



Our ref: DOC20/748705
Senders ref: DA2020-0397

Anna La
Development Hub Planner
Planning and Compliance
Tamworth Regional Council
a.la@tamworth.nsw.gov.au

Dear Anna

DA2020-0397 - 4133 Manilla Road, Manilla

Thank you for your request dated 8 September 2020 to the Biodiversity and Conservation Division (BCD) seeking advice in relation to the proposed solar farm at 4133 Manilla Road, Manilla.

BCD has reviewed the Statement of Environmental Effects (SoEE) and the Ecological Assessment Report (EAR) and note that the clearing calculations do not consider all impacts of installing the solar farm. This influences whether the development will trigger the biodiversity offsets scheme

It is further noted that the EAR states that the development footprint occurs on land that is Category 1 – Exempt land as the site was cleared before 1990. BCD recommends that the proponent provide evidence to demonstrate that the impact area meets the definition of Category 1 – exempt land as defined within the meaning of Part 5A of the *Local Land Services Act 2013*, and is therefore excluded from the Biodiversity Assessment Method in accordance with Section 6.8 (3) of the *Biodiversity Conservation Act 2016*.

BCD's detailed comments are provided in **Attachment A**.

Should you require any further information regarding this matter please contact David Geering, Senior Conservation Planning Officer, via david.geering@environment.nsw.gov.au or 6883 5335.

Yours sincerely

A handwritten signature in black ink that reads 'Samantha Wynn'.

Samantha Wynn
Senior Team Leader Planning North West
Biodiversity and Conservation Division

16 September 2020

BCD's detailed comments

Manilla Solar Farm

1. Calculations of impacts on biodiversity should be updated to include all impacts

The Ecological Assessment Report (EAR) concludes that entry into the biodiversity offsets scheme (BOS) is not required for the proposed development. This conclusion is based on calculations of the area of native vegetation to be impacted.

The statement of environmental effects (SoEE) states that the solar farm and associated infrastructure will cover an area of approximately 15.7 hectares. The EAR estimates that the following areas of native vegetation will be disturbed / removed:

- access road: 0.29 ha;
- stormwater detention basin: 0.0355 ha;
- construction laydown area: 0.13 ha;
- trenching: 0.06 ha; and
- steel H-beam: 0.0035 ha.

The EAR states that, based on the above areas, approximately 0.52 ha of native vegetation will be impacted by the proposed development.

This calculation has been used to justify the project not exceeding the area threshold under section 7.2 of the *Biodiversity Conservation Regulation 2017*. Based on the minimum lot size of the site of 400ha, clearing of native vegetation of one hectare or more will trigger the biodiversity offsets scheme.

The clearing calculations do not consider other impacts of installing the solar farm such as fencing, internal access roads, and machinery movement both during the construction and operational phases of the project. BCD also note that the solar panel arrays have not been included in the impact calculations (the SoEE indicates there will be 180 ground mounted single axis trackers with 15,120 solar PV panels).

BCD considers that it should be assumed that vegetation covered by the panel arrays will be impacted and therefore included and discussed in the biodiversity assessment.

Recommendation

1. All activities impacting biodiversity should be included in determining the total area of impact.

2. Information should be provided to demonstrate that the impact area meets the definition of Category 1 – exempt land

The EAR states that the development footprint occurs on land that is Category 1 – Exempt land as the site was cleared before 1990; however, no evidence has been provided to support his statement.

BCD recommends that the proponent provide evidence to demonstrate that the impact area meets the definition of Category 1 – exempt land as defined within the meaning of Part 5A of the *Local Land Services Act 2013*, and is therefore excluded from the Biodiversity Assessment Method in accordance with Section 6.8 (3) of the *Biodiversity Conservation Act 2016*.

Recommendation

2. Further information should be provided to demonstrate that the impact area meets the definition of Category 1 – exempt land as defined within the meaning of Part 5A of the *Local Land Services Act 2013*

From: David Geering <David.Geering@environment.nsw.gov.au>
Sent: Tuesday, 10 November 2020 2:15 PM
To: La, Anna
Subject: RE: Response to Additional Information Request - Biodiversity Impacts - 4133 Manilla Road MANILLA - DA2020-0397

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Anna

Unfortunately I am unavailable for a meeting on Thursday as I commence three weeks leave tomorrow. However, I have reviewed the letter from KDC relating to the classification of land for the Manilla Solar Farm. Aerial imagery provided for 28 February 1986 clearly shows that the land was cleared prior to 1 January 1990. Further aerial imagery has been provided for 14 September 1991.

I am satisfied that they have demonstrated that the development area qualifies as Category 1 – Exempt land as per the Local Land Services Act 2013 and, as such, a BDAR is not required. Note that prescribed impacts are still required to be assessed (clause 6.1 of the Biodiversity Conservation Regulation).

Regards

David

David Geering
Senior Conservation Planning Officer, North West
Biodiversity, Conservation and Science Directorate | Department of Planning, Industry and Environment

48-52 Wingewarra Street, Dubbo 2830
PO Box 2111 Dubbo NSW 2830
T: 02-6883-5335 | E david.geering@environment.nsw.gov.au
48-52 Wingewarra Street, Dubbo NSW 2830
www.dpie.nsw.gov.au



Our Vision: Together, we create thriving environments, communities and economies.

From: La, Anna <a.la@tamworth.nsw.gov.au>
Sent: Tuesday, 10 November 2020 1:24 PM
To: David Geering <David.Geering@environment.nsw.gov.au>
Subject: Response to Additional Information Request - Biodiversity Impacts - 4133 Manilla Road MANILLA - DA2020-0397
Importance: High

Good morning David,

Please see attached email and draft response from the proponent. Are you available this Thursday 11am for a video call with Sam Lobsey, Mitch Gillogly and myself to discuss?

Regards,

Anna La
Development Hub Planner
Tamworth Regional Council
437 Peel St, Tamworth, NSW, 2340

From: ConveyancingTeam
Sent: Wednesday, 13 May 2020 2:16 PM
To: development@tamworth.nsw.gov.au
Subject: Re: NSW Government concurrence and referral request CNR-7176 / DA2020-0397 - 4133 Manilla Road, Manilla (Lot A DP442930) - Solar Farm

Dear Sir/Madam,

We refer to the above matter and to your correspondence via the NSW Planning Portal seeking comment from Essential Energy in relation to the proposed development.

Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
3. Minimum safety clearance requirements and minimum safe distance requirements (fixed height vehicles) must be maintained at all times for the proposed driveway access and/or exit into the property, as such access will pass under Essential Energy's existing overhead powerlines located on the Manilla Road street frontage of the property. Refer Essential Energy's policy *CEOM7106.25 Minimum Clearance Requirements for NSW* and the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.
4. Satisfactory arrangements are to be made with Essential Energy with respect to the proposed solar energy system/farm which will form part of the development. It is the Applicant's responsibility to enter into the required Connections Agreements and any other requirements with Essential Energy for the development, which may include the payment of fees and contributions. Refer Essential Energy's Network Connections team for requirements via email networkconnections@essentialenergy.com.au.
5. In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity to the property. Any activities within this location must be undertaken in accordance with *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
6. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995 (NSW)*.
7. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets*.

