039)
ATTACHMENT B – Guidance material

Attachment A – Standard Environmental Assessment Requirements for Mulwala Solar Farm

Source of guidance material for terms in **bold** are included in Attachment B

Biodiversity
1. Biodiversity impacts related to the proposed development are to be assessed in accordance with Section 7.9 of the Biodiversity Conservation Act 2016 using the Biodiversity Assessment Method (BAM) and documented 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 OEH and DPE determine that the proposed development is not likely to have any significant impact on biodiversity values.
2. 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.
3. The BDAR must include details of the measures proposed to address the offset obligation as follows; <ol style="list-style-type: none"> The total number and classes of biodiversity credits required to be retired for the development/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 make a payment to the Biodiversity Conservation Fund. 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.
4. The BDAR must be submitted with all digital spatial data associated with the survey and assessment as per Appendix 11 of the BAM.
5. 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 <i>Biodiversity Conservation Act 2016</i> .
Aboriginal cultural heritage
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). This may include the need for surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH 2010) , and be guided by the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011) and consultation with OEH regional branch officers.
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.

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/EA] must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.
9. The assessment of Aboriginal cultural heritage values must include a surface survey undertaken by a qualified archaeologist in areas with potential for subsurface Aboriginal deposits. The result of the surface survey is to inform the need for targeted test excavation to better assess the integrity, extent, distribution, nature and overall significance of the archaeological record. The results of surface surveys and test excavations are to be documented in the ACHAR
10. The ACHAR must outline procedures to be followed if Aboriginal objects are found at any stage of the life of the [development/project] to formulate appropriate measures to manage unforeseen impacts.
11. The ACHAR must outline procedures to be followed in the event Aboriginal burials or skeletal material is uncovered during construction to formulate appropriate measures to manage the impacts to this material.
Historic heritage
<p>12. The EIS must provide a heritage assessment including but not limited to an assessment of impacts to <i>State and local heritage</i> including conservation areas, natural heritage areas, places of Aboriginal heritage value, buildings, works, relics, gardens, landscapes, views, trees should be assessed. Where impacts to State or locally significant heritage items are identified, the assessment shall:</p> <ul style="list-style-type: none"> a. outline the proposed mitigation and management measures (including measures to avoid significant impacts and an evaluation of the effectiveness of the mitigation measures) generally consistent with the NSW Heritage Manual (1996), b. be undertaken by a suitably qualified heritage consultant(s) (note: where archaeological excavations are proposed the relevant consultant must meet the NSW Heritage Council's Excavation Director criteria), c. include a statement of heritage impact for all heritage items (including significance assessment), d. consider impacts including, but not limited to, vibration, demolition, archaeological disturbance, altered historical arrangements and access, landscape and vistas, and architectural noise treatment (as relevant), and e. where potential archaeological impacts have been identified develop an appropriate archaeological assessment methodology, including research design, to guide physical archaeological test excavations (terrestrial and maritime as relevant) and include the results of these test excavations.

Flooding
<p>13. The EIS must map the following features relevant to flooding as described in the Floodplain Development Manual 2005 (NSW Government 2005) including:</p> <ol style="list-style-type: none"> Flood prone land. Flood planning area, the area below the flood planning level. Hydraulic categorisation (floodways and flood storage areas). Flood hazard.
<p>14. The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 5% Annual Exceedance Probability (AEP), 1% AEP flood levels and the probable maximum flood, or an equivalent extreme event.</p>
<p>15. The EIS must model the effect of the proposed development (including fill) on the flood behaviour under the following scenarios:</p> <ol style="list-style-type: none"> Current flood behaviour for a range of design events as identified in 11 above. This includes the 0.5% and 0.2% AEP year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.
<p>16. Modelling in the EIS must consider and document:</p> <ol style="list-style-type: none"> Existing council flood studies in the area and examine consistency to the flood behaviour documented in these studies. The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood. Impacts of the development on flood behaviour resulting in detrimental changes in potential flood affection of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazards and hydraulic categories. Relevant provisions of the NSW Floodplain Development Manual 2005.
<p>17. The EIS must assess the impacts on the proposed development on flood behaviour, including:</p> <ol style="list-style-type: none"> Whether there will be detrimental increases in the potential flood affectation of other properties, assets and infrastructure. Consistency with Council Floodplain Risk Management Plans. Consistency with any Rural Floodplain Management Plans. Compatibility with the flood hazard of the land. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site. Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the SES and Council. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the SES and Council. Emergency management, evacuation and access, and contingency measures for the development considering the full range of flood risk (based upon the probable maximum

