

NSW Department of Planning and Infrastructure  
PO BOX 550  
TAMWORTH NSW 2340

Dear Sir/Madam,

**SSD-9264 - DEVELOPMENT APPLICATION EXHIBITION – TAMWORTH SOLAR FARM – 2209 SOLDIERS SETTLEMENT**

I refer to your correspondence received 23 January 2020 in relation to the exhibition of a Development Application for the Tamworth Solar Farm at 2209 Soldiers Settlement Road, Somerton requesting Tamworth Regional Council to comment on the proposal and provide advice including recommended conditions of consent. In this regard, the following information is provided:

**General**

Council has no objection to the proposed 65MW solar farm development provided the matters addressed in this submission and suggested conditions of consent are included. There are a number of matters identified in this submission to be considered, which include a request for appropriate conditions of consent to ensure measures are implemented for road and storm water infrastructure upgrades to a standard that will minimise dust nuisance, damage to the unsealed road network and reduce the impacts of stormwater run-off from the subject site on adjoining properties and road infrastructure. These concerns have also been identified by the nearby residents directly affected by this proposal.

A general condition should be imposed regarding implementation of all mitigation measures identified within Section 6 of the Environmental Impact Statement (EIS).

Suggested Condition

- *The mitigation and management measures recommended in the endorsed supporting documents, must be implemented throughout the construction phase and operation of the facility;*
  - *Section 6 of the Environmental Impact Statement, prepared by Projecte, Revision 2 dated 22 January 2020*

**Biodiversity:**

The EIS mentions the requirement for entry into a Biodiversity Offset Scheme due to removal of 19 trees within a section of the property defined as Category 2 land (grassy box woodland). The remainder of the site that has a cropping and grazing history has been defined as Category 1 land and therefore does not require offsetting. A condition should be placed in any forthcoming consent around the requirement for the Proponent to enter into an Offset Scheme for the removal of on-site trees as identified within the EIS.

All correspondence should be addressed to the General Manager:

Telephone: 6767 5555  
Facsimile: 6767 5499

PO Box 555 (DX 6125)  
Tamworth NSW 2340

trc@tamworth.nsw.gov.au  
www.tamworth.nsw.gov.au

### Suggested Condition

- *The Proponent shall prepare a biodiversity offset strategy following final design, in consultation with Office of Environment and Heritage, to the satisfaction of the Secretary. The offset strategy is to be prepared by an ecologist and submitted for approval prior to the commencement of construction.*

### **Traffic:**

Whilst it is noted in the EIS that along the transport route from the Oxley Highway to the Site entrance, bends and intersections will be sealed, Council requests that further improvements to other sections of road along the transport route between Oxley Highway and the Site be undertaken. The following comments are made in relation transport route road infrastructure and traffic movements.

Concerns are raised by Council and nearby residents due to the proposed increase of construction traffic along Babbinboon Road, Warminster Road and Soldiers Settlement Road (the transport route) and the limited capacity for these roads to carry a significant increase in light and heavy vehicle movements without substantial upgrades pre-construction and without ongoing monitoring of road conditions throughout construction (including upon completion) of the development.

Some of the concerns raised from residents along the transport route include:

1. A number of houses are very close to the road and dust generated from the construction traffic will cause issues on existing residents.
2. In wet weather Babbinboon Road, Warminster Road and Soldiers Settlement Road can deteriorate quickly.
3. In dry times the roads shows signs of breaking away and can be subject to dangerous corrugation and potholes.
4. Sections of the transport route have an inadequate road width to be able to have two full lanes of traffic to allow acceptable passing to occur.
5. School busses use the transport route and the application does not factor into account the potential impact on school buses when stopping to drop off/pick up children.

In the submissions received by Council, it was requested to seal the affected roads as a way to deal with the *“serious impacts on the public infrastructure and minimise the impact on the community”*.

