

Planning and Development (Approval of application – 201527738 Relocation of 132kV overhead transmission lines to an underground cable, Lawson) Notice 2015 (No 1)*

Notifiable instrument NI2015–626

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 – 201527738 Relocation of 132kV overhead transmission lines to an underground cable, Lawson) Notice 2015 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Impact track development approval

Under section 162 (1) (b) of the *Planning and Development Act 2007* (the Act), the planning and land authority has approved a development application for the relocation of 132kV overhead transmission lines to an underground cable in the suburb of Lawson (impact track development approval).

The planning and land authority has given written notice of the impact track development approval under section 170(1) of the Act (approval notice).

In accordance with section 170 (4) of the Act, a copy of the approval notice is in the schedule.

*Name amended under Legislation Act, s 60

A copy of the approval notice may also be obtained from the Environment and Planning Directorate's website:

http://www.planning.act.gov.au/topics/design_build/da_assessment/environmental_assessment/impact_track_development_approval_notices

Dorte Ekelund
Chief Planning Executive
3 November 2015



ACT
Government

Environment and Planning

Notice of decision

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

Impact track

DA NO: 201527738		DATE LODGED: 30 June 2015	
DATE OF DECISION: 19 October 2015			
BLOCK: 1	SECTION: 5	SUBURB: LAWSON	LESSEE: ActewAGL Distribution
BLOCK: 2	SECTION: 5	SUBURB: LAWSON	LAND CUSTODIAN: TAMS
BLOCK: 1	SECTION: 10	SUBURB: LAWSON	LAND CUSTODIAN: TAMS
BLOCK: 1	SECTION: 12	SUBURB: LAWSON	LAND CUSTODIAN: TAMS
BLOCK: 3	SECTION: 13	SUBURB: LAWSON	LAND CUSTODIAN: LDA
BLOCK: 1	SECTION: 19	SUBURB: LAWSON	LAND CUSTODIAN: TAMS
BLOCK: 1	SECTION: 20	SUBURB: LAWSON	LAND CUSTODIAN: TAMS
BLOCK: 1	SECTION: 29	SUBURB: LAWSON	LAND CUSTODIAN: LDA
STREET NO AND NAME: N/A			
APPLICANT: Purdon Planning Pty Ltd			

THE DECISION

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

I, Tegan Liston, delegate of the planning and land authority, pursuant to section 162 of the Act, hereby **approve subject to conditions** the proposal for:

- Relocation of approximately 1600m of existing 132kV overhead transmission line to an underground cable, including the construction of two new underground/overhead transition structures (UGOH), power line entrance and exit infrastructure at the Belconnen Zone Substation, underboring beneath Lake Ginninderra and College Creek, relocation through Wanderlight Avenue Road Reserve, trenching for the remainder of the route and removal of five 132kV transmission line towers and overhead power lines.

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

This decision is subject to the conditions of approval at **PART 1** being satisfied.

PART 2 sets out the Reasons for the Decision

PART 3 relates to Public Notification and Entity Advice.

PART 4 contains administrative information relating to the determination.

DELEGATE

Tegan Liston

Delegate of the planning and land authority

Environment and Planning Directorate

19 October 2015

Phone: (02) 6205 9649

Email: tegan.liston@act.gov.au

PART 1

CONDITIONS OF APPROVAL

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

A. ADMINISTRATIVE / PROCESS CONDITIONS

A1. DESIGN AND SITING

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

- (a) revised Trenchless Crossing Plan and Long Section drawings, showing the revised location of horizontal directional drilling containment areas (entrance and exit pits) located at least 50m back from the lake edges.

A2. NOTICE OF COMMENCEMENT

- (a) The approval holder must give the Authority a minimum of seven working days notice before commencement of any works. Notice is to be provided in writing to the contact officer on this decision.
- (b) Notice of Commencement for the works in unleased territory land shall be submitted to the Senior Manager, Asset Acceptance, Territory and Municipal Services Directorate (TAMS) one week prior to the commencement of works. The Notice shall also include the confirmation of any protective measures installed in accordance with the approved Landscape Management and Protection Plan and the programmed implementation of temporary traffic management.
- (c) The proponent needs to contact Northside Operations Manager - Parks and Territory Services, TAMS, to arrange access to Urban Open Space land to undertake works.

