

Planning and Development (Approval of Application – DA201936352 – Molonglo Valley Transmission Line Relocation) Notice 2025

Notifiable instrument NI2025–65

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 – DA201936352 – Molonglo Valley Transmission Line Relocation) Notice 2025**.

2 Commencement

This instrument commences on the day after its notification day.

3 Application

- (1) This instrument applies to development application DA201936352 for the relocation of electrical transmission lines in Molonglo Valley (the **DA**).
- (2) The DA includes relocation of 132kV electrical transmission lines from overhead to underground, trenching, installation of underground conduits, construction of access tracks and pits, removal of redundant transmission towers and cables and other associated works at multiple blocks within Molonglo Valley.

4 Impact track development approval

- (1) On 17 November 2021, pursuant to the *Planning and Development Act 2007* (repealed), section 162 (1) (b), a delegate of the planning and land authority approved the DA in the impact track, subject to conditions.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 16 December 2021.
- (3) The notice of decision for the DA is in schedule 1.

Alexandra Kaucz
Delegate of the territory planning authority
7 February 2025

*Name amended under Legislation Act, s 60



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 **relocation of 132kV overhead electrical transmission lines from overhead to underground, including trenching, installation of underground conduits, drawing of cables and making electrical connections, backfill of conduits and reinstatement, construction of access tracks, construction of electrical pits along the cable alignment and removal of redundant transmission towers and cables**, to be used as **a major utility installation** in the district of Molonglo Valley, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number:	201936352
Block/Section:	Numerous
Suburb/District:	Molonglo Valley
Application lodged:	19 December 2019
Assessment track:	Impact

This decision contains the following information:

- Part 1 – conditions of approval
- Part 2 – reasons for the Decision
- Part 3 – public notification & entity advice
- Attachment 1 – administrative information

A copy of the development application and this approval may be inspected at the planning and land authority's office from 8.30 am to 4.30 pm, Monday to Friday at 16 Challis Street, Dickson, ACT 2602

Contact:
DA Enquiries

Ph: 6207 6383
Online: https://www.accesscanberra.act.gov.au/app/forms/epd_feedback

Hayden Pini
Delegate of the planning and land authority
17 November 2021

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PART 1 – 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. Prior to this decision, Environmental Impact Statement (EIS) exemptions were granted and are relevant to the proposal. These include:

- EIS exemption for Molonglo Valley Stage 3, dated 8 May 2018;
- EIS exemption for Molonglo 132kV transmission line relocation, dated 13 April 2021.

A. FURTHER INFORMATION

A1. REVISED PLANS

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 Landscape Management and Protection Plan (LMPP), Detail Plan, tree survey report and tree assessment spreadsheet and any other supporting documentation that:

- a) Clearly identifies all trees to be removed and trees to be retained (including details of retention methodologies such as underboring or hydrovac where required). The LMPP must be consistent with the final recommendations set out in the Memorandum prepared by Calibre and the Suburban Land Agency, dated 11 October 2021 – Reference: 19-000496;
- b) Clearly shows all nature reserve and environmental offset areas adjacent to the electrical transmission line alignment. The environmental offset areas are missing from detail plan sheets 5, 6 and 7; and
- c) Clearly shows all locations where underboring construction methods, trenching and protective fencing will be used to conserve identified heritage sites.

B. ADMINISTRATIVE / PROCESS CONDITIONS

B1. ALL WORKS

- a) All works must be undertaken in accordance with:
 - i. the Molonglo Strategic Assessment Molonglo Valley Plan for the Protection of Matters of National Environmental Significance (NES Plan);
 - ii. the EIS exemption for Molonglo Valley Stage 3 (dated 8 May 2018) and associated mitigation measures and conditions; and
 - iii. the EIS exemption for Molonglo 132kV transmission line relocation (dated 13 April 2021) and associated mitigation measures and conditions.

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C. PRIOR TO CONSTRUCTION AND/OR DEMOLITION

C1. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- a) A CEMP must be submitted to and endorsed by the planning and land authority (EPDImpact@act.gov.au) prior to the commencement of any work on the site. The CEMP must include the following management plans/measures and must address other matters raised in the s211 EIS Exemptions and the NES Plan, and all relevant matters raised in the entity advice (see Part 3 of this decision – Entity Advice).

The CEMP will be circulated to the other agencies to seek endorsement and must include:

- i. Heritage management controls;
- ii. Landscape Management and Protection Plan;
- iii. Rehabilitation/restoration plan for disturbed land;
- iv. Weed management plan;
- v. Site-specific unanticipated discovery protocol (UDP);
- vi. Contamination management plan (CMP);
- vii. Erosion and sediment controls;
- viii. Water quality management plan;
- ix. Demolition plan, including measure to mitigate impacts associated with dismantling the overhead 132kV transmission lines;
- x. Waste Management Plan; and
- xi. Spill management protocol.

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

C2. CONTAMINATION MANAGEMENT PLAN (CMP)

- a) Prior to construction, a site-specific contaminant management plan (CMP) incorporating the findings and management requirements of the Molonglo Valley 3 Stage A and B audits must be prepared by a suitably qualified environmental consultant and submitted to the Environment Protection Authority (EPA) for endorsement.
- b) Where works are to be undertaken in areas in which audits are yet to be finalised, the CMP must be reviewed and endorsed by the environmental auditor for Molonglo Valley 3 and the auditor's endorsement forwarded to the EPA for its records.

C3. ENVIRONMENT PROTECTION AGREEMENT

As the site is greater than 0.3 hectares the construction is an activity listed in Schedule 1 as a Class B activity under the *Environment Protection Act, 1997*. The contractor/builder developing the site must hold an Environmental Authorisation or enter into an Environmental Protection Agreement with the Environment Protection Authority (EPA) in respect of that activity prior to works commencing.

C4. EROSION AND SEDIMENT CONTROL PLAN

Prior to construction, an Erosion and Sediment Control Plan must be submitted to and endorsed by the Environment Protection Authority (EPA).

