

Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*

Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

Application Number	SSD-30913035
Project Name	<p>Merriwa Solar Farm which includes:</p> <ul style="list-style-type: none">• the construction, operation and decommissioning of a solar photovoltaic (PV) energy generating facility with an estimated capacity up to 550 MW; and• associated infrastructure, including battery storage of up to 400 MW / 400 MWh
Location	Flaggs Road, Merriwa, approximately 8 km southeast of Merriwa township within the Upper Hunter Shire Council Local Government Area
Applicant	Maoneng Australia Pty Ltd
Date of Issue	28/01/2022
General Requirements	<p>The environmental impact statement (EIS) must meet the minimum form and content requirements of clauses 6 and 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation) and must have regard to the <i>State Significant Development Guidelines</i>.</p> <p>In particular, the EIS must include:</p> <ul style="list-style-type: none">• stand-alone executive summary;• a full description of the development, including:<ul style="list-style-type: none">- details of construction, operation and decommissioning;- a high quality site plan at an adequate scale showing all infrastructure and facilities (including any infrastructure that would be required for the development, but the subject of a separate approvals process);- a high quality 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 existing land use, other proposed or approved solar and major projects, rural/residential development, Crown lands within and adjacent to the project site, National Parks and Wildlife Service land 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

	<p>development using sufficient baseline data;</p> <ul style="list-style-type: none"> - an assessment of the likely impacts of all stages of the development (which is commensurate with the level of impact), including any cumulative impacts of the site and existing or proposed developments in the region, taking into consideration any relevant legislation, environmental planning instruments, guidelines, policies, plans and industry codes of practice including the <i>Large-scale Solar Energy Guideline</i> (DPIE 2018, subject to revision) and <i>Cumulative Impact Assessment Guideline</i> (DPIE, July 2021); - 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; <ul style="list-style-type: none"> • a consolidated summary of all the proposed environmental management and monitoring measures, identifying all the commitments in the EIS; • a detailed evaluation of the merits of the project as a whole having regard to: <ul style="list-style-type: none"> - the requirements in Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>, including the objects of the Act and how the principles of ecologically sustainable development have been incorporated in the design, construction and ongoing operations of the development; - the suitability of the site with respect to potential land use conflicts with existing and future surrounding land uses; and - feasible alternatives to the development and its key components (including opportunities for shared infrastructure with proposed developments in the region), and the consequences of not carrying out the development; • a detailed consideration of the capability of the project to contribute to the security and reliability of the electricity system in the National Electricity Market, having regard to local system conditions and the Department's guidance on the matter; and • a signed statement from the author of the EIS, certifying that the information contained within the document is neither false nor misleading. <p>The EIS must also be accompanied by:</p> <ul style="list-style-type: none"> • a report from a suitably qualified person providing 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; • an estimate of the jobs that will be created during the construction and operational phases of the proposed project; and • certification that the information provided is accurate at the date of preparation. <p>The development application must be accompanied by the consent of the owner/s of the land (as required in clause 49(1)(b) of the Regulation).</p>
Key issues	<p>The EIS must address the following specific matters:</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 <i>Biodiversity Conservation Act 2016</i> (NSW), the Biodiversity Assessment Method (BAM)

2020 and documented in a Biodiversity Development Assessment Report (BDAR), unless BCS and DPIE determine 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;
 - 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, and
 - if an offset is required, details of the measures proposed to address the offset obligations.
- **Heritage** – including:
 - an assessment of the impact to Aboriginal cultural heritage items (cultural and archaeological) in accordance with the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH, 2011) and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2010);
 - evidence of consultation with Aboriginal communities in determining and assessing impacts, developing options and selecting options and mitigation measures (including the final proposed measures), having regard to the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010); and
 - assess the impact to historic heritage having regard to the NSW Heritage Manual.
 - **Land** – including:
 - a detailed justification of the suitability of the site and that the site can accommodate the proposed development having regard to its agricultural capability, potential environmental impacts, permissibility, strategic context and existing site constraints;
 - an assessment of the potential impacts of the development on existing land uses on the site and adjacent land, including:
 - 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,
 - consideration of the zoning provisions applying to the land, including subdivision (if required);
 - completion of a Land Use Conflict Risk Assessment in accordance with the Department of Industry's *Land Use Conflict Risk Assessment Guide*;
 - a detailed assessment of the impact on agricultural resources and agricultural productivity, including:
 - an agricultural impact statement;
 - consideration of potential mitigation measures which may reduce project impacts on agricultural land;
 - detailed economic assessment of impacts on agricultural land, agricultural production and agricultural supply chains;

