

# Planning and Development (Approval of Application – DA202342442 John Gorton Drive 0.8km extension and alteration) Notice 2024

Notifiable instrument NI2024–597

made under the

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

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## 1 Name of instrument

This instrument is the *Planning and Development (Approval of Application – DA202342442 John Gorton Drive 0.8km extension and alteration) Notice 2024*.

## 2 Application

- (1) This instrument applies to development application DA202342442 for the construction of a new 0.8km section of John Gorton Drive through the proposed Molonglo Group Centre (the *DA*).
- (2) The DA includes a dual carriageway including widening of median for a future light rail corridor, new signalised intersections, separate bicycle and pedestrian paths, relocation of utilities, street lighting, landscaping, and other associated site works at blocks 10, 11 and 12 section 2, Molonglo, block 1 section 3, Molonglo and block 4 section 134, Denman Prospect.

## 3 Impact track development approval

- (1) On 14 August 2024, pursuant to the *Planning and Development Act 2007* (repealed), section 162 (1) (b), a delegate of the planning and land authority approved the DA in the impact track, subject to conditions.
- (2) The notice of decision for the DA is in schedule 1.

George Cilliers  
Chief Planning Executive  
14 October 2024



**ACT**  
Government

Environment, Planning and  
Sustainable Development

# NOTICE OF DECISION

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

I, Eliza Larson, delegate of the planning and land authority (the Authority), pursuant to section 162 of the *Planning and Development Act 2007*, **approve subject to conditions** the proposal for,

**Construction of a new 0.8km section of John Gorton Drive (JGD) through the proposed Molonglo Group Centre, dual carriageway including widening of median for a future light rail corridor, new signalised intersections, separate bicycle & pedestrian paths, relocation of utilities, street lighting, landscaping, and other associated site works,**

at Blocks 10, 11, 12 Section 2 Molonglo, Block 1 Section 3 Molonglo and Block 4 Section 134 Denman Prospect, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number:	202342442
Block, Section and Suburb:	Blocks 10, 11 and 12, Section 2, Molonglo Block 1, Section 3, Molonglo Block 4, Section 134, Denman Prospect
Application lodged:	27 February 2024
Assessment track:	Impact

This decision contains the following information:

- PART A – conditions of approval
- PART B – reasons for the decision
- PART C – public notification & entity advice
- Attachment 1 – administrative information
- Copies of entity advice – as attached

*A copy of the development application and this approval may be inspected at the planning and land authority's office from 9:00 am to 4:00 pm, Monday to Friday at 8 Darling Street, Mitchell, ACT 2911*

## CONTACT / ENQUIRIES

Phone: (02) 6207 6383

Online Form:

[https://www.accesscanberra.act.gov.au/app/forms/epd\\_feedback](https://www.accesscanberra.act.gov.au/app/forms/epd_feedback)

**Eliza Larson**

Delegate of the Planning  
and Land Authority

14 August 2024

## NOTICE OF DECISION

DA 202342442

### PART A – CONDITIONS OF APPROVAL

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

#### FURTHER INFORMATION

##### 1. FURTHER INFORMATION

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

- a) Revised drawings, based on the relevant drawings submitted as part of the application, showing any changes/modification to the proposal to address Transport Canberra and City Services Directorate (TCCS) requirements at the detailed design/Design Review Stage

Notes:

- Please refer to Condition 7 a) and **PART C** for further details.
- Any substantial changes to the development required to comply with the above conditions will need to be submitted for the consideration of the planning and land authority with an application to amend the approval under Section 205 of the Planning Act 2023.

#### GENERAL CONDITIONS

##### 2. COMMENCEMENT AND COMPLETION OF DEVELOPMENT

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

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

##### 3. NATIONAL ENVIRONMENTAL SIGNIFICANCE (NES) PLAN

- a) All works must be in accordance with the [NES Plan \(Molonglo Valley Plan for the Protection of Matters of National Environmental Significance\) September 2011](#).
- b) All works must be undertaken in a manner consistent with the [Molonglo Adaptive Management Strategy \(AMS, May 2013\)](#).
- c) Any clearance of Box Gum Woodland (BGW) or Pink-tailed Worm lizard (PTWL) habitat must be quantified and reported to EPSDD with spatial data to ensure consistency with the NES Plan clearance budgets.

##### 4. COMPLIANCE WITH ENTITY REQUIREMENTS

The development must satisfy the requirements of the following entities as stated in their advice. Copies of advice from the entities are attached to the Notice of Decision.

- Emergency Services Agency (ESA);
- ICON Water;
- Evoenergy (Electricity); and
- Evoenergy (Gas).

## NOTICE OF DECISION

DA 202342442

### PRIOR TO CONSTRUCTION AND/OR DEMOLITION

#### 5. CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

Prior to construction or any work commencing on site for any stage of the development, a CEMP must be prepared and submitted to the planning and land authority via [EDPImpact@act.gov.au](mailto:EDPImpact@act.gov.au) for endorsement.

- a) The CEMP must outline the construction conditions and temporary environmental protection measures to manage the impact of construction activities, consistent with the relevant EIS exemptions. The CEMP must include the mitigation measures proposed in the EIS exemptions and incorporate any other relevant management plans including, but not limited to:
  - i) Temporary traffic management plan;
  - ii) Utilities management plan;
  - iii) Erosion and sediment control management plan;
  - iv) Water quality management plan;
  - v) Emergency flood management plan;
  - vi) A tree management plan, showing retention of all mature native trees wherever possible and clear demarcation of those to be removed;
  - vii) A rehabilitation/restoration plan;
  - viii) A weed management plan;
  - ix) A site-specific unanticipated discovery protocol (UDP); and
  - x) Contamination management plan (CMP).
- b) The CEMP must incorporate all relevant requirements/matters raised in the entity advice below including the Conservator of Flora and Fauna as outlined below in Condition 6.

#### Notes:

- *The CEMP will be referred to relevant entities for endorsement and therefore will need to incorporate their comments provided through the EIS and Development Application stages.*
- *If any changes to the approved design and/or management practices are made, an amended CEMP may require further assessment and endorsement by the Authority.*

#### 6. THE CONSERVATOR OF FLORA and FAUNA (the Conservator) – WORKS NOT TO COMMENCE

The proposal must comply with the following conditions to the satisfaction of the Conservator:

- a) All mature native trees must be retained wherever possible. The CEMP must provide details on any trees that are identified as requiring removal, with clear justification on why retention was not possible for each tree proposed for removal.
- b) The CEMP must address the following requirements:
  - i) A site inspection by a suitably qualified ecologist must be undertaken to identify any burrows/shelter sites within the development footprint. Large logs and debris piles must be included in the inspections and wherever possible dismantled by hand in consideration of sheltering animals (predominantly Echidnas).
  - ii) Identified burrows or shelter sites must be mapped with an appropriate digital mapping tool such as Avenza maps or Collector.

## NOTICE OF DECISION

DA 202342442

- iii) If any identified burrows will be affected by the development a Nature Conservation license must be obtained prior to any disturbance or decommissioning to avoid offences under the *Nature Conservation Act 2014*.

