

APPENDIX H CONSULTATION RESULTS

H.1 OFFICE OF ENVIRONMENT & HERITAGE



Ms Rose-Anne Hawkeswood
Planner - Resource Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Hawkeswood

RE: SEARs for proposed Sunraysia Solar Farm (SSD 7680)

I refer to your email dated 27 May 2016 seeking input into the Department of Planning and Environment Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the proposed Sunraysia Solar Farm (SSD 7680).

OEH has reviewed the available supporting documentation and provides SEARs for the proposed development in **Attachments A** and **B** and guidance material in **Attachment C** (please note that both **Attachments A** and **B** include biodiversity matters that will need to be addressed). The assessment must include all ancillary infrastructure and new vehicle tracks, access from Yanga Way and the proposed transmission lines which partially traverse Crown Lands.

OEH recommends the EIS needs to appropriately address the following:

1. Biodiversity and offsetting
2. Aboriginal cultural heritage
3. Water and soils
4. Cumulative impact

Please note that the NSW Biodiversity Offsets Policy for Major Projects www.environment.nsw.gov.au/resources/biodiversity/140672biopolicy.pdf is now being implemented. The policy provides a standard method for assessing impacts of major projects on biodiversity and determining offsetting arrangements. The policy is underpinned by the Framework for Biodiversity Assessment (FBA) www.environment.nsw.gov.au/resources/biodiversity/140675fba.pdf which contains the assessment methodology that is adopted by the policy to quantify and describe the impact assessment requirements and offset guidance that applies to Major Projects. The FBA must be used by a proponent to assess all biodiversity values on the development site.

Based on the information provided, the proposed site appears to contain scattered trees with some remnant patches of vegetation. It is important to ascertain whether areas with scattered trees meet the definition of woodland or open woodland communities. Trees in an open woodland may be up to 100 metres apart, and still meet the definition of native vegetation that can be allocated to a NSW Plant Community Type (PCT). PCT boundaries mapped for this assessment must include the understorey and trees. Maps containing separate polygons for trees and understoreys (e.g. Figure 5-1) may not be correct. The categorisation of some vegetation as "Mulga woodland" (Figure 5-1) needs to be considered as this community is not known to occur in this area.

At this point in time, there is no appropriate regional-scale map that shows all vegetation communities within the area of the proposal. Some of the area is covered by the 'Native Vegetation of the Murray Catchment Management Authority Area'¹. The M305 (VIS 917) dataset maps woody vegetation while not considering shrublands, grasslands or wetlands, and so may give some indication of vegetation present. Vegetation

¹ Roff, A., Sivertsen, D., and Denholm, B. (2010) The Native Vegetation of the Murray Catchment Management Authority Area, NSW Department of Environment, Climate Change and Water, Sydney, Australia (VIS_ID 3808, VIS_ID 3809, VIS_ID 3810, VIS_ID 3811)

data and NPWS estate boundaries suitable for use in geographic information systems can be downloaded from OEH Spatial Data Online <http://mapdata.environment.nsw.gov.au/geonetwork/srv/en/main.home>.

The Scoping Report undertaken by ngh Environmental for the project, identified a number of previously recorded Aboriginal sites near the substation location (also the only location with prior survey coverage). The study also identifies that the areas containing native vegetation are likely to contain previously undisturbed archaeological deposits associated with Aboriginal occupation. Due to these reasons it would be appropriate and expected that an assessment be done in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal objects in NSW* and also be inclusive of consultation with the relevant Aboriginal parties.

We have reviewed the draft SEARs provided with this request, and **Attachment D** lists some recommended minor amendments to this document.

If you have any questions regarding this matter please contact Michael Todd on (03) 5021 8915 or at michael.todd@environment.nsw.gov.au.

Yours sincerely



PETER EWIN
Senior Team Leader Planning, South West Region
Regional Operations
Office of Environment and Heritage

ATTACHMENT A – Standard Environmental Assessment Requirements
ATTACHMENT B – Project specific Environmental Assessment Requirements
ATTACHMENT C – Guidance Material
ATTACHMENT D – Recommended amendments to draft SEARs

