



**ACT**  
Government

Environment and Planning

# Notice of decision

Under Part 7 of the *Planning and Development Act 2007*

## Merit track

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DA NO: 201426813		DATE LODGED: 9/01/2015
DATE OF DECISION: 29 April 2015		
BLOCK: 12	SECTION: 37	SUBURB: PAGE
STREET NO AND NAME: 1 Petterd Street Page		
APPLICANT: Peter Peppas		
LESSEE: Peter Micalos Maria Patricia Papallo Fiore Pellegrino Peter Peppas		

### THE DECISION

This application was lodged in the merit track. Pursuant to section 113(2) of the *Planning and Development Act 2007*, the application must be assessed according to the provisions relevant to merit track applications.

I, Ravi Singh, delegate of the planning and land authority, pursuant to section 162 of the Act, hereby **approve subject to conditions** the proposal for:

- the demolition of an existing building containing two units;
- the erection of a two-storey building containing 5 dwellings with associated garages in further buildings and associated car parking, landscaping, paving and other site works

in accordance with the plans, drawings and other documents and items submitted with the application approval and endorsed as forming part of this approval.

This decision is subject to the conditions of approval at **PART 1** being satisfied. Please note that plans will not be dispatched until all conditions are satisfied.

**PART 2** sets out the Reasons for the Decision

**PART 3** is Public Notification and Entity Advice.

**PART 4** contains administrative information relating to the determination.

### DELEGATE

Ravi Singh  
Delegate of the planning and land authority  
Environment and Planning Directorate  
29/04/2015

### CONTACT OFFICER

Ms Gabrielle Caddy  
Phone: 6207 1799  
Email: [gabrielle.caddy@act.gov.au](mailto:gabrielle.caddy@act.gov.au)

## **PART 1 CONDITIONS OF APPROVAL**

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

### **A. ADMINISTRATIVE / PROCESS CONDITIONS**

#### **A1. FURTHER INFORMATION**

Within 28 days from the date of this decision, or within such further time as may be approved in writing by the planning and land authority, the applicant shall lodge with the planning and land authority for approval:

- (a) Revised site plan based on the relevant drawings submitted as part of the application, showing:
- (i) one visitor car parking space converted to a shared resident space;
  - (ii) one hardstand parking space relocated to be adjacent to the private open space of Unit 4 (either between the garages for units 4 and 5 or in some other arrangement to the satisfaction of the authority); and
  - (iii) pedestrian gates in the fences between the private open spaces of each unit and a common area or a hard stand parking space to allow pedestrian access to the units by visitors.

### **B. PRIOR TO CONSTRUCTION AND/OR DEMOLITION**

#### **B1. Design Acceptance and Operational Acceptance**

A Certificate of Design Acceptance is required for all off-site works from the Senior Manager, Asset Acceptance, TAMS, prior to the construction.

In order to obtain the Certificate of Design Acceptance, fully detailed drawings (civil, landscape) prepared by suitably qualified persons for all off-site works including roads, driveways, footpaths, street lighting, storm water, landscaping (and any other issues that may be found by audit of the plans) and a design report in accordance with Ref No 06: "Requirements for Design Acceptance Submissions", must be certified by a Chartered Engineer/Landscape Architect and submitted to the Senior Manager, Asset Acceptance, TAMS.

A Certificate of Operational Acceptance on completion of the works is required from the Senior Manager, Asset Acceptance, TAMS, prior to the issue of a Certificate of Occupancy.

Similarly a Chartered Engineer/Landscape Architect should certify compliance with TAMS Ref No 08: "Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance is made to the Senior Manager, Asset Acceptance, TAMS on completion of all off-site works

#### **a. Driveway Design**

The driveway must be constructed in accordance with TAMS Design Standards.

The pedestrian walkway / footpath must take precedence over the driveway.

b. Verge Planting Design

Proposed verge trees must be planted in accordance with TAMS Design Standards. A Landscape Plan detailing the planting of the trees must be submitted to TAMS during Design Acceptance.

