

From: ConveyancingTeam <conveyancingteam@essentialenergy.com.au>
Sent: Friday, 7 May 2021 11:15 AM
To: La, Anna
Subject: Referral Response from Essential Energy

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 properties should be complied with.
3. Satisfactory arrangements are to be made with Essential Energy with respect to the proposed solar farm 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.
4. In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the properties. Any activities within this location 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 properties encroach on the electricity infrastructure.
5. 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).
6. 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

Sent: Wednesday, 5 May 2021 1:49 PM

To: Fiona Duncan

Cc: ConveyancingTeam

Subject: Update: NSW Government concurrence and referral request CNR-18274(TAMWORTH REGIONAL COUNCIL)

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Online Concurrence and Referral Service

planningportal.nsw.gov.au

The NSW Government consideration of an application DA2021-0317 at 1599 NEW ENGLAND HIGHWAY KOOTINGAL 2352 has been assigned to you for assessment.

Please log into the [NSW Planning Portal](http://planningportal.nsw.gov.au) and use reference number CNR-18274 to action this request.

This email has been automatically sent through the NSW Planning Portal. Please do not reply to this message.

For more information or assistance, please visit the [NSW Planning portal](http://planningportal.nsw.gov.au) and view our [Frequently Asked Questions](#) or [Quick Reference Guides](#) . Alternatively, you can call our help line on 1300 305 695.

■



Our ref: DOC21/119267

Your ref: DA2021-0317

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

Dear Anna,

DA2021-0317 – Kootingal Solar Farm - 1599 New England Highway, Kootingal - (Lot 1 DP 328265 & Lot 97 DP 753841)

Thank you for your e-mail dated 18 February 2021 to the Biodiversity, Conservation and Science Directorate (BCS) of the Department of Planning, Industry and Environment seeking advice on the proposed Kootingal Solar Farm.

BCS has reviewed the Kootingal Solar Farm Biodiversity Assessment (Zenith Town Planning 2020) and Biodiversity Inspection Report (Red-gum Environmental Consulting 2021) and understands the project includes:

- a solar farm comprised of 12,100 solar modules installed in 140 rows (the solar panel array)
- two 3MW inverter stations connected via underground cables to an existing 11kV feeder line within the NSW electricity grid; and
- ancillary facilities, including a chain mesh security fence around the perimeter of the solar array, car parking, accessways and a materials laydown area

Category 1 – Exempt Land

It is recommended that the proponent undertake an assessment to determine if any areas on the subject site can be designated as Category 1 – Exempt Land. Clearing of native vegetation on land that meets the definition of Category 1 - Exempt Land does not require inclusion within area clearing calculations for the Biodiversity Offsets Scheme (BOS) threshold or assessment under the Biodiversity Assessment Method (BAM).

Entry Requirements for the Biodiversity Offsets Scheme

BCS recommends that the proponent be required to demonstrate that the proposal does not trigger the BOS. The Biodiversity Assessment estimates that the total disturbed footprint for the proposal would require the removal of approximately 0.18 hectares (ha) of vegetation. However, this area calculation does not consider key infrastructure components e.g. the solar array (approximately 10.65 ha). In addition, the Biodiversity Assessment has not adequately described the composition of the groundcover vegetation required to be cleared.

BCS's detailed comments and recommendations on the EIS are provided in **Attachments A and B**.

If you require any further information regarding this matter, please contact Ben Ellis, Senior Conservation Planning Officer, via ben.ellis@environment.nsw.gov.au or (02) 8275 1838.

Yours sincerely

A handwritten signature in black ink that reads "Samantha Wynn". The signature is written in a cursive, flowing style.

Samantha Wynn
Senior Team Leader, Planning North West
Biodiversity, Conservation and Science Directorate

10 March 2021

Attachment A – BCS's Recommendations

Attachment B – BCS's Detailed Comments

BCS's recommendations

Kootingal Solar Farm– Development Application

Recommendations

- 1.1. An assessment be conducted to determine whether any areas on the subject site can be designated as Category 1 – Exempt. Evidence must be provided to support areas designated as Category 1 – Exempt land.
- 2.1 The BOS threshold disturbance area calculation should be inclusive of all areas within the development footprint which will be subject to earthworks, infrastructure installation and heavy machinery movement.
- 3.1. Mapping of native vegetation extent within the subject site should be informed by ground truthing of vegetation composition and justified via systematic plot-based vegetation survey data.
- 3.2. The BOS threshold assessment should be revised to consider all species of native vegetation (in accordance with s.60(b) of LLS Act) within the project footprint, inclusive of groundcover vegetation.