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C5. HERITAGE

The development shall comply with all of the following conditions to the satisfaction of the ACT Heritage Council:

- a) Prior to the commencement of works, the following actions are required for MGPAD1:
 - i. Following approval of the Excavation Permit under Section 61F of the *Heritage Act 2004*, archaeological excavation is to be undertaken in accordance with that approval;
 - ii. A Statement of Heritage Effect application is to be submitted under Section 61G of the *Heritage Act 2004*, and this application is to be informed by outcomes of archaeological excavation within MGPAD1, and is to describe any additional management actions required to mitigate heritage impacts to the site;
 - iii. Following approval of the Statement of Heritage Effect application under Section 61H of the *Heritage Act 2004*, any further management actions required by that approval are to be undertaken; and
 - iv. Protective fencing is to be installed around areas of MGPAD1 not impacted by the development.
- b) Prior to the commencement of works, the following actions are required for the Kama Woodland/Grassland heritage area:
 - i. A Statement of Heritage Effect application is to be submitted under Section 61G of the *Heritage Act 2004*, and this application is to be supported by the Umwelt (2021) report; and
 - ii. Following approval of the Statement of Heritage Effect application under Section 61H of the *Heritage Act 2004*, any further management actions required by that approval are to be undertaken.
- c) Prior to the commencement of works, the following actions are required for all Aboriginal places and objects that may be damaged by the development, including MG3, MG5, MG6, MG7, MG8, MG9, MG10, MG11, MV-HVL-IF2 and MV-HVL-IF3:
 - i. A Statement of Heritage Effect application is to be submitted under Section 61G of the *Heritage Act 2004*, and this application is to be informed by the Umwelt (2020) report, the Past Traces (2020) report, and the results of any archaeological excavation undertaken within PAD areas; and
 - ii. Following approval of the Statement of Heritage Effect application under Section 61H of the *Heritage Act 2004*, any further management actions required by that approval are to be undertaken.
- d) The project's Construction Environment Management Plan must identify Aboriginal heritage management controls to be implemented for the development, including the endorsed Unanticipated Discovery Plan (Past Traces 2020) and any other requirements identified in Council advice.
- e) Prior to the commencement of works, protective fencing must be installed around heritage sites MV-HVL-IF-1, MG1, MG2, MVS1, MG4, MG12, MG13, MG15 and MG16:
 - i. The 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.
 - ii. The protective fencing locations must be demarcated by a qualified archaeologist and RAOs, who must also confirm the adequacy of fencing once installed.

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iii. The Heritage Council must be notified in writing of completion of the above actions, by email to heritage@act.gov.au.

f) Underboring construction methods must be undertaken within WHDPAD3, WHDPAD5, MGPAD1, MGPAD2 and MGPAD3; instead of trenching construction methods. Should trenching be proposed within WHDPAD3, WHDPAD5, MGPAD1, MGPAD2 and MGPAD3, on the basis that underboring is not reasonably practicable, archaeological excavation will be required to further investigate proposed impact areas, in accordance with an Excavation Permit approved by the Heritage Council under Section 61F of the *Heritage Act 2004*.

C6. CONSERVATOR OF FLORA AND FAUNA

Works at the Tuggeranong Parkway end of the alignment may disrupt access to the Bicentennial National Trail (BNT). Prior to construction, a plan to manage access to the BNT and a temporary traffic management plan (TTMP) must be provided, to the satisfaction of the Conservator.

C7. PARKS AND CONSERVATION SERVICES

- a) Molonglo Strategic Assessment Offset Patches H and C are not to be used for site access and new fences need to be erected at the offset boundaries prior to commencement of works. All disturbance must be outside of the offset boundary, to the satisfaction of Parks and Conservation Services (PCS).
- b) Prior to construction, the total number of all removed trees and shrubs must be provided to the Conservator to determine tree and shrub replacement numbers, to the satisfaction of Parks and Conservation Services. Replacement plantings must be in accordance with the following tree and shrub replacement ratios:
 - i. Mature tree replacement ratio is 1:10 for trees removed within nature reserve, offset areas or Kama buffer;
 - ii. Mature tree replacement ratio is 1:4 for trees removed outside a nature reserve or offset area;
 - iii. Immature tree replacement ratio is 1:4 for immature trees removed within nature reserves or offset areas;
 - iv. Immature tree replacement ratio is 1:2 for immature trees removed outside a nature reserve or offset area;
 - v. Shrub replacement ratio is 1:4 for shrubs removed within nature reserve or offset areas;
 - vi. Shrub replacement ratio is 1:2 for shrubs removed outside a nature reserve or offset area; and
 - vii. Impacts on the tree protection zone must be mitigated with additional tree plantings at a ratio of 1:4 for trees within nature reserve or offset areas and 1:2 for trees outside nature reserve or offset areas

Note: Trees and shrubs planted in the Kama Nature Reserve interface area/buffer must be consistent with bushfire outer and inner asset protection zone requirements

C8. WEED MANAGEMENT

Serrated Tussock, African Lovegrass, Chilean Needlegrass and St John's wort must be sprayed across the entire project area prior to commencement of works.

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D. DURING CONSTRUCTION AND/OR DEMOLITION

D1. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

All works must be in accordance with the approved CEMP.

D2. ENVIRONMENT PROTECTION AUTHORITY

All works must be in accordance with the approved erosion and sediment control plan and Contamination Management Plan (CMP).

D3. SOIL MANAGEMENT

- a) 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.
- b) No soil is to be disposed from site without EPA approval.

D4. NES CLEARANCE BUDGETS

Any clearance of Box Gum Woodland or Pink Tail Worm Lizard habitat must be quantified and reported to EPSDD (EPDImpact@act.gov.au) to ensure consistency with the Molonglo NES Plan clearance budgets.

D5. CONSERVATOR OF FLORA AND FAUNA:

- a) Within the Kama Nature Reserve interface area trees and shrubs are to be planted consistent with outer and inner asset zone requirements.
- b) Reseeding of disturbed areas must occur in all areas adjacent to nature reserves and environmental offset areas at a rate of at least 5g/m² or 50kg/ha. Native seed mix should include *Themeda triandra*, *Austrostipa scabra*, *Austrostipa bigeniculata*, *Chloris truncata*, *Rytidosperma* sp, *Aristida behriana*, *Panicum effusum*, *Calotis lappulacea*, *Chrysocephalum appiculatum*, *Leucochrysum albicans*, *Vittadinia cuneata*, *Vittadinia muelleri*, *Wahlenbergia* sp, *Plantago varians*, and *Xerochrysum viscosum*.
- c) The proposed undergrounding is proposed under some sections of fire trail. Fire trails must be accessible during the fire season. Works must either be staged outside of the fire season or clarification regarding emergency access must be provided.
- d) The alignment runs through agistment licences, measures are required to maintain stock gate security and functional capacity for licences e.g. stock fence reinstatement/temporary fencing. This is particularly essential for Molonglo Valley block 71 (SDMS ID 3036).
- e) To minimise impacts on flora and fauna, the removal of hollow-bearing trees must be done outside of the key breeding season; and works in all known nesting tree areas for the superb parrot must be avoided.
- f) A person skilled in handling wildlife (e.g. birds, possums and microbats) must be present to inspect all hollows once trees have been felled, and relocate or rescue any wildlife present.
- g) Approved tree trimming must be undertaken by a qualified arborist and in accordance with AS 4373 – *Pruning of Amenity Trees*.
- h) Any tree roots that are required to be removed must be cut cleanly by a qualified arborist and not ripped or torn.