Proposed verge trees to be maintained by the Developer for a minimum period of 12 months before handover to TAMS.

c. Notice of Commencement of Construction

Notice of Commencement for the Works in Unleased Territory Land shall be submitted to the Senior Manager, Asset Acceptance, TAMS one week prior to the commencement of works. The Notice shall also include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of TTM.

d. Tree Protection

Tree protection fencing, if required, shall be erected prior to the commencement of any work on the site.

e. Landscape Management & Protection Plan (LMPP)

This plan is to be approved and implemented before the commencement of any work on the site, and is to be in accordance with the *City Management Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04*.

f. Traffic Management

A Temporary Traffic Management (TTM) Plan shall be prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety, Roads ACT, Roads and Public Transport Division, Territory and Municipal Services Directorate (TAMSD) prior to commencement of any work on the site. This plan is to address, as a minimum, measures to be employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices.

## C. DURING CONSTRUCTION AND/OR DEMOLITION

### C1. HAZARDOUS WASTE

All works must be carried out in accordance with *Environment and Sustainable Development Information Sheet 1 Prevent Pollution from Residential Building Sites, February 2014* and *Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011*, available by calling 132281.

Appropriately ACT licensed contractors must be engaged for the removal, transport and disposal of all hazardous materials found on the site.

All hazardous materials found on the site must be disposed of at a facility suitably authorised/licensed to accept the waste.

### C2. POLLUTION CONTROL

All works must be carried out in accordance with *Environment and Sustainable Development Information Sheet 1 Prevent Pollution from Residential Building Sites, February 2014* and *Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011*, available by calling 132281.

All unsurfaced entry and exit points must be consolidated with crushed aggregate or similar extending from the road kerb to the building line.

Temporary sediment controls – comprising, as a minimum, geotextile silt fencing along the lowest points of the site and hay bale filters as required – are to be installed and maintained at least daily to prevent sediment from reaching the stormwater mains system.

All rain water that enters the site and pools in excavations during a rain storm event would be considered as a sediment control pond, and must be dealt with in the following manner:

1. All stormwater must be pumped out and disposed in at an approved location.
2. No discharge from pond unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.

C3. TREE PROTECTION

The applicant/lessee shall protect and maintain all existing trees and shrubs located on the subject site, on adjoining blocks overhanging the subject site, on the verge and unleased Territory land immediately adjacent, except for those specifically identified for removal in the approved drawings and a Tree Management Plan.

C4. USE OF VERGES OR OTHER UNLEASED TERRITORY LAND

In accordance with the Public Unleased Land Act 2013, road verges and other unleased Territory land must not be used for carrying out of works, including storage of materials or waste, without prior approval of the Territory. Such approval can be obtained from Licensing and Compliance, City Services, Parks and City Services, TAMS.

All fencing must be placed so that the verge is protected but access to the pedestrian network is provided at all times.

C5. REPAIR OF DAMAGE TO PUBLIC ASSETS

The applicant/lessee is held responsible for all damages to ACT Government assets (including footpaths) caused by the development and they must properly repair any damages to those assets. Before work commences, they should notify TAMS of any existing damage to public facilities.

C6. VERGE MANAGEMENT/LANDSCAPE MANAGEMENT & PROTECTION PLAN (LMPP)

During construction, all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with the Landscape Management Protection Plan (LMPP) approved by the Senior Manager, Asset Acceptance, TAMS. This plan is to be implemented before the commencement of works, including demolition on the site and is to be in accordance with TAMS Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04.

C7. TRAFFIC MANAGEMENT

At all times, the site and surrounds shall be managed in accordance with the approved Temporary Traffic Management (TTM) Plan.

C8. WASTE MANAGEMENT

All building waste is to be stored on the site in suitable receptacles 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.

**C9. ACTEWAGL CONDITIONS OF COMPLIANCE**

ActewAGL has provided conditions of compliance from the Water Division, Electricity Networks Division and Jemena Gas Networks Division in advice given on this application. These conditions have been forwarded with this notice and the applicant is directed to consider and follow them in carrying out the works.

**C10. 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 fence on the northern and western boundaries shall be replaced with or upgraded to a minimum standard 1.8m high timber lapped and capped fence, or to another standard acceptable to the planning and land authority. The lessee must take all reasonable steps to obtain the written agreement of the respective lessees before the erection of any new fencing. If there is no agreement, the fencing is to be to the satisfaction of the planning and land authority. New fencing shall not extend further forward than the new building line.

