



# Hay Sun Farm

## Proposed Modification

Prepared for Plains SF No1 Pty Ltd  
January 2019





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# Hay Sun Farm

## Proposed modification

### Report Number

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J180438 RP1

### Client

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Plains SF No1 Pty Ltd

### Date

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29 January 2019

### Version

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v2.0 Final

### Prepared by

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**Alice Meng**

Planner

29 January 2019

### Approved by

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**Kate Cox**

Associate Environmental Scientist

29 January 2019

This report has been prepared in accordance with the brief provided by the client and has relied upon the information collected at the time and under the conditions specified in the report. All findings, conclusions or recommendations contained in the report are based on the aforementioned circumstances. The report is for the use of the client and no responsibility will be taken for its use by other parties. The client may, at its discretion, use the report to inform regulators and the public.

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# 1 Introduction

## 1.1 Development context

Plains SF No 1 Pty Ltd (Plains SF) has been granted development consent to develop the Hay Sun Farm, a large-scale solar photovoltaic (PV) generation facility and associated infrastructure in the Riverina region of south-western NSW. The site is located approximately 6 km north-east of the township of Hay.

Development consent for the Hay Sun Farm (SSD 8113) was approved with conditions in December 2017 by the NSW Department of Planning and Environment (DPE) as a State significant development (SSD) under Section 89E of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposed modification seeks to amend Clause (a) and (b) under Schedule 3 Condition 5 of the Conditions of Consent (CoC), which require the applicant to complete road upgrading works on Mid Western Highway prior to the commencement of construction.

## 1.2 Site description

The site is within the Hay Shire LGA in the Riverina region of south-western NSW, approximately 6 km north-east of the township of Hay. The site is divided by a disused railway corridor in to two portions, northern and southern, and encompasses an area of approximately 684 hectares (ha).

The northern portion of the site is bounded by Sidonia Road to the west and north and the disused railway corridor to the south. The southern portion of the site is bounded by the railway corridor to the north and the Mid Western Highway to the south.

The legal property description of the site is given in Table 1.1.

**Table 1.1** Legal description of approved project site

Site Portion	Area (ha)	Lot Description
Northern	405	DP 756748 (Lots 21, 22, 28, 43, 44, 99 and 100) DP 239126 (Lots 122 and 124) DP 116037 (Lot 1) DP 1161822 (Lot 2) DP1203884 (Lot 21)
Southern	266	DP 756748 (Lots 23, 35, 38, 39, 40 and 41) DP 1039519 (Lot 1) DP 116037 (Lots 1, 2 and 3)
Transmission line	13	DP 1137128 (Lot 7300) DP1203917 (Lot 3) DP627795 (Lot 1) DP756748 (Lots 28 and 29)

The site is zoned RU1 Primary Production under the Hay Local Environmental Plan 2011 (Hay LEP). It has been modified by past disturbances associated with land clearing, irrigation development, cropping, livestock grazing and weed invasion. It is currently used for livestock grazing.

### 1.3 Overview of the proposed modification

The proposed modification seeks to amend Clause (a) and (b) under Schedule 3 Condition 5 of the Conditions of Consent (CoC), which require the applicant to complete road upgrading works on Mid Western Highway prior to the commencement of construction. Condition 5 states:

Prior to commencement of construction, the Applicant must:

- a) upgrade the intersection of the Mid Western Highway and the site entry point to provide a Basic Right Turn (BAR) treatment and a Basic Left Turn (BAL) treatment, to the satisfaction of RMS, in accordance with the *Austrroads Guide to Road Design* (as amended by RMS supplements), unless RMS agrees otherwise;
- b) construct the site entry driveway from Mid Western Highway to provide for 2-way vehicular movement and be sealed for a minimum of 20 m from its intersection with the Mid Western Highway, to the satisfaction of RMS; and
- c) remove all other existing site entry driveways from Mid Western Highway and restore any damage to the road reserve, to the satisfaction of Council.

