

Appendix A – Secretary’s Environmental Assessment Requirements and response to SEARs



Mr Tom Harrison
Development Manager
Renew Estate
Suite 101, 39 East Esplanade
MANLY NSW 2095

Dear Mr Harrison

**Bomen Solar (SSD 8835)
Environmental Assessment Requirements**

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

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

21/11/17

Clay Preshaw
Director
Resource and Energy Assessments
as nominee of the Secretary

Environmental Assessment Requirements

State Significant Development

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

Application Number	SSD 8835
Proposal	<p>Bomen Solar Farm which includes:</p> <ul style="list-style-type: none">• the construction and operation of a photovoltaic generation facility with an estimated capacity of 120 MW;• the construction and operation of a 10 megawatt / 44 megawatt-hour energy storage facility; and• associated infrastructure, including a grid connection.
Location	Trahairs Road, Bomen
Applicant	Renew Estate
Date of Issue	21 November 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 with respect to potential land use conflicts with existing and future surrounding land uses (including other proposed or approved solar farms);• 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, 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. <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>).</p>
<p>Specific Issues</p>	<p>The EIS must address the following specific issues:</p> <ul style="list-style-type: none"> • Biodiversity – including an assessment of the biodiversity values and the likely biodiversity impacts of the development, a detailed description of the proposed regime for minimising, managing and reporting on the biodiversity impacts of the development over time, and a strategy to offset any residual impacts of the development. • 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; • Land – including an assessment of the impact of the development on agricultural land and flood prone land, a soil survey to consider the potential for erosion to occur, and 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; • 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) and operational noise impacts in accordance with the <i>NSW Noise Policy for Industry</i> (NPfI), 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, site access point 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); • 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 any

	<p>wetlands, riparian land, 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;</p> <ul style="list-style-type: none"> – 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); <ul style="list-style-type: none"> • Hazards and Risks – including: <ul style="list-style-type: none"> – a preliminary risk screening in accordance with <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33</i> (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 <i>Hazard Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis</i> (DoP, 2011) and <i>Multi-Level Risk Assessment</i> (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; • Contamination – including an assessment on the status of site contamination and the suitability of the site for the proposal; • 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 Forbes Shire 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 Noise Policy for Industry (EPA)
	Interim Construction Noise Guideline (EPA)
	NSW Road Noise Policy (EPA)
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

Wagga Wagga Local Environmental Plan 2010

Anthony Ko
Planning Officer
Resource Assessments - Planning Services Division
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Anthony.Ko@planning.nsw.gov.au

Dear Anthony

**Bomen Solar Project (SSD 8835)
Request for Input into Secretary's Environmental Assessment Requirements (SEARs)**

I refer to your email dated 1 November 2017 inviting the Division of Resources & Geoscience (the Division) to provide comments on the Bomen Solar Project (SSD 8835) (the Project) submitted by Renew Estate (the Proponent).

The Division has reviewed the information supplied in relation to the abovementioned Project and provides the following advice:

The Division notes that according to departmental databases, there are no current mineral, coal or petroleum titles, or operating quarries or mines over the site or on adjacent lands. Accordingly, the Division has no resource sterilisation concerns to raise regarding the Project. However, the Draft SEARs for the Project require an assessment of the impact of the development on existing land uses, including the compatibility of the development with the existing land uses on the site and adjacent land (such as operating mines, extractive industries, mineral or petroleum resources, exploration activities), during operation and after decommissioning. This requires the Proponent to identify any of the above in the Environmental Impact Statement (EIS) and consult with the operators and/or titleholders to establish if the proposal is likely to have a significant impact on current or future extraction of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and any way the proposed development may be incompatible with any existing or approved uses, or current or future extraction or recovery under the land use compatibility requirements of Part 3 (13) of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

In fulfilling these requirements, the EIS must include a mineral, coal and petroleum titles search through the Division's MinView application, with the results shown on a map(s). Current mining, and exploration titles and applications can be viewed at:

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

Should biodiversity offsets be considered for this project, the Division requires consultation with the Geological Survey of NSW to ensure there are no potential sterilisation impacts to resources.

