

The General Manager
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482

cc. kshapland@byron.nsw.gov.au

Development Application – Solar Farm, Myocum (Byron Shire Council)

Dear Sir/ Madam,

Thank you for your correspondence of 22nd June 2022 (via the NSW Planning Portal) requesting comments on the above development application.

It is understood that the application relates to a proposed 5MW Solar Farm to be located on Lot 15, DP1178892 (1 Dingo Lane, Myocum), adjoining Council's waste and recycling facility, and existing quarry operations.

The NSW Department of Primary Industries (DPI) Agriculture collaborates and partners with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment.

NSW DPI has reviewed the Statement of Environmental Effects (SEE) and supporting documents for the proposal. As indicated within the SEE, the land on which the proposal is to be located is identified as Important Farmland under the North Coast Regional Plan 2036 and mapped as State Significant Agricultural Land (SSAL) under the draft SSAL mapping recently exhibited. Such land is a highly important resource for agricultural production and should be prioritised for agricultural purposes. The strategic location of the proposal adjacent to council's existing waste facility is however noted.

If the consent authority determines that, on balance, this project should be supported at this location, it is requested that conditions are included requiring:

1. Decommissioning - decommissioning is to include the complete removal of all infrastructure, including underground cabling and piping. While the SEE acknowledges the removal of solar arrays, to enable the return of the land to horticulture, all underground cabling and footings etc will also need to be removed.
2. To ensure that decommissioning achieves the goal of returning the land to its current or improved condition, it is suggested that a soil survey be undertaken for the site prior to construction. The soil survey should:
 - (i) identify the soil type, fertility and land and soil capability.
 - (ii) describe the current and potential agricultural productivity including the use of the land over the last 10 years of the site, and information on nearby agricultural land uses.
 - (iii) use the following references to inform the survey:

- Australian Soil and Land Survey Handbook (CSIRO, 2009)
 - Guidelines for Surveying Soil and Land Resources (CSIRO, 2008)
 - The land and soil capability assessment scheme: second approximation (OEH, 2012).
3. To ensure any risk to surrounding agriculture from the increase in visitors to the area is appropriately mitigated, a Land Use Conflict Risk Assessment (LUCRA) should be undertaken and recommendations also included within the project design.
 4. An undertaking that some multifunctional use of the land under solar panels is undertaken. Studies into the possibility of agri-voltaics should be undertaken prior to issue of the construction certificate to enable the design to be modified as necessary, to accommodate the multifunctional use.
 5. Consideration to be given to any agricultural activities that may still occur on the residue section of the land to ensure disruption to operations is minimised.

Should you require clarification on any of the information contained in this response, I have arranged for Ms Selina Stillman, Agricultural Land Use Planning Officer to assist you. Selina can be contacted by email at landuse.ag@dpi.nsw.gov.au.

Sincerely



22/7/22

Tamara Prentice
Manager, Agricultural Land Use Planning
Agriculture Strategic Policy and Initiatives

From: [Melinda White](#)
To: greg.smith@byron.nsw.gov.au
Subject: CNR-37608 - 10.2022.134.1 - 1 DINGO LANE MYOCUM 2481
Date: Wednesday, 27 April 2022 1:12:00 PM
Attachments: [image001.png](#)

Thank you for seeking comment from Essential Energy in relation to the proposed development at the above property.

Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with; and
- In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
- Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).
- Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

Should you require any clarification, please do not hesitate to contact us.

Regards,

Melinda White
Senior Conveyancing Officer
Governance and Corporate Services



T: 02 6588 6778 (Extn 86778) | melinda.white@essentialenergy.com.au

PO Box 5730 Port Macquarie NSW 2444 | essentialenergy.com.au

General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80

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Subject: FW: FW: CM: Byron Shire Council - 10.2022.134.1 - Referral for Consideration and Advice to Indigenous Referral Bodies
Date: Saturday, 13 August 2022 at 10:16:11 am
From: Shapland, Kellie <kshapland@byron.nsw.gov.au>
To: Kellie Shapland <kellie@tweedtownplanner.com.au>

Kellie Shapland | Planner - Contractor | BYRON SHIRE COUNCIL

P: +61 2 6626 7264 | E: kshapland@byron.nsw.gov.au
Bundjalung Country, PO Box 219, Mullumbimby NSW 2482 | www.byron.nsw.gov.au
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Byron Shire Council acknowledges the Traditional Owners of this land, the Arakwal people, the Minjungbal people and the Widjabul people of the Bundjalung Nation, and pays our respects to Elders past and present.

Emails from Byron Shire Council may contain confidential and/or privileged information. Please consider the context in which this email has been sent to you, the email's content, and whether it can be disclosed to a third party.

From: Charmaine Roberts <charmaine@arakwal.com.au>
Sent: Monday, 11 April 2022 12:14 PM
To: Development Support Officer <dso@byron.nsw.gov.au>
Subject: Re: FW: CM: Byron Shire Council - 10.2022.134.1 - Referral for Consideration and Advice to Indigenous Referral Bodies

Hi Sharon,

Please be aware that any ground disturbing or excavation works taking place at 1 Dingo Lane, Myocum will be in an area that Aboriginal Cultural Heritage is at high risk of uncovering or disturbing Cultural Heritage.

We also note that wherever ground disturbing works are being undertaken, it is BOBBAC's expectation that two Arakwal Traditional Owners are engaged as Cultural Site Monitors for the duration of works to oversee and assess the potential for harm to our Aboriginal Cultural Heritage.

Please don't hesitate to call me if you want to discuss any of the above.

On Fri, Apr 1, 2022 at 12:44 PM Arakwal Info <info@arakwal.com.au> wrote:

Hi,
DA for solar farm,
Thanks Rita

----- Forwarded message -----

From: **Development Support Officer** <dso@byron.nsw.gov.au>
Date: Fri, 1 Apr 2022 at 11:37
Subject: FW: CM: Byron Shire Council - 10.2022.134.1 - Referral for Consideration and Advice to Indigenous Referral Bodies
To: info@arakwal.com.au <info@arakwal.com.au>

Development Support | BYRON SHIRE COUNCIL

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From: Development Support Officer

Sent: Friday, 1 April 2022 11:23 AM

To: Arakwal 2 <ross@arakwal.com.au>; 'admin@tblalc.com' <admin@tblalc.com>

Subject: CM: Byron Shire Council - 10.2022.134.1 - Referral for Consideration and Advice to Indigenous Referral Bodies

Please find attached.

Regards

Sharon Roberts

Development Support

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Rita Roberts

Administration Assistant

Bundjalung of Byron Bay Aboriginal Corporation- Arakwal

Phone- 02 66858746

I would like to acknowledge the Arakwal Bumberlin people of Bundjalung Nation who are the Traditional Custodians of this land which we live, work, and stand on.

I acknowledge their continuing living culture, connection to land, waters and community; I ask that you help look after and respect country.

I acknowledge and extend my respect to Elders both past and present and upcoming future leaders.

--

Charmaine Roberts

Native Title Officer

Bundjalung of Byron Bay Aboriginal Corporation RNTBC (Arakwal)

PHONE: (02) 6685 8746

PO Box 1555

BYRON BAY NSW 2481

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