

Planning and Development (Approval of Application – 201528186 Williamsdale Solar Farm, Tuggeranong) Notice 2016

Notifiable instrument NI2016–142

made under the

Planning and Development Act 2007, s 170(4) (Notice of approval of application)

1 Name of instrument

This instrument is the *Planning and Development (Approval of Application – 201528186 Williamsdale Solar Farm, Tuggeranong) Notice 2016*.

2 Impact track development approval notice

On 29 January 2016, pursuant to section 162 of the *Planning and Development Act 2007*, the Minister for Planning and Land Management approved, subject to conditions, in the impact track, development application 201528186, for:

- (1) the construction of a 11.18MW solar power generation station including solar panels, inverters, security fencing, water tank, access tracks and internal access road on block 1470 Tuggeranong;
- (2) the construction of a new substation on block 1471 Tuggeranong;
- (3) the installation and grid connection of 11kV underground powerlines from the solar array to the new substation on blocks 1470 and 1471 Tuggeranong;
- (4) connection of the new substation to an existing ActewAGL substation 132kV overhead network on block 1471 Tuggeranong; and
- (5) associated earthworks and landscaping.

3 The approval of development application 201528186 is in the schedule.

Dorte Ekelund
Chief Planning Executive
23 March 2016



Mick Gentleman MLA

MINISTER FOR PLANNING
MINISTER FOR COMMUNITY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS
MINISTER FOR CHILDREN AND YOUNG PEOPLE
MINISTER FOR AGEING

MEMBER FOR BRINDABELLA

Notice of decision

Under Part 7 of the *Planning and Development Act 2007*
Impact track

DA NO: 201528186		DATE LODGED: 13/10/2015
DATE OF DECISION: January 2016		
BLOCK: 1470 & 1471	SECTION: 0	SUBURB: TUGGERANONG
STREET AND SUBURB: Monaro Highway, Tuggeranong		
APPLICANT: Purdon Planning Pty Ltd		
LESSEE: Australian Capital Territory - Chief Minister, Treasury and Economic Development Directorate		

THE DECISION

This application was lodged in the impact track. Pursuant to section 113 of the *Planning and Development Act 2007* (the Act), the application must be assessed according to the provisions relevant to impact track applications.

I, Mick Gentleman, **Minister for Planning**, pursuant to section 162 of the Act, hereby **approve subject to conditions** the proposal for:

- the construction of a 11.18MW solar power generation station including solar panels, inverters, security fencing, water tank, access tracks and internal access road on block 1470 Tuggeranong;
- the construction of a new substation on block 1471 Tuggeranong;
- the installation and grid connection of 11kV underground powerlines from the solar array to the new substation on blocks 1470 and 1471 Tuggeranong;
- connection of the new substation to an existing ActewAGL substation 132kV overhead network on block 1471 Tuggeranong; and
- associated earthworks and landscaping

in accordance with the plans, drawings and other documents and items submitted with the application and endorsed as forming part of this approval.

My decision is subject to the conditions of approval at **PART 1** being satisfied. Please note that plans will not be dispatched until all conditions in **PART 1** Section A1 and A2 are satisfied.

ACT LEGISLATIVE ASSEMBLY

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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au



PART 2 sets out the reasons for my Decision.

PART 3 provides a summary of the issues arising from the public notification of the application and from referral of the application to relevant entities.

PART 4 contains administrative information relating to my Decision.

DECISION MAKER



Mick Gentleman
Minister for Planning

29th January 2016

CONTACT OFFICER:

Jonathan Teasdale

Phone: (02) 6207 0316

Email: jonathan.teasdale@act.gov.au

PART 1

CONDITIONS OF APPROVAL

This application is approved subject to the following conditions being satisfied. Some conditions of approval will require attention before the approved drawings will be released by the planning and land authority (the Authority), others before work commences or before the completion of building work.

A. ADMINISTRATIVE / PROCESS CONDITIONS

A1. FURTHER INFORMATION

Within 28 days from the date of this decision, or within such further time as may be approved in writing by the Authority, the applicant must lodge with the Authority for approval:

- (a) a revised substation elevation plan (plan number: 005836-01-002), showing the site fence and detailed design of the oil filled transformer;
- (b) a revised landscaping plan prepared, in consultation with Parks and City Services Division, Territory and Municipal Services (TAMS), demonstrating that:
 - (i) only established seedlings will be planted;
 - (ii) *E. blakelyi*, *E. melliodora* and *C. cunninghamiana* instead of *E. bridgesiana* will be planted wherever possible;
 - (iii) trees, shrubs and tall grasses are not co-located to reduce the potential for a laddering affect; and
 - (iv) no *Kunzea ericoides* is planted.
- (c) a revised site plan, and other relevant plans, showing removal of outer asset protection zone (OAPZ) requirements.

A2. APPROVAL DOES NOT TAKE EFFECT – SURRENDER OF LEASE

This approval does not take effect until the lessee surrenders the current Crown lease in accordance with Section 299 of the *Planning and Development Act 2007*, and the surrender of the Crown lease is registered at Access Canberra (Land Title and Rental Bonds).

A3. WITHDRAWAL OF DEVELOPMENT APPLICATION NO 201425695

The development application No. 201425695 for the construction of a solar farm near Uriarra Village, lodged on 30 June 2014 with the Authority must be withdrawn before this approval takes effect.

A4. NOTICE OF COMMENCEMENT

- (a) The approval holder must give the Authority a minimum of seven working days notice before commencement of any works. Notice is to be provided in writing to the contact officer on this decision.
- (b) Written advice must be provided to the Canberra Airport of the date construction is to commence and the planned construction program to completion to ensure notification to aviation users of the Canberra Airport.

A5. GLARE REDUCTION

- (a) Non-glare materials must be used for all infrastructure comprising the facility.
- (b) Non-glare materials, equipment and machinery must be used during construction, during ongoing repair and maintenance or during life cycle replacement of all or part of the facility.

A6. TREE PROTECTION

The proponent should make sure all reasonable measures are taken to minimise tree removal where possible.

B. PRIOR TO CONSTRUCTION AND/OR DEMOLITION**(Asset Acceptance and Works on Unleased Territory Land)**

- B1. Prior to the commencement of any work on site, the following requirements must be submitted to and approved by the Senior Manager, Asset Acceptance (AA), TAMS:

(a) Certificate of Design Acceptance

A Certificate of Design Acceptance must be obtained from the Senior Manager, AA, TAMS. In order to obtain this certificate the following must be submitted to and approved by the Senior Manager, AA, TAMS prior to the commencement of construction works on site:

- (i) fully detailed drawings (civil, landscape) prepared by suitably qualified persons for all off-site works including roads, driveways, footpaths, lighting, stormwater and landscaping;
- (ii) a design report in accordance with Reference No 06 '*Requirements for Design Acceptance Submissions*', certified by a Chartered Engineer/ Landscape Architect;
- (iii) A Waste Management Plan in accordance with the *Development Control Code for Best Practice Waste Management in the ACT*; and
- (iv) any other issues that may be found through TAMS audit of the submitted drawings and documents.

(b) Temporary Traffic Management Plan (TTMP)

A TTMP must be prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety, Roads ACT, TAMS prior to commencement of any work on site. This plan is to address, as a minimum, measures to be employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices.

(c) Landscape Management & Protection Plan (LMPP)

A LMPP must be approved by the Senior Manager, AA, TAMS. During construction, all existing vegetation (trees, shrubs and grass) located on unleased Territory land immediately adjacent to the development must be managed, protected and maintained in accordance with the LMPP approved by the Senior Manager, AA, TAMS. This plan is to be implemented before the commencement of works, including demolition/ earthworks on the site and is to be in accordance with TAMS Reference No 04 '*Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04*'.