Attachment A – Standard Environmental Assessment Requirements

<p>Biodiversity</p> <p>1. Biodiversity impacts related to the proposed Sunraysia Solar Farm are to be assessed and documented in accordance with the Framework for Biodiversity Assessment, unless otherwise agreed by OEH, by a person accredited in accordance with s142B(1)(c) of the <i>Threatened Species Conservation Act 1995</i>.</p>
<p>Aboriginal cultural heritage</p> <p>2. The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the proposed Sunraysia Solar Farm and document these in the EIS. This may include the need for surface survey and test excavation. The identification of cultural heritage values should be guided by the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011) and consultation with OEH regional officers.</p> <p>3. Where Aboriginal cultural heritage values are identified, consultation with Aboriginal people must be undertaken and documented in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the EIS.</p> <p>4. Impacts on Aboriginal cultural heritage values are to be assessed and documented in the EIS. The EIS must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.</p>
<p>Historic heritage</p> <p>5. The EIS must provide a heritage assessment including but not limited to an assessment of impacts to <i>State and local heritage</i> including conservation areas, natural heritage areas, places of Aboriginal heritage value, buildings, works, relics, gardens, landscapes, views, trees should be assessed. Where impacts to State or locally significant heritage items are identified, the assessment shall:</p> <ol style="list-style-type: none"> outline the proposed mitigation and management measures (including measures to avoid significant impacts and an evaluation of the effectiveness of the mitigation measures) generally consistent with the NSW Heritage Manual (1996), be undertaken by a suitably qualified heritage consultant(s) (note: where archaeological excavations are proposed the relevant consultant must meet the NSW Heritage Council's Excavation Director criteria), include a statement of heritage impact for all heritage items (including significance assessment), consider impacts including, but not limited to, vibration, demolition, archaeological disturbance, altered historical arrangements and access, landscape and vistas, and architectural noise treatment (as relevant), and

- e. where potential archaeological impacts have been identified develop an appropriate archaeological assessment methodology, including research design, to guide physical archaeological test excavations (terrestrial and maritime as relevant) and include the results of these test excavations.

Water and soils

6. The EIS must map the following features relevant to water and soils including:
- a. Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map).
 - b. Rivers, streams, wetlands, estuaries (as described in Appendix 2 of the [Framework for Biodiversity Assessment](#)).
 - c. Groundwater.
 - d. Groundwater dependent ecosystems.
 - e. Proposed intake and discharge locations.
7. The EIS must describe background conditions for any water resource likely to be affected by the proposed Sunraysia Solar Farm, including:
- a. Existing surface and groundwater.
 - b. Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations.
 - c. Water Quality Objectives (as endorsed by the NSW Government <http://www.environment.nsw.gov.au/ieo/index.htm>) including groundwater as appropriate that represent the community's uses and values for the receiving waters.
 - d. Indicators and trigger values/criteria for the environmental values identified at (c) in accordance with the [ANZECC \(2000\) Guidelines for Fresh and Marine Water Quality](#) and/or local objectives, criteria or targets endorsed by the NSW Government.
8. The EIS must assess the impacts of the proposed Sunraysia Solar Farm on water quality, including:
- a. The nature and degree of impact on receiving waters for both surface and groundwater, demonstrating how the development protects the Water Quality Objectives where they are currently being achieved, and contributes towards achievement of the Water Quality Objectives over time where they are currently not being achieved. This should include an assessment of the mitigating effects of proposed stormwater and wastewater management during and after construction.
 - b. Identification of proposed monitoring of water quality.
9. The EIS must assess the impact of the proposed Sunraysia Solar Farm on hydrology, including:
- a. Water balance including quantity, quality and source.
 - b. Effects to downstream rivers, wetlands, estuaries, marine waters and floodplain areas.
 - c. Effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems.
 - d. Impacts to natural processes and functions within rivers, wetlands, estuaries and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g. river benches).

- e. Changes to environmental water availability, both regulated/licensed and unregulated/rules-based sources of such water.
- f. Mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and re-use options.
- g. Identification of proposed monitoring of hydrological attributes.

Flooding and coastal erosion

10. The EIS must map the following features relevant to flooding as described in the Floodplain Development Manual 2005 (NSW Government 2005) including:
 - a. Flood prone land
 - b. Flood planning area, the area below the flood planning level.
 - c. Hydraulic categorisation (floodways and flood storage areas).
11. The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 1 in 10 year, 1 in 100 year flood levels and the probable maximum flood, or an equivalent extreme event.
12. The EIS must model the effect of the proposed Sunraysia Solar Farm (including fill) on the flood behaviour under the following scenarios:
 - a. Current flood behaviour for a range of design events as identified in 11 above. This includes the 1 in 200 and 1 in 500 year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.
13. Modelling in the EIS must consider and document:
 - a. The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood.
 - b. Impacts of the development on flood behaviour resulting in detrimental changes in potential flood affection of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazards and hydraulic categories.
 - c. Relevant provisions of the NSW Floodplain Development Manual 2005.
14. The EIS must assess the impacts on the proposed Sunraysia Solar Farm on flood behaviour, including:
 - a. Whether there will be detrimental increases in the potential flood affection of other properties, assets and infrastructure.
 - b. Consistency with Council floodplain risk management plans.
 - c. Compatibility with the flood hazard of the land.
 - d. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land.
 - e. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site.
 - f. Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

- g. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the SES and Council.
- h. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the SES and Council.
- i. Emergency management, evacuation and access, and contingency measures for the development considering the full range of flood risk (based upon the probable maximum flood or an equivalent extreme flood event). These matters are to be discussed with and have the support of Council and the SES.
- j. Any impacts the development may have on the social and economic costs to the community as consequence of flooding.