Plains SF is seeking an amendment to the above condition Clause (a) and (b) that will allow construction to begin in parallel with upgrade of the site entry driveway and Mid Western Highway intersection. Construction would commence on the northern portion of the site through the entrance on Sidonia Road while the Mid Western Highway intersection works are underway. This will allow a streamlining of construction to enable the project to achieve generation and financial schedules. This modification does not seek to increase the traffic movements as permitted under the Conditions of Consent.

### 1.4 Approvals pathway

A development consent may be modified under Clause 4.55, Part 4 of the EP&A Act provided that a development consent is in place and that the proposed modification is substantially the same development as the development for which the consent was originally granted.

Clause 4.55 further provides for three types of modification:

- (1) modifications involving minor error, misdescription or miscalculation;
- (1A) modification involving minimal environmental impact; and
- (2) Other modifications.

This modification represents at type 1A modification.

Further information on the planning and assessment process is provided in Chapter 2.

### 1.5 The applicant

The applicant for the modification is Plains SF No 1 Pty Ltd.

Plains SF contact details are:

Mr John Zammit, Senior Development Manager  
Overland Sun Farming Pty Ltd  
23 Milton parade, Malvern, VIC 3144

Email: [john.zammit@overlandsunfarming.com.au](mailto:john.zammit@overlandsunfarming.com.au)

## 1.6 Report structure

This document describes the site, proposed modification and environmental assessment of the likely impacts over and above the existing impacts and is structured as follows:

- Chapter 1 – Introduction. This chapter introduces the project, the site, the applicant and the report structure.
- Chapter 2 – Legislative context. This chapter discusses the relevant planning legislation, planning instruments and planning pathway.
- Chapter 3 – Proposed modification. This chapter describes the objectives and the effect of the modification on the construction of the project.
- Chapter 4 – Environmental assessment. This chapter discusses potential environmental impacts of the proposed modification.
- Chapter 5 – Conclusion. This chapter describes the amendments to development consent SSD 8025.



## 2 Legislative Context

### 2.1 Environmental Planning and Assessment Act 1979

#### 2.1.1 Modification of a development consent

Development consents, in general, may be modified under Section 4.55 (previously Section 96), Part 4 of the EP&A Act.

The relevant clause under 4.55 'Modification of consents – generally' of the EP&A Act states:

1A. Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- a) it is satisfied that the proposed modification is of minimal environmental impact, and
- b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before the consent as originally granted was modified (if at all), and
- c) it has notified the application in accordance with:
  - i) the regulations, if the regulations so require, or
  - ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

The proposed modification is substantially the same development as the development for which the consent was originally granted and is of minimal environmental impact. Further information on the impact assessment is provided in Chapter 4.

### 2.2 Environmental Planning and Assessment Regulation 2000

The relevant Clause 115 under Division 12 Development consents – extension, completion and modification of the Environmental Planning and Assessment Regulation 2000 (the Regulation) states that an application for modification of a development consent under Section 4.55 (1), (1A) or (2) or 4.56 (1) of the EP&A Act must contain the tabulated in Table 2.1.

**Table 2.1**      **Information required for a modification application**

Relevant clause	Requirement	Section addressed
(1) (a)	the name and address of the applicant;	Chapter 1
(b)	a description of the development to be carried out under the consent (as previously modified);	Chapter 1
(c)	the address, and formal particulars of title, of the land on which the development is to be carried out;	Chapters 1 and 2
(d)	a description of the proposed modification to the development consent;	Chapter 2
(e)	a statement that indicates either:	
(i)	that the modification is merely intended to correct a minor error, misdescription or miscalculation, or	N/A
(ii)	that the modification is intended to have some other effect, as specified in the statement;	Chapter 2
(f)	a description of the expected impacts of the modification;	Chapter 4
(g)	an undertaking to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved;	Chapter 4 and 5
(g1)	in the case of an application that is accompanied by a biodiversity development assessment report, the reasonable steps taken to obtain the like-for-like biodiversity credits required to be retired under the report to offset the residual impacts on biodiversity values if different biodiversity credits are proposed to be used as offsets in accordance with the variation rules under the Biodiversity Conservation Act 2016;	N/A
(h)	if the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to making of the application (except where the application for the consent the subject of the modification was made, or could have been made, without the consent of the owner);	N/A
(i)	a statement as to whether the application is being made to the Court (under Section 4.55) or to the consent authority under section 4.56), and, if the consent authority so requires, must be in the form approved by that authority.	N/A

## 2.3 Approvals required

As outlined above, the proposed modification requires development consent under Clause 4.55 (1A), Part 4 of the EP&A Act.

