



ABN 81 011 241 552

Upper Lachlan Shire Council

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29 January 2019

Newtricity Developments Biala Pty Ltd

Suite 3, Level 21

1 York Street

SYDNEY NSW 2000

Notice of Determination of a Development Application

Under Section 4.16 of the Environmental Planning & Assessment Act 1979, Upper Lachlan Shire Council has determined DA122/2017 as described below, by the granting of development consent to the conditions specified in the notice.

Development Application number	122/2017
Land to be developed	Lot 6 DP 1115749, Lots 1 and 2 DP 1115746, Lot 319 DP 754126, Lot 7 DP 1119818, Lots 226, 197, 224, 204, 188, 187, 186 and 185 DP 754126, Lots 1 and 2 DP 877769, Lot 4 DP 1031856, Lot 100 DP 1026064, Lot 103 DP 750043, Lot 2 DP 1168750, Lot 101 DP 1083286 Grabben Gullen Road, Biala/Gurrundah; Prices Lane, Bannister; Storriers Lane, Bannister
Proposed Development	Development for the purpose of Biala windfarm transmission connection – Erection of buildings and carrying out of works for the purpose of electricity generating work
Determination	Consent granted subject to conditions in the attached schedule
Consent to operate from	17 January 2019
Consent to lapse on	17 January 2024
Other Approvals	
Approvals Granted under Section 4.12	Not Applicable
Approvals Granted under Section 138 of the Roads Act 1993	Not Applicable
Integrated Development	Not Applicable

Yours faithfully,

Tina Dodson

Director of Environment and Planning

Signed on behalf of the consent authority

SCHEDULE OF CONDITIONS

PART 1 - GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and /or the building is carried out in such a manner that it is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on the development consent.

1. The development shall be carried out substantially in accordance with the approved stamped plans and documentation except where otherwise required or permitted by conditions of consent, including any notations or amendments marked by Council in red.
 - a) "Detailed Design Alignment", Drawing No 0422199s_SOEE_G004_R1.mxd, prepared by Environmental Resources Management Australia (drawn by VN), dated 6 April 2018
 - b) "Proposed Project", Drawing No 0178462m_TLI_G018_R0.mxd, prepared by Environmental Resources Management Australia (Drawn by GR/GC), dated 25 September 2018
 - c) "Vegetation Clearing Areas", Drawing Nos 0422199s_SOEE_G005, G006, G007, G008 -R1.mxd, prepared by Environmental Resources Management Australia (drawn by VN), dated 6 April 2018 and 24 September 2018
 - d) "Temporary Construction Compounds", Drawing No 0422199s_SOEE_G010_R0.mxd, prepared by Environmental Resources Management Australia (drawn by VN), dated 6 April 2018
 - e) "Connection Point Concept Design and Substation Upgrade", Drawing No 0422199m_SOEE_G002_R4.mxd, prepared by Environmental Resources Management Australia (drawn by GR), dated 22 November 2017
 - f) "Proposed Project", Drawing No 0178462m_TLI_G010_R5.mxd, prepared by Environmental Resources Management Australia (drawn by GR), dated 15 August 2017
 - g) "Gullen Range 33/330kV Substation 33kV Switchroom Indicative Plan and Elevations", Drawing No RO091700-0000-EE-SKT-0004, prepared by Jacobs Engineering Group (drawn by P Campagna), Revision B dated 14 December 2017
 - h) "Biala Wind Farm 330kV Substation Concept 330/33kV Indicative Substation Layout", Drawing No RO091700-0000-EE-SKT-0002, prepared by Jacobs Engineering Group (drawn by J Ogoy), Revision C dated 14 December 2017
 - i) "Gullen Range 33/330kV Substation 33kV Switchroom Switchyard Indicative Elevation", Drawing No RO091700-0000-EE-SKT-0005, prepared by Jacobs Engineering Group (drawn by P Campagna), Revision B dated 14 December 2017.

In the event of any inconsistency between conditions of this approval and the plans and documentation referred to above, the conditions of this approval prevail.

2. Except as may be expressively provided by an Environment Protection Licence for works in the development, the applicant shall comply with section 120 of the Protection of the Environment Operations Act 1997, which prohibits the pollution of waters.
3. All building work shall be carried out in accordance with the provisions of the Building Code of Australia. A reference to the Building Code of Australia is a reference to that Code as in force on the date that an application for a relevant construction certificate is made.