Further enquiries regarding this matter please contact: Adam Banister, Senior Advisory Officer
(02) 4931 6439 or industry.coordination@industry.nsw.gov.au

Yours sincerely



Matt Gagan
A/Manager Royalties & Advisory Services
15 November 2017

15 November 2017

SWT17/00146
SF2017/254267
MM

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

Attention: Anthony Ko

SSD 8835 – REQUEST FOR ENVIRONMENTAL ASSESSMENT REQUIREMENTS - PROPOSED SOLAR FARM, LOT 11 DP1130519 , LOT 2 DP590756, LOT 174 DP751405, LOT 108 DP751405 , LOT 110 DP751405, LOT 109 DP751405, LOT 3 DP594679, LOT 2 DP1228221, LOT 22 DP1085826 , LOT 2 DP594679, LOT 15 DP1108978, TRAHAIRS ROAD, BOMEN.

I refer to correspondence forwarded to Roads and Maritime Services requesting the provision of Environmental Assessment Requirements to be addressed in the supporting documentation to be submitted for the subject development. The request is supported by a Preliminary Environmental Assessment dated October 2017.

From review of the information provided it is understood that the development proposal represents the establishment of a Solar Farm with an intended capacity of up to 120 Mega Watt on the subject site plus ancillary infrastructure. The subject site is located to the north of Wagga Wagga with frontage and access to Trahairs Road which is classed as a local road.

Given the scale and operational characteristics of the proposed development 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 personal 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. For such a development 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. The required contents and detail of the Traffic Impact Assessment (TIA) will depend on the scale of the proposed development and the traffic volumes on the surrounding road network. Given the potential volume of traffic and the need for deliveries of the components to the development site during the construction period a construction transport Management Plan should also be prepared for the proposed development. Details for deliveries of ancillary materials such as gravel and concrete should also be considered.

Roads and Maritime Services

The TIA shall detail the potential impacts associated with the 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. 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. 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 the public road network it is considered appropriate that issues relating to potential for distraction of, and for glint/glare impacts on, passing motorist be addressed in the development submission. Consideration could 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:
Mitch Judd
Acting Director
South West NSW



Office of Environment & Heritage

Your reference: SSD 8835
Our reference: DOC17/542650
Contact: Andrew Fisher
02 6022 0623

Mr Anthony Ko
Planning Officer
Resource and Energy Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Ko,

RE: Bomen Solar Project (SSD 8835) Request for Input into Secretary's Environmental Assessment Requirements

I refer to your email dated 2 November 2017 to the Office of Environment and Heritage (OEH) seeking input 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 proposed Bomen Solar Project (SSD 8835).

OEH has reviewed the available supporting documentation and provides SEARs for the proposed development in **Attachments A** and **B** and guidance material in **Attachment C**. The assessment must include all ancillary infrastructure, such as transmission lines and associated easements, switchyards and substations, offices and other buildings, access tracks, underground cabling and security fencing.

OEH recommends the EIS needs to appropriately address the following:

1. Biodiversity and offsetting
2. Aboriginal cultural heritage
3. Cumulative impact.

Our initial review of the Preliminary Environmental Assessment (PEA) indicates that most of the proposed development site is addressed by the Biodiversity Certification of the *Wagga Wagga Local Environmental Plan 2010* (biocertification area). Any development within the biocertification area is taken that development is not likely to significantly affect threatened species, so an 'assessment of significance' for threatened species is not required. Any upgrade to Trahairs Road must avoid impacting on the 'low conservation value remnant' patch at its eastern end. This remnant is protected through the Wagga Wagga Development Control Plan 2010 - Bomen Urban Release Area, section 13.10.1.

Part of the proposed transmission line corridor for connection option 2 is located outside the biocertification area and will require assessment under the *Biodiversity Conservation Act 2016* (BC Act) which commenced in August 2017. All Major Projects must now be assessed in accordance with this legislation, including the preparation of a Biodiversity Development Assessment Report (BDAR). The BC Act provides a standard method for assessing impacts of Major Projects on biodiversity and determining offsetting arrangements. Unless the Planning Agency Head and the Environment Agency Head determine that it is not likely to have any significant impact on biodiversity values, the Biodiversity Assessment Method (BAM - www.environment.nsw.gov.au/resources/bcact/biodiversity-assessment-method-170206.pdf) must be used to assess all biodiversity values on the development site. The avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts must be addressed in the EIS. A range of options are now available to offset the impacts of the proposal, as identified in **Attachment A**.

Any native vegetation present may also be a threatened ecological community or habitat for a threatened species listed on the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. The assessment should identify any relevant Matters of National Environmental Significance and whether the proposal has been referred to the Commonwealth or already determined to be a controlled action.