Attachment B – Project specific Environmental Assessment Requirements

Biodiversity

15. Impacts on the following species, populations and ecological communities will require further consideration and provision of the information specified in s9.2 of the Framework for Biodiversity Assessment:

- *Acacia melvillei* shrubland in the Riverina and Murray-Darling Depression bioregions
- *Austrostipa metatoris* (a Spear Grass)
- *Falco subniger* (Black Falcon) - nest trees only
- *Hieraaetus morphnoides* (Little Eagle) - nest trees only
- *Circus assimilis* (Spotted Harrier) - nest trees only
- *Santalum murrayanum* (Bitter Quandong)

Attachment C – Guidance material

Title	Web address
<u>Relevant Legislation</u>	
<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>	www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/
<i>Environmental Planning and Assessment Act 1979</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N
<i>Fisheries Management Act 1994</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+38+1994+cd+0+N
<i>Marine Parks Act 1997</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+64+1997+cd+0+N
<i>National Parks and Wildlife Act 1974</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+80+1974+cd+0+N
<i>Protection of the Environment Operations Act 1997</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+156+1997+cd+0+N
<i>Threatened Species Conservation Act 1995</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+101+1995+cd+0+N
<i>Water Management Act 2000</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+92+2000+cd+0+N
<i>Wilderness Act 1987</i>	www.legislation.nsw.gov.au/viewtop/inforce/act+196+1987+FIRST+0+N
<u>Biodiversity</u>	
NSW Biodiversity Offsets Policy for Major Projects (OEH 2013)	www.environment.nsw.gov.au/resources/biodiversity/140672biopolicy.pdf
Framework for Biodiversity Assessment (OEH 2013)	www.environment.nsw.gov.au/resources/biodiversity/140675fba.pdf
OEH Threatened Species Website	www.environment.nsw.gov.au/threatenedspecies/
NSW BioNet (Atlas of NSW Wildlife)	www.bionet.nsw.gov.au/
Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - Working Draft (DEC 2004)	www.environment.nsw.gov.au/resources/nature/TBSAGuidelinesDraft.pdf
Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna - Amphibians (DECCW 2009)	www.environment.nsw.gov.au/resources/threatenedspecies/09213amphibians.pdf
NSW guide to surveying threatened plants (OEH 2016)	www.environment.nsw.gov.au/resources/threatenedspecies/160129-threatened-plants-survey-guide.pdf
OEH threatened species survey and assessment guideline information	www.environment.nsw.gov.au/threatenedspecies/surveyassessmentgdlns.htm
Fisheries NSW policies and guidelines	www.dpi.nsw.gov.au/fisheries/habitat/publications/policies,-guidelines-and-manuals/fish-habitat-conservation
List of national parks	www.environment.nsw.gov.au/NationalParks/parksearchatoz.aspx

Title	Web address
Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water (DECCW 2010)	www.environment.nsw.gov.au/resources/protectedareas/080290devadjoindecc.pdf
VIS Classification - NSW Plant Community Type (PCT) database	www.environment.nsw.gov.au/research/Vegetationinformationsystem.htm
Interim Vegetation Mapping Standard and VIS Plot	www.environment.nsw.gov.au/research/VISplot.htm
OEH Spatial Data Online Access	http://mapdata.environment.nsw.gov.au/geonetwork/srv/en/main.home
<u>Heritage</u>	
The Burra Charter (The Australia ICOMOS charter for places of cultural significance)	australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf
Statements of Heritage Impact 2002 (HO & DUAP)	www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf
NSW Heritage Manual (DUAP) (scroll through alphabetical list to 'N')	www.environment.nsw.gov.au/Heritage/publications/index.htm#M-O
<u>Aboriginal Cultural Heritage</u>	
Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010)	www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf
Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010)	www.environment.nsw.gov.au/resources/cultureheritage/10783FinalArchCoP.pdf
Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011)	www.environment.nsw.gov.au/resources/cultureheritage/20110263ACHguide.pdf
Aboriginal Site Recording Form	www.environment.nsw.gov.au/resources/parks/SiteCardMainV1_1.pdf
Aboriginal Site Impact Recording Form	www.environment.nsw.gov.au/resources/cultureheritage/120558asirf.pdf
Aboriginal Heritage Information Management System (AHIMS) Registrar	www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm
Care Agreement Application form	www.environment.nsw.gov.au/resources/cultureheritage/20110914TransferObject.pdf
<u>Water and Soils</u>	
Acid sulphate soils	
Acid Sulfate Soils Planning Maps via 'The NSW Natural Resource Atlas'	www.nratlas.nsw.gov.au/