Should you require any clarification, please do not hesitate to contact us.

Regards

Fiona Duncan
Conveyancing Officer
Legal & Conveyancing
Governance & Corporate Services



T: 02 6589 8773 (Ext 88773) | conveyancingteam@essentialenergy.com.au
PO Box 5730 Port Macquarie NSW 2444 | essentialenergy.com.au
General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80

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From: NSW Planning <planning.apps@planning.nsw.gov.au>
Sent: Friday, 1 May 2020 5:35 PM
To: ConveyancingTeam <conveyancingteam@essentialenergy.com.au>
Subject: NSW Government concurrence and referral request CNR-7176(TAMWORTH REGIONAL COUNCIL)

Online Concurrence and Referral Service

planningportal.nsw.gov.au

A request for NSW Government agency consideration of an application DA2020-0397 at 4133 MANILLA ROAD MANILLA 2346 was submitted to your agency on 01 May 2020 .

Pre-assessment of this application is required.

Please log into the [NSW Planning Portal](http://planningportal.nsw.gov.au) to progress your assessment of the request, reference number CNR-7176.

You can find general information about the online concurrence and referral system [here](#) or call our help line on 1300 305 695.

This email has been automatically sent through the NSW Planning Portal. Please do not reply to this message. For more information please visit the [NSW Planning Portal](http://planningportal.nsw.gov.au), or email us at planning@planning.nsw.gov.au, or call our help line on 1300 305 695.

▪



General Manager
Tamworth Regional Council
PO BOX 555
TAMWORTH NSW 2340
Attention: Anna La

Dear Anna

Development Application No. DA2020-0397 – 5MW Solar Farm – 4133 Manilla Road, Manilla

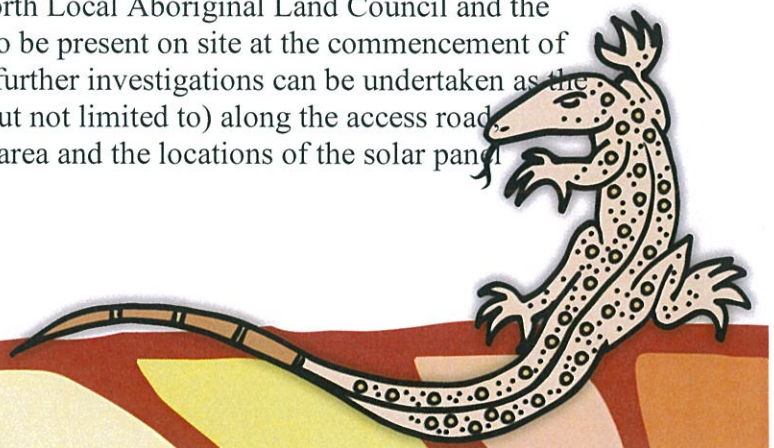
I refer to your correspondence dated 22 July 2020 regarding the proposed construction and use of a 5MW solar farm and associated infrastructure at 4133 Manilla Road, Manilla.

I refer to the subsequent email between Jocelyn Ullman (working on behalf of Tamworth Local Aboriginal Land Council) and yourself dated 4 August 2020 granting an extension of time to provide a submission on the DA until COB 17 August 2020.

It is understood from the Statement of Environmental Effects (SEE) accompanying the DA2020-0397 that NSW Community Renewables (Manilla) Pty Ltd seeks development consent to to construct and use of a 5MW solar farm and associated infrastructure.

The Statement of Environmental Effects (SEE) and the accompanying Aboriginal Archaeological Assessment Report have been reviewed. As a result of this review, the following submission is made:

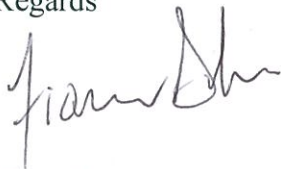
1. The locations of Aboriginal sites are to be marked as no-go zones on all construction plans. During construction these sites are to be demarcate using temporary fencing or other visual markers to prevent inadvertent impact.
2. All on-site personnel are to be made aware of their obligations under the NSW National Parks and Wildlife Act 1974, which must be implemented through a heritage induction.
3. A minimum 10m exclusion buffer area is to be identified and maintained from the Aboriginal sites.
4. Site/s Officer representing Tamworth Local Aboriginal Land Council and the Gomeroi Traditional Owners are to be present on site at the commencement of construction works to ensure that further investigations can be undertaken as the ground is disturbed particularly (but not limited to) along the access road, machinery and material lay down area and the locations of the solar panel structures.



5. Aboriginal objects are protected under the NPW Act regardless if they are registered on AHIMS or not. If suspected Aboriginal objects, such as stone artefacts are located during works on the site, works must cease in the affected area and archaeologist called into assess the finds. If finds are found to be Aboriginal objects, the appropriate Department is to be notified. Appropriate management and avoidance or approval under a section 90 AHIP should then be sought if Aboriginal objects are to be moved or harmed.
6. In the unlikely event that human remains are found, works should immediately cease and the NSW Police should be contacted. If the remains are suspected to be Aboriginal, the appropriate Department is to be contacted to assist in determining appropriate management.
7. The information contained in the Aboriginal Archeological Assessment Report be referred to the NSW Government – Environment, Energy and Science for consideration and/or inclusion on the Aboriginal Heritage Information Management System (AHIMS).
8. Council is to confirm in writing that a copy of the Development Application and associated documentation has been provided to those Gomeroi Traditional Owners for their consideration and comment.

Thank you for the opportunity to provide comments on DA2020-0397. If you wish to discuss any aspect of this submission please do not hesitate to contact me on (02) 6766 9028.

Regards



Fiona Snape
Chief Executive Officer

17 August 2020





3 June 2020

File No: NTH20/00128/01

Your Ref: DA2020-0397

General Manager
Tamworth Regional Council
PO Box 555
TAMWORTH NSW 2340

Attention: Sam Lobsey & Anna La

Dear Sir / Madam,

**RE: Development Application DA2020-0397 – Manilla Solar Farm
Owners Consent to Lodgement and Request for Additional Information
Lot A DP 442930; 4133 Manilla Road, Manilla**

I refer to your online referral of 13 May 2020 requesting comment from Transport for NSW (TfNSW) in relation to the abovementioned development application and subsequent telephone discussion with Sam Lobsey of Tamworth Regional Council on 22 May 2020 confirming the need for the applicant to obtain owners consent for works proposed within a rail corridor.

The key interests for TfNSW are the safety and efficiency of the transport network, the integrity of State infrastructure and the integration of land use and transport in accordance with *Future Transport Strategy 2056*.

