

Planning and Development (Approval of Application – DA202036796 – Construction of Murrumbidgee Trunk Sewer Stage 1) Notice 2025

Notifiable instrument NI2025–69

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 – DA202036796 - Construction of Murrumbidgee Trunk Sewer Stage 1) Notice 2025*.

2 Commencement

This instrument commences on the day after its notification day.

3 Application

- (1) This instrument applies to development application DA202036796 for the construction of Stage 1 of the Murrumbidgee Trunk Sewer (the *DA*).
- (2) The DA includes construction of a new trunk sewer, including shafts, above ground structures, access tracks and other associated works at Block 5 Section 37 Strathnairn.

4 Impact track development approval

- (1) On 21 May 2020, pursuant to the *Planning and Development Act 2007* (repealed), section 162 (1) (b), a delegate of the planning and land authority approved the DA in the impact track, subject to conditions.
- (2) The approval took effect on 25 June 2020.
- (3) The notice of decision for the DA is in schedule 1.

Alexandra Kaucz
Delegate of the territory planning authority
7 February 2025



NOTICE OF DECISION

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

I, Brad Maxwell, 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 a new trunk sewer, including shafts, above ground structures, access tracks and other associated works**, for **PUBLIC WORKS / MAJOR UTILITY INSTALLATION** at Block 5 Section 37 STRATHNAIRN (formerly Block 1 Section 37 STRATHNAIRN), in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number: 202036796
Block: 5 (formerly Block 1)
Section: 37
Suburb: Strathnairn
Application lodged: 28 February 2020
Assessment track: Impact

This decision contains the following information:

- Part 1 – conditions of approval
- Part 2 – reasons for the Decision
- Part 3 – public notification & entity advice
- Attachment 1 – administrative information

A copy of the development application and this approval may be inspected at the planning and land authority's office from 8.30 am to 4.30 pm, Monday to Friday at 16 Challis Street, Dickson, ACT 2602

CONTACT / ENQUIRIES

Phone: (02) 6207 6383

Online Form:

https://www.accesscanberra.act.gov.au/app/forms/epd_feedback

Brad Maxwell

Delegate of the planning
and land authority

21 May 2020

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PART 1 – 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.

A. ADMINISTRATIVE / PROCESS CONDITIONS

A1. The works must be undertaken in accordance with:

- (a) the West Belconnen Strategic Assessment, as described in the endorsed Program Report, by AT Adams Consulting (dated 18 April 2017) and associated conditions of approval.
- (b) the Ginninderry Stage 2 Urban Development EIS Exemption (dated September 2018) and associated conditions.
- (c) the mitigation measures outlined in report titled “Murrumbidgee Trunk Sewer – Stage 1 – Ecological Impact Assessment”, by Capital Ecology Pty Ltd (dated 12 November 2019) must be implemented. Specifically, the offset commitments:
 - (i) To ensure there is no net loss of Box Gum Woodland or Pink-tailed Worm Lizard habitat within the West Belconnen Conservation Corridor.
 - (ii) The residual impact to 0.17 ha of *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) listed Box Gum Woodland will be offset by enhanced management of 2.3 ha of Box Gum Woodland within the corridor as outlined in the Ginninderry Development Offset Management Plan.
 - (iii) The residual impact to 0.03 ha of EPBC Act listed Pink-tailed Worm Lizard will be offset by enhanced management of 0.3 ha of Pink-tailed Worm Lizard habitat within the corridor as outlined in the Ginninderry Development Offset Management Plan.

B. PRIOR TO CONSTRUCTION AND/OR DEMOLITION

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

B1. Prior to construction, a CEMP must be prepared by the proponent and submitted to and approved by the planning and land authority (EPDImpact@act.gov.au). The CEMP must address issues raised by entities (refer Part 3 below) and consider, at a minimum, the following:

- (a) Definition of clearing procedures and boundaries, including the retention of selected significant trees, buffer zones around sensitive values, clearing outside of threatened bird breeding seasons and fauna rescue procedures;
- (b) Weed and invasive species management;
- (c) Surface remediation post-construction, including a rehabilitation plan;
- (d) Traffic and access controls;
- (e) Pollution (including air and noise) and waste management;
- (f) Erosion and sediment controls;
- (g) Water treatment standards before release;

