



ACT
Government

Environment, Planning and
Sustainable Development

NOTICE OF DECISION

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

I, Richard Davies, 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 supportive housing development **comprising the demolition of the existing pathway and tree removal, the construction of 6 new single storey dwellings with attached garages, new driveway and associated works**, at Block 20 Section 43 SCULLIN, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number: 202240865 / s144B
Block: 20
Section: 43
Suburb: Scullin
Application lodged: 20 February 2023 / 9 June 2023
Assessment track: Merit

This decision contains the following information:

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

A copy of the development application and this approval may be inspected at the planning and land authority's office from 9:00 am to 4:00 pm, Monday to Friday at 480 Northbourne Avenue, Dickson, ACT 2602.

CONTACT / ENQUIRIES

Phone: (02) 6207 6383

Online Form:

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

Richard Davies
Delegate of the Planning
and Land Authority
24 August 2023

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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.

GENERAL CONDITIONS

1. 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).

2. MINOR AMENDMENTS

The development is approved as per the endorsed plans, including the amendments required as annotated on the relevant plans by the Authority. The development is to proceed as per the requirements.

This includes:

- a) The re-siting of the mailbox to be clear of the driveway and front boundary sightline and to Australia Post requirements; as marked on Site Plan – DRG No. A005 and A006, Revision C and Landscape Plan A009 Revision D, prepared by Wombey Architects.

Notes:

- i) *changes required in response to the above annotations on approved plans must be incorporated in the drawings to be submitted for building approval for this development.*
- ii) *any other design solution, other than as annotated on approved plans, may need to be submitted for the approval of the planning and land authority with an application to amend the approval under s197 of the Planning and Development Act 2007.*

CONDITIONS RELATING TO DEVELOPMENT and ENTITY REQUIREMENTS

3. ENVIRONMENT PROTECTION AUTHORITY (EPA)

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

- a) A site specific unexpected finds protocol (UFP) must be prepared by a suitably qualified environmental consultant to manage potentially contaminated material identified during development of the site. The UFP must be implemented during development works at the site.
- b) 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.
- c) No soil is to be disposed from site without EPA approval.

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- d) All works must be carried out in accordance with “Environment Protection Guidelines for Construction and Land Development in the ACT, August 2022”, available at www.environment.act.gov.au or by calling 132281.
- e) Appropriately ACT licensed contractors must be engaged for the removal, transport and disposal of all hazardous materials found on the site.
- f) All hazardous materials found on the site must be disposed of at a facility suitably authorised/licensed to accept the waste.

4. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

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

DRIVEWAY / VERGE CROSSING

- a) Drawings must show the removal of the indented parking bay, the realigned kerb, the reinstated verge, redesigned SW drainage and the extension of the proposed driveway to a new vehicle crossing in line with the new kerb.
- b) The driveway over the verge (or verge crossing) must be designed and constructed as a heavy duty driveway in accordance with TCCS Driveway Design Standards MIS-07.
- c) The levels on the verge must not be altered as a result of the new constructed driveway.
- d) Note that driveway design approval and inspection at formwork stage will be carried out by the TCCS design review & asset acceptance team, not by the development planning team and the BA process. See the standard general conditions below.
- e) Any above-ground infrastructure assets such as street lighting, power poles, mini-pillars, signage, etc, must be at least 1.5m clear from the closest edge of the driveway. With underground infrastructure assets such as stormwater sumps, sewer manholes, fire hydrants and telecom pits the minimum clearance is 1.2m (reduced clearances may be possible if underground assets are trafficable). Show proposed clearances on the driveway plan as necessary.
- f) 2.5m X 2m clear sight triangles must be provided at the front boundary of the block in accordance with Figure 3.3 of AS 2890.1 Off-Street Car Parking. These areas must be kept clear of obstructions to visibility such as letterboxes, trees or shrubs.

VERGE / LMPP / STREET TREES / DILAPIDATION REPORT

- g) A Landscape Management and Protection Plan (LMPP) and a Dilapidation Report for all government assets (edge of roads, kerbs, footpaths, SW pits, vegetated verge areas, etc) adjacent to the site must be submitted to the Development Coordination Branch – TCCS prior to commencement of the work. The LMPP must provide details of the verge protection measures to be installed during the construction period. ADVICE: The dilapidation report should clearly show the condition of Gov’t Assets, especially any pre-existing damage.
- h) The LMPP must show the proposed location of any new verge trees (if there is enough space). The number of location and species of new trees is to be confirmed by the Design Review and Asset Acceptance civil & landscape teams prior to the issuing of a Letter of Design Review. Species selected must be small deciduous trees to prevent undesirable shading in winter. New trees must have adequate clearance to existing streetlights and all services.

