



ACT
Government

Environment, Planning and
Sustainable Development

Notice of decision

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

Merit track

DA NO: 201733154		DATE LODGED: 30/01/2018
DATE OF DECISION: 12 June 2018		
BLOCK: 42	SECTION: 45	SUBURB: Scullin
STREET NO AND NAME: 150 Belconnen Way Scullin		
APPLICANT: Spacelab		
LESSEE: Javelin Projects Pty Limited		

THE DECISION

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

I, George Cilliers, 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 existing buildings;
- construction of five dwellings (one two-storey building consisting of three dwellings, and one single-storey building consisting of two dwellings);
- basement car parking, associated 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 (if applicable).

PART 2 sets out the Reasons for the Decision.

PART 3 relates to Public Notification and Entity Advice.

PART 4 contains administrative information relating to the determination.

DELEGATE

George Cilliers
Delegate of the planning and land authority
Environment, Planning and Sustainable Development Directorate

12/06/2018

Phone: (02) 6207 6804
Email: George.Cilliers@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) a revised site plan, landscape plan, and architectural drawings, based on the relevant drawings submitted as part of the application, showing:

- (i) the maximum height of the development not exceeding 8.5m;
- (ii) obscured glass or a louvered screen to the window from the stairs for Unit 3;
- (iii) storage area and clothes drying area for Unit 1 screened from public view;
- (iv) the surface of parking spaces treated distinctly from the driveway; and
- (v) dwellings to be constructed to comply with the relevant sections of the following:
 - a) *AS/NZS 2107:2000 - Acoustics – Recommended design sound levels and reverberation times for building interiors* (the relevant satisfactory recommended interior design sound level);
 - b) *AS/NZS 3671 - Acoustics – Road Traffic Noise Intrusion Building Siting and Design.*

Note: Refer also to EPA advice.

A2. TRANSPORT CANBERRA AND CITY SERVICES DIRECTORATE (TCCS)

1. TCCS requires a two-way driveway verge crossing (5.5m wide) with passing bay within the block boundary. (Note: TCCS have agreed to the removal of two trees to provide a two-way driveway.)
2. The driveway must be constructed in accordance with *TCCS Design Standards*. Any infrastructure assets such as street lighting, mini-pillars, signage etc. must be a minimum of 1.5m away from the closest edge of the driveway. In the case of stormwater sumps this minimum distance would be 1.2m.
3. The maximum gradient for the first 6 metres of the access driveway within the block boundary must not exceed 5% in accordance with the Section 3.3 of the *Australian Standard for Parking Facilities AS 2890.1 Off-street Car Parking*.
4. A clear sight triangle must be provided in accordance with the section 3.2.4 of the *Australian Standard for Parking Facilities AS 2890.1 Off-street Car Parking*.

5. The driveway verge crossing must be designed in such a way that the pedestrian walkway (footpath) must take precedence over the driveway.
6. All verge protective fencing must be placed in a way so that the verge is protected but access to the pedestrian network is provided at all times.
7. All excavation within the tree protection zones of the verge trees must be carried out by hand-digging, hydro-excavation or other recommended methods approved by TCCS to minimise damage to tree roots.
8. A revised Landscape Management and Protection Plan must be submitted to TCCS at Design Review stage to demonstrate how the remaining street trees will be protected during removal of the existing driveway, installation of the new driveway, and during construction works within the block.

B. PRIOR TO CONSTRUCTION AND/OR DEMOLITION

B1. TREE PROTECTION

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

B2. VERGE MANAGEMENT

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*.

B3. 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, Transport Canberra and City Services (TCCS) 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.

B4. LANDSCAPING

The proponent must engage a landscape architect, registered with the Australian Institute of Landscape Architects (AILA), to supervise and certify the delivery of all approved landscaping works within the subject site and off-site on adjoining verges.

B5. ENVIRONMENT PROTECTION AUTHORITY

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 the *Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011*, available by calling 132281.

Appropriately ACT licensed contractors licensed to provide the full range of duties in the ACT 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.

C. DURING CONSTRUCTION AND/OR DEMOLITION**C1. ENVIRONMENT PROTECTION AUTHORITY**

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.

C2. 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.

C3. VERGE MANAGEMENT

During any work undertaken on the site, 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 a Landscape Management Plan approved by the Manager, Asset Acceptance, Operational Support, Directorate Services, Transport Canberra and City Services, TCCS.

C4. TRAFFIC MANAGEMENT

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

C5. 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.

D. POST CONSTRUCTION AND/OR DEMOLITION

- D1. The landscape architect, appointed under condition B4, must supervise and certify the delivery of all approved landscaping works within the subject site, and off-site on adjoining verges. A copy of the certification provided by the landscape architect must be provided to the planning and land authority prior to occupation of the development.

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. ENVIRONMENT PROTECTION AUTHORITY

Noise from equipment which may be installed or used at the site, including air conditioning units, 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. 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 rainwater that enters the site and pools in excavations during a rain storm event would be considered as a sediment control pond. No discharge will be permissible from a sediment control 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.

For further information please contact the Environment Protection Authority's Planning Liaison on 02 6207 5642.

