# Planning and Development (Approval of Application – DA202341436– 132kV Oaks Estate Transmission Lines) Notice 2025

#### Notifiable instrument NI2025-61

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 – DA202341436 – 132kV Oaks Estate Transmission Lines) Notice 2025.* 

#### 2 Commencement

This instrument commences on the day after its notification day.

# 3 Application

- (1) This instrument applies to development application DA202341436 for the installation of a new 132kV transmission line in Jerrabomberra and Beard (the *DA*).
- (2) The DA includes installation of approximately 230 m of 132kV transmission line from the ACT/NSW border to a connection point immediately east of the Oaks Estate Transgrid substation, including six new poles and other associated works at Blocks 2066 and 2242 Jerrabomberra and Block 1 Section 10 Beard.

#### 4 Impact track development approval

- (1) On 29 November 2023, pursuant to the *Planning and Development Act* 2007 (repealed), section 162 (1) (b), a delegate of the planning and land authority approved the DA in the impact track, subject to conditions.
- (2) The approval took effect on 30 November 2023.
- (3) The notice of decision for the DA is in schedule 1.

Alexandra Kaucz Delegate of the territory planning authority 7 February 2025



Made under part 7 of the Planning and Development Act 2007

I, Hayden Pini delegate of the planning and land authority, pursuant to section 162 of the *Planning and Development Act 2007*, approve subject to conditions the proposal for the installation of a new 132kV overhead transmission line, approximately 230m long, from the ACT/NSW border to a connection point immediately east of the Oaks Estate Transgrid substation, including 6 new poles and associated works at Block 2066 and 2242, Jerrabomberra and Block 1, Section 10 Beard, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number:

202341436

Block:

2066, 2242, 1

Section:

0, 10

Suburb:

Jerrabomberra & Beard

Application lodged:

22 March 2023

Assessment track:

Impact

This decision contains the following information:

PART A – conditions of approval

PART B – reasons for the decision

PART C – public notification & entity advice

Attachment 1 – administrative information

Copies of entity advice - as attached

A copy of the development application and this approval may be inspected at the planning and land authority's office from 9:00 am to 4.00 pm, Monday to Friday at 480 Northbourne Avenue, Dickson, ACT 2602

**CONTACT / ENQUIRIES** 

Phone: (02) 6207 6383

Online Form:

https://www.accesscanberra.act.gov.au/app/forms/epd\_feedback

Hayden Pini

Delegate of the Planning and Land Authority 29 November 2023

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#### PART A – CONDITIONS OF APPROVAL

This application is approved subject to the following conditions being satisfied. Some conditions of the approval require attention before work commences or before approved drawings will be released.

#### **GENERAL CONDITIONS**

# 1. COMMENCEMENT AND COMPLETION OF DEVELOPMENT

- a) This development must be started (commenced) within three years from the date when this approval take effect.
- b) This development must be finished (completed) within **three years** from the date when it started, or within such further time as approved in writing by the planning and land authority.

<u>Note</u>: The planning and land authority may extend the time to commence or finish the development if an application, to extend the time to commence or finish the development, is made prior to when the development has to be started or finished – refer to section 184(3) and 188 of the Planning and Development Act 2007 (the Act).

#### 2. ENVIRONMENTAL IMPACT STATEMENT (EIS) – 202100042

All works must be consistent with the mitigation measures in the 132kV Overhead Electrical Cables Environmental Impact Statement, prepared by Purdon Pty Ltd, dated 8 August 2023 (the EIS).

#### PRIOR TO CONSTRUCTION

# 3. <u>CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)</u>

Prior to construction, a CEMP must be prepared and submitted to the planning and land authority (EPDImpact@act.gov.au) for endorsement.

The CEMP must outline the construction conditions and temporary environmental protection measures to manage the impact of construction activities, consistent with the EIS. The CEMP must include the mitigation measures proposed in the EIS and incorporate any other relevant management plans including, but not limited to:

- Traffic Management Control Plan (including a Temporary Traffic Management Plan and Construction Parking Plan);
- Dial Before You Dig Report;
- Waste Management Plan;
- Erosion and Sediment Control Plan;
- Unexpected Finds Protocol;
- Landscape Management and Protection Plan;
- Safety Management Plan;
- Bushfire Prevention and Response Plan;
- Biodiversity Management Plan;
- Vegetation Management Plan;
- Weed Management Plan;
- Rehabilitation Management Plan;
- Spill Response Protocol;
- Heritage Management Plan, including an Aboriginal Heritage Management Procedure (including an Unexpected Discovery Protocol);

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- Noise and Vibration Impact Procedure; and
- Construction Air Quality Management Plan (including dust suppression).

<u>Note</u>: The CEMP will be referred to relevant entities for endorsement and therefore will need to incorporate their comments provided through the EIS and Development Application stage.

#### 4. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

a) Temporary Traffic Management (TTM)

A TTM plan approval from the Manager of TCCS Traffic Management & Safety, Roads ACT, must be obtained prior to commencement of Works. This plan must be prepared by a suitably qualified person and address, as a minimum, measures to be employed at all times during construction activities to manage all traffic, including construction and regular traffic in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated temporary traffic control devices.

b) Landscape Management & Protection Plan (LMPP)

LMPP approval must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch or the delegated authority. During construction, all existing vegetation (trees, shrubs and grass) located within the verge and unleased Territory land immediately adjacent to the development must be managed, protected and maintained in accordance with the approved LMPP. This plan must be implemented before the commencement of any Works, including demolition on the site, and must be in accordance with TCCS "REF 04 - Requirements for the Protection of Public Landscape Assets Adjacent to Development Works".

