

The General Manager
Carrathool Shire Council
2652 PO Box 12
Goolgowi NSW 2652

C/o NSW Planning Portal

Attention: Leigh Jackson

RE: Kidman Way Solar Farm - DA2024/038 – DPI Agriculture Advice

Dear Ms Jackson

Thank you for the opportunity to provide comment on the proposed solar farm at Lot 1 DP626213, Kidman Way, Hillston.

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.

I understand Council is seeking advice regarding matters that should be considered when determining the Development Application (DA). While the DPI Agriculture does not have any regulatory involvement, we have undertaken a review of the Statement of Environmental Effects (SEE) and other supporting information submitted with the DA.

We note that the current proposal consists of conversion of a relatively small (approx. 12 ha) area of agricultural land to energy production in the form of a solar farm. The land concerned is noted to be mapped as having a land and soil capability (LSC) class of 5 throughout, or moderate-low capability, and does not contain mapped biophysical strategic agricultural land (BSAL).

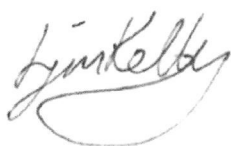
Nonetheless, it has demonstrated value as cropping land with potential for irrigation and therefore efforts should be made to ensure that this use remains viable upon decommissioning. The SEE includes several statements consistent with this, including an overall aim to return the site to its 'pre-developed state', and a commitment to maintain groundcover across the site including below solar panels.

In addition to commitments made in the SEE in that regard, the following recommendations are made:

- Where sheep grazing is undertaken on site, groundcover maintenance should be prioritised over agricultural commodity production for long-term soil and water resource health.
- A Biosecurity and Weed Management Plan should be developed prior to commencement of works which includes consideration of agricultural weeds and pathogens relevant to the local area and surrounding agricultural enterprises.
- We note a lack of clarity in the SEE around depth of infrastructure removal at rehabilitation – with reference being made to a removal depth of 1m for ‘above ground infrastructure’ with some exceptions (SEE p.15), and removal of cabling to a depth of 500mm (p.20). As the site has demonstrated suitability for irrigated cropping, all below ground infrastructure should be removed.

Should you require clarification on any of the information contained in this response, please do not hesitate to contact me by email at landuse.ag@dpi.nsw.gov.au.

Sincerely



Milo Kelly
Agricultural Land Use Planning Officer
Soils and Water | Agricultural Land Use Planning
Riverina-Murray Region

18 June 2024

From: [TE Technical Enquiries](#)
To: ljackson@carrathool.nsw.gov.au
Subject: CNR-68867 - A-83353 - KIDMAN WAY HILLSTON 2675
Date: Tuesday, 11 June 2024 8:07:00 AM
Attachments: [image001.png](#)

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

- **Development description :** Proposed 5MW solar farm including solar array, inverter stations, security fencing, temporary construction facilities and new powerline connection to adjacent Essential Energy infrastructure

Strictly based on the documents submitted, Essential Energy has the following comments to make as to potential safety risks arising from the proposed development:

- A safe distance of **12.5** metres is required to the centreline of the 33000 volt powerline(s).
- If wanting to encroach (come closer than advised above), then the Next Step for the applicant is,

To contact Essential Energy's network encroachments group [using this link. Encroachments \(essentialenergy.com.au\)](#) and provide where applicable supporting documentation, including a report from a Level 3 Accredited Service Provider calculating the blowout distance of the powerline (if applicable).

Applicants are advised that fees and charges will apply where Essential Energy provides this service.

(Please reach out to Essential's Network Encroachment team on 132391 for advice). **(Please note Essential Energy's Network encroachments team would then provide advice from there forward, Technical Enquiry's cannot provide any further site-specific advice/solutions in the Network encroachments sphere).**

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;

- Any activities in proximity to electrical infrastructure 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); and
- 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.
- **It is the Applicant’s responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions**
- Information relating to developments near electrical infrastructure is available on our website [Development Applications \(essentialenergy.com.au\)](http://DevelopmentApplications.essentialenergy.com.au).
- Council’s and the applicant’s attention is also drawn to Section 49 of the *Electricity Supply Act 1995* (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.

