

Attn: Pamela Morales
Department of Planning and Environment
Planning and Assessment
4 Parramatta Square, 12 Darcy Street
PARRAMATTA NSW 2124

Email: pamela.morales@planning.nsw.gov.au

Dear Pamela,

TANGARATTA FEEDMILL (SSD-58801472) – TAMWORTH REGIONAL COUNCIL RESPONSE TO REQUEST FOR INPUT INTO SEARS

I refer to your correspondence received on 30 May 2023 requesting Council's input into the draft Secretary's Environmental Assessment Requirements (SEARs) for the proposed Tangaratta Feedmill, which will also include construction and operation of a new feedmill and decommissioning of the existing mill. The following advices are provided for your consideration:

Public Consultation

- The Environmental Impact Statement (EIS) should be publicly displayed at Council's administration office, being 474 Peel Street, TAMWORTH NSW 2340;
- All documents accompanying the application, including the EIS and supporting technical studies, should be provided in electronic format so that the information can be readily distributed to the public; and,
- The EIS should also detail the outcomes of the preliminary engagement process with nearby residential receptors and document how any concerns raised during that process have been addressed.

Social Impact

- As mentioned in the scoping report, a Social Impact Assessment (SIA) must be conducted to ensure different sections of the community (e.g. adjoining neighbours and wider community, different workforce sectors), all landowners and other key stakeholders are appropriately consulted prior to the lodgement of the application. It must also include details on the impact on housing market, demographics, and transport and traffic during the different phases of the project development.

Residential Receptors

- As identified in the Scoping report identifies that there are non-project related residences within 1km of the site. In this regard, it is important that the EIS adequately considers all potential impacts on residential receptors, including but not limited to, noise, traffic, visual, hazards, dust and cumulative impacts.
- The EIS should also clearly describe any proposed mitigation measures for likely negative impacts on the residential receptors and the likely effectiveness of such measures.

Decommissioning of Existing Mill

- Clarification and details on the decommissioning of the existing mill is required to be addressed. In this regard, the EIS should clarify on the decommissioning plan of the existing mill and a detailed Life Cycle Analysis of the proposed mill.
- In an instance the existing mill is retained on site in a state of readiness it is in the opinion of Council that the EIS is to take into account the impacts of the production capacity, environmental, social and economic impacts cumulatively of the two fully functioning mills and a detailed cumulative life cycle analysis of the two mills.
- Council's preference is that the original development consent to the existing mill be surrendered once the new mill is operational and its future use for emergency purposes be considered as part of a future development application.

Biosecurity

- Section 1.2.4.2 of the Scoping Report mentions biosecurity risk as a result of importing feed, however Section 3.1.1 of the Scoping Report mentions importing ingredients as a part of the proposed new mill. The EIS must include further clarification of the above matter and provide details with regards to identifying and mitigating any biosecurity threats in the area, as a result of the development.

Biophysical Impacts

- Given the proximity of the new mill to the Tangaratta Creek, identification and any potential impacts on existing aquifers and the ground water table should be considered as part of the EIS.

Aural and Visual Impacts

- Details and the results of the Visual Impact Assessment (VIA) during different phases of the proposed project must be undertaken as a part of the EIS.
- The VIA must also include a Landscape Character Impact Assessment and identify the potential modification to the Landscape character as a result of the proposed feed mill.
- The Noise Impact assessment should also include and detail findings of an Environmental Acoustic Impact Assessment as a part of the EIS.

Transport

- As identified in the draft SEARs, a Traffic Impact Assessment (TIA) is to be provided with the EIS that addresses traffic movements into and out of the site during the construction, and operational phases of the proposed development.
- Additionally social impact of accessibility to transport modes and impacts on the traffic networks must be detailed out. The target groups must be clearly identified and consulted with while carrying out a social impact assessment.

Development Contributions

- There should be further discussion between Council, the Proponent and the Department of Planning on whether a Developer Contribution pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979 should be levied in accordance with the Tamworth Regional Council Section 94 (Direct) Development Contributions Plan 2013.



Thank you for the opportunity to provide comment on the draft SEARs for the proposed development. Should you require any further clarification about the matters raised in this correspondence, please contact Council's Development Assessment Planner, Aashreetha Koonu, on the below details.

Yours faithfully,



Sam Lobsey
Manager, Development

Contact: Aashreetha Koonu on (02) 6767 5507 or E-mail: a.koonu@tamworth.nsw.gov.au

13 June 2023





DOC23/513050

13 June 2023

Pamela Morales
Industry Assessments
Energy and Resource Assessments
Locked Bag 5022
PARRAMATTA NSW 2150

Email: pamela.morales@planning.nsw.gov.au

Dear Ms Morales,

I refer to the request for the NSW Environment Protection Authority (EPA) requirements for the Secretary's Environmental Assessment Requirements (SEARs) for the proposed Tangaratta Feedmill (SSD-58801472) at 771 Wallamore Road, WALLAMORE NSW 2340.

The EPA understand the proposal is for the construction of a new feed mill. The feed mill is to be constructed in two stages with Stage 1 producing up to 12,500 tonnes of poultry feed per week via the new mill line 1 and existing mill (daytime production only). Stage 2 will produce up to 17,5000 tonnes of poultry feed per week utilising new mill lines 1 and 2.

The EPA has considered the details of the proposal as provided by the Department of Planning, Industry and Environment (DPIE) and has identified the information it requires to issue its general terms of approval in **Attachment A**.

In summary, the EPA's key information requirements for the proposal include an adequate assessment of:

- 1. Noise and Vibration** - Proximity to sensitive receptors and impacts of any sources associated with the project, including construction noise, concurrent operation of both feed mills and ongoing operational noise;
- 2. Air** - Dust generation and management of potential impacts during construction, concurrent operation of both feed mills and ongoing operations, on adjacent landscape and/or communities;
- 3. Water and Soils** - Water balance, water management systems and the implementation of adequate erosion and sediment controls to control runoff from the site during construction and ongoing operations.

In carrying out the assessment, the proponent should refer to the relevant guidelines as identified in Attachment A and any relevant industry codes of practice and best practice management guidelines.

To assist the EPA in assessing the EIS it is requested that the EIS document follow the format of DPIE's EIS guidelines and addresses the EPA's specific requirements outlined in the following

| | | | | |
|---|--------------------|----------------------------------|---|--|
| Phone 131 555 | TTY 133 677 | Locked Bag 5022 | 4 Parramatta Square | info@epa.nsw.gov.au |
| Phone +61 2 9995 5555 (from outside NSW) | ABN 43 692 285 758 | Parramatta NSW 2124 Australia | 12 Darcy St, Parramatta NSW 2150 Australia | www.epa.nsw.gov.au |

attachments. If the necessary information is not adequately addressed in the EIS then delays in the development assessment process may occur.

The Proponent should be made aware that any commitments made in the Environmental Impact Statement (EIS) may be formalised as approval conditions and may also be placed as formal licence conditions.

Based on the information provided to the EPA, the proponent will require an Environment Protection Licence ("EPL") for Agricultural processing clause 2 of Schedule 1 of the *Protection of the Environment Operations Act 1997* ("POEO Act"), to operate the new feed mill.

The proponent will need to make a separate application to the EPA at the completion of the assessment process should the proposal be issued with development consent. General information on licence requirements can be obtained from the EPA's Environment Line by calling 131 555 or on the EPA's website at www.epa.nsw.gov.au/licensing/licencePOEO.htm.

