

Planning and Development (Approval of application – 201528511 Light Rail Stage 1 Gungahlin to the City) Notice 2015*

Notifiable instrument NI2015–735

made under the

Planning and Development Act 2007, s 170 (Notice of approval of application)

1 Name of instrument

This instrument is the *Planning and Development (Approval of application – 201528511 Light Rail Stage 1 Gungahlin to the City) Notice 2015*.

2 Impact track development approval

On 21 December 2015, pursuant to section 162 (1) (b) of the *Planning and Development Act 2007*, the planning and land authority approved, subject to conditions, development application 201528511, for the Light Rail Stage 1 Gungahlin to the City (Impact Track Development Approval).

The Impact Track Development Approval is at Attachment A.

Jim Corrigan
Executive Director, Planning Delivery
21 December 2015

*Name amended under Legislation Act, s 60



Notice of decision

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

Impact track

| | | |
|--|--------------|------------------------------|
| DA NO: 201528511 | | DATE LODGED: 23 October 2015 |
| DATE OF DECISION: 21 December 2015 | | |
| BLOCK: 1 | SECTION: 230 | SUBURB: GUNGAHLIN |
| BLOCK: 3 | SECTION: 129 | SUBURB: HARRISON |
| BLOCK: 41 | SECTION: 51 | SUBURB: DOWNER |
| BLOCK: 2 | SECTION: 16 | SUBURB: MITCHELL |
| BLOCK: 29 | SECTION: 38 | SUBURB: MITCHELL |
| BLOCK: 23 | SECTION: 71 | SUBURB: LYNEHAM |
| BLOCK: 26 | SECTION: 50 | SUBURB: LYNEHAM |
| BLOCK: 51 | SECTION: 59 | SUBURB: LYNEHAM |
| BLOCK: 3 | SECTION: 16 | SUBURB: MITCHELL |
| BLOCK: 1 | SECTION: 16 | SUBURB: MITCHELL |
| BLOCK: 26 | SECTION: 71 | SUBURB: LYNEHAM |
| BLOCK: 6 | SECTION: 67 | SUBURB: LYNEHAM |
| BLOCK: 27 | SECTION: 50 | SUBURB: LYNEHAM |
| BLOCK: 12 | SECTION: 50 | SUBURB: LYNEHAM |
| STREET NO AND NAME: Hibberson Street, Flemington Road and Northbourne Avenue | | |
| APPLICANT: Capital Metro Agency | | |
| LESSEE/LAND CUSTODIANS: ACT Property Group Territory and Municipal Services Directorate Land Development Agency | | |

THE DECISION

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

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

- construction of a light rail network (stage 1) from Gungahlin Town Centre (Hibberson Street) to the City (Northbourne Avenue) including stops, depot, substations, landscaping and other site works

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

The application does not include works within designated land, such as Northbourne Avenue, as these areas are regulated by the National Capital Authority under the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cth). However, in making this decision the planning and land authority has considered the broader impacts of the proposal as a whole.

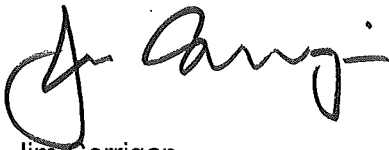
This decision is subject to the conditions of approval at **PART 1** being satisfied. Please note that plans will not be dispatched until all conditions are satisfied.

PART 2 sets out the Reasons for the Decision.

PART 3 is Public Notification and Entity Advice.

PART 4 contains administrative information relating to the determination.

DELEGATE



Jim Corrigan
Delegate of the planning and land authority
Environment and Planning Directorate
21 December 2015

CONTACT OFFICER

Lisa Van Vucht
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PART 1

CONDITIONS OF APPROVAL

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

A ADMINISTRATIVE / PROCESS CONDITIONS

Design and siting

Note: The following conditions must be satisfied prior to the release of approved plans to the proponent. These conditions may result in changes to plans or changes to documents associated with plans which will be stamped by the planning and land authority.

- A1. Within 60 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 must lodge with the planning and land authority for approval:
- (i) revised depot plan/s that show parking for the depot site meets the requirements of the *Parking and Vehicular Access General Code*, including in relation to staff car parking spaces, accessible parking spaces and motorcycle parking spaces. The revised plan/s must state that the accessible car parking spaces for the depot will comply with Australian Standard AS2890.
 - (ii) revised depot plan/s showing compliance with criterion C18 of the Crime Prevention Through Environmental Design General Code.

- (iii) revised landscaping plans to meet the requirements of the Emergency Services Agency in relation to fuel management standards for Asset Protection Zones.
- (iv) a revised water sensitive urban design outcomes plan for the depot, endorsed by a suitably qualified person, that demonstrates the depot meets Water Sensitive Urban Design requirements of the Industrial Zones Development Code (Element 6.1 and 6.2).

Compliance monitoring and tracking

- A2. A Compliance Tracking Program must be developed and implemented to track and audit the requirements of and compliance with the conditions of this approval. The proposed Program shall be submitted to the planning and land authority prior to the commencement of works, or other time as agreed by the planning and land authority in writing. The program should include:
- (a) a timeline which details the relevant approvals required and approving entities.
 - (b) provisions for periodic reporting of the compliance status of the development against the requirements and conditions of approval to the planning and land authority and the Environment Protection Authority (EPA).
 - (c) mechanisms for rectifying any non-compliance identified during auditing or review of compliance.

Community Information, Consultation and Involvement

- A3. Prior to the commencement of works, the proponent must ensure that the following are available for community enquiries and/or complaints during construction and until operation of the project:
- (a) a telephone number on which complaints about construction activities at the site can be registered.
 - (b) a postal address to which written complaints may be sent.
 - (c) an email address to which electronic complaints can be transmitted.
- A4. The telephone number, the postal address and the email address shall be displayed on signs and placed in appropriate locations, including being readily available on construction compounds and construction hoardings. A register of complaints shall be made available for inspection by the planning and land authority upon request and provided to the planning and land authority on a regular basis as agreed between the planning and land authority and Capital Metro Agency.
- A5. Prior to the commencement of works, the applicant must also develop and implement a business landowner and engagement management plan for construction of the project.

B PRIOR TO CONSTRUCTION AND/OR DEMOLITION

Construction Environmental Management Plan

- B1. A Construction Environmental Management Plan (CEMP) for each stage of the project must be endorsed by an independent environmental consultant and submitted to, and approved in writing by, the planning and land authority prior to the commencement of any work for each stage. The CEMP is required to address commitments in the Environmental Impact Statement (EIS) and must include the following:
- (a) a Tree Replacement Strategy which has been agreed with the Territory and Municipal Services Directorate (TAMS) and reflects landscape plans. The Strategy must outline the timing for tree replacements, species selection, size of stock, planting technique and ground preparation, maintenance and replacement

- in the event of death or damage of a tree. One replacement tree must be planted for each tree removed.
- (b) the mitigation and management measures committed to in the Environmental Impact Statement (EIS) for Stage 1 of the Light Rail.
 - (c) weed control measures, particularly of invasive tussock grasses within the Light Rail corridor and in the vicinity of North Mitchell Grasslands, Crace Grasslands Nature Reserve and Mullangarri Grasslands Nature Reserve.
 - (d) consideration of onsite detention of contaminated stormwater during construction to minimise downstream impacts, and the capacity and condition of the existing stormwater systems to make provisions for managing any excess flow during construction.
 - (e) a Noise Management Plan developed in consultation with the EPA which addresses but is not limited to:
 - (i) how construction will comply with section 22 of the *Environment Protection Act 1997*; and
 - (ii) how works in the area will comply with noise zone standards in Schedule 2 of the *Environment Protection Regulation 2005*, where not exempt.
 - (f) a Dust and Air Quality Management Plan.
 - (g) a Traffic Management Plan.
 - (h) a Soil and Water Management Plan.
 - (i) a Hazardous Materials Management Plan.
 - (j) a Biodiversity Management Plan.
 - (k) a Vegetation Management Plan.
 - (l) a Heritage Management Plan, including unexpected finds protocol.
 - (m) a Spoil Management Plan.
 - (n) a Contamination Management Plan.
 - (o) a Utilities Management Plan.
 - (p) a Waste and Recycling Management Plan.
 - (q) a Construction Emergency Response Plan.
 - (r) a Water Management Plan.
 - (s) a revised Erosion and Sediment Control Plan which provides consideration of a whole-of-project approach and is endorsed in writing by the EPA.
 - (t) emergency planning procedures in accordance with Australian Standard AS3745 and provisions for appropriate access for a fire fighting response, developed in consultation with the Emergency Services Agency.
 - (u) measures for an independent environmental consultant to monitor and audit construction works against the conditions of approval relating to the Construction Environmental Management Plan and report on these works regularly to the planning and land authority and the EPA.

Note: The CEMP may contain plans and management strategies listed elsewhere within the conditions of approval. Where these plans can be integrated into the CEMP, it must be clearly identified to which condition of approval the plan or management strategy applies. The independent environmental consultant does not need to be the same person for condition B1 and condition B1(u).

Construction fencing

- B2. The North Mitchell Grasslands and the small wetland depression on Block 1 Section 230 Gungahlin must be fenced off prior to any works within the vicinity of these areas to prevent inadvertent damage by vehicles or machinery.

Heritage

- B3. Prior to the commencement of any work for each stage of the project, the following requirements must be met in respect of heritage, unless otherwise agreed with the ACT Heritage Council:
- (a) provide a revised 'Unexpected Finds Protocols' as presented in GML (2015) and Parsons Brinckerhoff Australia (2015) to include Council notifications in accordance with Section 51 of the *Heritage Act 2004*. Where project impacts to additional heritage places or objects are identified approval must be sought from the Council in accordance with Section 76 of the *Heritage Act 2004* prior to the commencement of works in that area.
 - (b) prior to works commencing in the 'Trees of the former CS & IR Experiment Station' and 'Haig Park' heritage areas, arborist advice must be sought for the protection of trees located in this area. The arborist advice must be provided for Heritage Council review and advice prior to the commencement of works in both areas. Significant impacts to identified heritage values within these areas may require the approval of a Statement of Heritage Effect under Section 61H of the *Heritage Act 2004* prior to the commencement of these works.
 - (c) prior to works in the area for the Gungahlin construction compound and the stabling depot and maintenance facility, further archaeological investigation (subsurface testing) is required within the area. Should archaeological investigation identify that Aboriginal places or objects would be impacted by proposed development, Statement of Heritage Effect approval is to be obtained prior to the commencement of works in this area.

Note: Prior to these investigations, Excavation Permit approval under Section 61F of the Heritage Act 2004 must be obtained. Further information will be required to inform and support the assessment of the Gungahlin construction site (Block 1 Section 230 Gungahlin) as a potential archaeological deposit, given the predictive archaeological model presented in GML (2015) and the prior assessment of this area by Biosis and RAOs (in 2012) as being of low archaeological potential. The information should be provided to the Heritage Council in the Excavation Permit application to be prepared in accordance with Section 61E of the Heritage Act 2004.

Tree management

- B4. Prior to any works commencing within 5 metres from the edge of the canopy of a registered tree as defined in the *Tree Protection Act 2005* the works must be referred to the Conservator of Flora and Fauna for comment and agreed to in writing by the Conservator or a delegate of the Conservator.

Bushfire Risk Management Plan

- B5. Prior to the commencement of works, a Bushfire Risk Management Plan, prepared by a suitably qualified person, is required that is endorsed by the ACT Emergency Services Agency. The Bushfire Risk Management Plan must include:
- (a) specific dimensions for the Asset Protection Zones.
 - (b) where Asset Protection Zones are on adjacent lands, confirmation that the Asset Protection Zone/s can and will be maintained by the land manager.

Pollution Control Plan

- B6 Prior to the commencement of works in a particular area, a pollution control plan must be approved in writing by the Environment Protection Authority (EPA) for that area.

Note: In developing the pollution control plan refer to the Environment Protection Guidelines for Construction and Land Development in the ACT.

Environmental Authorisation/Agreement

- B7. Prior to the commencement of works in a particular area, the contractor/builder proposing to develop that area must hold an Environmental Authorisation or enter into an Environment Protection Agreement with the EPA in respect of that area and activity.

Waterways licence

- B8 Prior to the commencement of any works that affect waterways (for example, ponds, farm dams, creeks or drainage lines) a Waterways Works Licence must be in place prior to works commencing in that area.

Contamination

- B9. Prior to the commencement of any work for each stage of the project, the following requirements must be met:
- (a) the area where works are proposed to commence must be assessed and remediated as required for potential impacts from contamination by a suitably qualified environmental consultant.
 - (b) the findings of the assessment in part (a) must be independently audited by an EPA approved contaminated sites auditor.
 - (c) the findings of the audit into site suitability or proposed management (from a contamination perspective) must be signed off by the EPA.

Asset Acceptance and works on Unleased Territory Land

- B10. Prior to the commencement of any work for each stage or element of the project, the following requirements must be submitted to and approved by the Senior Manager, Asset Acceptance, Territory and Municipal Services Directorate (TAMS) or his/her delegate, unless otherwise agreed by the Senior Manager, Asset Acceptance, TAMS or his/her delegate:

Certificate of Design Acceptance

- (a) A Certificate of Design Acceptance must be obtained from the Manager, Asset Acceptance, TAMS or his/her delegate prior to the commencement of any works on unleased territory land for each stage or element. In order to obtain a Certificate of Design Acceptance information that is required by TAMS in relation to the proposal must be submitted to and approved by the Manager, Asset Acceptance, TAMS or his/her delegate. The information must include but is not limited to:
 - (i) fully detailed drawings (civil, landscape) prepared by suitably qualified persons for all works on unleased Territory land including roads, driveways, footpaths, street lighting, storm water and landscaping.
 - (ii) a Waste Management Plan in accordance with the *Development Control Code for Best Practice Waste Management in the ACT*.
 - (iii) where required by TAMS, a design report in accordance with Ref No 06: *"Requirements for Design Acceptance Submissions"* that is certified by a Chartered Engineer / Landscape Architect.

- (iv) consideration of water sensitive urban design options as per TAMS entity advice on the development application,
- (v) updated plans that consider TAMS entity advice on the development application and any other TAMS requirements or issues that are identified by TAMS in reviewing / auditing plans.

Note: Consideration should be given to entity advice provided by TAMS on the development application, and discussions held with TAMS, to determine all TAMS requirements for design acceptance.

Temporary Traffic Management Plan

- (b) A Temporary Traffic Management Plan must be prepared by a suitably qualified person, approved by TAMS and implemented prior to the commencement of works within the area incorporated by the plan.
- (c) In developing each Temporary Traffic Management Plan consultation should occur with the station sergeant for ACT Policing Civic and Gungahlin Stations.
- (d) Where necessary, each Temporary Traffic management Plan must also include adequate provisions to ensure access to the Mitchell Resource Management Centre, as agreed with the Mitchell Resource management Centre.

Note: The plan/s must address measures to be employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices.

