

Planning and Development (Approval of Application – DA202241244 – 132kV Jerrabomberra Transmission Line Project) Notice 2025

Notifiable instrument NI2025–62

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 – DA202241244 – 132kV Jerrabomberra Transmission Line Project) Notice 2025*.

2 Commencement

This instrument commences on the day after its notification day.

3 Application

- (1) This instrument applies to development application DA202241244 for the installation of a 132kV transmission line in Jerrabomberra (the *DA*).
- (2) The DA includes installation of approximately 3.6km of 132kV transmission line from the Monaro Highway to HMAS Harman and other associated works at Block 12 Section 4 and Block 10 Section 107 Symonston and Block 2233 Jerrabomberra.

4 Impact track development approval

- (1) On 26 April 2023, pursuant to the *Planning and Development Act 2007* (repealed), section 162 (1) (b), a delegate of the planning and land authority approved the DA in the impact track, subject to conditions.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 24 May 2023.
- (3) The notice of decision for the DA is in schedule 1.

Alexandra Kaucz
Delegate of the territory planning authority
7 February 2025



ACT

Government

Environment, Planning and
Sustainable Development

NOTICE OF DECISION

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 construction of a new 132 kV transmission line, approximately 3.6km long, extending from the existing East Lake-Gilmore 132 kV transmission line on the Monaro Highway, along the Hindmarsh Drive and Canberra Avenue southern road reserves to HMAS Harman using 8 steel poles and 21 concrete poles, and other associated site works at Block 12, Section 4 and Block 10, Section 107 Symonston and Block 2233, Jerrabomberra**, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number: 202241244
Blocks: 12, 10, 2233
Sections: 4, 107, 0
Suburbs: Symonston & Jerrabomberra
Application lodged: 21 February 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
26 April 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. SCOPE OF APPROVAL

This approval applies to works located on Territory land only. Any works within Designated Areas, or works located on National land, will require separate assessment and planning approval from the National Capital Authority (NCA).

2. COMMENCEMENT AND COMPLETION OF DEVELOPMENT

- a) This development must be started (commenced) within **three years** from the date when this approval takes 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.

Note: 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).

3. ENVIRONMENTAL IMPACT STATEMENT (EIS) - 201900038

All works must be consistent with the mitigation measures in Table 7.1 of the 132kV Jerrabomberra Transmission Line Environmental Impact Statement, prepared by GHD, dated 13 September 2022 (the EIS).

PRIOR TO CONSTRUCTION

4. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)

Prior to construction, a revised CEMP addressing the conditions imposed in this Decision must be submitted to the planning and land authority (EPDImpact@act.gov.au) for endorsement.

5. HERITAGE

The Construction Environment Management Plan (CEMP) must be revised to include the following:

- a) protective fencing of Hindmarsh 1 prior to works commencing to ensure that no inadvertent impacts occur to this Aboriginal place. Fencing locations are to be demarcated by a qualified archaeologist and Representative Aboriginal Organisations (RAOs); and protective fencing must be adequate to physically protect heritage places, such as star pickets spaced no more than 4m apart and with high visibility barrier mesh. Once installed, the location and adequacy of protective fencing is to be visually confirmed by a qualified archaeologist and RAOs; and notification on protective fencing is to be submitted to the Council;
- b) the adherence to an appropriate Unexpected Discovery Protocol (UDP), such as set out within the Navin Officer Heritage Consultants (2022) report, with amendments to note all Aboriginal objects and places are protected regardless of assessed significance and require *Heritage Act 2004* approvals; and

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- c) a site induction for heritage matters relating to the project that includes cultural awareness training as per the recommendations of NOHC (2022) and including RAO representative/s.

6. ICON WATER

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

Note: 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 Section 197 of the Planning and Development Act 2007.

7. ELECTRICAL HAZARD STUDY

- a) Prior to construction, an Electrical Hazard Study (EHS) is to be prepared, to the satisfaction of Jemena Gas, that is consistent with the standards found within *Australian Standard AS4853 electrical hazards on metallic pipelines* to assess the interface between proposed overhead electrical infrastructure with buried steel pipeline infrastructure.
- b) Based on the EHS outcomes, a Safety Management Study workshop (SMS) may also be required to assess the threats and identify the required controls to minimise the impact of the high voltage transmission line on the Canberra Primary Main (CPM).

8. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

- a) A public unleased land permit shall be obtained from TCCS prior to the commencement of works for storage of any materials, plant or vehicles within the road reserve or Block 10 Section 107 Symonston.
- b) A Landscape Management and Protection Plan (LMPP) and a dilapidation report for all Government Assets adjacent to the site shall be submitted to the Development Coordination Branch, TCCS, prior to commencement of works. The LMPP shall comply with the requirements of TCCS Reference Document 4.

Note: The applicant will require Works Approval from the National Capital Authority as the Monaro Highway (including on- and off-ramps) and Canberra Avenue are designated approach routes.

Note: other standard TCCS conditions may apply (as appropriate) for works on, and the use of, Territory Land in addition to the above conditions. A copy of the standard conditions is included with this decision.

DURING CONSTRUCTION

9. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)

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

10. CONSERVATOR OF FLORA AND FAUNA

- a) All works are to be undertaken within the road reserve and existing disturbed tracks in accordance with the EIS and CEMP.
- b) Areas of Natural Temperate Grassland (NTG), Grassland Earless Dragon (GED) and Golden Sun Moth (GSM) habitat are to be fenced off with temporary fencing to ensure no

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entry, the laydown area is to be to the west off GED habitat (and far from recent GED records), amongst other mitigation measures noted.

- c) Parks and Conservation Services and/or the Conservator of Flora and Fauna must be notified prior to any plant/equipment use outside of the existing tracks or road reserve. The land immediately to the south of the property fence for Cookanalla is of extremely high value, including GED habitat and remaining populations in close proximity. Therefore, consultation must be undertaken prior to any works occurring outside of the scope provided within the current application for works. There can be no further risk to this habitat.

11. ENVIRONMENT PROTECTION AUTHORITY (EPA)

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

- a) All works must be carried out in accordance with “Environment Protection Guidelines for Construction and Land Development in the ACT, August 2022”, available at www.environment.act.gov.au or by calling 132281.
- a) All spoil identified at the site must be managed in accordance with EPA *Information Sheet – Spoil Management in the ACT.*
- b) 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.*
- c) No soil is to be disposed from site without approval from the Office of the EPA.

12. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

All works, including any resulting from modification or damage to TCCS assets shall be undertaken at the expense of the developer, and the developer shall be liable for any remediation, replacement, maintenance or any other works connected with this development.

13. BUSHFIRE PROTECTION REQUIREMENTS:

Any high-risk works, such as hot works, undertaken during the declared bushfire season must be undertaken with an approved fire permit and associated conditions to address bushfire risk. A fire permit to undertake a high-risk activity within the Rural Area can be obtained by contacting ACTRFS.

14. COMPLIANCE WITH ENTITY REQUIREMENTS

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

- a) ACT Heritage Council;
- b) Emergency Services Authority (ESA);
- c) Evoenergy Electricity;
- d) ICON Water; and
- e) Transport Canberra and City Services (TCCS).

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

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15. WASTE MANAGEMENT – DURING CONSTRUCTION PHASE

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

POST CONSTRUCTION

16. UTILITIES TECHNICAL REGULATION

Upon completion of the construction phase, the line commissioning phase is to include overall verification of design hazard mitigation for electromagnetic induction (EMI) and earth potential rise (EPR) of nearby metallic infrastructure through low voltage current injection testing as undertaken on other similar projects (e.g. TransGrid Stockdill project) as this has revealed hazard locations not identified during the design phase.

17. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

A Landscape Management and Protection Plan (LMPP) and a dilapidation report for all Government Assets adjacent to the site shall be submitted to the Development Coordination Branch, TCCS, on completion of the work. The LMPP shall comply with the requirements of TCCS Reference Document 4.

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 till all relevant conditions of the decision (including Entity non-compliance) are complied with to the satisfaction of the authority.

2. ENVIRONMENT PROTECTION AUTHORITY (EPA)

- a) Noise from equipment which may be installed or used at the site, including air conditioning units etc, 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 equipment that it complies with the Noise Zone Standard as per the Environment Protection Regulation, 2005.
- b) 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:
 - 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. IDENTIFIED FLOOD ZONE (1% AEP):

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 flood risks are appropriately considered and specific risk control measures are detailed in the Emergency Plan for this development.