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

Technical Enquiries



PO Box 5730 Port Macquarie NSW 2444 | essentialenergy.com.au
General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80

21 August 2024

TfNSW reference: STH24/00384
Your reference: DA2024/038 (CNR-68867)

Building & Regulatory Services Officer
Carrathool Shire Council
By Email: ljackson@carrathool.nsw.gov.au
CC: council@carrathool.nsw.gov.au

Attention: Leigh Jackson

DA2024/038 (CNR-68867) – Proposed 5MW Solar Farm & Associated Infrastructure – LOT 1 DP626213 – Kidman Way, HILLSTON

Dear Leigh,

Transport for NSW (TfNSW) is responding to the DA2024/038 originally referred on 15 May 2024 and rereferred on 12 August 2024 following the receipt of additional information.

TfNSW has reviewed the information and has no objections to the proposed development provided the conditions in Attachment 1 are included in the development consent.

TfNSW notes that in determining the application under Part 4 of the *Environmental Planning & Assessment Act 1979* it is the consent authority's responsibility to consider the environmental impacts of any road works that are ancillary to the development (such as removal of trees, relocation of utilities, stormwater management, etc). Depending on the nature of the works, the Council may require the developer to submit a further environmental assessment for any ancillary road works.

On Council's determination of this matter, please forward a copy of the Notice of Determination to TfNSW. If you have any questions, please contact me on 0417 508 107 or email development.south@transport.nsw.gov.au.

Yours faithfully



Cam O'Kane
Case Officer, Development Services South

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DA2024/038 (CNR-68867) – Proposed 5MW Solar Farm & Associated Infrastructure – LOT 1 DP626213 – Kidman Way, HILLSTON

Context

TfNSW notes for this DA:

- The key road is the Kidman Way which is a classified “state” road and an approved road train route. The subject site has frontage and existing access to the Kidman Way within a 100kmh speed zone. The subject site also has frontage to an unnamed/unformed local road;
- The development proposes construction of a 5MW solar farm including solar array, inverter stations, security fencing, temporary construction facilities and new powerline connection to adjacent Essential Energy infrastructure as well as an upgraded access driveway to Kidman Way as per the site plan in **Attachment 2**;
- Access is proposed directly to the Kidman Way. As access from the local road network is not available due the road network being unformed, the proposed access to Kidman Way is not inconsistent with clause 2.119 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*;
- The proposal is supported by a Statement of Environmental Effects (SEE) prepared by NGH Pty Ltd dated January 2024 and a Traffic Impact Assessment Report (TIA) prepared by Amber Organisation Pty Ltd dated December 2023;
- The SEE states that “the proposed development would have direct access onto Kidman Way from an existing farm access track located along the northern boundary of the subject land”. The TIA states that “the site is expected to generate up to 50 vehicle movements per day during peak construction times, including 10 heavy vehicle movements”;
- The TIA also states that the largest vehicle anticipated to access the site is 26 metre B-Doubles (AV and B-Double) as a result of this development. The TIA also includes a strategic design showing a sealed Basic Right Turn (BAR)/Basic Left Turn (BAL) intersection treatment including an access driveway sealed for 30m from the carriageway as per **Attachment 3**;
- Additional information provided to TfNSW by Council indicated that nearby vegetation does not appear to impact on sight distance for vehicles egressing from the subject site.

General Conditions

1. Works within the Kidman Way shall be located, designed and constructed generally in accordance with submitted plans and Austroads Guide to Road Design to the satisfaction of Transport for NSW as amended by the following:
 - a) As a minimum the intersection of the proposed driveway with the Kidman Way shall be constructed as a sealed Basic Right Turn (BAR)/Basic Left Turn (BAL) intersection treatment in accordance with the Austroads Guide to Road Design for the posted speed limit and shall be designed for an approved Road Train route.

- b) As a minimum, the driveway shall be sealed from the carriageway of the Kidman Way for a minimum length of 30 metres.
 - c) Be constructed with a minimum width of 6 metres within the road reserve of Kidman Way to accommodate two-way movement of the largest vehicle likely to access the subject site and so that any vehicles entering or exiting the development site are not required to cross to the opposing travel lane in order to perform any manoeuvre via the proposed driveway.
 - d) Works within the road reserve of the Kidman Way shall be designed and constructed so as not to interfere with the capacity of the current roadside drainage network and to prevent water from proceeding onto, or ponding within, the carriageway. If a culvert is to be installed and is to be located within the clear zone of the highway for the posted speed limit is to be constructed with a traversable type headwall.
 - e) As a minimum the pavement design on the Kidman Way shall be in accordance with Austroads standards and to the satisfaction of Transport for NSW.
 - f) The works to the Kidman Way shall be located, designed, constructed and line marked in accordance with the Austroads Guide to Road Design for the posted speed limit.
2. A management plan to provide measures to suppress dust generation from the development site and the access road shall be prepared and implemented to the satisfaction of Council and Transport for NSW.
 3. Any existing vehicular access points or gates to the Kidman Way shall be removed and the road reserve reinstated to match surrounding roadside landform in accordance with Council requirements.

