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| HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL |

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| PANEL REFERENCE & DA NUMBER | PPSHCC-93 – DA8/2021/21907/1 |
| PROPOSAL  | Electricity Generating Works (5 Megawatt Solar Farm and Battery Storage) |
| ADDRESS | Lot 201 DP 1099068 – 1026 Lovedale Road, Allandale  |
| APPLICANT | Allandale Blue Metal Pty Ltd |
| APPLICATION TYPE  | Development Application  |

**DEFERRED COMMENCEMNET**

1. The following deferred commencement condition/s must be complied with to the satisfaction of Council within 12 months from the date of this determination notice in order to obtain an operational Development Consent.

a) A controlled activity approval shall be obtained from the Natural Resource

Access Regulator for works proposed within the watercourse.

The following conditions of consent, including any other conditions that may arise from resolution of matters listed in the above condition, will be included in an operational Development Consent.

The consent shall become operational once Council has notified the applicant in writing that the information submitted in response to the deferred commencement condition/s, is/are acceptable

**CONDITIONS OF CONSENT**

1. **Approved Plans and Documents**

Development must be carried out strictly in accordance with DA No. 8/2021/21907/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

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| **Plan Reference** | **Drawn By** | **Dated** |
| Array Layout, Drawing No. ADL-SF-0001, Revision D  | Cameron Dinkha | 07/03/2021 |
| Overall Site Layout, Drawing No. ADL-SF-0002, Revision C  | Cameron Dinkha | 07/03/2021 |
| Site Landscape Layout, Drawing No. ADL-SF-0003, Revision D  | Cameron Dinkha | 07/03/2021 |
| DC Block Design, Drawing No. ADL-SF-0004, Revision B | Robert Frost  | 13/02/2022 |
| PEG South Elevation, Drawing No. ADL-SF-0005, Revision B | Robert Frost  | 06/02/2022 |
| Security Fence Elevation, Drawing No. ADL-SF-0006, Revision A | Robert Frost  | 21/02/2022 |
| Awning Details, Site Plan, Column Locations, Footings, Current View, 5 Pages  | Stratco Outback  | 27/021/2022 |
| Site Plan (Shed)  | Stratco  | 26/10/2021 |
| Elevations (Shed), 4 pages | Statco | 26/10/2021 |
| Current View (Shed) | Statco | 26/10/2021 |
| Slab Layout (Shed), 2 pages  | Statco | 26/10/2021 |
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| **Document Title** | **Prepared By** | **Dated** |
| Statement of Environmental Effects, Revision 2 | Robert Frost  | 27/10/2021 |
| Bushfire Risk Assessment Report, Revision 2 | Umwelt  | 16/08/2020 |
| Decommissioning and Site Rehabilitation Plan, Revision A | HDB | March 2022 |
| Biodiversity Development Assessment Report | Umwelt  | September 2021 |

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

1. **CC, PC & Notice Required**

In accordance with the provisions of Section 6.6 and 6.7 (cf previous Section 81A) of the *EP&A Act 1979* construction works approved by this consent must not commence until:

a) A *CC* has been issued by a Certifier (being Council or a registered certifier); and

b) A *PC* has been appointed by the person having benefit of the development consent; and

c) If Council is not the *PC*, notify Council no later than two (2) days before building work commences as to who is the appointed *PC*; and

d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work

1. **BCA Compliance**

Pursuant to Section 4.17(11) (cf previous s 80A) of the *EP&A Act 1979* all building work must be carried out in accordance with the requirements of the *BCA.*

1. **Requirements of Electricity Supply Authority**

The applicant must comply with the requirements specified by the Electricity Supply Authority, Ausgrid, as detailed within their correspondence dated 13 October 2021, Reference TRIM 2017/12/285, a copy of which is attached to this consent.

1. **Limitations and Development Not Approved by this Consent**

No approval is granted for any of the following:

1. Connection to Ausgrid infrastructure,
2. Box culverts,
3. Use of plastic ground sheeting, and
4. Use of gravel ground cover.
5. **Approved Height of Array**

The height of the array is limited to a maximum of 1m above natural ground level.