The Proponent should be made aware that, consistent with provisions under Part 9.4 of the POEO Act, the EPA may require the provision of a financial assurance and/or assurances. The amount and form of the assurance(s) would be determined by the EPA and required as a condition of an EPL.

In addition, as a requirement of an EPL, the EPA will require the Proponent to prepare, test and implement a Pollution Incident Response Management Plan and/or Plans in accordance with Section 153A of the Act.

The EPA requests that the proponent provide one (1) electronic copy of the EIS when lodging it application with the EPA. These documents should be sent to the EPA by email to: info@epa.nsw.gov.au.

If you have any queries regarding this matter, please contact Daniel Stokes on (02) 4908 6804.

Yours sincerely,



REBECCA SCRIVENER
Head, Regulatory Operations Unit
Regulatory Operations Regional



ATTACHMENT A: Environmental Assessment Requirements – Tangaratta Feedmill–SSD-58801472

1. Environmental impacts of the project

- 1.1. The EIS must address the requirements of Section 45 of the Protection of the Environment Operations Act 1997 (POEO Act) by determining the extent of each impact and providing sufficient information to enable the EPA to determine appropriate conditions, limits and monitoring requirements for an Environment Protection Licence (EPL).
- 1.2. Impacts related to the following environmental issues need to be assessed, quantified and reported on:
 - **Air Issues, including odour:** air quality including dust and odour generation from the construction, concurrent feedmill operation, and ongoing operations on the surrounding landscape and/or community;
 - **Noise and vibration impacts** associated with construction noise, concurrent feedmill operation noise, and operational noise particularly machinery and plant movements;
 - **Waste** including hazardous materials and radiation. Consideration needs to be given to disposal options for general waste, sanitary waste as well as hazardous materials and radiation, where relevant.
 - **Water and Soils** including site water balance and sediment and erosion controls during construction and operation phases.

The Environmental Impact Statement (EIS) should address the specific requirements outlined under each heading below and assess impacts in accordance with the relevant guidelines mentioned.

2. Licensing requirements

- 2.1. The development is a scheduled activity under the *Protection of the Environment Operations Act 1997* (POEO Act) and will therefore require an Environment Protection Licence (EPL) if approval is granted.
- 2.2. Should project approval be granted, the proponent will need to make an application to the EPA for its EPL for the proposed facility prior to undertaking any on site works. Additional information is available through the *EPA Guide to Licensing* document (www.epa.nsw.gov.au/licensing/licenceguide.htm).

SPECIFIC ISSUES

3. Air issues

- 3.1. The EIS must demonstrate the proposal's ability to comply with the relevant regulatory framework, specifically the *Protection of the Environment Operations (POEO) Act (1997)* and the *POEO (Clean Air) Regulation (2002)*. Particular consideration should be given to section 129 of the POEO Act concerning control of "offensive odour".
- 3.2. The EIS must include an air quality impact assessment (AQIA). The AQIA must be carried out in accordance with the document, *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (2016), available at: <https://www.epa.nsw.gov.au/>

</media/epa/corporate-site/resources/air/approved-methods-for-modelling-and-assessment-of-air-pollutants-in-nsw-160666.pdf>

- 3.3. The EIS must detail emission control techniques/practices that will be employed at the site and identify how the proposed control techniques/practices will meet the requirements of the POEO Act, *POEO (Clean Air) Regulation* and associated air quality limits or guideline criteria.

4. Noise and Vibration

The EIS must assess the following noise and vibration aspects of the proposed development

- 4.1. Construction noise associated with the proposed development should be assessed using the *Interim Construction Noise Guideline* (DECC, 2009). These are available at: <https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/interim-construction-noise-guideline>
- 4.2. Vibration from all activities (including construction and operation) to be undertaken on the premises should be assessed using the guidelines contained in the *Assessing Vibration: a technical guideline* (DEC, 2006). These are available at: <https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/assessing-vibration>
- 4.3. If blasting is required for any reasons during the construction or operational stage of the proposed development, blast impacts should be demonstrated to be capable of complying with the guidelines contained in *Australian and New Zealand Environment Council – Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration* (ANZEC, 1990). These are available at: <https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/interim-construction-noise-guideline>
- 4.4. Operational noise from all industrial activities (including private haul roads and private railway lines) to be undertaken on the premises should be assessed using the guidelines contained in the *NSW Noise Policy for Industry* (EPA, 2017). [https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-\(2017\)](https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017))
- 4.5. Noise on public roads from increased road traffic generated by land use developments should be assessed using the guidelines contained in the *NSW Road Noise Policy* and associated application notes (EPA, 2011). <https://www.epa.nsw.gov.au/your-environment/noise/transport-noise>

5. Waste, chemicals and hazardous materials and radiation

- 5.1. The EIS must assess all aspects of waste generation, management and disposal associated with the proposed development.
- 5.2. The EIS must demonstrate compliance with all regulatory requirements outlined in the POEO Act and associated waste regulations.

- 5.3. The EIS must identify, characterise and classify the following in accordance with the EPA's *Waste Classification Guidelines (2014)* and associated addendums:
- (i) all waste that will be generated onsite through excavation, demolition or construction activities, including proposed quantities of the waste;
 - (ii) all waste that is proposed to be disposed of to an offsite location, including proposed quantities of the waste and the disposal locations for the waste. This includes waste that is intended for re-use or recycling.

Note: The EPA's *Waste Classification Guidelines (2014)* and associated addendums are available at: <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste>

- 5.4. The EIS must outline contingency plans for any event that may result in environmental harm, such as excessive stockpiling of material, or dirty water volumes exceeding the storage capacity available on-site.
- 5.5. The EIS must demonstrate that appropriate spill containment will be provided for storage, filling and loading of all fuels and other chemicals to be used on site, in accordance with the relevant Australian Standard.

6. Water

- 6.1. The EIS must demonstrate how the proposed development will meet the requirements of section 120 of the POEO Act.
- 6.2. The EIS must include a water balance for the development including water requirements (quantity, quality and source(s)) and proposed storm and wastewater disposal, including type, volumes, proposed treatment and management methods and re-use options.
- 6.3. If the proposed development intends to discharge waters to the environment, the EIS must demonstrate how the discharge(s) will be managed in terms of water quantity, quality and frequency of discharge and include an impact assessment of the discharge on the receiving environment. This should include:
- Description of the proposal including position of any intakes and discharges, volumes, water quality and frequency of all water discharges.
 - Description of the receiving waters including upstream and downstream water quality as well as any other water users.
 - Demonstration that all practical options to avoid discharge have been implemented and environmental impact minimised where discharge is necessary.
- 6.4. The EIS must refer to Water Quality Objectives for the receiving waters and indicators and associated trigger values or criteria for the identified environmental values of the receiving environment. This information should be sourced from the ANZECC (2018) Guidelines for Fresh and Marine Water Quality, available at: <https://www.waterquality.gov.au/anz-guidelines>
- 6.5. The EIS must describe how stormwater will be managed in all phases of the project, including details of how stormwater and runoff will be managed to minimise pollution. Information

should include measures to be implemented to minimise erosion, leachate and sediment mobilisation at the site. The EIS should consider the guidelines *Managing urban stormwater: soils and construction*, vol. 1 (Landcom 2004) and vol. 2 (A. Installation of services; C. Unsealed roads; D. Main Roads; E. Mines and quarries) (DECC, 2008).