Prior to the issuing of a Construction Certificate, the developer must:

1. Enter into a Works Authorisation Deed (WAD) with the TfNSW, or other suitable arrangement as agreed to by TfNSW, for all works on the Kidman Way.

Notes:

- A WAD is a legally binding contract between TfNSW and the developer, authorising the developer to undertake works on a State road.
- To progress the WAD, the developer needs to email a copy of the conditions of development consent to development.south@transport.nsw.gov.au.
- All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the TfNSW website at: <https://www.transport.nsw.gov.au/operations/roads-and-waterways/business-and-industry/partners-and-suppliers/tenders-and-11>
- Any new services or modifications to existing services associated with this development application that involve works on, over or under the Kidman Way (as defined the area from kerb to kerb) must be incorporated into, and managed under, the Works Authorisation Deed for the project. Note: It is the developer's responsibility to identify these works to TfNSW project manager.
- More information on WADs can be found at: <https://www.transport.nsw.gov.au/operations/roads-and-waterways/business-and-industry/partners-and-suppliers/private-development-1-2>

Prior to the commencing works within the road reserve, the developer must:

1. Obtain Section 138 consent under the Roads Act, 1993 for the works associated with the WAD.

Note: TfNSW will be exercising its powers under Section 64 of the Roads Act, 1993 to become

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the roads authority for works associated with the WAD and therefore responsible for issuing the Section 138 consent for those specific works.

2. Apply for, and obtain a Road Occupancy Licence (ROL) from the TfNSW Traffic Operations Unit (TOU) prior to commencing roadworks on a State road or any other works that impact a travel lane of a State road or impact the operation of traffic signals on any road.

Notes:

- *For information on the ROL process and to lodge an ROL application, please visit: <https://www.transport.nsw.gov.au/operations/roads-and-waterways/business-and-industry/road-occupancy-licences>*
- *The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon TfNSW receiving an accurate and compliant TMP.*
- *The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.*
- *An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by TfNSW Project Manager.*

Prior to the issuing of the Occupation Certificate, the developer must:

1. Provide evidence to Transport for NSW to demonstrate that all works within the road reserve have been completed in accordance with the Development Consent.





The following design details have been taken from Austroads Guide to Road Design Part 4A:

- Rural Basic Right-turn Treatment (BAR) Section 7.2.1.
- 1: Design speed of 110km/h.
 - 2: Lane widths of 3.5m have been used.
 - 3: Formation/carrageaway widening is 3.5m.
 - 4: Taper lengths calculate to 53.5m.
 - 5: Storage length is 28.0m for one 26m design vehicle.

- Rural Left-turn Treatment (BAL) Section 6.2.1.
- 1: Design speed of 110km/h.
 - 2: Lane widths of 3.5m have been used.
 - 3: Formation/carrageaway widening is 3.5m.
 - 4: Taper length calculates to 53.5m.
 - 5: Minimum length of parallel widened shoulder used from Table 6.1 is 35m.



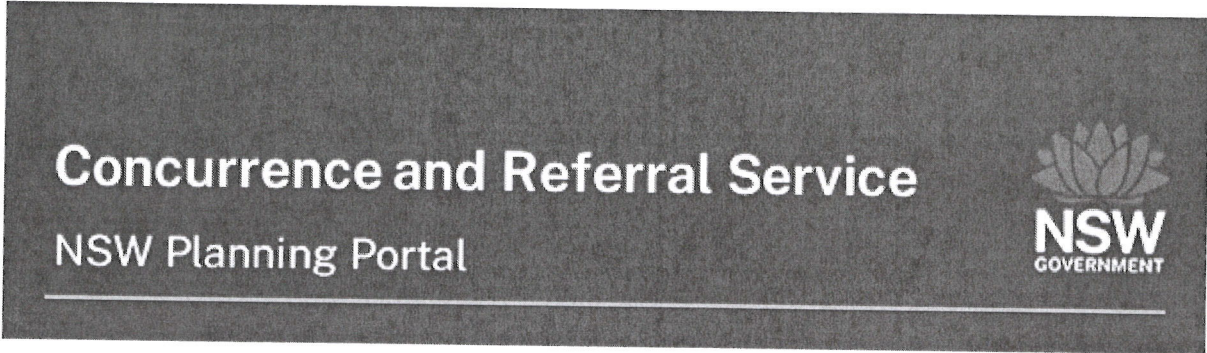
Kidman Way Solar Farm
Hillston NSW
Access Design - BAR/BAL

