

Environmental Assessment Requirements

State Significant Development

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

Application Number	SSD 8777
Proposal	<p>Maryvale Solar Farm which includes:</p> <ul style="list-style-type: none"> the construction and operation of a photovoltaic (PV) generation facility with an estimated capacity of 115 megawatts (MW); and associated infrastructure.
Location	121 Maryvale Road, Maryvale
Applicant	Photon Energy Generation Pty Ltd
Date of Issue	13 October 2017
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; 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), 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 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 the consequences of not carrying out the development.

	<p>While not exhaustive, Attachment 1 contains a list of some of the environmental planning instruments, guidelines, policies, and plans that may be relevant to the environmental assessment of this development.</p> <p>In addition to the matters set out in Schedule 1 of the <i>Environmental Planning and Assessment Regulation 2000</i>, the development application must be accompanied by a signed report from a suitably qualified person that includes an accurate estimate of the capital investment value of the development (as defined in Clause 3 of the <i>Environmental Planning and Assessment Regulation 2000</i>), including details of all the assumptions and components from which the capital investment value calculation is derived.</p>
Specific Issues	<p>The EIS must address the following specific issues:</p> <ul style="list-style-type: none"> • Land – including: <ul style="list-style-type: none"> – an assessment of the impact of the development on agricultural land (including an investigation of the potential for the site to be used for agricultural purposes during operation of the solar farm) and flood prone land; – a soil survey to consider the potential for erosion to occur, paying particular attention to the compatibility of the development with the existing land uses on the site and adjacent land (e.g. operating mines, extractive industries, mineral or petroleum resources, exploration activities, aerial spraying, dust generation, and risk of weed and pest infestation) during operation and after decommissioning, with reference to the zoning provisions applying to the land; and – a decommissioning and rehabilitation plan to return the land to productive agricultural use at closure of the project. • Water – including: <ul style="list-style-type: none"> – an assessment of the likely impacts of the development (including flooding) on surface water and groundwater resources (including wetlands, riparian land, groundwater dependent ecosystems and acid sulfate soils), related infrastructure, adjacent licenced 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); • Biodiversity – including an assessment of the biodiversity values and the likely biodiversity impacts of the project in accordance with the <i>Biodiversity Conservation Act 2016</i> (NSW), a detailed description of the proposed regime for minimising, managing and reporting on the biodiversity impacts of the project over time, and a strategy to offset any residual impacts of the project in accordance with the <i>Biodiversity Conservation Act 2016</i> (NSW); • Heritage – including an assessment of the likely impacts of the development on Aboriginal and historic heritage (cultural and archaeological) (including the Sandy Hollow to Maryvale Railway Line), including adequate consultation with the local Aboriginal community; • 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;

	<ul style="list-style-type: none"> • Noise – including an assessment of the construction noise impacts of the development in accordance with the <i>Interim Construction Noise Guideline</i> (ICNG), an assessment of the operational noise impacts in accordance with the NSW <i>Industrial Noise Policy</i> (INP), and a draft noise management plan if the assessment shows construction noise is likely to exceed applicable criteria; • Transport – including an assessment of the site access route (Seatonville Road, Maryvale Road and the Mitchell Highway), site access points, and likely transport impacts (including peak and average traffic generation) of the development on the capacity and condition of roads (including on any Crown land), a description of the measures that would be implemented to mitigate any impacts during construction, and a description of any proposed road upgrades developed in consultation with the relevant road and rail authorities (if required); • Hazards and Electromagnetic Interference – an assessment of potential hazards and risks associated with bushfires and the proposed transmission line and substation against the International Commission on Non-Ionizing Radiation Protection (ICNIRP) <i>Guidelines for limiting exposure to Time-varying Electric, Magnetic and Electromagnetic Fields</i>. • Socio-Economic – including an assessment of the likely impacts on the local community and a consideration of the construction workforce accommodation.
Consultation	<p>During the preparation of the EIS, you should consult with relevant local, State or Commonwealth Government authorities, infrastructure and service providers, community groups, affected landowners, exploration licence holders, quarry operators and mineral title holders.</p> <p>In particular, you must undertake detailed consultation with affected landowners surrounding the development and Dubbo Regional Council.</p> <p>The EIS must describe the consultation that was carried out, identify the issues raised during this consultation, and explain how these issues have been addressed in the EIS.</p>
Further consultation after 2 years	<p>If you do not lodge a development application and EIS for the development within 2 years of the issue date of these EARs, you must consult further with the Secretary in relation to the preparation of the EIS.</p>

ATTACHMENT 1

Environmental Planning Instruments, Policies, Guidelines & Plans

Biodiversity

Biodiversity Assessment Method (OEH)
Threatened Species Assessment Guidelines - Assessment of Significance (OEH)
Biosecurity Act 2015
Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (DPI)
Policy and Guidelines for Fish Habitat Conservation and Management (DPI)

Heritage

Aboriginal Cultural Heritage Consultation Requirements for Proponents (OEH)
Code of Practice for Archaeological Investigations of Objects in NSW (OEH)
Guide to investigating, assessing and reporting on aboriginal cultural heritage in NSW (OEH).
NSW Heritage Manual (OEH)

Land

Primefact 1063: Infrastructure proposals on rural land (DPI)
Establishing the social licence to operate large scale solar facilities in Australia: insights from social research for industry (ARENA)
Local Land Services Act 2013
Australian Soil and Land Survey Handbook (CSIRO)
Guidelines for Surveying Soil and Land Resources (CSIRO)
The land and soil capability assessment scheme: second approximation (OEH)

Noise

NSW Industrial Noise Policy (EPA)
Interim Construction Noise Guideline (EPA)
NSW Road Noise Policy (EPA)

Lighting

Dark Sky Planning Guideline: Protecting the observing conditions at Siding Spring (DPE)

Transport

Guide to Traffic Generating Developments (RTA)
Road Design Guide (RMS) & relevant Austroads Standards
Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development

Water

Managing Urban Stormwater: Soils & Construction (Landcom)
Floodplain Development Manual (OEH)
Guidelines for Controlled Activities on Waterfront Land (DPI Water)
Water Sharing Plans (DPI Water)
Floodplain Management Plan (DPI Water)
Guidelines for Watercourse Crossings on Waterfront Land (DPI Water)

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

Central West and Orana Regional Plan 2036

Wellington Local Environmental Plan 2012
