



Ms Jennifer Walsh  
Planning Manager  
Ib vogt GmbH

Via email: [jenny.walsh@ibvogt.com](mailto:jenny.walsh@ibvogt.com)

Dear Ms Walsh

**Yanco Solar Farm (SSD 9515)  
Environmental Assessment Requirements**

I have attached the Environmental Assessment Requirements for the preparation of an Environmental Impact Statement (EIS) for the Yanco Solar Farm.

The requirements are based on the information you have provided to date, and have been prepared in consultation with the relevant government agencies. The agencies comments are attached for your information (see Attachment 2).

Please note that the Department may alter these requirements at any time, and that you must consult further with the Department if you do not lodge a development application and EIS for the project within the next two years.

If your proposal contains any actions that could have a significant impact on matters of National Environmental Significance, then it will also require approval under the Commonwealth's *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act).

This approval is in addition to any approvals required under NSW legislation. If you have any questions about the application of the EPBC Act to your proposal, you should contact the Department of the Environment in Canberra (6274 1111 or [www.environment.gov.au](http://www.environment.gov.au)).

Please contact the Department at least two weeks before you plan to submit the development application and EIS for the project. This will enable the Department to:

- confirm the applicable fee (see Division 1AA, Part 15 of the *Environmental Planning and Assessment Regulation 2000*); and
- determine the required number of copies of the EIS.

It is important for you to recognise that the Department will review the EIS for the project before putting it on public exhibition. If it fails to adequately address these requirements, you will be required to submit an amended EIS.

Yours sincerely

 30/8/18

Clay Preshaw

**Director**

**Resource and Energy Assessments**

as nominee of the Secretary



# Environmental Assessment Requirements

## State Significant Development

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979* and  
Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

<b>Application Number</b>	SSD 9515
<b>Proposal</b>	Yanco Solar Farm which includes: <ul style="list-style-type: none"><li>• the construction and operation of a solar photovoltaic (PV) generation facility with an estimated capacity of 60 MW; and</li><li>• associated infrastructure, including a grid connection and battery storage.</li></ul>
<b>Location</b>	1 km west of Yanco, in the Leeton Shire Council local government area.
<b>Applicant</b>	Ib vogt GmbH
<b>Date of Issue</b>	30/8/2018
<b>General Requirements</b>	<p>The Environmental Impact Statement (EIS) for the development must comply with the requirements in Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>In particular, the EIS must include:</p> <ul style="list-style-type: none"><li>• a stand-alone executive summary;</li><li>• a full description of the development, including:<ul style="list-style-type: none"><li>– details of construction, operation and decommissioning;</li><li>– a site plan showing all infrastructure and facilities (including any infrastructure that would be required for the development, but the subject of a separate approvals process);</li><li>– a detailed constraints map identifying the key environmental and other land use constraints that have informed the final design of the development;</li></ul></li><li>• a strategic justification of the development focusing on site selection and the suitability of the proposed site with respect to potential land use conflicts with existing and future surrounding land uses (including proposed or approved solar farms, rural residential development and subdivision potential);</li><li>• an assessment of the likely impacts of the development on the environment, focusing on the specific issues identified below, including:<ul style="list-style-type: none"><li>– a description of the existing environment likely to be affected by the development;</li><li>– an assessment of the likely impacts of all stages of the development, (which is commensurate with the level of impact), including any cumulative impacts of the site and existing or proposed developments, taking into consideration any relevant legislation, environmental planning instruments, guidelines, policies, plans and industry codes of practice;</li><li>– a description of the measures that would be implemented to avoid, mitigate and/or offset the impacts of the development (including draft management plans for specific issues as identified below); and</li><li>– a description of the measures that would be implemented to monitor and report on the environmental performance of the development;</li></ul></li><li>• a consolidated summary of all the proposed environmental management and monitoring measures, identifying all the commitments in the EIS; and</li><li>• the reasons why the development should be approved having regard to:<ul style="list-style-type: none"><li>– relevant matters for consideration under the <i>Environmental Planning and Assessment Act 1979</i>, including the objects of the Act and how the principles of ecologically sustainable development have been incorporated in the design, construction and ongoing operations of the development;</li></ul></li></ul>



	<ul style="list-style-type: none"> <li>– the suitability of the site with respect to potential land use conflicts with existing and future surrounding land uses; and</li> <li>– feasible alternatives to the development (and its key components), including the consequences of not carrying out the development.</li> <li>• a detailed consideration of the capability of the project to contribute to the security and reliability of the electricity system in the National Electricity Market, having regard to local system conditions and the Department's guidance on the matter.</li> </ul> <p>The EIS must also be accompanied by a report from a suitably qualified person providing:</p> <ul style="list-style-type: none"> <li>– a detailed calculation of the capital investment value (CIV) (as defined in clause 3 of the Regulation) of the proposal, including details of all assumptions and components from which the CIV calculation is derived; and</li> <li>– certification that the information provided is accurate at the date of preparation.</li> </ul> <p>The development application must be accompanied by the consent in writing of the owner/s of the land (as required in clause 49(1)(b) of the Regulation).</p>
<p><b>Specific Issues</b></p>	<p>The EIS must address the following specific issues:</p> <ul style="list-style-type: none"> <li>• <b>Biodiversity</b> – including: <ul style="list-style-type: none"> <li>– an assessment of the biodiversity values and the likely biodiversity impacts of the project in accordance with Section 7.9 of the <i>Biodiversity Conservation Act 2016 (NSW)</i> the Biodiversity Assessment Method (BAM) and documented in a Biodiversity Development Assessment Report (BDAR), unless OEH and DPE determine that the proposed development is not likely to have any significant impacts on biodiversity values;</li> <li>– the BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the BAM; and</li> <li>– an assessment of the likely impacts on listed aquatic threatened species, populations or ecological communities, scheduled under the <i>Fisheries Management Act 1994</i>, and a description of the measures to minimise and rehabilitate impacts;</li> </ul> </li> <li>• <b>Heritage</b> – including an assessment of the likely Aboriginal and historic heritage (cultural and archaeological) impacts of the development, including consultation with the local Aboriginal community in accordance with the <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents</i>;</li> <li>• <b>Land</b> – including: <ul style="list-style-type: none"> <li>– an assessment of the impact of the development on agricultural land (including possible cumulative impacts on agricultural enterprises and landholders) and flood prone land, an assessment of any impacts to Crown lands, a soil survey to consider the potential for erosion to occur, and paying particular attention to the compatibility of the development with the existing land uses on the site and adjacent land (e.g. operating mines, extractive industries, mineral or petroleum resources, exploration activities, aerial spraying, dust generation, and biosecurity risk) during operation and after decommissioning, with reference to the zoning provisions applying to the land, including subdivision;</li> <li>– an assessment of potential land use conflicts, including completion of a Land Use Conflict Risk Assessment in accordance with the Department of Industry's <i>Land Use Conflict Risk Assessment Guide</i>; and</li> <li>– measures to remediate the land following decommissioning in accordance with <i>State Environmental Planning Policy No 55 - Remediation of Land</i>.</li> </ul> </li> <li>• <b>Visual</b> – including an assessment of the likely visual impacts of the development (including any glare, reflectivity and night lighting) on</li> </ul>



	<p>surrounding residences, scenic or significant vistas, air traffic and road corridors in the public domain, including a draft landscaping plan for on-site perimeter planting, with evidence it has been developed in consultation with affected landowners;</p> <ul style="list-style-type: none"> <li>• <b>Noise</b> – including an assessment of the construction noise impacts of the development in accordance with the <i>Interim Construction Noise Guideline</i> (ICNG), and cumulative noise impacts (considering other developments in the area), and a draft noise management plan if the assessment shows construction noise is likely to exceed applicable criteria;</li> <li>• <b>Transport</b> – including an assessment of the site access route (including Sturt Highway, Newell Highway, Irrigation Way, Research Road, Main Avenue, Audley Street and Toorak Road), site access point, rail safety issues and likely transport impacts (including peak and average traffic generation, over-dimensional vehicles and construction worker transportation) of the development on the capacity and condition of roads (including on any Crown land), a description of the measures that would be implemented to mitigate any impacts during construction (including cumulative impacts from nearby developments), and a description of any proposed road upgrades developed in consultation with the relevant road and rail authorities (if required);</li> <li>• <b>Water</b> – including: <ul style="list-style-type: none"> <li>– an assessment of the likely impacts of the development (including flooding) on surface water and groundwater resources (including the Murrumbidgee River, Guises Creek, irrigation canals, drainage channels, wetlands, riparian land, farm dams, groundwater dependent ecosystems and acid sulfate soils), related infrastructure, adjacent licensed water users and basic landholder rights, and measures proposed to monitor, reduce and mitigate these impacts;</li> <li>– details of water requirements and supply arrangements for construction and operation; and</li> <li>– a description of the erosion and sediment control measures that would be implemented to mitigate any impacts in accordance with <i>Managing Urban Stormwater: Soils &amp; Construction</i> (Landcom 2004);</li> </ul> </li> <li>• <b>Hazards and Risk</b> – including: <ul style="list-style-type: none"> <li>– a preliminary risk screening in accordance with <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33</i> (DoP, 2011), and if the preliminary risk screening indicates the development is “potentially hazardous”, a Preliminary Hazard Analysis (PHA) must be prepared in accordance with <i>Hazard Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis</i> (DoP, 2011) and <i>Multi-Level Risk Assessment</i> (DoP, 2011); and</li> <li>– an assessment of all potential hazards and risks including but not limited to bushfires, spontaneous ignition, electromagnetic fields or the proposed grid connection infrastructure; and</li> </ul> </li> <li>• <b>Socio-Economic</b> – including an assessment of the likely impacts on the local community and a consideration of the construction workforce accommodation.</li> </ul>
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<b>Consultation</b>	<p>During the preparation of the EIS, you should consult with relevant local, State or Commonwealth Government authorities, infrastructure and service providers, community groups, affected landowners, exploration licence holders, quarry operators and mineral title holders.</p> <p>In particular, you must undertake detailed consultation with affected landowners surrounding the development and Leeton Shire Council.</p> <p>The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p>
<b>Further consultation after 2 years</b>	<p>If you do not lodge a development application and EIS for the development within 2 years of the issue date of these EARs, you must consult further with the Secretary in relation to the preparation of the EIS.</p>
<b>References</b>	<p>The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this proposal.</p>