Owners Consent to Lodgement of Development Application

TfNSW notes that the development application has been lodged over a rural allotment and a non-operation rail corridor. The development application form has been signed by the rural property owner, however owners consent has not been obtained to lodge the development application over land within the rail corridor.

The letter under **Attachment A** of this response provides owners consent to the lodgement of the development application. Council is referred to John Holland Rail (the appointed Rail Infrastructure Manager (RIM)) to enter into a Licence (or other arrangement suitable to the RIM) to enter the corridor for the purpose of conducting inspections relative to this application. Any enquiries to the RIM are to be direct to: CRN.3rdpartyworks@jhq.com.au.

TfNSW requests that the applicant provide all relevant details of the development to enable the Consent Authority and TfNSW to understand the transport-impacts of the proposed development and to inform any relevant concurrences and/or conditions of consent required in making a determination.

Transport for NSW (TfNSW) Response

TfNSW has reviewed the referred information and provides the following comments to assist the consent authority in making a determination:

Consideration of Impacts on the Rail Corridor – West Tamworth to Barraba Line

The land to which the proposed development is related is Lot A DP 442930 (Land) being divided by the non-operational rail corridor from West Tamworth to Barraba. John Holland Rail (JHR) has been appointed as the Rail Infrastructure Manager since 15 January 2012 to manage the Country Regional Network (CRN). TfNSW, in consultation with JHR, has reviewed the subject development application.

On this note, the supporting documents have been reviewed in accordance with the:

- *State Environmental Planning Policy (Infrastructure) 2007*; and
- *Development Near Rail Corridors and Busy Roads – Interim Guideline (2008)*; and
- *TfNSW Construction of New Level Crossings Policy 2017*.

In accordance with Clause 84 of the *State Environmental Planning Policy (Infrastructure) 2007* the Consent Authority must obtain the concurrence of TfNSW for a new rail level crossing and such concurrence is considered in accordance with TfNSW [Construction of New Level Crossings Policy](#). Consideration must also be given to the rail-related provisions under Clauses 85 and 86.

TfNSW and JHR consider the development applicant does not provide sufficient detail to enable assessment against the relevant guidelines and/or inform the required statutory concurrence. In accordance with Clause 60 and “stop the clock” provisions of the *Environmental Planning & Assessment Regulations*, additional information is requested.

It is advised that the Consent Authority must “stop-the-clock” on the assessment of the subject application and requests the applicant submit additional information as listed under the heading “Assess across the Rail Corridor” in **Attachment B**. Advisory comments are also provided in **Attachment C** for information.

TfNSW and JHR will review all relevant additional information and make recommendations to inform conditions of consent when considering whether to or not to grant concurrence to the development crossing the rail corridor. For the avoidance of doubt, please note that this letter does not constitute a final concurrence from TfNSW in respect to the proposed access crossing the rail corridor.

Consideration of impacts on the Classified (State) Road – Manilla Road (MR83)

Manilla Road MR83 is a classified (State) road under the *Roads Act* and Tamworth Regional Council is the Roads Authority for all public roads (other than freeways or Crown roads) in the local government area pursuant to Section 7 of the *Roads Act*. TfNSW is the Roads Authority for freeways and can exercise roads authority functions for classified roads in accordance with the *Roads Act*. Any road works on a classified (State) road require the consent of TfNSW and consent is provided under the terms of a Works Authorisation Deed (WAD).

In accordance with Clause 101 of the *State Environmental Planning Policy (Infrastructure) 2007* the Consent Authority is to have consideration for the safety, efficiency and ongoing operation of the classified road as the development has frontage to a classified road. TfNSW is given the opportunity under Clause 104 to comment on traffic generating developments listed under

Schedule 3.

TfNSW provides comments under **Attachment D** to assist the Consent Authority in considering the road-related impacts of the proposed development.

Advice to the Consent Authority

TfNSW highlights that in determining the application under the *Environmental Planning and Assessment Act 1979*, it is the Consent Authority's responsibility to consider the environmental impacts of any road works which are ancillary to the development. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of project approval.

TfNSW requests the opportunity to comment on any additional information submitted in support of the application of relevant to rail and road related impacts.

If you have any further enquiries regarding the above comments please do not hesitate to contact the undersigned on (02) 6640 1362 or via email at: development.northern@rms.nsw.gov.au

Yours faithfully,



Matt Adams
Manager Land Use Assessment Northern
Regional NSW and Outer Metropolitan
Transport for NSW



Transport
for NSW

ATTACHMENT A – Owners Consent Letter (see over)



3 June 2020

Attention: Sam Lobsey & Anna La

General Manager
Tamworth Regional Council
PO Box 555
TAMWORTH NSW 2340

Your Ref: DA2020-0397

Dear Madam/Sir

**Owners Consent to Lodgement of Development Application
Development Application DA2020-0397 – Manilla Solar Farm
Lot A DP 442930; 4133 Manilla Road, Manilla
NSW Community Renewables (Manilla) Pty Ltd ATF NSW Community Renewables
(Manilla) Unit Trust C/- KDC Pty Ltd**

The land to which the Development Application DA2020-0397 – Manilla Solar Farm (the DA) is related is divided by the non-operational West Tamworth to Barraba line (Lot 2114 DP 1177944 and Lot 2115 DP 1177957) on the Country Regional Network (CRN).

Rail Corporation New South Wales (RailCorp) is the landowner of the CRN. Transport for NSW (TfNSW) has been appointed by RailCorp as its agent in relation to all matters on the CRN. Since 15 January 2012, John Holland Rail (JHR) has been appointed as the Rail Infrastructure Manager of the CRN.

This letter provides Owners Consent to the applicant of the DA, on behalf of the Minister for Regional Transport and Roads, to lodge the DA for the installation of a solar farm at 4133 Manilla Road, Manilla (Lot A DP 442930).

This letter **does not** constitute a determination in relation to the contents of the DA, nor concurrence of the rail authority. Council is referred to the TfNSW Response to the DA, specifically Attachments B and C, which outline requirements in relation to the rail corridor.

Yours sincerely

Lynelle Whitcombe
A/Senior Manager Property
Country Rail Contracts
Regional NSW and Outer Metropolitan
Transport for NSW (as agent for RailCorp)

Ph: 0468 521 864
E: Lynelle.Whitcombe@transport.nsw.gov.au

ATTACHMENT B – Additional information (Rail) requested for DA2020-0397

Access across the Rail Corridor

In order for JHR and TfNSW to assess the feasibility of a proposed new level crossing, the applicant must provide JHR and TfNSW with further information including, but not limited to:

- Evidence that the applicant has explored and exhausted all other options including grade separation;
- Evidence that the applicant has taken steps to consider all the possible alternatives to the new level crossing;
- Reasons as to why constructing of the new level crossing is unavoidable for the proposed development, having regard to the relevant provisions stipulated in the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) and TfNSW's *Construction of New Level Crossing Policy*;
- Information regarding the safety and operational impacts and/or benefits of the new level crossing;
- Details of all proposed works in and adjacent to the rail corridor including a strategic design drawing (2D);
- Identification of the proposed vehicular access treatment across the non-operational corridor and implementation of the proposed treatment should the rail corridor become operational during the life of the solar farm;
- Evidence of consultation with JHR in support of the proposed treatment.

