

2022

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**Minister decisions to amend
DA201936662 and DA202037196
(Common Ground Dickson)**

Presented by Mick Gentleman MLA
Minister for Planning and Land Management
June 2022

NOTICE OF DECISION

Made under part 7 of the *Planning and Development Act 2007*
S197 Amendment – Application 201936662 S197C

Pursuant to section 197 of the *Planning and Development Act 2007*, approval is sought to amend development approval No. 201936662 approved by the Minister for Planning and Land Management on the 7th August 2020 by:

- 1 **Amend/enlarge balcony sizes to 5 dwellings;**
- 2 **Amend and update in regards to ACT Heritage Council matters and response;**
- 3 **Amend and increase the awning at the rear of the building;**
- 4 **Inclusion of service infrastructure;**
- 5 **Amended and new storage areas;**
- 6 **Amended landscaping;**
- 7 **Amended external materials, windows and columns;**
- 8 **Amended north carpark design;**
- 9 **Amended/reconfiguration of bicycle and car parking spaces;**
- 10 **Additional basement traffic calming structure; and**
- 11 **Associated works.**

I, Mick Gentleman, Minister for Planning and Land Management, pursuant to section 198 of the *Planning and Development Act 2007 (Act)*, **approve subject to conditions**, to amend the development approval only for the amendments nominated above, in accordance with the application made under section 197 of the Act, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number: 201936662/**S197C**
Block: 25
Section: 72
Suburb: Dickson

Assessment track: Merit

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My decision contains the following information:

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

A copy of the development application and this approval may be inspected at the planning and land authority's office from 9:00 am to 4.00 pm, Monday to Friday at 480 Northbourne Avenue, Dickson, ACT 2602

CONTACT / ENQUIRIES

Phone: (02) 6205 2888

Online Form:

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


Mick Gentleman MLA
Minister for Planning and
Land Management
5th May 2022

NOTICE OF DECISION

DA 201936662 – S197C

PART A – CONDITIONS OF APPROVAL

This application is approved subject to the following conditions being satisfied:

1. CONDITIONS IN THE ORIGINAL NOTICE OF DECISION FOR DA 201936662 TO CONTINUE

- a) Unless stated below, conditions in the existing Notice of Decision dated 7th August 2020 remain in place and are to be complied with unless inconsistent with the following additional conditions.
- b) In the event of any conflict between conditions, the following conditions of this Notice of decision shall prevail for the extent of the inconsistency.
- c) Plans as stamped by the Authority are approved for the extent of the amendments listed within this approval. As above, the amended plans shall prevail over any previous approved plans for the amendments.

2. COMPLIANCE WITH ENTITY REQUIREMENTS

The development shall meet the requirements of the following entities as stated in each of their advice.

- ICON Water;
- Evoenergy (Electricity);
- Evoenergy (Gas);
- ACT Heritage Council

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

Note in Part C, previous ie the Original DA notice of decision, entity requirements and advice for the EPA and ESA continue to apply.

3. CONSERVATOR OF FLORA AND FAUNA (the Conservator)

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

- a) The regulated tree (*Calocedrus decurrens*) located on the eastern lease boundary should remain on site and any work being undertaken within the tree protection zone be done with care.
- b) Trenching within the tree protection zone is not advised, however the previously approved plans allow for construction activities to be undertaken close to the tree.
- c) Some pruning may be required to clear the side of the new building which will be supported on the basis that the work is undertaken by a qualified arborist.
- d) Dead wood removal and selective pruning is advisable.
- e) Landscape treatments within the tree protection zone should be undertaken with the aim of preserving the tree roots.
- f) The tree should be provided additional water to help it cope with the construction activities.

