May Patterson

From: John Goodall <[redacted]
Sent: Wednesday, 14 April 2021 8:49 PM
To: Jessica Fountain
Cc: May Patterson; Mark Wilson; Ben Smith; Ambrose Hallman (Armidale Council); Scot MacDonald
Subject: RE: Notice of Exhibition – Oxley Solar Farm (SSD-10346)

Dear Jessica,

I refer to your e-mail below and thank you for providing Council with the opportunity to comment on the EIS for the proposed Oxley Solar Farm Development.

Given current workloads and limited time available to be able to fully assess the impacts of this development in detail, only a high level review was possible.

Following the review of the EIS and associated appendices by Council Officers, I would like to provide the following comments:

- Following on from Council's response to the SEARs for the Oxley Solar Farm, dated 26 July 2019, it is considered that the proponent has not taken into consideration a number of SSD projects within the Armidale LGA, in regards to cumulative impacts on the region. Whilst the EIS has now considered projects within the vicinity of the site, it is considered that given the number and scale of some of the SSD projects currently proposed within the LGA, that if they were to proceed simultaneously there could be a number of cumulative impacts, which should be considered by the Department. In this regard, Council is aware of at least three other large scale renewable projects, Rangoon Wind Farm, Doughboy Wind Farm and Oven Mountain Pumped Hydro, which have all received their SEARs for their proposals and a smaller scale project, Petersons Solar Farm which has been granted consent by the NRPP. Whilst it is acknowledged that these projects are located some distance from the proposed site for the Oxley Solar Farm, at least two of these, Doughboy and Oven Mountain, will more than likely be utilising Grafton Road (Waterfall Way) for heavy vehicle access. These matters should be considered as part of the strategic justification of the development in regards to site selection and cumulative impacts on the greater locality.

- The Landscape and Visual Impact Assessment (LVIA) undertaken for the project is not considered to be adequate for the size and scale of the development. No photomontages have been provided clearly showing the anticipated changes to the existing landscape following the development. Given this, it is difficult to be able to fully appreciate or accurately assess the full extent of impacts within the view shed from the both public and private viewpoints. Furthermore, given that the Northern Regional Planning Panel has granted consent to the Stringybark Solar farm, which immediately adjoins the subject Oxley Solar Farm site to the west, that the LVIA should also provide the cumulative impacts of both these developments from these viewpoints.

- It does not appear that a full and satisfactory assessment of the relevant provisions of *State Environmental Planning Policy (Koala Habitat Protection) 2020* has been undertaken for this development. The subject land is zoned RU1 Primary Production under *ADLEP 2012* and as such this SEPP is applicable to the proposal. There is only a very brief and cursory comment in the BDAR which states: *'No koalas or signs of koalas were seen over the 16 survey days on site. It is considered that an adequate coverage or the development site in addition to the number of survey days on site without koala evidence suggests they unlikely to occur'.* As per Clause 8 of the SEPP, no comment has been provided as to whether an assessment has been undertaken to establish firstly, if the land is potential koala habitat nor under Clause 9, as to whether it could represent core koala habitat. What assessment was undertaken to determine that koalas were not present on the site, i.e any inspection of trees for any scratch marks or scats on the ground? There is no indication that they have undertaken any detailed surveys on the ground to determine existing vegetation composition or

connectivity nor is it in accordance with best practice guidelines - *EPBC Act referral guidelines for the vulnerable koala*.

- The EIS (page 83) and BDAR states that offset species credits are required for – Glossy Black Cockatoo *Calyptorhynchus lathami*; Little Eagle *Hieraaetus morphnoides* and the Square Tailed Kite *Lophoictinia isura,* but these do not appear to have been included in the BAM calculator credit report within the BDAR.

- Has all required tree removal within the road reserve and TSR been appropriately considered within the BDAR?

- Two of the lots, being Lot 7003 & 7004 DP 1060201, are described in the EIS as being affected. Both these lots appear to be owned by the Crown.