(d) Use of unleased Territory land

In accordance with the *Public Unleased Land Act 2013*, unleased Territory land must not be used for the carrying out of works, including storage of materials or waste, without prior approval of the Territory. Such approval can be obtained from Licensing and Compliance, City Services, Parks and Territory Services, TAMS.

(e) Notice of commencement of construction

A Notice of Commencement of Construction must be submitted to the Senior Manager, AA, TAMS, one week prior to the commencement of construction works on site. Notice must also include the confirmation of any protective measures installed in accordance with the approved LMPP and programmed implementation of the TTMP.

(Construction Environmental Management Plan)

- B2. A Construction Environmental Management Plan (CEMP) must be endorsed by TAMS, the Environment Protection Authority (EPA), the Utility Regulation Team in Access Canberra and the Conservator of Flora and Fauna prior to the commencement of any work on the site. The CEMP is required to include the following:

- a weed management strategy to prevent weed infestation;
- erosion and sediment control measures to be implemented during and after construction, taking into consideration the impacts from concentrated water runoff from the solar panels;
- unanticipated discovery protocols for the management of impacts on unexpected heritage object finds;
- provisions for tree removal and log storage, including stockpile locations for felled trees; and
- Water Sensitive Urban Design measures, e.g. removal or construction of stormwater ponds.

(Bushfire Management)

B3. Asset Protection Zones

- (a) A minimum 10 metre Inner Asset Protection Zone (IAPZ) must be maintained within the perimeter of the development. This is to be kept clear of any obstructions, and contain a 4 metre wide gravel perimeter trail for access, constructed to 'rigid float' standards as per the *ACT Bushfire Management Standards (2014)*.
- (b) All vegetation and landscaping works within the site must be managed to IAPZ standards as detailed in table 4 of the *ACT Bushfire Management Standards (2014)*.
- (c) The IAPZ must be established prior to commencement of construction.

B4. Water Supplies

- (a) The 40,000L water tank identified on the plans must be located at the entrance to the facility, within the IAPZ.
- (b) Water tanks must be metal or concrete construction, and a 65mm Stortz coupling with a suitable gate or ball valve of metal construction is to be provided and be accessible for a fire appliance parked on a hard stand.

(Heritage Protection)

- B5. Prior to the commencement of construction works on site, a separate Statement of Heritage Effects must be prepared in consultation with RAOs and in accordance with Section 61G of the *Heritage Act 2004*; and ACT Heritage Council approval sought prior to the commencement of works.

Note: refer to the Heritage Council's comments at Attachment A.

(Environmental Authorisation/Agreement)

- B6. Prior to the commencement of construction works on site, the following requirements must be submitted to and approved by the EPA:

(a) Pollution Control Plan

A Pollution Control Plan must be endorsed by the EPA prior to works commencing.

(b) Environment Protection Agreement

An Environment Protection Agreement or Environmental Authorisation from the EPA must be obtained for any activity on the site which is listed under Schedule 1 as a Class B activity under the *Environment Protection Act 1997*.

(c) Environment protection

Construction and development works to be in accordance with "*Environment Protection Guidelines for Construction and Land Development, 2011*".

(d) Land contamination

- (i) Contaminated areas on the site must be assessed and remediated, as required, by suitably qualified consultants in accordance with the EPA's "*Contaminated Sites Environment Protection Policy (November 2009)*".
- (ii) All assessments (and remedial works) must be reviewed by an approved EPA environmental auditor.
- (iii) The site audit statement (SAS) and site audit report (SAR) of the site's suitability for the proposed uses must be reviewed and endorsed by the EPA prior to the land being used for other purposes or the commencement of construction activities.
- (iv) In accordance with the *ACT EPA's Contaminated Sites Environment Protection Policy, 2009* a copy of the draft SAS and SAR, along with any management plan if required, must be forwarded to the Environmental Quality team within EPA, for review and comment prior to finalisation of the documents.

(Community Information)

- B7. Prior to the commencement of construction works on site, the proponent must ensure that the following are available for community enquiries for the life of the project (including construction and operational phases):

- a telephone number on which enquiries about construction and operational activities at the site can be registered;

- a postal address to which written enquiries may be sent; and
- an email address to which electronic enquiries can be transmitted.

A register of enquiries must be made available for inspection by the Authority upon request.

(Utilities Regulation – Electrical)

- B8. Prior to the commencement of works the proponent must consult with the Electrical Inspector regarding the detailed design, selection, construction and installation of electrical apparatus at the proposed facility. [Note: please refer to advisory note E2]

(Sanitary Facility)

- B9. An application to use or alter any existing septic system must be submitted to the ACT Health Directorate and approved prior to use of the system.

C. DURING CONSTRUCTION AND/OR DEMOLITION

(Traffic Management)

- C1. At all times during construction the site and surrounds must be managed in accordance with the TTMP required under Condition B1 (b), prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety, Roads ACT, TAMS prior to the commencement of work.

(Construction Management)

- C2. During construction, all works must be in accordance with the approved CEMP.

(ActewAGL-Electricity Requirements)

- C3. Development is to comply with the conditions provided by ActewAGL-Electricity on 8 December 2015 in relation to this application (Attachment B).

D. POST CONSTRUCTION AND/OR DEMOLITION

(Certificate of Operational Acceptance)

- D1. A Certificate of Operational Acceptance on completion of the works is required from the Senior Manager, AA, TAMS, prior to the issue of a Certificate of Occupancy.

A Chartered Engineer / Landscape Architect must certify compliance with TAMS Reference No 08 '*Requirements for Works as Executed Quality Records Requirements*' when the request for Operational Acceptance is made to the Senior Manager, AA, TAMS on completion of all off-site works.

(Use of Timber)

- D2. Wood from trees that have been removed as part of the development is to be stored within Block 1470 for use in environmental restoration works. The stockpile locations are to be determined in consultation with the land managers and addressed in the CEMP.

(Bushfire Management)

- D3. A bushfire operation plan must be submitted to the Emergency Services Agency (ESA) for review prior to commencement of operations.

(Glare)

- D4. The proponent will be required to address glare related impacts to the satisfaction of Roads ACT, TAMS, the Civil Aviation Safety Authority, and any other applicable regulator, should it become an issue at any point in the future.

(Landscaping)

- D5. Newly planted trees must be monitored for survival and growth and be replaced when necessary.

E. ADVISORY NOTES

This application is approved with the following advisory notes. It is recommended that careful consideration be given to advisory notes prior to commencing work.

(Erosion and Sediment Control)

- E1. Management of sediment control ponds and dams must meet the following conditions:
- No discharge is permitted from the dam, and all stormwater must be pumped out and disposed of at an approved location.
 - No discharge is permitted from the pond unless the sediment level is less than 60mg/litre. If the sediment level is greater, then prior to discharge, the pond must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.

Note: All rainwater that enters the site and pools in excavations during a rainfall event would be considered as a sediment control pond.