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 codes, including the Residential Zones Development Code and Multi Unit Housing Development Code; and able to meet conditions and advice imposed by entities in relation to the proposal.

The key issues identified in the assessment and through entity advice related to building height, privacy, storage areas, external facilities location, private open space dimensions, surface treatment of parking spaces and noise management.

Conditions have been imposed to address the key issues and ensure that the proposal is consistent with the Territory Plan and the *Planning and Development Act 2007*.

Other key issues identified in the assessment relates to the suitability of the development and the site being an RZ1-zoned site approved before 5 July 2013 with the consequence that certain provisions in the Multi-Unit Housing Development Code do not apply to this proposal. This issue was further raised through public representations received.

Draft Variation 350 of the Territory Plan was notified under *Planning and Development (Draft Variation No 350) Consultation Notice 2018*, Notifiable Instrument NI2018-277, while this development application was under assessment. The interim effect of Draft Variation 350 applies only to development applications lodged on or after 25 May 2018, and therefore does not apply to this development application.

Note: A separate development application (DA201732005) has been lodged for a variation of the Crown lease for Block 42 Section 45 Scullin. DA201732005 is a separate development application and this decision does not include a variation to the Crown lease.

EVIDENCE

Application No. 201733154

File No. 1-2017/35044

Territory Lease File

The Territory Plan zone – RZ1 Residential Suburban Zone

The Development Codes – Residential Zones Development Code and Multi Unit Housing Development Code

The Precinct Codes – Scullin Precinct Map and Code

Current Crown Lease

Representations

Entity advice

PART 3 PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 8 February 2018 to 28 February 2018. Seven written representations were received during public notification.

Most representations received raised concerns with regard to the suitability of the development and the site being an RZ1-zoned site approved before 5 July 2013. These representations also raised specific concerns about the associated densification of the site, that the current (residential) Crown lease do not specify or limit the number of dwellings permitted on the land, and pointed to the fact that the current Territory Plan definition of 'single dwelling block' does not apply to this site - with the consequence that certain provisions in the Multi-Unit Housing Development Code, particularly Rule 9 (plot ratio), do not apply to this proposal.

Draft Variation 350 of the Territory Plan, as notified on 24 May 2018, sets out to address these concerns by changing the title of the definition of the definition from 'single dwelling block' to 'standard block', and by adjusting the wording in the definition to include blocks that were originally leased or used for the purpose of one or two dwellings. The effect of Draft Variation 350 is that relevant provisions of the Multi-Unit Housing Development Code will apply to future developments in this category.

However, Draft Variation 350 of the Territory Plan was notified under *Planning and Development (Draft Variation No 350) Consultation Notice 2018*, Notifiable Instrument NI2018-277, while this development application was under assessment. The interim effect of Draft Variation 350 applies only to development applications lodged on or after 25 May 2018, and therefore does not apply to this development application.

The proposed development and the site has been assessed to be a suitable development, meeting the relevant zone objective of the RZ1 Suburban Zone.

Other issues raised included, but were not limited to, the following: (Comments are provided as appropriate.)

- (a) *Principle private open space for Unit 4 and Unit 5 is depicted inside the rear boundary setbacks and would not be compliant. Unit 4 and 5 would be reliant on communal open space which makes this inadequate against the criteria which requires 36m² of principal private open space.*

Comment: The private open space for unit 5 is slightly smaller than the required minimum 6m in its width. The requirement is considered to comply with the relevant criterion as there is space adjacent to the private open space area.

- (b) *Increased vehicular activity and concerns about the safety of bus commuters due to the bus stop location in the front of the block.*

Comment: The verge is wide with good sightlines. The proposal was also referred to TCCS, and advice was provided by TCCS having regard to traffic and the existing pedestrian footpath. TCCS supported the proposal subject to conditions. It is also noted that the speed limit for this part of Belconnen Way is 60kph.

- (c) *The proposed parking arrangements although adequate for the number of dwellings remain cramped with tight access which will encourage illegal parking on the nature strip or unsafe parking on Belconnen Way.*

Comment: The development proposes sufficient car parking spaces with manoeuvring space for vehicles that meets the relevant standards.

- (d) *A hazardous materials survey should be conducted given the likelihood of the presence of asbestos*

Comment: A condition is imposed to engage appropriately ACT licensed contractors to remove, manage and dispose any hazardous that may be found on the site at a facility suitably authorised (licensed) to accept the waste.

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 attached or summarised below. A response to the advice is provided as appropriate.