It is noted that some of the information listed in the paragraph above, has been provided to JHR by the applicant.

Reason for requesting additional information:

The Statement of Environmental Effects (SEE), as a part of the development proposal, identifies construction of a site access road required to access the rail corridor, by referring to construction of an access over “*the disused railway*”. It also identifies the need to liaise with JHR regarding “*crossing railway easement*”. These statements are not correct, and must be clarified:

- the land to which the DA applies is Lot A DP 442930 which is divided by the non-operational (i.e. not disused) rail corridor from West Tamworth to Barraba;
- the applicant proposes to construct a new level crossing in the rail corridor as part of the construction of the site access road; and
- construction of a level crossing in the rail corridor would only be allowed by way of execution of a level crossing licence, not an easement.

The documents in support of the DA under CNR-7176 do not contain adequate information necessary for JHR and TfNSW to assess the proposed new crossing across the rail corridor. Such assessment is based upon two authorities, one of which is Construction of New Level Crossing Policy adopted by TfNSW, the other of which is Clauses 84(1)(a) and 84(2)(b)(iii) of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP).

The Construction of New Level Crossing Policy presents TfNSW's position that new level crossings are to be avoided wherever possible unless otherwise demonstrated by developers that all other options are exhausted, and that information regarding the safety and operational impacts and/or benefits of the proposed new crossings is provided. The ISEPP stipulates that the consent authority must not grant consent to development that involves a new level crossing without concurrence of the rail authority for the rail corridor and that the consent authority must consider the feasibility of alternative means of access to the development that does not involve use of level crossings.

ATTACHMENT C – Advisory Comments (Rail) on DA2020-0397

The following comments are provided in consultation with JHR, which is responsible for the operation and management of Country Regional Network (CRN) infrastructure. It must be noted that these comments may be updated upon the receipt of additional information from the applicant in addressing the intent of this letter.

Licence and Construction of new level crossing

In the event that conditional concurrence is granted for the provision of new level crossing in support of the proposed development, the applicant will be required to satisfy the conditions set out in the concurrence. The applicant should be advised of the procedure and requirements listed below which are envisaged to be followed post-DA consent:

- a. The applicant will be required to submit an application for the construction of the level crossing for JHR's endorsement and for TfNSW's approval.
- b. The applicant will be required to enter into an appropriate licence with Rail Corporation NSW (RailCorp) as the landowner of the CRN on terms suitable to RailCorp in relation thereto. The licence will relate to the works being performed on the rail corridor land and for the level crossing to remain on the land. Terms of the licence will include provisions which allow RailCorp to terminate the licence and remove the level crossing at any time, will require the licensee to pay an annual licence fee, obligates the licensee to comply with certain safety requirements specifically in relation to accessing the rail corridor to perform maintenance on the rail infrastructure (e.g. engaging rail protection officers). The licence may require the applicant to reinstate the rail corridor or upgrade to an active level crossing, should the rail corridor become operational during the lifetime of the solar farm. The licence will also require the applicant to hold relevant levels of insurance, bank guarantees.
- c. The applicant must bear the costs including but not limited to costs associated with obtaining approvals from TfNSW and RailCorp and complying with JHR's requirements.
- d. The applicant will be required to carry out the construction in compliant with JHR's Safety Management System.
- e. The works to be performed for construction of the level crossing are to be carried out in accordance with JHR's Engineering Standards as updated from time to time, once completed, a built-in data survey should be provided to JHR for its consideration.

Note: This letter (or any parts of its content) does (or do) not constitute an approval from JHR or TfNSW in respect of construction of the new level crossing.

Storm water management

The Guideline provides that discharge of storm water from a development during and after construction should be designed to ensure that no adverse effects will be had on the existing watercourse and drain infrastructure system.

The Statement of Environmental Effects (SEE) states that an on-site detention basin is proposed to be installed at the north-eastern corner of the development site to reduce post-development flows to align with the pre-development conditions on the site.

Although there is no concern with the aforementioned statement in principle, it is required that detailed information regarding the discharge from the hardstand and the detention basin should be provided to indicate that there will be no adverse impacts on the rail corridor.

Cranes and Equipment

Clause 85 of the ISEPP states that if the development involves the use of a crane in the air space above the rail corridor, the consent authority must take into consideration any response from the Rail Authority.

As referenced to the relevant standard and guideline (TfNSW Standard – External Developments T HR CI 12080ST and Department of Planning – Development near Rail Corridors and Busy Roads Interim Guidelines), it must be noted that cranes, concrete pumps or other equipment must not be used in airspace over the rail corridor when the equipment is in operation. When not in operation, cranes are permitted to ‘weathervane’ into the rail corridor subject to approval of the rail authority.

Noting that the current application does not contain information as to whether such equipment will be used, the applicant should be advised that in any subsequent applications whereby such equipment is required to be used in the air space over the rail corridor an application to JHR for RailCorp's approval must be submitted in advance. The applicant is welcome to contact JHR's Third party works team via CRN.3rdpartyworks@jhrg.com.au for more information in this regards.

Construction Impacts

It is noted that the current application includes construction and installation of various infrastructure on the Land which is located immediately adjacent to the rail corridor. As such, it is vital for TfNSW and JHR to be satisfied that the construction component of the proposed development does not have any adverse impacts on the rail corridor. A Risk Assessment/Management Plan and Safe Work Method Statements detailing any impacts on the rail corridor in respect of construction of infrastructure stated above, should be provided to JHR and TfNSW for review prior to any construction activities being carried out on-site.

ATTACHMENT D – Comments (road-related impact) on DA2020-0397

The following comments are provided to assist the Consent Authority in making a determination;

1. Lot A DP 442930 appears to have two existing physical access points to Manila Road and the development application proposes a third access driveway. TfNSW recommends that final property access arrangements be rationalised and consolidated to reduce the likelihood of vehicular conflict and resulting impacts on the safety and efficiency of the classified road.
2. The development application proposes a new connection to the classified road, however does not identify the proposed scope of works within the classified road reserve. The development application seeks environmental approval for the access works and to ensure that any conditioned works are reasonable and achievable, it is recommended the Consent Authority obtain a Strategic (2D) design drawing of the proposed works to demonstrate the scope, constructability and associated costs.

Any new access should be designed and constructed in accordance with the attached Rural Property Access for Articulated Vehicles. The driveway will require the approval of Council under Section 138 of the Roads Act 1993 and all works practically completed prior to the commencement of the construction phase of the development.

As the access is related to a commercial operation, it is recommended the Consent Authority require an Austroads basic right-turn (BAR) treatment at the solar farm access. The need for such treatment may be otherwise addressed where it can be demonstrated that conflict between vehicles entering and leaving the property can be managed in such a way as to minimise delay to any vehicles turning right into the site.

