

Planning and Development (Approval of Application – 201732500 ACT Second Electricity Supply Project) Notice 2018

Notifiable instrument NI2018–644

made under the

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

1 Name of instrument

This instrument is the *Planning and Development (Approval of Application – 201732500 ACT Second Electricity Supply Project) Notice 2018*.

2 Impact track development approval

On 8 October 2018, pursuant to section 162 of the *Planning and Development Act 2007* (the **Act**), the Minister for Planning and Land Management approved, subject to conditions, in the impact track, development application 201732500, for the ACT Second Electricity Supply Project near Stockdill Drive, Belconnen.

The decision for development application 201732500 is in the schedule.

Note 1 Development application 201732500 was assessed as a concurrent development application with DA201732485 and EIS201700005 (concurrent document) under s 147AA of the Act.

Note 2 Under section 162(2) of the Act, the development application was approved after the concurrent process had been completed. The EIS was deemed complete on 17 October 2018 by the Minister for Planning and Land Management (see NI2018-603).

3 Dictionary

concurrent development application see section 147AA(1) of the Act

concurrent document see section 147AA(1) of the Act.

Ben Ponton
Chief Planning Executive
19 November 2018



Mick Gentleman MLA

Minister for the Environment and Heritage
 Minister for Planning and Land Management
 Minister for Police and Emergency Services
 Minister assisting the Chief Minister on
 Advanced Technology and Space Industries
 Manager of Government Business

Member for Brindabella

Notice of Decision

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

Impact Track

DA NO: 201732500	DATE LODGED: 22 February 2018	
DATE OF DECISION:	08 November 2018	
BLOCK: 1560 (various blocks)	SECTION: 0	SUBURB: BELCONNEN
STREET NO AND NAME: Stockdill Drive Belconnen		
APPLICANT: WSP		
LESSEES: Elvin Global Pty Ltd Graeme and Glenis Trevaskis Transgrid Woodhaven Investments Pty Ltd	UNLEASED: Parks and Conservation Service Transport Canberra and City Services Suburban Land Agency	

THE DECISION

This application was lodged in the impact track. The impact track is the applicable assessment track for this application under s 123 of the *Planning and Development Act 2007* (the Act). The application has been assessed against the provisions relevant to impact track applications.

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

- the decommissioning of existing electricity lines and towers
- the construction of a 330/132kV substation on Stockdill Drive with boundary fence
- the construction of 330kV electricity lines to connect the Stockdill Drive substation to the existing Canberra substation (Block 1559 Belconnen)
- the construction of 330kV electricity lines diverting the existing lines to the Stockdill Drive substation and
- associated landscaping and other site works

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

ACT Legislative Assembly

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MickGentleman



This decision is subject to the conditions of approval at **PART 1** being satisfied. Approved plans will not be dispatched until the necessary conditions are satisfied.

PART 2 sets out the Reasons for the Decision.

PART 3 is Public Notification and Entity Advice.

PART 4 contains administrative information relating to the decision.

DELEGATE



Mick Gentleman MLA
Minister for Planning and Land Management
8th November 2018

CONTACT OFFICER

Dominic Riches
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PART 1**CONDITIONS OF APPROVAL**

This application is approved subject to the following conditions. Some conditions of approval require attention before the approved drawings will be released by the Authority, others before work commences or before the completion of building work.

A. ADMINISTRATIVE / PROCESS CONDITIONS**Design and Siting**

- A1. Within 28 days from the date of this decision, or within such further time as may be approved in writing by the planning and land authority, the applicant must lodge with the planning and land authority for approval:
- a. revised drawings, based on the relevant drawings submitted as part of the application, showing:
 - i. electricity lines and towers to be decommissioned
 - ii. setbacks from the proposed towers, identified on the site plan as STR 5A, STR 6A and STR 7A, to residential block boundaries
 - iii. planting, in proximity of the residential estates, identified in mitigation measures in the Addendum to the Environmental Impact Statement (EIS)
 - iv. details of the boundary fence for the substation.

B. PRIOR TO CONSTRUCTION AND/OR DEMOLITION**Construction Environmental Management Plan**

- B1. The proponent must prepare a Construction Environmental Management Plan (CEMP) and obtain endorsement for the CEMP from the planning and land authority. The CEMP must include the commitments made in part D of the EIS and should be incorporated, as a minimum, into the following sub-management plans:
- a) Biodiversity and rehabilitation management plan (including site maps)
 - b) Weed management plan
 - c) Tree management and revegetation plan
 - d) Construction traffic management plan
 - e) Construction noise and vibration management plan
 - f) Heritage management plan
 - g) Soil, water and contaminated land management plan
 - h) Construction air quality management plan
 - i) Waste and recycling management plan
 - j) Construction emergency response plan
 - k) Hazardous materials management plan
 - l) Emergency management plan.

NOTE: The CEMP may contain plans and management strategies listed elsewhere within the conditions of approval. Where these plans can be integrated into the CEMP, it must be clearly identified to which condition of approval the plan or management strategy applies.

Heritage

- B2. Prior to the commencement of works:
- a) Protective fencing is to be installed around Aboriginal places recorded as 'RC 1', 'RD 3', 'SD RA 1', 'SD RA2' and 'SD RA3'; following demarcation of heritage boundaries by a qualified archaeologist and Representative Aboriginal Organisations (RAOs); and
 - b) Written notification of fence installation is to be provided to ACT Heritage.
- B3. The CEMP must identify the above Aboriginal places and management controls for their protection; and must also include the Unanticipated Discovery Protocols described in Navin Officer Heritage Consultants (June 2018).
- B4. All project personnel are to be made aware of CEMP heritage content through the induction process.