Landscape Management and Protection Plan

- (e) A Landscape Management and Protection Plan must be approved in writing by the Manager, Asset Acceptance, TAMS or his/her delegate and implemented prior to the commencement of works for each stage of the project on public unleased Territory land, including demolition or earthworks in that area.
- (f) The Landscape Management and Protection Plan must be in accordance with *Landscape Management and Protection Plans (LMPP) Requirements for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04*.

Notice of commencement of construction

- (g) A Notice of Commencement of Construction must be submitted to the Manager, Asset Acceptance, TAMS or his/her delegate one week prior to the commencement of construction works for a particular stage of the project. The Notice must include:
 - (i) confirmation of any protective measures installed in accordance with the approved Landscape Management Protection Plan and Temporary Traffic Management Plan for the area; and
 - (ii) notice of any existing damage to public facilities in the area.

Note: The proponent is held responsible for all damages to ACT Government assets (including footpaths) caused by the development and they must properly repair any damages to those assets.

TransGrid Asset Management

B11. Prior to the commencement of any works in the vicinity of TransGrid assets, the applicant must:

- (a) consult with TransGrid to ensure the proposed construction method and materials will not adversely affect the structure of TransGrid's Canberra Optic Fibre Cable.

- (b) provide final design plans, including any changes to ground levels, to TransGrid's Asset Management Department to ensure it complies with TransGrid requirements.

C. DURING CONSTRUCTION AND/OR DEMOLITION

The following conditions are required to be implemented and maintained for the duration of any work for each stage of the project.

Undertake action in accordance with plans

- C1 The development must be undertaken in accordance with approved plans, including but not limited to:
 - (a) Construction Environmental Management Plan.
 - (b) Temporary Traffic Management Plan.
 - (c) Landscape Management and Protection Plan.
 - (d) Pollution Control Plan.
 - (e) Noise and Vibration Management Plan, developed in consultation with the EPA.

Tree management

- C3. In relation to registered trees, as defined under the *Tree Protection Act 2005*, all works must be undertaken in accordance with the Landscape/Urban Design Tree Impact Assessment Plan Drawing CLR-LLU-DRG-2802, or an updated version of this plan approved by the Conservator of Flora and Fauna or a delegate of the Conservator.

Erosion and sediment control

- C4. Erosion and sediment control measures must be in place and maintained at all times during construction and at site compounds and storage sites.
- C5. All works must be carried out in accordance with the *Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011*.

Note: The guidelines referred to in C5 are available by calling 132281.

Rainwater

- C6. All rain water that enters the site and pools in excavations during a rain storm event would be considered as a sediment control pond, and must meet the following conditions.
 - (a) all stormwater must be pumped out and disposed of at an approved location.
 - (b) no discharge is to occur from the 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.

Surface and groundwater

- C7. Any take of surface water or ground water during construction or otherwise must be suitably licensed under the *Water Resources Act 2007* with a licence to take water and a water access entitlement.

Lighting

- C8. All new or modified public external lighting must consist of vandal-resistant high mounted light fixtures.
- C9. All new or modified illuminated way finding signage for the public must have luminance of the symbol that is at least 30% in contrast to the background.

- C10. Internal lighting must be in accordance with Australian Standard AS1680.0.
- C11. Lighting must be provided to all pathways and roads in accordance with the following Australian Standards:
- (a) *AS1158: Lighting for Roads and Public Spaces Part 3.1: Pedestrian Area (Category P) Lighting – Performance and Design Requirements.*
 - (b) *AS1158: Lighting for Roads and Public Spaces Part 2: Computer Procedures for the Calculations of Light Technical Parameters for Category V and Category P Lighting.*
 - (c) *AS4282: The Control of Obtrusive Effects of Outdoor Lighting.*

Doorways

- C12. Doorways and doors to buildings at pedestrian entries and exits and any public areas must be constructed in accordance with Australian Standard AS1428.1.

Paths of travel

- C13. During construction all public areas must be constructed in accordance with the following Australian Standards:
- (a) *AS 1428.1 - Design For Access and Mobility.*
 - (b) *AS 1428.4 – Tactile ground surface indicators for the orientation of people with vision impairment to highlight hazards.*
 - (c) *AS 4586 – Slip Resistant Classification of New Pedestrian Surface Materials for external paving and ground surfaces.*
 - (d) *AS1428.2 - Design for access and mobility - Enhanced and additional requirements - Buildings and facilities.*
 - (e) *AS1742.10 (1991) Manual of Uniform Traffic Control Devices – Pedestrian Control and Protection.*
- C14. Pedestrian paths must be constructed in accordance with *AUSTROADS Guide to Traffic Engineering Practice Part 13. – Pedestrians*, or the most recent version of this guidance document applicable to the ACT.
- C15. Bicycle paths must be constructed in accordance with *AUSTROADS Guide to Traffic Engineering Practice Part 14. – Bicycles*, or the most recent version of this guidance document applicable to the ACT.

Waste water

- C16. Subject to ActewAGL approval, all under cover areas must drain to the sewer.

Landscaping

- C17. Species with low invasive weed potential must be used in any landscaping.

Asset protection zones

- C18. No infrastructure works or facilities or establishment of an Inner Asset Protection Zone can occur within Natural Temperate Grassland, Box Gum Woodland or habitat of species listed as threatened by either or both of the ACT and Commonwealth (except for vegetation and habitat already approved (and offset) as part of the Gungahlin Strategic Assessment).
- C19. An Outer Asset Protection zone in woodland in the Mitchell area should involve removal of exotic wattle and tussock grass species rather than the loss of any local woodland plants.

- C20. The small depression on Block 1 Section 230 Gungahlin with restricted drainage on the southern boundary of the compound site adjacent to Flemington Road must be avoided and retained.
- C22. The proponent must avoid planting trees that may shade part of the grassland area in landscaping next to the North Mitchell grasslands, unless otherwise agreed by the Conservator of Flora and Fauna or a delegate of the Conservator.

Events

- C23. Existing or appropriate alternate access routes, approved by TAMS, must be maintained to EPIC for all regular events.

D POST CONSTRUCTION AND/OR DEMOLITION

Certificate of operational acceptance

- D1. A Certificate of Operational Acceptance must be obtained from the Manager, Asset Acceptance, TAMS or his/her delegate on the completion of works.

Note: As part of applying for the Certificate of Operational Acceptance, a chartered engineer/landscape architect should certify compliance with TAMS Ref No 08: "Requirements for Works as Executed Quality Records Requirements."

Operating Phase Environment and Sustainability Plan

- D2. The proponent must prepare an Operating Phase Environment and Sustainability Plan (OPESP) prior to operation of the project. The OPESP must include the commitments made in the EIS and a number of sub management plans that are endorsed by relevant authorities, including but not limited to:
- (a) Noise and Vibration Management Plan, including noise mitigation measures to ensure that substations at all locations will meet noise goals.
 - (b) Carbon and Energy Management Plan.
 - (c) Water Management Plan.
 - (d) Waste and Recycling Management Plan.
 - (e) Vegetation Management Plan.
 - (f) Heritage Management Plan.
 - (g) Landscape Management Plan.

Community Education Program

- D3. A program must be developed and implemented prior to operation to educate the community on changes traffic arrangements and safe interactions with Light Rail Vehicles.

E ADVISORY NOTES

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

Works approval from the National Capital Authority

- E1. The planning and land authority notes that the development approval is only part of the works required for the Stage 1 Light Rail proposal from Gungahlin to the City and that a works approval is also required from the National Capital Authority under the *Australian Capital Territory (Planning and Land Management) Act 1988 (Cth)*. In the event that works approval is not granted for the proposal, or any conditions of a works approval are inconsistent with this approval, the Capital Metro Agency is to discuss with the planning and land authority options in respect of this development approval.

Entity Advice

- E2. Careful consideration must be given to entity advice provided on the development application, which is available at Part 3 and has been provided to the applicant with this Notice of Decision.
- E3. Please note that the Health Protection Service within the Health Directorate recommends that taps and outlets used for proposed rainwater reuse within the service depot are clearly labelled as being provided with non-potable water.
- E4. Please note the Conservator's advice to give consideration to how kangaroos at Crace grasslands may be prevented or restricted from crossing the Light Rail line.
- E5. Please give careful consideration to all advice and recommendations provided by the ACT Emergency Services Agency in its entity advice.
- E6. Please give careful consideration to all advice provided by TransGrid in its entity advice.

PART 2 REASONS FOR THE DECISION

Section 128 of the *Planning and Development Act 2007*

In deciding to approve the application with conditions, the planning and land authority considered section 128 of the Act.

Section 128(1)

In relation to section 128(1) an Environmental Impact Statement (EIS) for the proposal was completed on 7 October 2015 (*Capital Metro Light Rail Stage 1 Gungahlin to Civic Draft Environmental Impact Statement June 2015, Capital Metro Light Rail Stage 1 Gungahlin to Civic Environmental Impact Statement Addendum Report August 2015*). The EIS is publicly available on the Environment and Planning Directorate website at: www.planning.act.gov.au. The planning and land authority completed an EIS Assessment Report (*Capital Metro Light Rail Stage 1 EIS Assessment Report September 2015*), in accordance with the requirements of the Act, that confirmed that the authority is satisfied that each matter raised in the EIS scoping document for the proposal was addressed in the EIS, that the EIS took into account all public representations which were made within time on the EIS and that the EIS demonstrated how timely representations were taken into account. The EIS Assessment Report is also publicly available at the above website.

Section 128(b)(i)

In relation to section 128(b)(i) the proposal was determined by the planning and land authority to be consistent with the statement of strategic directions, for the reasons below:

Statement of Strategic Directions

The proposal was subject to a thorough environmental impact assessment through the EIS process, which investigated economic, community, social and environmental impacts. This is evidenced in the *Capital Metro Light Rail Stage 1 Gungahlin to Civic Draft Environmental Impact Statement June 2015* (Draft EIS) and *Capital Metro Light Rail Stage 1 Gungahlin to Civic Environmental Impact Statement Addendum Report August 2015* (Revised EIS) completed by Capital Metro Agency and also in the *Capital Metro Light Rail Stage 1 Environmental Impact Statement Assessment Report September 2015* (EIS Assessment Report) completed by the planning and land authority.

The planning and land authority stated in the EIS Assessment Report that the EIS provided sufficient information to the ACT Government and the community to allow an informed evaluation of the potential environmental impacts. The Assessment Report also notes that Capital Metro Agency undertook a detailed assessment of social and economic impacts associated with the project and proposed a range of measures to reduce these impacts as far as possible, including commissioning a Socioeconomic Impact Assessment (Draft EIS, Technical Paper 10) which was considered by the planning and land authority. The principles of Ecological Sustainable Development were also considered as part of the EIS process. The planning and land authority considers that the proposal meets the principles for sustainable development based on a triple bottom line approach to environmental, economic and social sustainability.

The proposal reflects that Canberra is the setting for the national capital in need of good public transport corridors and infrastructure around key nodes. The planning and land authority, has consulted with the National Capital Authority (NCA) throughout the EIS and development application process and will continue to consult with the NCA in relation to further detailed design. It is noted that the planning and land authority does not have responsibility for development

approval on designated land, which is the responsibility of the NCA. At the time of this decision, a works approval application had not been made to the NCA for the proposal but close consultation will occur with the NCA once this has occurred to ensure consistency between both planning decisions where necessary and appropriate. An advisory note has also been included in the Notice of Decision in the event that NCA Works Approval cannot be obtained. It is also noted that the Capital Metro Agency has had ongoing consultation with the National Capital Authority and have informed the authority that this will continue throughout the works approval process.

Principles for Sustainable Development

General Principles

The proposal is considered to be consistent with the general principles of the statement of strategic directions because of, but not limited to, the reasons below:

- As stated above, this decision has been based around an EIS process which investigated economic, social, community and environmental impacts. It is considered that the proposal will contribute to overall community wellbeing and not unacceptably adversely affect environmental quality (for example, see the conclusions in EIS Assessment Report, page 19 and 20 in relation to biodiversity impacts).
- The economic impacts of the proposal have been considered and will contribute to economic vitality by creating jobs, encouraging investment, revitalising the city, increasing accessibility and connectivity and providing reliable public transport among other things (Draft EIS, page xxvi).
- Social and economic impacts were considered in Chapter 14 of the Draft EIS and a supporting technical paper in relation to social and economic impacts (Draft EIS, Technical Paper 10) also considered both positive and negative economic impacts.
- The planning and land authority notes that not all impacts are positive, and these have been mitigated wherever possible and considered in making this decision. In consideration of both positive and negative impacts, and the measures proposed by Capital Metro Agency in the EIS, the planning and land authority is of the view that this decision is focussed on the combined achievement of economic vitality, community wellbeing and environmental quality.
- Capital Metro Agency has undertaken a range of community involvement activities in relation to the proposal, and the EIS and DA process both involved community consultation processes. The Revised EIS addressed all representations received on the Draft EIS.
- The proposal will contribute to sustainability, and complements other ACT planning strategies and agreements such as *Transport for Canberra 2012*, *The Canberra Plan*, *the ACT Planning Strategy* and *The Griffin Legacy* (Australian Government 2004).
- It is noted that one representation stated that the proposal does not meet the objectives of '*Transport for Canberra: Transport for a sustainable city*' because it does not meet the objective of high speed travel across the city along dense corridors. It is noted that this is not a specific objective of *Transport for Canberra – Transport for a sustainable city 2012-2031*. 'High speed' is also subjective term, particularly in the context of dense urban environments. There are speed limit restrictions along the Flemington Road and Northbourne Corridor which limit high speed public transport, for example there is a 20km per hour speed limit along Hibberson Street due to safety as this is a combined pedestrian and light rail vehicle area. Light Rail can go up to 70 km per hour, which generally aligns with vehicle speed limits for most of the alignment, and the Light Rail vehicles are expected to travel close to or at vehicle speed when not stopped with an overall faster rate of travel in the long term due to increasing road congestion. The proposal balances safety and speed.

- Light rail is specifically noted within *Transport for Canberra – Transport for a sustainable city 2012-2031* as an example of a high speed mass public transport infrastructure and as a type of future mass rapid transit to be considered within 2012-2031. One of the actions in the publication is to actively plan for mass public transport like light rail. The publication also talks about a number of other features, such as linking public transport with bike and ride and modernising the public transport system, which are features of the proposal. Light rail is also an accessible transport mode. Active consideration of a light rail system is a key feature of the *Transport for Canberra document*. The publication states that the future bus network has been designed to be adaptable to and supportive of light rail technology.
- Matters of national capital, metropolitan and regional significance were considered in the EIS (Draft EIS and Revised EIS). For example, the Draft EIS considered the National Capital Plan (Draft EIS, see page 101 for example). Matters of metropolitan significance relevant to Canberra and the areas surrounding the urban core have also been considered, such as the needs of people in Gungahlin which is located away from the city urban core and significant heritage items within the vicinity of the proposal.
- The principles of Ecological Sustainable Development, including the precautionary principle, were also considered through the EIS process and in the EIS Assessment Report (EIS Assessment Report, pages 70-71).

The EIS process considered economic, social and environmental objectives, and short-term and long-term factors and the planning and land authority is of the view that the proposal will not result in serious or irreversible loss of life-supporting natural resources or damage to the environment, and will not prejudice the welfare of future generations. It is considered the proposal meets the general principles.

