

ORD01

Attachment 5

**LEP Review Stage 1 – Public Agency Submissions**

- 1 Department of Primary Industries - Agriculture
- 2 Many Williams - SW Sydney Local Health District
- 3 Department of Education
- 4 Department of Primary Industries - Agriculture
- 5 Sydney Water
- 6 Endeavour Energy
- 7 WaterNSW
- 8 tfNSW
- 9 Land Minerals Department
- 10 Climate Change & Sustainability -DPIE



1. Agency

ORD01

OUT20/7823

The General Manager  
(Att: Bradley Colling)  
Camden Council  
PO Box 183  
CAMDEN NSW 2570

[mail@camden.nsw.gov.au](mailto:mail@camden.nsw.gov.au)

Dear Mr Colling

**Submission to Planning Proposal for Stage 1 Amendment to Camden LEP 2010  
PP\_2019\_CAMDE\_005\_00**

Thank you for your correspondence dated 15 June 2020 providing the opportunity to comment on the planning proposal for the Stage 1 amendment to the Camden Local Environmental Plan 2010.

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

DPI Agriculture has reviewed the proposal and notes the intention to permit eco-tourist facilities with consent in zones RU1 Primary Production and RU2 Rural Landscape, and amend an objective for these zones relating to non-agricultural uses.

DPI Agriculture objects to amendment number 3 of the planning proposal to amend the objective relating to non-agricultural land uses and permit eco-tourist facilities with consent in the RU1 Primary Production zone. DPI Agriculture objects to these proposed amendments for the following reasons:

1. the amendment to the objective for the RU1 zone will weaken the intent of the current objective which requires non-agricultural land uses to support primary production;
2. permitting eco-tourist facilities in the RU1 zone is considered to be inconsistent with action 102 of the Camden Local Strategic Planning Statement as it will not minimise the potential for land use conflict;
3. permitting eco-tourist facilities in the RU1 zone is considered to be inconsistent with the action in the Camden Rural Lands Strategy to "investigate and promote activities to support and promote viable and sustainable agriculture" as eco-tourist facilities are generally unrelated to agricultural production;
4. there is limited RU1 zoned land in the Camden local government area (LGA) and it contains Biophysical Strategic Agricultural Land and existing intensive agricultural land uses. Given the future pressure expected to be placed on rural land in the Camden LGA the existing RU1 zoned land should be retained for agricultural purposes; and

Attachment 5

ORD01

Attachment 5

5. farmstay accommodation and bed and breakfast accommodation are already permissible in the RU1 zone. These forms of tourist accommodation are considered appropriate as they are limited in size and are unlikely to prevent the ongoing use of land for agricultural purposes.

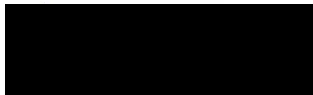
DPI Agriculture has no objection to these changes occurring in the RU2 Rural Landscape zone.

It is noted that there is limited RU2 zoned land in the Camden LGA. Should Council believe that some of the land currently zoned RU1 is not suitable for agriculture and may be suitable for eco-tourist facilities, it should consider rezoning this land to RU2. This would enable a strategic approach to locating eco-tourist facilities and other non-agricultural land uses in the LGA and ensure that agricultural land is retained for agriculture and compatible land uses in the RU1 Primary production zone.

Council should also await the completion of the work between the Department of Planning, Industry and Environment and the NSW Small Business Commissioner relating to agritourism land uses in rural areas before Council considers whether there is a need to permit additional land uses in the RU1 zone.

Should you require clarification on any of the information contained in this response, please contact Paul Garnett, Agricultural Land Use Planning Officer, on 0429 864 501 or by email at [landuse.ag@dpi.nsw.gov.au](mailto:landuse.ag@dpi.nsw.gov.au)

Yours sincerely



**Christine Tumney**  
**Group Director Agricultural Resources**  
**Department of Primary Industries - Agriculture**



## 2. Agency

### Health South Western Sydney Local Health District

ORD01

SWD20/069674

The General Manager  
(Att: Bradley Colling)  
Camden Council  
PO Box 183, CAMDEN NSW 2570  
[mail@camden.nsw.gov.au](mailto:mail@camden.nsw.gov.au)

Dear Mr Moore,

#### **Public Exhibition of Draft Stage 1 Planning Proposal – Local Environmental Plan (LEP) Review (PP/2019/11/1)**

Thank you for the opportunity to provide comment on the Draft Stage 1 Planning Proposal for the LEP review. South Western Sydney Local Health District (SWSLHD) recognises the importance of the built and social environment in influencing health outcomes and in creating healthy, liveable and connected communities.

We applaud the inclusion of the health-focussed objective “to protect and promote the health and well-being of current and future residents of Camden” within the LEP review document. We are encouraged to see health considerations being integrated into a range of key council documents, such as the CSP and more recently in the Local Strategic Planning Statement (LSPS), and draft LEP review documents. This model of integration is one that we are working hard to translate to other councils across the Western Parkland City. Both Wollondilly and Campbelltown councils have included a similar health objective within their draft LEP amendment documents.

We were pleased to see that the *Camden LEP 2011 Land Use Table* will be amended to embed health considerations around walking and cycling into the zone objective for neighbourhood centres (bringing it into line with other zones). These proposed zone objectives give greater clarity to the overall aim of the health objective and will ensure that future development proposals reflect the intent of the LEP.

Council should be commended on its strong commitment to explicitly putting people's health and wellbeing at the heart of planning and designing communities. The Healthy Places team within Population Health, SWSLHD have developed a range of co-funded partnerships with our councils with the aim of embedding health into Council's planning, design and policy and would welcome the opportunity to explore this model with you further. We have recently sponsored 3 council staff from Camden Council to complete the internationally recognised *Healthy Streets* training and we look forward to supporting joint projects that emerge as a result.

South Western Sydney Local Health District acknowledges the traditional owners of the land.

#### **General Correspondence**

**Email:** [SWSLHD-ESU@health.nsw.gov.au](mailto:SWSLHD-ESU@health.nsw.gov.au)  
**Website:** [www.swsld.health.nsw.gov.au](http://www.swsld.health.nsw.gov.au)

**South Western Sydney Local Health District**  
ABN 46 738 965 845

Liverpool Hospital Eastern Campus  
Locked Bag 7279 Liverpool BC 1871  
Tel 612 8738 6000 Fax 612 8738 6001

Attachment 5

ORD01

Should you require further information, please contact Ms Jennie Pry, Manager – Healthy Places, SWSLHD, on 8738-5702 or via email [jennie.pry@health.nsw.gov.au](mailto:jennie.pry@health.nsw.gov.au).

Regards,



Mandy Williams  
**A/Director, Population Health**  
Date: 17/7/2020

Attachment 5

## 3. Agency



ORD01

20<sup>th</sup> July 2020

Camden Council  
PO Box 183,  
Camden NSW 2570

Attn: Strategic Planning Team, Camden Council

Dear Sir/Madam,

**SUBMISSION TO STAGE 1 CAMDEN LOCAL ENVIRONMENTAL PLAN (LEP) REVIEW 2020**

School Infrastructure NSW (SINSW), as part of the Department of Education (DoE), welcomes the opportunity to provide feedback on the draft Stage 1 Camden Local Environmental Plan (LEP) Review 2020.

SINSW is generally supportive of the overall direction and land-use controls contained in the draft CLEP 2020, subject to the considerations identified which will assist with the appropriate provision of school infrastructure to respond to population growth.

**Draft CLEP 2020 Recommendations:**

Environmentally Sensitive Land

SINSW notes the introduction of Environmentally Sensitive Land (ESL) mapping and the additional provisions within Part 7 of the Camden LEP for ESL to preserve ecological communities and important biodiversity corridors within the LGA.

Several existing school sites will be impacted by the updated mapping, including:

- Camden Public School
- Camden South Public School
- Harrington Park Public School
- Mount Annan High School
- Mawarra Public School
- Narellan Public School
- Elderslie Public School

None of the above sites are currently identified as containing terrestrial biodiversity under the *Camden Local Environmental Plan 2010* (CLEP 2010), nor are these mapped on the Department of Planning, Industry and Environment's Biodiversity Values Map.

SINSW requests that further clarification be provided regarding the biodiversity values present on the above sites, in particular, advice on surveys that have been undertaken to inform the proposed mapping. This does not appear to be specified within the updated Camden Council Local Biodiversity Strategy (2013).

Attachment 5

ORD01

Attachment 5



Further, SINSW requests that ESL listings and maps that apply to school sites, only apply to those parts of the site that are environmentally sensitive and not to parts of the site where there are existing buildings and therefore not environmentally sensitive land. This will ensure that vital alterations and additions to school elements can be carried out more efficiently as exempt or complying development under *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, where appropriate.

#### Heritage

SINSW supports the correction of various errors in Schedule 5 of the draft CLEP, including updating site addresses.

SINSW requests that during review of the heritage listings, consideration be given to limiting the listings and mapping on schools to only reflect the elements of significance rather than the entire site.

This consideration is sought as often only a portion of the site or school development contains elements or fabric of heritage significance. Accurate listings will ensure vital alterations and additions to non-heritage significant school elements can be carried out more efficiently as exempt or complying development under *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, where appropriate.

#### Infrastructure Delivery

SINSW requests that Council consider reviewing the relevant section 7.11 or 7.12 Plan to confirm suitable road upgrades, active and public transport infrastructure (i.e. walking and cycling infrastructure, wayfinding, bus shelters etc.) is provided to service any uplift associated with and future zoning changes as a result of the Stage 2 LEP Review.

Should you require further information about SINSW or this submission, please contact Lincoln Lawler at [Lincoln.Lawler@det.nsw.edu.au](mailto:Lincoln.Lawler@det.nsw.edu.au)

Yours Sincerely,



Alix Carpenter  
Director - Statutory Planning



## Department of Primary Industries

4. Agency

ORD01

Your Ref: PP/2019/11/1

20 July 2020

The General Manager  
Camden City Council  
Attn: Mr Bradly Colling  
c/o: [mail@camden.nsw.gov.au](mailto:mail@camden.nsw.gov.au)

### Consultation for Camden LEP Review Stage 1 Amendment to Camden LEP 2010

Thank you for your referral seeking comment on the proposal from DPI Fisheries, a division of NSW Department of Primary Industries on the proposed works stated above. This notification complies with s.199(1)(a) of the *Fisheries Management Act 1994* (FM Act) concerning the proposed dredging and reclamation activities.

DPI Fisheries is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, DPI Fisheries ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (FM Act) (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*. DPI Fisheries is also responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves within NSW.

DPI Fisheries has reviewed the amendment and makes the following comments:

- DPI Fisheries is pleased that the amendment makes provisions to allow additional protection for environmentally sensitive land through the identification of Environmentally Sensitive Land (ESL) mapping.
- Noted that there are two classes outlined under Part 7 Additional Local Provisions:
  1. Terrestrial biodiversity;
  2. Riparian lands and watercourses.
- In Appendix 4 – Detailed explanation of provisions, Environmentally Sensitive Land – Riparian lands and watercourses under section 2. (c) the land included in this section is land 40m from the top of the bank. *Policy and Guidelines for Fish Habitat Conservation and Management (2013)* section 6.1.4 Protecting urban riparian vegetation and 6.1.4.1 3) a) specifically details the riparian buffer required depending on the type and class of water way, ranging from 10m to 100m. So, a 40m width may not necessarily meet the DPI Fisheries requirements.

If you require any further information, please contact Josi Hollywood on (02) 4222 8311.

Yours sincerely,

**Josi Hollywood**  
Fisheries Manager, Coastal Systems

Attachment 5

**DPI Fisheries**

Mail to: R. Philips, 1243 Bruxner Hwy, Wollongbar NSW 2477  
Email: [ahp.central@dpi.nsw.gov.au](mailto:ahp.central@dpi.nsw.gov.au)  
ABN 20770707468

Page 1 of 1



## 5. Agency



ORD01

Attachment 5

10 July 2020

**Martin Cooper**  
Manager Strategic Planning  
Camden Council  
E: [mail@camden.nsw.gov.au](mailto:mail@camden.nsw.gov.au)

**RE: Planning Proposal PP/2019/11/1 – Camden LEP 2010 Review Stage 1**

Thank you for referring planning proposal PP/2019/11/1 to Sydney Water which proposes Stage 1 amendments to the Camden Local Environmental Plan (LEP) 2010 to adopt the Camden Local Strategic Planning Statement (LSPS) and the Western City District Plan.

Sydney Water have reviewed the planning proposal and supporting documents and have concluded the two issues raised relating to Sydney Water owned land is of no concern to us.

- Sydney Water is aware of the rezoning of our property in Camden from water infrastructure to SP2 Infrastructure and discussions regarding these rezoning submissions have already occurred between Sydney water and Council.
- Sydney Water supports the new Environmentally Sensitive Land (ESL) clauses and mapping proposed and we will consider the objectives of ESL if planning for works in the six properties listed by Council. This will be consistent with Sydney Water's current practice to apply our avoid, minimise, mitigate and offset residual impacts framework.

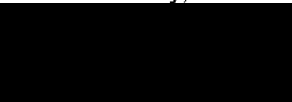
Sydney Water have determined that this LEP amendment does not require further assessment at this stage as all existing principal development standards and controls will be retained under this LEP amendment. Sydney Water understands that Council are currently undertaking studies to support the Camden LSPS and inform future amendments to the Camden LEP 2010. As a result, further planning proposals may arise as a result of PP/2019/11/1 and the following studies:

- Housing Strategy
- Employment and Centres Strategy
- Green and Blue Grid Analysis
- Heritage Review
- Scenic and Visual Analysis

Sydney Water welcomes the opportunity to comment on future LEP amendments and the above studies, particularly where proposed changes may trigger an increase in dwellings and jobs within the Camden local government area.

Sydney Water looks forward to continuing engagement and collaboration with Council. For future communications, including notifications on planning proposals, please contact the Growth Planning Team at [urbangrowth@sydneywater.com.au](mailto:urbangrowth@sydneywater.com.au).

Yours sincerely,



**Kristine Leitch**  
Growth Intelligence Manager  
City Growth and Development, Liveable City Solutions  
Sydney Water, 1 Smith Street, Parramatta NSW 2150

## 6. Agency



Document No: MDI 0044

Amendment No: 1

## Mains Design Instruction

# Easements and Property Tenure

## IMPORTANT DISCLAIMER

*As the information contained in this publication is subject to change from time to time, Endeavour Energy gives no warranty that the information is correct or complete or is a definitive statement of procedures. Endeavour Energy reserves the right to vary the content of this publication as and when required. You must make independent inquiries to satisfy yourself as to correctness and currency of the content. Endeavour Energy expressly disclaims all and any liability to any persons whatsoever in respect of anything done or not done by any such person in reliance, whether in whole or in part, on this document.*

Copyright © Endeavour Energy 2017

51 Huntingwood Drive Huntingwood NSW 2148  
 PO Box 811, Seven Hills NSW 1730  
 T: 131 081 • F: 61 2 9853 6000

[www.endeavourenergy.com.au](http://www.endeavourenergy.com.au)

ABN 59 253 130 878



## MAINS DESIGN INSTRUCTION

<b>ASSET STANDARDS &amp; DESIGN</b>	Document No Amendment No Approved By Approval Date	MDI 0044 1 GMAM 06/03/2017
-------------------------------------	---	-------------------------------------

### MDI 0044 – Easements and Property Tenure

#### CONTENTS

1.0	PURPOSE.....	5
2.0	SCOPE.....	5
3.0	REFERENCES.....	5
4.0	DEFINITIONS AND ABBREVIATIONS.....	6
4.1	Abbreviations.....	6
4.2	Definitions.....	6
5.0	ACTIONS.....	7
5.1	General Requirements.....	7
5.2	Management process of easements.....	8
5.3	Minimum easement widths.....	9
5.3.1	Minimum easement required for overhead lines.....	9
5.3.2	Minimum easement required for network assets.....	10
5.3.3	Parallel overhead feeders.....	11
5.3.4	Request for dispensation to the minimum easement width.....	12
5.3.5	Indoor substations.....	12
5.3.6	Padmount substations and switching stations.....	12
5.4	Assets within special areas.....	12
5.4.1	Assets within the road verge.....	12
5.4.2	Assets within roadways.....	13
5.4.3	Overhead lines crossing private property.....	13
5.4.4	Easement over Railway Corridor land.....	13
5.4.5	Easements over National Park Land.....	14
5.4.6	Easements over Forestry Land.....	14
5.4.7	Easements in water catchment areas.....	14
5.4.8	Community Title developments.....	14
5.5	Easement creation.....	15
5.6	Easement terms.....	15

## Easements and Property Tenure

Amendment no. 1

<b>5.7</b>	<b>Other types of Property Tenure .....</b>	<b>15</b>
<b>5.8</b>	<b>Modifying assets with an easement .....</b>	<b>16</b>
<b>5.9</b>	<b>Easement release.....</b>	<b>16</b>
<b>5.10</b>	<b>Easement height .....</b>	<b>16</b>
<b>5.11</b>	<b>Rights granted by the Electricity Supply Act.....</b>	<b>17</b>
5.11.1	<i>Protection of assets installed before May 2006 .....</i>	<i>17</i>
5.11.2	<i>General protection of network assets .....</i>	<i>17</i>
<b>5.12</b>	<b>Works on assets without a registered easement.....</b>	<b>17</b>
<b>5.13</b>	<b>General requirements on encroachment management.....</b>	<b>18</b>
<b>5.14</b>	<b>Encroachments on overhead line easements.....</b>	<b>19</b>
5.14.1	<i>Minimum safety requirements for overhead line easements .....</i>	<i>19</i>
5.14.2	<i>Prohibited activities / encroachments .....</i>	<i>20</i>
5.14.3	<i>Permitted activities / encroachments .....</i>	<i>20</i>
5.14.4	<i>Controlled activities / encroachments .....</i>	<i>20</i>
<b>5.15</b>	<b>Encroachments on underground easements .....</b>	<b>26</b>
5.15.1	<i>General information for underground asset easements .....</i>	<i>26</i>
5.15.2	<i>Minimum safety requirements for underground asset easements.....</i>	<i>26</i>
5.15.3	<i>Prohibited activities / encroachments .....</i>	<i>26</i>
5.15.4	<i>Permitted activities / encroachments .....</i>	<i>27</i>
5.15.5	<i>Controlled activities / encroachments .....</i>	<i>27</i>
<b>5.16</b>	<b>Encroachments on Padmount Substation or Switching Station easements .....</b>	<b>29</b>
5.16.1	<i>General information for padmount substation easements.....</i>	<i>29</i>
5.16.2	<i>Minimum safety requirements for padmount substation easements .....</i>	<i>29</i>
5.16.3	<i>Prohibited activities / encroachments .....</i>	<i>30</i>
5.16.4	<i>Permitted activities / encroachments .....</i>	<i>30</i>
5.16.5	<i>Controlled activities / encroachments .....</i>	<i>30</i>
<b>5.17</b>	<b>Transfer earth hazards .....</b>	<b>31</b>
<b>5.18</b>	<b>Encroachment management process.....</b>	<b>32</b>
5.18.1	<i>Existing encroachment management process .....</i>	<i>32</i>
5.18.2	<i>Applications for controlled encroachments .....</i>	<i>33</i>
<b>5.19</b>	<b>Access and Rights of Way .....</b>	<b>34</b>
5.19.1	<i>Locking arrangements for shared access gates .....</i>	<i>34</i>
<b>5.20</b>	<b>Recording of easements in GIS .....</b>	<b>35</b>
<b>5.21</b>	<b>Drawings .....</b>	<b>35</b>
<b>6.0</b>	<b>AUTHORITIES AND RESPONSIBILITIES.....</b>	<b>36</b>
<b>7.0</b>	<b>DOCUMENT CONTROL .....</b>	<b>36</b>
<b>Annexure 1</b>	<b>STANDARD EASEMENT TERMS .....</b>	<b>37</b>

**Easements and Property Tenure****Amendment no. 1**

<b>Annexure 2</b>	<b>Terms of Restrictions on the Use of Land .....</b>	<b>41</b>
<b>Annexure 3</b>	<b>COMMUNITY TITLE BY-LAWS .....</b>	<b>46</b>
<b>Annexure 4</b>	<b>Typical easement layouts .....</b>	<b>47</b>
	<b>A4.1 - Underground assets .....</b>	<b>47</b>
	<b>A4.2 – UGOH and Stay pole easements .....</b>	<b>48</b>
	<b>A4.3 - Padmount easements and clearances .....</b>	<b>49</b>
<b>Annexure 5 –</b>	<b>Encroachment reference guide .....</b>	<b>51</b>

**ORD01****Attachment 5**

**Easements and Property Tenure****Amendment no. 1****1.0 PURPOSE**

To set out Endeavour Energy's design requirements for new easements, other property tenure requirements, and the management of existing easements.