4. Within 3 months of operational commencement the applicant shall submit evidence of lodgment of the registration of easements under Section 88B of the Conveyancing Act 1919.
5. The development shall be carried out in accordance with the relevant specifications and requirements of the NSW Rural Fire Service document entitled "Planning for Bush Fire Protection" where applicable, including arrangements to ensure the development:
 - (a) Provides for asset protection in accordance with "Planning for Bushfire Protection"
 - (b) Is suitably equipped to respond to any fires on site.

The applicant, in consultation with the NSW Rural Fire Service, shall develop procedures to manage potential fires on site and assist if there is a fire in the vicinity of the site.

6. The consent does not permit the erection or display of any signage other than identified by an environmental planning instrument as not requiring development consent.
7. A detailed landscaping treatment and colour treatment plan shall be submitted to Council for approval, detailing species, maturity and width of the vegetation corridor.

The development shall not be permitted to commence operation unless:

- (a) Landscaping treatments have been implemented to screen the substation.
- (b) Colour treatment has been applied to perimeter fencing for the substation.

Following the installation of the landscaping treatments, the applicant shall maintain them over the life of the project.

8. All waste generated in the carrying out of the development shall be lawfully disposed of to a suitably authorised waste processing or recycling facility.
9. The applicant shall store and handle all dangerous goods (as defined by the Australian Dangerous Goods Code) and combustible liquids, strictly in accordance with:
 - (a) All relevant Australian Standards
 - (b) The Environment Protection Authority's Environment Protection Manual Technical Bulletin Bunding and Spill Management.

In the event of an inconsistency between the requirements of paragraphs (a) and (b), the more stringent requirement shall prevail to the extent of the inconsistency.

10. No component of the development shall be permitted to commence operation unless the applicant has:
 - (a) Repaired, or paid the full costs associated with repairing, any public infrastructure that is damaged in the carrying out of works and associated transportation activities in the development
 - (b) Relocated, or paid the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.
11. The consent does not permit provision of any additional vehicle access driveway from any public road. For avoidance of doubt, this condition does not prevent the applicant from accessing the

proposed corridor from a public road for the purpose of carrying out the development in accordance with this consent.

12. No component of the development shall be permitted to commence operation unless, upon completion of works in public road reserves and prior to hand over to Council, road surfaces impacted where the transmission line intersects with any public road have been reinstated to a standard agreed with Council pursuant to a permit granted under section 138 of the Roads Act 1993.
13. Prior to transporting any oversized or over mass load, the applicant shall obtain a permit from the NHVR and NSW Roads and Maritime Services Special Permits Unit in Glen Innes.
14. The following monitoring and mitigation regime shall be implemented;
Prior to trenching
 - Installation of ground water monitoring points between the disturbance zone and the property to ascertain or monitor groundwater levels within the area.
 - Conduct a survey of the water levels within the two ponds, the Gurrundah Creek, and the installed groundwater monitoring points.
 - Regular (say every 2 months) water level monitoring prior to construction. It is recommended that monitoring commence at least 2 months prior to construction (such that at least 2 monitoring cycles are undertaken).

During trenching

- Trenching to be undertaken by simultaneous trenching and filling.
- Level of water in ponds to be monitored.
- If open trenches are required, trenches to be monitored for volume of water flowing.
- Trenches to be left open for the minimum possible time period.

Post trenching

- Level of water in ponds and installed monitoring points to be monitored.
 - Monitoring of the ponds and the installed monitoring points should be conducted at approximately 2 month intervals and continue for up to 12 months following completion of the trenching work.
15. All works (including watercourse crossings) are undertaken in accordance with the following, unless otherwise agreed by Department of Industry:
 - Guidelines for Controlled Activities on Waterfront Land (2012) or its latest version; and
 - Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (2004), or its latest version.

PART 2 - PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate by the principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

16. To ensure the integrity of the disturbance area, prior to the issue of a construction certificate the applicant is to provide Council with the GPS co-ordinates of the centreline of the 20 m disturbance area for future reference and to also require that the 20 m disturbance area is marked prior to the

commencement of works. No work is to be done outside the disturbance area, excluding the substation and the two temporary compounds.