Conservation management

- B5. Prior to commencement of construction, the proponent must submit as part of the CEMP:
- a) a Rehabilitation Plan for the restoration of the Pink-tailed Worm-lizard habitat to be prepared to the satisfaction of the Parks and Conservation Service
 - b) A weed management plan that also contains an ongoing commitment to the control of African Love Grass within the proposed substation location, including the retained and restored Pink-tailed Worm-lizard habitat
 - c) A Tree Management Plan that clearly shows the trees that are to be removed and which trees are hollow bearing
 - d) A Management Plan detailing the recovery and re-use of the hollows.

Environment Protection Authority (EPA)

- B6. Prior to works commencing, the contractor/builder must hold an Environmental Authorisation or enter into an Environment Protection Agreement with the EPA in respect of the works.
- B7. Prior to works commencing, an erosion and sediment control plan must be submitted to, and be endorsed by, the EPA.
- B8. A site-specific unexpected finds protocol (UFP) must be prepared by a suitably qualified environmental consultant and implemented during site development works. The UFP must include, amongst other things, appropriate procedures for the identification, assessment, management, validation and disposal of potential contamination at the site and contractor induction procedures into the use of the UFP.
- B9. Prior to the commencement of works, a hard copy of the Preliminary Site Investigation submitted with this DA must be submitted to, and formally endorsed by, the EPA. A digital copy must be submitted to the following email ContaminatedSites@act.gov.au and a signed and bound hard copy must be submitted to the following address:

Mrs Narelle Sargent
Environment Protection Authority
GPO Box 158
Canberra ACT 2601

Transport Canberra and City Services (TCCS)

- B10. Prior to construction, a Letter of Design Review must be obtained for all off-site works from the Senior Manager, Development Review and Coordination, TCCS.
- B11. Prior to construction, a Temporary Traffic Management Plan (TTMP) must be prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety, Roads ACT, TCCS.
- B12. Prior to construction, a landscape management and protection plan (LMPP) must be approved by the Senior Manager, Development Review and Coordination, TCCS.
- B13. A minimum of one week prior to construction, a Notice of Commencement for the Works in Unleased Territory Land must be submitted to the Senior Manager, Development Review and Coordination, TCCS. The Notice must include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of the TTMP.

Consultation with landowners

- B14. Landowners must be consulted regarding the schedule of works prior to the commencement of works at their property and ongoing through the construction program. Seven days' notice should be provided before commencement at new work areas to allow landowners to plan any stock movements or other activities on their land which may conflict with the construction works.

C. DURING CONSTRUCTION AND/OR DEMOLITION

The following conditions are required to be implemented and maintained for the duration of any work on the site.

Construction Environmental Management Plan (CEMP)

- C1. All workers must be inducted to the CEMP (including maps and any sub-management plans), site environmental conditions and sensitivities identified in the Revised EIS, and receive training as appropriate. All workers must be advised of any changes to work scope, environmental site conditions or management plans.
- C2. All works must be in accordance with the endorsed CEMP and sub-plans.

Heritage

- C3. In the event that additional Aboriginal places and objects are encountered during construction works, the Unanticipated Discovery Protocols described in Navin Officer Heritage Consultants (June 2018) are to be implemented.
- C4. Following completion of works, protective fencing is to be removed and written notification of this is to be provided to ACT Heritage.

Conservation management

- C5. All vehicles, machinery and equipment must be washed down prior to entering the site to reduce the risk of weed spread.
- C6. Any Red Gum hollow bearing tree located within the proposed asset protection zone for the substation must be retained, unless identified for removal in the Tree management and revegetation plan in the approved CEMP.

Environment Protection Authority (EPA)

- C7. Construction and development works must be carried out in accordance with *Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011*.

Transport Canberra and City Services (TCCS)

- C8. During construction, the site and surrounds must be managed in accordance with the approved Temporary Traffic Management Plan (TTMP).
- C9. During construction, all works must be in accordance with the approved landscape management and protection plan (LMPP).

Consultation with landowners

- C10. All efforts must be made to minimise temporary impacts to the respective landowners and affected land must be rehabilitated (where applicable) at the completion of construction activities progressively along the route.

Community Information, Consultation and Involvement

- C11. All complaints received during the activity must be recorded within a complaints register. Any environmental incidents must be registered in TransGrid's Asset and Risk Management System and managed in accordance with TransGrid and Evoenergy's relevant procedures. The register of complaints must be made available for inspection by the planning and land authority on request.

Auditing and compliance

- C12. A suitably qualified, independent environmental inspector must be appointed by TransGrid and Evoenergy to regularly audit the work activities to ensure that all mitigation measures are being effectively applied and that the work is being carried out in compliance with all environmental approvals and legislative requirements. Anytime during construction, the proponent must make audit reports available to the planning and land authority on request.
- C13. All incidents and near misses must be reported to TransGrid/Evoenergy (as relevant to the scope of works). All pollution incidents that threaten or harm the environment must be reported immediately to the EPA, and TransGrid/Evoenergy, in accordance with the *Environment Protection Act 1997*.

Lighting

- C14. External lighting must be in accordance with Australian Standard *AS1158.3.1 – Pedestrian Lighting* and *AS4285 – Control of the Obtrusive Effects of Outdoor Lighting*.

D. POST CONSTRUCTION AND/OR DEMOLITION**Operational Acceptance – Transport Canberra and City Services (TCCS)**

- D1. Upon completion of all works on or within proximity of unleased land, a Certificate of Operational Acceptance must be obtained from the Senior Manager, Development Review and Coordination, TCCS.

Operational phase

- D2. The proponent must prepare an Operating Phase Environment and Sustainability Plan prior to operation of the proposal. The Operational Environmental Management Plan must include the commitments made in the EIS, such as commitments to amend existing TransGrid/Evoenergy operational management procedures, the inclusion of updated environmental maps and other environmental management plans. The plan must also detail adequate procedures to maintain/replace planting intended for visual mitigation through the life of the project.

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.

