Department of Primary Industries

OUT19/6367

9 May 2019

Jasmine Gregory
Administration - Planning
Hay Shire Council
HAY NSW 2711

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Dear Ms Gregory

DA 2019-040 - Solar Farm at Lot 110 Mid Western Hwy, Hay

Thank you for the opportunity to provide comments on the above proposal as per your recent correspondence dated 1 April 2019.

The NSW Department of Primary Industries (NSW DPI) Agriculture is committed to the protection and growth of agricultural industries, and the land and resources upon which these industries depend.

The SEPP referred to in section 4.2.3 of the Statement of Environmental Effects (SEE), has been repealed and a new SEPP is now in force that deals with primary production matters titled *State Environmental Planning Policy (Primary Production and Rural Development)* 2019. As such it should be referenced in the SEE.

DPI Agriculture also recommends that an assessment of the capability of the rural land be undertaken in accordance with *The land and soil capability assessment scheme: second approximation 2012 (OEH).* DPE's Large Scale Solar Energy Guideline for State Significant Developments, highlights areas of constraint for site selection as being "important agricultural lands, including Strategic Agricultural Land (both critical industry clusters and biophysical strategic agricultural land), and land with soil capability classes 1, 2 and 3". While the size of this development means that this Guideline does not have to be applied, it is nevertheless a useful indicator to assist Council to consider impacts on agricultural land. In this case, DPI Agriculture notes that the land that is subject to this proposal is degraded and classified as soil capability class 5, and thus not constrained.

NSW DPI Agriculture notes that the land that is proposed to be the site for this development has been used in the past for grazing and the intention is that the land will be returned back to agriculture once the solar development is decommissioned. The department notes and supports the proponent's commitment to develop a de-commissioning and rehabilitation plan and always recommends the removal of all above and below ground infrastructure once the solar development is decommissioned, so that the land can be returned to agricultural production.

A baseline soil conditions report should be included prior to the project commencing so that rehabilitation plans and performance measures can be developed to inform the proponent when decommissioning occurs.

DPI Agriculture also provides recommended SEARs (Attachment 1) and a range of guidelines and resources (Attachment 2) to assist consent authorities, community and proponents in addressing the recommended SEARs. Again, while this development is of a much smaller scale and therefore does not require an EIS, Council and the proponents may find the material useful.

Should you require clarification on the information contained in this response, please contact Agricultural Land Use Planner, Dr Alex Wells, on (02) 6640 1673.

Yours sincerely

Alex Wells
Agricultural Land Use Planner

Attachment 1: SEARs Recommendations

Issue and desired outcome	Detail / Requirement
Site Suitable for development	● Detail that the proposal is consistent with relevant SEPPs, strategic plans and LEP requirements with respect to potential land use conflicts with existing and future surrounding land uses (including other proposed or approved solar farms, rural residential development and subdivision potential). ● Complete a Landuse Conflict Risk Assessment (LUCRA) to identify potential landuse conflict, in particular relating to separation distances and management practices to minimise odour, dust and noise from sensitive receptors. A LUCRA is described in the DPI Land Use Conflict Risk Assessment Guide. ● Include a map to scale showing the above operational and infrastructure details including separation distances from sensitive receptors.
Consideration for impacts to agricultural resources and land	● Describe the current agricultural status and productivity of the proposed development site and surrounding locality including the land capability as per the OEH The land and soil capability assessment scheme. ● Demonstrate that all significant impacts on current and potential agricultural developments and resources can be reasonably avoided or adequately mitigated. ● Consider possible cumulative effects to agricultural enterprises and landholders. ● Detail the expected life span of the proposed development ● Outline strategies to manage impact of agricultural aerial spraying in the area. ● Outline details of potential landuse sharing with agriculture.
Bushfire risk identified and managed	● Risk assessment level and mitigation plan developed to address bush fire risk.
Suitable and secure water supply	● Estimated water demand and water availability should be clearly outlined in the proposal. The source of water and any sanitisation methods to be detailed in the application. ● Outline any impacts to water use from agriculture and mitigation measures if required.
Surface & Groundwater protected	● Proposed development design, operation and by-product management should be undertaken to avoid nutrient and sediment build up and minimise erosion, off site surface water movement and groundwater accession. ● The proposal should detail how design and operation will be undertaken for by-product management in accordance with best practice to prevent excess build-up of nutrients and salts in the soil