In addition the proposal was referred to strategic planning within the Environment and Planning Directorate who provided advice on the proposal and how it supports the intent of the Territory Plan and ACT planning strategies. The advice states that:

Light rail

The Transport Canberra - Light Rail Network is the ACT Government's vision for a modern transport system that showcases Canberra as a prosperous, sustainable and liveable city. Capital Metro Stage One Gungahlin to City and the extension to Russell will lay the foundation for the future integrated, citywide light rail network. The Light Rail Network builds on the Transport for Canberra Frequent Network and future growth identified in the ACT Planning Strategy. It delivers on the intent of the Strategic Directions of the Territory Plan, including integrated land use and transport planning. It also delivers on an action of Minister Gentleman's Statement of Planning Intent, which is continuing to build a suite of transport policies for an integrated transport network including light rail.

Light rail will have a transformative effect in Canberra and will deliver on Governments policies by:

- *Revitalising our urban centres and supporting active lifestyles - Light rail will encourage a higher proportion of Canberra's population growth in centres and public transport corridors, which helps our local economy, health and wellbeing.*
- *Stimulating suburban renewal - High levels of amenity in our suburbs and quality public transport connections will support the renewal of the city, town centres and other key centres, as well as along transport corridors.*
- *Increasing economic activity - Significant commercial opportunities arise near light rail stops, taking advantage of passenger traffic and increased housing density nearby, to grow and diversify the economy.*
- *Reducing Canberra's high level of car dependency - Providing high quality public transport connections allows people to make more choices about their car usage and purchases.*
- *Providing efficient environmentally responsible public transport - Encouraging a shift from private vehicles to public transport reduces overall emissions, particularly as light rail will also be powered by electricity*

Environmental Sustainability

The proposal is considered to be consistent with the principles of Environmental Sustainability in the Statement of Strategic Directions because of, but not limited to, the reasons below:

- The proposal was subject to a thorough environmental impact assessment through the EIS process, as highlighted above, including an assessment of environmental impacts and the sustainability of the proposal.
- The proposal will use renewable energy and minimise waste wherever possible and have been included as mitigation measures through the EIS process (refer to mitigation measures AA.1 & AA.2 in the Revised EIS). The light rail system will assist in broader sustainability targets by encouraging people to use public transport rather than driving cars as the project will encourage densification along the track and provide certainty to public transport routes. Mitigation measures and key findings in relation to air quality and waste are available in the EIS Assessment Report (part 3.7 and 3.12). As a specific example, Capital Metro Agency have committed to implementing a waste hierarchy to inform the selection of materials and processes with priority for minimising, reusing and recycling (EIS Assessment Report, page 52).
- Conservation measures have been applied through the EIS and DA process, and environmental impacts minimised wherever possible including through the location of the proposal mostly within an existing road reserve (transport services zone) and away from environmentally sensitive areas. Relevant conditions in the Notice of Decision include the requirement for a Construction Environmental Management Plan.
- The planning and land authority is of the view that the development has responded to and reflects land capability constraints and protects biodiversity to the greatest extent possible.
- Water sensitive urban design has been integrated into project design wherever possible, for example in landscaping. Surface and ground water impacts were investigated in detail through the EIS process and mitigated wherever possible (Draft EIS, Chapter 12 and Technical Reports 8 and 9).
- The proposal is not within a rural area.
- The proposal is considered to contribute to encouraging a reduction in greenhouse gas emissions through transport mode shift, limiting additional private motor vehicle increases, land use changes and life cycle emissions benefits. One representation raised concern about the greenhouse gas implications of construction of the light rail. Considering all the information in the EIS, including the mitigation measures committed to, external studies (noted below) and whole-of-project impacts, the planning and land authority is of the view that Capital Metro has minimised greenhouse gas emissions to the greatest extent possible and there are a number of beneficial impacts associate with the proposal.
- The proposal represents good integrated land use and transport planning, for example it encourages and supports the densification of the Flemington Road and Northbourne Corridor, contributes to improved transport efficiency along these corridors, reduces demand on natural resources and promotes a reasonable level of safety and good amenity through appropriate landscaping and use of high quality materials. This is evidenced in the DA documentation.
- There will be some negative impacts to amenity, such as visual amenity and noise during construction. These impacts are temporary and comprehensive management plans have been committed to, and conditioned, to be developed in conjunction with relevant authorities.

Economic Sustainability

The proposal is considered to be consistent with the economic sustainability principles of the statement of strategic directions because of, but not limited to, the reasons below:

- The proposal has been subject to a thorough environmental impact assessment through the EIS process, as highlighted above, including an assessment of economic impacts.
- The proposal is expected to promote commercial and business interests in the long term, and impacts during construction will be managed through commitments in the EIS and the DA conditions.

- The planning and land authority's EIS Assessment Report concludes that Capital Metro Agency has undertaken a detailed assessment of economic impacts from the proposal through the EIS, and that a range of measures have been proposed to reduce these impacts wherever possible (EIS Assessment Report, pages 48-49).
- The EIS has identified negative impacts to businesses such as disruption during construction and changes to existing business arrangements, but has also proposed a detailed set of mitigation measures including a business landowner and engagement management plan.
- There are also a number of positive impacts identified, such as improved public transport to businesses, improved social cohesion and densification around key commercial nodes. The construction of the light rail will also contribute significantly to employment growth with approximately 1,000 to 2,000 direct and indirect jobs and more broadly up to 26,000 jobs along the corridor, presenting a range of new economic opportunities (Draft EIS, page xxvi).
- The proposal will contribute to the ease of getting around the city and the role of Canberra as the nation's capital. The EIS points out that of the 10 most densely populated suburbs in the ACT, 6 are on the project route and a further 3 are within 2 km of the project route (Draft EIS, page 317). In addition, Canberra's CBD and northern suburbs are proposed to house up to 10 percent of the ACT's population growth over the next 20 years with a total population over 600,000. This will greatly congest the road network. The proposal will contribute to the ease of getting around the city, with priority given to the light rail at intersections.
- The proposal will contribute to enhancing the vibrancy of the Gungahlin, Dickson and City areas. The EIS included an assessment of the landscape character of precincts, including Gungahlin, Dickson and the City (Draft EIS, Chapter 9). While there will be temporary construction impacts to places of social, cultural and business exchange, these places will be enhanced in the long term. For example, Hibberson Street will become an attractive and usable combined pedestrian and light rail space that encourages social, recreational and commercial activity.
- The Municipal depot is the main component of the proposal located on industrial land, and this is within an appropriate location for this kind of facility, at the back of an existing block and away from major roads. The proposal does not affect the supply of industrial land.
- Light Rail will foster tourism in the city by providing improved public transport between key areas. Territory Venues and Events commented on the draft EIS that the Light Rail will be a significant benefit to visitors to EPIC and to the nation's capital (Revised EIS, page 32). Construction impacts will be managed to ensure that there is as little disruption to visitors as possible, such as consulting with interstate visitors (Revised EIS, page 44) and using appropriate hoarding (Revised EIS, page 45).
- The proposal will also indirectly contribute to fostering entertainment, leisure and accommodation at key nodes and providing visitors with easy access to these venues once operational.
- The ecological footprint of the development will be low and has been reduced through mitigation and management measures, as already discussed.
- Trees on unleased land will be removed as part of this proposal and therefore conditions have been imposed to provide a tree replacement strategy. This strategy requires the replacement of the trees, one for one, to reduce any impacts.

Social Sustainability

The proposal is considered to be consistent with the social sustainability principles of the statement of strategic directions because of, but not limited to, the reasons below:

- The proposal has been subject to a thorough environmental impact assessment through the EIS process, as highlighted above, including an assessment of social impacts.
- The proposal will provide easy access to a range of facilities along the alignment and at major centres to meet community needs. For example, stops are proposed at EPIC, Dickson, the City and Gungahlin (among others) where key facilities are located.

- Light rail will also support and promote the densification of housing, including affordable housing, around the transport corridor. The socio economic technical paper in the EIS states that high density development along the corridor would provide some continued provision for public housing (Draft EIS, Technical Paper 10, page 14).
- The proposal meets the principles of crime prevention through environmental design and the requirements of the Crime Prevention Through Environmental Design General Code, and provision has been made for emergency services access and safety of users of the light rail and nearby people. For example, the Light Rail would operate as a line-of-sight rail system with drivers. Additionally, crossing points and intersections have been designed to give pedestrians a clear view of LRV's approaching. LRV's are also speed limited for safety.
- Hazard and risk as a result of the proposal was investigated throughout the EIS process. The EIS Assessment Report notes that a number of mitigation and management measures have been proposed to reduce this risk to the greatest extent possible, including compliance with the Office of the National Rail Safety Regulator for the safe operation of the project (Assessment Report, pages 58 to 59).
- The proposal meets access and mobility requirements of the Territory Plan and accommodates people with disabilities. The socioeconomic technical report states that the project will provide greater benefits and opportunities for the mobility impaired (Draft EIS, Technical Paper 10, pages 18 to 19). This is supported by the DA documentation and assessment, which shows level access, crossing and entry/exit to light rail vehicles.
- Heritage and cultural values will be safeguarded and were subject to a detailed assessment and mitigation measures as part of the EIS (EIS Assessment Report, pages 20 to 24). Advice from the ACT Heritage Council has been built into the Notice of Decision. The decision to approve the proposal is consistent with the advice of entities, including the ACT Heritage Council.

2. Spatial Planning and Urban Design Principles

Urban Areas

The proposal is considered to be consistent with the spatial planning and urban design principles (urban areas) of the statement of strategic directions because of, but not limited to, the reasons below:

- The proposal encourages commercial and retail activity to be concentrated in centres and other planned nodes of intensive activity (such as the City, Dickson and Gungahlin), which will be well served by public transport as a result of the proposal.
- The proposal will also indirectly encourage the strengthening and enhancing of existing and new centres and nodes, such as around Dickson. As stated in the socio economic technical paper in the EIS the proposal also '*supports future developments, such as the City to the Lake and linking Civic with the central national area*' (Draft EIS, Technical Paper 10, page 1).
- The proposal will also indirectly support the revitalisation of the City Centre and encourage higher density development in major centres along the alignment, which will be well served by public transport as a result of the proposal.
- The proposal encourages the use of public transport, walking and cycling and will contribute to an enhanced inter-town public transport system. The proposal does not substantially affect the provision of open space as it is mostly located within the existing road reserve

Non-urban areas

The proposal is considered to be consistent with the spatial planning and urban design principles (non-urban areas) of the statement of strategic directions because of, but not limited to, the reasons below:

- The decision to approve the proposal will protect the landscape and environmental qualities of the hills and ridges surrounding urban areas.
- There will be no adverse impact on river corridors. Only a small part of the proposal is located within a non-urban zone and meets the objective of the zone. The proposal is located mostly within the existing road corridor and urban area.

Urban Design

The proposal is considered to be consistent with the spatial planning and urban design principles (urban design) of the statement of strategic directions because of, but not limited to, the reasons below:

- The decision to approve the proposal will promote a high quality and creative design of development, with innovation encouraged, along two approach routes into the City area of Canberra.
- The proposal will ensure high-amenity, quality design outcomes within residential areas which support the objectives of relevant residential zones (see assessment against zone objectives).
- An assessment of heritage impacts was undertaken as part of the EIS, and has been discussed above.
- The proposal will contribute to good urban design in major centres and activity nodes, including along principle approach routes within the Territory. High quality materials are proposed to be used, as evidenced in the DA documentation.
- Landscaping, Light Rail vehicle design and footpaths and public access areas are designed to be inviting and encourage patronage. For example, the EIS concludes that the proposal will have a beneficial visual impact overall in the long term (Draft EIS, Page 237). Landscaping proposed also reflects the 'garden city' qualities of Canberra, as evidenced in Landscape Plans submitted with the development application.
- The development is mostly within the public realm and will contribute to the public realm. Visual amenity was assessed as part of the EIS, including impacts to vegetation and trees. Mitigation measures have been imposed through the conditions of approval, including a Tree Replacement Strategy for Flemington Road. The EIS included a detailed assessment of impacts to trees (Draft EIS, Chapter 8).
- The proposal as presented in the DA and modified through the conditions of approval will ensure a high quality of environmental design. Signs proposed are suitable to the nature of the development and to good way finding for pedestrians and users of the public transport system, and will not have a significant adverse impact on environmental amenity.
- There will be some construction impacts on the urban area, for example visual impacts for removing trees. Appropriate mitigation and management measures have been imposed, for example requiring a Tree Replacement Strategy with a one-for-one replacement, which will reduce these impacts to the greatest extent possible to ensure appropriate management of the urban environment.

Section 128(b)(ii)

In relation to section 128(b)(ii) the proposed development does not relate to land comprised in a rural lease.

Section 128(b)(iii)

In relation to section 128(b)(iii) the planning and land authority's decision is consistent with the advice received from the Conservator of Flora and Fauna with regard to registered trees. No registered trees are affected by the decision. In addition, registered trees are further protected by conditions imposed under the decision. This development does not affect declared sites.

Section 128(b)(iv)

In relation to section 128(b)(iv) no conditional EIS exemption is in force for the development application. An EIS has been completed as noted above.

Section 128(b)(v)

In relation to section 128(b)(v) the proposed development is unlikely to have a significant adverse environmental impact on a matter protected by the Commonwealth. This is evidenced by the decision of a delegate for the Minister for the Environment that the proposal is not a controlled action under the *Environment Protection and Biodiversity Conservation Act 2000* because it is unlikely to have a significant impact on a matter protected by the Commonwealth under that Act (being a matter of national environmental significance). This decision is available on the Commonwealth Department of the Environment's website at www.environment.gov.au.

Section 128(b)(vi) and Section 128(2)

In relation to section 128(b)(vi) the proposal underwent an EIS process that reduced environmental impacts to the greatest extent possible, and it is the view of the planning and land authority that, in considering the commitments made in the EIS and transferred to the Notice of Decision, there will be no residual significant impact. In any event, advice was given by the Conservator in relation to environmental impacts and the approval of the proposal is consistent with the advice of the Conservator (see entity advice).

Section 128(3)

In relation to section 128(3) the planning and land authority considered the advice given by each entity to which the application was referred, and is satisfied that, with the conditions set out in Part 1, approval of the application would not be inconsistent with the advice received from each entity.

Section 128(4)

In relation to section 128(4) the decision is consistent with the advice received from the Conservator of Flora and Fauna with regard to registered trees. No registered trees are affected by the decision. In addition, registered trees are protected by conditions imposed under the decision. This development does not affect declared sites.

Section 128A

The planning and land authority notes section 128A and that it is the view of the authority that the proposal meets section 128(1)(b)(iii), (2) and (3).

Section 129 of the *Planning and Development Act 2007***Section 129(a)**

In relation to section 129(a) the planning and land authority has considered the objectives for the zones in which the development is proposed to take place as evidenced in the DA Assessment Report and set out below. The planning and land authority is satisfied that the proposed development meets the objectives of the relevant zones and in any event is of the view that in considering the zone objectives for all relevant zones there is no reason not to approve the proposal.