Health Protection Service (HPS) – ACT Health

- E1. The design and construction of all water bodies must minimise the potential to become a local mosquito nuisance.

Emergency Services Agency (ESA)

- E2. All relevant matters raised in the advice from ESA should be addressed accordingly (see Entity Advice section below).

Environment Protection Authority (EPA)

- E3. Noise from equipment which may be installed or used at the site, including air conditioning units, must comply with the noise standard at the block boundary at all times as per the *Environment Protection Regulation 2005*. Please consider the type and location of noise generating equipment prior to installation. Assurance should be sought from the supplier/installer of the equipment that it complies with the Noise Zone Standard as per the *Environment Protection Regulation 2005*.
- E4. All rain water that enters the site and pools in excavations during a rain storm event will be considered as a sediment control pond, and must meet the following requirement:
- a) No discharge from a pond unless the sediment level is less than 60mg/litre. If sediment level is greater than this amount, 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.

Icon Water

- E5. All relevant matters raised in the advice from Icon Water must be addressed accordingly (see Entity Advice section below).

Unleased public land – Transport Canberra and City Services (TCCS)

- E6. In accordance with the *Public Unleased Land Act 2013*, road verges and other unleased Territory land must not be used for carrying out 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, TCCS.
- E7. The applicant/lessee are held responsible for all damage to ACT Government assets (including footpaths) caused by the development and must properly repair any damage to those assets. Before work commences, the applicant/lessee should notify TCCS of any existing damage to public facilities.

Refer to Appendix 1 below for information about other approvals that may be required for construction and/or demolition.

PART 2**REASONS FOR THE DECISION**

An Environmental Impact Statement (EIS) was submitted by the proponent, through a concurrent application process, to address impacts in relation to the proposed development (EIS-201700005). The EIS was considered by the Authority, who concluded that the EIS has provided sufficient information for the ACT Government and the community to allow for an informed evaluation of potential environmental impacts relating to the proposal. The EIS identified a range of avoidance, mitigation and management measures to reduce potential environmental impacts arising from construction and operational activities. Consequently, the Authority prepared an EIS Assessment Report to me and the EIS was deemed to be complete. All mitigation measures identified in the EIS Assessment Report have been incorporated into this decision.

In deciding the development application, I have considered the zone objectives in conjunction with other requirements of the Territory Plan, such as the relevant codes and Strategic Directions, to achieve a balanced approach in assessing economic, social and environmental impacts. This approach was undertaken where there were inconsistencies with Territory Plan requirements to ensure a holistic and sustainable outcome for the proposal with the least overall impact. After weighing the issues and impacts raised by the development, especially those set out in my consideration of representations, I am satisfied that the social, environmental and other impacts that may 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 application in the Impact Track.

EVIDENCE

Application No. 201732500

File No. 1-2017/23367

The Territory Plan zones (FUA) – RZ1 Suburban Zone, RZ3 Urban Residential Zone, CZ5 Mixed Use Zone and CFZ Community Facility Zone

The Territory Plan zones – PRZ1 Urban Open Space Zone, PRZ2 Restricted Access Recreation Zone, NUZ1 Broadacre Zone and NUZ3 Hills, Ridges and Buffer zone

The Development Codes – Residential Zones Development Code, Commercial Zones Development Code, Community Facility Zone Development Code, Parks and Recreation Zone Development Code and Non-Urban Zone Development Code

The Precinct Codes – West Belconnen Concept Plan (Precinct Code as per s 93 of the Act) and Belconnen District Precinct Map and Code

EIS-201700005 Titled: ACT Second Electricity Supply Project accepted by the Minister on 17 October 2018

Current Crown Leases

Representations

Mandatory entity advice – Health, Heritage, Conservator, EPA, ESA, Evoenergy, Icon Water, SLA and TCCS

Non-mandatory entity advice – Various internal agencies (EPSDD)

Other – Site inspection (30/08/2018)

PART 3

PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 5 March 2018 to 26 April 2018. Two written representations were received during public notification.

The main issues raised were as follows. Comments are provided as appropriate.

(a) Visual impacts to adjacent residential estates and reduction in amenity

A visual impact assessment was undertaken as part of the Environmental Impact Statement (EIS) process. During the EIS process, the effect on Woodhaven (Ginninderra) residential estate and particularly on future residents were considered along with potential overshadowing from the towers; potential views from the residential dwellings (backing onto the 'easement/reservation') both from their private open space and from within the dwellings; and mitigation and treatment options.

Further information was requested by the Authority, under s 224 of the Act, in relation to the visual impact on neighbouring residential estates. The proponent prepared an addendum to the EIS that provided assessment from additional viewpoints adjacent to the estates and also provided additional mitigation measures. The further information was considered in relation to the overall impacts of the proposal. Residual visual impacts are considered unavoidable due to the nature of the development and the absence of a buffer area between the new residential estate and the established electrical easement. The mitigation measures proposed within the easement, including vegetation screening, were determined to reduce the impact to an adequate level.

The mitigation measures identified during the EIS process have been incorporated as conditions of approval.

(b) Impact on Little Eagle

During the EIS process, consideration was given to the known nesting sites of the Little Eagle including impacts on flight paths. It was noted that recent tracking of the Little Eagle has shown flight paths through the area of the proposed substation site and transmission lines. A Little Eagle nest has been recorded near Strathnairn and is within 2 km of the proposed transmission lines. It was identified that approximately 26 ha of foraging habitat is likely to be impacted by the proposal and the proposed lines increase the risk of electrocution due to birdstrike on powerlines.

Mitigation measures were imposed as part of the EIS to significantly reduce the impacts on the Little Eagle including line-marking techniques on the new lines, such as aerial marker spheres, spirals and suspended devices (swinging, flapping, or fixed), to delineate the new lines and avoidance measures relating to the removal of foraging habitat. The loss of this habitat is considered to represent only a small proportion of the available habitat in the region. The measures were determined to adequately reduce the impacts on the Little Eagle.