DRAWN: OM
DATE: 11/12/2023
DWG NO: 486-503C
SCALE at A3: 1:750

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Leigh Jackson

From: NSW Planning <planning.apps@planning.nsw.gov.au>
Sent: Tuesday, 14 May 2024 8:49 AM
To: Leigh Jackson; nghtownplanning@nghconsulting.com.au
Subject: NSW Government concurrence and referral request (CNR-68867): Request for consideration returned



A request for consideration of development application PAN-408519 was submitted to TransGrid through the NSW Planning Portal on Tuesday, 14 May 2024 .The Agency has returned this request.

The associated details are:

- NSW Planning Portal application reference number: PAN-408519
- Consent authority reference number: DA2024/038
- Site address: KIDMAN WAY HILLSTON 2675
- Concurrence and referral reference number: CNR-68867
- Clause/section reference/s:

Clause / Section name	Clause / Section type	Pre-assessment outcome
Other	Notification/Information	Rejected

The Agency returned this request for the following reason/s: Transgrid will reject to comment on this pre-assessment as we do not have any assets in the area. Our records reflect that the local distributor line which may be impacted belongs to Essential Energy, and we recommend reaching out to them..

Please log into the NSW Planning Portal to review the agency's response. Note: Any documentation provided by the Agency can be accessed via the "Documents" tab within the related development application or the concurrence and referral request within the "Related cases" tab.

Leigh Jackson

From: Airspace Protection <Airspace.Protection@casa.gov.au>
Sent: Tuesday, 14 May 2024 10:38 AM
To: Leigh Jackson; Airspace Protection
Subject: F15 5954-20 Referral - DA2024/038 - Carrathool Shire Council - CASA REPLY [SEC=OFFICIAL]

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Good morning Leigh,

This email (airspace.protection@casa.gov.au) is the right email address for any development referrals to CASA.

CASA conducts assessment of solar farms in alignment with the United States Federal Aviation Administration guidelines which very basically say that solar farms and solar installations will not be a hazard to pilots, but care must be taken installing such facilities near air traffic control towers. Therefore, because Hillston Airport does not have an air traffic control tower, **CASA does not consider the development as proposed to be a hazard to aircraft operations.**

Regards

Matthew Windebank
Aerodrome Engineer | Airspace Protection
Air Navigation, Airspace & Aerodromes Branch
CASA Air Navigation, Transformation and Risk Division

p: (02) 6217 1183
e: matthew.windebank@casa.gov.au

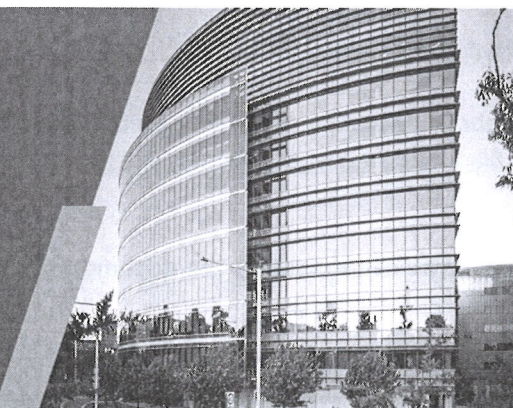


Australian Government
Civil Aviation Safety Authority



We've moved

Our Canberra office
has relocated to
18 Marcus Clarke Street



From: Leigh Jackson <ljackson@carrathool.nsw.gov.au>
Sent: Monday, May 13, 2024 4:29 PM



Your ref: DA2024/038 or PAN-408519

Our ref: DOC24/370445

Leigh Jackson
Planning
Carrathool Shire Council
Via Planning Portal CNR-68867

Dear Leigh

Subject: Referral DA2024/038 Solar farm Kidman Way, Hillston

Thank you for your referral via the planning portal dated 13 May 2024, seeking advice from the Biodiversity, Conservation and Science Group (BCS) of the NSW Department of Climate Change, Energy, the Environment and Water on this matter.

