

### Daroobalgie Solar Farm

The Department of Planning and Environment – Crown Lands has reviewed the proposal.

The proposal includes the construction of power infrastructure - poles and a 132kV transmission line - on a 45m wide power easements, which are located on a number of Crown parcels.

- Lot 1664 DP 750158 part of Reserve
- Lot 7003 DP 1060435
- The Crown road directly south of Lot 131 DP 1272667.

The Department provided the proponent Landowners consent on 17th February 2022 (see full consent attached below in Attachments – Figure 2).

In their LOC, Pacific Hydro Australia Developments PL have been previously advised that to obtain the easement over Crown land they should pursue two options. Either:

- an appropriate acquiring authority could compulsorily acquire the easement for the proponent i.e. under the *Land Acquisition (Just Terms Compensation) Act 1991*, or
- via the lodgement of a non-claimant application with the Federal Court (with S24FA protection) i.e. create a NTA1993 pathway that will then allow an easement to be created under the *Crown Management Act 2016*.

However the Environmental Impact Statement (EIS) provided indicates that the applicant is unclear about the options for obtaining their easement. For example, – S4.4 Summary of permits / licences (page 44) –suggest the applicant thinks Native Title is resolved via consultation with NT holders.

- An easement/licence under the *Crown Land Management Act 2016* for the proposed ETL easement through the Crown land. Consent from native title holders and the Peak Hill LALC, to ensure compliance with *Native Title Act 1993* and *Aboriginal Land Rights Act 1983*, is required prior to grant of the easement/licence by Crown Lands.

Authority to use Crown land and roads is required for this proposal for the creation of the easement. It is recommended that the proponent commence either of the easement processes advised above as quickly as possible, unless they alter their design to exclude Crown land.

In addition, there is no mention within the EIS of the Crown road directly South of Lot 131 DP1272667, although a non-claimant application may not be required for an easement over that parcel.

The Department Planning and Environment should continue to be referenced, prior to any use or occupation of any Crown reserves or roads or land, during the assessment phase.

It is important to note that authority must be in place before Crown land or roads can be used, traversed, accessed or infrastructure can be built.

If the proponent requires further information, or has any questions, please contact Steve Pearson, Senior NRM Officer in Crown Lands, on 02 6391 4317 or at [steve.pearson@crowmland.nsw.gov.au](mailto:steve.pearson@crowmland.nsw.gov.au).

Yours sincerely

*D. Lawrence*

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A/Area Manager North West  
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# Attachments:

