

**Development Application and Planning Proposal Review
NSW Planning Portal Concurrence and Referral**



Authority	Authority's Reference	Agency Concurrence and Referral	Authority Contact	Authority Notification	Submission Due	Submission Made
Penrith City Council	DA22/1171	CNR-50157	Concurrence Referral	20/04/2023	11/05/2023	21/04/2023

Address	Land Title
1-3 EMERALD STREET & 6-8 TROY STREET EMU PLAINS 2750	Lot 10 DP 1242243, Lots 14 & 15 DP 232740

Scope of Development Application or Planning Proposal

Construction of Seniors Housing Development including Five (5) Buildings (3 to 4 Storeys) containing 146 Independent Living Units & Communal Clubhouse, Two (2) Single Level Basement Car Parks & Associated Demolition Works, Tree Removal, Earthworks, Landscaping & Stormwater Drainage Works.

As shown in the below site plan from Endeavour Energy's G/Net master facility model:

There are:

- No easements benefitting Endeavour Energy (active easements are indicated by red hatching).
- Padmount substation no. 8209 and low voltage and 11,000 volt / 11 kilovolt (kV) high voltage underground cables over which there is no easement but is regarded as protected works under Section 53 'Protection of certain electricity works' of the *Electricity Supply Act 1995* (NSW).

Low voltage service conductors going to the customer connection points for the existing premises.

- Low voltage and 11 kV high voltage overhead power lines and low voltage and 11 kV underground cables to the Emerald Street road verge / roadway.
- Low voltage and 11 kV high voltage overhead power lines to the Great Western Highway road verge / roadway.
- Low voltage overhead power lines to the Troy Street road verge / roadway.

Low voltage overhead service conductors coming from the poles on the road verge going to the customer connection points for the existing dwellings.

Relevant / applicable clause numbers from Endeavour Energy's standard conditions for Development Application and Planning Proposal Review indicated by ☒ .

Condition	Advice	Clause No.	Issue	Detail
<input type="checkbox"/>	<input type="checkbox"/>	1	Adjoining Sites	Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2	Asbestos	Area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3	Asset Planning	Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4	Asset Relocation	Application must be made for an asset relocation / removal to determine possible solutions to the developer's requirements.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5	Before You Dig	Before commencing any underground activity the applicant must obtain advice from the Before You Dig service.
<input type="checkbox"/>	<input type="checkbox"/>	6	Bush Fire	Risk needs to be managed to maintain the safety of customers and the communities served by the network.
<input type="checkbox"/>	<input type="checkbox"/>	7	Construction Management	Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive loads, vibration, dust or moisture penetration.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	8	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9	Demolition	All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
<input type="checkbox"/>	<input type="checkbox"/>	10	Dispensation	If a proposal is not compliant with Endeavour Energy's engineering documents or standards, the applicant must request a dispensation.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	11	Driveways	For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	12	Earthing	The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13	Easement Management	Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
<input type="checkbox"/>	<input type="checkbox"/>	14	Easement Release	No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
<input type="checkbox"/>	<input type="checkbox"/>	15	Easement Subdivision	The incorporation of easements into to multiple / privately owned lots is generally not supported.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	16	Emergency Contact	Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
<input type="checkbox"/>	<input type="checkbox"/>	17	Excavation	The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	18	Flooding	Electricity infrastructure should not be subject to flood inundation or stormwater runoff.
<input type="checkbox"/>	<input type="checkbox"/>	19	Hazardous Environment	Electricity infrastructure can be susceptible to hazard sources or in some situations be regarded as a hazardous source.
<input type="checkbox"/>	<input type="checkbox"/>	20	Modifications	Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	21	Network Access	Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	22	Network Asset Design	Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	23	Network Connection	Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.

Condition	Advice	Clause No.	Issue	Detail
<input checked="" type="checkbox"/>	<input type="checkbox"/>	24	Protected Works	Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the <i>Electricity Supply Act 1995</i> (NSW).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	25	Prudent Avoidance	Development should avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	26	Public Safety	Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	27	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	28	Safety Clearances	Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
<input type="checkbox"/>	<input type="checkbox"/>	29	Security / Climb Points	Minimum buffers appropriate to the electricity infrastructure being protected need to be provided to avoid the creation of climb points.
<input type="checkbox"/>	<input type="checkbox"/>	30	Service Conductors	Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	31	Solar / Generation	The performance of the generation system and its effects on the network and other connected customers needs to be assessed.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	32	Streetlighting	Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	33	Sustainability	Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.
<input type="checkbox"/>	<input type="checkbox"/>	34	Swimming Pools	Whenever water and electricity are in close proximity, extra care and awareness is required.
<input type="checkbox"/>	<input type="checkbox"/>	35	Telecommunications	Address the risks associated with poor communications services to support the vital electricity supply network Infrastructure.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	36	Vegetation Management	Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.
Completed by:			Decision	
Cornelis Duba			Approve (with conditions)	