17. No construction certificate shall be granted for any building work in the development unless details, specifications and drawings submitted with the application for construction certificate reflect consistency with the development consent, including the stamped consent drawings.
18. No construction certificate shall be granted for any building work in the development unless the principal certifying authority for the development is satisfied by information accompanying the construction certificate application that the building work concerned will comply with the relevant specifications and requirements of the NSW Rural Fire Service document entitled "Planning for Bush Fire Protection", where applicable.
19. No construction certificate shall be granted for any building work in the development unless information accompanying the construction certificate application demonstrates compliance with the Building Code of Australia.
20. A construction management plan shall be prepared prior to commencement of work. The plan is to identify;
 - Traffic management measures
 - Dust management measures
 - Noise mitigation measures
 - Vehicle access points
 - Identified areas for stockpiling materials
 - Construction Waste Management

The plan is to be submitted to Council for approval prior to the issue of a Construction Certificate.

The plan is to be implemented for the duration of the construction of the development.

PART 3 - PRIOR TO COMMENCEMENT OF WORK

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any work on site.

21. No work in the development shall be permitted to commence unless all necessary Controlled Activities Approval(s) have been obtained from Department of Primary Industry - Water, under section 91 of the Water Management Act 2000, for works associated with transmission line construction/installation.
22. Construction impacts must be restricted to the development site and must not encroach into areas of retained native vegetation and habitat. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must not be located within the areas for which biodiversity impacts were assessed in the SoEE, Submission response to JRPP deferral submissions and deferral Biodiversity Development Assessment Report.
23. The following mitigation measures shall be developed and implemented:

- Limit clearing through delineation of designated construction areas. This will help protect native vegetation and adjacent areas of retained EEC during the construction phase;
 - Manage clearance of areas of weed infestation, to allow for separate stockpiling and disposal of weed material. Vehicle hygiene protocols should be included and will assist to control the movement of both pathogens and weeds;
 - The impact area is to be backfilled at completion of the works and revegetated using a native grass mix;
 - All workers must be made aware of the potential presence of threatened species and the manner in which they should be treated;
 - Develop a pre-clearance survey protocol for fauna habitat where hollow bearing trees will be removed and for clearance of noxious weeds; and
 - Develop a fauna clearance protocol that includes procedures to be followed should any injured fauna be encountered.
24. No work in the development shall be permitted to commence unless the applicant has paid to Council a levy of 1% of the nominated cost of carrying out the development, as authorised by the Upper Lachlan Section 94A Development Contributions Plan. As the nominated cost of development is \$19.9million, the levy payable at the time of consent is \$199,000.00. The levy payable will be adjusted at the time of payment, in accordance with section 1.10 of Upper Lachlan Section 94A Development Contributions Plan.
25. No work in the development shall be permitted to commence unless detailed site plans in PDF format, clearly identifying Transgrid's easement and high voltage transmission lines and any proposed activity within or immediately adjacent to the easement or lines, have been supplied to and endorsed by Transgrid.
26. No work in the development, including any associated transportation activities, shall be permitted to commence unless the applicant has prepared a construction traffic management plan for the development in consultation with Council and NSW Roads and Maritime Services. The plan shall:
- (a) Detail measures to be implemented to:
- Minimise the traffic safety impacts of the development and disruptions to local road users during the construction and decommissioning of the development, including:
 - Temporary traffic controls, including detours and signage
 - Notifying the local community about development-related traffic impacts
 - Avoiding potential conflicts between development-related traffic and livestock movements associated with agricultural activities on land adjoining and adjacent to public roads
 - Avoiding conflict between development-related traffic and school buses in consultation with school bus operators
 - Ensuring development-related traffic does not track dirt onto the public road network
 - Ensuring loaded vehicles entering or leaving the site have their loads covered or contained
 - Responding to any emergency repair requirements or maintenance during construction and/or decommissioning
 - A traffic management system for managing over-dimensional vehicles
 - Comply with the traffic conditions in the consent

