

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

C/o NSW Planning Portal

Attention: Leigh Jackson

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**RE: 10738 Kidman Way Solar Farm - DA2024/040 – DPI Agriculture Advice**

Dear Ms Jackson

Thank you for the opportunity to provide comment on the proposed solar farm at Lot 63 DP664722, 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. 17.9 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 and may have potential for irrigation due to proximity to nearby irrigated sites. Efforts should therefore 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.

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

- We note inconsistencies in the SEE around treatment of topsoil during construction, operation and decommissioning/rehabilitation, for example between description of construction compound establishment (pp. 12-13), and in discussion of soil impacts (p.53). Effort should be made to preserve topsoil on site and rehabilitate any disturbed areas once the use has ceased. Examples of suitable mitigation measures come from the SEE for the nearby solar farm proposal at Lot 1 DP626213, Kidman Way (DA2024/038):
  - o *Develop a groundcover management protocol to minimise soil disturbance and rehabilitate disturbance as soon as practicable.*
  - o *Manage erosion and sediment control in accordance with the provisions of the Managing Urban Stormwater: Soils and Construction series.*
  - o *Development of a satisfactory Decommissioning Plan in consultation with Council and the landholder.*
- 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.
- Where the site has potential for irrigation, all below ground infrastructure should be removed as part of rehabilitation to ensure future suitability for deep cultivation.

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](mailto: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

## Leigh Jackson

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**From:** TE\_Technical Enquiries <te\_technical.enquiries@essentialenergy.com.au>  
**Sent:** Wednesday, 19 June 2024 8:55 AM  
**To:** Leigh Jackson  
**Subject:** CNR-69356 - A-83982 - 10738 KIDMAN WAY HILLSTON 2675

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 the following comments to make as to potential safety risks arising from the proposed development:

- As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 12.5m from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk.

**A 12.5m safety / easement clearance required for clearance from the existing 33KV Overhead network.**

**Please ensure that the natural ground level height for proposed internal track is not altered while transferring under the Essential Energy Network.**

- It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a [Request for Safety Advice](#) if works cannot maintain the safe working clearances set out in the [Working Near Overhead Powerlines Code of Practice](#), or [CEOP8041 - Work Near Essential Energy's Underground Assets](#).

Information relating to developments near electrical infrastructure is available on our website [Development Applications \(essentialenergy.com.au\)](#). If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website [Encroachments \(essentialenergy.com.au\)](#) and provide supporting documentation. Applicants are advised that fees and charges will apply where Essential Energy provides this service.

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.

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); the location of overhead and underground powerlines are also shown in the Look Up and Live app [essentialenergy.com.au/lookupandlive](https://essentialenergy.com.au/lookupandlive).

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

Regards

**Essential Energy**



T: 13 23 91 |  
PO Box 5730 Port Macquarie NSW 2444 | [www.essentialenergy.com.au](https://www.essentialenergy.com.au) | [www.intelligentnetwork.com.au](https://www.intelligentnetwork.com.au)

19 June 2024

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

Carrathool Shire Council  
By Email: [ljackson@carrathool.nsw.gov.au](mailto:ljackson@carrathool.nsw.gov.au)  
CC: [council@carrathool.nsw.gov.au](mailto:council@carrathool.nsw.gov.au)

Attention: Leigh Jackson

**DA2024/040 (CNR-69356) – Proposed 5MW Solar Farm, 5MW/10MWh Battery Energy Storage System & Associated Infrastructure – LOT 63 DP664722 – Kidman Way, HILLSTON**

Dear Leigh,

Transport for NSW (TfNSW) is responding to the DA2024/038 referred on 28 May 2024.

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](mailto:development.south@transport.nsw.gov.au).

Yours faithfully



**Cam O'Kane**  
Case Officer, Development Services South

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OFFICIAL

**DA2024/040 (CNR-69356) – Proposed 5MW Solar Farm, 5MW/10MWh Battery Energy Storage System & Associated Infrastructure – LOT 63 DP664722 – Kidman Way, HILLSTON**

**Context**

TfNSW notes for this DA:

- The subject site has frontage and existing access to the Kidman Way which is a classified “state” road and an approved road train route. The subject site also has frontage and existing access arrangements to Norwood Lane and Racecourse Road which are classed as local roads. Both frontages are within a 100kmh speed zone;
- Council is seeking advice from TfNSW to assist in its assessment under clause 2.119 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*;
- The development proposes construction of a 5MW solar farm including site establishment, installation of power and inverter stations, installation of the battery energy storage system (BESS) and switchgear, temporary construction facilities and new powerline connection to adjacent Essential Energy infrastructure as per the site plan in **Attachment 2**;
- The proposal is supported by a Statement of Environmental Effects (SEE) prepared by NGH Pty Ltd dated December 2023 and a Traffic Impact Assessment Report (TIA) prepared by Amber Organisation Pty Ltd dated January 2024;
- The SEE states that “the proposed access to the solar farm would be via Norwood Lane using an existing rural access that connects to the site at the intersection of Norwood Lane and Racecourse Road”. This is consistent with clause 2.119 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*;
- The TIA states that “It is anticipated that during peak construction the project could generate up to 34 heavy and 16 light vehicle movements per day”. After construction, the site will only generate 4 vehicle movements per day;
- TfNSW notes that vehicles travelling to the site associated with this development will utilise the intersection of The Springs Road with Norwood Lane. Whilst The Springs Road is a classified “regional” road, TfNSW entrusts Council to assess and manage whether the intersection requires upgrading as a result of this development application.

**General Conditions**

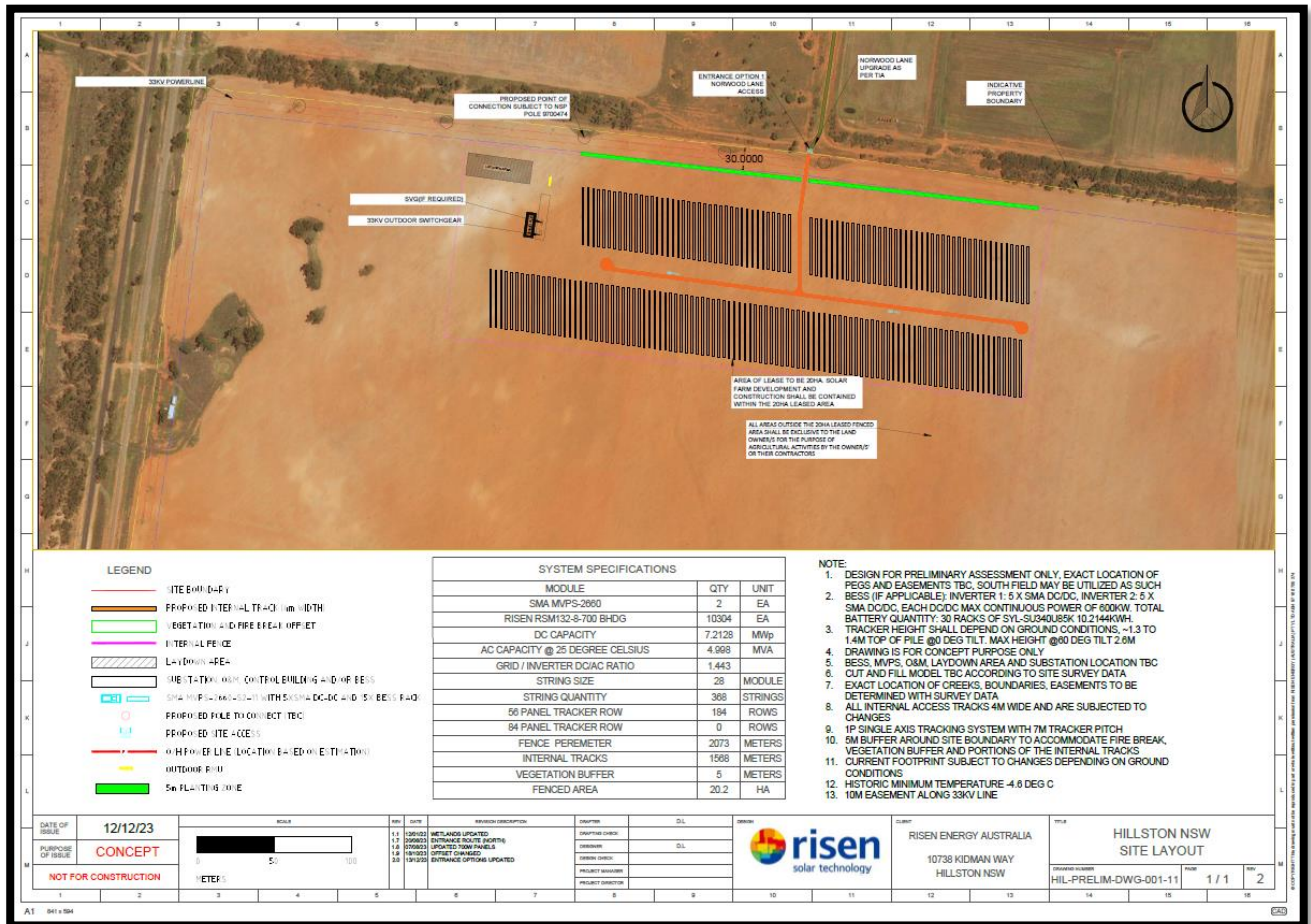
1. Access to the subject site from Kidman Way is denied.