(Technical Details)

- E2. The Utility Regulation Team in Access Canberra has requested further supporting technical reference regarding the following:
- Power Conversion blocks – known by the proponent as Inverter Substation: Primary reference for the item of electrical apparatus is AS 62271.202 – High Voltage switchgear and control gear Part 202: High Voltage / low voltage prefabricated substation
 - Switching Enclosure – known by the proponent as SM6: Primary Reference AS 3439/ - AS/NZS 61439 – Low Voltage switchgear and Control Gear
 - Electrical Substation – 132/11kV – known by the proponent as a PV System Substation: Primary Reference – AS 2067
 - 11kV Pad Mount Transformers – AS 2067 / AS62271.202 High Voltage switchgear and control gear
 - Lightning Protection: Primary Reference – AS/NZS 1768
 - Earth Bonding: Primary Reference – AS 2067 – Substation and High Voltage Installations exceeding 1kV a.c.

(Bushfire Management)**E3. Fire station response area**

The location of the proposed development outside the built up area indicates that ESA will not be able to maintain standard operational response times to the area and its surrounds.

E4. Emergency Management and Evacuation Plan

A bushfire emergency plan needs to be developed as part of the overall emergency plan for the facility, and maintained for the life of the development.

E5. Landscaping and tree planting:

- access to hydrants, other water supplies and services must not be impeded by trees or landscaping;
- tree species to be selected for low bark flammability characteristics; and
- future landscaping must not impede the progress of emergency service vehicles attending the facility. The minimum height clearance is 4.5 metres.

E6. Access

- The internal and perimeter roads of the development need to be designed to allow access for ACT Fire and Rescue's Compressed Air Foam System appliances.

E7. Construction requirements

- At building application stage, a BAL assessment will be required for all new buildings constructed on bushfire prone land and new buildings are to comply with AS 3959 – Construction of Buildings in Bushfire Prone Area. Existing buildings will require ember protection measures to be applied.

(Decommissioning)**E8. If a decision is made to decommission the site in the future the proponent must prepare and submit a plan of management for the works. The plan must be approved by all relevant entities prior to implementation.**

Refer to Appendix 1 for information about approvals that may be required for construction.

PART 2 REASONS FOR THE DECISION

Section 128 of the *Planning and Development Act 2007*

In deciding to approve the application with conditions, I firstly considered whether the proposal would be consistent with the provisions of section 128 of the Act.

From reading the assessment reports and other supportive and associated documentation, I am satisfied that the application, with the conditions of approval meets the relevant provisions of section 128 of the Act.

Section 129 of the *Planning and Development Act 2007*

In deciding to approve the application with conditions, I also considered each of the matters or issues set out in section 129 of the Act.

In relation to section 129(a), I have considered the objectives for the NUZ2 Rural Zone, noting that the development is proposed to take place in that zone.

In relation to section 129(b), I have considered the relevant codes for the development proposal, including the Non Urban Zones Development Code, the Tuggeranong District Precinct Map and Code and the Water Use and Catchment General Code.

In relation to section 129(c), I have considered the land where the development is proposed to take place to be suitable for a development of the kind proposed.

In relation to section 129(d), I have considered each representation received by the Authority. This is further reported on in Part 3 of my decision.

In relation to section 129(e), I have considered the entity advice received in accordance with section 149 of the Act. This is further reported on in Part 3 of my decision, and where necessary, I have dealt with entity advice as conditions of approval or advisory notes.

In relation to section 129(f), I note that the proposal is not relating to land that is public land.

In relation to section 129(g), I have considered the probable impact of the proposed development. In this regard I note that the submitted development application is consistent with the earlier application under section 211 of the Act. The potential impacts have already been assessed in the s211 application and have been considered again in the assessment of this application. I also note that the mitigation measures proposed in the s211 application have been either implemented during design stage or addressed in my decision.

In relation to section 129(h), I note that the offsets policy referred to in section 111E is not applicable to this proposal.

In relation to section 129(i), I note that an environmental impact statement exemption was granted for the proposal pursuant to section 211 on 30 July 2015.

In relation to section 129(j), I note that an enquiry was not required under Chapter 8 of the Act.

Key issues identified in the assessment

The key issues identified in the assessment are tree removal, bushfire management, land contamination and surrender of the Crown lease.

(Tree removal)

Information provided in support of the environmental impact statement (EIS) exemption granted for this proposal in July 2015 indicated the removal of 116 mature eucalypt trees within the footprint of the solar arrays. I note that in the development application, an additional 40 trees are proposed to be removed around the perimeter of the solar arrays to prevent overshadowing. Most of the trees to be impacted are Yellow Box trees.

I also note that public submissions raised concerns about the number of trees to be removed and that the number of trees to be removed has been increased at the DA stage. All trees to be removed have been assessed by a qualified consultant engaged by the proponent. The Conservator of Flora and Fauna did not raise any concerns about the additional trees to be removed and I am of the view that their removal is acceptable. The individual trees are not protected species in their own right. The trees do not form habitat for any known protected fauna species. The Conservator of Flora and Fauna found the trees to have minimal ecological value and determined that the felled trees could assist in enhancing habitat for some fauna species, both onsite and offsite.

During 2012 a larger solar farm proposal on the same site was referred to the Commonwealth under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The referral was subject to public consultation. The Commonwealth determined that the proposal was unlikely to have any significant impact on protected species and therefore did not require further environmental assessment and approval. The current proposal is smaller than the earlier proposal referred to the Commonwealth, and within the footprint of the referred proposal.

A small number of the trees proposed for removal could potentially be retained, possibly with some trimming. In response to public concerns, I have imposed conditions to make sure as many trees as possible can be retained and the felled trees kept for future environmental restoration works.

(Bushfire management)

The bushfire assessment report submitted by the proponent for the EIS exemption application and development application suggested an OAPZ is required for the proposed development. One of the proposed OAPZ management measures was to construct a 1.8 meter colorbond fence along the northern boundary of the block.

After considering entity advice from ESA on this development application, I concluded that an OAPZ, including the proposed colorbond fence, is not needed for the proposal. The Conservator of Flora and Fauna supports the removal of the proposed fence because the fence, if built, would cause barriers to movement of some wildlife.

I have imposed a condition requiring the removal of the OAPZ from relevant plans.

(Land contamination)

The site is known to contain a sheep dip associated with past pastoral activity. Phase 1 and Phase 2 environmental studies have been undertaken for the site.

Public submissions received for the first round of public notification commented that a decision on the DA should not be made until a Phase 2 environmental study had been completed. The phase 2 study was submitted and published for the second round of public notification for this proposal.

Public submissions received for the first round of public notification also commented that any contamination needed to be remediated. In the submission received for the second round of public notification similar comments were made, suggesting that further assessment and remediation should be undertaken on the site. I have included conditions in my decision requiring assessment and remediation of the site in accordance with the EPA's *Contaminated Sites Environment Protection Policy (November 2009)* and requiring review by an EPA auditor.

The conditions incorporated into my decision are consistent with advice received from the EPA and will address the potential land contamination issues raised in public submissions.

(Surrender of Crown lease)

The current rural Crown lease does not permit the proposed development. A condition has been included in my decision to require the surrender of the lease so that the land can be used in accordance with the Territory Plan.

With the conditions imposed, and after weighing the competing interests as to whether the application should be approved, especially those set out in my consideration of the representations received, I am satisfied that the environmental and other impacts that might arise from the development are adequately addressed by the conditions imposed. I am satisfied that any remaining probable impacts do not warrant refusal of the development.

EVIDENCE

Application No. 201528186

File No. 1-2015/17605

The Territory Plan zone – NUZ2 Rural, NUZ4 River Corridor, NUZ3 Hills, Ridges and Buffer

The Development Codes – Non Urban Zones Development Code

The Precinct Codes – Tuggeranong District Precinct Map and Code

Exemption from EIS Titled: OneSun Capital Solar Farm at Williamsdale accepted by the Minister on 30 July 2015.