## ATTACHMENT 1

### Environmental Planning Instruments, Policies, Guidelines & Plans

<b>Biodiversity</b>	<a href="#">Biodiversity Assessment Method (OEH)</a> <a href="#">Threatened Species Assessment Guidelines - Assessment of Significance (OEH)</a> <a href="#">Biosecurity Act 2015</a> <a href="#">Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (DPI)</a> <a href="#">Policy and Guidelines for Fish Habitat Conservation and Management (DPI)</a> <a href="#">Fisheries Management Act 1994</a>
<b>Heritage</b>	<a href="#">Aboriginal Cultural Heritage Consultation Requirements for Proponents (OEH)</a> <a href="#">Code of Practice for Archaeological Investigations of Objects in NSW (OEH)</a> <a href="#">Guide to investigating, assessing and reporting on aboriginal cultural heritage in NSW (OEH).</a> <a href="#">NSW Heritage Manual (OEH)</a>
<b>Land</b>	<a href="#">Primefact 1063: Infrastructure proposals on rural land (DPI)</a> <a href="#">Establishing the social licence to operate large scale solar facilities in Australia: insights from social research for industry (ARENA)</a> <a href="#">Local Land Services Act 2013</a> <a href="#">Australian Soil and Land Survey Handbook (CSIRO)</a> <a href="#">Guidelines for Surveying Soil and Land Resources (CSIRO)</a> <a href="#">The land and soil capability assessment scheme: second approximation (OEH)</a> <a href="#">Land Use Conflict Risk Assessment Guide (DoI – L&amp;W)</a>
<b>Noise</b>	<a href="#">NSW Noise Policy for Industry (EPA)</a> <a href="#">Interim Construction Noise Guideline (EPA)</a> <a href="#">NSW Road Noise Policy (EPA)</a>
<b>Light</b>	<a href="#">Dark Sky Planning Guideline: Protecting the observing conditions at Siding Spring (DPE)</a>
<b>Transport</b>	<a href="#">Guide to Traffic Generating Developments (RTA)</a> <a href="#">Austroads Guide to Road Design &amp; relevant Australian Standards</a> <a href="#">Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development</a>
<b>Water</b>	<a href="#">Managing Urban Stormwater: Soils &amp; Construction (Landcom)</a> <a href="#">Floodplain Development Manual (OEH)</a> <a href="#">Guidelines for Controlled Activities on Waterfront Land (DPI Water)</a> <a href="#">Water Sharing Plans (DPI Water)</a> <a href="#">Floodplain Management Plan (DPI Water)</a> <a href="#">Guidelines for Watercourse Crossings on Waterfront Land (DPI Water)</a> <a href="#">Development Rules – Murrumbidgee Irrigation</a>
<b>Hazards and Risks</b>	<a href="#">Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis (DPE)</a> <a href="#">Multi-Level Risk Assessment (DPE)</a>
<b>Waste</b>	<a href="#">Waste Classification Guidelines (EPA)</a>



<b>Electromagnetic Interference</b>
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ICNIRP Guidelines for limiting exposure to Time-varying Electric, Magnetic and Electromagnetic Fields
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<b>Environmental Planning Instruments</b>
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State Environmental Planning Policy (State and Regional Development) 2011
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State Environmental Planning Policy (Infrastructure) 2007
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State Environmental Planning Policy (Rural Lands) 2008
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State Environmental Planning Policy No. 44 – Koala Habitat Protection
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State Environmental Planning Policy No. 55 – Remediation of Land
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Leeton Shire Council Local Environmental Plan 2014
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GS

28 August 2018

Meghna D'souza  
Resource and Energy Assessments  
Planning Services  
GPO Box 39  
SYDNEY NSW 2001



LEETON  
SHIRE COUNCIL

Dear Madam

**SUBJECT: SEARS INPUT – YANCO SOLAR FARM**

Leeton Shire Council is pleased to provide the following input into the SEARs for the proposed Yanco Solar Farm;

**1. Transport**

The Transport assessment report is to also include a review on the possible use and impact on the following additional local roads; Houghton Road and Binyah Street. The proposed inclusion of Audley Street is considered to not be warranted at this stage.

**2. Socio- Economic**

The Socio-Economic assessment is to also include a review and comparison of the loss of economic value from the existing horticultural production currently undertaken on the site against the economic value of the proposed solar farm.

**3. Waste**

The Environmental Impact Statement is to include a detailed assessment on the management of the waste generated by the development, in particular, but not limited to, the treatment of the waste generated from the removal of orange trees, grape vines and associated vine structures and waste from packaging materials associated with the solar equipment.

Yours faithfully

G Stoll

**Manager Planning, Building & Health**



OUT18/11934

Meghna D'souza  
Resource and Energy Assessments  
NSW Department of Planning and Environment

[meghna.dsouza@planning.nsw.gov.au](mailto:meghna.dsouza@planning.nsw.gov.au)

Dear Ms D'souza

**Yanco Solar Farm (SSD 9515)**  
**Comment on the Secretary's Environmental Assessment Requirements (SEARs)**

I refer to your email of 3 August 2018 to the Department of Industry (DoI) in respect to the above matter. Comment has been sought from relevant branches of Lands & Water and Department of Primary Industries (DPI), and the following requirements for the proposal are provided:

[REDACTED]

[REDACTED]

[REDACTED]

**DoI - Water**

- The identification of an adequate and secure water supply for the life of the project. This includes confirmation that water can be sourced from an appropriately authorised and reliable supply. This is also to include an assessment of the current market depth where water entitlement is required to be purchased.
- A detailed and consolidated site water balance.
- Assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.
- Proposed surface and groundwater monitoring activities and methodologies.

Consideration of relevant legislation, policies and guidelines, including the NSW Aquifer Interference Policy (2012), the DPI Water Guidelines for Controlled Activities on Waterfront Land (2012) and the relevant Water Sharing Plans (available at <https://www.industry.nsw.gov.au/water>).



**Dol Crown Lands**

- There is potential that a Crown Road is affected by the proposal, see **Attachment A** for details. The proponent should consider any related restrictions or constraints on title of the subject land. As such, the proponent should ensure that any subsequent reports correctly consider and reference the *Crown Land Management Act 2016*.

Any further referrals to Department of Industry can be sent by email to [landuse.enquiries@dpi.nsw.gov.au](mailto:landuse.enquiries@dpi.nsw.gov.au).

Yours sincerely



Alison Collaros  
**A/Manager, Assessment Advice**  
20 August 2018



Yanco Solar Farm (SSD 9515)  
SEARs

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Dol – Crown Lands**

There is potential that a Crown Road (CADID 108575743) located between lots 142 & 147 in DP751745, may be affected by the development. The proponent is to ensure that any necessary access permissions are established prior to construction. The PEA Report section 5.1.8 refers to the former *Crown Lands Act 1989*.

END ATTACHMENT A



As per the advice provided previously, the PEA clearly states that the proposed development site is currently being used for agricultural production including for cropping and horticulture. The land is mapped as primarily category 3 land as per The Land and Soil Capability Assessment Scheme and is defined as High Quality Land. Further, the land is currently irrigated and has access to extensive irrigation infrastructure. DPI Agriculture's advice continues to focus on the retention of agricultural lands and their resources and for the return of affected lands to agricultural production once the development is decommissioned.

DPI Agriculture is disappointed that this development is proposed for high quality, irrigated agricultural land associated with significant irrigation infrastructure and that an alternative site on land of less agricultural significance has not been considered.

The SEARs should require an accurate assessment of the impacts to current and surrounding agricultural uses and industries and these impacts need to be acknowledged and factored into the development of the EIS. To justify the project's location the SEARs should request:

- a full soil survey and analysis to ground truth the true nature of the soils
- an assessment of the forgone irrigation based production over the project lifespan
- assessment against the DPE's Large Scale Solar Energy Guidelines (draft or soon to be released)
- feedback from Murrumbidgee Irrigation Ltd on the implications of stranded assets likely from cumulative impacts of more such developments within the gazetted irrigation areas.

If proponents are considering further proposals in gazetted irrigation areas managed by Murrumbidgee Irrigation Ltd (MI), Coleambally Irrigation Co-operative Limited (CICL) and Murray Irrigation Ltd (MIL), feedback should be sought from the appropriate company on the implications of stranded assets likely from cumulative impacts of more such developments.

Lilian

**Lilian Parker**

Manager | Agricultural Land Use Planning

**NSW Department of Primary Industries**

Wagga Wagga Agricultural Institute | Pine Gully Road | WAGGA WAGGA NSW 2650

**T:** 02 69381906 | **F:** 02 69381809 | **M:** 0427 812 508

**E:** [lilian.parker@dpi.nsw.gov.au](mailto:lilian.parker@dpi.nsw.gov.au) | **W:** [www.dpi.nsw.gov.au](http://www.dpi.nsw.gov.au)



17<sup>th</sup> August 2018

Meghna D'souza  
Resources and Energy Assessments | Planning Services  
Department of Planning & Environment  
GPO BOX 39  
SYDNEY NSW 2001

Your Ref: SSD 9515  
Our Ref: DOC18/578365

Emailed: [meghna.dsouza@planning.nsw.gov.au](mailto:meghna.dsouza@planning.nsw.gov.au)

Dear Meghna D'souza

**Re: Yanco Solar Farm (SSD 9515) – Request for  
Secretaries Environmental Assessment Requirements (SEARs)**

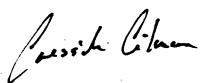
Thank you for the opportunity to provide advice on the SEARs requirements for the Yanco Solar Farm (SSD – 9515). This is a response from the Department of Planning & Environment – Division of Resources & Geoscience, Geological Survey of New South Wales (GSNSW).

GSNSW has reviewed the Preliminary Environmental Assessment Report and Draft SEARs and note that the proponent has conducted a search of the MinView application with the results included within *Section 7.2.5 - Land Use resources*. Departmental databases indicate that there are no current mineral, coal or petroleum titles or applications, or operating quarries or mines over the site or adjacent lands.

Accordingly, GSNSW has no resource sterilisation concerns to raise regarding the proposed Yanco Solar Farm Project at this stage, and have no additional issues to be addressed. However, the proponent should ensure that the results of the above search are documented in the exhibited EIS.

Queries regarding the above information, and future requests for advice in relation to this matter, should be directed to the GSNSW Land Use team at [landuse.minerals@industry.nsw.gov.au](mailto:landuse.minerals@industry.nsw.gov.au).

Yours sincerely



Cressida Gilmore  
Manager – Land Use





File Ref. No: BFS18/2169 (8000004353)  
 TRIM Doc. No: FRN18/1676  
 Contact: Station Officer Graeme Turnbull

21 August 2018

The Department of Planning & Environment  
 C/- Meghna D'souza  
 GPO Box 39  
 SYDNEY NSW 2001

E: [meghna.dsouza@planning.nsw.gov.au](mailto:meghna.dsouza@planning.nsw.gov.au)

Dear Meghna D'souza,

**Secretary's Environmental Assessment Requirements (SEARs)  
 Yanco Solar Farm Project (SSD9515)  
 Research Road, Yanco**

I refer to the above development proposal and the Department of Planning & Environment's (the Department) invitation for agencies to provide input for consideration in development of the SEARs. Fire & Rescue NSW (FRNSW) have reviewed aspects of the proponent's preliminary environment assessment proposal and the following comments and recommendations are submitted for consideration.

FRNSW notes that the facility's proposed location is within a NSW Rural Fire Services' (RFS) fire district. Notwithstanding, in the event of a significant fire event (either on or off-site in proximity to the development) or hazardous material incident FRNSW will be responded to either assist the RFS or to fulfill the role of designated combat agency.