**2.0 SCOPE**

This instruction covers:

- The rights Endeavour Energy has within its own easements;
- The determination of the minimum easement size for an asset;
- Process for acquiring, modifying and removing easements;
- The definition of controls for the safe operation of activities within easements; and,
- The definition of activities which are prohibited within easements.

The instruction does not cover:

- The release process of easements, which is covered in Company Policy 9.2.4.
- The process for managing existing encroachments, which is defined in Company Procedure GAM 0098.

**3.0 REFERENCES****Internal**

- Company Policy 9.2.3 – Property Tenure for Network Assets
- Company Policy 9.2.4 – Network Easement Release
- Company Procedure GAM 0098 – Management of Existing Encroachments
- Company Procedure GAM 0114 – Granting Dispensation for Engineering Documents
- Environmental Management Standard EMS 0006 - Maintenance and construction of access tracks
- Mains Construction Instruction MCI 0006 – Underground distribution construction standard
- Mains Design Instruction MDI 0028 – Underground distribution design
- Mains Design Instruction MDI 0031 – Overhead distribution: Design standards manual
- Mains Design Instruction MDI 0047 – Overhead transmission design
- Substation Design Instruction SDI 100 – Distribution Earthing Design, Construct and Test
- Endeavour Energy General Terms & Conditions for Connection of Public Lighting Assets (March 2011)
- Network Management Plan November 2013

**External**

- *Electricity Supply Act 1995\**
- *Roads Act 1993\**
- *Land Acquisition (Just Terms Compensation) Act 1991\**
- *Conveyancing Act 1919\**
- State Environmental Planning Policy (Infrastructure) 2007
- ISSC 20 - Guidelines for the Management of Activities within Electricity Easements and close to Electricity Infrastructure (April. 2012)
- ENA National Electricity Network Safety Code (Doc 001-2008)

**Easements and Property Tenure**

Amendment no. 1

- AS / NZS 7000:2016 Overhead Line Design – Detailed procedures
- AS / NZS 4853:2012 – Electrical hazards on metallic pipelines

\* - Act current as of 19/02/2016

**4.0 DEFINITIONS AND ABBREVIATIONS****4.1 Abbreviations****EPR**

Earth Potential Rise

**HV**

High voltage

**LV**

Low voltage

**LPI**

Land and Property Information

**4.2 Definitions****Easement**

An easement is an encumbrance on the title of land (which may be limited in width and height above or below the land) conferring a right to inspect, construct, operate, maintain, repair, renew, replace or upgrade electrical infrastructure.

**Positive Covenant**

A type of property tenure that requires expenditure by the land owner is required to meet the terms of the covenant.

**Property tenure**

A broad term covering the rights of the company to carry out network operations within land not owned by the company – exercising statutory rights in accordance with relevant legal requirements and the creation of appropriate recognised property rights. Typical property tenure include easements, Restrictions on Use, Positive Covenant and long term leases.

**Public road**

Defined under the Roads Act 1993. A road usually includes a vehicle carriageway and associated footpath areas on each side of the carriageway.

**Restrictions on use of land**

Conditions imposed on the use of the land, to inform the landowner and put limitations on the use of land due to the risk that exists by the electrical asset being located within the burdened lot.



**Easements and Property Tenure****Amendment no. 1****5.0 ACTIONS****5.1 General Requirements**

This standard covers two aspects of easement (and other types of property tenure) management:

- The design requirements relating to easements – easement size, creation, modification and release, rights of way and community titles.
- The management of existing easements – encroachments, transfer hazards and rights granted by the Electricity Supply Act 1995.

The general philosophy behind Endeavour Energy's approach to design and management of easements is to secure both the safe operation of the electrical network and, the safety of its employees, contractors and the public. Where a design, activity or proposal could compromise the electrical network or put an employee or the public at risk, the Electricity Supply Act 1995 allows Endeavour Energy to restrict and/or prohibit the activity. Refer to Clause 5.11 for further details.

All Endeavour Energy easements must comply with the requirements of this document, which is based on ISSC 20 "Guidelines for the Management of Activities within Electricity Easements and close to Electricity Infrastructure". However, where this standard and ISSC 20 differ, this standard will take precedence.

All new/proposed transmission and distribution infrastructure, which is not constructed on public roads, an easement in favour of Endeavour Energy must be created in accordance with the requirements of this standard.

## Easements and Property Tenure

Amendment no. 1

ORD01

## 5.2 Management process of easements

The following flowchart details the management process for easements.

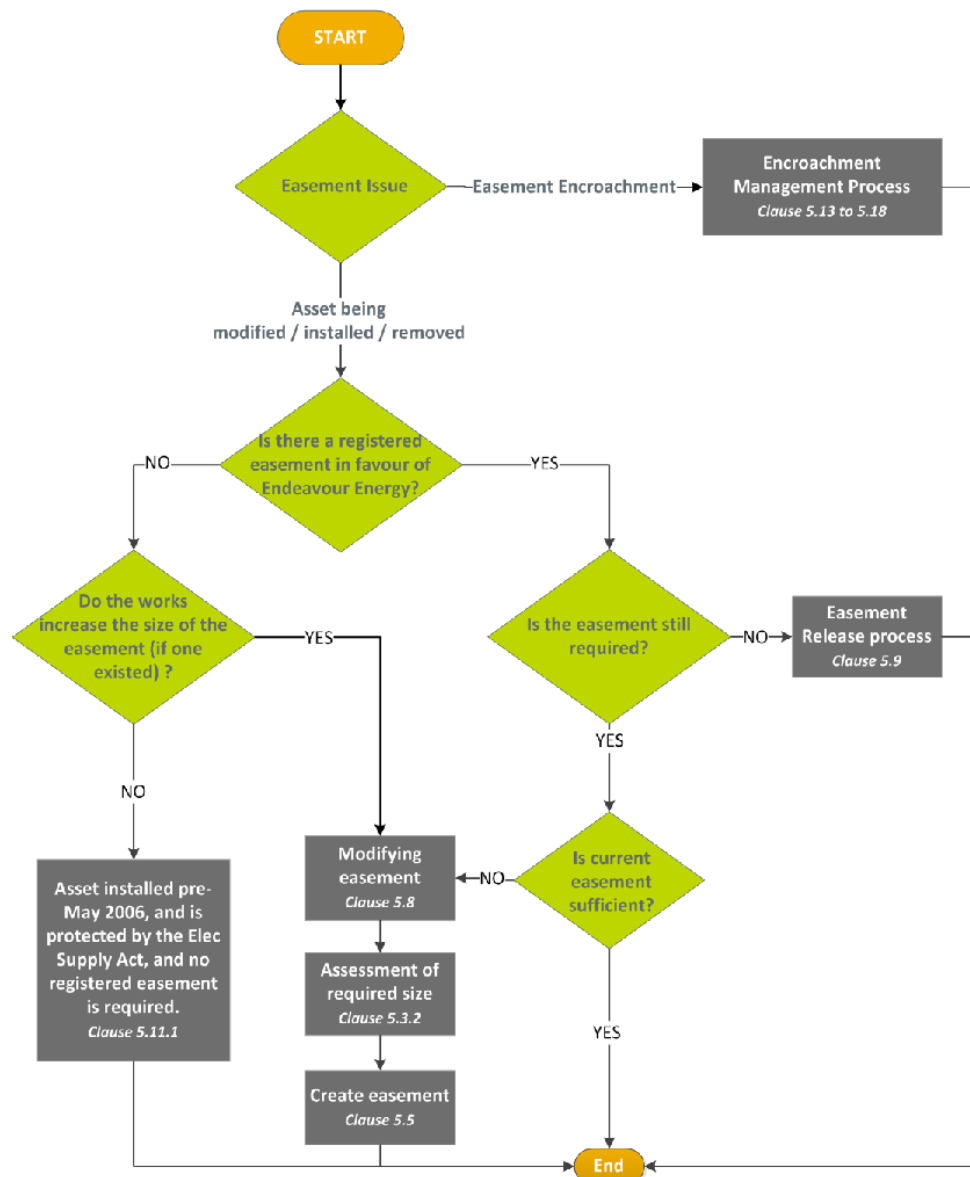


Figure 1 - Easement Management Flowchart

Attachment 5

## Easements and Property Tenure

## Amendment no. 1

### 5.3 Minimum easement widths

The minimum easement widths are specified in Table 1. Larger easements may be specified and/or required on a project by project basis. All designs must certify that the easement widths in Table 1 are suitable for the span lengths / conductors used in the design.

#### 5.3.1 Minimum easement required for overhead lines

For overhead lines, the minimum easement width for each span must be the greater width of the following three criteria:

- The width of the structure plus, two (2) times the sum of:
  - Conductor blowout, including insulator swing where applicable, (at 50°C and 500 Pa wind pressure); and,
  - The appropriate clearance from Table 3.7 of AS/NZS 7000 (Refer to Figure 2)
- Minimum maintenance requirements for the type of construction.
- The easement widths specified in Table 1.

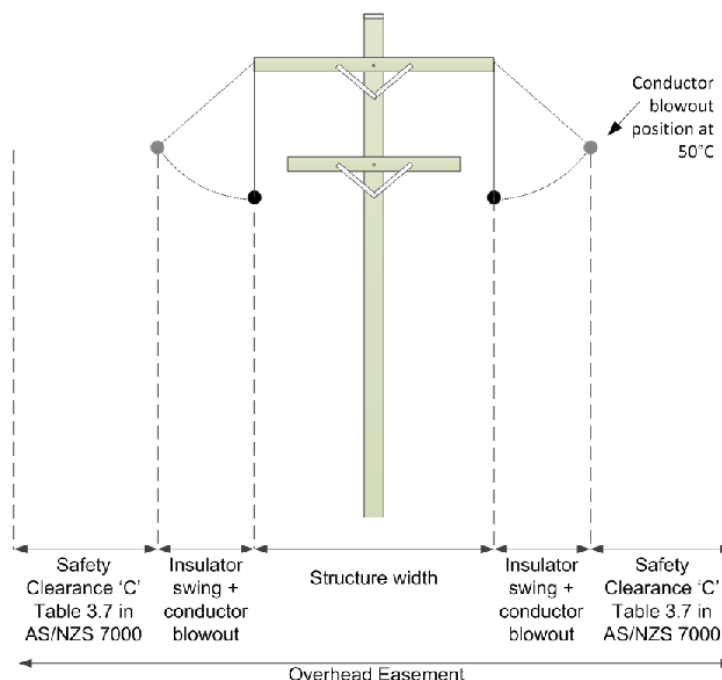


Figure 2 - Minimum overhead easement

New overhead assets must be fully contained within an easement (or other types of property tenure) and not encroach adjoining properties. Existing lines encroaching a property (without a formal easement) are permitted to remain, and may be replaced or uprated, as long as there is no increase in this encroachment. Refer to Figure 5.

## Easements and Property Tenure

Amendment no. 1

## 5.3.2 Minimum easement required for network assets

The table below details the minimum easement widths for various network assets. Refer to Annexure 4 for graphical representation for a cable joint system; pole stay and padmount clearances.

Table 1 - Minimum easement widths

	Voltage	Asset Type	Construction	Minimum Easement (m)
Overhead Assets	400V–22kV	Bare Construction	All	9
		ABC		
		CCT		
	33kV / 66kV	Bare conductor (see Note 2)	Line post insulators	18
			33kV Suspension Insulators	18
			66kV Suspension Insulators	25
			H pole Structures	30
	132kV	Bare conductor (see Note 2)	Line post insulators	25
			H pole Structures	30
			Steel tower	30
Underground Assets	400V - 22kV	Cables	Underbore / Ducted / Direct buried	3
			Ducted < 100m and with concrete protection (min 50 mm concrete cover at standard burial depth)	1
	33kV - 132kV	Cables (single feeder only)	Ducted / Direct buried	5
			Cable Pits / Joint Bays	6
	-	Communications cables	Ducted / Direct Buried	1
		Earthing conductors		1
		Bonding leads		1
		Link Box / Comms Pit		2.0 x 2.0
Other	-	Streetlight Column / Service Pillar	-	1.0 x 1.0
		Switching Station		2.75 x 2.75 (see clause 5.3.6)
		Padmount Substation		2.75 x 5.5 (see clause 5.3.6)
		Auto Transformer		See clause 5.3.5
		Indoor Substation		See Note 2
		Pole stays / Ground stays		See Note 2
	Rights of Access	Vehicle access tracks easement in rural areas (see Note 3)	-	5
		Vehicle access in urban areas		5 (see Note 5)
		Pedestrian access only		1.2

MDI 0044

Copyright © Endeavour Energy 2017

Page 10 of 52

ORD01

Attachment 5

## Easements and Property Tenure

## Amendment no. 1

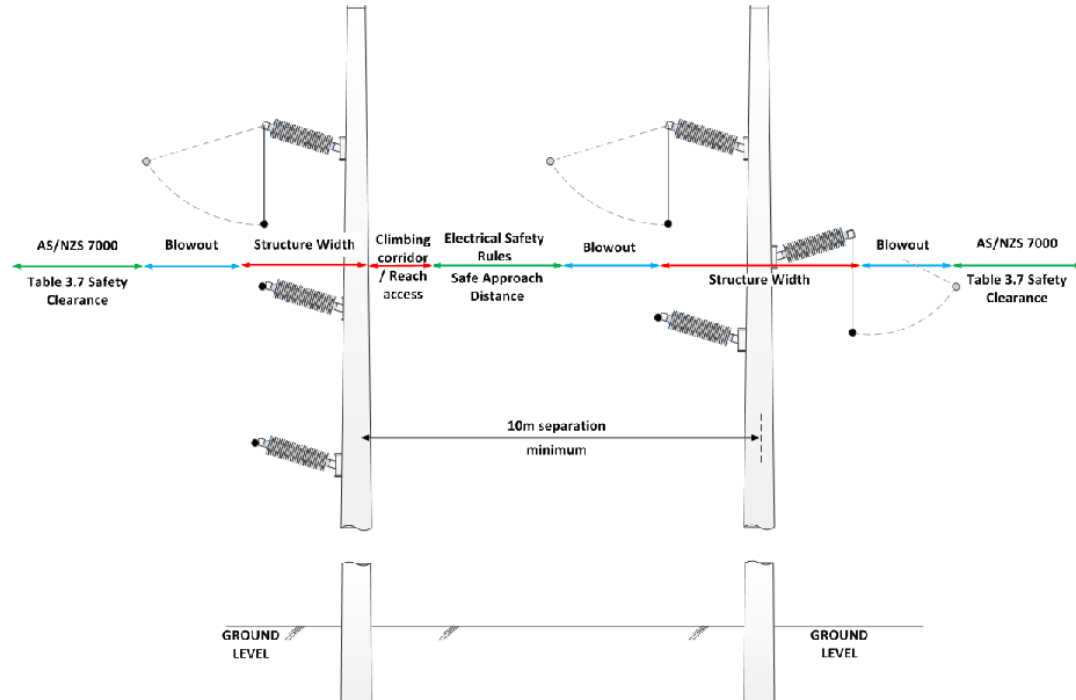
## Notes:

1. All Network assets, except for padmounts / switching stations, must be positioned in the centre of the easement. Refer to Drawings 016665 and 282551 for easement details of padmounts and switching stations. For non-symmetrical assets, such as post insulators, the centre must be measured from the position of the conductors at rest.
2. The easement for a termination pole/structure or for an aerial / ground stay must extend at least half the easement width beyond the last network pole or stay.
3. For further details regarding the construction and maintenance requirements of access tracks, refer to EMS 0006.
4. For an overhead line which its operating voltage differs from its constructed voltage, the easement must be for the constructed voltage.
5. Applies to straight line of access only. If angles or bends are required in the access path, then width to be determined by assessing a truck turning diagram, and gaining approval from the relevant Endeavour Energy Operations Manager.

## 5.3.3 Parallel overhead feeders

When considering overhead lines installed in parallel, an optimised easement width may be determined in accordance with the following principles:

- It is not necessary to consider the lines blowing toward each other with the maximum wind load. Instead consider the line with the larger sag blowing under maximum wind load toward the other line in its vertical position.
- Allowance must be given for physical movement of the line (conductors and insulators swinging), as well as electrical clearances and climbing corridors.
- Minimum horizontal separation between the two centrelines of the two feeders must be no less than 10m.



**Figure 3 – Easement requirements for parallel feeders**  
(Structure on the right assumed to have the greatest conductor blowout)

**Easements and Property Tenure****Amendment no. 1****ORD01****Attachment 5****5.3.4 Request for dispensation to the minimum easement width**

A request for dispensation must be made to Endeavour Energy's Mains Assets Manager for any proposed easement that is smaller than the stated minimum width listed in Table 1. The submission must show there is no reduction in access for maintenance purposes and that the easement provides adequate electrical clearance to any existing and/or planned structures that may be built adjacent to the easement.