Title	Web address
Acid Sulfate Soils Manual (Stone et al. 1998)	Manual available for purchase from: www.landcom.com.au/whats-new/the-blue-book.aspx Chapters 1 and 2 are on DPI's Guidelines Register at: Chapter 1 Acid Sulfate Soils Planning Guidelines: www.planning.nsw.gov.au/rdaguidelines/documents/NSW%20Acid%20Sulfate%20Soils%20Planning%20Guidelines.pdf Chapter 2 Acid Sulfate Soils Assessment Guidelines: www.planning.nsw.gov.au/rdaguidelines/documents/NSW%20Acid%20Sulfate%20Soils%20Assessment%20Guidelines.pdf
Acid Sulfate Soils Laboratory Methods Guidelines (Ahern et al. 2004)	www.advancedenvironmentalmanagement.com/Reports/Savannah/Appendix%2015.pdf This replaces Chapter 4 of the Acid Sulfate Soils Manual above.
Flooding	
Floodplain development manual	www.environment.nsw.gov.au/floodplains/manual.htm
NSW Climate Impact Profile	NSW Climate Impact Profile
Climate Change Impacts and Risk Management	Climate Change Impacts and Risk Management: A Guide for Business and Government, AGIC Guidelines for Climate Change Adaptation
Water	
Water Quality Objectives	www.environment.nsw.gov.au/ieo/index.htm
ANZECC (2000) Guidelines for Fresh and Marine Water Quality	www.environment.gov.au/water/publications/quality/australian-and-new-zealand-guidelines-fresh-marine-water-quality-volume-1
Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones	http://deccnet/water/resources/AWQGuidance7.pdf
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf

Attachment D – Recommended amendments to draft SEARs

Given the uncertainty around the vegetation present on the site as identified in the Scoping Report, we recommend that biodiversity

Biodiversity – including an assessment of the likely biodiversity impacts of the development, particularly in regard to all native vegetation present including isolated trees, and any steps taken to avoid, mitigate or offset any identified impacts, having regard to the *NSW Biodiversity Offsets Policy for Major Projects*, and in accordance with the *Framework for Biodiversity Assessment*, unless otherwise agreed by the Department;

Under Attachment 1 – Heritage we recommend the removal of the document *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (OEH)* as it more appropriate that a full assessment in accordance with the other documents listed be undertaken for this project.

H.2 DEPARTMENT OF PRIMARY INDUSTRIES – LANDS

Tim Kirk
Project Developer
Maoneng Australia
Level 4, 5 Talavera Road
MACQUARIE PARK NSW 2113

126 Lachlan Street, Hay NSW 2711
Phone: 02 6990 1801
Fax: 02 6993 1135
Email: peter.bisset@crowland.nsw.gov.au
www.crownland.nsw.gov.au
Your ref:
Our ref: 16/04448

Date: 24th May 2016

Dear Sir/Madam

RE: Potential Large Scale Solar Project near Balranald – Requirements for Electricity Transmission Line

Reference is made to the phone hook-up held on 23 May 2016 between representatives from Maoneng Australia and the Department of Primary Industries- Lands (the Department).

The necessary requirements to facilitate the proposed electricity transmission line associated with the Solar Project are outlined below for Maoneng Australia's consideration.

Native Title

A search of the Register of Native Title Claims (National Native Title Tribunal) indicates that there is an active claim registered over the Crown land within the project area, being NC2014/002 lodged by the Muthi Muthi People

The Department has adopted the position that it will not undertake any dealings with Crown land unless it can be satisfied to a high degree of certainty that Native Title does not exist in the land, except by means of one of the methods provided for under the *Commonwealth Native Title Act 1993*. Due consideration to whether Native Title affects the subject land before appropriate action (including easements and licencing) can be undertaken by the Department.

If the project was to proceed, the Department's Status Branch will undertake a comprehensive historical search to determine if there is any previous extinguishing tenure. There is no guarantee that the search will be successful.

Aboriginal Land Claim

Lot 7301 in DP 1157986 and other adjoining Crown Lots are currently subject to an undetermined Aboriginal Land Claim 13929 (Diagram "A"), lodged by the New South Wales Aboriginal Land Council on behalf of the Balranald Aboriginal Land Council on 5 September 2006.

