

2021

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

Planning and Development Act 2007 – Exercise of call-in powers –

Development Application 202138715 –

**Block 792 Section 0 Gungahlin, Block 849 Section 0 Gungahlin, Block 1 Section 164 Harrison,
Block 1 Section 165 Harrison, Block 2 Section 127 Harrison and Block 11 Section 5 Harrison**

**Presented by
Mr Mick Gentleman MLA
Minister for Planning and Land Management
September 2021**



PLANNING AND DEVELOPMENT ACT 2007
STATEMENT PURSUANT TO SECTION 161(2)

1. On 15 July 2021, Development Application No 202138715 (the application) was lodged with the planning and land authority (the authority) for development approval.
2. On 6 September 2021, in accordance with section 158 of the *Planning and Development Act 2007* (the Act), I directed the authority to refer the application to me.
3. On 16 September 2021, I decided to approve the application under s 162 of the Act.
4. As required under s 161 of the Act, I provide the following statement in relation to the application:
 - a) The application (DA202138715) seeks approval for the demolition of existing road infrastructure, the signalisation of the intersection of Well Station Drive and Albatross Crescent (west), the signalisation of the intersection of Well Station Drive and Kings Canyon Street, the construction of a new collector road, Albatross Crescent (west), to the south of Well Station Drive, the construction of a new roundabout at the southern of the Albatross Crescent (west) extension, upgrades to Well Station Drive to transition from single to dual carriageway, the reconstruction and relocation of bus stops, the construction of a new active travel trunk path network, including connection to the existing shared path network, the construction of noise walls for noise attenuation, associated landscaping, service connections, and other site works.
 - b) Development applications for the Estate Development Plan (EDP) which proposes creation of the site and associated servicing works, and the associated East Gungahlin High School have been lodged separately.
 - c) The application (DA202138715) has been assessed under the Impact track.
 - d) The application was lodged by Planit Strategic, on behalf of the lessee Environment, Planning and Sustainable Development Directorate (Parks and Conservation), Roads ACT and Transport Canberra and City Services (City Presentation).
 - e) On 16 September 2021 I decided to approve the application subject to conditions, as detailed in the attached Notice of Decision.

f) The grounds for my decisions are set out in the attached Notice of Decision.



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Mick Gentleman MLA
Minister for Planning and Land Management

16/9/21 2021

NOTICE OF DECISION

Made under part 7 of the *Planning and Development Act 2007*

THE DECISION

In accordance with section 123 of the *Planning and Development Act 2007* (the Act), the impact track is the applicable track for this application. Accordingly, the application was lodged in the impact track. Pursuant to section 113(4) of the Act, the application must be assessed according to the provisions relevant to impact track applications.

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

- the demolition of existing road infrastructure;
- the signalisation of the intersection of Well Station Drive and Albatross Crescent (west);
- the signalisation of the intersection of Well Station Drive and Kings Canyon Street;
- the construction of a new collector road, Albatross Crescent (west), to the south of Well Station Drive;
- the construction of a new roundabout at the southern of the Albatross Crescent (west) extension;
- upgrades to Well Station Drive to transition from single to dual carriageway;
- the reconstruction and relocation of bus stops;
- the construction of a new active travel trunk path network, including connection to the existing shared path network;
- the construction of noise walls for noise attenuation; and
- associated landscaping, service connections, and other site works.

The proposed works are located within the existing road reserve of Well Station Drive, Blocks 849 and 792 Gungahlin and numerous blocks within the suburb of Harrison. In accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number: 202138715, 202138715 S141A
Blocks: 1, 1, 2, 11, 792 & 849
Sections: 164, 165, 127, 5, 0 & 0
Suburb/District: District of Gungahlin and Harrison
Application lodged: 15 July 2021
Assessment track: Impact

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MickGentleman

NOTICE OF DECISION

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My decision contains the following information:

Part A – sets out conditions of approval that are to be satisfied

Part B– sets out the Reasons for the Decision

Part C – provides a summary of issues arising from the public notification of the application and from referral of the application to relevant entities