## 3 Proposed modification

### 3.1 Effect of the modification on the project

The proposed modification seeks to amend the Clause (a) and (b) under Schedule 3 Condition 5 in such a manner that will allow construction to begin by the northern entrance on Sidonia Road, while the intersection upgrade works on Mid Western Highway are underway. The proposed modification is considered minor and will not alter the following:

- project's development footprint;
- total traffic generation or duration of the construction period for Hay Sun Farm;
- access locations or car parking requirements; and
- main transport routes associated with construction of Hay Sun Farm.

The effect of the modification will be to enable construction of the approved site entry driveway and Mid Western Highway intersection upgrade works, in parallel with commencement of site construction on the northern portion of the site. During this initial phase, site construction will occur on the northern portion of the site, with access via Sidonia Road. Traffic volumes using Sidonia Road to access the site will remain consistent with the assessed construction traffic numbers within the EIS. Construction on the southern portion of the site will not commence until successful completion of the intersection upgrade works on Mid Western Highway.

The modification will not result in additional traffic generation. No operational and decommissioning traffic generation is detailed in this report, as the proposed modification will only affect the initial construction phase during construction of the Mid Western Highway intersection upgrade.

### 3.2 Consultation

The proposed modification is prepared in consultation with relevant government agencies including DPE, RMS and the Council. Comments and recommendations from these consultations were summarised as follow:

- **DPE:** consultation with DPE conducted on 17 October 2018 indicated the proposed modification would be a minor modification and not requiring exhibition. Furthermore, the proposed modification should be built into the draft Traffic Management Plan where two scenarios will be provided (one based on the proposed modification grants approval, and another based on the proposed modification grants refusal); and
- **RMS:** consultation with RMS was conducted during April 2018, RMS has no objection to the proposed modification as long as no access to the development site is obtained from the Mid Western Highway until the required works as per Clause (a) and (b) under Schedule 3 Condition 5 are complete.
- **Council:** Hay Shire Council was consulted in late 2018 regarding the modification and provided no objection.

The proposed modification is minor and is in accordance with the expectations of the relevant stakeholders.

## 4 Environmental Assessment

### 4.1 Existing road network

The main transport routes for utilisation by project-related traffic are Cobb Highway, Mid Western Highway, Sturt Highway and Sidonia Road. The description of these transport routes was included in the original Environmental Impact Statement (EIS) and Traffic Impact Assessment (TIA) and is summarised as follow:

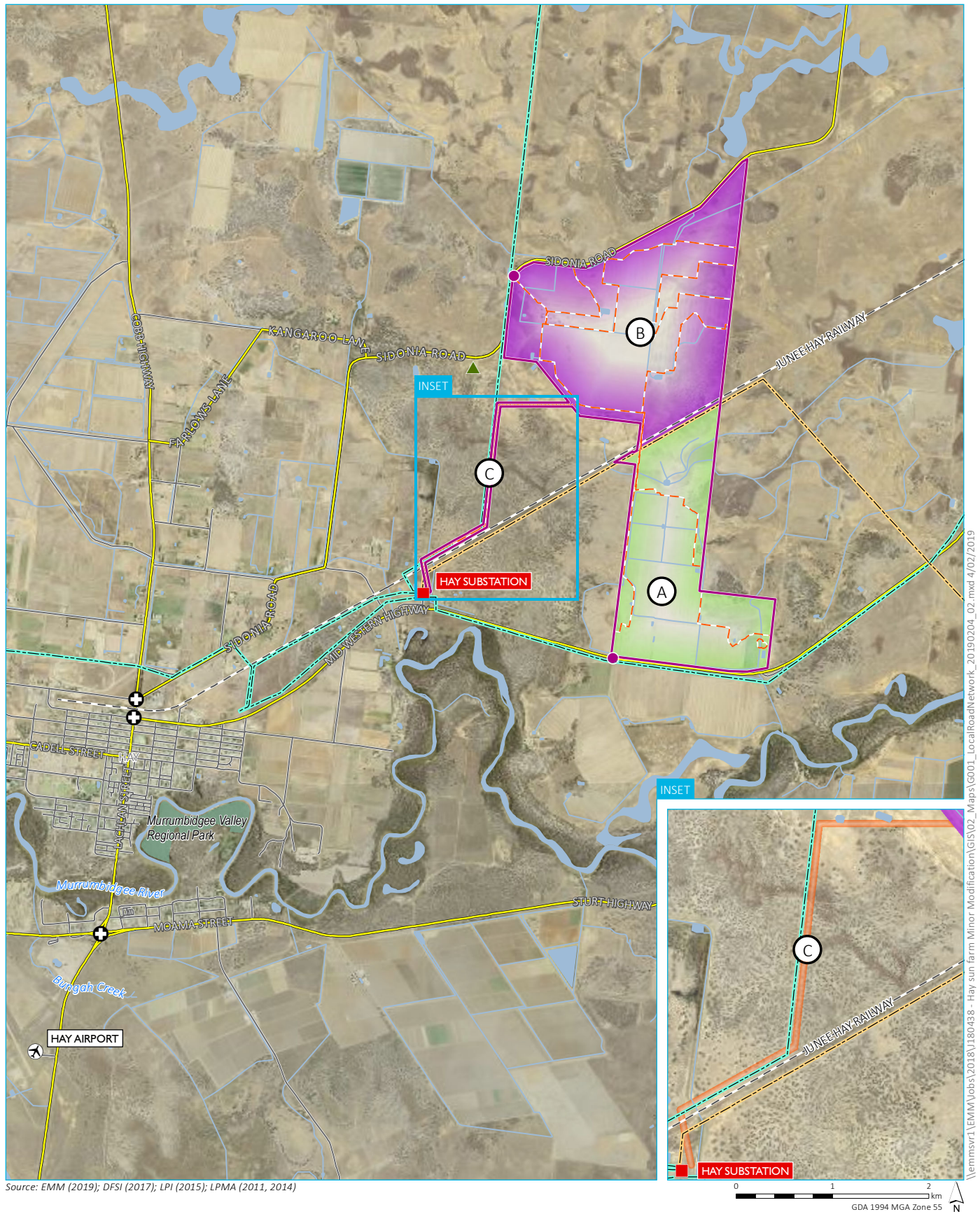
- **Cobb Highway:** this is a state funded main road, which provides north-south connection between the Barrier Highway (north) and the Hume Highway (south) where it eventually connects to Melbourne. This road passes through the township of Hay and connects with other main transport routes of this project: Mid Western Highway, Sturt Highway and Sidonia Road.
- **Mid Western Highway:** this is a federally funded highway, which runs along the southern boundary of the site and provides east-west connection between the Cobb Highway (west) and Olympic Highway (east). The project's southern access point is located on Mid Western Highway, approximately 5.5 km east of the township of Hay.
- **Sturt Highway:** this is a state controlled arterial road, which runs along approximately 5 km south to the site and provides east-west connection between the Hume Highway (east) and Northern Expressway (west). This road passed through Hay South and connect with Cobb Highway via a round-about.
- **Sidonia Road:** this is a local road, which runs along the northern boundary of the site and provides connection between Cobb Highway (west) and Yurdyilla Road (east). The project's northern access point is located on Sidonia Road, approximately 8 km north-east of the township of Hay.