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**The following conditions are to be complied with, to the satisfaction of the Certifier, prior to issue of a Construction Certificate.**

1. **Long Service Levy**

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing $25,000 or more. The Long Service Levy is payable prior to the issue of a *CC.*

1. **Cessnock Section 7.12 Levy Development Contributions Plans (2020)**

A total monetary contribution of $78,150.00 is to be paid to Council, pursuant to Section 7.12 of the *EP&A Act 1979,* such contribution is to be paid prior to the issue of any *CC.*

i) This condition is imposed in accordance with the provisions of *Cessnock Section 7.12 Levy Contributions Plan 2017 (as amended)*. A copy of the document is available on Council’s website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au) or may be inspected at Councils’ Customer Services Section, Administration Building, Vincent Street Cessnock.

ii) The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

Any party intending to act on this consent should contact Council prior to the date of payment to determine the indexed amount payable.

1. **Car Parking – Commercial/Industrial**

The design of the vehicular access and off street parking facilities must comply with, but not be limited to *AS 2890.1-2004* *Parking Facilities – Off-Street Car Parking, AS 2890.2-2002 Parking Facilities – Off-Street commercial vehicles facilities, and AS 2890.3-1993 Parking Facilities – Bicycle parking facilities.* Details demonstrating compliance with these Standards are to be included on the plans submitted in association with a CC application.

A design certificate satisfying these requirements is to be issued by a suitably qualified professional engineer and submitted to the Certifier prior to the issue of a *CC.*

1. **Stormwater – Discharge (General)**

The applicant shall collect all roof and stormwater runoff from the impervious areas on site, and any other drainage entering the site, and discharge it to Council's satisfaction in accordance with Council's ‘Engineering Requirements for Development’.

The plans submitted in association with the *CC* application are to demonstrate compliance with this requirement. The plans are be approved by the Certifier as satisfying this requirement prior to the issue of the *CC.*

1. **Dilapidation Report – Council Property**

A dilapidation report on the visible and structural condition of the following public infrastructure must be provided to Council prior to the issue of a *CC:*a)Lovedale Road pavement & shoulders along the site frontage

The dilapidation report is to be prepared by a practising Structural / Civil Engineer agreed to by both the applicant and Council. All costs incurred in achieving compliance with this condition shall be borne by the applicant.

The liability of any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition, will be borne by the applicant

1. **Access Road**

The registered proprietors shall provide details of an all-weather access road from the property boundary to the proposed development. The access road will need to be constructed to 4m wide, 100mm thick pavement with 1m wide clear verges either side and incorporate a causeway crossing in accordance with Figure 16 of the Statement of Environmental Effects dated 27 October 2021. All works are to be in accordance with Council’s ‘Engineering Requirements for Development’ and NSW Rural Fire Service ‘Planning for Bushfire Protection’ to serve the proposed development.

The plans submitted in association with the *CC* application are to demonstrate compliance with this requirement. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of a *CC.*

1. **Detailed Landscape Plan**

A detailed Landscape Plan prepared by a suitably qualified person must be submitted and approved, prior to the issue of a *CC*. The plan must include:

a) Location of all proposed and existing planting, delineating existing trees to be retained, removed or transplanted

b) A detailed planting schedule including species by botanical and common names, quantities,

 pot sizes and estimated size at maturity

c) Planting shall be provided at density of no less than 1 tree/plant per 3 square metres

d) The plan shall provide exact dimensions of areas to be planted. A minimum depth of 10m is required along the north-eastern boundary of the site from the boundary to Lovedale Road for a distance of 300m

e) Details of planting procedure including preliminary grubbing, grading and seeding of the area impacted by the development

f) Details of earthworks including mounding, retaining walls and planter boxes

g) A landscape maintenance schedule for the owner/occupier to administer over the determined time frame including a process for the ongoing management of weeds

h) Details of drainage and watering systems including detailed specification and plans including; proposed material, make/model, dimensions, quantities

i) The landscaping of the site is to be designed to:

i) Be low maintenance with native species characteristic of the Lower Hunter Spotted Gum – Ironbark Forest EEC

ii) Be designed for a safe level of transparency

iii) Include significant canopy trees where possible

iv) Include trees and shrubs known to be fauna food sources where possible

v) Provide perimeter planting adjacent to the car park

vi) Not interfere with sight lines for vehicles entering or exiting the site (at full height-post establishment)

1. **Establishment of Planting**

Works associated with the establishment and revegetation as detailed in the landscape plan are to be completed prior to issue of a CC.

