

Planning and Development (Approval of Application – DA202342296 Deep Creek Corridor Regional Water Quality Control Pond) Notice 2024

Notifiable instrument NI2024–503

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 – DA202342296 Deep Creek Corridor Regional Water Quality Control Pond) Notice 2024*.

2 Impact track development approval

On 5 August 2024, pursuant to section 162 (1) (b) of the *Planning and Development Act 2007* (repealed), a delegate of the planning and land authority approved, subject to conditions, in the impact track, development application DA202342296 for the construction of an end of catchment pond, with a total volume of 63 megalitres, 300 metre long embankment across Deep Creek spillway, outlet works, an access bridge, services and utilities, landscaping, signage and other associated works at Block 11 (previously Block 10) Section 39, Blocks 1 and 2 Section 72, and Blocks 1, 2 3, 4, 7, 8, 9, 10 and 11 Section 56, Whitlam.

The Notice of Decision for development application DA202342296 is in the schedule.

Craig Weller
Delegate of the Territory Planning Authority authority
5 September 2024



ACT

Government

Environment, Planning and
Sustainable Development

NOTICE OF DECISION

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

I, Hayden Pini, delegate of the planning and land authority, pursuant to section 162 of the *Planning and Development Act 2007*, **approve subject to conditions** the proposal for **the construction of an end of catchment pond, with a total volume of 63 megalitres (ML), 300m long embankment across Deep Creek spillway, outlet works, an access bridge, services and utilities, landscaping, signage and other associated works**, at Block 11 (previously Block 10) Section 39, Blocks 1 and 2 Section 72, and Blocks 1, 2 3, 4, 7, 8, 9, 10 and 11 Section 56, Whitlam, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number: 202342296 & s144C
Block: 11 (previously block 10), 1, 2, 1, 2, 3, 4, 7, 8, 9, 10, 11
Section: 39, 72, 56
Suburb: Whitlam
Application lodged: 18 January 2024 & 28 May 2024 (s144C)
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 territory planning 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

Hayden Pini
Delegate of the Planning
and Land Authority
5 August 2024

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PART A – CONDITIONS OF APPROVAL

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

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 shall lodge with the planning and land authority for approval:

- a) Further information regarding the proposed washdown facility, including:
 - i) justification for its placement, and why no other placement further from the creek is suitable;
 - ii) details about how generated wastewater is managed; and
 - iii) the risk of spillover in wet weather events.
- b) A revised Site Plan showing amendments to access tracks within the nature reserve (providing access to the MVIS and to the coffer dam) to be a maximum of 4m wide; and temporary fenced access routes, with a fenced three-point turn at the lower end of the MVIS pipe access to avoid and minimise impact on the nature reserve.

Note: 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. ENVIRONMENTAL IMPACT STATEMENT (EIS) – 2019000045

All works must be consistent with the mitigation measures in the Lower Deep Creek Pond Environmental Impact Statement, prepared by GHD Pty Ltd, dated August 2023 (the EIS), and the recommendations in section 6 of the [Planning and Development \(Deep Creek Corridor Regional Water Quality Pond, Block 10, Section 39, Whitlam\) EIS Assessment Report 2023](#).

4. MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE (MNES)

Works approved under DA202342296 must not clear more than 5.25 hectares of Pink-tailed Worm-lizard habitat.

5. THE NES PLAN

All works must be in accordance with the [NES Plan \(Molonglo Valley Plan for the Protection of Matters of National Environmental Significance\) September 2011](#).

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6. MOLONGLO ADAPATIVE MANAGEMENT STRATEGY

All works must be undertaken in a manner consistent with the [Molonglo Adaptive Management Strategy \(AMS, May 2013\)](#).

7. MOLONGLO RIVER RESERVE MANAGEMENT PLAN

All works must be undertaken in a manner consistent with the [Nature Conservation \(Molonglo River Reserve\) Reserve Management Plan 2019](#).

8. CANBERRA'S URBAN LAKES AND PONDS LAND MANAGEMENT PLAN

All works must be undertaken in a manner consistent with the [Canberra's Urban Lakes and Ponds Land Management Plan 2022](#).

9. UTILITIES TECHNICAL REGULATOR (UTR)

- a) The proponent must comply with the conditions of the Design and Operating Certificate Operating Certificate issued by the Technical Regulator and the associated regulatory plan dated June 2020.
- b) The proponent must notify UTR if the planned works do not occur as this may trigger:
 - i) A revision of the Consequence Category on the ACT Dams Register.
 - ii) Redesign of the dam to meet ANCOLD guidelines for a dam with a High B Consequence Category.

10. COMPLIANCE WITH ENTITY REQUIREMENTS

The development must satisfy the requirements of the following entities as stated in each of their advice.

- a) Emergency Services Agency (ESA);
- b) Evoenergy (Electricity);
- c) ICON Water; and
- d) TCCS Standard Conditions.

Copies of advice from the relevant entities are attached to the Notice of Decision and are relevant to this condition.

PRIOR TO CONSTRUCTION

11. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)

Prior to construction, a CEMP must be prepared and submitted to the planning and land authority (EPDImpact@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 EIS. The CEMP must include the mitigation measures proposed in the EIS and incorporate any other relevant management plans including, but not limited to:
 - i) Construction Traffic Management Plan;
 - ii) Waste Management Plan;
 - iii) Soil and Water Management Plan including Erosion and Sediment Control Plan/s and a Water Quality Monitoring Plan;
 - iv) Flora and Fauna Management Plan including a Pink-tailed Worm-lizard (PTWL) Management Plan, PTWL clearance spatial data (e.g. shapefiles), Rehabilitation Plan and Weed Management Plan;

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- v) Landscape Plan;
 - vi) Air Quality Management Plan;
 - vii) Noise and Vibration Management Plan;
 - viii) Dam Safety Management Plan;
 - ix) Bushfire Management Plan;
 - x) Unexpected Finds Protocol; and
 - xi) Unanticipated Discovery Protocol.
- b) The CEMP must incorporate requirements from the Conservator of Flora and Fauna (the Conservator) as outlined below in Condition 13 and Condition 32 a) – f).

Note: 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.

12. ICON WATER – WORKS NOT TO COMMENCE

- a) No works in relation to this development approval are to commence until the lessee/applicant has obtained a Statement of Acceptance from ICON Water in relation to the proposed development, including approval for detailed designs of the Molonglo Valley Interceptor Sewer (MVIS) bridge pier protection, and submits the Statement of Acceptance to the planning and land authority as satisfying this condition of approval under s165 of the *Planning and Development Act 2007*.
- b) The lessee/applicant must address and comply with any additional conditions imposed by ICON Water.

Note: Any substantial changes to the development required for utility services compliance 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.

13. THE CONSERVATOR OF FLORA AND FAUNA (the Conservator) – WORKS NOT TO COMMENCE

- a) A site access map must be provided within the CEMP, showing any proposed access route(s) (vehicle, plant or equipment movements), any proposed turning circles and the total extent of the works area in relation to access requirements. Protected ecological and heritage values must also be shown on this map.
- b) No-go zones beyond the approved limit of works must be identified in the CEMP and labelled “environment protection – no construction access permitted”.
- c) Temporary and/or permanent fences (including a reserve boundary fence) and signage must be erected to restrict access beyond the limits of works to the satisfaction of the ACT Parks and Conservation Service (PCS) and must be shown within the CEMP.

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

- a) No works in relation to this development approval are to commence 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

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include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of TTM.

Note: see TCCS comments at Part C for details of design review requirements. Please contact TCCS for further information.

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

Construction

- a) As the site is greater than 0.3 hectares the construction is an activity listed in Schedule 1 as a Class B activity under the *Environment Protection Act 1997*. The contractor/builder developing the site must hold an Environmental Authorisation or enter into an Environmental Protection Agreement with the Environment Protection Authority (EPA) in respect of that activity prior to works commencing.
- b) An Erosion and Sediment Control Plan must be submitted to and be endorsed by the EPA prior to works commencing on site.

Waterways

- c) Works within a waterway or the building of a water retention structure with a capacity of 2 megalitres or more (on or off a waterway) will require a Waterway Works Licence prior to work commencing. (Unless the work is to be undertaken as a part of an authorised activity or under an environmental protection agreement under the *Environment Protection Act 1997*). Riparian restoration work around waterways may also require a Waterway Works Licence.
- d) The applicant must contact the OEPA (Office of the Environment Protection Authority) to determine if a Waterway Works Licence is required before commencement of work.

16. EMERGENCY SERVICES AGENCY (ESA) – WORKS NOT TO COMMENCE

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

17. SITE ACCESS – WORKS NOT TO COMMENCE

Access through and activities in Nature Reserves may require a licence under the *Nature Conservation Act 2014*. To determine if this is required contact must be made with EPSDD Licensing and Compliance team via LicensingandCompliance@act.gov.au prior to any works commencing on site.

DURING CONSTRUCTION

18. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)

During construction, all works must be undertaken in accordance with the endorsed CEMP.

Note: Please refer to Condition 11 above for details of the CEMP.

19. THE CONSERVATOR OF FLORA AND FAUNA (the Conservator)

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

Ecological values

- a) PTWL habitat and buffers not directly impacted by the construction of the dam or Whitlam development must be identified and protected throughout construction.
- b) Protective fencing around Natural Temperate Grassland (NTG) must include a 20m buffer.

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- c) Areas containing native dominant grassland not directly impacted by the construction of the dam or Whitlam development must be identified and protected throughout construction.
- d) Materials stockpiles, washdown bays, temporary laydown areas, vehicle, plant and equipment parking areas or site sheds must not be located on areas containing PTWL habitat or native grassland that are not directly impacted by the dam or Whitlam development.
- e) Any landscaping or rehabilitation works within the nature reserve must only include native species to the satisfaction of PCS.