It is FRNSW experience that small and large scale photovoltaic installations present unique electrical hazard risks to our personnel when fulfilling their emergency first responder role (n.b. the Fire Brigades Act 1989 imposes specific statutory functions and duties upon the Commissioner of FRNSW).

In addition, the Work Health and Safety (WHS) Act 2011 (and its subordinate Regulation) classify FRNSW as an person (entity) conducting a business or undertaking (PCBU). Clauses 34 and 35 of the WHS Regulation impose specific obligations upon a PCBU to identify hazards and manage risks at workplaces.

Due to the electrical hazards associated with large scale photovoltaic installations and the potential risk to the health and safety of firefighters, both FRNSW and the NSW Rural Fire Service must be able to implement effective and appropriate risk control measures when managing an emergency incident at the proposed site.





## **Recommendation/s**

Should a fire or hazardous material incident occur, it is important that first responders have ready access to information which enables effective hazard control measures to be quickly implemented. Without limiting the scope of the emergency response plan (ERP), the following matters are recommended to be addressed:

1. That a comprehensive ERP is developed for the site.
2. That the ERP specifically addresses foreseeable on-site and off-site fire events and other emergency incidents (e.g. fires involving solar panel arrays, bushfires in the immediate vicinity) or potential hazmat incidents.
3. That the ERP detail the appropriate risk control measures that would need to be implemented to safely mitigate potential risks to the health and safety of firefighters and other first responders (including electrical hazards). Such measures would include the level of personal protective clothing required to be worn, the minimum level of respiratory protection required, decontamination procedures, minimum evacuation zone distances and a safe method of shutting down and isolating the photovoltaic system (either in its entirety or partially, as determined by risk assessment).
4. Other risk control measures that may need to be implemented in a fire emergency (due to any unique hazards specific to the site) should also be included in the ERP.
5. That two copies of the ERP (detailed in recommendation 1 above) be stored in a prominent 'Emergency Information Cabinet' located in a position directly adjacent to the site's main entry point/s.
6. Once constructed and prior to operation, that the operator of the facility contacts the relevant local emergency management committee (LEMC). The LEMC is a committee established by Section 28 of the State Emergency and Rescue Management Act 1989. LEMCs are required to be established so that emergency services organisations and other government agencies can proactively develop comprehensive inter agency local emergency procedures for significant hazardous sites within their local government area. The contact details of members of the LEMC can be obtained from the relevant local council.



For further information please contact Fire Safety Assessment Unit, referencing FRNSW file number BFS18/2169 (8000004353). Please ensure that all correspondence in relation to this matter is submitted electronically to [firesafety@fire.nsw.gov.au](mailto:firesafety@fire.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Castelli', written in a cursive style.

Station Officer Mark Castelli  
Team Leader  
Fire safety Assessment Unit



20 August 2018

Meghna D'souza  
Planning Officer  
Resource and Energy Assessments  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Meghna

**Re: Yanco Solar Farm (SSD 9515)**

I write in response to your department's recent request to review and provide comment on the Yanco Solar Farm (SSD 9515), bound by Amato Road, Toorak Road, Hume Road, River Road, Yale Road and the Gogeldrie Branch Canal, located 1km west of Yanco, in the Leeton local government area.

Local Land Services provides consideration to, and comment in respect of, the zone of the land and native vegetation clearing. For our agency's purpose, the land is considered to be regulated land subject to authorisation for removal of native vegetation under the *Local Land Services Act 2013*.

The Preliminary Environmental Assessment (PEA) includes the below, as noted:

- The land proposed for SSD 9515 is freehold and zone RU1 – primary production.
- The development proposed is deemed State Significant Development, a major project for NSW.
- I have reviewed the PEA with particular regard to clearing/removal of native vegetation.
- Vegetation is to be offset, consistent with a Biodiversity Offset Strategy included in the BAR.

Local Land Services note that the key biodiversity issues of concern have been considered in the EIS.

Clearing provisions under the *Local Land Services Act 2013*, section 600 states:

For the purposes of this Part, the clearing of native vegetation in a regulated rural area is **authorised under other legislation** in any of the following cases:



(a) The clearing was authorised by:

(i) a development consent under **Part 4** of the *Environmental Planning and Assessment Act 1979*, or

(ii) a State significant infrastructure approval under Part 5.1 of that Act

The Yanco Solar Farm proposal, including vegetation clearing, is being assessed under **Part 4** of the EP&A Act. Accordingly, as the PEA gives consideration for such clearing, LLS does not provide any additional consent as an agency.

In summary, the PEA completely addresses matters with respect to vegetation clearing, offsetting and biodiversity requirements and authorises activities via the Planning legislation pathway.

Local Land Services has no further comment in respect to matters under Part 5 of the *Local Land Services Act 2013*.

Kind regards,



Nicole Robinson





Murrumbidgee  
Irrigation

Murrumbidgee Irrigation Limited ABN 39 084 943 037

Postal Locked Bag 6010, Griffith NSW 2680 [Web www.mirrigration.com.au](http://www.mirrigration.com.au)

Offices •Research Station Rd, Hanwood NSW 2680 •Dunn Ave, Leeton NSW 2705

Contact T (02) 6962 0200 F (02) 6962 0209 E [info@mirrigration.com.au](mailto:info@mirrigration.com.au)

## **Development Rules**

**Effective: 1 July 2018 to 30 June 2019**



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## 1. Introduction

- 1.1 This document contains Rules of the Company that are binding under the Water Entitlements Contract and the Water Delivery Contract (the **Contract**). A Customer's Contract binds them to these Development Rules.
- 1.2 These Development Rules should be read in conjunction with, and are subject to:
- (1) the Contract;
  - (2) any relevant Rules;
  - (3) the Commonwealth Act;
  - (4) the Commonwealth Rules;
  - (5) the NSW Act; and
  - (6) all other relevant laws, regulations, orders and Licences.

---

## 2. Definitions and interpretation

- 2.1 In these Rules, the following words have these meanings unless the contrary intention appears:
- (1) **Channel** means a conduit in or on the land intended for the carriage of water and includes both supply channels and drainage channels.
  - (2) **Channel Bank** means the retaining wall of a channel.
  - (3) **Commonwealth Act** means the *Water Act 2007* (Cth);
  - (4) **Commonwealth Rules** means *Water Market Rules 2009* (Cth), the *Water Charge (Termination Fees) Rules 2009* (Cth) and the *Water Charge (Infrastructure) Rules 2010* (Cth).
  - (5) **Company Works** means works owned by the Company, including but not limited to any permanent or temporary structure constructed to facilitate the operation of the works. Typical works of the Company include:
    - (a) earthen channels (both supply and drainage);
    - (b) access culverts;
    - (c) outlets and regulators;
    - (d) flumes/subways;
    - (e) stock and domestic piped supplies;
    - (f) pipe off-takes;
    - (g) under boring;
    - (h) flood control structures (including pumps and levees);
    - (i) drainage pump sites;



- (j) pump stations;
  - (k) pipes; and
  - (l) IHS systems.
- (6) **Crest Width** means the horizontal width of the top of a Channel Bank as demonstrated in Diagram 1 in Annexure A.
  - (7) **Deep Bore** means a hole in the ground designed to provide access to subsurface water at a depth below the natural surface of greater than 12 metres.
  - (8) **Irrigation Practices** means, in relation to a Landholding:
    - (a) the Works on or connected to the Landholding; and
    - (b) the manner in which those Works are employed for the purposes of the irrigation activities carried out on the Landholding from time to time;
  - (9) **Landholding** has the same meaning as that given in the Contract;
  - (10) **Pests** has the same meaning as that provided by section 15 of the *Biosecurity Act 2015* (NSW);
  - (11) **Shallow Bore** means a hole in the ground designed to provide access to subsurface water from below the natural surface level to a depth of 12 metres;
  - (12) **Toe of the Bank** means, where it refers to a Channel Bank, the point furthestmost away from the channel, of the Channel Bank where the batter meets natural ground level as demonstrated Diagram 1 in Annexure A;
  - (13) **Top of Bank** means the upper most point of a Channel Bank as demonstrated in Diagram 1 in Annexure A.
- 2.2 A term defined in the Contract has the same meaning in these Development Rules, unless the contrary intention appears.
  - 2.3 Clause 1.2 (Interpretation) of the Contract applies to these Development Rules with the necessary changes.

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### 3. Access to Company Works

- 3.1 Pursuant to the Act, the Company is entitled to unrestricted access through Landholdings whenever required for the purpose of installing, operating, repairing, replacing, maintaining, removing, extending, expanding, connecting, disconnecting, improving or doing any other thing that the Company considers necessary or appropriate to any of its water management works or to construct new water management works.
- 3.2 Where appropriate and subject to any Legal Requirement stating otherwise, the Company will provide improved access along channels to obtain a minimum 5 metres Top of Bank Crest Width of the Channel Bank. However, and for the avoidance of doubt:
  - (1) this does not entitle the Customer to an easement over the Company's Works; and
  - (2) there is no guarantee or commitment by the Company to make access available across any Channel Bank in the Company's area of operations.



- 3.3 Subject to sub-rule 3.4, the Company will bear the cost associated with the construction of new access banks and the modification of existing Company Works if the Company determines that it is appropriate to do so.
- 3.4 Nothing in this rule 3 is intended to supersede the Customer's liability under clause 26 of the Water Delivery Contract for any damage done to the Company's Works.

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#### **4. Construction and planting near boundary of Company Works**

- 4.1 Subject to sub-rules 4.2 and 4.3, the Customer must not, without the prior written consent of the Company, undertake any construction work, construct anything, erect a fence, plant any trees, vegetation or crops, stockpile vegetation, stockpile chemical drums or other materials, or allow any of those things to remain:
- (1) in relation to a Channel forming part of the Company's Works, within 10 meters of the Toe of the Bank; or
  - (2) otherwise, within 5 metres of the Company's Works.
- 4.2 The Customer must not construct or permit to remain on any Landholding:
- (1) any Shallow Bore within 40 metres of the Company's Works; or
  - (2) any Deep Bore within 20 metres of the Company's Works,
- without the prior written consent of the Company.
- 4.3 Despite sub-rules 4.1 and 4.2, the Company may, from time to time, determine the minimum distance required between any construction work on a Landholding and:
- (1) the boundary between the Company's Works and a Landholding;
  - (2) in relation to a channel forming part of the Company's Works, the Toe of the Bank; or
  - (3) generally, the Company's Works,
- and such determinations bind the Customer.
- 4.4 The Company may remove, or require the Customer to remove a private structure (including trees) installed prior to the adoption of the Development Rules that the Company determines is inconsistent with the objectives of this rule 4.
- 4.5 A Customer who does not comply with any one or more of sub-rules 4.1 to 4.4 of these Development Rules will be deemed to have committed a material breach under clause 26 of the Contract. In addition to its rights under the Contract, the Company may:
- (1) rectify the default and charge the Customer for the Costs incurred for rectifying the default and for any Loss suffered; and
  - (2) suspend water supply to the Customer.
- 4.6 The Company may, acting reasonably or in accordance with a Legal Requirement, remove any structure or carry out any remedial work required in consequence of a breach by a Customer of these Development Rules without first serving notice of the breach to the Customer.
- 4.7 The Company must not, in exercising its rights under this rule 4, take such action unless that action is reasonably necessary to:



- (1) prevent or remediate any damage, destruction or interference to the Company's Works;  
or
- (2) to ensure the Company, its employees, agents and servants have unimpeded access to the Company's Works.