RZ3 Urban Residential & RZ4 Medium Density Residential Zone

The proposal is for a public transport system with the majority of the development within the main transport corridor. The zone objectives for RZ3 and RZ4 have been considered and the proposal is considered to be consistent with the zone objectives, because of, but not limited to, the reasons below:

- The works within the RZ3 Urban Residential Zone (ancillary and minor use only) are unlikely to adversely impact on the residential character and/or amenity of residents.
- The new Light Rail system is likely to increase the viability of home based employment, for example as a result of improved access to public transport services.
- The proposal provides opportunities for redevelopment by facilitating increased an increased density of development (Draft EIS, Technical Paper 10).
- The proposal will indirectly contribute to affordable housing choices by supporting continued and new public housing along the alignment (Draft EIS, Technical Paper 10).
- The proposal provides for residential areas to have good access to facilities and services through frequent public transport services. For example, the Light Rail is expected to operate every 6 minutes at most times of the day (Draft EIS, page xxiv).

CZ1 Core, CZ2 Business & CZ5 Mixed Use Zone

The proposal is for a public transport system with the majority of the development within the main transport corridor. The zone objectives for CZ1, CZ2 and CZ5 have been considered and the proposal is considered to be consistent with the zone objectives, because of, but not limited to, the reasons below:

- The majority of the development is within the main transport corridor with only minor/ancillary use proposed within the commercial zones. Therefore, the works within the commercial zones are unlikely to impact on the existing/desired size, location or goods and services provided.
- The proposal will enhance the public realm and further activate the main pedestrian routes and public spaces in commercial areas. For example, Landscape Plans submitted with the DA show an attractive stop design and streetscape at Hibberson Street which will activate this commercial area of Gungahlin. The proposal for Hibberson Street will also promote a cultural and community identity in this part of Gungahlin.
- The proposal will utilise high quality materials with a high standard of urban design as evidenced in the DA documentation.
- As evidenced in the EIS documentation, and the assessment above in relation to the Statement of Strategic Objectives, the proposal will provide opportunities for business investment and employment.
- Office and business sites in Gungahlin, Dickson and the City will be more easily accessible by public transport.
- Employees will benefit from improved public transport between the City and Gungahlin.
- The proposal facilitates higher density residential development at locations along the alignment with convenient access to public transport and commercial and employment centres. It also provides access for residents to a range of recreational and entertainment facilities.
- The proposal will encourage active frontages and streets in key nodes and around stops.

IZ1 General Industry Zone

The proposal is for a public transport system with the majority of the development within the main transport corridor. The zone objectives for IZ1 have been considered and the proposal is considered to be consistent with the zone objectives, because of, but not limited to, the reasons below:

- The proposal provides greater access to the industrial area by way of improving public transportation along Flemington Road.
- The proposal includes a transport depot within the industrial zone (3/16 Mitchell). Although the development does not directly front Flemington Road, the development still achieves sufficient environmental and urban design standards as justified in the supporting documentation that was submitted as part of the application and Draft EIS and Revised EIS. In addition, the application was referred to Environment Protection Authority, ACT Health and Territory and Municipal Services who did not raise any environmental concerns.

CFZ Community Facility Zone

The proposal is for a public transport system with the majority of the development within the main transport corridor. The zone objectives for CFZ have been considered and the proposal is considered to be consistent with the zone objectives, because of, but not limited to, the reasons below:

- The proposal only includes minor and ancillary use within the community facility zone and as such is unlikely to adversely impact or reduce the existing/future community uses.
- The social impacts were adequately reviewed during the EIS process and considered impacts such as social sustainability and inclusion. The proposal provides a more accessible/inclusive public transport system by increasing accessibility when compared to the existing bus network. The socioeconomic technical report states that the project will provide greater benefits and opportunities for the mobility impaired (Draft EIS, Technical Paper 10, pages 18 to 19).
- The proposal will provide improved public transport access to community facilities, and the community facility zone.

PRZ1 Urban Open Space Zone

The proposal is for a public transport system with the majority of the development within the main transport corridor. The zone objectives for PRZ1 have been considered and the proposal is considered to be consistent with the zone objectives, because of, but not limited to, the reasons below:

- The proposal only includes minor and ancillary use within the urban open space zone and as such is unlikely to adversely impact or reduce the existing/future open space.
- In addition the minor nature of the works will not unacceptably affect the landscape/scenic quality of the area or amenity of adjoining residents.
- Surface and ground water impacts were investigated in detail through the EIS process (see Draft EIS, Chapter 12 and Technical Reports 8 and 9) and mitigation and management measures committed to. Water quality and stream flows will be protected through these measures.

TSZ1 Transport Zone

The proposal is for a public transport system with the majority of the development within the main transport corridor. The zone objectives for TSZ1 have been considered and the proposal is considered to be consistent with the zone objectives, because of, but not limited to, the reasons below:

- The proposal will not adversely impact on the efficient, safe and convenient movement throughout the road network as the proposal maintains the existing arrangement including dual lanes along Flemington Road.

- The separation of the tram from vehicle and cyclist traffic will provide a margin of safety by limiting the interactions between vehicles and pedestrians. Crossings of the light rail by pedestrians will be encouraged at formal locations with paved crossings, the long straight lengths of track will allow light rail vehicles clear sight in the direction of travel and allow for appropriate reactions to hazards and situations. This is evident from the DA documentation.
- The proposal runs in a dedicated alignment separated from other traffic and pedestrian areas (with the exception of pedestrian plazas at Hibberson Street Gungahlin and at the Civic Terminus which have a 20km/h speed limit). The proposal has been assessed as being safe (noting the inability to remove all risks from any transport action) as it is separate from general traffic and crossing points for vehicles and pedestrians are clearly defined, with signal controls where appropriate and good visibility allowing the avoidance of collisions.
- Being located in a dedicated reserve removes the trams from general traffic and allows for priority to be given at intersections. This will allow the proposal to operate without losing efficiency to increasing congestion on the road network. The use of electrical propulsion allows the proposal to reduce energy use from idling engines, and the tram will use renewable energy sources to reduce transport impacts associated with fossil fuels.
- The proposal will allow the transport of a higher number of patrons than buses on the existing road network. This provides the potential to increase the overall efficiency of the public transport network. The EIS concluded that the proposed transport system transports up to 2,000 persons per hour (p/h) in peak periods (as compared to existing bus services providing 1,300 p/h) and is expected to provide shorter and more consistent travel times than the existing bus network (refer page 261 of Draft EIS). It is noted that one representation raised concerns about the number of passengers able to be transported compared to buses. It is noted that this representation looked at a different time period to the EIS greater than just peak periods. During peak period, the Light Rail will be able to transport approximately 600 more people per hour.
- Crash statistics presented in the Draft EIS (page 249) indicate in the existing road network of the project area, that 61% of all traffic collisions occur at intersections, and that 46% are rear-end accidents. The operation of the proposal in a dedicated corridor separate from traffic and with signalised control at intersections for vehicles and pedestrians largely removes the risk of collisions involving light rail vehicles. The proposal has been assessed to be generally safe, and safer than general road traffic and road based public transport.
- The proposal will provide a frequent, accessible, reliable system of transport. The expected frequency of services will be between 6 and 15 minutes depending on the time of day, with a journey time of around 25 minutes (Parsons Brinckerhoff, 2015 a, page 3). On assessment of the DA documentation, the applicant's Statement Against Relevant Criteria and the *Development Application Accessibility Report* (Philip Chun Access Consultants, September 2015) the proposal provides for the convenient movement of people.
- The proposal includes easy access for people with a disability, bulky items such as shopping carts, pram and bicycles. Whilst not identified as a goods transport system most everyday equipment will be easily accommodated on the vehicles (Draft EIS, page 63).
- The proposal is for a public transport network that utilises the median strip within the main transport corridor. The proposal includes reconfiguration of intersections (refer: 'PLAN-201528511-ROADS GENERAL ARRANGEMENT-01') which have been appropriately designed to include landscaping, street furniture and lighting, traffic control devices, and noise attenuation measures. The proposal includes high quality landscaping befitting the surrounding context of the area. The stop will be constructed of high quality materials and will be durable to weather and graffiti.
- As stated in the EIS, the proposal will be integrated with a larger network of public transport infrastructure involving light rail and buses to comprehensively service the ACT (Draft EIS, page 64).
- The proposal has been designed to incorporate noise mitigation by design. Curves and points have been minimised, and tracks will be fully welded and maintained to prevent noise from track joints. In addition, a condition has been imposed to address noise impacts to the satisfaction of the Environment Protection Authority.

- The proposal contributes to the public transport network of the ACT. It provides much needed additional capacity on the Gungahlin to City route, where buses are currently and will continue to lose efficiency due to congestion. The proposal has considered how the light rail will integrate with the bus network (Draft EIS, page 64).
- There is a proportion of the network along Hibberson Street that excludes other vehicles, however, this is located within the Town Centre (typical road grid layout) which does not unacceptably restrict access.

It is noted that a representor raised concern in relation to the proposal against the objectives of the Transport Services Zone. It is noted that there will be some negative impacts on general road traffic associated with the proposal. General traffic travel times are expected to increase slightly as a result of the proposal, and there may be some increased delays at intersections. This will be as a result of additional signalised intersections being installed and a degree of priority being given to light rail vehicles. The increase in daily round trip travel times for private motor vehicles under the proposal is less than 10% of the expected travel times without the proposal in 2021 (Parsons Brinckerhoff Australia Pty Ltd, *Capital Metro Traffic and Transport Impact Assessment*, 12 June 2015, Table 4.3 page 39).

This is assessed as an acceptable impact on the road network efficiency for the increase in public transport capacity of the proposal and the need for the Light Rail to have a priority run. Overall, considering the assessment above and the information available in the EIS documentation, EIS Assessment Report and DA documentation, and considering the issues raised in the representation, there is no reason to refuse the application.

NUZ1 Broadacre & NUZ3 Hills, Ridges and Buffer Zone

The proposal is for a public transport system with the majority of the development within the main transport corridor. The zone objectives for NUZ1 and NUZ3 have been considered and the proposal is considered to be consistent with the zone objectives, because of, but not limited to, the reasons below:

- The proposal only includes minor and ancillary use within the non-urban zones and as such is unlikely to adversely impact or reduce the non-urban character/landscape setting of this zone.
- In addition, the minor nature of the works will not unacceptably intrude on the environmental qualities of the area and or limit future uses.

Section 129(b)

In relation to section 129(b) the planning and land authority is satisfied that the application, with the conditions of approval, meets the relevant codes of the Territory Plan as set out in the evidence below and for the reasons set out in the Assessment Report undertaken by the planning and land authority which assesses the proposal against all relevant Codes and the respective rules and criteria.

Section 129(c)

In relation to section 129(c) the planning and land authority has considered the suitability of the land for where the development is proposed to take place, considering the kind of development proposed, and all the information provided including the DA documentation, DA Assessment Report, Draft EIS, Revised EIS and EIS Assessment Report and other supporting evidence noted in this decision. The planning and land authority is satisfied that the subject land is suitable for the proposed development, provided each of the conditions that have been imposed as part of the decision to approve the application is met. The relevant zone objectives have also been considered in detail by the planning and land authority in determining the suitability of the land for the development.

Section 129(d)

In relation to section 129(d) the planning and land authority considered the representations received in relation to the application. In Part 3 of the Decision is a summary of what the planning and land authority considers were the main issues raised in representations, and the planning and land authority has provided comments in response to those representations. Comments in response to representations have also been made in the consideration of the Statement of Strategic Objectives and the zone objectives.

While there may be some aspects of the representations that representors may feel have not been adequately addressed in the summary, the planning and land authority has nevertheless read them and considered all of the representations that were made.

Section 129(e)

In relation to section 129(e) relevant entities did not object to the proposed development on the basis that conditions were imposed to protect different kinds of matters. The planning and land authority is of the view that the decision follows the advice of entities.

Section 129(f)

In relation to section 129(f) there is no public land management plan for the land.

Section 129(g)

In relation to section 129(g) the planning and land authority considered the probable impacts, including social and environmental impacts that the proposed development may have, including the Draft EIS and Revised EIS. The planning and land authority prepared an EIS Assessment Report for the Minister for Planning which confirms that all relevant matters were addressed in the EIS, including representations, and contains a summary of all probable impacts of the development, the mitigation and management measures imposed to reduce those impacts, and residual impacts.

The EIS Assessment Report is publicly available on the Environment and Planning Directorate Website and comprehensively summarises and considers the probable impacts of the development.

The planning and land authority considered the EIS Assessment report, and the DA considerations noted at the end of the EIS Assessment Report (page 64) in detail in undertaking its assessment. Key impacts to note are noise and vibration, tree removal, traffic and transport impacts, social and economic impacts and visual impacts. The planning and land authority notes that there are both positive and negative probable impacts that range in extent and significance as a result of the proposal. However, none of the impacts warrant refusal of the development. The planning and land authority has also read and considered the representations received on the Draft EIS and in relation to the development application. The planning and land authority has also read and considered the advice and responses from the relevant entities to which the application was referred, and applied conditions where appropriate.

Section 129(h)

In relation to section 129(h) the offsets policy has been considered and no offset is required for the proposal as there are no residual significant biodiversity impacts.

Section 129(i)

In relation to section 129(i) the completed EIS and the EIS Assessment Report were considered in making the decision to approve the proposal. DA considerations raised in the EIS and EIS Assessment Report process have been built into the Notice of Decision.

Section 129(j)

In relation to section 129(j) no inquiry was established into the EIS.

Conclusion

The planning and land authority is satisfied that the decision is consistent with the objects of the Territory Plan as in section 48 of the Act in that it is not inconsistent with the special requirements under the National Capital Plan that are relevant to Territory land in the area being assessed by the planning and land authority. The proposal will provide the people of the ACT with an attractive, safe and efficient environment, by improving public transport between Gungahlin and the City.

With the conditions imposed, the planning and land authority is satisfied that the majority of the social, environmental and other impacts that might arise from the development are adequately addressed by the conditions imposed. The planning and land authority is satisfied that any remaining probable impacts do not warrant refusal of the development.

In summary, the application satisfactorily meets the requirements for approval.

The key issues identified in the assessment are the considerations arising from the EIS for the project which identified a range of measures to minimise impacts, parking at the depot site, detailed design to meet Australian Standards, entity comments and public representations.

Conditions have been imposed to address the key issues where required and ensure that the proposal is consistent with the Territory Plan and the *Planning and Development Act 2007*.