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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:
<https://www.planning.act.gov.au/build-buy-renovate/for-industry/industry-resources/hoarding-signage-guidelines>

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PART B – REASONS FOR THE DECISION

An EIS for this proposal was completed on 15 November 2022 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 reduce potential environmental impacts arising from construction and operational activities. All mitigation measures identified in the EIS have been incorporated into 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, especially those set out in the representation, 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 regards 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:	202241244
Territory Plan Zones:	TSZ1 Transport Zone NUZ1 Broadacre Zone
Development Codes:	Transport and Services Zone Development Code Non-Urban Zones Development Code
Precinct Code:	Jerrabomberra District Precinct Map and Code Symonston Precinct Map and Code
Legislative requirements:	Sections 128 and 129 of the <i>Planning and Development Act 2007</i>
Representations and Entity advice:	As addressed in PART B and PART C of this Decision

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

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PART C – PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the *Planning and Development Act 2007*, the application was publicly notified from 28 February 2023 to 21 March 2023. One written representation was received during the public notification period.

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

- Predation of threatened fauna, through kestrels and other birds using the power lines as perches from which to prey on threatened fauna.

Patches of the threatened ecological community, Natural Temperate Grassland (NTG), are mapped in areas immediately adjacent to the transmission line alignment to the south of Canberra Avenue. These areas are known to support an isolated population of GED, and may support other threatened species, including SLL, which was recorded as being present within the Project area when undertaking ecological surveys in preparation of the EIS application for this proposal in 2019.

The application identifies potential direct and indirect impacts to threatened fauna during construction and operation phases of the Project and proposes a number of mitigation measures to be implemented to manage impacts.

The transmission line poles will be sited within existing cleared or disturbed areas and away from key habitat areas. As a result, direct impacts relate primarily to footprints of poles and potential impacts associated with movement of vehicles around the indicative safe construction work areas.

The permanent infrastructure footprint of new poles is predicted to cover an area of up to 86.5 m² and comprises the total estimated extent of pole footing areas. Siting of the infrastructure has deliberately been located within existing maintained areas along the road reserve that do not contain NTG.

The temporary disturbance footprint around new poles is predicted to cover an area up to 1.97 ha and comprises the total area required for the undertaking of construction activities around each pole location. The entirety of the temporary disturbance footprint will also be located outside of areas of NTG.

Through the EIS process, and in consultation with the Conservator of Flora and Fauna, the concept design of the Project was altered in order to minimise potential impacts upon threatened species habitat. Evoenergy has committed to a range of mitigation measures to avoid or reduce impacts, which include:

- *redesign of pole locations to move them away from areas of NTG;*
- *a CEMP that includes prescriptive management measures that relate to environmental risks as documented to be implemented during construction, with an Environmental Compliance Officer to oversee implementation of the CEMP;*
- *undertaking works outside of key breeding periods for threatened reptile species;*
- *weed management to be undertaken prior to and during construction as well as for 18 months following construction;*
- *bushfire protection measures to be implemented during construction; and*
- *bird deterrents, including perch deterrent spikes, to be included in the design with the aim to modify perching behaviour; and*
- *bird flight diverters to increase the visibility of transmission lines and reduce likelihood of line strikes by avian species.*

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It is considered that, provided mitigation measures to avoid or reduce impacts are implemented, the Project is unlikely to have a significant adverse environmental impact on identified Nature Conservation Act 2014 and Environment Protection and Biodiversity Conservation Act 1999 listed species or communities within or adjacent to the transmission line alignment.

Conditions of approval have been included in Part A of this decision to ensure that the identified mitigation measures are implemented.

- Risk of collision of the Little Eagle with power lines.

Several bird species, including the Little Eagle, are known to regularly utilise the Project area. The EIS found that electrocution risk to bird species, including the Little Eagle, would potentially arise if the gap between two electrified components was bridged by wings or other body parts. The maximum wingspan of the little eagle is approximately 1.2 m which is too small to bridge the distance between cables which is expected to be 1.8 m, and as a result the likelihood of electrocution was found to be remote.