### 4.2 Key intersections

The key intersections for utilisation by project-related traffic are Cobb Highway/Mid Western Highway, Cobb Highway/Sidonia Road/Showground Road and Cobb Highway/Sturt Highway/Moama Street. The description of these transport routes was included in the original TIA and summarised as follow:

- **Cobb Highway/Mid Western Highway:** this is a four way unsignalised intersection which is approximately 5.5 km west of the site access point on Mid Western Highway. Vehicles on the Cobb Highway obtain priority over other approaches. Narrow road dividers and pedestrian refuge islands are provided on all four intersection approaches.
- **Cobb Highway/Sidonia Road/Showground Road:** this is a four way unsignalised intersection which is approximately 8 km south-west of the site access point on Sidonia Road. Likewise, vehicles on the Cobb Highway obtain priority over other approaches. This intersection is approximately 190 m north of the Cobb Highway/Mid Western Highway intersection.
- **Cobb Highway/Sturt Highway/Moama Street:** this is a roundabout controlled intersection south of the township of Hay, approximately 8-10 km south-west of the site via either the Mid Western Highway or Sidonia Road. Vehicles travelling along Sturt Highway will turn right or left onto Cobb Highway, then onto either Mid Western Highway or Sidonia Road via the above intersections.





## KEY

- |   |  |  |
|---|--|--|
| <span style="border: 1px solid purple; display: inline-block; width: 20px; height: 10px;"></span> Site boundary                                   | Hay Airport  | <span style="color: blue;">—</span> Watercourse/drainage line  |
| <span style="background-color: #90EE90; border: 1px solid purple; display: inline-block; width: 20px; height: 10px;"></span> A - Southern Portion | <span style="color: green;">▲</span> Hay gun club  | <span style="background-color: #ADD8E6; border: 1px solid blue; display: inline-block; width: 20px; height: 10px;"></span> Waterbody     |
| <span style="background-color: #DDA0DD; border: 1px solid purple; display: inline-block; width: 20px; height: 10px;"></span> B - Northern Portion | <span style="background-color: red; border: 1px solid red; display: inline-block; width: 20px; height: 10px;"></span> Hay substation | <span style="background-color: #90EE90; border: 1px solid green; display: inline-block; width: 20px; height: 10px;"></span> NPWS reserve |
| <span style="border: 1px solid orange; display: inline-block; width: 20px; height: 10px;"></span> C - Transmission Line Area                      | <span style="color: brown;">—</span> 132kV electricity transmission line   | <span style="color: green;">—</span> 33kV electricity transmission line  |
| <span style="border: 1px dashed orange; display: inline-block; width: 20px; height: 10px;"></span> Development footprint                          | <span style="color: grey;">—</span> Rail line  | <span style="color: yellow;">—</span> Main road  |
| <span style="color: purple;">●</span> Proposed site access location   | <span style="color: grey;">—</span> Local road   |  |
| <span style="color: black;">⊕</span> Key intersection   |  |  |

Local road network

Hay Sun Farm modification  
Figure 4.1

### 4.3 Assessment of traffic impacts

The original TIA (EMM 2017) assessed impacts of traffic generated during construction on the existing road network and key intersections. The 2017 TIA concludes that the additional traffic generated by the project will not cause the future daily traffic volumes on the existing road network to increase above the existing Austroads daily traffic volume design levels for each road that would trigger road widening improvements.

The TIA assessed the maximum daily traffic generation predicted during construction of the northern and southern portion of the site concurrently. It did not include the traffic generated by construction of the Mid Western Highway intersection upgrade works in isolation, as these would be significantly less than maximum traffic generated during the typical construction period. It was previously assumed that construction of the Mid Western Highway intersection upgrade would take place prior to the main project construction period and would generate around 20 vehicle movements per day, for a duration of approximately two weeks.

It is now proposed that construction of the Mid Western Highway intersection upgrade would occur concurrently with construction of the northern portion of site. The construction of the northern portion of the site would generate approximately 50% of the total construction traffic movements assessed in the original TIA.