BCS's detailed comments

Kootingal Solar Farm – Development Application

1. The Biodiversity Assessment should address whether the subject site contains Category 1 – Exempt Land

The Biodiversity Assessment does not appear to have considered whether the subject site contains any Category 1 – Exempt Land. Clearing of native vegetation on land that meets the definition of Category 1 - Exempt Land (under the *Local Land Services Act 2013* (LLS Act)) does not require inclusion within area clearing calculations for the BOS threshold or assessment under the BAM (s.6.8 (3) of the *Biodiversity Conservation Act 2016* (BC Act) and s.2.3.1.1 of the BAM).

The circumstances under which land is to be designated as Category 1 – Exempt and Category 2 – Regulated are set out in s.60H-60J of the LLS Act and cl.109-114 of the *Local Land Services Regulation 2014*. Additional information regarding criteria and methodology for assessment is available on the [Local Land Services](#) website and the [BCS accredited assessor information and resources](#) webpage.

The proponent should provide evidence to support and justify any designation of land categories for the subject site. Multiple pieces of evidence should be used to demonstrate a Category 1 designation, including:

- publicly available data sets on Sharing and Enabling Environmental Data (SEED) web map, such as:
 - 2017 landuse map, available at SEED 2017 landuse map
 - 2008 and 2011 woody extent layer available on SEED [2008 Woody extent](#) [2011 woody extent](#)
 - Category 2 – Sensitive and Category 2 – Vulnerable land from the [Native Vegetation Regulatory Map](#) (NVR Map)
- aerial photography
- landholder records of landuse (e.g. diaries, photos that show clearing or cropping activities).
- vegetation plot data from survey undertaken within the subject site

The published [NVR Map Method Statement](#) should be reviewed to determine how the above datasets can be best interrogated to support any identification of Category 1 – Exempt land. Where datasets/information provide contradictory information, caution should always be applied, and the land should be categorised as Category 2 – Regulated Land. The final land categorisation should be clearly justified by combining data from the list above and linking the results to the specific components of the land category definitions in the LLS Act.

It should be noted that a development on Category 1 land may involve other biodiversity impacts which would require assessment in a Biodiversity Development Assessment Report (BDAR) if they constitute a 'prescribed impact' (as listed in Clause 6.1 of the *Biodiversity Conservation Regulation 2017* (BC Reg)).

Recommendation

- 1.1. An assessment be conducted to determine whether any areas on the subject site can be designated as Category 1 – Exempt land. Evidence must be provided to support areas designated as Category 1 – Exempt land.

2. The Biodiversity Assessment should include all key infrastructure components and required disturbance activities within BOS threshold calculations

The Biodiversity Offsets Scheme (BOS) applies to local development (assessed under Part 4 of the *Environmental Planning and Assessment Act 1979*) that exceeds the BOS threshold or is likely to significantly affect threatened species based on the test of significance in section 7.3 of the *Biodiversity Conservation Act 2016* (BC Act) (i.e. the BOS entry requirements). As the approval authority Tamworth Regional Council must be satisfied that the BOS entry requirements have not been exceeded.

The *Biodiversity Conservation Regulation 2017* sets out the following thresholds for triggering the BOS:

- a.) whether the impacts occur on an area mapped on the Biodiversity Values (BV) Map published by the Environment Agency Head; and
- b.) whether the amount of native vegetation being cleared exceeds an area threshold

BCS confirms that the proposal does not impact on an area mapped on the current version of the BV Map (threshold (a) above). However, it remains unclear whether the area threshold for native vegetation clearing (in this case 1 hectare) has been exceeded (threshold (b) above).

The EIS for the project states that *“Approximately 1,044 square metres would need to be cleared to construct the 4 meter wide internal accessway plus approximately 800 square metres for the car parking and laydown areas. Total clearing would be less than 2,000 square metres, therefore, a biodiversity development assessment report (BDAR) is not required and it is not necessary to engage an accredited assessor to determine the offsets required to enable the project to proceed.”* Regarding the proposed solar panel array, it is stated that *“Supporting posts for panels will be pile-driven into the ground so there would be negligible disturbance of ground cover”*.

