

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

**Planning and Development Act 2007 - Exercise of call-in powers -
Development Application 202138534 -
Block 1 Section 58 Garran**

Mr Mick Gentleman MLA
Minister for Planning and Land Management
August 2021

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

1. On 28 April 2021, Development Application No 202138534 (the application) was lodged with the planning and land authority (the authority) for development approval.
2. On 23 June 2021, in accordance with section 158 of the *Planning and Development Act 2007* (the Act), I directed the authority to refer the applications to me.
3. On *August 5th* 2021, I decided to approve the applications under s 162 of the Act.
4. As required under s 161 of the Act, I provide the following statement in relation to the applications:
 - a) The application (202138534) seeks approval for construction of a new 9 storey critical health services building, closure and reconfiguration of Hospital Road, reconfiguration of the existing emergency drop-off, construction of at-grade car parking, bridge and tunnel connections to the existing hospital building, erection of signage, basement, loading dock ("satellite port") and plant room, driveways, new helipad facilities on roof, landscaping and associated works.
 - b) Construction works associated with DA202138534 are proposed to take place on Block 1 Section 58 Garran.
 - c) The application was lodged by Multiplex Australia, on behalf of the lessee Canberra Health Services.
 - d) On *August 5th* 2021 I decided to approve the application subject to conditions, as detailed in the attached Notice of Decision.
 - e) The grounds for my decision are set out in the attached Notice of Decision.
 - f) Community consultation was undertaken pursuant to section s 138AE of the Act. In demonstrating compliance with 138AE, the proponent submitted a community consultation report with the development application. This was publicly notified with the application. The consultation report details consultation activities undertaken prior to lodging the application, between December 2020 and February 2021. This included correspondence with community councils, residents' associations and clinical groups, online engagement, face-to-face consultations such as pop-up stalls and public meeting presentations, a newsletter to residents

and magazine advertisements. The community consultation report details the matters raised during consultation and provides the applicant's response. A copy of the community consultation report is attached.



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Mick Gentleman MLA
Minister for Planning and Land Management

5/8/ 2021

NOTICE OF DECISION

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

THE DECISION

This application was lodged in the merit track. Pursuant to section 113(2) of the *Planning and Development Act 2007* (the Act), the application must be assessed according to the provisions relevant to merit 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:

- construction of a new nine storey critical health services building
- closure and reconfiguration of Hospital Road
- reconfiguration of the existing emergency drop-off
- construction of at grade car parking on Hospital Road and at the existing emergency drop-off area
- construction of bridge and tunnel connections to the existing hospital building
- construction of basement and plant rooms
- construction of new driveway entry points and internal roads
- construction of new helipad and helipad facilities on the roof of the proposed building
- erection of loading dock ("satellite port") and signs
- associated landscaping, site and off-site works

The proposed works are located at Block 1 Section 58 Garran, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number: 202138534
202138543 S141A
202138534 S141B
202138534 S144C
Block: 1
Section: 58
Suburb: Garran
Application lodged: 28 April 2021
Assessment track: Merit

ACT Legislative Assembly

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MickGentleman

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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

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

5/8/2021

CONTACT OFFICER

George Cilliers

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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 in writing by the planning and land authority, the applicant shall lodge with the planning and land authority for approval:

- a) revised drawings showing a revised detail configuration for Hospital Road North, in a manner consistent with Hospital Road South, with a preference for the following:
- (i) the ability to safely undertake a 180 degree turn in a single manoeuvre;
 - (ii) the ability to continue to turn left and access Building 14 underground parking and parking at the rear of Building 4;
 - (iii) incorporate the existing pick up/set down area for Building 14;
 - (iv) emergency vehicle access to the Welcome Hall area;
 - (v) pedestrian priority paths for between the road and welcome hall;
 - (vi) provide a functional flow of vehicles and pedestrians through the North Hospital Road area;
 - (vii) all existing vehicle access points are to be incorporated into the design of the reconfiguration of Hospital Road North;
 - (viii) pick up and set down facilities e.g., 5-minute parking spaces; and
 - (ix) clear wayfinding to the new building across the hospital campus and to and from car parking provided for employees and visitors on the site as well as on other sites identified for parking purposes (refer also to condition 13);

all the above, to the satisfaction to the planning and land authority.