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4. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

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

- a) The developer will be held responsible for the correctness of the design and construction of waste enclosure or truck turning templates in accordance with the DCC Waste Code 2019. Please ensure there will be no other obstruction in the truck turning area.
- b) TCCS contractor will undertake a final risk assessment at Operational Acceptance stage and any waste / recycle collection is subject to pass the risk assessment.
- c) As the construction works have already begun, and the Dickson Common Ground project has already received a LODR, TCCS would like to highlight that the LMPP and all tree protection measures previously approved for the Dickson Common Ground project take precedence and are required to be continued.
- d) An amended TCCS Letter of Design Review, is required to be gained for all adjustment to works on territory land, before these works are started.
- e) All shrub beds on the verge will be the sole responsibility of the body corporate. They will be required to maintain the garden beds to a high level of quality for the life of the assets.
- f) If pruning of trees is required, the proponent must seek approval from Urban Trees to undertake the pruning BEFORE pruning works commence. All pruning works are to be carried out by a qualified arborist with final cuts made in accordance with Australian Standards 4373 'Pruning of amenity trees'.

Standard TCCS Conditions also apply:

The following general conditions will apply as appropriate for the Works and use of Territory land in addition to the above.

Early Works or prior to construction

In accordance with the Public Unleased Land Act 2013 no Works are to be undertaken without the approval of the TCCS. Such approval must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch TCCS by the ways of (1) a Letter of Early Works Approval for demolition and/or earthworks only; and/or (2) a Letter of Design Review, prior to the commencement of any Works.

Fees and charges will apply for Early Works Approval as per TCCS "GEN-06 - Submissions and Inspections Guideline Principles and Related Fees and Charges for TCCS and Industry".

Design Review

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, stormwater, landscaping (and any other issues that may be found by audit of the plans) and a design report in accordance with TCCS "REF-06 - Requirements for Design Review Submissions", must be certified by a Chartered Engineer/Landscape Architect and submitted to the relevant Senior Director of the TCCS Development Coordination Branch.

Waste and Recycling Management Plan (WRMP) review

A WRMP in accordance with the relevant revision of the Development Control Code for Best Practice Waste Management in the ACT must also be submitted at the Design Review stage.

Operational Acceptance/Soft Landscape Consolidation Commencement

On completion of the Works a Certificate of Operational Acceptance is required from the relevant Senior Director of the TCCS Development Coordination Branch, prior to the issuance of a Certificate of Occupancy. Where required, a Certificate of Soft Landscape Consolidation Commencement must also be obtained from the

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relevant Senior Director of the TCCS Development Coordination Branch for the placement of soft landscape works on consolidation.

A Chartered Engineer/Landscape Architect must certify compliance with TCCS "REF08 - Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance and/or Consolidation Commencement is made to the relevant Senior Director of the TCCS Development Coordination Branch on completion of all Works.

Final Acceptance/Soft Landscape Handover

A Certificate of Final Acceptance for all civil and hard landscape works must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch at the end of the required Defects Liability Period (DLP) as noted in the Certificate of Operational Acceptance.

A Certificate of Soft Landscape Handover for all soft landscape works must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch at the end of the required Consolidation Period as noted in the Certificate of Consolidation Commencement.

Temporary Traffic Management (TTM)

A TTM plan approval from the Manager of TCCS Traffic Management & Safety, Roads ACT, must be obtained prior to commencement of Works. This plan must be prepared by a suitably qualified person and address, as a minimum, measures to be employed at all times during construction activities to manage all traffic, including construction and regular traffic in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated temporary traffic control devices.

Landscape Management & Protection Plan (LMPP)

LMPP approval must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch or the delegated authority. During construction, all existing vegetation (trees, shrubs and grass) located within the verge and unleased Territory land immediately adjacent to the development must be managed, protected and maintained in accordance with the approved LMPP. This plan must be implemented before the commencement of any Works, including demolition on the site, and must be in accordance with TCCS "REF 04 - Requirements for the Protection of Public Landscape Assets Adjacent to Development Works".

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 from TCCS. If required, such approval can be obtained from TCCS Licensing and Compliance.

Repair of damage to public assets

Before the Works commence TCCS must be notified of any existing damage to public assets via a Dilapidation Report. The applicant/lessee is held responsible for repairing any damage to ACT Government's assets, caused by the development activities, to the satisfaction of TCCS. If a Dilapidation Report is not provided, any pre-existing damage must also be repaired at the applicant/lessee's cost.

Notice of Commencement of construction

A Notice of Commencement for the Works within Unleased Territory Land must be submitted to TCCS one week prior to the commencement of Works. The notice must also include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of TTM.

