



ACT
Government

Environment, Planning and
Sustainable Development

Notice of decision

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

Merit track

DA NO: 201732602		DATE LODGED: 11 October 2017
DA NO: 201732602 (S141) A		DATE LODGED: 22 November 2017
DA NO: 201732602 (S141) B		DATE LODGED: 12 December 2017
DATE OF DECISION: 23 January 2018		
BLOCK: 2	SECTION: 29	SUBURB: Wright
STREET NO AND NAME: Corner of Gornall Street, Steve Irwin Avenue and Diesendorf Street, Wright		
APPLICANT: Stewart Architecture on behalf of ACT Housing Renewal Taskforce		
LESSEE: N/A		
LAND CUSTODIAN: Suburban Land Agency		

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:

- **construction of 2 three-storey buildings containing a total of 26 dwellings with basement car parking, undercover car parking, associated landscaping, paving and other site works**

in accordance with the plans, drawings and other documents and items submitted with the application for 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

George Cilliers
Delegate of the planning and land authority
Environment, Planning and Sustainable Development Directorate
23 January 2018

CONTACT OFFICERS

Mr Hayden Pini or Mr Trent Varlow
Phone: 6205 2888
Email: Hayden.Pini@act.gov.au or Trent.Varlow@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) on-site visitor car parking spaces located off Gornall Street site entry must be reduced from 4 car spaces to 2 car spaces. The two car spaces to be removed are those closest to the Northern boundary of the site, and are to be replaced with landscaping;
 - (ii) all trees to be planted throughout the site must be advanced stock, minimum 50 litre pot size;
 - (iii) a noise management plan, prepared to the satisfaction of the Environment Protection Authority, that demonstrates how the development will be constructed to comply with the relevant sections of all 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.

A2. TRANSPORT CANBERRA AND CITY SERVICES

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) The front two (2) bays must be removed to comply with sightlines requirements and improve internal manoeuvring.

B. PRIOR TO CONSTRUCTION AND/OR DEMOLITION**B1. DESIGN REVIEW & OPERATIONAL ACCEPTANCE**

- a) A Letter of Design Review shall be obtained for all off-site works from the Senior Manager, Development Review and Coordination, TCCS, prior to commencement of any work on site.
- b) A Certificate of Operational Acceptance shall be obtained on completion of the works from the Senior Manager, Development Review and Coordination, TCCS, prior to the issue of a Certificate of Occupancy.

B2. TREE PROTECTION

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

B3. LANDSCAPE MANAGEMENT & PROTECTION PLAN (LMPP)

A Landscape Management and Protection Plan (LMPP) and a dilapidation report for all Government Assets adjacent to the site must be submitted to the Development Review and Coordination section -TCCS prior to commencement and on completion of the work.

B4. TEMPORARY TRAFFIC MANAGEMENT(TTM)

A TTM plan approval shall be obtained from the Manager, Traffic Management & Safety, Roads ACT, and TCCS. 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.

B5. 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.

B6. EROSION AND SEDIMENT

- a) As the site is greater than 0.3 hectares the construction is an activity listed in Schedule 1 as a Class B activity under the Environment Protection Act 1997. The contractor/builder developing the site must hold an Environmental Authorisation or enter into an Environment Protection Agreement with the Environment Protection Authority (EPA) in respect of that activity prior to works commencing.
- b) An erosion and sediment control plan must be submitted to and be endorsed by the EPA prior to works commencing.

B7. VERGE

- a) The indented parking bays, verge, kerb and gutters must be remodified and reconstructed to the edge of the traffic lane in accordance with TCCS standards to accommodate the verge crossings on both Streets.
- b) The street light must be relocated towards the East so it is 1.5m clear from edge of the centre verge crossing in accordance with TCCS Design Standard DS12 for Street Lighting.
- c) If the new location (as stated above in item 10) is greater than 5m from the existing location then certification against DS12 & AS1158 from a street-lighting consultant must be submitted at the Design Review stage.