It is not appropriate to grant any consent for licence, easement or development until ALC 13929 has been determined or the written consent from the New South Wales Aboriginal Land Council (NSWALC) has been obtained to the licence, easement or development.

Even if the NSWALC consents to the development, it is highly likely that the above mentioned extinguishment process will need to be undertaken prior to the Crown being in a position to grant lawful occupation by either a licence or easement.

Options to Authorise Electricity Transmission Line over Crown Land

Option 1 - Licence

A Crown Lands Licence (issued under the *Crown Lands Act 1989*) will be required by the Department to authorise occupation over the affected Crown land for the proposed transmission line. Occupation, use, development or construction must not commence on Crown land until a licence has been granted for that specific purpose.

Licences are subject to a number of conditions, which are set out in the licence agreement. Additional special conditions may be included relative to the purpose of the licence and specific environmental outcomes.

Crown Land Licences:

- are subject to payment of annual rent, which is determined on a market value basis. Rents are reviewed and reassessed at regular intervals and may also be subject to annual Consumer Price Index (CPI) adjustments;
- may permit the use or occupation of Crown land for either a specified or unspecified period of time;
- are not transferable (except in specified circumstances), but in appropriate circumstances may be revoked and a new licence granted in its place; and
- are not recorded by the Department under the [Real Property Act 1900](#).

Please note that Local Government Rates are payable on licences.

Each application is considered individually taking in to account:

- Legislative requirements;
- Departmental and other NSW government policies;
- Environmental factors;
- Native Title;
- Aboriginal Land Claims;
- Site inspection;
- Development consent requirements and conditions;
- Valuation; and
- Drafting and negotiating terms and conditions (including annual rent).

If Development Consent is required, then the completed Development Application (DA) document must be forwarded to the Department for Landowner's Consent prior to lodgement with the relevant Council.

All applications for licences of Crown land are considered on their individual merits and, until approved, no guarantees could be given that an application lodged will ultimately be successful.

If the project is to proceed Maoneng Australia may lodge a licence application by completing an '*Licence over Crown Land Application*' form which is available from the Department's web site www.crownland.nsw.gov.au .

When lodging your application please include the following:

- Payment for licence application fee, currently \$383.60;
- A map showing the location of the proposed electricity transmission line and water pipeline with GPS co-ordinates (the datum system used must be specified);

- If development consent is required, a completed development application together with a '*Landowner's Consent Application*' which is available from the Department's web site www.crownland.nsw.gov.au and fee of \$65.70;
- Written consent of the relevant Local Land Services (for Travelling Stock Reserves); and
- Additional information pertaining to preliminary investigations and ongoing negotiations with the Department and other NSW agencies in relation to the proposed development of the Solar Project.

The provision of additional information will assist the Department in assessing your application and the evidence to warrant entering into direct negotiations with Maoneng Australia.

In regards to Native Title, the department will need to further consider if/how an short-term or long-term licence for the electricity transmission line can be issued under the *Crown Lands Act 1989* having regard to the *Native Title Act 1993* and any requirement for an easement.

Where the infrastructure (powerline) occupies air space only over Crown land the Crown may be in a position to grant a licence. A non-exclusive licence for airspace only is considered not to have an effect on native title as it is not inconsistent with the continued existence, enjoyment or exercise of native title rights.

It is highly likely that the extinguishment process will need to be undertaken prior to the Crown being in a position to grant a licence for construction and or erection of infrastructure that will occupy Crown land.

Option 2 - Easement

Under Section 88B of the *Conveyancing Act 1919*, easements can be created and registered on title by the lodgement of a plan showing the position of the easement and a document setting out the terms of the easement with Land and Property Information NSW (LPI NSW) Queen Square Sydney.

The document, which is commonly referred to as a Section 88B instrument, details the terms and conditions of the easement. Information on registering easements is available on the LPI NSW website at http://rgdirections.lpi.nsw.gov.au/land_dealings/dealing_requirements/easements.

Note: Instructions on the requirements for a Section 88B instrument can be found at: http://rgdirections.lpi.nsw.gov.au/deposited_plans/easements_restrictions/sec88b_instrument

In this instance, given the location of the proposed electricity transmission line over various parcels of Crown land (Travelling Stock Reserves), the Department will be a party to any potential easement and will need to sign the plan and Section 88B instrument. As such, the following process and costs will apply:

- Maoneng Australia will need to lodge a request in writing for consideration of the creation of an easement over Crown land; and
- The request should be accompanied by a diagram of the proposed location of the easement; consent of the land manager, Murray Local Land Services to the creation of the easement and the application fee as shown below.