Attachment 1 – contains administrative information relating to my decision

Copies of advice from relevant entities are also attached

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 480 Northbourne Avenue, Dickson, ACT 2602

DECISION MAKER



Mick Gentleman MLA

Minister for Planning and Land Management

16/9/2021

CONTACT OFFICER

George Cilliers

Phone: (02) 6205 2888

Email: George.Cilliers@act.gov.au

NOTICE OF DECISION

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PART A – CONDITIONS OF APPROVAL

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

1. FURTHER INFORMATION

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

- a) revised drawings and further information to the satisfaction of the planning and land authority, showing:
 - (i) the retention of the emergency vehicular access to Old Well Station Drive, with 24-hour signage prohibiting use for school parking;
 - (ii) the site compound location has been examined and cleared for the presence of Striped Legless Lizard;
 - (iii) details of the verge interface at the southern end of the Albatross Crescent (west) extension, ensuring light pollution from traffic and streetlights to the Nadjung Mada Nature Reserve is minimised; and
 - (iv) revised landscaping and planting along the Albatross Crescent (west) extension to be native, evergreen species with a maximum growth height of 8-10m.

2. COMMENCEMENT AND COMPLETION OF DEVELOPMENT

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

Note: The planning and land authority may extend the time to commence or finish the development if an application, to extend the time to commence or finish the development, is made prior to within the timeframes outlined above – refer to sections 184(3) and 188 of the *Planning and Development Act 2007*.

3. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)

- a) **Prior to works commencing**, a Construction Environment Management Plan (CEMP) must be submitted to the planning and land authority (EPDImpact@act.gov.au) for approval prior to the commencement of any work on the site. The CEMP must be consistent with the requirements of the Gungahlin Strategic Assessment Biodiversity Plan and the Gungahlin Strategic Assessment EIS exemption and must include the minimum plans (where relevant) outlined in Table 9 of the Gungahlin Strategic Assessment EIS exemption consideration report.

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- b) At a minimum, the CEMP must include:
- i. pre-construction surveys to determine clearing boundaries and identify rehabilitation actions;
 - ii. pre-clearing ecological inspections that must be undertaken between September and December;
 - iii. pre-clearing ecological procedures to be followed for wildlife rescue and relocation;
 - iv. weed management;
 - v. sediment and erosion control to prevent site run-off;
 - vi. the Unanticipated Discovery Protocol provided in the Supplemental Cultural Heritage Assessment (Past Traces, 2021);
 - vii. details of how the arborist's recommendations will be adopted to ensure protection of the trees associated with the Well Station Homestead Precinct

Note: The CEMP may contain plans and management strategies listed elsewhere within the conditions of approval or as part of the entity comments in Part 3. 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.

4. ICON WATER

- a) Prior to commencement of construction works, the land custodian or applicant must obtain a Statement of Acceptance from Icon Water in relation to water and sewer networks.
- b) The land custodian must comply with any requirements imposed on a Statement of Acceptance by Icon Water.

Note: No significant planning issues were identified in the advice from Icon Water, however any substantial changes to the development required for the Icon Water Statement of Acceptance will need to be submitted for the approval of the planning and land authority with an application to amend the approval under s197 of the *Planning and Development Act 2007*.

Plans may be endorsed at the discretion of the planning and land authority prior to compliance with this condition.

This condition must be complied with prior to construction of the road and works approved by this decision. Site preparation works such as any erosion and sediment controls, contamination testing, temporary site access, site fencing, material storage preparation and the like are suitable to commence in advance of obtaining suitable advice from Icon Water required by this condition. Entity requirements are still required to be satisfied.

A copy of the most recent advice from Icon Water is attached to this Notice of Decision for reference and assistance.

5. COMPLIANCE WITH UTILITY PROVIDER REQUIREMENTS

The development must comply with the requirements of each of the relevant utility providers as stated in each of their advice.

Note: Copies of advice received from Evoenergy (Electricity), Jemena (Gas) and Icon Water are attached to this Notice of Decision and relevant to this condition.

