



Transport
for NSW

7/04/2022

WST19/00146/04 | SF2019/129237

General Manager
Mid-Western Regional Council
64 Market Street
Mudgee
NSW 2850

Attention: Kayla Robson

Dear Ms Robson

DA0288/2019: 3B Sydney Road, Burrundulla- Solar Farm- Review of determination (s8.3)

Thank you for referring the review of determination (s8.3) to TfNSW for review on the 8 February 2022 via the NSW Planning Portal.

It is noted that the review of determination (s8.3) proposes the following amendments to the original development application:

- The location of a selection of the panels on the East of the site have been relocated to the South-West of the site. These panels have been relocated to reduce the visual impact of the solar farm from nearby receptors.
- The landscape plans have been amended to incorporate increased landscaping to mitigate the visual impact of the nearby receptors effectively.

The review of determination does not identify changes to the traffic generation or access arrangements and therefore the previous response provided by TfNSW on the 3 November 2020 (see separate attachment) remains applicable.

If you wish to discuss this matter further, please contact Alexandra Power on 02 6861 1428 or email development.western@transport.nsw.gov.au.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Alexandra Power'.

Alexandra Power
Team Leader Development Services
Development Services West
Regional and Outer Metropolitan

OUT22/1986

The General Manager
Mid-Western Regional Council
PO Box 157
MUDGEE NSW 2850

Attention : Kayla Robson, Planning Coordinator

Dear Ms Robson

Section 8.5 Review of Determination of DA0288/2019 for Burrundulla Mini Sustainable Energy Park (Mid –Western Regional Council) – CNR-35157

Thank you for your notification dated 8 February 2022 regarding the review of determination of DA0288/2019 for the Burrundulla Mini Sustainable Energy Park.

The NSW Department of Primary Industries (DPI) Agriculture is committed to the protection and growth of agricultural industries, and the land and resources upon which these industries depend.

DPI Agriculture understands that Council is seeking advice with respect to matters it should consider in the review of the determination and the new information submitted. Council, as the consent authority, is responsible for assessment and determination of the application. While DPI Agriculture has no statutory role in this process, we have undertaken a review of this updated information, and offer the following advice.

DPI Agriculture provided advice on the original development application in its letter of 21 January 2020. That letter noted that an agricultural impact assessment would normally be required to enable the assessment of the impact of the proposal on agriculture.

The proposed development is located on land mapped as Land and Soil Capability Class 3 potentially making it a significant contributor to the Mid-Western Regional Council agricultural economy and supply chains.

I understand that the review of the application has not included any additional assessment of the potential impacts of the proposed development on agricultural production in the locality.

DPI Agriculture suggests that should Council determine to approve the application then the following could be included as requirements of conditions of consent.

As grazing has been identified as a potential use to complement the solar energy infrastructure a ground cover management plan should be prepared prior to construction commencing. Maintaining ground cover over the life of the project and undertaking appropriate weed management is necessary for good environmental and land management outcomes. A ground cover management plan should determine the appropriate perennial species required to support grazing and maximise permanent ground cover. The ability to maintain a ground cover of at least 70% should be demonstrated and establishment should occur within 3 months of the completion of construction.

Appropriate erosion and sediment control measures should be implemented during construction and post construction until any disturbed areas of the site have been stabilised to Council's satisfaction or in accordance with the ground cover management plan.

Details of how the proposed development will manage stock on the site, such as fencing, access to water and loading and transport infrastructure should be provided prior to construction.

DPI Agriculture supports the commitment to remove all infrastructure from the site at the end of the solar development's life. The decommissioning plan should outline the rehabilitation objectives and strategies to achieve these objectives. This includes, but is not limited to, describing the design criteria of the final land use and landform, indicators to be used to guide the return of the land back to agricultural production, along with the anticipated timing for the rehabilitation program. Monitoring and mitigation measures should also be included as part of this plan. This will further ensure the land can be fully returned to various agricultural activities.

To ensure that decommissioning achieves the goal of returning the land to its current or better condition it is suggested that a soil survey be undertaken for the site prior to construction. The soil survey should:

- identify the soil type, fertility and land and soil capability.
- describe the current and potential agricultural productivity including the use of the land over the last 10 years of the site, and information on nearby agricultural land uses.
- use the following references to inform the survey:
 - Australian Soil and Land Survey Handbook (CSIRO, 2009)
 - Guidelines for Surveying Soil and Land Resources (CSIRO, 2008)
 - The land and soil capability assessment scheme: second approximation (OEH, 2012).