flood or an equivalent extreme flood event). These matters are to be discussed with and have the support of Council and the SES.

- k. Any impacts the development may have on the social and economic costs to the community as consequence of flooding.

Attachment B – Guidance material

Title	Web address
<u>Relevant Legislation</u>	
<i>Biodiversity Conservation Act 2016</i>	www.legislation.nsw.gov.au/#/view/act/2016/63/full
<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>	www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/
<i>Environmental Planning and Assessment Act 1979</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N
<i>Fisheries Management Act 1994</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+38+1994+cd+0+N
<i>National Parks and Wildlife Act 1974</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+80+1974+cd+0+N
<i>Water Management Act 2000</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+92+2000+cd+0+N
<u>Biodiversity</u>	
Biodiversity Assessment Method (OEH, 2017)	www.environment.nsw.gov.au/resources/bcact/biodiversity-assessment-method-170206.pdf
Threatened species - assessment of significance	www.environment.nsw.gov.au/research-and-publications/publications-search/threatened-species-assessment-guidelines
Guidance and Criteria to assist a decision maker to determine a serious and irreversible impact (OEH, 2017)	www.environment.nsw.gov.au/resources/bcact/guidance-decision-makers-determine-serious-irreversible-impact-170204.pdf
Ancillary rules: biodiversity conservation actions	www.environment.nsw.gov.au/resources/bcact/ancillary-rules-biodiversity-actions-170496.pdf
Ancillary rules: reasonable steps to seek like-for-like biodiversity credits for the purpose of applying the variation rules	www.environment.nsw.gov.au/resources/bcact/ancillary-rules-reasonable-steps-170498.pdf
OEH Threatened Species Website	www.environment.nsw.gov.au/threatenedspecies/
NSW BioNet (Atlas of NSW Wildlife)	www.bionet.nsw.gov.au/
NSW guide to surveying threatened plants (OEH 2016)	www.environment.nsw.gov.au/resources/threatenedspecies/160129-threatened-plants-survey-guide.pdf
OEH threatened species survey and assessment guideline information	www.environment.nsw.gov.au/threatenedspecies/surveyassessmentguidelines.htm
BioNet Vegetation Classification – see NSW Plant Community Type (PCT) classification link for PCT database login page.	www.environment.nsw.gov.au/research/Vegetationinformationsystem.htm
OEH Data Portal (access to online spatial data)	http://data.environment.nsw.gov.au/
Fisheries NSW policies and guidelines	www.dpi.nsw.gov.au/fisheries/habitat/publications/policies,-guidelines-and-manuals/fish-habitat-conservation
List of national parks	www.environment.nsw.gov.au/NationalParks/parksearchatoz.aspx
Revocation, recategorisation and road adjustment policy (OEH, 2012)	www.environment.nsw.gov.au/policies/RevocationOfLandPolicy.htm