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- (h) Flow controls;
- (i) Worker and public health and safety policies;
- (j) Monitoring and compliance strategies;
- (k) Heritage management protocols;
- (l) Unexpected finds protocol; and
- (m) Contamination management, including:
 - (i) Amendments to relevant DA document, including but not limited to the document titled "Development Application Report – Murrumbidgee Trunk Sewer Stage 1" by Calibre Consulting (ACT) Pty Ltd dated 30 January 2020. The amendments must:
 - accurately reflect the contamination assessment, management and audit requirements for the Ginninderry Development Area, and
 - where a completed audit has been undertaken within the proposed works area, comment on the requirements of the audit.
 - (ii) Where works are proposed in areas where the audit process is not complete, Auditor Interim Advice into the adequacy of the contaminant management plan must be forwarded to the Environment Protection Authority for review and endorsement.

B2. Subject to any design changes required from the CEMP, the applicant must lodge all relevant amended plans and information with the planning and land authority for information and/or approval under section 165 of the *Planning and Development Act 2007*.

NOTE: *The CEMP may contain plans and management strategies listed elsewhere within the conditions of approval. Where these plans can be integrated into the CEMP, it must be clearly identified to which condition of approval the plan or management strategy applies.*

ACT PARKS AND CONSERVATION SERVICE (PCS)

- B3. Any impacts or changes to the car park as part of this development must be undertaken to the satisfaction of the ACT PCS.
- B4. Details of the impacts to the car park and any required remediation/rehabilitation works must undertaken to the satisfaction of ACT PCS. These details must also be included in the CEMP, as detailed above.

ACT HERITAGE COUNCIL

- B5. Prior to the commencement of works, remaining surface Aboriginal objects from RC3 and the affected area of RC29 are to be salvaged by a qualified archaeologist and Representative Aboriginal Organisations (RAOs).
- B6. Prior to the commencement of works, temporary fencing is to be installed around the remaining part of RC29:
- a) The protective fence location is to be identified by a qualified archaeologist and RAOs, following inspection of the heritage site.
 - b) Protective fencing must be adequate to physically protect the heritage site, such as star pickets spaced no more than 4m apart and with high visibility barrier mesh.

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- c) Once installed, the location and adequacy of protective fencing is to be visually confirmed by a qualified archaeologist and RAOs.
- B7. Prior to the commencement of works, the ACT Heritage Council is to receive a report on the installation of temporary fencing at RC29, which must include MGA coordinates of the fenced heritage area (all corners), photographs of the installed fence, and a list of heritage personnel involved in fencing installation.

EVOENERGY ELECTRICITY, EVOENERGY GAS AND ICON WATER

- B8. All matters raised by Evoenergy Electricity, Evoenergy Gas and ICON Water must be addressed accordingly (refer to Part 3 of this Decision and attached conditional statements of compliance/acceptance).

C. DURING CONSTRUCTION AND/OR DEMOLITION

ENVIRONMENT PROTECTION AUTHORITY (EPA)

- C1. 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.
- C2. No soil is to be disposed from the site without EPA approval.
- C3. All works must be carried out in accordance with *Environmental Protection Guidelines for Construction and Land Development in the ACT, March 2011*.

WORKING AROUND ELECTRICAL INFRASTRUCTURE AND EASEMENTS

- C4. Relevant safety requirements must be met during all works, including during the installation of temporary fencing and when operating near overhead powerlines.
- C5. No mounds of earth or materials are to be left in electrical easements during and after earthworks.
- C6. Buried infrastructure and backfilled trenches must be capable of withstanding the load of a 40-ton maintenance vehicle.

BUSHFIRE

- C7. All works must be consistent with the ACT Strategic Bushfire Management Plan 2019-2024.

D. POST CONSTRUCTION AND/OR DEMOLITION

WORKING AROUND ELECTRICAL INFRASTRUCTURE AND EASEMENTS

- D1. No mounds of earth or materials are to be left in electrical easements during and after earthworks.
- D2. Buried infrastructure and backfilled trenches must be capable of withstanding the load of a 40-ton maintenance vehicle.

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E. ADVISORY NOTES

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

TRANSGRID

- E1. Adequate consideration and precaution should be observed during works to TransGrid infrastructure and their maintenance and access requirements.
- E2. Prior to any subsequent amendments and application for future stages, it is recommended the proponent consult with TransGrid to ensure the distance to electrical infrastructure and burial depths meets relevant requirements.

PART 2 – REASONS FOR THE DECISION

The application was approved because it was found to meet the relevant rules and criteria of the Territory Plan and section 129 of the *Planning and Development Act 2007*.

