

OUT18/1615

Mr Tim Stuckey  
Resource and Energy Assessments  
NSW Department of Planning and Environment

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Dear Mr Stuckey

**Sapphire Solar Farm (SSD 8643)  
EIS Exhibition**

I refer to the email of 24 January 2018 to the Department of Industry in respect to the above matter. Comment has been sought from relevant branches of 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](mailto:landuse.enquiries@dpi.nsw.gov.au).

The department has reviewed the EIS and provides the following recommendations for consideration in assessment of the proposal. Detailed comments in relation to impacts to water resources and agricultural resources and enterprises are provided at **Attachment A** and **Attachment B**.

**Recommendations**

**Prior to Project Approval**

- It is recommended that the proponent identify the onsite dams from which water is to be taken and verify compliance with harvestable rights and licensing requirements.
- It is recommended that the proponent provide details of the identified water access licence on Wellingrove Creek held by Glen Innes Severn Council and Council's consent for use of the licence.
- It is recommended that all works proposed within waterfront land (40m of the high bank of a watercourse) be consistent with the riparian corridor requirements of the [Guidelines for Controlled Activities on Waterfront Land](#) (DPI 2012). A commitment to achieve this is requested.
- The proponent should demonstrate that impacts from the development on Biophysical Strategic Agricultural Land (BSAL) have been avoided as far as is reasonably practicable. Where avoidance of impacts to BSAL is not reasonable and feasible, impacts should be minimised and rehabilitation objectives and strategies to return the land to BSAL equivalence should be presented.
- Rehabilitation objectives and strategies including indicators to be used to guide the return of agricultural land back to existing levels of agricultural capability should be provided.

**Recommended Conditions of Consent**

- The proponent prepares a Construction Environmental Management Plan in consultation with DoI Water prior to commencement of activities. The Plan is to include the design of waterway crossings for access roads and cable installations, and any associated instream works.

- All works proposed within waterfront land, including waterway crossings and cable installations shall be consistent with the Guidelines for Controlled Activities on Waterfront Land (DPI 2012).

Yours sincerely

A handwritten signature in black ink, appearing to read 'A King'.

Alex King

**Director Cabinet & Legislation Services**

23 February 2018

**Sapphire Solar Farm (SSD 8643)  
Detailed comments – impacts to water resources**

- Confirmation of water supply from onsite dams is recommended to be confirmed prior to project approval. This is to ensure water access and associated impacts are considered within the project approval process to ensure any requirement for additional licensing is identified early and *Water Management Act 2000* approvals can be excluded where appropriate under Section 89J of the EP&A Act.
- Water access licences authorise the licence holder to access water from a point within a designated water source. The proponent proposes to access water from Wellingrove Creek under a water access licence held by Glen Innes Severn Council, therefore, provision of consent from the Council is recommended prior to project approval.
- Ensuring adequate management of sediment and erosion control is a key issue which will need to be addressed in a Construction Environmental Management Plan post approval.
- The proposed development is located within the upper reaches of the Macintyre River catchment. The EIS indicates reduced riparian buffer zones to those recommended by the Guidelines for riparian corridors on waterfront land, dated July 2012. To maintain the bank stability and minimise the potential for erosion and mobilisation of soil to downstream surface waters, compliance with the recommended riparian buffers for all 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> order watercourses is recommended.

**END ATTACHMENT A**

**Sapphire Solar Farm (SSD 8643)**  
**Detailed comments – impacts to agricultural resources and enterprises**

- Biophysical Strategic Agricultural Land (BSAL) is a valuable resource that should be conserved for future generations. The proponent should demonstrate that impacts from the development on Biophysical Strategic Agricultural Land (BSAL) have been avoided as far as is reasonably practicable. Where avoidance of impacts to BSAL is not reasonable and feasible, impacts should be minimised and rehabilitation objectives and strategies to return the land to BSAL equivalence should be presented.
- Rehabilitation objectives and strategies including indicators to be used to guide the return of the land back to agricultural production are not provided in section 7.5, as suggested in Table 6-4. These strategies and indicators should be presented.
- Section 7.5.4 Mitigation Measures includes the statement that “the maintenance of low levels of vegetation cover across the Site will assist in reducing potential erosion across the site. This will be especially important below the panels to prevent scouring following significant rainfall events”. This statement should be corrected as low levels of vegetation across the site will increase, not decrease erosion. The aim, as stated earlier on page 133, should be to ensure a solid pasture base is established in order to minimise erosion and to allow beneficial soil microbial and nutrient cycling activity, to continue. Grazing will have a role to play in maintaining a healthy pasture and to minimise fuel loads etc.
- Section 6 Stakeholder Consultation and Appendix D Land Use Conflict Analysis and E ‘Visual Impact Assessment’, do not clearly outline how many of the owners of the 24 dwellings within 5km that will be able to see the development, are happy for the development to proceed. The EIS states that there is a “high level of acceptance towards the project location”. Experience indicates that long term rural residents do not share the view that the industrialisation of a “general widespread rural landscape with low to moderate levels of native vegetation, and no identified special landscape features or interesting topographic features” is consistent with a “low” or “insignificant” visual sensitivity rating. While the Landscape Character criteria have been clearly spelt out, the proponent should be clear in reporting which if any adjacent landholders object to the current location of the development, and why.

**END ATTACHMENT B**