B8. STORMWATER

The stormwater plan must be resubmitted at the Design Review stage.

B9. NOISE MANAGEMENT

A noise management plan needs to be submitted to the planning and land authority. This noise management plan must be to the satisfaction of the Environment Protection Authority and must be prepared by a member of the Australian Acoustical Society with experience in the assessment of noise. This noise management plan must demonstrate how the development will be constructed to comply with the relevant sections of all 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.

C. DURING CONSTRUCTION AND/OR DEMOLITION**C1. SEDIMENT AND EROSION CONTROL**

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. LANDSCAPE MANAGEMENT & PROTECTION

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.

C4. TRAFFIC MANAGEMENT

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.

C5. WASTE MANAGEMENT

a) 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.

b) All waste must be stored, transferred and collected on-site.

c) The waste enclosure must be large enough so all hoppers can be stored inside the enclosure (including circulation) in accordance with new waste generation rates.

C6. EROSION AND SEDIMENT

All works must be carried out in accordance with *Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011*.

C7. VERGE

a) The proposed two way industrial verge crossings must be designed and constructed in accordance with TCCS & Australian Standards.

b) 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 verge crossing and 1.2m for stormwater sumps.

c) The pedestrian footpath is to take precedence over the verge crossing and be constructed in accordance with TCCS standard.

d) All verge protective fencing must be placed in such a way that the verge is protected but access to the pedestrian network is provided at all times.

e) Street trees can be removed and replanted or replaced with the same species to match other trees in the street in accordance with TCCS requirements.

C8. NOISE MANAGEMENT

Construction works are to be undertaken in accordance with the noise management plan approved by the Environment Protection Authority – see condition B9.

D. POST CONSTRUCTION AND/OR DEMOLITION

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. ENVIRONMENT PROTECTION AUTHORITY (EPA)

All rainwater 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 conditions.

- a) 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.

E2. ACTEWAGL ELECTRICITY, ACTEWAGL GAS AND ICON WATER

- a) Refer to statement from ActewAGL Electricity Networks Division at **Attachment A**.
- b) Refer to statement from ActewAGL Gas Networks Division at **Attachment B**.
- c) Refer to statement from ICON Water at **Attachment C**.

E3. EMERGENCY SERVICES AGENCY

- a) Refer to **Attachment D**.

E4. ENTITY COMMENTS

The applicant is advised to carefully consider all the relevant advice (in addition to the conditions imposed) from each of the entities stated in PART 3 PUBLIC NOTIFICATION AND ENTITY ADVICE of this Notice of Decision throughout the process of development (prior to, during & post construction) as applicable.

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

PART 2 REASONS FOR THE DECISION

Section 119 of the *Planning and Development Act 2007*

In deciding to approve the application with conditions, the Planning and Land Authority (the Authority) firstly considered under section 119 (1)(a) of the Act whether the application meets the relevant codes, including the Multi Unit Housing Development Code, Community Facility Zone Development Code and all relevant general codes.

In relation to section 119(2)(a), the Authority considered the advice given by each entity to which the application was referred, and is satisfied that, with the conditions set out in Part 1, approval of the application would not be inconsistent with the advice received from each entity.

In relation to section 119(2) (b), the Authority is satisfied that this decision is consistent with the object of the Territory Plan as in section 48 of the Act in that it is *not inconsistent with the National Capital Plan*, and that the proposal will *provide the people of the ACT with an attractive, safe and efficient environment*, by the construction of supportive housing, whilst not having a detrimental impact on the surrounding environment.

The key issues identified in the assessment are comments received by entities and representors. 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*.

Section 120 of the *Planning and Development Act 2007*

In deciding to approve the application with conditions, the Authority also considered each of the matters or issues set out in section 120(a) – (g) of the Act.

In relation to section 120(a), the Authority is satisfied that the proposed development meets objectives (a) – (f) of the *CF: Community Facilities* zone, noting that the development is proposed to take place only in that Zone, and indirectly supports objective (g and h).