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## **5. Change of on-farm practices**

- 5.1 A Customer who makes a change to their on-farm land use practice is responsible for ensuring that:
- (1) any change, addition, or cessation in on-farm land use practice will comply with all Documents, particularly these Development Rules and the Drainage Use Rules; and
  - (2) they have sufficient Rights of Access to operate their Irrigation Practice resulting from the change to their on-farm land use practice.

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## **6. Pests**

- 6.1 The Customer must control Pests on the Landholding in accordance the *Biosecurity Act 2015* (NSW) and:
- (1) provide any information reasonably requested by the Company with respect to the Customer's weed control activities; and
  - (2) not do anything which is reasonably likely to pollute the Company Works.
- 6.2 The Customer acknowledges that he, she or it is not permitted to apply any pesticides, herbicides or control sprays to the flow area of the Company Works, unless the Company states otherwise.
- 6.3 If the Customer fails to control Pests and it would be detrimental to the Company's Works or other Customers not to do so within a reasonable time (and in any event, within 30 days) after receiving a notice from the Company, the Company or the Company's Personnel may undertake work to control the relevant Pests.
- 6.4 All Costs reasonably incurred by the Company in carrying out work to control the relevant Pests under sub-rule 6.3 will constitute a debt due from the Customer to the Company that must be paid by the Customer to the Company on demand.

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## **7. Fencing**

- 7.1 Pursuant to the *Dividing Fences Act 1991* (NSW), the Company is not liable to contribute to the erection or maintenance of fencing infrastructure adjacent to the Company Works where the fencing is to be situated, or is situated on land not owned by the Company.
- 7.2 Where the Company owns the land, or has an easement on the land where the Company's Works are situated then, if the Company decides that it is reasonably necessary to erect a fence for the protection, maintenance or operation of the Company's Works, the Company may erect such a fence dividing the Landholding from the Company's Works without the consent of the Customer.
- 7.3 Subject to sub-rule 7.4, the cost of any fence erected under sub-rule 7.2 will be the responsibility of the Company.



- 7.4 A Customer will be liable for the Costs incurred by the Company for erecting or repairing a fence if:
- (1) the Customer had caused the damage to the existing fence that requires repair; or
  - (2) the erection of the fence was in response to a Customer's breach of any one or more of clauses 19, 20 or 24 of the Contract.
- 7.5 Where a Customer intends to erect a fence adjacent to Company Works on his, her or its Landholding, then the Customer is responsible for ensuring that:
- (1) the fence is constructed in accordance with rule 4.1 of these Development Rules; and
  - (2) the Customer has received a survey from a registered surveyor that the fence is located on his, her or its Landholding (and not on land owned by the Company or which the Company has an easement over).
- 7.6 Subject to sub-rule 7.7, where the Company causes damage to the Customer's fencing, including where it does so to gain access to Company's Works, it shall if practicable:
- (1) restore the fencing to its pre-damaged condition at no cost to the Customer; or
  - (2) if the Company determines that it is more appropriate to do so, pay to the Customer an amount equal to the pre-damaged value of the fencing.
- 7.7 The Company is not liable to restore a Customer's fence or provide compensation to the Customer under sub-rule 7.6 where the Customer's fence is in breach of sub-rule 7.5 of these Development Rules.

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## **8. Works by Third Party**

- 8.1 Where a person seeks any permission or consent from a Customer for the purpose of the carrying out construction, maintenance or repairs on a Landholding, to the maximum extent permitted by law, the Customer must not give consent if the construction would contravene these Development Rules if the construction were carried out by the Customer.
- 8.2 Where a person seeks a permission or consent under rule 8.1 or gives notice to a Customer of an intention to carry out any construction, maintenance or repairs on a Landholding, the Customer must promptly give notice to the Company and promptly provide a copy of any relevant notice given to the Customer by the person.

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## **9. Land or Environment Contamination**

- 9.1 The Customer must not place or permit to remain on the Landholding anything, including chemicals, hazardous materials, trash, rubbish or dead livestock, if it will:
- (1) breach, or be likely to breach, any Licences held by the Company;
  - (2) contravene the Company's obligations under a Legal Requirement; or
  - (3) contaminate the Landholding, the Company Works or land owned by the Company.
- 9.2 Where a Customer has received a written notice from the Company for a breach of rule 9.1 and fails to rectify that breach within 28 days after the date of that notice, then the Company will be entitled to remove the material from the Landholding at the Customer's expense.



- 9.3 The Company's rights under rule 9.2 are in addition to its rights under clause 26 of the Customer's Water Delivery Contract or clause 16 of the Customer's Water Entitlements Contract.

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## **10. Removal of Vegetation**

- 10.1 The Company may remove or trim any vegetation or tree on a Customer's Landholding that is, or is likely to cause damage, destruction or interference with Company Works, or where it determines that such removal or trimming is necessary to allow the Company access to the Company's Works.
- 10.2 The consent of the Customer is not required under sub-rule 10.1 but the Company must act reasonably when taking any such action under that sub-rule.
- 10.3 The Company shall, wherever reasonably possible, notify the Customer prior to the removal of any vegetation proposed to be removed from the Landholding but this is not a condition precedent for the removal or trimming to occur.
- 10.4 Subject to sub-rule 10.5, the Company will pay the Costs associated with the disposal of any vegetation or trees under this rule and, within a reasonable time after removal, reinstate any adversely affected area of the Landholding to a reasonable condition, subject to fair wear and tear.
- 10.5 The Customer will be liable for the Costs associated with the disposal of any trees where the Customer has breached rule 4 of these Development Rules.

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## **11. Removal of Material from Company Works**

- 11.1 A Customer must not (unless required to take action under rule 9 of these Development Rules) remove, construct or dig any fill or other materials from any part of any supply or drainage Channel owned or controlled by the Company.

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## **12. Consultation**

- 12.1 Where practical and except as otherwise specified in these Development Rules, the Company will consult with the Customer before implementing any rule that may have a significant adverse impact on the Customer's Landholding.



## ANNEXURE A

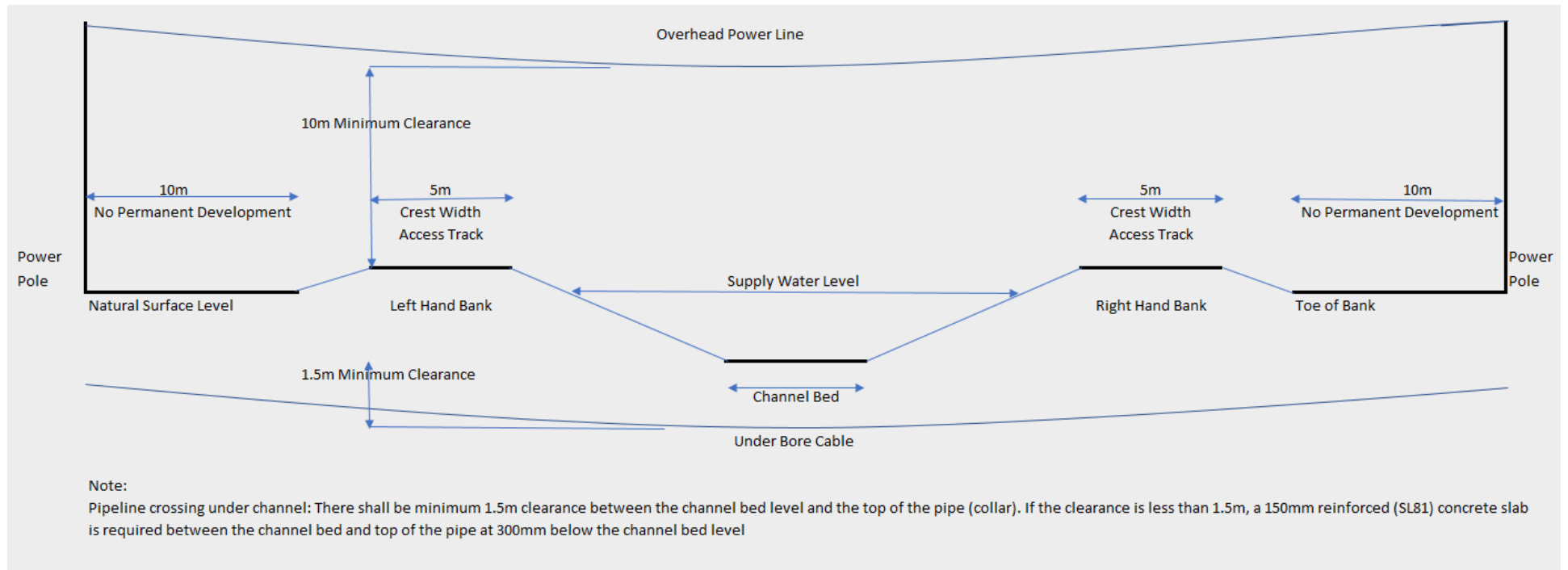


Diagram 1- This illustration is provided as a guide for Crest Width, Toe of the Bank and Top of the Bank





Meghna D'souza  
Resource and Energy Assessments, Planning Services  
Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

Via email: [meghna.dsouza@planning.nsw.gov.au](mailto:meghna.dsouza@planning.nsw.gov.au)

Dear Ms D'souza

**RE: Yanco Solar Farm (SSD 9515) – Request for input into Secretary's Environmental Assessment Requirements**

I refer to your email dated 3 August 2018 seeking input from the Office of Environment and Heritage (OEH) into the Department of Planning and Environment (DPE) Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the proposed Yanco Solar Farm (SSD 9515).

OEH has reviewed the Preliminary Environmental Assessment (PEA) and provides SEARs for the proposed development in **Attachment A**. Guidance material is listed in **Attachment B**.

OEH recommends that the EIS appropriately address the following:

1. Biodiversity
2. Aboriginal cultural heritage

The assessment must include all ancillary infrastructure associated with the project, including, but not limited to:

- Items listed in section 3.2 of the PEA
- activities associated with landscaping (screen plantings) and vegetation management during operation, such as herbicide use for maintaining vegetation under panels
- Rural Fire Service requirements for asset protection.

The EIS should fully describe the proposal, the existing environment and impacts of the development including the location and extent of all proposed works that may impact on ACH and biodiversity values. The scale and intensity of the proposed development should dictate the level of investigation. It is important that all conclusions are supported by adequate data.

Please note that for projects not defined as pending or interim planning applications under Part 7 of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* the Biodiversity Assessment Methodology (BAM) must be used to assess impacts to biodiversity in accordance with the *Biodiversity Conservation Act 2016* (BC Act), unless the Planning Agency Head and the Environment Agency Head determine that the project is not likely to have any significant impact on biodiversity values. **For this project the BAM must be used.**

There are large parts of NSW that have not been subject to archaeological survey and as such there may be unrecorded Aboriginal sites within or near the project area. Desktop assessment and site survey should investigate the landscape for any evidence of prior streams, which may indicate areas of archaeological potential. All Aboriginal objects identified must be reported to the OEH through registration on AHIMS in accordance with the mandatory notification requirements of section 89A of the *National Parks and Wildlife Act 1974*.