Cornelis Duba | Development Application Specialist

M 0455250981

E comelis.duba@endeavourenergy.com.au

51 Huntingwood Drive, Huntingwood NSW 2148. Dharug Country

endeavourenergy.com.au |    

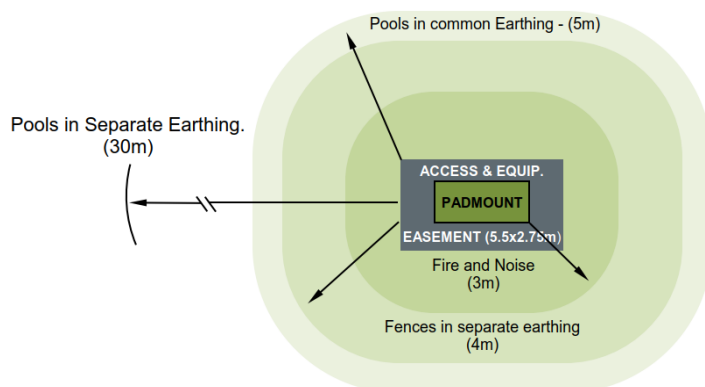


Endeavour Energy respectfully acknowledges the Traditional Custodians on whose lands we live, work, and operate and their Elders past, present and emerging.

Reason(s) for Conditions / Decision (If applicable)

- The Statement of Environmental Effects does not appear to address the potential impacts of the proposed development on padmount substation no. 8209 and the associated underground cables on the site.
- Protected works under Section 53 'Protection of certain electricity works' of the *Electricity Supply Act 1995* (NSW) may be managed as if an easement is in place. Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure':
 - Table 1 'Minimum easement widths' low voltage up to 22,000 volt / 22 kilovolt (kV) high voltage underground cables (assumed to have no concrete protection unless proven otherwise) requires a 3 metre minimum easement width ie. 1.5 metres to both sides of the centre line of the cable ducts / conductors.
 - Figure A4.3 'Padmount easements and clearances', padmount substations require:
 - Easement with a minimum size of 2.75 x 5.5 metres (single transformer).
 - Restriction for fire rating which usually extends 3 metres horizontally from the base of the substation footing / plinth.
 - Restriction for swimming pool or spa which extends 5 metres from the easement (which may not be required for non-residential use).

A4.3 - Padmount easements and clearances



Australian Standard AS2067: 2016 'Substations and high voltage installations exceeding 1 kV a.c.' also excludes any constructions with non-fire rated materials being allowed within the fire clearance zones for a padmount substation.

If any part of the building does encroach the fire rating restriction, the applicant will need to provide Endeavour Energy's Easements Officer with an engineer's certificate identifying that all external surfaces of the building within the fire rating zone meet the appropriate fire rating as per Endeavour Energy's terms for the restriction and in accordance with Australian Standard AS 1530 'Fire Test to Building Material – Standard'. The engineer must also specify the materials to be utilised and the fixing instructions for those materials in order to meet the stated fire rating.

- All encroachments and /or activities (works) within or affecting an easement or restriction or protected works (other than those approved / certified by Endeavour Energy's Customer Network Solutions Branch as part of an enquiry / application for load or asset relocation project and even if not part of the Development Application) need to be referred to Endeavour Energy's Easement Officer for assessment and possible approval if they meet the minimum safety requirements and controls. However please note that this does not constitute or imply the granting of approval by Endeavour Energy to any or all of the proposed encroachments and / or activities within the easement.

For further information please refer to the attached copies of Endeavour Energy's:

- General Restrictions for Underground Cables.
- Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations.
- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights' which deals with activities / encroachments within easements.

However please note that this does not constitute or imply the granting of approval by Endeavour Energy to any or all of the proposed encroachments and / or activities affecting the existing electricity infrastructure / protected works on the site.

- The Building Services Intent Statement – Electrical Services – DA prepared by JHA Consulting Engineers dated 28 October 2022 includes the following addressing whether electricity services are available and adequate for the proposed development.

I hereby confirm that the Uniting Edinglassie S2 development has had the following applications made by JHA

- Application to Endeavour Energy for the required power of the development. This has resulted in the requirement of a new kiosk substation.
- To ensure an adequate / suitable connection, the applicant will need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development.
- Any required padmount substation/s will need to be located within the property (in a suitable and accessible location) and be protected with an appropriate form of property tenure as detailed in the attached copy of Endeavour Energy's 'Land Interest Guidelines For Network Connection'.

Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc.

For further information please also refer to the attached copies of Endeavour Energy's:

- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.
- Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations.

The below extracts of the Architectural Plans appears to indicate the retention of padmount substation no. 8209 and the provision of an additional padmount substation to the south eastern corner of the site to the Emerald Street road frontage.

- As well as the capacity / provision of padmount substations, other factors such as the size and rating / load on the conductors and voltage drop (which can affect the quality of supply particularly with long conductor runs) etc. need to be assessed. However the extent of any works required will not be determined until the final load assessment is completed.
- Endeavour Energy's network asset design policy is generally to progressively underground all new urban developments. All new cabling / reticulation infrastructure must be of an underground construction type. Where existing overhead construction is present on or in proximity of the site, it may require undergrounding as the development proceeds.
- The planting of large / deep rooted trees to near electricity infrastructure is opposed by Endeavour Energy. Existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting. The landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements.

No planting of trees is allowed in the easement for a padmount substation. Screening vegetation around a padmount substation should be planted a minimum distance of 800mm plus half of the mature canopy width from the substation easement and have shallow / non-invasive roots. This is to avoid trees growing over the easement as falling branches may damage the cubicle and tree roots the underground cables. All vegetation is to be maintained in such a manner that it will allow unrestricted access by electrical workers to the substation easement all times.

- Not all the conditions / advice marked may be directly or immediately relevant or significant to the Development Application. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur.

Condition or Advice

With Endeavour Energy's Development Application and Planning Proposal Review process / system the intent of the 'Standard Conditions' being indicated as either a 'Condition' or 'Advice' essentially depends on the risk associated with the matter. If the matter is one that is likely or very likely to be an issue / needed to be addressed by the applicant and may require corrective action, then it is marked as a 'Condition'. If the matter is less likely and the consequences of the applicant not addressing it are lower or can be readily rectified, then it is marked as 'Advice'. If the matter is considered to be not applicable / relevant then it is not marked as either.

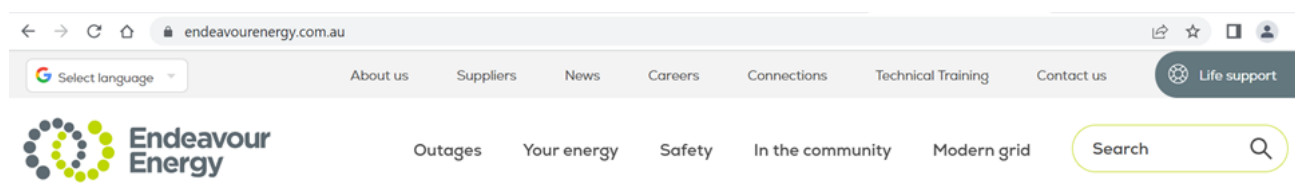
For example, the obtaining advice from the Before You Dig service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations is a standard / regulatory requirement. It will be generally indicated as 'Advice'. If the Site Plan from Endeavour Energy's G/Net Master Facility Model indicates there is some uncertainty over the extent or location of the underground cables on or near the site, it would then be indicated as 'Condition' and require action to be undertaken by the applicant eg. the use of an underground asset locating device or a certified locator to verify the asset location.

Decision

In the NSW Planning Portal for the 'Agency response', as Endeavour Energy is not a concurring authority under the provision of the *Environmental Planning and Assessment Act 1979* (NSW), it does not 'Approve' or 'Refuse' a Development Application in the Portal. It will 'Approve (with conditions)' (which may 'Object' in the submission and detail the matters requiring resolution), or if all the matters in the submission are marked as for 'Advice', the outcome of the assessment will also be 'Advice'.

Further Advice

The 'Standard Conditions' include additional advice and contact details and further information is also available on Endeavour Energy's website at <https://www.endeavourenergy.com.au/>.