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D6. PARKS AND CONSERVATION SERVICE

- a) All works within the Kama buffer must be consistent with the indicative development plan for Kama buffer that is being led by Spacelab and the Kama Interface Management Strategy (Capital Ecology 2016).
- b) Any trees that are approved to be removed from Kama buffer must be reinstated as vertical habitat structures within the Kama buffer, to satisfaction of the Parks and Conservation Service (PCS). If the tree is not structurally suitable to reinstate as a vertical habitat structure – a suitable large tree that has been removed elsewhere along the alignment must be used.
- c) All disturbed areas within the Kama buffer and 20m buffers adjacent to Offset Patches GG, C and H must be restored as per the native seed mix specification in the Landscape Management Protection Plan and to the satisfaction of the PCS.
- d) Mature trees removed outside a nature reserve or offset area must be reinstated intact as coarse woody debris within a nature reserve or offset area, to the satisfaction of the parks and conservation service.
- e) Removed immature trees and saplings must be utilised on site for soil stabilisation, habitat or as directed by the parks and conservation service.

D7. IMPACTS TO RESERVES AND OFFSET AREAS

- a) Where access via Mt Painter Nature Reserve is required, all of the following conditions apply:
 - i. prior to entering the reserve vehicles and machinery must be cleaned and free of any plant material or soil;
 - ii. access must be wholly contained to the existing tracks;
 - iii. any area impacted within the reserve must be restored (including follow up weed control) to the satisfaction of PCS;
 - iv. for any fencing removed/cut there must be a plan in place to manage the gaps outside construction hours and must be replaced prior to the site being vacated at the end of works.
- b) Environmental offset areas must not be used to access the alignment during or post construction.
- c) Any area disturbed within reserves or environmental offset areas must be restored (including replanted as required), to the satisfaction of the PCS.

D8. REHABILITATION AND REPLANTING

- a) Any mature native trees removed must be retained intact and transported to the Kama Nature Reserve Buffer, to the satisfaction of PCS, to be used during restoration works.
- b) Any boulders and rocks over 80cm which are excavated as part of construction works must be transported to environmental offset areas for use in rehabilitation works, as directed by PCS.

D9. EROSION AND SEDIMENT CONTROL

The drainage line within the Molonglo 132kV transmission line relocation EIS exemption area must not be impacted by the works. Any felled wattles and eucalypts over 6m, in addition to any smaller rocks excavated and coarse woody debris must be used as erosion control to the drainage line.

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D10. HERITAGE

- a) Unexpected discoveries of heritage places or objects during construction works must be managed in accordance with the endorsed Unexpected Discovery Plan (Past Traces 2020).
 - i. The heritage significance of any additional heritage places or objects is to be assessed in accordance with *Heritage Act 2004* requirements and Heritage Council policy.
 - ii. Heritage Council advice on management outcomes must be sought and implemented prior to any proposed impacts to additional heritage places or objects.
- b) Protective fencing around heritage sites MV-HVL-IF-1, MG1, MG2, MVS1, MG4, MG12, MG13, MG15 and MG16 must be inspected weekly during construction works, and any identified defects are to be corrected immediately.

D11. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

- a) There must be no pruning of the other exceptional rated remnant trees along the alignment, i.e. tree #1 and #311. If there is any conflict with these trees, then the powerline alignment must be adjusted to avoid this.
- b) Any trees required for removal must be sign posted at least 14 days prior to removal, in line with TCCS public notification process. Please advise TCCS of the final number of trees to be removed, excluding the Pinus species, and the number of replacement trees to be planted – TCCS will provide the appropriate signage to place on the trees.

D12. EMERGENCY SERVICES AGENCY (ESA)

- a) Water Supplies: Access to any and all existing hydrant located along William Hovell Drive and Coulter Drive is to be maintained during the period of construction. Provision for water supply in areas of the development not accessed by the reticulated water supply should be provided in the event of fire.
- b) Fire Brigade Access: All entry points to the development site are to be suitably constructed to allow the access and egress of fire fighting vehicles, crews and equipment. ACTF&R pumpers require a minimum turning circle of 18 metres and weigh 14 tonnes. The dimensions of an urban pumper is 2.5m wide, 8.1m long and 3.2m high.
- c) All emergency access gates are to be fitted with standard Fire Brigade locks.
- d) The internal and perimeter roads of the development need to be designed to allow access for ACTF&R Compressed Air Foam System (CAFS) 8000 fire appliances. The dimensions of a CAFS 8000 is 3.2m (with mirrors) wide, 10.5m long, 3.7m high, 23 tonne weight and 21.2m turning circle.
- e) Bushfire Protection Measures – During Construction: Where works prevent travel along existing fire trails or access ways, alternate access, constructed to Rigid Float standard in accordance with the Strategic Bushfire Management Plan (2014) must be provided to ensure access for firefighting operations is maintained.
- f) Standard industry procedures are to be adhered to for hot works during construction and operation at the facility and a permit will be required for any high-risk activities such as hot works on total fire ban days. To obtain a permit contact ACTF&R by email actf&risk&planning@act.gov.au.

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E. POST CONSTRUCTION

E1. IMPACTS TO RESERVES AND OFFSET AREAS

- a) Any area impacted within the Mt Painter Nature Reserve must be restored (including follow up weed control) to the satisfaction of Parks and Conservation Services (PCS).
- b) Any area disturbed within reserves or environmental offset areas must be restored (including replanted as required), to the satisfaction of PCS.