All designs must consider the following factors when determining an easement width:

- Electrical safety clearance
- Insulator and conductor blowout
- Access for maintenance, repair and upgrading
- Future requirement for additional feeder(s)
- Public safety based on potential earth potential rise (EPR) and electromagnetic field (EMF) issues
- Radio and television interference
- Audible noise
- Cable duct / jointing bay requirements

**5.3.5 Indoor substations**

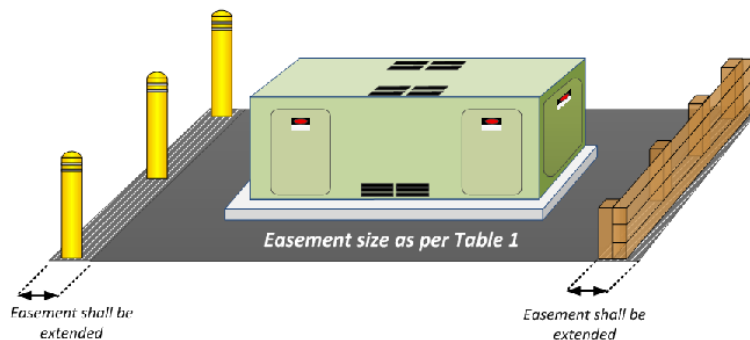
The boundaries of an easement for indoor substation must be defined by the internal face of the walls, ceiling, floor, and cable trenches of the substation room.

An easement for the cables that enter and exit the substation room will also be required if they are not installed within public roads and/or existing Endeavour Energy easements.

A right of access may also be required to give Endeavour Energy employees, vehicles, and equipment unrestricted access to the indoor substation at all times.

**5.3.6 Padmount substations and switching stations**

The easement size for a padmount substation must be increased when a retaining wall or safety bollard has been installed/built to protect a padmount substation from vehicle impact, as indicated in Figure 4.



**Figure 4 - Easements to include retaining wall or safety bollard**

**5.4 Assets within special areas****5.4.1 Assets within the road verge**

Assets installed within a road carriageway cannot be provided with an easement. However, overhead assets proposed to be installed within the road verge still require the clearances specified in Table 1 and Clause 5.3.1.

## Easements and Property Tenure

## Amendment no. 1

As a minimum, the separation between the power line and the property line, must be the conductor blowout (at 50°C and 500 Pa wind pressure) and Safety Clearance 'C' from Table 3.7 of AS/NZS 7000.

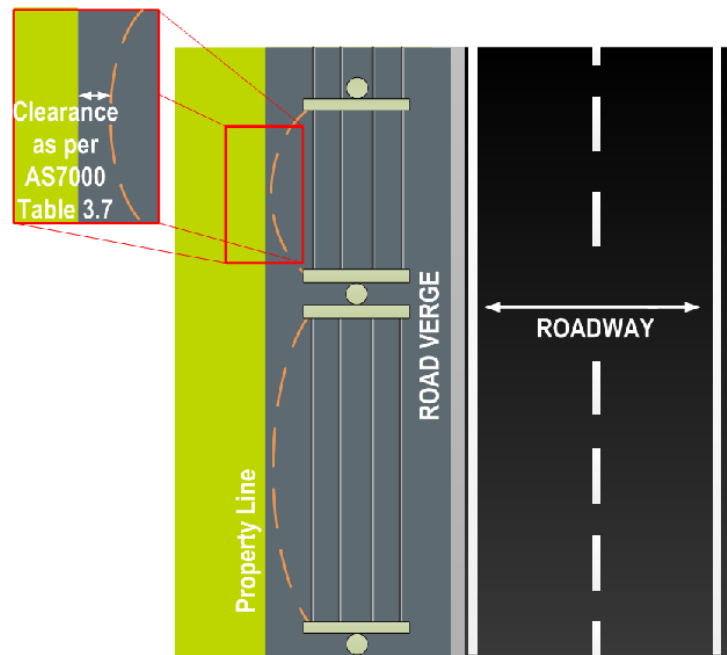


Figure 5 - Roadway requirements

#### 5.4.2 Assets within roadways

Assets installed within a public road (as defined in the *Roads Act 1993*) requires the consent of the appropriate road authority to be obtained prior to the construction of any electrical works. Neither the *Roads Act 1993* or the *Electricity Supply Act 1995* requires an easement within public roads.

#### 5.4.3 Overhead lines crossing private property

Where Endeavour Energy overhead lines cross private property, the line must be protected by a registered easement. The minimum width of this easement must be in accordance with the requirements in Clause 5.3.1 and 5.3.2.

#### 5.4.4 Easement over Railway Corridor land

In 2002, Endeavour Energy entered into a *Master Access Deed* with Transport for NSW (then Railcorp), covering all new and existing Endeavour Energy network assets located within any rail corridor. This deed defines a rail corridor as any land owned by Transport for NSW. Network assets located within a rail corridor under the provisions of the *Master Access Deed* do not require easements.

Transport for NSW may also permit developers to install network assets in a rail corridor under an *Individual Access Deed* or *Deed of Release and Indemnity*. Any deed between the developer and Transport for NSW, will need to provide the same minimum requirements as those under the Master Access Deed and be transferable to Endeavour Energy for any new network assets installed by the developer.

**Easements and Property Tenure****Amendment no. 1**

Transport for NSW's process for third party works within the rail corridor is documented on its website, which includes the application form. Applications for rail corridor access must be submitted to the Rail Corridor Management Group in Sydney.

The ARTC website must be consulted for contact information regarding proposed rail corridor access.

**5.4.5 Easements over National Park Land**

Land dedicated as a wilderness area, national park, state recreation area, regional park, or nature reserve is managed by the NSW Office of Environment & Heritage.

Endeavour Energy is usually required to enter into a Formal Deed of Easement under Section 153 of the National Parks & Wildlife Act 1974 whereby compensation or an annual rent may be payable. The minimum easement dimensions given in Table 1 still apply, however, specific requirements will need to be negotiated with NSW Office of Environment & Heritage.

**5.4.6 Easements over Forestry Land**

Land dedicated as state forest is managed by Forests NSW/Department of Primary Industries and may be subject to native title.

Forests NSW will grant a limited form of property tenure under an Occupation Permit and an annual rent may be payable. The minimum easement dimensions given in Table 1 still apply, however, specific requirements will need to be negotiated with Forests NSW.

**5.4.7 Easements in water catchment areas**

Land that is classed as a water catchment area by the Sydney Catchment Authority, the standard easement terms do not always apply fully. The minimum easement dimensions given in Table 1 still apply, however, specific requirements will need to be negotiated with Sydney Catchment Authority.

**5.4.8 Community Title developments****5.4.8.1 Asset ownership**

The ownership of electrical assets (both HV and LV) within a community title development will only be accepted (owned and maintained) by Endeavour Energy if they are installed in accordance with Endeavour Energy's standard requirements and installation practices.

Endeavour Energy will generally own and maintain all high voltage electrical equipment within the development.

Endeavour Energy or the Community Title Association may own and maintain the low voltage electrical equipment and/or street lighting network.

Annexure 3 outlines the relevant by-laws that must be incorporated into the Community Title Management Plans to define the ownership and access requirements for the electricity assets within the development.

Community title developments and their management associations or developers are not considered to be public lighting customers under the NSW Public Lighting Code and therefore must meet the requirements stated in Endeavour Energy's "General Terms and Conditions for Connection of Public Lighting Assets".

**5.4.8.2 Asset construction**

For all assets the installation must provide the same level of security and access as normally would be found in standard urban residential development, this includes:

- All cables / spare conduits being located in the standard allocation within the road verge



**Easements and Property Tenure****Amendment no. 1**

- All pillars, padmount substations and switching stations are located in acceptable areas as stated in MDI 0028.
- No other assets and/or utilities being installed directly above the electrical assets
- Minimum distances between electrical assets and other utility services being maintained
- Sufficient access for Endeavour Energy vehicles (including trucks and EWP's) to access and maintain the assets without the need to close and/or block private roads.

**5.4.8.3 Easements within Community Title developments**

All assets owned by Endeavour Energy within a Community Title development and not installed within a public road, are to be provided with an easement to allow for future maintenance and repair.

For assets other than underground cables, the minimum easement widths defined in Table 1 must be achieved. However, the minimum easement widths for underground cables defined in Table 1, do not apply to Community Title developments. An easement the size of the trench width plus 500mm either side must be achieved as a minimum,

All easements must be created under a Section 88B of the Conveyancing Act 1919.

**5.5 Easement creation**

Easements must be created in favour of Endeavour Energy and can be created by one of the following three methods:

- Creation by Section 88B of the Conveyancing Act;
- Creation by Deed or transfer granting easement; and,
- Creation by compulsory process.

The easement must be defined on a plan, and registered at LPI.

A restrictive or positive covenant cannot be compulsory acquired.

**5.6 Easement terms**

The easement terms defines the rights and restrictions for an easement for Endeavour Energy and the landowner. The terms of an easement must be defined to the landowner in writing. Annexure 1 contains the standard easement terms for Endeavour Energy's:

- Overhead Lines, Underground Cables, Padmounts, Switching Stations and streetlighting;
- Indoor Substations; and,
- Rights of Access.

There may be additional rights and restrictions required for certain easements so that Endeavour Energy interests are protected.

An owner may have specific site requirements that require amendment to the standard terms. The details of any proposed amendment are to be submitted to Endeavour Energy's Mains Assets Manager for review prior to certification of the design for approval.

**5.7 Other types of Property Tenure**

Restrictions on the use of land are sought by Endeavour Energy on land on which its infrastructure exists to protect the integrity and security of its network, whilst still allowing the landowner to own and make use of their land.

**Easements and Property Tenure****Amendment no. 1**

A positive covenant is sought when Endeavour Energy will allow activities on the site but only with additional controls. An example of a positive covenant is requiring the installation of fire proof screen walls near Endeavour Energy's electrical assets.

In situations where Endeavour Energy requires covenants to be provided around electrical equipment / assets, the following standards terms defined in Annexure 3 must be used.

**5.8 Modifying assets with an easement**

Where an existing asset (post May 2006) is to be replaced/upgraded/modified, and there will be an increase to the existing easement size, then the designer must go through the process of applying for a new easement.

An easement may be reduced in size if:

- The easement meets the minimum size requirements as detailed in Table 1;
- If approval is sought and granted from Capacity Planning Manager, and the corresponding Regional Transmission/Distribution Manager.
- A design for the existing line demonstrating the asset will have sufficient access and clearance.

**5.9 Easement release**

Easements may be released if the need arises and the easement has no / limited benefit to Endeavour Energy. Easements releases must be managed in accordance with Company Policy 9.2.4.

**5.10 Easement height**

Easements do not have a specified height to which they apply. Endeavour Energy does not allow assets to be installed above its assets, as this presents access, safety and reliability risks. Where all other options have been exhausted, a dispensation must be submitted as described in Company Procedure GAM 0114.

## Easements and Property Tenure

Amendment no. 1

**5.11 Rights granted by the Electricity Supply Act***5.11.1 Protection of assets installed before May 2006*

**Section 53** of the Electricity Supply Act 1995, protects Endeavour Energy infrastructure that was constructed prior to the commencement of the *Electricity Supply Amendment (Protection of Electricity Works) Act 2006* (26<sup>th</sup> May 2006), from action from the owner of the land in which Endeavour Energy infrastructure exists.

Endeavour Energy may maintain, operate, repair, replace or upgrade the infrastructure despite whether a registered easement exists. However, this protection does not exist for new assets which are constructed on private land after the 26<sup>th</sup> of May 2006, and as such, easements must be acquired for new assets.

*5.11.2 General protection of network assets*

The following summarises the powers Section 49 and 49A of the Electricity Supply Act 1995, grants Endeavour Energy:

**Section 49** – Endeavour Energy may serve a written notice to a person who has control of a structure, which may interfere, destroy or damage Endeavour Energy's network to remove the imposing structure. This is regardless if the person owns the land on which Endeavour Energy's asset exists.

**Section 49A** - Endeavour Energy may serve a written notice to a person who is carrying out excavation work in, on or near its network which may destroy or damage Endeavour Energy's network to cease work immediately.

**5.12 Works on assets without a registered easement**

Endeavour Energy is legally required to provide a safe and reliable network. As such, where the need arises where a network asset is required to be modified or replaced, and does not have the benefit of an easement (installed before May 2006), Endeavour Energy will evaluate all possible options in the refurbishment/replacement of the asset.

In assessing the upgrade of the asset the following factors will be considered:

- If there will be an increase in the required size of the easement;
- Is it a like-for-like replacement.
- The impact on the customer and the aesthetic nature of the new asset;
- The risk to the customer, to the public or to Endeavour Energy employees of the current installation;
- The preference of the customer;
- The required access to maintain and install the new asset.

Where the evaluation has concluded that the asset needs to be replaced/modified, Endeavour Energy reserves the right to do so. However, where the rectification works will increase the size of the required easement width, an easement must be created for the rebuilt asset.

## Easements and Property Tenure

Amendment no. 1

ORD01

**5.13 General requirements on encroachment management**

For easements managed by Endeavour Energy, encroachments fall into three (3) categories – *permitted, prohibited or controlled*.

- Permitted activity – An activity which is allowed within an easement, but must still adhere to the minimum safety requirements within the easement.
- Prohibited activity – An activity that must not be performed under any circumstance within the easement.
- Controlled activity – An activity which is allowed only if it meets both the minimum safety requirements for that type of easement with additional controls which are specified in the appropriate clause detailed below. Approval from Endeavour Energy is required for any controlled activity.

**The main principle behind these categories is to maintain a high level of safety of the public and Endeavour Energy employees, whilst also allowing Endeavour Energy to inspect, operate, maintain, access and upgrade its network.**

The activities listed below are not exhaustive, and where an activity/encroachment is not covered, a request to Mains Assets Manager must be submitted, which is to include:

- a full risk assessment detailing the risk to the network and safety and suitable controls.
- an overview of the easement, all current and proposed Endeavour Energy assets as well as all current and proposed encroachments

Refer to Annexure 5 for the current list of identified encroachments, how Endeavour Energy manages these, and the applicable clauses.

Encroachments on assets which do not have a formal easement, must be treated as though an easement does exist as per clause 5.11, and how the applicable encroachment is handled in the following sections. Table 1 may be used as an indication as to the applicable easement width, however, an assessment of the minimum easement size required to maintain access and safe operation of the asset is required.

Attachment 5

## Easements and Property Tenure

Amendment no. 1

## 5.14 Encroachments on overhead line easements

## 5.14.1 Minimum safety requirements for overhead line easements

For an overhead line easement, the following criteria must always be met, to maintain the safe operation of the network and employees:

- Minimum ground clearances, as defined in MDI 0031 and MDI 0047 are maintained, when the conductor is operating at maximum design temperature;
- Sufficient clearance is maintained to accommodation for overhead line blowout (500Pa, with the conductor operating at 50°C);
- Minimum separation clearances between the network and objects/structures are maintained to this standard and AS/NZS 7000.
- Does not allow a person to breach the safety clearances to the network, namely, allow any part of a person to be greater than 4.3m above the ground (See Figure 6) ;
- Access to Endeavour Energy assets are not reduced and the minimum requirements of Figure 6 and clause 5.19 are adhered to.

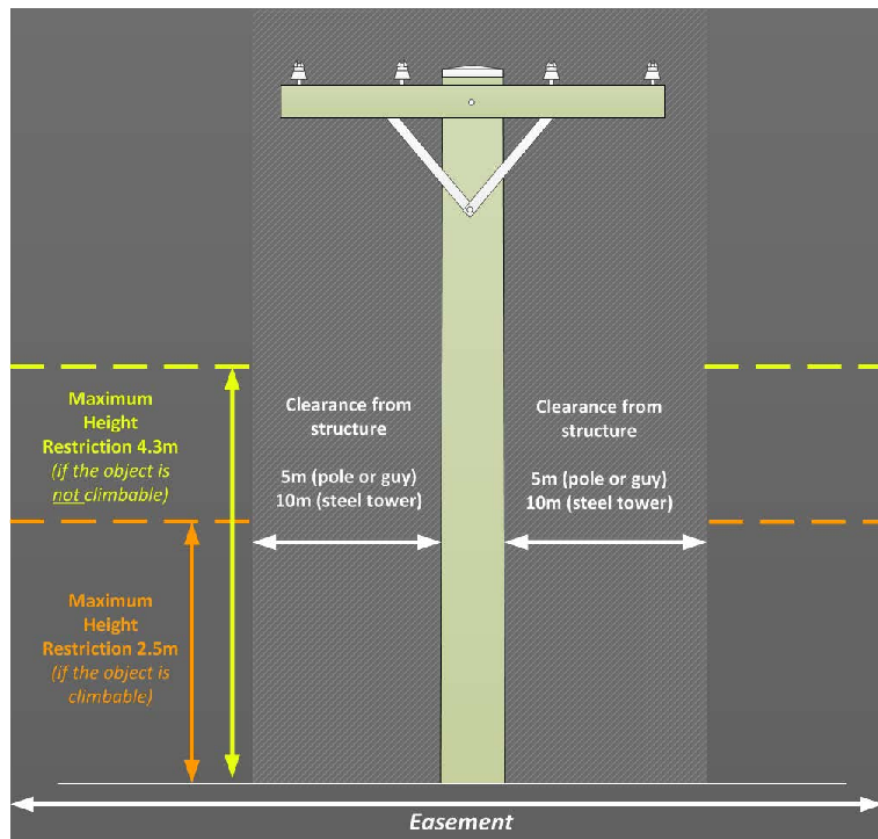


Figure 6 - Overhead line restriction within easement

**Easements and Property Tenure****Amendment no. 1****5.14.2 Prohibited activities / encroachments**

The following activities / encroachments listed below are prohibited within all Endeavour Energy easements and will not be approved:

- Construction of habitable buildings (permanent or temporary);
- Construction of garages or large sheds, whether permanent or temporary, or any other structure which may allow safety clearances to be breached;
- The installation of fixed plant (such as conveyor belts) or equipment, or its footings;
- The planting of trees that exceed a height of three (3) metres ;
- The placement of obstructions which may hinder access requirements;
- In-ground or above-ground swimming pools (permanent and / or temporary constructions);
- The storage and / or use of flammable, combustible, corrosive or explosive material;
- The storage and / or handling of conductive material of lengths in excess of three (3) metres;
- Lighting of any fires (this does not include back burning, refer to section 5.14.4.8);
- Parking of large vehicles (such as tankers and semi-trailers with large loads);
- The setting up of campervans or tents, which would allow persons to reside in the easement;
- The construction of flag poles and/or weather vanes which are taller than 4.3m;
- Electric fencing;
- Ploughing near electricity structures or stay poles/wires, that may impact the assets structural integrity;
- Use of any types of explosives;
- Flying of kites, model aircraft or drones;
- BMX bike riding (with jumps);
- Installation of flood lighting;
- Any activity which involves firearms.

Where an activity or encroachment is found to be being undertaken/installed and is on the above list, arrangement of its removal must be made. Any cost incurred will be at the expense of the owner of the land.

**5.14.3 Permitted activities / encroachments**

The following activities/encroachments are allowed within Endeavour Energy easements if it meets the minimum safety requirements detailed in clause 5.14.1:

- Low growing vegetation;
- Ground cover/surfaces such as wood chips and bluemetal stones;
- Storage of non-combustible, non-explosive, non-conductive, non-corrosive materials.

