

11 September 2017

sent by email correspondence

Mr Anthony Ko  
Planner Officer  
Department of Planning & Environment  
320 Pitt Street  
Sydney, 2000

Dear Anthony

**Hillston Solar Farm (SSD 7955)**  
**Response to submissions in relation to Environment Impact Assessment**

This Submissions Report responds to submissions made by community, industry and government agencies on the Environmental Impact Assessment (EIS) report submitted to the NSW Department of Planning and Environment (DPE) on 30 June 2017 for the development, construction and operation of a solar PV renewable energy generation facility known as the Hillston Sun Farm as proposed for development by Overland Sun Farming Pty Ltd (Overland).

**Submission**

DPE received nine submissions on the submitted EIS for the Hillston project, including eight from government agencies and one from the general public and industry. The EIS exhibition period commenced on Saturday 15 July 2017 and concluded on Sunday 13 August 2017.

Appendix 1 of this Submissions Report addresses each submission with reference to the relevant party and additional information and response from Overland.

Overland is pleased to provide this report to DPE and looks forward to progressing the application for consent to develop, construct and operate this significant solar energy generation facility in New South Wales.

Sincerely



**Brett Thomas**  
CEO & Managing Director



## 1 RESPONSE TO GOVERNMENT AGENCY SUBMISSIONS

### 1.1 ENVIRONMENT AND PROTECTION AGENCY

<p>As discussed with you I wish to confirm that the EPA has responsibilities for pollution control and environmental management for scheduled activities under the Protection of the Environment Operations Act 1997 (POEO Act).</p> <p>Based on the information provided the proposed activity is not a scheduled activity under the POEO Act and the proposed Hillston Solar Project does not require an Environment Protection Licence.</p> <p>On this basis the EPA has no further comments to make in relation to this proposal and also requires no further consultation on this project.</p>	<p>Overland acknowledges and thanks the Environment and Protection Agency for its response.</p>
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### 1.2 DIVISION OF RESOURCES AND GEOSCIENCE

<p>The Division notes that the Proponent has addressed requirements to consider mining (including quarrying), exploration activity and mineral resources in the Project area and has correctly noted that there are no current mineral or petroleum titles covering or adjacent to the site. The Division notes that the Project area does not contain any identified mineral or energy resources of significance and there is no active exploration in the vicinity.</p>	<p>Overland acknowledges and thanks the Division of Resources and Geoscience for its response</p>
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### 1.3 ROADS AND MARITIME SERVICES

<p>1. A Traffic Management Plan shall be prepared in consultation with the relevant road authorities (Council and Roads and Maritime Services) to outline measures to manage traffic related issues associated with the development, particularly during the construction and decommission</p>	<p>Overland understands the requirements of this condition and will comply with it prior to the commencement of construction.</p>
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processes. The appointed transport contractor shall be involved in the preparation of this plan. The plan shall address all light and heavy traffic generation to the development site and detail the potential impacts associated with the development, the mitigation measures to be implemented, and the procedures to monitor and ensure compliance. This plan shall address, but not necessarily be limited to the following;

- I) Require that all vehicular access to the site be via the approved access route.
- ii) Details of traffic routes to be used by heavy and light vehicles, and any associated impacts and any road-specific mitigation measures.
- iii) Details of measures to be employed to ensure safety of road users and minimise potential conflict with project generated traffic
- iv) Proposed hours for construction activities, as night time construction presents additional traffic related issues to be considered.
- v) The management and coordination of the movement of vehicles for construction and worker related access to the site and to limit disruption to other motorists, emergency vehicles, school bus timetables and school zone operating times,
- vi) loads, weights and lengths of haulage and construction related vehicles and the number of movements of such vehicles,
- vii) procedures for informing the public where any road access will be restricted as a result of the project,
- viii) any proposed precautionary measures such as signage to warn road users such as motorists about the construction activities for the project,