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

| | |
|---------------------------------------|--|
| Development Application: | 202036796 |
| Territory Plan Zones: | NUZ4 – River Corridor Zone |
| Development Codes: | Non-Urban Zones Development Code |
| Precinct Code: | Strathnairn Precinct Map and Code and Belconnen District Precinct Map and Code |
| Legislative requirements: | Sections 128 and 129 of the <i>Planning and Development Act 2007</i> |
| Entity advice: | Conservator for Flora and Fauna, Environment Protection Authority, ACT Heritage Council, ACT Health, Evoenergy Electricity, Evoenergy Gas, Icon Water, Emergency Services Agency, Tree Protection Unit, Transport Canberra and City Services and Suburban Land Agency (addressed in Part 3 of this Decision) |
| Advice from the Commonwealth Minister | <p>The proposal for a trunk sewer in the West Belconnen Conservation Corridor was considered under the West Belconnen Strategic Assessment, as described in the Program Report – “Urban Development at West Belconnen” (AT Adams Consulting, 18 April 2017). The Program was endorsed by a delegate of the Minister for the Environment and Energy on 1 September 2017.</p> <p>On 7 May 2020 the proposed decision was referred to the Commonwealth Minister responsible for administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) for 10 working days.</p> <p>Advice was received on 21 May 2020.</p> |

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PART 3 – PUBLIC NOTIFICATION, ENTITY ADVICE AND COMMONWEALTH ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 5 March 2020 to 26 March 2020. Two written representations were received during public notification period.

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

- Noise, dust and vibration impacting nearby residential areas

The proposed works are in excess of 1km to residential areas of the Ginninderry estate. Additionally, as the majority of the alignment is to be micro-tunnelled, the extent of above ground works are limited to just four locations. This will minimise much of the dust, noise and vibration impacts to nearby residents.

Despite this, the Construction Environmental Management Plan, to be submitted by the contractor to the planning and land authority for endorsement prior construction, is to include appropriate dust, noise and vibration controlling measures.

- Proximity of the trunk sewer infrastructure to nearby electrical infrastructure and the potential to limit access for maintenance

All plans indicate the trunk sewer alignment is in excess of 100m from the nearest electrical tower – this is also shown on an amended version of drawing 16-002167 005 where a drafting error was identified.

Notwithstanding the distance of the proposal to the nearest tower, conditions of approval have been included in this decision highlighting basic safety considerations, including when operating in and around electrical easements.

ENTITY ADVICE

Pursuant to Division 7.3.3 of the *Planning and Development Act*, the application was referred to the below entities. Where an entity requested conditions to be imposed on this development, those conditions have been incorporated into Part 1 of this Decision. A summary of entity comments can be found below.

CONSERVATOR OF FLORA AND FAUNA

On 23 March 2020 advice was received from the Conservator of Flora and Fauna in relation to the proposal. The advice states:

This sewer line and its under boring of Pink-tailed Worm-lizard habitat and woodland has always been a part of the Ginninderry project and past assessments and considerations. However, the exact alignment and construction footprint were not known so there has yet to be agreed mitigation conditions.

That said, the alignment and level of impact is as expected and generally care has been taken to reduce the potential impact through alignment choice, the location of shafts and the use of existing tracks for most of the access. Capital Ecology give an impact area on Box Gum woodland as 0.69ha and impact on Pink-tailed Worm Lizard habitat as 0.03 ha and these figures are considered to be accurate.

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Please see comments/conditions below:

- *Site Plans labelled 2019DS – 5253 (ICON stamped plans) show an additional access road to the south of Strathnairn across a sizeable patch of box Gum woodland to S5. This appears to be an early possibility that has been dismissed due to ecological constraints as it is not included in other drawings or within the assessment by Capital Ecology. The redundancy of this option should be confirmed.*
- *The construction footprint is within sites of lesser quality, however disturbance will be heavy within the construction compounds, three of which occur within the Conservation area (30m x 35m, 60m x 70m & 21m x 31m) while the size and weight of the machinery makes it likely that they will severely degrade existing tracks. Most of the work area is intended to be rehabilitated and restored. This restoration will take a substantial effort, both in replanting/reseeding and in weed control and prevention. A Construction Environmental Management Plan is to be produced. It will need to detail measures to prevent African Lovegrass from flourishing in disturbed areas post work and have an end goal of establishing a woodland understorey that meets EPBC listing criteria within 10 years after finalisation of construction works.*
- *Vegetation clearing is mentioned near the carpark to allow for vehicle access. Details on how this area is rehabilitated must also be included in the CEMP. Native vegetation removed should be replaced with like-for-like.*
- *There must be a condition of approval that any impacts or changes to the car park as part of this development must be undertaken to the satisfaction of the ACT Parks and Conservation Service. Details of the impacts and the carpark entrance improvements that will be undertaken as part of the construction process are required to be included in the CEMP detailing any required rectification/remediation work to the satisfaction of ACT Parks and Conservation Service.*