BCS considers that the total disturbance area calculation stated above does not account for all impacts required for the construction and operation of the solar farm. There will be direct impacts associated with installation of supporting posts for approximately 12,100 solar modules, this would involve the complete removal of the groundcover for each supporting post location. The Statement of Environmental Effects for the project also states that construction of the solar array will involve *“trenching which is required for cabling of each PV array/module to inverters and a substation. Other earthworks would be pile-driving to support module frames, and to enable the placement of concrete slabs and gravel accessways”*.

The earthworks, infrastructure installation and heavy machinery movement across the proposed solar array location would likely result in impact to vegetation (e.g. loss of groundcover within the project footprint) which must be included within the total disturbance area calculation.

Recommendation

- 2.1. The BOS threshold disturbance area calculation should be inclusive of all areas within the development footprint which will be subject to earthworks, infrastructure installation and heavy machinery movement.

3. The Biodiversity Assessment should consider all native vegetation present within the subject site, inclusive of groundcover vegetation and justify native vegetation extent mapping with plot data.

The identification and mapping of native vegetation extent within the subject site is primarily reliant on a regional vegetation mapping dataset and confined to patches of vegetation which contain an intact tree canopy. Limited ground truthing and assessment of vegetation composition has been undertaken to inform and refine the native vegetation extent mapping provided.

Proponents are expected to provide evidence to support assessments against the BOS thresholds. This should include systematic plot-based vegetation survey data which adequately samples the total disturbance area of the project's footprint and justifies the composition of vegetation proposed to be removed.

Section 9 of the Biodiversity Assessment states that native vegetation removal would be limited to a singular Eucalypt tree; however, other sections of the report state that the subject site contains native grasses. It should be noted that the BOS native vegetation clearing threshold applies to all species of native vegetation (in accordance with s.60(b) of LLS Act). This includes circumstances where the only native vegetation on all or part of the subject site is grasslands containing a mix of both native and exotic grass, herb and forb species.

Recommendations

- 3.1 Mapping of native vegetation extent within the subject site should be informed by ground truthing of vegetation composition and justified via systematic plot-based vegetation survey data.
- 3.2 The BOS threshold assessment should be revised to consider all species of native vegetation (in accordance with s.60(b) of LLS Act) within the project footprint, inclusive of groundcover vegetation.



Our ref: DOC21/792763

Your ref: DA2021-0317

Alice Elsley
Senior Development Assessment Planner
Tamworth Regional Council
a.elsley@tamworth.nsw.gov.au

Dear Alice,

Kootingal Solar Farm - Biodiversity Development Assessment Report

Thank you for your request dated 12 August 2021 to the Biodiversity Conservation and Science Directorate (BCS) seeking advice in relation to the proposed Kootingal Solar Farm.

BCS has reviewed the Biodiversity Development Assessment Report (BDAR) and are satisfied that our previous comments have been addressed.

We note that biodiversity impacts associated with the project have been calculated to be under the thresholds detailed within Section 9.2 of the Biodiversity Assessment Method (BAM) 2020. Thus, impacts to native vegetation within the site will not require offsetting.

Should you require further clarification please contact Ben Ellis, Senior Conservation Planning Officer, via ben.ellis@environment.nsw.gov.au or (02) 8275 1838.

Yours sincerely

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

Samantha Wynn
Senior Team Leader Planning North West
Biodiversity, Conservation and Science Directorate

13 September 2021



17 May 2021

File No: NTH21/00104/01 / A-24688
Your Ref: DA2021-0317 / CNR-18274

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

Attention: Anna La

Dear Anna,

**RE: Development Application, DA2021-0317 – Kootingal 5MW Solar Farm
Lot 1 DP 328265 and Lot 97 DP 753841, 1599 New England Highway, Kootingal**

I refer to your referral via the NSW Concurrence and Referrals Portal dated 21 April 2021 requesting comment from Transport for NSW (TfNSW) in relation to the abovementioned development application.

Roles and Responsibilities

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*.