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6. ACT HEALTH

Prior to works commencing, soil relating to AEC 1 (as identified in *Preliminary Site Investigation Well Station Drive*, Mitchell, Lanterra Consulting Pty Ltd, 10 November 2020) must be sampled to investigate the contamination risk associated with the composting activities of the Canberra Sand and Gravel Yard.

7. ENVIRONMENT PROTECTION AUTHORITY (EPA)

- a) Prior to works commencing, 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.
- b) Prior to works commencing, an erosion and sediment control plan must be submitted to and be endorsed by the EPA.
- c) A site-specific unexpected finds protocol (UFP) must be prepared by a suitably qualified environmental consultant and implemented during site development works. The UFP must include, amongst other things, appropriate procedures for the identification, assessment, management, validation and disposal of potential contamination at the site and contractor induction procedures into the use of the UFP.

Note: Where remediation and validation is required at the site under the UFP the site validation report must be forwarded to the EPA for review and endorsement prior to occupancy of the site.

8. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

Prior to works commencing, the follow must be submitted to and approved by TCCS:

- a) Traffic Control Device Plans; and
- b) Temporary Traffic Management Plans.

DURING CONSTRUCTION AND/OR DEMOLITION

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

9. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)

All works must be undertaken in accordance with the approved CEMP, and all applicable sub-plans.

10. EROSION AND SEDIMENTATION TO THE NADJUNG MADA NATURE RESERVE

- a) Double row silt fences are required where development is adjacent to the Reserve, including the Albatross Crescent (west) extension.
- b) Coir logs must be used for water quality control, where possible. If haybales are used for water quality control these must be certified weed free haybales.

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11. ENVIRONMENT PROTECTION AUTHORITY (EPA)

The development is to be carried out in accordance with the following conditions to the satisfaction of EPA:

- a) All spoil identified at the site must be managed in accordance with EPA Information Sheet - Spoil Management in the ACT.
- b) All soil subject to disposal from the site must be assessed in accordance with EPA Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT.
- c) No soil is to be disposed from site without EPA approval.
- d) Appropriately ACT licensed contractors must be engaged for the removal, transport and disposal of all hazardous materials found on the site.
- e) All hazardous materials found on the site must be disposed of at a facility suitably authorised/licensed to accept the waste.
- f) All works must be carried out in accordance with "Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011", available at www.environment.act.gov.au or by calling 132281.

12. SIGNAGE

All directional signage must comply with the requirements of Australian Standard AS1742.10 (1991) *Manual of Uniform Traffic Control Devices – Pedestrian Control and Protection*.

13. PEDESTRIAN PATHS

Pedestrian paths are to be constructed in accordance with AUSTROADS *Guide to Traffic Engineering Practice Part 13. – Pedestrians*.

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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.

ENVIRONMENT PROTECTION AUTHORITY (EPA)

1. All excavations that collect rainwater during a rainstorm event would be considered as a sediment control pond, and must meet the following condition:
 - a) 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.

(NOISE MITIGATION)

2. Should the noise impacts to the proposed school associated with this development lead to the noise impacts exceeding relevant requirements, noise walls along the school frontage should be considered. Should this occur, revised plans should be submitted to the planning and land authority under section 165 of the *Planning and Development Act 2007*.

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PART B – REASONS FOR THE DECISION

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).

In deciding to approve the application with conditions, I considered each of the matters or issues set out in section 129(a) - (l) of the Act.

In relation to section **129(a)**, accounting for the extent of development located in each zone, and for areas where indicative zoning is likely to be uplifted over time (in the future urban areas); I am satisfied that the proposed development meets all the relevant objectives of the Transport Zone, Broadacre Zone, Urban Open Space Zone, Suburban Zone, General Industry Zone and Urban Residential Zone.

In relation to section **129(b)**, as above, I am satisfied the proposed development meets the requirements of the relevant precinct, development and general codes or is adequately addressed by the conditions imposed by this decision.

In relation to section **129(c)**, I am satisfied that the subject land is suitable for the proposed development, provided each of the conditions that I have imposed as part of my decision to approve the application is met.