B. PRIOR TO CONSTRUCTION AND/OR DEMOLITION

B1. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

- (a) The draft Construction Environment Management Plan (CEMP) must be updated to include appropriate comment on the contamination studies undertaken with the Lawson development area and to include the following requirements:
 - (i) all excavated soil from Block 1 Section 13 and Block 1 Section 29 must be managed in accordance with the requirements of the document titled "Unexpected Finds Protocol for Construction of Lawson South Estate, Lawson South, ACT" dated 6 May 2013 by Coffey Environments Australia Pty Ltd available from the Land Development Agency;
 - (ii) all excavated soil from Block 1 Section 5 Lawson must be assessed in accordance with Environment Protection Authority (EPA) Information Sheet 4;
 - (iii) no soil from Block 1 Section 5 Lawson is to be reused within the Lawson development area (other than on Block 1 Section 5 Lawson) or offsite without EPA approval;
 - (iv) no soil is to be disposed offsite without EPA approval;
 - (v) all works must be carried out in accordance with Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011, available by calling 132281;
 - (vi) if any cultural heritage sites are encountered during construction, works will cease immediately and artefacts will be left in situ until assessed by a suitably qualified consultant;
 - (vii) provide for participation of Representative Aboriginal Organisations (RAOs) where Aboriginal heritage places or objects are encountered;
 - (viii) Council must be notified of any heritage find within five working days as required by Section 51 of the *Heritage Act 2004*;
 - (ix) the plan must meet all requirements in Table 2 of the Lawson South 132kV Power Line Relocation Environmental Impact Statement Assessment Report (March 2014).
- (b) The updated CEMP must be endorsed by the EPA, Environment and Planning Directorate, ACT Heritage Council, TAMS and Emergency Services Agency (ESA) as specified in Table 2 of the Lawson South 132kV Power Line Relocation Environmental Impact Statement Assessment Report, before works commence.

B2. ACTEW ELECTRICITY

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

B3. LIGHTING

Appropriate standards must be met for all lighting. These include AS4282 (control of the obtrusive effects of outdoor lighting) and AS1158 (lighting for roads and public spaces).

B4. GEOTECHNICAL INVESTIGATION

A geotechnical investigation must be undertaken prior to the commencement of the project works. The investigation needs to be undertaken close to the prescribed bore route on either side of Lake Ginninderra, preferably to a depth exceeding that of the initial bore design. Evidence of the investigation is to be provided to the planning and land authority on request.

B5. DESIGN ACCEPTANCE

- (a) A certificate of design acceptance must be obtained from the Senior Manager, Asset Acceptance, TAMS, prior to the commencement of any work. In order to obtain the Certificate of Design Acceptance, the following must be provided:
 - (i) fully detailed drawings (civil, landscape) prepared by suitably qualified persons for all off-site works including roads, driveways, footpaths, street lighting, storm water, landscaping (and any other issues that may be found by audit of the plans);
 - (ii) a design report in accordance with Ref No 06: "Requirements for Design Acceptance Submissions", that is certified by a Chartered Engineer/Landscape Architect;
 - (iii) a detailed tree survey and tree management plan (including protection measures) for impacted trees, consistent with the DA Report (section 5.4) which states that no tree removal is proposed;
 - (iv) a detailed Landscape Plan / Restoration Plan; and
 - (v) a Waste Management Plan in accordance with the Development Control Code for Best Practice Waste Management in the ACT.
- (b) In addition, TAMS must be consulted at detailed design stage to ensure that:
 - (i) trees that require protection are effectively protected;
 - (ii) trees to be removed have been assessed and endorsed for removal, or else alternative construction method may be required to avoid their removal; and
 - (iii) proposed planting meets TAMS design standards and standard specifications.