- 6.6. The EIS must describe any water quality monitoring programs to be carried out at the project site. Water quality monitoring should be undertaken in accordance with the *Approved Methods for the Sampling and Analysis of Water Pollutants in NSW* (2004) which is available at:
<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/water/approvedmethods-water.pdf>

9 June 2023

File No: NTH23/00268/01
Your Ref: SSD-58801472

The Director
Industry Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Pamela Morales – pamela.morales@planning.nsw.gov.au

Dear Sir / Madam,

RE: Secretary's Environmental Assessment Requirements for Tangaratta Feedmill Replacement, Lot 4 DP578865; 771 Wallamore Road, Wallamore

I refer to your request of 30 May 2023 seeking input from Transport for NSW to the Secretary's Environmental Assessment Requirements (SEARs) for the abovementioned development proposal.

Roles and Responsibilities

Our key interests are the safety and efficiency of the transport network, the needs of our customers and the integration of land use and transport in accordance with the *Future Transport Strategy*.

Oxley Highway (HW11) and Manilla Road (MR63) are classified (State) roads. Wallamore Road is a local road. Council is the roads authority for these roads and all other public roads in the area, in accordance with Section 7 of the Roads Act 1993.

Transport for NSW Response

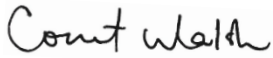
TfNSW requests that a Traffic Impact Assessment (TIA) be prepared by suitably qualified person/s in accordance with the Austroads Guide to Traffic Management Part 12, the complementary TfNSW Supplement and RTA Guide to Traffic Generating Developments. The TIA should include, but not necessarily be limited to, an assessment of the considerations outlined in **Attachment A**.

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.

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If you have any further enquiries regarding the above comments please do not hesitate to contact Katrina Wade, Development Services Case Officer or the undersigned on 1300 207 783 or via email at: development.north@transport.nsw.gov.au

Yours faithfully,



Court Walsh

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

**Enc. ATTACHMENT A – Traffic Impact Assessment – Requested considerations for SEARs
ATTACHMENT B – Requested Rail related considerations for SEARs (CRN corridor: Ref
CD23/02516)**

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ATTACHMENT A – Traffic Impact Assessment – Requested considerations for SEARs

For context, this attachment must be read with TfNSW letter of 9 June 2023 reference number NTH23/00268/01

Traffic Impact Assessment (TIA) be prepared by suitably qualified person/s in accordance with the Austroads Guide to Traffic Management Part 12, the complementary TfNSW Supplement and RTA Guide to Traffic Generating Developments.

The TIA is to identify the impacts of the development and the proposed on-site and off-site measures proposed to mitigate the impacts of the development on any road or rail related infrastructure. The TIA must explain and justify all inputs informing the proposed mitigation measures and TIA conclusions.

The TIA should be tailored to the scope of the proposed development and include, but not necessarily be limited to, consideration of the following;

- A map of the surrounding road network identifying the site access, nearby accesses, intersections and transport related facilities.
- A map of the proposed transport route/s identifying all public roads proposed to obtain access from the classified (State) road/s to the development site.
- The total impact of existing and proposed development on the road network with consideration for a 10 year horizon. This should include;
 - Identify Annual Average Daily Traffic (AADT) volumes with percentage heavy vehicles along the transport route/s and diagrammatically demonstrate AM and PM peak hour movements at key intersections.
 - Background traffic data from published sources and/or recent survey data. The source of data and any assumptions are to be clearly explained and justified, including the growth rate applied to the future horizon. Due to the impact of COVID-19 on travel patterns, traffic counts undertaken at this time may not be representative of normal volumes. Alternative approaches to understanding the impact of COVID-19 on traffic patterns should be discussed with TfNSW.
 - The volume and distribution of existing and proposed trips to be generated by the construction, operational and decommission phases of the development. This should identify the maximum daily and hourly demands generated by the development, particularly where they coincide with the network peak hour and where multiple phases of the development will occur concurrently.
 - Any (existing or future) Environmental Protection Licence (EPL) which applies restrictive measures to heavy vehicle movements for the development and how they may impact heavy vehicle movements on the classified road network.
 - The type and frequency of design vehicles accessing the development site.
- Details of the road geometry and alignment along the identified transport route/s, including existing formations, crossings, intersection treatments and any identified hazards. This should include;
 - Available sight distances at the site access and nearby intersections and any constraint to achieving the required sight distance for the posted speed limit.
 - Available sight distances at intersections along the proposed transport routes and any constraint to achieving the required sight distance for the posted speed limit.

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- An assessment of turn treatment warrants in accordance with the Austroads Guide to Traffic Management Part 6 and Austroads Guide to Road Design Part 4A for intersections along the identified transport route/s, identifying the existence of the minimum basic turn treatments and addressing the need for any warranted higher order treatments.
- Swept path analysis demonstrating the largest design vehicle entering and leaving the development, and moving in each direction through intersections along the proposed transport route/s.
- Capacity analysis using SIDRA or other relevant application, to identify an acceptable Level of Service (LOS) at intersections with the classified (State) road/s, and where relevant, analysis of any other intersections along the proposed transport route/s.
- A review of crash data along the identified transport route/s for the most recent 5 year reporting period and an assessment of road safety along the proposed transport route/s considering the safe systems principles adopted under Future Transport 2056.
- Strategic (2D) design drawings of all proposed road works and the site access demonstrating scope, estimated cost and constructability of works required to mitigate the impacts of the development on road safety, traffic efficiency and the integrity of transport infrastructure. Works must be appropriately designed for the existing posted speed limit.
- Site plan demonstrating site access, internal manoeuvring, servicing and parking areas consistent with the relevant parts of AS2890 and Council requirements.
- Details of measures to address impacts and/or provide connections for public transport services and active transport modes, such as, public and school bus services, walking and cycling.
- Details of measures to ameliorate the impacts of road traffic noise, dust, and/or glare generated along the proposed transport route/s.
- Details of any Traffic Management Plan (TMP) proposed to address the construction and operation phases of the proposed development. The TMP should be prepared and implemented in accordance with *Australian Standard 1742.3* and the *Work Health and Safety Regulation 2017*. It is recommended that any TMP include, but not necessarily limited to, the following;
 - A map of the primary transport route/s highlighting critical locations.
 - An induction process for vehicle operators and regular toolbox meetings.
 - Procedures for travel through residential areas, school zones and/or bus route/s.
 - any proposed temporary measures such a Traffic Guidance Scheme (TGS)
 - A Driver Code of Conduct for heavy vehicle operators.
 - A complaint resolution and disciplinary procedure.
 - Community consultation measures proposed for peak periods.

Where road safety concerns are identified at a specific location along the proposed haulage routes, TfNSW suggests that the TIA be supported by a targeted Road Safety Audit undertaken by suitably qualified persons in accordance with the Austroads Guidelines.

Any roadwork on classified (State/Regional) road/s is 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 can be obtained from the TfNSW [website](#).