- (b) Include a drivers code of conduct that addresses:
 - Travelling speeds
 - Procedures to ensure drivers adhere to designated heavy and over-dimensional vehicle routes
 - Procedures to ensure drivers implement safe driving practices
 - (c) Include a detailed program to monitor and report on the effectiveness of these measures and the code of conduct.
27. At least one month prior to any work in the development being permitted to commence, and on a monthly basis thereafter until all works in the development have been completed, the applicant shall provide written notification to the owners of all lots adjoining the land of its intended detailed work schedule through to completion of works. Each notification shall clearly indicate the dates, nature and location of works to be carried out. Each notification subsequent to the first notification shall clearly identify any change that may have been made to the work schedule.
28. No work in the development shall be permitted to commence unless all necessary permits have been obtained from Council, under section 138 of the Roads Act 1993, for works associated with transmission line construction/installation where the transmission line's alignment intersects any public road.
29. No work in the development shall be permitted to commence unless detailed engineering design information and/or drawings, indicating appropriate drainage treatment at each intersection of the transmission line with a public road, have been submitted to and approved by the relevant roads authority, e.g. Council or NSW Roads and Maritime Services.
30. No work in the development shall be permitted to commence unless the applicant has notified Council and NSW Roads and Maritime Services in advance of expected heavy vehicle movements to and from the development site and implementation of traffic control measures.
31. No work in the development shall be permitted to commence unless the applicant has upgraded all internal site access roads as necessary for temporary use by heavy vehicles.
32. No work in the development shall be permitted to commence unless the final Aboriginal Cultural Heritage Assessment Report (ACHAR) is confirmed to, and accepted in writing by, Council and the NSW Office of Environment & Heritage.
33. No building work in the development shall be permitted to commence unless the following provisions of section 4.19 of the Environmental Planning and Assessment Act 1979 (the Act) have been complied with:
- (a) A construction certificate for the building work concerned shall be obtained; and
 - (b) A principal certifying authority shall be appointed and Council shall be notified of the appointment; and
 - (c) Council shall be notified in writing at least two days prior to building work commencing.

PART 4 - DURING CONSTRUCTION

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

34. If during the carrying out of works in the development the applicant becomes aware of any previously unidentified Aboriginal object, all work likely to affect the object shall cease immediately and the NSW Office of Environment & Heritage shall be informed in accordance with the National Parks and Wildlife Act 1974. Works shall not recommence until written authorisation from the Office of Environment & Heritage is received by the applicant.
35. Throughout the carrying out of work in the development, including any associated transportation activities, the applicant shall implement satisfactory dust suppression measures on all unsealed roads giving access to the development site to minimise generation of airborne dust.
36. No work in the development shall be carried out outside the following times:
 - a) Between 7:00am and 6:00pm on Mondays to Fridays
 - b) Between 8:00am and 1:00pm on Saturdays
 - c) Any time on Sundays or public holidays.
37. No building material or demolition waste shall be permitted to be deposited on any Council land, including public reserves, roads, gutters or footpaths. Unless pre-existing damage to Council infrastructure is notified to Council in writing prior to commencement of any work in the development, Council will hold the person(s) having the benefit of the consent liable for the cost of any necessary repairs.
38. Alterations to natural surface contours shall not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners or create an erosion or sediment problem.
39. Vehicles entering and leaving the premises that are carrying excavated dusty materials, including clays, sands and soils, shall be covered at all times when not loading or unloading.

PART 5 - PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of an occupation certificate by the principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

40. Prior to the issue of operational commencement the class and number of ecosystem credits in Table 1 must be retired to offset the residual biodiversity impacts of the development.

TABLE 1

Impacted plant community	Number of ecosystem credits	IBRA sub-region	Plant community type(s) that can be used to offset the impacts from development
1191 – Snow Gum – Candle Bark woodland on broad valley flats of the	5	Crookwell, Bungonia, Inland Slopes, Kanangra, Monaro, Murrumbateman, Oberon and Orange.	Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South

tablelands and slopes, South Eastern Highlands Bioregion		or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions (including PCT's 285, 302, 303, 304, 350, 677, 679, 680, 732, 797, 802, 803, 804, 1100, 1101, 1102, 1103, 1110, 1191, 1197, 1199, 1228, 1229, 1295, 1501)
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41. The requirement to retire credits in condition 37 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.
42. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition 37 must be provided to the consent authority prior to the issue of operational commencement.
43. No building (as defined by Part 6 of the Environmental Planning and Assessment Act 1979) shall be permitted to be occupied unless an occupation certificate has been obtained for the building concerned.
44. If any damage is caused to any Council asset or infrastructure in the carrying out of the development or any associated transportation, no occupation certificate shall be granted for the development unless satisfactory repairs have been carried out under Council's direction and at no expense to Council.