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

1. All existing vehicular access points or gates to subject site from the Kidman Way shall be removed and the road reserve reinstated to match surrounding roadside landform in accordance with Council requirements.

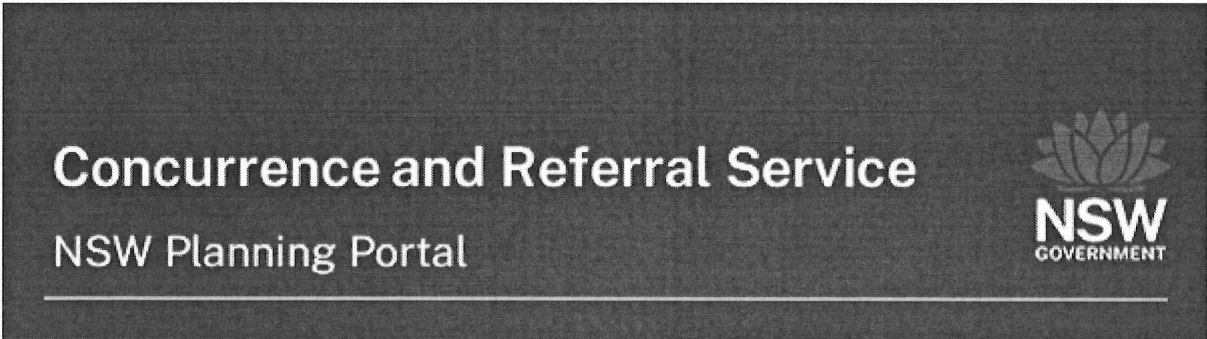
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OFFICIAL



OFFICIAL

**From:** NSW Planning <planning.apps@planning.nsw.gov.au>  
**Sent:** Tuesday, 28 May 2024 1:16 PM  
**To:** Leigh Jackson; nghtownplanning@nghconsulting.com.au  
**Subject:** NSW Government concurrence and referral request (CNR-69356): Request for consideration returned



A request for consideration of development application PAN-396878 was submitted to TransGrid through the NSW Planning Portal on Tuesday, 28 May 2024 .The Agency has returned this request.

- The associated details are:
- NSW Planning Portal application reference number: PAN-396878
  - Consent authority reference number: DA2024/040
  - Site address: 10738 KIDMAN WAY HILLSTON 2675
  - Concurrence and referral reference number: CNR-69356
  - 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: Thank you for consulting Transgrid regarding this DA. Transgrid does not have any assets in the immediate area and at this stage, do not have any further comments to add..

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

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**From:** Windebank, Matthew <Matthew.Windebank@casa.gov.au>  
**Sent:** Tuesday, 28 May 2024 9:45 AM  
**To:** Leigh Jackson  
**Subject:** F19 191-3 Referral - DA2024/040 - Carrathool Shire Council - CASA REPLY [SEC=OFFICIAL]

### OFFICIAL

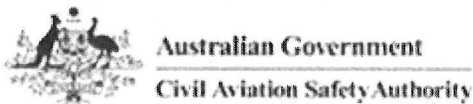
Good morning Leigh,

CASA follows the United States Federal Aviation Administration guidelines as the current best practice. These guidelines only consider glare directed towards an air traffic control tower to be a potential risk to aviation safety. Impact to pilots is not considered to be a significant risk. Therefore, this proposal as presented will not be a hazard to aircraft operations and CASA has no objection to the proposal as presented.

Regards

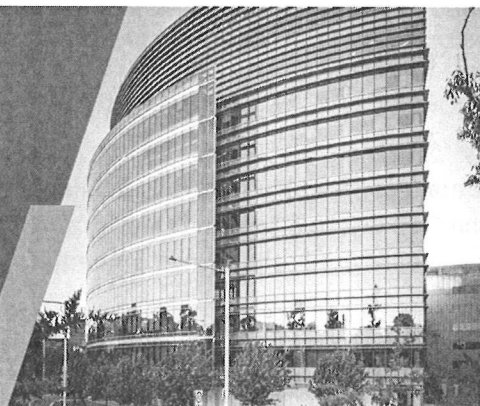
Matthew Windebank  
Aerodrome Engineer | Airspace Protection  
Air Navigation, Airspace & Aerodromes Branch  
**CASA Air Navigation, Transformation and Risk Division**