- a) *To facilitate social sustainability and inclusion through providing accessible sites for key government and non-government facilities and services for individuals, families, and communities.*

The proposed development will facilitate housing options for disadvantaged people within the ACT community. The development will contribute to a socially sustainable and inclusive environment, where government and non-government facilities and services are readily available for individuals, families, and communities.

The subject land is located within close proximity to a public transport route (i.e. John Gorton Drive) and within relative close proximity to commercial and potential employment centres in Cooleman Court and Woden.

- b) *To provide accessible sites for civic life and allow community organisations to meet the needs of the Territory's various forms of community.*

The proposed development will enable ACT Housing to provide more housing and rental accommodation for Canberrans in need of public housing, supported accommodation (including emergency housing), and affordable housing opportunities for the elderly.

- c) *To protect these social and community uses from competition from other uses.*

The proposed development is considered an efficient use of *CF: Community Facility* zoned land as listed in Table A1 of the Community Facility Zone Development Code. The proposed use does not create competition with other uses.

- d) *To enable the efficient use of land through facilitating the co-location, and multi-use of community facilities, generally near public transport routes and convenience services appropriate to the use.*

Public Housing is an efficient use of *CF: Community Facility* zoned land as listed in Table A1 of the Community Facility Zone Development Code, and the location of the proposed site will place residents within an appropriate distance to public transport routes and convenience services i.e. Coombs shops and Coleman Court.

- e) *To encourage adaptable and affordable housing for persons in need of residential support or care.*

The proposed development will provide adaptable housing for persons in need of residential support or care. All proposed dwellings are to adaptable standards to allow for those with such needs to have appropriate accommodation.

- f) *To safeguard the amenity of surrounding residential areas against unacceptable adverse impacts including from traffic, parking, noise or loss of privacy.*

The proposed development and works associated with this approval limits adverse impacts and complies with environmental controls by way of conditions to ensure minimal environmental impact particularly noise and traffic. The development is also required to provide a variety of dwelling sizes, active frontages and private and communal open spaces. Surrounding residential areas will not have its privacy impacted as the buildings are more than 20m away.

In relation to **120(b)**, the Authority is satisfied that the subject land is suitable for the proposed development, provided each of the conditions imposed as part of this Decision to approve the application is met.

In relation to section **120(c)**, the Authority notes that there is no environmental significance opinion required or in force for the development proposal.

In relation to section **120(d)**, the Authority considered all representations received in relation to the application. Part 3 of this Decision contains a summary of the most important aspects of the representations received by the Authority, and comments are provided in response to those representations.

In relation to section **120(e)**, the Authority noted that the relevant entities, did not object to the proposed development, although most did so on the basis that conditions were imposed to protect different kinds of matters.

In accordance with the advice received from other entities, where necessary, the Authority have imposed conditions of approval to this Decision pursuant to Section 162(1)(b) of the Act that reflect that advice.

In relation to section **120(f)**, the Authority notes that the subject land is not public land.

In relation to section **120(g)**, the Authority considered the probable impacts, including social and environmental impacts that the proposed development may have. In this regard, the Authority considered the representations received in relation to the application. The Authority also considered the advice and responses from the relevant entities to which the application was referred, which propose conditions to address some of the impacts that might otherwise occur.

With the conditions imposed, and after weighing the competing interests as to whether the application should be approved, especially those set out in my consideration of the representors objections, the Authority formed the view that the majority of the social, environmental and other impacts that might arise from the development are adequately addressed by the conditions imposed.

Additional Information

Following an assessment of the application information, the Authority requested further information from the applicant to address the issues identified in the assessment.

In response to this, the applicant lodged the additional information and documentation under s141 of the *Planning and Development Act 2007* as DA 201732602-S141A and S141B. This additional information was requested to assist the assessment.