PART 6 - AGENCY CONDITIONS

45. Water NSW – refer to Schedule 1

The development shall be carried out in accordance with the requirements of Water NSW as detailed in its attached letter of 21 May 2018. Namely:

- (a) The site layout and works shall be as specified in the Statement of Environmental Effects prepared by ERM (dated 21 November 2017) and Submission to Upper Lachlan Shire Council in response to JRPP Deferral Notice (dated 6 April 2018) both prepared by ERM. No revised site layout or external works that will impact on water quality, shall be permitted without the agreement of Water NSW.

Reason for Condition 1 - Water NSW has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.

Construction Activities

- (b) Effective erosion and sediment controls consistent with the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater

(2004) manual - the "Blue Book", and the Department of Environment & Climate Change Managing Urban Stormwater: Soils and Construction Volume 2A Installation of Services (2008), shall be installed prior to any construction activity including the proposed compound and any agreed underground cabling.

- (c) The erosion and sediment controls shall be to the satisfaction of Council and consistent with any requirements for Controlled Activities Approval under the Water Management Act, 2000 issued by the Department of Industry - Water. The controls shall be implemented and shall prevent sediment or polluted water leaving the site or entering any natural drainage system. The controls shall be regularly maintained and retained until works have been completed and ground surface stabilised or groundcover re-established.

Reason for Conditions 2 & 3 - To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.

46. NSW Roads & Maritime Services – refer to Schedule 2

The development shall be carried out in accordance with the requirements of NSW Roads & Maritime Services as detailed in its attached letter of 8 May 2018. Namely:

- (a) Prior to transporting any oversized or over mass loads, the applicant shall obtain a permit for an oversized and over mass load from the RMS Special Permits Unit in Glen Innes. The contact number is 1300 656 371. The issue of a Special Permit may be subject to route and bridge assessment/s if deemed necessary by the RMS Special Permits Unit.

47. NSW Office of Environment & Heritage – refer to Schedule 3

Noting the advice conveyed by the attached NSW Office of Environment & Heritage letter of 15 May 2018:

- (a) The ACHAR must consider all areas of related infrastructure or ground disturbance such as access roads, construction compounds, laydown and stockpiling areas as well as the transmission line route.
- (b) The planned program of subsurface test excavation must be undertaken prior to any development consent. The results of the subsurface test excavation investigation must be documented in an ACHAR in accordance with OEH guidelines.
- (c) An aboriginal Heritage Impact Permit (AHIP) is required if impacts to Aboriginal objects cannot be avoided.

48. Essential Energy – refer Schedule 4

- (a) If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.

- (b) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the titles of the effected properties should be complied with.
- (c) Essential Energy has key existing infrastructure traversing where the proposed electricity network route is to be located. This existing electrical infrastructure is crucial to ensure the reliability and security of the network in the area. In some places, the proposed electricity network route will cross or run parallel to Essential Energy's existing electrical infrastructure. This may affect Essential Energy's operation of its network. All proposed crossings and proposed infrastructure / powerlines that will be adjacent to Essential Energy's existing electrical network and/or easements will require certification by Essential Energy to ensure that the associated risks are identified and addressed. Careful consideration as to access and safety aspects of the existing electrical infrastructure must also occur. The applicant will need to provide more information for consideration and review, once the proposed electricity network route is finalise, enabling each situation to be assessed by Essential Energy. Refer Essential Energy's Asset Management Team for further requirements.
- (d) As noted, Essential Energy's records indicate there is electricity infrastructure located within some of the properties affected by the proposed electricity network route and within close proximity to the properties. Any activities within these locations must be undertaken in accordance with the latest industry guidelines currently known as *ISSC 20 Guidelines 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.
- (e) 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)*.
- (f) 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 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*.

REASONS FOR CONDITIONS

Conditions have been imposed in accordance with the requirements of Section 4.17 of the *Environmental Planning and Assessment Act, 1979*, in particular having regard to the relevant provisions of Section 4.15.

- To comply with the provisions of relevant Environmental Planning Instruments (including drafts) regulations and development control plans. (Section 4.15(1)(a)(i)-(iii)).
- To ensure that there is no adverse effect caused by the development. (Section 4.15(1)(b)).
- To ensure that the site is suitable for the development. (Section 4.15(1)(c)).
- To protect the public interest. (Section 4.15(1)(e)).