EVIDENCE

Application No. 201528511

The Territory Plan zone – RZ3, RZ4, CZ1, CZ2, CZ5, IZ1, CFZ, PRZ1, TSZ1, UNZ1, NUZ3

The Development Codes – Residential Zones Development Code, Commercial Zones Development Code, Industrial Zones Development Code, Community Facility Zone Development Code, Parks and Recreation Zone Development Code, Transport and Services Zone Development Code, Non-Urban Zones Development Code

The Precinct Codes – Braddon Precinct Map and Code, City Precinct Map and Code, Dickson Precinct Map and Code, Downer Precinct Map and Code, Franklin Precinct Map and Code, Gungahlin Precinct Map and Code, Harrison Precinct Map and Code, Harrison Precinct Map and Code, Lyneham Precinct Map, Mitchell Precinct Map, Turner Precinct Map and Code, Watson Precinct Map, Northbourne Avenue Precinct Code, Canberra Central District Precinct Map and Code, Gungahlin District Precinct Map and Code

Structure Plans – East Gungahlin Structure Plan, Gungahlin Town Centre Structure Plan

Concept Plan – Flemington Road Concept Plan

General Codes – Parking and Vehicular Access General Code, Bicycle Parking General Code, Access and Mobility General Code, Crime Prevention through Environmental Design General Code, Signs General Code, Water Use and Catchment General Code, WaterWays: Water Sensitive Urban Design General Code, Planning for Bushfire Risk Mitigation General Code

EIS Titled: Capital Metro Light Rail Stage 1 – Gungahlin to Civic, accepted by the Minister on 7 October 2015.

Current Crown Lease – Unleased land

Representations – 13

Entity advice

DA Assessment Report

PART 3 PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 29 October 2015 to 18 November 2015. Thirteen written representations were received during the public notification period.

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

(a) Financial implications and viability

Financial implications were a consideration of the EIS process. Chapter 14 of the Draft EIS investigated potential social and economic impacts associated with the construction and operation of the Project. Through this process it was identified that some social and economic mitigation measures were required which have been incorporated as part of this decision. Prior to the EIS, Capital Metro Agency completed a cost-benefit analysis which concluded that the project would have a positive effect on the ACT. The costings in the business case are not the subject of the assessment or consideration of this development application.

(b) Loss of amenity during operation (increased noise, litter and vandalism)

The Construction Environmental Management Plan (CEMP) and Operating Phase Environment and Sustainability Plan (OPESP), which have been imposed as conditions of approval, include measures to address concerns relating to these issues both during construction and operation, including noise. A Noise Management Plan must be developed as part of both management plans, in consultation with the EPA, as part of the conditions of approval.

It is also important to note that a development approval under the *Planning and Development Act 2007* is only one of many approvals required for the project, and is a planning approval only. The proposal is still required to comply with other legislative requirements in relation to noise, litter and vandalism, for example:

- Works approval from the National Capital Authority under the *Australian Capital Territory (Planning and Land Management Act) 1988* (Cth).
- *Environment Protection Act 2007* and *Environment Protection Regulation 2005*
- *Roads and Public Places Act 1937*
- *Crimes Act 1900*
- *Criminal Code 2002*.

Any ongoing operational issues such as increased noise, litter or vandalism should be reported to the proper Authorities as they occur. Impacts to amenity were also considered in detail through the EIS.

(c) Property value

The impacts on surrounding developments and properties were considered as part of the EIS process and mitigation measures imposed to minimise residual impacts. A detailed assessment has been undertaken to ensure that the development is of high quality in respect to design and siting, and that it meets the performance controls and measures outlined in the Territory Plan. As such the application has been approved and deemed not to adversely impact on the amenity of neighbouring properties.

The comments have been noted and considered against the requirements of the Territory Plan and advice received from referral entities. The proposal is considered to meet the requirements of the Territory Plan.

(d) Tree removal

All trees to be removed as part of this application are located on unleased land which was referred to Territory and Municipal Services Directorate (TAMSD) for comment. TAMSD supported the application, with conditions. The impacts of tree removal have been assessed in detail in the EIS and considered by the planning and land authority, including in the EIS Assessment Report. A tree replacement strategy has been required as part of the conditions of project approval.

Note: Works within designated land are not part of this development application. Works within this area will require a separate application (Works Approval) to the National Capital Authority. The impacts of the broader development have, however, been considered through the EIS process.

(e) Bicycle and pedestrian access

The majority of the proposed works are located within the existing road reserve which requires the bicycle and pedestrian network to comply with the relevant Australian Standards and various design standards imposed by Territory and Municipal Services. These standards are imposed at the design and operational acceptance stage, which have been conditioned in the notice of decision.

(f) Traffic and transport efficiency during construction

A construction management plan was submitted as part of this development application (DA) which includes measures to manage impacts from the construction process. This plan is to be revised to adequately address all issues, including traffic management, prior to construction. In addition, the DA was referred to Territory and Municipal Services Directorate for traffic who endorsed the application with conditions. The conditions imposed require the preparation and implementation of a Temporary Traffic Management Plan (TTMP) so that traffic can still operate in an efficient and safe manner. The TTMP will be implemented prior to and during the construction of each stage.

(g) Business impacts

Impacts on surrounding developments and businesses were considered during the EIS process and consequently mitigation measures were imposed to minimise residual impacts. These measures include conditions imposed at the construction and operation stage to reduce impacts on neighbouring properties.

The comments have been noted and considered against the requirements of the Territory Plan and advice received from referral entities. The proposal is considered to meet the requirements of the Territory Plan.

(h) Works on Designated Land

Works within designated land are not part of this development application. Works within this area will require a separate application (Works Approval) to the National Capital Authority.

The planning and land authority have been consulting with the NCA throughout the EIS and DA process. At the time of this decision, a works approval application had not been made to the NCA for the proposal but close consultation will occur with the NCA once this has occurred to ensure consistency between both planning decisions where necessary and appropriate. An advisory note has also been included in the notice of decision in the event that Works Approval cannot be obtained from the NCA.

(i) *Traffic and transport efficiency during operation*

Traffic was a key consideration during the EIS process, and the Draft EIS concluded the following:

The Project, a high quality, high capacity public transport service connecting the City to Gungahlin and is design to foster longer-term sustainable travel between the city and high growth areas to the north of Canberra.

The very nature of the Project is to encourage residents of Canberra to consider alternative transport modes such as light rail. With an improved capacity and comfortable travel environment, faster and more reliable service, and legible network, the light rail system would be more attractive for many people within the corridor when compared to the existing bus services which operate within the area.

At some locations however, where the light rail crosses major vehicle flows, additional delays may exist to general traffic to help foster the high quality public transport quality. Two intersections in particular at the Federal Highway and Flemington Road, and Federal Highway and Barton Highway, which serve interstate functions it is recommended that a better balance between general traffic and light rail may be necessary. At all other intersections where the light rail exists within a central median and operates in parallel to the major traffic flows, the impacts to general traffic are considered to be mostly negligible.

The Revised EIS included mitigation measures to reduce the traffic impact of the development, including the traffic issues that were raised above. The mitigation measures include further refinement of key intersections, awareness campaigns and use of signage to increase safety for the operation of the network (Revised EIS, page 142-143). The mitigation measures have been incorporated as part of this decision. Specific issues raised in relation to traffic and transport efficiency during operation are:

Journey times and Light Rail not being a high speed or rapid service

'High speed' is subjective term, particularly in the context of dense urban environments. There are speed limit restrictions along the Flemington Road and Northbourne Corridor which limit high speed public transport, for example there is a 20km per hour speed limit along Hibberson Street due to safety as this is a combined pedestrian and light rail vehicle area. Light Rail can travel at up to 70 km per hour, which generally aligns with vehicle speed limits for most of the alignment, and the Light Rail vehicles are expected to travel close to or at vehicle speed when not stopped with an overall faster rate of travel in the long time due to increasing road congestion.

It is noted that one representation identifies an average speed of all road vehicles in the road network in 2021 without light rail (combined AM and PM peak periods) of 27.8 km/h. It is reasonable to assume buses would be slower than this as they make regular stops. A representation also noted a theoretical average speed for light rail of 28.8 km/h (the representation notes this as optimistic based on comparable networks). It can be observed from this information that Light Rail will operate at a comparable speed to buses in peak periods, also benefitting from a dedicated corridor in the event of other disruptions to the road network and providing a higher quality of service.

The proposal balances safety and speed. The issue raised has been considered, including in the context of the Statement against Strategic Objectives and zone objectives and it is not considered to warrant refusal of the development.

Achieving modal shift in transport

The comparison of existing bus services to the proposal identifies that buses provided a higher overall level of service than the proposed light rail. Assuming the figures in the representation are correct, the assumptions include non-peak times without congestion. The proposal is expected to provide a higher capacity and faster journey during peak times when the road network becomes congested. This is important to note as the proposal is expected to perform better than buses and private motor vehicles when the network is busiest with commuters and is therefore expected to support modal shift.

(j) Safety of the proposal

Concerns were raised over the safety of the proposal, particularly the safety of pedestrians and cyclists and their interactions with moving light rail vehicles. A representation noted that high kinetic energy associated with a fully loaded light rail vehicle as compared to trucks and cars, and the inability of light rail to change direction to avoid a collision. The representation specifically raises concerns relating to pedestrians crossing and cyclists riding along the tracks.

The proposal operates in a dedicated alignment (with the exception of the two low speed plazas at Gungahlin and the City) and as a result cyclists should not be riding along the tracks. Pedestrians and cyclists should only be crossing the tracks of light rail vehicles at purpose built crossings at perpendicular angles. The alignment is generally straight and will have long uninterrupted sight lines which will allow pedestrians and cyclists to identify oncoming light rail vehicles from both directions and make safe decisions. There is still the potential for a cyclist or pedestrian to fall whilst crossing the tracks, however this would be unlikely and all risks cannot be completely eliminated. It has been assessed that the proposal has adequately considered pedestrian and cyclist safety and implemented appropriate design features to mitigate potential risks. There is no reason to refuse the proposal in relation to safety.

(k) Alternative options

The 'City to Gungahlin Transit Corridor – Infrastructure Australia Project Submission' (The Submission) was undertaken in August 2012. The submission was the result of an Outline Business Case that was prepared for the ACT Government for the consideration of Infrastructure Australia. The submission outlined early investigations into the feasibility of developing rapid transit in the Gungahlin to City corridor which was narrowed down to 2 options, bus rapid transit (BRT) or light rail transit (LRT). The submission concluded that both BRT and LRT would generate a positive economic return, however, a more detailed feasibility study was recommended in the future.

A number of alternatives to the project were considered as part of the EIS process, including maintaining the existing transit lanes or bus lanes, bus rapid transit and other transport modes such as monorail, metro rail and heavy rail.

Through this process light rail was considered the most viable option by Capital Metro Agency and was accepted by the ACT Government as the preferred option.

It is considered that the proposal meets the requirements of the Territory Plan and *Planning and Development Act 2007* for development approval with conditions, with consideration of the Statement of Strategic Directions of the Territory Plan and the relevant zone objectives.

(l) Wider impacts

The EIS process considered economic, social and health impacts within the area identified in the scope of the project. Consequently, the assessment of this development application is only confined to the area identified within the EIS and any other immediate impacts to the surrounding area. The impacts on the surrounding area were considered and it was determined that the proposal will not adversely impact on the subject area.

The master plan for the Light Rail Network has recently been released and highlights the intentions for light rail over a 25 year plan. The impacts on these future areas, identified within the master plan, will be considered through a more detailed planning and design phase. Any concerns relating to these areas should be raised during relevant consultation periods.

(m) Zone objectives

Zone objectives were a consideration in the assessment of this development application, as evidenced above. During the assessment, consideration was given to the supporting documentation submitted as part of the application and the extent of works within each relevant zone. Accordingly, it has been determined that the proposal is not inconsistent with the relevant zone objectives and the zone objectives have been considered in detail with reference back to representations.

In particular, the proposal is for a public transport network that utilises the median strip within the main transport corridor. The broader proposal includes reconfiguration of intersections which have been appropriately designed to include landscaping, street furniture and lighting, traffic control devices, and noise attenuation measures.

The separation of the tram from vehicle and cyclist traffic will provide a margin of safety by limiting the interactions between vehicles and pedestrians. Crossing of the light rail by pedestrians will be encouraged at formal locations with paved crossings. The long straight lengths of track will allow light rail vehicles clear sight in the direction of travel and allow for appropriate reactions to hazards and situations.

Being located in a dedicated reserve removes the trams from general traffic and allows for priority to be given at intersections. This will allow the proposal to operate without losing efficiency to increasing congestion on the road network. The use of electrical propulsion allows the proposal to reduce idling engines, and the proposal will use renewable energy sources to reduce transport impacts associated with fossil fuels.

The proposal will allow the transport of a higher number of patrons than buses on the existing road network. This provides the potential to increase the overall efficiency of the public transport network. For example, Light Rail can transport up to 2,000 persons per hour (p/h) in peak periods (as compared to existing bus services providing 1,300 p/h) and is expected to provide shorter and more consistent travel times than the existing bus network (Parsons Brinckerhoff Australia Pty Ltd, *Capital Metro Light Rail Stage 1 – Gungahlin to Civic Draft Environmental Impact Statement*, 12 June 2015, page 261.)

The proposal includes easy access for people with a disability, bulky items such as shopping carts, prams and bicycles. Whilst not identified as a goods transport system most everyday equipment will be easily accommodated on the vehicles.

The proposal will not adversely impact on the efficient, safe and convenient movement throughout the road network with the implementation of appropriate mitigation and management measures.

A detailed assessment against zone objectives is included within the reasons for this decision.

(n) Transport for Canberra

The Transport for Canberra Policy is not a statutory document for the purpose of development assessment, however, the proposal was referred to various sections of the Environment and Planning Directorate in relation to consistencies with overarching policies and the planning and land authority has considered these policies in addressing representations. The EIS document included an assessment of the proposal against the Transport for Canberra Policy, noting how the proposal supports this policy. The Transport for Canberra Policy has also been discussed in detail above in relation to the Statement of Strategic Objectives. The planning and land authority is of the view that the proposal is consistent with the policy and there is no reason to refuse the development proposed.

(o) *Sustainability and greenhouse gas emissions*

A representation included a table and calculations about the greenhouse impact of construction of the proposal. This was a pre-mitigation assessment from the EIS. Mitigation measures have been imposed as part of the EIS process to reduce the overall emissions of the project (refer to Mitigation measures J.1 & AA.1-AA.3 of the 'EIS Addendum Report, Parsons Brinckerhoff, August 2015') and incorporated into this decision. The planning and land authority has considered these measures and is of the view that they are reasonable and will reduce impacts. The Notice of Decision requires all commitments in the EIS to be addressed in the Construction Environmental Management Plan.

The representation provides a comparison of greenhouse gas emissions for construction of the Light Rail compared to bus operation. The representation only considers the reduction of emissions from bus operations and not impacts associated with road construction, road maintenance for bus operations or not achieving a mode shift in transport. The representation also only looks at the current public transport option, and not the greenhouse gas impacts associated with a bus rapid transport within the median. Positive impacts from the proposal are also not considered.

It is noted that the construction of the proposal will generate some greenhouse gas emissions from the operation of plant equipment, and from the manufacturing of materials for construction. It is also noted that the proposal will contribute to reductions in greenhouse gas emissions by a range of means both directly associated with the operation and as a result of the influence of the project.