E2. REHABILITATION AND REPLANTING

- a) All areas of disturbance must be revegetated immediately following construction. Native grass mix should be used for reseeded where possible.
- b) All rehabilitation/replacement planting works must have a minimum 24-month maintenance period to ensure:
 - i. >50% native ground cover establishment;
 - ii. >90% tree and shrub survival; and
 - iii. Zero occurrence of high risk weed species.
- c) Where necessary, additional seeding, planting, and guarding/fencing will be required to achieve rehabilitation targets.

E3. WEED MANAGEMENT

Follow up weed control of Serrated Tussock, African Lovegrass, Chilean Needlegrass and St John's wort must be extended to 24 months post completion of works.

E4. UTILITIES TECHNICAL REGULATOR/UTILITIES SAFETY

Inadvertent unearthing/cutting of underground powerlines during maintenance or future development can result in a safety risk to workers. Warning signage must be installed along the easement.

F. 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.

F1. ENVIRONMENT PROTECTION AUTHORITY

Contamination advice:

The proposed works area falls within the Molonglo Valley 3 Stage A and B audit areas. Environmental audits of contamination assessment and remedial works have been or are being undertaken in these areas.

General advice:

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 Robin Brown, the Environment Protection Authority Planning Liaison, at EPAPanningLiaison@act.gov.au or on 02 6207 5642.

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F2. UTILITIES TECHNICAL REGULATOR

Metallic/conductive infrastructure such as fences, pipelines, etc. are susceptible to excessive earth potential rise (EPR) and Step/Touch potential hazards, and electromagnetic induction (EMI) hazards during normal electricity network load currents and especially during network faults.

The submitted Earthing System Assessment Report by Safeearth forming part of the DA application has considered these issues and in Clause 4.2 has identified 132 kV cable – conductive structure separation distance threshold trigger levels.

Any realignment or relocation of fences or other long metallic infrastructure, or the 132kV cable itself, that results in either the separation distance between the 132 kV cable and the metallic infrastructure being reduced, or the length of parallel distance increased, requires re-assessment for adverse EPBR and EMI impact, to ensure safety limits are not exceeded, and if required remedial action taken.

It is noted in Dareport 201936352 – S1448 page 6 Table 11, reference is made to fence removals/relocation changes, since the Safeearth Assessment was conducted.

Observance and compliance with the above-mentioned separation threshold trigger levels is mandatory for any separation distance changes.

F3. HAZARDOUS MATERIALS

Demolition and asbestos management must be undertaken in accordance with the *Building Act 2004*, *Dangerous Substances Act 2004*, *Work Health and Safety Act 2011* and *Work Health and Safety (How to Safely remove asbestos Code of Practice) approval 2014*.

F4. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

TCCS standard conditions, including temporary traffic management requirements, apply to this development proposal and have been attached to this Decision.

F5. URBAN TREESCPAES

As several trees are being removed from the William Hovel Drive verge and median under this proposal, please include Urban Treescapes in replanting discussions.

F6. EMERGENCY SERVICES AGENCY (ESA)

This development is located inside the area declared by the ACT Emergency Services Agency to be subject to the threat of bushfire. Although not essential for this type of development, the application of appropriate bushfire protection measures are advised, and an assessment of the proposal by an FPA Australia accredited Bushfire Consultant is recommended.

Further information regarding development applications or bushfire principles can be obtained by emailing actf&risk&planning@act.gov.au.

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PART 2 – REASONS FOR THE DECISION

The Molonglo Valley was subject to a strategic assessment approved by the Commonwealth Department of Agriculture, Water and the Environment under the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Conditions imposed under the EPBC Act are in addition to those listed in this decision. This decision is not inconsistent with the Commonwealth decision.

Prior to this decision, two Environmental Impact Statement (EIS) exemptions were granted by the Minister for Planning, considering that the expected environmental impact of the proposal has been sufficiently addressed. These include:

- EIS exemption for Molonglo Valley Stage 3, dated 8 May 2018;
- EIS exemption for Molonglo 132kV transmission line relocation, dated 13 April 2021.

The EIS exemptions are relevant to this development proposal and identify a range of avoidance, mitigation, and management measures to reduce potential environmental impacts arising from construction and operational activities. All applicable mitigation measures identified in the EIS exemptions have been incorporated into the decision as conditions of approval.

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* (the Act). Some conditions of the approval require attention before work commences or before approved drawings will be released.

In deciding the development application, 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.

S144B Amendments to the DA

On 17 June 2021, pursuant to section 144 of the Act the applicant submitted an amended proposal (S144B) in response to a request for further information sent by the Authority. This included amended plans and supporting documentation reflecting revisions made to the design, alignment and construction methodology required to address comments on the EIS exemption application, including comments received from the Conservator of Flora and Fauna (the Conservator), Transport Canberra and City Services (TCCS) and the ACT Heritage Council. In accordance with Division 7.3.4 of the Act, the authority referred the S144B application to all entities, as per the original application. The S144B application was also publicly notified from 6 July 2021 to 26 July 2021.

S144E Amendments to the DA

On 22 October 2021, pursuant to section 144 of the Act, the applicant submitted an amended proposal (S144E) in response to an additional request for further information sent by the Authority. This included amendments and further information to address entity comments received from the Conservator and TCCS, who did not support the removal of several trees across the development site. The S144E application was subsequently referred to the Conservator and TCCS and supported subject to conditions.

Pursuant to section 146(3) of the Act, the authority waived the requirement to publicly notify the S144E application.

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The authority was satisfied that:

- a) no-one other than the applicant will be adversely affected by the amendment; and
- b) the environmental impact caused by the amendment will do no more than minimally increase the environmental impact of the development.

After considering the issues and impacts raised during the assessment process, especially those set out in representations and advice received from entities, the authority is satisfied that the social, environmental, and other impacts that may arise from the development are adequately addressed by the conditions imposed in this Decision and the land is suitable for the proposed development.

EVIDENCE

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

Development Application:	201936352
Territory Plan Zones:	RZ1 Suburban Zone, NUZ3 Hills, Ridges and Buffers Zone, PRZ1 Urban Open Space Zone and TSZ1 Transport Services Zone. Non-urban Zones Development Code
Development Codes:	Residential Zones Development Code Transport and Services Zone Development Code Parks and Recreation Zone Development Code Molonglo and North Weston Structure Plan
Precinct Code:	Molonglo Valley Precinct Code Whitlam Precinct Code
Legislative requirements:	Sections 128 and 129 of the <i>Planning and Development Act 2007</i> ACT Emergency Services Agency, ACT Health, ACT Heritage Council, Conservator, Environment Protection Authority, Icon Water, Jemena, National Capital Authority, TCCS and Utilities Technical Regulation.
Entity advice:	

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PART 3 – PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 20 April 2020 to 11 May 2020 and 6 July 2021 to 26 July 2021 (S144B). Two (2) written representations were received during the public notification period.