In relation to section **129(d)**, I was mindful of the representation received by the planning and land authority in relation to the application. In Part 3 of my decision, I have provided a list of the key concerns raised by the representor and commented accordingly.

In relation to section **129(e)**, I note that the proposal was not considered by the National Capital Design Review Panel (NCDRP) and is not a development prescribed to be referred to the NCDRP.

In relation to section **129(f)**, I noted that relevant entities provided support for the proposal, although most did so on the basis that conditions were imposed to protect or address different kinds of matters.

Icon Water issued a “failed to comply” statement, however I note that the Icon Water advice did not raise any elements which were likely to prevent the development proceeding, or that would require substantial amendment of the proposal or the like. The matters raised by Icon Water are considered capable of resolution through more detailed design outside of the development application process. A condition has been imposed in Part A of this decision that building works must not commence until the appropriate endorsement has been obtained from Icon Water. I have considered the advice received from all the relevant entities and, where necessary, conditions or advice have been included pursuant to section 162(1)(b) of the Act that reflect that advice.

I note that the Conservator of Flora and Fauna raised some concern regarding the potential impact to the Nadjung Mada Nature Reserve, including from stormwater and light pollution. The advice provided by the Conservator did raise that further information was required, which I have imposed to be provided prior to approved drawings being released.

In relation to section **129(g)**, I note that no public land management plan has been identified for the land.

In relation to section **129(h)**, I considered the probable impacts, including potential social and environmental impacts that the proposed development may have. In this regard, I have read and considered the supporting documentation provided by the proponent with the development application, and representation received by the planning and land authority in relation to the

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application. I have also read and considered the advice and responses from relevant entities to which the application was referred, which propose conditions to address some of the impacts that might otherwise occur.

In relation to section **129(i)**, no offsets have been proposed as part of this development application. I note avoidance and offset areas, including the Nadjung Mada Nature Reserve, were considered and proposed as part of the Gungahlin Strategic Assessment and associated EIS exemption.

In relation to sections **129(j) and (k)**, I note that an EIS does not apply (nor was an inquiry about an EIS conducted) as an EIS exemption has been granted under section 211H of the Act (refer to response against section 129(l) below).

In relation to section **129(l)**, an Environmental Impact Statement (EIS) exemption for the Gungahlin Strategic Assessment Area is relevant to the proposed development. On 20 November 2013, the then Minister for the Environment and Sustainable Development granted the EIS exemption as they were satisfied the information provided satisfactorily addressed the expected environmental impacts associated with the remaining urban development in the Gungahlin region.

The EIS exemption identified a range of avoidance, mitigation and management measures to reduce potential environmental impacts arising from construction and operational activities. These measures were consequently outlined in the Gungahlin Strategic Assessment Area EIS exemption consideration report. All mitigation measures identified in the consideration report were considered during the assessment or have been incorporated into this decision.

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

Development Application:	202138715 and 202138715 (S141A)
Territory Plan Zones:	TSZ1 Transport Zone, RZ1 Suburban Zone (FUA), RZ3 Urban Residential Zone, NUZ3 Broadacre Zone, PRZ1 Urban Open Space Zone and IZ1 General Industry
Development Codes:	Transport Zones Development Code, Residential Zones Development Code, Non-urban Zones Development Code, Urban Open Space Development Code and Industrial Zones Development Code
Precinct Codes:	East Gungahlin Structure Plan, Gungahlin District Precinct Map and Code, Harrison Precinct Map and Code
EIS exemptions	Gungahlin Strategic Assessment Area EIS exemption, exempted by the Minister on 20 November 2013
Legislative requirements:	the <i>Planning and Development Act 2007</i> in particular Sections 128 and 129
Representations and Entity advice:	Addressed in Part A and C of this Decision

Note that Part A and C also provide further information in regards to the reasons this decision has been made.

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PART C – PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 29 July 2021 until 18 August 2021.

One written representation was received during the public notification period.

Key issues raised by the representor are listed below. Comments are provided as appropriate.

- Noise impacts to students and staff

Comment: This has been considered, including the recommendation for a noise barrier to be installed along the proposed school frontage. Although the application does not highlight that traffic related noise will cause noise impacts at the proposed school to exceed relevant requirements, an advisory note has been included in the decision highlighting that should this occur, an additional noise barrier on the school frontage should be considered for construction.