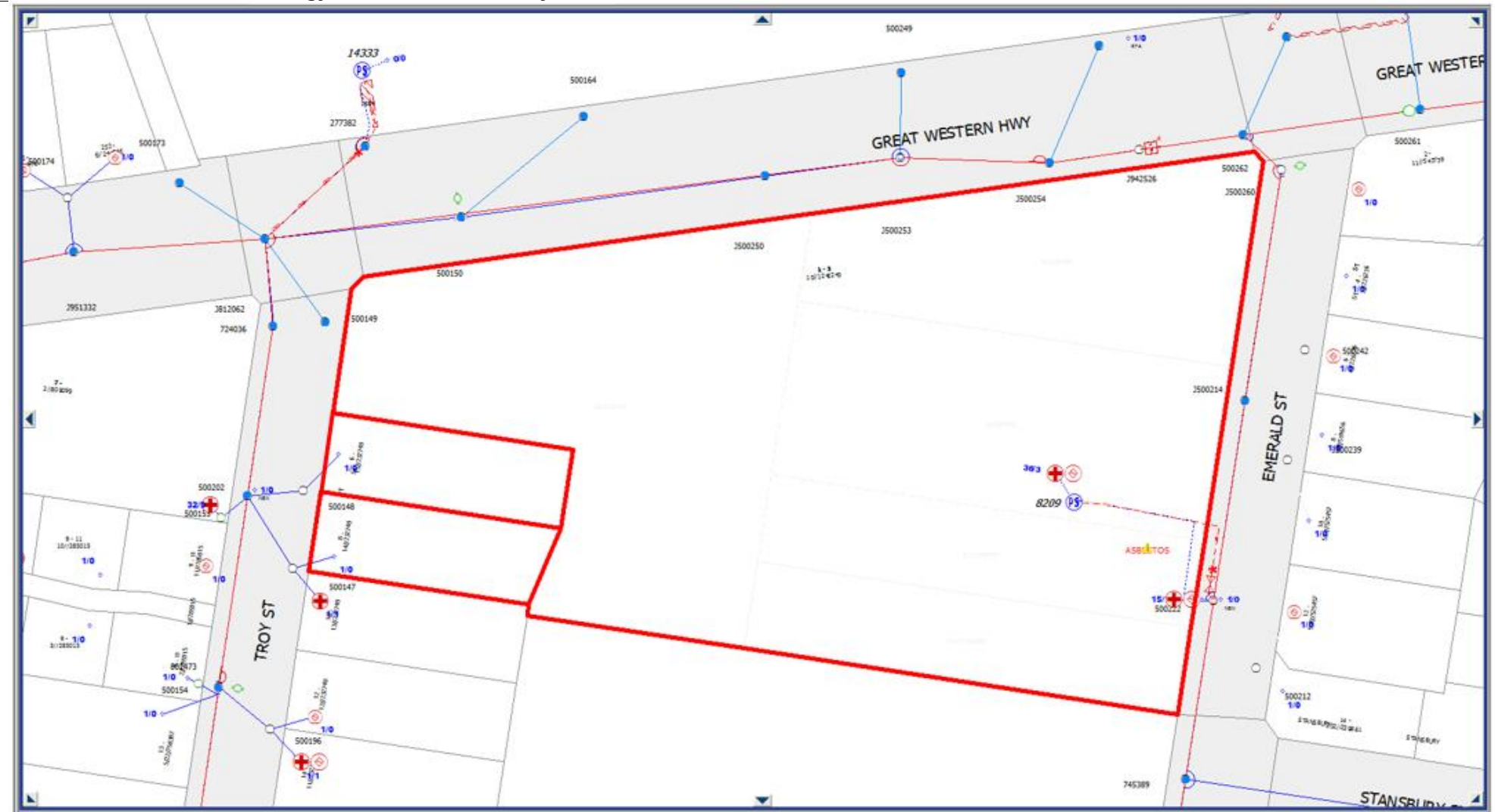
The following contacts can be reached by calling Endeavour Energy via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666.

Branch / Section	Matters	Email
Customer Network Solutions	Electricity supply or asset relocation who are responsible for managing the conditions of supply with the applicant and their Accredited Service Provider (ASP).	cicadmin@endeavourenergy.com.au
Easement Officers	Easement management or protected works / assets.	Easements@endeavourenergy.com.au
Property	Property tenure eg. the creation or release of easements.	network_property@endeavourenergy.com.au
Field Operations (to the relevant Field Service Centre).	Safety advice for building or working near electrical assets in public areas (including zone and transmission substations).	Construction.Works@endeavourenergy.com.au

Please note Endeavour Energy's above contacts do not have access to the NSW Planning Portal. To resolve any matters direct contact should be made with the responsible contact. This will avoid double handling and possible delays in responding to the applicant / Council.

Details of the Accredited Service Provider (ASP) Scheme which accredits organisations to perform contestable work on the NSW electricity distribution network are available via the following link to the Energy NSW website at <https://www.energysaver.nsw.gov.au/get-energy-smart/dealing-energy-providers/installing-or-altering-your-electricity-service>.