**5.14.4 Controlled activities / encroachments**

All controlled activities require approval to be sought from the applicable Regional Easement Officer of Endeavour Energy, in writing as set out in Clause 5.18.2. The Easement Officer will assess the activity/encroachment as defined Clause 5.18. The proposed activity must not commence unless approval is received in writing from Endeavour Energy Regional Easement Officer.

**All these controlled activities must meet the required minimum safety requirements detailed in clause 5.14.1, as well as any additional controls listed below.**

**5.14.4.1 Minor structures**

The following minor structures are permitted:

- clothes hoists;
- playground equipment;

**Easements and Property Tenure****Amendment no. 1**

- shade cloths / umbrellas;
- non-metallic fences (Endeavour Energy may require gates);
- small brick barbecues.

All metallic parts must be effectively earthed and no electrical supply must be brought within the easement.

If Endeavour finds that a structure impedes access or presents an unacceptable level of risk, Endeavour Energy reserves the right to have the structure removed, or to remove it at the owner's expense.

#### *5.14.4.2 Non-habitable buildings (carports and metallic garden sheds)*

Carports or metallic garden sheds can be installed within an overhead line easement provided they are effectively earthed, and no power is connected to the structure. Only metallic sheds which will not be inhabited must be approved.

#### *5.14.4.3 Erection of conductive fencing / sound walls*

All conductive fencing and/or sound walls crossing or running parallel to an easement are to be effectively earthed and / or have interval breaks in electrical continuity to prevent electromagnetic induction and transferred voltage hazards. Refer to drawing 242450, 242451 and 069575 for requirements for fencing.

A minimum 4.2 metre wide opening or gate (with provision to accept Endeavour Energy locks) for vehicle access will be a condition of approval.

#### *5.14.4.4 Metal safety barriers and guardrails*

Where a metal barrier (Armco guardrail or similar) crosses and continues beyond an easement, the following is required:

- The section of barrier within the easement must be earthed.
- A minimum 300 mm clear air gap must be left between the end of the barrier within the easement boundary and the starting point of the barrier beyond the easement boundary.

## Easements and Property Tenure

Amendment no. 1

ORD01

Attachment 5

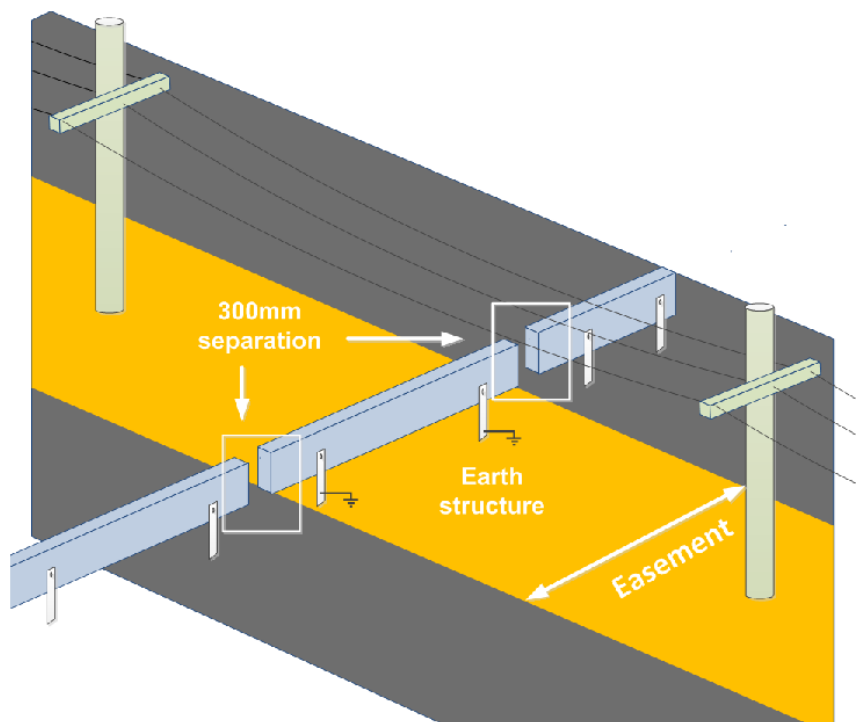


Figure 7 - Safety Barrier Requirement

## 5.14.4.5 Retaining walls

All proposed retaining walls must be made as to provide sufficient strength for any future work to be performed by Endeavour Energy, and must not impact the maintenance activities required on any assets within the easement.

## 5.14.4.6 Parking of vehicles or mobile plant

Parking within an overhead easement is subject to the vehicle:

- having a height limitation of 4.3 metres;
- is not occupied;
- is not connected to power; and,
- must be able to be readily removed if Endeavour Energy requires access to its assets.

## 5.14.4.7 Operation of mobile plant and equipment

No mobile plant and equipment must exceed a maximum height of 4.3 metres.

Within an overhead easement area, approval for the operation of mobile plant and equipment is dependent upon available clearances to the conductors under maximum operating conditions, power line voltages, vehicle operating heights and the level of accreditation of the vehicle operator.

Consequently, each application for the operation of mobile plant and equipment will be processed by the Regional Easement Officer and assessed for compliance with relevant Safework NSW legislation. A dedicated observer must also be present so that clearances are maintained.



**Easements and Property Tenure****Amendment no. 1**

Precautions must be taken to prevent collision or interference with overhead structures or stay poles.

*5.14.4.8 Back burning*

Back-burning operations carried out by fire authorities or bushfire brigades must be referred to Endeavour Energy's Control Room Manager and must include a map of the area showing the time, date and the area of the burn. An Endeavour Energy representative may attend back-burning procedures to maintain the safety of structures and conductors.

*5.14.4.9 Agricultural pursuits*

Agricultural pursuits, such as dusting, harvesting, netting and irrigation must have the following controls:

- Clear, defined vehicle access to structures is required to prevent damage to crops.
- Irrigation systems must not be placed within five (5) metres of the overhead conductors at any time.
- The location of any irrigation equipment must be such that it is not capable of projecting a solid jet of water to within three (3) metres of any overhead conductor.
- Gun type irrigators must have the water jet directed away from the conductors.
- Care must be taken when moving equipment around such as irrigation pipes or equipment, grain augers and the like.
- The equipment must not interfere with maintenance or safe operation of the power line, nor must it interfere with access to electricity assets.
- No electrical supply brought within the easement without prior approval of Endeavour Energy..

*5.14.4.10 Rainwater tanks*

Rainwater tanks must have the following controls:

- Above ground rainwater tanks, either for fire-fighting purposes or rainwater harvesting, erected within an easement, must be fully enclosed and of non-conducting material. (Concrete is considered to be a conductive material)
- All pipework is to be non-conductive and no electrical supply must be supplied to the tank for any purpose (including pumps and/or lighting).
- Any pumps and/or lights must be installed outside the easement.
- Ladders must not be installed on the rainwater tank.
- Rainwater tanks must not be installed within five (5) metres of a pole or stay pole, 10 metres from a steel structure or within five (5) metres of the vertical projection of the conductor.
- The tank and associated pipe work must not interfere with maintenance or access to electricity assets.

*5.14.4.11 Detention basins*

Applications for detention basins will be considered, subject to:

- The location has local council approval;
- The location is not within five (5) metres of a pole or stay pole or 10 metres from a steel structure;

**Easements and Property Tenure****Amendment no. 1**

- Sufficient clearance is maintained to all structures along the easement to allow unrestricted access.

**5.14.4.12 Quarrying, filling, earthworks, or change of ground contours**

Approval by the Easement Officer may be given, subject to:

- The maintenance of standard ground clearances (if conductor heights need adjustment, this will be at the proponents expense);
- Equipment/machinery performing earth works maintains standard clearances to the overhead lines;
- access maintained to all line structures;
- the subsoil stability and surface drainage in the vicinity of structures is not adversely affected; and,
- excessive quantities of dust are not generated.

**5.14.4.13 Roads (other than access tracks)**

For roads proposed within an existing easement, the minimum ground clearances as specified in MDI 0047 and MDI 0031 must be achieved.

Where alterations to conductor height and/or relocation of poles are required for the development of the road, this will be at the cost of the developer. This will include any work required to maintain safety clearances arising from activities in the easement after the road works are completed.

Where a road is proposed to run parallel to a feeder, a risk assessment evaluating the risk of impact with each structure as outlined in MDI 0031 must be submitted.

Earthing conductors may have been laid near, around and between the structures and must not have their electrical integrity compromised. Where a developer plans to construct a road which crosses the easement, the onus is on the developer to locate and avoid all earthing cables. If earthing cables are damaged, Endeavour Energy must be notified immediately.

Roads and driveways that are required for access to electrical infrastructure must be capable of carrying a 30 tonne truck.

**5.14.4.14 Installation of utility services**

Applications for the installation of telephone, water and sewerage services (overhead, underground, or on the surface) may be considered for approval by Endeavour Energy's Mains Assets Manager. The approval of the installation of these services will be based on:

- There is no practical alternative available;
- Any services within 15 metres of a structure must be constructed of non-conducting materials;
- The integrity of all line structures and stay pole/wires are to be maintained at all times;
- Designers and installers of utility services must consider any hazards associated with induced voltages and transferred earth potentials, in accordance with AS 4853, which must be controlled. Applications will require a risk assessment and proposed controls for each of the identified hazard.

Establishment of an easement for other utilities assets within Endeavour Energy's easement may be required.

**Easements and Property Tenure****Amendment no. 1****5.14.4.15 Residential/Commercial subdivisions**

Where subdivisions of property are proposed for land in which Endeavour Energy has an easement, the following requirements must be met:

- Unrestricted access to Endeavour Energy's structures are retained;
- No structures are to be erected within the easement;
- Structures suitably protected against motor vehicle impact;
- The number of crossings of Endeavour Energy's overhead line by utilities must be minimised, and complies with 5.14.4.14.

**5.14.4.16 Domestic recreational activities and recreational facilities**

Approval will be given for domestic recreation activities, but will not include activities that may interfere with clearances to the conductors, such as those listed in 5.14.2.

Approval will be given for recreational facilities, such as tennis courts, subject to:

- fencing is to be non-conductive material or must be effectively earthed (refer to section 5.14.4.3);
- Height of any fence is 4.3 metres or less;
- facilities surface construction will be required to withstand the movement of large heavy plant up to a 30 tonne truck; and,
- not located within five (5) metres from a power pole or ten (10) metres from a steel structure.

**5.14.4.17 Storage of organic materials**

Small amounts of organic materials, such as leaves and compost, may be stored underneath overhead powerlines, provided they do not impede access to structures and do not create a fire hazard.

## Easements and Property Tenure

## Amendment no. 1

**5.15 Encroachments on underground easements****5.15.1 General information for underground asset easements**

Where relocation of existing assets are proposed, the costs to enable the activity to proceed, will be borne by the applicant.

Safework NSW (previously Workcover Authority of NSW) Publications provides guidance on risk control measures when working close to electricity infrastructures both below and above ground. Refer to *Code of Practice – Work near Overhead Power Lines* or *Work Near Underground Assets Guide*.

**5.15.2 Minimum safety requirements for underground asset easements**

For an underground asset easement, the following criteria must **always** be met, to maintain the safe operation of the network and employees:

- Before commencing any underground activity, all applicants are required to obtain advice from the **Dial before You Dig 1100** service in accordance with the requirements of the Electricity Supply Act and associated Regulations.
- Ground contour does not substantially change, which would impact the rating of the conductors;
- Any storage of an asset is temporary in nature and can be moved at a given notice or the cost of removal of the encroachment will be at the expense of the owner, if Endeavour Energy requires access to its asset;
- No mechanical compacting is to occur within an easement.
- Access to Endeavour Energy joints/joint bays are not impeded.
- No excavation which is greater than 300mm deep must occur.

**5.15.3 Prohibited activities / encroachments**

The following activities / encroachments listed below are prohibited within all Endeavour Energy easements and will not be approved:

- Construction of **habitable** buildings (permanent or temporary)
- Installation of minor structures (such as shade cloths, clothes lines, flood lights, playground equipment, fences and BBQs.)
- Installation of all types of garages, sheds, shipping containers, or carports.
- Installation of sound walls or safety barriers.
- Installation of conductive fencing which runs through an easement.
- Installation of rainwater tanks;
- Electric fencing;
- Retaining walls running longitudinally above underground assets;
- The installation of footings for fixed plant or equipment;
- Plants with significant root systems that grow greater than 400 mm below ground level;
- In-ground or above-ground swimming pools and **spas** (permanent and / or temporary constructions)
- Ploughing that is greater than 300mm deep, or at a depth greater than 400mm above underground assets
- The storage and / or use of flammable, combustible, **corrosive** or explosive material
- Changing of the ground level such that relative depth of underground cables increases or decreases
- Permanent surfaces, such as asphalt or concrete;
- The placement of obstructions which may hinder access requirements
- Concrete driveways located above and/or that restrict access to existing cable joints/pits.
- Use of explosives;
- Installation of tennis courts;

**Easements and Property Tenure****Amendment no. 1**

Where an activity or encroachment violates the above requirements, arrangement of its removal must be made. Any cost incurred will be at the expense of the owner of the land.

**5.15.4 Permitted activities / encroachments**

The following activities/encroachments are allowed within Endeavour Energy easements if it meets the minimum safety requirements detailed in clause 5.15.2:

- Tents;
- Flag poles and/or weather vanes;
- Sound walls;
- Metal safety barriers;
- Parking of small vehicles;
- Shrubs with root systems that are less than 400mm;
- Alternative ground surfaces (such as Bluemetal stones and woodchips);
- Storage of non-combustible, non-flammable, non-explosive material;
- Rainwater tanks;
- Detention basins;
- General recreational activities, the flying of kites and model aircraft, and the use of firearms;

**5.15.5 Controlled activities / encroachments**

All controlled activities require approval to be sought, from Endeavour Energy's Regional Easement Officer, in writing as set out in Clause 5.18.2. The Easement Officer will assess the activity/encroachment as defined Clause 5.18. The proposed activity must not commence unless approval is received in writing from Endeavour Energy Regional Easement Officer.

**Controlled activities must meet the minimum safety requirements detailed in clause 5.15.2, as well as any additional controls listed below.**

**5.15.5.1 Fencing**

A minimum 4.2 metre wide opening or gate (with provision to install Endeavour Energy locks) for vehicle access will be a condition of approval of fencing on the boundary of the easement.

Where fencing runs through an easement, the posts must be located outside the easement.

**5.15.5.2 Metallic pipes (greater than 3 metres)**

The storage of metallic pipes greater than three (3) metres is acceptable provided the metallic pipes can be moved upon request.

**5.15.5.3 Fixed plant and/or equipment**

Fixed plant is generally not allowed within Endeavour Energy's underground easement areas. This is due to potential access issues as well as risk of damage to Endeavour Energy's assets for the installation fixed plant footings. A proposal where fixed plant crosses an underground easement perpendicularly, will be considered upon application.

**5.15.5.4 Parking of Mobile plant, equipment or vehicles**

Within an underground easement area, approval is dependent upon an adequate surface to support the mobile plant/vehicle (up to 30 tonne) or equipment likely to be parked to prevent the crushing of the cables/ducts or erosion of the ground. In some instances, the activity may require supervision by an Endeavour Energy representative at the operator's expense.

**Easements and Property Tenure****Amendment no. 1****5.15.5.5 Agricultural pursuits**

Agricultural pursuits, such as dusting, irrigation and grazing are permitted within an underground easement. However, any activity which is likely to affect the ground level (such as ploughing and the planting of crops) is not allowed within the easement.

Equipment and/or crops must not interfere with access to electricity assets.

**5.15.5.6 Roads and concrete driveways**

Roads and concrete driveways are permitted within Endeavour Energy underground easements where:

- Cables are in existing continuous ducts;
- The roadway/driveway is capable of supporting the heaviest vehicle likely to traverse the driveway;
- The thermal rating of the cable is not compromised by the installation;
- The concrete driveway is not proposed to be installed within a distance that would restrict access / maintenance of a joint / pit.
- The concrete driveway is not proposed to be installed over a joint / pit.

The need for (including size and quantity) spare conduits must be confirmed with Network Capacity Planning prior to construction within Endeavour Energy's easements. All required conduits must be funded by the applicant.

If a roadway/driveway is found to be installed without the installation of spare ducts, the owner of the driveway must bear the cost of installing additional ducts, which will be done either by digging up the driveway or under-boring if required by Endeavour Energy at a future stage.

**5.15.5.7 Installation of utility services**

The installation of underground services must comply with MCI 0006 and Drawing 403230 Sheets 1 – 12.

**5.15.5.8 Residential/Commercial subdivisions**

Where subdivisions of property are proposed for land in which Endeavour Energy has an easement, the following requirements must be met:

- Unrestricted access to Endeavour Energy's structures are retained;
- No structures are to be erected within the easement;

**5.15.5.9 Retaining walls**

Retaining walls must not be approved where they run longitudinally over an underground easement.

Retaining walls which encroach on an underground easement, must be:

- Built using concrete material (for example, Besser blocks, concrete / clay bricks);
- Have mustow foundations;
- Must be a maximum of one (1) metre in height

Where foundations require digging post holes, these must be located outside the easement.

## Easements and Property Tenure

## Amendment no. 1

### 5.16 Encroachments on Padmount Substation or Switching Station easements

#### 5.16.1 General information for padmount substation easements

For the purpose of this section, wherever a padmount substation is referenced, this also applies a ground substation, padmount substation and switching station.

Where the relocation of existing assets is proposed, the costs to enable the activity to proceed will be borne by the applicant.

Workcover Authority of NSW Publications provides guidance on risk control measures when working close to electricity infrastructures both below and above ground. Refer to *Code of Practice – Work near Overhead Power Lines* or *Work Near Underground Assets Guide*.

#### 5.16.2 Minimum safety requirements for padmount substation easements

The minimum safety requirements padmount substations easements are outlined below and must **always** be met to maintain the safe operation of the network and employees:

- Screening vegetation for padmount substations must be planted outside the easement. Any vegetation adjacent to the easement must not obstruct access to the padmount substation and must be maintained in such a manner as to allow easy access to Endeavour's assets.
- The ground contour surrounding the padmount substation does not substantially change;
- Storage of an object/machinery is temporary in nature and can be moved at a given notice and if Endeavour Energy requires access to its asset the cost of removal of the encroachment will be at the expense of the owner;
- No building overhangs within the six (6) metre airspace above a padmount substation site;
- No construction must occur within the padmount substation / switching station easement;
- No mechanical compacting is to occur within an easement.
- Access to Endeavour Energy joints/joint bays and the padmount substation must not be impeded and must comply with clause 5.19.