Site Access:

- f) PCS management and emergency access along the MVIS track is required at all times. A Canberra Nature Park lock must be placed on any locked temporary fence/gate within the nature reserve.
- g) Safe public access to the MVIS access track and nature reserve must be maintained for the duration of the works.
- h) All work areas and access routes within the Molonglo River Reserve are subject to remediation activities to the satisfaction of PCS. Any damage to management tracks, vegetation, ground cover or reserve infrastructure must be restored by suitably qualified contractors to a standard set by PCS.
- i) PCS infrastructure, which includes but is not limited to gates, fences, management trails, walking trails, signage and livestock infrastructure must not be impacted, altered, widened or amended in any way without prior written approval of the land custodian/PCS.

General

- j) All efforts must be made to avoid and reduce direct impacts to the nature reserve, which is a Molonglo NES direct offset area.
- k) Sediment controls need to be in place for works inside and adjacent to the nature reserve to the satisfaction of the Conservator and land custodian.
- l) Materials stockpiles, washdown bays, temporary laydown areas, vehicle, plant and equipment parking areas or site sheds must be located outside of the nature reserve. These areas must be appropriately bunded/contained with sediment and erosion controls.

20. ACT HERITAGE COUNCIL (The Council)

An Unanticipated Discovery Protocol is to be implemented during construction, including for the use of Block 1 Section 72 Whitlam as a stockpile site. In the event that suspected Aboriginal places or objects are encountered during works: works at that location are to cease (in accordance with Section 75 of the *Heritage Act 2004*); and the Council is to be notified within five working days (in accordance with Section 51 of the *Heritage Act 2004*); and management is to be undertaken in accordance with further Council advice.

21. TCCS

- a) All works must be consistent with the obtained Letter of Design Review and associated 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.

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22. ENVIRONMENT PROTECTION AUTHORITY (EPA)

Contaminated Sites

- a) The development works must be undertaken in accordance with the following management plans:
 - i. SESL Australia Pty Limited (November 2018) Construction Environmental Management Plan (CEMP) Molonglo Valley 3 Area B (Ref: J000879 Molonglo 3 CEMP 4.0); and
 - ii. WSP | PB (WSP) (8 February 2017) Unexpected Finds Management Plan [UFMP], Contaminated Land and Unexploded Ordnance (UXO) / Exploded Ordnance Waste (EOW), Molonglo Valley Stage 3 (Future Urban Area) (reference WSP-PB_Rpt_UFP_MV3_FINAL)".
- b) All spoil identified at the site must be managed in accordance with EPA Information Sheet - Spoil Management in the ACT.
- c) 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.
- d) No soil is to be disposed from site without the approval of the Office of the Environment Protection Authority.

23. EMERGENCY SERVICES AGENCY (ESA)

- a) All roads and driveways for the development site must be suitably constructed to allow the access and egress of fire fighting vehicles, crews and equipment.
- b) Paths of travel that traverse over or are in close proximity to basement surfaces or water retention pits require pavement loading suitable for ACT Fire and Rescue Pumper/Specialist Vehicles access/egress.

24. UTILITIES TECHNICAL REGULATOR (UTR)

Erosion protection works on the two central bridge piers of the MVIS bridge must be undertaken and completed prior to Deep Creek Dam commencing to impound water.

25. WASTE MANAGEMENT

All building waste must 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.

26. ENVIRONMENT PROTECTION

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

27. LIGHTING

Lighting must comply 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*.

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28. PEDESTRIAN PATHS

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

29. SIGNAGE

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

POST CONSTRUCTION

30. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)

All rehabilitation works must be undertaken in accordance with the endorsed CEMP.

Please refer to Condition 11 above for details of the CEMP.

31. MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE (MNES)

Updated PTWL clearance spatial files (e.g. shapefiles) must be provided to EPDImpact@act.gov.au post-construction confirming the total area of PTWL habitat cleared as a result of works approved under DA202342296.

Please refer to Condition 4 above for details of PTWL habitat clearance restrictions.

32. THE CONSERVATOR OF FLORA AND FAUNA (the Conservator)

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

Rehabilitation

- a) Areas within the nature reserve that are impacted by the development (by the removal of vegetation) must be rehabilitated to native grassland and woodland, using a mix of native grass and forb species, tree and shrub plantings and rock and log placement, to the satisfaction of PCS.
- b) Soil testing of rehabilitation areas is required to the satisfaction of PCS.
- c) Native seed bed preparation methods must be to the satisfaction of PCS.
- d) Native seeding methods (which may include drill seeding), must be to the satisfaction of PCS.
- e) Erosion and sediment controls for rehabilitation must be to the satisfaction of PCS.
- f) All revegetation works must have a minimum 3 years maintenance period post construction to the satisfaction of PCS and achieve:
 - > 50% native ground cover establishment.
 - 90% tubestock survival.
 - Zero occurrences of high-risk weed species.

Water quality

- g) The proponent must fund a research program to investigate the water quality performance of the Deep creek pond and its surrounding fringing wetlands.

33. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

- a) The applicant must provide mural painting on the inside walls of the spill way to discourage graffiti, to the satisfaction of TCCS.

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- b) All planting is to comply with the ACT Bushfire Management Standards (BMS) and overarching Strategic Bushfire Management Plan SBMP.
- c) On completion of the Works, a Certificate of Operational Acceptance is required from the relevant Senior Director of the TCCS Development Coordination Branch
- d) 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.
- e) 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
- f) 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.
- g) 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.

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 Leasing, s165 further Information, Entity requirements) are complied with to the satisfaction of the planning authority.

2. 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*.

3. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

- a) The bird screen/ hides should be re-addressed in consultation with the relevant entity prior to Design Review to determine their need/functionality.
- b) Existing site compound is supported for continued use.
- c) The developer should consider *E.blakeyi* being planted in copses rather than singularly. Whilst it is a large tree, it would benefit planting in copses due to its susceptibility of psyllid attacks.
- d) The developer is to consider mixing different species together in random copses rather than groups of the same species.
- e) The developer should consider the most appropriate land custodian for the site and management objectives.

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Dam Technical Assessment

- f) The proposed dam has an embankment height of 22m. Any dam with an embankment height more than 5m will trigger the Utilities (Technical Regulation) Act 2014 and become a 'registered dam'.

Such registered dams must be designed and constructed as per ANCOLD Guidelines and Design Safety Code. The 'regulator' of the dams is in Chief Minister, Treasury and Economic Development Directorate (CMTEDD) and dams manager is in TCCS.

It's advised the TCCS dams manger should be consulted at each step of the project (Pre DA/DA/Post DA).

Technical review (DA-Post DA) will be subject to review by the dams manager in consultation with the regulator. This may result in amendments to design.

4. EMERGENCY SERVICES AGENCY (ESA)

Maintenance of the Deep Creek Corridor site, including where existing APZ's intersect, are to be managed in perpetuity by the respective landowners and the landscape design is to ensure this maintenance can be achieved.

5. SIGNAGE

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

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PART B – REASONS FOR THE DECISION

An Environmental Impact Statement (EIS201900045) for this proposal was completed on 25 October 2023 when the Minister for Planning and Land Management decided to take no further action on the EIS. The EIS outlined the environmental impacts of the proposal and identified a range of avoidance, mitigation and management measures to reduce potential environmental impacts arising from construction and operational activities. The mitigation measures identified in the EIS have been incorporated into this decision.

In deciding the development application, the planning and land authority (the authority) has considered the zone objectives in conjunction with other requirements of the Territory Plan, including 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 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 and section 129 of the *Planning and Development Act 2007*. 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:	2020342296/s144C
Territory Plan Zones:	Future Urban Area (FUA)
Development Codes:	Molonglo and North Weston Structure Plan and the Residential Zones Development Code
Precinct Code:	Molonglo Valley District Map and the Whitlam Precinct Map and Code
General Codes:	Water Use and Catchment General Code; Waterways: Water Sensitive Urban Design General Code; Crime Prevention through Environmental Design General Code; Parking and Vehicular Access General Code; Access and Mobility General Code; Signs General Code; and Planning for Bushfire Risk Mitigation
Management Plans:	Molonglo River Reserve Management Plan 2019; and Canberra Urban Lakes and Ponds Land Management Plan 2022
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 127 and 129.
Representations and Entity advice:	As addressed in PART C of this Decision

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

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PART C – PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the *Planning and Development Act 2007* (the Act), the application was publicly notified from 5 February 2024 to 23 February 2024. Two (2) written representations were received during public notification period.

The issues raised in the representations were considered in the assessment and making of the decision for this development application.

The main issues are summarised below. Comments are provided as appropriate.

- Public Notification Process:

The DA was publicised during a main holiday period (Xmas/New year/January), when there is limited opportunity for community stakeholders to become aware of the DA, or digest the very large amount of documentation, or to discuss with colleagues and respond. Also, it is not at all apparent from the DA title what the DA actually concerns since it is listed as Hazel Hawke Avenue/Sculthorpe Avenue.

Response: The Development Application was publicly notified from 5 February 2024 until 23 February 2024. The Christmas/New year or school holiday period for 2023-24 commenced on 16 January 2023 and ended on 29 January 2024. The public notification timeframe was therefore outside of the Christmas/New year or school holiday period.

The public notification process requires a street address for notification purposes. Hazel Hawke Avenue and Sculthorpe Avenue were the closest possible street addresses to the proposal at the time of notifying the development application.

- Community Consultation:

There has been no consultation with community stakeholders (including the Conservation Council ACT and its member groups, particularly Friends of Grasslands and Canberra Ornithologists Group), about what is a significant change in the landscape at a very late stage in planning.

Response: Prior to submitting a Development Application in the Impact Track, the proponent was required to prepare an Environmental Impact Statement (EIS) for this proposal (EIS201900045). On 25 October 2023, the EIS was completed and subsequently submitted as part of this development application (DA).

As part of the EIS process, the proposal to construct an end of catchment pond within Deep Creek was publicly notified from 20 July 2021 to August 2021, in accordance with section 218 of the *Planning and Development Act 2007*. During the public consultation period, a copy of the draft EIS was made available on the authority's website, on the DA Finder App and at the Access Canberra shopfront in Dickson. This public consultation process provided interested stakeholders and the community with the opportunity to make representations on the proposal or in respect to specific environmental issues of concern.