Assessment note: The site plans labelled 2019DS – 5253 and the additional access track are not endorsed as part of this approval. The remaining comments raised by the Conservator of Flora and Fauna have been incorporated into the conditions of approval.

ENVIRONMENTAL PROTECTION AUTHORITY (EPA)

On 24 March 2020 advice was received from the EPA in relation to the proposal. The advice states:

Further Information required

The Ginninderry Development Area (GDA) is subject to an independent environmental audit of all contamination assessment, remedial works and the adequacy of any proposed contamination management processes. The work area for the MTS appears to transect both audited and unaudited areas within the GDA. The documents included in the DA package do not comment on the proposed management of contamination within the GDA.

The documents must be updated to comment on the requirements of the completed audits where they intersect the proposed works area and where works are proposed in areas where the audit process is not complete. Auditor Interim Advice into the adequacy of any proposed contaminant management plan must be forwarded to the EPA for review and endorsement and appropriately referenced in the DA documents.

Following review of the amended DA, conditions of approval from the EPA will be recommended.

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Advice for the applicant

The following conditions of approval will be required in the Notice of Decision (NoD) issued under the Planning & Development Act, 2007:

- All soil subject to disposal from the site must be assessed in accordance with EPA Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT
- No soil is to be disposed from site without EPA approval; and
- All works must be carried out in accordance with "Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011", available at www.environment.act.gov.au or by calling Robin Brown, Environment Protection Authority Planning Liaison on 6207 5642.

Assessment note: The further information requested by the EPA, including those relating to environmental audits have been conditioned to be included in the CEMP. The remaining comments raised by EPA have been incorporated as separate conditions of approval.

ACT HERITAGE COUNCIL

On 19 March 2020 advice was received from the ACT Heritage Council in relation to the proposal. The advice states:

A Statement of Heritage Effect (SHE) report for the project, prepared by Past Traces (2020) in consultation with Representative Aboriginal Organisations (RAO) was submitted to the ACT Heritage Council for approval.

On 19 March 2020, the Council approved the project's SHE application, which authorised the salvage of Aboriginal objects from RC3 and part of RC29. This approval was conditional, and also required the installation of protective fencing around part of RC29 and the development of a Return to Country outcome for all Aboriginal objects salvaged from the Ginninderry urban development to date.

Advice:

Stage 1 of the Murrumbidgee Trunk Sewer will result in damage to Aboriginal places and objects; however, a Heritage Act 2004 approval is in place for the project as the Council is satisfied that these impacts are justifiable, that there is no reasonably practicable alternative and that measures have been adopted to minimise heritage impacts.

In this context, the following heritage requirements are identified as DA considerations:

- (a) Prior to the commencement of works, remaining surface Aboriginal objects from RC3 and the affected area of RC29 are to be salvaged by a qualified archaeologist and RAOs;*
- (b) Prior to the commencement of works, temporary fencing is to be installed around the remaining part of RC29;*
 - (i) The protective fence location is to be identified by a qualified archaeologist and RAOs, following inspection of the heritage site;*
 - (ii) Protective fencing must be adequate to physically protect the heritage site, such as star pickets spaced no more than 4m apart and with high visibility barrier mesh;*
 - (iii) Once installed, the location and adequacy of protective fencing is to be visually confirmed by a qualified archaeologist and RAOs;*

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- (c) *Prior to the commencement of works, the Council is to receive a report on the installation of temporary fencing at RC29, which must include MGA coordinates of the fenced heritage area (all corners), photographs of the installed fence, and a list of heritage personnel involved in fencing installation; and*
- (d) *The project's Construction Environment Management Plan must include heritage management protocols and be submitted to and endorsed by the Council prior to the commencement of works.*

Assessment note: It is noted the proponent submitted a SHE to the Heritage Council for approval prior to lodging the DA, in accordance with the Ginninderry Stage 2 EIS Exemption. The advice provided by the Heritage Council has been incorporated as conditions above.