### 7. TRANSPORT CANBERRA AND CITY SERVICES (TCCS) – WORKS NOT TO COMMENCE

The proposal must comply with the following conditions to the satisfaction of TCCS:

- a) No works in relation to this development approval are to commence and stamped plans will not be released until the applicant has obtained a Letter of Design Review from TCCS.
- b) Before the works commence TCCS must be notified of any existing damage to public assets via a Dilapidation Report. The applicant/lessee is held responsible for repairing any damage to ACT Government's assets, caused by the development activities, to the satisfaction of TCCS. If a Dilapidation Report is not provided, any pre-existing damage must also be repaired at the applicant/lessee's cost.
- c) A Notice of Commencement for the Works within Unleased Territory Land must be submitted to TCCS one week prior to the commencement of works. The notice must also include the confirmation of any protective measures installed in accordance with the approved Landscape Management and Protection Plan (LMPP) and the programmed implementation of Temporary Traffic Management (TTM).

*Note: Please refer to **PART C** for details of TCCS Design Review requirements*

### 8. ENVIRONMENT PROTECTION AUTHORITY (EPA) – WORKS NOT TO COMMENCE

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

- a) All sediment and erosion control measures must be in place prior to commencing works and must be maintained until development completion.
- b) A site-specific contaminant management plan (CMP), incorporating an unexpected finds protocol, must be prepared by a suitably qualified environmental consultant and implemented during site development works. The CMP must include, amongst other things, appropriate procedures for the identification, assessment, management, validation and disposal of potential contamination at the site and contractor induction procedures into the use of the CMP.

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

- c) All works and development must adhere with [The Practice Guidelines for Water Sensitive Urban Design in the ACT](#) (WSUD Guidelines). At all stages of development, the developer must incorporate controls and operating procedures which ensure that stormwater runoff from the site reflects patterns, volumes and quality that replicates site conditions and takes appropriate measures to mitigate potential flood impacts, adhering to WSUD guidelines to manage stormwater effectively prior to the works commencing.

### 9. ACT HERITAGE COUNCIL (The Council) – WORKS NOT TO COMMENCE

The proposal must comply with the following conditions to the satisfaction of the Council:

- a) Prior to the commencement of works, a further attempt to salvage Aboriginal objects from MV10 must be made. This must:
  - i) Be undertaken by a qualified archaeologist and Representative Aboriginal Organisations;
  - ii) Record any Aboriginal objects in situ prior to the collection; and
  - iii) Include a report on any outcomes, to be submitted to the Council for its records. This report must include a recording and analysis of any objects collected in accordance with professional archaeological standards.

## NOTICE OF DECISION

DA 202342442

*Note: as a Heritage Act 2004 approval for MV10 was issued in 2010, no further approval under the Heritage Act 2004 is required for this action.*

- b) Prior to the commencement of works, a further heritage inspection of the project's development footprint must be undertaken; and:
  - i) A report on inspection outcomes is to be submitted to the Council for its records;
  - ii) Should this inspection identify additional Aboriginal places and/or objects, the above report must set out management recommendations developed in consultation with Representative Aboriginal Organisations;
  - iii) A Statement of Heritage Effect application is required under Section 61G of the *Heritage Act 2004* for proposed impacts to and salvage of any additional Aboriginal places and/or objects; and
  - iv) If the above is required: prior to the commencement of works, the Statement of Heritage Effect application is to be approved under Section 61H of the *Heritage Act 2004*, and actions required by that approval are to be completed.

### DURING CONSTRUCTION

#### 10. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)

All works must be undertaken in accordance with the endorsed CEMP. Please refer to Condition 5 above for details of the requirements of a CEMP.

#### 11. THE CONSERVATOR OF FLORA AND FAUNA (the Conservator)

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

- a) Any impacted moderate or high-quality Pink Tail Warm Lizard (PTWL) habitat must be restored at a ratio of 1:1 within the adjacent Molonglo River Reserve. All restoration works must be undertaken in consultation with and to the satisfaction of the ACT Parks and Conservation Service.
- b) Any non-mature native trees and shrubs that are to be removed must be replanted in accordance with the replacement ratio standards outlined in the advice noted under **PART C** of the decision.
- c) *Gleditsia triacanthos* is considered a high risk weed species and must not be used. This species must be replaced with a BGW species that compliments the conservation values of the adjacent Molonglo River Reserve.

#### 12. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

- a) All works must be consistent with the obtained Letter of Design Review and associated endorsed plans.
- b) In accordance with the Public Unleased Land Act 2013, road verges and other unleased Territory land must not be used for carrying out of Works, including storage of materials or waste, without prior approval from TCCS. If required, a license can be obtained from TCCS Licensing and Compliance.

#### 13. ENVIRONMENT PROTECTION AUTHORITY (EPA)

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

##### Construction:

- a) All works must be carried out in accordance with the [Environment Protection Guidelines for Construction and Land Development in the ACT, August 2022](#).

## NOTICE OF DECISION

DA 202342442

- b) Adjacent roads must be swept clean at all times.

### Contamination

- c) All spoil identified at the site must be managed in accordance with EPA [Information Sheet – Spoil Management in the ACT](#).
- d) All soil subject to disposal from the site must be assessed in accordance with EPA [Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT](#).
- e) No soil is to be disposed from the site without EPA approval.

### Water

- f) All works and development to adhere with [The Practice Guidelines for Water Sensitive Urban Design in the ACT](#) (WSUD Guidelines).
- Naturalised drainage lines and vegetation must be retained/incorporated as far as practicable and revegetated as per WSUD recommendations to preserve ecological values of the surrounding environment.
  - The developer must follow best practices for WSUD, promoting environmental sustainability, water conservation, and resilience to climate change impacts.
- g) Action plans for the prevention of pollution of water resources due to existing rubbish disposed on the site must be in place and passed on to all contractors working on the site.
- h) Prior to the taking of non-potable water for long-term or short-term purposes, EPA must be contacted to discuss 'Water Access Entitlement' and 'Licence to take water' requirements under the *Water Resources Act 2007*. No water may be taken without an EPA approved Licence.

#### 14. ACT HERITAGE COUNCIL (The Council)

- a) For the duration of works, the project's Unanticipated Discovery Protocols, as set out in Cultural Heritage Assessment (CHMA 2018), must be implemented in the event that additional Aboriginal places or objects are encountered.

*Note: Please refer to ACT Heritage Council advice included with this notice of decision.*

#### 15. ACT EMERGENCY SERVICES AGENCY (ESA)

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

- a) The proposed landscaping must comply with requirements of the identified Strategic Bushfire Management Zones as mapped on [ACTmap](#), and [ACT Bushfire Management Standards](#).
- b) Access through the site must be maintained for the duration of construction to allow appropriate emergency response. Where access may be hindered, the proponent must communicate with ACT Rural Fire Service (ACTRFS) and ACT Fire & rescue (ACTF&R) so appropriate actions and adjustments to manage response through the area can be planned.

*Note: Please refer to ESA advice included with this notice of decision.*

#### 16. WASTE MANAGEMENT – DURING CONSTRUCTION PHASE

All building waste is to be stored on the site in suitable receptacles/containers and collected regularly. The lessee is to take all reasonable steps to ensure that waste, particularly wind-borne litter, does not affect adjoining or adjacent properties.

#### 17. DUST SUPPRESSION



## NOTICE OF DECISION

DA 202342442

All reasonable and practicable measures are taken to suppress dust generation during construction works.