In addition to the statutory notification performed by the authority at draft EIS stage, the following consultation activities were undertaken by the proponent and are described in the EIS:

- proposal webpage;
- letter box drops to 5000 residents in Molonglo Valley;
- posters at local businesses and notice boards in Coombs and Denman Prospect;

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- posts on the proponent's Facebook page;
- in-person and online information sessions; and
- presentations to the Molonglo Valley Community Forum

It is understood that since being provided with a copy of the written representations received for this development proposal, the proponent has met with representors to discuss the proposal and how the mitigation measures introduced through the EIS process, including requirements from the Conservator of Flora and Fauna for a fauna corridor through the project site, may address some of the concerns raised by the public.

- Master planning for the Molonglo Valley and the suburb of Whitlam:

Proposals for significant infrastructure in Whitlam such as a large water body/dam drowning a natural ecosystem/drainage line were not included in the original Molonglo planning/EIS documents or indeed in the plans previously released for the suburb of Whitlam. Such a significant matter should have been included in previous EIS exercises/Molonglo planning phases, which go back over more than a decade. This very late planning change by way of a DA released at a holiday time without full and proper community consultation is completely unacceptable.

Response: The ACT Planning Strategy 2018 has identified the Molonglo Valley Stage 3 Urban Development area as a future urban area to be developed over the next 30 years. The pond is considered to be an important part of the first land release of Molonglo Valley Stage 3 as it will enable the management and treatment of urban stormwater runoff from Whitlam prior to the water being discharged into the Molonglo River.

An EIS Exemption was completed for Molonglo Valley Stage 3 urban development and infrastructure in 2018. However, it did not address the construction of a water storage dam of the size being proposed or the inclusion of works within the Molonglo River Reserve. Therefore, separate environmental impact assessment was required for the end of catchment pond within Deep Creek (EIS201900045), which was completed on 25 October 2023. Subject to the conditions imposed in Part A of this Decision, the DA is considered to be consistent with the recommendations of the EIS.

- Potential impacts to Pink-tailed Worm-lizard habitat:

The area includes potential habitat of the Vulnerable Pink Worm-tailed Lizard.

Response: EIS201900045 included an assessment of impacts to Pink-tail Worm-lizard (PTWL) Habitat. The conditions of the EIS included recommended conditions for any subsequent development approval for this proposal, which have been included in **Part A** of this Decision. These include requirements for a Construction Environmental Management Plan (CEMP) that includes a PTWL Management Plan and provision of spatial files so that clearance of PTWL habitat can be tracked against the NES Plan Budget, amongst other items.

- The natural drainage line should be retained:

The natural drainage line is stable and should be retained in a natural state as native habitat for biodiversity; this is largely native grasses, rocks and other substrates which provide various micro habitats and a movement corridor.

Response: As previously stated, the ACT Planning Strategy 2018 has identified the Molonglo Valley Stage 3 Urban Development area as a future urban area to be developed over the next 30 years. The pond is considered to be an important part of the first land release of Molonglo Valley Stage 3 as it will enable the management and treatment of urban stormwater runoff from Whitlam prior to the water being discharged into the Molonglo River. The embankment at the southern end of the pond is also required to provide access between Whitlam Stages 1 – 3

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and Stage 4 on the western side of Deep Creek. In addition to the public road, the embankment would also convey utility infrastructure to Whitlam Stage 4 on the west of Deep Creek, including water, electricity, and telecommunications.

The proposal includes measures to mitigate impacts to water quality and habitat in the area, which were established through the EIS process. This includes:

- landscaping for recreation and habitat;
- fish stocking with native species and provision of fish habitat within the pond;
- erosion protection works;
- pond bathymetry works, bioretention basins and plantings to support improved water quality;
- fauna passage included to allow for fauna movement through the area; and
- bird screens/hides.

Water quality treatment measures include gross pollutant traps, bio-retention basins, fringing vegetation, and a water recirculation system to reduce the likelihood and progression of algal blooms within the pond. Ongoing water quality monitoring will also continue to be undertaken once the pond is established.

s144 Further Information / Amendment:

An amendment to the proposal was lodged with the authority on 28 May 2024 to address entity comments from the Conservator, TCCS and Icon Water. Amendments included changes to construction fencing locations at the reserve boundary, reduced access track width and changes to temporary fencing within the river corridor, changes to the proposed construction waste enclosure location and amendments to width of the proposed fauna corridor.

The amended application was not publicly notified. Pursuant to section 146(3) of the Act, the authority considered that no-one other than the applicant will be adversely affected by the amendments and the revised proposal would not increase the environmental impact. Consequently, the authority waived the requirement to publicly notify the amended application.

ENTITY ADVICE and REQUIREMENTS

Pursuant to Division 7.3.3 of the *Planning and Development 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 16 February 2024 stating that further information and amendments were required for some aspects of the proposal and providing conditions of approval for others.

1. Water quality

A condition of development should be that the proponent funds a research program to investigate the water quality performance of the Deep creek pond and its surrounding fringing wetlands.

The below advice regarding wildlife corridors should consider the primary purpose and function of the fringing wetlands/raingardens. For example, the fringing macrophytes that are put in are to address the poor water quality issues that were identified through the EIS and so this will need to be taken into consideration as the first order of priority. Habitat connectivity and fauna

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movement outcomes are to be addressed as second order business, though equally as important to be addressed.

2. Wildlife corridor

Can the 'isolated native patches' of vegetation originally identified within the EIS study be connected to form a wildlife corridor along Deep Creek which is at least 40m wide. It's encouraging to see that a fauna corridor has been identified, however this is currently drawn to be quite narrow (only a couple of meters) so will need to be expanded to become a strip of suitable native dominated ground-layer vegetation at least 40m wide to meet the minimum effective corridor width for the species we're looking to provide for. Retaining footpaths or active travel routes within the 'habitat' strip will be fine in this area, so long as they are kept to a maximum of 4m width of paved surface, and a fauna-sensitive lighting design approach is also adopted to facilitate use of the corridor by nocturnal species. Directing human recreational activities and amenity values (mown lawns, footpaths) to the southern side of the creek should be prioritised. Dogs should be discouraged (or prohibited, if possible) from the habitat areas.

It appears that the higher quality areas of native habitats identified are largely aligned with the proposed fauna corridor anyway (see Figure 2 below), so possibly the main adjustment to the landscape plan will be that the green space strip to the northern side of the creek corridor be managed as a conservation area (i.e. long grass, plenty of retained rocks and logs, areas of leaf litter or bare soil, etc., see Figure 1 below) as opposed to a carefully managed (mown grass + shade trees) type approach which has been used on the southern side of the creek. Please can the DA approval reflect that restoration of the ground storey vegetation should also be undertaken in exotic dominated areas to assist in enhancing the connectivity corridor's ecological function (see Figure 2). Retaining natural vegetation (or a similar 'designed' plant palette and management regime) in the green spaces which contain the other small drainage lines through the north-western part of the suburb, and below the dam wall, will also assist with supporting ecological connectivity along Deep Creek, and between Kama Nature Reserve and the creek (Figure 3).

Figure 1 – Retain 'natural habitat' type landscaping rather than trees + lawn below the dam wall (as shown below) and between Deep Creek and future development areas 4A and 4B. Remove weeds and restore a predominantly native understorey where this is currently not available. Use appropriate local native grass, ground cover, shrub, and tree species in landscaping/restoration.



Figure 2 – Values Map (below, left)

Area within the black polygon should be retained as much as possible in a natural state, to retain existing native vegetation and support ecological connectivity (fauna passage) along the

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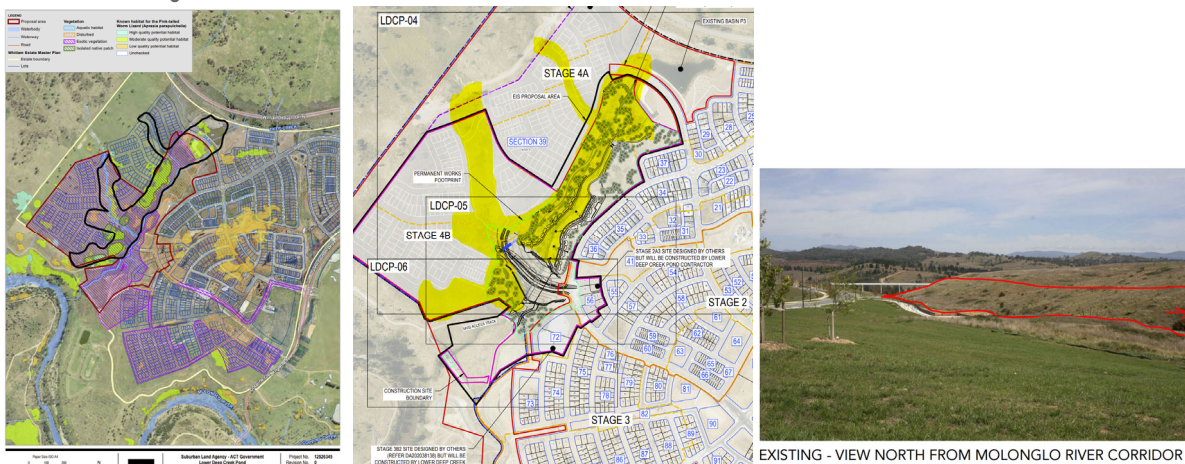
northern side of the creek corridor. Areas within the black polygon currently hashed as purple (exotic vegetation) should be restored to increase the dominance of native ground layer vegetation and connect the isolated native patches. The addition of surface rock in these areas should also be undertaken as part of the restoration plan to help retain and enhance suitable reptile habitat.

