

APPENDIX A SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS



Mr Antoine Lajouanie
Suite 1, Level 10
227 Elizabeth Street
SYDNEY NSW 2000

Dear Mr Lajouanie

**Culcairn Solar (SSD 10288)
Environmental Assessment Requirements**

I have attached the Environmental Assessment Requirements for the preparation of an Environmental Impact Statement (EIS) for the Culcairn Solar Farm.

The requirements are based on the information you have provided to date, and have been prepared in consultation with the relevant government agencies. The agencies comments are attached for your information (see Attachment 2). Any additional agency comments will be forwarded at a later date, under separate cover.

Please note that the Department may alter these requirements at any time, and that you must consult further with the Department if you do not lodge a development application and EIS for the project within the next two years.

If your proposal contains any actions that could have a significant impact on matters of National Environmental Significance, then it will also require approval under the Commonwealth's *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act).

This approval is in addition to any approvals required under NSW legislation. If you have any questions about the application of the EPBC Act to your proposal, you should contact the Department of the Environment in Canberra (6274 1111 or www.environment.gov.au).

Please contact the Department at least two weeks before you plan to submit the development application and EIS for the project. This will enable the Department to:

- confirm the applicable fee (see Division 1AA, Part 15 of the *Environmental Planning and Assessment Regulation 2000*); and
- determine the required number of copies of the EIS.

It is important for you to recognise that the Department will review the EIS for the project before putting it on public exhibition. If it fails to adequately address these requirements, you will be required to submit an amended EIS.

Yours sincerely

3/5/19

Nicole Brewer
A/Director
Resource & Energy Assessments
as nominee of the Secretary

Environmental Assessment Requirements

State Significant Development

Section 4.12(8) and 4.12(9) of the *Environmental Planning and Assessment Act 1979* and Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

Application Number	SSD 10288
Proposal	<p>Culcairn Solar Project which includes:</p> <ul style="list-style-type: none">• the construction and operation of a solar photovoltaic (PV) energy generation facility with an estimated capacity of 400 MW; and• associated infrastructure, including a grid connection and battery storage.
Location	Weeamera Road, approximately 5 km southwest of Culcairn and 26 km south of Jindera, within the Greater Hume Local Government Area.
Applicant	Neoen Australia Pty Ltd
Date of Issue	3 May 2019
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 of the site and existing or proposed developments in the region (in particular Hurricane Hill Quarry and the proposed Walla Walla, Jindera and Glenellen Solar Farms), 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); and– a description of the measures that would be implemented to monitor and report on the environmental performance of the development;• a consolidated summary of all the proposed environmental management and monitoring measures, identifying all the commitments in the EIS; and• the 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

	<p>incorporated in the design, construction and ongoing operations of the development;</p> <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. <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. <p>The EIS must also be accompanied by a report from a suitably qualified person providing:</p> <ul style="list-style-type: none"> – a detailed calculation of the capital investment value (CIV) (as defined in clause 3 of the Regulation) of the proposal, including details of all assumptions and components from which the CIV calculation is derived; and – certification that the information provided is accurate at the date of preparation. <p>The development application must be accompanied by the consent in writing of the owner/s of the land (as required in clause 49(1)(b) of the Regulation).</p>
<p>Specific Issues</p>	<p>The EIS must address the following specific issues:</p> <ul style="list-style-type: none"> • Biodiversity – including: <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 Biodiversity Conservation Act 2016 (NSW), the Biodiversity Assessment Method (BAM) and documented in a Biodiversity Development Assessment Report (BDAR), unless OEHL and DPE determine that the proposed development is not likely to have any significant impacts on biodiversity values; – the BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the BAM; and – an assessment of the likely impacts on listed aquatic threatened species, populations or ecological communities, scheduled under the Fisheries Management Act 1994, and a description of the measures to minimise and rehabilitate impacts; • 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 in accordance with the <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents</i>; • Land – including: <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"> ○ a consideration of agricultural land, 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; • an assessment of the compatibility of the development with existing land uses, during construction, operation and after decommissioning, including: <ul style="list-style-type: none"> – consideration of the zoning provisions applying to the land, including subdivision, and; – completion of a Land Use Conflict Risk Assessment in accordance with the Department of Industry's <i>Land Use Conflict Risk Assessment Guide</i>; and

	<ul style="list-style-type: none"> • a description of measures that would be implemented to remediate the land following decommissioning in accordance with <i>State Environmental Planning Policy No 55 - Remediation of Land</i>. • 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; • Noise – including an assessment of the construction noise impacts of the development in accordance with the <i>Interim Construction Noise Guideline</i> (ICNG), operational noise impacts in accordance with the <i>NSW Noise Policy for Industry</i> (2017), cumulative noise impacts (considering other developments in the area), and a draft noise management plan if the assessment shows construction noise is likely to exceed applicable criteria; • Transport – including: <ul style="list-style-type: none"> – an assessment of the peak and average traffic generation, including over-dimensional vehicles and construction worker transportation; – an assessment of the likely transport impacts to the site access route (including Olympic Highway, Cummings Road, Benambra Road, and Weeamera Road), site access point, any rail safety issues, any Crown land, particularly in relation to the capacity and condition of the roads; – a cumulative impact assessment of traffic from nearby developments; – a description of any proposed road upgrades developed in consultation with the relevant road and rail authorities (if required); and – a description of the measures that would be implemented to mitigate any transport impacts during construction; • 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 Back Creek, Billabong Creek, drainage channels, wetlands, riparian land, farm dams, floodplains, key fish habitat, 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 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33 (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 Hazard Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis (DoP, 2011) and Multi-Level Risk Assessment (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 against the International Commission on Non-Ionising Radiation Protection (ICNIRP) Guidelines for limiting exposure to Time-varying Electric, Magnetic and Electromagnetic <i>Fields</i>; and
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	<ul style="list-style-type: none"> • Socio-Economic – including an assessment of the likely impacts on the local community and a consideration of the construction workforce accommodation. • Waste – identify, quantify and classify the likely waste stream to be generated during construction and operation, and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste.
Consultation	<p>During the preparation of the EIS, you must consult with the 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 Greater Hume Local Government Area.</p> <p>The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.</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 SEARs, you must consult further with the Secretary in relation to the preparation of the EIS.</p>
References	<p>The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this proposal.</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)
Fisheries Management Act 1994