We note that in the PEA an AHIMS search was undertaken but there was no field assessment for Aboriginal cultural heritage. The PEA notes that advertisement and registration of Aboriginal stakeholders has commenced. If you have any questions regarding this matter, please contact Simon Stirrat on (03) 5051 6218 or email [simon.stirrat@environment.nsw.gov.au](mailto:simon.stirrat@environment.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'A Fisher', with a stylized flourish at the end.

**ANDREW FISHER**  
**Senior Team Leader Planning**  
**South West Branch**  
**Conservation and Regional Delivery**  
**Office of Environment & Heritage**

ATTACHMENT A – Recommended Environmental Assessment Requirements for Yanco Solar Farm - SEAR 9515

ATTACHMENT B – Guidance material



## Attachment A – Recommended Environmental Assessment Requirements for Yanco Solar Park (SSD 9515)

Sources of guidance material for terms in [blue](#) are in Attachment B

<b>Biodiversity</b>
<p>1. Biodiversity impacts related to the proposed development are to be assessed in accordance with <a href="#">Section 7.9 of the Biodiversity Conservation Act 2016</a> using the <a href="#">Biodiversity Assessment Method (BAM)</a> and documented in a <a href="#">Biodiversity Development Assessment Report (BDAR)</a>. The BDAR must include information in the form detailed in the <a href="#">Biodiversity Conservation Act 2016 (s6.12)</a>, <a href="#">Biodiversity Conservation Regulation 2017 (s6.8)</a> and the BAM, unless OEH and DPE determine that the proposed development is not likely to have any significant impact on biodiversity values.</p>
<p>2. The BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the BAM.</p>
<p>3. The BDAR must include details of the measures proposed to address the offset obligation as follows;</p> <ul style="list-style-type: none"> <li>a. The total number and classes of biodiversity credits required to be retired for the development/project;</li> <li>b. The number and classes of like-for-like biodiversity credits proposed to be retired;</li> <li>c. The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules;</li> <li>d. Any proposal to fund a <a href="#">biodiversity conservation action</a>;</li> <li>e. Any proposal to make a payment to the Biodiversity Conservation Fund.</li> </ul> <p>If seeking approval to use the variation rules, the BDAR must contain details of the <a href="#">reasonable steps</a> that have been taken to obtain requisite like-for-like biodiversity credits.</p>
<p>4. The BDAR must be submitted with all digital spatial data associated with the survey and assessment as per Appendix 11 of the BAM.</p>
<p>5. The BDAR must be prepared by a person accredited in accordance with the <a href="#">Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017</a> under s6.10 of the <i>Biodiversity Conservation Act 2016</i>.</p>
<b>Aboriginal cultural heritage</b>
<p>6. The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the <a href="#">Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH 2010)</a>, and be guided by the <a href="#">Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011)</a> and consultation with OEH regional branch officers.</p>
<p>7. Consultation with Aboriginal people must be undertaken and documented in accordance with the <a href="#">Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW)</a>. The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.</p>



8. Impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR 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.
9. The assessment of Aboriginal cultural heritage values must include a surface survey undertaken by a qualified archaeologist in areas with potential for subsurface Aboriginal deposits. The result of the surface survey is to inform the need for targeted test excavation to better assess the integrity, extent, distribution, nature and overall significance of the archaeological record. The results of surface surveys and test excavations are to be documented in the ACHAR
10. The ACHAR must outline procedures to be followed if Aboriginal objects are found at any stage of the life of the project to formulate appropriate measures to manage unforeseen impacts.
11. The ACHAR must outline procedures to be followed in the event Aboriginal burials or skeletal material is uncovered during construction to formulate appropriate measures to manage the impacts to this material.

#### **Historic heritage**

12. The EIS must provide a heritage assessment including but not limited to an assessment of impacts to *State and local heritage* 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:
  - a. 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),
  - b. 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),
  - c. include a statement of heritage impact for all heritage items (including significance assessment),
  - d. 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.



## Attachment B – Guidance material

Title	Web address
<b><u>Relevant Legislation</u></b>	
<i>Biodiversity Conservation Act 2016</i>	<a href="http://www.legislation.nsw.gov.au/#/view/act/2016/63/full">www.legislation.nsw.gov.au/#/view/act/2016/63/full</a>
<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>	<a href="http://www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/">www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/</a>
<i>National Parks and Wildlife Act 1974</i>	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+80+1974+cd+0+N">www.legislation.nsw.gov.au/maintop/view/inforce/act+80+1974+cd+0+N</a>
<i>Environmental Planning and Assessment Act 1979</i>	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N">www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N</a>
<b><u>Biodiversity</u></b>	
Biodiversity Assessment Method (OEH, 2017)	<a href="http://www.environment.nsw.gov.au/resources/bcact/biodiversity-assessment-method-170206.pdf">www.environment.nsw.gov.au/resources/bcact/biodiversity-assessment-method-170206.pdf</a>
Biodiversity Offsets Scheme Entry Threshold Tool	<a href="http://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap">www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap</a>
Biodiversity Values Map	<a href="http://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap">www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap</a>
Guidance and Criteria to assist a decision maker to determine a serious and irreversible impact (OEH, 2017)	<a href="http://www.environment.nsw.gov.au/resources/bcact/guidance-decision-makers-determine-serious-irreversible-impact-170204.pdf">www.environment.nsw.gov.au/resources/bcact/guidance-decision-makers-determine-serious-irreversible-impact-170204.pdf</a>
Ancillary rules: biodiversity conservation actions	<a href="http://www.environment.nsw.gov.au/resources/bcact/ancillary-rules-biodiversity-actions-170496.pdf">www.environment.nsw.gov.au/resources/bcact/ancillary-rules-biodiversity-actions-170496.pdf</a>
Ancillary rules: reasonable steps to seek like-for-like biodiversity credits for the purpose of applying the variation rules	<a href="http://www.environment.nsw.gov.au/resources/bcact/ancillary-rules-reasonable-steps-170498.pdf">www.environment.nsw.gov.au/resources/bcact/ancillary-rules-reasonable-steps-170498.pdf</a>
OEH Threatened Species Profiles	<a href="http://www.environment.nsw.gov.au/threatenedspeciesapp/">www.environment.nsw.gov.au/threatenedspeciesapp/</a>
BioNet Atlas	<a href="http://www.environment.nsw.gov.au/wildlifeatlas/about.htm">www.environment.nsw.gov.au/wildlifeatlas/about.htm</a>
BioNet Vegetation Classification	<a href="http://www.environment.nsw.gov.au/research/Visclassification.htm">http://www.environment.nsw.gov.au/research/Visclassification.htm</a>
NSW guide to surveying threatened plants (OEH 2016)	<a href="http://www.environment.nsw.gov.au/resources/threatenedspecies/160129-threatened-plants-survey-guide.pdf">www.environment.nsw.gov.au/resources/threatenedspecies/160129-threatened-plants-survey-guide.pdf</a>
OEH threatened species survey and assessment guideline information	<a href="http://www.environment.nsw.gov.au/threatenedspecies/surveyassessmentguidelines.htm">www.environment.nsw.gov.au/threatenedspecies/surveyassessmentguidelines.htm</a>
NSW Guide to Surveying Threatened Plants (OEH, 2016)	<a href="http://www.environment.nsw.gov.au/research-and-publications/publications-search/nsw-guide-to-surveying-threatened-plants">www.environment.nsw.gov.au/research-and-publications/publications-search/nsw-guide-to-surveying-threatened-plants</a>
Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna - Amphibians (DECC, 2009)	<a href="http://www.environment.nsw.gov.au/resources/Threatenedspecies/09213amphibians.pdf">www.environment.nsw.gov.au/resources/Threatenedspecies/09213amphibians.pdf</a>
Threatened Species Assessment Guideline - The Assessment of Significance (DECC 2007)	<a href="http://www.environment.nsw.gov.au/resources/Threatenedspecies/tsaguide07393.pdf">www.environment.nsw.gov.au/resources/Threatenedspecies/tsaguide07393.pdf</a>
OEH Data Portal (access to online spatial data)	<a href="http://data.environment.nsw.gov.au/">http://data.environment.nsw.gov.au/</a>
Fisheries NSW policies and guidelines	<a href="http://www.dpi.nsw.gov.au/fisheries/habitat/publications/policies,-guidelines-and-manuals/fish-habitat-conservation">www.dpi.nsw.gov.au/fisheries/habitat/publications/policies,-guidelines-and-manuals/fish-habitat-conservation</a>



Title	Web address
<b><u>Aboriginal Cultural Heritage</u></b>	
Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011)	<a href="http://www.environment.nsw.gov.au/resources/cultureheritage/20110263ACHguide.pdf">www.environment.nsw.gov.au/resources/cultureheritage/20110263ACHguide.pdf</a>
Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010)	<a href="http://www.environment.nsw.gov.au/resources/cultureheritage/10783FinalArchCoP.pdf">www.environment.nsw.gov.au/resources/cultureheritage/10783FinalArchCoP.pdf</a>
Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010)	<a href="http://www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf">www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf</a>
Aboriginal Site Recording Form	<a href="http://www.environment.nsw.gov.au/resources/parks/SiteCardMainV1_1.pdf">www.environment.nsw.gov.au/resources/parks/SiteCardMainV1_1.pdf</a>
Aboriginal Site Impact Recording Form	<a href="http://www.environment.nsw.gov.au/resources/cultureheritage/120558asirf.pdf">www.environment.nsw.gov.au/resources/cultureheritage/120558asirf.pdf</a>
Aboriginal Heritage Information Management System (AHIMS) Registrar	<a href="http://www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm">www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm</a>
Care Agreement Application form	<a href="http://www.environment.nsw.gov.au/resources/cultureheritage/20110914TransferObject.pdf">www.environment.nsw.gov.au/resources/cultureheritage/20110914TransferObject.pdf</a>
<b><u>Heritage</u></b>	
The Burra Charter (The Australia ICOMOS charter for places of cultural significance)	<a href="http://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf">http://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf</a>
Statements of Heritage Impact 2002 (HO & DUAP)	<a href="http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf">www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf</a>
NSW Heritage Manual (DUAP) (scroll through alphabetical list to 'N')	<a href="http://www.environment.nsw.gov.au/Heritage/publications/">www.environment.nsw.gov.au/Heritage/publications/</a>





## NSW RURAL FIRE SERVICE



The Secretary  
NSW Planning and Environment  
GPO BOX 39  
SYDNEY NSW 2001

Your reference: SSD 9515  
Our reference: D18/6710  
DA18080614411 BB

15 August 2018

**Attention:** Meghna D'souza

Dear Madam,

### Yanco Solar Farm (SSD 9515) – Request for input into EARs

Reference is made to correspondence of 3 August 2018 seeking input regarding the preparation of Secretary's environmental assessment requirements for the above State Significant Development in accordance with the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service advises that the preparation of an Environment Assessment should incorporate a bush fire hazard assessment report prepared by a suitably qualified person which includes site-specific recommendations for the proper design of;

- asset protection zones (APZs);
- measures to prevent a fire occurring within the site from developing into a bush/grass fire risk to the surrounding area;
- water supply for fire fighting purposes;
- land and vegetation management;
- emergency management procedures, including the development of a Fire Management plan in consultation with the local NSW RFS District fire Control Centre; and
- vehicular access and defendable space around the solar array.