1. **Fencing of Landscaping**

Landscaping planted in accordance with the approved landscaping plan shall be appropriately fenced to prevent stock grazing during establishment. Fencing shall be completed prior to issue of a CC.

**PRIOR TO COMMENCEMENT OF WORKS**

**The following conditions are to be complied with prior to the commencement of works on the subject site**

1. **Construction and Traffic Management Plan**

The applicant must prepare a Construction Management and Traffic Management Plan incorporating the following matters. The plan must be submitted to and approved by the *PC* as satisfying these matters prior to the commencement of works.

a) A plan view of the entire site and frontage roadways indicating:

i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.

ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.

iii) The locations of proposed work zones in the frontage roadways.

iv) Location of any proposed crane, concrete pump, truck standing areas on and off the site.

v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.

vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.

vii) An onsite parking area for employees, tradespersons and construction vehicles as far as possible.

viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.

ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.

b) During excavation, demolition and construction phases, noise generated from the site must be controlled.

c) All site works must comply with the work health and safety requirements of SafeWord NSW.

d) During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.

e) All traffic control plans must be in accordance with the *TfNSW* publication *Traffic Control Worksite Manual* and prepared by a suitably qualified person (minimum ‘red card’ qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of six (6) weeks prior to the proposed activity being undertaken.

1. **PC Signage and Contact Details**

Prior to the commencement of works, a sign must be erected in a prominent position on the site on which the proposal is being carried out. The sign must state:

a) Unauthorised entry to the work site is prohibited

b) The name of the principal contractor (or person in charge of the site) and a telephone

number on which that person may be contacted at any time for business purposes and

including outside working hours

c) The name, address and telephone number of the *PC* for the work

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

1. **Public Liability Insurance**

Any person or contractor undertaking works on public property must take out Public Risk insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within, public property. The Policy is to note, and provide protection for Cessnock City Council as an interested party, and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property. The insurance shall also note the location and the risk.

1. **S.138 *Roads Act 1993* Approvals**

Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, or public road reserve be required, a S138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The S138 application is to be submitted to, and approved by, Council prior to works commencing.

1. **Relocation of Services**

The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

1. **Trees to be Retained**

Any trees to be retained within (10 m of) the development footprint must be fenced prior to construction works beginning. The fencing is to encompass the maximum possible area within the drip line of the canopy. Tree protection signage must be attached to the fencing surrounding the retained trees.

**DURING WORKS**

**The following conditions are to be complied with during works:**

1. **Construction Hours**

Excavation, building or subdivision work must be restricted to the hours of 7.00am and 5.00pm on Monday to Saturday inclusive. Work is not to be carried out on Sundays and public holidays.

1. **Site is Securely Fenced**

The site must be appropriately secured and fenced at all times during works.

1. **Approved Plan Kept On Site**

A copy of the approved plans must be kept on site for the duration of site works and be made available upon request.

1. **Construction Noise**

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment and Heritage *Noise Guide for Local Government.*

1. **Location of Council Pipes**

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

a) Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works

b) Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits

c) Ensure dedicated overland flow paths are satisfactorily maintained through the site

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage, and the like). All proposed structures and construction activities must be sited fully clear of Council’s stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site

If the Council pipeline is uncovered during construction, all work must cease, and the *PC* and Council must be contacted immediately for advice. Any damage caused to the Council stormwater drainage system must be immediately repaired in full as directed, and at no cost to Council.