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)
Land Use Conflict Risk Assessment Guide (DoI – L&W)

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 2018 (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)
State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33 (DoP, 2011)

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

Greater Hume Local Environmental Plan [2012] (Greater Hume LEP)



Greater
Hume
Council

All correspondence
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E mail@greaterhume.nsw.gov.au
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ABN 44 970 341 154

May Patterson
Resource and Energy Assessments
Planning Services
GPO Box 39
SYDNEY NSW 2001

C /-may.patterson@planning.nsw.gov.au

Dear Ms Patterson

Culcairn Solar Farm (SSD 10288) – Request For Input Into Secretary’s Environmental Assessment Requirements

Thank you for the opportunity to provide input into the Secretary’s Environmental Assessment requirements.

On perusal of the documentation supplied it is advised that Council wishes to make the following comments for inclusion within the forthcoming EIS:

- Detailed information concerning the proposed recycling of generated packaging waste.
- Traffic assessment to include cumulative impacts of the possibility of an adjacent large scale solar development being constructed concurrently to this proposal.
- Clarity concerning the numbers employed during the operational phase of the development.

Council wishes to advise that since 2012 a Section 94A Fixed Development Contribution Plan has applied to all of the Greater Hume Council area and Council has adopted a new Section 7.12 Fixed Development Contribution Plan. Since the introduction of the Fixed Development Contribution Plans all proponents of eligible development have had a condition of consent applied upon their development consents requiring payment of the contribution. In accordance with the requirements of Fixed Development Contribution Plans payment is applicable irrespective of whether there is an impact from the development on local infrastructure.

Accordingly Council wishes to assert that a failure by the Department of Planning to apply a S7.12 contribution in line with Council’s Fixed Development Contribution Plan on this development would be inequitable to those that have previously paid or will in the future pay the levy.

Should the Department of Planning be inclined to require the proponent to enter into a Voluntary Planning Agreement (VPA) with Council then it is requested that negotiations and the VPA be finalised before determination of development consent for the approval of the project. It is expected that the terms of the VPA would be consistent with the payment that would be received by Council from its Fixed Development Contribution Plan.



Should you wish to discuss this matter further please do not hesitate to contact me on 6044 8928 during normal office hours or email ckane@greaterhume.nsw.gov.au

Yours faithfully



Colin Kane
Director Environment & Planning
GREATER HUME COUNCIL

3 May 2019

Our Ref: CK:SG:P10117539

Rob Beckett

From: alistair.drew@industry.nsw.gov.au on behalf of Landuse Enquiries
<landuse.enquiries@dpi.nsw.gov.au>
Sent: Thursday, 2 May 2019 11:34 AM
To: May Patterson
Subject: Re: Request for Advice to Develop SEARs - Culcairn Solar Farm (SSD 10288)

Hi May,

Dol Water and Natural Resources Access Regulator will have the following comments:

- The identification of an adequate and secure water supply for the life of the project. This includes confirmation that water can be sourced from an appropriately authorised and reliable supply. This is also to include an assessment of the current market depth where water entitlement is required to be purchased.
- A detailed and consolidated site water balance.
- Assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.
- Proposed surface and groundwater monitoring activities and methodologies.
- Consideration of relevant legislation, policies and guidelines, including the NSW Aquifer Interference Policy (2012), the Guidelines for Controlled Activities on Waterfront Land (2018) and the relevant Water Sharing Plans (available at <https://www.industry.nsw.gov.au/water>).

I have not yet received comments from DPI Agriculture, DPI Fisheries & Dol Lands so unfortunately I am unsure if they will have further requirements.

Regards,

Alistair

On Thu, 2 May 2019 at 11:00, May Patterson <May.Patterson@planning.nsw.gov.au> wrote:

Hi Alistair,

Just wondering if there will be any proposed changes to the draft SEARs? Whilst we are still open to receiving feedback until Monday, the Department are scheduled to issue SEARs tomorrow to the applicant.

Happy to discuss further.

Kind regards,

From: Fire Safety
To: [May Patterson](#)
Subject: FRNSW response to request for agency input into development of SEARs - Culcairn Solar Farm (SSD 10288)
Date: Wednesday, 1 May 2019 2:48:16 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Dear Ms Patterson,

**Request for agency input into development of SEARs
Culcairn Solar Farm (SSD 10288)**

I refer to the submission of the request for agency input into development of SEARs, dated 18 April 2019, for the above development to Fire & Rescue NSW (FRNSW). The relevant parts of the proponent's Scoping Report and Preliminary Environmental Assessment have been reviewed and the following comments are submitted for consideration.

Large scale solar farm developments are usually located within NSW Rural Fire Services' (RFS) fire districts. Notwithstanding, in the event of either a significant fire event or hazardous material incident (hazmat), FRNSW will be responded to either assist the RFS or to fulfill the role of the designated hazmat combat agency.

It is FRNSW experience that large-scale photovoltaic installations and associated battery energy storage solutions (BESS) present unique hazards and risks to our personnel when fulfilling their emergency duties. It is highlighted that the Fire and Rescue NSW Act 1989 (the Act) imposes specific statutory functions and duties upon the Commissioner of FRNSW. Section 6 of the Act requires the Commissioner to take all practicable measures for preventing and extinguishing fires and protecting and saving life and property within a FRNSW fire district. Section 6 of the Act also requires the Commissioner to protect and save life and property endangered by hazmat incidents and for confining a hazmat incident and for rendering the hazmat site safe.

In addition, the Work Health and Safety (WHS) Act 2011 (and its subordinate Regulation) classify FRNSW as a person (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. A site involved in fire or hazmat incident is deemed to be a FRNSW place of work.

Due to the electrical and fire 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.