Representations – Five

Entity advice – Territory and Municipal Services Directorate, Conservator of Flora and Fauna, Emergency Services Agency, Environment Protection Authority, ACT Heritage Council, ActewAGL- Gas, Electricity & Water, Airservices Australia, Canberra Airport, Civil Aviation Safety Authority, EPD Transporting Planning, EPD DA Leasing team, EPD Land and Infrastructure team, Utilities Regulation within Access Canberra, National Capital Authority, ACT Health Directorate, National Capital Authority

Current Crown Lease- Volume 1508:Folio 5

Assessment Report in relation to compliance with Territory Plan Code requirements

Assessment Report in relation to compliance with Legislated requirements

PART 3 PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the *Planning and Development Act 2007*, the application was publicly notified from 16 October 2015 to 9 November 2015. Three written representations were received during the public notification period.

Further information was received during the assessment and it was deemed necessary to publicly notify the application again due to public interest in the additional information. The second public notification period ran from 26 November 2015 to 16 December 2015 to allow additional documents to be notified including two documents omitted from the first round of public notification. Two additional written representations from persons who made representations at the first round of public notification were received during the second public notification period.

A total of five written representations have been received in relation to the proposed development. Key issues raised are as follows. (Comments are provided as appropriate.)

Tree removal

- (a) Concerns were raised in relation to the extent of tree loss and native vegetation removal due to this application.

Comment: The potential impacts of tree loss and native vegetation removal have been discussed in the EIS Exemption application and relevant conditions have been incorporated into this Notice of Decision to ensure the impacts are minimised and mitigated. In addition, the proposal sits within a larger site that was previously assessed for environmental impacts under the EPBC Act. The decision by the Commonwealth for that proposal was that it is not a controlled action.

- (b) Submissions suggested the solar farm should not be built, and if built should be moved to the north west in order to further reduce the number of trees that would need to be removed.

Comment: The Ecological Assessment Report prepared by BIOSIS identified that the Yellow Box Red Gum grassy woodland on the west of the development area is of higher quality and moving the facility would impact on the higher quality area.

- (c) In relation to tree removal, one submission suggested replanting of suitable endemic paddock trees should be at a significant multiple of the number removed.

Comment: Screening planting is proposed along Monaro Highway. The Conservator of Flora and Fauna was consulted on the adequacy of the proposed plantings and with consideration of the conditions imposed, screening is considered adequate.

- (d) Concerns were raised about the removal of an additional 40 trees compared to what was indicated in the EIS Exemption documents.

Comment: The removal of additional trees is supported due to the following reasons:

- All trees to be removed have been subject to ecological assessment.
- An EIS Exemption is not an approval process but rather a process to gather information to address potential impacts caused by a project.
- The removal of an additional 40 trees will not likely cause any significant impacts.

- The Conservator of Flora and Fauna did not raise any concerns about the additional tree removal, as the number of trees to be removed is still less than the previous application for a solar farm on this site, which proposed removal of more than 200 trees.
- A condition has been incorporated into the Notice of Decision to ensure all reasonable measures are taken to minimise tree loss.
- The proponent has been requested to keep felled trees for future environmental restoration works.

Reflectivity

- (e) One submission mentioned that the Reflectivity Statement and Phase 2 Environmental Study were not provided.

Comment: These two documents were included in the second round of notification.

- (f) One submission suggested that the solar farm be located as far as possible from the Monaro Highway to limit driver distraction and glare from the solar panels.

Comment: The visual impacts of the proposal have been considered as part of the assessment of the application and the site inspection.

In relation to reflectivity and glare I note that:

- The application is supported by a visual impact assessment and information about glare related impacts.
- The proposed solar farm might be viewed by several residents around the area but the nearest residence is located about 300 meters from the proposal.
- The location of the solar farm was moved from 30 metres to 200 metres from the Monaro Highway.
- The application includes the provision of additional landscaping which will partially screen views of the site from nearby residents and travellers along Monaro Highway. The landscaping provided is intended to provide filtered views of the site rather than full screening.

I have formed the view that reflectivity and glare resulting from the proposal will not have a significant detrimental impact on the rural character or visual amenity of the area.

A condition has been incorporated in my decision requiring the proponent to address glare related impacts should it become an issue at any point in the future. Conditions have also been included in my decision to ensure only established seedlings are planted to achieve faster screening.

- (g) One submission suggested that road warning signs be erected on either side of the solar farm to alert fast-moving motorists to the solar farm.

Comment: The assessment of the proposal and comments from referral entities did not identify significant issues relevant to traffic movement or the need for additional warning signs. However, I have required the proponent to prepare a TTMP to manage traffic movement during construction.

Inconsistent documentation

- (h) One submission mentioned that inconsistent information was provided with regard to the footprint of the proposal.

Comment: Relevant documents have been revised by the proponent to confirm that the solar panel footprint will be 29ha and the revised documents were included in the second round of notification.

- (i) One submission made during the first round of public notification noted that a technical statement relating to solar panels and reflectivity was not provided.

Comment: A technical statement was published in the second round of notification.

Site management

- (j) It was suggested that to ensure ongoing pasture management and weed control, the existing use should be continued on site.

Comment: the proponent has confirmed that the rest of the site will continue to be used for grazing.

Environmental assessment

- (k) Concerns were raised that a full environmental impact assessment should be provided.

Comment: Under section 211 of the Act, a proponent can apply for an EIS exemption if environmental impacts of the development proposal have already been sufficiently addressed by a recent study, whether or not the recent study relates to the particular development proposal. This was considered to be the case for this proposal, and impacts have been considered in the s211 assessment report completed by the Authority which is publicly available.

Contamination

- (l) Concerns were raised about waste disposal, especially the removal of potential asbestos contaminated materials, and suggestions made that assessment and remediation of asbestos should occur before any DA is approved.

Comment: I have included conditions in my decision requiring further assessment and removal of contamination before construction commences. I consider that these measures are appropriate and the potential presence of asbestos can be addressed through conditions and is not a reason to refuse the application.

- (m) One submission made during the first round of public notification suggested that a decision on the DA should not be made until a Phase 2 environmental study has been completed and published.

Comment: A Phase 2 environmental study was completed and published in the second round of notification.

Road safety

- (n) One submission raised concerns about the safety of school children being dropped off adjacent to the solar farm's entry road.

Comment: I have required the proponent to prepare a TTMP prior to construction which will address traffic safety issues during construction. It is expected that the development, once operational, will not change existing traffic conditions significantly.

Community consultation

- (o) Concerns were raised in relation to a perceived lack of community consultation prior to and following the lodgement of the EIS Exemption application and the development application.

Comment: Requirements in relation to community consultation for development applications are set out in the Act. In deciding to approve this application, I note that:

- This development application was publicly notified twice.
- The proponent provided a community consultation report which summarised consultation undertaken prior to lodgement of the development application.

I also note that the Authority publicly notified the s211 EIS Exemption application pursuant to the relevant requirements of the Act. I furthermore noted that an earlier proposal for a larger solar farm on the site was also subject to public consultation under the Commonwealth EPBC Act during May 2012.

ENTITY ADVICE

Pursuant to Division 7.3.3 of the Act, the application was referred to entities and advice was received. As a result of additional information being received entities have commented on the proposal twice. The comments which are considered final responses are included below and a summary of earlier comments is provided as appropriate. A response to the advice is provided as appropriate.