#### 5. ENVIRONMENT PROTECTION AUTHORITY (EPA)

The development must comply with the following conditions to the satisfaction of the EPA:

a) 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.

# CONSERVATOR OF FLORA AND FAUNA (The Conservator)

The development must comply with the following conditions to the satisfaction of the Conservator:

- a) The powerlines are to be of a design that reduces avian perching opportunities and mortality, as shown in Figure 3 and in Appendix F (h) of the EIS.
- b) The following is to be included in the CEMP along with any protocols of Essential Energy and their contractors:
  - i. No work is permitted on site when a Total Fire Ban is declared.
  - ii. On days of High fire danger rating (FBI 25 or greater) all hot works and works that could emit a spark must cease.

Hot works activities must otherwise be deferred to be undertaken under less risky conditions and consideration given to what mitigations measures such as fire suppression equipment can be implemented. The daily rating and a four day outlook are available during the declared bushfire danger period at https://esa.act.gov.au/for the proponent to assess risks.

<u>Hot works includes:</u> welding, cutting, grinding, or other works involving open flames or which emit a spark such as excavating hard rock, slashing and brush-cutting.

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#### 7. ICON WATER

No construction works in relation to this development approval are to commence until the proponent has obtained a Statement of Acceptance from ICON Water in relation to water and sewerage networks and until the Statement of Acceptance is submitted to the planning and land authority as satisfying this condition of approval under s165 of the *Planning and Development Act 2007*.

a) The lessee/applicant must address and comply with any additional conditions imposed by ICON Water.

<u>Note:</u> Any substantial changes to the development required for utility services compliance will need to be submitted for the consideration of the planning and land authority with an application to amend the approval under Section197 of the Planning and Development Act 2007.

# 8. ACT HEALTH PROTECTION SERVICE (HPS)

An Unexpected Finds Protocol (UFP), in case unforeseen contamination or hazardous materials are discovered during the works, is to be included in the CEMP.

#### **DURING CONSTRUCTION**

#### 9. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)

During construction, all works must be undertaken in accordance with the endorsed CEMP.

#### 10. ACT HERITAGE COUNCIL (THE COUNCIL)

The development must comply with the following condition to the satisfaction of the Council:

a) The Unexpected Discovery Plan (Past Traces, 2022) provided at Appendix F (c) of the EIS is to be followed during construction.

# 11. ENVIRONMENT PROTECTION AUTHORITY (EPA)

The development must comply with the following conditions to the satisfaction of the EPA:

- b) All works must be carried out in accordance with "Environment Protection Guidelines for Construction and Land Development in the ACT, August 2022", available at <a href="https://www.environment.act.gov.au">www.environment.act.gov.au</a> or by calling 132281.
- c) Appropriately ACT licensed contractors must be engaged for the removal, transport and disposal of all hazardous materials found on the site.
- d) All hazardous materials found on the site must be disposed of at a facility suitably authorised/licensed to accept the waste.
- e) All spoil identified at the site must be managed in accordance with *EPA Information Sheet Spoil Management in the ACT* available at <a href="https://www.environment.act.gov.au">www.environment.act.gov.au</a>.
- f) All soil subject to disposal from the site must be assessed in accordance with EPA Information Sheet 4 Requirements for the reuse and disposal of contaminated soil in the ACT available at <a href="https://www.environment.act.gov.au">www.environment.act.gov.au</a>.
- g) No soil is to be disposed from site without EPA approval.

#### POST CONSTRUCTION

#### 12. UTILITIES TECHNICAL REGULATOR (UTR)

On-site field-testing during Line Commissioning for Electromagnetic Induction/Low Frequency Induction (EMI/LFI) hazards as well as for hazards due to Earth Potential Rise (EPR) and associated Step, Touch and Transfer voltage is to be completed, and mitigation measures applied as required, to the satisfaction of UTR.

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#### 13. CONSERVATOR OF FLORA AND FAUNA (The Conservator)

a) Upon completion of the powerline installation, transect monitoring is to be undertaken along/beneath the powerlines. Monitoring is to occur on a fortnightly basis for three months. Any impact to the Little Eagle is to be immediately reported to the Conservator of Flora and Fauna. If no collisions are identified in the three-month period, specific transect monitoring can cease.

#### CONDITIONS RELATING TO DEVELOPMENT and ENTITY REQUIREMENTS

# 14. BUSHFIRE RISK MANAGEMENT

All works must be consistent with the bushfire mitigation measures in the EIS and Essential Energy's Operational Procedure *Bushfire Risk Management Plan CEOP8022*.

The Bushfire Protection and Response Plan submitted with the CEMP will need to include Essential Energy's policies around bushfire ignition mitigation for operation of the line, including provisions about operations on days of elevated fire danger. This must include provisions for the de-energisation of the line if required for protection of firefighters as required. Technologies and equipment need to be maintained to be effective in preventing ignition per Essential Energy's commitments.

# 15. COMPLIANCE WITH ENTITY REQUIREMENTS

The development must satisfy the requirements of the following entities as stated in each of their advice.

- ICON Water:
- Evoenergy (Electricity);
- Transgrid

Copies of advice from the relevant entities are attached to the Notice of Decision and are relevant to this condition.

#### 16. WASTE MANAGEMENT - DURING CONSTRUCTION PHASE

All building waste is to be stored on the site in suitable receptacles/containers and collected regularly. The lessee is to take all reasonable steps to ensure that waste, particularly windborne litter, does not affect adjoining or adjacent properties.