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

- Construction plans should be upgraded to restore some biodiverse native grassland character, especially in places close to the reserve fence, particularly around the proposed electrical substation.

Prior to construction, a Construction Environmental Management Plan (CEMP) must be submitted to the planning and land authority that includes a rehabilitation/restoration plan for disturbed land. The rehabilitation/restoration plan must show reseeded in all disturbed areas adjacent to nature reserves and environmental offset areas at a rate of at least 5g/m² or 50kg/ha. Native seed mix must be used, and should include: Themeda triandra, Austrostipa scabra, Austrostipa bigeniculata, Chloris truncata, Rytidosperma sp, Aristida behriana, Panicum effusum, Calotis lappulacea, Chrysocephalum appiculatum, Leucochrysum albicans, Vittadinia cuneata, Vittadinia muelleri, Wahlenbergia sp, Plantago varians, and Xerochrysum viscosum.

- Kama Nature Reserve is home to a number of nationally important species. Adequate buffer zones from urban development are essential to preserve this biodiversity, particularly given requirements for biomass management for bushfire prevention. In our view, buffers all the way around Kama Nature Reserve should be 200m, not narrowing to just 70m at the southern end of the Nature Reserve.

Noted. The establishment of minimum buffer width and characteristics required to provide protection to the significant biodiversity values of the Kama Nature Reserve are set out in Part 4 of the Kama Interface Management Strategy prepared by Capital Ecology, dated December 2016 which stem from commitments in the Molonglo Valley Strategic Assessment.

With regard to this specific development application, conditions have been imposed in Part A of this Decision for all works required to be undertaken within the Kama buffer.

- The weed-hygiene for all construction equipment entering the corridor must be high. A lovegrass control programme of spraying prior to any groundwork, also disposal and replacement of the topmost 10cm of current soil is recommended. All practical steps should be taken to soften and stabilise the maintenance track and to prevent and control weeds as a component in perpetuity of the underground-cable maintenance. Any mowing, trimming or equipment movement should be preceded by effective weed-prevention hygiene.

Prior to construction, a CEMP must be submitted to the authority that includes weed control requirements. The CEMP will require weed hygiene measures for vehicles/construction equipment and weed monitoring for 24 months post completion of works.

- Declared Pest Plants such as Serrated Tussock, African Lovegrass (ALG), St John's Wort, Paterson's Curse and Viper's Bugloss be specified in the construction plans for this project.

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It is a condition of approval that Serrated Tussock, African Lovegrass, Chilean Needlegrass and St John's wort must be sprayed across the entire project area prior to commencement of works, and must be extended to 24 months post completion of works. Management of weed species will be further detailed the CEMP prior to works commencing.

- Concerns that vehicles driving on to the Mount Painter reserve from weedy areas will carry with them the seeds of weeds not currently present on the reserve - particularly the introduction of African Lovegrass (ALG). It is requested that the reserve tracks used during the project and their verges be monitored for ALG during the project's duration and for five years after its completion. Any ALG found should be sprayed.

Any access required via Mt Painter Nature Reserve is subject to the following conditions:

- *Prior to entering the reserve vehicles and machinery must be cleaned and free of any plant material or soil.*
 - *Access must be wholly contained to the existing tracks.*
 - *Any area impacted within the reserve must be restored (including follow up weed control) to the satisfaction of Parks and Conservation Services.*
 - *For any fencing removed/cut there must be a plan in place to manage the gaps outside construction hours and must be replaced prior to the site being vacated at the end of works.*
 - *Environmental offset areas must not be used to access the alignment during or post construction.*
 - *Any area disturbed within reserves or environmental offset areas must be restored (including replanted as required), to the satisfaction of the ACT Parks and Conservation Service.*
- People, dogs, and horses regularly exercise along the dirt track running around the base of Mount Painter which the plan indicates vehicles will also be using. With large vehicles on the track, steps will need to be taken to ensure the safety of people and animals.

A temporary traffic management plan will be required to be approved by TCCS prior to works commencing which will consider community safety during construction.

ENTITY ADVICE

Pursuant to Division 7.3.3 of the *Planning and Development Act*, the application was referred to the below entities. 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.

ACT Emergency Services Agency (ESA)

The ESA provided advice on 20 July 2021(S144B) stating:

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

Water Supplies: Access to any and all existing hydrant located along William Hovell Drive and Coulter Drive is to be maintained during the period of construction. Provision for water supply in areas of the development not accessed by the reticulated water supply should be provided in the event of fire.

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Fire Brigade Access:

Pumper: All entry points to the development site are to be suitably constructed to allow the access and egress of fire fighting vehicles, crews and equipment. ACTF&R pumpers require a minimum turning circle of 18 metres and weigh 14tonne. The dimensions of an ACTF&R urban pumper is 2.5m wide, 8.1m long and 3.2m high.

CAFS: ACTF&R Compressed Air Foam System (CAFS) 8000 fire appliances are specifically designed for the urban interface however can be used as a multi-functional vehicle. CAFS are predominantly used for asset protection from bushfire sources along the urban interface. The internal and perimeter roads of the development need to be designed to allow access for these vehicles. Specifications of Volvo FM9 CAFS 8000 is the large of the two vehicles and has the following dimensions: Length: 10.5m, Width: 3.2m (with mirrors), Height: 3.7m, Weight: 23 tonnes, Turning circle: 21.2m.

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

Bushfire Protection Requirements:

Bushfire Threat Assessment and Compliance Report: This development is located inside the area declared by the ESA to be subject to the threat of bushfire. Although not essential for this type of development, the application of appropriate bushfire protection measures are advised, and an assessment of the proposal by an FPA Australia accredited Bushfire Consultant is recommended as part of a development application.

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

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

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

ACT Health, Health Protection Service (HPS)

The HPS provided advice on 7 May 2020 stating:

The HPS has reviewed the applications and notes the works will be subject to a Construction and Environment Management Plan (CEMP). The HPS requests the CEMP implement an unexpected finds protocol during construction.