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ATTACHMENT B – Requested Rail related considerations for SEARs (CRN corridor: Ref CD23/02516)

For context, this attachment must be read with TfNSW letter of 9 June 2023 reference number NTH23/00268/01

TfNSW is the rail authority of the Country Rail Network (CRN) across NSW and the Transport Asset Holding Entity (TAHE) is a State – owned corporation that holds rail property assets and rail infrastructure, including the CRN. As of 29 January 2022, UGL Regional Linx (UGLRL) has been appointed by TfNSW to operate and manage the CRN to ensure any potential impacts to rail corridors are considered and addressed.

The Scoping Report indicates to construct a new feed mill on Lot 4 DP 578865, which is adjacent to non-operational CRN rail corridor from West Tamworth to Barraba. The applicant also proposes to include Lot 1 DP 1077646 as the existing access driveway to the development site traverses the Main Northern Rail Corridor (rail corridor from West Tamworth to Barraba)

The scoping report does not identify any proposed development activities that are crossing or on the rail corridor. However, it is noted that the SSD proposed existing access driveway to the site through the Main Northern Rail Corridor.

The development should undertake an assessment of impacts (for construction and operation) to the nearby non-operational rail corridor from West Tamworth to Barraba (Main Northern Rail Corridor). The EIS shall address the relevant heads of consideration under Section 2.97, 2.98 and 2.99 of the *State Environmental Planning Policy (SEPP) (Transport and Infrastructure) 2021 and Development near Rail Corridors and Busy Roads – Interim Guideline 2008* (Link [development-near-rail-corridors-and-busy-roads-interim-guideline-2008.ashx \(nsw.gov.au\)](https://www.nsw.gov.au/development-near-rail-corridors-and-busy-roads-interim-guideline-2008.ashx)), including but not limited to the following documents:

- Geotechnical Investigation Report that includes:
 - analysis of the any potential impact of construction, and operation of the development on the rail corridor and rail infrastructure
 - Construction, and operation induced vibration impacts on the rail corridor and rail infrastructure; and
 - potential loadings of the development on the rail corridor and rail infrastructure.
- Structural drawings and Report which demonstrates:
 - the foundation design and associated works has taken into appropriate consideration of the rail infrastructure and assets to enable verification of compliance to TfNSW requirements
 - any deformation induced by bulk excavation will not have adverse impacts on the rail corridor, rail infrastructure or rail easements
- Cross-sectional drawings/plans showing ground surface, rail tracks, sub soil profile, and structural design of sub ground support adjacent to the rail corridor located adjacent to the subject development site. Cross sectional drawings should also include the accurate RL depths and horizontal distances from assets (tracks, easements, structures, and cables) to the nearest point of excavation or ground penetration works. All measurements are to be verified by a Registered Surveyor
- Preliminary Contamination Assessment:
 - TfNSW is currently conducting an environmental assessment to identify contamination on the CRN. All railway corridors are generally deemed to be contaminated unless proven otherwise by sample testing. Contamination risk arises from both the construction (e.g., unknown fill used in rail construction) and operations (e.g., transportation of contaminated material, spills) of the railway.

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Potential contaminants could include, but are not limited to, heavy metals, PAHs, phenolics (boiler ash), Organochlorine Pesticides (OCPs) and Organophosphorus Pesticides (OPPs). Although TfNSW is committed to ensuring the health and wellbeing of the community, TfNSW is not aware whether there are contaminants found in the rail corridor or on the common boundaries with the development site.

- Details of stormwater management plan and drainage details which may have impacts on the rail corridor land and rail infrastructure including existing culverts
- A suite of survey plans that shows:
 - rail corridor, fencing and rail infrastructure (including easements)
- Details of traffic routes for operation and construction on nearby level crossings managed by UGLRL

As the proposed access driveway to the site crosses the non-operational rail line, landowner's consent and access licence are required. For landowner's consent please contact Yuvaraj Bohara at yuvaraj.bohara@uglregionallinx.com.au and for license please contact UGLRL third party works team via thirdpartyworks@uglregionallinx.com.au

To arrange for access to the rail corridor to conduct any investigation works or to obtain access agreements to access/cross the rail corridor or over the air space of the rail corridor, please contact UGLRL third party works team via thirdpartyworks@uglregionallinx.com.au

Consultation:

- Transport for NSW
- UGLRL

Legislation, Policies & Guidelines:

- *State Environmental Planning Policy (SEPP) (Transport and Infrastructure) 2021*
- *Development near Rail Corridors and Busy Roads – Interim Guideline 2008*,

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Our ref: DOC23/486229
Your ref: SSD-58801472

Pamela Morales
Principal Planning Officer, Industry Assessments
Department of Planning and Environment
pamela.morales@planning.nsw.gov.au

Dear Pamela

Major Projects – Request for Advice – Tangaratta Feedmill (SSD-58801472), Tamworth Regional Council

I refer to your email dated 30 May 2023 seeking input into the Department of Planning and Environment Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the Pinecrest Solar Farm (SSD-58801472).

The Biodiversity, Conservation and Science Directorate (BCS) has considered your request and provides requirements for the proposed development in **Attachments A and B**. These are standard requirements addressing:

1. Biodiversity and offsetting
2. Water and soils
3. Flooding

The scoping report supplied reports that portions of the site are potentially Category 1 – Exempt Land within the meaning of the *Local Land Services Act 2013* (LLS Act) and states '*As, such, these areas as well as the planted natives are potentially exempt under Section 6.8(3) of the Biodiversity Conservation Act 2016 [BC Act] from further consideration under the BAM [Biodiversity Assessment Method]*'

Please note that whilst clearing of native vegetation on land that meets the definition of Category 1 - Exempt Land does not require assessment or offsetting under the BC Act, prescribed impacts as outlined in chapter 6 of the Biodiversity Assessment Method (2020) must still be considered on Category 1 - Exempt Land. In addition, potential impacts to Matters of National Environmental Significance under the *Environment Protection and Biodiversity Conservation Act 1999* on Category 1 – exempt land must also be considered.

Depending on the outcome of the land categorisation assessment, planted native vegetation may need to be assessed in accordance with BAM Appendix D: Streamlined module – Planted native vegetation.

If you have any questions about this advice, please do not hesitate to contact Erica Baigent, Senior Conservation Planning Officer, via erica.baigent@environment.nsw.gov.au or (02) 6883 5311.

Yours sincerely,

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

Liz Mazzer
A/Senior Team Leader Planning North West
Biodiversity, Conservation and Science Directorate

5 June 2023

Attachment A - Environmental Assessment Requirements

Attachment B - Guidance Material

Standard Environmental Assessment Requirements

| | |
|----------------|--|
| BCS | Biodiversity, Conservation and Science Directorate of the NSW Department of Planning and Environment |
| The Department | NSW Department of Planning and Environment |
| NPWS | National Parks and Wildlife Service |

Ancillary development components

The assessment should include all components of the proposal, including any ancillary activities such as road/track widening to enable transport of infrastructure components, connecting pipelines and transmission lines etc.

Category 1 – exempt land

Clearing of native vegetation on land that meets the definition of Category 1 - Exempt Land (as defined under the Local Land Services Act 2013 (LLS Act)) does not require assessment or offsetting under the Biodiversity Conservation Act 2016. Prescribed impacts as outlined in chapter 6 of the Biodiversity Assessment Method (2020) must still be considered on Category 1 - Exempt Land. In addition, potential impacts to Matters of National Environmental Significance under the Environment Protection and Biodiversity Conservation Act 1999 on Category 1 – exempt land must be considered.

