



ACT
Government

Environment, Planning and
Sustainable Development

Mbark RGC Retirement Pty Ltd
Attn: David Consalvi
David.consalvi@mbark.com.au

Dear David,

Further information request – DA-202442901 – Block 76 Section 10 Garran & Block 1 Section 56 Red Hill

An initial assessment of your development application (DA) has been undertaken and, in accordance with section 167 of the *Planning Act 2023* (the Act), the Territory Planning Authority requires further information to progress the assessment of your DA.

A detailed assessment of the proposal has not yet been completed and a second further information may be requested to address matters raised in the Territory Plan assessment or further issues/clarification raised by entities.

It is recommended to address entity concerns prior to assessment being undertaken/complete as it appears that some design changes may be required to meet the entity advice below. It is also strongly encouraged to respond to representor concerns as part of the further information response as it appears this proposal has a high community interest.

I have outlined below which entities have/ have not supported and require further information:

- The Conservator of Flora and Fauna & Tree Protection Units advice and Tree removal
- 1) The proponent is required to submit a revised BSUD response to account for the following feedback:
 - a) The proponent needs to provide a more in-depth assessment of biodiversity values on site and demonstrate how the direct and in-direct impacts of the proposed works can be minimised to maintain connectivity across the landscape as per BSUD outcomes.
 - b) Assessment Outcome 1 – Loss of native habitat and biodiversity is avoided or minimised:
 - i) Site values and the extent of intended impacts have not been sufficiently described or quantified (e.g. summary of general flora and fauna species recorded in vicinity, listed matters and protected species not considered)
 - ii) The design response did not identify the receiving catchment of any run-off from the site, or the potential impacts which might arise on aquatic and riparian ecosystems during and subsequent to development. It does not sufficiently investigate the potential aquatic and riparian habitats provided by the existing on-site dams, or the opportunities for these habitats to be protected or enhanced through proposed works. There are no descriptions

of surveys undertaken to evaluate the use of these habitats by aquatic or riparian species.

- c) Assessment Outcome 2 – biodiversity connectivity is maintained across the landscape:
 - i) The design response did not identify the matters for which the site currently provides a key movement corridor for, nor the values of the surrounding landscape which seek to be impacted by landscape fragmentation due to development in the area.
 - ii) The proposed design of the woodland corridor does not consider the minimum recommended design thresholds to maintain or enhance ecological connectivity values through this site, as provided in the BSUD Guide.

 - d) Assessment Outcome 3 – threats to biodiversity such as noise, light pollution, invasive species incursions or establishment, chemical pollution or site disturbance are avoided or minimised through good design / planning:
 - i) The proposed development will introduce additional light, noise and chemical pollution into the environment due to its proposed use as a residential area. It will also reduce in greater pedestrian and vehicle use of the natural areas and surrounding roads, which will increase disturbance and fragmentation effects already present via Kitchener Street and by the introduction of new roads and other physical barriers. The introduction of roads and waste into this landscape will also increase the use of the site by invasive species such as stray cats, foxes and rats. Buffers and management strategies to reduce these impacts have not been considered in this development application. Impacts of this form of development and the adjusted land use from golf course to residential area will likely have the most profound effect on urban-sensitive small woodland birds, and also ground dwelling species such as turtles and frogs.
 - ii) The proposed bushfire asset protection areas for the site, and their impacts on the protection and restoration of complex native species habitats in the surrounding landscape, are also not considered in the design response or Proposed Biodiversity Values Plan, and hence it is unclear how these often-conflicting requirements would be achieved.
 - iii) The proponent has not indicated any areas where habitat restoration is proposed and be incorporated into design.
2. The proponent is requested to provide spatial data related to the Current and Proposed Biodiversity Values Plans to demonstrate BSUD buffers and footprints of proposed impacted areas have been considered. The spatial data should be provided in a GIS filetype (e.g. geodatabase, geopackage, shapefile, geojson etc.) in GDA 2020 MGA Zone 55 projection, with metadata to interpret the data. For locations of flora and fauna

detected on the site, please supply either spatial or tabular coordinate data for inclusion in the ACT Wildlife Atlas database using the [ACT Wildlife Atlas Data Entry Template](#).

3. The proponent is requested to provide raw tree data or tree summary report allowing quantitative before-and-after assessment, particularly mature natives and hollow bearing trees.
4. The proponent is requested to confirm whether the Gang-gang nest tree known as “Clares” (located within the red circle in **Attachment 1**) will be retained.

Advice:

The Conservator of Flora and Fauna would not support the removal of medium, medium - high-, and high-quality regulated trees on the site. The Conservator of Flora and Fauna would not object to the removal of the following trees:

- poor-quality trees, (5 x trees).
- trees which are not covered by the Urban Forest Act 2024 (34 x trees).
- or pest plants. This would constitute (1 x trees).

It is unlikely tree removal will be supported when there is a significant number of medium to high quality trees being requested for removal. Considering this DA lodgement is part of a broader proposal, the Tree Protection Unit will require the total number of removals across the site as a piece meal approach does not provide a clear impact of tree loss or the impact it will have of the surrounding suburb or neighbouring properties.