CONSERVATOR OF FLORA AND FAUNA

On 20 October 2015 advice was received from the Conservator of Flora and Fauna in relation to the proposal. The advice states that:

Use of Timber

That wood from the trees to be removed as part of the development is to be stored within Block 1470 for use in environmental restoration works. The location is to be determined in consultation with the land managers and addressed in the CEMP. The wood is to be used for the following works and must be stored where it meets the following criteria.

Constructed Log Jam

- Approximately 30 key logs with the root ball intact. These logs are to be approximately 7.0m long, plus the root ball;
- Approx 24 cross spanners. No root ball, 0.4m diameter, min 8.0m long;
- Approx 10 revetment logs. No root ball, 0.4m diameter, min 8.0m long.

Woodlands restoration project: wood not shorter than 2.0m in length with a diameter of over 75mm.

Branches and wood not meeting these criteria can be chipped and used in landscaping.

Outer Asset Protection Zone

The OAPZ is not to impact on the Gigerline Nature Reserve. All trees with a diameter greater than 20cm within the OAPZ are to be retained. Any slashing is to avoid rocky areas and the mapped area of moderately modified endangered Box – Gum woodland.

On 24 November 2015 further advice was received from the Conservator of Flora and Fauna which states that the previous advice still applies.

Comment: The advice in relation to the OAPZ is not applicable as the ESA has confirmed that the OAPZ is not required for this proposal. The future use of timber from removed trees is a matter outside of the scope of this development application and can be determined at a later stage. The other matters raised have been incorporated as either conditions of approval or advice.

TERRITORY AND MUNICIPAL SERVICES DIRECTORATE

On 11 November 2015 advice was received from TAMS in relation to the proposal. The advice states that the application is supported with conditions in relation to design acceptance, operational acceptance, temporary traffic management, landscape management and protection plan, use of unleased territory land and notice of commencement of construction.

On 15 December 2015 further advice was received from TAMS which states that in addition to the comments provided on 11 November 2015, the following conditions need to be addressed by the proponent:

1) Tree species:

Eucalyptus bridgesiana can sometimes be problematic because it has very thick bark and can throw embers. The use of *E blakelyi*, *E melliodora* and *C cunninghamiana* are supported.

2) Shrubs:

The Acacia species can cause intensification of a bushfire because they act as ladders, lifting the flame height. Generally these are not acceptable in APZs. In this case given that the intention of the planting is to create a screen which requires a plant which will act as a ladder, the best compromise is to ensure that:

- trees, shrubs and tall grasses are not co-located to reduce the potential for a laddering affect;
- combined canopy cover of trees and shrubs >30%;
- the ground fuel to canopy gap of the trees is >3m;
- plantings are clumped (<15m long) and positioned so that there is >6m between them and existing vegetation to allow for mowing of the grass;
- there are no plantings of tall tussock grasses such as *Poa labillardieri* within 6m of trees or shrub plantings; and
- mounds, logs, rocks and other obstructions are removed to allow mowing.

3) *Kunzea ericoides* is the nearest thing to a bushfire pest plant in the ACT because it forms a heath structure which is prone to intense bushfires and it's use is not supported. The use of *Bursaria* is supported.

Comment: Matters raised have been incorporated as either conditions of approval or advice.

ENVIRONMENT PROTECTION AUTHORITY

On 30 November 2015 advice was received from the EPA in relation to the proposal. The advice states that the proposal is supported subject to some advice and the following conditions:

- All works must be carried out in accordance with *Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011*.
- As the site is greater than 0.3 hectares the construction is an activity listed in Schedule 1 as a Class B activity under the *Environment Protection Act 1997*. The contractor/builder proposing to develop the site must hold an Environmental Authorisation or enter into an Environment Protection Agreement with the EPA in respect of that activity prior to works commencement.
- A pollution control plan is to be endorsed by the EPA prior to works commencing.
- The site must be assessed and remediated, as required, by suitably qualified consultants

in accordance with EPA endorsed guidelines.

- An independent audit of the above assessment and remedial works must be undertaken by an EPA approved contaminated land auditor.
- The findings of the audit into the site's suitability for the proposed uses must be reviewed and endorsed by the EPA prior to the land being used for other purposes or the commencement of construction activities.

On 11 December 2015 the following additional advice was received from the EPA:

- All assessments (and remedial works) must be reviewed by an approved EPA environmental Auditor.
- The Auditor's site audit statement (SAS) and site audit report (SAR) of the site's suitability for the proposed uses must be reviewed and endorsed by the EPA prior to the land being used for other purposes or the commencement of construction activities.
- In accordance with the *ACT Environment Protection Authority Contaminated Sites Environment Protection Policy, 2009* a copy of the Auditor's draft SAS and SAR, along with any management plan if required, must be forwarded to Environmental Quality for review and comment prior to finalisation of the documents.
- The finalised SAS and SAR should then be forwarded to the EPA for review and endorsement.

Comment: Matters raised have been incorporated as either conditions of approval or advisory notes.

ActewAGL- ELECTRICITY DIVISION

On 30 October 2015 advice was received from ActewAGL-Electricity division in relation to the proposal. The advice states that the application has been assessed for compliance with ActewAGL's Electricity Network and conditionally complies with the Electricity Networks requirements.

On 8 December 2015 the same advice was received from the ActewAGL – Electricity.

Comment: Matters raised have been incorporated as conditions of approval. The statement of conditional compliance and stamped plans will be dispatched with my decision.

ActewAGL- WATER DIVISION (ICON WATER)

On 22 October 2015 advice was received from Icon Water which states that the application has been assessed by Icon Water and complies with their water and sewerage network access and asset protection requirements.

On 10 December 2015 the same advice was received from Icon Water.

Comment: No action is required in relation to this advice. The statement of compliance and stamped plans will be dispatched with my decision.

ActewAGL- GAS DIVISION (JEMENA)

On 27 October 2015 advice was received from Jemena which states that there are no gas networks assets within the vicinity of the development as such no approval is required.

The same advice was received on 15 December 2015 from Jemena.

Comment: No action is required in relation to this advice.

ACT HERITAGE COUNCIL

On 10 November 2015 advice was received from ACT Heritage Council in relation to the proposal. The advice states that the proposed development will have a detrimental impact upon the heritage values of the place, and the following actions are required prior to the commencement of works:

- The BIOSIS document *Williamsdale Solar Power Generating Facility Aboriginal Cultural Heritage Assessment* dated 29 June 2015 must be updated to comply with the *Heritage Act 2004* and reflect best practice.
- An excavation permit is required for further investigation.
- Following the further investigation, a separate statement of heritage effects (SHE) approved by the Council is required to fulfil obligations under the *Heritage Act 2004*.
- Following approval of the SHE by the Council, which may be approved with conditions, completion of all identified heritage assessment and management actions.
- Submission of a report on the completed SHE assessment and management actions, which may include installation of protective measures, collection of surface artefacts, archaeological test excavation, and artefact recording and analysis.

On 14 December 2015 further advice was received from ACT Heritage Council which states that some heritage requirements have been met since advice was issued on 10 November 2015. The Council does not object to the application subject to the following condition:

- Following completion of further investigation, a SHE must be prepared in consultation with RAOs and in accordance with Section 61G of the *Heritage Act 2004*; and Council approval sought prior to the commencement of works.

Comment: Matters raised have been incorporated as conditions of approval.