- The subject site immediately adjoins the Oxley Wild Rivers National Park to the south and as such there are some concerns that the development could potentially impact on this significant wilderness area.

- Council is aware that this proposal may potentially receive a significant number of submissions from the community who have already raised their concerns with Councillor's and possibly other political figures.

Traffic Study:

The traffic impact report is considered to be a detailed and thorough examination of the traffic impacts of the development. The report makes a series of recommendation in relation to the development and we provide the following comment to those recommendations.

Recommendation 1 - the proposed recommendation is agreed but should be strengthened to reflect the authority of council as the road owner.

Recommendation 2 – Council agrees with the proposed alternate access to be constructed connecting to the New England Highway. Council require that it be clearly stated that the access road to the site via this entry is a private access and shall be the responsibility of the property owner to maintain not the road authority, with the exception of the interaction on the New England Highway.

Recommendation 4 – agreed with the provision that the section of road between 7.7km and 9.7km be upgraded to a sealed road 6m wide with 0.5m shoulders to a suitable pavement design to suit the long term use of the road by the development. If it is deemed that the interruption of use of the access points due to flooding of the causeway, that upgrading to reduce interruption be considered. i.e. Are alternate evacuation routes available from site.

Recommendation 5 – the proposal is agreed

Recommendation 6 - the proposal is agreed

Recommendation 7 – this recommendation is agreed but should state all weather sealed access roads and parking areas to prevent discharge of sediment form the site.

Recommendation 8 – this recommendation is agreed but should also include consultation with RailCorp on the structural status of the bridge on Dangar Street crossing the railway line as the Bridge owner and the bridge being known to have defects.

Some Possible Conditions:

- **The applicant/ proponent has not proposed to enter into a Planning Agreement with Council. The proposed development would normally attract contributions under Council's s7.12 Contributions Plan, calculated at 1% of the estimated cost of construction including GST. In the absence of a**

Planning Agreement and in consideration of the number of large scale renewable projects proposed within the LGA, Council would strongly urge the Department to include a condition on any consent for the payment of s7.12 contributions, which would be seen as a positive outcome for the community.

- Council's Waste manager has previously raised concerns regarding the potential waste generated from such developments and whether Council's landfill has the capacity to adequately cater for the disposal of waste materials given that the region is experiencing a substantial growth in renewable projects and other large scale developments. In this regard, Council would like to see a focus on waste minimisation by separating recycling from general waste and disposing to the appropriate facility accordingly. As such, it is also recommended that consideration be given that any consent should require the submission of a Waste Management Plan prior to the release of any CC outlining all waste management principles and practices relevant to the proposed development to meet the objectives to reduce waste and recover resources. The Plan should implement best practice measures during all activity on site for the life of the development, to ensure that all waste products such as but not limited to, cardboard, packaging/wrapping, plastics, panels and/or any other infrastructure related to the development are sorted and recycled to minimise recycled materials from being disposed with other bulk waste to landfill and identify opportunities to maximise reuse.

- Again given the significant number of renewable projects that have been approved, are currently being assessed or are in the scoping phase in the region, there has been some concerns raised at a local level regarding potential contamination of the land and adjoining water courses in the event of faulty, damaged and/or deteriorating panels, particularly following large storm events or other significant events such as bushfires. These matters should be addressed in an Operational Environmental Management Plan (OEMP) which is to include but not limited to:

- Inspection program following significant storm events, identifying rectification works required to stabilise the site, access roads and all site infrastructure;
- Inspection program to repair/replace faulty panels before they may become hazardous to the environment by way of deterioration/damage to prevent any contamination from occurring either on or off site.

- Given the focus on this region as a renewables hub, there is also some concern regarding the future decommissioning of these facilities should they ever become unviable during the operational phase, end of lease or if the development/land is on sold or simply the applicant/developer goes into liquidation. As such, it is recommended that any decommissioning of the facility be not only the responsibility of the developer but also the land owner and that if the solar farm ceases or becomes inactive for more than 12 months then it is to be decommissioned and returned to agricultural use. Such measures would hopefully prevent such renewable projects from becoming idle and potentially becoming a blight on the landscape.