Title	Web address
Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water (DECCW, 2010)	www.environment.nsw.gov.au/protectedareas/developmntadjoinin_gdecc.htm
<u>Aboriginal Cultural Heritage</u>	
Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010)	www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf
Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010)	www.environment.nsw.gov.au/resources/cultureheritage/10783FinalArchCoP.pdf
Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011)	www.environment.nsw.gov.au/resources/cultureheritage/20110263ACHguide.pdf
Aboriginal Site Recording Form	www.environment.nsw.gov.au/resources/parks/SiteCardMainV1_1.pdf
Aboriginal Site Impact Recording Form	www.environment.nsw.gov.au/resources/cultureheritage/120558asirf.pdf
Aboriginal Heritage Information Management System (AHIMS) Registrar	www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm
Care Agreement Application form	www.environment.nsw.gov.au/resources/cultureheritage/20110914TransferObject.pdf
<u>Heritage</u>	
The Burra Charter (The Australia ICOMOS charter for places of cultural significance)	http://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf
Statements of Heritage Impact 2002 (HO & DUAP)	www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf
NSW Heritage Manual (DUAP) (scroll through alphabetical list to 'N')	www.environment.nsw.gov.au/Heritage/publications/
<u>Water and Soils</u>	
Acid sulphate soils	
Acid Sulfate Soils Planning Maps via Data.NSW	http://data.nsw.gov.au/data/
Acid Sulfate Soils Manual (Stone et al. 1998)	www.environment.nsw.gov.au/resources/epa/Acid-Sulfate-Manual-1998.pdf
Acid Sulfate Soils Laboratory Methods Guidelines (Ahern et al. 2004)	www.environment.nsw.gov.au/resources/soils/acid-sulfate-soils-laboratory-methods-guidelines.pdf This replaces Chapter 4 of the Acid Sulfate Soils Manual above.
Flooding	
Floodplain development manual	www.environment.nsw.gov.au/floodplains/manual.htm
NSW Climate Impact Profile	http://climatechange.environment.nsw.gov.au/
Climate Change Impacts and Risk Management	Climate Change Impacts and Risk Management: A Guide for Business and Government, AGIC Guidelines for Climate Change Adaptation

Title	Web address
Water	
Water Quality Objectives	www.environment.nsw.gov.au/ieo/index.htm
ANZECC (2000) Guidelines for Fresh and Marine Water Quality	http://agriculture.gov.au/water/quality/guidelines/volume-1
Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones	http://deccnet/water/resources/AWQGuidance7.pdf
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	www.environment.nsw.gov.au/resources/legislation/approvedmeth ods-water.pdf



19 January 2018

SWT18/00008
SF2018/022335
MM

The Manager
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Eleanor Parry

SEAR SSD-9039 – PROPOSED SOLAR FARM, SAVERNAKE ROAD, MULWALA, MR550, LOT 1 DP100773, LOTS 1-7 DP134511, LOT 103 DP752290, LOTS 114-116 DP752290, LOT 125 DP752290 AND LOT 132 DP752290.

I refer to correspondence forwarded to Roads and Maritime Services requesting the provision of Environmental Assessment Requirements to be addressed in the supporting documentation to be submitted for the subject development.

From review of the information provided including the a scoping report prepared by Esco Pacific dated January 2018 it is understood that the development proposal represents the establishment of a Solar Farm with an intended capacity of up to 140 Mega Watt on the subject site. The subject site is located north of Mulwala. Access to the development site is proposed to be gained from Saverlake Road. Access to the site particularly for the delivery of components will rely on transportation via the Corowa-Yarrowonga Road and Tocumwal- Mulwala Road which are both classified roads.

Given the scale and operational characteristics of the proposed development Roads and Maritime Services considers that the traffic related issues relevant to the development should be considered and addressed in 2 distinct stages as follows;

- Construction & Decommission phase – the transport of materials and equipment/components for the establishment of the facility and ancillary infrastructure, the movement and parking of construction related vehicles, including personal vehicles, during the construction of the facility,
- Operational phase – the ongoing traffic generation due to the operation, maintenance and servicing of the various elements of the project.

Roads and Maritime Services emphasises the need to minimise the impacts of any development on the existing road network and maintain the level of safety, efficiency and maintenance along the road network. Given the scale of the proposal a Traffic Impact Assessment (TIA) should be submitted with the Development Application. Any Traffic Impact Assessment needs to address the impacts of traffic generated by this development upon the nearby road network.