EVOENERGY (ELECTRICITY)

On 12.2.2018, advice was received from Evoenergy-Electricity in relation to the proposal. The advice states that the application is approved subject to conditions. (Advice Attached)

GAS NETWORKS

On 01.02.2018, advice was received from Evoenergy-Gas networks in relation to the proposal. The advice states that the application is approved subject to conditions. (Advice Attached)

ICONWATER

On 07.02.2018, advice was received from Icon Water in relation to the proposal. The advice states that the application is approved subject to conditions. (Advice Attached)

TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

On 21.2.2018, advice was received from TCCS in relation to the proposal. The advice states that the application is approved subject to conditions, and read as follows:

Conditions

1. *TCCS requires two way driveway verge crossing (5.5m wide) with passing bay inside the block boundary. TCCS agreed (see attached email) to removal of two trees before with the applicant to provide two way driveway.*
2. *The driveway must be constructed in accordance with TCCS Design Standards. Any infrastructure assets such as street lighting, mini-pillars, signage etc must be a minimum of 1.5m away from the closest edge of the driveway. In case of stormwater sumps this minimum distance would be 1.2m.*
3. *Maximum gradient for the first 6 meter of the access driveway within the block boundary must not exceed 5% in accordance with the section 3.3 of the Australian Standard for Parking facilities AS 2890.1 Off-street Car Parking.*
4. *A clear sight triangle must be provided in accordance with the section 3.2.4 of the Australian Standard for Parking facilities AS 2890.1 Off-street Car Parking.*
5. *The pedestrian walkway / footpath must take precedence over the driveway.*

6. All verge protective fencing must be placed in a way so that the verge is protected but access to the pedestrian network is provided at all times.
7. All excavation within the tree protection zones of the verge trees must be carried out by hand dig, hydro excavation or other recommended methods to ensure minimal damage to the tree roots.
8. A revised Landscape Management and Protection Plan must be submitted to TCCS at Design Review stage to demonstrate how the remaining street trees will be protected during removal of the existing driveway, installation of the new driveway and construction works within the block.

Standard Conditions

Following general conditions will apply as appropriate for Works on and Use of Territory Land in addition to the above:

In accordance with the Public Unleased Land Act 2013 no work is to be undertaken on road verges and other unleased Territory Land without the approval of the Territory. Such approval must be obtained from the Senior Manager, Development Review and Coordination, TCCS by the ways of:

1. A Letter of Design Review prior to the commencement of any work; and
2. A certificate of Operational Acceptance on completion of all works to be handed over to TCCS.

Design Review and Operational Acceptance

A Letter of Design Review is required for all off-site works from the Senior Manager, Development Review and Coordination, TCCS, prior to the construction.

In order to obtain the Letter of Design Review, 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 Review Submissions", must be certified by a Chartered Engineer/Landscape Architect and submitted to the Senior Manager, Development Review and Coordination, TCCS.

A Certificate of Operational Acceptance on completion of the works is required from the Senior Manager, Development Review and Coordination, TCCS, prior to the issue of a Certificate of Occupancy.

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

A Waste Management Plan in accordance with the Development Control Code for Best Practice Waste Management in the ACT should also be included if not approved at the Development Application stage.

Temporary Traffic Management (TTM)

A TTM plan approval from the Manager, Traffic Management & Safety, Roads ACT, TCCS. All times during construction the site and surrounds shall be managed in accordance with a Temporary Traffic Management Plan, prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety. 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.

Landscape Management & Protection Plan (LMPP)

LMPP approval from the Senior Manager, Development Review and Coordination, TCCS. 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, Development Review and Coordination, TCCS. This plan is to be implemented before the commencement of works, including demolition on the site and is to be in accordance with TCCS Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04.

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 Territory Services, TCCS.

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 TCCS of any existing damage to public facilities.

Notice of Commencement of Construction

Notice of Commencement for the Works in Unleased Territory Land shall be submitted to the Senior Manager, Development Review and Coordination, TCCS 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.

ENVIRONMENT PROTECTION AUTHORITY (EPA)

On 31.03.2018, advice was received from TCCS in relation to the proposal. The advice states that the application is approved subject to conditions, and read as follows:

Conditions:

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 licensed to provide the full range of duties in the ACT 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.

Advice:

Noise from equipment which may be installed or used at the site, including air conditioning units, 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. 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 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 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 dam 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 on 02 6207 5642.

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, Planning and sustainable Development 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 electronically by email to 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

Health Directorate - health protection	Website: www.health.act.gov.au Telephone: (02) 6205 1700
Environment, Planning and Sustainable Development Directorate <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: www.planning.act.gov.au Telephone: (02) 6207 1923 Website: www.environment.act.gov.au Telephone: (02) 6207 6251 Website: www.environment.act.gov.au Telephone: (02) 6207 1911
Transport Canberra and City Services - tree damaging activity approval - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets	Website: www.tccs.act.gov.au Telephone: 132 281 Telephone for asset acceptance: (02) 6207 7480
Utilities - Telstra (networks) - TransACT (networks) - Icon Water - Electricity reticulation	Telephone: (02) 8576 9799 Telephone: (02) 6229 8000 Telephone: (02) 6248 3111 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

For further information regarding the lodgement of this information please contact Customer Service Centre by Phone: (02) 6207 1923, Email: esddcustomerservices@act.gov.au or on the planning and land authority website at 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 Transport Canberra and City Services.

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 Transport Canberra and City Services.

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, TCCS 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 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.

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 TCCS.

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 Transport Canberra and City Services 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. Icon Water's 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 Icon Water'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 Icon Water's 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: www.acat.act.gov.au Email: tribunal@act.gov.au 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