In the event of a fire or hazardous material incident, it is important that first responders have ready access to information which enables effective hazard control measures to be quickly implemented. Without limiting the scope of the emergency response plan (ERP) requirements of Clause 43 of the Work Health and Safety Regulation 2000 (the Regulation), 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 (such as fires involving solar panel arrays, battery energy storage systems, bushfires in the immediate vicinity) or potential hazmat incidents.
3. That the ERP details 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 will include the level of personal protective clothing required to be worn, the minimum level of respiratory protection required, decontamination procedures to be instigated, 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' 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 contacts the relevant local emergency management committee (LEMC). The LEMC is a committee established by 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 and non-government agencies can proactively develop comprehensive inter agency local emergency procedures for significant hazardous sites within their local government area. The contact details of members of the LEMC can be obtained from the relevant local council.
7. As a Condition of Consent that a Fire Safety Study (FSS) be prepared for the BESS part of the site and submitted to FRNSW for review and determination. The FSS should be developed in consultation with and to the satisfaction of FRNSW.

For further information please contact the Fire Safety Infrastructure Liaison Unit, referencing FRNSW file number BFS19/1357. Please ensure that all correspondence in relation to this matter is submitted electronically to firesafety@fire.nsw.gov.au.

Regards,

Fire and Rescue NSW



Administration Officer

Fire Safety Administration Unit

Community Safety Directorate | Fire and Rescue NSW

T: (02) 9742 7434

1 Amarina Ave, Greenacre, NSW 2190 | Locked Bag 12, Greenacre, NSW 2190



www.fire.nsw.gov.au



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May Patterson
Resource and Energy Assessments
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Via email: may.patterson@planning.nsw.gov.au

Dear Ms Patterson

**RE: Culcairn Solar Farm
Request for input into Secretary's Environmental Assessment Requirements (SSD 10288)**

I refer to your email dated 15 April 2019 seeking input from the Office of Environment and Heritage (OEH) 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 Culcairn Solar Farm (SSD 10288).

OEH has reviewed the documentation and provides SEARs for the proposed development in **Attachment A**. Guidance material is listed in **Attachment B**.

OEH recommends that the EIS appropriately address the following:

1. Biodiversity
2. Aboriginal cultural heritage (ACH)
3. Flooding

The EIS should fully describe the proposal, the existing environment, including threatened species habitat not associated with vegetation communities, such as paddock trees, and impacts of the development including the location and extent of all proposed works that may impact on ACH and biodiversity. The scale and intensity of the proposed development should dictate the level of investigation. It is important that all conclusions are supported by adequate data. The assessment must include all ancillary infrastructure associated with the project such as roads, water and power supplies, and Rural Fire Service requirements for asset protection.

Biodiversity

The Scoping Report indicates that remnant vegetation will be largely retained but the layout of the development means numerous paddock trees would be removed. The threatened species habitat value of these trees will need to be determined as part of the EIS process, along with an assessment of indirect impacts to the remnant woodland patches occurring within the proposed solar array. Mitigation measures will include an appropriate buffer between the development footprint and remaining native vegetation.

Aboriginal cultural heritage

Appendix B of the Scoping Report provides the results of a basic AHIMS search undertaken 13 November 2018 that identified 43 sites in, or near, the subject site. Where a basic AHIMS search has shown that there are Aboriginal sites or places recorded within the search area an extensive AHIMS search must be undertaken. We note that Appendix B of the Scoping Report also provides results from an extensive AHIMS search, however these results appear to pertain to a different site at least 22 km further south of the proposed activity. Different parameters have been applied (i.e. coordinates), the search only identifies six known sites, and it is dated 2 August 2018, which is three months earlier than the basic AHIMS search.

We recommend the EIS provide more current AHIMS results and that extensive search results relate to the basic search. Based on OEH records and the archaeological context of the subject site, as detailed by the scoping report, we concur that an Aboriginal cultural heritage assessment of the development footprint should be undertaken. This is to be undertaken in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (OEH 2010), inclusive of consultation with relevant Aboriginal stakeholders. While there is no requirement to obtain an Aboriginal Heritage Impact Permit (AHIP) for State Significant Developments, the proponent must comply with all other legislative requirements under Part 6 of the *National Parks and Wildlife Act 1974*.

Flooding

The EIS should specifically address the attached requirements for flooding and conduct flood modelling for the purposes of appropriately locating infrastructure and for assessing post-development impacts outside the site.

If you have any questions regarding this matter, please contact Miranda Kerr on (02) 6022 0607 or email the OEH South West Planning mailbox rog.southwest@environment.nsw.gov.au.

Yours sincerely



ANDREW FISHER
Senior Team Leader Planning
South West Branch
Conservation and Regional Delivery
Office of Environment & Heritage

ATTACHMENT A – Recommended Environmental Assessment Requirements for Culcairn South Solar Farm (SSD 10288)

ATTACHMENT B – Guidance material

Attachment A – Recommended Environmental Assessment Requirements for Culcairn Solar Farm – SSD 10288

Sources of guidance material for terms in [blue](#) are in Attachment B

Biodiversity
<p>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.</p>
<p>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.</p>
<p>3. The BDAR must include details of the measures proposed to address the offset obligation as follows;</p> <ul style="list-style-type: none"> a. The total number and classes of biodiversity credits required to be retired for the development/project; b. The number and classes of like-for-like biodiversity credits proposed to be retired; c. The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules; d. Any proposal to fund a biodiversity conservation action; e. Any proposal to make a payment to the Biodiversity Conservation Fund. <p>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.</p>
<p>4. The BDAR must be submitted with all digital spatial data associated with the survey and assessment as per Appendix 11 of the BAM.</p>
<p>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>.</p>
Aboriginal cultural heritage
<p>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.</p>
<p>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.</p>

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 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 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

12. The EIS must provide a heritage assessment including but not limited to an assessment of impacts to *State and local heritage* 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:
 - 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

13. The EIS must map the following features relevant to flooding as described in the Floodplain Development Manual 2005 (NSW Government 2005) including:
 - a. Flood prone land.
 - b. Flood planning area, the area below the flood planning level.
 - c. Hydraulic categorisation (floodways and flood storage areas).

