



Our ref: DOC21/127931

Your ref:

Murray Amos
Team Leader Planning
Moree Plains Shire Council
murray.amos@mpsc.nsw.gov.au

Dear Mr Amos

Tamworth Solar Project Country Road, Westdale – Biodiversity Development Assessment Report

Thank you for your email dated 10 February to the Biodiversity, Conservation and Science Directorate (BCS) requesting advice on the biodiversity development assessment report (BDAR) for the Tamworth Solar project located at Lot 211 DP 1069964 Country Road, Westdale.

BCS has reviewed the BDAR and considers that it adequately addresses our concerns raised in our correspondence to you dated 8 September 2020. BCS supports the mitigation measures presented in Table 7 of the BDAR. If consent is granted for the project, we recommend that you include an appropriate condition which describes the biodiversity credits that must be retired as a result of the proposal, and that those credits must be retired in accordance with the *Biodiversity Conservation Act 2016*.

If you require any further information regarding this matter, please contact Liz Mazzer, Conservation Planning Officer, via liz.mazzer@environment.nsw.gov.au or (02) 6883 5325.

Yours sincerely

A handwritten signature in purple ink that reads 'Renee Shepherd'.

Renee Shepherd
Acting Senior Team Leader Planning – North West
Biodiversity, Conservation and Science Directorate

26 February 2021



**Natural Resources
Access Regulator**

Contact: Natural Resources Access Regulator
Phone: 1800 633 362
Email: nrar.enquiries@nrar.nsw.gov.au

Our ref: IDAS1124860
Your ref: DA2020-0419

26 October 2020

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

Attention: Mitchell Gillogly

Uploaded to the ePlanning Portal

Dear Sir/Madam

Re: IDAS1124860 - Controlled Activity Approval Not Required
Dev Ref: DA2020-0419
Description: Construction and use of a 5MW solar PV Electricity Generation Plant and associated infrastructure
Location: Lot 211 DP 1069964 Country Road WESTDALE NSW

The Natural Resources Access Regulator (NRAR) has reviewed documents for the above development application and considers that, for the purposes of the Water Management Act 2000 (WM Act), a controlled activity approval is not required for the proposed works and no further assessment by this agency is necessary.

Controlled Activity Not Required

The proposed works are not located on waterfront land as defined by the WM Act - The mapped drainage line within proximity to the proposed works is not considered to be waterfront land as it does not exhibit bed, banks and/or fluvial geomorphic features.

Further information on controlled activity approvals under the WM Act can be obtained from NRAR's website: www.water.nsw.gov.au go to Water licensing > Approvals > Controlled activities.

Yours Sincerely

for
Alison Collaros
Manager Licensing & Approvals
Water Regulatory Operations
Natural Resources Access Regulator

Gillogly, Mitchell

From: Government Relations <government.relations@casa.gov.au>
Sent: Monday, 18 May 2020 11:39 AM
To: Gillogly, Mitchell
Cc: Government Relations
Subject: CASA Response GI20/385 - Tamworth Regional Council re Referral of DA2020-0419 - Lot 211 DP 1069964, Country Road, Westdale [SEC=OFFICIAL]

Categories: Need to Place on GRID

OFFICIAL

Dear Mr Gillogly

Thank you for your email below requesting comment from the Civil Aviation Safety Authority (CASA) on the South Tamworth Solar Farm at Westdale, NSW (DA2020-0419).

CASA has reviewed the proposal and agrees with the conclusions of the Reflective Glare Assessment report. CASA has no objection to the proposed development as presented.

I trust this information is of assistance.

Yours sincerely

Cathy Koch
Section Manager Corporate Reporting & Government Relations
CASA\Corporate Services Division
p: +61 2 6217 1527 / +61 447 518 751
e: Cathy.Koch@casa.gov.au

Aviation House, 16 Furzer Street, PHILLIP ACT 2606
GPO Box 2005, Canberra ACT 2601

www.casa.gov.au



From: Development and Approvals Lodgement <FileTransfer@tamworth.nsw.gov.au>
Sent: Tuesday, 28 April 2020 8:15 PM
To: Aerodromes <Aerodromes@casa.gov.au>
Cc: Government Relations <government.relations@casa.gov.au>
Subject: RMS: GI20/385 Referral of DA2020-0419 - Lot 211 DP 1069964, Country Road, Westdale (Tamworth Regional Council)

Good Evening,

Gillogly, Mitchell

From: Airport Developments <Airport.Developments@AirservicesAustralia.com>
Sent: Friday, 22 May 2020 2:44 PM
To: Faulkner, Amanda
Cc: Thorncroft, Matthew; Gillogly, Mitchell; 'Airspace.Protection@casa.gov.au'; 'Windebank, Matthew'
Subject: AIRSERVICES RESPONSE: YSTW-MA-010 - Solar farm, Lot 211 DP 1069964, Country Rd, Westdale [SEC=UNCLASSIFIED]

Categories: Need to Place on GRID

Hi Amanda,

I refer to your request for an Airservices assessment of the solar farm at Lot 211 DP 1069964, Country Rd, Westdale.