EMERGENCY SERVICES AGENCY (ESA)

On 28 October 2015 advice was received from ESA in relation to the proposal. The advice states that clarification is required for the following issues:

- APZ: specification of the dimension of the IAPZ, and management plan (BOP) for the APZ.
- Where an alternate solution for the APZ is proposed using a colourbond wall as a radiant heat shield, details of the separation and level of protection provided are required.
- A BAL assessment in accordance with AS3959 will be required where BAL construction measures are recommended. It is not considered possible (or necessary) to apply BAL construction measures to existing structures. Ember protection measures and appropriate APZ are required where existing buildings are to be retained.
- The location of the water supply will be required to be specified at the entrance of the facility.
- Hot work procedures during high fire danger periods to be addressed.
- Details of the remote monitoring, shutdown and isolation of the facility in the event of an emergency will be required.

On 14 December 2015 further advice was received from ESA which state that the proposal is supported subject to conditions in relation to asset protection zones, water supplies, bushfire operation plan, fire station response area, construction requirements, access, emergency management and evacuation plan and street furniture, landscaping and tree planting. The advice further states that:

Due to the resilient nature of the solar farm to radiant heat exposure an outer APZ is not considered necessary, and the 1.8m colorbond radiant heat shield identified on the plans is not an essential fire protection measure.

Comment: The proponent has been required to remove the OAPZ requirements from relevant plans. The other matters raised have been incorporated as either conditions of approval or advisory notes.

NATIONAL CAPITAL AUTHORITY (NCA)

A Development Control Plan (DCP) is applicable to this land. DCP 12/07 *Part Block 1470 and 1471 Tuggeranong Monaro Highway* is applicable to 200 meters buffer zone from the Monaro Highway. Since the proponent has moved the proposal 200 meters away from the Monaro Highway, the DCP is not applicable anymore, except for the proposed landscaping within the 200 meter buffer zone.

On 21 December 2015 advice was received from NCA in relation to the proposal. The advice states that:

The site is adjacent to the Monaro Highway, an Approach Route as defined by the National Capital Plan (the Plan). A Development Control Plan (DCP) is approved by the NCA for parts of the site within 200 m of the Monaro Highway centreline. The majority of the proposal lies outside of the area subject to the DCP.

It should be noted that the DCP requires that planting that enhances the rural landscape character consisting of native trees and shrubs. The NCA would support more planting between the proposal and the Monaro Highway. In particular to screen the proposed colorbond fencing.

The DCP prohibits colorbond fencing within the DCP Area and should not be permitted within 200 metres of the Monaro Highway centre line.

Comment: The advice in relation to the colorbond fencing is not applicable as the ESA has confirmed that the OAPZ is not required for this proposal. Should the proposed planting not be sufficient to address visual impact, the proponent will be required to address the issue, including planting more trees between the development site and the Monaro Highway.

ACT HEALTH DIRECTORATE

On 22 December 2015 advice was received from the ACT Health Directorate in relation to the proposal. The advice states that:

The proposed 40,000L water tank taps and outlets are clearly labelled as being provided by non potable water. It is noted that the pre-existing sanitary facilities are proposed to be utilised for on-site waste water disposal. However, the pre-existing septic system at the site was reportedly decommissioned in 2012. The applicant is advised that an application to use or alter an existing septic system must be submitted to the HPS, and approved prior to use of the system.

Comment: Matters raised have been incorporated as conditions of approval.

CIVIL AVIATION SAFETY AUTHORITY (CASA)

On 13 November 2015 advice was received from CASA in relation to the proposal. The advice states that the proposal is not below any flight paths to or from Canberra Airport and the Airport Operator does not object to the proposal subject to CASA and Airservices assessment.

Subject to Airservices advice to the contrary, CASA does not consider the proposal to be a hazard to aircraft navigation however to ensure that any potential impact (regardless of how minor) is minimised, CASA would recommend that:

- The solar panels be treated with an anti-reflective coating.
- Any approval granted by the planning authority should be conditional, requiring mitigation measures to be established by the proponent should it be determined by CASA that the solar panels (at any point in the future), present an aviation hazard.

Comment: Matters raised have been incorporated as either conditions of approval or advisory notes.

LAND AND INFRASTRUCTURE, EPD

On 29 October 2015 advice was received from the Land and Infrastructure team within EPD in relation to the proposal. The advice states that the team does not have any comment. The same comment was received on 26 November 2015.

Comment: No action is required in relation to this advice.

TRANSPORT PLANNING, EPD

On 3 November 2015 advice was received from the Transport Planning team within EPD in relation to the proposal. The advice states that the team does not have any comment. The same comment was received on 3 December 2015.

Comment: No action is required in relation to this advice.

DA LEASING, EPD

On 19 October 2015 advice was received from the DA Leasing team within EPD in relation to the proposal. The advice states that

The attached variation is not permissible under the current lease over Blocks 1470 & 1471 Tuggeranong. However, CMTEDD are in the process of surrendering the current lease and granting two new Executive leases over the Blocks which will permit any purpose permissible under the Territory Plan.

Given the above, the approval should include a condition that the Executive leases be registered prior to the approval taking effect.

On 15 December 2015 further advice was received which states:

The proposed development is inconsistent with the current Crown lease and Land Management Agreement. The lease restricts the use and prevents the removal of trees and requires Government owned assets to be maintained.

If the lease is not surrendered prior to approval, conditions must be included to require either the lease be surrendered or varied to permit the proposal.

Comment: A condition has been incorporated in my decision requiring that the current Crown lease is surrendered and that the surrender of the Crown lease is registered.

UTILITY REGULATION, ACCESS CANBERRA

On 18 December 2015 advice was received from the Utility Regulation team within Access Canberra in relation to the proposal. The advice states that further supporting technical reference is sought (from a high level perspective) regarding the following:

- Power Conversion blocks – known by the proponent as ‘Inverter Substation’:
Primary reference for the item of electrical apparatus is AS 62271.202 – High Voltage switchgear and control gear
Part 202: High Voltage / low voltage prefabricated substation
- Switching Enclosure – known by the proponent as SM6:
Primary Reference AS 3439/ - AS/NZS 61439 – Low Voltage switchgear and Control Gear
- Electrical Substation – 132/11kV – known by the proponent as a PV System Substation:
Primary Reference – AS 2067
- 11kV Pad Mount Transformers – AS 2067 / AS62271.202 High Voltage switchgear and control gear
- Lightning Protection: Primary Reference – AS/NZS 1768
- Earth Bonding: Primary Reference – AS 2067 – Substation and High Voltage Installations exceeding 1kV a.c.

Advice from the Utility Regulation team also raised concerns in relation to bushfire management, sediment control and the hydrology assessment report.

Comment: Matters raised through this advice are of a technical design and operational nature. However, an advisory note has been included in my decision to this effect, and a condition has also been included in my decision to require the proponent to consult with the Electrical Inspector in this regard prior to construction.

AIRSERVICES AUSTRALIA

On 25 November 2015 advice was received from Airservices Australia in relation to the proposal. The advice states that:

With respect to procedures designed by Airservices in accordance with ICAO PANS-OPS and Document 9905, at a maximum height of 10m (33ft) AGL, the solar farm will not affect any sector or circling altitude, nor any instrument approach or departure procedure at Canberra Airport. This proposal for a solar farm at the location provided in SITE-201528186-02.pdf will not adversely impact the performance of any Airservices Precision/Non-Precision Nav Aids, Anemometers, HF/VHF/UHF Comms, A-SMGCS, Radar, PRM, ADS-B, WAM or Satellite/Links.

On 2 December 2015 further advice was received from Airservices Australia which states that its advice remains the same and will have nil impacts to Airservices or aeronautical facilities.

Comment: No action is required in relation to this advice.