Costs incurred in processing Maoneng Australia's request could be anticipated as follows:

- Application fee- \$246.70;
- Field inspection – to be determined; and
- Owner's Consent for Lodgement of DA- \$65.70 (if required).

Please note the above costs are applicable at this time and may be subject to change upon completion. They do not include any costs charged by your nominated surveyor.

Maoneng Australia should contact Balranald Shire Council to determine its development consent requirements with respect to the creation of the easement and endorsement of the plan of the easement. If development consent is required then the completed DA should be forwarded to this office in the first instance to obtain landowner's consent for lodgement of the application. Provision of landowner's consent attracts a fee as outlined above.

Furthermore, it is recommended that Maoneng Australia contact the Plan Titling Officer at NSW LPI to discuss the process for identifying an easement on a plan which is suitable for registration.

Compensation may be payable- Maoneng Australia will be further advised about the amount of compensation payable as assessed by the Department. Maoneng Australia will have the opportunity to object to the amount payable. If Maoneng Australia object, a request for valuation will be sent to State Valuation Services for assessment. Any costs associated with the supply of the valuation will be at Maoneng Australia's expense.

Payment for the costs of these activities is to be borne by Maoneng Australia. A security deposit may also be required.

Additional information

Maoneng Australia will also be required to provide a full Environmental Impact Statement and Cultural & Heritage Report outlining any potential impacts on Crown Lands and identifying any possible Aboriginal places or sites.

Consent to the project may also be required to be obtained from and not limited to:

- The Office of Environment & Heritage: Phone (03) 5483 9100, P.O. Box 952, Moama NSW 2731.
- Murray Local Land Services: Phone (03) 5881 1055, P.O. Box 61, Deniliquin NSW 2710.
- Balranald Shire Council: Phone (03) 5020 1300, P.O. Box 120, Balranald NSW 2715.
- NSW Aboriginal Land Council: Phone (02) 9689 4444, P.O. Box 1125.
- NTSCorp: Phone (02) 9310 3188 Toll Free 1800 111 844, P.O. Box 2105, Strawberry Hills NSW 2012

Please note the above list is only a guide to assist Maoneng Australia and is in no way a definitive list of all possible consent authorities, it is Maoneng Australia's responsibility to determine and obtain the appropriate consent from other potential authorities and the Department will take no responsibility for any failure to obtain the appropriate consents.

Please contact me on email peter.bisset@crowmland.nsw.gov.au or phone (02) 6990 1801 for further information.

Yours sincerely



Peter Bisset
For Manager South West Area
DPI Lands

Sunraysia Solar Farm - HV Easement

Re: Request for Letter of Consent

Legend

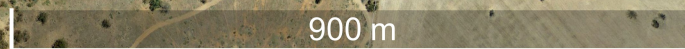
- Access Track
- Balranald Sunset
- Crown Land - ALC13929
- Feature 1
- HV Easement
- Hillerman Property
- Hoare West Property
- Standen South Property
- Sunraysia Solar Farm
- Timber Reserve

220kV High Voltage Easement - 50m Wide

Mallee Hwy

Sunraysia Solar Farm

Google earth



H.3 LOCAL LAND SERVICES – WESTERN REGION



Local Land
Services

File No VF16/ 1832
Our Ref: Sunraysia Solar Farm

9th January 2017

Mr Qiao Han
Group Vice President
Maoneng Australia
Level 4, 5 Talavera Rd, Macquarie Park, 2113

qiao.han@maoneng.co

Dear Mr Han,

**Sunraysia Solar Farm – HV Easement licence application over
Travelling Stock Reserve No - 17969**

Thank you for referring the project proposal for the Sunraysia Solar Farm located 14km south of Balranald in western New South Wales. It is noted that the project proponents are seeking concurrence from Local Land Services - Western Region to enable the Department of Industry – Crown Lands to create an easement for a proposed 220kv High voltage power line easement.

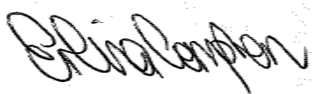
The proposed power line easement is located on Crown Land vested with the Local Land Services as Travelling Stock Reserve No – 17969 on Lot 3701 DP 1157986 and Lot 48 DP 1015985.

After consideration of the project proposal by the Local Land Services - Western Region Board there are no objections to an application for an easement being considered by Crown Lands subject to the following:

- In accordance with the *Local Land Services Act 2014* under Part 6 (*Travelling stock reserves and public roads*), LLS Western Region reserves the right to issue a Reserve Use Permit and Stock Use Permits under which permit holders must be afforded access according to the conditions of the permit to the TSR and any nearby Stock Watering Places.
- The project is to be carried out in accordance with the conditions of the licence for the easement and any other regulatory requirements, consents and approvals relevant to this activity. In particular the approvals under the EPA Act and other environmental, biodiversity and biosecurity legislation.