<p>ix) a Driver Code of Conduct to address such items as; appropriate driver behavior including adherence to all traffic regulations and speed limits, safe overtaking and maintaining appropriate distances between vehicles, etc. and appropriate penalties for infringements of the Code,</p> <p>x) details of procedures for receiving and addressing complaints from the community concerning traffic issues associated with truck movements to and from the site</p>	
<p>2. The Proponent must engage an appropriately qualified person to prepare a Road Dilapidation Report for all road routes to be used during the construction (and decommissioning) activities, in consultation with the relevant road authority (Roads and Maritime Services and Council). This report is to address all road related infrastructure. Reports must be prepared prior commencement of, and after completion of, construction (and decommissioning). Any damage resulting from the construction (or decommissioning) traffic, except that resulting from normal wear and tear, must be repaired at the Proponent's cost. The applicant is accountable for this process, rather than the proposed haulage contractor. Such work shall be undertaken at a time as agreed upon between the Proponent and relevant road authorities.</p>	<p>Overland understands the requirements of this condition and will comply with it both prior to the commencement of construction, after completion of construction and following decommissioning.</p>
<p>3. Prior to the commencement of construction on-site, the Proponent must undertake all works to upgrade any road, its associated road reserve and any public infrastructure in that road reserve, to a standard suitable for use by heavy vehicles to meet any reasonable requirements that may be specified by the relevant roads authority. The design and specifications, and construction, of these works must be completed and certified by an appropriately qualified person to be to a standard to accommodate the traffic generating requirements of the project. On Classified Roads the</p>	<p>Overland understands the requirements of this condition and will comply with it prior to the commencement of construction.</p>



geometric road design and pavement design must be to the satisfaction of the Roads and Maritime Services.	
<p>4. As a minimum each of the access driveways to the Kidman Way shall be constructed and maintained to the satisfaction of Roads and Maritime Services to provide the following:</p> <p>i) the required Safe Intersection Sight Distance (SISD) with a reaction time of 2.5 seconds in either direction in accordance with the Austroads Publications as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the vehicular access.</p> <p>ii) a Basic Right Turn (BAR) and Basic Left Turn (BAL) treatment at its intersection with the Kidman Way in accordance with the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit on the Kidman Way. The intersection is to be constructed to the standards required for an approved road train route.</p> <p>iii) 2 way movement and be sealed for at least 50 metres from its intersection with the Kidman Way. The intersection shall be designed and constructed so that vehicles turning between the Kidman Way and the access road are not required to cross to the opposing travel lane in order to perform a turn manoeuvre.</p> <p>iv) Not reduce the capacity of the existing roadside drainage network and to prevent water from proceeding onto, or ponding within, the carriageway of the Kidman Way. If a culvert is to be installed and is to be located within the required clear zone of the Kidman Way for the posted</p>	Overland understands the requirements of this condition and will comply with it through design in accordance with Austroads publications, certification, construction and maintenance.



speed limit it is to be constructed with a traversable type headwall.	
5. A management plan to provide measures to suppress dust generation from the development site and the transportation route shall be prepared and implemented to the satisfaction of Council and Roads and Maritime Services.	Overland understands the requirements of this condition and will comply with it prior to the commencement of construction.
6. No external lighting of any infrastructure associated with the project is permitted at night that may cause distraction to road users other than low intensity security lighting.	Overland understands the requirements of this condition and will comply with it.
7. Glint and glare from the solar panels shall not cause a nuisance, distraction or hazard to the travelling public on the Kidman Way. In the event of glint or glare from the solar plant being evident, the proponent shall immediately implement glare mitigation measures such as construction of a barrier (e.g. fence) or other approved device to remove any nuisance, distraction and/or hazard caused as a result of glare from the solar panels. A landscaped buffer (at least 5 metres in width planted with a variety of species endemic to the area and growing to a mature height ranging from 2 metres to at least 5 metres) shall be established and maintained within the subject property along the frontages of the site to the Kidman Way to a standard to minimise distraction of the travelling public.	Overland understands the requirements of this condition and in the event of glint or glare from the solar plant being evident will comply and put in place mitigation measures to remove the nuisance, distraction and/or hazard.
8. The intersection of the access roadway and Kidman Way is to 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 of Kidman Way. If a culvert is to be installed and is to be located within the required clear zone of Kidman Way for the posted speed zone it is to be constructed with a traversable	Overland understands the requirements of this condition and will comply with it during the detailed design and project construction works.



type headwall.	
9. Once the 2 access roadways are constructed all existing accesses to the developments site shall be removed and any damage or disturbance to the road reserve of Yanga Way shall be restored to match surrounding landform in accordance with Council requirements.	Overland understands the requirements of this condition and will comply with it during construction and operation of the project.
10. The Kidman Way is part of the State Road network. For works on the State Road network the developer is required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services before finalising the design or undertaking any construction work within or connecting to the road reserve. The Works Authorisation Deed documentation is to be submitted for each specific change to the state road network for assessment and approval by Roads and Maritime Services prior to commencement of any works within the road reserve. The applicant can contact the Land Use Manager, South West Region on Ph. 02 6923 6611 for further detail.	Overland understands the requirements of this condition and will comply with it.
11. Any works within the road reserve of the Kidman Way requires approval under Section 138 of the Roads Act, 1993 from the road authority (Council) and concurrence from Roads and Maritime Services prior to commencement of any such works. The developer is responsible for all public utility adjustment/relocation works, necessitated by the development and as required by the various public utility authorities and/or their agents	Overland understands the requirements of this condition and will seek approvals prior to works and comply with the requirement for adjustment / relocation works.
12. All works associated with the project shall be at no cost to the Roads and Maritime Services.	Overland understands the requirements of this condition and confirms that Roads and Maritime Services will not be responsible for project works.