d. Flood hazard.
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.
15. The EIS must model the effect of the proposed development (including fill) on the flood behaviour under the following scenarios: <ul style="list-style-type: none"> a. 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.
16. Modelling in the EIS must consider and document: <ul style="list-style-type: none"> a. Existing council flood studies in the area and examine consistency to the flood behaviour documented in these studies. b. The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood. c. 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. d. Relevant provisions of the NSW Floodplain Development Manual 2005.
17. The EIS must assess the impacts on the proposed development on flood behaviour, including: <ul style="list-style-type: none"> a. Whether there will be detrimental increases in the potential flood affectation of other properties, assets and infrastructure. b. Consistency with Council Floodplain Risk Management Plans. c. Consistency with any Rural Floodplain Management Plans. d. Compatibility with the flood hazard of the land. e. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land. f. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site. g. 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. h. 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. i. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the SES and Council. j. 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>National Parks and Wildlife Act 1974</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+80+1974+cd+0+N
<i>Environmental Planning and Assessment Act 1979</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N
<u>Biodiversity</u>	
Biodiversity Assessment Method (OEH, 2017)	www.environment.nsw.gov.au/resources/bcact/biodiversity-assessment-method-170206.pdf
Biodiversity Offsets Scheme Entry Threshold Tool	www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap
Biodiversity Values Map	www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap
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 Profiles	www.environment.nsw.gov.au/threatenedspeciesapp/
BioNet Atlas	www.environment.nsw.gov.au/wildlifeatlas/about.htm
BioNet Vegetation Classification – see NSW Plant Community Type (PCT) classification link for PCT database login page.	http://www.environment.nsw.gov.au/research/Visclassification.htm
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
NSW Guide to Surveying Threatened Plants (OEH, 2016)	www.environment.nsw.gov.au/research-and-publications/publications-search/nsw-guide-to-surveying-threatened-plants
Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna - Amphibians (DECC, 2009)	www.environment.nsw.gov.au/resources/Threatenedspecies/09213amphibians.pdf
Threatened Species Assessment Guideline - The Assessment of Significance (DECC 2007)	www.environment.nsw.gov.au/resources/Threatenedspecies/tsaguide07393.pdf
OEH Data Portal (access to online spatial data)	http://data.environment.nsw.gov.au/

Title	Web address
Fisheries NSW policies and guidelines	www.dpi.nsw.gov.au/fisheries/habitat/publications/policies,-guidelines-and-manuals/fish-habitat-conservation
<u>Aboriginal Cultural Heritage</u>	
Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011)	www.environment.nsw.gov.au/resources/cultureheritage/20110263ACHguide.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
Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010)	www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf
Aboriginal Site Recording Form	www.environment.nsw.gov.au/resources/parks/SiteCardMainV1_1.pdf
Aboriginal Site Impact Recording Form	https://www.environment.nsw.gov.au/resources/cultureheritage/aboriginal-site-impact-recording-form-120558.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</u>	
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



Office of Environment & Heritage

Contact details for OEH Planning Teams and Branch Offices

October 2018

Greater Sydney

Office of Environment and Heritage
Greater Sydney Planning Team
PO Box 644
Parramatta NSW 2124

Phone: 02 9995 5000
gs.ach@environment.nsw.gov.au

**AHIPs NOT to be submitted by email for
Greater Sydney**

Hunter Central Coast

Office of Environment and Heritage
Hunter Central Coast Planning Team
Locked Bag 1002
Dangar NSW 2309

Phone: 02 4927 3119
rog.hcc@environment.nsw.gov.au

North East

Office of Environment and Heritage
North East Planning Team
Locked Bag 914
Coffs Harbour NSW 2450

Phone: 02 66598200
rod.ne@environment.nsw.gov.au

North West

Office of Environment and Heritage
North West Planning Team
PO Box 2111
Dubbo NSW 2830

Phone: 02 6883 5300
rog.nw@environment.nsw.gov.au

South East

Office of Environment and Heritage
South East Planning Team
PO Box 733
Queanbeyan NSW 2620

Phone: (02) 6229 7000
rog.southeast@environment.nsw.gov.au

Illawarra Planning Team
PO Box 513
Wollongong NSW 2520

Phone: (02) 4224 4150
rog.illawarra@environment.nsw.gov.au

South West

Office of Environment and Heritage
South West Planning Team
PO Box 1040
Albury NSW 2640