In addition, the application was referred to the Conservator of Flora and Fauna who required conditions relating to the improvement of foraging habitat within this area. The mitigation measures outlined in the EIS and conditions proposed by the Conservator have been incorporated into this decision.

(c) Fire hazard area around substation

A bushfire risk assessment (BRA) was submitted as part of the EIS process that identified fire risks during construction and operation. The BRA was based on ACT bushfire policies and related Australian Standards which outline the risks associated with the topography and vegetation types of the area and also requires asset protection and bushfire attack level (BAL) ratings for developments.

The BRA considered risks associated with the project including the local topography around the substations and surrounding fuel sources. Mitigation measures were recommended in the BRA for the proposed substation and are incorporated into the conditions of approval.

In addition, the application was referred to the Emergency Services Agency who did not raise any major issues (see Entity Advice below).

(d) Impact of the magnetic field from the 330kV lines on residents

The impact of electric and magnetic fields were considered during the EIS process. The EIS investigated the potential fields produced by the proposal against Commonwealth Government and international guidelines. These guidelines set out measurable values and acceptable limits for electrical infrastructure. Both the proposed substation on Stockdill Drive and the proposed transmission lines are demonstrated to come well under acceptable levels.

The EIS concluded that the operation of the Project is not expected to increase the electrical and magnetic field conditions on surrounding properties and is likely to be a low impact to the surrounding residents.

(e) Impact on listed threatened species

The impact of the proposal on ACT protected species and ecological communities were a consideration throughout the concurrent application process. The EIS identified a number of ACT/Commonwealth protected species and ecological communities that may be impacted by the proposal including:

- Regent Honeyeater
- Superb Parrot
- Swift Parrot
- Golden Sun Moth
- Pink-tailed worm-lizard
- Little Eagle
- Scarlet Robin
- Yellow Box/Red Gum Grassy Woodland
- Natural Temperate Grassland.

These species were identified as the project has the potential for removing vegetation/habitat, fragmenting habitat, and interference with the species from construction and operational stages. As such, mitigation measures were proposed to reduce the impacts on the protected species and

ecological communities, including a number of sub-management plans as part of CEMP and also an Operational Management Plan. Conditions of approval have been incorporated into this decision to ensure the plans are in place prior to the commencement of construction and during operation.

In addition, the application was referred to the Conservator who required additional conditions relating to the protection of the ecological values within the area. The conditions outlined by the Conservator have been incorporated into this decision.

(f) Further information is required for the Commonwealth to make a proper assessment

Throughout the concurrent application process, the planning and land authority has liaised with the Commonwealth Department of the Environment and Energy (DoEE). During the EIS process, an assessment report was drafted by the planning and land authority and the draft assessment report and EIS were reviewed by DoEE who provided comments on the assessment. The Authority addressed the comments in the final version of the EIS assessment report which will be provided to DoEE for a decision on Commonwealth matters, following the completion of the EIS process under ACT legislation.

In addition, a draft version of this decision was reviewed by DoEE to ensure the conditions of approval are consistent with Commonwealth requirements.

(g) Alternative options not duly considered

The ACT electricity supply currently poses a strategic risk to the Territory in relation to matters such as the risk of bushfire, terrorism, or catastrophic equipment failure. These concerns have been raised and have been an ongoing consideration since the time of the Canberra bushfires in 2003. Subsequently, a number of options have been considered in relation to suitable connection points and possible substation locations to provide the most efficient, secure and feasible electrical infrastructure for the ACT.

Documentation that was submitted as part of the EIS process outlined a number of shortlisted options that were considered by the proponent as viable options. The options were considered by the proponent, with the current proposal having the least overall probable impact. Based on the above, it was determined that due consideration has been given to the alternative options and an option with minimal overall impact has been proposed.

(h) Traffic impacts during construction including potential obstruction to the Bicentennial National Trail

Traffic impacts were a consideration at the EIS stage and also during the assessment of this development application. Potential impacts were identified that included possible interruption to traffic and other transport networks. Consequently, mitigation measures were proposed to manage these networks as construction progresses.

This application was referred to TCCS who required a Temporary Traffic Management Plan (TTMP) to formally manage these networks. Conditions have been imposed as part of this decision for the proponent to prepare a TTMP prior to construction which will be reviewed and endorsed by TCCS. This must occur prior to construction commencing.

(i) Information in the draft EIS not up to date and does not reflect the existing character

The draft EIS was reviewed by the planning and land authority and relevant government agencies. Comments from the Authority and entities, along with the matters raised during public notification, were provided to the proponent to address in a revised EIS. It was determined that the matters raised had been adequately addressed and that information in the EIS was complete. All mitigation measures proposed in the EIS have been incorporated into this decision.

(j) Information in the draft EIS is inconsistent with the formal agreement between TransGrid, golf club and Woodhaven Investments

This development application was assessed against the requirements of the Territory Plan and *Planning and Development Act 2007*. Any disputes relating to a formal agreement between private parties is a civil matter and therefore will need to be resolved outside the development application process.

(k) Impact to existing land uses

Impacts on existing land uses was a consideration of the concurrent application process. Part of the proposal is located in a residential, commercial and community facility area that is subject to future urban development and which will need to accommodate for the infrastructure. In the non-urban zones, the proposal maintains predominantly rural character and will be located on land intended for major infrastructure which is not readily available in the urban area. The infrastructure is intended for additional services to the ACT region, as a point to point connection, and is necessary to secure ACT's electricity supply.

The majority of the development is located within existing easements and are parallel to existing electrical infrastructure. The impacts on land uses have been considered in conjunction with other requirements of the Territory Plan, such as the relevant codes and Strategic Directions, to achieve a balanced approach in assessing economic, social and environmental impacts. The assessment of the concurrent application has concluded that overall impacts have been minimised sufficiently for a proposal in the Impact Track.