Communications/Navigation/Surveillance (CNS) Facilities

This proposal will not adversely impact the performance of Precision/Non-Precision Navigational Aids, HF/VHF Communications, A-SMGCS, Radar, PRM, ADS-B, WAM or Satellite/Links.

Air Traffic Control (ATC) Operations

ATC has no objection to this development on the condition that operational procedures for the solar farm ensure that " in any situation where the tilting action of the solar array is disabled, panels should not be left horizontal, but be left tilted to the east, with a minimum tilt angle of 10° or greater, during the months of September to April."

Airservices also recommend Tamworth Airport to confirm with airlines and other operators that the potential glare from this development will not adversely impact their operations at the airport.

Kind regards,

William Zhao

Advisor Airport Development

Tower Road, Melbourne Airport, Tullamarine VIC 3043

t 03 9339 2182

e airport.developments@airservicesaustralia.com



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From: Airport Developments
Sent: Friday, 8 May 2020 11:02 AM
To: Faulkner, Amanda <a.faulkner@tamworth.nsw.gov.au>
Cc: Thorncroft, Matthew <m.thorncroft@tamworth.nsw.gov.au>; Gillogly, Mitchell <m.gillogly@tamworth.nsw.gov.au>
Subject: YSTW-MA-010 - Solar farm, Lot 211 DP 1069964, Country Rd, Westdale [SEC=UNCLASSIFIED]

Hi Amanda,

Thank you for the confirmation. I have commenced the Airservices assessment, which takes approximately 3-6 weeks for completion.

Gillogly, Mitchell

From: Fiona Snape
Sent: Wednesday, 16 September 2020 11:39 AM
To: Gillogly, Mitchell
Subject: RE: Proposed Solar Farm - Scar Tree - Country Road, Westdale

Categories: Need to Place on GRID

Hello Mitch

It is recommended by our Sites Officer Christopher (Donny) Fermor that the Scar Tree is fenced off, Pruned back if necessary and in 12 months Donny would like to inspect the wellbeing of the tree.

Regards

-----Original Message-----

From: Gillogly, Mitchell <m.gillogly@tamworth.nsw.gov.au>
Sent: Tuesday, 8 September 2020 12:00 PM
To: Fiona Snape <fiona@tamworthlalc.com.au>
Subject: FW: Proposed Solar Farm - Scar Tree - Country Road, Westdale

Hi Fiona,

Have you had a chance to review the attachments in relation to the proposed Solar Farm at Country Road, Westdale (DA2020-0419)?

Regards

Mitch Gillogly | Team Leader - Development Assessment Planning and Compliance Tamworth Regional Council P O Box 555 Tamworth NSW 2340

P: 02 67675462

E: m.gillogly@tamworth.nsw.gov.au<mailto:m.purkiss@tamworth.nsw.gov.au>

Submit Large Documents

Here<<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffiletransfer.tamworth.nsw.gov.au%2Ffiledrop%2F~PfbJ7n&data=01%7C01%7C%7Ccb6a6ed4c0eb4d64fab108d7a0670339%7Cbb0f7126b1c54f3e8ca12b24f0f74620%7C0&sdata=4Do2zRqHnSFQooyAAc6S2uM56Jfj2LuEDZjFUQ12fLw%3D&reserved=0>>

(NB: your email will be sent to a Council group development email Inbox.

Please include as much information as necessary such as Application Numbers, Relevant Council Officer Names or nature of email in Subject Line and Message Section of the email to ensure your email is allocated to the right officer).

[cid:image006.jpg@01D5D2BA.9A6F40B0]<<https://aus01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.tamworth.nsw.gov.au%2Fdevelopmenthub&data=01%7C01%7C%7Ccb6a6ed4c0eb4d64fab108d7a0670339%7Cbb0f7126b1c54f3e8ca12b24f0f74620%7C0&sdata=sRecBkZ7zp1DjomnrGEqxj8tp6hJ0PSL%2B2LVqbUiJgQ%3D&reserved=0>>
~ [cid:image002.jpg@01D66EE3.ECE1F070] <<http://www.tcmf.com.au/>>