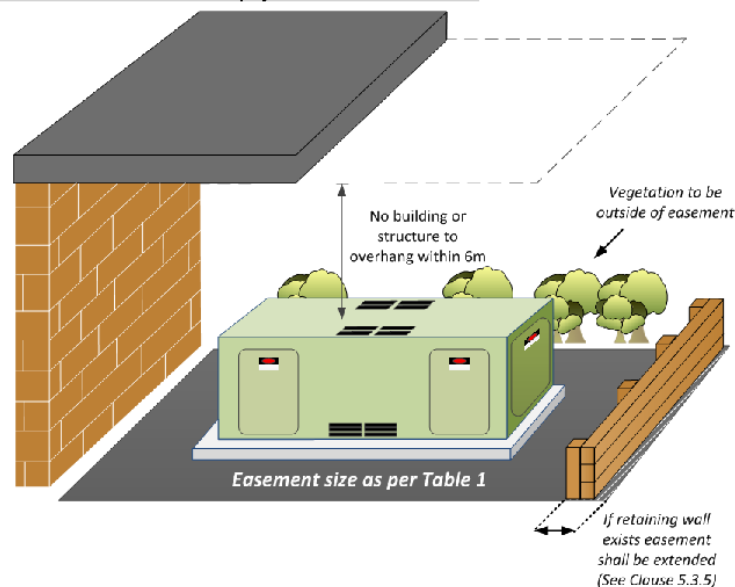


Figure 8 - Padmount Substation Easement Requirements

**Easements and Property Tenure****Amendment no. 1****5.16.3 Prohibited activities / encroachments**

Most activities are prohibited within the padmount substation easement. For a full list refer to Annexure 5 – Encroachment reference guide.

**5.16.4 Permitted activities / encroachments**

The following activities/encroachments are allowed within Endeavour Energy easements if it meets the general requirements in Clause 5.16.2.

- The use of mobile plant and/or equipment;
- Planting of vegetation with a root system not greater than 400mm;
- The installation of easily removable surfaces other than grass (blue metal or woodchips);

**5.16.5 Controlled activities / encroachments**

All controlled activities require approval to be sought, from Endeavour Energy's Regional Easement Officer, in writing as set out in Clause 5.18.2. The Easement Officer will assess the activity/encroachment as defined Clause 5.18. The proposed activity must not commence unless approval is received in writing from Endeavour Energy Regional Easement Officer.

**All controlled activities must meet the minimum safety requirements detailed in Clause 5.16.2, as well as any additional controls listed below.**

**5.16.5.1 Mobile plant/equipment and Parking of vehicles**

Where a padmount substation is in the vicinity of a parking facility, suitable crash and impact protection from vehicles must be installed. These must be positioned in such a way to allow access to the substation to be maintained. Any proposals for the installation of suitable vehicle impact protection measures are subject to approval from the Regional Easement Officer.

**5.16.5.2 Agricultural pursuits**

Agricultural pursuits are prohibited within a padmount substation easement. Grazing would be the only activity that would be permitted.

**5.16.5.3 Roads and concrete driveways**

Roads and concrete driveways are permitted within the padmount easements where:

- Cables are in existing continuous ducts;
- The roadway/driveway is capable of supporting the heaviest vehicle likely to traverse the driveway;
- The thermal rating of the cable is not compromised by the installation;
- Suitable crash and impact protection must be installed, positioned in such a way to allow access to the substation to be maintained.

**5.16.5.4 Retaining walls**

Retaining walls built around distribution substations or switching stations, as part of reticulation requirements, must be outside the standard easement. Refer to 5.3.6.

Proposed retaining walls must not impact the maintenance activities performed by Endeavour Energy on any assets within the easement.

**5.16.5.5 Fencing**

For fencing requirements around a padmount substation refer to MCI 0006 – Section 7.



**Easements and Property Tenure****Amendment no. 1**

Fencing surrounding an easement must comply with Table 2.

**Table 2: Fencing near a Padmount Substation**

Padmount Earthing	Fence Allowed	
	On easement boundary	Through easement
Common Earthed	YES	NO
Separately earthed	If within 4m of padmount, fence posts must be insulated and a touch-voltage assessment required.	NO

**5.17 Transfer earth hazards**

In addition to all requirements stipulated in this standard the risk of transfer earth hazards associated with Endeavour Energy's assets and/or equipment, structures or objects must be managed in accordance with SDI 100 "Distribution earthing design, construct and test".

This requirement may impose restriction zones around Endeavour Energy's assets limiting the use of land within the defined area(s).

## Easements and Property Tenure

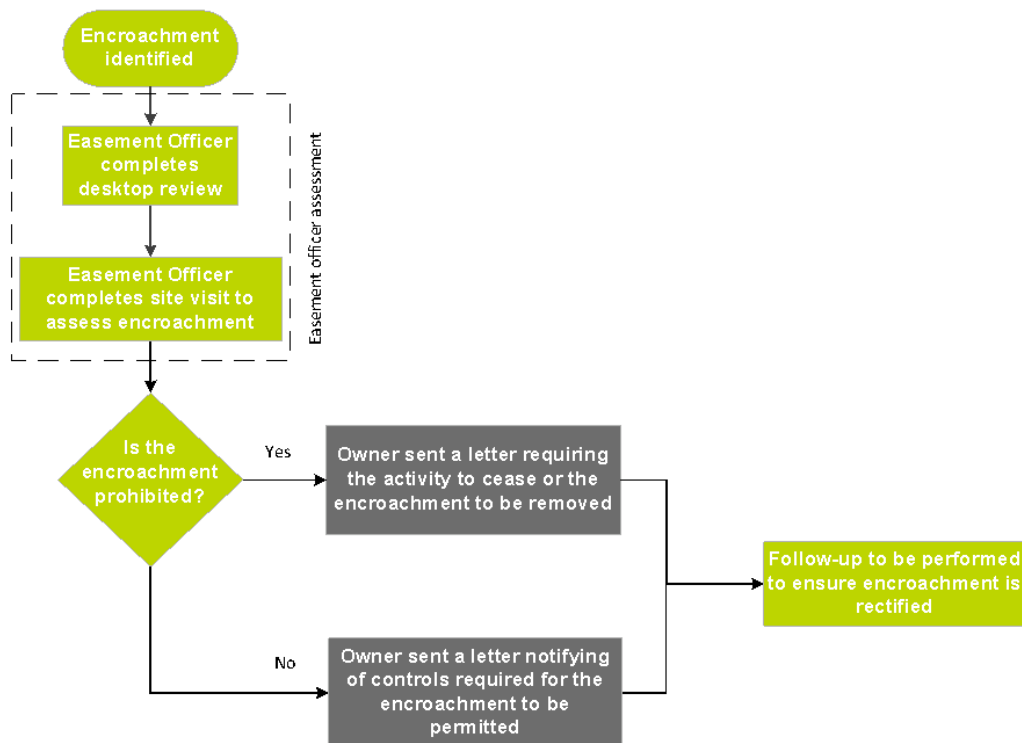
Amendment no. 1

ORD01

## 5.18 Encroachment management process

## 5.18.1 Existing encroachment management process

Endeavour Energy will manage existing encroachments that have not been previously approved, according to the flowchart below:



Attachment 5

## 5.18.1.1 Easement Officer Review

Once identified, the Easement Officer will perform both a desktop assessment and a site visit to determine whether the encroachment is permitted, controlled or prohibited, as defined in Clause 5.11, or whether with possible controls can overcome / lessen the encroachment.

On completion of the assessment, a letter will be sent to the owner, identifying:

- Explanation of the terms of the easement;
- Identifying the hazards to themselves, members of the public and Endeavour Energy's employees;
- Providing advice on possible solutions to overcome / lessen the encroachment.
- The outcome of the assessment:
  - Where the encroachment is determined to be a "controlled activity", conditional approval for it to continue must be given only if the applicable controls (as defined in Clause 5.11) are used.
  - Where the encroachment is determined to be a prohibited activity/structure, the owner will be required to remove the encroachment or cease the activity.

A follow-up site visit will be completed within 30 days to check whether the encroachment has been adequately managed.

Legal action will be considered when all other avenues are exhausted.

**Easements and Property Tenure****Amendment no. 1**

The local council must be included in correspondence to highlight the need for their approval process to include a corresponding approval from Endeavour Energy where easements are involved.

**5.18.2 Applications for controlled encroachments**

All applications for an activity or encroachment, or requests for advice, must be referred to Endeavour Energy's Regional Easement Officers. Applications must be addressed to:

Regional Easement Officer – North / Central / South (see table below)  
 Endeavour Energy  
 PO Box 811  
 Seven Hills NSW 1730

Endeavour Energy's network franchise area has three (3) regions, responsible for the local government areas set out in the following table:

Region	Local government areas
North	Bathurst, Baulkham Hills, Blacktown, Blue Mountains, Hawkesbury, Lithgow, Parramatta, Penrith, plus parts of Hornsby, Mid-Western and Ryde.
Central	Camden, Campbelltown, Fairfield, Cumberland (Holroyd), Liverpool, Wingecarribee, Wollondilly, plus parts of Bankstown.
South	Kiama, Shellharbour, Shoalhaven, Wollongong.

**5.18.2.1 Application requirements**

Due to the varied circumstances that apply to easements, all applications will be assessed individually, and will be site specific.

All applications require the following:

- The application is to be made in writing.
- The application is to include detailed plans, drawn to scale and with full dimensions, showing property boundaries, lot number, Deposited Plan (DP) number, any electricity structures, and other relevant information.
- A survey plan of an easement for padmount substation must show the substation number and at least two (2) offsets from adjacent sides of the concrete plinth to the easement boundary.
- Each application will require an impact and risk assessment and must be assessed on the site-specific circumstances and Endeavour Energy's risks assessment company procedure of the proposal.

**5.18.2.2 Easement Officer Review**

After the application has been received, the easement officer will perform a desktop review of the application and if required, a site visit.

Where Endeavour Energy is uncertain about the impact of the controlled activity or encroachment, the applicant/s will be asked to arrange an independent study of the risk at their own expense. Endeavour Energy will consider the outcome of the study when deciding on the application.

Where additional testing is required, the applicant will be responsible for:

- Arranging the test with an organisation acceptable to Endeavour Energy;
- Paying for the test;
- Supplying the test results to Endeavour Energy.

## Easements and Property Tenure

Amendment no. 1

ORD01

**5.19 Access and Rights of Way**

Where possible, access to Endeavour Energy assets must be made possible by access tracks located within Endeavour Energy easements.

Consideration must be given to securing access by the way of a land tenure agreement and/or other legal instruments such as 'Right of Ways', where:

- access tracks must traverse outside of easements;
- access options to assets is limited;
- significant investment has been outlaid to upgrade and/or construct an access; or,
- there is future development planned for an area that may affect or obstruct access routes.

The appropriate land tenure agreement and or legal instrument must be discussed with the Property, People and Services Branch.

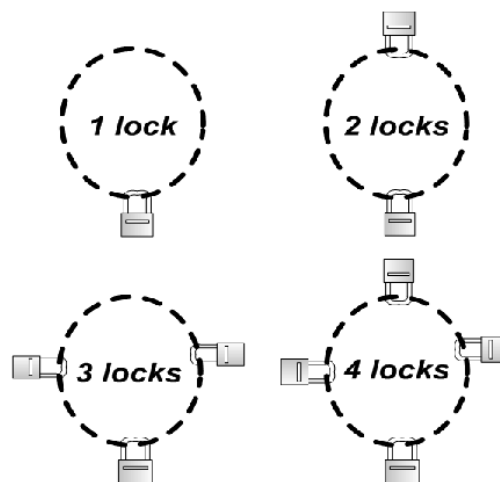
**5.19.1 Locking arrangements for shared access gates**

In some cases, access to land with electricity easements is shared by Endeavour Energy with others – utilities, customers, and organisations such as the NSW National Parks and Wildlife Service or the Rural Fire Service.

Where access is through a gate protected by dedicated locks, an EL specification lock must be installed. The preferred arrangements for single or multiple locks are shown in Figure 9. Where there is more than one lock, the locks must be spaced as evenly as possible by joining with equal lengths of chain.

The entire chain must be of exact length to allow the gate to be fully secured, while allowing for the chain to be rotated so that access to the locks is possible from either side of the gate.

When replacing locks after entering or leaving, the correct ends of the chain must be connected with the lock, so that it remains a continuous loop.



**Figure 9 – Locking arrangements for shared access gates**

Attachment 5

**Easements and Property Tenure****Amendment no. 1****5.20 Recording of easements in GIS**

When an easement is created, the easements must be reflected in the Endeavour Energy's GIS system.

**5.21 Drawings**

Drawing No	Amendment	Title
016665	S	11kV and 22kV Padmount substation easement layout
086232	K	Minimum clearances near structures
282551	A	Size 16 Switching Station easement layout
289702 (Sheets 1 – 7)	A	Fencing arrangement for padmount substation easement details
403230 (Sheets 1 – 12)	A	Shared trenching arrangements
242451	B	Chain wire fence – isolation panel and earthing installation detail
069575	G	Solid Metallic Fence – Isolated panel and earthing installation detail
242450	A	Transmission Line Structure – Metallic fence clearance and isolation panel requirements.

**Easements and Property Tenure****Amendment no. 1****ORD01****6.0 AUTHORITIES AND RESPONSIBILITIES**

**General Manager Asset Management** has the authority and responsibility for approving this instruction.

**General Manager, Network Services** has the authority and responsibility for all new distribution and transmission projects complying with the contents of this instruction.

**Manager Asset Standards & Design** has the delegated authority and responsibility for approving this instruction and the endorsing of non-standard/reductions in easement widths.

**Manager Network Connections** has the authority and responsibility for new contestable works electrical designs complying with this instruction.

**Mains Assets Manager** has the authority and responsibility for:

- Endorsing the content of this instruction;
- Keeping the content of this instruction is kept up to date;
- Approval for encroachments within easements.

**Substation Assets Manager** has the authority and responsibility for providing input into the content of this instruction.

**Earthing and Power Quality Manager** is responsible for the assessment and approval of earthing issues within easements.

**Easements Officers** are responsible for:

- Reviewing easement encroachment applications;
- Performing investigations into possible encroachments;
- Providing advice and consultation to stakeholders.

**7.0 DOCUMENT CONTROL**

**Documentation content coordinator:** Mains Assets Manager

**Documentation process coordinator:** Branch Process Coordinator

**Attachment 5**

## Easements and Property Tenure

## Amendment no. 1

## Annexure 1 STANDARD EASEMENT TERMS

**A1.1 - Overhead Lines, Underground Cables, Padmounts, Switching Stations, Street Lighting, Pole/Ground Stays**

## 1.0 Definitions:

- 1.1 **easement site** means that part of the lot burdened that is affected by this easement.
- 1.2 **electrical equipment** must be defined as stated below for each of the easement terms associated with the following asset classes:
  - 1.2.1 *Overhead Power Lines* - includes pole, tower, overhead electrical conductors, underground earthing system, and ancillary equipment.
  - 1.2.2 *Underground Cables* - includes underground electrical cable, duct, service pillar, underground earthing system, and ancillary equipment.
  - 1.2.3 *Padmount Substation / Switching Station* - includes electrical transformer (padmount only), switchgear, protective housing, concrete plinth, underground electrical cable, duct, underground earthing system, and ancillary equipment.
  - 1.2.4 *Pole Stays / Ground Stays* – includes stay pole, concrete strainer block, stay cable, stay wire, and ancillary equipment.
  - 1.2.5 *Street Lighting* – includes the column, lantern and foundations of the street light.
- 1.3 **Endeavour Energy** means Endeavour Energy and its successors (who may exercise its rights by any persons authorised by it).
- 1.4 **install** includes construct, repair, replace, maintain, modify, use, and remove.
- 1.5 **owner** means the registered proprietor of the lot burdened and its successors (including those claiming under or through the registered proprietor).
- 1.6 **services** includes Network gas, telephone, communications, water, sewage, and drainage services.
- 1.7 **structure** includes building, wall, retaining wall, carport, and swimming pool; but excludes garden furniture and garden ornaments.
- 2.0 **Endeavour Energy** may:
  - 2.1 install electrical equipment within the easement site,
  - 2.2 excavate the easement site to install the electrical equipment.
  - 2.3 use the electrical equipment for the transmission of electricity,
  - 2.4 enter the lot burdened using the most practical route (with or without vehicles, machinery or materials) at all reasonable times (and at any time in the event of an emergency) and remain there for any reasonable time. This may include the installation of gates in existing fencing if access is not readily available,
  - 2.5 install its own access gates and locks,
  - 2.6 trim or remove any vegetation from the lot burdened that interferes with or prevents reasonable access to the easement site or the electrical equipment, and
  - 2.7 remove any encroachments from the easement site and recover the costs of carrying out the removal work and repairing any damage done to the electrical equipment by the encroachment.
- 3.0 In exercising its rights under this easement **Endeavour Energy** will take reasonable precautions to minimise disturbance to the lot burdened and will restore the lot burdened as nearly as practicable to its original condition.

**Easements and Property Tenure****Amendment no. 1**

- 4.0 The owner agrees that, without the written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose, it will not:
- 4.1 install or permit to be installed, any services or structure within the easement site, or
  - 4.2 alter the surface level of the easement site, or
  - 4.3 do or permit to be done anything that restricts access to the easement site by Endeavour Energy
- 5.0 Lessee of Endeavour Energy's Distribution System
- 5.1 Notwithstanding any other provision in this easement, the owner grants to Endeavour Energy the easement and acknowledges and agrees that any lessee of Endeavour Energy's distribution system, and any nominee of such lessee (which may include a sublessee of Endeavour Energy's distribution system from that lessee), may, without the need for any further approvals or agreements, exercise the rights and perform the obligations of Endeavour Energy as if that lessee or nominee were Endeavour Energy, but only for so long as the lessee leases Endeavour Energy's distribution system from Endeavour Energy.
  - 5.2 The owner must do all things reasonably necessary to ensure any such lessee, and any such nominee, is able to exercise the rights and perform the obligations of Endeavour Energy.

**A1.2 - Indoor Substation**

- 1.0 Definitions:
- 1.1 **building** means the building within which the electrical equipment is located.
  - 1.2 **easement site** means that part of the lot burdened that is affected by this easement.
  - 1.3 **electrical equipment** includes electrical transformer, electrical switchgear, electrical cable, duct, services, ventilation, and ancillary equipment.
  - 1.4 **Endeavour Energy** means Endeavour Energy and its successors (who may exercise its rights by any persons authorised by it).
  - 1.5 **install** includes construct, repair, replace, maintain, modify, use, and remove.
  - 1.6 **owner** means the registered proprietor of the lot burdened and its successors (including those claiming under or through the registered proprietor).
  - 1.7 **services** includes Network gas, telephone, communications, water, sewage, and drainage services.
- 2.0 Endeavour Energy may:
- 2.1 install electrical equipment within the easement site,
  - 2.2 use the electrical equipment for the transmission of electricity,
  - 2.3 enter the lot burdened using the most practical route (with or without vehicles, machinery or materials) at all reasonable times (and at any time in the event of an emergency) and remain there for any reasonable time. This may include the installation of gates in existing fencing if access is not readably available,
  - 2.4 install its own security doors to gain access to the electrical equipment and to prevent access by others, and
  - 2.5 install conduits, cables, and pipes on, under or through the building for the purpose of connecting the electrical equipment with any services and to operate those services.