Note: The proposed internal road configuration of Hospital Road North should provide clear and logical wayfinding including adequate space for cars to safely turn around and adequate opportunities for drop-off / set-down purposes. The proposed removal of the existing carpark to the rear of Building 14 removes the opportunity for cars to enter and exit the space with a clearly identified turnaround opportunity, but this should be remedied by compliance with this condition.

- b) a parking plan, for visitor and general parking for the existing multi-storey carpark, is to be provided that allocates 235 public parking spaces, 19 public disabled parking spaces and 6 public motorbike parking spaces in place of some of the existing staff parking within the multi-storey carpark, to the satisfaction of the planning and land authority.

Note: The proposal should supplement the visitor/ general public parking to be provided in accordance with the Parking and Vehicular Access General Code (PVAGC).

- c) an updated access report and associated plans with accessible path of travel information, consistent with the advice and recommendations of the submitted access report.

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Note: The access report by *Edward Daniel of Morris Goding Accessibility Consulting* submitted with the development application contains the following requirement:

“It will be necessary to provide an accessible path of travel from main pedestrian entry points/building entrances to new works compliant with AS1428.1:2009. Currently, an accessible path from the pedestrian boundary to the new building is to be provided. Drawings indicate of possible amendments to achieve requirements, however further details at later design stages are required to ensure compliance as per AS1428.1, AS1428.2, AS1428.3. and the DDA Premises Standards. an accessible path of travel between buildings (or parts of buildings) that are connected by a pedestrian linkage, within the site allotment boundary, compliant with AS1428.1:2009 is also required. Information not yet detailed, a compliant path is to be provided in accordance with AS1428.1, AS1428.2 and AS1428.3”.

2. COMMENCEMENT AND COMPLETION OF DEVELOPMENT

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

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

3. PRIOR TO FAÇADE WORKS COMMENCING – MATERIAL COLOURS

Prior to any façade works commencing, the applicant shall lodge a revised materials and finishes board and associated documentation to the satisfaction to the planning and land authority.

Note: The material samples listed as 6a, 6b and 6c have a clear differentiation of colour, which provides further texture to the proposed development, however the material samples listed as 7a, 7b and 7c present almost uniform with minimal colour change between them. Due to this, it is proposed that the materials be updated to have 7a remain the same, 7c become 7, and a lighter shade be introduced for 7c. Please provide the revised materials and finishes board and associated documentation (pursuant to section 165 of the Act) to 480 Northbourne Avenue, Dickson, to become part of the existing material board, plans updated to reflect the change (where needed) and an updated materials document be submitted, to the satisfaction of the planning and land authority.

4. PRIOR TO CERTIFICATE OF OCCUPANCY AND USE - STAFF CAR PARKING

Prior to the issue of a Certificate of Occupancy and Use, the applicant shall confirm a permanent arrangement for the temporary car parking relied upon for this proposal is in place, or another similar arrangement for car parking in proximity of the site, – to the satisfaction of the planning and land authority.

Note: This decision is reliant on off-site staff carparking proposed to be provided at block 1 section 17 Phillip. This was previously approved (under DA 202037177) to be a temporary car park for the purposes of staff car parking. It is acknowledged that there will be sufficient parking spaces provided within the temporary carpark to accommodate the requirements of the PVAGC. The current temporary parking arrangement is supported, but confirmation of a permanent parking arrangement for staff is required prior to the Certificate of Occupancy and Use being issued for the proposed development.