The HPS has no public health concerns in relation to the proposed development and supports the issuing of an EIS exemption.

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

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ACT Heritage Council

The ACT Heritage Council provided advice on 22 July 2021(S144B) stating:

On 1 July 2021, an application to amend a development application prior to a decision was referred to the ACT Heritage Council (the Council) for entity advice (DA201936352 S144B).

DA201936352 relates to the proposed relocation of 132kV transmission lines within the Molonglo Valley, and includes: decommissioning and removal of approximately 8.4 kilometres of existing overhead 132kV transmission lines and 29 steel lattice towers; construction of underground 132kV transmission lines within a new 9.5-kilometre easement; and associated works.

Heritage investigations by Past Traces (2020) and Umwelt (2020), both prepared in consultation with Representative Aboriginal Organisations (RAOs), identified that the proposed development would directly impact 10 Aboriginal places, being stone artefact sites recorded as MG3, MG5, MG6, MG7, MG8, MG9, MG10, MG11, MV-HVL-IF2 and MV-HVL- IF3. Salvage of surface stone artefacts from these heritage sites was recommended to mitigate impacts, following approvals being obtained under the Heritage Act 2004.

Heritage investigations also recommended other measures to avoid and minimise heritage impacts, including the installation of protective fencing around eight Aboriginal places in the vicinity of the development (MG1, MG2, MVS1, MG4, MG12, MG13, MG15 and MG16), and the use of underboring within five identified areas of archaeological potential (WHDPAD3, WHDPAD5, MGPAD1, MGPAD2 and MGPAD3).

Informed by these investigations, prior Council advice on DA201936352 and the related Environmental Impact Statement (EIS201900048) identified a number of heritage conditions for the project, including:

- Should underboring not be reasonably practicable within PADs, and trenching is proposed, archaeological excavation is required to further investigate heritage impacts within these areas;*
- Should investigation identify that impacts are proposed to any places or objects of high conservation value and/or which meet criteria set out in Section 10 of the Heritage Act 2004, the Council may require future design amendments to achieve conservation outcomes;*
- Prior to the commencement of works, a Statement of Heritage Effect (SHE) is to be approved by the Council for all activities that may damage Aboriginal places or objects or diminish the heritage significance of registered places;*
- Prior to the commencement of works, any mitigation measures required by this SHE approval are to be undertaken;*
- Prior to the commencement of works, protective fencing is to be installed around Aboriginal places in the vicinity of, but not to be impacted by, the development; and*
- The project's Construction Environment Management Plan (CEMP) must describe heritage management controls to be implemented during works, to the satisfaction of the Council.*

Prior Council advice also noted that a short section of the proposed new easement occurs within the 'Kama Woodland/Grassland' area registered on the ACT Heritage Register, and required assessment of potential impacts in this area.

In this context, the current Section 144B application proposes a range of amendments, including: removal of the future Civic – Woden transmission line conduit works section; widening of the easement to the south of William Hovell Drive; construction of rip raps at creek embankments and stormwater headwalls; revision of

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the size of jointing pits, removal of haulage pits and additional communications pits; revision of Landscape Management and Protection Plans, and the Tree Assessment; and various additional underbore sections to allow for service crossings and two identified Aboriginal heritage areas.

In relation to heritage, the application sets out that trenching is now proposed within MGPAD1, which is located on a sharp horizontal bend in the alignment, and accordingly, underboring without earthworks is not feasible in this area. The application also includes the 'Kama Woodland/Grassland – Statement of Heritage Effect' (Umwelt 2021) report.

The Council understands that RAOs have been consulted about the proposed amendment to works within MGPAD1, with a related Excavation Permit application submitted on 29 June 2021 setting out that RAOs were provided with information and invited to comment on the proposed excavation. As a result, two responses were received, with verbal support for the application provided by Mirabee and Ngarigu Currawong Clan.

Advice:

Following review of the application, the Council advises that the proposed amendments will have detrimental heritage impacts, with trenching proposed within MGPAD1. However, as MGPAD1 is approximately 60 metres by 20 metres in area, the heritage site will be only partially impacted by the proposed development.

The Council also notes the Umwelt (2021) conclusion that the development would have a low impact on the heritage significance of the Kama Woodland/Grassland heritage registration; and that this SHE has not yet been submitted to the Council under Section 61H of the Heritage Act 2004 for a decision.

On this basis, the Council identifies the following heritage requirements as DA considerations:

- 1. Prior to the commencement of works, the following actions are required for MGPAD1:*
 - a) Following approval of the Excavation Permit under Section 61F of the Heritage Act 2004, archaeological excavation is to be undertaken in accordance with that approval;*
 - b) A Statement of Heritage Effect application is to be submitted under Section 61G of the Heritage Act 2004, and this application is to be informed by outcomes of archaeological excavation within MGPAD1, and is to describe any additional management actions required to mitigate heritage impacts to the site;*
 - c) Following approval of the Statement of Heritage Effect application under Section 61H of the Heritage Act 2004, any further management actions required by that approval are to be undertaken; and*
 - d) Protective fencing is to be installed around areas of MGPAD1 not impacted by the proposed development.*
- 2. Prior to the commencement of works, the following actions are required for the Kama Woodland/Grassland heritage area:*
 - a) A Statement of Heritage Effect application is to be submitted under Section 61G of the Heritage Act 2004, and this application is to be supported by the Umwelt (2021) report; and*
 - b) Following approval of the Statement of Heritage Effect application under Section 61H of the Heritage Act 2004, any further management actions required by that approval are to be undertaken.*

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Should the ACT planning and land authority decide to approve proposed amendments, as part of the decision on DA201936352, the Council requests that the above heritage requirements – and heritage requirements identified in earlier Council advice on the proposal – be included as approval conditions in the Notice of Decision.

Assessment note: The comments above, and heritage requirements identified in earlier Council advice on the proposal, have been incorporated as conditions of approval, please refer to Part A.