New England Highway (HW9) 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 is the Roads Authority for freeways and can exercise roads authority functions for classified roads in accordance with the Roads Act.

In accordance with Cl. 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 Cl. 104 to comment on traffic generating developments listed under Schedule 3.

Transport for NSW Response

TfNSW notes that the Statement of Environmental Effects identifies that the proposed development is not a traffic generating development requiring referral to TfNSW for comment. However, TfNSW notes that Council has referred the application for comment and understands the development will generate peak traffic movements during construction.

TfNSW has reviewed the development application and provides the following comments to assist the Consent Authority in making a determination;

1. The supporting Traffic Assessment Report (TAR) dated 1 September 2020 does not provide a robust, reliable and complete assessment of the impacts of the proposed development on the surrounding road network, particularly with respect to the connection with the New England Highway. A number of the adopted assumptions are not sufficiently explained or justified.

TfNSW notes the following points for the Consent Authority's consideration:

- The TAR relies on published traffic data from a permanent count site located on the New England Highway approximately 25 kilometres away. No survey counts have been undertaken at the connection to the New England Highway. It is uncertain if the identified data reflects traffic demands on a typical day for the subject location. It is unclear if there is any variation in background distributions between the AM and PM periods, which is need to inform analysis of vehicles turning to/from the highway.
- The TAR refers to a survey conducted on the Private Access Road over a 10-minute period between 8am – 9am with a total of 21 light vehicle and 7 heavy vehicle movements. It is unclear if the observed movements are indicative of typical background traffic generated by the adjoining uses and limited discussion is provided to inform the analysis. Traffic sharing the proposed access arrangement is not clearly defined.
- The TAR identifies that projected traffic generation during the construction phase of the development will not exceed 30vtph (60 movements) and 50 vehicle trips per day (100 movements). Furthermore, traffic demands during the operational phase of the development are noted as being no more than two (2) vehicle trips in every 3 month period (4 movements). The origin, destination and peak distribution of these trips is not considered by the analysis.
- The TAR identifies that heavy vehicles movements during the construction phase will average 2 vtph (4 movements) and 5vtpd (10 movements), with all deliveries proposed outside of road network peak periods. The origin, destination and peak distribution of these trips is not considered by the analysis.
- Section 5.2 of the TAR recommends the site entry location be treated in accordance with the plan included in Appendix B and suggests the entry has sight distance as demonstrated by photos Appendix A. The plan mentioned does not identify the treatment at the connection to the New England Highway as shown in the photos.
- The TAR does not include an assessment of the Austroads turn treatment warrants or an assessment of road safety at the connection to the New England Highway. The analysis should consider existing pavement geometry and any works required to meeting the minimum requirements of the Austroads Guidelines.
- It is observed that vehicles turning in both directions from the New England Highway must slow down on the highway whilst exposed to through traffic in the 100k/h speed environment, which increases the risk of a rear-end collision. The width of the private access road does not appear to support two-way traffic and is likely to generate conflict between vehicles entering and leaving the New England Highway.
- It is noted that there has been two reported crashes in the subject location in the most recently reported 5 year period, one a rear-end crash occurring at a nearby intersection resulting in injuries to two persons.

The Consent Authority may wish to obtain further clarification of the abovementioned issues. Prior to any determination TfNSW recommends that the Consent Authority obtain 2D strategic drawings of any works to be conditioned on the New England Highway. Such drawing should include proposed pavement dimensions and swept path analysis for relevant design vehicles turning in each direction concurrently with other vehicles. The drawings should ideally be supported by a road safety assessment. Refer to the Austroads Guide to Traffic Management Part 12 (2020) for further details of the relevant considerations.

2. Section 5 of the TAR makes reference to a Traffic Management Plan does not identify relevant measures. It is recommended that the Consent Authority require the preparation and implementation of a Construction Traffic Management Plan (CTMP) inclusive of appropriate temporary management measures, monitoring and audit processes to manage the peak construction traffic demands. The CTMP should be prepared in consultation with TfNSW and be approved by Council prior to the commencement of construction. Any identified safety measures may be of relevance to the operational phase and be implemented over the life of the development. The CTMP should include a Driver Code of Conduct, inclusive of process for induction of relevant persons, regular tool box meetings, complaint and disciplinary procedures.
3. The site access to the public local road, internal manoeuvring, parking and servicing areas should be designed in accordance with the relevant parts of AS2890 and constructed to Council requirements. Council should be satisfied that heavy vehicles can safely enter and leave the site in a forward direction. Council may wish to obtain a complete swept path analysis to confirm heavy vehicles can exit the site in a forward direction. All loading and unloading of the service vehicles should be undertaken wholly within the site.