(l) Obstruction to the Bicentennial National Trail during operation

Work on unleased land is the responsibility of Transport Canberra and City Services (TCCS) under the *Public Unleased Land Act 2013*. The application was referred to TCCS who require works on unleased to undergo an approval process. Conditions have been imposed as part of this decision that require fully detailed drawings (civil, landscape) to be considered by TCCS at the Design and Operational Acceptance stage. TCCS is responsible for ensuring that all public networks are accessible during and at the completion of works.

(m) Lack of consultation regarding Bicentennial National Trail

Consultation was undertaken as part of the EIS process. It was determined that all matters raised during the EIS process, including pre-consultation undertaken, was addressed adequately and therefore the EIS was deemed complete. All mitigation measures proposed in the EIS have been incorporated into this decision. As noted above, TCCS will ensure that all public networks are accessible during and at the completion of works.

ENTITY ADVICE

Pursuant to Division 7.3.3 of the Act, the application was referred to entities and advice was received. The referral entities' comments are as follows. A response to the advice is provided as appropriate.

ACT HEALTH

On 19 April 2018 advice was received from the Health Protection Service (HPS), ACT Health, in relation to the proposal. The advice states that:

The HPS has reviewed the documents and support recommendations by WSP Australia Pty Ltd that:

- *a Construction Environmental Management Plan (CEMP) be prepared prior to construction to manage the impact of construction operation activities*
- *an Unexpected Finds Protocol (UFP) should be implemented as part of a CEMP to manage any unexpected contamination should it be identified during site works.*

The HPS also notes that documents provided indicate vegetated swales and rain gardens are proposed as part of the drainage layout plan. The applicant is advised that the design and construction of all water bodies must minimise the potential to become a local mosquito nuisance.

Matters raised have been incorporated as conditions of approval and advice.

ACT HERITAGE COUNCIL

On 20 April 2018 advice was received from the ACT Heritage Council in relation to the proposal. The advice states that:

Further information is needed to determine whether the development will damage Aboriginal places and objects. Further information is required to determine whether the Transgrid component of the Project may damage Aboriginal places and objects. Specifically, the following information should be provided:

- *A description of archaeological survey coverage from the 3 and 4 May 2017 Inspection, including mapping; to identify the physical area inspected during survey, spanning both the larger Project area and the DA201732500 impact area;*
- *An analysis of the above archaeological survey coverage, to identify the proportion of the larger Project area and the DA201732500 impact area subject to heritage inspection, and the effectiveness of this inspection. Mapping showing the relationship between survey transects and proposed infrastructure should be provided as part of this analysis;*
- *A description of RAO views about the heritage significance of the Aboriginal places recorded;*
- *A description of RAO views about the potential heritage effects of the Project and works proposed by DA201732500; and*
- *A description of RAO views about the heritage management recommendations proposed by Navin Officer Heritage Consultants (August 2017).*

During the concurrent EIS process, the matters above were addressed in the revised EIS where Heritage did not raise any further issues. Clarification was sought from the Heritage Council, in relation to this development application, and on 23 August 2018 advice was received from the ACT Heritage Council in relation to the proposal. The advice states that:

The Council advises that with the endorsement of the Cultural Heritage Assessment (CHA), DA 201732500 is also supported subject to compliance with the below conditions:

1. *Prior to the commencement of works:*
 - a) *Protective fencing is to be installed around Aboriginal places recorded as 'RC1', 'RD3', 'SDRA1', 'SDRA2' and 'SDRA3'; following demarcation of heritage boundaries by a qualified archaeologist and RAOs;*
 - b) *Written notification of fence installation is to be provided to ACT Heritage;*
2. *The project's Construction Environment Management Plan (CEMP) is to identify the above Aboriginal places and management controls for their protection; and also the Unanticipated Discovery Protocols described in Navin Officer Heritage Consultants (June 2018);*
3. *A copy of the CEMP is to be provided to ACT Heritage prior to the commencement of works;*
4. *All project personnel are to be made aware of CEMP heritage content through the induction process;*
5. *Following completion of works, protective fencing is to be removed and written notification of this is to be provided to ACT Heritage; and*
6. *In the event that additional Aboriginal places and objects are encountered during construction works, the Unanticipated Discovery Protocols described in Navin Officer Heritage Consultants (June 2018) are to be implemented.*

Matters raised have been incorporated as conditions of approval.

CONSERVATOR OF FLORA AND FAUNA

On 16 March 2018 advice was received from the Conservator of Flora and Fauna in relation to the proposal. The advice states that

In addition to the measures within the EIS documents, the following should be conditions of approval in the Development Applications:

- *That prior to commencement of construction a Construction Environment Management Plan is developed and approved by the Planning and Land Authority that includes:*
 - *a Rehabilitation Plan for the restoration of the Pink-tailed Worm-lizard habitat to be prepared to the satisfaction of the Parks and Conservation Service;*
 - *A weed management plan that also contains an ongoing commitment to the control of African Love Grass within the proposed substation location, including the retained and restored Pink-tailed Worm-lizard habitat;*
 - *A Tree Management Plan that clearly shows the trees that are to be removed and which trees are hollow bearing; and*
 - *A Management Plan detailing the recovery and re-use of the hollows;*
- *That all vehicles, machinery and equipment are washed down prior to entering the site to reduce the risk of weed spread*
- *That the Red Gum hollow bearing tree located within the proposed asset protection zone is retained, as a single smooth bark tree is compatible with an asset protection zone.*

Matters raised have been incorporated as conditions of approval.

EMERGENCY SERVICES AGENCY

On 17 October 2018 advice was received from the Emergency Services Agency in relation to the proposal. The advice states that the proposal is supported with the following advice:

Fire Station Response Area

The location of the proposed development indicates that ACTF&R will be able to maintain operational response to the area and its surrounds.