### 18. LIGHTING

Where applicable, lighting complies with each of the following:

- a) Australian Standard *AS1158 Lighting for Roads and Public Spaces Part 3.1: Pedestrian Area (Category P) Lighting – Performance and Design Requirements*.
- b) Australian Standard *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) Australian Standard *AS4282: The Control of Obtrusive Effects of Outdoor Lighting*.

## POST CONSTRUCTION

### 19. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)

All works must be undertaken in accordance with the endorsed CEMP. Please refer to Condition 5 above for details of the CEMP.

## 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.

### 1. RELEASE OF APPROVED PLAN

Final stamped plans may not be released till all relevant conditions of the decision (including further Information, entity requirements) are complied with to the satisfaction of the planning authority.

### 2. ASSOCIATED DEVELOPMENT APPLICATION - DA202037798

It is noted that stormwater management and associated structures, such as ponds, drainage channels, and landscaping, have already been approved under DA202037798 covering John Gorton Drive Stage 3C. The subject development is to consider any associated conditions and advice of DA202037798 as relevant to the proposed works.

### 3. ENVIRONMENT PROTECTION AUTHORITY (EPA)

Noise from equipment which may be installed or used at the site must comply with the noise standard at the block boundary at all times as per the *Environment Protection Regulation 2005*. Please consider the type and location of noise generating equipment prior to installation. Written assurance should be sought from the supplier/installer of the equipment that it complies with the Noise Zone Standard as per the *Environment Protection Regulation 2005*.

### 4. UTILITIES TECHNICAL REGULATOR (UTR)

UTR recommend:

- a) Identification of underground services along the proposed alignment before commencing any under bore works.
- b) Consideration of general electrical hazards relevant to the high voltage underground cables.
- c) Compliance with the provision of appropriate physical protection (in line with the AS 2067) for the high voltage underground cables.

### 5. SIGNAGE



## NOTICE OF DECISION

DA 202342442

All signage installed at the site, including advertising signage and hoarding, must comply with the Australian Association of National Advertisers (AANA) Code of Ethics and the ACT Government's [Hoarding Signage Advertising Guidelines](#).

## NOTICE OF DECISION

DA 202342442

### PART B – REASONS FOR THE DECISION

#### Proposal

John Gorton Drive (JGD) serves as the main arterial road connecting the suburbs of Molonglo Valley to Belconnen. The proposed works are located within the road reserve of JGD. The Project commences 200m south of the existing Holborow Avenue intersection and construction of a new 0.8km section of the JGD within Stage 2A and Stage 3C of the Molonglo Valley development including new signalised intersections, widening of the median for a future light rail corridor, new bicycle and pedestrian paths, relocation of utilities, associated landscaping and other works.

#### Legislative Requirements

The proposal was lodged and assessed under the impact track as it is a development of a kind mentioned in Schedule 4 of the *Planning and Development Act 2007* (the Act). The proposal triggers Schedule 4, part 4.3 item 2 (a) (b), a proposal involving clearing of more than 0.5ha of native vegetation, and part 4.3 item 3 (a) (b), proposal for development in a reserve (Molonglo River Reserve).

Under section 127 of the Act, a development application for a development proposal in the impact track must include a completed Environmental Impact Statement (EIS) in relation to the proposal (unless the application is exempted under section 211 of the Act).

The following section 211 EIS exemptions have been granted that are relevant to the proposal:

- [EIS exemption for Molonglo Valley Stages 2](#), dated 29 July 2013. This exemption will expire on 31 December 2041;
- [EIS exemption for Molonglo Valley Stages 3](#), dated 8 May 2018. This exemption will expire on 31 December 2041; and
- [EIS exemption for John Gorton Drive 3C extension](#), dated 31 August 2020. This exemption will expire on 31 August 2025.

The EIS exemptions and the relevant EIS exemptions assessment reports were considered in the assessment of this development application. The mitigation measures proposed in the EIS exemption reports have been included in the drawings and other documentation forming part of this approval. Relevant conditions have been included under **Condition 3** and **Condition 5** under **PART A** of this decision.

#### Response to Representations

A total of seven (7) written representations were received during the public notification period. The main issues raised in the representations are noted under **PART C**, which were considered in making this decision.

The representations were provided to the proponent to address the matters raised. The proponent provided justification of the proposal that was considered satisfactory. The issues relevant to speed limit, pedestrian pathway, cycle path, traffic lights and intersection design were assessed by TCCS as part of the original proposal. TCCS also reviewed the information provided with the s141A application. TCCS has conditionally supported the proposal, and stated that the above issues can be resolved at the Detail Design Review stage. Any revisions to the proposal in response to the detailed design review will need to be lodged with the planning authority for approval prior to release of the stamped plans. Refer to **PART C** for TCCS comments and **PART A** for relevant conditions imposed.

#### Conclusion

In deciding the development application, the planning and land authority (authority) has considered the zone objectives in conjunction with other requirements of the Territory Plan, such as the relevant codes and the Strategic Directions, to achieve a balanced approach in assessing economic, social and environmental impacts. Upon considering the issues and impacts raised during the assessment

## NOTICE OF DECISION

DA 202342442

process, the authority is satisfied that the social, environmental, and other impacts that may arise from the development are adequately addressed by the conditions imposed.

The application was approved because it was found to meet the relevant rules and criteria of the Territory Plan 2008 and sections 129 of the Act. Conditions have been imposed in regard to the issues identified during assessment to ensure the development satisfies the Territory Plan, addresses assessment issues including relevant entity advice, issues raised in the representations and generally follows standard process and practices.

All relevant conditions are included under **PART A** and entity advice is noted in **PART C**.

### EVIDENCE

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

Development Application:	202342442
Territory Plan Zones:	Transport and Services Zone and Non-Urban Zone. John Gorton Drive is a major road and will be eventually identified as TSZ1 Transport Zone
Development Codes:	Transport and Services Zone Development Code and Non-Urban Zones Development Code
Precinct Code:	Molonglo and North Weston Structure Plan Molonglo Valley Precinct Map
General Codes:	Crime Prevention Through Environmental Design General Code
Legislative requirements:	The <i>Planning Act 2023</i> in particular the transitional arrangements for DAs such as this made before its commencement. The <i>Planning and Development Act 2007</i> in particular sections 128 and 129.
Representations and Entity advice:	As addressed in <b>PART B</b> and <b>PART C</b> of this Decision

**PART A** and **PART C** provide further details and considerations informing the reasons for the decision.

## NOTICE OF DECISION

DA 202342442

### PART C – PUBLIC NOTIFICATION AND ENTITY ADVICE

#### PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 4 March 2024 to 25 March 2024. Seven (7) written representations were received during public notification period.

The main issues identified in the representations include:

- Recommendations that the speed limit in the group centre area should be 40 km/h throughout.
- Concerns that the on-road cycle lane is proposed on one side of the roadway only and does not run along the full length of the proposed works.
- Concerns that the widths of the connecting ramps between the on-road lanes and the off-road paths are not provided.
- Concerns that the off-road cycle paths on each side of the road are too narrow at 2m to operate as two-way paths and should be at least 4m wide.
- Views that all the intersections should be traffic light controlled and if not, raised pavement crossings should be provided on all approach roads.
- Recommendations that the dog-leg paths across the proposed median light rail lines intersection be removed as they do not work very well and replaced with straight crossings with pedestrian lights controlled by the light rail.
- Concerns that the cycle path being designed at the same level as the footpath could create confusion for pedestrians as it may not be clear it is a 'cycle-only' path.
- Uncertainty regarding the 1.5m of path width which is labelled 'door clearance'. It is unclear if there is anything preventing bikes from riding within that zone.
- Concerns about possible conflict between bikes and pedestrians at the intersection of Bus Street and Park Street where bikes and walkers will be required to merge on to a narrow zebra crossing. Mitigation options could include providing wider pram ramps and zebra crossings.
- Concerns for cyclists regarding sharp right-angle turns of the footpaths at bus stops.
- Concerns regarding the lack of zebra crossings on John Gorton Drive.