Figure 3 – Site Plan (below, centre)

The area highlighted in yellow should retain as much existing native vegetation as possible during development and connect remnant native areas to create an area of open woodland/riparian corridor at least 40m in width. Water associated ground layer species (native sedges, rushes) should be utilised along drainage lines to restore ecosystem function and habitat values. All drainage lines outside of the main Deep Creek corridor should also be retained in a natural (or restored) state, to protect natural hydrological processes in the landscape and provide climate change resilience and habitat corridors for wildlife moving between the Kama Nature Reserve and the creek. Fauna sensitive lighting should be used in all areas adjoining those which are retained/developed to provide habitat value.

Figure 4 – Current Photo (below, right)

The area shown in the red outline should be retained as a wildlife corridor for native species. Habitat restoration should be undertaken to connect areas of remnant native vegetation. Any pedestrian infrastructure should be sympathetic to the value of the area as wildlife habitat (i.e., pavement no wider than 4m, native habitat areas at least 40m wide, minimise light, noise and chemical pollution). Sedges, rushes and other wet-area dominant species typical for lowland ecosystems of the ACT should be used in planting, and rocks, logs, and bare ground areas should be factored into riparian corridor restoration to provide suitable habitat complexity for native riparian species.



3. Aquatic species

No details have been provided on the proposed fish habitat that was committed to in the EIS.

The spillway design looks suitable however the design of the energy dissipater appears to show that entrainment of fish is possible or likely at falling flow levels. These fish would then perish in hot weather or be targeted by anglers. The fish friendly nature of this structure could be improved to allow fish overtopping the dam at high flow to be flushed into the Molonglo River and prevent their retainment in the basin at lower flow level.

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There are temporary culverts and access routes below the dam that will require sedimentation and erosion control suitable to protect the Molonglo and Murrumbidgee through construction.

4. Ecological values

- *Pink-tailed Worm-lizard (PTWL) habitat and buffers not directly impacted by the construction of the dam or Whitlam development must be identified and included into the reserve or open space network and managed for conservation purposes to the satisfaction of the Conservator.*
- *Protective fencing around NTG must include a 20m buffer.*
- *Areas containing native dominant grassland not directly impacted by the construction of the dam or Whitlam development must be identified, protected and included into the reserve or open space network and managed for conservation purposes to the satisfaction of the Conservator.*
- *Materials stockpiles, washdown bays, temporary laydown areas, vehicle, plant and equipment parking areas or site sheds must not be located on areas containing PTWL habitat or native grassland that are not directly impacted by the dam or Whitlam development.*

5. Site Access:

- *PCS management and emergency access along the MVIS track is required at all times. A CNP lock must be placed on any locked temporary fence/gate within the Reserve.*
- *Access through and activities in Nature Reserves may require a licence under the Nature Conservation Act 2014. To determine if this is required contact must be made with EPSDD Licensing and Compliance team via PCS.
LicensingandCompliance@act.gov.au.*
- *The MVIS access track is accessible to the public. It is unclear how safe access for the public will be maintained.*
- *National parks, nature reserves, special purpose reserves and public unleased land remain open to the public at all times, unless the Conservator issues a closed reserve declaration, which is a notifiable instrument under the Nature Conservation Act. Both the NOD (approved plans) and CEMP must identify provisions to maintain safe public access to the nature reserve for the duration of the works to the satisfaction of the Conservator.*
- *All work areas and access routes within the Molonglo River Reserve are subject to remediation activities to the satisfaction of PCS. Any damage to management tracks, vegetation, ground cover or reserve infrastructure must be restored by suitably qualified contractors to a standard set by the ACT Parks and Conservation Service (PCS).*
- *Proposals for off management track access within the Nature Reserve, including any vehicle, plant or equipment movements, must be identified within the CEMP. A site access map identifying the proposed access route(s) and the total extent of the work area must be submitted for review. Any proposed turning areas must be shown. Protected ecological and heritage values must be shown.*
- *No-go zones beyond the approved limit of works must be identified on the plans and labelled "environment protection – no construction access permitted".*
- *Temporary and/or permanent fences and signage must be erected to restrict access beyond the limits of works to the satisfaction of PCS.*
- *PCS infrastructure, which includes but is not limited to gates, fences, management trails, walking trails, signage and livestock infrastructure must not be impacted, altered, widened or amended in any way without prior written approval of the land custodian/PCS.*

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6. Landscaping

The following species in the planting lists are considered non-local natives and may pose a weed risk and must be replaced with suitable local alternatives:

- *Rhagodia spinescens*
- *Melaleuca thymifolia*
- *Baumea articulata*
- *Cyperus exactatus*
- *Juncus pallidus*

Landscaping/rehabilitation within the Reserve must only include native species. Please remove reference to the use of dryland grass mix within the Reserve – drawing 12526345-L306.

7. Rehabilitation

- *Areas within the Nature Reserve that are impacted by the development (by the removal of vegetation) must be rehabilitated to native grassland and woodland, using a mix of native grass and forb species, tree and shrub plantings and rock and log placement to the satisfaction of PCS;*
- *Soil testing of rehabilitation areas is required to the satisfaction of PCS;*
- *Native seed bed preparation methods must be to the satisfaction of PCS;*
- *Native seeding methods (which may include drill seeding), must be to the satisfaction of PCS;*
- *Erosion and sediment controls for rehabilitation must be to the satisfaction of PCS.*

All revegetation works must have a minimum 3 years maintenance period post construction to the satisfaction of PCS and achieve:

> 50% native ground cover establishment.

90% tubestock survival.

Zero occurrences of high-risk weed species.

8. Boundary fence

A reserve boundary fence must be constructed in consultation and to the satisfaction of PCS.

Construction footprints that directly adjoin nature reserves or grazing areas require permanent boundary fences along the interface. Boundary fences must be erected along the interface to the specification and satisfaction of the land custodian/PCS, prior to construction (or an alternate timing if endorsed by the land custodian/PCS).

9. EIS

All commitments made under the EIS must be adhered to. This includes PTWL habitat restoration, translocations and research as well as numerous other commitments.

The EIS requires the proponent to undertake a connectivity study and investigation to explore the feasibility of fauna movement structure etc as part of the DA. Continuing conversations between the Office of the Conservator and Flora and Fauna and the proponent (Via Peter Lewis) are ongoing.

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10. General

- *The final design must demonstrate that all effort has been made to avoid and reduce direct impact to the nature reserve, which is a Molonglo NES direct offset area. Restoration is critical but of secondary significance to impact avoidance.*
- *The width (limit of works boundary) for the access tracks inside the nature reserve (providing access to the MVIS and to the coffer dam) needs to be reduced.*
- *Revise the site plan to allow a maximum of 4 m wide temporary fenced access routes inside the nature reserve; with a fenced three point turn at the lower end of the MVIS pipe access to avoid and minimise impact on the nature reserve.*
- *Sediment controls need to be in place for works inside and adjacent to the nature reserve to the satisfaction of the Conservator and land custodian.*
- *Materials stockpiles, washdown bays, temporary laydown areas, vehicle, plant and equipment parking areas or site sheds must be located outside of the nature reserve. These areas must be appropriately bunded/contained with sediment and erosion controls.*
- *The waste enclosure should not be placed directly adjacent to the nature reserve.*
- *Confirm the location of the sediment basin catching run off from the washdown bay? Need to ensure that run off does not reach Deep Creek. Is this the most appropriate location?*
- *What is the proposed design for the temporary crossing of deep creek for the MVIS work?*
- *Confirm that there is to be no cut and fill works within the nature reserve.*
- *Will the MVIS track culvert over Deep Creek will need to be upgraded? This need to be assessed and resolved at from a PCS management and public safety perspective. Will the Deep Creek track crossing be subject to flooding when the dam is overtopping during a storm event?*

s144C Advice

The Conservator provided further advice on 20 June 2024 in relation to the s144C amendment application stating that further information is required to support the placement of the washdown facility and its proximity to the creek:

- *Justification for its placement, and why no other placement further from the creek is suitable*
- *What happens to wastewater generated*
- *Operations regarding managing wastewater*
- *What is the risk of spillover in wet weather events.*

Refer to **PART A** for conditions consistent with the Conservator's advice.

2. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

TCCS provided advice on 5 March 2024 and 21 June 2024 (s144C) stating that the proposal is supported subject to conditions.

Traffic

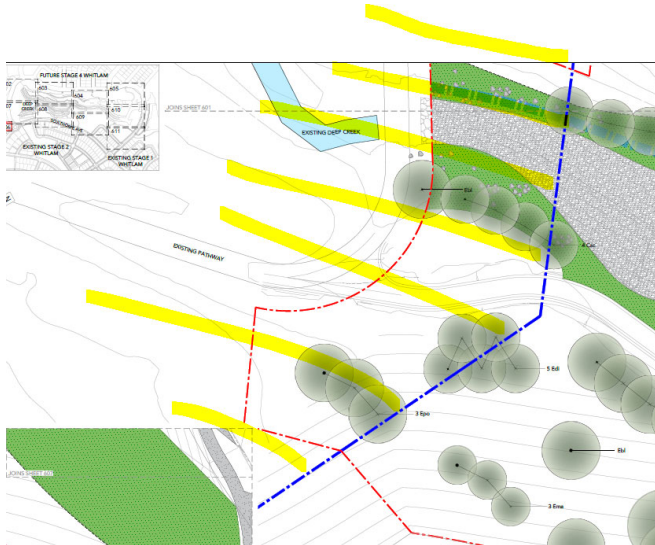
1. *The turning-templates show that only one-way movement is available for the trucks and cranes along the MVIS Access Track. This must be management during construction through timing of arrival and departure of vehicles to ensure safety is not compromised. This must be detailed in the construction traffic and parking management plan submitted prior to construction.*

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Landscape

2. Could the developer clarify that TCCS Place Management is intended to maintain the entire site? Not Parks and Conservation Service?