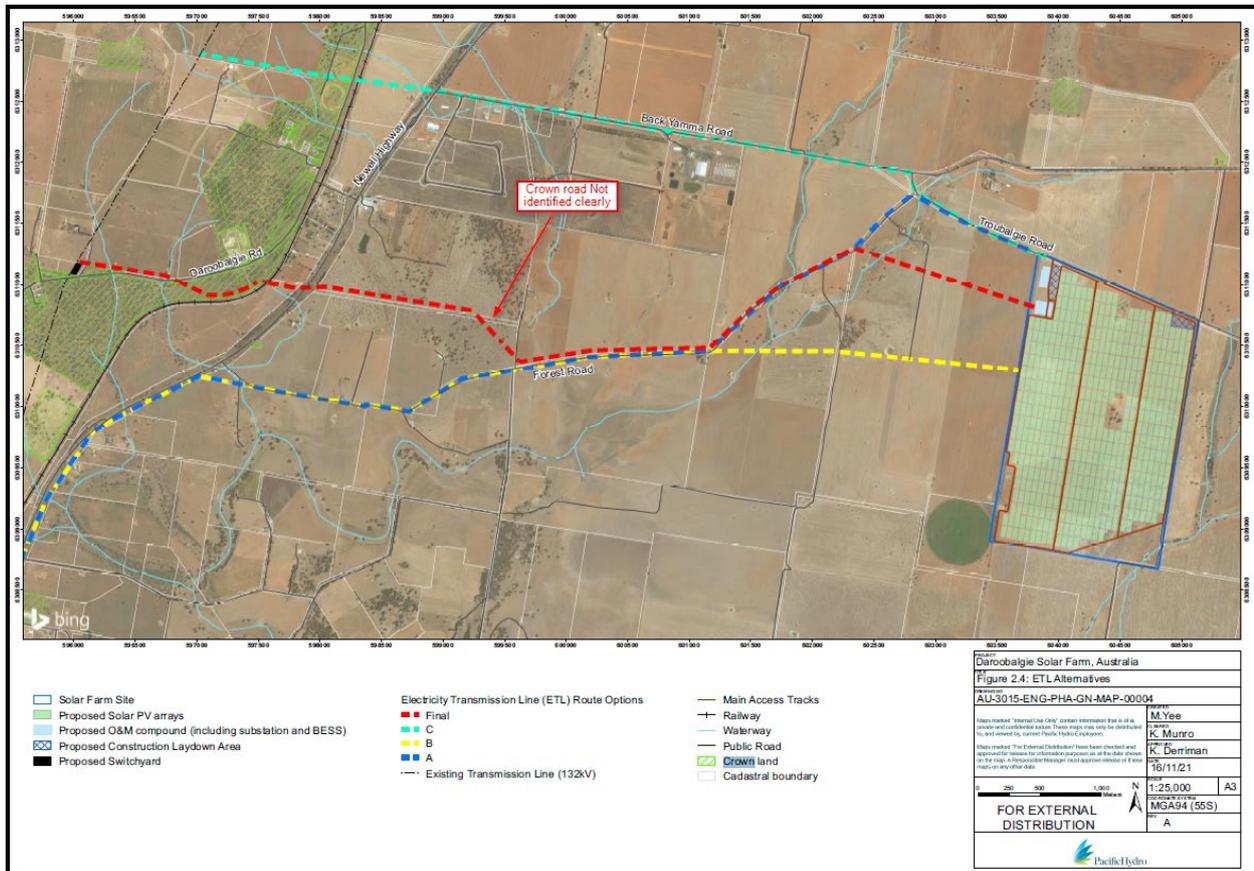


Figure 1: Diagram from EIS showing Crown road not identified and alternative ETL routes



## Letter to Applicant

Our reference: DOC21/251515  
LOC No: 632044

Steve Pearson  
Phone: 02 6391 4317  
steve.pearson@crowmland.nsw.gov.au

17 Feb 2022

Kate Munro  
Pacific Hydro Australia Developments Pty Ltd  
13/700 Collins St  
Docklands VICTORIA 3008  
E: [kmunro@pacifichydro.com](mailto:kmunro@pacifichydro.com)

Dear Kate

<b>Consent for Development Comprising:</b>	High voltage line and connection to power grid
<b>Crown Land</b>	Lot 1664 DP 750158; Lot 7002 DP1060435; Crown road South of 131//1272667
<b>Crown reserve</b>	Reserve 16839 for Travelling Stock (Gaz 3 Dec 1892)
<b>Parish</b>	Forbes
<b>County</b>	Ashburnham
<b>Applicant</b>	Pacific Hydro Australia Developments Pty Ltd

Consent is granted by the Minister for Lands & Water to the lodgement of applications for approval under the *Environmental Planning and Assessment Act 1979*, and other associated applications required under other legislation, for the development proposal described above.

The Land Owner Consent is granted conditional on the following:

1. Land Owner Consent will expire after a period of 12 months from the date of this letter if not acted on within that time. Extensions of this consent may be sought
2. You are required to forward a copy of the approval to the NSW Department of Planning & Environment – Crown Lands (“the Department”) after approval and prior to commencing works.
3. You are required to ensure that the approval provided is consistent with this Land Owner Consent.
4. The Land Owner Consent is provided for the works detailed on the plans provided by you and retained by the Department as DOC21/251496.

Land Owner Consent is granted in accordance with the following:

- Land Owner Consent is given without prejudice so that consideration of the proposed development may proceed under the *Environmental Planning and Assessment Act 1979* and any other relevant legislation.
- The grant of this Land Owner Consent does not guarantee that any subsequent authority to occupy will be granted.