**D. POST CONSTRUCTION AND/OR DEMOLITION**

D1. N/A

**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.*

**E1. ONSITE PLANTING TO REMAIN WITHIN BLOCK BOUNDARIES**

All trees and shrubs proposed to be planted near the lease boundary within courtyards of individual units and adjacent private open space are to be set back adequately and planted no closer than their anticipated mature canopy radius so as not to encroach at any time beyond the lease boundary of the property into unleased Territory land known as public open space.

Refer to Appendix 1 for information about approvals that may be required for construction.

## **PART 2 REASONS FOR THE DECISION**

The application satisfactorily meets the requirements for approval. 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 code, being the Multi Unit Housing Development Code.

The key issues identified in the assessment are compliance with the Territory Plan and the new Crown lease as varied by DA 201323208; and the issues raised in representations and in advice received from referral agencies.

Some issues raised in representations were addressed with the provision of further information and the submission of amendment S144B, which amended the building facade treatments to improve the articulation (in response to criterion C49).

In other cases conditions have been imposed where relevant to address the key issues and ensure that the proposal is consistent with the Territory Plan and the *Planning and Development Act 2007*. Further details have been provided in these cases in the discussion associated with the issue under the representation and entity advice sections.

### **EVIDENCE**

#### **Application No. 201426813**

including further information S141A and amendment S144B

**The Territory Plan zone** – RZ2 Suburban Core Zone

**The Development Codes** – Multi Unit Housing Development Code

**Current Crown Lease** – Volume 1931 Folio 31

**Representations** – three

**Entity advice** – TAMSD, EPA, TPU, ActewAGL

## PART 3 PUBLIC NOTIFICATION AND ENTITY ADVICE

### PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 15 January 2015 to 2 February 2015. Three written representations were received during public notification.

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

- (a) *The block is a single dwelling block and therefore the rules for a single dwelling block should apply*

A single dwelling block is defined as a block "*originally leased or used for the purpose of single dwelling housing.*". Development Application 201323208 for the block, which was approved under reconsideration, determined that the block does not sit within the category of single dwelling blocks, due to the wording of the original certificate of occupancy, which allowed for a residence with attached flat.

Accordingly the rules relevant to a single dwelling block do not apply to this block, and these include the cited rules limiting the number of dwellings and amount of floor space. However the current Territory Plan does impose some development limitations; such as maximum plot ratio of 65%; and these have been met in this proposal.

- (b) *Setbacks*

The proposal does not meet all the rules in relation to setbacks however there are criteria which may be considered and in this case it has been assessed as consistent with the criteria. The angular corner encroachment into the setback from the curved boundary between the Petterd St and Belconnen Way frontages has been considered in assessment and is accepted as the wide verge at this point will limit the visual impact.

One of the reasons for the 5.5m garage setback is to permit a car to be parked on the apron in front of a garage and still be within the block boundary, however in this case the side of the garage is presented to the street. Overall, the reduced setback will not have a detrimental impact on the streetscape or traffic, nor will it create any additional impact on neighbouring properties. It is therefore considered that the two reduced front setbacks are consistent with the relevant criterion C30.

- (c) *Lack of articulation to Belconnen Way*

Rule R49 of the Code requires a building containing more than 2 dwellings and with a length of more than 15m to have physical articulation along the long facades and the proposal does not meet this rule. However the element also provides a criterion (C49) and the proposal, in the amended form submitted as amendment S144B, is considered to be consistent with this criterion, as the range of materials used in conjunction with the fin walls will provide sufficient articulation to meet the criterion.

- (d) *Aesthetics of the proposed design*

The Territory Plan is not prescriptive in the matter of design, and the appearance of the buildings. There is a wide range of housing styles along Belconnen Way and no coherent streetscape which would be detrimentally affected by the design. The proposal is an acceptable response to the local environment.

(e) *Parking provision*

The proposal does provide parking in accordance with the provisions of the Parking and Vehicular Access General Code. The full provision of places is not provided within the site, however this is an allowable outcome under the P&VAGC.

The proposal is for 5 two bedroom units and two of these have a double garage, meeting their resident requirement. The three remaining units have a single garage each, and share in one other space, giving them an average of 1.3 per unit. This is slightly under the requirement of the code at 1.5 spaces per unit, and in practice this 1.5 would be rounded up to two, so this does leave them one short on site for residents.