ADDITIONAL NOTES

Construction Certificate

Where construction work is proposed development consent is the first step. Before construction commences, a Construction Certificate must be obtained from Council or an accredited certifier.

Lapsing of Development Consent

Development consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the consent lapse date, except where a condition specifies a limit to the duration of the consent.

Planning Assessment Commission

The Independent Planning Commission conducted a public hearing in respect of the subject development application.

Right of Appeal

If you are the applicant:

You can appeal against this decision in the Land and Environment Court within six (6) months after the date the applicant received this notice (Section(s) 8.7 & 8.10 of the *Environmental Planning and Assessment Act, 1979*). You cannot appeal, however, in the case of designated development determined by the consent authority after a public hearing held by the Planning Assessment Commission.

Review

An applicant may request the Council to review this determination within six (6) months after the date the applicant received this notice. The prescribed fee must be paid with the request for a review. Once the review is completed the Council may confirm or change the determination.

If there is an appeal, the period of time within which Council may undertake a review is extended up to the time the Court hands down its decision.

Notes:

A Review cannot be requested for:

- *a determination to issue or refuse to issue a complying development certificate, or*
- *a determination in respect of designated development, or*
- *a determination in respect of integrated development, or*
- *a determination in respect of integrated development, or a determination made by Council under Division 4 in respect of an application by the Crown.*
- *a determination in which a regional panel exercises a Council's functions as the consent authority.*

Charges

Charges are reviewed each financial year. Any charges payable for this consent should be confirmed prior to payment. A copy of Council's fees and charges is available free of charge at the Council offices.

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interest of health & safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: **Telstra's Network Integrity Team** on Phone Number 1800810443.



21 May 2018

PO Box 396, Parramatta NSW 2124
Level 14, 169 Macquarie Street
Parramatta NSW 2150
www.waterNSW.com.au
ABN 21 147 934 757

Our Ref: 17188-a2
Your Ref: DA 122/2017

General Manager
Upper Lachlan Shire Council
PO Box 42
GUNNING 2581

Attention: Roland Wong

Dear Sir/Madam

Subject: Sydney Drinking Water Catchment SEPP
DA No 81/2017; Lot 2 DP 1168750, Lots 1, 2, 6 DP 1115746, Lots 185 to 188, 197, 204,
224, 226, 319 DP 754126, Lot 7 DP 1119818, Lots 1 and 2 DP 877769, Lot 4 DP
1031856, Lot 100 DP 1026064, Lot 103 DP 750043, Lot 101 DP 1083286; Grabben
Gullen Road, Humes Creek, Bannisters Lane, Prices Lane, Storries Lane, Biala

I refer to Council's letter received 13 April 2018 providing submissions and additional information in relation to a proposal for the minor upgrade to the Gullen Range Windfarm substation and construction of an underground 33kV transmission line. Water NSW has previously provided concurrence advice to Council on 11 January 2018 under Clause 11 of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (the SEPP).

The subject property, which has been inspected by Water NSW, is partly located within the Warragamba catchment which forms part of Sydney's water supply.

The following have been considered in the assessment of the application:

- a Statement of Environmental Effects, including proposed development plans prepared by ERM (dated 21 November 2017), and
- the Submission to Upper Lachlan Shire Council in response to JRPP Deferral Notice prepared by ERM (dated 6 April 2018).

Based on Water NSW's site inspection and the information provided, the proposed development has been assessed by Water NSW as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

If, after receipt of this letter, revisions are made to any of the DA plans, Council does not need to refer the plans to Water NSW if the revisions do not impact on water quality. Council is requested to amend the relevant Water NSW condition/s to reference the revised plans, and notify the assessing officer by email.

Water NSW concurs with Council granting consent to the application subject to the following conditions (Note these conditions only apply to that part of the project located within the Sydney Drinking Water Catchment). This advice replaces Water NSW previous concurrence advice dated 11 January 2018:

1. The site layout and works shall be as specified in the Statement of Environmental Effects (dated 21 November 2017) and the Submission to Upper Lachlan Shire Council in response to JRPP Deferral Notice (dated 6 April 2018) both prepared by ERM. No

revised site layout or external works that will impact on water quality, shall be permitted without the agreement of Water NSW.