**Easements and Property Tenure****Amendment no. 1**

- 3.0 Endeavour Energy agrees that it will not cut, drill, alter or demolish any part of the building necessary to install or operate the electrical equipment without the written permission of the owner and in accordance with such conditions as the owner may reasonably impose.
- 4.0 In exercising its rights under this easement Endeavour Energy will take reasonable precautions to minimise disturbance to the lot burdened and will restore the lot burdened as nearly as practicable to its original condition.
- 5.0 The owner agrees that, without the written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose, it will not:
- 5.1 install or permit to be installed any thing within the easement site, or
  - 5.2 interfere with, allow to be interfered with, or prevent the ventilation of the easement site, or
  - 5.3 direct or allow to be directed drainage into the easement site, or
  - 5.4 do or permit to be done anything that restricts access to the easement site by the Endeavour Energy
- 6.0 Lessee of Endeavour Energy's Distribution System
- 6.1 Notwithstanding any other provision in this easement, the owner grants to Endeavour Energy the easement and acknowledges and agrees that any lessee of Endeavour Energy's distribution system, and any nominee of such lessee (which may include a sublessee of Endeavour Energy's distribution system from that lessee), may, without the need for any further approvals or agreements, exercise the rights and perform the obligations of Endeavour Energy as if that lessee or nominee were Endeavour Energy, but only for so long as the lessee leases Endeavour Energy's distribution system from Endeavour Energy.
  - 6.2 The owner must do all things reasonably necessary to ensure any such lessee, and any such nominee, is able to exercise the rights and perform the obligations of Endeavour Energy.

**A1.3 – Rights of Access****1.0 Definitions:**

- 1.1 **access site** means that part of the lot burdened that is affected by this right of access.
  - 1.2 **Endeavour Energy** means Endeavour Energy and its successors (who may exercise its rights by any persons authorised by it).
  - 1.3 **owner** means the registered proprietor of the lot burdened and its successors (including those claiming under or through the registered proprietor).
- 2.0 Endeavour Energy may:
- 2.1 by any reasonable means pass across the access site for the purpose of exercising or performing any of its powers, authorities, duties or functions, and
  - 2.2 do anything reasonably necessary for passing across the access site, including:
    - 2.2.1 Entering the lot burdened;
    - 2.2.2 taking anything on to the lot burdened; and,
    - 2.2.3 carrying out work within the site of the easement, such as constructing, placing, repairing or maintaining trafficable surfaces, driveways or structures.

**Easements and Property Tenure****Amendment no. 1****ORD01**

3.0 In exercising its rights set out in Clause 2.0, Endeavour Energy must:

- 3.1 complete all work properly;
- 3.2 take reasonable precautions to minimise disturbance to the lot burdened and owner of the lot;
- 3.3 cause as little damage as is practicable to the lot burdened;
- 3.4 restore the lot burdened as nearly as practicable to its former condition; and,
- 3.5 make good on any collateral damage;

4.0 Lessee of Endeavour Energy's Distribution System

- 4.1 Notwithstanding any other provision in this easement, the owner grants to Endeavour Energy the easement and acknowledges and agrees that any lessee of Endeavour Energy's distribution system, and any nominee of such lessee (which may include a sublessee of Endeavour Energy's distribution system from that lessee), may, without the need for any further approvals or agreements, exercise the rights and perform the obligations of Endeavour Energy as if that lessee or nominee were Endeavour Energy, but only for so long as the lessee leases Endeavour Energy's distribution system from Endeavour Energy.
- 4.2 The owner must do all things reasonably necessary to ensure any such lessee, and any such nominee, is able to exercise the rights and perform the obligations of Endeavour Energy.

**Attachment 5**

## Easements and Property Tenure

Amendment no. 1

**Annexure 2 Terms of Restrictions on the Use of Land****A3.1 Safety Clearance between Padmount Substations and Adjacent Buildings**

Terms of Restrictive Covenant numbered [xx] in the plan

**1.0 Definitions:**

- 1.1 “120/120/120 fire rating” and “60/60/60 fire rating” means the fire resistance level of a building expressed as a grading period in minutes for structural adequacy / integrity failure / insulation failure calculated in accordance with Australian Standard 1530.
- 1.2 “building” means a substantial structure with a roof and walls and includes any projections from the external walls.
- 1.3 “erect” includes construct, install, build and maintain.
- 1.4 “restriction site” means that part of the lot burdened affected by the restriction on the use of land as shown on the plan.

**2.0 No building must be erected or permitted to remain within the restriction site unless:**

- 2.1 the external surface of the building erected within 1.5 metres from the substation footing has a 120/120/120 fire rating and
- 2.2 the external surface of the building erected between 1.5 metres and 3.0 metres from the substation footing has a 60/60/60 fire rating
- 2.3 and the owner provides the authority benefited with an engineer’s certificate to this effect.

**3.0 The fire ratings mentioned in Clause 2.0 must be achieved without the use of fire fighting systems such as automatic sprinklers.****4.0 Lessee of Endeavour Energy’s Distribution System**

- 4.1 Notwithstanding any other provision in this easement, the owner grants to Endeavour Energy the easement and acknowledges and agrees that any lessee of Endeavour Energy’s distribution system, and any nominee of such lessee (which may include a sublessee of Endeavour Energy’s distribution system from that lessee), may, without the need for any further approvals or agreements, exercise the rights and perform the obligations of Endeavour Energy as if that lessee or nominee were Endeavour Energy, but only for so long as the lessee leases Endeavour Energy’s distribution system from Endeavour Energy.
- 4.2 The owner must do all things reasonably necessary to ensure any such lessee, and any such nominee, is able to exercise the rights and perform the obligations of Endeavour Energy.

## Easements and Property Tenure

Amendment no. 1

ORD01

## A3.2 Fire Proof Screen Walls

Terms of Positive Covenant numbered [xx] in the plan:

## 1.0 Definitions

- 1.1 “**fire proof screen wall**” means a wall of brick or concrete necessary to achieve a 120/120/120 fire rating up to a minimum height of [xx] metres from the level of the substation footing.
- 1.2 “**owner**” means the registered proprietor of the lot burdened and its successors (including those claiming under or through the registered proprietor).
- 1.3 “**prescribed authority**” means Endeavour Energy (and its successors).
- 1.4 “**120/120/120 fire rating**” means the fire resistance level of a building structure expressed as a grading period in minutes for structural adequacy/integrity failure/insulation failure calculated in accordance with Australian Standard 1530.

## 2.0 The owner covenants with the prescribed authority that the owner:

- 2.1 Will construct fire proof screen [wall/s] adjacent to the [northern, southern, eastern, western] [boundary/ies] of the easement for padmount substation.
- 2.2 Will maintain the fire proof screen [wall/s] in a satisfactory state of repair and in accordance with any reasonable conditions that the prescribed authority may impose.

## 3.0 Lessee of Endeavour Energy's Distribution System

- 3.1 Notwithstanding any other provision in this easement, the owner grants to Endeavour Energy the easement and acknowledges and agrees that any lessee of Endeavour Energy's distribution system, and any nominee of such lessee (which may include a sublessee of Endeavour Energy's distribution system from that lessee), may, without the need for any further approvals or agreements, exercise the rights and perform the obligations of Endeavour Energy as if that lessee or nominee were Endeavour Energy, but only for so long as the lessee leases Endeavour Energy's distribution system from Endeavour Energy.
- 3.2 The owner must do all things reasonably necessary to ensure any such lessee, and any such nominee, is able to exercise the rights and perform the obligations of Endeavour Energy.

Attachment 5

**Easements and Property Tenure****Amendment no. 1****A3.3 Fire Proof Walls and Roof**

Terms of Positive Covenant numbered [xx] in the plan:

**1.0 Definitions**

- 1.1 **“fire proof wall”** means a wall of brick, concrete or other material necessary to achieve a [60/60/60 or 120/120/120] fire rating up to a minimum height of 6 metres from the level of the substation footing. It also includes any structures attached to the wall such as eaves and gutters.
- 1.1 **“fire proof roof”** means a roof constructed of concrete or other material necessary to achieve a [60/60/60 or 120/120/120] fire rating.
- 1.2 **“owner”** means the registered proprietor of the lot burdened and its successors (including those claiming under or through the registered proprietor).
- 1.2 **“padmount substation”** means padmount substation No. [xxxx]
- 1.3 **“prescribed authority”** means Endeavour Energy (and its successors).
- 1.4 **“60/60/60 or 120/120/120 fire rating”** means the fire resistance level of a building structure expressed as a grading period in minutes for structural adequacy/integrity failure/insulation failure calculated in accordance with Australian Standard 1530.

**2.0 The owner covenants with the prescribed authority that the owner:**

- 2.1 Will construct fire proof [wall/s] adjacent to the [northern, southern, eastern, western] [boundary/ies] of the easement for padmount substation.
- 2.2 Will maintain the fire proof [wall/s] in a satisfactory state of repair and in accordance with any reasonable conditions that the prescribed authority may impose.
- 2.3 Will construct fire proof roof above the padmount substation.
- 2.4 Will maintain the fire proof roof in a satisfactory state of repair and in accordance with any reasonable conditions that the prescribed authority may impose.

**3.0 Lessee of Endeavour Energy's Distribution System**

- 3.1 Notwithstanding any other provision in this easement, the owner grants to Endeavour Energy the easement and acknowledges and agrees that any lessee of Endeavour Energy's distribution system, and any nominee of such lessee (which may include a sublessee of Endeavour Energy's distribution system from that lessee), may, without the need for any further approvals or agreements, exercise the rights and perform the obligations of Endeavour Energy as if that lessee or nominee were Endeavour Energy, but only for so long as the lessee leases Endeavour Energy's distribution system from Endeavour Energy.
- 3.2 The owner must do all things reasonably necessary to ensure any such lessee, and any such nominee, is able to exercise the rights and perform the obligations of Endeavour Energy.

**Easements and Property Tenure****Amendment no. 1****A3.4 Separation of Metal Structures to an Earth Grid**

Terms of Restrictive Covenant numbered [xx] in the plan

**1.0 Definitions:****1.1 "erect"** includes construct, install, build and maintain.**1.2 "restriction site"** means that part of the lot burdened affected by the restriction on the use of land as shown on the plan.**2.0** Except as provided in Clause 3.0, no metal structure must be erected or permitted to remain within the restriction site.**3.0** Metallic fencing may be erected within the restriction site if the fence panels are insulated from the fence posts and from the ground.**4.0 Lessee of Endeavour Energy's Distribution System****4.1** Notwithstanding any other provision in this easement, the owner grants to Endeavour Energy the easement and acknowledges and agrees that any lessee of Endeavour Energy's distribution system, and any nominee of such lessee (which may include a sublessee of Endeavour Energy's distribution system from that lessee), may, without the need for any further approvals or agreements, exercise the rights and perform the obligations of Endeavour Energy as if that lessee or nominee were Endeavour Energy, but only for so long as the lessee leases Endeavour Energy's distribution system from Endeavour Energy.**4.2** The owner must do all things reasonably necessary to ensure any such lessee, and any such nominee, is able to exercise the rights and perform the obligations of Endeavour Energy.**A3.5 Separation of Swimming Pools to an Earth Grid**

Terms of Restrictive Covenant numbered [xx] in the plan

**1.0 Definitions:****1.1 "erect"** includes construct, install, build and maintain.**1.2 "restriction site"** means that part of the lot burdened affected by the restriction on the use of land as shown on the plan.**2.0** No swimming pool or spa must be erected or permitted to remain within the restriction site.**3.0 Lessee of Endeavour Energy's Distribution System****3.1** Notwithstanding any other provision in this easement, the owner grants to Endeavour Energy the easement and acknowledges and agrees that any lessee of Endeavour Energy's distribution system, and any nominee of such lessee (which may include a sublessee of Endeavour Energy's distribution system from that lessee), may, without the need for any further approvals or agreements, exercise the rights and perform the obligations of Endeavour Energy as if that lessee or nominee were Endeavour Energy, but only for so long as the lessee leases Endeavour Energy's distribution system from Endeavour Energy.

ORD01

Attachment 5

**Easements and Property Tenure****Amendment no. 1**

- 3.2 The owner must do all things reasonably necessary to ensure any such lessee, and any such nominee, is able to exercise the rights and perform the obligations of Endeavour Energy.

**Easements and Property Tenure****Amendment no. 1****ORD01****Annexure 3 COMMUNITY TITLE BY-LAWS**

To maintain access to assets the following by-law must be incorporated into all community title management statements where HV or LV (including street lighting) assets are owned and maintained by Endeavour Energy:

**BY-LAW [X] ENDEAVOUR ENERGY – Access Ways**

*The Association agrees that if the surface of the access ways does not support the heavy vehicles, machinery and materials necessary to maintain Endeavour Energy's electrical equipment, the Association will be responsible for repairing any damage caused to the surface of the access ways during such maintenance.*

*This provision applies despite any other easement term to the contrary.*

Where the ownership of any part of the electricity network (HV, LV or street lighting) within the community title development is to be the responsibility of the community association, the following by-law must be incorporated into the community title management statement:

**BY-LAW [X] ENDEAVOUR ENERGY – Ownership of Assets by the Association**

*The low voltage electricity system is defined on the prescribed diagram as [eg "electricity"].*

*This electricity system is Association property.*

*The Association is responsible for the maintenance, repair, refurbishment, and augmentation of this electricity system.*

*The design of this electricity system has been based on a maximum demand of [as advised by the designer] Amps per dwelling.*