- Impact to Striped Legless Lizard

Comment: This has been considered, including the findings and conditions from the Gungahlin Strategic Assessment Area EIS exemption and entity advice from the Conservator of Flora and Fauna. Conditions of approval have been included to ensure the protection the species within the designated conservation area during construction.

- Other concerns

The additional concerns regarding the construction timeframe and the intended use of the eastern part of the East Gungahlin School Site are noted; however, these are either not relevant to this development application or a consideration under the relevant provisions of the *Planning and Development Act 2007* or the Territory Plan.

ENTITY ADVICE

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

ACT HEALTH

On 27 July 2021 advice was received from the Health Protection Service (HPS), ACT Health, in relation to the proposal. The advice states that:

The HPS has reviewed the DA and notes that the document titled, "Preliminary Site Investigation Well Station Drive, Mitchell", dated 10 November 2020 by Lanterra Consulting Pty Ltd identified three potential areas of environmental concern (AEC's). The HPS supports the need for the following recommendations to be completed prior to intrusive works being undertaken:

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- *Sampling of soil related to AEC 1, to further investigate the contamination risk associated with the composting activities of the Canberra Sand and Gravel Yard.*
- *Development and implementation of a construction environmental management plan including an unexpected finds protocol for the site.*

There are no further public health concerns in relation to the proposed DA.

The comments above have been incorporated as conditions of approval at Part A.

ACT HERITAGE COUNCIL

On 12 August 2021 advice was received from the ACT Heritage Council (the Council) in relation to the proposal. The advice states that:

Based on the above assessment, the Council advises that the proposed development is unlikely to damage Aboriginal places or the Well Station Homestead Precinct, subject to the below condition:

- *The project's Construction Environment Management Plan (CEMP) must include the Unanticipated Discovery Protocol provided in the Supplemental CHA (Past Traces 2021). The CEMP must also outline how the arborist's recommendations will be adopted during works to ensure the protection the trees that are associated with the Well Station Homestead Precinct.*

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

The condition above has been incorporated in the conditions of approval at Part A.

CONSERVATOR OF FLORA AND FAUNA

On 19 August 2021 advice was received from the Conservator of Flora and Fauna in relation to the proposal. The advice states that:

I have concerns with the information provided with the application that requires clarification and further information to be provided:

Stormwater:

- *This development is required to meet the WSUD code requirements for roads. Please provide further information on how this has been achieved.*
- *Peak flow – climate change impacts need to be considered in the peak flow rates. Please provide further information that details how climate change scenarios have been included and considered.*
- *Head wall is being discharging into the Reserve (see SWmaster-20213875-03). This is not appropriate. Experience from elsewhere (e.g. Coombs) shows that significant erosion can occur from headwalls discharging into reserves, along with transport of large volumes of gross pollutants. Please review this design and detail how these issues will be addressed.*

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- *The development is required to demonstrate how stormwater treatment will meet WSUD road water targets into Reserves, including:*
 - *No untreated stormwater should be discharged into the Reserve. Each pipe discharging into the Nature Reserve needs to meet WSUD code.*
 - *Unmitigated discharge into future Kenny area has high potential of erosion risk in the future. Details of how this will be managed is required*

Emergency and Bushfire Management access:

- *The emergency exit for management access off Old Well Station Drive is required to be designed to the satisfaction of the ACT Parks and Conservation Service to retain appropriate access to the Nature Reserve.*
 - *Needs 24hr emergency signage so that it is reserves for emergency vehicles and not used for school parking*
 - *Further information is required on how ongoing emergency access to Old Wells Station Road will be achieved noting that there is no roundabout/ Traffic light sequencing/timing from east. The current design limits emergency vehicle access (fire tankers) into Old Wells Station rd travelling from the west. The design is required to allow access into the Reserve to the satisfaction of the ACT Parks and Conservation Service.*

NOTE: Road works/implementation should not inhibit access to the Reserve site via Old Wells Station Drive during the fire season and access to the Reserve is required to remain at all times.