The PEA (6.5.1 Existing Environment) identifies that a search of the Aboriginal Heritage Information Management System (AHIMS) revealed a total of seven recorded sites occurring across lots subject to this proposal. A further 60 records were also identified as occurring within a one kilometre radius of the proposal. We also note proximity (approximately 300 metres) of the proposal to the Bomen Axe Quarry Aboriginal Place and the occurrence of a number of natural watercourses considered indicative for the presence of Aboriginal cultural heritage (ACH). Former heritage studies also identify areas of high, moderate and low archaeological sensitivity (Wagga Wagga LES Aboriginal Cultural Heritage Assessment) occurring within the proposed impact footprint. We note that the potential for impacts to ACH as a result of the proposed activity has been recognised by the proponent (6.5.2 Further Assessment) and that further assessment, in consultation with local Aboriginal community, will be undertaken.

We recommend that a comprehensive Aboriginal cultural heritage assessment be undertaken in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal objects in NSW* (see **Attachments A and B**), including assessment of any trees that are likely to be impacted. The assessment must include consultation with the relevant Aboriginal parties. There is no requirement to obtain an Aboriginal Heritage Impact Permit for State Significant Developments. However, all other legislative requirements under Part 6 or the *National Parks and Wildlife Act 1974* must still be complied with.

If you require further information about this matter please contact Andrew Fisher on (02) 6022 0623 or at andrew.fisher@environment.nsw.gov.au.

Yours sincerely,



PETER EWIN
Senior Team Leader Planning
South West Region
Regional Operations
Office of Environment and Heritage

Enclosure: ATTACHMENT A – Standard Environmental Assessment Requirements for Bomen Solar Farm (SSD 8835)
ATTACHMENT B – Project Specific Environmental Assessment Requirements for Bomen Solar Farm (SSD 8835)
ATTACHMENT C – Guidance material

Attachment A – Standard Environmental Assessment Requirements for Bomen Solar Farm (SSD 8835)

Biodiversity

1. For the portion of the proposed development site covered by the Biodiversity Certification of the *Wagga Wagga Local Environmental Plan 2010* (Wagga biocertification) the requirements of this plan and the Wagga Wagga Development Control Plan 2010 - Bomen Urban Release Area must be addressed. Consideration of impacts on biodiversity should be addressed in the EIS, but it is taken that development is not likely to significantly affect threatened species, so an 'assessment of significance' for threatened species is not required.
2. The portion of the proposed development site located outside the Wagga biocertification area will require assessment under the *Biodiversity Conservation Act 2016*. Biodiversity impacts outside of the Wagga biocertification area are to be assessed in accordance with the [Biodiversity Assessment Method](#) and documented in a Biodiversity Development Assessment Report (BDAR), unless the Planning Agency Head and the Environment Agency Head determine that it is not likely to have any significant impact on biodiversity values. The BDAR must include information in the form detailed in the *Biodiversity Conservation Act 2016* (s6.12), *Biodiversity Conservation Regulation 2017* (s6.8) and [Biodiversity Assessment Method](#).
3. 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 [Biodiversity Assessment Method](#).
4. The BDAR must include details of the measures proposed to address the offset obligation as follows;
 - The total number and classes of biodiversity credits required to be retired for the development/project;
 - The number and classes of like-for-like biodiversity credits proposed to be retired;
 - The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules;
 - Any proposal to fund a [biodiversity conservation action](#);
 - Any proposal to make a payment to the Biodiversity Conservation Fund.

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.
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 *Biodiversity Conservation Act 2016*.

Aboriginal cultural heritage

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 the EIS. 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 should also be guided by the [*Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW \(DECCW, 2011\)*](#) and consultation with OEH regional officers.
7. Where Aboriginal cultural heritage values are identified, 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 EIS.
8. Impacts on Aboriginal cultural heritage values are to be assessed and documented in the EIS. The EIS 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.

Historic heritage

9. 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.

Attachment B – Project Specific Environmental Assessment Requirements for Bomen Solar Farm (SSD 8835)

Aboriginal cultural heritage	
1.	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 the EIS. This may include the need for surface survey and test excavation. The identification of cultural heritage values should 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.
2.	The EIS must outline procedures to be followed if Aboriginal objects are found at any stage of the life of the [development/project] to formulate appropriate measures to manage unforeseen impacts.
3.	The EIS 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.