The supporting scoping report acknowledges the need for the Environmental Impact Statement to include an assessment of Traffic impacts during the construction period. The supporting report acknowledges the need for development of a Traffic Management Plan to manage the traffic generation during the

construction period. Traffic should also be considered and addressed during operation of the facility. The Traffic Management Plan shall detail the potential impacts associated with the phases of the development, the measures to be implemented to maintain the standard and safety of the road network, and procedures to monitor and ensure compliance. This is consistent with the draft SEARs document that was forwarded.


For guidance in the preparation of the TIA the applicant is referred to section 2 of the "Guide to Traffic Generating Developments" prepared by the RTA and the Austroads publications, particularly the Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development and Part 13: Traffic Studies and Analysis. The TIA should contain information such as the expected traffic generation, vehicle numbers and types of vehicles, and travel routes for vehicles accessing the development site.

Please note that Attachment 1 of the draft sears document refers to the "Road Design Guide (RMS) &". This should be replaced with reference to the "Austroads Guide to Road Design & relevant Australian Standards".

Given the type and scale of the proposed development and its proximity to a public road it is considered appropriate that issues relating to potential for distraction of, and for glare impacts on, passing motorist be addressed in the development submission. As a minimum, consideration should be given to the establishment and maintenance of a visual buffer, such as a vegetated buffer, within the subject site along its frontage to any public road.

Any enquiries regarding this correspondence may be referred to the Manager, Land Use for Roads and Maritime Services (South West Region), Maurice Morgan, phone (02) 6923 6611.

Yours faithfully



Per:
Jonathan Tasker
Acting Director
South West NSW

Eleanor Parry

From: Craig Bretherton
Sent: Monday, 22 January 2018 4:19 PM
To: Eleanor Parry
Subject: FW: Mulwala Solar (SSD 9039) - Draft Environmental Assessment Requirements
Attachments: Mulwala Solar - Preliminary Environmental Assessment.pdf; Mulwala Solar - EARs Draft.pdf

Hi Eleanor

I refer to your electronic mail of 17 January 2018 to the Environment Protection Authority (EPA) requesting our comments on the draft Secretary's Environmental Assessment Requirements for the proposed Mulwala Solar Farm Project.

The EPA has responsibilities for pollution control and environmental management for scheduled activities under the *Protection of the Environment Operations Act 1997*. Based on the information provided the proposed activity is not a scheduled activity under the *Protection of the Environment Operations Act 1997* and the proposed solar farm does not require an Environment Protection Licence. Under the *Protection of the Environment Operations Act 1997* Federation Council will be the Appropriate Regulatory Authority for pollution control and environmental management issues for this proposal should it be approved.

On this basis the EPA has no further comments to make in relation to this proposal, and requires no further consultation in relation to this application.

If you have any further enquiries about this matter please contact me by telephoning 02 6969 0700.

Thanks

Craig Bretherton

Manager Regional Operations
South West Region

South & West Branch, NSW Environment Protection Authority

☎ 02 6969 0700 Mobile ☎ 0427 223 516

craig.bretherton@epa.nsw.gov.au www.epa.nsw.gov.au [@EPA_NSW](https://twitter.com/EPA_NSW)

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Please send all official electronic correspondence to southwest.region@epa.nsw.gov.au

Eleanor Parry

From: Troy Hitchon <troy.hitchon@lls.nsw.gov.au>
Sent: Thursday, 18 January 2018 9:33 AM
To: Eleanor Parry
Subject: Local Land Services response - Mulwala Solar (SSD 9039) - Draft Environmental Assessment Requirements

Hello Eleanor

I write in response to your department's recent request to review and provide comment on the Mulwala Solar Farm (SSD 9039), located on Savernake Road, Mulwala, in the Federation local government area.

Local Land Services provides consideration to, and comment in respect of, the zone of the land and native vegetation clearing. For our agency's purpose, the land is considered to be regulated land subject to authorisation for removal of native vegetation under the *Local Land Services Act 2013*.