Water Supplies

Electrical infrastructure does not require hydrant coverage. The existing hydrant locations and appliances on-board water supply will be sufficient for any bushfire in or around the vicinity of the development site.

Fire Brigade AccessPumper:

All roads and driveways for the development site are to be suitably constructed to allow the access and egress of fire fighting vehicles, crews and equipment.

ACTF&R pumpers require a minimum turning circle of 18 metres and weigh 14 tonne. The dimensions of an ACTF&R urban pumper is 2.5m wide, 8.1m long and 3.2m high.

Paths of travel that traverse over or are in close proximity to basement surfaces or water retention pits require pavement loading suitable for ACTF&R emergency vehicle access/egress.

CAFS

ACTF&R Compressed Air Foam System (CAFS) 8000 fire appliances are specifically designed for the urban interface however can be used as a multi-functional vehicle. CAFS are predominantly used for asset protection from bushfire sources along the urban interface or development site. Specifications of Volvo FM9 CAFS 8000 is the large of the two vehicles and has the following dimensions:

- Length: 10.5m
- Width: 3.2m (with mirrors)
- Height: 3.7m
- Weight: 23 tonnes
- Turning circle: 21.2m

All emergency access gates are to be fitted with standard Fire Brigade locks.

Bushfire Prone Land Requirements

ACTF&R has reviewed the Bushfire Risk Assessment Report - ACT Second Electrical Supply Project, West Belconnen, ACT. - prepared by Grant Fleming Environmental and concurs with its findings and recommendations including the provision and specifications of:

Asset Protection Zones: Asset protection zones (APZ) provide bushfire risk mitigation in the urban area by reducing the impacts of embers, radiant heat and flames on properties. APZs also provide access for firefighters (and their vehicles) to conduct fire suppression activities and provides a means of egress if required.

APZ are required to be maintained to a specific standard as per the ACT bushfire management standards (2014) Table 4 (Pg. 4).

Inner APZ: The development site is identified to have an inner APZ and is required to be maintain to an inner APZ standards. Specific detail include at least 80% of the area is to be maintained at overall fuel hazard <low. Tree planting is to have 3-5m canopy separation with >3m fuel gap to crown. Grass is to be maintained at <200mm height when curing> 70%. Landscape design is to consider bushfire principals, and plants are to be selected for low flammability characteristics.

Outer APZ: The site is identified to have an outer APZ and is required to be maintain to an outer APZ standards. Specific detail include at least 70% of the area is to be maintained at overall fuel hazard <moderate. Grass is to be maintained at <35 as per the grassland fuel hazard score when curing >70%. Landscape design is to consider bushfire principals, and plants are to be selected for low flammability characteristics.

ACTF&R noted the additional proposed fire breaks on the both substations. These fire breaks would help prevent a low running grass fire from reaching the development site as well as contribute to the accessibility to the site and for fire suppression activities.

Construction standard: ACTF&R noted the additional recommendation of building the development to BAL 12.5 even though the site is considered BAL low.

Bushfire operational Plan: ACT Rural Fire Service will provide any comments on the requirements of a Bushfire Operational Plan.

Fencing in Bushfire Prone Areas

ACTF&R supports the provisions identified in NSWRFs Fast Fact 2/06 Dividing Fences in Bushfire Prone Areas.

For sites rated as BAL 12.5 and 19, where a timber fence connect directly to a dwelling or has less than a minimum of 1 metre separation from the dwelling then a fence, then it is recommended that the fence be constructed using either non-combustible material only. If the fence not connected or is over 1m from a dwelling then hardwood may be used. It is not recommended to use soft wood for timber fencing.

For sites rated as BAL 29 or above, non-combustible materials should only be used for fencing.

In all cases where timber fences are proposed, care should be taken in the selection, location and maintenance of landscaping adjoining the fence. Unmanaged landscaping could promote fire activity due to ember, radiant heat and direct flame contact and further impact timber fencing Reference:

http://www.rfs.nsw.gov.au/data/assets/pdf_file/0014/4532/Fast-Fact-Fences-or-Gates-in-Bush-FireProne-Areas.pdf

Landscaping in Bushfire Prone Areas

Landscaping of the site is to be managed to inner APZ standards as per Table 4 of the ACT Bushfire Management Standards (2014). Landscaping is to consider the principals detailed in Appendix 5 of NSW Planning for Bushfire Protection 2006, and Fire retardant plants - Yarralumla nursery Garden Advice series located:

[http://www.tams.act.gov.au/data/assets/pdf_file/0012/389937/Fire retardant plants for canberra.pdf](http://www.tams.act.gov.au/data/assets/pdf_file/0012/389937/Fire%20retardant%20plants%20for%20canberra.pdf)

Bushfire Protection Measures - During Construction

Where works prevent travel along existing fire trails or access ways, alternate access, constructed to Rigid Float standard in accordance with the Strategic Bushfire Management Plan (2014) must be provided to ensure access for firefighting operations is maintained.

Standard industry procedures are to be adhered to for hot works during construction and operation at the facility and a permit will be required for any high risk activities such as hot works on total fire ban days. To obtain a permit to burn you should contact ACTF&R by email actf&rrisk&planning@act.gov.au

ACTF&R Fire Safety Section

Compliance to the National Construction Code and inbuilt fire safety systems are outside the scope of this document and if required, will be assessed separately by ACTF&R Fire Safety Section at the building approval stage.

Matters raised have been incorporated as advice.

ENVIRONMENT PROTECTION AUTHORITY (EPA)

On 19 April 2018 advice was received from the Environment Protection Authority (EPA) in relation to the proposal. The advice states that the application has been supported with the following conditions/advice:

Conditions:

Construction and development works must be carried out in accordance with "Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011", available at www.environment.act.gov.au or by calling 132281.