#### **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.

#### 1. RELEASE OF APPROVED PLANS

Final stamped plans may not be released until all relevant conditions of the decision (including Leasing, s165 further Information, Entity non-compliance) are complied with to the satisfaction of the planning authority.

#### 2. ENVIRONMENT PROTECTION AUTHORITY (EPA)

a) Noise from equipment which may be installed or used at the site 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. Written assurance should be sought from the supplier/installer of the

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equipment that it complies with the Noise Zone Standard as per the *Environment Protection Regulation 2005*.

- b) All excavations that collect rainwater during a rain storm event would be considered as a sediment control pond, and must meet the following condition:
  - i. No discharge from pond unless sediment level is less than 60mg/litre. If 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.

# 3. <u>IDENTIFIED DAM INFRASTRUCTURE FAILIRE FLOOD ZONE:</u>

A portion of the proposed site is in an area that may become inundated should a dam infrastructure failure occur at Googong Dam.

While an incident of this type is rated by the ACT Government as RARE and of MEDIUM risk, it is recommended that the project risk assessment consider this risk and that specific risk control measures are detailed in the Emergency Plan for this development.

#### 4. SIGNAGE

- a) This development application does not include an assessment of any proposed signage.
  - Any proposed signage at the site must be the subject of a separate DA for approval by planning and land authority, unless exempt in accordance with the *Planning and Development Regulations 2008*.
- b) All signage installed at the site, including advertising signage and hoarding, should comply with the Australian Association of National Advertisers (AANA) Code of Ethics and the ACT Government's Hoarding Signage Advertising Guidelines available online at <a href="https://www.planning.act.gov.au/build-buy-renovate/for-industry/industry-resources/hoarding-signage-guidelines">https://www.planning.act.gov.au/build-buy-renovate/for-industry/industry-resources/hoarding-signage-guidelines</a>

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# PART B - REASONS FOR THE DECISION

An EIS for this proposal was completed on 16 November 2023 when the Minister for Planning and Land Management decided to take no further action on the EIS. The EIS outlined the environmental impacts of the proposal and identified a range of avoidance, mitigation and management measures to reduces potential environmental impacts arising from construction and operational activities. The mitigation measures identified in the EIS have been incorporated in this decision.

In deciding the development application, the planning and land authority (the authority) has 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. After considering the issues and impacts raised during the assessment process, the authority is satisfied that the social, environmental and other impacts that may arise from the development are adequately addressed by the conditions imposed.

The application was approved because it was found to meet the relevant rules and criteria of the Territory Plan and section 129 of the *Planning and Development Act 2007*. Conditions have been imposed in regard to the issues identified during assessment to ensure the development satisfies the Territory Plan, addresses assessment issues including relevant entity advice and generally follows standard process and practices.

All relevant conditions are included under **PART A** and entity advice is noted in **PART C**.

#### **EVIDENCE**

The following evidence formed part of the assessment of this application:

Development Application: 202341436

Territory Plan Zone: NUZ1 Broadacre

Development Code: Non-Urban Zones Development Code

Precinct/District Codes:

Beard Precinct Map and Code

Jerrabomberra District Map and Code

Legislative requirements: the *Planning and Development Act 2007* in particular sections 119

and 120

Entity advice: As addressed in **PART A** and **PART C** of this Decision

**PART A** and **PART C** provide further details and considerations informing the reasons for the decision.

# PART C - PUBLIC NOTIFICATION AND ENTITY ADVICE

#### PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the *Planning and Development Act 2007* (the Act), the application was publicly notified from 28 March 2023 to 18 May 2023. No written representations were received during public notification period.

#### **ENTITY ADVICE and REQUIREMENTS**

Pursuant to Division 7.3.3 of the *Planning and Development Act*, the application was referred to the entities below. Where an entity requested conditions to be imposed on this development, those conditions have been incorporated into **PART A** of this Decision.

A summary of entity comments can be found below.

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#### 1. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

TCCS provided advice on 21 April 2023 stating that the proposal is supported subject to conditions.

#### TCCS STANDARD CONDITIONS

# Temporary Traffic Management (TTM)

A TTM plan approval from the Manager of TCCS Traffic Management & Safety, Roads ACT, must be obtained prior to commencement of Works. This plan must be prepared by a suitably qualified person and address, as a minimum, measures to be employed at all times during construction activities to manage all traffic, including construction and regular traffic in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated temporary traffic control devices.

# Landscape Management & Protection Plan (LMPP)

LMPP approval must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch or the delegated authority. During construction, all existing vegetation (trees, shrubs and grass) located within the verge and unleased Territory land immediately adjacent to the development must be managed, protected and maintained in accordance with the approved LMPP. This plan must be implemented before the commencement of any Works, including demolition on the site, and must be in accordance with TCCS "REF 04 - Requirements for the Protection of Public Landscape Assets Adjacent to Development Works".

Assessment Note: The comments above have been incorporated as conditions of approval, please refer to **Part A**. A copy of TCCS's advice is attached to this Notice of Decision.

#### 2. ENVIRONMENTAL PROTECTION AUTHORITY (EPA)

EPA provided advice on 14 April 2023 and 30 May 2023 stating that the proposal is supported subject to conditions.

#### **Conditions:**

All works must be carried out in accordance with "Environment Protection Guidelines for Construction and Land Development in the ACT, August 2022", available at <a href="https://www.environment.act.gov.au">www.environment.act.gov.au</a> or by calling 132281.