The visitor parking requirement for this number of units is two, made up of 1 for the first four plus one for the part of the next four. This has been provided in the proposal.

Given that the P&VAGC gives preference to resident parking on site, whereas visitor parking can be located within 100m from the block, the better outcome is for the second visitor parking space to be reallocated for residents. Visitors clearly cannot park on Belconnen Way or Petterd St, as these streets have unbroken median lines. However there is street side parking in Hildebrand St within the required distance. A condition will therefore be applied that one visitor parking space be converted to a resident's space, improving consistency with the P&VAG.

## **ENTITY ADVICE**

Pursuant to Division 7.3.3 of the Act, the application was referred to entities and advice was received. The referral entities' comments are as follows. A response to the advice is provided as appropriate.

### ACTEWAGL

On 22 January 2015 advice was received from ActewAGL water and sewage networks in relation to the proposal. The advice states that the proposal conditionally complies with their requirements.

On 30 January 2015 advice was received from ActewAGL Jemena Gas Networks in relation to the proposal. The advice states that the proposal conditionally complies with their requirements.

On 30 January 2015 advice was received from ActewAGL Electricity Networks Division in relation to the proposal. The advice states that the proposal conditionally complies with their requirements.

As the matters raised relate to building certification, they have been incorporated as a covering condition at C9 and the details of the advice forwarded separately to this notice.

### TERRITORY AND MUNICIPAL SERVICES DIRECTORATE (TAMSD)

On 4 February 2015 advice was received from Territory and Municipal Services in relation to the proposal. The advice states that the proposal is supported with conditions and these have been incorporated at B1, C4-8 inclusive and E1 in this Notice.

### CONSERVATOR OF FLORA AND FAUNA

On 2015 advice was received from the Conservator of Flora and Fauna in relation to the proposal. The advice states:

### ENVIRONMENT PROTECTION AGENCY (EPA)

On 12 February 2015 advice was received from the Environment Protection Agency in relation to the proposal. The advice states that the proposal is supported with conditions. These conditions have been incorporated at items C1 and C2 of the conditions of approval.



## **PART 4 ADMINISTRATIVE INFORMATION**

### **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 conditions could 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 Act, this approval will expire if:

- the development or any stage of the development is not started within two years after the day the approval takes effect;
- the development is not finished two 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 under 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 8:30am and 4:30pm weekdays at the Environment and Planning Directorate Dickson Customer Service Centre at 16 Challis Street, Dickson, ACT.

### **RECONSIDERATION OF THE DECISION**

If the applicant is not satisfied with the decision to approve the application subject to conditions, they are entitled to apply to the planning and land authority for reconsideration within 20 working days of being told of this decision or within any longer period allowed by the planning and land authority.

To submit an application for reconsideration, documents must be provided electrically by email to [epdcustomerservices@act.gov.au](mailto:epdcustomerservices@act.gov.au) or provided at the customer service centre on a CD/DVD. The delegate of the Authority reconsidering the decision must be different from, and senior to, the original decision maker. An application for reconsideration does not prevent an application for a review of the same decision being made to the ACT Civil and Administrative Tribunal. Application forms and further information about reconsideration are available from the planning and land authority's website and Customer Service Centres.

### **REVIEW BY THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL (ACAT)**

Decisions that are reviewable by the ACAT are identified in Schedule 1 of the *Planning and Development Act 2007*, except for those precluded under Schedule 3 of the *Planning and Development Regulation 2008* – Matters exempt from third-party ACAT review.

This Notice of decision has also been sent to all people who made representations in relation to the proposal.