PEDESTRIAN NETWORK

- i) All verge protection fencing must be placed in such a way that the verge is protected but access to the pedestrian network is maintained whenever possible.
- j) The pedestrian walkway / footpath must take precedence over the driveway. Where a new driveway crosses a footpath, provide joints in the driveway to match adjoining footpath joint patterns (similar width and spacings) to promote pedestrian traffic across the driveway.

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STORMWATER

- k) Any changes to the existing public stormwater drainage system (such as the new roadside SW sump, SW main extension, new tie, etc) must be approved before construction by TCCS Design Review & Asset Acceptance Team.

STREETLIGHT

- l) Show existing streetlights on updated site plans.

WASTE

- m) A Waste and Recycling Management Plan (WRMP) for the new development must be prepared in accordance with the ACT's DCC Waste Code 2019 prior to the Design Review stage. It must address excavation and construction waste. The WRMP form (Section 3, Appendix 10) must be submitted.

RETAINING WALL

- n) All retaining walls and associated foundations must be constructed within the block boundary.
o) Any drainage through retaining walls / weep holes must fall within the block boundary and must be connected to the site's private stormwater drainage system.

Note: Standard TCCS conditions apply (as appropriate) for works on, and the use of, Territory Land in addition to the above conditions. A copy of the standard conditions is included with this decision.

5. CONSERVATOR OF FLORA AND FAUNA – TREE PROTECTION AUTHORITY (The Conservator)

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

- a) all works must be in accordance with the Site Plan, Drawing Number A005, Revision B, Date 08-08-22 and Arboriculture Impact Assessment Report, prepared by Steve Griffiths, Date 27 January 2023 and Tree Management conditions described therein.

Note: The trees to be removed are either not Regulated or are of poor quality (S6, S8) or are weed species (S16, S17, S 19, S20, S21 and S22) and the Tree Protection Unit would not oppose their removal. Tree C7 is a street tree, and its removal will be determined by Urban Trees Division.

6. COMPLIANCE WITH ENTITY REQUIREMENTS

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

- ICON Water;
- Evoenergy (Electricity); and
- Evoenergy (Gas).

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

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7. WASTE MANAGEMENT – DURING CONSTRUCTION PHASE

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

8. SERVICES

Any service connections including, point of entry, meter boxes and gas meters, are to be located clear of areas approved for car parking space(s) to ensure these services do not reduce the minimum area of the parking spaces and/or restrict vehicular access.

9. FENCING

Pursuant to sub paragraph 165(3)(n)(ii) of the *Planning and Development Act 2007*, at the lessee's expense and before the completion of building work, the existing boundary fencing shared with adjoining Block 24 must be replaced with a 1.8m high timber lapped and capped fence, or to another standard acceptable to the subject block lessee and the relevant adjoining lessees.

The lessee must take all reasonable steps to obtain the written agreement of the respective lessees before the erection of any new fencing.

Note: In the event the adjacent lessees do not wish their respective fence to be replaced or where the fencing has already been upgraded to 1.8m high fence due to recent redevelopment, the existing fence can be retained.

10. ACCESS AND MOBILITY

- The development is to comply with the relevant provisions of 'AS1428.1-2009 Design for Access and Mobility', any relevant provisions of the *Premises Standards 2010* and the *Disability Discrimination Act 1992* as applicable.
- The development must consider and apply any recommendations in the Access and Mobility Report, prepared by Eric Martin and Associates Architects, dated 30 May 2023.
- The proposal must be in accordance with relevant provisions of the Australian Standard AS/NZ 2890.6-2009 and the National Construction Code.

11. LIGHTING

All external lighting for the building is to comply with the following Australian Standards:

- AS1158.3.1- 'Pedestrian Lighting'; and
- AS4282 – 'Control of the Obtrusive Effects of Outdoor Lighting'.

12. KERB RESTORATION

Any redundant driveway verge crossings must be removed, and the verge and kerb restored to the satisfaction of TCCS.

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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. FOOTPATH LINK

The proposed removal of the existing footpath through the subject block results in a dead-end pedestrian path. It is recommended that the proponent discuss this matter with TCCS with a view to removing any redundant footpath and/or installing appropriate signage to warn pedestrians/cyclists of the change. Noting the DA exemptions in the Planning and Development Regulations 2008 (Schedule 1), it appears this can be undertaken separate to this DA process ie. exempt from DA approval however as always, please check with a Certifier for final advice.

2. SIGNAGE

a) This development application does not include an assessment of any proposed signage.