Section 60F of the LLS Act provides the transitional arrangements that are in place until a comprehensive NVR Map is published. During the ‘transitional period’ assessors can make a reasonable approximation of land categorisation for unpublished layers, in consultation with the landholder.

Where a reasonable approximation is required, it is recommended that:

- assessors first identify whether land meets criteria for Category 2 - Regulated Land, prior to Category 1 - Exempt Land.
 - In some circumstances, land may meet multiple map criteria i.e. criteria for Category 2 - Regulated Land, AND Category 1 - Exempt Land
 - In most circumstances’ Category 2 - Regulated Land criteria will determine the categorisation of the land, rather than Category 1 - Exempt Land criteria.

Section 60I of the LLS Act and cl.113 of the LLS Regulation defines the criteria in which land can be classified as Category 2 Regulated Land, this includes land which:

- was not cleared of native vegetation as at 1 January 1990;
- was unlawfully cleared of native vegetation after 1 January 1990 and 25 August 2017;
- contains native vegetation that was grown or preserved with the assistance of public funds (other than funds for forestry purposes);
- contains grasslands that are not low conservation grasslands (or low conservation value grassland beneath the canopy or drip line of woody vegetation satisfying the criteria for Category 2);
- is (or was previously) subject to a private native forestry plan approved under Part 5B of the LLS Act
- is subject to a private land conservation agreement;
- is a ‘set aside’ under a Land Management (Native Vegetation) Code;
- is an offset under a property vegetation plan or a set aside under the former native vegetation laws;

- is subject to an approved conservation measure that was the basis for other land being biocertified;
- is required to be set aside for nature conservation, revegetation or as an offset under an EP&A Act consent or approval
- is identified as coastal wetlands or littoral rainforest;
- is identified as koala habitat;
- is a declared Ramsar wetland; or
- is mapped as containing Critically Endangered species of plants or a Critically Endangered Ecological Community (CEEC)
- is a Travelling Stock Route (outside of the Western Division)

In areas which have the potential to contain CEECs, native grasslands or habitat for a Critically Endangered species of plant, land categorisation assessments should be supported by evidence from a site-based floristic assessment to demonstrate presence or absence.

Where an assessor identifies land that does not meet the criteria for Category 2 Vulnerable Regulated Land or Category 2 - Sensitive Regulated land, the assessor should then assess whether or not the land meets the definition of Category 1 – Exempt Land. Where the assessor identifies land as Category 1 – Exempt Land it must be adequately demonstrated that the identified land meets the criteria as set out in section 60H of the LLS Act. Multiple pieces of evidence should be used to demonstrate a Category 1 – Exempt Land designation. This might include:

- Publicly available data sets on the SEED data portal, such as:
 - Land use mapping – used to identify and map existing and historical agricultural land use in NSW – see [NSW Landuse 2017](#)
 - Woody vegetation extent – used to identify and map native vegetation extent – see [NSW Native Vegetation Extent 5m Raster v1.2](#)
 - State-wide Landcover and Tree Survey (SLATS) clearing for NSW – used to identify detectable clearing events since January 1990 – [available here](#)
- Published information on the Native Vegetation Regulatory Map, including Category 2-Sensitive Regulated, Category 2-Vulnerable Regulated, and Excluded Land - [available here](#)
 - Site-based information and records, including current and historical high-resolution aerial photography
 - current and historical photographs of the subject land
 - historical land management records maintained by the landowner
 - vegetation survey data collected on the subject land
 - documentation demonstrating history of authorised clearing and/or development.

The published *Native Vegetation regulatory map: method statement* should be reviewed to determine how the datasets can be best interrogated to support any identification of Category 1 – Exempt Land. Additional guidance for determining native vegetation land categorisation for application in the Biodiversity Offsets Scheme is also available on the NSW Department of Planning and Environment [website](#).

Where there is uncertainty or datasets/information are conflicting, a precautionary approach should be applied and the land should be categorised as Category 2 – Regulated Land.

Where Category 1 – Exempt Land is likely to be present on a development site, early engagement with BCS is encouraged. Prior to the Biodiversity Development Assessment Report being submitted to the consent authority, the accredited assessor should submit a proposed land categorisation method to the BCS North West Planning team at rog.nw@environment.nsw.gov.au for endorsement.

Controlled Actions under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)

If the proposed development is likely to be a 'Controlled Action' under the EPBC Act, the accredited assessor should contact the BCS North West Planning team at rog.nw@environment.nsw.gov.au prior to submission of the EIS. The BCS North West Planning team can provide guidance on the minimum information requirements for the EIS for any entities that have been or are likely to be deemed a 'Controlled Action'.

Biodiversity

1. Biodiversity impacts related to the proposed project are to be assessed in accordance with [Section 7.9 of the Biodiversity Conservation Act 2016](#) the [Biodiversity Assessment Method 2020](#) and documented in a [Biodiversity Development Assessment Report \(BDAR\)](#). The BDAR must include information in the form detailed in the [Biodiversity Conservation Act 2016](#) (s6.12), [Biodiversity Conservation Regulation 2017](#) (s6.8) and [Biodiversity Assessment Method 2020](#), unless the Department determines that the proposed development is not likely to have any significant impacts on biodiversity values.
2. The BDAR must document the application of the avoid, minimise, and offset framework; including assessing all direct, indirect, uncertain and prescribed impacts in accordance with the [Biodiversity Assessment Method 2020](#).
3. The BDAR must include details of the measures proposed to address the offset obligation as follows:
 - a. The total number and classes of biodiversity credits required to be retired for the development/project;
 - b. The number and classes of like-for-like biodiversity credits proposed to be retired;
 - c. The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules;
 - d. Any proposal to fund a [biodiversity conservation action](#);
 - e. Any proposal to conduct ecological rehabilitation (if a mining project);
 - f. Any proposal to make a payment to the Biodiversity Conservation Fund.If seeking approval to use the variation rules, the BDAR must contain details of the [reasonable steps](#) that have been taken to obtain requisite like-for-like biodiversity credits.
4. The BDAR must be submitted with all spatial data associated with the survey and assessment as per Appendix K of the BAM.
5. The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 under s6.10 of the [Biodiversity Conservation Act 2016](#).

NOTE – A BDAR template and guidance document has been created to assist accredited assessors to prepare a BDAR. It has been developed in accordance with best practice, the minimum information requirements, and to support BDAR reviewers. The BDAR Template can be found [here](#) and the Guidance for the BDAR Template can be found [here](#).

Residual Prescribed Impacts within the BAM 2020

Prescribed impacts can be difficult to quantify as they may result in discrete impacts, spatially undefined impacts, ecological regime shifts and/or impact cascades over time. Consequently, avoiding or minimising such impacts is critical and will likely be a key consideration for the consent authority in determining conditions of approval for relevant proposals.

If avoidance and mitigation measures are not applicable or will not result in the complete reduction of prescribed impacts occurring, the assessor and proponent will need to consider options to compensate for unavoidable residual prescribed impacts.

The BAM-C does not calculate biodiversity credits to offset a prescribed impact. However, the consent authority has the discretion to increase the number of biodiversity credits to be retired (or other conservation measures to be undertaken), under a planning approval.