3. The traffic impacts arising from the construction, operational and decommission phases of the proposed development may be addressed by a Traffic Management Plan (TMP) including identifying procedures and behavioural mitigation measures to support the proposed development. Any TMP will need to be developed by a suitably qualified person in consultation with the relevant Roads Authorities and approved by the Consent Authority prior to the commencement of on-site construction activities.

Any TMP could include, but not necessarily be limited to, the following;

- Consideration for construction, operational and decommissioning phases.
- A weekly vehicle movement schedule identifying expected trip generation.
- Details of the site access location and an relevant road safety considerations,
- An induction process for on-site staff and visitors with regular toolbox meetings.
- A complaint resolution and disciplinary procedure.
- Any community consultation measures proposed for peak periods.

Any Traffic Control Plan/s (TCPs) to manage peak periods or events during the construction and decommission phases of the development. Any TCPs are to be certified and implemented by suitably qualified persons in accordance with RMS "*Traffic Control at Worksites Manual*".

TCPs will need to take into consideration the existing speed environment, safety of turning and peak hour traffic. A Road Occupancy Licence (ROL) must be obtained from TfNSW prior to the implementation of any traffic control on the classified road.

Any future roadwork on the classified (State) road will need to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and TfNSW Supplements.

The developer will be required to enter into a Works Authorisation Deed (WAD) with TfNSW for any roadwork deemed necessary on the classified (State) road. The developer will be responsible for all costs associated with the roadwork and administration for the WAD. It is recommended that developers familiarise themselves with the requirements of the WAD process. Further information regarding the WAD process is available on the TfNSW website and can be accessed via this [link](#).

Anna La
Development Hub Planner
Tamworth Regional Council
PO Box 555
TAMWORTH NSW 2340

Dear Ms La

DA2020-0397 at 4133 Manilla Road, Manilla (DA)

Thank you for your request via NSW Planning Portal (CNR-7176) on 3 May 2020 that seeks the concurrence of Transport for NSW (TfNSW) for Development Application DA2020-0397 in accordance with clauses 84, 85 and 86 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP). TfNSW is the rail authority for the rail corridors of the Country Regional Network (CRN) for purpose of the ISEPP.

Development involving access via level crossings

The land (Lot A DP 442930), to which the subject application (DA2020-0397) is related to, is traversed by the non-operational rail corridor from West Tamworth to Barraba. The DA seeks to construct a solar plant with a proposed access road connecting the parcels of land (parts of Lot A DP 442930) on both sides of the non-operational rail corridor and to be further connected with Manilla Road, which is the only street frontage available to the land. The applicant has provided a report, *Approval-in-Principal Request – Additional Considerations* dated 13 May 2020, that explores the need to develop and use a new level crossing.

In light of the above, it is considered that concurrence from TfNSW is required in accordance with clause 84 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP).

Protection of Country Regional Network

The DA includes construction and installation of various infrastructure on the land (Lot A DP 442930) that may impact on the non-operational rail corridor from West Tamworth to Barraba. It is vital for TfNSW to be satisfied that the construction component of the proposed development does not have any adverse impacts on the rail corridor having regard to the heads of consideration in accordance with clauses 85 and 86 of the ISEPP.

TfNSW has undertaken an assessment of the information provided in accordance with the provisions outlined in the ISEPP and has decided to grant concurrence to the development proposed in Development Application DA2020-0397. This concurrence is subject to Council imposing the conditions provided in **TAB A**.

Should Council choose not to impose the conditions provided in **TAB A**, then concurrence from TfNSW has not been granted to the Development Application DA2020-0397.

In the event that this Development Application is the subject of a Land and Environment Court appeal, Council's attention is drawn to Section 8.12 of the Environmental Planning and Assessment Act 1979, which requires Council to give notice of that appeal to a concurrence authority. TfNSW therefore requests that Council comply with these requirements should such an event occur.

If you require further clarification regarding this matter, please don't hesitate to contact Mark Ozinga, Principal Manager Land Use Planning and Development on 0439 489 298.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Geoff Cahill', with a stylized, flowing script.

Geoff Cahill

Director, Corridor Preservation
Customer Strategy and Technology
22/9/20

CD20/03575

TAB A – Required Conditions of Consent on DA2020-0397

Protection of TfNSW Infrastructure and Rail Operations

General Conditions

- The security of fencing along the rail corridor is essential to prevent unauthorised entry and ensure safety. In the event that the applicant requires to repair or replace the boundary fencing in order to suit its proposed development, the applicant will be required to repair or replace and maintain the boundary fencing during construction and operation in accordance with relevant engineering standards of John Holland Rail (JHR) who has been appointed to manage the Country Regional Network (CRN).
- Prior to repair and replacement of the boundary fence along the rail corridor, the applicant will be required to submit an application to JHR for its endorsement and for approval by Transport Asset Holding Entity (TAHE). A survey must be done by a registered surveyor to define the common boundary along the rail corridor and to obtain approval from TAHE as the landowner of the rail corridor to the definition of the common boundary.
- The applicant must submit an application to JHR for approval of TAHE prior to any use of cranes and equipment in the air space over the rail corridor.
- The applicant is required to provide a safety assessment of the works necessary for the development assessing any potential impact or intrusion on the Danger Zone (as defined in the JHR Network Rules and Procedures <http://www.jhrcrn.com.au/what-we-do/network-operations-access/network-rules-procedures-forms>) and that any works are undertaken by a qualified Protection Officer (as defined in the JHR Network Rules and Procedures <http://www.jhrcrn.com.au/what-we-do/network-operations-access/network-rules-procedures-forms>).
- The use of cranes and equipment must be in accordance with the AS 2550 series of Australian Standards, Cranes, Hoist and Winches, including AS2550 15-1994 Cranes – Safe Use - Concrete Placing Equipment.
- The design of lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare and reflectivity to the satisfaction of TfNSW and JHR.
- Access to the rail corridor is strictly prohibited unless otherwise permitted in writing during construction and operation. The applicant is required to ensure the design and/or location of the level crossing enable the landowner of Lot A DP442930 to access the western side of the Lot and no additional level crossing will be granted on this Lot for the Landowner.

Prior to the issue of the Construction Certificate

- Prior to the issue of any construction certificate involving works of penetration of ground to a depth of at least 2m below ground level (existing) on land in, above or adjacent to (within 25m measured horizontally) the relevant rail corridor, the applicant shall consult with JHR and/or TfNSW regarding the relevant documentation to be submitted and obtain written endorsement from JHR and or/TfNSW for the relevant construction stage. A summary report for the relevant construction stage shall also be provided to JHR and/or TfNSW to demonstrate that the submitted documentation has satisfied the relevant conditions. The Principal Certifying Authority (PCA) is not to issue the relevant Construction Certificate until receiving written confirmation from JHR and/or TfNSW that the relevant conditions have been complied with.