The proposal is expected to limit the growth in private car use in the future by achieving modal shift, and that this in turn reduces maintenance costs of road networks and associated greenhouse gas impacts. The project aims to increase density along the route and to encourage investment and modernisation of older inefficient buildings. Studies have found that the life cycle emissions associated with light rail are lower than for other public transport systems such as roads (Chester. M, Pincetl. S, Elizabeth. Z, Eisenstein. W, Matute, J, *Infrastructure and automobile shifts: positioning transit to reduce life-cycle environmental impacts for urban sustainability goals*, 2013, IOPscience and Institute of Urban Transport (India), *Life Cycle Cost Analysis of Five Urban Transport Systems*, 2012, Bangalore Metro Rail Corporation Limited). On assessment, the planning and land authority considers that the proposal will have an overall positive environmental effect and that the impact in relation to greenhouse gas emissions is substantially less than stated in the representation and acceptable to the authority taking a whole-of-project approach. There are no reasons to refuse the proposal on these grounds.

(p) *Environmental Impact Statement (EIS)*

On 20 August 2014 the Minister for Planning made a declaration under Section 124 of the *Planning and Development Act 2007* that the Impact Track applies to the proposal. The proposal was considered under the EIS process in accordance with the Act and was accepted by the Minister for Planning on 7 October 2015. As part of the EIS process, a number of DA recommendations were made to address all key issues identified and consequently have been incorporated as part of this decision.

One representation raised a number of issues in relation to the EIS documentation, traffic and transport impacts and the zone objectives. The proposed approval decision has considered these issues and the issues raised do not warrant refusal of the proposal, because of, but not limited to, the reasons below and outlined above in relation to the Statement of Strategic Objectives and zone objectives:

Duplication of Flemington Road

- The duplication of Flemington Road south of Well Station Drive is included in the EIS as it is necessary to facilitate the construction of the proposal. Associated changes to traffic volumes and travel times are considered in the EIS as a result of Flemington Road being duplicated. The indicative cost which was included in the Business Case did not appear to include these works. However, whilst this information did not form part of the business case, this stretch of road represents an existing constraint on transport in Gungahlin and it is reasonable to expect the road to require duplication in any event. The issue of cost in the Business Case is not considered to be relevant to the assessment of the DA against the Territory Plan and *Planning and Development Act 2007*, or a reason to refuse the development.
- Despite not being costed in the Business Case, the duplication of Flemington Road between Well Station Drive and Lysaght Street does not result in a non-compliance of the project with a requirement of the Territory Plan or the objectives of the zone.

Error in traffic data

- A representation identified that an error in the traffic data presented in the EIS results in a difference in overall travel times for vehicles. The representation has identified that the EIS presents a more positive case with the Light Rail as compared to the road network without the proposal. However the overall travel time given by the representor in comparing the scenarios assumes that private motor vehicle traffic will benefit from works identified for Flemington Road between Well Station Drive and Lysaght Street (discussed above). The time difference cited in the representation would be lower had it not considered positive impacts associated directly with works proposed as part of this proposal.
- A representation identified an omission in the figures which support the traffic model and suggests that this gives an unsubstantiated advantage to the proposal compared to the base case. A review of calculations has been undertaken by the planning and land authority to account for the omission: The 2021 Base case, PM Peak, mid block traffic volume for Federal Highway between Barton Highway and Phillip Avenue is 1699 vehicles. The 2021 Project case, PM Peak value for the same location should be 1368 vehicles instead of zero. This indicates a reduction in traffic volume under the proposal scenario of 331 vehicles. It is noted that the vehicles that were omitted from the project case model reappeared at the next intersection. It is assessed that this does not significantly affect the accuracy of the model or influence the consideration of the impacts of the proposal by the planning and land authority.
- This issue has been considered and it is not considered to result in a non-compliance of the project with a requirement of the Territory Plan or the objectives of the zone. The planning and land authority considers that there is no reason to refuse the proposal on these grounds.

Additional impact of delay to private motor vehicles

- Delays to private motor vehicle journey times and at intersections is an impact associated with the proposal. This impact has been mitigated to the greatest extent possible.
- The increase in daily round trip travel times for private motor vehicles under the proposal is less than 10% of the expected travel times without the proposal in 2021 (Parsons Brinckerhoff Australia Pty Ltd, *Capital Metro Traffic and Transport Impact Assessment*, 12 June 2015, Table 4.3 page 39). This is assessed as an acceptable impact on the road network efficiency for the increase in public transport capacity of the proposal and the need for the Light Rail to have a priority run.
- It is also important to note that the future modelling of traffic impacts undertaken for the EIS for the project, which in some cases shows a decrease in private vehicle traffic speed, includes increased traffic expected not only from the Light Rail Stage 1 development but from other developments along the Light Rail corridor that would be facilitated by the Light

Rail and result in increased traffic (for example, densification of the Northbourne Corridor). The base case (being the non Light Rail scenario) does not include traffic from additional developments such as the densification of the Northbourne Corridor.

- Overall, considering the assessment and the information available in the EIS documentation, EIS Assessment Report and DA documentation, and considering the issues and discrepancies raised in the representation, there is no reason to refuse the application.

(q) Capital Metro Agency (CMA) policies

The policies, vision or objectives of the CMA are not taken into consideration in the assessment of the development application.

(r) Oversize vehicle access

The proposed project will be located within areas identified as the local urban and national freight routes. As such the application was referred to Territory and Municipal Services Directorate (TAMSD) in relation to the required capacity/limitations along the network. The proposal was endorsed by TAMSD with the following issue raised:

Federal Highway is an existing B – Double route. The proponent is to confirm that the alignment of Light Rail will not impact on B-Double movement significantly.

Conditions have been imposed to address this issue in consultation with TAMSD.

Any planned transportation of an oversized load or vehicles larger than a B-double will need to be negotiated and agreed with TAMSD and Capital Metro Agency.

(s) Proposed retaining wall within proximity of block 17 Section 21 Mitchell restricts access

The proposed retaining wall is located along Flemington road and wholly within the road reserve. The retaining wall is positioned along Flemington Road (between Lysaght Street and Wells Station Drive) where access or egress is not formally recognised.

Any planned access from this area will need to be negotiated and agreed with TAMSD and Capital Metro Agency.

(t) Water Main

Identification of all services is undertaken at the construction stage and will be the responsibility of the contractor undertaking the works. Any interference to these services will need to be repaired or relocated where appropriate.

(u) Impact on Anzac Parade

ANZAC Parade is located within designated land and is not part of this development application. Works within this area will require a separate application (works approval) to the National Capital Authority. As noted, close consultation will continue to occur between the planning and land authority and NCA.

(v) Number of representations support the proposal

The comments have been noted and no further action is required.

ENTITY ADVICE

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

ACT HEALTH DIRECTORATE

On 17 November 2015 advice was received from the ACT Health Directorate in relation to the proposal. The response was received after the 15 day period prescribed by section 149 of the Act. Therefore under section 150 of the Act the entity is taken to have given advice that the entity supports the application. The advice is included here for information. The advice states that the Health Protection Service recommends the following:

Taps and outlets used for proposed rainwater reuse within the service depot are clearly labelled as being provided with non-potable water.

Assessment note: Matters raised have been incorporated as advice.

ACT NOWASTE

On 17 November 2015 advice was received from the ACT NOWASTE in relation to the proposal. The response was received after the 15 day period prescribed by section 149 of the Act. Therefore under section 150 of the Act the entity is taken to have given advice that the entity supports the application. The advice is included here for information. The advice states that application is supported in principle.

ACT POLICING

On 18 November 2015 advice was received from ACT Policing in relation to the proposal. The response was received after the 15 day period prescribed by section 149 of the Act. Therefore under section 150 of the Act the entity is taken to have given advice that the entity supports the application. The advice is included here for information. The advice states that:

Subsequently, ACT Policing has no submissions to make in response to the DA.

However, ACT Policing does wish to request that the Officers In Charge of both City and Gungahlin Police Stations are consulted prior to, and during road closures and disruptions. The purpose of the requested consultation is to afford ACT Policing the ability to plan and manage any issues regarding accessibility to police by the community is not impeded, access and egress to the facilities by the workforce is not hindered, and the responsiveness of ACT Policing to the community is upheld.

CONSERVATOR OF FLORA AND FAUNA (IN RELATION TO S147A OF THE ACT)

On 2 November 2015 advice was received from the Conservator of Flora and Fauna under section 147A of the *Planning and Development Act 2007* in relation to the proposal. The advice states that:

Environmental Impact

The project is largely confined to existing roads and median strips, with some small additional areas of industrial and heavily disturbed former rural land. It avoids sensitive sites and will not have a significant impact on wildlife or vegetation values. Given this, the actual direct ecological imprint of the project is very low and largely confined to planted street trees and land now dominated by exotic grasses.

The light rail project does not cut any key habitat areas or major functional links. In North Canberra/Gungahlin connectivity runs along the ridges of Mt Ainslie-Mt Majura- Goorooyarroo-Mulligans Flat on the eastern side and Black Mountain - Bruce Ridge-Lyneham Ridge-Kaleen-Percival Hill to the west. In contrast, the light rail follows the centre of a disturbed valley.

Impact on Protected Matters**Superb Parrot**

Since 2005 the Superb Parrot has both bred and overwintered in the Gungahlin area. Prior to 2005, this vulnerable bird was only an occasional visitor to the ACT. Recent research at the Fenner School, ANU, predicts that an outcome of climate change is that the Canberra area will become increasingly important habitat for this species, which may lead to increasing local population numbers. The main breeding area in Gungahlin is on a ridge within Throsby. During spring to early summer males feed the females when they are on the nest and both adults feed nestlings. Adults fly to and from Throsby to feed and drink in urban trees, ovals and ponds, mainly in South Belconnen and Harrison. Birds tend to fly along Gungahlin Creek and hence during the breeding season, birds daily fly over the proposed light rail route. Some birds have been observed resting and feeding in the Blakely's Red Gum trees at the north end of North Mitchell Grasslands, and it is possible that birds may feed on lawns and street trees elsewhere along the route.

Thus the Superb Parrot is known to forage within the close vicinity and frequently pass over the route. The Superb Parrot does not like to travel large distances across open ground and will tend to follow treed areas when moving across the landscape. They may use the large trees in Gungahlin Block 1 Section 230 to either forage in or as part of local flight paths, even if not alighting in the trees. Gungahlin Creek is a known flight path. Retention and enhancement of the trees in these areas will be important to the avoidance of impact.

Note that further information will be provided under the provisions of the Tree Protection Act 2005 on the impacts of the proposed works on the registered trees in this area.

Natural Temperate Grassland, Striped Legless Lizard, Ginninderra Peppercreep, Perunga Grasshopper, Golden Sun Moth,

The light rail route avoids but passes next to or near endangered Natural Temperate Grassland and habitat of several threatened species, notably at North Mitchell, Crace and Mulanggari grasslands. Significant indirect impacts are possible but should be avoided through the implementation of mitigation measures.

Box Gum Woodland

A new Outer Asset Protection Zone is proposed within Box Gum woodland to the east of Mitchell. The woodland here is a mix of remnant (large hollow bearing) and smaller planted woodland trees. Cootamundra Wattle has been seeded in the area and is now self seeding and forming thickets. The understorey is still predominately native and of sufficient diversity to meet EPBC listing criteria. African Love Grass and Serrated Tussock are common in areas. A significant impact can be avoided by meeting fuel reduction requirements through controlling or thinning the Cootamundra Wattle, other woody weeds and exotic perennial grasses.

Currently the mixed aged trees and thick mid and lower stories at the East Mitchell woodland is providing a structurally diverse habitat. The nomadic Superb Parrot and more territorial Brown Treecreeper and Speckled Warbler have all been observed in this and adjoining woodland. The first two species are considered vulnerable in the ACT, while Speckled Warbler is regionally uncommon and listed as a vulnerable species in NSW. Fuel reduction activities in this area can avoid significant impact if the complex woodland structure supporting woodland birds is allowed to continue.

Avoidance/Mitigation

The EIS and EIS Addendum Report contain a comprehensive account of avoidance and mitigation measures. Key amongst these are:

- No infrastructure works or facilities or establishment of an Inner Asset Protection Zone within Natural Temperate Grassland, Box Gum Woodland or habitat of species listed as threatened by either or both of the ACT and Commonwealth (except for vegetation and habitat already approved (and offset) as part of the Gungahlin Strategic Assessment);
- Establishment of an Outer Asset Protection zone in woodland in the Mitchell area through removal of exotic wattle and tussock grass species rather than loss of any local woodland plants;

- *Avoidance and retention of the small depression with restricted drainage on the southern boundary of the compound site adjacent to Flemington Road. This small wetland supports an abundant, albeit low diversity, frog population;*
- *The use of tall trees in the landscaping in the vicinity of Gungaharra Creek and the retention of existing trees within the proposed compound, which is likely to favour the movement of the Superb Parrot across Gungahlin;*
- *The avoidance of any trees in landscaping next to the North Mitchell grasslands that may shade part of the grassland area;*
- *An ongoing commitment to weed control, particularly of invasive tussock grasses, within the light rail corridor and particularly in the vicinity of North Mitchell, Crace and Mullangari grasslands;*
- *Fencing off of sensitive areas such as North Mitchell Grasslands and the small wetland depression to prevent inadvertent vehicle or machinery damage; and*
- *Use of species with a low invasive weed potential in any landscaping*

Consideration should also be given to how kangaroos at Crace grasslands may be prevented or restricted from crossing the train line.

Suitable Offsets if the proposal is likely to have a significant impact

The project avoids a significant impact provided the mitigation measures as stated above are implemented. It is recommended that these measures are conditions of approval.

Assessment note: Matters raised have been incorporated as conditions of approval. The proposal underwent an EIS process that reduced environmental impacts to the greatest extent possible, and it is the view of the planning and land authority that, in considering the commitments made in the EIS and transferred to the Notice of Decision, there will be no residual significant impact on a protected matter. In any event, advice was given by the Conservator under section 147A in relation to environmental impacts and the approval of the proposal is consistent with the advice of the Conservator.

ENVIRONMENT PROTECTION AUTHORITY (EPA)

On 16 November 2015 advice was received from EPA in relation to the proposal. The advice states that the application has been supported with the following conditions and advice:

Conditions:

Records indicate that the site(s) have not been assessed from a contamination perspective and the assessments independently audited. The site(s) must be assessed and remediated as required for potential impacts from contamination by a suitably qualified environmental consultant. The findings of this assessment must be independently audited by an EPA approved contaminated sites auditor. The findings of the audit into site suitability or proposed management (from a contamination perspective) must be signed off by the EPA prior to the commencement of development works.

All works must be carried out in accordance with Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011, available by calling 132281.

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 proposing to develop the site must hold an Environmental Authorisation or enter into an Environment Protection Agreement with the Environment Protection Authority (EPA) in respect of that activity prior to works commencing.

A pollution control plan is to be endorsed by the EPA prior to works commencing.

All lighting must comply with the Australian Standard AS4282 - Control of the obtrusive effects of outdoor lighting.

Advice:

Section 2.1 of the Noise Management Plan makes reference to the need to amend the Environment Protection Regulation to include provision for the construction of the light rail. The Environment Protection Regulation has been amended to exempt noise from the construction of a light rail.