Although power infrastructure is already present in the Project area along Monaro Highway and Canberra Avenue, in order to reduce the risk of injury or mortality of birds, bird deterrents are proposed to be included in the design and will include:

- *Perch deterrent spikes to modify perching behaviour of bird species.*
 - *Bird flight diverters to increase the visibility of transmission lines and reduce likelihood of line strikes by avian species. These may include marker balls, swinging markers, flappers or other similar devices as identified from engagement from the Little Eagle Research Group.*
 - *Live components of the infrastructure will be further apart than the 1.2 m wingspan of the Little Eagle, or insulated.*
- Direct disturbance of habitat and creating conditions for weeds to flourish further in the general area.

Measures will be implemented before, during and after construction to prevent the establishment and/or spread of weeds, particularly Weeds of National Significance and/or declared pest plants.

A Weed Management Plan has been developed and will be implemented as part of the CEMP. This includes management of weeds within the laydown area, and if necessary, along and immediately adjacent to designated access roads.

The Erosion and Sediment Control Plan (ESCP), to be implemented as part of the CEMP, will also divert potential water runoff away from NTG areas to prevent water borne weed dispersal.

Weed management will be conducted using methods in consideration of adjacent threatened ecological community and threatened species habitats. This may include use of herbicides (spot spraying application with consideration of proximity to non-target native groundcover and wind conditions), removal of seeds, seedlings and mature weeds and the use of drift fences.

The presence of weeds is to be monitored monthly and documented. Weed control will be implemented as per the Weed Management Plan and will continue to be undertaken for 18 months post construction by a suitably qualified contractor capable of distinguishing target and non-target native and exotic vegetation.

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ENTITY ADVICE and REQUIREMENTS

Pursuant to Division 7.3.3 of the *Planning and Development Act 2007*, 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.

1. ACT HERITAGE COUNCIL – The Council

The Council provided advice on 15 March 2023 stating that the proposed development is supported, subject to the following conditions:

DA202241244 is located in proximity to Aboriginal place 'Hindmarsh 1' which is a small artefact scatter located on an existing access track. Supporting information accompanying DA202241244 (refer to Plan 12514817-A-Figure 2.2) indicates that the access track where Hindmarsh 1 is located will be restricted from use to prevent any impacts to this Aboriginal place.

DA202241244 includes a 'Environment Management Plan' which is understood to function as a Construction Environment Management Plan (CEMP) which outlines heritage management controls to be undertaken during project construction. The Council's conditions of EIS201900038 endorsement included requirements to:

- *Have Representative Aboriginal Organisations (RAOs) and a qualified archaeologist install protective fencing around Hindmarsh 1, along with specific conditions for the requirements of this temporary fencing;*
- *Adhere to an Unexpected Discovery Protocol (UDP) that includes amendments to note at all Aboriginal objects and places are protected regardless assessed significance and require Heritage Act 2004 approvals; and*
- *Have a site induction for heritage matters relating to the project that includes cultural awareness training as per the recommendations of NOHC (2022) and including RAO representative/s.*

These above conditions are only partially met in the draft CEMP included with the DA202241244 referral. The CEMP does not specify the requirements for temporary fencing, note amendments to the UDP or include site induction including RAO representative/s.

The proposed development is unlikely to damage an Aboriginal place or object, subject to the below conditions:

The CEMP must be revised include the following:

- a) Protective fencing of Hindmarsh 1 prior to works commencing to ensure that no inadvertent impacts occur to this Aboriginal place. Fencing locations are to be demarcated by a qualified archaeologist and RAOs; and protective fencing must be adequate to physically protect heritage places, such as star pickets spaced no more than 4m apart and with high visibility barrier mesh; and once installed, the location and adequacy of protective fencing is to be visually confirmed by a qualified archaeologist and RAOs; and notification on protective fencing is to be submitted to the Council;*
- b) The adherence to an appropriate Unexpected Discovery Protocol such as set out within the NOHC (2022) report, with amendments to note at all Aboriginal objects and places are protected regardless assessed significance and require Heritage Act 2004 approvals; and*

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- c) *A site induction for heritage matters relating to the project that includes cultural awareness training as per the recommendations of NOHC (2022) and including RAO representative/s.*

Should the ACT planning and land authority approve this development application, the Council requests that the above heritage requirements are identified as approval conditions in the Notice of Decision.