Gillogly, Mitchell

From: ConveyancingTeam <conveyancingteam@essentialenergy.com.au>
Sent: Friday, 5 March 2021 2:41 PM
To: Gillogly, Mitchell
Subject: Re: CNR-7103 / DA2020-0149 - Country Road, Westdale (Lot 211 DP1069964) 5MW solar PV electricity generation plant & associated infrastructure

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. Essential Energy has existing 11kV overhead powerlines located on the property:
 - a. The proposed improvements must be constructed outside the easement area, or, if there is no easement, then a minimum clearance of 10.0 metres from the centreline of the powerline to the nearest part of any structure must be maintained (minimum clearance area).
 - b. Any proposed vegetation or trees must not be planted in the easement area/minimum clearance area.
 - c. Access to the powerline must remain unhindered and be available 24 hours a day / 7 days a week. If fences etc are to cross the easement area/minimum clearance area, then gates must be installed or alternative access arranged, at the Applicant's expense. Essential Energy's approval to such fences and/or gates must be obtained prior to any works commencing.
4. Satisfactory arrangements are to be made with Essential Energy with respect to the proposed solar energy system which will form part of the development. It is the Applicant's responsibility to enter into the required Connection 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 the property and within close proximity of the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as *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

Follow us



From: NSW Planning <planning.apps@planning.nsw.gov.au>

Sent: Wednesday, 3 March 2021 12:55 PM

To: Fiona Duncan <fiona.duncan@essentialenergy.com.au>

Cc: ConveyancingTeam <conveyancingteam@essentialenergy.com.au>

Subject: Update: NSW Government concurrence and referral request CNR-7103(TAMWORTH REGIONAL COUNCIL)

WARNING: Do not click links or open attachments unless you recognise the source of the email and know the contents are safe.

Online Concurrence and Referral Service

planningportal.nsw.gov.au

The NSW Government consideration of an application DA2020-0419 at Lot 211 DP 1069964, Country Road, Westdale NSW has been assigned to you for assessment.

Gillogly, Mitchell

From: Thorncroft, Matthew
Sent: Tuesday, 23 February 2021 4:09 PM
To: Gillogly, Mitchell
Subject: RE: Referral to Tamworth Airport - Solar Farm - Country Road (DA2020-0419)

Mitchell,

As discussed the airport will have no operational concerns with the development as proposed.

The development will not impact the OLS.

The development does not propose a vertical gas efflux

The development location should be checked against *Mos 139 table 9.144 (2) Zone requirements for lighting*, as it may fall within zone C or D and require restrictions on vertical light spill at 3deg above horizontal.

The development is also clear of the approach path for the main runway 12L/30R and beyond the normal base turn point for parallel runway 12R/30R therefore is unlikely to affect circuit training aircraft.

Given the general acceptance of solar installations in the vicinity of airports and the lack of known reported issues with glare I propose no objection to the development as proposed.

Regards

Matt

Matthew Thorncroft

Airport Assets & Technical officer

P 02 67675547 | M 0418 438 545 | E m.thorncroft@tamworth.nsw.gov.au

437 Peel Street

PO Box 555 Tamworth NSW 2340

www.tamworth.nsw.gov.au



From: Gillogly, Mitchell
Sent: Tuesday, 23 February 2021 3:17 PM
To: Thorncroft, Matthew
Subject: FW: Referral to Tamworth Airport - Solar Farm - Country Road (DA2020-0419)

Hi Matt,

I just tried calling.

Can you please give me a call re my email below.

memo

REFERENCE: DA2021-0419

TO: Mitch Gillogly

DATE: 24 February 2021

SUBJECT: DEVELOPMENT ENGINEERING CONDITIONS

DA NO.: DA2020-0419

APPLICANT: DG Property Management Pty Ltd

PROPOSAL: Construction and Use of a 5MW Solar PV Electricity Generation Plant with associated infrastructure

LOCATION: Lot 211 DP 1069964, Kia Ora Country Road WESTDALE NSW 2340

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

Comments:

Country Road has been assessed and approved as a B-Double route. No further action is required in this respect.

Notwithstanding that Country Road is sealed, a dilapidation report will be required. Bond level still being reviewed within TRC. The bond however will be based on the standardised figure of \$4,000 per kilometre as agreed with Regional Services. The final length upon which the bond would be based is to be agreed, however it is likely that this will be the distance along Country Road between Oxley Highway and the proposed site access. This distance measures approximately 1.7km, resulting in a bond value of \$6,800.

It is understood that construction phase access to the site will be shared with the existing gravel pit. The ultimate site access is yet to be resolved, however operational phase traffic will be modest in any event. In order to protect the interest of other stakeholders (operators of the quarry) the distance upon which the performance bond is to be calculated may be extended to include the common section of the internal driveway.