Conservator of Flora and Fauna

The Conservator of Flora and Fauna provided advice on 8 November 2021 (S144E) stating that the proposal is supported subject to the following conditions:

- a) *Offset patches H and C are not to be used for site access and new fences need to be erected at the offset boundaries prior to commencement of works. All disturbance must be outside of the offset boundary. This condition is required to the satisfaction of PCS.*
- b) *Works at the Tuggeranong Parkway end of the alignment may disrupt access to the Bicentennial National Trail (BNT). A plan to manage access to the BNT and a temporary traffic management plan must be provided.*
- c) *Serrated Tussock, African Lovegrass, Chilean Needlegrass and St John's wort must be sprayed across the entire project area prior to commencement of works*
- d) *Within the Kama Nature Reserve interface area all habitat trees are to be avoided, and trees and shrubs are to be planted consistent with outer and inner asset zone requirements.*
- e) *Reseeding must occur in all areas adjacent to Nature Reserves at a rate of at least 5g/m² or 50kg/ha. Native seed mix should include Themeda triandra, Austrostipa scabra, Austrostipa bigeniculata, Chloris truncata, Rytidosperma sp, Aristida behriana, Panicum effusum, Calotis lappulacea, Chrysocephalum appiculatum, Leucochrysum albicans, Vittadinia cuneata, Vittadinia muelleri, Wahlenbergia sp, Plantago varians, and Xerochrysum viscosum must be used.*
- f) *Removal of mature trees must be avoided.*
- g) *The proposed undergrounding is proposed under some sections of fire trail. Fire trails must be accessible during the fire season. Works should either be staged outside of the fire season or clarification regarding emergency access must be provided.*
- h) *The alignment runs through agistment licences, so measures are required to maintain stock gate security and functional capacity for licences e.g. stock fence reinstatement/temporary fencing. This is particularly essential for Molonglo Valley block 71 (SDMS ID 3036).*
- i) *All works within Kama buffer must be consistent with the indicative development plan for Kama buffer that is being led by Spacelab.*
- j) *Any trees that are approved to be removed from Kama buffer must be reinstated as vertical habitat structures within the Kama buffer to satisfaction of the Parks and Conservation Service.*
- k) *If the tree is not structurally suitable to reinstate as a vertical habitat structure – a suitable large tree that has been removed elsewhere along the alignment must be used.*
- l) *A total number of all removed trees and shrubs must be provided to determine tree and shrub replacement numbers to the satisfaction of PCS.*

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- *Mature tree replacement ratio is 1:10 for trees removed within nature reserve, offset areas or Kama buffer;*
 - *Mature tree replacement ratio is 1:4 for trees removed outside a nature reserve or offset area;*
 - *Immature tree replacement ratio is 1:4 for immature trees removed within nature reserves or offset areas;*
 - *Immature tree replacement ratio is 1:2 for immature trees removed outside a nature reserve or offset area;*
 - *Shrub replacement ratio is 1:4 for shrubs removed within nature reserve or offset areas;*
 - *Shrub replacement ratio is 1:2 for shrubs removed outside a nature reserve or offset area;*
 - *Impacts on the tree protection zone must be mitigated with additional tree plantings at a ratio of 1:4 for trees within nature reserve or offset areas and 1:2 for trees outside nature reserve or offset areas.*
- m) *All disturbed areas within the Kama buffer and 20m buffers adjacent to Offset Patches GG, C and H must be restored as per the native seed mix specification in the Landscape Management Plan and to the satisfaction of the Parks and Conservation Service.*

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

Environment Protection Authority (EPA)

The EPA provided advice on 5 July 2021(S144B) stating:

The EPA supports the DA subject to the following conditions:

Prior to the commencement of works:

A site-specific contaminant management plan (CMP) incorporating the findings and management requirements of the MV3A+B audits must be prepared by a suitably qualified environmental consultant.

Where works are to be undertaken in areas in which audits are yet to be finalised the CMP must be reviewed and endorsed by the environmental auditor for MV3 and the auditor's endorsement forwarded to the EPA for its records.

All stages of work:

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 EPA approval.

As the site is greater than 0.3 hectares the construction is an activity listed in Schedule 1 as a Class B activity under the Environment Protection Act, 1997. The contractor/builder developing the site must hold an Environmental Authorisation or enter into an Environmental Protection Agreement with the Environment Protection Authority (EPA) in respect of that activity prior to works commencing.

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An Erosion and Sediment Control Plan must be submitted to and be endorsed by the EPA prior to works commencing on site.

Contamination advice:

The proposed works area falls within the Molonglo Valley 3 Stage A and B (MV3A+B) audit areas. Environmental audits of contamination assessment and remedial works have been or are being undertaken in these areas.

General advice:

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 Robin Brown, 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 and advice, please refer to Part A.

Icon Water

Icon Water provided a Statement of Conditional Acceptance on 13 July 2021(S144B) stating that they support the proposal with the following conditions:

All Icon Water Valves, Hydrants, Meters and Maintenance Holes/Pits must have 24/7 access by Icon Water and Emergency Services. The developer must provide Icon Water 24/7 access to the construction site. The developer is to obtain Icon Water padlocks which must be installed in a daisy chain fashion at each entry and exit point of the construction site. No stockpiles, Temporary structures or equipment is to be located within the pipe protection envelope.

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

Working on or near Icon Water Assets- the detail design will include the instruction to the contractors to submit 'SWMS' for Icon Water for approval prior to commencement of work. Example of works: excavation; backfilling; compaction; heavy equipment usage & access over existing mains, etc. Detailed design must be approved by Icon Water prior to commencement of works.

Assessment Note: The Statement of Conditional Acceptance will be released with the decision. No further action is required in relation to this advice.

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Jemena

Jemena provided advice on 26 June 2020 stating that they have no comment for the proposed Development Application.

Assessment Note: No further action is required in relation to this advice.

National Capital Authority (NCA)

The NCA provided advice on 13 July 2021(S144B) stating that they support the proposal.

Please note that the development application outside the NCA's Designated Area is not subject to Special Requirements in the National Capital Plan (the Plan). The NCA has no concerns with the proposed development application. The applicant has also submitted a Works Approval for sections in the Designated Area.

The NCA's interest for the EIS exemption is that the proposed development is not inconsistent with the general policies under Part 2 and 3 of the Plan. The proposal is not inconsistent with the planning principles and general land use policies of the Plan and the NCA has no concerns with the EIS exemption application.

Assessment Note: No further action is required in relation to this advice.