Appropriately ACT licensed contractors must be engaged for the removal, transport and disposal of all hazardous materials found on the site.

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.

All hazardous materials found on the site must be disposed of at a facility suitably authorised/licensed to accept the waste.

All spoil identified at the site must be managed in accordance with <u>EPA Information Sheet – Spoil Management in the ACT</u> available at <u>www.environment.act.gov.au</u>.

All soil subject to disposal from the site must be assessed in accordance with <u>EPA Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT available at www.environment.act.gov.au.</u>

No soil is to be disposed from site without EPA approval.

#### Advice:

Noise from equipment which may be installed or used at the site 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. Written

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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 excavations that collect rain water 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 pond must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.

For further information please contact the Environment Protection Authority Planning Liaison at EPAPlanningLiaison@act.gov.au or on 02 6207 5642.

Assessment Note: The comments above have been incorporated as conditions of approval and advice, please refer to **Part A**. A copy of the EPA's advice is attached to this Notice of Decision.

#### 3. CONSERVATOR OF FLORA AND FAUNA (TREE PROTECTION UNIT) (the Conservator)

The Conservator provided advice on 21 April 2023 stating that further consideration of matters relating to bushfire and avian interaction with powerlines was required.

The DA documentation does not demonstrate the horizontal clearance from edge roads and property interfaces in Queanbeyan (Henderson Rd, Kendall Ave etc.) as requested in EIS Scoping Document (and are not addressed satisfactorily in the EIS). A horizontal distance of 25m from an overhead conductor to a firefighter is required per Essential Energy's own Fire Safety Fact Sheet. The DA documentation should be updated to include a dimension which demonstrates suitable horizontal clearance to the overhead conductors.

The developers commitment to erecting powerlines deigned to reduce mortality and perching is unclear in the report. Reduced number of vertical lines (wire placement) and wire type to reduce potential of bird strike collisions were also suggested as mitigation measures, with no overhead earth. (i.e the pole depicted in Cooma photo is much more preferable than the earlier photo of the 132,000 powerline with numerous vertical wires) it is unclear this has been included in the plans and should be included as a condition of the design as per the following:

- a) Reduced horizontal areas and insulation to allay perching concerns and (hopefully) mitigate the need for raptor (or other) nest removal in the future.
- b) The use of large and heavier conductor, and the arrangement of the powerlines within the one column separated by over 2 metres of distance between conductors to mitigate bird strike.

Post-construction transect monitoring should be undertaken along/beneath the powerlines (much like carcass surveys at wind turbines) to gather data on collision rates, in particular the absence of collision as the risk seems to have been assessed as 'very low'. The location of development is known to be occupied by Little Eagles, it is important we confirm the species is not impacted, and ensure that any record of impact on the Little Eagle is registered immediately.

TO NOTE: The ecological study by Umwelt addresses the extent of ecological communities in the study site, including point data for a single GSM record (just outside the study area). I will note that the additional Ecological Report provided by Area talks to GSM surveys on 3 Jan 2023 with no records found –2023 was a terrible year for GSM surveys, and not ideal conditions as noted in the report. Additionally, surveys should be conducted on suitable days at least twice (not a single survey). This survey in isolation would not be sufficient.

Consistent with the undertaking in the Draft EIS, the proponent will need to include suitable provisions around the cessation of construction works on days of elevated fire danger. The CEMP should include the following provisions:

- Under a Total Fire Ban (FBI or 50 or greater, Fire Danger Rating of Extreme or Catastrophic), all operations at the site must cease.
- On days of High fire danger rating (FBI 25 or greater) all hot works and works that could emit a spark must cease, and defer the activities to be undertaken under less risky conditions and what mitigations measures such as fire suppression equipment can be

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implemented. The daily rating and a four day outlook are available during the declared bushfire danger period at https://esa.act.gov.au/ for the proponent to assess risks.

- Hot works includes; welding, cutting, grinding, or other works involving open flames or which emit a spark such as excavating hard rock, slashing and brush-cutting.
- Access along fire trails will be required during the declared bushfire danger period.
   Construction activities should account for access by emergency vehicles along roads like Woods Lane, the roads should not be completely blocked at any time.

Assessment Note: The comments above have been incorporated as conditions of approval and advice, except where resolved through the EIS process, please refer to **Part A**. A copy of the Conservator's advice is attached to this Notice of Decision.

# 4. ACT HERITAGE COUNCIL - The Council

The Council provided advice on 13 April 2023 stating that the proposal is supported subject to a condition.

Review of the ACT Heritage Register identifies that no registered heritage places or objects occur within the proposed development area.

There is a concurrent Draft EIS for the project undergoing public notification (EIS202100042), Council advice on which was provided separately on 13 April 2023. The Draft EIS included a Cultural Heritage Assessment (CHA) titled "South Jerrabomberra 132kV Transmission Line Relocation – Aboriginal Cultural Heritage Assessment", prepared by Past Traces (2022) in consultation with Representative Aboriginal Organisations.

The CHA identified no Aboriginal heritage sites or areas of Potential Archaeological Deposit within the project area, and assessed the potential for works to impact on unrecorded heritage as low. On this basis, the CHA does not recommend any further assessment or management actions. However, the CHA did recommend that an Unanticipated Discovery Protocol be implemented during the works, for the management of any heritage finds during construction, in accordance with Heritage Act 2004 provisions.

In this context, and as a delegate of the Council, I advise that the proposed development is unlikely to have detrimental heritage impacts subject to the following condition:

• The project's Unanticipated Discovery Protocol, as set out in Appendix 3 of Past Traces (2022), must be followed during all works.