Indirect Impacts on the Nature Reserve:

- *More detailed drawings of the verge interface at end of Albatross road extension roundabout into the reserve are required, specifically to detail light limiting features to protect the reserve from light pollution from traffic and street lights.*
- *Please provide details of the earth berm at the end of roundabout at the Albatross extension. This berm is required to be high enough to ensure direct light spillage from headlights does not occur into the Nature Reserve.*
- *Lighting is required to be detailed and designed to minimise light spill into the Nature Reserve.*
- *A revised landscape plan and planting schedule is required that details the tree species along the albatross crescent extension to the satisfaction of the ACT Parks and Conservation Service. Trees are required to be evergreen and native. Trees should have max growth heights of 8-10m (prevent future shading into reserve).*
- *The location of the site compound is to be within the construction boundary and not in any area that hasn't been checked and cleared for the presence of Striped Legless Lizard to the satisfaction of the ACT Parks and Conservation Service*

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Sediment and erosion controls:

- *Double row silt fences are required along site compound where adjacent to the Reserve (Albatross Rd extension area)*
- *If haybales are being used for water quality control (it is unclear in the documentation) these should be certified weed free haybales to avoid impact to the Reserve. Coir logs are preferable.*

The Tree Protection Unit has no comment on this Development Application, as the proposed public works are on unleased land and therefore not covered by the Tree Protection Act 2005.

The comments above have been incorporated as conditions of approval at Part A.

EMERGENCY SERVICES AGENCY

On 11 August 2021 the Emergency Services Agency provided advice stating that they have no comments or concerns for the proposed Development Application.

No further action is required in relation to this advice.

ENVIRONMENT PROTECTION AUTHORITY

On 18 August 2021 advice was received from the Environment Protection Authority (EPA) in relation to the proposal. The advice included conditions and advice for the applicant as below:

Conditions:

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

Note: Where remediation and validation is required at the site under the UFP the site validation report must be forwarded to the EPA for review and endorsement prior to occupancy of the site.

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

All soil subject to disposal from the site must be assessed in accordance with EPA Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT.

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

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

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

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

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Protection Agreement with the Environment Protection Authority (EPA) in respect of that activity prior to works commencing.

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

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

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

The comments above have been included as conditions of approval and advisory notes at Part A.

EVOENERGY ELECRCITY

On 6 August 2021 advice was received from Evoenergy Electricity in relation to the proposal. The advice states that:

This application is approved subject to compliance with the following conditions:

- *Development is to comply with minimum 1.5m machinery access clear of obstacles and vegetation to assets within the block.*
- *Development is to comply with minimum separation requirements to underground assets. Ref Evoenergy Drawing 3832-018*
- *Installation of electrical conduits (on or off block) will be the responsibility of the proponent.*
- *Proponent is required to submit an "Application for Electricity Network Connection or Alteration form" to network.connectionapplication@evoenergy.com.au (available on Evoenergy website) prior to commencement of any development activity to negotiate the connection of new and/or relocation of existing electricity assets.*
- *The location of the proposed or existing Point of Entry/ Meter Box is to comply with Evoenergy's Service and Installation rules.*
- *As per the Terms and Conditions specified under project 20009012 Harrison Block 2 Section 127 HVLV Relocation.*

The comments above have been incorporated as conditions of approval at Part A.

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EVOENERGY GAS

On 27 July 2021 advice was received from Evoenergy Gas in relation to the proposal. The advice states that:

This application is approved subject to compliance with the following conditions:

- *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*
- *If a meter relocation or service pipe relocation is required in order to comply with Evoenergy standards, please contact your gas retailer and book a meter relocation. Only people accredited by Evoenergy can carry out this work*

The comments above have been incorporated as conditions of approval at Part A.

ICON WATER

On 28 July 2021 advice was received from Icon Water in relation to the proposal. Icon Water issued a “failure to comply” statement. The advice received from Icon Water however did not raise any issues likely to prevent the development proceeding, or that would require substantial amendment of the proposal. The matters raised by Icon Water are capable of resolution through more detailed design outside of the development application process. A condition has been imposed in Part A of this decision that building works must not commence until a statement of compliance has been obtained from Icon Water.

