

From: [Elisha Dunn](#)
To: [Bradley James](#); [Iwan Davies](#)
Cc: [Clay Preshaw](#); [Natasha Homsey](#); [Oliver Cope](#); [Steve Barry](#)
Subject: RE: Oxley Solar Farm (SSD-10346) - Meeting with the Department QoN
Date: Thursday, 19 October 2023 5:12:35 PM
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Hi Brad

Please see below the Department's responses to the Commission's questions on notice from our meeting.

IPC Question	DPE Response
<p>Site access and road upgrades</p> <ul style="list-style-type: none"> What steps are required to implement lawful access to the Site? and when does this need to be in place? 	<p>The primary site access point from the Armidale Regional Landfill (ARL) access road crosses a portion of Crown Lands when exiting Waterfall Way (Grafton Road) northwest of the project site. Council has commenced the legal process of opening a road on the current access, which would service both the proposed solar farm and the ARL facility.</p> <p>This process commenced earlier this year and is likely to be administratively finalised shortly, with minimal site works required.</p> <p>Unless and until the ARL access road is opened for public access, the applicant would be required to obtain authorisations under the <i>Crown Land Management Act 2016</i>, including a Crown lands licence or easements, before use of the ARL access road commences.</p> <p>Further, Crown Lands provided advice to the Department which indicated that the applicant should seek any required concurrences for use of this access from Council in the view that the opening of the road is in process.</p>
<p>Site access and road upgrades</p> <ul style="list-style-type: none"> Can the Department confirm that its assessment of the BDAR and TIA fully considered whether all vegetation removal will be within the full dimensions required to deliver the proposed road upgrades? 	<p>Yes, the applicant is required to consider all project impacts in its assessment, including the impact of proposed road upgrades. The recommended conditions of consent prohibit the applicant from clearing any vegetation outside the approved disturbance area.</p>
<p>Landscaping</p>	<p>While the applicant has estimated that up to 1 megalitre</p>

<p>What volume of water is required for maintenance of the proposed landscaping over the life of the Project?</p>	<p>(ML) of water would be required per year under normal operating conditions, the portion of that amount that would be allocated to maintain the proposed landscape screening was not specified.</p>
<p>Landscaping</p> <ul style="list-style-type: none"> Is this water available and are contingency arrangements necessary? 	<p>The Department has consulted with its Water Group, who are satisfied that sufficient water entitlement and access to viable water supplies is available.</p> <p>If insufficient water is collected on site from rainwater tanks and dams, water would be obtained from commercial water providers.</p>
<p>Glint and glare</p> <ul style="list-style-type: none"> Did the Department's assessment of glint and glare take into account cumulative impacts, in particular impacts from Stringy Bark Solar Farm? 	<p>The Department undertook an assessment of potential cumulative visual impacts and notes that the glare assessment for the Stringybark Solar Farm did not predict any areas where glare would be recorded at any sensitive receptor location.</p>
<p>Glint and glare</p> <ul style="list-style-type: none"> Please confirm also the setback distance between Stringybark and Oxley's respective solar panel arrays where the two sites border each other. 	<p>At nearest point along the lot boundary, where the two projects border each other, the Oxley Solar Farm panel arrays are setback approximately 16 m from the lot boundary.</p> <p>From the publicly available documents on the Stringybark Solar Farm, there appears to be a setback from the lot boundary sufficient for the Asset Protection Zone (10 m).</p>
<p>Workforce accommodation</p> <ul style="list-style-type: none"> Is the Department aware of any Energy Co. or other Government initiatives addressing the concerns regarding workforce accommodation for renewable projects? 	<p>The Department's understanding is that Energy Corporation NSW (EnergyCo) has committed to coordinate workforce accommodation at a strategic level within Renewable Energy Zones. EnergyCo has established a Steering Committee with relevant councils within the REZs to manage strategic issues like workforce accommodation, which the Department attends. There is also a specific sub-committee (the Housing and Accommodation Working Group) which reports to the Steering Committee.</p>
<p>EPIs</p> <ul style="list-style-type: none"> Can the Department provide further details of its assessment of the Project against the relevant EPIs, including the Armidale Regional Local Environmental Plan 2012 and relevant SEPPs? 	<p>Since lodgement of the Environmental Impact Statement, all NSW State Environmental Planning Policies have been consolidated into 11 policies. The consolidated SEPPs commenced on 1 March 2022, with the exception of the Housing SEPP, which commenced on 26 November 2021.</p> <p>The SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have simply been transferred into the new SEPPs. Further, any reference to an old SEPP is taken to mean the same as the new SEPP. For consistency, the Department has considered the development against the relevant provisions of the SEPPs that were in force</p>

when the EIS was lodged.

The project is declared to be SSD under section 4.36 of the EP&A Act, as it triggers the criteria in clause 20 of schedule 1 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP).

The Armidale Regional Local Environmental Plan (Armidale LEP) applies and is discussed in section 5.2.1 and section 5.6 of the Department's assessment report, particularly regarding permissibility and land use zoning.

Electricity generating works, including solar farms, are permissible with consent on any land in a prescribed rural, industrial or special use zone, including RU1 zones, under Clause 34 of the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP). In addition, the proposed solar farm would encourage renewable energy development which is consistent with Council's Delivery Program 2022-2026 and Renewable Energy Action Plan.

The applicant completed a preliminary risk screening in accordance with *SEPP No. 33 – Hazardous and Offensive Development* and confirmed the project was not categorised as potentially hazardous or potentially offensive development. The Department's consideration of this analysis is discussed in Section 5.6 of the assessment report.

The Department has also considered the remediated land provisions of *SEPP No. 55 – Remediation of Land*. A preliminary assessment of the land found no contaminated land within the project site, and the Department is satisfied the site is suitable for the development.

The Department has considered the provisions of the *State Environmental Planning Policy (Primary Production and Rural Development) 2019*, which aims to achieve a balance between rural needs, including agriculture, and development. Of relevance to the project, Primary Production and Rural Development SEPP also aims to reduce the risk of land use conflict and rural land fragmentation. The Department has considered these matters in Section 5.1 of this report and concluded that the project is generally consistent with the broader and specific land use planning objectives for the site and the region under the relevant planning instruments and strategies.

The Department has also reviewed the proposal against the Infrastructure SEPP. The Department notified Armidale Regional Council, Transport for NSW and Transgrid about the project, in accordance with Infrastructure SEPP requirements to notify relevant public authorities and electricity supply authorities about developments that may affect public infrastructure or public land.

The Department has consulted with public authorities and considered the matters raised in its assessment of the project (see section 4 of the assessment report). Where appropriate, the Department has also developed conditions of consent to address the recommendations and advice of public authorities consulted for the project including Council. Overall, the Department considers that the proposal is located so as to avoid land use conflicts with existing and approved uses of land.

The Department has considered the *State Environmental Planning Policy (Koala Habitat Protection) 2020* (Koala SEPP). While the Armidale LGA is listed in Schedule 1 of the Koala SEPP, the provisions of the SEPP do not apply as the project is State significant development. Nonetheless, the biodiversity development assessment report prepared for the project has assessed the potential for impacts on Koala habitat, including targeted survey efforts with no koalas or signs of koalas seen over the 16 survey days on site, and also concluded that the vegetation within the site is not considered potential Koala habitat.

Kind regards,

Elisha Dunn

Senior Environmental Assessment Officer

Energy, Resources & Industry Assessments | Department of Planning and Environment

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The Department of Planning and Environment acknowledges that it stands on Aboriginal land.

We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.