**Attachment 5**



ORD01

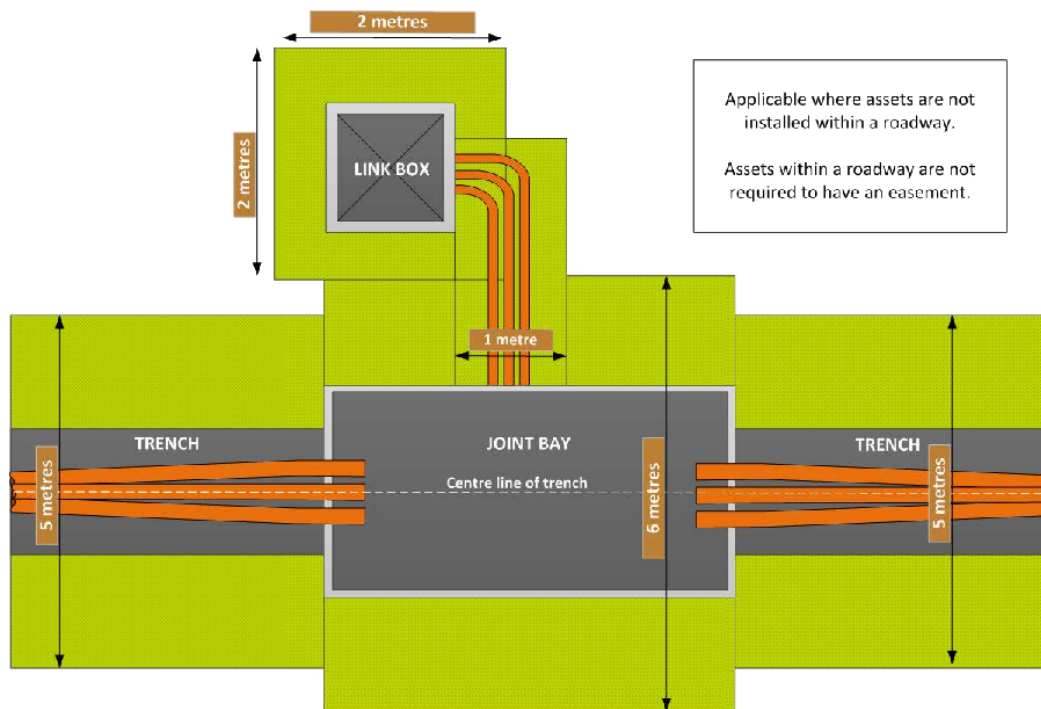
Attachment 5

## Easements and Property Tenure

Amendment no. 1

## Annexure 4 Typical easement layouts

## A4.1 - Underground assets



## Easements and Property Tenure

Amendment no. 1

ORD01

## A4.2 – UGOH and Stay pole easements

Attachment 5

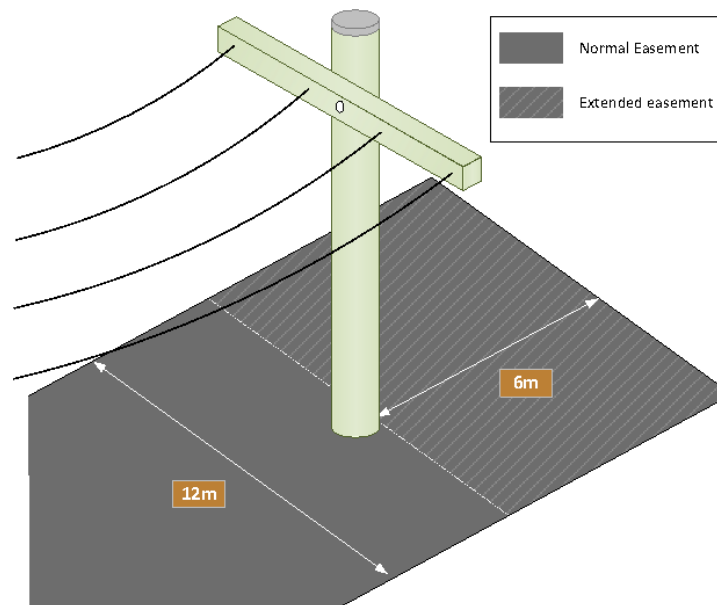


Figure 10 –UGOH pole easement

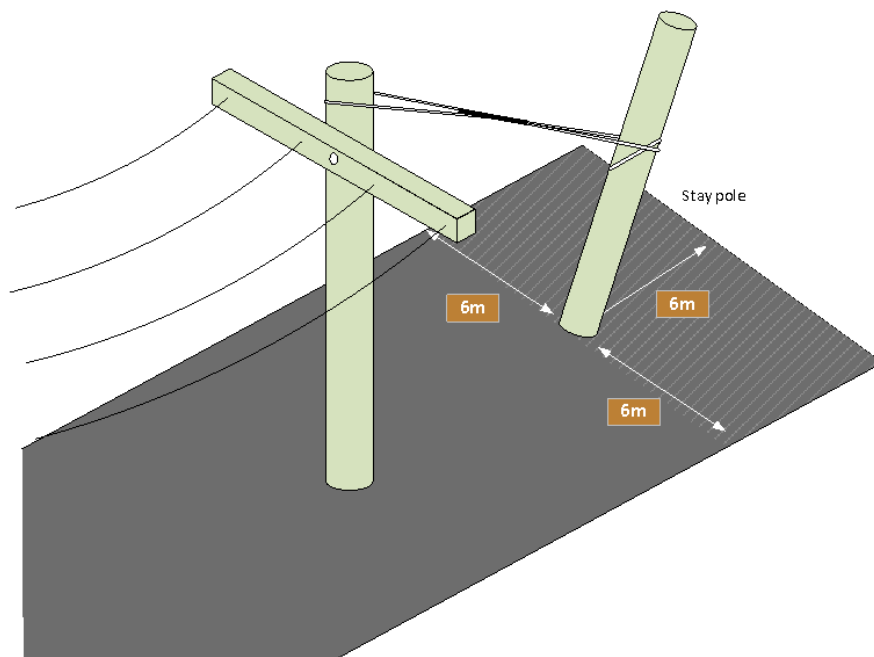


Figure 11 – Stay / Ground pole easement

## Easements and Property Tenure

Amendment no. 1

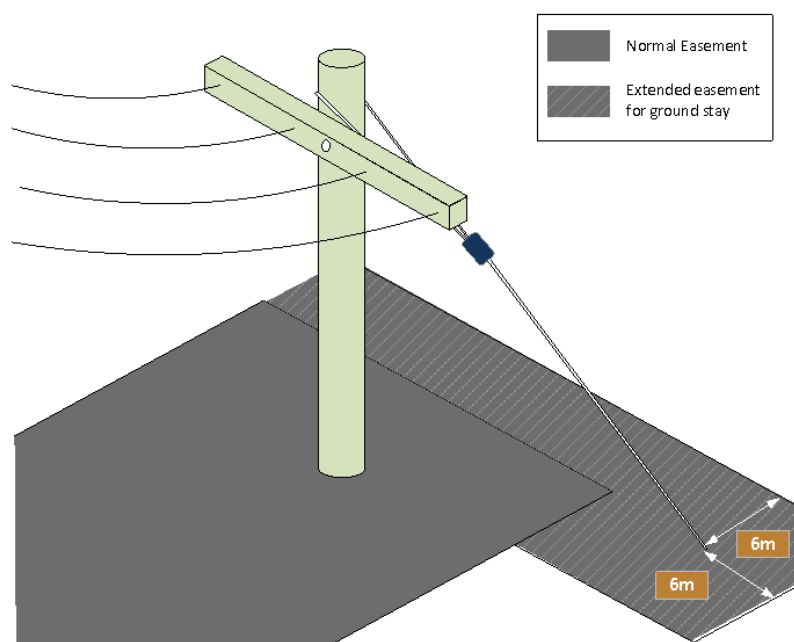
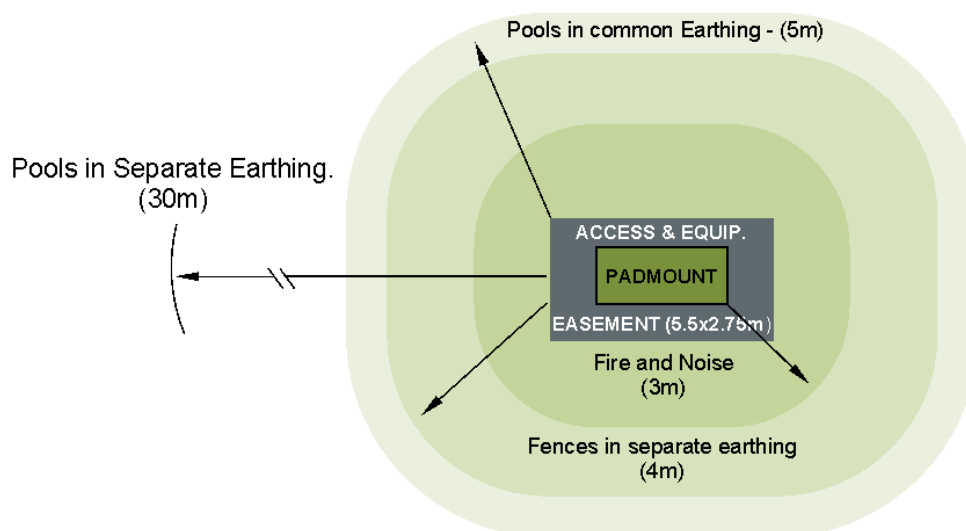


Figure 12 – Ground stay easement

## A4.3 - Padmount easements and clearances



**Easements and Property Tenure**

**Amendment no. 1**

**ORD01**

**Attachment 5**

This page is intentionally left blank.



## Easements and Property Tenure

Amendment no. 1

## Annexure 5 – Encroachment reference guide

**Allowed** – An activity which is allowed within an easement, but must still adhere to the minimum safety requirements within the easement stated in this document.

**Prohibited** – An activity that must not be performed under any circumstance within the easement.

**Controlled** – An activity which is allowed only if it meets both the minimum safety requirements for that type of easement with additional controls which are specified in the corresponding clause. Approval from Endeavour Energy is required for any controlled activity.

Category	Encroachment	Overhead				Underground				Padmount Substations			
		Allowed	Prohibited	Controlled	Clause	Allowed	Prohibited	Controlled	Clause	Allowed	Prohibited	Controlled	Clause
Buildings/ Structures	Buildings (habitable)		✓				✓				✓		
	Tents – Commercial or Recreational		✓			✓					✓		
	Shade Cloths / Umbrellas			✓			✓				✓		
	Minor structures (clothesline, playground equipment, non metallic fences and bbqs)			✓	5.14.4.1		✓				✓		
	Garages, large sheds and shipping containers (habitable)		✓				✓				✓		
Barriers/Walls	Non-habitable buildings (Carports and metallic sheds), and shipping containers (uninhabited)			✓	5.14.4.2		✓				✓		
	Flag pole / weather vane		✓				✓				✓		
	Sound walls			✓			✓				✓		
	Conductive fencing through an easement			✓	5.14.4.3			✓	5.15.5.1		✓		5.16.5.5
	Conductive on boundary of an easement			✓				✓			✓		
Fixed/ Mobile plant	Metal safety barriers			✓	5.14.4.4		✓				✓		
	Electric fencing		✓				✓				✓		
	Retaining walls			✓	5.14.4.5			✓	5.15.5.9			✓	5.16.5.4
	Metallic pipes in lengths greater than 3m		✓				✓		5.15.5.2		✓		
	Footings of Fixed plant		✓				✓				✓		
Vegetation	Fixed Plant or equipment		✓				✓		5.15.5.3		✓		
	Mobile plant or equipment			✓	5.14.4.7			✓		✓			5.16.5.1
	Parking of tall vehicles, trucks, caravans, campervans		✓					✓	5.15.5.4		✓		
	Parking of other vehicles			✓	5.14.4.6	✓					✓		5.16.5.1
	Shrubs with roots < 400mm	✓				✓					✓		
Swimming Pools	Planting of trees which grow less than 3m	✓					✓						
	Planting of trees which exceed 3m		✓				✓				✓		
	Storage of organic matter (leaves, compost)			✓	5.14.4.17			✓	5.14.4.17		✓		
	Spas and Swimming pools – above ground		✓				✓				✓		
	Swimming pools – in ground		✓				✓				✓		

NDI 0044

Copyright © Endeavour Energy 2017

Page 51 of 52

## Attachment 5

ORD01

## Easements and Property Tenure

Amendment no. 1

Category	Encroachment	Overhead				Underground				Padmount Substations			
		Allowed	Prohibited	Controlled	Clause	Allowed	Prohibited	Controlled	Clause	Allowed	Prohibited	Controlled	Clause
Fires	Lighting of fires		✓					✓				✓	
	Back burning			✓	5.14.4.8			✓				✓	
Agricultural use of the land	Agricultural pursuits such as dusting, harvesting, netting, irrigation			✓	5.14.4.9				✓			✓	5.16.5.2
	Ploughing near structures		✓						N/A			✓	
Other	Ploughing not near structures	✓						✓				✓	
	Objects which may hinder access		✓					✓				✓	
	Storage of combustible/flammable/corrosive material		✓					✓				✓	
	Storage of non-combustible, non-flammable, or non-corrosive material	✓						✓				✓	
	Rainwater tanks			✓	5.14.4.10			✓				✓	
	Detention basins			✓	5.14.4.11			✓				✓	
	Earth works – reducing cover or filling			✓	5.14.4.12			✓				✓	
	Permanent surfaces (asphalt, concrete etc)	✓						✓				✓	
	Different surfaces (bluemetal, woodchips)	✓						✓				✓	
	New Roads			✓	5.14.4.13				✓			✓	5.16.5.3
	Concrete driveways			✓					✓			✓	5.16.5.3
	Installation of Utility services – telecoms, water, LV elec, sewerage			✓	5.14.4.14				✓			✓	
	Residential/ Commercial subdivision lots			✓	5.14.4.15				✓			N/A	
	Use of explosives		✓					✓				✓	
Recreational Activities	Recreational activities – general (not including activities listed below)	✓						✓				✓	
	Recreational activities – flying kites, model aircraft, balloons		✓									✓	
	Recreational activities – Flood lighting, grandstands		✓									✓	
	Recreational activities – firearms		✓					✓				✓	
	Recreational activities – tennis courts			✓	5.14.4.16			✓				✓	
Note:		Highlighting within the Encroachment column indicates a category which has been added since the last amendment. However, highlighting within the Overhead, Underground or Padmount columns represents a change in approach to the management of the encroachment since the last amendment.											

## 7. Agency



PO Box 398, Parramatta NSW 2124  
Level 14, 169 Macquarie Street  
Parramatta NSW 2150  
[www.waternsw.com.au](http://www.waternsw.com.au)  
ABN 21 147 934 787

ORD01

21 July 2020

Contact: *Stuart Little*  
Telephone: *02 9865 2449*  
Our ref: *D2020/70790*

General Manager  
(Attn Bradley Colling)  
CAMDEN COUNCIL  
PO Box 183  
CAMDEN NSW 2570

Dear Sir/Madam,

**RE: PUBLIC EXHIBITION OF STAGE 1 AMENDMENT TO CAMDEN LOCAL ENVIRONMENTAL PLAN 2010 (PP/2019/11/1)**

Thank you for your letter of 15 June 2020 advising WaterNSW of the proposed amendment to the Camden Local Environmental Plan 2010 (LEP; your ref: 20/121988). We note that Council intends to undertake the Comprehensive LEP Review in two stages. This first stage involves aligning the LEP with State Government directions including Planning Priorities of the Districts Plan and Draft Local Strategic Planning Statement (LSPS). Stage 2 is proposed to be undertaken following the completion of the technical strategy work to fully align the Camden LEP with the District Plan and Draft LSPS, with input being sought later in 2020.

This Stage 1 amendment encompasses a range of provisions, including for Environmentally Sensitive Land (ESL), health objectives, tourism uses, eco-tourist facilities, industrial land use conflict, zoning for water infrastructure, and minor amendments to Schedule 5 – Environmental Heritage.

Within the Camden LGA, WaterNSW owns and manages the Upper Canal which generally runs parallel to the eastern boundary of the LGA in its south-east. We also own and operate several weirs along the Nepean River. The implications of the proposed LEP provisions on our land is considered as part of this submission, although it is noted that referral to WaterNSW was based on incorrect lot references. Correct lot references can be provided to Council upon request.

WaterNSW has produced [Guidelines for Development Adjacent to the Upper Canal and Warragamba Pipelines](#) (the Guidelines) which provide advice to Councils and developers on the issues that must be considered when designing, planning or assessing development or activities on land adjacent to, or within, these water supply infrastructure corridors.

Our detailed comments on the Stage 1 LEP amendments are provided in Attachment 1. We also ask to be consulted regarding the Heritage review proposed for the Stage 2 LEP review as the Upper Canal is listed under Schedule 5 of the LEP. If you have any questions regarding the issues raised in this letter, please contact Stuart Little at [stuart.little@waternsw.com.au](mailto:stuart.little@waternsw.com.au).

Yours sincerely

A black rectangular box redacting the signature of Clay Preshaw.

**CLAY PRESRAW**  
**Manager Catchment Protection**

Attachment 5



**ATTACHMENT 1 - DETAIL****General**

As identified in Council's letter, both the Stage 1 and Stage 2 reviews of the LEP will be based on the Draft LSPS. WaterNSW requests that Council considers expanding the consideration of the Stage 2 amendment to align with the Final (rather than Draft) LSPS as informed by community and agency feedback, or alternatively indicate in the Planning Proposals for Stages 1 and 2 when a third stage of review would be undertaken to align the LEP with the Final LSPS as informed through the LSPS's public exhibition and consultation process.

**Environmentally Sensitive Land**

The proposed amendments include introducing two new clauses in the LEP for Environmentally Sensitive Land (ESL): one for Terrestrial biodiversity and the other for Riparian lands and watercourses, and giving effect to accompanying maps. The bio-certified areas of the South West Growth Centre are excluded from the mapping.

*Terrestrial Biodiversity*

As part of the LEP review process, Council is proposing to include a new Terrestrial biodiversity clause and associated mapping. The biodiversity mapping is based on the ESL mapping within the Camden Council Local Biodiversity Strategy (2013), albeit updated by Council staff based on a desktop analysis which has identified newly developed areas and vegetation removal. The associated biodiversity clause provides a range of ecologically-based objectives and heads of consideration that need to be addressed before consent is issued. This includes requirements for developments to avoid, minimise, mitigate and offset impacts to terrestrial biodiversity.

The biodiversity mapping and related provisions will help reduce development pressure on the Upper Canal, thereby protecting the Canal corridor and water quality within the Canal. However, WaterNSW is concerned that the biodiversity mapping includes areas within the Upper Canal Corridor. WaterNSW requests Council exclude the Upper Canal Corridor from the biodiversity mapping, as the Corridor provides critical water supply infrastructure and is primarily managed for water supply purposes. The mapping may raise community expectations that parts of the Corridor need to be managed for biodiversity conservation purposes rather than for water supply. Any biodiversity outcomes need to be secondary to the primary purpose of water supply. Vegetation along the corridor may need to be removed for operational and maintenance purposes or for future water supply augmentation.

To improve biodiversity outcomes, WaterNSW is willing to work with Council to help facilitate the use of natural wildlife corridors where these already occur in the landscape. This includes where the Canal lies underground in a tunnel and natural wildlife habitat corridor linkages occur at the surface.

WaterNSW also makes the following comments regarding the biodiversity issue:

- The Upper Canal is zoned SP2 Water Supply System, enabling the water supply to be operated and maintained without the need for development consent. WaterNSW requires this SP2 zoning to be retained.
- WaterNSW has been undertaking a fencing replacement program along sections of the Upper Canal which may impede the movement of fauna.
- Opportunities should be encouraged to direct land-based fauna away from the open water parts of the Upper Canal in order to avoid wildlife drownings and associated water quality impacts.
- The Proposal would benefit by more clearly articulating the scale of resolution and criteria used in the mapping.

### *Riparian Land and Watercourse clause*

The Planning Proposal seeks to introduce a new clause for Riparian land and watercourses given effect by associated mapping. The clause provides objectives and various heads of consideration such as water quality, watercourse bed and bank stability and ecologically-related matters. The provisions apply to the mapped watercourses, riparian lands and any land within 40 m of the top bank of a watercourse. The clause also requires consideration of future rehabilitation of the watercourse and riparian areas, and includes requirements for developments to avoid, minimise, mitigate and offset impacts.

WaterNSW notes and supports the fact that the Upper Canal is not mapped as a watercourse given that it is an artificial channel specifically designed to transfer water from Pheasants Nest Weir to Prospect Water Filtration Plant and Prospect Reservoir.

WaterNSW supports the proposed clause in protecting water quality, natural waterways and riparian vegetation from development-related impacts. However, at face value there appears to be some anomalies in the mapping and the intent of the clause. We understand that mapping is based on information prepared by the Science Division of the Department of Planning, Industry and Environment and provided to Council. The Planning Proposal states that the map identifies where 'waterways and water dependent ecosystems are defined as high ecological value, based on definitions, guidelines and policies under the *Environment Protection and Biodiversity Conservation Act 1999*, *Biodiversity Conservation Act 2016*, *Fisheries Management Act 1994* and *Water Management Act 2000*' (p.27). With this in mind, we make the following observations regarding the watercourse and riparian land map.

- The mapped hydrology appears to vary from that used by WaterNSW (which is based on LPI mapping) and shows numerous drainage features affecting the Upper Canal.
- The 'watercourse mapping' includes areas of the Canal in some instances and excludes it in others. Where watercourses cross the Upper Canal corridor, they are for the most part artificially channelled through either flumes (over the Canal) or culverts (under the Canal), altering their natural flow path. This excludes areas where the Canal is underground in tunnels, such as in Mt Annan.

If the mapping is associated with 'High Ecological Value' as stated, then any of the artificially channelised watercourse crossings of the Canal should be excluded from the watercourse mapping. We also similarly request the pockets of riparian mapping occurring over the Corridor be removed as the Corridor is used for the operation and maintenance of critical water supply infrastructure and is predominantly a modified landscape.

- Outside the Upper Canal, many of the watercourses are also mapped in a truncated or discontinuous manner. It is unclear if this is a result of the mapping of the hydrology or because the truncated areas are associated with urban development and not being 'High Ecological Value'. The Planning Proposal may benefit by elaborating further on how the Science Division undertook the watercourse mapping, identifying the techniques and criteria used to identify the hydrology (i.e. flow lines) to then distinguish between the waterways that were 'High Ecological Value' or not. In particular, greater explanation is required regarding the apparent truncation of the watercourses as mapped.
- The Planning Proposal may benefit by clarifying whether the 'High Ecological Value' criterion was applied to mapping of the waterways (i.e. resulting in the dark blue lines identified as 'ESL – Watercourses' as mapped) or only to the identification of riparian land (i.e. resulting in the light blue polygons identified as 'ESL – Riparian land' as mapped), or both. This would provide greater clarity regarding whether the mapped waterways reflect hydrology only, irrespective of their ecological condition.
- Some areas of riparian vegetation appear as isolated islands and not associated with any watercourse. This suggests that the 'island pockets' of riparian vegetation are not

actually riparian vegetation at all but some other vegetation type. Mapping of these areas as 'riparian vegetation' needs to be verified. It is possible that some of these 'islands' of riparian vegetation are wetlands as given effect by the clause. If this is the case, then it may be useful to include them as a third category on the map sheet and distinguish these as 'wetlands' (as apart from watercourse or riparian land) so that their isolation from a drainage network is not perceived as a mapping anomaly.

- A number of watercourses presented on the map occur as straight lines suggesting that they have had their natural flow path varied by urban development. It may be useful for Council to verify the natural condition of these areas to ensure these areas are, in fact, 'High Ecological Value' as described.

In terms of the content of the Riparian land and watercourse clause, we note that it includes consideration of 'any future rehabilitation of the watercourse and riparian areas'. WaterNSW notes that rehabilitation of waterways and riparian areas in proximity to the Upper Canal Corridor could affect stormwater flows (quality and quantity). To this end we also note that the clause requires consideration of water quality and flows within the watercourse. Any development occurring in proximity to the Upper Canal should take into account the Guidelines mentioned earlier.

#### Other

WaterNSW has no objection to the other proposed clauses related to:

- health-based objectives
- tourism-related uses in RU1 and RU2 zones
- the inclusion of compulsory provisions for eco-tourism facilities
- updating the objective of the IN2 zone
- rezoning Sydney Water sites to SP2
- a minor amendment to Schedule 5 – Environmental Heritage.