CANBERRA AIRPORT

On 6 November 2015 advice was received from the Canberra Airport in relation to the proposal. The advice states that the development application is supported subject to the following:

- consideration and acceptance of the proposal by CASA and ASA;
- the use of non-glare materials for all infrastructure comprising the facility;
- the use of non-glare materials, equipment and machinery during construction or during ongoing repair and maintenance or during life cycle replacement of all or part of the facility;

- written advice is provided to Canberra Airport of the date construction is to commence and the planned construction program to completion to ensure notification to aviation users of Canberra Airport; and
- written advice is provided to Canberra Airport regarding any amendments, minor or otherwise, to the application.

On 25 November 2015 further advice was received from the Canberra Airport which states that:

In making its decision, it would be helpful for the ACT Government to note the views of CASA, "Any approval granted by the planning authority should be conditional, requiring mitigation measures to be established by the proponent should it be determined by CASA that the solar panels (at any point in the future), present an aviation hazard."

Comment: Matters raised are largely similar to advice received from CASA, and where necessary have been incorporated as conditions.

PART 4

ADMINISTRATIVE INFORMATION

DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise this approval takes effect the day this notice of decision is given.

Pursuant to section 184 of the Act, this approval will expire if:

- the development or any stage of the development is not started within two years after the day the approval takes effect;
- the development is not finished two years after the day the development begins or such further time as agreed to by the Authority; or
- the development approval relates to land comprised in a lease that requires the development to be completed on a stated date – the date stated in the lease for completion of the development, or the approval is revoked under section 189 of the Act.

Conditional Approval

This approval will expire if, in accordance with Section 165(3)(d) of the Act, a condition has deferred the effect of the development approval **and** imposed a time frame during which another approval must be revoked, amended or given, and the time frame has expired.

Under section 184 of the Act, the applicant may apply to the planning and land authority to extend the prescribed period to finish the development, but such an application must be made within the original period specified for completion.

A development approval, to which section 184 of the Act applies, continues unless the approval ends under sections 184, 185, 186 or 187 of the Act.

INSPECTION OF THE APPLICATION AND DECISION

A copy of the application and the decision can be inspected between 8:30am and 4:30pm weekdays at the Environment and Planning Directorate Dickson Customer Service Centre at 16 Challis Street, Dickson, ACT.

RECONSIDERATION OF THE DECISION

As the decision was made by the Minister, there is no right under section 191 of the Act for the applicant to apply to the Authority for reconsideration of the decision.

REVIEW BY THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL (ACAT)

As the decision was made by the Minister, there is no right under section 407 of the Act for review of the decision by ACAT.

This Notice of decision has also been sent to all people who made representations in relation to the proposal.

APPENDIX 1

CONTACT DETAILS OF RELEVANT AGENCIES

Health Directorate - health protection	Website: www.health.act.gov.au Telephone: (02) 6205 1700
Environment and Planning Directorate <i>Planning and land authority</i> <ul style="list-style-type: none"> - list of certifiers for building approval - demolition information - asbestos information <i>Environment Protection Authority</i> <ul style="list-style-type: none"> - environment protection - water resources - asbestos information <i>Conservation, Planning and Research</i> <ul style="list-style-type: none"> - threatened species/wildlife management 	Website: www.actpla.act.gov.au Telephone: (02) 6207 1923 Website: www.environment.act.gov.au Telephone: (02) 6207 6251 Website: www.environment.act.gov.au Telephone: (02) 6207 1911
Territory and Municipal Services Directorate <ul style="list-style-type: none"> - tree damaging activity approval - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets 	Website: www.tams.act.gov.au Telephone: 132 281 Telephone for asset acceptance: (02) 6207 7480
Utilities <ul style="list-style-type: none"> - Telstra (networks) - TransACT (networks) - ActewAGL - Electricity reticulation 	Telephone: (02) 8576 9799 Telephone: (02) 6229 8000 Telephone: 1100 Telephone: (02) 6293 5738

ADVICE TO APPLICANT

SUBMISSION OF REVISED DRAWINGS AND DOCUMENTATION

If a condition of approval requires the applicant to lodge revised drawings and/or documentation with the planning and land authority for approval under section 165 of the *Planning and Development Act 2007* the submission shall be made by:

- Completing an application for s165 Satisfying Conditions of Approval and submitting the documentation online using edevelopment. More information on edevelopment can be found at http://www.actpla.act.gov.au/tools_resources/e-services/edevelopment

For further information regarding the lodgement of this information please contact Customer Service Centre by Phone: (02) 6207 1923, Email: esddcustomerservices@act.gov.au or on the planning and land authority website at www.actpla.act.gov.au.

FURTHER APPROVALS FOR CONSTRUCTION

The Notice of Decision grants development approval, but does not cover building approval or approvals which may be required during construction, which commonly include the following.

BUILDING APPROVAL

Most building work requires building approval to ensure it complies with building laws such as the Building Code of Australia. If this applies to this proposal, the lessee should engage a private building certifier to assess and approve the building plans before construction begins. A list of licensed certifiers and information about building approval is available from the planning and land authority's website and Customer Service Centres.

PERMITTED VARIATIONS TO APPROVED DEVELOPMENT

Under section 35 of the Planning and Development Regulation 2008 the development as built may vary from the approved development in accordance with section 35 and the permitted construction tolerances and other permitted variations identified in Schedule 1A of that regulation.

Note 1 The development may still need building approval, or further building approval, under the *Building Act 2004*

Note 2 The development must also comply with the lease for the land on which it is carried out.

"TREE DAMAGING ACTIVITY" APPROVAL

A Tree Management Plan under the *Tree Protection Act 2005* is required for approval where it is proposed to undertake groundwork within the tree protection zone of a protected tree or likely to cause damage to, or remove, any trees defined as protected trees by that Act. More information is available from the Territory and Municipal Services Directorate.

USE OF VERGES OR OTHER UNLEASED TERRITORY LAND

In accordance with the *Public Unleased Land Act of 2013*, road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. Approval can be obtained from the Territory and Municipal Services Directorate.

WORKS ON UNLEASED TERRITORY LAND – DESIGN AND OPERATIONAL ACCEPTANCE

In accordance with the *Public Unleased Land Act of 2013*, no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval must be obtained from the Manager Asset Acceptance, Asset Services Group, TAMS by way of:

1. a certificate of design acceptance prior to the commencement of any work and
2. a certificate of operational acceptance on completion of all works to be handed over to TAMS

Works on unleased Territory land may include the construction or upgrading of driveway verge crossings, public footpaths, roads, street lighting, stormwater works, waste collection amenities, street signs and line marking, road furniture and landscaping.

A certificate of compliance under s296 of the *Planning and Development Act 2007* may not be issued unless a certificate of design acceptance **AND** a certificate of operational acceptance has both been obtained from TAMS.

CONSTRUCTION REQUIREMENTS

The following information are some key requirements that apply to building work in the Territory. Other requirements may apply to this development.

DEMOLITION AND ASBESTOS MANAGEMENT

Demolition and asbestos management must be undertaken in accordance with the *Building Act 2004* (including the Building Code of Australia) and the *Dangerous Substances Act 2004*. Information about demolition and asbestos management is available from the planning and land authority's web site and Customer Service Centres.

ENVIRONMENT PROTECTION

All building work must be undertaken in accordance with the *Environment Protection Act 1997*, particularly but not exclusively in relation to noise and pollution control. More information is available from the Environment Protection Authority.

REPAIR OF DAMAGE TO PUBLIC ASSETS

The applicant/lessee is held responsible for all damage to ACT Government assets (including footpaths) caused by the development and they must properly repair any damage to those assets. Before work commences, they should notify the Territory and Municipal Services Directorate of any existing damage to public facilities.