- Prior to issue of the first construction certificate, the applicant shall provide the following to JHR and/or TfNSW for review and endorsement:
 - Final geotechnical and structural report / drawings. Geotechnical reports should include any potential impact on the rail corridor;
 - Final construction methodology, including any staging of the works, with construction details pertaining to structural support during excavation or ground penetration;
 - Risk Assessment/Management Plan and Safe Work Method Statements detailing any impacts on the rail corridor in respect of the proposed development;
 - Details of the vibration and movement monitoring system that will be in place before excavation commences; and
 - Detailed survey plan.
- Prior to the issue of the relevant Construction Certificate, the applicant shall undertake a services search to establish the existence and location of any rail services and facilities. Persons performing the service search shall use equipment that will not have an impact on rail services and signalling. In the event rail services are identified within the subject development site or within close proximity to the development site, the applicant must discuss with JHR and/or TfNSW as to whether these services and facilities could be affected by the works proposed or if they are to be relocated or incorporated within the site.
- Prior to the issue of relevant construction certification, the applicant should provide to JHR and/or TfNSW with details of the discharge from the hardstand and the on-site detention basin for endorsement.
- Prior to issue of relevant Construction Certificate, the applicant is required to submit an application to install the boundary fences to JHR for its endorsement and for TfNSW's approval.
- Prior to the issue of the relevant Construction Certificate, the applicant shall liaise with JHR and/or TfNSW to ascertain its requirements in relation to the protection of TfNSW's infrastructure. The applicant is to submit to JHR all relevant documentation as requested by JHR and/or TfNSW and obtain written endorsement from JHR and/or TfNSW.

Prior to commencement of any construction activities on-site

- Prior to commencing works to construct the proposed access road that will require access through the rail corridor, the applicant must apply to JHR and enter into a licence agreement with TAHE as the landowner. Access to the rail corridor is prohibited at any time unless otherwise permitted in writing by TfNSW or its agent who manages the CRN.



25 September 2020

File No: NTH20/00128/02

Your Ref: DA2020-0397

The General Manager
Tamworth Regional Council
PO Box 555
TAMWORTH NSW 2340

Attention: Anna La – Development Hub Planner

Dear Sir / Madam,

**RE: Development Application DA2020-0397 – Manilla Solar Farm – Additional Information
Lot A DP 442930; 4133 Manilla Road, Manilla.**

I acknowledge the receipt of your online referral of 8 September 2020 requesting comments from Transport for NSW (TfNSW) in relation to the additional information for the abovementioned development proposal.

Roles and Responsibilities

From 1 December 2019, all functions and responsibilities of Roads and Maritime Services will now be vested in an integrated Transport for NSW (TfNSW). Our key interests are for the safety and efficiency of the transport network, the integrity of State infrastructure and the integration of land use and transport in accordance with *Future Transport Strategy 2056*.

Manilla Road [MR63] is a classified (State) road and Tamworth Regional Council is the Roads Authority for all public roads (other than freeways or Crown roads) in the local government area pursuant to Section 7 of the *Roads Act 1993*. TfNSW can exercise roads authority functions for classified roads in accordance with the Roads Act and any road works on a classified (State) road will require the consent of TfNSW subject to the terms of a Works Authorisation Deed (WAD).

Clause 84 of the *State Environmental Planning Policy (Infrastructure) 2007* (the SEPP) requires the concurrence of TfNSW prior to the Consent Authority granting consent to a development with respect to a rail corridor.

In accordance with Clause 101 of the SEPP the Consent Authority is to have consideration for the safety, efficiency and ongoing operation of the classified road as the development has frontage to a classified road. TfNSW is given the opportunity under Clause 104 to comment on traffic generating developments listed under Schedule 3.

Transport for NSW Response

TfNSW has reviewed the additional information and provides the following concurrence and supporting comments to assist the Consent Authority in making a determination;

Impact on Rail Corridor Land

TfNSW notes that the matters outlined in Attachments B and C of our letter dated 3 June 2020 have been addressed by the applicant. Please find enclosed **letter** dated 22 September 2020 providing concurrence, general conditions and requirements for accessing the rail corridor in accordance with the conditions outlined in **Tab A** attached to that letter.

Impacts on the Classified Road

The Traffic Impact Assessment (TIA) dated March 2020 and further additional information has not addressed the matters raised in Attachment D of our response dated 3 June 2020 regarding impacts on the safety, efficiency and ongoing operation of Manilla Road.

Notwithstanding, TfNSW reiterates the previous advice and recommendations regarding access design requirements and complimentary access management measures. Any conditions of consent should identify all works and any temporary management measures required to achieve safe access for each phase of the development and the applicable works authorisation process.

The Developer is to be responsible for remediating any construction-related impacts on Manilla Road, including impacts on highway pavement, shoulders and drainage structures. Council should impose conditions requiring the developer to remediate any damage on request of TfNSW.

General Advice

TfNSW would appreciate the opportunity to comment on any further information submitted in support of the development application with regard to transport-related impacts. On request, TfNSW can provide further feedback on any draft conditions of consent relating to access works, road works or supporting traffic management measures.

If you have any further enquiries regarding the above comments please do not hesitate to contact Matt Adams on (02) 6640 1362 or via email at: development.northern@rms.nsw.gov.au

Yours faithfully,



Matt Adams
Manager Land Use Assessment
Regional Customer Services Northern
Regional NSW and Outer Metropolitan
Transport for NSW



12 November 2020

File No: NTH20/00128/04
Your Ref: DA2020-0397

The General Manager
Tamworth Regional Council
PO Box 555
TAMWORTH NSW 2340
Attention: Anna La – Development Hub Planner

Dear Sir / Madam,

**RE: Development Application DA2020-0397 – Manilla Solar Farm – Additional Information
Lot A DP 442930; 4133 Manilla Road, Manilla.**

I acknowledge the receipt of your online referral of 23 October 2020 requesting further comment from Transport for NSW (TfNSW) in relation to additional information submitted for the abovementioned development application.

TfNSW responses of 25 September 2020 identified the relevant statutory considerations and works authorisation processes of relevance to the classified road and any development having frontage.

TfNSW has reviewed the additional information and provides the following comments to assist the consent authority in making a determination:

1. TfNSW understands that the two (2) existing property accesses are associated with the current rural use and will not be associated with the proposed use. The secondary access associated with cattle yards is not constructed to an acceptable standard to accommodate heavy vehicles. It is highlighted that each access to the classified road represents a conflict point and it is the property Owner's responsibility to maintain safe and efficient access to the classified (State) road for the current use. It is acknowledged that the proposed use will not be associated with the primary or secondary driveway, however a further driveway is typically not supported whilst existing accesses do not meet the relevant requirements.

TfNSW is willing to provide concurrence to the third property access driveway for the proposed use. However where the secondary property access is to be retained, then it must be upgraded to an appropriate standard to accommodate heavy vehicle movements. Alternatively, consideration could be given to establishing internal connections from the primary property access to service the use associated with the secondary access.