#### 1.4 LOCAL LAND SERVICES - RIVERINA

<p>Based on the information provided, Riverina LLS can comment that:</p> <ul style="list-style-type: none"><li>➤ The 'baseline' for impact assessment is reasonable.</li><li>➤ The predictions of impact are robust (and conservative) with suitable sensitivity testing; the assessment considered how to avoid and minimise impacts.</li><li>➤ The proposal includes all reasonably feasible mitigation options.</li><li>➤ The assessed impact would be acceptable within Local Land Services policy context.</li></ul> <p>Whilst consent from Riverina LLS is not required in this case, it is expected that the proponent would perform its own due diligence regarding any potential impacts on Cultural Heritage and other relevant legislation (eg. removal of native vegetation).</p>	<p>Overland acknowledges and thanks Local Land Services - Riverina for their response and has / will conduct due diligence in regards to potential impacts on Cultural Heritage and other relevant legislation.</p>
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#### 1.5 RURAL FIRE SERVICE

<p>The Service has reviewed the plans and documents received for the proposal and subsequently raise no concerns or issues in relation to bush fire.</p>	<p>Overland acknowledges and thanks the Rural Fire Service for its response</p>
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#### 1.6 OFFICE OF ENVIRONMENT AND HERITAGE

<p>Flooding:</p> <p>The EIS considers the relevant studies and plans that apply to flooding in the area i.e. Lachlan River Hillston Rural Floodplain Management Plan</p>	<p>Overland understands the requirements of this condition and will comply with it.</p>
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<p>(2005) and Hillston Floodplain Risk Management Study and Plan (2005). Although these plans are now old and in need of updating, they are the best available for considering impacts of development on the floodplain. However, as the proposal is within a "designated floodplain" it must comply with the Lachlan River Hillston Rural Floodplain Management Plan.</p> <p>The solar farm has been designed to locate all major infrastructure outside the 1 % annual exceedance probability (AEP) event extent defined in these plans. There does, however, need to be consideration where the proposed development crosses the defined "floodway" by a "connecting corridor" between the two areas of solar panels. The EIS indicates that this area is to contain "internal electrical connection lines between the PV solar panels (above or below ground) and internal access roads". It is stated that "the project will be designed such that there will be no changes to the landform that would alter the flow of floodwater through this area".</p> <p>Based on consideration of the above, we recommend that:</p> <ul style="list-style-type: none"><li>• The access road and all infrastructure proposed for the corridor that crosses the defined floodway be built at or near ground level, to ensure that this floodway is not impeded in any way and water flows are not altered.</li><li>• DP&amp;E refer the proposal to WaterNSW for advice. Approval of development in designated floodplains is the legislative responsibility of WaterNSW.</li></ul>	
Aboriginal Cultural Heritage:	Overland understands the requirements of this condition and will comply with it, the management and mitigation measures identified in section 6.3.4 of the EIS will be incorporated in the Cultural Heritage Management Plan within



<p>The Aboriginal Cultural Heritage Assessment (ACHA) (EIS Appendix D) complies with the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (OEH 2010) (CoP).</p> <p>The assessment undertaken by Biosis (Atkinson and Morris 2017a and 2017b) meets the requirements of the EIS, the CoP and Part 6 of the National Parks and Wildlife Act 1974.</p> <p>OEH confirms that the proposed development poses no known direct threat to Aboriginal Cultural Heritage and no further assessment will be required prior to construction.</p> <p>No previously registered sites were recorded in the Aboriginal Heritage Information Management System (AHIMS) for the subject area. The survey of the study area identified seven previously unrecorded Aboriginal objects, including three scarred trees, one isolated quartz manuport and an artefact scatter, which are located outside the development footprint. These objects have now all been registered on AHIMS (Atkinson &amp; Morris 2017a, 2017b).</p> <p>The management and mitigation measures identified in Section 6.3.4 of the EIS are appropriate. These will either need to be incorporated into the conditions of approval, or presented in a Cultural Heritage Management Plan.</p>	<p>the Environmental Management Plan.</p>
<p>Biodiversity:</p> <p>The EIS meets the Secretary's requirements for biodiversity assessment. The Biodiversity Assessment Report (BAR) and Biodiversity Offset Strategy (BOS) fulfil the requirements of the Framework for Biodiversity Assessment (FBA).</p>	<p>Overland understands the requirements of these conditions and will comply with them.</p> <p>With regards to vegetation maintenance, this activity is proposed to maintain ground cover underneath the solar panels to limit dust &amp; erosion whilst not growing to a height that would shadow and affect the performance of the panels. This will be undertaken by mechanic means or grazing sheep on rotation under the panels to a suitable height. No vegetation maintenance is proposed during construction or operation that is additional or different to that</p>