#### Stormwater Management

The protection of watercourses and riparian lands is challenged by the expansion of urban growth as evidenced by the mapping. To address water quality impacts on downstream uses and waterways arising from urban development, Council may wish to introduce a separate Stormwater management clause in its local provisions. Such a clause could apply generically to the entire LGA and aim to protect downstream properties and environments, including bushland and waterways from adverse stormwater impacts arising from development. It could encompass various heads of consideration including WSUD, maximising water permeable surfaces, promoting on-site stormwater retention for re-use, integrating stormwater management measures into the landscape and making provision for ongoing management and maintenance of stormwater systems once emplaced. Council could refer to the Blue Mountains LEP 2015 (cl 6.9) and Ku-ring-gai LEP 2015 (cl 6.5) for guidance. The provision of a dedicated stormwater management clause would also help minimise stormwater impacts on the Upper Canal corridor.

Further to the above, Council could also consider including a dedicated Essential Services clause within its LEP. Many LEPs have such a clause in their local provisions including Blue Mountains, Campbelltown and Fairfield LEPs which could be used for guidance. The Essential Service clause helps ensure that new development makes adequate provision for water, sewerage and stormwater drainage (or on-site conservation). Essential Services and a Stormwater clause would support the proposed health-based objectives and proposed provisions for watercourses and riparian lands. Both the Stormwater Management and Essential Services clause could be considered under the Stage 2 LEP Review.



**Transport  
for NSW**

8 Agency

ORD01

22 July 2020

TfNSW Ref: SYD20/00710

Mr Ron Moore  
General Manager  
Camden Council  
PO Box 183  
Camden NSW 2570

Attention: Bradley Colling

Dear Mr Moore,

**PUBLIC EXHIBITION: STAGE 1 AMENDMENT TO CAMDEN LOCAL  
ENVIRONMENTAL PLAN (LEP) 2010**

Transport for NSW (TfNSW) advises that legislation to bring Roads and Maritime Services and TfNSW together as one organisation came into effect on 1 December 2019 so we can deliver more integrated transport services across modes and better outcomes to customers and communities across NSW.

We appreciate the opportunity to review and provide comments on the Stage 1 amendment to Camden Local Environmental Plan (LEP) 2010. This letter represents the views of the new TfNSW.

We note the proposed Stage 1 amendment seeks to align Camden LEP 2010 with the high level principles and objectives of the Western City District Plan and Camden's Local Strategic Planning Statement and includes the following amendments:

1. Introducing a local provision for environmentally sensitive land, which includes clauses and associated mapping for Environmentally Sensitive Land, Terrestrial Biodiversity and Riparian land and Watercourses;
2. Introducing health-focused objectives into relevant sections of the LEP;
3. Providing for appropriate non-agricultural uses with consent in the RU1 Primary Production and RU2 Rural Landscape zones;
4. Introducing eco-tourist facilities as permitted uses with consent in rural zones and including Part 5 provisions to guide the development of Eco-tourist facilities in the RU1 Primary Production and RU2 Rural Landscape zones;
5. Strengthening the objectives in the IN2 Light Industrial zone to manage land use conflicts;
6. Rezoning several sites owned by Sydney Water and used for water infrastructure to SP2 infrastructure; and

**Transport for NSW**

27-31 Argyle Street, Parramatta NSW 2150 | PO Box 973, Parramatta CBD NSW 2124  
P 131782 | W [transport.nsw.gov.au](https://transport.nsw.gov.au) | ABN 18 804 239 602

Attachment 5

ORD01

7. Updating the level of significance of St Johns Church from local to State; reflecting its listing on the State Heritage List.

TfNSW has reviewed the draft LEP documents and has collated comments from across the Transport cluster, which are provided at **Attachment A** for Council's consideration.

We would also appreciate the opportunity to work closely with Council early in the preparation of the Stage 2 LEP amendment (prior to exhibition), to ensure that the future LEP amendment and growth in the Camden LGA is aligned with TfNSW infrastructure and services to deliver better place-based outcomes.

Should you have any questions or queries in relation to this matter, Ilyas Karaman would be pleased to assist by phone 0447 212 764 or email:

[development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au)

Yours sincerely



Rachel Davis  
**Senior Strategic Land Use Coordinator**  
Land Use, Networks & Development, Greater Sydney Division

Attachment 5

**Transport for NSW**

27-31 Argyle Street, Parramatta NSW 2150 | PO Box 973, Parramatta CBD NSW 2124  
**P** 131782 | **W** [transport.nsw.gov.au](http://transport.nsw.gov.au) | **ABN** 18 804 239 602

## Attachment A – Specific comments

	Section	Comments/suggestion
1	General Comment	All existing TfNSW corridors and reservations need to be maintained and appropriately reflected in the Land Zoning and Land Reservation Acquisition maps as SP2 Infrastructure. TfNSW will provide shapefiles of its reservations under separate correspondence to assist Council in reflecting these requirements on request. No new reservations or SP2 zones relating to TfNSW are to be added or removed without prior written approval.
2	General Comment	Council may wish to consider a range of travel demand management measures for certain new developments/locations, including the requirement of green travel plans to encourage the use of sustainable transport within the LGA. These requirements could be included in any amendment to the DCP to support the Stage 2 LEP amendment.
3	General Comment	Council should consider encouraging future higher density and mixed use developments in accessible locations (within the walking catchment of existing and planned public transport nodes and key centres) to maximise current and future public transport patronage and further encourage walking and cycling. This will need to give consideration to the infrastructure requirements for bus services.
4	General Comment	As public transport options improve and increase within the Camden LGA in the future, Council may wish to investigate and implement measures to reduce dependency on private vehicle use and encourage public transport use through travel demand management measures, such as setting appropriate maximum off street parking rates for new residential and mixed use developments in close proximity to future rail stations and high frequency bus nodes to support mode shift to public transport and other sustainable modes of travel over the long term.
5	General Comment	Council should consider inclusion of requirements in the DCP (supporting Stage 2 amendments to the LEP) for new developments to assess the demand for freight and servicing generated by the development and demonstrate to the satisfaction of Council / TfNSW that sufficient off-street loading and servicing capacity, and a means of managing this capacity, is provided as part of the development. This may apply to development for the purposes of commercial, mixed use, retail, industrial, education, entertainment/hospitality, hotel, medium and high density residential and places of worship. This will help to ensure that the freight and servicing demands are adequately catered for and do not compromise place outcomes and do not rely on kerbside capacity.
6	General Comment	As part of the DCP to support Stage 2 amendments to the LEP, Council should consider including an appropriate requirement for new developments (including but not limited to hotel accommodation, entertainment facilities and education) to assess the demand for coaches and point to point services (e.g. Taxi, Uber, etc.) generated by the development and demonstrate to the satisfaction of Council / TfNSW that where practicable these users can be accommodated on-site. This is to ensure that these uses do not adversely impact on the road transport network, public bus operations and other kerbside uses and place outcomes.
7	Freight	TfNSW is supportive of initiatives to give effect to actions contained in the District Plan on protecting freight corridors and industrial land from encroachment by sensitive land uses and managing the interfaces of industrial areas, trade gateways and

## Transport for NSW

27-31 Argyle Street, Parramatta NSW 2150 | PO Box 973, Parramatta CBD NSW 2124

P 131782 | W [transport.nsw.gov.au](http://transport.nsw.gov.au) | ABN 18 804 239 602

		<p>intermodal facilities (such as the Glenlee facility) in this and/or future LEP and DCP updates.</p> <p>The aims/objectives of the LEP and DCP should include protecting people from unreasonable noise impacts and protecting major freight corridors and facilities from urban encroachment. Urban encroachment on freight corridors will be to the detriment of both residential amenity (in the short term) and freight efficiency (in the medium to long term). The LEP should also balance the need to minimise negative impacts of freight movements on urban amenity with the need to support efficient freight movements and deliveries (e.g. 24 /7 operations).</p>
8	General Freight Comment	<p>TfNSW encourages a land use planning system that:</p> <ul style="list-style-type: none"> <li>• Treats freight as a system</li> <li>• Protects and preserves the freight system</li> <li>• Permits future expansion of, and efficiency improvements to, the freight system.</li> </ul> <p>TfNSW wishes to avoid land use planning and approvals that lead to projects that:</p> <ul style="list-style-type: none"> <li>• Block or otherwise adversely impact freight corridors</li> <li>• Put incompatible uses near, or encroaching on, freight corridors or facilities</li> <li>• Reduce industrial land available near freight facilities</li> </ul> <p>Council may wish to consider incorporating principles and objectives into the future LEP and DCP amendments, which will reinforce/strengthen the actions contained in the District Plan regarding the protection of freight corridors and industrial land from the encroachment by sensitive land uses. This may include the provision of objectives to protect freight corridors within the zones such as IN1 General Industrial zone and IN2 Light Industrial zone and reinforced within the DCP.</p>
9	Rail comment	<p>Early consultation and planning decisions must be made in relation to significant developments proposed near existing or future rail corridors and railway stations necessitating the need to develop key controls in critical locations. In this regard, TfNSW requests Council to liaise closely with Sydney Trains throughout each stage of the future strategic planning process, in particular in the development of the Stage 2 LEP amendment and supporting DCP.</p>
10	Proposed Riparian Zone - Specific Site	<p>1089 The Northern Road, Bringelly: TfNSW recommends that Council review the suitability of the proposed riparian land at this property. The proposed amendments appear to be inconsistent with recent changes to the site that are associated with the Northern Road and Bringelly Road Stage 2 upgrade project.</p>
11	Next LEP phase amendments	<p>As Council prepares Stage 2 of the broader review of the Camden LEP 2010 in line with the exhibited draft Camden Local Strategic Planning Statement, TfNSW requests that any proposed major increase to dwellings and employment yields is supported by a comprehensive transport assessment. This should consider and identify the required transport infrastructure to support additional growth as well as an infrastructure implementation strategy which includes: timing/staging, land components, costings, delivery responsibilities, and funding mechanisms. TfNSW is happy to provide early advice to Council on the scope and requirements of a transport study.</p>

#### Transport for NSW

27-31 Argyle Street, Parramatta NSW 2150 | PO Box 973, Parramatta CBD NSW 2124

P 131782 | W [transport.nsw.gov.au](http://transport.nsw.gov.au) | ABN 18 804 239 602

## 9 Agency

ORD01

Attachment 5

---

**From:** Lands Ministerials Mailbox <lands.ministerials@dpie.nsw.gov.au>  
**Sent:** Tuesday, 21 July 2020 1:49 PM  
**To:** Deirdre Rimmer  
**Subject:** Camden Draft LSPS

Hi Deirdre

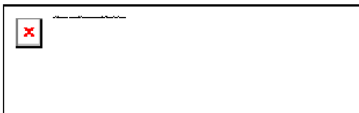
Crown Lands has no comments for this proposal at this time.

Thanks  
Kirstyn

**Lands Stakeholder Relations**

Team telephone numbers: Rebecca Johnson, Principal Project Officer, 4920 5040; Kirstyn Goulding, Administration Officer - Customer Liaison, 4920 5058; Kim Fitzpatrick, Senior Project Officer, 4920 5015, Deb Alterator, Project Support Officer 4920 5172

Crown Lands | Department of Planning, Industry and Environment  
[E lands.ministerials@dpie.nsw.gov.au](mailto:lands.ministerials@dpie.nsw.gov.au)  
Level 4, 437 Hunter Street Newcastle NSW 2295  
[www.dpie.nsw.gov.au](http://www.dpie.nsw.gov.au)



**Our Vision:** Together, we create thriving environments, communities and economies.

*The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.*



ORD01

Attachment 5

10. agency



**Planning,  
Industry &  
Environment**

Our ref: DOC20/544194  
Council Reference: PP/2019/11/1

The General Manager  
Camden Council  
PO BOX 183  
CAMDEN NSW 2570

Attention: Bradley Colling

Dear Mr Moore

**Subject: Exhibition of Stage 1 Amendment to Camden Local Environmental Plan 2010**

Thank you for your letter of 15 June 2020 requesting comments on the draft Planning Proposal (PP/2019/11/1) that is currently on exhibition that seeks to amend the Camden LEP 2010.

The draft Planning Proposal seeks to introduce in Part 7 Additional Local Provisions clauses for:

- Environmentally Sensitive Land – Terrestrial Biodiversity and
- Environmentally Sensitive Land- Riparian Lands and Watercourses with associated mapping.

The Environment, Energy and Science Group (EES) in the Department has reviewed the planning proposal for the draft LEP and provides its recommendations and comments at Attachment A.

If you have any queries regarding this matter, please do not hesitate to contact Svetlana Kotevska, Senior Conservation Planning Officer on 02 8837 6040 or at [svetlana.kotevska@environment.nsw.gov.au](mailto:svetlana.kotevska@environment.nsw.gov.au)

Yours sincerely



06/07/20

Susan Harrison

**Senior Team Leader Planning  
Greater Sydney Branch  
Climate Change and Sustainability**



### **Attachment A - EES comments on the Exhibition of Stage 1 Amendment to Camden LEP 2010**

The draft Planning Proposal (PP/2019/11/1) currently on exhibition, seeks to amend the Camden LEP 2010 to introduce Part 7 Additional Local Provisions clauses for Environmentally Sensitive Land – Terrestrial Biodiversity and Environmentally Sensitive Land- Riparian Lands and Watercourses with associated mapping. In Appendix 5: Proposed Environmentally Sensitive Land Mapping, it states

“the Terrestrial Biodiversity Mapping is based on the Environmentally sensitive lands mapping within the Camden Council Local Biodiversity Strategy (2013), which has been updated by Council staff based on a desktop analysis which has identified newly developed areas and vegetation removal. The proposed mapping does not apply to land identified as certified on the South West Growth Centre Biodiversity Certification map under the Threatened Species Conservation Act 1995. The Riparian Lands and Watercourses Mapping is based on information prepared by the Science Division of the Department of Planning, Industry and Environment and provided to Council. The map identifies where waterways and water dependent ecosystems are defined as high ecological value, based on definitions, guidelines and policies under the Environment Protection and Biodiversity Conservation Act 1999, Biodiversity Conservation Act 2016, Fisheries Management Act 1994 and Water Management Act 2000.”

In Part 2 Explanation of Provisions and on page 26 of the draft Planning Proposal (PP) it states: “The new clauses do not apply to land subject to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.”

However, the maps accompanying the PP contradict this statement and show that the proposed clauses apply to land in the Growth Centres SEPP along riparian corridors and to the land already identified as non-certified land, red hatched and to be acquired and existing native vegetation (ENV) under the Biodiversity Certification Order.

Council’s proposed clauses for environmentally sensitive lands (ESL) terrestrial biodiversity as well as riparian lands and watercourses and associated mapping should be amended to not apply to the land subject to the Growth Centres SEPP. The Council’s maps should explicitly state that it excludes the area subject to the Growth Centres SEPP and a note on these maps should say the Growth Centres SEPP continues to apply.

EES requests this amendment because currently the PP is inconsistent with the Growth Centres SEPP, Part 6 and the Biocertification Order 2007 Relevant Biodiversity Measures (RBMs), that afford greater protection to ENV and Part 5 of the Growth Centres SEPP 2006 currently applies to flood prone and major creeks lands.

Camden’s proposed LEP maps only excludes the certified land subject to the Growth Centres SEPP and a parcel of land zoned Public Recreation – Regional at Alma Road, Leppington. This parcel zoned RE1 under the Growth Centres SEPP is also non-certified land and marked with red hatching to be acquired as shown on the Biodiversity Certification Order Maps. This parcel is zoned in the SEPP because this parcel was identified as a conservation area to be acquired by the NSW Government. Precinct planning has yet to occur for the rest of the South West Growth Centre as such other land is not zoned under the GC SEPP.



Council has excluded this RE1 area from the LEP and the SEPP will continue to apply to this land. For consistency, all the land subject to the Growth Centres SEPP (not just the zoned parcel) needs to be excluded from the draft PP ESL terrestrial biodiversity and riparian lands and watercourses map. The proposed LEP maps must exclude:

- non-certified land under the Order
- red hatched land under the Order
- existing native vegetation (ENV) land protected under the Order and shown on the Growth Centres Commission draft conservation plan Figure 5 as vegetation (green ENV) and protected (yellow hatching), provided below
- the land zoned Public Recreation – Regional at Alma Road, Leppington under the GC SEPP.
- land subject to the Growth Centres SEPP Parts 5 and 6 (which includes the non-certified land identified as floods and major creeks lands under the Growth Centres SEPP).

Please be advised that the RBMs in the Biocertification Order relating to ENV (RBMs 6 to 13) as well as the Growth Centres SEPP [Part 6 Clause 21](#) Development Controls – Vegetation, provides the relevant clauses to protect terrestrial biodiversity and Part 5 of the Growth Centres SEPP protects major creeks land (riparian land) until precinct planning occurs that will then provide further protection for these areas of ENV, native vegetation protection areas and riparian lands.

The relevant provisions of the Growth Centres SEPP include:

1. The Growth Centres SEPP [Part 6 Clause 21](#) Development Controls - Vegetation applies to land in the Growth Centres that is:
  - zoned under Part 3 (Public Recreation – Regional at Alma Road, Leppington),
  - vegetation in flood prone and major creeks land – mapped on the Growth Centres [SEPP Development Control Maps](#) see:
    - [Map 8](#)
    - [Map 9](#)
  - transitional land for example [Lowes Creek Map 3](#).
2. The Growth Centres SEPP [Part 5](#) Clause 19 - Development Controls - flood prone and major creeks land - additional heads of consideration applies to land in the Growth Centres as mapped.
3. Please also note that, once precinct planning occurs for the area, specific clauses for ENV are applied. As an example see these clauses: [Clauses 6.2 native vegetation retention area](#) and [Clause 6.3 Existing Native Vegetation](#) apply to native vegetation and ENV. An example of this clause is in the Camden Precinct Plan under the Growth Centres SEPP Appendix 9 Camden Growth Centres Precinct Plan. Precinct planning has not yet occurred for much of the Camden LGA area subject to the SEPP. Also provided below is an extract of Clause 6.2 (6) stating that development consent is not to be granted in relation to disturbing native vegetation and that there is no net loss of remnant native vegetation.
 

**(6) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation -**

(a) that there is no reasonable alternative available to the disturbance of the native vegetation,



**Planning,  
Industry &  
Environment**

**ORD01**

- (b) that as little native vegetation as possible will be disturbed,
- (c) that the disturbance of the native vegetation will not increase salinity,
- (d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,
- (e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,
- (f) that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.

In summary, the environmentally sensitive lands and riparian lands and watercourses mapping must exclude the land identified under the Biocertification Order as non-certified land, red hatched and ENV as land that is subject to the Growth Centres SEPP. Further, the PPs ESL clauses and map and riparian lands and watercourses mapping need to refer to the Growth Centres SEPP in the legend and the maps should be amended to exclude the land to which the Growth Centres SEPP applies.

EES also notes that in the PP Appendix 5: Proposed Environmentally Sensitive Land Mapping it does not show the mapping included in Appendix 5 however it is on the website under On Exhibition.

End of Submission

**Attachment 5**