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 Environment Protection Authority (EPA) in respect of that activity PRIOR TO WORKS COMMENCING.

An erosion and sediment control plan must be submitted to and be endorsed by the EPA prior to works commencing.

A site specific unexpected finds protocol (UFP) must be prepared by a suitably qualified environmental consultant and implemented during site development works. The UFP must include, amongst other things, appropriate procedures for the identification, assessment, management, validation and disposal of potential contamination at the site and contractor induction procedures into the use of the UFP.

A hard copy of the PSI submitted with this DA must be submitted to and be formally endorsed by the EPA prior to the commencement of works. A digital copy must be submitted to the following email ContaminatedSites@act.gov.au and the signed and bound hard copy must be submitted to the following address:

*Mrs Narelle Sargent
Environment Protection Authority
GPO Box 158
Canberra ACT 2601*

Advice:

Noise from equipment which may be installed or used at the site, including air conditioning units, must comply with the noise standard at the block boundary at all times as per the Environment Protection Regulation 2005. Please consider the type and location of noise generating equipment prior to installation. Assurance should be sought from the supplier/installer of the equipment that it complies with the Noise Zone Standard as per the Environment Protection Regulation, 2005.

All external lights must comply with Australian Standards AS4282 Control of the obtrusive effects of outdoor lighting.

All rain water that enters the site and pools in excavations during a rain storm event would be considered as a sediment control pond, and must meet the following condition:

- *No discharge from pond unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.*

Matters raised have been incorporated as conditions of approval and advice.

EVOENERGY

Evoenergy is one of the proponents for this project, therefore, under s 148(2) the Authority is satisfied that the applicant has adequately consulted the entity in relation to the application and that sufficient supporting information was provided from the entity agreeing to the proposal.

Nevertheless, on 27 February 2018 the application was referred to Evoenergy who raised no comments regarding the application.

ICON WATER

On 2 March 2018 advice was received from Icon Water in relation to the proposal. The advice states that the application has been supported with the following condition:

Icon Water assets shall be protected for the duration of the construction works from short term load shedding from construction machinery or vibration and groundwater ingress or infiltration. Any damage to Icon assets resulting from the construction works shall be repaired by Icon Water at the contractor's expense. Access to Icon's assets including sewer structures, manholes, hydrants and valves is to be maintained for the duration of the construction works.

Matters raised have been incorporated as advice.

ACT PARKS AND CONSERVATION SERVICE

On 11 October 2018 advice was received from the ACT Parks and Conservation Service in relation to the proposal affirming no comment. The advice was noted as part of the assessment.

SUBURBAN LAND AGENCY

On 27 February 2018 the application was referred to the Suburban Land Agency. No comments were received within 15 working days and therefore in accordance with s 150 of the Act, the entity is taken to have given advice that the entity supports the application.

TRANSPORT CANBERRA AND CITY SERVICES DIRECTORATE

On 20 March 2018 advice was received from Transport Canberra and City Services Directorate in relation to the proposal. The advice states that the application is supported with the following conditions:

Following general conditions will apply as appropriate for Works on and Use of Territory Land in addition to the above:

In accordance with the Public Unleased Land Act 2013 no work is to be undertaken on road verges and other unleased Territory Land without the approval of the Territory. Such approval must be obtained from the Senior Manager, Development Review and Coordination, TCCS by the ways of:

- 1. A Letter of Design Review prior to the commencement of any work; and*
- 2. A certificate of Operational Acceptance on completion of all works to be handed over to TCCS.*

Design Review and Operational Acceptance

A Letter of Design Review is required for all off-site works from the Senior Manager, Development Review and Coordination, TCCS, prior to the construction.

In order to obtain the Letter of Design Review, fully detailed drawings (civil, landscape) prepared by suitably qualified persons for all off-site works including roads, driveways, footpaths, street lighting, storm water, landscaping (and any other issues that may be found by audit of the plans) and a design report in accordance with Ref No 06: "Requirements for Design Review Submissions", must be certified by a Chartered Engineer/Landscape Architect and submitted to the Senior Manager, Development Review and Coordination, TCCS.

A Certificate of Operational Acceptance on completion of the works is required from the Senior Manager, Development Review and Coordination, TCCS, prior to the issue of a Certificate of Occupancy.

Similarly a Chartered Engineer/Landscape Architect should certify compliance with TCCS Ref No 08: "Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance is made to the Senior Manager, Development Review and Coordination, TCCS on completion of all off-site works

A Waste Management Plan in accordance with the Development Control Code for Best Practice Waste Management in the ACT should also be included if not approved at the Development Application stage.

Temporary Traffic Management (TTM)

A TTM plan approval from the Manager, Traffic Management & Safety, Roads ACT, TCCS. All times during construction the site and surrounds shall be managed in accordance with a Temporary Traffic Management Plan, prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety. 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.

Landscape Management & Protection Plan (LMPP)

LMPP approval from the Senior Manager, Development Review and Coordination, TCCS. During construction, all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with the Landscape Management Protection Plan (LMPP) approved by the Senior Manager, Development Review and Coordination, TCCS. This plan is to be implemented before the commencement of works, including demolition on the site and is to be in accordance with TCCS Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04.

Use of Verges or other Unleased Territory land

In accordance with the Public Unleased Land Act 2013, road verges and other unleased Territory land must not be used for 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, TCCS.

Repair of Damage to Public Assets

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

Notice of Commencement of Construction

Notice of Commencement for the Works in Unleased Territory Land shall be submitted to the Senior Manager, Development Review and Coordination, TCCS one week prior to the commencement of works. The Notice shall also include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of TTM.

Matters raised have been incorporated as conditions of approval and advice.

PART 4 ADMINISTRATIVE INFORMATION

DATE THAT THIS APPROVAL TAKES EFFECT

This approval is effective from the day after the date of this notice. The effective date for development applications approved subject to conditions could be adjusted if the approval is reconsidered by the planning and land authority or if an application is made to the ACT Civil and Administrative Tribunal. Pursuant to s 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
- 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 s 189 of the Act.