Protection for the facilities from bush fires can be achieved through a combination of strategies which will:

- minimise the impact of radiant heat and direct flame contact by separating development from bush fire hazards;
- minimise the vulnerability of buildings to ignition and fire spread from flames, radiation and embers;
- enable appropriate access and egress for the public and firefighters;
- provide adequate water supplies for bush fire suppression operations;
- focus on facility preparedness, including emergency planning and property maintenance requirements; and

#### Postal address

NSW Rural Fire Service  
Planning and Environment Services  
Locked Bag 17  
GRANVILLE NSW 2141

T 1300 NSW RFS  
F (02) 8741 5433  
E [records@rfs.nsw.gov.au](mailto:records@rfs.nsw.gov.au)  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



- facilitate the maintenance of asset protection zones, fire trails, access for firefighting and on-site equipment for fire suppression and prevention of fire spreading from the site.

If you have any queries regarding this advice, please contact Bradley Bourke, Development Assessment and Planning Officer, on 1300 NSW RFS.

Yours sincerely



Martha Dotter  
Acting Team Leader, Development Assessment and Planning  
Planning and Environment Services (South)





17 August 2018

SWT18/00104  
SF2018/255827  
MM

The Manager  
Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

Attention: Meghna D'souza

**SSD-9515 –ENVIRONMENTAL ASSESSMENT REQUIREMENTS FOR PROPOSED YANCO SOLAR FARM, LOTS 142, 145-152, 287, 572 DP751745, LOT 6650 DP1197165, HOUGHTON ROAD, YANCO.**

I refer to correspondence forwarded to Roads and Maritime Services requesting the provision of Environmental Assessment Requirements to be addressed in the supporting documentation to be submitted for the subject development. The request is supported by a Preliminary Environmental Assessment prepared by NGH Environmental dated July 2018.

From review of the information provided it is understood that the development proposal represents the establishment of a Solar Farm project with an intended capacity of up to 60 Mega Watt plus ancillary infrastructure on the subject site. The subject site is located to the west of Yanco with frontage and access to Research Road. The supporting documentation acknowledges that access to the site, for construction and maintenance purposes will rely on access via the Sturt Highway and Irrigation Way.

Given the scale and operational characteristics of the proposed development Roads and Maritime Services considers that the traffic related issues relevant to the development should be considered and addressed in 2 distinct stages as follows;

- Construction & Decommission phase – the transport of materials and equipment/components for the establishment of the facility and ancillary infrastructure, the movement and parking of construction related vehicles, including personal vehicles, during the construction of the facility,
- Operational phase – the ongoing traffic generation due to the operation, maintenance and servicing of the various elements of the project.

Roads and Maritime Services emphasises the need to minimise the impacts of any development on the existing road network and maintain the level of safety, efficiency and maintenance along the road network. For such a development an assessment of the potential traffic impacts on the surrounding road network due to the development, particularly during the construction phase, should be submitted with the Development Application. The required contents and detail of the Traffic Impact Assessment (TIA) will depend on the scale of the proposed development, the characteristics of the potential traffic generation and the traffic volumes and other traffic generating influences on the surrounding public road network.



Given the potential volume of traffic and the need for deliveries of the components to the development site during the construction period a Transport Management Plan for the construction activity should also be prepared for the proposed development. This is referred to in the submitted Preliminary Environmental Assessment Report. Details for deliveries of ancillary materials such as gravel and concrete should also be considered as part of the submitted documentation.

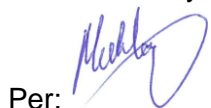
The TIA shall detail the potential impacts associated with the phases of the development, the measures to be implemented to maintain the standard and safety of the road network, and procedures to monitor and ensure compliance. Where road safety concerns are identified at a specific location along the haulage route/s, the TIA may be supported by a targeted Road Safety Audit undertaken by suitably qualified persons.

For guidance in the preparation of the TIA the applicant is referred to section 2 of the “Guide to Traffic Generating Developments” prepared by the RTA and the Austroads publications, particularly the Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development and Austroads Guide to Traffic Management Part 3 – Traffic Studies and Analysis. The TIA should contain information such as the expected traffic generation, vehicle numbers and types of vehicles, and travel routes for vehicles accessing the development site.

Given the type and scale of the proposed development and its proximity to the public road network it is considered appropriate that issues relating to potential for distraction of, and for glint/glare impacts on, passing motorist be addressed in the development submission. Consideration could be given to the establishment and maintenance of a visual buffer, such as a vegetated buffer, within the subject site along its frontage to any public road.

Any enquiries regarding this correspondence may be referred to the Manager, Land Use for Roads and Maritime Services (South West Region), Maurice Morgan, phone (02) 6923 6611.

Yours faithfully



Per:  
Jonathan Tasker  
Acting Director  
South West NSW



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Hi Meghna.

Safework NSW will not be making comment on the Development Application and Environmental Impact Statement for the proposed Yanco Solar Farm.

Safework will look forward to working with the successful contractor during the construction phase.

regards

**Mark Barber**

Acting Director Southern Operations

**SafeWork NSW, Better Regulation**

**Department of Finance, Services and Innovation**

Address: Level 2, 76 Morgan Street, Wagga Wagga NSW 2650

Ph: 02 6933 6501

Mb: 0438 980 610

[mark.barber@safework.nsw.gov.au](mailto:mark.barber@safework.nsw.gov.au)



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

Hi Meghna,

**RE: 2018-364 - Request for Input - Yanco Solar Farm (SEARs) (SSD 9515)**

Thank you for consulting with TransGrid regarding the abovementioned proposal.

We can confirm the proponent is in discussions with TransGrid as the Transmission Network Service Provider to develop their proposed project. They are in the process of working through the connection process, in accordance with the National Electricity Rules and TransGrid's requirements.

TransGrid request that the SEARs contain a general requirement that the EIS must include details of connection with the national infrastructure required for the development is included in the scope of work and mapped within the project boundary.

For preliminary advice, please find attached a copy of *TransGrid's Easement Guidelines for Third Party Development (V10)*. Please note these guidelines are not an exhaustive list and should there be any uncertainty further consultation with TransGrid is required.

If you have any questions, please do not hesitate to contact me.

Kind regards,

**Skye Shanahan**  
Enquiry Services Coordinator | Network Planning and Operations

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**TransGrid** | 200 Old Wallgrove Road, Wallgrove, NSW, 2766

**T:** (02) 9620 0104

**E:** [Skye.Shanahan@transgrid.com.au](mailto:Skye.Shanahan@transgrid.com.au) **W:** [www.transgrid.com.au](http://www.transgrid.com.au)

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### Background

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TransGrid acquires Transmission Line (TL) and cable easements to provide adequate clearance along the route of a TL for construction and maintenance work and to preserve certain property rights in perpetuity. These easements also ensure no work or other activity is undertaken under or near a TL or cable that could create an unsafe situation either for persons or for the security of the TL or cable.

The TL or cable easement area and its ongoing maintenance are control measures that cannot be compromised. Easements are established to prevent and mitigate against the following electrical safety risks:

- > Infringement of electrical safety clearances e.g. due to an activity or vegetation growth;
- > Electrical Induction e.g. due to parallel conducting materials;
- > Step and touch potentials under fault conditions e.g. due to lightning or bushfire;
- > Failure of structures or line equipment e.g. due to third party vehicle or plant impact;
- > Transfer off easement of dangerous voltages, e.g. by services installed within the easement area; and
- > Blowout of a conductor under high wind (or blow in of vegetation) e.g. into an adjacent structure.

TransGrid's paramount concern is the safety of people and property. TransGrid is also bound to maintain its infrastructure efficiently and cost effectively. The TL and cable easements, along with the accesses, have been designed to facilitate effective operational maintenance.

### Development Approval Process

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The *Environmental Planning and Assessment Act 1979* may empower Local Councils to act as the consent authority for development applications. In these situations, a Development Application (DA) is prepared and submitted to the Local Council for development consent.

The *State Environmental Planning Policy (Infrastructure) 2007* (SEPP), which commenced on 1 January 2008, requires Local Councils to consult with Electricity Network Operators before granting development consent for proposals that might adversely affect:

- > existing electricity infrastructure; and
- > easements for electricity purposes, even if no infrastructure has yet been constructed in the easement.

The Local Council must take into consideration any comments made by the Electricity Network Operator who has 21 days to respond to any written notification of a DA received by Council. Council must take into consideration any comments provided by the Electricity Network Operator before it determines any DA. TransGrid's initial response may be a request for additional information to assess a development that seeks to encroach or is immediately adjacent to our easements and infrastructure. Such a request is likely to then be forwarded to the applicant.



The party submitting the development application is required to consult with TransGrid in accordance with the *State Environmental Planning Policy (Infrastructure) 2007 (SEPP)*; the *NSW Occupational Health and Safety Act 2000*; the WorkCover NSW 'Work Near Overhead Power Lines' Code of Practice 2006, and; the WorkCover NSW 'Work Near Underground Assets' Guide 2007.

## TransGrid Approval

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The statutory approval authority should obtain a written approval from TransGrid for all proposed activities within an easement area in accordance with regulation 45 of the *SEPP*.

It is recommended that the development proponent consult with TransGrid prior to lodging a DA, so the proposed development may be assessed relative to TransGrid's easements and infrastructure within the specific locality. Statutory notification pursuant to regulation 45 of the *SEPP* may not always provide an adequate response time for TransGrid to assess any development proposed within or immediately adjacent to our easements and infrastructure. Therefore, it is considered to be in the best interests of any development proponent to thoroughly consult and attempt to resolve all and any issues with TransGrid prior to submitting a DA. In consulting with TransGrid prior to submitting the DA, the following information must be provided.

1. Detailed specifications and plans drawn to scale and fully dimensioned, showing property boundaries and other relevant information. Survey plans must clearly identify TransGrid's easements; any high voltage transmission infrastructure located therein (including stanchions); and horizontal clearances;
2. Three dimensional CAD file of the development, preferably in 3D-DXF format; and
3. TransGrid will also require an *Impact Assessment* of the development on TransGrid's infrastructure and associated interests (including easements). Details of how any adverse impacts will be managed, mitigated or resolved must also be provided. The *Impact Assessment* form is contained in **Appendix A** of these guidelines.

Upon receipt of the abovementioned documentation, TransGrid will assess the proposed development in relation to its impact on TransGrid infrastructure, easements and means of access. For complicated proposals the consultation process will be comprehensive and the proponent should allow sufficient time for this process prior to lodgement of a DA (see *Timeframes* below).