<p>Biodiversity Offset Strategy</p> <p>The proposed offset strategy is appropriate. Revisions and updates to the strategy must be agreed with OEH. The conditions relating to the retirement of credits associated with this project must be consistent with the NSW biodiversity offsets policy for major projects.</p> <p>Site maintenance</p> <p>Section 3.6 of the EIS (page 31) identifies on-going site maintenance as necessary during operation of the project, including vegetation maintenance, weed and pest management, fence and access road management and landscaping. These activities are not detailed in the EIS and will be included in an environmental management strategy (EMS) that is yet to be prepared.</p> <p>There is no description of the activities considered to be 'vegetation maintenance'. If vegetation maintenance during construction or operation includes clearing or lopping that is additional or different to that included in the BAR (dated 18 April 2017), then it must be assessed for biodiversity impacts and documented accordance with the FBA, unless otherwise agreed by OEH. The assessment must be undertaken by a person accredited in accordance with s142B(1)(c) of the Threatened Species Conservation Act 1995.</p> <p>Landscaping</p> <p>OEH support the plant species to be used for landscape screening listed in Section 6.6.4i Landscaping (EIS page 90). The selected plant species occur within the region's native vegetation communities so are appropriate for the site.</p>	<p>included in the BAR (dated 18 April 2017),</p>
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#### Mitigation measures

The minimum information requirements for Stage 2 of the BAR are listed in Appendix 7 of the FBA (Table 21, page 102). Included is a table for mitigation measures to be implemented before, during and after construction to avoid and minimise the impacts of the project, including action, outcome, timing and responsibility. However, this data requirement is not specified in the text of the FBA and is inconsistently applied in BARs submitted to OEH.

Section 6.1.2 of the BAR (page 38) includes recommendations for minimising and mitigating impacts to biodiversity. Section 6.5.4 (EIS page 79) lists the land management and mitigation measures for each stage of the project, which will be incorporated into an EMS described in Section 3.8 of the EIS (page 32). Neither the BAR or EIS give a timeframe for preparation of the EMS.

To ensure that mitigation and management actions are carried out at the appropriate time, OEH would prefer to see the following details for each mitigation action:

- who will be responsible for individual actions (including the position title of the officer responsible);
- outcome or measure of success; and
- when the action will be completed.

These details should be completed before the start of construction to clearly identify the proponent's commitments for management and mitigation.



<p>Based on consideration of the above, we recommend the following conditions of development consent:</p> <ul style="list-style-type: none"> <li>• All clearing of native vegetation, which is additional or different to that included in the Biodiversity Assessment Report dated 18 April 2017, and will be cleared or lopped for construction or operation of the proposal, must be assessed for biodiversity impacts and documented accordance with the Framework for Biodiversity Assessment, unless otherwise agreed by OEH. The assessment must be undertaken by a person accredited in accordance with s142B(1)(c) of the Threatened Species Conservation Act 1995.</li> <li>• Implement the Biodiversity Offset Strategy as per section 9 of the Biodiversity Assessment Report, and in consultation with OEH. Amendments to the BOS must be agreed with OEH. Retirement of credits associated with this project must be consistent with the NSW biodiversity offsets policy for major projects.</li> </ul>	
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## 1.7 DEPARTMENT OF PRIMARY INDUSTRIES

<p>The proponent should confirm water demands for the project (construction and operation) and sources and security of water supply to enable appropriate assessment of impacts to water resources, other water users and the environment.</p>	<p>Estimated annual water consumption for the construction period (12 months) is 25ML, operational water use is estimated to be 3ML for panel cleaning purposes twice per year and this water will be delivered by truck to site. Water will be sourced from the project landholder who has an allocated supply in excess of the combined needs of the project during both during construction and operations and the landowners ongoing, off-site farming activities.</p> <p>The supply of water is via an existing well that is located directly adjacent to the proposed solar farm on the western boundary (less than 300m away), no vegetation clearance or intersection treatments will be required to access the water supply. The proposed Access Licence number 70AL603502 has 1300ML of allocation per annum.</p>
<p>The proponent should assess the impacts of works on flooding and assess against the Lachlan River Hillston Floodplain Management Plan</p>	<p>The Lachlan River Hillston Floodplain Management Plan was assessed as part of our EIS please refer to Appendix E – Desktop Hydrology Assessment. Heights and levels of all roads and infrastructure will be assessed in detailed</p>