Phone: (02) 6022 0624
rog.southwest@environment.nsw.gov.au

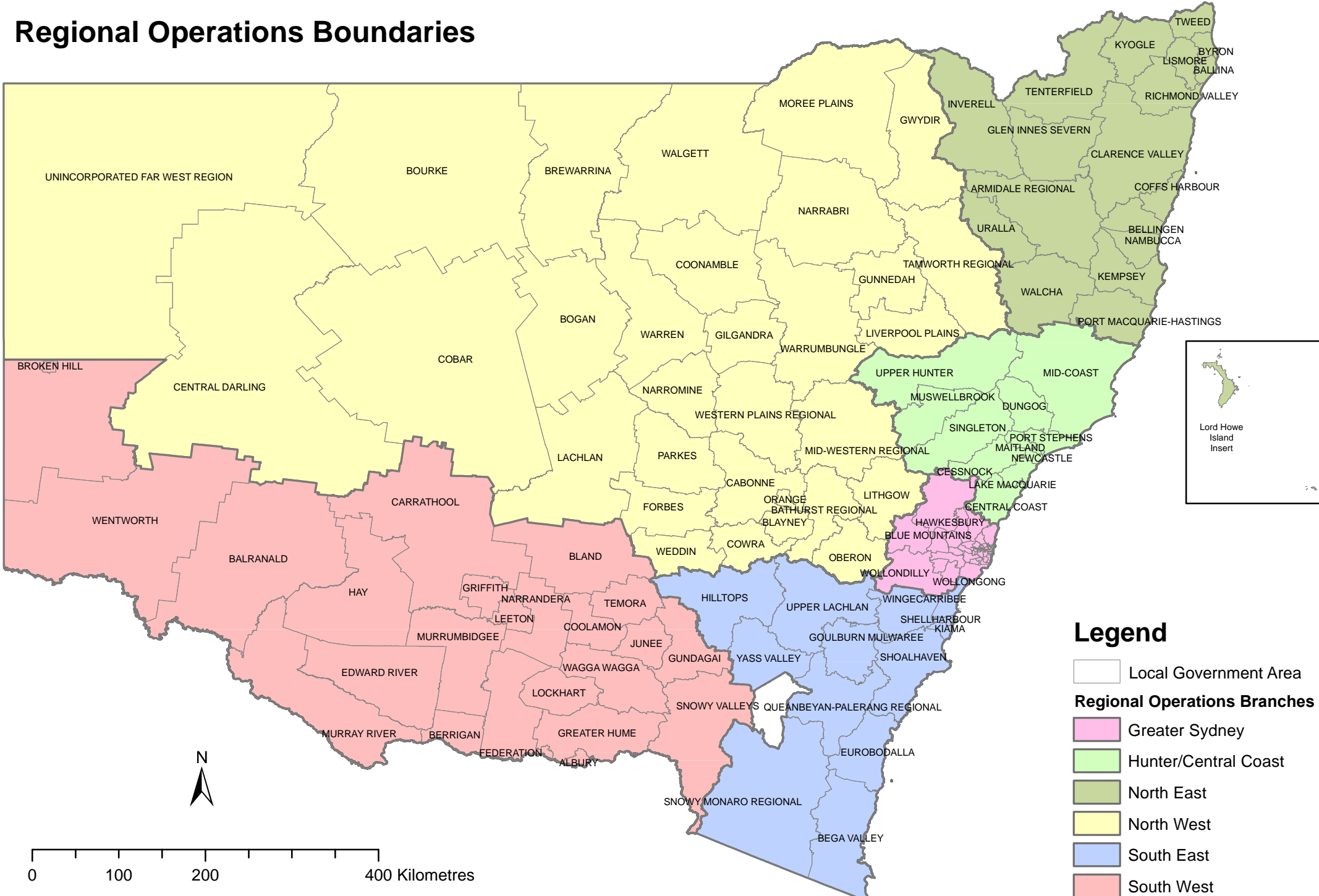
A map of OEH boundaries for ACH regulation is provided on the next page.

*OEH Planning Teams are in the **Conservation and Regional Delivery Division** (CaRD)
Greater Sydney is in the **Communities and Greater Sydney Division** (CaGS).*

If you don't know who to contact:

- Email the **OEH Planning Matters Mailbox** planning.matters@environment.nsw.gov.au
- Call **Environment Line** on 131 555

Regional Operations Boundaries





1 May 2019

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

Attention: May Patterson

SSD-10288 – SECRETARY’S ENVIRONMENTAL ASSESSMENT REQUIREMENT – PROPOSED CULCAIRN SOLAR FARM, WEEAMERA ROAD, CULCAIRN.

I refer to correspondence forwarded to Roads and Maritime Services requesting the provision of key issues and assessment requirements to be included in the Secretary’s Environmental Assessment Requirements.

From review of the information provided including the scoping report prepared by NGH Environmental dated April 2019 it is understood that the development proposal represents the establishment of a Solar Farm with an intended capacity of up to 400 Mega Watt plus ancillary infrastructure on the subject site. The subject site is located with frontage to Weeamera Road and Cummings Road to the southwest of Culcairn.

From the information provided it is understood that access to the development site is proposed to be from Weeamera Road, which is classed as a local road, within a 100 km/h speed zone. Weeamera Road is an approved B-double route. Access to the site particularly for the delivery of components will rely on access to Weeamera Road via Cummings Road or Benambra Road from the Olympic Highway, which is a Classified Road. All these roads are approved B-Double Routes.

Section 3.2 of the report refers to the site access being from Weeamera Road. However the transport of components to the development site may be from either north or south on the Olympic Highway. If travelling from the north the use of Cummins Road could be used as alternative to Benambra Road but the intersection at Benambra Road is the preferred access point from the Olympic Highway as it has been constructed to the requirements for heavy vehicle access.

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 workers 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 type and scale of the proposal an assessment of the potential traffic impacts on the surrounding road network due to the development, particularly during the construction phase, should be submitted with the Development Application to allow for an informed assessment of the development proposal. This is

consistent with the draft SEARs which refers to the need to address transport issues. The cumulative traffic with the nearby quarry also needs to be addressed particularly through the intersection of Benambra Road with the Olympic Highway. The required contents and detail of the Traffic Impact Assessment (TIA) will depend on the scale of the proposed development, the characteristics of the potential traffic generation and the traffic volumes and other traffic generating influences on the surrounding public road network.

The Traffic assessment shall detail the potential impacts associated with the construction and operation 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. The workforce traffic to the development site and potential options to minimise traffic generated by the construction workforce to the site and fatigue issues also needs to be addressed.


Given the potential volume of traffic and the need for deliveries of the components to the development site during the construction period the supporting documentation identifies that a Traffic Management Plan is required to be prepared. Details for deliveries of ancillary materials such as gravel and concrete should also be considered as part of the submitted documentation. Where road safety concerns are identified at a specific location along the haulage route/s, the TIA may be supported by a targeted Road Safety Audit undertaken by suitably qualified persons.

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 3: 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.

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:
Lindsay Tanner
Director, South West NSW

From: Easements&Development
To: [May Patterson](#)
Subject: 2019-170 Request for Advice to Develop SEARs - Culcairn Solar Farm (SSD 10288)
Date: Tuesday, 30 April 2019 11:59:08 AM

Good Morning,

TransGrid Reference Number: 2019-170

Proposal: Request for Advice to Develop SEARs - Culcairn Solar Farm (SSD 10288)

TransGrid: Wagga – Jindera 330KV T/L (Feeder 62, Structure span 196 – 211)

Thank you for referring the above mentioned Development Application to TransGrid for review.