The assessment and calculation of a predicted offset obligation for any prescribed impacts must be presented prior to project determination and any impact occurring, in accordance with Section 7.14 of the Biodiversity Conservation Act 2016. The purpose of this requirement is to ensure:

- commitments to proposed mitigation measures for residual prescribed impacts are described and can be captured in the projects consent conditions; and
- the total offset obligation can be embedded in the project approval

It is recommended that the proponent and assessor consult with BCS during the assessment process on prescribed impact assessment and calculation, when required.

Water and soils

6. The EIS must map the following features relevant to water and soils including:

- a. Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map);
- b. Rivers, streams, wetlands, estuaries (as described in s4.2 of the Biodiversity Assessment Method);
- c. Wetlands as described in s4.2 of the Biodiversity Assessment Method;
- d. Groundwater;
- e. Groundwater dependent ecosystems;
- f. Proposed intake and discharge locations.

7. The EIS must describe background conditions for any water resource likely to be affected by the project, including:

- a. Existing surface and groundwater;
- b. Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations;
- c. Water Quality Objectives (*as endorsed by the NSW Government*) including groundwater as appropriate that represent the community's uses and values for the receiving waters;
- d. Indicators and trigger values/criteria for the environmental values identified at (c) in accordance with the *ANZECC (2000) Guidelines for Fresh and Marine Water Quality* and/or local objectives, criteria or targets endorsed by the NSW Government;
- e. *Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions.*

8. The EIS must assess the impacts of the project on water quality, including:

- a. The nature and degree of impact on receiving waters for both surface and groundwater, demonstrating how the project protects the Water Quality Objectives where they are currently being achieved, and contributes towards achievement of the Water Quality Objectives over time where they are currently not being achieved. This should include an assessment of the mitigating effects of proposed stormwater and wastewater management during and after construction;
- b. Identification of proposed monitoring of water quality.

9. The EIS must assess the impact of the project on hydrology, including:
 - a. Water balance including quantity, quality and source;
 - b. Effects to downstream rivers, wetlands, estuaries, marine waters and floodplain areas;
 - c. Effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems;
 - d. Impacts to natural processes and functions within rivers, wetlands, estuaries and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g. river benches);
 - e. Changes to environmental water availability, both regulated/licensed and unregulated/rules-based sources of such water;
 - f. Mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and re-use options;
 - g. Identification of proposed monitoring of hydrological attributes.

Flooding

10. The EIS must map the following features relevant to flooding as described in the *Floodplain Development Manual 2005* including:
 - a. Flood prone land;
 - b. Flood planning area, the area below the flood planning level;
 - c. Hydraulic categorisation (floodways and flood storage areas);
 - d. Flood hazard.
11. The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 5% Annual Exceedance Probability (AEP), 1% AEP, flood levels and the probable maximum flood, or an equivalent extreme event.
12. The EIS must model the effect of the proposed project (including fill) on the flood behaviour under the following scenarios:
 - a. Current flood behaviour for a range of design events as identified in 14 above. This includes the 0.5% and 0.2% AEP year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.
13. Modelling in the EIS must consider and document:
 - a. Existing council flood studies in the area and examine consistency to the flood behaviour documented in these studies;
 - b. The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood, or an equivalent extreme flood;
 - c. Impacts of the development on flood behaviour resulting in detrimental changes in potential flood affection of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazard categories and hydraulic categories;
 - d. Relevant provisions of the NSW *Floodplain Development Manual 2005*.
14. The EIS must assess the impacts on the proposed project on flood behaviour, including:
 - a. Whether there will be detrimental increases in the potential flood affection of other properties, assets and infrastructure;
 - b. Consistency with Council floodplain risk management plans;

- c. Consistency with any Rural Floodplain Management Plans;
- d. Compatibility with the flood hazard of the land;
- e. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land;
- f. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site;
- g. Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses;
- h. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the NSW SES and Council;
- i. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the NSW SES and Council;
- j. Emergency management, evacuation and access, and contingency measures for the development considering the full range of flood risk (based upon the probable maximum flood or an equivalent extreme flood event). These matters are to be discussed with and have the support of Council and the NSW SES;
- k. Any impacts the development may have on the social and economic costs to the community as consequence of flooding.

Guidance Material

| Title | Web address |
|--|---|
| <u>Relevant Legislation</u> | |
| <i>Biodiversity Conservation Act 2016</i> | https://www.legislation.nsw.gov.au/view/html/inforce/current/act-2016-063 |
| <i>Environment Protection and Biodiversity Conservation Act 1999</i> | https://www.legislation.gov.au/Details/C2014C00140/Download |
| <i>Environmental Planning and Assessment Act 1979</i> | https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1979-203 |
| <i>Fisheries Management Act 1994</i> | https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1994-038 |
| <i>National Parks and Wildlife Act 1974</i> | https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1974-080 |
| <i>Protection of the Environment Operations Act 1997</i> | https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1997-156 |
| <i>Water Management Act 2000</i> | https://www.legislation.nsw.gov.au/view/html/inforce/current/act-2000-092 |
| <i>Wilderness Act 1987</i> | https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1987-196 |
| <u>Biodiversity</u> | |
| Biodiversity Assessment Method (OEH, 2020) | https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-2020 |
| Changes to the Biodiversity Assessment Method from 2017 to 2020 | https://www.environment.nsw.gov.au/research-and-publications/publications-search/changes-to-the-biodiversity-assessment-method-from-2017-to-2020 |
| Biodiversity Development Assessment Report Template | https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/biodiversity-development-assessment-report-template-220210.docx?la=en&hash=1A4829C7ACA5A51ECE414A767C27361893706CEC |
| Guidance for the Biodiversity Development Assessment Report Template | https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidance-for-the-biodiversity-development-assessment-report-template |
| BAM 2020 Operational Manual Stage 1 | https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-manual-2020-operational-manual-stage-1 |
| BAM 2020 Operational Manual Stage 2 | https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/biodiversity-assessment-method-operational-manual-stage-2-230164.pdf |
| BAM 2020 Operational Manual Stage 3 | https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-operational-manual-stage-3 |

| Title | Web address |
|---|---|
| BAM Calculator User Guide | https://www.environment.nsw.gov.au/research-and-publications/publications-search/biodiversity-assessment-method-user-guide |
| Serious and irreversible impacts of development on biodiversity | https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/serious-and-irreversible-impacts |
| Practice Note - Guidance for assessors and decision makers in applying modified benchmarks to assessments of vegetation integrity: Biodiversity Assessment Method | https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidance-assessors-decision-makers-applying-modified-benchmarks-to-assessments-vegetation-integrity |
| Guidance and Criteria to assist a decision maker to determine a serious and irreversible impact (OEH, 2017) | https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/guidance-decision-makers-determine-serious-irreversible-impact-190511.pdf |
| Accreditation Scheme for Application of the Biodiversity Assessment Method Order 2017 | https://www.legislation.nsw.gov.au/view/pdf/asmade/sl-2017-471 |
| Ancillary rules: Biodiversity conservation actions | https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/ancillary-rules-biodiversity-conservation-actions-170496.pdf |
| Ancillary rules: Reasonable steps to seek like-for-like biodiversity credits for the purpose of applying the variation rules | https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/ancillary-rules-reasonable-steps-like-for-like-biodiversity-credits-170498.pdf |
| Ancillary rules: Impacts on threatened species and ecological communities excluded from application of variation rules | https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/ancillary-rules-impacts-on-threatened-entities-excluded-from-variation-170497.pdf?la=en&hash=C38840BFF49F012433532DF72E3D90C741E4DAC1 |
| The Department's Threatened Species Website | https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species |
| NSW BioNet (Atlas of NSW Wildlife) | https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/nsw-bionet |
| Surveying Threatened Plants and their Habitats - NSW Survey Guide for the Biodiversity Assessment Method (DPIE 2020). | https://www.environment.nsw.gov.au/research-and-publications/publications-search/surveying-threatened-plants-and-their-habitats-survey-guide-for-the-biodiversity-assessment-method |
| Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - November 2004 | https://www.environment.nsw.gov.au/surveys/BiodiversitySurveyGuidelinesDraft.htm |
| Threatened species survey and assessment guidelines: field survey methods for fauna – amphibians | https://www.environment.nsw.gov.au/research-and-publications/publications-search/threatened-species-field-survey-methods-for-fauna-amphibians |