The preliminary environmental assessment scoping report includes the below, as noted:

- The development proposed is deemed State Significant Development per Section 78A(8A) of the Environmental Planning and Assessment Act 1979
- I have reviewed the scoping report with particular regard to the clearing/removal of native vegetation.

LLS response:

Clearing provisions under the *Local Land Services Act 2013*, section 600 states;

For the purposes of this Part, the clearing of native vegetation in a regulated rural area is authorised under other legislation in any of the following cases:

- (a) The clearing was authorised by (i) a development consent under Part 4 of the Environmental Planning and Assessment Act 1979, or
- (ii) a State significant infrastructure approval under Part 5.1 of that Act

However I note in the report, where the potential impacts on native vegetation are discussed in section 6.2.2 (page 23) of the report, that:

- "to remove or minimise impacts to the ecological values within the project area, remnant native vegetation and the scattered paddock trees will be avoided as far as practicable"
- "buffers will be created to ensure indirect impacts do not occur during construction or operation of the Solar Farms"
- Tree Protection Zones will be established
- retained patches of vegetation will be fenced, and operations excluded from them
- a CEMP will be prepared and workers will be inducted in relation to protection of these values
- a BDAR will be prepared and OEHL will be consulted prior to operations commencing

Prior to planning being finalised, it is known there will be a detailed description of the proposed regime for minimising, managing and reporting on the biodiversity impacts of the development. Also a strategy to offset any residual impacts of the development in accordance with the *Biodiversity Conservation Act 2016* will be in place.

At this stage of planning, the scoping report gives consideration for avoiding tree clearing, and in the least minimizing impact if clearing is necessary. Accordingly LLS does not provide any additional comment or consent as an agency.

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Troy Hitchon | Regional Services Officer
Sustainable Land Management (SLM) Southern region
931 Garland Ave | PO Box 797 | North Albury NSW 2640
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Environmental Assessment Requirements

State Significant Development

Section 78A(8A) of the *Environmental Planning and Assessment Act 1979*

Application Number	SSD 9039
Proposal	Mulwala Solar Farm which includes: <ul style="list-style-type: none">the construction and operation of a photovoltaic generation facility with an estimated capacity of up to 140 MW; anddevelopment of associated infrastructure, including a grid connection and battery storage facilities.
Location	Savernake Road, Mulwala
Applicant	ESCO Pacific Pty Ltd
Date of Issue	5 February 2018
General Requirements	<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">a stand-alone executive summary;a full description of the development, including:<ul style="list-style-type: none">details of construction, operation and decommissioning;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);a 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 solar farms, rural residential development and subdivision potential);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;an assessment of the likely impacts of all stages of the development, (which is commensurate with the level of impact), including any cumulative impacts, taking into consideration any relevant legislation, environmental planning instruments, guidelines, policies, plans and industry codes of practice;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); anda 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; andthe reasons why the development should be approved having regard to:<ul style="list-style-type: none">relevant matters for consideration under 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;