2. The applicant acknowledges the need for approval of the access, seeks deferral of details until an application is made under the Roads Act 1993, and proposes not to provide an Austroads basic right-turn BAR treatment.

TfNSW recommends that the Consent Authority condition the requirement for any new or upgraded access to be designed and constructed in accordance with the 'Rural Property Access for Articulated Vehicles' as identified in our most recent response.

Importantly, the Consent Authority should note that the Rural Property Access is not designed for two-way commercial traffic and that conflict between vehicles entering and exiting the site can generate delay to vehicles on the classified road, in a rural, high-speed environment. In the absence of details regarding the number and frequency of vehicles that will be accessing the property, the proposal to not to provide a right turn treatment holds a level of risk.

TfNSW further recommends that the Consent Authority require an approved Traffic Management Plan (TMP) to detail appropriate safety measures to minimise delay for vehicles entering the property and to effectively manage any project-related traffic needing to turn right into the site.

3. TfNSW acknowledges the applicant's acceptance of the need to prepare a TMP and request for inclusion as a condition of consent. TfNSW recommends that any condition requiring the preparation of the TMP also require that the TMP be approved by Council prior to commencing on-site construction and implementation of all measures in accordance with the approved document.

General Advice

Any road work required on the classified (State) road will need to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and TfNSW Supplements.

Any driveway works connecting to Manilla Road will require consent under the Section 138 of the *Roads Act 1993* subject to an application to Tamworth Regional Council and Council will obtain the concurrence of TfNSW prior to granting such approval.

Upon determination of the application it would be appreciated if the Consent Authority can forward a copy of the approval for our records. If you have any further enquiries regarding the above comments please do not hesitate to contact the undersigned on (02) 6640 1362 or via email at: development.northern@rms.nsw.gov.au

Yours faithfully,



Matt Adams
Manager Land Use Assessment
Regional Customer Services Northern
Regional and Outer Metropolitan
Transport for NSW

memo

REFERENCE: DA2020-0397

TO: Anna La

DATE: 09 June 2020

SUBJECT: DEVELOPMENT ENGINEERING CONDITIONS

DA NO.: DA2020-0397

APPLICANT: NSW Community Renewables (Manilla) Pty Ltd

PROPOSAL: Construction and use of a 5MW solar farm and associated infrastructure

LOCATION: Alexandrades 4133 Manilla Road MANILLA NSW 2346

In response to your memo dated 20/04/2020 requesting engineering comments on the above proposal, the following comments / conditions are provided:

Comments:

It is proposed that the solar farm will take its access off Manilla Road, via a new crossover and driveway at the far northern end of the site. The site is currently predominantly cleared grazing land. A disused railway reserve crosses the site. The earthworks mound remains in place, however the rail infrastructure has predominantly been removed. There is an existing watercourse, Greenhatch Creek, along the western boundary of the site.

Common with other solar farm proposals, the heaviest traffic impact will be during construction and establishment. The operational traffic is expected to be minimal.

Conditions:


Item	Proposed Condition
General Transport and Drainage Engineering Requirements	
1	The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents unless otherwise as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.
<i>Stormwater</i>	
2	<p>A stormwater servicing strategy for the development site shall be prepared and submitted to Council for approval in accordance with the requirements of Minimum Standards for Stormwater Drainage of Council's current version of Engineering Design Minimum Standards for Subdivisions and Developments Version 1 March 2019.</p> <p>The stormwater servicing strategy for this development must also include calculations and associated commentary for the following:-</p> <p>(i) Stormwater detention for the range of 1:1 to 1:100 year ARI events to reduce</p>

Item	Proposed Condition
	<p>the developed flows to predeveloped flows;</p> <p>(ii) Conveyance of flows from the lowpoint trapped between the access track and the railway embankment;</p> <p>(iii) Minor stormwater network including the conveyance and discharge to Greenhatch Creek;</p> <p>(iv) Q100 overland flow paths, and;</p> <p>(v) The potential impacts of flooding associated with Greenhatch Creek</p>
3	<p>Runoff from all hardstand and other impervious areas shall be captured on site and conveyed to the approved point of discharge in accordance with the current version of the Engineering Design Minimum Standards for Subdivisions and Developments Version 1 March 2019.</p>
4	<p>Additionally, the stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum:-</p> <p>(i) All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage;</p> <p>(ii) Temporary down pipes shall be connected as soon as the roof has been covered so as to not cause a nuisance to adjoining properties;</p> <p>(iii) All overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development. A system to prevent overland flows discharging onto adjoining properties shall be implemented.</p> <p>(iv) Any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted.</p>
5	<p>The approved point of discharge for the development site is defined as the existing Greenhatch Creek watercourse at the north western corner of the property.</p> <p>Advisory Note:</p> <p>Greenhatch Creek is a natural watercourse. Any works in the associated riparian zone will trigger the need for an NRAR Controlled Activity Permit.</p>
<i>Parking</i>	
6	<p>All parking areas, shall be designed to comply with Australian Standard 2890.1-2004 'Off-street car parking'</p>
<i>Vehicular Access and Egress</i>	
7	<p>A new rural access off Manilla Road shall be constructed in accordance with Council's Engineering Design Minimum Standards for Subdivisions and Developments Version 1 March 2019, at the location shown on the drawings provided with the Development Application and shall comply with the following:-</p>

Item	Proposed Condition
	<p>(i) The crossover be constructed in accordance with Council Standard Drawing number RD010 dated March 2019;</p> <p>(ii) The alignment of the vehicle crossover across the verge shall be at right angles to Manilla Road, and;</p> <p>(iii) The vehicle crossover shall be of adequate thickness to accommodate heavy vehicle loading.</p> <p>Advisory Note:</p> <p>The installation of the vehicle crossing is an approved structure in accordance with Section 138 of the Roads Act 1993. The ongoing maintenance and/or repair of the vehicle crossing is the responsibility of the adjoining owner in accordance with Section 142 of the Roads Act 1993.</p>
8	All internal driveways and parking areas to be constructed with a base course of adequate depth to accommodate heavy vehicle loading.
Prior to Issue of a Construction Certificate	
9	Section 138 approval from Council under the Roads Act 1993 is required to construct vehicle crossings for this development. Construction plans shall be provided to Council for approval.
10	Section 68 approval from Council under the Local Government Act 1993 to carry out stormwater works for this development is required. Detailed stormwater plans and calculations shall be provided to Council for approval.
11	Construction drawings for all internal access ways, parking areas and associated stormwater drainage collection, conveyance and detention infrastructure shall be submitted to Council for approval.
Prior to Commencement of Work	
12	The contractors engaged on the development shall maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.
13	Erosion and sediment control measures that will minimise damage to and avoid pollution of the environment shall be required for this development. An erosion and sediment control plan (ESCP) shall be prepared in accordance with the "Blue Book" Managing Urban Stormwater –Soils and Construction (Landcom 2004).
14	A Traffic Management Plan (TMP) detailing how movements in and out of the site during the construction will be adequately managed so as not to adversely impact the safe operation of the road network shall be submitted to Council for approval. This TMP shall consider both vehicular and pedestrian movements. Where the TMP is of a level of complexity that TCP's are required, the TCP's shall be prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3-2009 and the RMS current version of the "Traffic Control at Worksites"