EVIDENCE

Application No. 201732602

File No. 1-2017/25049

The Territory Plan zone – CFZ – Community Facility Zone

The Development Codes – Community Facility Zone Development Code and Multi-Unit Housing Development Code

The Precinct Codes – Wright Precinct Map and Code

Current Crown Lease – N/A

Representations- Forty three

Entity advice – Transport Canberra and City Services, ActewAGL Electricity, ActewAGL Gas, Icon Water, Emergency Services Agency and Environment Protection Authority.

PART 3 PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 20 October 2017 to 24 November 2017. Forty three written representations were received during public notification. All representations have been read and taken into consideration when assessing this development application (DA). Below are the main issues that were identified in the representations and the Authority's comments in relation to the issues.

Issue: Limited to no community consultation.

Comment: Pre DA lodgment community consultation was not required for this proposal as per the *Planning and Development Act 2007*. Although pre DA-lodgment community consultation was not required, the applicant provided documentation that shows community consultation was performed in addition to the statutory notification requirements for a DA. The DA was also publicly notified for 5 weeks, which is 2 weeks more than the minimum statutory timeframe for notification.

Issue: Access to shops, facilities, medical services and public transport.

Comment: Public transport is provided to the area by means of the existing bus network. The bus network connects to Coleman Court Shopping Centre and the major shopping precinct of Woden. The bus network runs regularly throughout the day, on weekdays, and on weekends. Residents with cars will have access to on-site car parking spaces that will allow them to travel to necessary services required.

Issue: The use of housing on a Community Facility Zone.

Comment: The land is zoned Community Facility and the use for supportive housing is a permissible use under the CFZ development table. There is a block adjoining Block 2 Section 29 Wright that is also zoned CFZ that can be allocated to other uses that are permissible in the zone.

Issue: Number of storeys.

Comment: Rule 7(b) of the Community Facility Zone Development Code allows for buildings to be 4 storeys of 15m in height if the building is not within 30m of a residential block. The buildings are set back from the street frontage and is more than 30m away from any residential block. The proposed development meets the rule. The proposal is also separated from other residential blocks and provides solar access to all adjoining blocks.

Issue: Traffic and parking.

Comment: The DA was referred to Transport Canberra and City Services in relation to traffic and parking to the local area. The application was supported subject to conditions outlined in Part 1 and Part 3 of this Notice of Decision. Parking has been provided on site and meets the requirements of the Parking and Vehicular Access General Code. This decision requires two visitor parking spaces to be removed to improve landscape opportunities and to enhance sightlines. Additional visitor parking is available on-site and within the adjoining street network.

Issue: Waste Carting.

Comment: A report was provided by the applicant and prepared by an independent consultant regarding waste carting. The report provides justification in relation to the carting of waste. This has been assessed by the Authority and determined to be satisfactory.

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.

TRANSPORT CANBERRA AND CITY SERVICES

On 23 November 2017 advice was received from Transport Canberra and City Services in relation to the proposal. The advice states the proposal is supported subject to the following conditions.

Conditions:

Verge Crossing

- a) *The indented parking bays, verge, kerb and gutters must be remodified and reconstructed to the edge of the traffic lane in accordance with TCCS standards to accommodate the verge crossings on both Streets.*
- b) *The proposed two way industrial verge crossings must be designed and constructed in accordance with TCCS & Australian Standards.*
- c) *The front two (2) bays must be removed to comply with sightlines requirements and improve internal manoeuvring.*
- d) *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 verge crossing and 1.2m for stormwater sumps.*

Pedestrian Network

- e) *The pedestrian footpath is to take precedence over the verge crossing and be constructed in accordance with TCCS standard.*
- f) *All verge protective fencing must be placed in such a way that the verge is protected but access to the pedestrian network is provided at all times.*

Verge

- g) *A Landscape Management and Protection Plan (LMPP) and a dilapidation report for all Govt. Assets adjacent to the site must be submitted to the Development Review and Coordination-TCCS prior to commencement and on completion of the work.*
- h) *Street trees can be removed and replanted or replaced with the same species to match other trees in the street in accordance with TCCS requirements.*