General Advice

All road works on New England Highway shall be designed and constructed in accordance with the relevant Austroads Guidelines, Australian Standards and related TfNSW Supplements.

For any road works deemed necessary on the New England Highway, the Developer will be required to enter into a 'Works Authorisation Deed' (WAD) with Transport for NSW, or other suitable arrangement as agreed to by TfNSW prior the commencement of construction. Where a WAD applies, a pre-qualified contractor will be required construct all road works to practical completion, as determined by TfNSW, prior to operation of the development. The developer will be responsible for the cost of works and the administration of the WAD process.

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 roadworks 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 would appreciate the opportunity to comment on any additional information submitted to Council and is available to inform any conditions of consent relating to the New England Highway. TfNSW would also appreciate a copy of the Notice of Determination for our records. If you have any questions regarding the above comments please contact Katrina Wade, Development Services Case Officer or the undersigned on (02) 6640 1362 or via email at: development.northern@transport.nsw.gov.au

Yours faithfully,



Matt Adams
Team Leader, Development Services
Community and Place | Region North
Regional & Outer Metropolitan
Transport for NSW

Transport for NSW

76 Victoria Street, Grafton, NSW 2460 | PO Box 576, Grafton NSW 2460
W transport.nsw.gov.au

Elsley, Alice

From: Katrina Wade <Katrina.WADE@transport.nsw.gov.au>
Sent: Tuesday, 19 October 2021 5:07 PM
To: Elsley, Alice
Subject: TfNSW Response - Draft Conditions review - RE: Kootingal Solar Farm - 1599 New England Highway - DE2021-0317 - (TfNSW reference: NTH21/00104/03)
Attachments: TfNSW Typical Rural Property Access Standards - May 2020.pdf

Good Afternoon Alice,

Thank you for the opportunity to meet with yourself and the TRC team to discuss the Kootingal Solar Farm Draft conditions.

As discussed, Matt and I have reviewed the Draft Conditions documentation and provide the following comment:

TfNSW notes, the Draft Conditions provided prior to the meeting on Friday, do not set out clear conditions or an expectation of what the minimum requirements an access needs to be designed to on a classified (State) road. With that in mind, TfNSW suggest Council consider the insertion of an additional advisory note (or similar), which makes reference to the *TfNSW Typical Rural Property Access Standards*, May 2020 drawing, (refer attached) which reflects the relevant requirements of the current Austroads Guidelines, Australian Standards and [TfNSW Supplements](#).

This advice would be relevant to B6, C6 and E8, in particular we note that B6 has an advisory note already in regard to Local Traffic Committee approvals.

Regards,

Katrina Wade

Katrina Wade
Development Services Case Officer
Community and Place | Region North
Regional & Outer Metropolitan Division
Transport for NSW

I work flexibly. Unless it suits you, I don't expect you to read or respond to my emails outside of your normal works hours.

T 02 6640 1362
M 0429 270 678
E development.northern@transport.nsw.gov.au
A Level 1, 76 Victoria Street, Grafton NSW 2460



From: Elsley, Alice <a.elsley@tamworth.nsw.gov.au>
Sent: Tuesday, 12 October 2021 4:47 PM
To: Katrina Wade <Katrina.WADE@transport.nsw.gov.au>
Cc: Gillogly, Mitchell <m.gillogly@tamworth.nsw.gov.au>; Development Northern <development.northern@transport.nsw.gov.au>; Matt Adams <Matt.ADAMS@transport.nsw.gov.au>; Brake, Steve <s.brake@tamworth.nsw.gov.au>; Lobsey, Sam <s.lobsey@tamworth.nsw.gov.au>
Subject: RE: Kootingal Solar Farm - 1599 New England Highway - DE2021-0317

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Hi Katrina,

We have developed a full draft of the consent conditions (see attached documents – relevant conditions have been highlighted in yellow).