1. **Erosion and Sediment Control**

The control of erosion, and the prevention of silt discharge into drainage systems and waterways, will be necessary in accordance with Council’s “Engineering Requirements for Development”, and Landcom’s Soils and Construction Manual - April 2004. Erosion control measures are to be implemented prior to the commencement of any earthworks, and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

1. **Stormwater Runoff**

Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

1. **Tree Protection**

Stockpiling or storage or mixing of materials (including soil), vehicle parking, disposal of liquids, machinery repairs, refuelling and the siting of any new offices or sheds must not occur within the drip line of retained trees during any stage of the development.

1. **Clearing of Development Footprint**

During construction works all vehicles must be washed before entering the site to prevent the spread of exotic species.

1. **Tree Protection Fencing**

All tree protection fencing and signage as required by Condition 17 must remain in place until completion of construction works.

1. **Clearing to be Carried Out**

Clearing of native vegetation and development activities must only occur within the approved development footprint as shown in Figure 1.2 (Development Footprint) of the Biodiversity Development Assessment Report by Umwelt (Australia) Pty Ltd dated September 2021.

1. **Bushfire Protection**

The following bush fire protection measures are to be implemented at the commencement of building works, and maintained for the life of the development:

1. Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fir-fighting activities. To achieve this, the following conditions shall apply:

At the commencement of building works, and in perpetuity, the 10m APZ around the development shall be managed as an ‘Inner Protection Area’ in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019* and the NSW Rural Fire Service’s document *Standards for Asset Protection Zones*.

1. Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire-fighting activities. To achieve this, the following conditions shall apply:

1. The provision of water, electricity and gas shall comply with Table 7.4a of *Planning for Bush Fire Protection 2019.*
2. A 22,500 litre water supply tank (manufactured from concrete or metal) shall be provided for fire-fighting purposes. A Rural Fire Service standard 65mm metal Storz outlet with a ball valve shall be fitted to the outlet within the ‘Inner Protection Area’ or the non-hazard side away from the structure.
3. A minimum 5hp or 3kW petrol or diesel-powered pump shall be provided for connection to the water supply and shielded against bush fire attack. A hose of minimum 19mm internal diameter with reel for fire-fighting shall be provided for connection to the pump.
4. Access

The intent of measures is to provide safe operational access on property access roads for emergency services personnel in supressing a bush fire, and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

Access shall comply with Table 7.4a of *Planning for Bush Fire Protection 2019.*

**PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

**The following conditions are to be complied with, to the satisfaction of the Principal Certifier, prior to issue of an Occupation Certificate (as specified within the condition):**

1. **Roads – Bitumen Crossing**

The registered proprietors shall construct and maintain a bitumen sealed access crossing from the edge of the road formation in Lovedale Road to the property boundary, in accordance with Council’s “Engineering Requirements for Development” and *AS* 2890.1. A S138 Roads Act Approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of an *OC*.

Construction of the crossing will require inspections to be undertaken by Council. The applicant shall pay Council engineering site supervision fees in accordance with Council’s current Fees & Charges, prior to the inspections being undertaken.

The initial fee will facilitate approval of the application and one (1) construction inspection (gravel in place but prior to sealing of the crossing).

A final inspection will be required upon completion of the driveway and restoration of all disturbed footway areas. (A separate fee will be required to be paid when the final inspection is booked.). Should further inspections become necessary as a result of unsatisfactory or defective works, additional inspection fees will be charged in accordance with Council’s current Fees & Charges.

The applicant is to advise Council at least 48 hours prior to inspection of works within the footpath and/or road reserve

1. **Roads – Access Completion**

The access road to serve the subdivision shall be completed in accordance with Council’s ‘Engineering Requirements for Development’ prior to the issue of an *OC.*

1. **Drainage Works**

All drainage works required to be undertaken in accordance with this consent shall be completed prior to issue of an *OC* for the development.

1. **Flood Mitigation Works**

All flood mitigation works required to be undertaken in accordance with this consent shall be completed prior to issue of an *OC* for the development.

1. **Completion of Landscape Works**

All landscape works, including the removal of all noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of Development Consent, prior to the issue of an OC.

1. **Parking – Completion**

Car parking areas shall be completed prior to the issue of an OC.

1. **Fencing**

All proposed fencing must be completed prior to the issue of an OC.