	profile and increase the risk of leaching. A monitoring program should be developed.
Biosecurity Standards met	● Include a biosecurity (pests, weeds and disease) risk assessment outlining the likely plant, animal and community risks. ● Develop a biosecurity response plan to deal with identified risks as well as contingency plans for any failures. Including monitoring and mitigation measures in weed, disease and pest management plans. ● Details of adequate fencing to keep livestock out.
Suitable traffic movements	● Consideration of the route for movements needs to be taken into account so that impacts on sensitive receptors are minimised (eg noise, dust, volume of traffic). This should include consideration of Travelling Stock Reserves (TSR) and the movement of livestock or farm vehicles along / across the affected roads
Visual amenity achieved	● Amenity impacts are assessed in accordance with the methods outlined in the DPE's, Wind Energy: Visual Assessment Bulletin and any necessary response to mitigate visual impacts is described and illustrated. In particular night lighting, glare and any impacts on amenity for adjacent landholders.
Land stewardship met	● If any earthworks are proposed, an assessment of the overall footprint where the natural contours of the land will be modified, the total amount of material involved, how any stockpiled material will be managed and outline of how this material will or will not be used for rehabilitation purposes. ● A full soil survey to be undertaken prior to works commencing as a benchmark for rehabilitation. ● Develop a Rehabilitation and Decommissioning/Closure Management Plan that outlines the rehabilitation objectives and strategies to return the land to its pre-project status. This includes, but is not limited to removing all above and below ground infrastructure, describing the design criteria of the final landuse and landform, indicators to be used to guide the return of the land back to agricultural production, along with the expected timeline for the rehabilitation program. ● Measures to remediate the land following decommissioning in accordance with State Environmental Planning Policy No 55 - Remediation of Land. ● Outline monitoring and mitigation measures to be adopted for rehabilitation remedial actions. ● Any land with a cropping history or land with a capability of category 3 or better as per *The land and soil capability assessment scheme: second approximation (OEH),* all cables/pipes to be buried at a depth >500mm to allow greater opportunity for agricultural activities to continue over the top. ● Trenching through sodic soils during construction must include soil amendment with Gypsum at a minimum rate of 10t/ha. Actual rates to be determined following soil testing (Clay content, ECEC and

	EC).
Adequate consultation with community	● Consult with relevant agencies such as on the design, construction and operation of the proposed infrastructure. ● Consult with the owners / managers of affected and adjoining neighbours and agricultural operations in a timely and appropriate manner about; the proposal, the likely impacts and suitable mitigation measures or compensation. ● Establish a complaints register that includes reporting and investigating procedures and timelines, and liaison with Council in relation to complaint issues.
Contingency and Environmental Management Plan developed	● Contingency plans should be developed to enable the operation to deal with emergency situations. Commitment to the preparation of an Emergency Management plan that outlines procedures and responsibilities for responding to bushfire threats and possible mass mortality events which might result from extreme climatic conditions, routine or emergency animal disease outbreaks.

Attachment 2: Recommended Guidelines and Resources

Title	Location
Land Use Conflict Risk Assessment Guide	www.dpi.nsw.gov.au/content/agriculture/resources/lup/development-assessment/lucra
Agricultural Issues for Extractive industry Development	http://www.dpi.nsw.gov.au/content/agriculture/resources/lup/development-assessment/extractive-industries
Agricultural Issues for Landfill Developments	http://www.dpi.nsw.gov.au/content/agriculture/resources/lup/development-assessment/landfill-developments
Infrastructure Proposals on Rural Land	http://www.dpi.nsw.gov.au/content/agriculture/resources/lup/development-assessment/infrastructure-proposals
The land and soil capability assessment scheme: second approximation 2012 (OEH)	https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Land-and-soil/land-soil-capability-assessment-scheme-120394.pdf
Australian Soil and Land Survey Handbook (CSIRO)	
Guidelines for Surveying Soil and Land Resources (CSIRO)	
Wind Energy Visual Assessment Bulletin: December 2016	https://www.planning.nsw.gov.au/~/media/Files/DPE/Bulletins-and-Community-Updates/wind-energy-visual-assessment-bulletin-2016-12.ashx
Large Scale Solar Energy Guideline (DPE)	https://www.planning.nsw.gov.au/Policy-and-Legislation/Renewable-Energy/Large-scale-Solar-Energy-Guideline