Can we please arrange a Teams Meeting between yourself, Matt Adams and TRC sometime this week? Our availability is best on Thursday 14 October between 11am – 1pm if this suits yourself and Matt?

Thanks and regards,

Alice Elsley

Senior Development Assessment Planner
Planning and Compliance

P (02) 6767 5539 | E a.elsley@tamworth.nsw.gov.au

437 Peel Street
PO Box 555 Tamworth NSW 2340
www.tamworth.nsw.gov.au

From 1 July 2021 a number of applications previously made through TRC's Online Development Hub will be required to be made through the NSW Planning Portal. For information on what applications are moving please visit www.tamworth.nsw.gov.au/nswplanningportal



From: Katrina Wade <Katrina.WADE@transport.nsw.gov.au>

Sent: Monday, 27 September 2021 7:56 AM

To: Brake, Steve <s.brake@tamworth.nsw.gov.au>; Matt Adams <Matt.ADAMS@transport.nsw.gov.au>

Cc: Elsley, Alice <a.elsley@tamworth.nsw.gov.au>; Gillogly, Mitchell <m.gillogly@tamworth.nsw.gov.au>;

Development Northern <development.northern@transport.nsw.gov.au>

Subject: RE: Kootingal Solar Farm - 1599 New England Highway - DE2021-0317

Good Morning Steve,

A response was emailed to you on the 8th September 2021.
I have attached the response to this email.

Please don't hesitate to contact me if you have any queries about the comments provided then.

Regards,

Katrina Wade

Katrina Wade
Development Services Case Officer
Community and Place | Region North
Regional & Outer Metropolitan Division
Transport for NSW

I work flexibly. Unless it suits you, I don't expect you to read or respond to my emails outside of your normal work hours.

T 02 6640 1362

M 0429 270 678

E development.northern@transport.nsw.gov.au

A Level 1, 76 Victoria Street, Grafton NSW 2460



From: Brake, Steve [<mailto:s.brake@tamworth.nsw.gov.au>]

Sent: Monday, 27 September 2021 7:47 AM

To: Matt Adams <Matt.ADAMS@transport.nsw.gov.au>

Cc: Elsley, Alice <a.elsley@tamworth.nsw.gov.au>; Gillogly, Mitchell <m.gillogly@tamworth.nsw.gov.au>;

Development Northern <development.northern@transport.nsw.gov.au>; Katrina Wade

<Katrina.WADE@transport.nsw.gov.au>

Subject: RE: Kootingal Solar Farm - 1599 New England Highway - DE2021-0317

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G'day Matt,

Are we able to get a response to the item below. Our planners are under pressure to produce a report with recommended conditions for consideration by the Regional Panel.

Regards

Steve Brake

Manager Development Engineering

P 02 6767 5109 | M 0436 929 247 | E s.brake@tamworth.nsw.gov.au

437 Peel Street

PO Box 555 Tamworth NSW 2340

www.tamworth.nsw.gov.au

From 1 July 2021 a number of applications previously made through TRC's Online Development Hub will be required to be made through the NSW Planning Portal. For information on what applications are moving please visit www.tamworth.nsw.gov.au/nswplanningportal



From: Brake, Steve
Sent: Friday, 3 September 2021 8:54 AM
To: 'Matt Adams' <Matt.ADAMS@transport.nsw.gov.au>
Cc: Elsley, Alice <a.elsley@tamworth.nsw.gov.au>; Gillogly, Mitchell <m.gillogly@tamworth.nsw.gov.au>; Development Northern <development.northern@transport.nsw.gov.au>; Katrina Wade <Katrina.WADE@transport.nsw.gov.au>
Subject: RE: Kootingal Solar Farm - 1599 New England Highway - DE2021-0317

Thanks for the update.

Regards

Steve Brake

Manager Development Engineering

P 02 6767 5109 | **M** 0436 929 247 | **E** s.brake@tamworth.nsw.gov.au

437 Peel Street

PO Box 555 Tamworth NSW 2340

www.tamworth.nsw.gov.au

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From: Matt Adams <Matt.ADAMS@transport.nsw.gov.au>
Sent: Thursday, 2 September 2021 7:18 PM
To: Brake, Steve <s.brake@tamworth.nsw.gov.au>
Cc: Elsley, Alice <a.elsley@tamworth.nsw.gov.au>; Gillogly, Mitchell <m.gillogly@tamworth.nsw.gov.au>; Development Northern <development.northern@transport.nsw.gov.au>; Katrina Wade <Katrina.WADE@transport.nsw.gov.au>
Subject: RE: Kootingal Solar Farm - 1599 New England Highway - DE2021-0317

Hi Steve,

This item is currently with Katrina Wade from my team. Kat has assessed this development and the Court Street DA so is across recent discussions.