| Title | Web address |
|--|---|
| NSW Survey Guide for Threatened Frogs | https://www.environment.nsw.gov.au/research-and-publications/publications-search/nsw-survey-guide-for-threatened-frogs |
| Surveying 'species credit' threatened bats and their habitats – NSW survey guide for the Biodiversity Assessment Method | https://www.environment.nsw.gov.au/research-and-publications/publications-search/species-credit-threatened-bats-nsw-survey-guide-for-biodiversity-assessment-method |
| Bat calls of NSW - region-based guide to the echolocation calls of Microchiropteran bats | https://www.environment.nsw.gov.au/surveys/Batcalls.htm |
| Community Biodiversity Survey Manual | https://www.environment.nsw.gov.au/surveys/CommunityBiodiversitySurveyManual.htm |
| BioNet Vegetation Classification - NSW Plant Community Type (PCT) database | www.environment.nsw.gov.au/research/Vegetationinformaticsystem.htm |
| The Departments Data Portal (access to online spatial data) | http://data.environment.nsw.gov.au/ |
| Determining native vegetation land categorisation for application in the Biodiversity Offsets Scheme | https://www.environment.nsw.gov.au/research-and-publications/publications-search/determining-native-vegetation-land-categorisation-for-application-in-the-biodiversity-offsets-scheme |
| Fisheries NSW policies and guidelines | https://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/fish-habitat-conservation |
| List of national parks | https://www.nationalparks.nsw.gov.au/conservation-and-heritage/national-parks |
| Revocation, recategorisation and road adjustment policy (OEH, 2012) | https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-policies/revocation-recategorisation-and-road-adjustment |
| Guidelines for consent and planning authorities for Developments adjacent to National Parks and Wildlife Service Land (NPWS, 2020) | https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Development-guidelines/developments-adjacent-npws-lands-200362.pdf |
| <u>Water and Soils</u> | |
| Acid sulphate soils | |
| Acid Sulfate Soils Planning Maps via Data.NSW | https://datasets.seed.nsw.gov.au/dataset/acid-sulfate-soils-risk0196c |
| Acid Sulfate Soils Manual (Stone et al. 1998) | https://www.environment.nsw.gov.au/resources/epa/Acid-Sulfate-Manual-1998.pdf |
| Acid Sulfate Soils Laboratory Methods Guidelines (Ahern et al. 2004) | http://www.environment.nsw.gov.au/resources/soils/acid-sulfate-soils-laboratory-methods-guidelines.pdf This replaces Chapter 4 of the Acid Sulfate Soils Manual above. |

| Title | Web address |
|--|---|
| Flooding | |
| Floodplain development manual | https://www.environment.nsw.gov.au/topics/water/floodplains/floodplain-manual |
| Floodplain Risk Management Guidelines | http://www.environment.nsw.gov.au/topics/water/coasts-and-floodplains/floodplains/floodplain-guidelines |
| NSW Climate Impact Profile | http://climatechange.environment.nsw.gov.au/ |
| Climate Change Impacts and Risk Management | https://www.environment.gov.au/climate-change/adaptation/publications/climate-change-impact-risk-management |
| Water | |
| Water Quality Objectives | http://www.environment.nsw.gov.au/ieo/index.htm |
| ANZECC & ARMCANZ (2000) Water Quality Guidelines | https://www.waterquality.gov.au/anz-guidelines/resources/previous-guidelines/anzecc-armcanz-2000 |
| Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones | http://deccnet/water/resources/AWQGuidance7.pdf |
| Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004) | http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf |



NSW RURAL FIRE SERVICE

Department of Planning and Environment (Parramatta)
Locked Bag 5022,
PARRAMATTA NSW 2124
Australia

Your reference: SSD-58801472
Our reference: DA20230531002324-SEARS-1

ATTENTION: Pamela Morales

Date: Monday 5 June 2023

Dear Sir/Madam,

Development Application

State Significant - SEARS - Intensive livestock agriculture

Tangaratta Feedmill - 771 WALLAMORE ROAD WALLAMORE NSW 2340, 4//DP578865

I refer to your correspondence regarding the above proposal which was received by the NSW Rural Fire Service on 30/05/2023.

The preparation of an environmental assessment for the proposed development should incorporate a bushfire hazard assessment prepared by a suitably qualified person.

This assessment shall include site-specific recommendations for the proper design of:

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

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

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

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

For any queries regarding this correspondence, please contact Bryan Netzler on 1300 NSW RFS.

Yours sincerely,

Allyn Purkiss
Manager Planning & Environment Services
Built & Natural Environment

Pamela Morales
Department of Planning and Environment
C/o Major Projects Portal

Pamela.morales@planning.nsw.gov.au

Secretary's Environmental Assessment Requirements Tangaratta Feedmill SSD-58801472

Dear Ms Morales

Thank you for your correspondence of 30 May 2023 and the opportunity to provide input to the draft Planning Secretary's Environmental Assessment Requirements (SEARs) for the Tangaratta Feedmill at 771 Wallamore Road, Wallamore (SSD-58801472).

NSW Department of Primary Industries (DPI) Agriculture collaborates with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment.

NSW DPI Agriculture has reviewed the scoping report for the above proposal and requests that the following requirements be included in the SEARs:

- A Land Use Conflict Risk Assessment (LUCRA) should be undertaken for the proposed development. The LUCRA should detail any potential impacts from the proposed development on neighbouring agricultural land uses and potential impacts of neighbouring agricultural land uses on the operation of the proposed development. The LUCRA should detail the consultation undertaken with neighbouring landowners to identify potential impacts. For the identified impacts the LUCRA should detail mitigation measures to reduce the potential risk. The consideration of impacts should include those during operation of the facility and not just construction.
- A biosecurity management (pests, weeds, and disease) risk assessment should be prepared to detail the likely plant, animal, and community risks the proposed development may pose to agricultural land uses in the locality. The relevant weed or pest animals for a region are addressed in the regional plans or strategies issued by NSW Local Lands Services. The risk assessment should include details of how the proposal will deal with identified biosecurity risks as well as contingency plans for any failures. Include monitoring and mitigation measures for weed and pest management. The preparation of a biosecurity risk management plan for the new facility is an opportunity to modernise any existing biosecurity arrangements

Industry guidelines and resource information, listed in Attachment A, should also be provided to the proponent for their consideration when preparing the Environmental Impact Statement.

