



25 November 2020

The General Manager
Liverpool Plains Shire Council
PO Box 152
QUIRINDI NSW 2343

Attention: Alice Elsley

Uploaded to the ePlanning Portal

Dear Sir/Madam

Re: IDAS1130081 - Controlled Activity Approval
Dev Ref: DA48/2020
Description: Establishment of a Solar PV Electricity Generation Facility
Location: 962 Black Gully Road, WERRIS CREEK 2341

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.46 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR requests these GTA be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s4.46 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, NRAR recommends the following condition be included in the development consent:

The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application form must be submitted to NRAR together with any required plans, documents, application fee and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NRAR website at:

<https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>

NRAR requests that Council provide a copy of this letter to the development consent holder.

NRAR also requests a copy of the determination for this development application be provided by Council as required under section 4.47(6) the EPA Act.

Yours Sincerely



For
Alison Collaros
Manager Licensing & Approvals
Water Regulatory Operations
Natural Resources Access Regulator

Reference Number:	IDAS1130081
Issue date of GTA:	25 November 2020
Type of Approval:	Controlled Activity
Location of work/activity:	962 Black Gully Road, WERRIS CREEK 2341
Waterfront Land:	Tributary of Werris Creek
DA Number:	Establishment of a Solar PV Electricity Generation Facility
LGA:	Liverpool Plains Shire Council

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
GT0009	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
GT0002	<p>A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents relating to Development Application DA48/2020 provided by Council to Natural Resources Access Regulator.</p> <p>B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.</p>

Alice Elsley

From: Fiona Duncan <fiona.duncan@essentialenergy.com.au>
Sent: Monday, 22 March 2021 2:09 PM
To: Alice Elsley
Subject: CM: Re: NSW Government concurrence and referral request CNR-13970 / DA 48/2020 - 962 & 822 Black Gully Road, Werris Creek (Lot 1 DP509915, Lot 3 DP343532) - 5MW solar PV electricity generation facility & associated infrastructure
Attachments: CNR-13970 Add Info.pdf
Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam,

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

Strictly based on all information and documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances/easements in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.
3. It is noted that the further information requested has still not been provided and an ASP Design Plan is to also be provided. This will need to be reviewed and approved by Essential Energy prior to any works commencing.
4. The proposed 11kV private cable must be located outside Essential Energy's easement. However, if such cable is proposing to cross Essential Energy's easement at right angles, then this must be pre-approved by Essential Energy.
5. Any proposed construction works/earthworks within Essential Energy's easement:
 - a. must ensure ground clearances are maintained;
 - b. must ensure that access is maintained at all times, 24 hours a day / 7days a week for Essential Energy; and
 - c. any road within the easement must maintain minimum ground clearances and maintain a minimum clearance of 10.0 metres from any power poles or other structures.
6. Satisfactory arrangements are to be made with Essential Energy with respect to the proposed solar electricity generation facility which will form part of the development. It is the Applicant's responsibility to enter into the required Connection Agreements and any other requirements with Essential Energy for the development, which may include the payment of fees and contributions. Refer Essential Energy's Network Connections team for requirements via email networkconnections@essentialenergy.com.au.
7. The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to the proposed development in accordance with industry standards.

8. In addition, Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity of the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
9. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).
10. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets*.

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

Regards

Fiona Duncan
Conveyancing Officer
Legal & Conveyancing
Governance & Corporate Services



T: 02 6589 8773 (Ext 88773) | conveyancingteam@essentialenergy.com.au

PO Box 5730 Port Macquarie NSW 2444 | essentialenergy.com.au

General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80

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From: ConveyancingTeam

Sent: Friday, 27 November 2020 8:58 AM

To: alice.elsley@lpsc.nsw.gov.au

Subject: Re: NSW Government concurrence and referral request CNR-13970 / DA 48/2020 - 962 & 822 Black Gully Road, Werris Creek (Lot 1 DP509915, Lot 3 DP343532) - 5MW solar PV electricity generation facility & associated infrastructure

Dear Alice,

We refer to your correspondence and further information provided by Wynergy Pty Ltd seeking comment from Essential Energy in relation to the proposed development at the above property.