- Engineering designs are to be submitted detailing all required works required for the development onto/adjoining/within the road corridors. Detailed design, is to be submitted to the satisfaction of Council, via a s138 Roads Act Application, for all proposed road works.

- A Dilapidation Report, pre and post construction, is to be prepared and submitted to the satisfaction of Council prior to any road works being undertaken. Such report is to be undertaken in conjunction with Council's Roads Manager or nominee, to identify the condition of all roadways prior to works commencing so that any damage to the road during construction works can be rectified on completion of these works and prior to the operational phase of the development commencing. Such Report should also include provisions for any upgrading/rectification works required to be undertaken by the developer both during and post construction works, in the event that the road surface becomes damaged during works as a result of any development related vehicles and is required to be rectified.

- The site must be decommissioned and restored to its original agriculture use/state on decommissioning/end of the lease/life of the development.

In this regard, the Applicant is to submit a detailed Decommissioning Management Plan (DMP) outlining all procedures and activities to be implemented for the decommissioning of the site. The plan is to include details of, but not limited to:

- Disconnection from the Substation;
- Dismantling and removal of the Substation and support buildings;
- Removal of the solar panels, tracking systems, inverters and cables;
- Removal of onsite tracks and fences unless agreed otherwise with the landowner; and
- Reinstatement of all disturbed ground.

Where possible and in accordance, such plan must also include measures and opportunities to maximise the recycling of all products/materials at the end of their life, to ensure that they are appropriately disposed of responsibly and reuse is maximised while waste is minimised.

- A Landscape Management Plan is to be prepared for the development incorporating all recommendations within the EIS.

Additionally, the landscape plan must detail:

- Name and number of species (with preference on the use of local native varieties);
- Height of species at planting;
- Height and spread of species at maturity;
- Method of site preparation and maintenance, to ensure likely survival of plant stock;
- Monitoring program to detect and replace dead or unhealthy plant stock;
- Weed management;
- Proposal for landscaping/screening of the site in the event of drought conditions prevailing, which may inhibit the landscaping planting being undertaken from the outset;
- Proposal for ongoing maintenance/watering of plantings to ensure their survival during drought conditions.

Landscaping/screening is to be undertaken in accordance with the approved plan prior to the operational phase of the development commencing.

- Prior to the removal of any trees either on the subject site or within the adjoining road reserve along Grafton Road, for the purposes of this development, a detailed vegetation/tree clearing plan (pre-clearing survey) is to be developed by a suitably qualified ecologist and implemented for the life of the development. Such plan is to specify a Vegetation and Tree clearing protocol which is to be enforced for the removal of vegetation and felling of any mature trees on the site and is to include the following requirements:

Pre-clearance Surveys:

Pre-clearing surveys are be undertaken by a Project Ecologist prior to commencement of any vegetation clearing activities within the Project Site and/or road reserve. The Project Ecologist is to conduct pre-clearing surveys to identify:

- Fauna species likely to be encountered during construction and potential impacts to fauna during vegetation clearing;
- Potential fauna habitat in the Project Site; and
- Preferred locations to relocate fauna species and habitat features that can be retained following construction.

- The plan should include provision in the first instance of an inspection of all trees that are required to be removed, by a qualified ecologist for evidence of residing fauna in hollows or in the tree canopy.
- Pre-clearing surveys are to take place within 1-2 days prior to the commencement of vegetation clearing. The Project Ecologist will mark all potential fauna habitat (e.g. hollow-bearing trees, nest trees, burrows, etc.) in the development footprint with high visibility tape (e.g. trees, large woody debris and nests).