Therefore, the daily traffic generated for the concurrent construction of the Mid Western Highway intersection upgrade with the northern portion of the site (accessed via Sidonia Road) would be less than the total daily traffic generation for the approved project. The concurrent activities will occur for a duration of approximately two weeks, which would occur as part of the 12 month construction period.

Consequently, the traffic increases on all roads and intersections will generally be lower than assessed in the original TIA, and will not have a significant effect on the future traffic capacity, levels of service or traffic safety for the existing traffic.

### 4.4 Other environmental, social and economic aspects

An assessment of the other environmental, social and economic aspects as a consequence of the proposed amendment is provided in Table 4.1. This assessment is commensurate with the negligible levels of projected impacts on each aspect arising from the proposed amendment.

**Table 4.1** Other environmental, social and economic aspects

Environmental factor	Assessment	Impact
Biodiversity	A biodiversity assessment report was prepared as part of the EIS. There will be no changes to the development footprint or additional surface disturbance associated with the proposed amendment and, therefore, no additional impact on native vegetation, fauna and fauna habitat.	No additional impact
Aboriginal heritage	An Aboriginal cultural heritage assessment report was prepared as part of the EIS. There will be no changes to the development footprint or additional surface disturbance associated with the proposed amendment and, accordingly, no additional impact on any item or feature of Aboriginal cultural heritage.	No additional impact
Historic heritage	An assessment of the potential impact of the project on historic heritage was completed as part of the EIS. There will be no changes to the development footprint or additional surface disturbance associated with the proposed amendment and, accordingly, no impact on any items of local, State, National or World heritage significance.	No additional impact

**Table 4.1**      **Other environmental, social and economic aspects**

<b>Environmental factor</b>	<b>Assessment</b>	<b>Impact</b>
Land	An assessment of the potential impact of the project on agricultural land and flood prone land was prepared as part of the EIS. There will be no changes to the development footprint or additional surface disturbance associated with the proposed amendment and, accordingly, no additional impact on agricultural land or existing land uses on adjacent land.	No additional impact
Noise and vibration	A noise and vibration impact assessment prepared as part of the EIS predicted that potential construction and operation noise levels will be below relevant criteria at all assessment locations. Given there will be no change to any aspect of the project's construction and operations or road traffic generation which have the potential to generate noise emissions at potentially sensitive receivers, increases in noise emissions are not predicted.	No additional impact
Water	An assessment of the potential impacts of the project on flooding, groundwater and surface water resources was completed as part of the EIS. There will be no changes to the development footprint or additional surface disturbance associated with the proposed amendment and, therefore, no additional impact on flooding, groundwater or surface water resources.	No additional impact
Hazards	As noted in the EIS, all project infrastructure will be designed in accordance with relevant industry standards. The level of hazards and risks will not increase as a result of the proposed amendment.	No additional impact
Air quality	Given there will be no change to any aspect of the project's construction or operation which have the potential to generate emissions to the atmosphere, increases in emissions are not predicted as part of the proposed amendment.	No additional impact
Socio-economic	The modification to the CoC will not result to any change in the effects as predicted in the assessment presented in the EIS.	No additional impact

## 5 Conclusion

The proposed modification involves the construction of the Mid Western Highway intersection upgrade, concurrently with commencement of construction on the northern portion of the site, along with the transmission line. Plains SF is seeking an amendment to Clause (a) and (b) under Schedule 3 Condition 5 of the CoC to enable construction to begin by the northern entrance on Sidonia Road, while the road upgrade works on Mid Western Highway are underway. RMS has indicated its support for the proposed modification

The modification will not change the maximum predicted traffic generated during the construction phase for the Hay Sun Farm, as predicted in the original TIA (EMM 2017). The modification, if approved, will allow the project construction timetable to be streamlined so the project can meet operational and financial schedules.

The proposed modification is of negligible environmental impact and would be substantially the same development as the development for which the consent was originally granted.