The issues raised in the representations were considered in the assessment and making of the decision for this development application. Please refer to the Reasons for Decision under **PART B** for responses to the issues raised.

#### ENTITY ADVICE and REQUIREMENTS

Pursuant to Division 7.3.3 of the Act, the application was referred to the entities below. Where an entity requested conditions to be imposed on this development, those conditions have been incorporated into **PART A** of this Decision.

A summary of entity comments can be found below.

##### 1. CONSERVATOR OF FLORA AND FAUNA (the Conservator)

The Conservator provided advice on 20 March 2024 stating that the proposal is supported subject to conditions and advice.

- a) Any impacted moderate or high quality PTWL habitat must be restored at a ratio of 1:1 within the adjacent Molonglo River Reserve. All restoration works must be undertaken in consultation with and to the satisfaction of the Parks and Conservation Service.
- b) The underpass adjacent to the North Link ponds must incorporate best practice fauna friendly design principles and provide for habitat connectivity underneath JGD.

## NOTICE OF DECISION

DA 202342442

- c) All mature native trees must be retained and incorporated into the road verge landscape design.
- d) Replacement planting ratios for any removed non-mature native trees and shrubs are as follows:

DBH class (cm)	REPLACEMENT RATIOS
<5	1:1
5 - 20	1:3 + relocate as native mulch or at Conservator discretion
21 - 30	1:8 + relocate as coarse woody habitat
31 - 40	1:13 + relocate as coarse woody habitat
41 - 50	1:40 + relocate as coarse woody habitat
50+	1:90 + reinstate as vertical habitat structure or at Conservator discretion
100+	1:180 + reinstate as vertical habitat structure or at Conservator discretion

- e) *Gleditsia triacanthos* is considered a high risk weed species. Please replace with a box gum wood species that compliments the conservation values of the adjacent Molonglo River Reserve.
- f) No mitigation measures have been included for burrowing animals (wombats, echidnas). The CEMP must include the following commitments:
  - i) A site inspection by a suitably qualified ecologist is to be undertaken to identify any burrows/shelter sites within the development footprint. Large logs and debris piles will be included in the inspections and wherever possible dismantled by hand in consideration of sheltering animals (predominantly Echidnas).
  - ii) Identified burrows or shelter sites will then be mapped with an appropriate digital mapping tool such as Avenza maps or Collector.
  - iii) If any burrows identified will be affected by the development a Nature Conservation (NC) license will be obtained prior to and disturbance or decommissioning in order to avoid offences under the *Nature Conservation Act 2014*.

Please refer to **PART A** for conditions and advice consistent with the Conservator's comments.

## 2. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

- TCCS provided advice on 20 March 2024 and 9 April 2024 stating that additional information / clarification was required for a number of matters as noted in the comments below.
- Comments on s141A Application

Further advice was received from TCCS on 19 June 2024 in relation to the s141A application in response to the further information requested from the applicant, advising that an agreement has been reached with the applicant and the matters raised are suitable to be reviewed and addressed at the Detail Design/Design review stage.

## NOTICE OF DECISION

DA 202342442

### **a) Requirements to be satisfied prior to / at Design Review**

#### **1. Transport Canberra Light Rail (TCLR)**

*This proposal caters for the increase in demand with population density proposed for MGC area. With the future light rail in mind, TCLR has following questions/considerations:*

- i) *Needs clarification of the following points of the supporting document “Stormwater Technical Memorandum” submitted with the application:*
  - (a) *Road Pavement Drainage – has noted that the drainage system is designed to 10% AEP as a minor storm, please confirm that the overland flow model does not take into account of the natural v-drain in the median space left for Light Rail. This is to ensure that there is sufficient drainage capacity without relying on future retrofit of additional stormwater drainage assets for the proposed light rail line, where significant amount of pervious area converted to impervious area.*
  - (b) *CSR Routes - It is also noted from the design report that the design drainage infrastructure is typically Class 4 600mm RRJ RCP with 900mm cover. with minimum clearance, this takes a typical crossing under the stormwater line to approximately 2m below ground at the obvert of a new conduit. Whilst the plans provided identified a variety of pipe diameters ranging from 300 through to 1200mm. The drainage network is necessary, however, this will drastically increase future “combine service routes” for light rail infrastructure.*
- ii) *There are dedicated right turn lanes at the intersections, clarify that the design caters for the Dynamic Kinetic Envelope (DKE) space required for a moving light rail at 70km/h near these waiting lanes.*
- iii) *It is noted that there is mid-block crossing proposed, these are also welcomed from the Light Rail operations point of view, providing dedicated pedestrian crossing locations at future desire lines where safety can be designed into the proposal.*
- iv) *ROADDETAILS-202342442-PAVEMENT-06 – Please confirm the purpose of SL82 centrally located in concrete pavements greater than 150mm (ie. PT-05 & PT-09) or are these details indicative only at DA and will be refined at detail design stage.*
- v) **ROAD LONGSECTION**
  - (a) *Please consider designing the longitudinal grade at “transit hub” to reduce the grade towards 1.5%. This will help with the ability for future light rail to apply the brakes at a gentler grade and help reduce the power required to take off from a stopped position to help rider comfort.*
  - (b) *Please also check the grades again for light rail approaching the “transit hub” to ensure the design viability.*
- vi) *Landscape Plans, Tree Species, Location & Shrubs – TCLR notes all of the Acacia pycnantha (Golden Wattle) are planted in the proposed light rail corridor reserve.*
  - (a) *Please confirm if these trees can be transplanted or somehow retained within the nature reserve between the proposed light rail corridor and the road.*
  - (b) *Noting potentially the trees may be removed completely for the construction & operation of light rail.*
  - (c) *Please consider the colour and tree species arrangement at the final outcome in the next stage and accompanying shrubs to help deter pedestrian movement across the median and establish the pedestrian behaviour pattern.*

#### **2. Trees**

*Urban Treescaping (Design and Development Coordination) have reviewed the submission for Development Application Stakeholder Review of 10/2 Molonglo (John Gorton*

## NOTICE OF DECISION

DA 202342442

*Drive/Molonglo Group Centre) and give in principle support for the proposal. Following comments and questions needs to be addressed prior to Design Review (DR) submission:*