- The construction, operation and ongoing management will be the sole responsibility of the licence holders. All works and activities to be undertaken in accordance with relevant standards, codes, consents and regulatory requirements.
- The proponent is to contact the Local Land Services Western Region prior to commencement of any construction to ascertain if a reserve use permit or stock permit has been issued.
- The activities must not impede or restrict the movement of stock should a permit be issued by the Local Land Services Western Region under part 6 Section 78 of the *Local Land Services Act 2014*.
- The activities must not impact or impede the operation, management or use of the TSR and adjoining Stock Watering Places.
- All ancillary infrastructure such as access roads, laydown areas, construction areas are to be located within the easement and in areas that require minimal vegetation removal and disturbance. Access roads to be located preferably along the western boundary fence line.
- Fences are to be repaired as required and maintained in good condition for the control of stock.
- The project must consider the requirements under the Native Vegetation Act (NV Act) in particular the need for a Property Vegetation Plan where the proposed activities are not exempt or excluded under the NV Act.
- The proponent must liaise with the NSW Forestry Corporation in regard to the timber reserve and the resources therein and obtain approvals as required.
- A copy of the licence to be forwarded to the Local Land Services Western Region and Murray Region.
- The licence is to include clauses relating to:
 - the indemnification of the Crown , Local Land Services and the NSW Government against claims for compensation.
 - appropriate insurance provisions.

Yours sincerely



ERLINA COMPTON
 A/General Manager
 Local Land Services – Western Region

cc:

Shaun Barker – Department Primary Industries - Crown Lands shaun.barker@crowmland.nsw.gov.au
 David Clarke – Local Land Services – Murray Region david.clarke@lls.nsw.gov.au

H.4 NSW ABORIGINAL LAND COUNCIL

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

From: **Troy Lancaster** <troy.lancaster@alc.org.au>

Date: Tue, Dec 6, 2016 at 4:04 PM

Subject: Proposed HV Easement - Sunraysia Solar Farm - Lot 7301 DP 1157986 - ALC 13929

To: "qiao.han@maoneng.co" <qiao.han@maoneng.co>

Cc: "ceo.blalc@gmail.com" <ceo.blalc@gmail.com>, Michael Thorn

<Michael.Thorn@rsm.com.au>, "Andrew.Bowcher@rsm.com.au"

<Andrew.Bowcher@rsm.com.au>, Anne Robledo <anne.robledo@alc.org.au>

Dear Mr. Han,

I refer to your request for consideration of consent to a high voltage powerline easement (50 metre wide), burdening **Lot 7301 DP 1157986** (TSR 17969) (**Attachment A**). As you are aware, Lot 7301 DP 1157986 is subject to undetermined Aboriginal Land Claim (**ALC**) **13929** which was lodged by the NSW Aboriginal Land Council (**NSWALC**) on 7 September 2006. Should this claim be determined as a grant in the future, the land will transfer to the Balranald Local Aboriginal Land Council (**BLALC**) and become a LALC asset.

NSWALC's preferred position in situations such as this, is that the claim be determined by the NSW Minister for Lands and Water before the land is dealt with. However, this particular matter has been considered in light of the information at hand and in this instance both NSWALC (as the claimant party) and BLALC are willing to provide consent to the proposed high voltage powerline easement, on the condition that:

- the easement is placed as shown by the yellow colour on the plan provided by Meoneng/Sunraysia (see **Attachment B**); and
- the easement does not exceed 50 metres wide.

We trust that this will facilitate the development of the Sunraysia Solar Farm at Balranald. Please feel free to contact me if you require any additional information.

Regards,

Troy Lancaster

Senior Land Rights Officer

[NSW Aboriginal Land Council](#)

[33 Argyle Street](#)

Parramatta, NSW, 2150.

Australia.

Work: 02 9689 4418

Fax: 02 9635 7369

Mail: PO Box 1125 Parramatta NSW 2124

Email: troy.lancaster@alc.org.au



H.5 BALRANALD SHIRE COUNCIL



BALRANALD SHIRE COUNCIL

ALL COMMUNICATIONS
MUST BE ADDRESSED TO
THE GENERAL MANAGER

Contact: JS:NMR:600

70 Market Street, Balranald NSW 2715
PO Box 120, Balranald NSW 2715

Tel: 03 5020 1300

Fax: 03 5020 1620

Email: council@balranald.nsw.gov.au

Web: www.visitbalranald.com.au

16 May 2016

Mr Qiao Nan Han
Group Vice President
Maoneng Australia
Level 4, 5 Talavera Road
MACQUARIE PARK NSW 2113

Attention: Tim Kirk

Dear Tim,

Re: Letter of Support for Maoneng's 200MW Solar Farm Development in Balranald Shire

Balranald Shire Council confirms contact with Maoneng with regard to a solar farm development within the shire. Council is aware that a project of this scale will bring considerable economic stimulus to the Shire, both during and after the construction.