# APPENDIX 1

## CONTACT DETAILS OF RELEVANT AGENCIES

<b>Health Directorate</b> - health protection	Website: <a href="http://www.health.act.gov.au">www.health.act.gov.au</a> Telephone: (02) 6205 1700
<b>Environment and Planning Directorate</b>  <i>Planning and land authority</i>  - list of certifiers for building approval - demolition information - asbestos information  <i>Environment Protection Authority</i>  - environment protection - water resources - asbestos information  <i>Conservation, Planning and Research</i>  - threatened species/wildlife management	Website: <a href="http://www.actpla.act.gov.au">www.actpla.act.gov.au</a> Telephone: (02) 6207 1923  Website: <a href="http://www.environment.act.gov.au">www.environment.act.gov.au</a> Telephone: (02) 6207 6251  Website: <a href="http://www.environment.act.gov.au">www.environment.act.gov.au</a> Telephone: (02) 6207 1911
<b>Territory and Municipal Services Directorate</b> - tree damaging activity approval - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets	Website: <a href="http://www.tams.act.gov.au">www.tams.act.gov.au</a> Telephone: 132 281 Telephone for asset acceptance: (02) 6207 7480
<b>Utilities</b> - Telstra (networks) - TransACT (networks) - ActewAGL - Electricity reticulation	Telephone: (02) 8576 9799 Telephone: (02) 6229 8000 Telephone: 1100 Telephone: (02) 6293 5738

## ADVICE TO APPLICANT

### SUBMISSION OF REVISED DRAWINGS AND DOCUMENTATION

If a condition of approval requires the applicant to lodge revised drawings and/or documentation with the planning and land authority for approval under section 165 of the *Planning and Development Act 2007* the submission shall be made by:

- Completing an application for S165 Satisfying Conditions of Approval and submitting the documentation online using edevelopment. More information on edevelopment can be found at [http://www.actpla.act.gov.au/tools\\_resources/e-services/edevelopment](http://www.actpla.act.gov.au/tools_resources/e-services/edevelopment)

For further information regarding the lodgement of this information please contact Customer Service Centre by Phone: (02) 6207 1923, Email: [esddcustomerservices@act.gov.au](mailto:esddcustomerservices@act.gov.au) or on the planning and land authority website at [www.actpla.act.gov.au](http://www.actpla.act.gov.au).

## **FURTHER APPROVALS FOR CONSTRUCTION**

The Notice of Decision grants development approval, but does not cover building approval or approvals which may be required during construction, which commonly include the following.

### **BUILDING APPROVAL**

Most building work requires building approval to ensure it complies with building laws such as the Building Code of Australia. If this applies to this proposal, the lessee should engage a private building certifier to assess and approve the building plans before construction begins. A list of licensed certifiers and information about building approval is available from the planning and land authority's website and Customer Service Centres.

### **PERMITTED VARIATIONS TO APPROVED DEVELOPMENT**

Under section 35 of the Planning and Development Regulation 2008 the development as built may vary from the approved development in accordance with section 35 and the permitted construction tolerances and other permitted variations identified in Schedule 1A of that regulation.

*Note 1* The development may still need building approval, or further building approval, under the *Building Act 2004*

*Note 2* The development must also comply with the lease for the land on which it is carried out.

### **"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 Territory and Municipal Services Directorate.

### **USE OF VERGES OR OTHER UNLEASED TERRITORY LAND**

In accordance with the *Public Unleased Land Act of 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. Approval can be obtained from the Territory and Municipal Services Directorate.

### **WORKS ON UNLEASED TERRITORY LAND – DESIGN AND OPERATIONAL ACCEPTANCE**

In accordance with the *Public Unleased Land Act of 2013*, no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval must be obtained from the Manager Asset Acceptance, Asset Services Group, TAMSD by way of:

1. a certificate of design acceptance prior to the commencement of any work and
2. a certificate of operational acceptance on completion of all works to be handed over to TAMSD

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.

A certificate of compliance under s296 of the *Planning and Development Act 2007* may not be issued unless a certificate of design acceptance **AND** a certificate of operational acceptance has both been obtained from TAMSD.

## **CONSTRUCTION REQUIREMENTS**

The following information are some key requirements that apply to building work in the Territory. Other requirements may apply to this development.

### DEMOLITION AND ASBESTOS MANAGEMENT

Demolition and asbestos management must be undertaken in accordance with the *Building Act 2004* (including the Building Code of Australia) and the *Dangerous Substances Act 2004*. Information about demolition and asbestos management is available from the planning and land authority's web site and Customer Service Centres.

### ENVIRONMENT PROTECTION

All building work must be undertaken in accordance with the *Environment Protection Act 1997*, particularly but not exclusively in relation to noise and pollution control. More information is available from the Environment Protection Authority.