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

2. ACT EMERGENCY SERVICES AGENCY (ACTESA)

The ACTESA provided advice on 16 March stating that the proposal is supported subject to the following conditions:

Bushfire Protection Requirements:

While specific bushfire protection requirements for this development are not applicable, ACTRFS requests that any high-risk works, such as hot works, undertaken during the declared bushfire season, be undertaken with an approved fire permit and associated conditions to address bushfire risk. A fire permit to undertake a high-risk activity within the Rural Area can be obtained by contacting ACTRFS.

Identified Flood Zone (1% AEP):

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.

A condition requiring the development to satisfy relevant entity requirements has been imposed in **PART A**.

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

3. CONSERVATOR OF FLORA AND FAUNA (the Conservator)

The Conservator provided advice on 11 April 2023 stating that that the proposed development is supported, subject to the following conditions:

It is understood that all works are to be undertaken within the road reserve and existing disturbed tracks in accordance with the EIS and draft CEMP. Areas of NTG/GED/GSM habitat are to be fenced off with temporary fencing to ensure no entry, the laydown area is to be to the west off GED habitat (and far from recent GED records), amongst other mitigation measures noted.

The Conservator notes the commitment to bird deterrent modifications to the poles and acceptable bushfire provisions within the draft CEMP.

It should be a condition of approval that Parks and Conservation Services and/or the Conservator should be notified prior to any plant/equipment use outside of the existing tracks or road reserve. The land immediately to the south of the property fence for Cookanalla has extremely high value (including GED habitat and remaining populations in close proximity), so consultation needs to be undertaken prior to anything occurring outside of the scope provided within the current application for works. There can be no further risk to the habitat here.

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Assessment note: The comments above have been incorporated as conditions of approval, please refer to **Part A**.

4. ENVIRONMENTAL PROTECTION AUTHORITY (EPA)

EPA provided advice on 16 March 2023 stating that the proposal is supported subject to the following conditions and advice:

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 www.environment.act.gov.au or by calling 132281.

All spoil identified at the site must be managed in accordance with EPA Information Sheet – Spoil Management in the ACT.

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.

No soil is to be disposed from site without approval from the Office of the Environment Protection Authority.

Advice:

Noise from equipment which may be installed or used at the site, including air conditioning units etc, 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 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 EPAPanningLiaison@act.gov.au or on 02 6207 5642.

Assessment note: The comments above have been incorporated as conditions of approval, please refer to **Part A**.

5. EVOENERGY ELECTRICITY

Evoenergy Electricity provided advice on 14 March 2023 stating that the proposal is supported subject to the following conditions:

Development is to comply with minimum clearances to overhead conductors and poles.

Development is to comply with minimum separation requirements to underground assets.

Installation of electrical conduits (on or off block) will be the responsibility of the proponent.

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

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6. ICON WATER

Icon Water provided advice on 1 March 2023 stating that the proposal fails to comply with their water and sewage 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 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.

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.

7. JEMENA (GAS)

Jemena provided advice on 29 March 2023 stating that the proposal is supported subject to the following conditions:

This is a high voltage 132 KVA overhead power line which could impact CPM's CP system. Accordingly, an electrical hazard study is required according to (AS4853 Electrical Hazards on Metallic Pipelines).

Assessment Note: The comments above have been incorporated as conditions of approval, please refer to **Part A**.

8. NATIONAL CAPITAL AUTHORITY (NCA)

The NCA provided advice on 14 March 2023 stating that the proposal is supported:

The proposed works within 200m of Approach Routes are not inconsistent with the Plan and the NCA has no concerns with the Development Application.

The applicant has submitted a Works Approval application to the NCA for the proposed works at Monaro Highway and Canberra Avenue.

Assessment Note: The comments above have been noted.

9. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

TCCS provided advice on 16 March 2023 stating that the proposal is supported subject to the following conditions:

Conditions

- 1. All works including any resulting from modification or damage to TCCS assets shall be undertaken at the expense of the developer, and the developer shall be liable for any remediation, replacement, maintenance or any other works connected with this development.*
- 2. A public unleased land permit shall be obtained from TCCS prior to the commencement of works for storage of any materials, plant or vehicles within the road reserve or block 10 section 107 Symonston.*
- 3. A Landscape Management and Protection Plan (LMPP) and a dilapidation report for all Government Assets adjacent to the site shall be submitted to the Development Coordination Branch, TCCS, prior to commencement and on completion of the work. The LMPP shall comply with the requirements of TCCS Reference Document 4.*
- 4. The applicant should note that they will require works approval from the National Capital Authority as the Monaro Highway (including on- and off-ramps) and Canberra Avenue are designated approach routes.*

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TCCS STANDARD CONDITIONS

The following general conditions will apply, as appropriate, for the Works and use of Territory land and potential impacts on TCCS services in addition to any specific conditions imposed in the DA Notice of Decision. In accordance with the Public Unleased Land Act 2013 no Works are to be undertaken without the approval of the TCCS. Such approval must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch by the ways of (1) a Building Approval; or (2) a Letter of Early Works Approval, or (3) a Letter of Design Review prior to the commencement of any Works.

Building Applications and Design Review / Early Works Approval Requirements

Building applications are required for following activities of developments up to 3 residential dwellings:

- *driveway construction and formwork inspections;*
- *stormwater easements clearances;*
- *demolition and excavation waste; and*
- *construction impacting the verge or public open space (landscape management and protection plan)*

Design Review generally applies to a residential development of more than 3 dwellings or any commercial or industrial developments or subdivision of any block requiring a new stormwater tie. Early Works approvals are required if the applicant wishes to expedite the process for this category of development ahead of the Design Review process.

Early Works Approval

Early works typically include site preparation and establishment, implementation of temporary traffic management plan and landscape management and protection plan and earthworks / excavations. Early Works do not include any building works or offsite works.

Fees and charges will apply for Early Works Approval as per TCCS “GEN-06 - Submissions and Inspections Guideline Principles and Related Fees and Charges for TCCS and Industry”.

Design Review

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, stormwater, landscaping (and any other issues that may be found by audit of the plans) and a design report in accordance with TCCS “REF-06 - Requirements for Design Review Submissions”, must be certified by a Chartered Engineer/Landscape Architect and submitted to the relevant Senior Director of the TCCS Development Coordination Branch.

Waste and Recycling Management Plan (WRMP) review

*Unless a fully completed WRMP and mandatory submission documents (in accordance with 2019 Development Control Code for Best Practice Waste Management in the ACT) have been submitted and endorsed by TCCS at the DA stage, then **noncompliance will not be supported. A performance-based-application** can only be considered if a pre-application meeting is held (before a DA is submitted) and TCCS provides the Applicant with a **letter of endorsement** which is presented to EPSDD at the DA stage.*

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Operational Acceptance/Soft Landscape Consolidation Commencement

On completion of the Works, a Certificate of Operational Acceptance is required from the relevant Senior Director of the TCCS Development Coordination Branch, prior to the issuance of a Certificate of Occupancy.

Where required, a Certificate of Soft Landscape Consolidation Commencement must also be obtained from the relevant Senior Director of the TCCS Development Coordination Branch for the placement of soft landscape works on consolidation.

A Chartered Engineer/Landscape Architect must certify compliance with TCCS "REF 08 - Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance and/or Consolidation Commencement is made to the relevant Senior Director of the TCCS Development Coordination Branch on completion of all Works.

Final Acceptance/Soft Landscape Handover

A Certificate of Final Acceptance for all civil and hard landscape works must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch at the end of the required Defects Liability Period (DLP) as noted in the Certificate of Operational Acceptance.

A Certificate of Soft Landscape Handover for all soft landscape works must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch at the end of the required Consolidation Period as noted in the Certificate of Consolidation Commencement.

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".

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 from TCCS. If required, a license can be obtained from TCCS Licensing and Compliance.

Repair of damage to public assets

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Before the Works commence TCCS must be notified of any existing damage to public assets via a Dilapidation Report. The applicant/lessee is held responsible for repairing any damage to ACT Government's assets, caused by the development activities, to the satisfaction of TCCS. If a Dilapidation Report is not provided, any pre-existing damage must also be repaired at the applicant/lessee's cost.