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ADVISORY NOTES

This application is approved with the following advisory notes. It is recommended that careful consideration be given to advisory notes prior to commencing work.

1. SIGNAGE

- a) All signage installed at the site, including advertising signage and hoarding, should comply with the Australian Association of National Advertisers (AANA) Code of Ethics and the ACT Government's Hoarding Signage Advertising Guidelines available online at <https://www.planning.act.gov.au/build-buy-renovate/for-industry/industry-resources/hoarding-signage-guidelines>

PART B – REASONS FOR THE DECISION

Pursuant to section 198 of the *Planning and Development Act 2007*, the changed development proposal and the original development proposal would not be in different assessment tracks, and the development, after the amendment, was assessed as substantially the same as the development for which approval was originally given.

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

The main issues identified during the assessment were:

- The development meeting the Territory Plan requirements. A further information request was sent to the applicant who provided further submissions in regards to the proposed new vehicle parking configuration and Entity advice.
- Issue raised in representations: a summary is provided below
- Entity advice: The proposal was referred to relevant entities and the entity advice is discussed in PART C below. In summary, the relevant entities supported to the amendments.

Conditions have been imposed in regards the issues identified during assessment to ensure the development satisfies the Territory Plan, addresses assessment issues including relevant entity advice and generally follows standard process and practices.

Other applications and decisions have also been considered in the assessment and making of this decision. This includes the associated services approved under DA202037196 as amended.

The application to amend the original development approval, in respect to the proposed amendments, was assessed as being satisfactory to meet the requirements for approval subject to the above conditions.

All relevant conditions are included under PART A and entity advice is summarised in PART C.

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EVIDENCE

The following evidence formed part of the assessment of this application:

Development Application:	201936662/S197C
Territory Plan Zones:	CFZ: Community Facility zone
Development Codes:	Community Facility Development Code, Multi-unit Housing Development Code
Precinct Code:	Dickson Precinct Map and Code
General Codes:	Parking and Vehicular Access; Bicycle Parking; Access and Mobility, Crime Prevention through Environmental Design; Waterways: Water Sensitive Urban Design; Lease Variation General Codes
Legislative requirements:	the <i>Planning and Development Act 2007</i> in particular Sections 119 and 120, 197 and 198.
Representations and Entity advice:	As addressed in PART C of this Decision

PART A and PART C provide further details and considerations informing the reasons for the decision.

PART C – PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the *Planning and Development Act 2007* (the Act), the application was publicly notified from 28 June 2021 to 16 July 2021. One (1) written representation was received during public notification period.

The issues raised in the representations were considered in the assessment and making of the decision for this development application. In summary the issues raised were as follows:

- *No previous consultation that an amendment was to be lodged.*

The Act does not require pre-application community consultation for S197 amendment applications. Amendments (for approval) are limited to development that are considered substantially the same as the original development which is considered to be satisfied. Therefore the previously undertaken pre-DA community consultation is considered suitable for this development. Public notification was not waived by the Authority and therefore community input was provided during the public notification period for the proposed amendments.

- *Amendments under construction (retrospective approval).*

The decision maker for the amendment process is required by the Act to consider the development as if— (a) the development originally approved had been completed and the amendment were to change the completed development. This has been undertaken and considered capable of approval. Proceeding with development in advance of development obtaining amended development approval is for the developer to consider. There is considered sufficient information to determine the development as proposed in a manner consistent with the *Planning and Development Act 2007*.

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- *8m discrepancy with aerodrome maker, subject of joint heritage nomination. Site while rejected still likely to contain remnants of aerodrome history. Whitewash concrete ring evident. Cultural Heritage Assessment (attached with rep) and works prejudicial to historic ring.*

The proposed amendments were referred to ACT Heritage Council who advised that the proposed development is unlikely to diminish the heritage significance and the Council does not object to the proposed amendments. The proposal includes reference to the historic use of the land. There are no apparent planning grounds to depart from the ACT Heritage Council's advice. The Council's advice does however provide further guidance to the developer and is attached for reference. Note also in Part C below for entity advice.

- *Requested to withdraw and amend plans to reflect heritage issues and properly consult.*

The amendment application is considered to have sufficient information to determine the application by way of conditional approval.