3. The bird screen/ hides should re-addressed in consultation with the relevant entity to see if they are actually going to be worthwhile /interesting or rare species inhabiting the space, prior to Design Review (DR).
4. A long section of the most accessible route in/ out of the recreation area should be submitted at DR, detailing all areas of path at 1:10 (noted that the path network now includes nothing steeper than 1:10)
5. Do gates/ entry poles restrict bikes? Is this the intention for only the routes including stairs?
6. The applicant to provide mural painting on the inside walls of the spill way to discourage graffiti, to the satisfaction of TCCS.
7. The existing site compound is supported for continued use.
8. The report indicates that paths will likely be steeper than 1:10 this is not acceptable within an Urban open space environment.
 - i. Paths steeper than 1:10 can be acceptable within more informal nature reserve type areas, however the use type and management style of nature reserves and national parks is vastly different to high use urban areas.
 - ii. TCCS again highlight the issue about future custodianship and ongoing management. If the area is intended to be more a "Urban public open space" then the elements must adhere to the TCCS MITS and MIS, and therefore paths cannot exceed 1:10, but if the intention is for the area to be more of a naturalised nature reserve type area, then again DRAA Landscape suggest that perhaps this area should be under the custodianship and management of Parks and Conservation.
 - iii. If paths grade steeper than 1:10 cannot be avoided, the path typology, material and signage needs to CLEARLY respond to the path being a non-standard grade so that users are well informed about the potential safety risks (especially users that may be less able).
9. The proposed tree planting density and shrub bed plantings will need to respond to any fire maintenance requirements that the open space may need to adhere to.
10. The proposed soft landscaping design may potentially be affecting the fuel loading of this open space area, which in turn may impact on the BAL levels for the properties interfacing this open space. This will need to be considered to ensure what is implemented will not have a fire risk impact on the abutting blocks.

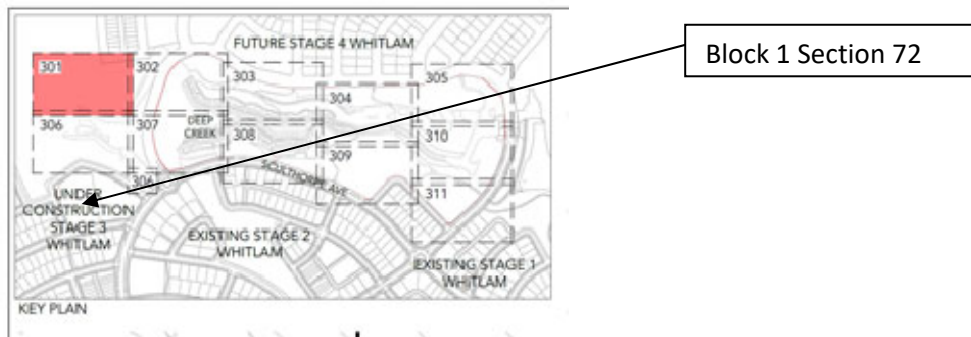
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11. *The landscape design, material selection and elements proposed must adhere to MIS and MITS requirements as much as reasonably possible. Any deviations need to be clearly identified in the TCCS Design Review submission and approval will be pending support by TCCS asset owners.*

Trees

TCCS has reviewed the Public Works Development Application (DA) 202342296 for Block 1 Section 72 Whitlam end of catchment dam and long embankment across Deep Creek and associated works. Please note that the request for comment was for Block 1 and Section 72 Whitlam, is inconsistent with any of the drawings provided in the link that relate to the proposal. The drawings relate to Block 10 Section 39. Block 1 Section 72 is part of Stage 3 Whitlam and is not part of Block 10 Section 39. The documentation is assessed as per the Environlinks Design relating to Deep Creek Pond Block 10 Section 39.



We have incorporated previous tree comments from PSP stage within this response.

TCCS give in principle support for the- Landscape Plans prepared by Envirolinks Design sheets 301 to 311 and request the proponent address the following minor issues at Design Review.

Tree Species and Bushfire Management

12. *Lower Deep Creek Pond Whitlam is part of an inner asset protection zone, and all planting is to comply with the ACT Bushfire Management Standards (BMS) and overarching Strategic Bushfire Management Plan SBMP. TCCS previously requested the proponent to reconsider the use of Eucalyptus dives and Eucalyptus macrorhyncha because they are rough barked species. Please confirm if these species meet the requirements for planting within an inner asset protection zone.*
13. *The Inner Asset protection zone standards for trees are - 2 to 5m canopy separation or fuel gap to crown >3m maintained. 15% canopy cover, trees not over hanging buildings, lower limb removals with preference to smooth barked evergreen trees. Generally, TCCS support the planting density. Please confirm and provide sections and details of how the landscape design supports this standard.*
14. *Lower Deep Creek Pond Whitlam Planting Legends and Notes Rev E Drawing No 600 consider including the following within the tree planting schedule to increase biodiversity and variety - Eucalyptus rubida and lower wetter grounds E. viminalis .*
15. *Consider E.blakeyi being planted in copses rather than singularly , whilst it is a large tree, it would benefit planting in copses due to its susceptibility of psyllid attacks.*
16. *The developer is to consider mixing different species together in random copses rather than groups of the same species.*
17. *Lower Deep Creek Pond Whitlam Planting Sheet 11 Rev C. Drawing No 611 is to show Tree Protection Fencing along Hazel Hawke Avenue to protect the street trees for consistency between LMPP and Planting plan.*

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18. Lower Deep Creek Pond Whitlam Planting Sheet 9 Rev C Drawing No 609. is to show Tree Protection Fencing of existing trees near corner of Olive Cotton View and Sculthorpe Av for consistency between LMPP and Planting plan.
19. Lower Deep Creek Pond Whitlam Planting Sheet 8 Rev C Drawing No 608 – is to show Tree Protection Fencing along Sculthorpe Avenue to protect the recently planted trees for consistency between LMPP and Landscape plans.

Tree Planting and Minimum clearances

20. At Design Review (DR) the applicant is to provide evidence with the use of sections/details that:
 - a) A minimum clearance of 2 meters from proposed trees and paths has been provided to ensure developing tree roots do not damage paths, create trip, and fall hazards.
 - b) Minimum clearances from services as per the relevant Municipal Infrastructure Standards (MIS) have been met.
 - c) Minimum setbacks from driveways and other infrastructure as per the relevant MIS have been met, and,
 - d) Where the MIS clearances or setbacks cannot be met, then the developer is to identify these deviations and provide justification for TCCS approval at DR.
 - e) The applicant is to demonstrate that the proposed tree plantings have the required available soil volume required for the species as outlined in Municipal Infrastructure Standards 025. Deviations from the standards are acceptable where trees are sharing soil volume.
 - f) If Strata Vaults are to be used, they are to be detailed at DR.
 - g) IF root control barrier is to be used it must be detailed in landscape sections. TCCS do not support root control barrier greater than 600mm adjacent to trees where it prevents them from accessing adjacent soil.
 - h) Water Sensitive Urban Design is to be implemented wherever possible and details are to be provided at DR.
 - i) Castellated kerbs are to be used when the grade of the land provides the opportunity to do so.
 - j) Permeable pavement is to be used where trees are within pavement, it is to be a minimum of 2.4m² per tree, and is to be detailed within the landscape plans at DR.

Landscape Management and Protection Plan LMPP

21. TCCS generally support the Landscape Management Protection Plan (LMPP) Sheets 137 to 142 prepared by Envirolinks Rev C relate to the proposal 'lower Deep Creek Pond'.
22. Whilst TCCS support the LMPP, it is required to be relabelled to a Tree Management Plan (TMP) at Design Review. This is due to the recently enacted Urban Forest Acts 2023 requires a Tree management Plan for the protection of trees on public land.

Place Management

Place Management raised some concerns regarding how safely maintenance can be carried out in future once asset is handover to TCCS.

23. Measures must be in place to prevent unauthorised vehicle access to urban open space.
24. Where an APZ will be maintained by TCCS, the area must be mowable, where mowing is the fuel management requirement, with a slope of less than 1 in 4.
25. Deciduous trees should be kept from overhanging waterways to avoid unnecessary organic matter entering the waterways.
26. Ensure mow ability along paths with appropriate clearances from trees and other infrastructure.

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Stormwater

27. *Related to SCADA and control equipment, pH, dissolved oxygen, temperature and turbidity sensors should be considered in relation to algae bloom monitoring (missed from Appendix F, Task 9).*
28. *Access to all SCADA sensors should be finalised in consultation with TCCS.*

Dam Technical Assessment

29. *The proposed dam has an embankment height of 22m. Any dam with an embankment height more than 5m will trigger the Utilities (Technical Regulation) Act 2014 and become a 'registered dam'.*
30. *Such registered dams must be designed and constructed as per ANCOLD Guidelines and Design Safety Code. The 'regulator' of the dams is in CMTEDD and dams manager is in TCCS.*
31. *It's advised the TCCS dams manger should be consulted at each step of the project (Pre DA/DA/Post DA).*
32. *Technical review (DA-Post DA) will be subject to review by the dams manager in consultation with the regulator. This may result in amendments to design.*

Spillway Bridge

As previously confirmed by the applicant that spillway bridge has been designed as per relevant TCCS and national standards, and any non-compliance element of the design will be resolved at detail design review with coordination with applicant and TCCS.

33. *Where steel components are necessary or required by TCCS, they should be hot dip galvanised after fabrication. The corrosion protection systems shall be to AS 2312. Corrosion protection systems, including preparation, are to be shown on the structural drawings. Painting should be avoided where it is aesthetically acceptable."*
34. *Design to prevent bird roosting within bridge. Stick-on spikes are the preferred treatment where the roosting point cannot be otherwise engineered out."*
35. *Transition to bridges: Ensure that there are no protrusions from barriers on the approach to bridges. – Noting we will ensure that the utilities conduits don't protrude on the roadside of the bridge approach barriers.*

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 (1) a Building Approval; or (2) a Letter of Early Works Approval, or (3) a Letter of Design Review prior to the commencement of any Works.

Building Applications and Design Review / Early Works Approval Requirements

Building applications are required for following activities of developments up to 3 residential dwellings:

- *driveway construction and formwork inspections;*
- *stormwater easements clearances;*
- *demolition and excavation waste; and*

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- *construction impacting the verge or public open space (landscape management and protection plan)*

Design Review generally applies to a residential development of more than 3 dwellings or any commercial or industrial developments or subdivision of any block requiring a new stormwater tie. Early Works approvals are required if the applicant wishes to expedite the process for this category of development ahead of the Design Review process.

