

OUT18/15763

Jack Murphy
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Resource & Energy Assessments
NSW Department of Planning and Environment

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Dear Mr Murphy

**Sebastopol Solar Farm (SSD 0998)
EIS Exhibition**

I refer to your email of 9 October 2018 to the Department of Industry (DoI) in respect to the above matter. Comment has been sought from relevant branches of Lands & Water and Department of Primary Industries. Any further referrals to Department of Industry can be sent by email to landuse.enquiries@dpi.nsw.gov.au. The department provides the following comments and recommendations for consideration in assessment of the proposal. Additional comments and advice are available in **Attachment A**.

Recommendations Prior to Project Determination

- Further evidence should be provided to demonstrate the security and availability of accessing water from Temora Shire Council's water standpipe.
- The EIS should include a basic rehabilitation and decommissioning plan or strategy with an outline of its objectives, timeline and techniques. The rehabilitation and decommissioning plan should aim to ensure that the land is returned to its predevelopment state, including the removal of all underground infrastructure so that all soils of Class 3 or better are returned to their predevelopment state.
- The EIS should address the Draft Large-Scale Solar Energy Guidelines:
 - <https://www.planning.nsw.gov.au/policy-and-legislation/under-review-and-new-policy-and-legislation/draft-solar-guidelines>

Recommendations Post Project Determination

Should the project be approved, the Department recommends the following:

- A Soil and Water Management Plan and an Erosion and Sediment Control Plan should be prepared prior to construction commencing.
- Watercourse crossings should be designed in accordance with the Guidelines for Controlled Activities on Waterfront Land (NRAR 2018):
 - https://www.industry.nsw.gov.au/_data/assets/pdf_file/0004/156865/NRAR-Guidelines-for-controlled-activities-on-waterfront-land-Riparian-corridors.pdf

Yours sincerely



Alison Collaros
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Lands and Water - Strategy and Policy
15 November 2018

Sebastopol Solar Farm (SSD 0998) EIS Exhibition

Water Resources

- The EIS indicates approval in principle has been provided by Temora Shire Council to access water supply for construction and operation of the project. This approval is subject to Council approving an application. Initial consultation has therefore taken place, however final approval is yet to be given.
- Harvestable right farm dams are to be retained for stock watering and possibly panel cleaning. Lands and Water confirms no licence or approval is required to take and use water from these dams, provided the water taken is only used within the landholding on which the harvestable rights dam exists.
- The EIS states that it is unlikely that groundwater will be extracted during construction. Lands and Water advises that if groundwater is to be intercepted at any stage of the development the proponent must obtain the relevant entitlement and approval where required prior to any extraction.

Agriculture Resources

Inconsistency with RU1 zone objectives

The Department considers that the project is inconsistent with the LEP zoning (RU1) objectives, including:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise the degradation of natural scenery and rural landscapes.
- To protect, enhance and conserve the natural environment, including native vegetation, wetlands and other natural features that provide wildlife habitat, protect flora and fauna, provide scenic amenity and that may prevent or mitigate land degradation.
- To encourage the provision of tourist accommodation in association with agricultural activities.

The commercial manufacture of electricity is an industrial activity and is not primary production (i.e. the production of food and fibre) as outlined in the objectives of the Standard Instrument LEP. The Department considers it is not of a type that is consistent with the objective to “encourage diversity in primary industry enterprises.....”. Rehabilitation of the agricultural capability of the site is therefore critical should the project be approved. This is discussed further below.

Class 3 High Capability Land – Rehabilitation and Decommissioning Requirements

The EIS states that the project land is rated as Class 3, as per the Land and Soil Capability Assessment Scheme (OEH 2012), and is defined as “High Capability Land”. Therefore, it is an important agricultural resource.

DPE’s ‘Draft Large-Scale Solar Energy Guidelines’ (pp13-14) define land class 1-3 as potential areas of constraint for solar developments, however this draft Guideline is not referenced in the EIS. It is recommended that the EIS should address this Guideline.

The proposed project will effectively remove the subject lands from primary production for up to 30 years, and can result in long-term (if not permanent) fragmentation of resource

lands As such, the department recommends that the EIS should include a basic rehabilitation and decommissioning plan/strategy with an outline of its objectives, timeline and techniques.

The rehabilitation and decommissioning plan strategy should aim to ensure that the land is returned to its predevelopment state, including the removal of all underground infrastructure so that all soils of Class 3 or better are returned to their predevelopment state.

The commitment to removing below ground infrastructure only to a depth of 500mm is not consistent with the goal of returning the land to its pre project status. Further, it is likely that deep ripping of compact soils will be required to rehabilitate the land and as such, 500mm is an insufficient depth to retain cabling. Ideally, all underground infrastructure should be removed.

END ATTACHMENT A