- justification for the project considering other alternatives and site design which may have lesser impacts on agricultural land;
- **Visual** – including:
 - a detailed assessment of the likely visual impacts (including any glare, reflectivity and night lighting) of all components of the project (including arrays, transmission lines, substations, battery storage and any other ancillary infrastructure) on surrounding residences and key locations, scenic or significant vistas, air traffic and road corridors in the public domain; and on the Siding Spring Observatory in accordance with the *Dark Sky Planning Guideline* (2016), and
 - provide details of measures to mitigate and/or manage potential impacts (including a draft landscaping plan for on-site perimeter planting, with evidence it has been developed in consultation with affected landowners);
- **Noise** – including an assessment of the construction noise impacts of the development in accordance with the *Interim Construction Noise Guideline* (ICNG), operational noise impacts in accordance with the *NSW Noise Policy for Industry* (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:
 - 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(s), site access point(s), any Crown land, particularly in relation to the capacity and condition of the roads, road safety and intersection performance;
 - a cumulative impact assessment of traffic from nearby developments; and
 - provide details of measures to mitigate and / or manage potential impacts including a schedule of all required road upgrades (including resulting from heavy vehicle and over mass / over dimensional traffic haulage routes), road maintenance contributions, and any other traffic control measures, developed in consultation with the relevant road authorities;
- **Water** – including:
 - an assessment of the likely impacts of the development (including flooding) on surface water and groundwater resources and measures proposed to monitor, reduce and mitigate these impacts;
 - details of water requirements and supply arrangements for construction and operation; and
 - where the project involves works within 40 metres of any river, lake or wetlands (collectively waterfront land), identify likely impacts to the waterfront land, and how the activities are to be designed and implemented in accordance with the *DPI Guidelines for Controlled Activities on Waterfront Land* (2018) and (if necessary) *Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings* (DPI 2003), and *Policy & Guidelines for Fish Habitat Conservation & Management* (DPE, 2013); and
 - a description of the erosion and sediment control measures that would be implemented to mitigate any impacts in accordance with *Managing Urban Stormwater: Soils & Construction* (Landcom 2004);
- **Hazards** – including:
 - a preliminary risk screening completed in accordance with *State*

	<p><i>Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33</i> (DoP, 2011);</p> <ul style="list-style-type: none"> - a Preliminary Hazard Analysis (PHA) must be prepared in accordance with <i>Hazardous Industry Planning Advisory Paper No. 6 – Guideline for Hazard Analysis</i> (DoP, 2011) and <i>Multi-Level Risk Assessment</i> (DoP, 2011). The PHA must consider all recent standards and codes and verify separation distances to on-site and off-site receptors to prevent fire propagation and compliance with <i>Hazardous Industry Advisory Paper No. 4, 'Risk Criteria for Land Use Safety Planning</i> (DoP, 2011); and - an assessment of potential hazards and risks including but not limited to bushfires, spontaneous ignition, electromagnetic fields or the proposed grid connection infrastructure against the <i>International Commission on Non-Ionizing Radiation Protection (ICNIRP) Guidelines for limiting exposure to Time-varying Electric, Magnetic and Electromagnetic Fields</i>; • Social Impact – including an assessment of the social impacts in accordance with <i>Social Impact Assessment Guideline</i> (DPIE, July 2021); • Economic –including an assessment of the economic impacts or benefits of the project for the region and the State as a whole, and • 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.
Plans and Documents	<p>The EIS must include all relevant plans, diagrams and relevant documentation required under Schedule 1 of the Regulation. Provide these as part of the EIS rather than as separate documents.</p> <p>In addition, the EIS must include high quality files of maps and figures of the subject site and proposal.</p>
Legislation, Policies & Guidelines	<p>The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified.</p> <p>A list of some of the legislation, policies and guidelines that may be relevant to the assessment of the project can be found at:</p> <ul style="list-style-type: none"> • https://www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Rapid-Assessment-Framework/Improving-assessment-guidance • https://www.planningportal.nsw.gov.au/major-projects/assessment/policies-and-guidelines; and • http://www.environment.gov.au/epbc/publications#assessments
Consultation	<p>During the preparation of the EIS, you should consult with the relevant local, State or Commonwealth Government authorities, infrastructure and service providers, community groups, affected landowners and any exploration licence and/or mineral title holders.</p> <p>In particular, you must undertake detailed consultation with affected landowners surrounding the development, Upper Hunter Shire Council, Crown Lands, NSW Aboriginal Land Council and Transport for NSW.</p> <p>The EIS must:</p> <ul style="list-style-type: none"> • detail how engagement undertaken was consistent with the <i>Undertaking</i>

	<p><i>Engagement Guidelines for State Significant Projects</i> (DPIE, July 2021); and</p> <ul style="list-style-type: none"> describe the consultation process and the issues raised and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, an explanation should be provided.
Expiry Date	<p>If you do not lodge a Development Application and EIS for the development within 2 years of the issue date of these SEARs, your SEARs will expire. If an extension to these SEARs will be required, please consult with the Planning Secretary 3 months prior to the expiry date.</p>