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".

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.

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.*

Operational Acceptance/Soft Landscape Consolidation Commencement

On completion of the Works, a Certificate of Operational Acceptance is required from the relevant Senior Director of the TCCS Development Coordination Branch, prior to the issuance of a Certificate of Occupancy.

Where required, a Certificate of Soft Landscape Consolidation Commencement must also be obtained from the relevant Senior Director of the TCCS Development Coordination Branch for the placement of soft landscape works on consolidation.

A Chartered Engineer/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.

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Final Acceptance/Soft Landscape Handover

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

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

Temporary Traffic Management (TTM)

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

Landscape Management & Protection Plan (LMPP)

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

Use of verges or other unleased Territory land

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

Repair of damage to public assets

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

Notice of Commencement of construction

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

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

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DA 202342296/S144C

3. ENVIRONMENTAL PROTECTION AUTHORITY (EPA)

EPA provided advice on 9 February 2024 stating that the proposal is supported subject to conditions.

The Environment Protection Authority (EPA) supports the DA subject to the following conditions of approval being included in the Notice of Decision and enforced under the Planning Act 2023.

Conditions:

Contaminated Sites

- *The development works must be undertaken in accordance with the following management plans:*
 - *SESL Australia Pty Limited (November 2018) Construction Environmental Management Plan (CEMP) Molonglo Valley 3 Area B (Ref: J000879 Molonglo 3 CEMP 4.0);*
 - *WSP | PB (WSP) (8 February 2017) Unexpected Finds Management Plan [UFMP], Contaminated Land and Unexploded Ordnance (UXO) / Exploded Ordnance Waste (EOW), Molonglo Valley Stage 3 (Future Urban Area) (reference WSP-PB_Rpt_UFP_MV3_FINAL)";*
- *All spoil identified at the site must be managed in accordance with EPA Information Sheet - Spoil Management in the ACT;*
- *All soil subject to disposal from the site must be assessed in accordance with EPA Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT; and*
- *No soil is to be disposed from site without the approval of the Office of the Environment Protection Authority.*

Construction

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

Waterways

- *Works within a waterway or the building of a water retention structure with a capacity of 2 megalitres or more (on or off a waterway) will require a Waterway Works Licence prior to work commencing. (Unless the work is to be undertaken as a part of an authorised activity or under an environmental protection agreement under the Environment Protection Act 1997). Riparian restoration work around waterways may also require a Waterway Works Licence.*
The applicant must contact the OEPA (Office of the Environment Protection Authority) to determine if a Waterway Works Licence is required before commencement of work.

Advice:

- *Noise from equipment which may be installed or used at the site, including air conditioning units, pumps etc, must comply with the noise standard at the block boundary at all times as per the Environment Protection Regulation 2005. Please consider the type, location and hours of operation of noise generating equipment prior to installation.*

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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 14 February 2024 and 6 June 2024 stating that the proposal is supported subject to conditions.

Thank you for seeking ACT Heritage Council (Council) advice on DA202342296, which relates to a proposal for public works within Block 1 Section 72 Whitlam.

Specifically DA202342296 relates to:

- The construction of an end of catchment pond, with a total volume of 63 megalitres (ML), 300m long embankment across Deep Creek spillway, outlet works, an access bridge, services and utilities landscaping and other associated works as part of the Lower Deep Creek Pond Project. The Lower Deep Creek Pond is required to manage water quantity associated with the increased runoff from the Whitlam development and capture and treat pollutants, sediments from the suburb of Whitlam and surrounding areas to improve water quality prior to it entering the Molonglo River.*

The subject block was formerly within Block 9 Section 39 Whitlam and was included in the Environmental Impact Study for the Lower Deep Creek Water Quality Control Pond Project (Revised EIS201900045). The larger project area for EIS201900045 included three Aboriginal places (MG15, MG16 and DC1), but they were not located in the section that is now Block 1 Section 72 Whitlam. In October 2023, Council approved a SHE for the surface salvage collection of those three Aboriginal places within the larger project area.

Review of historic and current aerial imagery indicates that Block 1 Section 72 Whitlam has been subject to extensive clearing and disturbance since that time, and does not contain any nominated, registered or recorded heritage places and objects, nor any Aboriginal heritage places or objects.

Following review of plans provided with DA202342296, I note that the subject block is currently zoned RZ3 Urban Residential, and that Block 1 Section 72 Whitlam (and adjacent Block 2) are proposed to be used as a temporary stockpile area during the construction of the pond and associated works. Temporary use for construction site sheds and stockpiles is proposed on unleased land zoned residential and Block 1 Section 72 Whitlam is considered suitable as a temporary stockpile site.

Due to the extensive disturbance and current use as a stockpile site, the Council considers that the potential for unrecorded heritage places and objects within Block 1 Section 72 Whitlam is low. However, it is recommended that an Unanticipated Discovery Protocol (UDP) be implemented for the block, for the management of any heritage finds during the use of the block as a stockpile site, in accordance with Heritage Act 2004 provisions.

On this basis, and as a delegate of the Council, I advise that the proposed development is unlikely to have detrimental heritage impacts subject to the following condition:

- 1. An Unanticipated Discovery Protocol is to be implemented during construction, including for the use of Block 1 Section 72 Whitlam as a stockpile site. In the event that suspected Aboriginal places or objects are encountered during works: works at that location are to cease (in accordance with Section 75 of the Heritage Act 2004); and the Council is to be notified within five working days (in accordance with Section 51 of the Heritage Act 2004); and management is to be undertaken in accordance with further Council advice.*

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Please refer to **PART A** for conditions consistent with the Council's advice. A copy of the Council's advice is attached to this Notice of Decision.

5. ACT HEALTH

ACT Health provided advice on 14 February 2024 stating that the proposal is supported subject to conditions.

Thank you for the documentation received on 23 January 2024 regarding the Development Application (DA) for proposed construction of an end of catchment pond in Whitlam.

The Health Protection Service (HPS) notes that the development includes proposal for the construction of an end of catchment pond, with a total volume of 63 megalitres (ML), 300m long embankment across Deep Creek spillway, outlet works, an access bridge, services and utilities landscaping and other associated works.

The HPS previously responded to the Environmental Impact Statement EIS201900045 on 16 August 2021 and the previous comments provided still apply and are unaffected by the current DA.

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

Refer to **PART A** for conditions regarding compliance with entity advice.

6. ACT EMERGENCY SERVICES AGENCY (ESA)

The ACTESA provided advice on 14 February 2024 stating that the proposal is supported subject to conditions.

A Bushfire Protection Assessment was prepared by Eco Logical Australia for Stage 4 Estate Development Plan (EDP) – Whitlam, Project Number 16CAN_5955 on 13th July 2022 which encapsulates the Deep Creek Corridor development. The report incorporates asset protect zones (APZs) along the Molonglo River interfaces with residential lots. Public open space within the estate is specified to be managed in a manner that 'it does not constitute a future bushfire hazard.'

The Deep Creek dam east of Stage 4 is to be revegetated to grassland and a 10 m IAPZ has been determined using the AIC approach. The creek corridor adjoining the north-east boundary will be restored to its current condition being grassland and a 20 m IAPZ has been determined. Landscaping and bushfire maintenance plans (excerpt from the EDP Bushfire Protection Assessment).

Any proposed landscaping and management of public open spaces is required to consider bushfire risk in determining location, species, density, extent and ongoing maintenance. This should be incorporated into the subdivision plan so as to avoid increasing future bushfire risks. Endorsement by ESA and the Environment, Planning and Sustainable Development Directorate is required for the location, vegetation type, access and management of any public open space within the subject site.

Managed open space within Stage 4 EDP will require vegetation design and management to meet IAPZ standards or low threat vegetation under the Bushfire Management Standards and AS 3959 respectively.

To note, the southern and south-western boundaries of Stage 4 that adjoin the Molonglo River, a 60 m IAPZ as identified in the Bushfire Risk Strategy Molonglo Stage 3, Denman Prospect and the Molonglo River Corridor (ABPP 2016) has been applied. This 60 m IAPZ is applied for the full length of the river corridor. Maintenance of the Deep Creek Corridor site, including where

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existing APZ's intersect, are to be managed in perpetuity by the respective landowners and landscape design is to ensure this maintenance can be achieved.

ACT Fire and Rescue Access:

All roads and driveways for the development site must be suitably constructed to allow the access and egress of fire fighting vehicles, crews and equipment.

Paths of travel that traverse over or are in close proximity to basement surfaces or water retention pits require pavement loading suitable for ACTF&R Pumper/Specialist Vehicles access/egress.

Bushfire Protection Requirements:

This development is located inside of the area declared by the ESA as the Bushfire Prone Area. A Bushfire Protection Assessment was prepared by Eco Logical Australia for Stage 4 Estate Development Plan (EDP) – Whitlam, Project Number 16CAN_5955 on 13th July 2022 which encapsulates the Deep Creek development.

Fire Station Response Area:

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

ACT Fire and Rescue Access:

Compressed Air Foam System Appliance

- Length: 10.5m*
- Width: 3.2m (with mirrors)*
- Height: 3.7m*
- Weight: 23 tonnes*
- Turning circle: 21.2m*

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

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.

7. ICON WATER

Icon Water provided advice stating that the proposal is not supported as the development fails to comply with their water and sewerage network access and asset protection requirements.

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.

8. EVOENERGY (ELECTRICITY)

EvoEnergy (Electricity) provided advice on 5 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 advice is attached to this Notice of Decision.

9. EVOENERGY (GAS)

EvoEnergy (Gas) provided advice on 29 January 2024 stating that they have no objections to the proposed development.

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10. UTILITIES TECHNICAL REGULATOR (UTR)

UTR provided advice on 14 February 2024 stating that the proposal is supported subject to conditions.