Any proposed signage at the site must be the subject of a separate DA for approval by planning and land authority, unless exempt in accordance with the *Planning and Development Regulations 2008*.

b) 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>

3. ENVIRONMENT PROTECTION AUTHORITY (EPA)

Noise from equipment which may be installed or used at the site, including air conditioning units 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 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*.

All excavations that collect rain water during a rain storm event would be considered as a sediment control pond, and must meet the following condition:

- No discharge from pond unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the pond must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.

For further information please contact the Environment Protection Authority Planning Liaison at EPAPLanningLiaison@act.gov.au or on 02 6207 5642.

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PART B – REASONS FOR THE DECISION

The application was approved because based on the documentation and in the form modified by the imposed conditions it was considered to meet the relevant rules and criteria of the Territory Plan and section 120 of the *Planning and Development Act 2007 (the Act)*.

The relevant objectives of the Community Facility Zone (CFZ) have been considered. In general, the assessment found the development was not inconsistent with the relevant zone objectives.

The main issues identified during the assessment were:

- The development meeting the Territory Plan requirements in relation to line of sight.
- s144 Amendment - During the assessment of the DA, the Authority requested further information in relation to access report and mobility plans, lighting notes, garage dimensions, landscaping, solar access, privacy, safety feature and sightline triangles.

During the assessment of the DA, the Authority requested further information. The applicant provided an application under section 144 of the Act in response, amending the proposed development. This decision is based on the amended proposal.

- Issues raised in representations were considered in the assessment and determination of this DA. Refer to **Public Notification** in **Part C** below.
- Entity advice

The proposal was referred to relevant entities and the Entity advice is discussed in **PART C** below.

Conditions have been imposed in regards the issues identified during assessment to ensure the development satisfies the Territory Plan, addresses assessment issues including relevant entity advice 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:	202240865 /s144B
Territory Plan Zones:	Community Facility
Development Codes:	Residential Zone Development Code, Community Facility Zone Development Code & Multi-unit Housing Development Code
Precinct Code:	Scullin Precinct Map
General Codes:	Access and Mobility General Code, Parking and Vehicular Access General Code, Crime Prevention through Environmental Design General Code & Waterways Water Sensitive Urban Design General Code
Crown Lease:	Volume 1599 and Folio 24
Legislative requirements:	the <i>Planning and Development Act 2007</i> in particular sections 119 and 120
Representations and Entity advice:	As addressed in PART B and 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 27 February 2023 to 20 March 2023. Twenty (20) written representations were received during public notification period.

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

Tree removal

The application was referred to the Conservator who administers tree protection and tree removal related issues. The Conservator supported the DA with conditions which have been imposed in Part A of this decision. The Conservator also advised that the trees to be removed are either not Regulated or are of poor quality (S6, S8). Tree C7 is a street tree, and its removal has been approved by Urban Trees Division (TCCS). As recommended by the Conservator, a condition has been imposed above addressing the Conservator's advice.

Existing footpath removal

The proposed removal of the existing footpath through the subject block results in a dead-end pedestrian path. This will change the local footpath network. There are however limited Territory Plan requirements to enforce the maintaining of the current arrangements. The representations raising this issue were passed onto the applicant who has not amended the proposed development to incorporate the existing footpath. Furthermore, there are existing alternative routes for pedestrians/cyclists along Ross Smith Crescent and surrounds within the existing footpath network. The application was also referred to TCCS who administer traffic, road and pedestrian network elements and TCCS supported the proposal.

If the Community Housing Canberra (CHC) wish to alter the proposal to incorporate additional public footpath links, the planning Authority would not oppose such an outcome (subject to full assessment of the proposal). An advisory note has been included in PART A above recommending the proponent discuss the dead-end path with TCCS with a view to remove any redundant footpath and/or installing appropriate signage to warn pedestrians/cyclists that there is no through path.

Increase in traffic entering Ross Smith Crescent. No documents relating to traffic analysis as part of the Development application.

The application was referred to TCCS who administer traffic and road network issues. TCCS supported the DA with conditions which have been imposed in **Part A** of this decision.

Light pollution at night, amenity reduction

The development is for residential use with the light impacts generated from the development not considered unreasonable. The revised Site Plan provided as part of the s144B DA notes that all external lighting will comply with the relevant Australian Standard to minimise impacts. The development meets the requirements of the Territory Plan.

Noise

The development is for residential use with the noise generated from the development not considered unreasonable. An advisory note regarding noise from mechanical equipment such as air conditioning units has been included at **PART A** above.