Should you require clarification on any of the information contained in this response, please contact Mary Kovac, Agricultural Land Use Planning Officer on 0427 949 987 or by email at landuse.ag@dpi.nsw.gov.au

Yours sincerely

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

24/2/22

Paul Garnett

A/Manager Agricultural Land Use Planning



NSW RURAL FIRE SERVICE

Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850

Your reference: (CNR-35157) RVA0002/2022
Our reference: DA20220209002651-Original-1

ATTENTION: Kayla Robson

Date: Sunday 27 February 2022

Dear Sir/Madam,

Development Application

s4.14 - Other - Electricity Generating Works

Review of Determination - 3B Sydney Road Mudgee NSW 2850, 6//DP1069441

I refer to your correspondence regarding the above proposal which was received by the NSW Rural Fire Service on 08/02/2022.

The NSW Rural Fire Service has no objection to the proposed development proceeding, subject to the following conditions being satisfied from section 8.3.5 of *Planning for Bush Fire Protection 2019*:

Wind and Solar Farms

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

To ensure that the proposed solar farm is provided with adequate clearances to combustible vegetation, firefighting access and water supplies the following must be provided:

1. A minimum 10m asset protection zone (APZ), maintained to the standard of an inner protection area (IPA) must be provided around the proposed structures in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.
2. Access roads and access to power or other services to the site and associated fencing must comply with Table 7.4a of *Planning for Bush Fire Protection 2019*.
3. The provision of water electricity and gas must comply with Table 7.4a of *Planning for Bush Fire Protection 2019*:
 - A 20,000 litre static water supply (SWS) must be provided on site located within the IPA or non-hazard side and away from the structure;
 - unobstructed access is to be provided within 4 metres of the SWS must be provided at all times;
 - a connection for firefighting purposes 65mm Storz outlet with a ball valve is fitted to the outlet;
 - ball valve and pipes are adequate for water flow and are metal;
 - supply pipes from tank to ball valve have the same bore size to ensure flow volume;
 - underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank and a hardened ground surface for truck access is supplied within 4m;
 - underground tanks are clearly marked;

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

- above-ground tanks are manufactured from concrete or metal;
 - raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber (see Appendix F of AS 3959-2018);
 - tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters;
 - all exposed water pipes external to the building are metal, including any fittings;
 - where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack; any hose and reel for firefighting connected to the pump must be 19mm internal diameter; and
 - fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005
4. A Bush Fire Emergency Management and Operations Plan must be prepared that addresses the following:
- appropriate bush fire emergency management planning
 - notification of the local NSW RFS Fire Control Centre for any works that have the potential to ignite surrounding vegetation, proposed to be carried out during a bush-fire fire danger period to ensure weather conditions are appropriate; and
 - storage and maintenance of fuels and other flammable materials;
 - availability of fire-suppression equipment, access and water;
 - work that should not be carried out during total fire bans;
 - detailed measures to prevent or mitigate fires igniting;

For any queries regarding this correspondence, please contact Adam Small on 1300 NSW RFS.

Yours sincerely,

Alastair Patton

**Supervisor Development Assessment & Plan
Built & Natural Environment**

Fiona Duncan

From: Fiona Duncan
Sent: Tuesday, 22 March 2022 10:57 AM
To: 'council@midwestern.nsw.gov.au'
Subject: Re: CNR-35157 / RVA0002/2002 - 3B Sydney Road, Mudgee (6/1069441) Electricity generating works - 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 makes the following comments as to potential safety risks arising from the proposed development:

1. The proposal and any associated works/structures must be clear of the 22kV powerline and easement / clearance zone.
2. Minimum safety clearance requirements are to be maintained at all times for the proposed road/access, as such access passes under Essential Energy's existing overhead powerlines located on the property. The access must comply with clearances for trafficable land, ground clearances must be maintained. Refer Essential Energy's policy *CEOM7106.25 Minimum Clearance Requirements for NSW* and refer the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.
3. Any proposed landscaping/vegetation must remain clear of the 20.0 metre easement / clearance zone.
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 Agreement/s 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. The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to the proposal in accordance with industry standards.

Essential Energy also 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/easements in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
3. 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 *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.

4. 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).
5. 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: ConveyancingTeam
Sent: Wednesday, 2 March 2022 5:15 PM
To: 'council@midwestern.nsw.gov.au'
Subject: Re: CNR-35157 / RVA0002/2002 - 3B Sydney Road, Mudgee

Dear Sir/Madam,

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

Essential Energy notes that existing overhead powerlines, underground powerlines and easement are impacted by the proposed development.

Due to safety concerns, I have referred this proposal to Essential Energy's technical officer for review.

I shall respond to Council as soon as I can.

Council's and the Applicant's attention is also drawn to Section 49 *Electricity Supply Act 1995* (NSW). Relevantly, Essential Energy may require structures or things that could either destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or risk to public safety, to be modified or removed.

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

Regards

Fiona Duncan
Conveyancing Officer
Legal & Conveyancing
Governance & Corporate Services