Reason for Condition 1 - Water NSW has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.

Construction Activities

2. Effective erosion and sediment controls consistent with the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual - the "Blue Book", and the Department of Environment & Climate Change Managing Urban Stormwater: Soils and Construction Volume 2A Installation of Services (2008), shall be installed prior to any construction activity including the proposed compound and any agreed underground cabling.
3. The erosion and sediment controls shall be to the satisfaction of Council and consistent with any requirements for Controlled Activities Approval under the Water Management Act, 2000 issued by the Department of Industry - Water. The controls shall be implemented and shall prevent sediment or polluted water leaving the site or entering any natural drainage system. The controls shall be regularly maintained and retained until works have been completed and ground surface stabilised or groundcover re-established.

Reason for Conditions 2 & 3 - To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.

Under Clause 11 of the SEPP, Council must provide Water NSW with a copy of its determination of the application within 10 days of the determination.

If you wish to discuss this matter further please contact James Caddey on 4824 3401.

Yours sincerely



MALCOLM HUGHES
Manager Catchment Protection

Our Ref: STH13/00123/08
Contact: Rachel Carocci 4221 2423
Your Ref: DA122/2017



Transport
Roads & Maritime
Services

8 May 2018

Tina Dodson
Upper Lachlan Shire Council
BY EMAIL: TDodson@upperlachlan.nsw.gov.au
CC: council@upperlachlan.nsw.gov.au

**DEVELOPMENT APPLICATION 122/2017 – BIALA, GURRUNDAAH AND BANNISTER -
BIALA WIND FARM TRANSMISSION LINE CONNECTION AND SUBSTATION UPGRADE**

Dear Tina,

Roads and Maritime Services (RMS) refers to your correspondence dated 13 April 2018 regarding the subject development application.

RMS has reviewed the submitted additional information. As per the response dated 12 December 2017 (attached), RMS does not object to the development application in principle, subject to the following comments being included in the conditions of development consent:

- Prior to transporting any oversized or over mass loads, you will to obtain a permit for an oversized and over mass load from the RMS Special Permits Unit in Glen Innes. The contact number is 1300 656 371. It should be noted that the issue of a Special Permit may be subject to route and bridge assessment/s if deemed necessary by the RMS Special Permits Unit.

If you have any questions please contact Rachel Carocci on 4221 2423.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Chris Millet', written over a horizontal line.

Chris Millet
Manager Land Use
Southern Region

Schedule 3



Office of
Environment
& Heritage

DOC18/8831-3
DA122/2017

The General Manager
Upper Lachlan Shire Council
PO Box 10
Crookwell NSW 2583
Via email: council@upperlachlan.nsw.gov.au

Attention: Tina Dodson

DA 122/2017 – Carrying out works for the purpose of an electricity transmission or distribution network – Newtricity Biala Property Pty Ltd – Biala, Gurrundah and Bannister

Dear Tina

Thank you for providing the Office of Environment and Heritage (OEH) the opportunity to comment on the development application described above, and providing further information. We have reviewed the proposal on Biodiversity and Aboriginal Cultural heritage matters only. Our comments are outlined below:

Biodiversity:

OEH considers that the information provided is still unclear as to whether all impacts have been avoided. It is understood that 29 trees from the *Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland* (EEC) will be removed, including 11 hollow-bearing trees. The alignment has avoided other areas along the route however, a large patch of intact forest has not been avoided even though alternative options appear to be available. OEH has reviewed the alignment of the electricity transmission and requires further justification and clarification as to why this patch has not been avoided.

The information provided does not adequately address the impact of the alignment on this patch, therefore further information on the quality of the vegetation should be provided. Nor does it provide detail on the size of the hollows or if any of the hollows are utilised by threatened species. There are known threatened species and species of concern in that area, which utilise hollow bearing trees and forest areas, therefore further information on the size of the hollows and if the hollows have been surveyed for threatened species should be provided. OEH would be interested to know if there are any Wedge-tailed eagle nests within the forest patch. Wedge-Tailed eagles are a species of concern in regard to windfarms as they are regularly the victims to blade strikes.

Within Appendix 1 we have provided two options for the design alignment that would be more appropriate in avoiding the impacts outlined above.

