



ACT
Government

Environment, Planning and
Sustainable Development

Planning and Development Act 2007, s425

APPLICATION FOR:

SCOPING DOCUMENT

ENVIRONMENTAL SIGNIFICANCE OPINION S211

EXEMPTION FROM EIS

Form 1M

1. Type of Application

☐ Request for Scoping Document OR

☐ Application for Environmental Significance Opinion
Section 138AA Planning and Development Act 2007 OR

☒ Request for Exemption to Provide Environmental Impact Statement
Section 211 Planning and Development Act 2007 OR

☐ Additional Information as requested by the planning and land
authority for any application for Scoping, EIS, or ESO

If you attended a pre-application meeting or written pre-application advice in relation to the proposal that is the subject of this
application please provide proposal number **Proposal Number: 201732031**

Project Name

Canberra Brickworks Precinct (CBP) Access Road and Dudley Street Upgrade

Project Description

Dudley Street provides a link from north western Canberra to the suburbs of Yarralumla and Deakin. It connects Cotter Road to the roundabout intersection of Dudley Street / Novar Street / Adelaide Avenue off ramp / Kent Street (Novar Street roundabout). A traffic assessment undertaken in 2016 determined that Dudley Street is functioning at capacity under existing traffic use conditions. Upgrades are required to allow Dudley Street to operate safely and to meet the design requirements for a 'major collector road'.

The Canberra Brickworks Precinct is located in the central Canberra suburb of Yarralumla, around three kilometres from the Canberra Central Business District (CBD). The Canberra Brickworks Precinct is proposed to be developed into around 380 residential dwellings and would repurpose a highly valued historical amenity. A new Access Road is required to service the Canberra Brickworks Precinct from Dudley Street and is a predevelopment requirement. The development of the Canberra Brickworks Precinct is not part of this Project would be undertaken as part of a separate Proposal (by the DOMA Group).

A feasibility design, concept design and preliminary sketch plan design have been developed for the Project which have identified improvements for Dudley Street and proposed an alignment for the new Access Road, including a new intersection from Dudley Street. The Project has been optimised during each of these design stages to minimise ecological and community impacts, while meeting design objectives and road design requirements.

The key features of the Project include:

- upgrading Dudley Street
- construction of a new roundabout intersection between Dudley Street and the new Access Road to the Canberra Brickworks Precinct
- construction of a new Access Road travelling north from the new roundabout intersection on Dudley Street to the proposed Canberra Brickworks Precinct
- off road shared path to the north of Dudley Street
- provisions to maintain pedestrian access along the Uriarra Track, including a minor diversion to allow pedestrians to see passing vehicles and a pedestrian refuge for safe crossing
- ancillary works including utilities diversion and/or relocation, earthworks, drainage modifications, provision of new street lighting, upgrades to kerbs and landscaping.

Subject to approval, construction is expected to commence in 2018 and take about 12 months to complete. The Access Road is required to be open prior to the proposed Canberra Brickworks Precinct construction works commencing to minimise construction traffic impacts and disruption (including site decontamination works) for residents of Yarralumla. A detailed description of the Project is provided in Chapter 3 of *Access Road and Dudley Street Upgrade Review of Environmental Factors* (AECOM, 2018).

2. Lease/Site Details *Please Print*

Provide the following details for each lease/site:

Site 1

Block: Section: Suburb:

Street Address (if applicable)

Land Use Zone/s applicable to this site

PRZ1 – Urban Parks and Recreation Zone – Urban open space
PRZ2 – Urban Parks and Recreation Zone – Restricted access space

Note: ACTmapi also identifies Section 94/3 as 'CZ6: Leisure and accommodation' zoning however it is understood (ACT Government spatial team, *per comms*) that this is a mapping error.