Item	Proposed Condition
	manual.
During Construction	
<i>General</i>	
15	Erosion and sediment control measures in accordance with the approved ESCP are to be maintained by the developer at all times.
16	The approved Traffic Management Plan (inclusive of any resultant Pedestrian Management Plans and the Traffic Control Plans) shall be implemented and any associated barriers, signage and controls shall maintained in a functional state at all times.
17	The footpath and/or road reserve shall not be used for construction purposes or placing of building materials without prior written approval from Council. Approval will only be considered in extreme or highly constrained circumstances.
18	If the work involved in the construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the closure of a public place, approval from Council's Development Engineering Division is required.
19	Any damage caused to Council infrastructure in, on or under the road reserve as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.
20	Any spillage of materials onto Council infrastructure, as a result of delivery or handling for this development, must be removed as soon as practicable by the developer and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.
21	The Developer shall ensure that dust suppression is undertaken to ensure there is no visible dust emitted due to any works associated with the works associated with the development. This can be in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving in, out or within the development site does not cause a nuisance to surrounding properties.
22	<p>Work for this development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-</p> <p>Monday to Friday: 7.00am to 5.00pm;</p> <p>Saturday: 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;</p> <p>No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.</p>
23	The Developer shall be responsible to instruct and control his contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise

Item	Proposed Condition
	than between the hours detailed above.
Prior to Occupation	
24	For developments where allotment filling has been undertaken, a copy of the NATA testing authority certification for compliance to the requirements of AS2870.1 (as amended) – Residential Slabs and Footings – Construction shall be provided to Council.
25	All works as required by these conditions of consent shall be complete.
Continued Operations	
26	All vehicle movements into and out of the development site shall be in a forward direction.
27	To ensure that the required parking, loading/unloading facilities and associated driveways are able to function efficiently for their intended purpose, proposed parking area, service bays, truck docks, driveways, vehicular ramps and turning areas shall be maintained clear of obstruction and be used exclusively for their intended purpose. Under no circumstances are such areas to be used for the storage of goods or waste material.
28	The on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose.
29	The sealing of vehicle crossovers shall be maintained at all times.



Steve Brake
Manager, Development Engineering

Planning and Compliance Directorate

Phone: Ext. 5109

memo

REFERENCE: DA2020-0397

TO: Anna La

DATE: 01 May 2020

SUBJECT: DA2020-0397 Construction and use of a 5MW solar farm and associated infrastructure

Lot A DP 442930, Alexandrades 4133 Manilla Road MANILLA NSW 2346

In response to your memo dated 28/04/2020 6:29:37 PM, requesting comments on the above proposal, the following comments/conditions are provided:

- The removal of the hollow-bearing stag (tree) identified in the *Ecological Assessment* shall be conducted with a suitable qualified ecologist, or a member of a wildlife rescue organisation present.
- The removal of the hollow-bearing stag (tree) identified in the *Ecological Assessment* shall be compensated with the installation of five (5) nest boxes in the riparian habitat located on the western boundary of the lot (near the Greenhatch Creek).
- Provisions to mitigate water pollution, sediment run-off and erosion shall be implemented in accordance with the "Managing Urban Stormwater – Soils and Construction" published by the NSW Department of Housing ("The Blue Book")
- Aboriginal sites (HN-MA-A01 and HN-MA-A02, as per *Aboriginal Due Diligence Assessment Report*) shall be marked as no-entry zones on all construction plans. All on-site personnel are to be made aware of all aboriginal sites on the property and in the project area. During construction all aboriginal sites shall be demarcated with temporary fencing or visual markers.
- If any chemicals or substances are discovered during the development works that are identifiable as potentially poisonous and harmful to people, animals, or the environment Council's Environmental Health Officers must be notified and the development works in the area of discovery shall immediately cease until clearance is obtained by Council.
- If any chemical containers with unknown contents are discovered during the development works Council's Environmental Health Officers must be notified and the development works in the area of discovery shall immediately cease until clearance is obtained by Council.
- To mitigate the dust produced by the construction and operation of the development adequate control measures shall be implemented to reduce any adverse impacts on neighbouring properties. Control measures include, but are not limited to:
 - a. Neighbour notification five (5) days prior to material being handled or transported on site. This notification shall advise adjacent properties about potential air pollution and stipulate the date and time this may occur.
 - b. Dust suppression through water application
 - c. Material stockpiles shall remain effectively covered when not in use and when in transport.

- d. Meteorological conditions assessment. If the conditions are unfavourable for the suppression of dust, no dust-producing activities shall proceed.
- Any product used for dust mitigation or cleaning of the solar panels must be declared to the Council prior to use to ensure that no soil or ground water contamination risks are associated with the product.
- Any dielectric fluid must be managed to prevent contamination. Any spillage of this fluid must be recorded and notified to Council. In the event of a major spillage, the NSW Environmental Protection Agency must also be notified in regards to a pollution event.
- The Proponent shall store and handle all dangerous goods (as defined by the *Australian Dangerous Goods Code*) and combustible liquids, strictly in accordance with:
 - a. All relevant Australian Standards;
 - b. A minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - c. The EPA's *Environmental Protection Manual Technical Bulletin Bunding and Spill Management*. In the event of an inconsistency between requirements listed from A to C, the most stringent requirement shall prevail to the extent of the inconsistency.
- The Proponent shall ensure that all liquid and/or non-liquid waste generated on the site is assessed and classified in accordance with Waste Classification Guidelines (EPA, November 2014), or any future guideline that may supersede the document. If waste is removed from the site it shall only be directed to a waste management facility lawfully permitted to accept the material.
- The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing or disposal on the site.
- Any noise generated from the construction or the operation of the development shall not be intrusive or offensive as defined by the *Protection of the Environment Operations Act 1997*.
- A noise management plan shall be implemented to mitigate noise produced by construction activities. The plan shall detail preventative and reactive measures to reduce the impact of noise emissions, including but not limited to:
 - a. Noise barriers between construction activities and receivers
 - b. Minimising the simultaneous use of noisy plant
 - c. Implement a complaint procedure to address noise complaints in the first instance
 - d. Provide community consultation and notification for scheduled noisy activities, detailing the duration, nature of the noise and a complaint procedure
 - e. Plant shall be shut down when not in use
 - f. Signage shall be installed on all entrances to the site advising workers to minimise noise on and off site.
 - g. Provide toolbox meetings, training and education to drivers and contractors visiting the site during construction so they are aware of the location of noise sensitive receivers and to be cognisant of any noise generating activities

Alex Habilay
Trainee Environmental Health Officer