- i) Provide a greater diversity of native trees to help support endemic habitat.*
- ii) Provide more trees within open space areas, such as Hilltop Park, to boost the urban forest canopy cover.*
- iii) Provide street tree masterplan to enable a more detailed assessment of street trees for each node and street.*
- iv) Provide canopy coverage demonstrating how the 30% target is being achieved in streets and open space.*
- v) Whilst flexible or permeable paving has been proposed, particularly to carparking spaces, there are further opportunities to propose more areas of permeable paving treatments, where large trees have been proposed.*
- vi) Provide details on tree transplanting for John Gorton Drive, regarding storage, maintenance, and final transplantation. A broader question arises as to the cost benefit of transplanting existing trees versus planting new advanced stock.*
- vii) Provide details on proposed structural soil or strata-vaults, root barriers and soil volumes, especially adjacent larger tree species and where there is high pedestrian traffic.*
- viii) There are opportunities to provide greater density of street trees to side streets.*
- ix) If John Gorton Drive median is to be grassed, the mix of larger and smaller trees will need to consider mowing clearances and long-term maintenance.*
- x) Maximise garden bed width and available soil volume for trees near bus stops and where pedestrian use is high, to provide shade and amenity.*

### 3. Traffic Report

- i) The TCCS Transport Assessment and Modelling team noted that SMEC used the CSTM land use projections provided by TCCS to SMEC dated 31/08/2023 to inform the traffic volumes for the traffic modelling of the identified intersections along John Gorton Drive. While the land use projections were based on the latest Treasury projections and constrained/distributed based on ACT District Strategies, the applicant need to emphasise that should there be updates to the CSTM values, updates to the traffic demand and number of vehicles entering the network should be made accordingly.*
- ii) Based on the SIDRA Turn Diagrams at Appendix A, the signals configuration modelled seem to represent the SCATS actuated control. For example, right turn phases at East & West Terrace and Holborrow Avenue sites have considered early termination when an approach has significantly lower traffic than the opposite approach.*
- iii) The report mentioned a maximum cycle length 130 seconds, noting that various cycle lengths were considered including 90 seconds at Pond Street and Bus Street intersections. It is not supported because it is expected that the signals sites along an arterial road likely to be coordinated to ensure a green corridor and minimise disruptions, especially during the peak hours.*
- iv) The proposed lane and intersection design should be examined from the perspective of traffic and safety problems caused by queueing. Given the proposed 40km/h along this section of John Gorton Drive, the ability of John Gorton Drive to function as an arterial need to be safeguarded and future-proofed to ensure sustainability of its movement function.*
  - (a) The traffic and safety performance of intersections lacking left-turn slip-lanes and turning lanes on arterial roads should be examined and compared to intersections providing all movements in separated lanes and with slip-lanes.*



## NOTICE OF DECISION

DA 202342442

- (b) This should also apply to the design of on-street parking. Despite the low-speed environment, the amount of traffic should be expected to be 'arterial-level' and hence the interaction with on-street parking also needs fine-grained assessment.*
- v) It has been noted that Option 9 is the preferred option including a northbound bus lane, a through lane on all intersection, a dedicated right turn lane from West Terrace to John Gorton Drive and a through lane from West Terrace. While the intersection footprints are significantly reduced with the removal of slip lanes except for Bus Street and East/West Terrace, please elaborate more on how the preferred option improves accessibility and safety for pedestrians and other vulnerable road users (cyclists, people with disability and others) throughout the Group Centre section of John Gorton Drive.*

### 4. Street Lighting

*Followings are noted in the Design Report and further coordination with TCCS at next stage of design is required.*

- i) The clearance from some proposed lighting poles to the cycleway does not meet 1m setback as required by TCCS due to urban design preference.*
- ii) The clearance along JGD from most proposed lighting poles to the traffic lane does not meet 3m setback as required by TCCS due to urban design preference.*
- iii) The proposed pathway lighting equipment (preferred by urban design) is not approved by TCCS as un-metered supply. Dispensation is to be submitted at subsequent design phase.*

### 5. Speed Limit Reduction

*This project to check with Roads ACT during detail design works and Design Review regarding acceptance and requirements to implement proposed speed limit reduction to 40km/hr.*

### 6. Departure from standards

*The project to continue coordinating and further discussion on departure items noted in Civil Design Report-02 page 76 of 90 and others when identified with TCCS in next design stages and reflect the discussion in DR stage.*

### 7. Stormwater

- i) The design is very comprehensive and well-presented. However, some sections are still considering the existing pipe may not be advisable. Our recommendation is to consider a full replacement that will be more unify the structure if not have a separate asset management register. It triggers the existing Asset condition that should match the new standards of associated road assets & design life.*
- ii) The Recommended pipe size is 375mm for the longevity of the well-improved stormwater management system. We have received several issues in the past about inadequate capacity because of the rainfall patterns. This slight change might improve the whole lot of the future work. Also, see the ref. from the Austroads Standards for the operation and maintenance works to be 375 mm pipe size minimum.*

### 8. Pavements

- i) It is to be noted that there have been recent updates in TCCS standards and specifications, and the design needs to comply with EAN 23.*
- ii) Roads ACT has noted that Full Depth Asphalt pavement, which was constructed in 2015, the consideration of design life of 20 years is accepted but any new pavement and rehabilitation of pavements that are not Full Depth Asphalt must have a 40-year design life.*
- iii) Pavement Type PT-01 and PT-02 are to have a design life of 40 years, not 20 years.*

## NOTICE OF DECISION

DA 202342442

- iv) *It is noted that different pavement types are proposed for intersection. Roads ACT prefers to have the entire intersection built with same pavement profile including all approach and departure legs, through and turning lanes, crossovers designed and built with same PT. Any unknown pavement type within the project scope must be investigated and designed per the updated MIS and EAN23.*

*If undertaking upgrades to the existing pavement (Milling and re-sheeting), the preferable pavement profile is milling and replacement with 50mm AC15 A15E PMB wearing course on an 80mm AC20 intermediate layer especially the wearing course is to be minimum 50mm thick for all pavements.*

### **b) TCCS Standard Conditions**

*The following general conditions will apply, as appropriate, for the Works and use of Territory land and potential impacts on TCCS services in addition to any specific conditions imposed in the DA Notice of Decision. In accordance with the Public Unleased Land Act 2013 no Works are to be undertaken without the approval of the TCCS. Such approval must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch by the ways of a Letter of Early Works Approval, or a Letter of Design Review prior to the commencement of any Works.*

*Early Works approvals are required if the applicant wishes to expedite the process for this category of development ahead of the Design Review process.*

#### **1. Early Works Approval**

*Early works typically include site preparation and establishment, implementation of temporary traffic management plan and landscape management and protection plan and earthworks / excavations. Early Works do not include any building works or offsite works. Fees and charges will apply for Early Works Approval as per TCCS "GEN-06 - Submissions and Inspections Guideline Principles and Related Fees and Charges for TCCS and Industry".*

#### **2. Design Review**

*In order to obtain the Letter of Design Review, fully detailed drawings (civil, landscape) prepared by suitably qualified persons for all off-site works including roads, driveways, footpaths, street lighting, stormwater, landscaping (and any other issues that may be found by audit of the plans) and a design report in accordance with TCCS "REF-06 - Requirements for Design Review Submissions", must be certified by a Chartered Engineer/Registered Landscape Architect and submitted to the relevant Senior Director of the TCCS Development Coordination Branch.*

#### **3. Waste and Recycling Management Plan (WRMP) review**

*Unless a fully completed WRMP and mandatory submission documents (in accordance with 2019 Development Control Code for Best Practice Waste Management in the ACT) have been submitted and endorsed by TCCS at the DA stage, then noncompliance will not be supported. A performance-based-application can only be considered if a pre-application meeting is held (before a DA is submitted) and TCCS provides the Applicant with a letter of endorsement which is presented to EPSDD at the DA stage.*