Transport Canberra and City Services (TCCS)

TCCS provided advice on 3 November 2021(S144E) stating that the development proposal can be supported subject to compliance with the following conditions:

Verge / Verge Tree

- a) *The removal of the Salix fragilis trees shown as poor-quality non-regulated trees on Tree Assessment Plan, sheets 4 and 5, are supported by TCCS as these trees are a declared pest under the Pest Plants and Animals (Pest Plants) Declaration 2015 (No 1).*
- b) *The high-quality Salix babylonica or weeping willow trees shown on the proposed alignment on sheet 6 must be retained and protected during installation of the powerlines as these trees are ideally located in the creek section of Whitlam and provide ecological values and good aesthetics to the denuded landscape from William Hovell Drive. These trees must be retained with the alignment of the powerlines placed outside of the required clearance zone of the existing vegetation plus a minimum of 2m to allow for future growth without disruption.*
- c) *A slight realignment of the powerline is needed adjacent to the exceptional specimen tree #41 on Tree Assessment Plan, sheet 13, to avoid any requirement for pruning of this mature remnant tree.*
- d) *There must be no pruning of the other exceptional rated remnant trees along the alignment, i.e. tree #1 and #311. If there is any conflict with these trees, then the powerline alignment must be adjusted to avoid this.*
- e) *TCCS does not support any alteration to the canopy of the high-quality tree #145, as noted on Tree Assessment Plan 12.*
- f) *Any trees required for removal will need to be sign posted at least 14 days prior to them being removed in line with TCCS public notification process. Please advise TCCS of the final number of trees to be removed, excluding the Pinus species and the number of replacement trees to be planted so that TCCS can provide you with the appropriate signage to place on the trees. There will be no requirement for signs*

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to be posted on any pine trees to be removed as these trees are located in a rural zoned area.

Landscape / Urban Treescapes

- g) TCCS would like to request that the Proponent considers new tree plantings to offset the proposed tree removals in order to help achieve the 30% canopy cover outlined in Canberra's Living Infrastructure Plan. This should be discussed with ACT Parks and Conservation Service (EPSDD) for more details in the Design Review stage.*
- h) As several trees are being removed from the William Hovel Drive verge and median under this proposal, please include Urban Treescapes in replanting discussions. Recommendation for replanting is to replace with 2 trees for each tree removed.*

Standard Conditions

The following general conditions will apply as appropriate for the Works and use of Territory land in addition to the above.

Early Works or prior to construction

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 TCCS by the ways of (1) a Letter of Early Works Approval for demolition and/or earthworks only; and/or (2) a Letter of Design Review, prior to the commencement of any 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

A WRMP in accordance with the relevant revision of the Development Control Code for Best Practice Waste Management in the ACT must also be submitted at the Design Review stage.

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

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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, such approval can be obtained from TCCS Licensing and Compliance.

Repair of damage to public assets

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

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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, please refer to Part A. TCCS Standard Condition will be released with the decision.

Tree Protection Unit (TPU)

TPU provided advice on 16 July 2021(S144B) stating that:

In relation to the application of the Tree Protection Act 2005, these blocks currently do not dwell within the declaration for the Built –up Urban Areas. As such, no protected trees under the TP Act 2005 are involved or would be impacted by the proposal

Assessment Note: No further action is required in relation to this advice.

Utilities Technical Regulation (UTR)

The UTR provided advice on 5 August 2021 (S144B) stating that:

The development application is acceptable to UTR subject to inclusion of UTR's comment below:

Caveat comment for Inclusion in DA Application Approval

Metallic/conductive infrastructure such as fences, pipelines, etc are susceptible to excessive earth potential rise (EPR) and Step/Touch potential hazards, and electromagnetic induction (EMI) hazards during normal electricity network load currents and especially during network faults.

The submitted Earthing System Assessment Report by Safeearth forming part of the DA application has considered these issues and in Clause 4.2 has identified 132 kV cable – conductive structure separation distance threshold trigger levels.

Hence any realignment/relocation of fences or other long metallic infrastructure, or the 132 kV cable itself, that results in either the separation distance between it and the metallic infrastructure being reduced, or the length of parallel distance increased, requires re-assessment for adverse EPR and EMI impact, to ensure safety limits are not exceeded, and if required remedial action taken.

It is noted in Dareport 201936352 – S1448 page 6 Table 11, reference is made to fence removals/relocation changes, since the Safeearth Assessment was conducted. Observance and compliance with the above-mentioned separation threshold trigger levels is mandatory for any separation distance changes.

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

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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 τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodioca telefonirajte:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

TRANSLATING AND INTERPRETING SERVICE

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

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.

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.
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.

4. Works on unleased Territory Land

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

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

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

Contact details for relevant agencies

ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601 GPO Box 370, CANBERRA, ACT 2601	www.acat.act.gov.au tribunal@act.gov.au 02 6207 1740 02 6205 4855 (Fax)
ACT Supreme Court 4-6 Knowles Place, CANBERRA CITY ACT 2601 GPO Box 1548, CANBERRA CITY, ACT 2601	www.courts.act.gov.au 02 6205 0000
Environment, Planning and Sustainable Development Directorate 480 Northbourne Avenue DICKSON ACT 2602 GPO Box 158, CANBERRA 2601 <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> 	www.planning.act.gov.au 02 6207 1923 EPAPlanningLiaison@act.gov.au 6207 5642 worksafe@worksafe.act.gov.au 132 281 www.environment.act.gov.au 132 281 TCCS.TreeProtectionACTPLARef@act.gov.au TCCS.TreeProtection@Act.gov.au
Transport Canberra and City Services <ul style="list-style-type: none"> • landscape management and protection plan approval • use of verges or other unleased Territory land • works on unleased Territory land - design acceptance 	www.tccs.act.gov.au 132 281 02 6207 0019 (development coordination)

<ul style="list-style-type: none"> • driveway inspections or building applications • damage to public assets 	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 τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodioca telefoniрајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

TRANSLATING AND INTERPRETING SERVICE

131 450

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

TCCS Standard Conditions

The following general conditions will apply as appropriate for the Works and use of Territory land in addition to the above.

Early Works or prior to construction

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 TCCS by the ways of (1) a Letter of Early Works Approval for demolition and/or earthworks only; and/or (2) a Letter of Design Review, prior to the commencement of any 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

A WRMP in accordance with the relevant revision of the Development Control Code for Best Practice Waste Management in the ACT must also be submitted at the Design Review stage.

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, such approval can be obtained from TCCS Licensing and Compliance.

Repair of damage to public assets

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.