Conditions:

Item	Proposed Condition
General Transport and Drainage Engineering Requirements	
1	The development shall 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.
Stormwater	
2	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. The stormwater servicing strategy for this development must also include

Item	Proposed Condition
	calculations and associated commentary for the following: (i) Stormwater from the driveway pavement shall be captured in appropriate gully pits and/or trench grates or other drainage structures as appropriate to the site. (ii) Stormwater from roofs shall be directed to appropriately sized eaves tanks with piped overflows directed to the approved point(s) of discharge. (iii) 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; (iv) Temporary down pipes shall be connected as soon as the roof has been covered so as to not cause a nuisance to adjoining properties; (v) 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 excess overland flows discharging onto adjoining properties shall be implemented. (vi) 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 shall be avoided. (vii) Only a single point of discharge is approved for managed flows.
3	The approved point of discharge for the development site is defined as downslope to the north east of the site, to be controlled as sheet flow.
<i>Transport, Parking and Structures in the Road Reserve</i>	
4	All internal driveways and parking areas shall be constructed with a base course of adequate depth to accommodate heavy vehicle loading.
5	To provide for the safety and security of employees and users of the facility, outdoor lighting in accordance with AS1158.3.1 Pedestrian Area (Category P) Lighting shall be provided to all off-street parking areas. The lighting installed must comply with AS4282 Control of Obtrusive Effects of Outdoor Lighting.
6	The new vehicle crossover, driveway and parking areas shall be constructed in accordance with Council's Engineering Design Minimum Standards for Subdivisions and Developments, at the location shown on the drawings provided with the Development Application and shall comply with the following:- (i) The alignment of the vehicle crossover across the verge shall be at right angles Country Road; (ii) The vehicle crossover shall have satisfactory clearance to any power pole or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the Developer's expense. (iii) The vehicle crossover shall be of adequate thickness to accommodate heavy vehicle loading. (iv) The vehicle crossover shall be provided with a two-coat bitumen seal. (v) The verge adjacent to either side of the vehicle crossover shall be established with turf and finished flush with the new vehicle crossover. <i>Advisory Note:</i> <i>The installation of the layback and vehicle crossing in the Mathews Street road reserve are approved structures 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.</i>

Item	Proposed Condition
Prior to Commencement of Work	
7	The contractors engaged on the development must 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.
8	Erosion and sediment control measures that will minimise damage to and avoid pollution of the environment are 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). THE ESCP is to be submitted to Council for approval and implemented prior to the commencement of any construction works.
9	A dilapidation survey of Country Rod shall be undertaken prior to commencement of construction. A Management plan for the ongoing maintenance of Country Road shall be agreed with Council prior to commencement of construction, with the objective of maintaining a suitable level of service for all users, and minimising dust and noise nuisance to adjoining landowners. <i>Advisory Note: The management plan shall include lodging a suitable performance bond with Council.</i>
10	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" manual.
Prior to Issue of a Construction Certificate (Building)	
11	Section 138 approval from Council under the Roads Act 1993 to construct vehicle crossings for this development. Construction plans shall be provided to Council for approval.
12	Approval from Council under Section 68 of the Local Government Act 1993 to carry out stormwater, plumbing and drainage works for this development is required. Detailed stormwater plans and calculations shall be provided to Council for approval.
During Construction	
<i>General</i>	
13	Erosion and sediment control measures in accordance with the approved ESCP are to be maintained by the developer at all times.
14	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 be maintained in a functional state at all times.
15	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.
16	If the work involved in the construction of the development is likely to cause

Item	Proposed Condition
	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 Infrastructure Planning Division is required.
17	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.
18	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.
19	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.
20	Work for this development shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:- Monday to Friday: 7.00am to 5.00pm; Saturday: 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm; No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.
21	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 than between the hours detailed above.
Prior to Occupation	
22	Notification being provided that satisfactory arrangements have been made with Telstra to ensure that telecommunications infrastructure is available for each lot in accordance with community expectations.
23	Notification being provided that satisfactory arrangements have been made with Essential Energy to ensure that electricity supply infrastructure is available for each lot in accordance with community expectations.
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	The serviceability vehicle crossovers and all vehicular parking areas are to be maintained at all times.
27	The on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose.
28	All vehicle movements into and out of the development site shall be in a forward direction.

Item	Proposed Condition
29	To ensure that the required parking, associated driveways and manoeuvring areas are able to function efficiently for their intended purpose, they shall be maintained clear of obstruction and be used exclusively for the purposes of car parking and vehicle access and under no circumstances are such areas to be used for the storage of goods construction materials or waste material.



Steve Brake
Manager, Development Engineering

Planning and Compliance Directorate

Phone: Ext. 5109