Section 4 identifies a number of approaches to control noise from fixed infrastructure during the operation of the light rail. As the document has only provided indicative high-level information the EPA is unable to assess the proposed approaches in detail without further information.

Section 5.1 refers to the need for the construction works for the light rail to be assessed as a major road. As detailed against Section 2.1 above, the Regulations were amended to include light rail in the exemption. While there is an exemption in place for the construction works, this does not remove the need to comply with Section 22 of the Environment Protection Act 1997, General Environment Duty.

Construction compounds have been identified adjacent existing residential development. As previously advised, 24 hour noise exemptions permitting noise to exceed the noise zone standard for the purposes of the construction of light rail do not extend to activities on the construction compound sites. Noise from activities on these blocks must comply with the noise zone standard at the block boundary between the hours of 6am and 8pm for town centre and industrial zones and between 7am and 6pm Monday to Saturday excluding public holidays for all other zones.

It would appear the proposed Erosion and Sediment Control Plans (ESCP) have broken the proposed route down in sections and applied the Erosion and Sediment guidelines to each section in isolation. It is the EPA's view the guidelines are applied to the whole project as one site which requires all runoff from the works are directed to sediment control ponds regardless of the catchment size. The ESCP will require revision to address this.

All rain water that enters the site and pools in excavations during a rain storm event would be considered as a sediment control pond, and must meet the following conditions.

1. No discharge from dam, all stormwater must be pumped out and disposed in at an approved location.
2. No discharge from pond unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.

All works affecting waterways (e.g. ponds, farm dams, creeks, drainage lines etc.) require a Waterway Works Licence before works may commence.

Any take of surface water or groundwater during construction or ongoing must be suitably licensed under the Water Resources Act 2007 with a licence to take water and a water access entitlement.

Assessment note: Matters raised have been incorporated as conditions of approval and advice.

INTERNAL REFERRALS (ENVIRONMENT AND PLANNING DIRECTORATE)

The proposal was referred to various internal areas of the Environment and Planning Directorate including Transport Planning, Leasing, Strategic Planning and Territory Plan Unit. The advice received was supportive of the proposal and has been incorporated as part of the assessment of the proposal.

EMERGENCY SERVICES AGENCY (ESA)

On 11 November 2015 advice was received from the Emergency Services Agency in relation to the proposal. The advice states that the application is supported with conditions:

Fire Station Response Area

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

Water Supplies

Rail platforms, workshops and stabling yards are considered to be "light industry" and are classified Fire Risk classification F4 for water supply. The proponents will be required to meet standards as agreed by ACTEW and ACTF&R.

Due to the likelihood of fires occurring within the stabling yard and maintenance depot, and the inability to access from the street front, ACTF&R policy requires hydrant provision consistent with AS2419.1, with feed hydrants located such that:

A brigade appliance is to be parked on hardstand within 20m of the nearest hydrant, and all portions of the stabling yard and maintenance buildings are to be within reach of a 10m hose stream at the end of a 60m length of hose (20m+60m+10m), and a minimum of 1m of hose shall extend into any room of any building served (20m+59m).

This approach will mitigate the risk of fire spread.

Bushfire Risk Assessment and Compliance Report

ACTF&R has reviewed the submitted bushfire risk assessment (BRA) prepared by Grant Fleming Environmental, dated 10 June 2015, and note the following shortcomings:

- **Asset Protection Zones**- specific dimensions for the Asset Protection zones are required to be specified. Where APZ's are proposed on adjacent lands, confirmation that the APZ can and will be maintained by the land manager is required before ACTF&R can endorse the proposal. Landscaping Plans for the stabling yard and maintenance depot do not appear to be compliant with the fuel management standards for APZ's in the ACT SBPM v3. The proposed replanting of vegetation within the APZ is an area of concern to ACTF&R and does not appear to be consistent with a desire to provide an asset protection zone.
- **Access** - Fire fighting access to the proposed stabling yard and the associated Asset Protection Zone will be required. Access trails and designated access gates for firefighting purposes will allow for timely intervention should a fire occur in the stabling yards, and are required to be designed to allow access for the ACTF&R Compressed Air Foam System (CAFS) 8000. This fire appliance is specifically designed for asset protection at rural interfaces. Specifications of Volvo FM9 CAFS 8000 are:
 Length: 10.5m
 Width: 2.5m
 Height: 3.7m
 Weight: 25 tonnes
 Turning circle: 21.2m
 All emergency access gates are to be fitted with standard fire brigade locks.
- **Construction Standards** - A BAL assessment in accordance with AS3959 and ember protection measures will be required for new buildings proposed in bushfire prone areas. This is particularly important to the maintenance depot.

During Construction

Emergency planning procedures in accordance with AS3745 will be required. Where works prevent travel along existing roads or access ways, alternate access must be provided to ensure fire fighting response.

Notification of interruption to water supply or traffic access should be sent to ACTF&R Comcen (02) 62078333 as early as possible.

Assessment note: Matters raised have been incorporated as conditions of approval and advice.

ACT HERITAGE COUNCIL

On 16 November 2015 advice was received from ACT Heritage Council in relation to the proposal. The advice states that:

The Council identifies that the proposed development may have a detrimental impact upon the heritage values of the place, and approvals under Section 76 of the Heritage Act 2004 will be required prior to the commencement of works. The Council identifies the following heritage management obligations as DA considerations:

- *Arborist advice is to be sought for the protection of trees during the construction phase, located within the 'Trees of the former CS & IR Experiment Station' and 'Haig Park' heritage areas. This advice is to be provided for Council review and advice prior to the commencement of works in both areas. Significant impact to identified heritage values within these areas may require the approval of a Statement of Heritage Effect under Section 61H of the Heritage Act 2004 prior to the commencement of works;*
- *Permanent Project infrastructure is to be designed to avoid any substantial impacts on the views to City Hill from Northbourne Avenue; and further information on Project infrastructure is to be provided for Council review and advice prior to the commencement of works in this area; and*
- *Further archaeological investigation (subsurface testing) is required within the Gungahlin construction compound and the stabling depot and maintenance facility site, prior to the commencement of works in these areas. Prior to such investigation, Excavation Permit approval under Section 61F of the Heritage Act 2004 is to be obtained. Should archaeological investigation identify that Aboriginal places or objects would be impacted by proposed development, Statement of Heritage Effect approval is to be obtained prior to the commencement of works.*

The Council also identifies that the findings of the Stage 1 EIS heritage assessment, described within GML (2015) and Parsons Brinckerhoff Australia (2015), was conditionally endorsed by the Council on 15 September 2015, subject to the following conditions:

- *Further information will be required to inform and support the assessment of the Gungahlin construction site (Block 1, Section 230, Gungahlin) as a potential archaeological deposit, given the predictive archaeological model presented in GML (2015) and the prior assessment of this area by Biosis and RAOs (in 2012) as being of low archaeological potential. This information should be provided to the Council in the Excavation Permit application to be prepared in accordance with Section 61E of the Heritage Act 2004; and*
- *The 'Unexpected Finds Protocols' presented in GML (2015) and Parsons Brinckerhoff Australia (2015) are to be amended to include Council notifications in accordance with Section 51 of the Heritage Act 2004, and where project impacts to additional heritage places or objects are identified, approval is to be sought from the Council in accordance with Section 76 of the Heritage Act 2004 prior to the commencement of works.*

Assessment note: Matters raised have been incorporated as conditions of approval where appropriate. The works as part of this development approval that are within proximity of City Hill are of a minor nature only. Any impacts on views to City Hill from Northbourne Avenue will be considered by the National Capital Authority as part of the works approval process.

CONSERVATOR OF FLORA AND FAUNA (TREE PROTECTION ACT 2005)

On 9 November 2015 advice was received from the Conservator of Flora and Fauna in relation to the proposal. The advice states that:

Conditions/Comments/Advice:

The development application can be supported as the proposed development will have little or no adverse affect on the heath and/or stability of the provisionally registered tree (PTR 154) on block 1 section 230 Gungahlin provided it is a condition of approval that all work is in accordance with Landscape / Urban Design Tree Impact Assessment Plan Sheet 2 of 24, Job No. 235067, Drawing no. CLR-LLU-DRG-2802, Issue P02, Date: 25/09/15, and a condition that any activity with 5 metres from the edge of the canopy of registered trees must be referred to the conservator for comment.

No work is to commence within this protection zone unless the proposal is agreed to in writing by the Conservator or Delegate of the Conservator.

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

TERRITORY AND MUNICIPAL SERVICES DIRECTORATE

On 16 November 2015 advice was received from Territory and Municipal Services Directorate in relation to the proposal. The advice states that the application has been supported with the following further information required prior to the Design Acceptance Stage and also standard conditions:

Roads and Public Transport

1. *Tactile Ground Surface Indicator (TGSI) detail must be provided during detail design for all Light Rail stops, pedestrian crossings, and also connections to the surrounding network. Access for vision impaired person is not shown at the Manning Clark Crescent LR Stop on the drawing at the intersection of Manning Clark Crescent/Flemington Road (Drawing No: CLR-RCW-DRG-2105).*
2. *The Engineering drawings must differentiate colours of assets which are existing, assets to be demolished, and the assets being added for better analysis and assessment (ex. CLR-RSP-DRG-2112) and (CLR-RSP-DRG-2140). This information must be updated in the drawings for clarity.*
3. *Details of the pedestrian crossings connecting light rail stations must be provided during detail design.*
4. *A full report from Access Consultant must be submitted. Mr Philip Chun's report is an auditor report only.*
5. *Warrants for gates at the pedestrian crossings along light rail corridor should be investigated.*
6. *The proponent must demonstrate that the smaller storage capacity of the proposed signalised Swinden Street intersection from Yowani Country Club would not create a problem for cars exiting from the Netball fields to get out on Northbourne Avenue (Drawing No: CLR-RCW-DRG-2229).*
7. *A clearance of minimum 550mm is specified between the Barrier kerb and light rail. A risk assessment should be undertaken to satisfy safety of the errant vehicles jumping the kerb such as suburban utility vehicle SUV vehicle (Drawing No: CLR-RCW-DRG-2252).*
8. *Bridge numbers must be obtained from the Asset Information TAMS and marked on the engineering drawings for good referencing (Drawing No: CLR-RCW-DRG-2358).*
9. *The proponent must demonstrate access for maintenance and service vehicles to the pedestrian area on Hibberson Street.*
10. *Clarification must be provided regarding the intent of parking bays shown on Hibberson street on drawing (Drawing No: CLR-RSP-DRG-2103) as Hibberson Street will not be open for traffic.*
11. *All kerb ramp must be designed and constructed in accordance with TAMS requirements. Kerb ramps shown on the Drawing No: CLR-RSP-DRG-2112, CLR-RSP-DRG-2130) and CLR-RSP-DRG-2134 are not compliant with AS1428.1 and deemed to be not accessible.*
12. *Clarification must be provided whether the intersection of Lysaght street/Flemington road will be signalised or not. If not safe crossing for pedestrians and cyclists (CLR-RSP-DRG-2126) must be demonstrated.*
13. *Federal Highway is an existing B – Double route. The proponent is to confirm that the alignment of Light Rail will not impact on B-Double movement significantly.*
14. *Temporary Traffic Management Plans (TTMP) must be circulated, negotiated and agreed by ACTION/ Public Transport prior to construction.*
15. *Bus stops have been identified for removal at various locations along the corridor where LRT stops are proposed. Further discussion with Public Transport / ACTION is required to ensure stops are retained for use for school services and supplementary services in particular Phillip*

Avenue, Swinden Street and Condamine Street bus stops. Stops should reference the NxtBUS number for easy identification.

16. Public Transport / ACTION requires advance warning (minimum 4 weeks) for bus stops / park and ride relocations during construction.
17. Ongoing access must be provided to Mitchell Resource Management Centre. Any alternative access arrangement must be consulted with and agreed by ACT NOWaste.
18. All existing access to EPIC for regular events must be provided.

Stage 1 Landscape Plans (CLR-LLU-DRG-XXXX)

19. Plan 2815 – Alternative design options must be considered to protect tree number FTN86, a large *Eucalyptus rubida* in good health that is shown with a medium chance of retention.
20. Plan 2819 - Tree protection measures, must be provided by an Arborist to increase the likelihood of retaining the stand of large oaks on western side of the Federal highway (located on public land and within the private lease).
21. Include (add) the large, high quality eucalypt on the eastern side of the Federal Highway (currently not shown on plans) to ensure protection measures are implemented during works.
22. Plan 2822 – Realignment (1-2m south) of left hand turn opposite Thurbon St should be considered, to reduce disturbance to the large adjacent eucalypt.
23. Plan 2823
 - Plan A, three *Quercus macrocarpa* at the Condamine St/ Northbourne Av intersection are shown to have a low probability of retention. Measures should be considered to retain the most western street tree as only minimal disturbance beneath the canopy appears to be proposed.
 - Plan B, a semi-mature *Fraxinus angustifolia* subsp. *oxycarpa* 'Raywood' at the Masson St/ Northbourne Av intersection is also shown as unlikely to be retained. Proponent should consider ways to retain this tree as proposed impact appears to be minimal (the new kerb alignment will be further from the tree).
24. The trees in Masson Street are part of the Haig Park's heritage registration and approval must be sought from the Heritage Council should removal be required.
25. The Stage 1 Landscape Plans appear to be missing an approximately 850m long section of the Federal Highway between the Panton St (CLR-LLU-DRG-2821) and Flemington Dr intersections (CLR-LLU-DRG-2819). Landscape Plan CLR-LLU-DRG-2820 depicts the light rail maintenance and stabling yard.
26. Many trees shown on the Landscape Plans have not been identified with a tree number (FTN). All existing trees within the corridor must be shown on plans.
27. Detailed design and specification must be provided to TAMS for Design Acceptance and it should include specified hold points for site preparation, tree stock selection, planting techniques and early formative pruning.
28. A program of scheduled inspections to ensure tree assets meet TAMS' requirements for quality is required during the period of ongoing Capital Metro maintenance/management which will be subject to a formal agreement.

Stage 1 Tree Planting

29. The linear tree pits shown in the Typical Track Treatment section (CLR-LLU-DRG-2783) do not provide adequate space for lateral root growth (required to establish healthy and stable trees). An amendment is required to show soil volumes required for the proposed tree species will be achieved.
30. An amendment must be provided regarding planting detail (CLR-LLU-DRG-2788) to delete 600mm deep root barrier.

31. Tree roots generally grow in the top 600mm and that oxygen availability is a limiting factor for root depth. The TB1 Stratacell section (CLR-LLU-DRG-2788) proposes a tree pit depth greater than 1400mm. Discussion with TAMS Urban Tree area is required to ensure there is confidence that roots can be grown at this depth.
32. An amendment is required in TB3 Tree Base section to show stakes will be positioned 600mm apart (rather than 500mm) and clear of branches.
33. The Typical Landscape Details (CLR-LLU-DRG-2789) require an amendment. 600mm root control barriers are not to be installed 1500mm from the tree trunk. Where root barriers are required close to trees, barriers should be reduced to 300mm or 450mm depending on the nature of adjacent infrastructure.
34. Advanced eucalypt trees are slow to establish after planting. For root systems to establish it is important that eucalypt trees are not tied too tightly and trunk movement is encouraged. Specify loose ties on all advanced trees and particularly eucalypts.