## General Development Proposal Guidelines

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### 1. Prohibited Activities and Encroachments

A number of activities and encroachments are not permitted within the easement area. These are detailed in the "TransGrid Easement Guide" contained in **Appendix B** of these guidelines.

Any *Development Proposal* should be designed in such a way that:

- > It does not involve the listed activities, nor introduce the identified encroachments; and
- > Does not encourage other parties to undertake such activities or introduce such encroachments in the future.



## 2. Development

The Development Proposal should be planned taking into consideration the policy of "*prudent avoidance*" as identified by The Right Honourable Harry Gibbs Report (*Inquiry into Community Needs and High Voltage Transmission Line Development*).

This report placed recommendations on the design of new TL's having regard to their proximity to houses, schools, work sites and the like and is equally valid when considering new developments proposed in proximity to existing powerlines and associated easements.

The policy not only considers electrical safety risks it also takes into consideration Electric and Magnetic Field (EMF). The EMF strength rises from the easement edge to beneath the conductors and the most practical way to achieve *prudent avoidance* is to keep any development entirely outside the easement area.

If it is desired to place any part of a development within an easement the proponent shall, in conjunction with the *Development Proposal*, undertake an *Impact Assessment* (see **Appendix A**) to be provided to TransGrid that covers the changes in risk and mitigation measures proposed. General development requirements are listed in **Appendix C**.

## Relocating Infrastructure and Interruption to Transmission

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The development proponent will be liable for any costs involved in any agreed relocation of TransGrid infrastructure as part of any proposed development. Depending on how the development proposes to encroach on TransGrid's easement, an earthing study and earthing modifications may be required at the developer's expense. Further, the developer will also be liable for any costs and penalties incurred as a consequence of interruptions to TransGrid's transmission operations arising from the development, whether planned or inadvertent.

## Post Construction Compliance Statement

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The Development Proposal, as provided to TransGrid, must include as-built plans compliant with TransGrid's drawing management system of the final construction where approval of an encroachment is granted. The as-built drawings must be accurate, scaled and display distances/measurements, demonstrating compliance to the agreed plans and implementation of agreed control measures.

## Timeframes

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TransGrid will respond to a Local Council notification of a proposed development within 21 days as required in the SEPP, however that response may not be an approval (or disapproval). If the Development Proposal does not meet the requirements of these Guidelines, or in the event further detailed engineering analysis is required, TransGrid may require the Development Proposal to be revised and resubmitted or additional information will be sought.

Developers are advised to consider TransGrid's requirements early in the process as discussed and not as an afterthought that could result in project delays, including the future demolition of any prohibited construction works. To this extent, development proponents and their consultants are encouraged to contact and meet with TransGrid in the preliminary planning and design stages of the development in order to establish what restrictions and prohibitions apply and what, if any conditional encroachments can be accommodated.



## Further Assistance

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**For any further development enquiry assistance please contact the Enquiries Services Coordinator:**

Enquiries Services Coordinator	Telephone	(02) 9620 0104
	Mobile	0427 094 860
TransGrid Community Liaison Group	Phone	1800 222 537
	Email	<a href="mailto:community@transgrid.com.au">community@transgrid.com.au</a>
	Website	<a href="http://www.transgrid.com.au">www.transgrid.com.au</a>



## Appendix A - Development Proposal Impact Assessment

### **Details of the Development**

Street Address	
Land and Title References	
Encroachment and/or Proximity to Easement	
Development Proposal's Clearances to TransGrid's high voltage infrastructure	
Detailed plans of development attached	

### **Safety**

Consideration	Yes/No (If Yes, please provide details and mitigation/resolution)
Are ground levels being changed within or in the vicinity of the easement? If so, by how much?	
Is any part of the development proposed within 30m of a transmission line structure or guy? If so, how close to the structure/guy?	
Will the development increase earth potential rise risk? (If unsure please consult with TransGrid Enquiries Services Coordinator.)	
Will the development contain metallic structures or services in the easement?	
Will the development result in voltages being transferred off the easement or bring remote earths onto the easement? (If unsure, please consult with TransGrid's Enquiries Services Coordinator.)	
Are public spaces or recreational areas proposed within or adjacent to the easement?	
Will the development encourage people to congregate and/or spend time within the easement or immediately adjacent thereto?	
Are structures with a height greater than 2.5m proposed on the easement?	
Will an Elevated Work Platform (EWP) be required to maintain any structures within the easement?	
Is infrastructure proposed that is a fire hazard, or that would encourage the storage or use of flammable material on the easement?	
Is infrastructure proposed that would require emergency workers (such as fire fighters) to come near, or their equipment to come onto or near high voltage conductors?	



Consideration	Yes/No (If Yes, please provide details and mitigation/ resolution)
Will the easement or the nature of the land in the vicinity of the easement, be altered in any way that would encourage prohibited encroachments to occur within the easement?	
Will access around any TransGrid structure be altered preventing EWP's, crane or other plant access? (Required for TransGrid maintenance purposes.)	
Will the development introduce other risks to maintenance staff when working within the easement?	
Will access to the easement be altered that would introduce risks to TransGrid personnel including, although not limited to, asset inspectors or patrol staff?	

### **Operations**

Consideration	Yes/No (If Yes, please provide details and mitigation/ resolution)
Have any ground level developments been proposed (including roads, driveways, parking lots and turning bays etc) that would expose TransGrid transmission structures and lines to impact risk? (If unsure please consult with the TransGrid Enquiries Services Coordinator.)	
Will the development result in a change in water flows or drainage that could impact on the foundations or structural integrity of any TransGrid structure or guy-wire?	
Are excavations or surface activities proposed that would impact a TransGrid structure's foundations, stability or subterranean earthing systems? (If unsure please consult with the TransGrid Enquiries Services Coordinator.)	

### **Maintenance**

Consideration	Yes/No (If Yes, please provide details and mitigation/ resolution)
Have roads, driveways or landscaping been proposed that would prevent or hinder TransGrid maintenance, or increase maintenance costs, for the above or below ground components of the transmission line structure?	
Will access to the easement or within the easement, be obstructed, restricted or altered?	
Have access roads, bridges, crossings and the like been designed to cater for the weight and size of TransGrid maintenance plant (EWPs and Cranes)?	
Does the development encourage the placement of obstructions that would prevent access for routine or emergency works?	



### **Development Design & Construction**

Consideration	Yes/No (If Yes, please provide details and mitigation/ resolution)
Has the development been designed so that during the construction phase TransGrid is not restricted from undertaking normal maintenance and inspection activities?	
Has the development been designed so that during the construction phase prohibited activities or encroachments are not required in the easement area?	
Has the design health and safety risk assessment complied with the following WorkCover NSW instruments: <ul style="list-style-type: none"><li>• 'Work Near Overhead Power Lines' Code of Practice 2006; and/or</li><li>• 'Work Near Underground Assets' Guide 2007?</li></ul>	

### **TransGrid's Rights**

Consideration	Yes/No (If Yes, please provide details and mitigation/ resolution)
Are TransGrid's existing access rights preserved, pursuant to the terms of the easement?	
Will TransGrid be exposed to new or higher maintenance costs (e.g. landscaping or other development changes impacting easement access, use and maintenance)?	
Does a new deed of easement need to be negotiated by the development proponent?	

### **Preservation of Easement for Access**

Consideration	Yes/No (If Yes, please provide details and mitigation/ resolution)
Will TransGrid's <i>Easement for Access</i> be affected?	
Does a new <i>Easement for Access</i> need to be arranged by the development proponent, including to supersede an existing registered right of carriageway?	



## Appendix B - Prohibited encroachments and activities

**TransGrid will use its powers under the Electricity Supply Act, involve WorkCover or take other legal action as required to prevent or halt prohibited activities.**

### 1. Transmission Lines

Activities and encroachments that are **prohibited** within a Transmission Line (TL) Easement include, but are not limited to (Note 2), the following:

- > The construction of houses, buildings, substantial structures, or parts thereof.
- > The installation of fixed plant or equipment.
- > The storage of flammable materials, corrosive or explosive material.
- > The placing of garbage, refuse or fallen timber.
- > The planting or cultivation of trees or shrubs capable of growing to a height exceeding 4 metres.
- > The placing of obstructions within 20 metres of any part of a transmission line structure or supporting guy-wire.
- > Camping or the permanent parking of caravans or other camping vehicles.
- > Public spaces or recreational areas which encourage people to spend time within or congregate within the easement.
- > The parking or storage of flammable liquid carriers or containers.
- > The installation of site construction offices, workshops or storage compounds.
- > Flying of kites or wire-controlled model aircraft within the easement area.
- > Flying of any manned aircraft or balloon within 60m of any structure, guy-wire or conductor.
- > Flying of remote controlled or autonomous aerial devices (such as UAVs) within 60m of any structure, guy-wire or conductor.
- > Placing any obstructions on access tracks or placed within the easement area that restricts access.
- > Any vegetation maintenance (such as felling tall trees) where the vegetation could come within the Ordinary Persons Zone – refer to the WorkCover NSW 'Work Near Overhead Power Lines' - Code of Practice 2006'.
- > Any substantial excavation within 15 metres of a pole or supporting guy-wire or guy foundation or within 20 metres of a tower
- > The climbing of any structure (any development that encourages or facilitates climbing will not be permitted).
- > Any change in ground levels that reduce clearances below that required in AS7000.
- > The attachment of any fence, any signage, posters, or anything else, to a structure or guy-wire.  
Note: Interference to electricity infrastructure is an offence under the *Electricity Supply Act 1995*.
- > The movement of any vehicle or plant between the tower legs, within 5m of a structure, guy-wire or between a guy-wire and the transmission pole.  
Note: Any damage to electricity infrastructure is an offence under the *Electricity Supply Act 1995*.
- > The storage of anything whatsoever within the tower base or within 10m of any tower leg.
- > Any structure whatsoever that during its construction or future maintenance will require an Accredited person to access.  
Note: The final structure may meet AS7000 clearances, but may be accessible (e.g. by EWP) by Ordinary Persons within the Ordinary Persons Zone.
- > Any work that generates significant amounts of dust or smoke that can compromise the TL high voltage insulation.
- > The erection of any structure in a location that could create an unsafe situation work area for TransGrid staff.
- > Burning off or the lighting of fires.



- > Any activity (including operation of mobile plant or equipment having a height when fully extended exceeding 4.3 metres) by persons not Accredited or not in accordance with the requirements of the WorkCover NSW 'Work Near Overhead Power Lines' Code of Practice 2006 that is within (Note 1):
  - 3m of an exposed 132kV overhead power line
  - 6m of an exposed 220kV or 330kV overhead power line
  - 8m of an exposed 500kV overhead power line

*Note: Distances quoted are to the design conductor position (i.e. maximum sag and blowout)*

**The following activities may possibly be approved with conditions. TransGrid's prior written consent is required. The proponent will have to demonstrate (using the Impact Assessment process) that the risks associated with the activity have been satisfactorily mitigated.**

- > Temporary parking of caravans and other large vehicles in the outer 3m of the easement area, subject to a 4.3 metre height restriction and metallic parts being earthed.
- > The erection of flagpoles, weather vanes, single post signs, outdoor lighting, subject to a 4.3 metre height restriction and metallic parts being earthed.
- > The erection of non-electric agricultural fencing, yards and the like.