Following a review of the preliminary information on the project Council offers its in principle support to Maoneng and offers no objection providing the prescribed planning approval process is followed.

Kind Regards,

Aaron Drenovski
GENERAL MANAGER



BALRANALD SHIRE COUNCIL

ALL COMMUNICATIONS
MUST BE ADDRESSED TO
THE GENERAL MANAGER

AD:CH:600-

Contact:

70 Market Street, Balranald NSW 2715
PO Box 120, Balranald NSW 2715

Tel: 03 5020 1300

Fax: 03 5020 1620

Email: council@balranald.nsw.gov.au

Web: www.visitbalranald.com.au

8th December 2016

Mr Qiao Nan Han
Group Vice President
Maoneng Australia
Level 4, 5 Talavera Road
MACQUARIE PARK NSW 2113

Dear Sir

I wish to confirm that your development is not in the direct flight path of Balranald Airport. Balranald Airport is 2km north of Balranald and your solar farm development is approximately 15kms south of Balranald.

Any developments of your farm will not be interrupted with any flight path.

Yours faithfully



Aaron Drenovski
GENERAL MANAGER

H.6 CASA \AVIATION GROUP

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

From: Windebank, Matthew <Matthew.Windebank@casa.gov.au>

Date: Mon., 12 Dec. 2016 at 12:40

Subject: RE: F16/4906-8 - Balranald Solar Farm Development [SEC=UNCLASSIFIED]

To: qiao.han@maoneng.co <qiao.han@maoneng.co>

Cc: ANAA Corro <ANAA.Corro@casa.gov.au>, Mathew, Dilip <Dilip.Mathew@casa.gov.au>, Alder, David <David.Alder@casa.gov.au>

Hi Qiao,

CASA has reviewed the limited information presented with regard to the Balranald Solar Farm. Given its distance of approx. 20 kilometres from Balranald Airport

CASA does not consider the proposal to be likely to present a hazard to aircraft navigation.

Regards

Matthew Windebank

Aerodrome Engineer

Air Navigation, Airspace & Aerodromes Branch

CASA \ Aviation Group

GPO BOX 2005 CANBERRA ACT 2601

T - 02 6217 1183

F - 02 6217 1500

H.7 ROADS & MARITIME SERVICES



Qiao Han <qiao.han@maoneng.co>

Sunraysia Solar Farm - Access Track

MORGAN Maurice W <Maurice.MORGAN@rms.nsw.gov.au>
To: Qiao Han <qiao.han@maoneng.co>
Cc: ARIYARATNAM Muhunthan <Muhunthan.ARIYARATNAM@rms.nsw.gov.au>

Thu, Nov 24, 2016 at 12:17 PM

Qiao

As per our recent phone discussion Roads and Maritime Services (RMS) is aware that a Development Application is being prepared for the proposed Solar Farm on the subject site. The development proposal and its access arrangements will be assessed by RMS when the DA is lodged and referred to RMS for comment.

I plan to visit the site next Thursday on my way between Deniliquin and Gol Gol. If you have any more detailed plans regarding the location of the access it would be appreciated.

Please note that RMS prefers to minimise the number of access driveways to high speed roads for road safety reasons. If the use of an existing access driveway to the development site is viable then it may be preferred or may be relocated to a safer location. I am available to discuss this further.

For Development Applications I am your best contact for this. My details are below. Please contact me if you have any questions.

Regards

Maurice Morgan
Manager Land Use
Network NSW | Journey Management
T 02 6923 6611 M 0428 471 824
www.rms.nsw.gov.au
Every journey matters

Roads and Maritime Services
193-195 Morgan Street, Wagga Wagga NSW 2650

From: Qiao Han [mailto:qiao.han@maoneng.co]
Sent: Monday, 24 October 2016 3:52 PM

To: ARIYARATNAM Muhunthan
Subject: Sunraysia Solar Farm - Access Track

Hi Muhu,

Thank you for taking my call

As discussed, please see attached, our concept and layout for the proposed solar farm, and in particular the Access Track to Yanga Highway.

I have also attached a KMZ layer for your peruse.

--


Qiao Han / Group Vice President
qiao.han@maoneng.co

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P: +61 2 9199 8599

Maoneng Australia

www.maoneng.co

Level 4, 5 Talavera Rd, Macquarie Park, 2113

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