The following additional observations and concerns are raised by Council:

1. The intersection of Warminster Road with Babbinboon Road is discussed in the EIS and the associated Traffic Impact Assessment. However, the documentation is silent on the matter of the poor angle of approach on the minor leg of this intersection. This element should be investigated in detail, and the geometry revised if required.
2. The Traffic Impact Assessment recommends the removal of an existing tree at the intersection of Warminster Road with Babbinboon Road with the objective of improving sight distance to the west. This tree is likely to be contributing the stability of the watercourse in this location. Consideration should be given to under-pruning the tree as an alternative to removal.
3. Several sections of unsealed roadway along the proposed access route are low-lying, resulting in inundated and trafficable shoulders and swale drains during wet weather. Concern is raised with regards to the ability of the roadways to adequately cater for passing vehicles under these conditions. This aspect should be investigated, and upgrades recommended where appropriate.

Council requests the transport route to be upgraded (at a minimum) to allow a two truck width road to safely carry the traffic in all weather. This would also include sealing further sections that are currently inadequate in wet/dry times. The EIS suggested that a dilapidation survey be conducted on the road networks prior to construction. Council agrees that a dilapidation survey should be required. This survey should be the basis for determining the level of upgrades required for the transport route.

The Proponent is requested to consult with Tamworth Regional Council as the local roads authority to determine the adequacy of existing roads, causeways and culverts following the completion of the dilapidation survey, to determine the full extent of works required prior to construction, during and post operation (at decommissioning stage).

It is acknowledged that an intersection upgrade will be undertaken at the Oxley Highway/Babbinboon junction and the Proponent will be required to enter into a Works Authorisation Deed with the Roads and Maritime Services for those works to be designed and construction appropriately.

### Suggested Conditions

- *A condition related to the requirement to prepare a "Driver's Code of Conduct" shall be included.*
- *Hours of heavy vehicle movements to be restricted such that no movements occur during school bus periods (morning/afternoons).*
- *Prior to the commencement of construction of the project, the Proponent shall commission a suitably qualified expert to assess the condition of all Council controlled public roads proposed to be traversed by construction traffic associated with the project (including over-mass or over-dimensional vehicles) in consultation with Council.*
- *Prior to commencement of construction of the project, in consultation with Council and the RMS, the Proponent shall identify any upgrade requirements to accommodate project traffic for the duration of construction (including pavement, shoulder, swale, culvert, causeway, bridge and drainage design; intersection treatments; vehicle turning requirements and site access) considering final traffic volumes and works.*
- *The results shall be contained within a road dilapidation and upgrade report, and shall be submitted to the Secretary prior to the commencement of construction clearly identifying recommendations made by the Council and the RMS and how these have been addressed. The Proponent shall ensure that all upgrade measures identified in the report are implemented to the satisfaction of Council and the RMS, prior to the commencement of construction.*

*Advice Note: It is anticipated that the arrangements for ongoing maintenance and final repair of any defects and deterioration at completion of the construction phase of the project will be the subject of a security bond to be lodged with Council, and to be drawn upon in the event that the proponent fails to satisfactorily adhere to the terms of the Construction Management Plan.*

### **Dust**

Dust mitigation surrounding the transport route being largely unsealed is to be addressed by two options within the EIS, being 1) dust suppression using water carts, or 2) sealing unsealed sections of the transport route on Babbinboon Rd & Warminster Rd. Whilst there are two options specified, there is no trigger identified for the adoption of either treatment measure. Council has concerns

that the extended use of water carts will be impractical, and has a strong preference for sealing of the roadways in the vicinity of the dwellings.

A condition should be placed around this so that it is clearly identified and not just left to the developer's discretion.

As discussed above, the dilapidation survey will determine which sections of the transport route will be required to be sealed or upgraded. For those sections of the transport route that remain unsealed, the following condition is requested.