	<ul style="list-style-type: none"> – 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. <p>While not exhaustive, Attachment 1 contains a list of some of the environmental planning instruments, guidelines, policies, and plans that may be relevant to the environmental assessment of this development.</p> <p>In addition to the matters set out in Schedule 1 of the <i>Environmental Planning and Assessment Regulation 2000</i>, the development application must be accompanied by:</p> <ul style="list-style-type: none"> • a signed report from a suitably qualified person that includes an accurate estimate of the capital investment value of the development (as defined in Clause 3 of the <i>Environmental Planning and Assessment Regulation 2000</i>), including details of all the assumptions and components from which the capital investment value calculation is derived; and • the consent in writing of the owner/s of the land (as required in clause 49(1)(b) of the <i>Environmental Planning and Assessment Regulation 2000</i>).
Specific Issues	<p>The EIS must address the following specific issues:</p> <ul style="list-style-type: none"> • Land – including <ul style="list-style-type: none"> - an assessment of the impact of the development on agricultural land, and flood prone land, a soil survey to consider the potential for erosion to occur, and paying particular attention to the compatibility of the development with the existing land uses on the site and adjacent land (e.g. operating mines, extractive industries, mineral or petroleum resources, exploration activities, aerial spraying, dust generation, and biosecurity risk) during operation and after decommissioning, with reference to the zoning provisions applying to the land, in particular the R2 – Low Density Residential zone; and - measures to remediate the land following decommissioning in accordance with <i>State Environmental Planning Policy No 55 - Remediation of Land</i>. • Biodiversity – including an assessment of the biodiversity values and the likely biodiversity impacts of the development in accordance with the <i>Biodiversity Conservation Act 2016</i> (NSW), a detailed description of the proposed regime for minimising, managing and reporting on the biodiversity impacts of the development over time, and a strategy to offset any residual impacts of the development in accordance with the <i>Biodiversity Conservation Act 2016</i> (NSW). • 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; • Heritage – including an assessment of the likely Aboriginal and historic heritage (cultural and archaeological) impacts of the development, including adequate consultation with the local Aboriginal community; • Transport – including an assessment of the site access route (including Tocumwal Road, Yarrawonga Road, Savernake Road and Melbourne Street), site access point, any potential rail safety issues and likely transport impacts (including peak and average traffic generation) of the development on the capacity and condition of roads (including on any Crown land), a description of the measures that would be implemented to mitigate any impacts during construction, and a description of any proposed road

	<p>upgrades developed in consultation with the relevant road and rail authorities (if required);</p> <ul style="list-style-type: none"> • Noise – including an assessment of the construction noise impacts of the development in accordance with the <i>Interim Construction Noise Guideline</i> (ICNG) and operational noise impacts in accordance with the <i>NSW Noise Policy for Industry 2017</i> and a draft noise management plan if the assessment shows construction noise is likely to exceed applicable criteria; • Water – including: <ul style="list-style-type: none"> – an assessment of the likely impacts of the development (including flooding) on surface water and groundwater resources (including, wetlands, riparian land, 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 <i>Managing Urban Stormwater: Soils & Construction</i> (Landcom 2004); • Hazards and Risks - including: <ul style="list-style-type: none"> – a preliminary risk screening in accordance with <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33</i> (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 <i>Hazard Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis</i> (DoP, 2011) and <i>Multi-Level Risk Assessment</i> (DoP, 2011); and – an assessment of all potential hazards and risks including but not limited to bushfires, spontaneous ignition, electromagnetic fields or the proposed grid connection infrastructure (including the proposed transmission line and substation) against the International Commission on Non-Ionizing Radiation Protection (ICNIRP) <i>Guidelines for limiting exposure to Time-varying Electric, Magnetic and Electromagnetic Fields</i>; and • Socio-Economic – including an assessment of the likely impacts on the local community and a consideration of the construction workforce accommodation.
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, 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 Federation Council.</p> <p>The EIS must describe the consultation that was carried out, identify the issues raised during this consultation, and explain how these issues have been addressed in the EIS.</p>
Further consultation after 2 years	<p>If you do not lodge a development application and EIS for the development within 2 years of the issue date of these EARs, you must consult further with the Secretary in relation to the preparation of the EIS.</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)

Noise

NSW Noise Policy for Industry (EPA)
 Interim Construction Noise Guideline (EPA)
NSW Road Noise Policy (EPA)

Transport

Guide to Traffic Generating Developments (RTA)
 Austroads Guide to Road Design & relevant Australian Standards
 Austroads 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 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)

Waste

Waste Classification Guidelines (EPA)

Electromagnetic Interference

ICNIRP Guidelines for limiting exposure to Time-varying Electric, Magnetic and Electromagnetic Fields

Environmental Planning Instruments

State Environmental Planning Policy (State and Regional Development) 2011
State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Rural Lands) 2008

State Environmental Planning Policy No. 44 – Koala Habitat Protection

State Environmental Planning Policy No. 55 – Remediation of Land

Corowa Local Environmental Plan 2012