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5. CONSTRUCTION WORKS NOT TO COMMENCE – ICON WATER

Prior to construction works commencing:

- a) 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: A copy of the advice received from Icon Water is attached to this Notice of Decision for reference and assistance. No significant planning issues were identified in the advice received from Icon Water and matters raised by Icon Water are capable of resolution through more detailed design outside of the development application process. 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.

6. CONSTRUCTION WORKS NOT TO COMMENCE – ENVIRONMENT PROTECTION AUTHORITY (EPA)

Prior to construction works commencing:

- a) An environmental assessment in accordance with EPA endorsed guidelines must be undertaken by a suitably qualified environmental consultant of the proposed area of development.
- b) The consultant's assessment report into the development area's suitability for the proposed and permitted uses from a contamination perspective must be submitted to the EPA in accordance with Information sheet 11 - EPA Report Submission Requirements.

7. TRANSPORT CANBERRA AND CITY SERVICES

The development must comply with the requirements of Transport Canberra and City Services as attached to this Decision.

Note: Transport Canberra and City Services have provided conditional support for the proposal which has been included as an attachment to this Decision. Please note that some conditions included are to be undertaken and complied with prior to construction works commencing.

8. COMPLIANCE WITH ENTITY REQUIREMENTS

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

Note: Copies of advice received from Evoenergy (Electricity), Jemena (Gas), Icon Water, Transport Canberra and City Services (TCCS) and Emergency Services Agency (ESA) are attached to this Notice of Decision and relevant to this condition.

9. ENVIRONMENT PROTECTION AUTHORITY (EPA)

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

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

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

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

10. NOISE

Any relevant aircraft noise management measures including noise standards/requirements, that are required by Airservices Australia and the associated legislation/regulations must be complied with prior to and/or during the use of helicopters on the site.

Note: Noise and aircraft movement, is regulated by Airservices Australia (a Commonwealth agency), and any potential noise impacts in this regard is exempt from the *Environment Protection Act 1997* (Section 8(1)(b)).

11. PARKING FOR PEOPLE WITH DISABILITIES

Vehicular parking for people with disabilities must be provided in accordance with Australian Standard AS/NZS 2890.6:2009 *Parking Facilities – Part 6: Off-street parking for people with disabilities*, and kerb ramps are to be provided in accordance with AS 1428.1

12. LIGHTING

- a) Internal lighting along the whole of the continuous accessible path of travel must comply with Australian Standard AS1680.0.
- b) External lighting along the whole of the continuous accessible path of travel must comply with Australian Standard AS1158.3.1 and the *ACT Crime Prevention and Environmental Design General Code*.

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13. ACCESSIBILITY AND WAYFINDING

Directional signage or other wayfinding methods, e.g. tactile indicators, must be installed in compliance with Australian Standard AS1428.1 and AS1428.4 and must identify any continuous accessible paths of travel, accessible parts of buildings and all accessible facilities. (Refer to condition 1(ix))

14. 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.

15. PEDESTRIAN PATHS

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

ADVISORY NOTES

This application is approved with the following advisory notes:

Environment Protection Authority (EPA)

- a) Noise from equipment which may be installed or used at the site, including air conditioning units etc, must comply with the noise standard at the block boundary at all times as per the Environment Protection Regulation 2005. Please consider the type and location of noise generating equipment prior to installation. Written assurance should be sought from the supplier/installer of the equipment that it complies with the Noise Zone Standard as per the Environment Protection Regulation, 2005.
- b) All excavations that collect rainwater during a rainstorm event would be considered as a sediment control pond, and must meet the following condition:

No discharge from pond unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the pond must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.

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

Conservator of Flora and Fauna

- a) Tree 1 *Eme*, is currently noted for retention. Groundwork will be supported if further testing determines the tree is structurally sound enough to be retained on site and have works undertaken within the tree protection.
- b) Support for the removal of regulated trees is on the provision that new trees and green spaces be included as part of the final landscape solution.