Thank you for the opportunity to provide comments on the DA 202342296 for the proposed construction of Deep Creek Dam involving an access bridge, services and utilities, landscaping and other associated works. UTR reviewed DA and associated plans and are generally supportive of the project..

Comments on Dam

Deep Creek Dam is a listed dam under section 69 of the Utilities (Technical Regulation) Act 2014 and the design, construction, operation and maintenance of this dam is subject to the requirements of the Dam Safety Code. This proposed dam was granted a Design and Operating Certificate by the Technical Regulator in September 2020. The application for the Operating Certificate was accompanied by a Regulatory Plan for the Design and Construction of the dam, dated June 2020, which was approved by the Technical Regulator.

UTR has reviewed the DA Application and notes the hydraulic protection works proposed for the protection of the piers of the Molonglo Valley Interceptor Sewer (MVIS) pipe bridge.

UTR reviewed the submitted Consequence Category Assessment provided by SLA for the Deep Creek dam in July 2023. UTR noted the following in this review:

- i. The dam has a Consequence Category of High C, based on erosion protection works being undertaken to protect the two central piers of the Molonglo Valley Interceptor Sewer bridge.*
- ii. If the works were not done to protect these two central piers of the Molonglo Valley Interceptor Sewer bridge, a Consequence Category would be increased to High B.*
- iii. A Consequence Category of High C is technically sound; only if these protection works proceed and are completed prior to the commissioning of the dam.*

UTR request that the following note be provided to the development approval:

- 1. SLA comply with the conditions of the Design and Operating Certificate Operating Certificate issued by the Technical Regulator and the associated regulatory plan dated June 2020, including SLA :*
 - iv. Providing a copy of the signed development approval for the dam within 14 days of the date of its approval and before commencing any site works related to the construction of the dam.*
 - v. Compliance with the Dam Safety Code, particularly Section 8, and Schedules 1 and 2.*
 - vi. Seeking approval of the Technical Regulator for any proposals to vary from commitments provided in the Regulator Plan.*
 - vii. Seeks approval of the Technical Regulator to vary the approved design team and independent peer reviewer.*

UTR suggest that the following conditions be provided to the development approval:

- 1. Erosion protection works on the two central bridge piers of the Molonglo Valley Interceptor Sewer bridge are undertaken and completed prior to Deep Creek Dam commencing to impound water.*

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2. SLA are to notify UTR if the planned works do not occur as this may trigger :

- viii. A revision of the Consequence Category on the ACT Dams Register
- ix. Redesign of the dam to meet ANCOLD guidelines for a dam with a High B Consequence Category.

Comments Relating to Utility Impacts

Icon Water - Water Main and Molonglo Valley Interceptor Sewer : UTR note the documents ENTITYADVICE-202342296-ICON-02 and ENTITYADVICE-202342296-ICON-03 provide conceptual details of the Underbridge Pipe support for Icon Waters Water main and for the MVIS Bridge Pier Protection Works. It is noted that these are stamped with an in principle progress agreement, confirming that the design can proceed to the Development Application / Building Application Process, but that this should not be regarded to be an approval of the design – and that a separate acceptance process for this is required.

Trunk Sewerage Diversion: The proponent has submitted a Deviation from Standard form to permanently divert an existing 300mm trunk sewer around the footprint. This form was supported by extensive documentation including drawings, technical memos, letters and emails to support the request.

The proposed deviation from Icon Waters standards was supported in principle by Icon Water in October 2023.

UTR request that the following advice be provided to the development approval:

- 1. SLA are to liaise with Icon Water to obtain the approval of Icon Water for detailed designs of the Molonglo Valley Interceptor Sewer bridge pier protection.

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

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DA 202342296/S144C

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 *8 Darling Street, Mitchell, ACT 2911*.

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.

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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.

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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.

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4. Works on unleased Territory Land

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

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

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

Contact details for relevant agencies

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

NOTICE OF DECISION

DA 202342296/S144C

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

Translation and interpretation services

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

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε 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	Ако вам је потребна помоћ преводиоца телефонирајте:
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



ACTESA | 9 Amberley Avenue | Fairbairn Business Park | Majura ACT 2609

DEVELOPMENT APPLICATION NO: 202342296

DATE RECEIVED: 23rd January 2024

BLOCKS: 1	SECTION: 72	DIVISION: WHITLAM
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DESCRIPTION OF THE PROPOSAL:

- **Pond:** an end of catchment pond, with a total volume of approximately 63 megalitres (ML) at FSL
- **Embankment:** an approximately 300 metre long zoned earth and rockfill embankment with clay core across Deep Creek.
- **Spillway:** comprising a concrete chute retaining structure passing through the embankment, down the downstream face and passing through a concrete energy dissipator before returning to Deep Creek.
- **Outlet works, consisting of:**
 - a reinforced concrete intake tower situated at the upstream toe of the embankment on the east side of Deep Creek within the pond. An access bridge to the intake tower would be provided with secured entry to prevent public access.
 - an outlet pipeline underneath the embankment.
 - a reinforced concrete valve pit situated at the downstream toe of the embankment on the east side of Deep Creek.
- **Services:** several services and utilities constructed either along or through the embankment including sewer, stormwater, watermain, power, communications, and street lighting.
- **Road:** a minor collector road at the crest of the embankment that forms a vehicle and pedestrian link between the embankment abutments and connects Stages 1, 2 and 3 with Stage 4 of the Whitlam Estate.
- **Vehicle access tracks:** to allow the asset owner and operators to undertake operation, maintenance and surveillance.
- **Landscaping:** an urban recreational space and green corridor surrounding the pond and in the creek corridor downstream of the embankment to the MVIS track. Aspects include landscape plantings, structural features such as seating, paths and edge rocks
- **Instrumentation, telemetry, and controls:** including ancillary structures to allow for the monitoring of pond operation and structural, hydraulic and environmental performance.
- **Fish stocking:** inclusion of fringe vegetation underwater features including benching, rock features and large woody debris to create habitat and shelter for fish species. Stocking of the pond with relevant native aquatic species.
- **Erosion protection works:** excavation of erodible materials and placement of erosion protection measures such as geotextile, rock beaching and concrete downstream of the spillway down to the MVIS track.
- **Hydraulic protection works:** construction of concrete pier protection barriers and associated works at the Molonglo Valley Interceptor Sewer (MVIS) pipe bridge.

- **Pond bathymetry:** infilling and shaping of the Deep Creek corridor terrain upstream of the embankment to support the pond’s water quality and habitat functions and associated safe access and maintenance requirements.
- **Water quality treatment:** inclusion of gross pollutant traps, bio-retention basins, fringing vegetation, and a water recirculation system to reduce the likelihood and progression of algal blooms within the pond.
- **Stormwater:** relocation of the existing stormwater high flow overflow headwall on the eastern side of Deep Creek downstream of the pond, to discharge into the Lower Deep Creek Pond bioretention basins.
- **Sewer and water main** relocation works in the eastern abutment within Stage 2A3 to move existing sewer and water clear of the construction works and clay core. Other associated works.

COMMENTS PROVIDED FROM:

ACTF&R ACTRFS ACTSES ACTAS

ACT Emergency Services Agency’s (ACTESA) position on the Development Application is:	
That the proposal is supported	
That the proposal is supported with conditions	X
That the proposal is not supported	
That further information is required for assessment	



ACT Fire & Rescue (ACTF&R) has assessed the proposal regarding the following:

Criteria	Assessed	Not Applicable
Fire Station Response Area		X
Water Supply		X
Fire Brigade Access	X	
Bushfire Protection Requirements	X	
Hazardous Materials		X
Street Furniture, Landscaping and Tree Planting		X
Building Fire Safety Systems		X

ACTF&R Support with Conditions

A Bushfire Protection Assessment was prepared by Eco Logical Australia for Stage 4 Estate Development Plan (EDP) – Whitlam, Project Number 16CAN_5955 on 13th July 2022 which encapsulates the Deep Creek Corridor development. The report incorporates asset protect zones (APZs) along the Molonglo River interfaces with residential lots. **Public open space within the estate is specified to be managed in a manner that ‘it does not constitute a future bushfire hazard.’**

The Deep Creek dam east of Stage 4 is to be revegetated to grassland and a 10 m IAPZ has been determined using the AIC approach. The creek corridor adjoining the north-east boundary will be restored to its current condition being grassland and a 20 m IAPZ has been determined.

Landscaping and bushfire maintenance plans (excerpt from the EDP Bushfire Protection Assessment)

Any proposed landscaping and management of public open spaces is required to consider bushfire risk in determining location, species, density, extent and ongoing maintenance. This should be incorporated into the subdivision plan so as to avoid increasing future bushfire risks.

Endorsement by ESA and the Environment, Planning and Sustainable Development Directorate is required for the location, vegetation type, access and management of any public open space within the subject site.

Managed open space within Stage 4 EDP will require vegetation design and management to meet IAPZ standards or low threat vegetation under the Bushfire Management Standards and AS 3959 respectively.

To note, the southern and south-western boundaries of Stage 4 that adjoin the Molonglo River, a 60 m IAPZ as identified in the Bushfire Risk Strategy Molonglo Stage 3, Denman Prospect and the Molonglo River Corridor (ABPP 2016) has been applied. This 60 m IAPZ is applied for the full length of the river corridor. Maintenance of the Deep Creek Corridor site, including where existing APZ's

intersect, are to be managed in perpetuity by the respective landowners and landscape design is to ensure this maintenance can be achieved.

ACT Fire and Rescue Access:

All roads and driveways for the development site must be suitably constructed to allow the access and egress of fire fighting vehicles, crews and equipment.

Paths of travel that traverse over or are in close proximity to basement surfaces or water retention pits require pavement loading suitable for ACTF&R Pumper/Specialist Vehicles access/egress.

Bushfire Protection Requirements:

This development is located **inside** of the area declared by the ESA as the Bushfire Prone Area. A Bushfire Protection Assessment was prepared by Eco Logical Australia for Stage 4 Estate Development Plan (EDP) – Whitlam, Project Number 16CAN_5955 on 13th July 2022 which encapsulates the Deep Creek development.