#### **4. Operational Acceptance/Soft Landscape Consolidation Commencement**

*On completion of the Works, a Certificate of Operational Acceptance is required from the relevant Senior Director of the TCCS Development Coordination Branch, prior to the issuance of a Certificate of Occupancy. Where required, a Certificate of Soft Landscape Consolidation Commencement must also be obtained from the relevant Senior Director of the TCCS Development Coordination Branch for the placement of soft landscape works on consolidation.*

## NOTICE OF DECISION

DA 202342442

*A Chartered Engineer/Registered Landscape Architect must certify compliance with TCCS "REF 08 - Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance and/or Consolidation Commencement is made to the relevant Senior Director of the TCCS Development Coordination Branch on completion of all Works.*

### 5. Final Acceptance/Soft Landscape Handover

*A Certificate of Final Acceptance for all civil and hard landscape works must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch at the end of the required Defects Liability Period (DLP) as noted in the Certificate of Operational Acceptance.*

*A Certificate of Soft Landscape Handover for all soft landscape works must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch at the end of the required Consolidation Period as noted in the Certificate of Consolidation Commencement.*

### 6. Temporary Traffic Management (TTM)

*A TTM plan approval from the Manager of TCCS Traffic Management & Safety, Roads ACT, must be obtained prior to commencement of Works. This plan must be prepared by a suitably qualified person and address, as a minimum, measures to be employed at all times during construction activities to manage all traffic, including construction and regular traffic in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated temporary traffic control devices.*

### 7. Landscape Management & Protection Plan (LMPP)

*LMPP approval must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch or the delegated authority. During construction, all existing vegetation (trees, shrubs and grass) located within the verge and unleased Territory land immediately adjacent to the development must be managed, protected and maintained in accordance with the approved LMPP. This plan must be implemented before the commencement of any Works, including demolition on the site, and must be in accordance with TCCS "REF 04 - Requirements for the Protection of Public Landscape Assets Adjacent to Development Works".*

### 8. Use of verges or other unleased Territory land

*In accordance with the Public Unleased Land Act 2013, road verges and other unleased Territory land must not be used for carrying out of Works, including storage of materials or waste, without prior approval from TCCS. If required, a license can be obtained from TCCS Licensing and Compliance.*

### 9. Repair of damage to public assets

*Before the Works commence TCCS must be notified of any existing damage to public assets via a Dilapidation Report. The applicant/lessee is held responsible for repairing any damage to ACT Government's assets, caused by the development activities, to the satisfaction of TCCS. If a Dilapidation Report is not provided, any pre-existing damage must also be repaired at the applicant/lessee's cost.*

### 10. Notice of Commencement of construction

*A Notice of Commencement for the Works within Unleased Territory Land must be submitted to TCCS one week prior to the commencement of Works. The notice must also include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of TTM.*

Please refer to **PART A** for conditions and advice consistent with TCCS comments.

## NOTICE OF DECISION

DA 202342442

### 3. ENVIRONMENTAL PROTECTION AUTHORITY (EPA)

EPA provided advice on 18 March 2024 stating that the proposal is supported subject to conditions and advice.

*The Environment Protection Authority (EPA) supports the DA subject to the following conditions:*

#### Construction

- *All works must be carried out in accordance with “Environment Protection Guidelines for Construction and Land Development in the ACT, August 2022”, available at Environment protection guidelines (act.gov.au) or by calling 132281.*
- *All sediment and erosion control measures must be in place prior to commencing works and must be maintained until development completion.*
- *Adjacent roads shall be swept clean at all times.*

#### Contamination

- *A site specific contaminant management plan (CMP), incorporating an unexpected finds protocol, must be prepared by a suitably qualified environmental consultant and implemented during site development works. The CMP must include, amongst other things, appropriate procedures for the identification, assessment, management, validation and disposal of potential contamination at the site and contractor induction procedures into the use of the CMP.*
- *Note: Where remediation and validation is required at the site under the CMP the site validation report must be forwarded to the EPA for review and endorsement prior to occupancy of the site;*
- *All spoil identified at the site must be managed in accordance with EPA Information Sheet – Spoil Management in the ACT available at Environment protection guidelines (act.gov.au).*
- *All soil subject to disposal from the site must be assessed in accordance with EPA Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT available at Contaminated sites (act.gov.au)*
- *No soil is to be disposed from the site without EPA approval.*

#### Water

- *All works and development to adhere with “The Practice Guidelines for Water Sensitive Urban Design in the ACT” (the WSUD Guidelines) available at Water Sensitive Urban Design - Environment, Planning and Sustainable Development Directorate - Environment (act.gov.au).*
  - i) *At all stages of development, the developer must incorporate controls and operating procedures which ensure that stormwater runoff from the site reflects patterns, volumes and quality that replicates site conditions and takes appropriate measures to mitigate potential flood impacts, adhering to WSUD guidelines to manage stormwater effectively prior to the works commencing.*
  - ii) *Retain/incorporate naturalised drainage lines and vegetation as far as practicable and revegetate as per WSUD recommendations to preserve ecological values of the surrounding environment.*
  - iii) *Ensure to follow best practices for WSUD, promoting environmental sustainability, water conservation, and resilience to climate change impacts.*
- *Action plans for the prevention of pollution of water resources due to existing rubbish disposed on the site must be in place and passed on to all contractors working on the site.*
- *Prior to the taking of non-potable water for long-term or short-term purposes, the Environment Protection Authority must be contacted to discuss 'Water Access Entitlement' and 'Licence to take water' requirements under the Water Resources Act 2007. No water may be taken without an EPA approved Licence.*

## NOTICE OF DECISION

DA 202342442

For further information please contact the Environment Protection Authority Planning Liaison at [EPAPanningLiaison@act.gov.au](mailto:EPAPanningLiaison@act.gov.au) or on 02 6207 5642.

Please refer to **PART A** for conditions and advice consistent with the EPA advice.

### 4. ACT HERITAGE COUNCIL (THE COUNCIL)

The Council provided advice on 22 March 2024 stating that the proposal is supported subject to conditions.

*The following heritage assessment and management actions as considerations for DA202342442:*

1. *Prior to the commencement of works, a further attempt to salvage Aboriginal objects from MV10 must be made. This must:*
  - a) *Be undertaken by a qualified archaeologist and Representative Aboriginal Organisations;*
  - b) *Record any Aboriginal objects in situ prior to the collection; and*
  - c) *Include a report on any outcomes, to be submitted to the Council for its records. This report must include a recording and analysis of any objects collected in accordance with professional archaeological standards.*

*Note: as a Heritage Act 2004 approval for MV10 was issued in 2010, no further approval under the Heritage Act 2004 is required for this action.*

2. *Prior to the commencement of works, a further heritage inspection of the project's development footprint must be undertaken; and:*
  - a) *A report on inspection outcomes is to be submitted to the Council for its records;*
  - b) *Should this inspection identify additional Aboriginal places and/or objects, the above report must set out management recommendations developed in consultation with Representative Aboriginal Organisations;*
  - c) *A Statement of Heritage Effect application is required under Section 61G of the Heritage Act 2004 for proposed impacts to and salvage of any additional Aboriginal places and/or objects; and*
  - d) *If the above is required: prior to the commencement of works, the Statement of Heritage Effect application is to be approved under Section 61H of the Heritage Act 2004, and actions required by that approval are to be completed.*
3. *For the duration of works, the project's Unanticipated Discovery Protocols, as set out in CHMA (2018), must be implemented in the event that additional Aboriginal places or objects are encountered.*

A condition requiring the development to satisfy relevant entity requirements has been imposed in **PART A**. A copy of Council advice is attached to this Notice of Decision.