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- c) Trees should be included as part of the design where appropriate or somewhere within the lease to make up for any lost tree canopy.
- d) Regulated Trees supported for removal are noted on the referenced plans:
 - *Tree management Plan and Tree Survey Plan – Sheet 1, Dwg 58208-L-SA-TCHNL-26B-02-1502, Issue F, 16-03-21.*
 - *Tree management Plan and Tree Survey Plan – Sheet 2, Dwg 58208-L-SA-TCHNL-26B-02-1503, Issue F, 16-03-21.*
- e) Support for the removal of regulated trees, noted as “high” in the tree assessment drawings, is based on the relatively young age of the trees, their low landscape status. None of the trees are of a significant age, stature or height and could be easily be replaced with fast growing trees of similar species such as *Eucalyptus mannifera*, *Eucalyptus sideroxylon*, etc. The suitability of replanting with those species should be considered where appropriate space is available.
- f) It was noted that trees identified for removal were mostly roadside and car park plantings. A significant number of the trees were underperforming due to limited space to grow.
- g) The south-eastern boundary of the site, next to the existing carpark has a group planting of *Melaleuca armillaris*. Individual trees within the group could have been considered as regulated due to multiple trunks, however in the past the Tree Protection Unit has considered mass plantings as hedges. *Melaleuca armillaris* is a fast-growing species and the hedge could easily be replaced at a later date with similar species if appropriate.

Signage

All signage installed at the site, including advertising signage and hoarding, should comply with the *Australian Association of National Advertisers (AANA) Code of Ethics* and the ACT Government’s *Hoarding Signage Advertising Guidelines* available online at <https://www.planning.act.gov.au/build-buy-renovate/for-industry/industry-resources/hoarding-signage-guidelines>

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PART B – REASONS FOR THE DECISION

The application was approved because it was found to meet the relevant rules and criteria of the Territory Plan and section 120 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 120(a) - (h) of the Act.

In relation to section **120(a)**, I am satisfied that the proposed development meets all the relevant objectives of the *Community Facility* zone; having considered all objectives, except for objective (e), as relevant.

In relation to section **120(b)**, 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 **120(c)**, I note that there is no environmental significance opinion in force for the development proposal.

In relation to section **120(d)**, I was mindful of the representations received by the planning and land authority in relation to the application. In Part C of my decision, I have provided a list of key concerns raised in the representations. I have nevertheless read them and considered all representations that were made.

In relation to section **120(e)**, I note that the proposal was considered by the National Capital Design Review Panel (NCDRP) on five occasions, i.e., 19 February 2020; 20 May 2020; 24 September 2020; 12 November 2020; and 10 February 2021. The proponent's commitment to the design advice process and the detailed consideration provided by the NCDRP is noted. The assessment and determination of this development application was undertaken with careful consideration of the advice provided by the NCDRP in relation to the design outcome and the proponent's response to the design advice. The development proposal, as modified by the proponent's response and with the conditions imposed through this decision will be not inconsistent with the advice received from the NCDRP.

In relation to section **120(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, but 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 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 current and predicted performance of intersections in proximity of the development were considered as part of the assessment for this development. The traffic assessment in conjunction with advice from TCCS however did not raise any reason to prevent the development proceeding, or that would require substantial amendment of the proposal. Potential future traffic impacts in proximity of the development are capable of resolution through further traffic analysis,

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traffic controls and possible future upgrades to the wider road network. I formed the view that any resulting traffic impacts are more appropriately addressed outside of the development application process. However, further detailed design will be undertaken with TCCS prior to works commencing and during the construction process.

In relation to section **120(g)**, I note that no public land management plan has been identified for the land.

In relation to section **120(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 representations received by the planning and land authority in relation to the 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. Probable impacts on the future performance of the surrounding road network are best resolved outside of the development application process.

With the conditions imposed, and after weighing the competing interests as to whether the application should be approved, I am satisfied that the probable social, environmental and other impacts that might arise from the development are adequately addressed by the conditions imposed. I am satisfied that any remaining probable impacts do not warrant a refusal of the development.