Please be advised after reviewing the proposed works at **Develop SEARs - Culcairn Solar Farm (SSD 10288)**

TransGrid offers the following comments:

TransGrid is working closely with Neoen for their Culcairn Solar Farm connection. TransGrid has already undertaken a formal connection enquiry response and has entered into a formal Connection Processes Agreement with Neoen to complete a detailed scoping study and designs, with a view to enter into a formal project and connection agreements for the generation connection.

Regards

Michael

Michael Platt

Development Assessment and Control Officer | Network Planning and Operations

TransGrid | 200 Old Wallgrove Road, Wallgrove, NSW, 2766

T: (02) 9620 0161 **M:** 0427 529 997

E: Michael.Platt@transgrid.com.au **W:** www.transgrid.com.au

Disclaimer:

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Department of Industry

OUT19/5537

May Patterson
Team Leader
Resource and Energy Assessments
NSW Department of Planning and Environment

May.Patterson@planning.nsw.gov.au

Dear Ms Patterson

**Culcairn Solar Farm (SSD 10288)
Comment on the Secretary's Environmental Assessment Requirements (SEARs)**

I refer to your email of 18 April 2019 to the Department of Industry (DoI) about the above matter.

The following advice for you to consider is from relevant branches of DoI Lands & Water and the Department of Primary Industries.

DoI – Water and Natural Resources Access Regulator

The SEARS should include:

- The identification of an adequate and secure water supply for the life of the project. This includes confirmation that water can be sourced from an appropriately authorised and reliable supply. This is also to include an assessment of the current market depth where water entitlement is required to be purchased.
- A detailed and consolidated site water balance.
- Assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.
- Proposed surface and groundwater monitoring activities and methodologies.
- Consideration of relevant legislation, policies and guidelines, including the NSW Aquifer Interference Policy (2012), the Guidelines for Controlled Activities on Waterfront Land (2018) and the relevant Water Sharing Plans (available at <https://www.industry.nsw.gov.au/water>).

DoI Crown Lands

There are two Crown Public Roads located near the proposal. Should the roads be required for site access to the proposal area, it is recommended that application be made to close and purchase the road by the applicant, or the road be transferred to Council. Transfer or closure must be completed before works are undertaken.

DPI Agriculture

DPE's Large Scale Solar Energy Guideline for State Significant Developments, highlights areas of constraint for site selection as being *"important agricultural lands, including Strategic Agricultural Land (both critical industry clusters and biophysical strategic agricultural land), and land with soil capability classes 1, 2 and 3"*. DPI Agriculture notes that the land that is subject to this proposal is classified as soil capability class 4 and thus is not constrained.

NSW DPI Agriculture notes that the land that is proposed to be the site for this development has been used in the past for grazing and cropping with cultivation occurring on occasion and the intention is that the land will be returned back to agriculture once the solar farm is decommissioned. DPI Agriculture notes and supports the proponent's commitment to the removal of all above and below ground infrastructure once the solar farm is decommissioned, so that the land can be returned to agricultural production.

A baseline soil conditions report should be included in the EIS so that rehabilitation plans and performance measures can be developed to inform the proponent when decommissioning occurs.

NSW DPI Agriculture provides recommended SEARs (**Attachment 1**) and relevant guidelines and resources (**Attachment 2**) to assist the proponent in addressing the recommended SEARs.

Any further referrals to Department of Industry can be sent by email to landuse.enquiries@dpi.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink that reads "Liz Rogers". The signature is written in a cursive, flowing style.

Liz Rogers
Manager, Assessments
Lands and Water – Strategic Relations
10 May 2019

Culcairn Solar Farm (SSD 10288) - SEARs
Detailed assessment advice – DPI Agriculture

SEARs Recommendations

Issue and desired outcome	Detail / Requirement
Site Suitable for development	<ul style="list-style-type: none"> • Detail that the proposal is consistent with relevant SEPPs, strategic plans and LEP requirements 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). • Complete a Landuse Conflict Risk Assessment (LUCRA) to identify potential landuse conflict, in particular relating to separation distances and management practices to minimise odour, dust and noise from sensitive receptors. A LUCRA is described in the DPI Land Use Conflict Risk Assessment Guide. • Include a map to scale showing the above operational and infrastructure details including separation distances from sensitive receptors.
Consideration for impacts to agricultural resources and land	<ul style="list-style-type: none"> • Describe the current agricultural status and productivity of the proposed development site and surrounding locality including the land capability as per the OEH The land and soil capability assessment scheme. • Demonstrate that all significant impacts on current and potential agricultural developments and resources can be reasonably avoided or adequately mitigated. • Consider possible cumulative effects to agricultural enterprises and landholders. • Detail the expected life span of the proposed development • Outline strategies to manage impact of agricultural aerial spraying in the area. • Outline details of potential landuse sharing with agriculture.
Suitable and secure water supply	<ul style="list-style-type: none"> • Outline any impacts to water use from agriculture and mitigation measures if required.
Biosecurity Standards met	<ul style="list-style-type: none"> • Include a biosecurity (pests, weeds and disease) risk assessment outlining the likely plant, animal and community risks. • Develop a biosecurity response plan to deal with identified risks as well as contingency plans for any failures. Including monitoring and mitigation measures in weed, disease and pest management plans. • Details of adequate fencing to keep livestock out.
Suitable traffic movements	<ul style="list-style-type: none"> • Consideration of the route for movements needs to be taken into account so that impacts on sensitive receptors are minimised (eg noise, dust, volume of traffic). This should include consideration of Travelling Stock Reserves (TSR) and the movement of livestock or farm vehicles along / across the affected roads
Visual amenity achieved	<ul style="list-style-type: none"> • Amenity impacts are assessed in accordance with the methods outlined in the DPE's, Wind Energy: Visual Assessment Bulletin and any