Vegetation Clearing Protocols:

The following protocols are to be implemented during vegetation clearing:

- A Project Ecologist is to be present on site during all vegetation clearing operations;
- Areas of vegetation outside the development footprint are to be clearly demarcated with high visibility tape to prevent accidental clearing during the construction phase;
- All hollow-bearing trees are to be retained during vegetation clearing and felled three weeks after the initial vegetation clearing phase;
- Vegetation should be cleared in a way that will allow fauna species living in or near the clearing site enough time to move out of the area without additional human intervention;
- No clearing is to occur during the early evening or at night, as this is when fauna species are most likely to be on the move and are more vulnerable to injury;
- The direction of clearing should also ensure that fauna species are directed away from threats such as roads, developed areas or disturbed areas; and

Hollow-bearing Tree Removal Protocols:

Hollow-bearing trees shall be carefully felled under the supervision of the Project Ecologist. The following best practise guidelines are required to be implemented for the development :

- All hollow-bearing trees to be cleared are to be surveyed and marked with high visibility tape prior to clearing;
- Hollow-bearing trees are to be mechanically shaken or agitated prior to felling to encourage any remaining animals to either leave the tree or show themselves and subsequently be removed by the Project Ecologist prior to felling;
- Felling is to involve gently pushing the tree and Iowering or felling using a forestry harvester to avoid sudden falling as this is likely to injure wildlife;
- Following felling, hollow-bearing trees are to be systematically checked from the ground by the Project Ecologist for any remaining fauna;
- Felled hollow-bearing trees will be left overnight (i.e. in an adjacent habitat area if required) to allow any undetected fauna further opportunity to escape; and
- If any hollow-bearing tree is found or suspected to contain any native species, the tree is to be left in place for a minimum of two days and, be reinspected no more than two hours prior to felling to ensure that the hollow has been vacated. If following the above measures it is identified that any native species are still found to be utilising the hollows for habitat the Project Ecologist is to develop an appropriate strategy for the safe removal of the species and for its relocation to a suitable alternative habitat clear of the work site.

If any hollow bearing logs/felled trees are considered by the ecologist to be suitable habitat for native species they are to be retained and relocated outside the Development Envelope to within an existing area of undisturbed native vegetation on the site.

Management of Displaced Fauna:

The following requirements will apply to the management of any displaced fauna species during vegetation clearing activities:

- All handling of fauna species is to be conducted by the Project Ecologist;
- In the event that arboreal animals do not move or they cannot be captured because the tree hollow to be removed is too large, too high or its recovery would breach OH&S requirements then the tree will be felled

(i.e. in the direction of other tree debris if possible) using the above techniques and animals recovered and relocated to suitable adjacent habitat;

- Animals are to be removed and relocated to the adjacent bushland area prior to felling or the tree shall be sectioned and dismantled under the supervision of the Project Ecologist before relocating the animals;
- Nocturnal fauna species, such as microbats, are to be 'soft released' using bat boxes placed in adjacent habitat;
- Nocturnal fauna species, such as gliders and possums, are to secured in suitable enclosures and kept in a quiet, dark and cool environment until they can be released into suitable habitat after dark; and

If any injured fauna species are found during the construction period, construction must stop immediately so that the injured animal can be taken to a vet or wildlife carer.

- The discharge of stormwater is to be controlled to ensure that post-development follows do not exceed pre-development flows. The stormwater solution is to be designed by a suitably qualified engineer to prevent nuisance to adjoining land.

ADVISING: Approval from the Department of Primary Industries – Water may be required if it is proposed to discharge stormwater directly into an existing waterway.

- All security fencing is to incorporate scratch barriers to ensure that fencing is clamber proof to prevent the potential for entanglement of native fauna.

Operational condition:

- The solar farm is to be decommissioned and the site returned to pre construction agricultural use, once the use has ceased and/or becomes inactive for more than 12 months. All decommissioning is to be undertaken in accordance with the approved plan/s.

Regards

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ARMIDALE Regional Council | THE BIG CHILL BEER AND BBQ

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