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

| | |
|------------------------------------|--|
| Development Application: | 202138534, 202138534 (S141A), 202138534 (S141B), and 202138534 (S144C) |
| Territory Plan Zones: | CFZ - Community Facility Zone |
| Development Codes: | <i>Community Facility Zone Development Code</i> |
| Precinct Code: | <i>Garran Precinct Map and Code</i> |
| Crown Lease: | Volume 1447 and Folio 95 |
| Legislative requirements: | Sections 119 and 120 of the <i>Planning and Development Act 2007</i> |
| Representations and Entity advice: | Addressed in Part A and C of this Decision |

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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 5 May 2021 until 18 June 2021.

Nine written representations were received during the public notification period.

Key issues raised in representations are listed below. Comments are provided as appropriate.

- Parking for patients and the public

Comment: The proposal includes at-grade car parking at the front of the proposed new building and where the current ambulance area is. Further to this, conditions have been included in Part A of this decision that requires additional public parking to be provided within the existing multi-storey carpark.

- Building siting and site selection

Comment: This proposal seeks to construct of a new nine-storey critical health services building and associated works, at Block 1 Section 58 Garran, being the substantial campus for the Canberra Hospital. It has been determined that the proposal is suitable for the land and will enhance the existing hospital campus. Site selection and consideration of alternative sites are considerations for the proponent. Consideration of whether a different site for the proposed building would be better suited is a matter outside of the considerations for this development application.

- Landscape design:

Comment: The landscape design included in the proposal provides sufficient areas for the needs of both the general public and patients. Conditions have been imposed in Part A of this decision that requires further landscaping detail and identification of plant species and location.

- Health services and amenity:

Comment: Upon completion of the development, the new building will focus on providing the best possible health care for the Canberra community. The proposed facilities, including the new ambulance area, will provide staff with better opportunity to provide a high level of health service to patients. The internal arrangements and services have been carefully considered by ACT Health. The new hospital building will provide connection to the existing buildings to allow for continuous flow, so as to not impede the operation of any health services being provided. The level of service provided by health service providers within the proposed facility is an operational matter for ACT Health and not a consideration for the development application.

- Access and wayfinding:

Comment: The proposal includes additional signage to enhance access and wayfinding throughout the site and to the new building. Signs and other wayfinding devices are proposed in main pedestrian areas which will assist the general public in moving throughout the site safely and with clear direction.

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- Noise:

Comments:

The proponent submitted an acoustic study to address concerns with noise from helicopters and ambulance sirens and vehicle noise generated by ambulances. The study concluded that the noise levels will not be unacceptable as assessed in the acoustic report.

In relation to noise generated by helicopters, it is noted that the "Aviation Development Application Report" submitted with the development application also clarifies that:

"The selected approach and departure paths, dictated by prevailing winds, obstacle avoidance and availability of suitable forced landing areas for emergencies during late final approach or the early stages of take-off align approximately North-West/South-East; and avoid overflight of the majority of the hospital campus, the Garran Primary School, the Canberra Private Hospital, the residential community across Gilmore Crescent and most of the residential community across Palmer St. These approach and departure paths utilise car parks, campus open areas and surrounding streets to minimise noise and vibration impact."

The acoustic study clarified that:

"...the noise generated by the worst scenario has been compared against the commercial used aircraft noise levels. The highest noise level at noise sensitive (residential) buildings is 86-88 dB(A)Lmax which is acceptable based on Australia Standard AS2021-2015 for commercial flight < 15 per day."

In relation to Garran Public School as a receptor, the acoustic study concluded that helicopter noise will cause internal noise levels for the school (i.e. in classrooms) that will be similar or less than a typical teaching noise level within a classroom.

In relation to noise generated by ambulance sirens, it is noted that the use of sirens is limited to emergencies only and that paramedics are trained with an awareness of the circumstances for sirens to be turned on.

In relation to vehicle noise generated by ambulances it is noted that the proposed location of the ambulance parking area is below street level with an articulated retaining wall along the boundary which will assist in screening vehicle movement noise from residential buildings along Palmer Street.