Site Plan from Endeavour Energy's G/Net Master Facility Model



Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. In addition it must be recognised that the electricity network is constantly extended, augmented and modified and there is a delay from the completion and commissioning of these works until their capture in the model. Easements benefitting Endeavour Energy are indicated by red hatching. Generally (depending on the scale and/or features selected), low voltage (normally not exceeding 1,000 volts) is indicated by blue lines and high voltage (normally exceeding 1,000 volts but for Endeavour Energy's network not exceeding 132,000 volts / 132 kV) by red lines (these lines can appear as solid or dashed and where there are multiple lines / cables only the higher voltage may be shown). This plan only shows the Endeavour Energy network and does not show electricity infrastructure belonging to other authorities or customers owned electrical equipment beyond the customer connection point / point of supply to the property. This plan does not constitute the provision of information on underground electricity power lines by network operators under Part 5E 'Protection of underground electricity power lines' of the *Electricity Supply Act 1995* (NSW).

1500260

1

1

036

107 —

1

156 6-5/11/2327

15

00148

8-
14/1232

1/0


























00147/

10

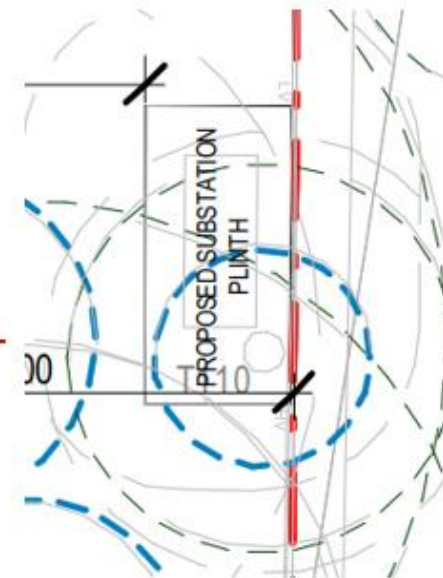
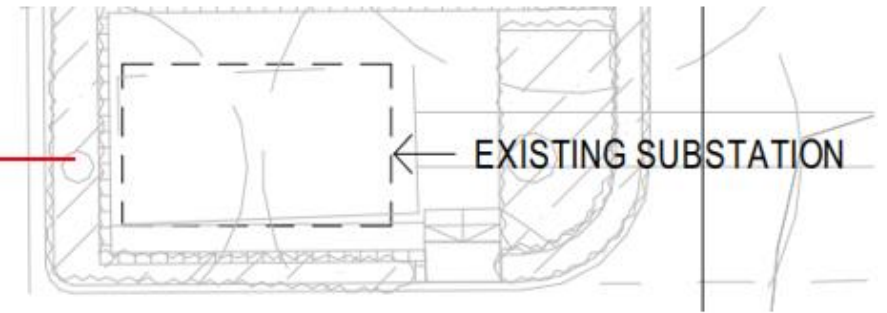
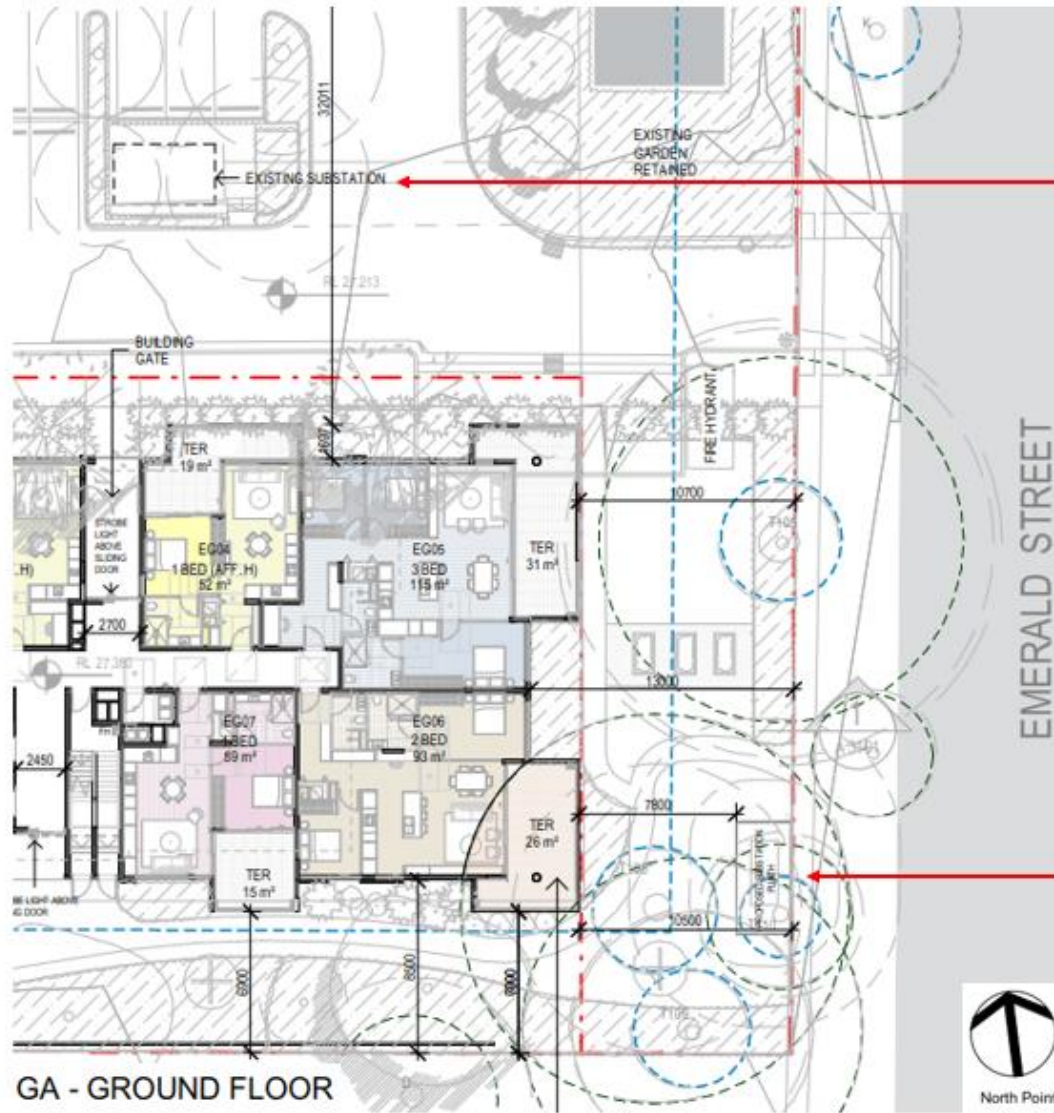
0209