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Overshadowing

Applicant has provided shadow diagrams as part of the s144B DA which demonstrate these units and their principal private open spaces will get at least 3 hours of solar access between 9am and 3pm on winter solstice as required by the Territory Plan.

The rear Units 3 & 6 are significantly lower (up to 1.8m) below natural ground level.

The proposed development was assessed against the Territory Plan and there are no issues in relation to this matter.

Unit 6 Private Open Space (POS) is overlooked by the open deck at the second level of the adjacent office development on Block 22.

The proposed development was assessed against the Territory Plan, and it was found that there are no issues in relation to this matter. Unit 6 POS is significantly lower than the adjacent Block 22 and there will be a 1.8m high fence along the common boundary. Therefore, there will be no significant overlooking.

Parking

The proposed development was assessed against Parking and Vehicular Access General Code (PVAGC), and it was concluded that there is reasonable space for car manoeuvring within the site.

Stormwater run-off

A Water Sensitive Urban Design (WSUD) Report has been provided and states that minimum volume of 4KL storage is required. On-site detention will utilise 50% of the volume of on-site retention tanks of 24KL. The stored rainwater will be released to the stormwater tie over a period of not less than 6 hours. In addition, there is sufficient open space to absorb the water.

General

The issues raised in the representations received during the notification period were all considered in detail and the assessment has found that the development is capable of approval with conditions to address minor design elements, entity advice and other administrative/procedural issues.

s144 Further Information / Amendment:

An amendment to the proposal was lodged with the authority on 9 June 2023. This amended application was not publicly notified.

Pursuant to section 146(3) of the Act, the planning and land 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.

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

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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. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

TCCS provided advice stating that the proposal is supported subject to conditions.

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

2. ENVIRONMENTAL PROTECTION AUTHORITY (EPA)

EPA provided advice stating that the proposal is supported subject to conditions.

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

3. CONSERVATOR OF FLORA AND FAUNA (TREE PROTECTION UNIT) (the Conservator)

The Conservator provided advice stating that the proposal is supported subject to conditions.

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

4. ICON WATER

Icon Water provided advice stating that the proposal is supported subject to conditions.

A condition requiring the development to satisfy relevant entity requirements has been imposed in **PART A**.

A copy of the Icon Water advice is attached to this Notice of Decision.

5. EVOENERGY (ELECTRICITY)

EvoEnergy (Electricity) provided advice 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.

6. EVOENERGY (GAS)

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

A condition requiring the development to satisfy relevant entity requirements has been imposed in **PART A**.

A copy of the EvoEnergy (Gas) advice is attached to this Notice of Decision.

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ATTACHMENT 1

ADMINISTRATIVE INFORMATION RELATING TO NOTICE OF DECISION

DATE THAT THIS APPROVAL TAKES EFFECT

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

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

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

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

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

Inspection of the Application and Decision

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

Submission of revised drawings or documentation

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

Reconsideration of the Decision

If the DA applicant is not satisfied with the decision made by the planning and land authority, they are entitled to apply to the planning and land authority for reconsideration within 20 working days of being told of this decision pursuant to section 191 of the Act. A longer timeframe may apply only if granted in writing by the planning and land authority pursuant to section 184 of the Act.

More information is available online at <https://www.planning.act.gov.au/build-buy-renovate/build-buy-or-renovate/approvals/development-applications/appeal-a-da-decision>.

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 <https://www.planning.act.gov.au/build-buy-reno/build-buy-or-reno/approvals/development-applications/appeal-a-da-decision>.
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 <https://www.environment.act.gov.au/about/access-government-information> 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](#).
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

ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601 GPO Box 370, CANBERRA, ACT 2601	www.acat.act.gov.au tribunal@act.gov.au 02 6207 1740 02 6205 4855 (Fax)
ACT Supreme Court 4-6 Knowles Place, CANBERRA CITY ACT 2601 GPO Box 1548, CANBERRA CITY, ACT 2601	www.courts.act.gov.au 02 6205 0000
Environment, Planning and Sustainable Development Directorate 480 Northbourne Avenue DICKSON ACT 2602 GPO Box 158, CANBERRA 2601 <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>	www.planning.act.gov.au 02 6207 1923 EPAPanningLiaison@act.gov.au 6207 5642 worksafe@worksafe.act.gov.au 132 281 www.environment.act.gov.au 132 281 TCCS.TreeProtectionACTPLARef@act.gov.au TCCS.TreeProtection@Act.gov.au
Transport Canberra and City Services <ul style="list-style-type: none">• landscape management and protection plan	www.tccs.act.gov.au 132 281

NOTICE OF DECISION

DA 202240865

approval <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

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

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