Site 2

Block: Section: Suburb:

Street Address (if applicable)

Land Use Zone/s applicable to this site

PRZ2 – Urban Parks and Recreation Zone – Restricted access space

Site 3

Block: Section: Suburb:

Street Address (if applicable)

Land Use Zone/s applicable to this site

Site 4

Block: Section: Suburb:

Street Address (if applicable)

Land Use Zone/s applicable to this site

Site 5

Block: Section: Suburb:

Street Address (if applicable)

Land Use Zone/s applicable to this site

If more than three sites please provide details on separate page

3. Applicant Details *Please Print*

Surname

First Name

Name of
Company/Department/
Government Agency

ACT Government - Infrastructure Finance and Capital Works (IFCW), Chief
Minister, Treasury and Economic Development Directorate

Position held in Company/Department/Government Agency	Senior Project Manager		
Australian Company/Business Number (ACN/ABN)	N/A		
Postal Address	PO Box 818, Dickson, ACT 2602		
Suburb	Lyneham	State	ACT
		Postcode	2602
Phone Number Business Hours	+61 2 6207 2471	Mobile	0437 893697
EMAIL ADDRESS	gerard.coffey@act.gov.au		

4. Lessee (Property Owners) or Government Land Custodian Details *Please Print*

SITE 1

1st Lessee or Land Custodian Details

Full Name:	Ken Marshall
Company Name:	ACT Government – Roads ACT, Transport Canberra and City Services Directorate
Position Held in Company:	Director
ACN Number:	
Postal Address:	GPO Box 158 Canberra ACT 2601
Telephone BH:	02 6207 6588
Mobile:	
Email Address:	Ken.marshall@act.gov.au

2nd Lessee or Land Custodian Details

Full Name:	
Company Name:	
Position Held in Company:	
ACN Number:	
Postal Address:	
Telephone BH:	
Mobile:	
Email Address:	

SITE 2

1st Lessee or Land Custodian Details

Full Name:	Ken Marshall
Company Name:	ACT Government – Roads ACT, Transport Canberra and City Services Directorate
Position Held in Company:	Director
ACN Number:	
Postal Address:	GPO Box 158 Canberra ACT 2601
Telephone BH:	02 6207 6588
Mobile:	
Email Address:	Ken.marshall@act.gov.au

2nd Lessee or Land Custodian Details

Full Name:	
Company Name:	
Position Held in Company:	
ACN Number:	
Postal Address:	
Telephone BH:	
Mobile:	
Email Address:	

SITE 3

1st Lessee or Land Custodian Details

Full Name:	
Company Name:	
Position Held in Company:	
ACN Number:	
Postal Address:	
Telephone BH:	
Mobile:	
Email Address:	

2nd Lessee or Land Custodian Details

Full Name:	
Company Name:	
Position Held in Company:	
ACN Number:	
Postal Address:	
Telephone BH:	
Mobile:	
Email Address:	

All lessees must sign authorising the lodgement of this application. In doing so the lessee gives authority to the applicant to negotiate any dealings in relation to the application through to its determination. If there are more than two lessees please ensure that the details and authorisation are attached to the application.

If a lessee signature can not be obtained and either a land acquisition or lease withdrawal is underway to facilitate the project to which the EIS Scope relates then the applicant must submit documentary evidence that such land acquisition or lease withdrawal is occurring and that the lessee is aware of the project to which the EIS Scope relates.

5. EIS Requirements – complete this part for Application for Scoping Document ONLY

Please identify why your proposal requires an Environmental Impact Statement and include applicable references to the *Planning and Development Act 2007 (P&D Act)*.

- ☐ The proposal is a type listed under schedule 4 of the P&D Act. Please list item numbers:
- ☐ The proposal is not an EXEMPT, CODE, or MERIT track development where the development is allowed under an existing lease
- ☐ The proposal is permissible under the National Capital Plan but listed as prohibited in the relevant development table
- ☐ The proposal has been declared under section 124 and section 125 of the P&D Act
- ☐ The proposal is not listed anywhere in the relevant development table (in nominate use)

6. Complete this part for Application for Environmental Significance Opinion ONLY

S138AA Planning and Development Act 2007

Are you seeking an Environmental Significance Opinion?

☐ YES

☒ NO

IF YES – identify the item(s) for opinion under Schedule 4 of the *Planning and Development Act 2007*

☐ Section 4.2 Item 3 (c)

☐ Section 4.2 Item 3 (d)

☐ Section 4.3 Item 1

☐ Section 4.3 Item 2 (a)

☐ Section 4.3 Item 2 (b)

☐ Section 4.3 Item 3

☐ Section 4.3 Item 6

Note: Applications for Environmental Significance Opinion from the ACT Heritage Council must be accompanied by a Statement of Heritage Effects prepared by a suitably qualified heritage professional regarding the potential impacts of the proposal.