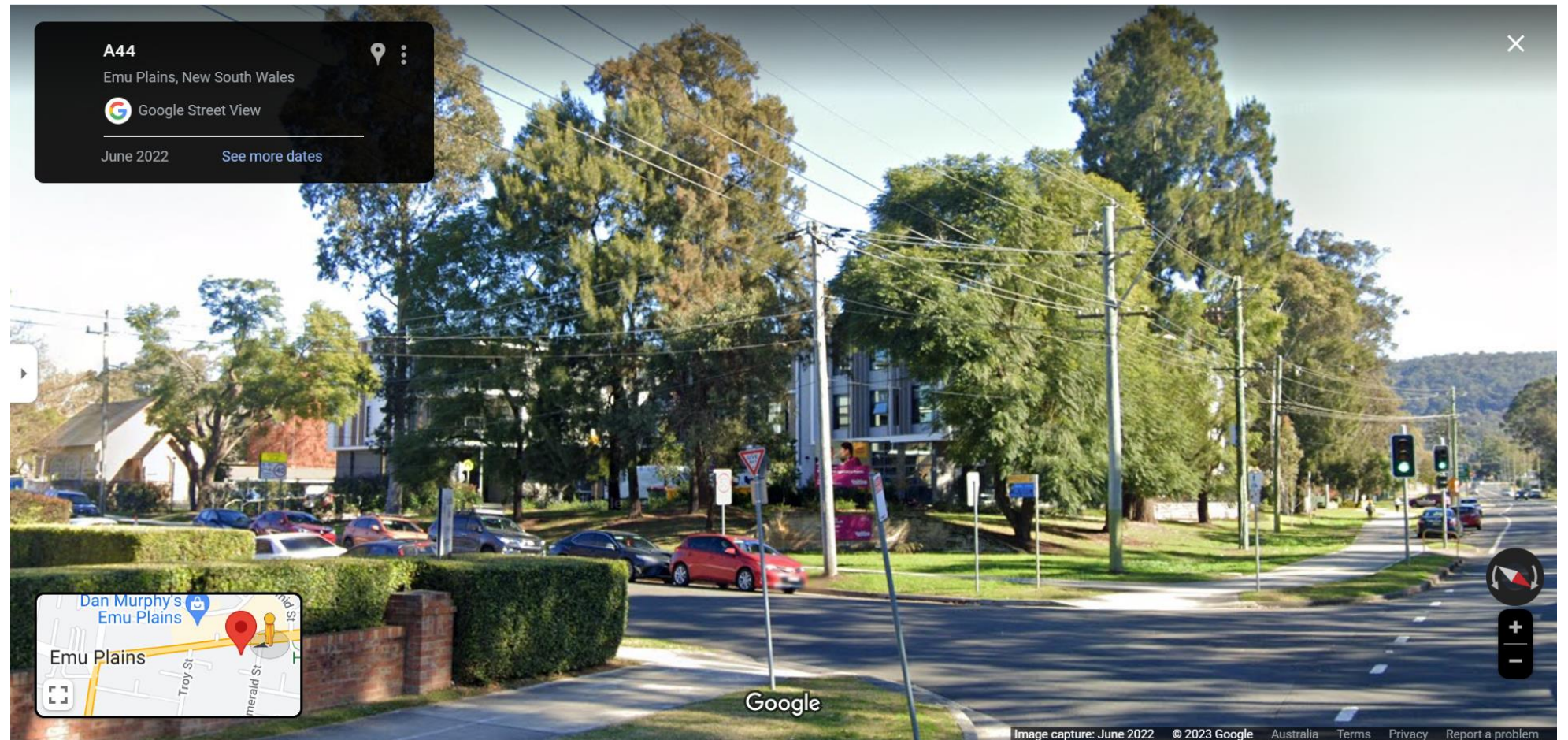
1/0

LEGEND	
	Padmount substation
	Indoor substation
	Ground substation
	Kiosk substation
	Cottage substation
	Pole mounted substation
	High voltage customer substation
	Metering unit
	Switch station
	Indoor switch station
	Voltage regulator
	Customer connection point
	Low voltage pillar
	Streetlight column
	Life support customer
	Tower
	Pole
	Pole with streetlight
	Customer owned / private pole
	Cable pit
	Load break switch
	Recloser
	Proposed removed
	Easement
	Subject site