#### Suggested Conditions

- *The Developer shall upgrade and seal any unsealed sections of roadway along the designated haulage route with potential to cause a dust nuisance to adjoining dwellings and other sensitive uses, to the satisfaction of Tamworth Regional Council.*
- *The Developer shall ensure that dust suppression is undertaken to ensure there is no visible dust emitted due to any works associated with unsealed areas within the development, and any remaining unsealed areas along the transport route. This can be in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving in, out or within the development site does not cause a nuisance to surrounding properties.*

#### **Aboriginal Heritage:**

The following conditions are requested to be included in relation to the Aboriginal heritage on the site:

#### Suggested Conditions

- *A representative from Tamworth Local Aboriginal Land Council shall be present onsite during initial vegetation clearing and topsoil stripping.*
- *If during the course of construction, the Proponent becomes aware of any previously unidentified significant Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the OEH informed in accordance with section 89A of the National Parks and Wildlife Act 1974. Relevant works shall not recommence until written authorisation from the Director-General of OEH advising otherwise is received by the Proponent.*

#### **Land:**

Conditions are recommended specifically identifying that the site is to be returned to its pre-development state should the Solar Farm be decommissioned.

#### Suggested Conditions

- *Within 18 months of the site being decommissioned, the site shall be returned, as far as practicable, to its condition prior to the commencement of construction in consultation with relevant landowners. All solar panels and associated above ground structures including but not necessarily limited to, the substation, the control and facilities building and electrical infrastructure, including underground infrastructure to a depth of 300 millimetres, shall be removed from the site unless otherwise agreed by the Secretary, except where the substation, control room or overhead electricity lines are transferred to or in the control of the local electricity network operator. All other elements associated with the project, including site roads, shall be removed unless otherwise agreed to by the Secretary.*

- *If the solar farm is not used for the generation of electricity for a continuous period of 12 months, it shall be considered decommissioned by the Proponent, and the site shall be returned as far as practical, to its condition prior to the commencement, unless otherwise agreed by the Secretary. The Proponent shall keep independently-verified annual records of the use of the solar panels for electricity generation. Copies of these records shall be provided to the Secretary upon request.*
- *No later than one month prior to the decommissioning of the project, or as otherwise agreed by the Secretary, the Proponent is to prepare a Decommissioning Management Plan for the approval of the Secretary. The Plan is to include but not necessarily limited to:*
  - (a) identification of structures to be removed and how they will be removed;*
  - (b) measures to reduce impacts on the environment and surrounding sensitive land uses;*
  - (c) details of components to be recycled;*
  - (d) details of rehabilitation and revegetation with reference to the biodiversity offset*

### **Visual:**

Conditions around the reflectivity of the panel infrastructure should be included. Panels should be designed to be non-reflective. The following conditions are requested:

#### *Suggested Conditions*

- *A further glare assessment is to be undertaken once the panel layout is confirmed, to ensure that the location, siting and angle of the panels on site, does not result in any unacceptable glare for sensitive receptors/adjoining properties.*
- *The developer must:*
  - *minimise the off-site visual impacts of the development, including the potential for any glare or reflection from the solar panels;*
  - *ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and*
  - *not mount any advertising signs or logos on site, except where this is required for safety purposes.*

### **Noise:**

The EIS mentions neighbour notification and there is a mitigation measure proposed identifying that notification will be undertaken. Inclusion of a condition requiring a complaints line to be established and contact details for responsible person provided to affected neighbours. All complaints to be formally recorded and reported back to the complainant within 7 days. The following conditions are suggested:

#### *Suggested Conditions*

- *The Proponent shall only undertake construction activities associated with the project that would generate an audible noise at any sensitive receptor during the following hours: (a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive; (b) 8:00 am to 1:00 pm on Saturdays; and (c) at no time on Sundays or public holidays. This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent environmental harm or risk to life.*

- *Prior to the commencement of construction, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and operation) or as otherwise agreed by the Secretary: (a) a 24 hour telephone number on which complaints about construction and operational activities at the site may be registered; (b) a postal address to which written complaints may be sent; and (c) an email address to which electronic complaints may be transmitted.*

*The telephone number, postal address and email address shall be advertised in a newspaper circulating in the area on at least one occasion prior to the commencement of construction; and at six-monthly intervals during construction and for a period of two years following commencement of operation of the project. These details shall also be provided on the Proponent's internet site. The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the construction site(s), in a position that is clearly visible to the public.*