Lake Brewster to Whealbah (2005). In particular the height of the access road and electrical connection lines proposed through this floodway and any impacts of this infrastructure on flood flows should be identified.	design and take into consideration all outcomes of the studies.
The proponent must obtain relevant licensing under the Water Management Act 2000 before commencing any works which intercept or extract groundwater or surface water.	Overland understands the requirements of this condition and will comply with it prior to the commencement of works which intercept or extract groundwater or surface water.
The proponent must prepare a Soil and Water Management Plan and Erosion and Sediment Control Plan in consultation with DPI Water prior to commencement of activities.	Overland understands the requirements of this condition and will comply with it through the inclusion of water quality management within an Erosion and Sediment Control Plan to be implemented prior to and during construction.
All infrastructure and works on waterfront land are to be developed and carried out in accordance <i>with DPI Water's Guidelines for Controlled Activities on waterfront land (2012)</i> .	Overland understands the requirements of this condition and will comply with it.

## 1.8 CARRATHOOL SHIRE COUNCIL

<p>Impact to Hillston Airport Operations:</p> <p>Council has concerns in relation to the adequacy of consultation with the Hillston Airport User</p> <p>Landscaping:</p> <p>Impacts of distraction, glint and glare to travelers on Kidman Way and the adequacy of landscaping to buffer, screen and enhance the development in a generally cleared landscape.</p>	<p>Council has clarified its response from the General Manager as follows:</p> <p><i>"Just to clarify our submission, Council is not aware of an actual Hillston Airport User Group this should have read</i></p> <p><i>"While, Council generally supports the conclusions of the EIS there are concerns in relation to the adequacy of consultation with any users of the Hillston Aerodrome and impacts to airport operations as well as potential impacts of distraction, glint and glare to travelers on Kidman Way and the adequacy of landscaping to buffer, screen and enhance the development in a generally cleared landscape."</i></p> <p><i>Known users are limited to the following</i></p> <ul style="list-style-type: none"> <li>· Kidman Aviation</li> </ul>
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	<ul style="list-style-type: none"><li>· <i>Essential Energy</i></li><li>· <i>NSW Flying Ambulance Service</i></li><li>· <i>Royal Flying Doctor Service.”</i></li></ul> <p>Overland has subsequently spoken to Council and Kidman Aviation and identified the following additional users of the air strip.</p> <p>Todd Peach (Private Agronomist)</p> <p>Frank Papworth (Private Use)</p> <p>Jenny Butlin (Pilatus Australia)</p> <p>State Emergency Services (Hillston Unit)</p> <p>Rural Fire Service (MIA District &amp; Hillston Strategic)</p> <p>Careflight &amp; Angel Flight</p> <p>Overland has now contacted and spoken directly to seven (7) of the eleven (11) listed users and provided project material where requested by a user. All parties contacted advised that they have no concerns with the construction and operation of the project.</p> <p>Overland has also spoken to Joanne Tracey, General Manager Carrathool Council who advised that she has no further concerns with the project development in respect of airport operations following our communications with airport users.</p> <p>Overland also completed an advertised and facilitated community consultation process during the EIS preparation stage that provided all interested stakeholders with the opportunity to discuss the project, including the above parties.</p> <p>With respect to the adequacy of landscaping along Kidman Way, in the event of glint or glare from the solar plant is evident and considered to have a potentially material impact on driver safety by Roads &amp; Maritime Services (RMS), Overland will implement glare mitigation measures in accordance with the requirements of RMS.</p>
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## 2 RESPONSE TO PUBLIC SUBMISSIONS

### 2.1 MICHAEL CRAWFORD

Objects on grounds of electrical stability to national grid	The Hillston Sun Farm will assist the electricity sector in transitioning from a predominately fossil fuel powered grid system to renewable energy based sources which is consistent with the goals of the Commonwealth Renewable Energy Target and the NSW Renewable Energy Action Plan. Connection of the sun farm to the Essential Energy grid infrastructure network will be in accordance with Essential Energy connection standards and specification, the National Electricity Regulations and the requirements of the Australian Energy Market Operator.
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