B6. TREES

The Tree Management Plan for this project should be consistent with the Lawson South development area Tree Management Plan and Tree Replacement Strategy. This plan must be implemented in relation to all tree removal and replanting works.

B7. TEMPORARY TRAFFIC MANAGEMENT

A Temporary Traffic Management Plan shall be prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety, Transport and Infrastructure Division, TAMS.

This plan is to address, as a minimum:

- (a) measures to be employed during construction to manage all traffic, including construction traffic, in and around the site;
- (b) provision of safe pedestrian movement around the site; and
- (c) the provision of parking for construction workers, and associated traffic control devices.

The plan should be in accordance with AS 1742.3 & TAMS Specification Section 1- Provision for Traffic.

B8. LANDSCAPE MANAGEMENT & PROTECTION PLAN

A Landscape Management and Protection Plan (LMPP) is to be approved by the Senior Manager, Asset Acceptance, TAMS and EPD during Design Acceptance stage. This plan is to be implemented before the commencement of works, including demolition on the site and is to be in accordance with TAMS Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04.

The plan must be consistent with the following:

- (a) any rehabilitation / restoration works should use native species where possible;
- (b) restoration of the disturbance corridor (away from those areas that will be mown open space), should utilise native wetland/riparian species (wetland section) and native Danthonia and Stipa grasses (other sections) rather than the dryland grassing mix proposed; and
- (c) the plan should include revegetation measures for College Creek in accordance with Section 6.9.2 of the EIS.

B9. ICON WATER

Design of external services plans and off site works must be approved by Icon Water Hydraulic Assets Acceptance section.

C. DURING CONSTRUCTION AND/OR DEMOLITION

C1. PROTECTED MATTERS

Underboring sites are to be 50m back from the lake edges so fringing vegetation and possible roost sites will not be impacted by the proposal.

C2. ACTEW – GAS

Development is to comply with minimum separation requirements to underground assets (300mm minimum clearance from major plastic and steel gas mains and steel gas services, 150mm minimum clearance from other plastic gas mains and services).

C3. ACTEW – ELECTRICITY

Development is to comply with:

- (a) minimum clearances to overhead conductors and poles. Ref ActewAGL Drawing 3811-004; and
- (b) minimum separation requirements to underground assets. Ref ActewAGL Drawing 3832-018.

C4. ICON WATER

- (a) As per Criterion 1 - Easement and other access Clearances of the *Planning and Development Regulation 2008*, no structures are to be built over Icon Water easements, pipe protection envelopes or access passages without Icon's written approval. In accordance with this provision, access is to be maintained across land in these areas.
- (b) Icon Water assets shall be protected for the duration of the construction works from short term load shedding from construction machinery or vibration and groundwater ingress or infiltration.
- (c) Any damage to Icon assets resulting from the construction works shall be repaired by Icon Water at the contractor's expense.
- (d) Access to Icon's assets including sewer structures, manholes, hydrants and valves is to be maintained for the duration of the construction works.
- (e) Servicing of water and sewerage must be in accordance with Icon Water requirements.

C5. BUSHFIRE

- (a) During periods of high bushfire danger appropriate fire-fighting resources must be available should this work create an ignition source to the vegetation. This shall include fire extinguishers and/or a tanker trailer on stand-by as the work progresses.
- (b) No 'hot-work' shall be undertaken during 'Total Fire Ban' days.

C6. TRAFFIC

At all times during construction the site and surrounds shall be managed in accordance with the Temporary Traffic Management Plan, prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety, Transport and Infrastructure Division, TAMS.

C7. LANDSCAPE MANAGEMENT & PROTECTION PLAN

During construction, all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with the Landscape Management and Protection Plan approved by the Senior Manager, Asset Acceptance, TAMS.

C8. HERITAGE

The existing Unanticipated Discovery Protocol must be adhered to at all times. As part of the site induction for on-site project staff, a specific induction to the Unanticipated Discovery Protocol must be given.