UTILITY ASSETS RETENTION

The lessee should obtain a plant location advice from ActewAGL to avoid conflict with existing plant or electrical easements. The lessee will be responsible for the costs associated with the relocation of assets, if necessary. The lessee is to ensure that the water service and water meter are retained in position and in good condition. ActewAGL water meters are accountable items and must not be removed from the site or otherwise disposed of.

WATER RESTRICTIONS AND FILLING OF NEW POOLS, PONDS AND FOUNTAINS

Water restrictions or permanent water conservation measures may be in force in the ACT and may prohibit or affect the filling of new pools, ponds and fountains using potable (tap) water drawn from ACTEW Corporation Limited's potable water supply system. Applicants wishing to use water drawn from the potable water supply system to fill a new pool, pond or fountain are advised to first contact ACTEW's Water conservation office on (02) 62483131. Where water restrictions or permanent water conservation measures would otherwise prevent or affect the filling of a new pool, pond or fountain, it might be possible to obtain an exemption to fill the pool, pond or fountain using potable water.

DRAINAGE

The Building Code of Australia contains provisions affecting surface drainage and the height of finished floor levels. These may apply to this proposal.

BUSHFIRE MITIGATION MEASURES

This residential dwelling is located in an area where a bushfire risk assessment has identified that mitigation measures are required to reduce the impact of bushfires. The mitigation measures in this approval are to be maintained for the life of the residence. Special care needs to be exercised by the lessee to ensure that any future building works and modifications to the dwelling and additional landscaping does not compromise the mitigation measures imposed.

TRANSLATION AND INTERPRETER SERVICES

The ACT Government's translation and interpreter service runs 24 hours a day, every day of the week. Telephone 131 450.

ENGLISH	If you need interpreting help, telephone:
ARABIC	إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, ċempel:
PERSIAN	اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodioca telefoniрајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

TRANSLATING AND INTERPRETING SERVICE

131 450

Canberra and District - 24 hours a day, seven days a week



ACT Heritage Council

HERITAGE ADVICE

Under Part 10 of the *Heritage Act 2004*

ACTPLA Reference: DA201528186-S141
 Heritage Reference: Advice-Tuggeranong-RB1470 & 1471
 Contact Officer: Meaghan Russell
 Received by Council: 24 November 2015
 Due date: 15 December 2015

TO: ACT planning and land authority
 Environment and Planning Directorate
EPDCustomerServices@act.gov.au

Block:	Division / District:	Heritage Places:
1470	Tuggeranong	W7, W8, W9, W10, W14, W15, W16, PAD1

Status of Place: Recorded Aboriginal Places: W7, W8, W9, W10, W14, W15, W16, PAD1

Description of Works: OneSun Capital 10MW Solar Farm, Williamsdale

Council Advice provided by: Secretary / Unit Manager

Pursuant to s.148 (1) of the *Planning and Development Act 2007* and s.60 of the *Heritage Act 2004*, the ACT Heritage Council advises that:

- ☒ The proposed development **will have a detrimental impact** upon the heritage values of the place, and the heritage assessment and management actions described below are required prior to the commencement of works.

Notes:

On 24 November 2015, the ACT Heritage Council (the Council) received a referral from the ACT planning and land authority, which provided further information on a Development Application for the proposed OneSun Capital 10MW Solar Farm, Williamsdale (DA201528186). Further information included detailed plans of landscaping, and detailed plans of facilities such as site fences, inverters, transformers and switchboards.

The Council previously provided advice on DA201528186 on 10 November 2015, identifying that the Project will have a detrimental impact upon the heritage values of the place, and identifying the following heritage assessment and management requirements:

- The “*Williamsdale Solar Power Generating Facility Aboriginal Cultural Heritage Assessment (CHA)*” (Biosis, 29 June 2015) must be updated and resubmitted for Council endorsement;
- As the draft CHA recommends further investigation (archaeological subsurface testing), an Excavation Permit application must be submitted and approved by the Council before archaeological testing of PAD1; and
- Following completion of further investigation, a ‘Statement of Heritage Effect’ (SHE) must be prepared in consultation with RAOs and in accordance with Section 61G of

the *Heritage Act 2004*; and Council approval sought prior to the commencement of works.

The Council notes that since advice was issued on 10 November 2015, the following heritage requirements have been met:

- The Project CHA was updated and resubmitted for Council endorsement on 30 November 2015, with Council endorsement subject to conditions provided on 2 December 2015; and
- The PAD1 Excavation Permit application was submitted on 16 November 2015, and approved subject to conditions by the Council on 2 December 2015.

Following review of further information provided, the Council does not object to DA201528186 subject to the following condition:

- Following completion of further investigation, a 'Statement of Heritage Effect' (SHE) must be prepared in consultation with RAOs and in accordance with Section 61G of the *Heritage Act 2004*; and Council approval sought prior to the commencement of works.



Fiona Moore
**Secretary (as delegate for),
ACT Heritage Council**

14 December 2015



Electricity Networks

STATEMENT OF

CONDITIONAL COMPLIANCE

Application No: 151831 **Suburb:** Tuggeranong District **Block/Section** 1470 / 0

Applcn Type: Public works/Services/New Construction Inclusions : with Car Park,
with Landscaping, with Substation, with Water Tank

Addtnl Block/Sect 1471/0

Attached Plans

ELEV-201528186-S141A-INVERTER STAND-01#8.pdf
 ELEV-201528186-S141A-SECURITY FENCE-01#8.pdf
 ELEV-201528186-S141A-TYPICAL PIER-01#8.pdf
 ELEV-201528186-S141A-WATER TANK-01#8.pdf
 PLAN-201528186-S141A-GENERAL LAYOUT-01#8.pdf
 PLAN-201528186-S141A-SUB LEASE BOUNDARY-01#8.pdf
 SITE-201528186-S141A-SUBSTATION-01#8.pdf

**This application is approved subject to compliance
with the following conditions:**

Conditions

Development is to comply with minimum 1.5m clear access to assets within block.
 Development is to comply with minimum clearances to overhead conductors and poles. Ref ActewAGL Drawing 3811-004
 Development is to comply with minimum separation requirements to underground assets. Ref ActewAGL Drawing 3832-018
 Installation of electrical conduits (on or off block) will be the responsibility of the proponent.
 Proponent is required to submit the Request for "Preliminary Network Advice" form to enworks@actewagl.com.au (available on ActewAGL website) prior to commencement of any development activity to negotiate the connection of new and/or relocation of existing electricity assets.
 The location of the proposed or existing Point of Entry/ Meter Box is to comply with ActewAGL's Service and Installation rules.

Please Note

- WARNING ActewAGL underground cables may be in or adjacent to this block. It is your responsibility to ascertain the location of such assets.
- Development and Building Applications will need to include any proposed ActewAGL works
- If ActewAGL approval conditions are not met, a breach of the law may result.
- Separate applications are required for water & sewerage, and communication network services.
- Construction of unapproved works may result in action being taken to require the property owner to remove non-compliant structures and/or the property owner to fund rectification works on ActewAGL's electricity network.
- Any attached reticulation or servicing plan is preliminary only. Contact ActewAGL for final plans prior to the commencement of any construction activity.
- A failure of this application to show accurately located electricity assets may result in damage and costs for which the proponent will be liable. Damage to network assets must be reported to ActewAGL.

Comments:

Signed Kedar Vedanti

Date 08 Dec 2015