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



**We've moved**

Our Canberra office  
has relocated to  
**18 Marcus Clarke Street**



**From:** Leigh Jackson <ljackson@carrathool.nsw.gov.au>  
**Sent:** Monday, May 27, 2024 12:41 PM  
**To:** Airspace Protection <Airspace.Protection@casa.gov.au>  
**Subject:** Referral - DA2024/040 - Carrathool Shire Council



Your ref: DA2024/040 or PAN-396878

Our ref: DOC24/412521

Leigh Jackson  
Planning  
Carrathool Shire Council  
Via Planning Portal CNR-69356

Dear Leigh

**Subject: Referral DA2024/040 - solar farm - 10738 Kidman Way, Hillston**

Thank you for your referral via the planning portal dated 27 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**

The subject land and access routes are flood prone. BCS supports the adoption of the 'Option B' site layout, as there is reduced flood risk associated with this option. However, site access during major floods, for either layout option, is a concern. BCS supports the Flood Risk Assessment (FRA) recommendation to develop a flood response plan in consultation with Council and the NSW SES to ensure the safe evacuation of workers during future major floods.

**Biodiversity**

The application has not provided a complete Test of Significance (ToS) to evaluate the potential impacts to threatened species and communities. Without this the requirements of Part 7 of *Biodiversity Conservation Act 2016* have not been satisfied.

BCS recommends that Council request a revised ToS that considers the five factors that make up the test for each of the potentially impacted species. Should consent be issued we recommend conditions are applied to protect retained native vegetation.

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

Yours sincerely

Andrew Fisher  
13 June 2024

**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 DA2024/040 - solar farm - 10738 Kidman Way, Hillston

## **ATTACHMENT A    Detailed advice on DA2024/040 - solar farm - 10738 Kidman Way, Hillston**

### **Flood Risk Management**

BCS has reviewed the Statement of Environmental Effects and the supporting Flood Risk Assessment (FRA).

The FRA has used the flood modelling from the Hillston Flood Study (2021) and the Hillston Floodplain Risk Management Study and Plan (2022). These studies were developed under the NSW Floodplain Management Program and so comply with the requirements of the NSW Flood Prone Land Policy and the Floodplain Development Manual (2005). Although the 2005 Manual has now been replaced by the Flood Risk Management Manual (2023), the flood modelling is the best available and is therefore acceptable for use in this case.

The FRA shows that the site is flood prone in the 1% Annual Exceedance Probability (AEP) event, but this is restricted to the far eastern and western portions of the site. The FRA presents two options for the development layout:

- Option A proposes accessing the site from the west via Kidman Way and locating the site office and laydown area in the western flood prone areas.
- Option B proposes accessing the site from the north via Norwood Lane and relocating the site office and laydown area away from the flooded areas of the site.

We understand the Option B layout has been adopted by the proponent. BCS supports this approach due to the reduced flood risk associated with Option B.

As access routes for both options A and B are compromised during the 1% AEP flood, a flood response plan should be developed in consultation with Council and the NSW SES to ensure the safe evacuation of workers during future floods.

### **Biodiversity**

The 'BOS Evaluation Report' (NGH December 2023) provides evidence that the Biodiversity Offsets Scheme (BOS) threshold is not exceeded. A threatened species test of significance (ToS) is required for local development proposals that do not exceed the BOS threshold (refer to s7.2 and 7.3 of the *Biodiversity Conservation Act 2016*). A complete ToS has not been provided.

While the report concludes that no significant impact to any threatened entity is anticipated, it has not demonstrated how this conclusion was reached. A ToS is a standardised and transparent consideration of ecological communities, threatened species and their habitats through the development assessment process. It is incorrect to conclude that a ToS is not required because an impact is relatively small.

BCS therefore considers the application is currently incomplete.

#### *Biodiversity Recommendations*

BCS recommends that:

- Council request a revised ToS that considers the five factors that make up the test for each of the potentially impacted species or communities.

- The following conditions are applied to any consent to protect areas of retained native vegetation from direct and indirect impacts during the development and operational phases of the project:
  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 BOS Evaluation Report (NGH December 2023 or as amended) and approved plans.
    - II. areas of vegetation that are to be retained as outlined in the BOS Evaluation Report.
    - III. all measures proposed in Table 4-5 of the Statement of Environmental Effects (NGH December 2023) to mitigate and manage impacts on biodiversity, including performance measures for each commitment.
    - IV. additional measures to monitor and control weeds.
  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 BOS Evaluation Report (NGH December 2023 or as amended) 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 BOS Evaluation Report.

#### *Guidance Material*

The following resources may be useful when assessing the biodiversity impacts of development proposals:

- [When the Biodiversity Offsets Scheme applies](#)
- [NSW Biodiversity Offsets Scheme Local Government Resource Manual](#)
- [Threatened Species Test of Significance Guidelines](#)