### REPAIR OF DAMAGE TO PUBLIC ASSETS

The applicant/lessee is held responsible for all damage to ACT Government assets (including footpaths) caused by the development and they must properly repair any damage to those assets. Before work commences, they should notify the Territory and Municipal Services Directorate of any existing damage to public facilities.

### UTILITY ASSETS RETENTION

The lessee should obtain a plant location advice from ActewAGL to avoid conflict with existing plant or electrical easements. The lessee will be responsible for the costs associated with the relocation of assets, if necessary. The lessee is to ensure that the water service and water meter are retained in position and in good condition. ActewAGL water meters are accountable items and must not be removed from the site or otherwise disposed of.

### WATER RESTRICTIONS AND FILLING OF NEW POOLS, PONDS AND FOUNTAINS

Water restrictions or permanent water conservation measures may be in force in the ACT and may prohibit or affect the filling of new pools, ponds and fountains using potable (tap) water drawn from ACTEW Corporation Limited's potable water supply system. Applicants wishing to use water drawn from the potable water supply system to fill a new pool, pond or fountain are advised to first contact ACTEW's Water conservation office on (02) 62483131. Where water restrictions or permanent water conservation measures would otherwise prevent or affect the filling of a new pool, pond or fountain, it might be possible to obtain an exemption to fill the pool, pond or fountain using potable water.

### DRAINAGE

The Building Code of Australia contains provisions affecting surface drainage and the height of finished floor levels. These may apply to this proposal.

### **REVIEW OF THE DECISION**

The following notes are provided in accordance with regulation 7 of the *ACT Civil and Administrative Tribunal Regulation 2009*. Refer to the Review by the ACT Civil and Administrative Tribunal (ACAT) section of the Notice of Decision for information about its relevance to this development application.

CONTACT DETAILS

The review authority is the ACT Civil and Administrative Tribunal (ACAT).

Location	Contact details
ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601	Website: <a href="http://www.acat.act.gov.au">www.acat.act.gov.au</a> Email: <a href="mailto:tribunal@act.gov.au">tribunal@act.gov.au</a> Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601

POWERS OF THE ACAT

The ACAT is an independent body. It can review on their merits a large number of decisions made by ACT Government ministers, officials and statutory authorities. 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.

APPLICATIONS TO THE ACAT

To apply for a review, obtain an application form from the ACAT. You can also download the form from the ACT Legislation Register <http://www.legislation.act.gov.au/af/2009-278/current/pdf/2009-278.pdf>.

If you are applying on behalf of an organisation or association of persons, 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.

TIME LIMITS FOR APPLICATIONS

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*; section 7 of the *ACT Civil and Administrative Tribunal Procedure Rules 2009 (No 2)*; and section 409 of the *Planning and Development Act 2007*).

FEES

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. Write to: The Chief Executive, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. Ask the ACAT for more details.

TIME LIMITS FOR REVIEWS OF DECISIONS

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.

FORMS OF LEGAL, FINANCIAL AND OTHER ADVICE AND ASSISTANCE

The following organisations can provide advice and assistance if you are eligible:

- ACT Attorney-General, write to The Chief Executive, Justice and Community Safety

- Directorate, GPO Box 158, CANBERRA, ACT, 2601;
- the ACT Legal Aid Office, telephone 1300 654314;
  - Legal Advice Bureau, telephone (02) 6247 5700;
  - ACT Council of the Ageing, telephone (02) 6282 3777;
  - Welfare Rights and Legal Centre, telephone (02) 6247 2177; and
  - Environmental Defender's Office (ACT), telephone (02) 6247 9420.

### AWARDING OF COSTS

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 if the party contravenes a direction of the ACAT and the ACAT considers it in the interests of justice to make such an order. 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.

### ACCESS TO DOCUMENTS ABOUT THE DECISION

You may apply for access to any documents you consider relevant to this decision under the ACT Freedom of Information Act 1989. Information about Freedom of information requests is available on the planning and land authority's web site or by contacting us by phone on (02) 6207 1923.

### PROCEDURES OF THE ACAT

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.

### TRANSLATION AND INTERPRETER SERVICES

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

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية، إتصل برقم الهاتف:
CHINESE	如果你需要传译员的帮助，请打电话:
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodioca telefonirajte:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

### **TRANSLATING AND INTERPRETING SERVICE**

# **131 450**

Canberra and District - 24 hours a day, seven days a week