- *The Proponent shall record details of all complaints received in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to: (a) the date and time, of the complaint; (b) the means by which the complaint was made (telephone, mail or email); (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect; (d) the nature of the complaint; (e) any action(s) taken by the Proponent in relation to the complaint, including timeframes for implementing the action; and (f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.*
- *The Proponent shall provide an initial response to any complaints made in relation to the project during construction or operation within 48 hours of the complaint being made. The response and any subsequent action taken shall be recorded and subsequent detailed response or action is to be provided to the complainant within 7 days.*
- *The Complaints Register must be submitted to Tamworth Regional Council:*
  - *Every 3 Months for the first 12 Months from the commencement of construction; and*
  - *Every 12 Months for the life of the development at the commencement of operations (post initial construction).*

### **Flooding and Stormwater:**

A portion of the panels are identified as being subject to minor inundation by floodwaters in the 1:100yr event. A general condition regarding the requirement for structures to be designed to withstand the effects of floodwaters should be included.

#### *Suggested Condition*

- *To ensure that the development is structurally capable of withstanding the effects of flowing floodwaters including debris and buoyancy forces, detail drawings, a report and certification by a qualified practicing Consulting Engineer shall be submitted with the Construction Certificate to show that the structures will not, in the opinion of the Consulting Engineer, sustain unacceptable damage from the impact of floodwaters and debris associated with the 1 in 100 year flood.*

## Hazards & Risks:

Minor exposure to EMF for staff is identified. Although potential impacts of this are deemed minimal, perhaps a general condition regarding WH&S and staff education around safe operating procedures is required in this regard?

### Suggested Condition

- The Proponent shall:
  - Store and handle all dangerous or hazardous materials on site in accordance with AS1940-2004: The storage and handling of flammable and combustible liquids, or its latest version; and
  - Minimise any spills of hazardous materials or hydrocarbons, and clean up any spills as soon as possible after they occur.

## Management Plans:

The EIS mentions preparation and implementation of Operational Management Plan, Waste Management Plan, etc. Any condition of consent applicable to a Management Plan must include specific details required to be included within such plans and who they are required to be submitted to for approval prior to implementation.

## Development Contributions & Voluntary Planning Agreement (VPA)

If the Proponent intends to enter into a VPA in relation to a community fund, there should be further discussion between Council, the Proponent and the Department prior to determination of the application. The VPA must take into consideration all neighbouring properties and nearby communities.

The proposed development is subject to the Tamworth Regional Council Section 94A (Indirect) Development Contributions Plan 2013, and therefore the following condition is to be included. It is noted that the total estimated cost of development is not identified by Council in the submitted documentation. The S7.11 Contribution would be 1% of the total cost of development.

### Suggested Condition

- *In accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Tamworth Regional Council Section 7.12 Development Contributions Plan 2013, \$XXXXXX (1% total cost of development) shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:*

*If the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:*

$$\$C_{PY} = \frac{\$C_{DC} \times CPI_{PY}}{CPI_{DC}}$$

Where:

- \$C<sub>py</sub>** Is the amount of the contribution at the date of Payment
- \$C<sub>dc</sub>** Is the amount of the contribution as set out in this development consent
- CPI<sub>py</sub>** Is the latest release of the Consumer Price Index (Sydney - All Groups) for the financial year at the date of Payment as published by the ABS
- CPI<sub>dc</sub>** Is the Consumer Price Index (Sydney - All Groups) for the financial year at the date of this development consent

The monetary contributions shall be paid to Council prior to the issue of the first Construction Certificate.

**It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.**

The Tamworth Regional Council Section 7.12 Development Contributions Plan may be viewed at [www.tamworth.nsw.gov.au](http://www.tamworth.nsw.gov.au) or a copy may be inspected at Council's Administration Centre during normal business hours.

Should you require any clarification in relation to the matters raised above, please contact Council on the number below.

Yours faithfully,



Sam Lobsey  
**Acting Director, Planning and Compliance**

Contact: (02) 6767 5507

Reference: LF27832

24 February 2020