Please refer to the following:

- The [Urban Forest Tree Management Plans- Guidelines](#), which provides the measures required when providing a Tree Management Plan in relation to developments.
- The [Urban Forest \(Approval Criteria\) determination 2023 \(no 1\)](#), which provides the criteria for approval for tree removals, major pruning, groundwork activities and other aspects of work which may be required around registered trees.

Please Note: It is a requirement Under the Provisions of the *Urban Forest Act 2023* that the proponents of a development provide a tree management plan and their proposal to either replace trees being removed or provide the calculation of the dollar amount they are prepared to pay as part of the canopy contribution fund.

It must be emphasised that providing the CCA proposal will not significantly influence a decision regarding the removal of regulated trees, as they must meet a criterion for removal under the Urban Forest (Approval Criteria) determination 2023 (no 1). Additionally, if the proponent requests a decision on tree removal through the planning process that trees of a medium, high, exceptional, or registerable quality trees may not be supported for removal if a request is made for an endorsement.

A Canopy Contribution Agreement (CCA) is required to remove a protected tree.

<https://www.cityservices.act.gov.au/trees-and-nature/trees/canopy-cover/canopy-contribution-framework/tree-calculator>

- Once the tree is approved for removal, the applicant is required to enter an agreement with the ACT decision-maker.
- If a decision is made to approve the removal of a tree/s on design grounds, please notify the Tree Protection Unit as soon as practical, so that we can generate a Canopy Contribution Agreement to attach to the notice of decision.

Finally, the tree protection Unit would like to have the entire project including all the current development Proposals provided in one document so it can be gaged what impact the development will have on the affected suburbs surrounding the proposed development site.

- Transport Canberra & City Services advice

DRIVEWAY / VERGE CROSSING

1. The verge crossing must be designed and constructed to accommodate the entry and egress of the largest vehicles accessing this site in accordance with TCCS MIS 07 Design Standard.

LMPP / STREET TREES

Urban Treescapescapes (Design and Development Coord) have reviewed the submission for Development Application, 1,76/56,10 Red Hill/Garran, and give in principle support for the proposal. This is only for the parcel of land connecting from Garran Scout Hall to the Federal Golf Course boundary. The proposed entry road does not have any concerning impacts on trees on unleased land however I have provided a few comments below to ensure a broader positive outcome:

- **Provide native endemic trees to maintain the native character of the open space, golf course and provide ecological habitat.**
- **Consider how the entry road dissects the open space area and how users (including Scout Hall users) will still be able to use the open space corridor, or access safely the walking trails along the open space corridor.**
- **Ensure recently planted Eucalyptus macrocarpa saplings are captured in tree surveys or considered in the design process.**

STORMWATER

2. As discussed with the applicant, a stormwater plan showing a SW tie connecting to the SW network must be provided as this block is being subdivided and made an independent block so that, one block cannot depend on the other block to discharge the SW to the public network.

3. Also, the applicant has advised at our previous meeting that they will change the subdivision to comply with comment 5 above, by moving the new water storage pond part of the Retirement Village block.
4. Therefore, please submit the revised DAs that explain how the above issues have been addressed.

TRAFFIC

The TIA Report in this DA (202442901) is the same as the TIA Report from the earlier DA (202342264). However, given that the DA has been submitted based under the new Territory Plan, parking requirements differ. Hence, please see updated comments below:

Review of Transport Impact Assessment prepared by GHD dated 4 September 2023

- **It is understood that traffic generation from the site is low and there is not likely to be any adverse traffic impacts from the site to the external network.**
- **Requirements for car parking and bicycle parking is to be based on the technical specifications under the new Territory Plan.**
- **Based on the meeting held by TCCS and the applicant on 8 March 2024, GHD outlined that given the lack of sight distance from the access points to Kitchener Street, safety measures such as speed cushions have been proposed on Kitchener Street. This sight distance analysis and proposal to improve safety is not detailed in the Transport Impact Assessment. Hence, please provide the sight distance assessment and detail the proposed improvement to safety in the Transport Impact Assessment report.**

ACTIVE TRAVEL

5. The applicant will need to provide plans and information indicating how the connectivity of this complex to the proposed Local community on Brereton Street and Kitchener Street is going to work.

WASTE

6. While the applicant has provided some Truck Turning Template (TTT), it is unclear as to whether the trucks are free to enter and exit at the same time or whether each entry and egress will be controlled so that there are not conflicts for a two-way entry and egress arrangement. For example, as shown in Image 1 below the TTT for the truck entry from Kitchener Street shows that the truck must encroach into the egress lane in order to enter. However, the applicant must explain how conflicts will be eliminated, otherwise, the verge crossing must be widened to accommodate a two-way egress and ingress without conflict.
7. The current Truck Turning Template (TTT) with a 12.5m truck non-compliant as it is encroaching over the verge crossing and the internal footpath where pedestrians can be run over as shown below.
8. All commercial waste must be stored, transferred, and collected onsite by a commercial contractor. Therefore, the applicant will need to explore the use of a smaller truck such as an 8.8m Medium Rigid Vehicle (MRV) to collect the waste and redesign the TTT to provide a fully designated parking bay, the 3m passing lane and the separation between