*Note: Fencing that exceeds 2.5 metres in height or that impedes access would not be approved.*

- > The erection of metallic fencing less than 2.5 metres in height providing that it is earthed, located more than 20 metres from any part of a transmission line structure or supporting guy and greater than 4 metres of the vertical projection of the overhead conductors.
- > The erection of electric fencing provided that the height of the fencing does not exceed 2.5 metres and provided that the fence does not pass beneath the overhead conductors.

*Note: Approval may be given for a portable electric fence to pass underneath the conductors provided that it is supplied from a portable battery-powered energiser that is located remotely from frequented areas. Where it is necessary for a permanent electric fence to pass beneath the overhead conductors, or where an extensive permanent electric fencing system is installed in proximity to a transmission line certain additional safety requirements will be required.*

- > The installation or use of irrigation equipment inside the easement.  
*NOTE: An irrigation system will not be approved if it is capable of coming within 4 metres of the overhead conductors; exceeds 4.3 metres in height; consists of individual sections of rigid or semi-rigid pipe exceeding 4.3 metres; is capable of projecting a solid jet of water to within 4 metres of any overhead conductors; requires fuel to be stored within the easement; and/or requires an outage of the transmission line for its operation.*

- > The installation of low voltage electricity, telephone, communication, water, sewerage, gas, whether overhead, underground or on the surface.

*Note: Services that do not maintain standard clearances to the overhead conductors that are within 15 metres from the easement centre-line, 20 metres from any part of a transmission line supporting structure or are metallic and within 30 metres of any part of a structure will not be approved. TransGrid may impose additional conditions or restrictions on proposed development.*

- > The installation of high voltage electricity services, subject to there being no practicable alternative and provided the standard clearances are maintained to the supporting structures.

*Note: Where extensive parallels are involved certain additional safety requirements may be imposed by TransGrid, depending on the particular case and engineering advice.*

- > Swimming pools, subject to TransGrid's strict compliance criteria.

*Note: Above ground pools will not be approved. In-ground pools will not be approved if there is a practicable alternative site clear of the easement area. If there is no practical alternative site, in-ground*



*pools including coping will not be approved if it encroaches more than 4.5 metres, or is less than 30 metres away from a transmission line structure. A site specific assessment by TransGrid is required.*

- > Detached garages, detached carports, detached sheds, detached stables, detached glass houses, caravans, site containers, portable tool sheds, pergolas and unroofed verandahs attached to residences on the outer 3 meters of the easement only.

- > Prefabricated metal (garden) sheds. TransGrid approved sheds must be earthed.

*Note: Sheds exceeding 2.5 metres in height, with a floor area exceeding 8m<sup>2</sup>, encroaching more than of up to 3 metres or within 30 metres of any part of a transmission line structure will not be approved. Connection of electric power will not be approved.*

- > Single tennis courts.

*Note: Tennis courts that hinder access are for commercial use or do not provide adequate clearances shall not be approved.*

- > Subdivisions. See **Appendix C** requirements.

- > Roads, carparks, cycleways, walking tracks and footpaths on the outer part of the easement or as a thoroughfare across the easement, subject to horizontal and vertical clearances. Restrictions and other conditions on consent may also apply. These will not be approved when located within:

- 20 metres of any part of a transmission line structure
- 10 metres of the centre-line of a transmission line 132kV and below
- 17 metres of the centre-line of a transmission line above 132kV

*Note: Roads and pathways that cross the transmission line as a thoroughfare may be permitted. Where it is proposed that a road passes within 30 metres of a transmission structure or supporting guy, TransGrid may refuse consent or impose restrictions and other conditions on consent. Where a road passes within 30 metres of a transmission structure or supporting guy, the structure's earthing system may require modification for reasons including, but not limited to, preventing fault currents from entering utility services which may be buried in the road. The option of raising conductors or relocation of structures, at the full cost to the proponent, may be considered.*

- > Excavation – subject to restriction criteria.

*Note: Substantial excavations located within 20 metres of any part of a steel tower or pole structure and exceeding a depth 3 metres will not be approved.*

- > Quarrying activities, earthworks, dam or artificial lake construction.
- > Mining. Approval would be based on the merits of the proposal and any related circumstances.
- > Use of explosives.

*Note 1: An encroachment or activity that is located outside the prohibited distance of the infrastructure but still within the easement will not necessarily be permitted. It will generally need to be addressed in the Impact Assessment and remains subject to TransGrid prior consent.*

*Note 2: The above list is not exhaustive and if there is any uncertainty as to whether an activity or encroachment is acceptable within an easement, please contact TransGrid. TransGrid may impose additional conditions or restrictions on proposed development.*



## 2. Cables

The location of TransGrid's subterranean infrastructure and associated easements includes, but is not limited to, beneath private freehold and strata land as well as public roadways and railways etc. All development proposed within immediate proximity of TransGrid's subterranean infrastructure, including high voltage cables, stratum tunnels and conduits, must undertake a *Dial Before You Dig* search of any land where development is proposed, including roads adjoining a development site where subterranean services are proposed to be installed. The activities listed below are prohibited within cable easements:

- > The storage of flammable liquids or explosives
- > The planting or cultivation of trees or shrubs with extensive root systems
- > The construction of houses, buildings or substantial structures
- > The installation of fixed plant or equipment
- > The placing of garbage, refuse or fallen timber
- > Boring directly over the cable lay (eg. the installation of fencing or safety railing)
- > The raising or lowering of existing ground surface levels
- > Any excavation within 2m of an underground cable.

**The following activities may be approved with conditions. TransGrid's prior written consent is required. The proponent will have to demonstrate (using the Impact Assessment process) that the risks associated with the activity have been satisfactorily mitigated.**

- > Parking of vehicles

Note: Parking will be prohibited if the surface is not capable of supporting the vehicles likely to be parked, risking the crushing of the cable/ducts or erosion of the ground

- > The operation of mobile plant and equipment

Note: Such operations will be prohibited if the surface is not capable of supporting the vehicles likely to be parked, whereby risking the crushing of the cable/ducts or erosion of the ground

- > The erection of structures spanning the easement
- > Excavation
- > Concrete driveways
- > The installation of metallic pipes, fences, underground or overhead cables and services
- > Road-boring within approved distances of a high voltage cable.

Where TransGrid's prior written consent has been granted to undertake work near an easement and related subterranean infrastructure, including the tunnels and conduits that accommodate our high voltage transmission line cables, all works must be undertaken in accordance with the WorkCover NSW 'Work Near Underground Assets' Guide 2007. Further, all development works must comply with the TransGrid guidelines for subterranean infrastructure referring to the document titled "*Requirements for Working In the Vicinity of TransGrid Underground Cables*".



## Appendix C - General Requirements for Developments and Subdivisions

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The following list of current general requirements is provided for your information. It should be noted that the list is not exhaustive and, where there is any doubt concerning a particular activity within the easement area advice should be sought from TransGrid.

### 1. Completed Works

The completed works shall provide for the following considerations:

- > A safe unobstructed working platform shall be preserved around the transmission line structures for access by EWP, cranes as well as other large plant and equipment. No obstructions of any type shall be placed within 30 metres of any part of a transmission line structure.
- > Roads, streets etc (including kerb to property boundaries) and intersections shall not be located within 30 metres of any TL structure.
- > Developments must meet the clearances requirements set out in AS7000 between their finished level and the conductor at its maximum operating temperature.
- > Proposed roadway locations shall also take into consideration any street lighting requirements to ensure that statutory clearance requirements are followed. The design clearances should include future maintenance safety issues. TL outages will not be provided for street light maintenance. Access to the TL and its structures shall be available at all times for TransGrid plant and personnel. In this regard a continuous and unobstructed access way shall be retained along the easement.
- > Where fences are required for security purposes access gates will be installed in an agreed location and a TransGrid lock will be fitted.
- > Application of “prudent avoidance” in relation to electric and magnetic fields should always be observed.
- > No increase in earth potential rise risks.
- > All underground services installed more than 20 metres but within 30 metres of a TL structure shall be non-metallic. Utility services (including street lighting), whether above or below ground, shall not be installed without prior written approval of TransGrid.
- > Excavation work or other alterations to existing ground levels shall not be carried out within the easement area without the prior approval of TransGrid. Approval will not normally be granted for such work within 20 metres of any supporting structure.
- > Boundaries for new subdivided properties should not be located within the easement.
- > Fenced boundaries for all new properties in the subdivision shall not be within 30 metres of any TL structure.
- > A “Restriction-as-User” (88B Instrument) shall be placed on the titles of any created lots that may become affected by a TL easement. Any proposed activity within an easement area will require the prior written approval of TransGrid (appropriate wording will be advised when required).
- > Any proposed development must not impact on TransGrid's costs of inspecting, maintaining or reconstruction of the transmission lines.
- > In order to comply with its statutory responsibilities to maintain adequate clearance between the conductors and any forms of vegetation, TransGrid maintains its easements as follows:
  - Tall growing species likely to infringe safe clearances are to be removed regardless of existing height at time of construction.
  - Trees likely to fall onto conductors or towers are also to be removed whether on the easement or off the easement (ref. Sec 48 of the Electricity Supply Act 1995).



- Shrubs and other vegetation of lower mature height within the easement will be reduced and managed, generally by slashing with ground level retained.
- Vegetation management will aim to reduce available fuel and subsequent bushfire risks in accordance with NSW Rural Fire Service Bush Fire Environmental Assessment Code that sets out the requirements for hazard reduction strategies such as Asset Protection Zones and Strategic Fire Advantage Zones.
- Removed vegetation will be mulched or chipped and removed from site or retained on site in accordance with owner/stakeholder requirements.
- Other works considered necessary in order to provide a safe working environment for maintenance staff, contractors and for the property owner/manager will be undertaken.

Proposed vegetation plantings, such as Riparian corridors, within the transmission line easements shall be compatible with the above maintenance requirements and must consider on-going vegetation control.

## 2. Construction

During construction, the development plans shall also provide for the following considerations:

- > Vehicles, plant or equipment having a height exceeding 4.3 metres when fully extended shall not be brought onto or used within the easement area without prior TransGrid approval.
- > Where temporary vehicular access or parking (during the construction period) is within 16 metres of a transmission line structure, adequate precautions shall be taken to protect the structure from accidental damage. Plans need to be submitted to TransGrid for prior approval.
- > The easement area shall not be used for temporary storage of construction spoil, topsoil, gravel or any other construction materials.

## 3. Costs

The Developer shall bear all costs of any specialist design studies, TransGrid supervision, reconstruction or modification of the transmission line and its components, including consultation and design required to maintain clearances due to proposed ground level changes; road crossings within the easement; or due to any damage to the TL arising from the development.



## Example of the Required Working Platform for Transmission Tower Maintenance

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