Aboriginal Cultural Heritage

OEH has previously provided advice regarding Aboriginal Cultural Heritage (ACH) matters in January 2018. This advice requested a full archaeological survey and subsurface archaeological test excavation if required. The results of these investigations were to be documented in an Aboriginal Cultural Heritage Assessment Report (ACHAR).

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ABN 30 841387 271
www.environment.nsw.gov.au

It appears that a full archaeological survey has been undertaken for the proposed transmission line by ERM. OEH is aware that ERM are planning to conduct a program of subsurface archaeological test excavation. A methodology for this excavation has been submitted to OEH that appears to meet requirements under the *Code of Practice for Archaeological Investigations of Aboriginal Objects in New South Wales* (DECCW 2010).

In accordance with previous OEH advice the program of subsurface testing must be undertaken prior to any development approval. The results of this, along with the results of the archaeological survey must be documented in an ACHAR in accordance with OEH guidelines.

OEH would like to remind the proponent and the consultant that the ACHAR (and required fieldwork) must consider all areas of related infrastructure or ground disturbance such as access roads, construction compounds, laydown and stockpiling areas as well as the transmission line route.

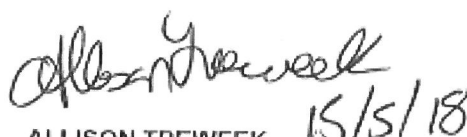
Finally, we note that numerous Aboriginal sites have been recorded as part of ongoing investigations for this project. As of 9 May 2018, no Aboriginal Site Recording Forms have been submitted to the Aboriginal Heritage Information Management System (AHIMS) for these sites. We remind the consultant that this is a legal requirement under Section 89(A) of the *National Parks and Wildlife Act 1974*.

Recommendations

- The ACHAR must consider all areas of related infrastructure or ground disturbance such as access roads, construction compounds, laydown and stockpiling areas as well as the transmission line route.
- The planned program of subsurface test excavation must be undertaken prior to any development consent. The results of this investigation must be documented in an ACHAR in accordance with OEH guidelines.
- An Aboriginal Heritage Impact Permit (AHIP) is required if impacts to Aboriginal objects cannot be avoided.

If you have any further questions regarding the contents of this letter, please contact Lyndal Walters (02) 6229 7157 for matters relating to biodiversity, please contact Julia Maskell (02) 6229 7039 for matters relating to Aboriginal Cultural Heritage

Yours sincerely


 ALLISON TREWEEK 15/5/18
 Senior Team Leader, Planning – South East
Regional Operations Division

Appendix 1: Alternate route options for the design alignment

**Option 1: Alternate route
for design alignment**



**Option 2: Alternate route
for design alignment**



Schedule 4

From: Fiona Duncan

Sent: Tuesday, 29 May 2018 10:10 AM

To: 'Tina Dodson' <TDodson@upperlachlan.nsw.gov.au>

Subject: DA 122/2017 Biala Wind Farm Transmission Connection - Erection of Building & Proposed Electricity Network Route Corridor (Various Lands at Biala, Gurrundah & Bannister) - Additional Information

Dear Tina,

We refer to the above matter and to your correspondence of 6 December 2017 and 19 April 2018 seeking comment from Essential Energy in relation to the proposed development. As noted in your letter of 19 April 2018, the Southern Joint Regional Planning Panel required additional information be provided to enable further consideration and assessment of the proposed development.

Strictly based on all 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 in favour of Essential Energy (or its predecessors) noted on the titles of the affected properties should be complied with.
3. Essential Energy has key existing infrastructure traversing where the proposed electricity network route is to be located. This existing electrical infrastructure is crucial to ensure the reliability and security of the network in that area. In some places, the proposed electricity network route will cross or run parallel to Essential Energy's existing electrical infrastructure. This may affect Essential Energy's operation of its network. All proposed crossings and proposed infrastructure / powerlines that will be adjacent to Essential Energy's existing electrical network and/or easements will require certification by Essential Energy to ensure that the associated risks are identified and addressed. Careful consideration as to access and safety aspects of the existing electrical infrastructure must also occur. The Applicant will need to provide more information for consideration and review, once the proposed electricity network route is finalised, enabling each situation to be assessed by Essential Energy. Refer Essential Energy's Asset Management team for further requirements.
4. As noted, Essential Energy's records indicate there is electricity infrastructure located within some of the properties affected by the proposed electricity network route and within close proximity to 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.
5. 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)*.

6. 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



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