# Abbreviations

CoC	Conditions of Consent
DPE	Department of Planning and Environment
EIS	Environmental Impact Statement
EMM	EMM Consulting Pty Ltd
RMS	Roads and Maritime Services
SSD	State significant development
TIA	Traffic Impact Assessment

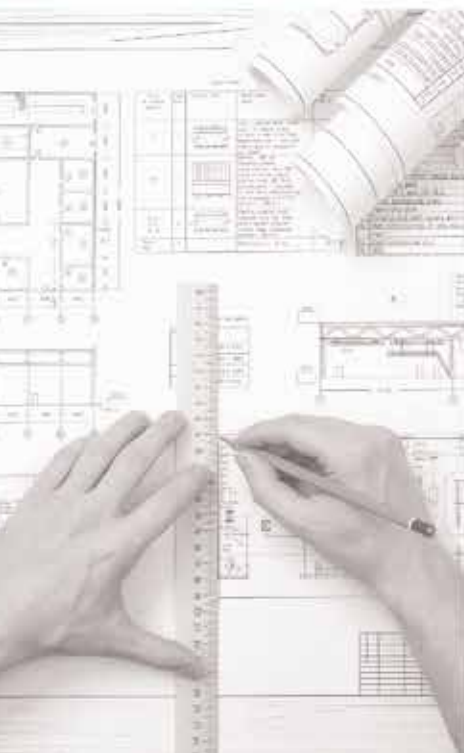
# References

EMM 2017, *Hay Sun Farm Appendix I Traffic impact assessment*, prepared for OVERLAND Sun Farming, August 2017.



# Appendix A

## Correspondence with RMS



## Alice Meng

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**From:** Alice Meng  
**Sent:** Tuesday, 29 January 2019 9:41 AM  
**To:** Alice Meng  
**Subject:** RE: Hay Solar Farm - Request for modification of condition by RMS

**From:** MORGAN Maurice W <[Maurice.MORGAN@rms.nsw.gov.au](mailto:Maurice.MORGAN@rms.nsw.gov.au)>  
**Date:** Thursday, 26 April 2018 at 1:59 pm  
**To:** John Zammit <[john.zammit@overlandsunfarming.com.au](mailto:john.zammit@overlandsunfarming.com.au)>  
**Cc:** "Stephen Shoesmith ([stephen.shoesmith@planning.nsw.gov.au](mailto:stephen.shoesmith@planning.nsw.gov.au))" <[stephen.shoesmith@planning.nsw.gov.au](mailto:stephen.shoesmith@planning.nsw.gov.au)>, Development South West <[development.south.west@rms.nsw.gov.au](mailto:development.south.west@rms.nsw.gov.au)>  
**Subject:** RE: Hay Solar Farm - Request for modification of condition by RMS

John

I refer to your written request for modification of conditions 5(a) & (b) to allow for works to commence to meet investment deadlines. I note that access is proposed via "the northern project entrance off Sidonia Road while completing the requirements of upgrading the intersection on the Mid Western Highway".

As per our phone discussion on Tuesday (24 April) Roads and Maritime Services would have no objection to the proposed modification to allow for works to commence on site on the basis that access is via Sidonia Road only and no access to the development site is obtained from the Mid Western Highway until the required works as per conditions 5(a) & (b) are complete.

If you have any queries regarding this response please contact me on the details below.

Regards

**Maurice Morgan**  
Manager Land Use  
Regional & Freight  
T 02 6923 6611 M 0428 471 824  
[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)

*Every journey matters*

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

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**From:** John Zammit [<mailto:john.zammit@overlandsunfarming.com.au>]  
**Sent:** Thursday, 5 April 2018 5:36 PM  
**To:** MORGAN Maurice W  
**Cc:** Robbin Russell  
**Subject:** Hay Solar Farm - Request for modification of condition by RMS

Hi Maurice

Please find attached a letter on behalf of Plains SF No1 Pty Ltd seeking RMS' consideration to begin works on the solar farm prior to the completion of upgrade works to the site entrance off the Mid Western Hwy.

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