The acoustic study referenced background noise monitoring undertaken at 5 Palmer Street, with background noise measured to be at the order of 44dB(A)L90 at night. Predicted vehicle movement noise from ambulances (without use of sirens) within the ambulance bay is estimated to be 10 dB(A) lower than the existing background noise at night along Palmer Street.

- Fumes from helicopters:

Comment: The proponent's consultant clarified that:

- helicopters will not cause adverse fumes and odours at the height they will transit;
- approximately 90% of the exhaust is air which is used to cool the engines;
- for the minimal time that helicopters will be in the vicinity of the adjacent buildings it will not generate sufficient quantities of fumes and odours to be of concern; and
- that the difference in levels of the proposed development and adjacent buildings coupled with the distance between the helicopter landing area and the nearest point of the adjacent buildings means that there will be no interaction between fumes, odours and main rotor downwash.

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- Public transport connections:

Comment: The proposal does not include changes to the existing public transport services to the site, though it will require bus routes within the site to be altered due to Hospital Road no longer being a through road. This is an operational matter for the proponent to arrange with Transport Canberra and City Services (TCCS).

- Relocation of helipad

Comment: The relocation of the helipad from its existing location, adjacent the Women's and Children Centenary Hospital, to the rooftop of the proposed nine- storey building will provide a more suitable patient transfer arrangement for patients being transported by helicopter the Canberra Hospital. The proposal was referred to the Environment Protection Authority (EPA) to assess the impacts of noise and other items. EPA provided advice stating that they have supported the proposal subject to conditions which have been included in Part A of this decision.

- Traffic

Comment: The proposal was referred to TCCS to comment on traffic. TCCS provided conditional support which has been included as attachment to this decision. Traffic and site access was a significant consideration in the assessment of this proposal and has been carefully considered. The current and predicted performance of intersections in proximity of the development were considered as part of the assessment for this development. The traffic assessment in conjunction with advice from TCCS however did not raise any reason to prevent the development proceeding, or that would require substantial amendment of the proposal. Potential traffic impacts in proximity of the development are capable of resolution through further traffic analysis, traffic controls and possible future upgrades to the wider road network. Potential future traffic impacts are more appropriately managed outside of the development application process. However, further detailed design will be undertaken with TCCS prior to works commencing and during the construction process.

- Engagement

Comment: The proponent provided sufficient evidence of extensive pre-DA lodgement consultation, including a ten-week consultation period; online consultation undertaken; engagement with a local community reference group; engagement with hospital staff; three public information sessions; eight pop-up stalls; and a presentation to the Woden Valley Community Council that preceded lodgement of the development application.

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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.

- Transport Canberra and City Services (TCCS)

TCCS provided advice stating that the proposal is supported subject to conditions. The conditions have been included as an attachment to this Decision.

- Conservator of Flora and Fauna

The Conservator of Flora and Fauna provided advice stating that the proposal is supported subject to conditions. Refer to Part A for conditions.

- Evoenergy Electricity

Evoenergy Electricity provided advice stating that the proposal is supported subject to conditions. The conditions have been included as an attachment to this Decision.

- Icon Water

Icon Water issued a “failed 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.

- Environment Protection Authority (EPA)

The EPA provided advice stating that the proposal is supported subject to conditions. Refer to Part A for conditions.

- Jemena Gas

Jemena Gas provided advice stating that the proposal is supported subject to conditions. The conditions have been included as an attachment to this Decision.

- Emergency Services Agency (ESA)

The ESA provided advice stating that the proposal is supported subject to conditions. The conditions have been included as an attachment to this Decision.

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ATTACHMENT 1

ADMINISTRATIVE INFORMATION RELATING TO NOTICE OF DECISION

DATE THAT THIS APPROVAL TAKES EFFECT

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

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

- the development or any stage of the development is not started within 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-reno/build-buy-or-reno/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

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| <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.

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| 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