Attachment C – 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>Environmental Planning and Assessment Act 1979</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N
<i>Fisheries Management Act 1994</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+38+1994+cd+0+N
<i>National Parks and Wildlife Act 1974</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+80+1974+cd+0+N
<i>Water Management Act 2000</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+92+2000+cd+0+N
<i>Wilderness Act 1987</i>	http://www.legislation.nsw.gov.au/viewtop/inforce/act+196+1987+FIRST+0+N
<u>Biodiversity</u>	
<i>Wagga Wagga Local Environmental Plan 2010 – Biodiversity Certification</i>	www.environment.nsw.gov.au/biocertification/notcert.htm
<i>Wagga Wagga Development Control Plan – Bomen Urban Release Area</i>	www.wagga.nsw.gov.au/_data/assets/pdf_file/0008/65609/DCP-2010-Version-16-Section-13-Part-E-Bomen-Urban-Release-Area-1.7MB.pdf
Biodiversity Assessment Method (OEH, 2017)	www.environment.nsw.gov.au/resources/bcact/biodiversity-assessment-method-170206.pdf
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 Website	www.environment.nsw.gov.au/threatenedspecies/
NSW BioNet (Atlas of NSW Wildlife)	www.bionet.nsw.gov.au/
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
VIS Classification - NSW Plant Community Type (PCT) database	www.environment.nsw.gov.au/research/Vegetationinformationsystem.htm
Interim Vegetation Mapping Standard and VIS Plot	www.environment.nsw.gov.au/research/VISplot.htm
OEH data Portal (access to online spatial data)	http://data.environment.nsw.gov.au/

<u>Aboriginal Cultural Heritage</u>	
Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010)	www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.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
Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011)	www.environment.nsw.gov.au/resources/cultureheritage/20110263ACHguide.pdf
Aboriginal Site Recording Form	www.environment.nsw.gov.au/resources/parks/SiteCardMainV1_1.pdf
Aboriginal Site Impact Recording Form	www.environment.nsw.gov.au/resources/cultureheritage/120558asirf.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/



DOC17/541791-01

The Planning Officer
Resource and Energy Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

By email: anthony.ko@planning.nsw.gov.au

Dear Mr Ko

Re Bomen Solar Project - SSD 8835

I refer to your electronic mail of 1 November 2017 to the Environment Protection Authority (EPA) requesting our comments on the draft Secretary's Environmental Assessment Requirements prepared for the proposed Bomen Solar Project.

The EPA has responsibilities for pollution control and environmental management for scheduled activities under the *Protection of the Environment Operations Act 1997*. Based on the information provided the proposed activity is not a scheduled activity under the *Protection of the Environment Operations Act 1997* and the proposed solar farm does not require an Environment Protection Licence.

Under the *Protection of the Environment Operations Act 1997* Wagga Wagga City Council will be the Appropriate Regulatory Authority for pollution control and environmental management issues for this proposal should it be approved.

On this basis the EPA has no further comments to make in relation to this proposal, and requires no further consultation in relation to this application.

If you have any further enquiries about this matter please contact me by telephoning 02 6969 0700.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'C. Bretherton', followed by the date '13.11.2017' in blue ink.

CRAIG BRETHERTON
Manager Regional Operations South West
Environment Protection Authority

Phone +61 2 6969 0700 Fax +61 2 6969 0710 PO Box 397
Phone 131 555 TTY 133 677 Griffith
(from outside NSW) ABN 43 692 285 758 NSW 2680 Australia

Suite 7
130-140 Banna Ave www.epa.nsw.gov.au
Griffith NSW southwest.region@epa.nsw.gov.au
2680 Australia



Department of Industry

OUT17/44177

Mr Anthony Ko
Resource and Energy Assessments
NSW Department of Planning and Environment

Anthony.ko@planning.nsw.gov.au

Dear Mr Ko

Bomen Solar Farm (SSD 8835)
Comment on the Secretary's Environmental Assessment Requirements (SEARs)

I refer to your email of 1 November 2017 to the Department of Industry in respect to the above matter. Comment has been sought from relevant branches of Crown Lands & Water and Department of Primary Industries.

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

The department has reviewed the Preliminary Environmental Assessment and accompanying draft SEARs and considers that these adequately represent the regulatory interests of Crown Lands & Water and Department of Primary Industries.

Yours sincerely

Graeme White
Manager, Assessment Advice
15 November 2017

Planning Policy and Assessment Advice appreciates your help to improve our advice to you. Please complete this three minute survey about the advice we have provided to you, here:
<https://goo.gl/o8TXWz>



NSW RURAL FIRE SERVICE



The Secretary
NSW Planning & Environment
GPO Box 39
Sydney NSW 2001

Your Ref: SSD 8835
Our Ref: D17/3986
DA17110310173 AB

ATTENTION: Anthony Ko

7 December 2017

Dear Mr Ko

Agency Comment:- Request for SEARs Bomen Solar Farm Project (SSD 8835)

I refer to your correspondence dated 1 November 2017 seeking NSW Rural Fire Service (NSW RFS) input to the above State Significant Development proposal.