D. POST CONSTRUCTION AND/OR DEMOLITION**D1. EASEMENT AND ACCESS ROUTES**

All designated easements as shown on the approved Site Plan (12045-3-001) and any required maintenance and emergency access routes are to be recorded on the Deposited Plans and consequential leases for the relevant blocks.

D2. OPERATIONAL ACCEPTANCE

- (a) A certificate of Operational Acceptance on completion of all works is required from the Senior Manager, Asset Acceptance, TAMS.
- (b) Similarly a Chartered Engineer/Landscape Architect should certify compliance with TAMS Ref No 08: "Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance is made to the Senior Manager, Asset Acceptance, TAMS on completion of all off-site works.

E. ADVISORY NOTES

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

E1. ACTEW ELECTRICITY

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

E2. 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 works, including storage of materials or waste, without prior approval of the Territory. Such approval can be obtained from Licensing and Compliance, City Services, Parks and City Services, TAMS.

E3. REPAIR OF DAMAGE TO PUBLIC ASSETS

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

E4. ELECTROMAGNETIC FREQUENCY (EMF) BUFFERS

A 26 metre buffer, recommended in the supporting documentation for the development application, should be maintained along the length of the transmission lines as a boundary between the transmission lines and any habitable accommodation. A 60 metre buffer should be maintained around the Belconnen Zone Substation.

E5. TREES

Any proposed removal of regulated trees as part of the project works must be referred to the Conservator of Flora and Fauna as required under the *Tree Protection Act 2005*.

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

PART 2 REASONS FOR THE DECISION

The application satisfactorily meets the requirements for approval. The application was approved because, based on the documentation and in the form modified by the imposed conditions, it was considered to meet:

- the relevant codes, being the Parks and Recreation Zone Development Code, Transport and Services Zone Development Code and Residential Zones Development Code;
- the advice of the Conservator of Flora and Fauna in relation to the proposal; and
- the recommendations in the Lawson South 132kV Power Line Relocation Environmental Impact Statement Assessment Report.

The key issues identified in the assessment relate to information that is required to be submitted at the detailed design stage, restoration works and updates to the draft CEMP. Conditions have been imposed to address the key issues and ensure that the proposal is consistent with the Territory Plan and the *Planning and Development Act 2007*.

The Commonwealth decision referenced as EPBC 2010/5549, although not specifically relating to this proposal, applies to the area of the proposed development.

The decision is made with the understanding that conditions imposed by the Commonwealth under the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) in relation to the Lawson South Residential Development (EPBC 2010/5549) must be complied with.

A decision to approve this application is consistent with the objectives of the Territory Plan.

EVIDENCE

Application No. 201527738

File No. 1-2015/11225

The Territory Plan zone – PRZ1 Urban Open Space Zone, TSZ1 Transport Zone, TSZ2 Services Zone, RZ4 Medium Density Residential Zone and RZ5 High Density Residential Zone

The Development Codes – Parks and Recreation Zone Development Code, Transport and Services Zone Development Code, Residential Zones Development Code

The Precinct Codes – Lawson South Precinct Code

Current Crown Lease – Volume 1228 Folio 58

Representations 0

Entity advice ACT Health, ActewAGL Electricity, ActewAGL Gas, Conservator of Flora and Fauna, DA Leasing, Environment Protection Authority, Emergency Services Authority, EPD Utilities, ACT Heritage, ICON Water, EPD Infrastructure Policy, Leasing, Territory and Municipal Services Directorate

PART 3

PUBLIC NOTIFICATION, ENTITY ADVICE & COMMONWEALTH ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the *Planning and Development Act 2007*, the application was publicly notified from 6 July 2015 to 27 July 2015. No written representations were received during public notification.

ENTITY ADVICE

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

CONSERVATOR OF FLORA AND FAUNA

On 3 July 2015 advice was received from the Conservator of Flora and Fauna in relation to the proposal. The advice states that there are no major biodiversity issues associated with the proposal and that the undergrounding of the line may have benefits for waterfowl which use Lake Ginninderra. The advice also states that underboring sites are to be 50m back from the lake edges so fringing vegetation and possible roost sites will not be impacted by the proposal and rehabilitation / restoration works should use native species where possible.