7. Complete this part for Request for Exemption to Provide Environmental Impact Statement ONLY

S.211 Planning & Development Act 2007

The Minister may exempt a development proposal from a requirement to include an EIS if satisfied that the expected environmental impact of the development proposal has already been sufficiently addressed by another study, whether or not the study relates to the particular development proposal.

If the proposal is a type listed under Schedule 4 of the P&D Act, please list the item numbers: Schedule 4, Part 4.3- Items 1 and 7

Please supply supporting documentation to justify s211 consideration and a statement as to how the supporting documentation satisfies the requirement of s.211 and s50A of the P&D Regulation.

☒ Documentation Attached

8. Environment Protection and Biodiversity Conservation Act 1999

Does the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC) affect your proposal?

☒ YES

If YES - attach copies of the Commonwealth Department of the Environment "Notification of Referral Decision" and "Decision on Assessment Approach"

NOTE: Copies of these documents must be attached to this application form before it can be accepted for processing by the planning and land authority.

IF NO - Have you had meetings/discussions with the Department of the Environment?

☐ NO

☐ YES

If YES - Please provide the contact details of the Department of the Environment officer

Name: Zac Neulinger
Zachary.neulinger@environment.gov.au

Contact No.: (02) 6275 9447

9. Your Proposal – Required for ALL application types

Please attach to this application form a document that provides sufficient detail to enable prescribed entities to obtain an understanding of the full extent of your proposal and any associated works, including:

1. a statement outlining the objectives of the project and why it is needed;
2. a description of the nature/type of project proposed by providing location map(s) of the project site(s), preliminary design drawings and satellite/aerial photographs;
3. a preliminary risk assessment (PRA) based on the guidance document attached to this form (not required for an ESO application);
4. a description of the natural conservation values of the site based on the considerations listed in the "Preparation of an application for scoping and preparation of an ESO" guideline available from the EPD website;
5. a description of measures within the proposal that seek to avoid and minimise (and as a last resort offset) impact on identified conservation values (for ESO and Section 211 applications only);
6. any decision made under the EPBC Act in relation to this proposal.
7. For s211 applications only, the following additional information is required:
 - details of qualifications, expertise and experience of the person(s) who conducted previous studies supporting the application;
 - details of public consultation undertaken, as part of statutory requirement, for projects or previous studies included as supporting documentation undertaken. Details of public consultation not required for a statutory process should also be included;
 - verification from a qualified person that the information in the previous studies supporting the application is still current.

10. Prescribed Entities

Have you had any meetings/discussions with relevant prescribed entities?

☐ NO

☒ YES

IF YOU ANSWERED YES TO THE QUESTION – please complete the following table and provide meeting minutes:

ENTITY (please tick)	DATE/s OF MEETING/s	ENTITY CONTACT
☒ ACTEW Corporation Ltd (<i>Icon Water</i>)	03/08/2017	Eddie G
☒ ACTEWAGL Distribution	01/05/2017	Kedar Vedanti
☒ Conservator Flora & Fauna	03/08/2017	Helen M.
☐ Emergency Services		
☒ Environment Protection	03/08/2017	Robin B. & Tam L.
☒ Heritage Council	07/02/2018 (correspondence)	Meaghan Russell
☐ Health Policy		
☒ Territories & Municipal Services (TCCS)	23/01/2017; 27/07/2017; 03/08/2017	Jose H. & Nahin R.
☒ Custodian of the Land	TCCS – See above	TCCS – See above
☐ Other: Please specify	Refer to Review of Environmental Factors (REF) Access Road and Dudley Street Upgrade, Chapter 5.0 (AECOM, 2018).	

11. Conflict of Interest Declaration

Does the applicant or lessee have any association with EPD staff?

☒ NO

☐ YES

If YES please provide details:

NOTE: There are penalties for deliberately giving false and misleading information. The planning and land authority or Minister may revoke an approval if satisfied that the approval was obtained by fraud or misrepresentation.