Existing Urban Infrastructure

Provision to be made for existing urban infrastructure in the corridor to be removed where feasible prior to possession of the corridor. This should include but not be limited to bollards, bike racks, road signs, street lights, traffic lights, bus stops, park furniture such as seats, irrigation valves, irrigation controllers, irrigation heads, radio controllers for irrigation etc.

Temporary Use of Unleased Territory Land

Land use permissions must be obtained for ongoing use of public land for site compounds and other construction activity.

Although several larger compounds have been identified within the documentation, Capital Metro should consider possible smaller storage areas along the route if required and add to contract documentation, to avoid further permission/authorisation requirements from TAMS.

Site Compound at Gungahlin is on LDA Land, separate negotiations will be required to use this land.

Stormwater

Proponents must ensure that sediment control measures are in place and maintained at all times during construction and at site compounds and storage sites. This could include utilising the Mitchell pond site for sediment control near the depot site. Agreement to use the Mitchell pond (or other similar assets) for this purpose would need to be authorised and a dilapidation report will be required. EPA approval will also be required if this option is taken up

Design should consider WSUD options for new and existing trees and for watering wildflower meadows and shrubs. Proponents may consider tapping into the inner north stormwater reticulation system for watering trees, shrubs and wildflower meadow areas during and after construction. Proponents must be aware of the areas where the pipelines for the inner north stormwater reticulation system are located because relocation options are limited. Pipes of 300, 400 and 500 mm diameter have already been installed.

Proponents will need to carefully consider onsite detention of contaminated stormwater during construction to minimise downstream impacts. Proponent must consider the capacity and condition of the existing stormwater systems and make provisions for managing any excess flow during construction.

Liaison

Given the significant impact this project will have on the surrounding road network, Capital Metro should liaise closely with Access Canberra (Event Approvals) to arrange consultation direct with major event organisers using the area.

Standard Conditions

Following general conditions will apply as appropriate for Works on and Use of Territory Land in addition to the above:

In accordance with the Public Unleased Land Act 2013 no work is to be undertaken on road verges and other unleased Territory Land without the approval of the Territory. Such approval must be obtained from the Senior Manager, Asset Acceptance, TAMS by the ways of:

- 1. A certificate of design acceptance prior to the commencement of any work; and*
- 2. A certificate of Operational Acceptance on completion of all works to be handed over to TAMS.*

Design Acceptance and Operational Acceptance

A Certificate of Design Acceptance is required for all off-site works from the Senior Manager, Asset Acceptance, TAMS, prior to the construction.

In order to obtain the Certificate of Design Acceptance, fully detailed drawings (civil, landscape) prepared by suitably qualified persons for all off-site works including roads, driveways, footpaths, street lighting, storm water, landscaping (and any other issues that may be found by audit of the plans) and a design report in accordance with Ref No 06: "Requirements for Design Acceptance Submissions", must be certified by a Chartered Engineer/Landscape Architect and submitted to the Senior Manager, Asset Acceptance, TAMS.

A Certificate of Operational Acceptance on completion of the works is required from the Senior Manager, Asset Acceptance, TAMS, prior to the issue of a Certificate of Occupancy.

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

A Waste Management Plan in accordance with the Development Control Code for Best Practice Waste Management in the ACT should also be included if not approved at the Development Application stage.

Temporary Traffic Management (TTM)

A TTM plan approval from the Manager, Traffic Management & Safety, Roads ACT, TAMS. All times during construction the site and surrounds shall be managed in accordance with a Temporary Traffic Management Plan, prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety. This plan is to address, as a minimum, measures to be employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices.

Landscape Management & Protection Plan (LMPP)

LMPP approval from the Senior Manager, Asset Acceptance, TAMS. During construction, all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with the Landscape Management Protection Plan (LMPP) approved by the Senior Manager, Asset Acceptance, TAMS. This plan is to be implemented before the commencement of works, including demolition on the site and is to be in accordance with TAMS Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04.

Use of Verges or other Unleased Territory land

In accordance with the Public Unleased Land Act 2013, road verges and other unleased Territory land must not be used for carrying out of works, including storage of materials or waste, without prior approval of the Territory. Such approval can be obtained from Licensing and Compliance, City Services, Parks and Territory Services, TAMS.

Repair of Damage to Public Assets

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

Notice of Commencement of Construction

Notice of Commencement for the Works in Unleased Territory Land shall be submitted to the Senior Manager, Asset Acceptance, TAMS one week prior to the commencement of works. The Notice shall also include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of TTM.

Assessment note: Matters raised have been incorporated as conditions of approval. The conditions of approval for these matters were developed in consultation with TAMSD.

ACTEWAGL – ELECTRICITY

On 29 October 2015 advice was received from ActewAGL in relation to the proposal. The advice states that the application is supported with conditions:

Development is to comply with minimum clearances to overhead conductors and poles (ref ActewAGL Drawing 3811-004).

Development is to comply with minimum separation requirements to underground assets (ref ActewAGL 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 enworks@actewagl.com.au (available on ActewAGL website) prior to commencement of any development activity to negotiate the connection of new and/or relocation of existing electricity assets.

Assessment note: Appropriate conditions of approval have been imposed.

ICON WATER

On 19 November 2015 advice was received from Icon Water in relation to the proposal. The response was received after the 15 day period prescribed by section 149 of the Act. Therefore under section 150 of the Act the entity is taken to have given advice that the entity supports the application. The advice is included here for information. The advice included a statement of conditional acceptance.

NATIONAL CAPITAL AUTHORITY

Special requirements under the National Capital Plan (NCP) apply to this proposal. On

16 November 2015 the advice was received from the National Capital Authority in relation to the proposal. The advice states that:

The National Capital Authority (NCA) notes that the plans provided with the Development Application are those developed as part of the Enhanced Definition Design for the light rail proposal and do not form the final design.

The NCA is working with the Capital Metro Authority (CMA) on the assessment of the proposals which were recently submitted by the two consortia.

Works Approval applications will need to be lodged for those works within the Designated Area including for that section of works on London Circuit within the Designated Area as shown in the National Capital Plan on Figure 10: The Central National Area (City).

Assessment note: In addition to the above advice the application was assessed against the special requirements under the NCP relevant to the area being assessed by the planning and land authority and it has been determined that the proposal is not inconsistent with the requirements. It is noted that the planning and land authority, has consulted with the National Capital Authority (NCA) throughout the EIS and development application process and will continue to consult with the NCA in relation to further detailed design. At the time of this decision, a works approval application had not been made to the NCA for the proposal but close consultation will occur with the NCA once this has occurred to ensure consistency between both planning decisions where necessary and appropriate. An advisory note has also been included in the Notice of Decision in the event that NCA Works Approval cannot be obtained. It is also noted

that the Capital Metro Agency has had ongoing consultation with the National Capital Authority and have informed the authority that this will continue throughout the works approval process.

AAPT

On 26 October 2015 advice was received from AAPT providing contact details for correspondence in relation to the Light Rail Stage 1 project. The application was forwarded and no substantive issues relating to the proposal were raised within the notification period.

Assessment note: Contact details have been noted on file.

TRANSGRID

On 13 November 2015 advice was received from Transgrid in relation to the proposal. The advice states that the application is supported with conditions:

After reviewing the abovementioned Development Applications (DA's), TransGrid confirms that this proposed Development 'Light Rail 1 & 2' will affect two of our subterranean pilot cables crossing Northbourne Avenue. To this end, please find attached two plans from the TransGrid Asset Management Information System (TAMIS) identifying our infrastructure.

Below is the directive received from the TransGrid Asset Manager Transmission Lines and Cables:

1. *TransGrid's Asset Management Department have advised the following preliminary information:*

TransGrid has two underground Optical Fibre Cables (OFC) that cross over 'Northbourne Avenue' and therefore cross over the route of the proposed Light Rail in a perpendicular manner (please see attached TransGrid TAMIS Plan 2). Our main concern therefore, is to ensure that no damage occurs to TransGrid's Optical Fibre Cables and associated infrastructure such as communications conduits and Joint Bays etc arising from the proposed construction works along the route of the Light Rail and also in respect of any works that may occur either side of Northbourne Avenue near our Infrastructure.

The cable details are – TransGrid's Canberra Optic Fibre Cable (SYCACT)

To this end, the developer will need to consult with TransGrid further to ensure their proposed construction method and materials won't adversely affect the structure of this cable. To this end, prior to commencement of works, final design plans including any changes to ground levels will need to be advised to TransGrid's Asset Management Department to ensure it complies with our requirements. These two cables are a critical piece of infrastructure to TransGrid's daily operation and no alternative cable is in effect. Therefore, any damage to TransGrid's Assets as a result of this development will be at the expense of the developer.

2. *Please refer to the following key documentation in respect of TransGrid's infrastructure and working in the vicinity of our assets:*

- *Please find attached a copy of our 'Requirements for Working in the Vicinity of TransGrid Underground Cables' (link also attached below):*

<https://www.transgrid.com.au/being-responsible/public-safety/dial-before-you-dig>

- *The 'Safe Work Australia' ACT – Working in the Vicinity of Overhead and Electric Lines – Code of Practice should be adhered too and contains references to subterranean cable infrastructure (as attached)*
- *Reference should also be made to both the - NSW WorkCover 'Work Near Underground Assets' Guide (as attached) and NSW WorkCover 'Work Near Overhead Powerlines' Code of Practice (link attached below)*

<http://www.workcover.nsw.gov.au/health-and-safety/industry-safety/electrical-and-power/power-lines/publications/work-near-overhead-power-lines-code-of-practice-2006>

- *Please find attached a copy of TransGrid Easement Guidelines for Third Party Development above.*

3. *Dial Before you Dig* would need to be consulted with prior to any undertaking of excavation or ground disturbance.

<http://1100.com.au/#>

4. *TransGrid* requests to be notified of any amendments/modifications to the proposed development 'Capital Metro Light Rail Stage 1 and Stage 2'.

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

LAND DEVELOPMENT AGENCY

The proposal was referred to the Land Development Agency. No response was received within the 15 day period prescribed by section 149 of the Act. Therefore under section 150 of the Act the entity is taken to have given advice that the entity supports the application.

PART 4

ADMINISTRATIVE INFORMATION

DATE THAT THIS APPROVAL TAKES EFFECT

This approval is effective from the day after the date of this notice. The effective date for development applications approved subject conditions could be adjusted if the approval is reconsidered by the planning and land authority or if an application is made to the ACT Civil and Administrative Tribunal.

Pursuant to section 184 of the Act, this approval will expire if:

- the development or any stage of the development is not started within two years after the day the approval takes effect;
- the development is not finished four years after the day the development begins; or
- the development approval relates to land comprised in a lease that requires the development to be completed on a stated date – the date stated in the lease for completion of the development, or the approval is revoked under section 189 of the Act.

Under section 184 of the Act, the applicant may apply to the planning and land authority to extend the prescribed period to finish the development, but such an application must be made within the original period specified for completion.

A development approval, to which section 184 of the Act applies, continues unless the approval ends under sections 184, 185, 186 or 187 of the Act.

INSPECTION OF THE APPLICATION AND DECISION

A copy of the application and the decision can be inspected between 8:30am and 4:30pm weekdays at the Environment and Planning Directorate Dickson Customer Service Centre at 16 Challis Street, Dickson, ACT.

RECONSIDERATION OF THE DECISION

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

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

REVIEW BY THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL (ACAT)

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

This Notice of decision has also been sent to all people who made representations in relation to the proposal.

APPENDIX 1

CONTACT DETAILS OF RELEVANT AGENCIES

| | |
|--|--|
| Health Directorate - health protection | Website: www.health.act.gov.au Telephone: (02) 6205 1700 |
| Environment and Planning Directorate <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 | Website: www.actpla.act.gov.au Telephone: (02) 6207 1923 Website: www.environment.act.gov.au Telephone: (02) 6207 6251 Website: www.environment.act.gov.au Telephone: (02) 6207 1911 |
| Territory and Municipal Services Directorate <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 | Website: www.tams.act.gov.au Telephone: 132 281 Telephone for asset acceptance: (02) 6207 7480 |
| Utilities <ul style="list-style-type: none"> - Telstra (networks) - TransACT (networks) - IconWater - Electricity reticulation | Telephone: (02) 8576 9799 Telephone: (02) 6229 8000 Telephone: (02) 6248 3111 Telephone: (02) 6293 5738 |

ADVICE TO APPLICANT

SUBMISSION OF REVISED DRAWINGS AND DOCUMENTATION

If a condition of approval requires the applicant to lodge revised drawings and/or documentation with the ACT Planning and Land Authority for approval under section 165 of the *Planning and Development Act 2007* the submission shall be made by:

- Completing an application for S165 Satisfying Conditions of Approval and submitting the documentation online using edevelopment. More information on edevelopment can be found at http://www.actpla.act.gov.au/tools_resources/e-services/edevelopment

For further information regarding the lodgement of this information please contact Customer Services by Phone: (02) 6207 1923, Email: epdcustomerservices@act.gov.au or on the planning and land authority website at www.planning.act.gov.au.

FURTHER APPROVALS FOR CONSTRUCTION

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

BUILDING APPROVAL

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

PERMITTED VARIATIONS TO APPROVED DEVELOPMENT

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

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

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

"TREE DAMAGING ACTIVITY" APPROVAL

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

USE OF VERGES OR OTHER UNLEASED TERRITORY LAND

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

WORKS ON UNLEASED TERRITORY LAND – DESIGN AND OPERATIONAL ACCEPTANCE

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

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

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

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

CONSTRUCTION REQUIREMENTS

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

DEMOLITION AND ASBESTOS MANAGEMENT

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

ENVIRONMENT PROTECTION

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

REPAIR OF DAMAGE TO PUBLIC ASSETS

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

UTILITY ASSETS RETENTION

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

DRAINAGE

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

REVIEW OF THE DECISION

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

CONTACT DETAILS

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

| Location | Contact details |
|--|--|
| ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601 | Website: www.courts.act.gov.au Email: tribunal@act.gov.au Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601 Document exchange: DX 5691 |

POWERS OF THE ACAT

The ACAT is an independent body. It can review on their merits a large number of decisions

made by ACT Government ministers, officials and statutory authorities. The ACAT can agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with ACAT recommendations.

APPLICATIONS TO THE ACAT

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

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

TIME LIMITS FOR APPLICATIONS

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

FEES

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

TIME LIMITS FOR REVIEWS OF DECISIONS

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

FORMS OF LEGAL, FINANCIAL AND OTHER ADVICE AND ASSISTANCE

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

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

AWARDING OF COSTS

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

ACCESS TO DOCUMENTS ABOUT THE DECISION

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

PROCEDURES OF THE ACAT

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

TRANSLATION AND INTERPRETER SERVICES

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

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

TRANSLATING AND INTERPRETING SERVICE**131 450**

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