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 s 184 of the Act applies, continues unless the approval ends under ss 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, Planning and Sustainable Development Directorate Dickson Customer Service Centre at 16 Challis Street, Dickson, ACT.

RECONSIDERATION OF THE DECISION

If the applicant is not satisfied with the decision to approve the application subject to conditions, they are entitled to apply to the planning and land authority for reconsideration within 20 working days of being told of this decision or within any longer period allowed by the planning and land authority.

To submit an application for reconsideration, documents must be provided electronically by email to epdcustomerservices@act.gov.au or provided at the Dickson Customer Service Centre on a CD/DVD. The delegate of the Authority reconsidering the decision must be different from, and senior to, the original decision maker. An application for reconsideration does not prevent an application for a review of the same decision being made to the ACT Civil and Administrative Tribunal. Application forms and further information about reconsideration are available from the planning and land authority's website and Customer Service Centre.

REVIEW BY THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL (ACAT)

Decisions that are reviewable by the ACAT are identified in Schedule 1 of the *Planning and Development Act 2007*, except for those precluded under Schedule 3 of the *Planning and Development Regulation 2008* – Matters exempt from third-party ACAT review.

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, Planning and Sustainable Development 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.planning.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
Transport Canberra and City 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.tccs.act.gov.au Telephone: 132 281 Telephone for asset acceptance: (02) 6207 7480
Utilities <ul style="list-style-type: none"> - Telstra (networks) - TransACT (networks) - IconWater - Electricity reticulation 	Telephone: (02) 8576 9799 Telephone: (02) 6229 8000 Telephone: (02) 6248 3111 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 s 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.planning.act.gov.au/tools_resources/e-services/edevelopment.

For further information regarding the lodgement of this information please contact Customer Services by Phone: (02) 6207 1923, Email: epdcustomerservices@act.gov.au or on the planning and land authority website at www.planning.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 ACT 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 Transport Canberra and City 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 Transport Canberra and City 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, TCCS 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 TAMSD

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 TCCS.

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 Transport Canberra and City 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. Icon Water's water meters are accountable items and must not be removed from the site or otherwise disposed of.

DRAINAGE

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

REVIEW OF THE DECISION

The following notes are provided in accordance with regulation 7 of the *ACT Civil and Administrative Tribunal Regulation 2009*. Refer to the Review by the ACT Civil and Administrative Tribunal (ACAT) section of the Notice of Decision for information about its relevance to this development application.

CONTACT DETAILS

The review authority is the ACT Civil and Administrative Tribunal (ACAT).

Location	Contact details
ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601	Website: www.courts.act.gov.au Email: tribunal@act.gov.au Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601 Document exchange: DX 5691

POWERS OF THE ACAT

The ACAT is an independent body. It can review on their merits a large number of decisions made by ACT Government ministers, officials and statutory authorities. The ACAT can agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with ACAT recommendations.

APPLICATIONS TO THE ACAT

To apply for a review, obtain an application form from the ACAT. You can also download the form from the ACT Legislation Register <http://www.legislation.act.gov.au/af/2009-278/current/pdf/2009-278.pdf>.

If you are applying on behalf of an organisation or association of persons, whether incorporated or not, the Tribunal in deciding whether to support this application will consider the effect of the decision being reviewed on the interests of the organisation or association in terms of its objects or purposes. A copy of the relevant documents will be required to be lodged with the Tribunal.

TIME LIMITS FOR APPLICATIONS

The time limit to make a request for a review is 28 days from the date of this Notice of decision. The time limit can be extended in some circumstances (refer to sections 10 (2), 10(3), 25(1)(e) and 25(2) of the *ACT Civil & Administrative Tribunal Act 2008*; section 7 of the *ACT Civil and Administrative Tribunal Procedure Rules 2009 (No 2)*; and section 409 of the *Planning and Development Act 2007*).

FEES

Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: Director-General, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. Ask the ACAT for more details.

TIME LIMITS FOR REVIEWS OF DECISIONS

The ACAT is required to decide appeals in land and planning and tree protection cases within 120 days after the lodging of the appeal, unless that period is extended by the ACAT upon it being satisfied that it is in the interests of justice to do so.

FORMS OF LEGAL, FINANCIAL AND OTHER ADVICE AND ASSISTANCE

The following organisations can provide advice and assistance if you are eligible:

- ACT Attorney-General, write to the Director-General, Justice and Community Safety Directorate, GPO Box 158, CANBERRA, ACT, 2601;
- the ACT Legal Aid Office, telephone 1300 654314;
- Legal Advice Bureau, telephone (02) 6247 5700;
- ACT Council of the Ageing, telephone (02) 6282 3777;
- Welfare Rights and Legal Centre, telephone (02) 6247 2177; and
- Environmental Defender's Office (ACT), telephone (02) 6247 9420.

AWARDING OF COSTS

You will have to pay any costs involved in preparing or presenting your case. The ACAT also has the power to award costs against a party if the party contravenes a direction of the ACAT and the ACAT considers it in the interests of justice to make such an order. This power is in addition to the power of the ACAT to strike out a party and to dismiss an application for failure to comply with the ACAT's directions.

ACCESS TO DOCUMENTS ABOUT THE DECISION

You may apply for access to any documents you consider relevant to this decision under the *ACT Freedom of Information Act 1989*. Information about Freedom of information requests is available on the EPD web site or by contacting us by phone on (02) 6207 1923.

PROCEDURES OF THE ACAT

The procedures of the ACAT are outlined on the ACAT’s website, including in the Guide to the Land and Planning Division and the Guide to the Hearing. Contact the ACAT for alternative ways to access information about the ACAT’s procedures.

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 ihtiyacımız 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