Fire Station Response Area:

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

ACT Fire and Rescue Access:

Compressed Air Foam System Appliance

- Length: 10.5m
- Width: 3.2m (with mirrors)
- Height: 3.7m
- Weight: 23 tonnes
- Turning circle: 21.2m

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

ACTF&R Further Information:

Further information regarding these comments can be obtained by emailing actf&risk&planning@act.gov.au

ACTESA Further Information:

Further information regarding Development Applications can be obtained by emailing ACTESA Emergency Management EmergencyManagement@act.gov.au



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Matthew Shonk
A/g Chief Officer,
ACT Fire & Rescue
13 February 2024



Electricity Networks

STATEMENT OF

CONDITIONAL COMPLIANCE

Application No: 216745 **Suburb:** Whitlam **Block/Section 1 / 72**

Appcn Type: Public works/Services/New Construction

Addnl Block/Sect Whitlam 10/39, Whitlam 1/56, Whitlam 10/56, Whitlam 11/56, Whitlam 2/56, Whitlam 3/56, Whitlam 4/56, Whitlam 7/56, Whitlam 8/56, Whitlam 9/56, Whitlam 2/72

Attached Plans

ELEV-202342296-02.pdf
LOCALITY-202342296-01.pdf
PERSP-202342296-PHOTOMONTAGE-01.pdf
PERSP-202342296-PHOTOMONTAGE-02.pdf
SITE-202342296-02.pdf
SITE-202342296-03.pdf
SITE-202342296-04.pdf
UTILITIES-202342296-01.pdf
UTILITIES-202342296-01.pdf
UTILITIES-202342296-02.pdf
UTILITIES-202342296-02.pdf
UTILITIES-202342296-03.pdf
UTILITIES-202342296-03.pdf

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

Conditions

Development is to comply with minimum clearances to overhead conductors and poles. Ref Evoenergy Drawing 3811-004

Development is to comply with minimum separation requirements to underground assets. Ref Evoenergy Drawing 3832-018

Please Note

- WARNING Evoenergy underground assets may be in or adjacent to this block. It is your responsibility to ascertain the location of such assets.
- Development and Building Applications will need to include any proposed Evoenergy works
- If Evoenergy approval conditions are not met, a breach of the law may result.
- Separate applications are required for water & sewerage, and communication network services.
- Construction of unapproved works may result in action being taken to require the property owner to remove non-compliant structures and/or the property owner to fund rectification works on Evoenergy's electricity network.
- Any attached reticulation or servicing plan is preliminary only. Contact Evoenergy for final plans prior to the commencement of any construction activity.
- A failure of this application to show accurately located electricity assets may result in damage and costs for which the proponent will be liable. Damage to network assets must be reported to Evoenergy.

Comments:

Signed Peter Drummond

Date 05 Feb 2024

For further information please phone Evoenergy Electricity Networks: 6293 5770

Evoenergy Gas Networks: 6203 0640



FAILED TO COMPLY

Application No: 218855 **Suburb:** Whitlam **Block/Section** 10 / 39

Appcn Type: Public works/Services/New Construction Inclusions : Landscaping,
Other, Retaining walls/fencing

Addtnl Block/Sect Whitlam 1/56, Whitlam 10/56, Whitlam 11/56, Whitlam 2/56,
Whitlam 3/56, Whitlam 4/56, Whitlam 7/56, Whitlam 8/56,
Whitlam 9/56, Whitlam 1/72, Whitlam 2/72

Attached Plans

%ENTITYADVICE-202342296-S144C-TCCS-01(vA58625380).pdf
%S144STATE-202342296-S144C-01(vA58625371).pdf
ACCESSPLAN-202342296-S144C-01(vA58625552) - R.pdf
APP-202342296-S144C-01(vA58623233).pdf
ENVMANAGE-202342296-S144C-01(vA58625537) - R.pdf
ENVMANAGE-202342296-S144C-02(vA58625542).pdf
ENVMANAGE-202342296-S144C-03(vA58625547) - R.pdf
INDEX-202342296-S144C-01(vA58625530).pdf
INDEX-202342296-S144C-02(vA58625398).pdf
LOCALITY-202342296-S144C-01(vA58625526).pdf
LSCAPE-202342296-S144C-07(vA58625468).pdf
LSCAPE-202342296-S144C-08(vA58625473) - R.pdf
LSCAPE-202342296-S144C-09(vA58625481) - R.pdf
LSCAPE-202342296-S144C-10(vA58625486).pdf
LSCAPE-202342296-S144C-11(vA58625497).pdf
PLAN-202342296-S144C-GENERAL-01(vA58625564).pdf
PLAN-202342296-S144C-TRENCH-01(vA58625621).pdf
SECTION-202342296-S144C-01(vA58625503).pdf
SECTION-202342296-S144C-02(vA58625606).pdf
SECTION-202342296-S144C-03(vA58625615) - R.pdf
SECTION-202342296-S144C-04(vA58625624).pdf
SECTION-202342296-S144C-05(vA58625590).pdf
SECTION-202342296-S144C-06(vA58625598).pdf
SECTION-202342296-S144C-07(vA58625602).pdf
SECTION-202342296-S144C-08(vA58625627).pdf
SITE-202342296-S144C-01(vA58625408) - R.pdf
SITE-202342296-S144C-02(vA58625570).pdf
STORM-202342296-S144C-01(vA58625580).pdf
Whitlam LDC Pond In Principle IWDesAcc - R_Part1.pdf
Whitlam LDC Pond In Principle IWDesAcc - R_Part2.pdf
Whitlam LDC Pond In Principle IWDesAcc - R_Part3 - R.pdf
Whitlam LDC Pond In Principle IWDesAcc - R_Part4.pdf
Whitlam LDCD MVIS In Principle IWDesAcc.pdf
Whitlam S39 B10 Icon Water fails to comply additional comments.pdf

The design depicted in this application has been assessed by Icon Water and fails to comply with their water and sewerage network protection.

Reasons for Failure to Comply

Other: See comments

Please resubmit with cross-sections

Please resubmit with landscape plans

Please find attached Appendix to Failed to Comply Notice providing additional reasons for this failure to comply notice.

Resubmission of this application must be made to both Water and Energy Networks in order to ensure that subsequent changes to the plans meet the compliance requirements of both areas. You may also need to resubmit the application to other referral entities to ensure the changes comply with their requirements.

WARNING

This submission fails to comply with Icon Water requirements. A decision to proceed is likely to result in interference with an Icon Water sewer or water asset. Part 5 of the Utilities (Technical Regulation) Act 2014 applies, which indicates a person who interferes with a utility asset may be subject to prosecution. The current maximum penalty is 200 penalty units, imprisonment for two years, or both. In addition the land-holder can be ordered at their expense to stop the interference, which may involve removal of the building work or that part of the building work that is causing, or is likely to cause interference.

Comments:

Signed

Tim Healy

Date

27 Jun 2024

For further information please phone Icon Water 6248 3111.



Application Number
218855
Sheet
48 of 48



26/06/2024

Appendix to **Failed to Comply** Notice for proposed works at Whitlam Section 39 Block 10 (Icon Water BAS application number 218855)

The Failed to Comply notice may contain 1 or more failure conditions that must be addressed prior to receiving conditional acceptance from Icon Water. Please also find below additional failure conditions which must also be addressed prior to receiving conditional acceptance from Icon Water.

1. Trees are not permitted in the pipe protection envelope of Icon Water's asset. Submitted drawings show trees in the vicinity of the Icon Water existing DN 225 sewer main (near Olive Cotton View and Sculthorpe Avenue)
2. Please amend landscaping drawings showing the location of the sewer main in relation to the proposed trees ensuring the trees are clear of Icon Water's pipe protection envelope.
3. Several paths are shown crossing the DN 225 sewer main (near Olive Cotton View and Sculthorpe Avenue). Please provide details including material and thickness of proposed path/accessways.

Please note,

- a) Detailed design approval shall be required from Icon Water for the proposed relocation of water and sewer infrastructure as depicted in the submitted drawings (in the vicinity of the proposed roundabout). This detailed design approval requirement is separate and additional to the planning approval process.
- b) Detailed design approval shall be required for the proposed bridge pier protection works on and in the vicinity of the Icon Water MVIS (Molonglo Valley Interceptor Sewer), bulk sewer main. This detailed design approval requirement is separate and additional to the planning approval process.

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 (1) a Building Approval; or (2) a Letter of Early Works Approval, or (3) a Letter of Design Review prior to the commencement of any Works.

Building Applications and Design Review / Early Works Approval Requirements

Building applications are required for following activities of developments up to 3 residential dwellings:

- driveway construction and formwork inspections;
- stormwater easements clearances;
- demolition and excavation waste; and
- construction impacting the verge or public open space (landscape management and protection plan)

Design Review generally applies to a residential development of more than 3 dwellings or any commercial or industrial developments or subdivision of any block requiring a new stormwater tie. Early Works approvals are required if the applicant wishes to expedite the process for this category of development ahead of the Design Review process.

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".

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.

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.*

Operational Acceptance/Soft Landscape Consolidation Commencement

On completion of the Works, a Certificate of Operational Acceptance is required from the relevant Senior Director of the TCCS Development Coordination Branch, prior to the issuance of a Certificate of Occupancy.

Where required, a Certificate of Soft Landscape Consolidation Commencement must also be obtained from the relevant Senior Director of the TCCS Development Coordination Branch for the placement of soft landscape works on consolidation.

A Chartered Engineer/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.

Final Acceptance/Soft Landscape Handover

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

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

Temporary Traffic Management (TTM)

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

Landscape Management & Protection Plan (LMPP)

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

Use of verges or other unleased Territory land

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

Repair of damage to public assets

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

Notice of Commencement of construction

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

TCCS Contact details for development related submissions:

Email: tccs.dcdevelopmentcoordination@act.gov.au

Phone: 02 62070019