ACT HEALTH

On 23 March 2020 advice was received from ACT Health in relation to the proposal. The advice states:

The Health Protection Services (HPS) has reviewed the DA and supports the requirement that:

- *A Construction and Environmental Management Plan, incorporating an unexpected finds protocol, must be prepared by a suitably qualified environmental consultant and implemented, addressing the commitments made by the proponent in the Environment Impact Statement exemption application prior to commencing field work; and*
- *No soil is to be placed, reused or disposed elsewhere within the greater' West Belconnen' development area (outside of the area covered by the Estate Development Plan) or reused or disposed off-site without Environment Protection Authority approval.*

Assessment note: The comments raised by HPS have been incorporated as conditions.

EVOENERGY ELECTRICITY

On 23 March 2020 advice was received from Evoenergy Electricity in relation to the proposal. The advice states that the application conditionally complies with Evoenergy's Electricity Networks requirements.

Assessment note: The statement of conditional compliance will be dispatched with the notice of decision.

EVOENERGY GAS

On 3 March 2020 advice was received from Evoenergy Gas in relation to the proposal. The advice states that the application conditionally complies with Evoenergy's Gas Networks requirements.

Assessment note: The statement of conditional compliance will be dispatched with the notice of decision.

ICON WATER

On 13 March 2020 advice was received from ICON Water in relation to the proposal. The advice stated that ICON Water conditionally accepts the application.

Assessment note: The statement of conditional acceptance will be dispatched with the notice of decision.

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TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

On 25 March 2020 advice was received from TCCS in relation to the proposal. The advice states that they support the proposal. No further comments, advice or conditions were provided.

Assessment note: No further action is required in relation to this advice.

EMERGENCY SERVICES AGENCY (ESA)

The proposal was referred to the ESA on 2 March 2020. No response was received within the legislated time period. In accordance with section 150 of the *Planning and Development Act 2007*, it is taken that the ESA supports the application.

Assessment note: No further action is required in relation to this advice.

TREE PROTECTION UNIT (TPU)

The proposal was referred to the TPU on 2 March 2020. No response was received within the legislated time period. In accordance with section 150 of the *Planning and Development Act 2007*, it is taken that the TPU supports the application.

Assessment note: No further action is required in relation to this advice.

SUBURBAN LAND AGENCY (SLA)

The proposal was referred to the SLA on 2 March 2020. No response was received within the legislated time period. In accordance with section 150 of the *Planning and Development Act 2007*, it is taken that the SLA supports the application.

Assessment note: No further action is required in relation to this advice.

COMMONWEALTH ADVICE

The proposal was assessed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for likely significant impacts on matters of national environmental significance (West Belconnen Strategic Assessment). On 1 September 2017, a delegate of the Commonwealth Minister approved the proposal subject to conditions.

Pursuant to section 127A of the Act, on 7 May 2020 the proposed decision was referred to a delegate of the Commonwealth Minister responsible for administering the EPBC Act as it was likely to have a significant adverse environmental impact on a matter protected by the Commonwealth.

Advice was received on 21 May 2020. The advice states the following:

The proposed decision by the ACT government to approve Stage 1 of the Murrumbidgee Trunk Sewer is not inconsistent with the approval granted for the West Belconnen Strategic Assessment under the EPBC Act.

I do however request that the notice of decision references the offset commitment for the impact of Stage 1 of the Murrumbidgee Trunk Sewer on EPBC Act matters as

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stated in the Capital Ecology Impact Assessment dated 12 November 2019.
Specifically, this report states that:

- To ensure there is no net loss of Box Gum Woodland within the West Belconnen Conservation Corridor, the residual impact to 0.17 ha of EPBC Act listed Box Gum Woodland will be offset by enhanced management of 2.3 ha of Box Gum Woodland within the corridor as outlined in the Ginninderry Development Offset Management Plan.
- To ensure there is no net loss of Pink-tailed Worm Lizard habitat within the West Belconnen Conservation Corridor, the residual impact to 0.03 ha of EPBC Act listed Pink-tailed Worm Lizard will be offset by enhanced management of 0.3 ha of Pink-tailed Worm Lizard habitat within the corridor as outlined in the Ginninderry Development Offset Management Plan.

The final decision is consistent with advice received from the delegate of the Commonwealth Minister.

Translation and interpretation services

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| | |
|------------|---|
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