A copy of the Council's advice is attached to this Notice of Decision.

Assessment Note: The comments above have been incorporated as conditions of approval and advice, please refer to **Part A**. A copy of the Council's advice is attached to this Notice of Decision.

#### 5. ACT EMERGENCY SERVICES AGENCY (ACTESA)

The ACTESA provided advice on 14 April 2023 stating that the proposal is supported subject to conditions.

**Bushfire Protection Requirements:** 

This development is located inside of the area declared by the ESA as the Bushfire Prone Area.

ACTF&R has reviewed the Environmental Impact Statement prepared by Purdon. Please ensure all bushfire mitigation measures identified within the report are adhered to, including Essential Energy Bushfire Risk Management Plan CEOP8022.

Identified Dam Infrastructure Failure Flood Zone:

A portion of the proposed site is in an area that may become inundated should a dam infrastructure failure occur at Googong Dam.

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While an incident of this type is rated by the ACT Government as RARE and of MEDIUM risk, it is recommended that the project risk assessment consider this risk and that specific risk control measures are detailed in the Emergency Plan for this development.

A copy of the ESA advice is attached to this Notice of Decision.

Assessment Note: The comments above have been incorporated as conditions of approval and advice, please refer to **Part A**. A copy of ACTESA's advice is attached to this Notice of Decision.

# 6. <u>UTILITIES TECHNICAL REGULATOR (UTR)</u>

UTR provided advice on 12 April 2023 stating that the proposal requires further consideration of the issues below:

UTR has noted that whilst most issues/hazards previously advised by UTR for inclusion in the EIS Scoping Statement have been adequately considered by the project proponent, two hazards, that of Earth Potential Rise (EPR) and associated Step & Touch potential, and Electromagnetic Induction/Low Frequency Induction (EMI/LFI) as distinct from EMF, have only been partially considered in the EIS.

The Purdon EIS Report states in chapter 6.9 that EMI/LFI and EPR have been considered for the water pipe network in the area and determined these hazards to not be an issue because the pipes cross the proposed transmission line at 90 degrees. Whilst this conclusion may be valid for EMI/LFI, it does not necessarily mean that for a transmission line fault EPR and associated Step & Touch voltages for the water pipeline are within allowable limits — a detailed assessment of EPR and associated Step & Touch voltages needs to be conducted and provided.

Furthermore, there is no detailed assessment provided for possible excessive voltages due to EMI/LFI and EPR on other nearby metallic infrastructure such as rural and urban fences, railway tracks, telecommunication infrastructure, streetlight poles due to transferred voltages from the MEN earthing system, etc.

Mitigation of EMI/LFI and EPR hazards is not onerous for example, in the recent TransGrid Stockdill project, hazards due to EMI/LFI and EPR were found in nearby fences and pipelines associated with that project, and these were mitigated by simply adding earth grading rings or earthing the infrastructure at various intervals.

It is suggested that the proponent more thoroughly identify specific assets and locations that may be adversely impacted by EMI/LFI and EPR hazard, and provide a detailed report of the assessment showing that allowable voltage limits will not be exceeded, or required mitigation measures that will be implemented to limit voltages to below allowable limits. An outline of assessment verification through field tests during Line commissioning is also recommended.

Assessment Note: The comments above have been incorporated as conditions of approval and advice, please refer to **Part A**. A copy of UTR's advice is attached to this Notice of Decision.

# 7. HEALTH PROTECTION SERVICE (HPS)

HPS provided advice on 14 April 2023 stating that the proposal is supported.

The Health Protection Services (HPS) has reviewed the DA and associated documentation and notes that there are no public health concerns in relation to the proposed DA.

A copy of HPS's advice is attached to this Notice of Decision.

### 8. ICON WATER

Icon Water provided advice on 29 March 2023 stating that the proposal fails to comply with their water and sewerage network protection requirements due to the following:

Design Acceptance for External Services or off site works must be in principle design approved by Icon Water Hydraulic Assets. Phone Icon Water Asset Acceptance on ph.: 02 6248 3111 or

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email to hydraulicassetacceptance@iconwater.com.au. This needs to be referred back to Icon Water Building Approvals area for approval prior to any DA/BA Approval by ACTPLA or certifiers.

Please be advised that during the detailed design phase of the project an AS/NZS4853 assessment with approval by Icon Water will be required for any proposed works that meets the scope set out in Icon Water document STD-SPE-E-008. (Attached) If unsure of the requirements please contact Earthing@iconwater.com.au for more details or to discuss a workplace presentation.

Assessment Note: The comments above have been incorporated as conditions of approval, please refer to **Part A**. A copy of the Icon Water advice is attached to this Notice of Decision.

#### 9. TRANSGRID

Transgrid provided advice on 10 May 2023 stating that the proposal is supported subject to conditions:

#### 1. GENERAL CONDITIONS:

- i. All works must be carried out as per plans provided for DA 20234136
- ii. TransGrid shall be notified of any amendments / modifications to the proposal which may change distances to Transgrid structures or conductors.
- iii. All works must be carried out in accordance with NSW WorkCover 'Working near overhead powerlines' Code of Practice 2006
- iv. All fencing (including temporary fencing) must comply with Transgrid's Fencing Guidelines, including earthing and/or isolation requirements.
- v. If fence heights are not stipulated on the plans, then approval is based on the assumption that all fences will be no higher than 2.5m. If fences are planned taller than 2.5m then full details must be provided
- vi. No metallic structures or infrastructure shall be installed unless they form part of the approved plans.
- vii. Any works proposed MUST NOT reduce clearance to conductors below that required in AS7000.
- viii. Where transmission lines are 132kV and below activities/development/structures must be located at least 20 metres away from any part of a transmission structure or supporting guy wire, or for metallic structures, be located at least 22 metres away from any part of a transmission structure or supporting guy wire and be located at least 10 metres from the centre of the transmission line.
- ix. Where transmission lines are 220kV and above activities/development/structures must be located at least 30 metres away from any part of a Transmission structure or supporting guy wire and be located at least 17 metres from the centre of the transmission line.
- x. Precautions must be in place to prevent damage to transmission line structures and guys. Any damage due to construction activities to be reported immediately to Transgrid.
- 2.TECHNICAL CONDITIONS:

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#### Summary of Findings:

- There are no property issues or concerns with the proposed work that is planned on land adjacent to our site.
- Transgrid's Transmission Line / Cables Asset Manager should be consulted to confirm that the position of the proposed poles and wires do not conflict with our transmission lines that are on the same adjacent land.

Asset Management has no objections to the proposed development with the following caveats:

- No structure, or part thereof, is to be positioned within the exclusion zone as described within the Easement Guidelines Living and working with electricity transmission lines, published on the Transgrid website.
- Any works carried out in proximity are to be in accordance with the relevant Code of Practice and/or guidelines (For example, General Guide for Working in the Vicinity of Overhead and Underground Electric Lines)
- If the proponent's development is likely to encroach upon the exclusion zone the proposal must be submitted to Transgrid for review.

#### 3.ACCESS AND MAINTENANCE CONDITIONS:

- TSS indicates that TransGrid's nearest TL structures outside of Queanbeyan Sub are located to the east of Essential Energy's proposed poles & powerlines location.
- Access to TG structures are shown to be off Nimrod Rd which is further east of the structures and we would not expect any issue with Essential Energy's Poles & powerlines location.
- Safety clearances are to be observed near powerlines.

All works near/within Transgrid's Transmission Lines would need to be carried out in accordance to TransGrid Easement Guidelines & Workcover's Code of Practice 2006 – 'Work Near Overhead Powerlines'.

#### 4. EARTHWORKS CONDITIONS:

- i. No mounds of earth or other materials may be left on the easement during and after earthworks, as this creates a hazard by reducing the vertical clearances to transmission lines.
- ii. Excavations deeper than 2m such as trenches and pits need individual assessment to ensure there are no adverse impacts, particularly to Transgrid structures and earth straps.
- iii. Any cut operations as part of bulk earthworks are generally not a concern, provided they do not adversely impact access or encroach within 30m of a structure.
- iv. Any earthworks involving fill need to be assessed to determine impacts on conductor height clearances. This will require provision of a 3D DXF, or otherwise detailed survey plans with before and after RLs to enable a height clearance check to be undertaken. Minor resurfacing works which do not increase ground levels by more than 100mm can be excluded provided this is clearly stated on the plans.

#### 5. CONSTRUCTION CONDITIONS:

v. Any construction work within the easement shall maintain safety clearances to the exposed conductors in accordance with NSW WorkCover 'Working near overhead powerlines' Code of

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Practice 2006 (Transgrid may provide preferred crane locations, for the purpose reducing static induction)

- vi. During construction phase Transgrid access is to be maintained 24/7. Transgrid to provide suitable padlock/s for any gates.
- vii. The works shall not impede or restrict Transgrid from undertaking normal maintenance and inspection activities and, at completion of works, access to Transmission Lines and structures shall always be available for Transgrid plant and personnel for future TransGrid maintenance activities.
- viii. Dust: Works must not create excessive quantities of dust and proponent must employ dust suppression. A dust management plan is not expected to be provided to Transgrid, but provision must be made for such a plan to avoid causing damage to the transmission line such as dust pollution on insulators.
- ix. The easement area shall not be used for temporary storage of construction spoil, topsoil, gravel or any other construction materials.
- x. Vehicles or equipment having a height exceeding of 4.3m when fully extended may traverse the easement if stowed and locked for travel. Operation within the easement must be done in accordance with NSW WorkCover Working near overhead powerlines' Code of Practice 2006
- xi. Consideration is to be given in the design works for any proposed access ways/roads over Transgrid's easement to cater for the weight and size of Transgrid's maintenance vehicles to withstand the 40-tonne load capacity of maintenance trucks.
- xii. For where travel is required by Transgrid's maintenance vehicles, Batter slope is to be no steeper than 1 in 6.
- xiii. Traffic control: During construction, traffic control measures need to be implemented to prevent vehicles colliding with Transgrid's transmission towers.
- xiv. Where temporary vehicular access for parking during the construction period is within 17m of transmission line structure, adequate precautions shall be taken to protect the structure from accidental damage.

Assessment Note: The comments above have been incorporated as conditions of approval and advice, please refer to **Part A**. A copy of the Transgrid advice is attached to this Notice of Decision.

#### 10. EVOENERGY (ELECTRICITY)

EvoEnergy (Electricity) provided advice on 6 April 2023 stating that the proposal is supported subject to conditions:

Construction work methods must consider the impact of erecting and working from scaffolding in proximity to existing and proposed Evoenergy assets.

Components/Structures must comply with the attached Evoenergy document 'PO 07475 - Scaffolding Work Near Overhead Powerlines' and also Worksafe ACT requirements.

Development is to comply with minimum 1.5m machinery access clear of obstacles and vegetation to assets within the block.