BCS has statutory responsibilities relating to biodiversity and flood risk management. We have reviewed the documents supplied and provide the following advice, detailed in **Attachment A**.

Flood Risk Management

BCS agree that the flood risks are minor for the solar array location but there are risks relating to site access during major floods. BCS recommend Council requires the following, as proposed by the Flood Risk Assessment:

- an alternative flood free access route to the west
- a flood response plan prepared in consultation with Council and the NSW State Emergency Services (SES).

Biodiversity

The application demonstrates that the proposed development is unlikely to have a significant impact to threatened species, communities and their habitat. BCS has drafted conditions we recommend are applied if consent is issued. The conditions seek to protect areas of native vegetation and habitat that are to be retained on and adjoining the site.

If you have any questions about this advice, please contact Claire Coulson, Senior Conservation Planning Officer, via planning.southwest@environment.nsw.gov.au or 02 6022 0636.

Yours sincerely

Leigh Maloney
29 May 2024

Acting Senior Team Leader - Planning, South West

Biodiversity, Conservation and Science Group

NSW Department of Climate Change, Energy, the Environment and Water

ATTACHMENT A – Detailed advice on DA2024/038 Solar farm Kidman Way, Hillston

ATTACHMENT A Detailed advice on DA2024/038 Solar farm Kidman Way, Hillston

Flood Risk Management

The Flood Risk Assessment (FRA, Cumulus Engineering 2023) has used the flood modelling from the Hillston Flood Study (2021) and Hillston Floodplain Risk Management Study and Plan (2022). These studies were developed under the NSW Floodplain Management Program and therefore comply with the requirements of the NSW Flood Prone Land Policy. The flood modelling utilised is the best available and is therefore consistent with the Flood Risk Management Manual (2023).

The FRA shows that the site is flood prone in the 1% Annual Exceedance Probability (AEP) event. This flooding is restricted to the eastern portion of the site where no development is proposed. The location of the solar array and other infrastructure (to the west) is shown as flood free in the 1% AEP event.

However, the proposed access road, connecting the solar farm to Kidman Way, will be flooded and inaccessible in major flood events. Major flood events can last for weeks, and potentially months, in this location.

BCS support the recommendations of the FRA that:

- an alternative flood free access route is developed to the west to provide safe access to the site during major floods
- a flood response plan is prepared in consultation with Council and the NSW SES.

Should consent be granted, BCS recommend Council requires the implementation of these recommendations.

Any development required for additional access to the west of the site must be assessed for biodiversity impacts. The Preliminary Biodiversity Assessment Report (The Environmental Factor January 2024) may require revision to include any additional clearing.

Biodiversity

The application has quantified the extent of clearing of native vegetation and demonstrated the Biodiversity Offset Scheme (BOS) thresholds are not exceeded. The Preliminary Biodiversity Assessment Report concludes the clearing below the BOS thresholds will not have a significant impact on threatened species and communities. BCS agree impacts to threatened species are unlikely and that the BOS does not apply.

However, this outcome relies on the identified areas of biodiversity value within the subject site being protected. Measures must be implemented to protect these areas from direct and indirect impacts during the development and operational phases of the project.

BCS recommended the following conditions are applied to any consent:

1. Prior to issue of a construction certificate, a Biodiversity Management Plan must be prepared to the satisfaction of the consent authority. The Biodiversity Management Plan may form part of a Construction Environmental Management Plan. The Biodiversity Management Plan must identify:
 - I. the development site as per the Preliminary Biodiversity Assessment Report (The Environmental Factor January 2024) and approved plans.

- II. areas of vegetation that are to be retained as outlined in the Preliminary Biodiversity Assessment Report.
 - III. all measures proposed in the Preliminary Biodiversity Assessment Report (Table 13) to mitigate and manage impacts on biodiversity, including performance measures for each commitment.
2. Construction impacts must be restricted to the development site and must not encroach into areas of retained native vegetation and habitat as per the Preliminary Biodiversity Assessment Report and approved plans. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in the Preliminary Biodiversity Assessment Report.