Assessment Note: Matters raised have been incorporated as conditions of approval.

TREES

On 10 July 2015 advice was received from the Conservator of Flora and Fauna in accordance with Section 82 of the *Tree Protection Act 2005*. The advice states that the proposal does not appear to impact on any regulated trees covered under the provisions of the *Tree Protection Act 2005*. Removal of any trees on unleased Territory land will require approval from City Services, Urban Treespaces, TAMS.

Assessment Note: No action is required for this comment.

TERRITORY AND MUNICIPAL SERVICES DIRECTORATE (TAMS)

On 23 July 2015 advice was received from TAMS in relation to the proposal. The advice states that the proposal is supported on the condition that the works must be consistent with the Estate Development Plan (EDP) for Lawson Stage 2. Also, a detailed tree survey and tree management plan and a landscape/restoration plan must be submitted during design acceptance stage, and access to urban open space must be obtained by contacting TAMS.

Assessment Note: An EDP development application has not yet been lodged for Lawson Stage 2. Other matters raised have been incorporated as conditions of approval.

ACTEWAGL - GAS

On 6 July 2015 advice was received from ActewAGL Gas Networks in relation to the proposal. The advice states that the application is approved subject to compliance with minimum separation requirements to underground assets.

Assessment Note: Matters raised have been incorporated as conditions of approval.

ACTEWAGL - ELECTRICITY

On 20 July 2015 advice was received from ActewAGL Electricity Networks in relation to the proposal. The advice states that the application is approved subject to compliance with minimum clearances and separation requirements.

Assessment Note: Matters raised have been incorporated as conditions of approval.

ICON WATER

On 8 July 2015 advice was received from ICON Water in relation to the proposal. The advice states that the application is approved subject to compliance with the following conditions.

As per Criterion 1 - Easement and other access Clearances of the Planning and Development Regulation 2008. No structures are to be built over Icon Water easements, pipe protection envelopes or access passages without Icon's written approval. In accordance with this provision, access is to be maintained across land in these areas.

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

Servicing of water and sewerage must be in accordance with Icon Water requirements. Design of External Services plans and Off Site Works must be approved by Icon Water Hydraulic Assets Acceptance section. Icon Water assets shall be protected for the duration of the construction works at all times from machinery, vibration and groundwater ingress or infiltration. All costs associated with repairing damage to Icon assets resulting from the construction works must be paid by the developer.

Assessment Note: Matters raised have been incorporated as conditions of approval.

EMERGENCY SERVICES AGENCY

On 8 July 2015 advice was received from Emergency Services Agency in relation to the proposal. The advice states that ACT Fire and Rescue has no special considerations or objections at this time.

Assessment Note: No action is required for this comment.

EPD UTILITIES TECHNICAL REGULATION

On 9 July 2015 advice was received from EPD Utilities Technical Regulation in relation to the proposal. The advice states that Utilities Technical Regulation does not have any concerns with the proposal to relocate transmission lines underground.

A number of other concerns were raised, however, these relate to the future development of Lawson South. They do not relate to the current proposal.

Assessment Note: No action is required for this comment.

ACT HEALTH PROTECTION SERVICE

On 22 July 2015 advice was received from the ACT Health Protection Service (HPS) in relation to the proposal. The advice states that HPS has no health concerns regarding the development application.

Assessment Note: No action is required for this comment.

ENVIRONMENT PROTECTION AUTHORITY

On 7 August 2015 advice was received from the Environment Protection Authority (EPA) in relation to the proposal. The advice states that the draft Construction Environmental Management Plan should be updated to include requirements relating to management of excavated soil and compliance with Environment Protection Guidelines for Construction and Land Development in the ACT.

Assessment Note: Matters raised have been incorporated as conditions of approval.