We expect to respond to Council next week. In the interim, reach out if you need to discuss anything with Kat and we will do same if we have questions.

Note I am on leave tomorrow and Monday.

Thanks

Matt Adams

Team Leader, Development Services
Community and Place | Region North

From: Brake, Steve [<mailto:s.brake@tamworth.nsw.gov.au>]
Sent: Thursday, 2 September 2021 2:39 PM
To: Development Northern <development.northern@transport.nsw.gov.au>
Cc: Matt Adams <Matt.ADAMS@transport.nsw.gov.au>; Elsley, Alice <a.elsley@tamworth.nsw.gov.au>; Gillogly, Mitchell <m.gillogly@tamworth.nsw.gov.au>
Subject: RE: Kootingal Solar Farm - 1599 New England Highway - DE2021-0317

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G'day Team,

Hoping you have had a chance (or will soon have some time) to review the item below.

I think Alex Manners (now no longer with us) had a similar suite of draft conditions with you for comment – for the Fuel station in Manilla. They were very similar in terms of wording. It would perhaps be opportune to look at them together.

Regards

Steve Brake

Manager Development Engineering

P 02 6767 5109 | M 0436 929 247 | E s.brake@tamworth.nsw.gov.au

437 Peel Street

PO Box 555 Tamworth NSW 2340

www.tamworth.nsw.gov.au

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From: Brake, Steve
Sent: Tuesday, 17 August 2021 10:40 AM
To: 'development.northern@rms.nsw.gov.au' <development.northern@rms.nsw.gov.au>
Cc: 'Matt.ADAMS@transport.nsw.gov.au' <Matt.ADAMS@transport.nsw.gov.au>; Elsley, Alice <a.elsley@tamworth.nsw.gov.au>; Gillogly, Mitchell <m.gillogly@tamworth.nsw.gov.au>
Subject: Kootingal Solar Farm - 1599 New England Highway - DE2021-0317

G'day Matt and Katrina,

You previously provide a response to the Traffic Assessment Report (TAR) lodged in support of the DA for the proposed 5MW Kootingal Solar Farm.

The consultants have submitted and updated TAR (copy attached). The assessment is still well and truly short of the mark, despite prompting from TfNSW an TRC as to the shortcomings of the original assessment.

Based on advice from Matt (following my unsolicited “rant” on Friday afternoon), I have drafted a suite of conditions that I propose to pass on to our planners for inclusion in any DA recommendations. The basis of the conditions is as follows:

- The original TAR submission did not identify expressly that the proposal to use Council’s existing track to the immediate north of the site is for the establishment and decommissioning phases only. It has now been clarified that the operational phase access will be via the existing track on Lot 1 DP 328265, and that this forms a part of the lease agreement with the landowner.
- With regards to use of the existing Council track for construction and decommissioning access, it is noted that there is a letter from TRC’s Water and Waste Directorate indicating support in principle, and nominating conditions upon which the proposal is supported. There will be a requirement for the proponent to enter into an associated legal agreement with TRC.
- The original TAR assessment completely omitted any analysis of the entry into Council’s access track off New England Highway (as noted by TfNSW in their 5th, sixth and seventh bullet points on page 2 of your initial response). It is noted that TfNSW has upgraded the formation of the highway in recent months. I have attached some scanned photographs (taken 30/06/2021). I provide the following comments:
 - The proposal is to access the site via Councils existing track for construction and materials delivery. Vehicles up to 26m B-Double format have been nominated.
 - TfNSW has requested supporting logic and confirmation of the vehicle numbers. The reported number of B-Double vehicle trips in the original TAR is quite modest. 45 total truck deliveries (i.e. 90 total vehicle movements) was forecast. The updated TAR shrinks this number to 13 total deliveries to site. This is difficult to reconcile, and is entirely inconsistent with advice received in relation to other similar developments. The numbers completely ignore all other deliveries and activity, including raw materials for siteworks and access tracks, stormwater drainage infrastructure, construction plant arriving and demobilising, fencing supplies and the like.
 - Notwithstanding, given the modest number of vehicle trips and the finite nature of the establishment phase, significant intersection works at the interface of the access track with New England Highway would be difficult to justify, and would essentially be redundant, post construction. Irrespective of which direction these deliveries arrive, the B-Double’s will need to stop and prop on the highway in order to access the existing track. Given the lack deceleration and passing lanes on the highway it would be appropriate to nominate a construction protocol that includes suitable safety measures (perhaps escort vehicles from a suitable staging point either side of the site) via a Traffic Control Plan (TCP).
- The assessment of highway capacity in the updated TAR is all wrong. They have used one-lane flows and related them to two-directional regional roadway capacities. It is all kinds of wrong. The consultants have not addressed the operation of the existing access track (slated for establishment / construction access activities) with New England Highway. Nor have they addressed the format and operation of the existing farm access (slated for ongoing operational access). I have attached my own “warrants” assessment for the existing TRC access track – noting that these figures only apply during the establishment phase.
- Given the recent TfNSW construction works on New England Highway, there is now more sealed shoulder available than was previously the case. I am of the opinion that (save for the farm access) there is sufficient space for general traffic to slip past decelerating and turning vehicles. The situation can be further controlled by managing the site activities so that the site access and the peak movements on the Highway do not coincide. (My attached assessment assumes that the peaks do in fact coincide).

In that light, I propose the following conditions:

Prior to Works Commencing:

1. Before the commencement of any works, a Traffic Management Plan (TMP) shall be prepared and submitted to Council for approval. The (TMP) shall detail how movements in and out of the site during the construction and operational phases of the development will be adequately managed so as not to adversely impact the safe operation of the road network.
2. Where the TMP for the construction phase is of a level of complexity that Traffic Control Plans (TCP's) are required, the TCP's shall be prepared by a person with applicable certification in accordance with AS1742.3-2009 and the current version of the "Traffic Control at Worksites" manual. Concurrence to the approval from Transport for NSW (TfNSW) must be obtained for elements of the TCP's that impact on the classified road servicing this development.
3. Where upgrades to existing access points associated with the construction phase of the development are warranted, approval from Council pursuant to Section 138 of the Roads Act 1993 from Council will be required. Detailed construction plans shall be prepared and submitted to Council for approval. A Works Authorisation Deed (WAD), Road Occupation Licence (ROL), concurrence to the approval under Section 138 of the Roads Act, or other agreement from Transport for NSW (TfNSW) must be obtained for works within the classified road reserve adjacent to this development.
4. Evidence of lease or other form of agreement for access over the nominated construction access track shall be provided, to Council's satisfaction.

Prior to OC:

5. Traffic Management Plan (TMP) shall be prepared and submitted to Council for approval. The (TMP) shall detail how movements in and out of the site during the operational phase will be adequately managed so as not to adversely impact the safe operation of the road network.
6. Where upgrades to existing access points associated with the operational phase of the development are warranted, approval from Council pursuant to Section 138 of the Roads Act 1993 from Council will be required. Detailed construction plans shall be prepared and submitted to Council for approval. A Works Authorisation Deed (WAD), Road Occupation Licence (ROL), concurrence to the approval under Section 138 of the Roads Act, or other agreement from Transport for NSW (TfNSW) must be obtained for works within the classified road reserve adjacent to this development.
7. Evidence of lease or other form of agreement for access over the nominated operational phase access track shall be provided, to Council's satisfaction.

I would be grateful if you could review these draft conditions, and comment / provide feedback as appropriate.

I note that I have taken the approach of avoiding specific upgrade requirements (BAL / CHR etc.). That can be effectively kicked down the road. However, in fairness to the Panel and the applicant, I intend to foreshadow these likely outcomes in the assessment report (together with a critique of the TAR that was submitted in support of the DA application).

Regards

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From 1 July 2021 a number of applications previously made through TRC's Online Development Hub will be required to be made through the NSW Planning Portal. For information on what applications are moving please visit www.tamworth.nsw.gov.au/nswplanningportal



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