Extract of Architectural Plans



Google Maps Street View



Google Maps Street View

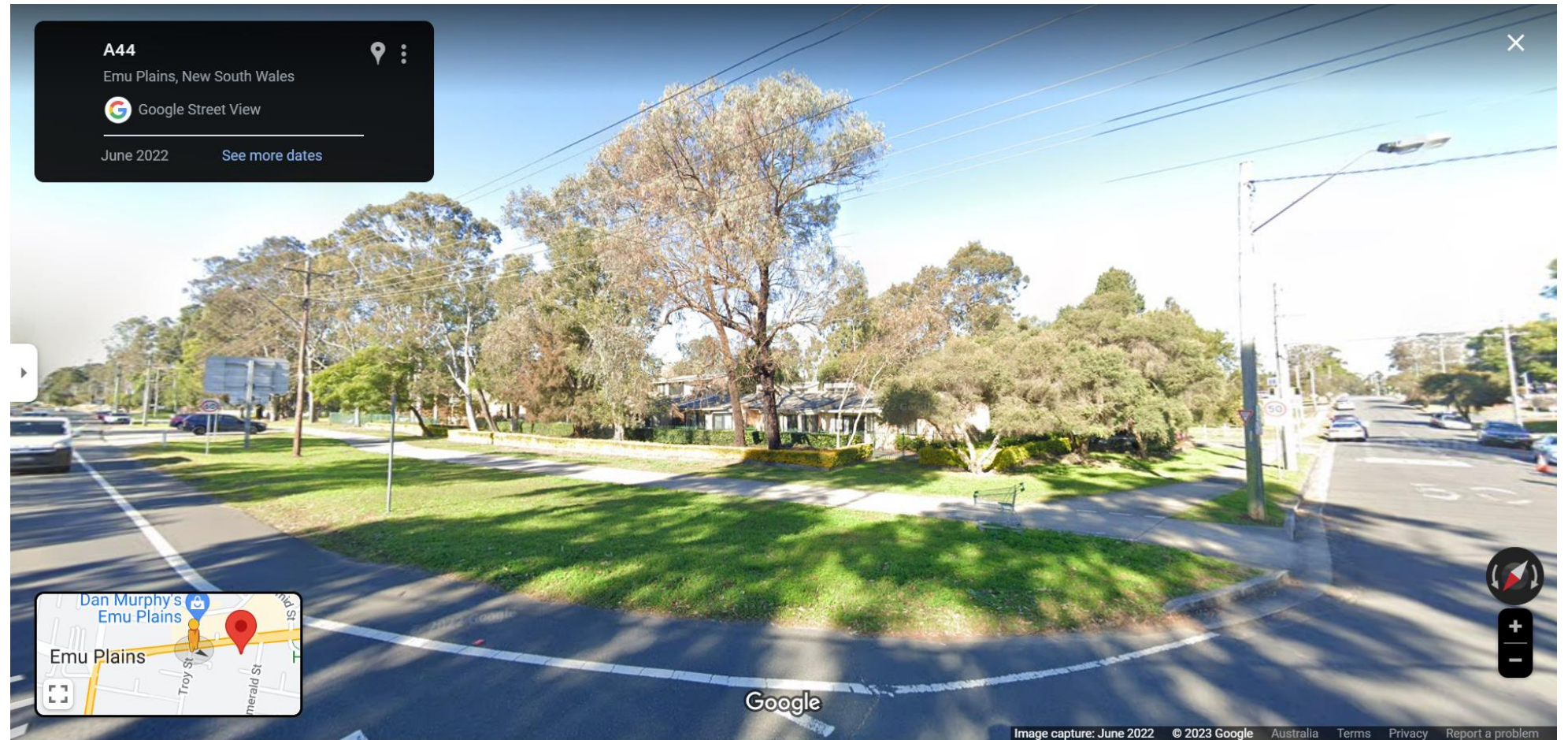




Photo 2 – Substation

2 November 2023

The General Manager
Penrith City Council

ATTENTION: Concurrence Referral

Dear Sir or Madam

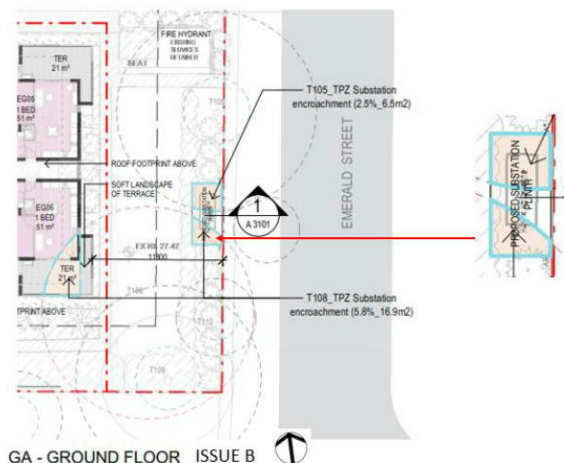
DA22/1171 at 1-3 EMERALD STREET & 6-8 TROY STREET EMU PLAINS 2750

I refer to the referral of 1 November 2023 from NSW Planning & Environment regarding NSW Government concurrence and referral request CNR-55270 for Penrith City Council Development Application DA22/1171 at 1-3 EMERALD STREET & 6-8 TROY STREET EMU PLAINS 2750 (Lot 10 DP 1242243, Lots 14 & 15 DP 232740) for additional information for 'Construction of Seniors Housing Development including Five (5) Buildings (3 to 4 Storeys) containing 146 Independent Living Units & Communal Clubhouse, Two (2) Single Level Basement Car Parks & Associated Demolition Works, Tree Removal, Earthworks, Landscaping & Stormwater Drainage Works'. Submissions need to be made to Council by 22 November 2023.

Please refer to Endeavour Energy's previous submission regarding DA22/1171 made to Council on 21 April 2023 via the NSW Planning Portal.

From a review of the Response to RFI prepared by Gyde Consulting dated 25 October 2023 the matters addressed do not appear to have a direct or significant impact on the existing electricity infrastructure or that required to facilitate the proposed development. Accordingly the conditions and advice provided in Endeavour Energy's previous submission essentially remain valid.

The following extract of the amended Ground Floor Plan still shows the provision for a new padmount substation which has been moved slightly to the north to address the tree protection zones (TPZ).



Please find attached for the applicant's reference a copy of Endeavour Energy's Standard Conditions for Development Applications and Planning Proposals, Version 9, August 2023 which provides additional and updated information. For further advice the applicant can call Endeavour Energy via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666 and the following contacts:

- Customer Network Solutions Branch for matters related to the electricity supply or asset removal / relocation who are responsible for managing the conditions of supply with the applicant and their Accredited Service Provider (ASP). Alternatively contact can be made by email cicadmin@endeavourenergy.com.au .
- Easements Officers for matters related to easement management, protected works or other forms of property tenure / interests. Alternatively contact can be made by email Easements@endeavourenergy.com.au .
- Property Branch for matters related to property tenure. Alternatively contact can be made by email network_property@endeavourenergy.com.au (underscore between 'network' and 'property').
- Field Operations Branch for safety advice for building or working near electrical assets in public areas. The site is in the area covered by Penrith Field Service Centre. Alternatively contact can be made by email Construction.Works@endeavourenergy.com.au .

Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified above or in Endeavour Energy's previous submission in relation to the various matters. Due to the high number of development application / planning proposal notifications submitted to Endeavour Energy, to ensure a response contact by email to property.development@endeavourenergy.com.au is preferred.

Yours faithfully

Cornelis Duba | Development Application Specialist

M 0455250981

E cornelis.duba@endeavourenergy.com.au

We have moved: Level 40-42, 8 Parramatta Square, 10 Darcy Street
Parramatta NSW 2150.

Dharug/Wiradjuri/Dharawal/Gundungurra/Yuin Country

endeavourenergy.com.au |    



**Endeavour
Energy**

**POWER
together**



Endeavour Energy respectfully acknowledges the Traditional Custodians on whose lands we live, work, and operate and their Elders past, present and emerging.