	necessary response to mitigate visual impacts is described and illustrated. In particular night lighting, glare and any impacts on amenity for adjacent landholders.
Land stewardship met	<ul style="list-style-type: none"> • If any earthworks are proposed, an assessment of the overall footprint where the natural contours of the land will be modified, the total amount of material involved, how any stockpiled material will be managed and outline of how this material will or will not be used for agricultural rehabilitation purposes. • A full soil survey to be undertaken prior to works commencing as a benchmark for agricultural land rehabilitation. • Develop a Rehabilitation and Decommissioning/Closure Management Plan that outlines the rehabilitation objectives and strategies to return the land to its pre-project status. This includes, but is not limited to removing all above and below ground infrastructure, describing the design criteria of the final landuse and landform, indicators to be used to guide the return of the land back to agricultural production, along with the expected timeline for the rehabilitation program. • Measures to remediate the land following decommissioning in accordance with State Environmental Planning Policy No 55 - Remediation of Land. • Outline monitoring and mitigation measures to be adopted for rehabilitation remedial actions. • Any land with a cropping history or land with a capability of category 3 or better as per <i>The land and soil capability assessment scheme: second approximation (OEHL)</i>, all cables/pipes to be buried at a depth >500mm to allow greater opportunity for agricultural activities to continue over the top. • Trenching through sodic soils during construction must include soil amendment with Gypsum at a minimum rate of 10t/ha. Actual rates to be determined following soil testing (Clay content, ECEC and EC).
Adequate consultation with community	<ul style="list-style-type: none"> • Consult with relevant agencies such as on the design, construction and operation of the proposed infrastructure. • Consult with the owners / managers of affected and adjoining neighbours and agricultural operations in a timely and appropriate manner about; the proposal, the likely impacts and suitable mitigation measures or compensation. • Establish a complaints register that includes reporting and investigating procedures and timelines, and liaison with Council in relation to complaint issues.
Contingency and Environmental Management Plan developed	<ul style="list-style-type: none"> • Contingency plans should be developed to enable the operation to deal with emergency situations. Commitment to the preparation of an Emergency Management plan that outlines procedures and responsibilities for responding to bushfire threats and possible mass mortality events which might result from extreme climatic conditions, routine or emergency animal disease outbreaks.

Culcairn Solar Farm (SSD 10288) - SEARs

Recommended Guidelines and Resources

Land Use Conflict Risk Assessment Guide	https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment2/lucra
Infrastructure Proposals on Rural Land	http://www.dpi.nsw.gov.au/agriculture/lup/development-assessment2/infrastructure-proposals
The land and soil capability assessment scheme: second approximation 2012 (OEH)	https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Land-and-soil/land-soil-capability-assessment-scheme-120394.pdf
Australian Soil and Land Survey Handbook (CSIRO)	
Guidelines for Surveying Soil and Land Resources (CSIRO)	
Large Scale Solar Energy Guideline (DPE)	https://www.planning.nsw.gov.au/Policy-and-Legislation/Renewable-Energy/Large-scale-Solar-Energy-Guideline
Land Use Conflict Risk Assessment Guide	https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment2/lucra

END ATTACHMENT 2



Planning &
Environment

7 May 2019

May Patterson
Team Leader – Resource and Energy Assessments
Planning Services
Department of Planning & Environment
GPO BOX 39
SYDNEY NSW 2001

Your Ref: SSD 10288
Our Ref: DOC19/361605

Emailed: may.patterson@planning.nsw.gov.au

Dear Ms Patterson

Re: Culcairn Solar Farm Project (SSD 10288) – Request for Secretary's Environmental Assessment Requirements (SEARs)

Thank you for the opportunity to provide advice on the Draft SEARs and Scoping Report for the Culcairn Solar Farm Project (SSD 10288). This is a response from the Department of Planning & Environment – Division of Resources & Geoscience (the Division).

The Division is responsible for providing strategic advice relating to the current and potential future uses of land in NSW pursuant to the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* and the *Environmental Planning & Assessment Act 1979*. The Division's role is to ensure that proposals, including associated electricity transmission infrastructure do not unnecessarily preclude access to known resources or exploration for future resource discovery and extraction. The Division will also assess the application with respect to biodiversity offset considerations.

The Division has reviewed the Draft SEARs and Scoping Report (dated 24 April 2019) for the Culcairn Solar Farm Project (SSD 10288). The Division has identified that the 'Hurricane Hill' hard rock quarry operated by Boral Resources Pty Ltd is located approximately 1.5 kilometres (km) to the north of the proposal site (Refer to Figure 1). Consideration should be given to the impacts the project may have on extractive operations.

The Draft SEARs require the proponent to address the projects potential land use conflicts with existing and future surrounding land uses. These include mining, mineral and petroleum rights. The Draft SEARS also includes the requirement for consultation during the preparation of the Environmental Impact Statement (EIS) with exploration licence holders, quarry operators and mineral title holders.

The proponent should identify any of the above in the EIS and consult with the operators or title holders to establish if the proposal is likely to have a significant impact on current or

NSW Department of Planning and Environment
DIVISION of RESOURCES & GEOSCIENCE
PO Box 344 Hunter Region Mail Centre NSW 2310
Tel: 02 4063 6500
ABN 38 755 709 681



future extraction of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of resources). The EIS should also document any way the proposed development may be incompatible with existing or approved uses, or current or future extraction or recovery of resources under the land use compatibility requirements of Part 3 (13) of the Mining SEPP.

In fulfilling the SEARs relating to the State's mineral resources and rights to assess and extract those resources, the Division requires the following project specific requirements to be addressed in the EIS:

- The proponent should undertake a dated and referenced search for any new mineral, coal and petroleum title applications over or adjacent to the proposal site during the preparation of the EIS. Evidence of the search should be provided in the form of a date referenced map. Current mining and exploration titles and applications can be viewed through the Division's MinView map viewer at:

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

- The proponent must consult with the operators of Hurricane Hill Quarry, Boral Resources Pty Ltd and provide evidence of authentic consultation to the Division. This should include a letter of notification of the proposal to the quarry operator including a map indicating the solar farm project area (including associated electricity transmission infrastructure) in relation to the quarry site boundaries, and a letter of response from the quarry operator to the proponent. If responses are not received from the quarry operator, the proponent is to contact the Division.

No biodiversity offsets have been proposed at this stage. The Division will assess any proposed biodiversity offset areas (both on and off site) or any supplementary biodiversity measures on review of the EIS.