The subject land is not mapped bush fire prone by Wagga Wagga Shire Council however it is noted the land and surrounding lands may contain a grassland vegetation formation. Further the NSW RFS is the primary response agency for fighting fires within the site.

The NSW RFS shall require the proponent to address how they will manage grass fire impacting on and structural fire emanating from, their proposed solar farm.

The EA shall identify:

- Potential bush fire threats to the facility;
- Potential hazards to fire fighters ;
- Fire fighting water supplies;
- Vehicle access and defendable space around the solar array;
- Land and vegetation management opportunities; and
- Proposed emergency management procedures.

Ultimately, as part of any consent issued, the NSW RFS will require the proponent to develop a Bush Fire Management Plan, in consultation with the local NSW RFS District Fire Control Centre.

Postal address

Records
NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
Planning and Environment Services (North)
Suite 1, 129 West High Street
COFFS HARBOUR NSW 2450

T (02) 6691 0400
F (02) 6691 0499
www.rfs.nsw.gov.au
Email: pes@rfs.nsw.gov.au

For any queries regarding this correspondence please contact Alan Bawden on 1300 NSW RFS.

Yours Sincerely



John Ball

Manager – Planning and Environment Services North

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

Requirement	Where addressed in the EIS
General requirements	
A stand-alone executive summary.	Executive Summary
A full description of the development, including:	
• construction, operation and decommissioning	Chapter 3
• 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)	Figure 1.2 and Figure 1.6 in chapter 1
• a detailed constraints map identifying the key environmental and other land use constraints that have informed the final design of the development.	Figure 6.1 in section 6.1
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).	Chapter 2 Section 6.7
An assessment of the likely impacts of the development on the environment, focusing on the specific issues identified below, including:	Chapter 6
• 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, 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)	
• 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.	Section 7.2
The reasons why the development should be approved having regard to:	Chapter 2
• 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	Section 5.1
• the suitability of the site with respect to potential land use conflicts with existing and future surrounding land uses	Section 6.7 Section 2.4
• feasible alternatives to the development (and its key components), including the consequences of not carrying out the development.	Chapter 2
Specific issues	
Biodiversity – including an assessment of the biodiversity values and the likely biodiversity impacts of the development, a detailed description of the proposed regime for minimising, managing and reporting on the biodiversity impacts of the development over time, and a strategy to offset any residual impacts of the development.	Section 6.2 Appendix D
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.	Section 6.2 Section 6.14 Appendix C

Requirement	Where addressed in the EIS
Land – including an assessment of the impact of the development on agricultural land and flood prone land, a soil survey to consider the potential for erosion to occur, and 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.	Land use - section 6.7 Flood prone land – section 6.9 Soils – section 6.11
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 onsite perimeter planting, with evidence it has been developed in consultation with affected landowners.	Section 6.4
Noise – including an assessment of the construction noise impacts of the development in accordance with the Interim Construction Noise Guideline (ICNG) and operational noise impacts in accordance with the NSW Noise Policy for Industry (NPfI), and a draft noise management plan if the assessment shows construction noise is likely to exceed applicable criteria.	Section 6.6 Appendix F
Transport – including an assessment of the site access route, site access point 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).	Section 6.8 Appendix G
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 any wetlands, riparian land, 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 	Flooding, surface water, groundwater and infrastructure - section 6.9 Wetlands (dams), riparian land and groundwater dependent ecosystems – section 6.2 Acid sulfate soils – section 6.11 Licensed water users and basic landholder rights - section 6.9 Measures – section 6.9.
<ul style="list-style-type: none"> details of water requirements and supply arrangements for construction and operation 	Section 3.3.9
<ul style="list-style-type: none"> 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). 	Section 6.9.3
Hazards and Risks – including:	

Requirement	Where addressed in the EIS
<ul style="list-style-type: none"> a preliminary risk screening in accordance with <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</i> 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) 	Section 6.5 Appendix E
<ul style="list-style-type: none"> an assessment of all potential hazards and risks including but not limited to bushfires, spontaneous ignition, electromagnetic fields or the proposed grid connection infrastructure. 	Section 6.5 Section 6.10
Contamination – including an assessment on the status of site contamination and the suitability of the site for the proposal.	Section 6.11
Socio-Economic – including an assessment of the likely impacts on the local community and a consideration of the construction workforce accommodation.	Sections 6.12
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 Wagga Wagga City 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>	Chapter 4