- the internal driveway and the footpath so that pedestrian can be protected from the truck entry and egress movements through the site.
9. If the 8.8m MRV is adopted as the collection waste vehicle for this development, then the applicant will need to provide a letter from a local waste contractor confirming that they have that size truck in their fleet and can collect the commercial waste as demonstrated in the updated TTT and it must be submitted at DA or Design Review Stage.
 10. The applicant will be held responsible for design and construction of an adequate truck turning path including clearances as per Waste Code 2019. The developer must not add any obstructions / encroachments within the truck turning area, including clearances after approval from TCCS at DA / DR Stage.
 11. TCCS does not collect any commercial; however, a WRMP is still required as part of the DA documentation as per the Waste Code 2019. The applicant will need to provide this updated documentation at the Design Review Stage.
 12. The applicant will be held responsible for the correctness of the design and construction of the waste enclosure to accommodate all the hoppers / bins required for the development in accordance with the DCC Waste Code 2019. The civil consultant must also provide the certification of compliance with supporting documents to TCCS at Design Review stage. The supporting documents must include a fully dimensioned floor plan of the enclosure showing the actual arrangements of hoppers / bins within the waste enclosure.
 13. Additionally, the TTT must show the full swept-path with a 600mm clearance envelope on both sides of the vehicle and a 1000mm clearance at pinch points.
 14. Since the hoppers shown in the commercial waste enclosure are all 1100L, then an 8.8m Medium Rigid Vehicle (MRV) may be used for the rear loading of hoppers, and this must be clearly confirmed and demonstrated in the TTT.
 15. All TTT must be provided to show how the largest vehicle will enter and exit the site. The turning template must indicate a 600mm clearance envelope on both sides of the vehicle and 1000mm at pinch points.

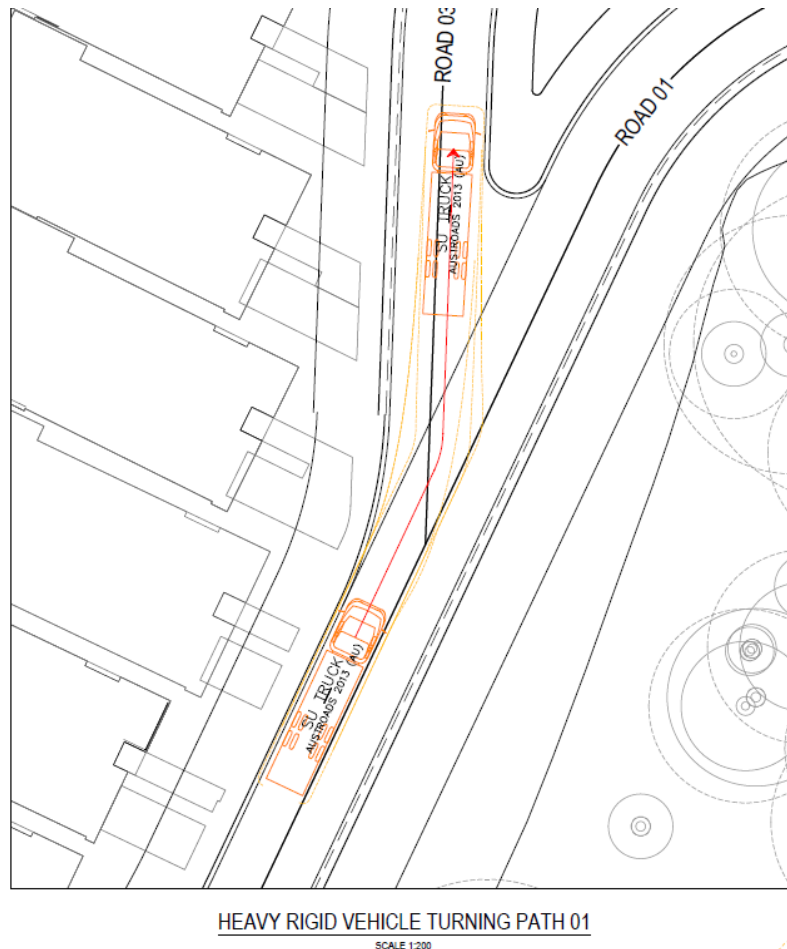


Image 1

In response to this information request please provide amended plans and documentation addressing the concerns raised by TCCS, The Conservator of Flora and Fauna and Tree Protection Unit.

Pursuant to section 192 of the Act, as a result of this request, the time to decide the DA has been paused.

On receipt of all of the information requested, the time to decide to DA will recommence.

If any amendments are made to the proposal in responding to the further information requested, the amended proposal is required to be submitted under section 168 of the Act. Please note, amending your application will result in the time to decide the DA to restart, pursuant to section 192 of the Act.

If the information requested is not provided within 18-months after the day of this request, your application will be taken to have been withdrawn.

Yours sincerely,

Joshua Dobing
Delegate of the Territory Planning Authority
6 June 2024