Development is to comply with minimum clearances to overhead conductors and poles. Ref Evoenergy Drawing 3811-004

Development is to comply with minimum separation requirements to underground assets. Ref Evoenergy Drawing 3832-018

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Proponent is required to submit the Request for "Preliminary Network Advice" form to connectionapplication@evoenergy.com.au (available on Evoenergy website) prior to commencement of any development activity to negotiate the connection of new and/or relocation of existing electricity assets.

Proposed and existing development is to comply with minimum 1.5m machinery access clear of obstacles and vegetation to assets within or adjacent to the block. The development must maintain existing access arrangements to Evoenergy assets that located within or adjacent to the block at all time.

No development activity shall be undertaken

- a) within an electricity easement or,
- b) that restricts access to Evoenergy asset/s

Assessment Note: The comments above have been incorporated as conditions of approval and advice, please refer to **Part A**. A copy of the Evoenergy advice is attached to this Notice of Decision.

#### 11. EVOENERGY (GAS)

Jemena (Gas) provided advice on 30 March 2023 stating that the proposal is supported.

Jemena have reviewed the proposed development and can confirm Evoenergy (gas) have no objections.

A copy of the EvoEnergy (Gas) advice is attached to this Notice of Decision.

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#### **ATTACHMENT 1**

#### ADMINISTRATIVE INFORMATION RELATING TO NOTICE OF DECISION

#### DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise, this approval takes effect the day after the date of this decision. The effective date for development applications approved subject to conditions may also 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 section 184 of the *Planning and Development Act 2007* (Act), this approval will expire if:

- the development or any stage of the development is not started within <u>three years</u> after the day the approval takes effect;
- the development is not finished three 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 pursuant to section 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 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 9.00am and 4:00pm weekdays at the Environment, Planning and Sustainable Development Directorate Dickson Customer Service Centre at 480 Northbourne Avenue, Dickson, ACT.

#### Submission of revised drawings or documentation

If a condition of approval requires the applicant to lodge revised drawings and / or documentation with the planning and land authority for approval pursuant to section 165 of the Act, the submission must be made by completing an application in e-development.

#### **Reconsideration of the Decision**

If the DA applicant is not satisfied with the decision made by the planning and land authority, they are entitled to apply to the planning and land authority for reconsideration within 20 working days of being told of this decision pursuant to section 191 of the Act. A longer timeframe may apply only if granted in writing by the planning and land authority pursuant to section 184 of the Act.

More information is available online at <a href="https://www.planning.act.gov.au/build-buy-renovate/build-buy-or-renovate/approvals/development-applications/appeal-a-da-decision">https://www.planning.act.gov.au/build-buy-renovate/build-buy-or-renovate/approvals/development-applications/appeal-a-da-decision</a>.

Please contact Access Canberra Customer Services if you wish to lodge a reconsideration application.

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#### Review by the ACT Civil and Administrative Tribunal (ACAT)

- 1. Decisions that are reviewable (sometimes referred to as appeals) by the ACAT are identified in Schedule 1 of the <u>Act</u>, except for matters that are exempted under Schedule 3 of the <u>Planning</u> and <u>Development Regulation 2008</u> (matters exempt from third party review).
- 2. The notice of decision and this advice have been sent to all people who made a representation in relation to the application.
- 3. The ACAT is an independent body. It can review a large number of decisions made by ACT Government ministers, officials and statutory authorities on their merits. 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.
- 4. More information on appeal rights is available online at <a href="https://www.planning.act.gov.au/build-buy-renovate/build-buy-or-renovate/approvals/development-applications/appeal-a-da-decision">https://www.planning.act.gov.au/build-buy-or-renovate/approvals/development-applications/appeal-a-da-decision</a>.
- 5. The ability to review the Authority's decision is a matter of law. If you think you have a right of review, you may apply to the ACAT for a review of the decision. Application forms can be obtained from the ACAT at the website listed below. You can also download the form from the ACT Legislation Register. It is recommended you seek independent advice in regards to such reviews eg a legal practitioner.
- 6. If you are applying on behalf of an organisation or association, 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.
- 7. 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; and rule 38 of the ACT Civil and Administrative Tribunal Procedures Rules 2020.
- 8. 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. Applications should be made in writing to: the Director General, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. You can ask the ACAT for more details.
- 9. 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.
- 10. The following organisations may be able to provide you with advice and assistance if you are eligible:
  - ACT Law Society, telephone 6274 0300ACT
  - Legal Aid Office, telephone 1300 654 314
  - ACT Council of the Ageing, telephone 02 6154 9740
  - Welfare Rights Centre, telephone 1800 226 028
  - Environmental Defender's Office (ACT), telephone 02 6243 3460.
- 11. 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 in the circumstances specified in s 48 of the ACAT Civil and Administrative Tribunal Act 2008. 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.

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- 12. You may apply for access to any documents you consider relevant to this decision under the ACT *Freedom of Information Act 2016*. Information about Freedom of information requests is available on the planning and land authority's web site at <a href="https://www.environment.act.gov.au/about/access-government-information">https://www.environment.act.gov.au/about/access-government-information</a> or by contacting us by phone on 02 6207 1923.
- 13. 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.