12. Other Application Requirements

DOCUMENTATION AND PLANS

All required documentation must be provided in an electronic format on compact disc/DVD or via email and meet the following requirements (Form can be submitted in hardcopy if lodged over the counter)

- Each document must be saved as a PDF and named in accordance with the naming convention as detailed on the EPD website.
- All plans must be to scale.
- All plans must be rotated to the correct orientation i.e. they are the right way up when opened
- All plans are to be clear and concise and generally consistent with Australian Standard 1100.301 - 1985 and Australian Standard 1100.301 supplementary - as updated from time to time.
- The documentation provided on CD/DVD either over the counter or via an electronic lodgment process (email or internet) will be considered to be the relevant documentation associated with this application.

HARDCOPY DOCUMENTATION REQUIREMENTS FOR ALL APPLICATION TYPES

In addition to the documentation being provided on CD/DVD **one bound and one unbound hard copy must also be provided.**

13. Applicant and Lessee Declaration

I/we the undersigned, declare that this application is accompanied by all of the required information and or documents and understand that the documentation provided on CD/DVD or via electronic lodgment process (email or internet) will be considered to be the relevant documentation associated with this application; and understand that the information submitted with this application form will undergo a documentation check. I/we understand that this application will be considered lodged once the relevant application fees have been paid;

I/we hereby authorise ACT Government officers to access the subject property(s) for the purpose of evaluating the proposal;

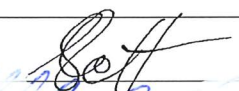
I/we the undersigned (lessee) appoint the applicant whose name and signature appear below to act on my/our behalf in relation to this application. This authorises the applicant to pay for all application fees, bonds, and securities, liaise with the planning and land authority when required, alter amend or provide further information as necessary and receive any communications relating to this application;

I/we declare that all the information given on this form and its attachments is true and complete;

If signing on behalf of a company, organisation or Government agency: -

I/we the undersigned, declare I/we have the appropriate delegation or authority to sign on behalf of the company, organisation or Government agency.

Applicant Signature (s)



Date

9/5/18

SITE 1

1st Lessee Signature



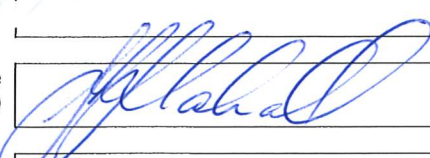
Date

2nd Lessee Signature



Date

Govt Land Custodian Signature
(unleased land only)



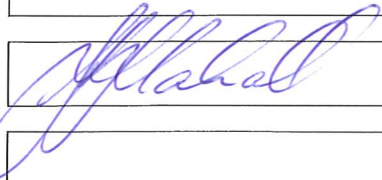
Date

14/5/18

Delegate of the planning and land
authority
(unleased land only)

Date

SITE 2

1st Lessee Signature		Date	9/5/18
2nd Lessee Signature		Date	
Govt Land Custodian Signature (unleased land only)		Date	10/15/18
Delegate of the planning and land authority (unleased land only)		Date	

SITE 3

1st Lessee Signature		Date	
2nd Lessee Signature		Date	
Govt Land Custodian Signature (unleased land only)		Date	
Delegate of the planning and land authority (unleased land only)		Date	

Does the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC) affect your proposal?

The EPBC came into operation on 16 July 2000. It establishes an environmental assessment and approval system that is separate and distinct from the ACT system. It does not affect the validity of ACT development assessment and approval processes, but may affect the assessment track. The ACT cannot provide preliminary advice on whether a proposal falls within the definition of a controlled action, or requires referral to the Commonwealth. You should consult with the Commonwealth to determine if your proposal is a controlled action before seeking any approvals under the *Planning and Development Act 2007*. For information about the EPBC, including the referral process and when a referral should be made, contact the Commonwealth Department of the Environment www.environment.gov.au

Privacy Notice

The personal information on this form is being collected to enable processing of your application. Collection of personal information is authorised by Chapters 7, 8 and 9 of the *Planning and Development Act 2007*. The information that you provide may be disclosed to the ACT Revenue Office, the Australian Valuation Office and the Registrar-General's Office. The information may be accessed by other government agencies, ACTEWAGL, ACTEW Corporation and other commercial organisations interested in development and building information.

Contact Details:

Environment, Planning and Sustainable Development Directorate

Customer Service Centre

GPO Box 158, Canberra City 2601

16 Challis Street, Dickson ACT 2602

Business Hours: 8.30am to 4.30pm weekdays (excluding Public Holidays)

Phone: (02) 6207 1923

Email: epdcustomerservices@act.gov.au Website: www.planning.act.gov.au