LEASING

On 20 July 2015 advice was received from EPD's Leasing team in relation to the proposal. The advice states that General Leasing does not require any licence condition to be included in the NOD, unless any encroachments have been missed and or the Land Custodian requires a licence condition.

Assessment Note: The DA was referred to the Land Custodian who did not require any licence condition. No action is required for this comment.

DA LEASING

On 29 July 2015 advice was received from EPD's DA Leasing team in relation to the proposal. The advice states that DA Leasing does not have any comments on the proposal.

Assessment Note: No action is required for this comment.

INFRASTRUCTURE POLICY

On 20 July 2015 advice was received from EPD's Infrastructure Policy team in relation to the proposal. The advice states that Infrastructure Policy has no comments on the proposal.

Assessment Note: No action is required for this comment.

ACT HERITAGE

On 17 July 2015 advice was received from ACT Heritage in relation to the proposal. The advice states that the works will not detrimentally impact the heritage values of the area, as the section of pre-1915 track is well removed from proposed line works.

The Council therefore does not require any further heritage assessment or management actions prior to the commencement of works, on the condition that the draft CEMP is amended to state that should any cultural heritage sites be encountered during construction, works will cease immediately and artefacts will be left in situ until assessed by a suitably qualified consultant.

The CEMP should also be amended to include participation of RAOs where Aboriginal heritage places or objects are encountered; and to include Council notifications of any such find within five working days as required by Section 51 of the *Heritage Act 2004*.

Assessment Note: Matters raised have been incorporated as conditions of approval.

PART 4

ADMINISTRATIVE INFORMATION

DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise this approval is effective from the day after the date of this notice. The effective date for development applications approved subject conditions could 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 Act, this approval will expire if:

- the development or any stage of the development is not started within two years after the day the approval takes effect;
- the development is not finished two years after the day the development begins; or
- the development approval relates to land comprised in a lease that requires the development to be completed on a stated date – the date stated in the lease for completion of the development, or the approval is revoked under 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 8:30am and 4:30pm weekdays at the Environment and Planning Directorate Dickson Customer Service Centre at 16 Challis Street, Dickson, ACT.

RECONSIDERATION OF THE DECISION

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

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

REVIEW BY THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL (ACAT)

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

CONTACT DETAILS OF RELEVANT AGENCIES

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FURTHER APPROVALS FOR CONSTRUCTION

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

BUILDING APPROVAL

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

PERMITTED VARIATIONS TO APPROVED DEVELOPMENT

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

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

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

"TREE DAMAGING ACTIVITY" APPROVAL

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

USE OF VERGES OR OTHER UNLEASED TERRITORY LAND

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

WORKS ON UNLEASED TERRITORY LAND – DESIGN AND OPERATIONAL ACCEPTANCE

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

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

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

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

CONSTRUCTION REQUIREMENTS

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

Other requirements may apply to this development.

DEMOLITION AND ASBESTOS MANAGEMENT

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

ENVIRONMENT PROTECTION

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

REPAIR OF DAMAGE TO PUBLIC ASSETS

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

UTILITY ASSETS RETENTION

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

WATER RESTRICTIONS AND FILLING OF NEW POOLS, PONDS AND FOUNTAINS

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

DRAINAGE

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

REVIEW OF THE DECISION

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

CONTACT DETAILS

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

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

POWERS OF THE ACAT

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

APPLICATIONS TO THE ACAT

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

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

TIME LIMITS FOR APPLICATIONS

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

FEES

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

TIME LIMITS FOR REVIEWS OF DECISIONS

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

FORMS OF LEGAL, FINANCIAL AND OTHER ADVICE AND ASSISTANCE

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

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

AWARDING OF COSTS

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

ACCESS TO DOCUMENTS ABOUT THE DECISION

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

PROCEDURES OF THE ACAT

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

TRANSLATION AND INTERPRETER SERVICES

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

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية، إتصل برقم الهاتف:
CHINESE	如果你需要传译员的帮助，请打电话:
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjuna 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