### 5. ACT EMERGENCY SERVICES AGENCY (ESA)

The ACTESA provided advice on 19 March 2024 stating that the proposal is supported subject to conditions.

*ACTRFS has assessed the DA and supports the proposal with the following conditions:*

- *ACTRFS requires that the proposed landscaping complies with requirements of the identified Strategic Bushfire Management Zones as mapped on ACTmap (<https://apps.vertigisstudio.com/web/?app=38b4eaf51bcb4a7ea83b52bd40202465>) and ACT Bushfire Management Standards. (<https://esa.act.gov.au/sites/default/files/2023-12/ACT%20Bushfire%20Management%20Standards.pdf>).*

## NOTICE OF DECISION

DA 202342442

- *ACTRFS requires the proponent to maintain access through the site for the duration of construction or must communicate access issues with ACTRFS and ACTF&R.*

A condition requiring the development to satisfy relevant entity requirements has been imposed in **PART A**. A copy of the ESA advice is attached to this Notice of Decision.

### 6. ICON WATER

ICON Water provided advice on 18 July 2024 stating that the proposal is supported subject to conditions.

A condition requiring the development to satisfy relevant entity requirements has been imposed in **PART A**. A copy of the ICON Water advice is attached to this Notice of Decision.

### 7. EVOENERGY (ELECTRICITY)

EvoEnergy (Electricity) provided advice on 4 March 2024 stating that the proposal is supported subject to conditions.

A condition requiring the development to satisfy relevant entity requirements has been imposed in **PART A**. A copy of the Evoenergy advice is attached to this Notice of Decision.

### 8. EVOENERGY (GAS)

EvoEnergy (Gas) provided advice on 29 February 2024 stating that the proposal is supported subject to conditions.

A condition requiring the development to satisfy relevant entity requirements has been imposed in **PART A**. A copy of the EvoEnergy (Gas) advice is attached to this Notice of Decision.

### 9. UTILITIES TECHNICAL REGULATION (UTR)

UTR provided advice on 20 March 2024 stating that the proposal is supported subject to conditions and advice.

*Following review of the plan and supporting documents, UTR offer the comments below.*

#### Water and Sewerage

*The following works will require consultation with and approval of the asset owner / future asset owner, Icon Water:*

- a) Relocation of a 150 mm Icon Water owned water main (removal and reinstallation) on the Western side of JGD.*
- b) Relocation of a 300 mm Icon Water owned water main (removal and reinstallation) on the Eastern side of JGD.*
- c) Construction of a 225 mm sewer main on the Eastern side of JGD.*
- d) The co-location of the 225 mm sewer main and the 150 mm water main, with concrete encasement in several sections.*

*If you have questions about water and sewerage comments, contact Cherie Blackburn, Senior Water Engineer, [Cherie.blackburn@act.gov.au](mailto:Cherie.blackburn@act.gov.au).*

#### Electrical

*Relocation of existing Evoenergy 11kV (high voltage) and 400 V (Low voltage) overhead assets in JDG3C to the electrical trenches in the eastern and western verges will require consultation with and approval of the asset owner, Evoenergy.*

*Additionally, UTR recommend:*

- a) Identification of other underground services along the proposed alignment before commencing any under bore works.*

## NOTICE OF DECISION

DA 202342442

- b) Consideration of general electrical hazards relevant to the high voltage underground cables.*
- c) Compliance with the provision of appropriate physical protection (in line with the AS 2067) for the high voltage underground cables.*

*If you have questions about electrical comments, please contact Sreeram Nair, Electrical Engineer, [Sreeram.Nair@act.gov.au](mailto:Sreeram.Nair@act.gov.au).*

### Gas comments:

- a) Removal of the existing 160mm diameter high pressure gas main on the western verge is noted. Consultation with an approval of the asset owner, EvoEnergy is required.*
- b) Potential impacts on the existing 32mm 210 KPA gas main are noted in Utilities Plan Sheet 2 at Holborow Ave, with potholing to be undertaken in the next phase of design. If an adverse impact is determined, consultation with and approval of the asset owner, EvoEnergy, may be required.*

Please refer to **PART A** for conditions and advice consistent with the UTR comments.



## NOTICE OF DECISION

DA 202342442

### ATTACHMENT 1

#### ADMINISTRATIVE INFORMATION RELATING TO NOTICE OF DECISION

##### **DATE THAT THIS APPROVAL TAKES EFFECT**

Unless a condition of approval provides for otherwise, this approval takes effect 20 working days after the day this notice of decision is given to every person who made a representation on the application. The effective date for development applications approved subject to conditions may also be adjusted if the approval is reconsidered by the planning and land authority or if an application is made to the ACT Civil and Administrative Tribunal.

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

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

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

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

##### **Inspection of the Application and Decision**

A copy of the application and the decision can be inspected between 9.00am and 4:00pm weekdays at the Environment, Planning and Sustainable Development Directorate Dickson Customer Service Centre at 480 Northbourne Avenue, Dickson, ACT.

##### **Submission of revised drawings or documentation**

If a condition of approval requires the applicant to lodge revised drawings and / or documentation with the planning and land authority for approval pursuant to section 165 of the Act, the submission must be made by completing an application in e-development.

##### **Reconsideration of the Decision**

If the DA applicant is not satisfied with the decision made by the planning and land authority, they are entitled to apply to the planning and land authority for reconsideration within 20 working days of being told of this decision pursuant to section 191 of the Act. A longer timeframe may apply only if granted in writing by the planning and land authority pursuant to section s191(5)(b) of the Act.

More information is available online at [Amend or appeal an application - Environment, Planning and Sustainable Development Directorate - Planning \(act.gov.au\)](#).

Please contact Access Canberra Customer Services if you wish to lodge a reconsideration application.