Should you require clarification on any of the information contained in this response, please do not hesitate to contact me on 0429 864 501 or by email at landuse.ag@dpi.nsw.gov.au

Sincerely

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

Paul Garnett
Agricultural Land Use Planning Officer
Ag Strategic Initiatives
New England and North West Region

5 June 2023

Attachment A: Industry guidelines and resource information

| Title | Website link |
|--|---|
| Land Use Conflict Risk Assessment Guide | https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment2/lucra |
| Biosecurity Risk Management in Land Use Planning and Development | https://www.dpi.nsw.gov.au/___data/assets/pdf_file/0018/1271241/managing-biosecurity-risks-in-land-use-planning-and-development-guide.pdf |

Department of Planning and Environment

Our ref: OUT23/8143

Pamela Morales

Planning and Assessment Group
NSW Department of Planning and Environment

Email: pamela.morales@planning.nsw.gov.au

30 May 2023

Subject: Tangaratta Feedmill (SSD-58801472) – Advice on Secretary’s Environmental Assessment Requirements (SEARs)

Dear Pamela Morales

DPE Water has developed standard SEARs for SSD and SSI projects. Please see Attachment A for detailed requirements.

If any of the requirements do not apply to this project, the proponent should describe why in a short statement.

Should you have any further queries in relation to this submission please do not hesitate to contact DPE Water Assessments at water.assessments@dpie.nsw.gov.au.

Yours sincerely



Tim Baker
Senior Project Officer, Assessments, Knowledge Division
Department of Planning and Environment: Water

Water Take and Licensing

| No. | Assessment Requirement | Relevant Policy/Guideline/Legislation |
|-----|---|---|
| 1 | A detailed and consolidated site water balance. | |
| 2 | Description of all works/activities that may intercept, extract, use, divert or receive surface water and/or groundwater. This includes the description of any development, activities or structures that will intercept, interfere with or remove groundwater, both temporary and permanent. | <p>NSW Aquifer Interference Policy, section 3 & 5 of the <i>Water Management Act 2000</i>, Water Sharing Plans</p> <p>Clause 24 of the <i>Water Management (General) Regulation 2018</i></p> <p>Groundwater Guidelines- https://www.industry.nsw.gov.au/water/licensing-trade/major-projects</p> |
| 3 | Details of all water take for the life of the project and post closure where applicable. This is to include water taken directly and indirectly, and the relevant water source where water entitlements are required to account for the water take. If the water is to be taken from an alternative source confirmation should be provided by the supplier that the appropriate volumes can be obtained. | <p>Section 3 & 5 of the <i>Water Management Act 2000</i>, Water Sharing Plans</p> <p>Section 2 of the NSW Aquifer Interference Policy provides explanation of water take for aquifer interference activities</p> |
| 4 | Details of Water Access Licences (WALs) held to account for any take of water where required, or demonstration that WALs can be obtained prior to take of water occurring. This should include an assessment of the current market depth where water entitlement is required to be purchased. Any exemptions or exclusions to requiring approvals or licenses under the <i>Water Management Act 2000</i> should be detailed by the proponent. | <p>Water Sharing Plans</p> <p>Sections 3, 5, 60A & 60I of the <i>Water Management Act 2000</i></p> <p>WAL must nominate a work to satisfy s60D of the <i>Water Management Act 2000</i> and this is completed by a dealing application under s71W of the <i>Water Management Act 2000</i></p> <p>Exemptions or exclusions information:</p> <ul style="list-style-type: none"> ○ Clause 21-23, 34-50, sch.1 and 4 <i>Water Management Regulation 2018</i> ○ Sections 4.41 and 5.23 of the <i>EP&A Act 1979</i> ○ Water licensing and works approvals exemptions - https://water.dpie.nsw.gov.au/licensing-and-trade/licensing/water-licensing-and-works-approvals-exemptions |

Water Impacts

| No. | Assessment Requirement | Relevant Policy/Guideline/Legislation |
|-----|--|--|
| 5 | A description of groundwater conditions that provides an understanding of groundwater level across the site under a range of wet and dry conditions. | NSW Aquifer Interference Policy Groundwater Guidelines |
| 6 | Assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, groundwater dependent ecosystems, and ground water levels; including measures proposed to reduce and mitigate these impacts. | <i>Water Management Act 2000</i> Part 1, Division 1, Section 5(2d; 4c) & Part 3 Div 2 Sect 97 <i>Water Management Act 2000</i> Part 1, Division 1, Section 5(4a;5a; 6a; 7a; 8a)) NSW Aquifer Interference Policy Groundwater Guidelines |
| 7 | Proposed surface and groundwater monitoring activities and methodologies. | Groundwater Guidelines NSW Water Quality and River Flow Objectives Australian and New Zealand fresh and marine water quality guidelines (ANZG 2018) |

Assessment against Policy and Guidelines

| No. | Assessment Requirement | Relevant Policy/Guideline/Legislation |
|-----|---|---|
| 8 | Identification and impact assessment of all works/activities located on waterfront land including an assessment against Guidelines for Controlled Activities on Waterfront Land (DPE 2022). | Guidelines for Controlled Activities on Waterfront Land (DPE 2022) |
| 9 | Assessment of project against relevant policies and guidelines | Water Sharing Plans, Floodplain Management Plans, NSW Aquifer Interference Policy, Guidelines for Controlled Activities on Waterfront Land (DPE 2022), Groundwater Guidelines |

From: [Nicole Davis](#)
To: [Pamela Morales](#)
Subject: Heritage NSW - ACH - Advice on SEARs - Tangaratta Feedmill (SSD-58801472) (Tamworth Regional)
Date: Wednesday, 31 May 2023 12:42:00 PM
Attachments: [..datacontent\image\Images\logo1644468813661.png](#)
[image001.png](#)

Dear Pamela,

Heritage NSW recommends that the following SEAR be included with respect to Aboriginal cultural heritage (ACH).

Aboriginal Cultural Heritage

- Provide an Aboriginal Cultural Heritage Assessment Report (ACHAR), prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts to Aboriginal cultural heritage sites or values associated with the site.

Kind Regards
Nicole Davis

Nicole Davis
Manager Assessments
Heritage NSW
Department of Planning and Environment

T 02 4927 3156 M 0409 394 343 E nicole.davis@environment.nsw.gov.au
Locked Bag 5020 Parramatta 2124



From: no-reply@majorprojects.planning.nsw.gov.au <no-reply@majorprojects.planning.nsw.gov.au>
Sent: Tuesday, 30 May 2023 10:42 AM
To: Tanya Pelz <tanya.pelz@environment.nsw.gov.au>; OEH HD Heritage Mailbox <HERITAGEMailbox@environment.nsw.gov.au>
Cc: Pamela Morales <pamela.morales@planning.nsw.gov.au>
Subject: Major Projects – New Request for Advice - Tangaratta Feedmill (SSD-58801472) (Tamworth Regional)

The Department has sent you a request for advice in relation to the Tangaratta Feedmill. The due date for this request is 12/06/23.

Please sign in to your account to view the details of this request and to upload your advice.

If you have any enquiries, please contact Pamela Morales on 02 9274 6386 /at pamela.morales@planning.nsw.gov.au.

To sign in to your account click [here](#) or visit the [Major Projects Website](#).

Please do not reply to this email.

Kind regards

The Department of Planning and Environment



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