Notice of Commencement of construction

A Notice of Commencement for the Works within Unleased Territory Land must be submitted to TCCS one week prior to the commencement of Works. The notice must also include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of TTM.

Assessment Note: The comments above have been incorporated as conditions of approval and advice, please refer to **Part A**.

10. TREE PROTECTION UNIT (TPU)

TPU provided advice on 30 March 2023 stating that there are no regulated trees located on the site and is therefore not covered by the *Tree Protection Act 2005*.

Assessment Note: The comments above have been noted.

11. UTILITIES TECHNICAL REGULATION (UTR)

The UTR provided advice on 5 April 2023 stating that the proposal is supported subject to the following conditions:

Whilst it is appropriate to conduct testing during the construction phase of the transmission line as mentioned by the proponent, upon completion of the construction phase, the line commissioning phase should include overall verification of design hazard mitigation for EMI and EPR of nearby metallic infrastructure through low voltage current injection testing as undertaken on other similar projects (e.g. TransGrid Stockdill project) as this has revealed hazard locations not identified during the design phase.

Assessment Note: The comments above have been incorporated as conditions of approval, please refer to **Part A**.

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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 **20 working days after the day this notice of decision is given to every person who made a representation on the application**. 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 **three years** 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 <https://www.planning.act.gov.au/build-buy-renovate/build-buy-or-renovate/approvals/development-applications/appeal-a-da-decision>.

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 [Act](#), except for matters that are exempted under Schedule 3 of the [Planning and Development Regulation 2008](#) (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 <https://www.planning.act.gov.au/build-buy-renovate/build-buy-or-renovate/approvals/development-applications/appeal-a-da-decision>.
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 *ACT 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 <https://www.environment.act.gov.au/about/access-government-information> 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).
2. 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.
6. 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 <https://courts.act.gov.au/home>.

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 <https://www.tccs.act.gov.au/city-living/trees>.
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 <https://www.tccs.act.gov.au/city-living/public-land-use>.

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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

<p>ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601 GPO Box 370, CANBERRA, ACT 2601</p>	<p>www.acat.act.gov.au tribunal@act.gov.au 02 6207 1740 02 6205 4855 (Fax)</p>
<p>ACT Supreme Court 4-6 Knowles Place, CANBERRA CITY ACT 2601 GPO Box 1548, CANBERRA CITY, ACT 2601</p>	<p>www.courts.act.gov.au 02 6205 0000</p>
<p>Environment, Planning and Sustainable Development Directorate 480 Northbourne Avenue DICKSON ACT 2602 GPO Box 158, CANBERRA 2601</p> <ul style="list-style-type: none"> • <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 - Conservation, Planning and Research - threatened species/wildlife management • <i>WorkSafe ACT</i> <ul style="list-style-type: none"> - asbestos information • <i>ACT Heritage Council</i> <ul style="list-style-type: none"> - Aboriginal, historic and natural heritage management • <i>Tree Protection Unit</i> <ul style="list-style-type: none"> - <i>Development Applications (DA) issue:</i> - <i>Tree Damaging Activity Applications (TDAA) issue:</i> 	<p>www.planning.act.gov.au 02 6207 1923</p> <p>EPAPanningLiaison@act.gov.au 6207 5642</p> <p>worksafe@worksafe.act.gov.au 132 281</p> <p>www.environment.act.gov.au 132 281</p> <p>TCCS.TreeProtectionACTPLARef@act.gov.au</p> <p>TCCS.TreeProtection@Act.gov.au</p>
<p>Transport Canberra and City Services</p> <ul style="list-style-type: none"> • landscape management and protection plan 	<p>www.tccs.act.gov.au 132 281</p>

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approval <ul style="list-style-type: none">• use of verges or other unleased Territory land• works on unleased Territory land - design acceptance• driveway inspections or building applications• damage to public assets	02 6207 0019 (development coordination) tccs.dcdevelopmentcoordination@act.gov.au
Health Directorate	www.health.act.gov.au hps@act.gov.au 02 5124 9700
Education Directorate	www.education.act.gov.au 02 6205 5429
Utilities <ul style="list-style-type: none">• Telstra (networks)• TransACT (networks)• Icon Water• Electricity reticulation	02 8576 9799 02 6229 8000 02 6248 3111 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 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 τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnunja 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