## NOTICE OF DECISION

DA 202342442

### **Review by the ACT Civil and Administrative Tribunal (ACAT)**

1. Decisions that are reviewable (sometimes referred to as appeals) by the ACAT are identified in Schedule 1 of the [Act](#), except for matters that are exempted under Schedule 3 of the [Planning and Development Regulation 2008](#) (matters exempt from third party review).
2. The notice of decision and this advice have been sent to all people who made a representation in relation to the application.
3. The ACAT is an independent body. It can review a large number of decisions made by ACT Government ministers, officials and statutory authorities on their merits. The ACAT can agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with ACAT recommendations.
4. More information on appeal rights is available online at [Amend or appeal an application - Environment, Planning and Sustainable Development Directorate - Planning \(act.gov.au\)](#)
5. The ability to review the Authority's decision is a matter of law. **If** you think you have a right of review, you may apply to the ACAT for a review of the decision. Application forms can be obtained from the ACAT at the website listed below. You can also download the form from the ACT Legislation Register. It is recommended you seek independent advice in regards to such reviews eg a legal practitioner.
6. If you are applying on behalf of an organisation or association, whether incorporated or not, the Tribunal in deciding whether to support this application will consider the effect of the decision being reviewed on the interests of the organisation or association in terms of its objects or purposes. A copy of the relevant documents will be required to be lodged with the Tribunal.
7. The time limit to make a request for a review is 28 days from the date of this notice of decision. The time limit can be extended in some circumstances (refer to sections 10 (2), 10(3), 25(1)(e) and 25(2) of the *ACT Civil & Administrative Tribunal Act 2008*; and rule 38 of the *ACT Civil and Administrative Tribunal Procedures Rules 2020*.
8. Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Applications should be made in writing to: the Director General, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. You can ask the ACAT for more details.
9. The ACAT is required to decide appeals in land and planning and tree protection cases within 120 days after the lodging of the appeal, unless that period is extended by the ACAT upon it being satisfied that it is in the interests of justice to do so.
10. The following organisations may be able to provide you with advice and assistance if you are eligible:
  - ACT Law Society, telephone 6274 0300ACT
  - Legal Aid Office, telephone 1300 654 314
  - ACT Council of the Ageing, telephone 02 6154 9740
  - Welfare Rights Centre, telephone 1800 226 028
  - Environmental Defender's Office (ACT), telephone 02 6243 3460.
11. You will have to pay any costs involved in preparing or presenting your case. The ACAT also has the power to award costs against a party in the circumstances specified in s 48 of the *ACT Civil and Administrative Tribunal Act 2008*. This power is in addition to the power of the ACAT to strike out a party and to dismiss an application for failure to comply with the ACAT's directions.

## NOTICE OF DECISION

DA 202342442

12. You may apply for access to any documents you consider relevant to this decision under the ACT *Freedom of Information Act 2016*. Information about Freedom of information requests is available on the planning and land authority's web site at [Access to government information - Environment, Planning and Sustainable Development Directorate - Environment \(act.gov.au\)](https://www.act.gov.au/environment-planning-and-sustainable-development-directorate) or by contacting us by phone on 02 6207 1923.
13. The procedures of the ACAT are outlined on the ACAT's website, including in the Guide to the Land and Planning Division and the Guide to the Hearing. Contact the ACAT for alternative ways to access information about the ACAT's procedures.

### **Review by the ACT Supreme Court**

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

### **Other approvals**

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

1. **Building Approval**

Most building work requires building approval under the *Building Act 2004* to ensure it complies with building laws such as the *Building Code of Australia*. The lessee should engage a private building certifier to determine whether building approval is required and assess and approve the building plans before construction commences. A list of certifiers can be obtained from the [Environment, Planning and Sustainable Development Directorate](https://www.act.gov.au/environment-planning-and-sustainable-development-directorate).

2. **Tree damaging activity approval**

A Tree Management Plan under the *Tree Protection Act 2005* is required for approval where it is proposed to undertake groundwork within the tree protection zone of a protected tree or likely to cause damage to, or remove, any trees defined as protected trees by that Act. More information is available from the Transport Canberra and City Services Directorate at <https://www.tccs.act.gov.au/city-living/trees>.

3. **Use of verges or other unleased Territory Land**

In accordance with the *Public Unleased Land Act 2013*, road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. More information is available from the Transport Canberra and City Services Directorate at [https://www.tccs.act.gov.au/city-living/public\\_land\\_use](https://www.tccs.act.gov.au/city-living/public_land_use).

## NOTICE OF DECISION

DA 202342442

### 4. Works on unleased Territory Land

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

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

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

### Contact details for relevant agencies

<b>ACT Civil and Administrative Tribunal</b> Allara House 15 Constitution Avenue CANBERRA CITY ACT 2601 GPO Box 370, CANBERRA, ACT 2601	<a href="http://www.acat.act.gov.au">www.acat.act.gov.au</a> <a href="mailto:tribunal@act.gov.au">tribunal@act.gov.au</a> 02 6207 1740 02 6205 4855 (Fax)
<b>ACT Supreme Court</b> 4-6 Knowles Place, CANBERRA CITY ACT 2601 GPO Box 1548, CANBERRA CITY, ACT 2601	<a href="http://www.courts.act.gov.au">www.courts.act.gov.au</a> 02 6205 0000
<b>Environment, Planning and Sustainable Development Directorate</b> 480 Northbourne Avenue DICKSON ACT 2602 GPO Box 158, CANBERRA 2601 <ul style="list-style-type: none"><li>• <i>Planning and land authority</i><ul style="list-style-type: none"><li>- list of certifiers for building approval</li><li>- demolition information</li><li>- asbestos information</li></ul></li><li>• <i>Environment Protection Authority</i><ul style="list-style-type: none"><li>- environment protection</li><li>- water resources</li><li>- Conservation, Planning and Research</li><li>- threatened species/wildlife management</li></ul></li><li>• <i>WorkSafe ACT</i><ul style="list-style-type: none"><li>- asbestos information</li></ul></li><li>• <i>ACT Heritage Council</i><ul style="list-style-type: none"><li>- Aboriginal, historic and natural heritage management</li></ul></li><li>• Tree Protection Unit<ul style="list-style-type: none"><li>- <i>Development Applications (DA) issue:</i></li><li>- <i>Tree Damaging Activity Applications (TDAA) issue:</i></li></ul></li></ul>	<a href="http://www.planning.act.gov.au">www.planning.act.gov.au</a> 02 6207 1923  <a href="mailto:EPAPanningLiaison@act.gov.au">EPAPanningLiaison@act.gov.au</a> 6207 5642  <a href="mailto:worksafe@worksafe.act.gov.au">worksafe@worksafe.act.gov.au</a> 132 281 <a href="http://www.environment.act.gov.au">www.environment.act.gov.au</a> 132 281  <a href="mailto:TCCS.TreeProtectionACTPLARef@act.gov.au">TCCS.TreeProtectionACTPLARef@act.gov.au</a> <a href="mailto:TCCS.TreeProtection@Act.gov.au">TCCS.TreeProtection@Act.gov.au</a>
<b>Transport Canberra and City Services</b> <ul style="list-style-type: none"><li>• landscape management and protection plan approval</li></ul>	<a href="http://www.tccs.act.gov.au">www.tccs.act.gov.au</a> 132 281

## NOTICE OF DECISION

DA 202342442

<ul style="list-style-type: none"><li>• use of verges or other unleased Territory land</li><li>• works on unleased Territory land - design acceptance</li><li>• driveway inspections or building applications</li><li>• damage to public assets</li></ul>	02 6207 0019 (development coordination) <a href="mailto:tccs.dcdevelopmentcoordination@act.gov.au">tccs.dcdevelopmentcoordination@act.gov.au</a>
<b>Health Directorate</b>	<a href="http://www.health.act.gov.au">www.health.act.gov.au</a> <a href="mailto:hps@act.gov.au">hps@act.gov.au</a> 02 5124 9700
<b>Education Directorate</b>	<a href="http://www.education.act.gov.au">www.education.act.gov.au</a> 02 6205 5429
<b>Utilities</b> <ul style="list-style-type: none"><li>• Telstra (networks)</li><li>• TransACT (networks)</li><li>• Icon Water</li><li>• Electricity reticulation</li></ul>	02 8576 9799 02 6229 8000 02 6248 3111 02 6293 5749

### Translation and interpretation services

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

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
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ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
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TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
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### TRANSLATING AND INTERPRETING SERVICE

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