### **Review by the ACT Supreme Court**

- 1. The Authority's decision may also be subject to judicial review by the ACT Supreme Court under the *Administrative Decisions (Judicial Review) Act 1989* (ADJR Act).
- Under the ADJR Act, an *eligible person* may make an application for review of a decision.
- 3. An *eligible person* must demonstrate that their interests are adversely affected by the decision and that the application raises a significant issue of public importance.
- 4. Section 5 of the ADJR Act sets out the grounds on which a decision can be reviewed.
- 5. The time limit to make an application for review is 28 days from the date the Notice of Decision is provided to the applicant and those people who made a representation.
- The ACT Supreme Court is a costs jurisdiction where costs generally follow the event.
   This means that the unsuccessful party is required to pay the costs of the successful party.
- 7. For more information on ACT Supreme Court processes and fees, please visit <a href="https://courts.act.gov.au/home">https://courts.act.gov.au/home</a>.

#### Other approvals

A notice of decision under the *Planning and Development Act 2007* grants development approval only. Other approvals may be required, including:

#### 1. Building Approval

Most building work requires building approval under the *Building Act 2004* to ensure it complies with building laws such as the *Building Code of Australia*. The lessee should engage a private building certifier to determine whether building approval is required and assess and approve the building plans before construction commences. A list of certifiers can be obtained from the Environment, Planning and Sustainable Development Directorate.

# 2. 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 at <a href="https://www.tccs.act.gov.au/city-living/trees">https://www.tccs.act.gov.au/city-living/trees</a>.

#### 3. 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 the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. More information is available from the Transport Canberra and City Services Directorate at <a href="https://www.tccs.act.gov.au/city-living/public land use">https://www.tccs.act.gov.au/city-living/public land use</a>.

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# 4. Works on unleased Territory Land

In accordance with the *Public Unleased Land Act 2013*, no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval must be obtained from the Senior Manager, Place Coordination and Planning, Transport Canberra and City Services Directorate by way of:

- (a) a certificate of design acceptance prior to the commencement of any work; and
- (b) a certificate of operational acceptance on completion of all works to be handed over to TCCS.

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.

# Contact details for relevant agencies

| ACT Civil and Administrative Tribunal   | www.acat.act.gov.au                     |  |
|---|---|--|
| Level 4, 1 Moore Street   | tribunal@act.gov.au                     |  |
| CANBERRA CITY ACT 2601  | 02 6207 1740                            |  |
| GPO Box 370, CANBERRA, ACT 2601   | 02 6205 4855 (Fax)                      |  |
| ,   | ,                                       |  |
| ACT Supreme Court   | www.courts.act.gov.au                   |  |
| 4-6 Knowles Place,  | 02 6205 0000                            |  |
| CANBERRA CITY ACT 2601  |   |  |
| GPO Box 1548, CANBERRA CITY, ACT 2601   |   |  |
| Environment, Planning and Sustainable   | www.planning.act.gov.au                 |  |
| Development Directorate   | 02 6207 1923                            |  |
| 480 Northbourne Avenue  |   |  |
| DICKSON ACT 2602  |   |  |
| GPO Box 158, CANBERRA 2601  |   |  |
| <ul> <li>Planning and land authority</li> <li>list of certifiers for building approval</li> <li>demolition information</li> </ul> |   |  |
| - asbestos information  |   |  |
| Environment Protection Authority  | EPAPlanningLiaison@act.gov.au           |  |
| <ul><li>environment protection</li><li>water resources</li></ul>  | 6207 5642                               |  |
| - Conservation, Planning and Research   |   |  |
| - threatened species/wildlife management  |   |  |
| WorkSafe ACT  |   |  |
| - asbestos information  |   |  |
|   | worksafe@worksafe.act.gov.au            |  |
|   | 132 281                                 |  |
| ACT Heritage Council  | www.environment.act.gov.au              |  |
| <ul> <li>Aboriginal, historic and natural heritage<br/>management</li> </ul>  | 132 281                                 |  |
| Tree Protection Unit  |   |  |
| <ul> <li>Development Applications (DA) issue:</li> </ul>  | TCCS.TreeProtectionACTPLARef@act.gov.au |  |
| <ul> <li>Tree Damaging Activity Applications</li> </ul>   | TCCS.TreeProtection@Act.gov.au          |  |
| (TDAA) issue:   | 1003. Heerfolection@Act.gov.au          |  |
| Transport Canberra and City Services  | www.tccs.act.gov.au                     |  |
| <ul> <li>landscape management and protection plan</li> </ul>  | goriaa                                  |  |
| - Idinascape management and protection plan   | 132 281                                 |  |

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| <ul> <li>approval</li> <li>use of verges or other unleased Territory land</li> <li>works on unleased Territory land - design acceptance</li> <li>driveway inspections or building applications</li> <li>damage to public assets</li> </ul> | 02 6207 0019 (development coordination)  tccs.dcdevelopmentcoordination@act.gov.au |
|--|--|
| Health Directorate   | www.health.act.gov.au<br>hps@act.gov.au<br>02 5124 9700                            |
| Education Directorate  | www.education.act.gov.au<br>02 6205 5429   |
| Utilities  |  |
| Telstra (networks)   | 02 8576 9799   |
| TransACT (networks)  | 02 6229 8000   |
| Icon Water   | 02 6248 3111   |
| Electricity reticulation   | 02 6293 5749   |

# **Translation and interpretation services**

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

| ENGLISH                              | If you need interpreting help, telephone:                  |  |
|--------------------------------------|--|--|
| ARABIC                               | إذا احتجت لمساعدة في الترجّمة الشّفوية ، إتمل 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 τηλεφωνήσετε στο                   |  |
| ITALIAN                              | Se avete bisogno di un interprete, telefonate al numero:   |  |
| MALTESE                              | Jekk għandek bżonn I-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                              | Ако вам је потребна помоћ преводиоца телефонирајте:        |  |
| 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  |  |