Yours sincerely

Steven Palmer
Acting Manager – Land Use

May Patterson

From: Troy Hitchon <troy.hitchon@lls.nsw.gov.au>
Sent: Monday, 6 May 2019 1:55 PM
To: May Patterson
Subject: Agency input SEARs - Local Land Services (Sustainable Land Management SLM) - Culcairn Solar Farm SSD 10288

Dear May,

RE: Culcairn Solar Farm (SSD 10288) - Request for Input into Secretary's Environmental Assessment Requirements.

Local Land Services writes in response to your department's recent request to review and provide comment on the Culcairn Solar Farm (SSD 10288), located south-west of Culcairn in the Greater Hume Shire local government area. The Sustainable Land Management (SLM) agency of Local Land Services provides specific consideration to, and comment in respect of, the zone of the land and native vegetation clearing which for this purpose is considered to be regulated land subject to authorisation under the *Local Land Services Act 2013*.

The preliminary environmental assessment scoping report prepared by NGH notes the below:

- The development proposed is deemed State Significant Development per Section 78A of the *Environmental Planning and Assessment Act 1979*
- the development will be on RU1 land currently used for agriculture where native vegetation remains in the form of scattered paddock trees.
- the report states, in relevant sections, the clearing/removal of native vegetation as required. Further survey of the area is a requirement of the EIS, and a full assessment of the impact to potential habitat in these areas would be conducted.
- trees within the development footprint where clearing has been approved will be removed, and the footprint as shown is indicative only at this stage.
- Areas of high biodiversity value, such as riparian vegetation, swamps and native grasslands have been excluded from the development footprint.

Additionally it is typically noted within scoping reports for solar proposals designated as State Significant Development:

- In accordance with the *Biodiversity Conservation Act 2016* an application for SSD is to be determined with consideration of *that legislation's* assessment requirements.
- Consistent with the *Biodiversity Conservation Act 2016* (section 7.14) an application for SSD must be accompanied by a Biodiversity Development Assessment Report (BDAR).

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

Although as above **the planning pathway for SSD 10288 negates separate consent under the LLS Act**, the following are proposed to be incorporated to assist inform the SEARS process to this point:

- Cleared farmland will likely be deemed Category 1 land, in the absence of a published Native Vegetation Regulatory (NVR) Map <https://www.environment.nsw.gov.au/biodiversity/regulatorymap.htm>
- remnant areas and scattered trees would be deemed Category 2 land and will generate credits.
- hollow-bearing trees, where dead, will require consideration for potential threatened species impact even though they are not considered live native vegetation under the LLS Act.
- removal or minimising impacts to the ecological values within the project area. Remnant native vegetation and the scattered paddock trees to be avoided as far as practicable.
- where retained, vegetation buffers be created to ensure indirect impacts do not occur during construction or operation of the Solar Farm.
- Tree Protection Zones to be established on remnant vegetation and scattered trees not approved for clearing (if any), with retained patches of vegetation to be fenced, and operations excluded from them (if required).

- a BDAR will be prepared, and OEH must be consulted (as they will have been to date for input to SEARS)

Prior to planning approval being finalised, there must 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* must be in place.

LLS anticipates review of the impending EIS and BDAR bearing in mind the above, and again looks forward to providing input to SSD 10288 at that point in the development pathway.

Regards

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Troy Hitchon | Regional Services Officer
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1 May 2019

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

Attention: May Patterson

SSD-10288 – SECRETARY’S ENVIRONMENTAL ASSESSMENT REQUIREMENT – PROPOSED CULCAIRN SOLAR FARM, WEEAMERA ROAD, CULCAIRN.

I refer to correspondence forwarded to Roads and Maritime Services requesting the provision of key issues and assessment requirements to be included in the Secretary’s Environmental Assessment Requirements.

From review of the information provided including the scoping report prepared by NGH Environmental dated April 2019 it is understood that the development proposal represents the establishment of a Solar Farm with an intended capacity of up to 400 Mega Watt plus ancillary infrastructure on the subject site. The subject site is located with frontage to Weeamera Road and Cummings Road to the southwest of Culcairn.

From the information provided it is understood that access to the development site is proposed to be from Weeamera Road, which is classed as a local road, within a 100 km/h speed zone. Weeamera Road is an approved B-double route. Access to the site particularly for the delivery of components will rely on access to Weeamera Road via Cummings Road or Benambra Road from the Olympic Highway, which is a Classified Road. All these roads are approved B-Double Routes.

Section 3.2 of the report refers to the site access being from Weeamera Road. However the transport of components to the development site may be from either north or south on the Olympic Highway. If travelling from the north the use of Cummins Road could be used as alternative to Benambra Road but the intersection at Benambra Road is the preferred access point from the Olympic Highway as it has been constructed to the requirements for heavy vehicle access.

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 workers 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 type and scale of the proposal an assessment of the potential traffic impacts on the surrounding road network due to the development, particularly during the construction phase, should be submitted with the Development Application to allow for an informed assessment of the development proposal. This is

consistent with the draft SEARs which refers to the need to address transport issues. The cumulative traffic with the nearby quarry also needs to be addressed particularly through the intersection of Benambra Road with the Olympic Highway. The required contents and detail of the Traffic Impact Assessment (TIA) will depend on the scale of the proposed development, the characteristics of the potential traffic generation and the traffic volumes and other traffic generating influences on the surrounding public road network.

The Traffic assessment shall detail the potential impacts associated with the construction and operation 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. The workforce traffic to the development site and potential options to minimise traffic generated by the construction workforce to the site and fatigue issues also needs to be addressed.


Given the potential volume of traffic and the need for deliveries of the components to the development site during the construction period the supporting documentation identifies that a Traffic Management Plan is required to be prepared. Details for deliveries of ancillary materials such as gravel and concrete should also be considered as part of the submitted documentation. Where road safety concerns are identified at a specific location along the haulage route/s, the TIA may be supported by a targeted Road Safety Audit undertaken by suitably qualified persons.

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 3: 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.

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:
Lindsay Tanner
Director, South West NSW