Stormwater

- i) *The stormwater plan must be resubmitted at the Design Review stage.*

Streetlight

- j) *The street light must be relocated towards the East so it is 1.5m clear from edge of the centre verge crossing in accordance with TCCS Design Standard DS12 for Street Lighting.*
- k) *If the new location (as stated above in item 10) is greater than 5m from the existing location then certification against DS12 & AS1158 from a street-lighting consultant must be submitted at the Design Review stage.*

Waste

- l) All waste must be stored, transferred and collected on-site.*
- m) The waste enclosure must be large enough so all hoppers can be stored inside the enclosure (including circulation) in accordance with new waste generation rates.*
- n) The truck turning template must be revised to include the modified verge crossing and on-street parking and be resubmitted at the Design and Review stage.*

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 Acceptance 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.

Matters raised have been incorporated as either conditions of approval or advice.

ACTEWAGL ELECTRICITY NETWORKS DIVISION

On 25 October 2017 advice was received from ActewAGL Electricity Networks Division in relation to the proposal. The advice states that the proposal is supported subject to the following conditions.

- A Statement of conditional compliance was issued (**Attachment A**).

Matters raised have been incorporated as either conditions of approval or advice.

ACTEWAGL GAS NETWORKS DIVISION

On 18 October 2017 advice was received from ActewAGL Gas Networks Division in relation to the proposal. The advice states that the proposal is supported subject to the following conditions.

- A Statement of conditional compliance was issued (**Attachment B**).

Matters raised have been incorporated as either conditions of approval or advice.

ICON WATER

On 23 October 2017 advice was received from Icon Water in relation to the proposal. The advice states that the proposal is not supported and that further information is required.

On 4 December 2017 further advice was received from Icon Water in relation to the proposal. The advice states that the proposal is now supported subject to the following conditions.

- A Statement of conditional acceptance was issued (**Attachment C**).

Matters raised have been incorporated as either conditions of approval or advice.

ACT EMERGENCY SERVICES AGENCY

On 8 November 2017 advice was received from the ACT Emergency Services Agency in relation to the proposal. The advice states that the proposal is supported subject to the following conditions.

- A Statement of conditional acceptance was issued (**Attachment D**).

Matters raised have been incorporated as either conditions of approval or advice.

ENVIRONMENT PROTECTION AUTHORITY

On 17 October 2017 advice was received from Environment Protection Authority in relation to the proposal. The advice states that the proposal is supported subject to the following conditions.

Conditions:

- *All works must be carried out in accordance with Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011, available by calling 132281.*
- *As the site is greater than 0.3 hectares the construction is an activity listed in Schedule 1 as a Class B activity under the Environment Protection Act 1997. The contractor/builder developing the site must hold an Environmental Authorisation or enter into an Environment Protection Agreement with the Environment Protection Authority (EPA) in respect of that activity prior to works commencing.*
- *An erosion and sediment control plan must be submitted to and be endorsed by the EPA prior to works commencing.*

Matters raised have been incorporated as either conditions of approval or advice.

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.

CONDITIONAL APPROVAL

This approval will expire if, in accordance with Section 165(3)(d) of the Act, a condition has deferred the effect of the development approval **and** imposed a time frame during which another approval must be revoked, amended or given, and the time frame has expired.

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.

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.planning.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: epdcustomerservices@act.gov.au or on the planning and land authority website at www.planning.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.

DRAINAGE

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

BUSHFIRE MITIGATION MEASURES

This residential dwelling is located in an area where a bushfire risk assessment has identified that mitigation measures are required to reduce the impact of bushfires. The mitigation measures in this approval are to be maintained for the life of the residence. Special care needs to be exercised by the lessee to ensure that any future building works and modifications to the dwelling and additional landscaping does not compromise the mitigation measures imposed.

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*).

FEEES

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 τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjuna 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 telefoniрајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız 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