- Land Owner Consent does not imply the concurrence of the Minister for Lands & Water for the proposed development and does not provide authorisation under the Crown Lands Act 1989 for this proposal.
- The issue of Land Owner Consent does not prevent the Department from making any submission commenting on, supporting or opposing an application.
- The Minister reserves the right to issue Land Owner Consent for the lodgement of applications for any other development proposals on the subject land concurrent with this Land Owner Consent;
- Any changes made to the proposal, including those imposed by the consent authority, must be consistent with the Land Owner Consent and therefore if modifications are made to the proposed development details must be provided to the Department for approval;
- Land Owner Consent also allows application to any other approval authority necessary for this development proposal.

This letter should be submitted to the relevant consent or approval authority in conjunction with the development application and/or any other application. You are responsible for identifying and obtaining all other consents, approvals and permits required under NSW and Commonwealth laws from other agencies for the proposed development.

It is important that you understand your obligations relating to Condition 3. If any alterations are made to the application (whether in the course of assessment, by conditions of consent, or otherwise), it is your responsibility to ensure the amended or modified development remains consistent with this Land Owner Consent. If there is any inconsistency or uncertainty you are required to contact the Department before undertaking the development to ensure that the Department consents to the changes. A subsequent LOC application may incur additional application fees.

It is advised that the Department will provide Forbes Shire Council a copy of this Land Owner Consent and will request that council notify the Department of the subsequent development application, for potential comment, as part of any public notification procedure.

During the assessment of your proposal, it was noted that Native Title has not been extinguished on the subject land and that the proposal will require a suitable pathway under the *Cth Native Title Act 1993* (NTA1993) to authorise the proposal and acquire the 45m easement, as per the current design. This would involve either

- An appropriate acquiring authority compulsorily acquiring the easement for the proponent, or
- Lodging of a non-claimant application with the Federal court., in which case Pacific Hydro Australia Developments Pty Ltd may also need to seek Section 24FA protection under the NTA1993 from the Federal Court.

During the assessment the Department conducted an Aboriginal Heritage Information Management System (AHIMS) search, and 6 Aboriginal sites were identified in or near the proposed development site. Also, there are natural landscape features that indicate the potential presence of Aboriginal heritage in or near the proposed development site. You are required to undertake the due diligence process to identify if any Aboriginal heritage is present at or nearby the proposal site and should seek further advice from the NSW Office of Environment, Energy and Science.

For further information, please contact Steve Pearson via the details given in the letter head.