1. **Second Dilapidation Report**

A second Dilapidation Report, including a photographic survey, must be submitted after the completion of works. A copy must be lodged with Council and the *PC* prior to the issue of an *OC.*

1. **Completion of Landscape Works**

All landscape works, including the removal of all noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of Development Consent, prior to the issue of an OC.

1. **Bushfire Protection**

The Bushfire Protection Measures and standards as outlined within Condition 29 (which forms part of this consent), shall be installed/completed prior to issue of an OC.

1. **Finish of Excavated &/or Filled Areas Around Site**

The excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.

# **ONGOING USE**

**The following conditions are to be complied with as part of the ongoing use of the premises:**

1. **Driveways to be Maintained**

All access crossings and driveways shall be maintained in good order for the life of the development.

1. **Road – Advice**

The applicant is advised that Council will not accept responsibility for the road access. In this respect, the care, control and maintenance thereof, is the sole responsibility of the user/s, in perpetuity.

1. **Weeds**

The weed, Fireweed (*Senecio madagascariensis*) on the site must be removed.

1. **Maintenance of Native Vegetation**

All native vegetation on the site outside of the approved development footprint, as shown in Figure 1.2 (Development Footprint) of the Biodiversity Development Assessment Report by Umwelt (Australia) Pty Ltd dated September 2021, must be retained in a natural state and not grazed, cleared, picked (as defined in the *Biodiversity Conservation Act 2016*) or disturbed in any way.

1. **Outdoor Lighting**

All outdoor lighting must not detrimentally impact upon the amenity of other premises and adjacent dwellings and road reserve, and must comply with, where relevant, AS 1158.3:2005 Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance and design requirements and AS 4282:1997 Control of the obtrusive effects of outdoor lighting.

1. **Maintenance of Landscaping**

Landscaping shall be maintained in accordance with the approved plan in a healthy state, and in perpetuity, by the existing or future owners and occupiers of the development. If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.

1. **Decommissioning and Rehabilitation**

Should the use of the solar farm cease, all panels and infrastructure associated with the solar farm shall be removed and decommissioned within twelve (12) months of cessation of the use.

All works shall be undertaken in accordance with the Decommissioning and Rehabilitation Plan, prepared by HDB, dated 10.03.2022.Suitable evidence of compliance with the above requirement, must be provided to Council upon completion of the decommissioning and rehabilitation works.

In the event the solar farm is decommissioned, a Dilapidation Report in respect of the visible and structural condition of Lovedale Road (from the point of access to the site to the entrance ramp onto the Hunter Expressway west and 500m along Lovedale Road to the north), is required to be submitted to, and approved by Council.

Decommissioning of all solar panels, above and below ground infrastructure, inverter stations, fencing and any other structures or infrastructure relating to the approved development.

The Dilapidation Report must include a photographic survey, and be prepared by a practising structural/civil engineer agreed to by both the applicant and Council. Any damage to Lovedale Road caused during decommissioning of the solar farm will require rectification, at the applicant’s cost. Any such works will require approval under Section 138 of the Roads Act 1993, and must be carried out in conjunction with the decommissioning and rehabilitation works

**ADVICE**

1. **“DIAL BEFORE YOU DIG” DIAL 1100**

Before any excavation work starts, contractors and others should phone the “Dial Before You Dig” service to access plans/information for underground pipes and cables. www.dialbeforeyoudig.com.au

1. **Aboriginal Heritage**

As required by the National Parks and Wildlife Act 1974 and the Heritage Act 1977, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and Heritage NSW must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the Heritage Act 1977 to obtain the necessary approvals/permits from Heritage NSW.

**Note:** The National Parks and Wildlife Act 1974 and the Heritage Act 1977 impose substantial penalty infringements and/or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site. Should any item required to be harmed an Aboriginal heritage impact Permit will be required before any further works are undertaken.

1. **Responsibility for Other Consents/Agreements**

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant including any Controlled Activity approval for works within the watercourse. Separate approval to connect into the network is required from Ausgrid in accordance with advice dated 13 October 2021.