TRANSPORT CANBERRA AND CITY SERVICES

On 31 August 2021 TCCS provided advice stating that they support the proposal.

No further action is required in relation to this advice.

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ATTACHMENT 1

ADMINISTRATIVE INFORMATION RELATING TO NOTICE OF DECISION

DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise, this approval takes effect the day after the date of this decision. The effective date for development applications approved subject to conditions may also be adjusted if the approval is reconsidered by the planning and land authority or if an application is made to the ACT Civil and Administrative Tribunal.

Pursuant to section 184 of the *Planning and Development Act 2007* (Act), this approval will expire if:

- the development or any stage of the development is not started within 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 8:30am and 4:30pm 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 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 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). Decisions, such as this decision, made by the Minister under call-in powers in the Act are exempt from third party review.

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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. **If you think you have a right of appeal, 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.
5. 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>.
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

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<https://www.environment.act.gov.au/about/access-government-information> or by contacting us by phone on 02 6207 1923.

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

Review by the ACT Supreme Court

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

Other approvals

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

1. **Building Approval**
Most building work requires building approval under the *Building Act 2004* to ensure it complies with building laws such as the *Building Code of Australia*. The lessee should engage a private building certifier to determine whether building approval is required and assess and approve the building plans before construction commences. A list of certifiers can be obtained from the [Environment, Planning and Sustainable Development Directorate](#).
2. **Tree damaging activity approval**
A Tree Management Plan under the *Tree Protection Act 2005* is required for approval where it is proposed to undertake groundwork within the tree protection zone of a protected tree or likely to cause damage to, or remove, any trees defined as protected trees by that Act. More information is available from the Transport Canberra and City Services Directorate at <https://www.tccs.act.gov.au/city-living/trees>.
3. **Use of verges or other unleased Territory Land**
In accordance with the *Public Unleased Land Act 2013*, road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. More information is available from the Transport Canberra and City Services Directorate at https://www.tccs.act.gov.au/city-living/public_land_use.

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4. Works on unleased Territory Land

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

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

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

Contact details for relevant agencies

<p>ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601 GPO Box 370, CANBERRA, ACT 2601</p>	<p>www.acat.act.gov.au tribunal@act.gov.au 02 6207 1740 02 6205 4855</p>
<p>ACT Supreme Court 4-6 Knowles Place, CANBERRA CITY ACT 2601 GPO Box 1548, CANBERRA CITY, ACT 2601</p>	<p>www.courts.act.gov.au 02 6205 0000</p>
<p>Environment, Planning and Sustainable Development Directorate 480 Northbourne Avenue DICKSON ACT 2602 GPO Box 158, CANBERRA 2601</p> <ul style="list-style-type: none"> • <i>Planning and land authority</i> <ul style="list-style-type: none"> - list of certifiers for building approval - demolition information - asbestos information • <i>Environment Protection Authority</i> <ul style="list-style-type: none"> - environment protection - water resources - asbestos information • <i>Conservation, Planning and Research</i> <ul style="list-style-type: none"> - threatened species/wildlife management 	<p>www.planning.act.gov.au 02 6207 1923</p> <p>www.environment.act.gov.au 132 281</p> <p>www.environment.act.gov.au 132 281</p>
<p>Transport Canberra and City Services</p> <ul style="list-style-type: none"> - tree damaging activity approval - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets 	<p>www.tccs.act.gov.au</p> <p>132 281 02 6207 0019 (place coordination)</p>
<p>Health Directorate</p>	<p>www.health.act.gov.au 02 6205 1700</p>
<p>Utilities</p> <ul style="list-style-type: none"> - Telstra (networks) - TransACT (networks) - Icon Water - Electricity reticulation 	<p>02 8576 9799 02 6229 8000 02 6248 3111 02 6293 5738</p>

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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 τηλεφωνήσετε 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 ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

TRANSLATING AND INTERPRETING SERVICE

131 450

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