Yours sincerely



**Steve Pearson**  
Senior NRM Officer  
Department of Planning & Environment - Crown Lands

## Attachment A – Location Map

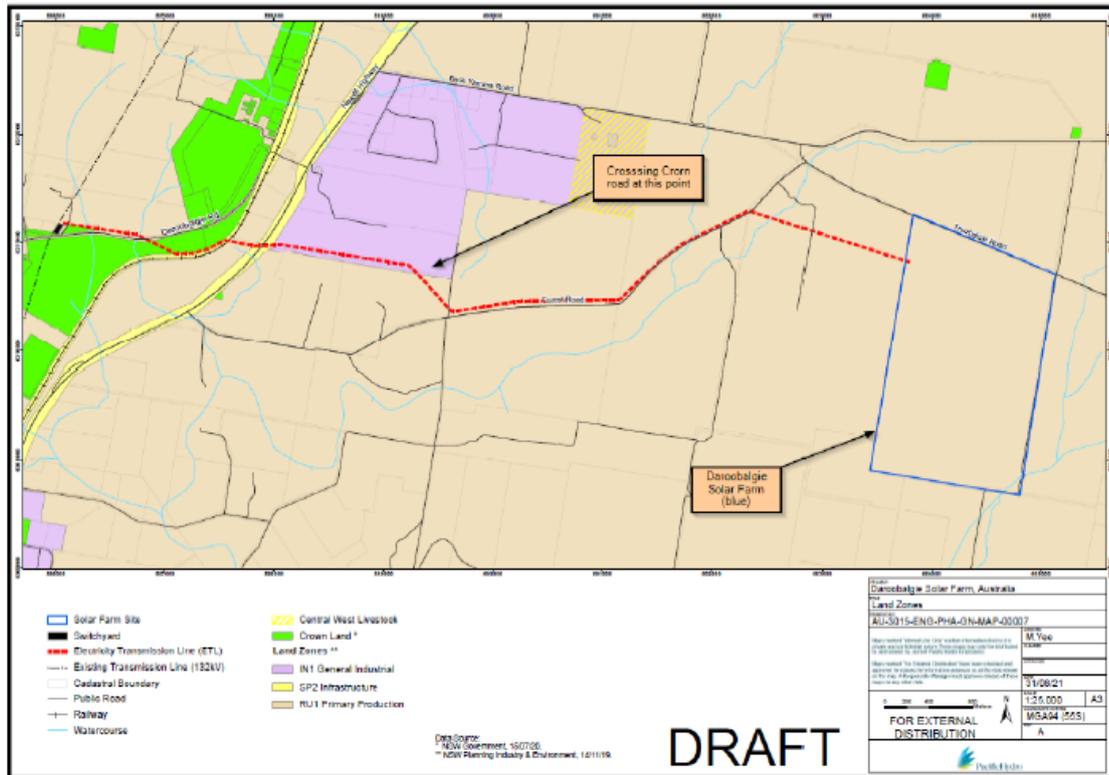


Figure 1: Map supplied by the applicant of proposed location of electricity cabling and Crown parcels

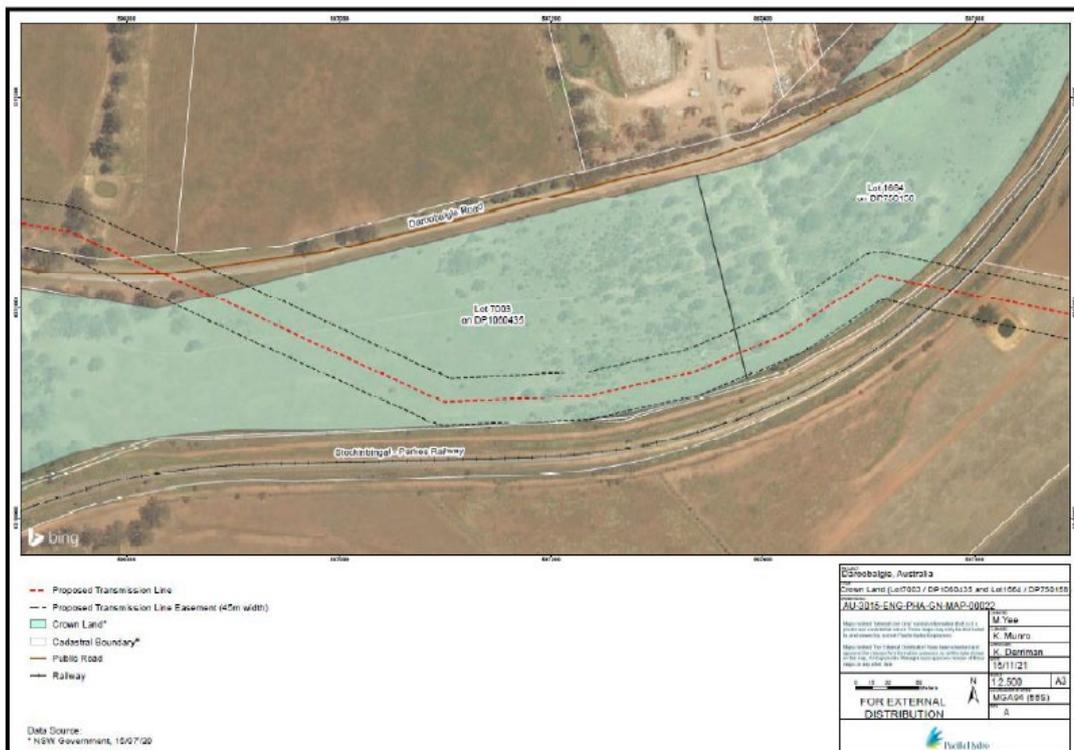


Figure 2: Map supplied by the applicant of Proposed electricity easement on Crown Reserve 16839

NSW Department of Planning and Environment – Crown Land  
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Figure 2: Complete LOC provided to the applicant in Feb 2022.