Essential Energy's technical officer has reviewed the further information provided and still has safety concerns in relation to the proximity of the proposed development to its powerlines. Please have the Applicant provide additional information as follows:

- Details / information needs to be provided on how the development will be managing the ground clearances for the construction of the proposed access track.
- Confirmation on whether the 11kV cable is privately owned? If private assets, this may require the cable to be outside Essential Energy's easement. If easements are to be in the favour of Essential Energy, then these will be required over the whole 11kV cable route.

Any development in proximity to Essential Energy's electrical infrastructure should comply with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. A copy of this guideline can be located at <https://energy.nsw.gov.au/sites/default/files/2018-09/ISSC-20-Electricity-Easements.pdf>.

If the Applicant believes that the proposed development complies with *ISSC 20*, then please provide plans certified by a suitability qualified person (showing distances from the proposed development to Essential Energy's infrastructure) together with any other relevant information for further consideration.

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

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

Regards

Fiona Duncan
Conveyancing Officer
Legal & Conveyancing
Governance & Corporate Services



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From: Alice Elsley <alice.elsley@lpsc.nsw.gov.au>

Sent: Monday, 16 November 2020 3:05 PM

To: ConveyancingTeam <conveyancingteam@essentialenergy.com.au>

Subject: RE: NSW Government concurrence and referral request CNR-13970 / DA 48/2020 - 962 & 822 Black Gully Road, Werris Creek (Lot 1 DP509915, Lot 3 DP343532) - 5MW solar PV electricity generation facility & associated infrastructure

Received thank you.

Kind regards,

Alice

Alice Elsley

Senior Planner

Liverpool Plains Shire Council

60 Station Street (PO Box 152), Quirindi NSW 2343

Email: alice.elsley@lpsc.nsw.gov.au

Phone: 02 6746 1755 **Fax:** 02 6746 3255 **Mobile:** 0427 468 167

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From: ConveyancingTeam <conveyancingteam@essentialenergy.com.au>

Sent: Friday, 13 November 2020 7:59 AM

To: Alice Elsley <alice.elsley@lpsc.nsw.gov.au>

Subject: Re: NSW Government concurrence and referral request CNR-13970 / DA 48/2020 - 962 & 822 Black Gully Road, Werris Creek (Lot 1 DP509915, Lot 3 DP343532) - 5MW solar PV electricity generation facility & associated infrastructure

Dear Sir/Madam,

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

Essential Energy notes that existing overhead powerlines are impacted by the proposed development and it has safety concerns in relation to the proximity of the proposed development to its powerlines.

Essential Energy's technical officer has reviewed the proposal and has requested the following further information / clarification:

- The plans show the proposal outside the existing easement. Earthworks should not be completed within the easement area without confirming that ground clearances and access are maintained.
- The 11kV cable crossing the easement should cross the easement at 90 degrees and should be clear of any structure/s by 10.0 metres.
- Details of the access road within the easement need to be provided.

Any development in proximity to Essential Energy's electrical infrastructure should comply with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. A copy of this guideline can be located at <https://energy.nsw.gov.au/sites/default/files/2018-09/ISSC-20-Electricity-Easements.pdf>.

If the Applicant believes that the proposed development complies with *ISSC 20*, then please provide plans certified by a suitability qualified person (showing distances from the proposed development to Essential Energy's infrastructure) together with any other relevant information for further consideration.

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

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

Regards

Fiona Duncan
Conveyancing Officer
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From: NSW Planning <planning.apps@planning.nsw.gov.au>

Sent: Monday, 9 November 2020 2:57 PM

To: Fiona Duncan <fiona.duncan@essentialenergy.com.au>

Cc: ConveyancingTeam <conveyancingteam@essentialenergy.com.au>

Subject: Update: NSW Government concurrence and referral request CNR-13970(LIVERPOOL PLAINS SHIRE COUNCIL)

Online Concurrence and Referral Service

planningportal.nsw.gov.au

The NSW Government consideration of an application DA 48/2020 at 962 BLACK GULLY ROAD WERRIS CREEK 2341 has been assigned to you for assessment.

Please log into the [NSW Planning Portal](http://planningportal.nsw.gov.au) and use reference number CNR-13970 to action this request.

You can find general information about the online concurrence and referral system [here](#) or call our help line on 1300 305 695.

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