The above PART B Reasons for the decision, also provide context to the issues raised in the representation.

ENTITY ADVICE and REQUIREMENTS

Pursuant to Division 7.3.3 of the *Planning and Development Act*, the application was referred to the below entities. Where an entity requested conditions to be imposed on this development, those conditions have been incorporated into **PART A** of this Decision.

A summary of entity comments can be found below.

1. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

TCCS provided advice stating that the proposed amendments were initially not supported but later provided follow up advice that the amendments were supported subject to conditions. The advice and recommended conditions were considered. Conditions consistent with the TCCS advice have been imposed in Part A above. Advice from TCCS was also received recommending conditions in regards to DA202037196/S197B parts of which have been added to this decision given the relation between the two decisions for the development.

2. ENVIRONMENTAL PROTECTION AUTHORITY (EPA)

EPA provided advice that previously submitted comments stand and had no further comments. The advice is noted. As per condition 1 (and advice in condition 2), all previous conditions of approval (for the original DA decision) continue to apply.

3. EMERGENCY SERVICES AUTHORITY (ESA)

ESA provided advice that they had not further comments and that all previous comments remain valid.

The advice is noted. As per condition 1 (and advice in condition 2), all previous conditions of approval (for the original DA decision) continue to apply.

4. CONSERVATOR OF FLORA AND FAUNA (the Conservator)

The Conservator provided advice that the amendments are supported subject to conditions. The advice and recommended conditions were considered. Conditions consistent with the Conservator's advice have been included in Part A above.

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5. ACT HERITAGE COUNCIL (The Council)

The Council provided advice stating that the proposed development is unlikely to diminish the heritage significance of a place or object, subject to conditions. The advice and recommended conditions were considered.

A condition has been imposed requiring the developer to comply with entity requirements in Part A of this Notice of Decision.

The advice was considered for the assessment including issues raised in the representations. The Council advice included the statement that “the Council does not object to the proposed amendments to DA202037196”. The Council advice also provides previous conditions for the proponent to adhere to. A copy of the Council's advice is attached to this Notice of Decision.

6. ICON WATER

Icon Water provided advice stating that the amendments are supported subject to conditions. This advice has been considered.

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

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

7. EVOENERGY (ELECTRICITY)

EvoEnergy (Electricity) provided advice stating that the amendments are supported subject to conditions. This advice has been considered.

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

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

8. EVOENERGY (GAS)

EvoEnergy (Gas) provided advice stating that the amendments are supported subject to conditions. This advice has been considered.

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

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

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ATTACHMENT 1

ADMINISTRATIVE INFORMATION RELATING TO NOTICE OF DECISION

DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise, this approval does not impact on the date the original decision and approval takes effect.

Inspection of the Application and Decision

A copy of the application and the decision can be inspected between 9:00am and 4:00pm weekdays at the Environment, Planning and Sustainable Development Directorate Dickson Customer Service Centre at 480 Northbourne Avenue, Dickson, ACT.

Submission of revised drawings or documentation

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

Reconsideration of the Decision

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

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

Please contact Access Canberra Customer Services if you wish to lodge a reconsideration application.

Review by the ACT Civil and Administrative Tribunal (ACAT)

1. Decisions that are reviewable (sometimes referred to as appeals) by the ACAT are identified in Schedule 1 of the [Act](#), except for matters that are exempted under Schedule 3 of the [Planning and Development Regulation 2008](#) (matters exempt from third party review).
2. The notice of decision and this advice have been sent to all people who made a representation in relation to the application.
3. The ACAT is an independent body. It can review a large number of decisions made by ACT Government ministers, officials and statutory authorities on their merits. The ACAT can agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with ACAT recommendations.
4. More information on appeal rights is available online at <https://www.planning.act.gov.au/build-buy-renovate/build-buy-or-renovate/approvals/development-applications/appeal-a-da-decision>.
5. The ability to review the Authority's decision is a matter of law. **If** you think you have a right of review, you may apply to the ACAT for a review of the decision. Application forms can be obtained from the ACAT at the website listed below. You can also download the form from the ACT Legislation Register. It is recommended you seek independent advice in regards to such reviews eg a legal practitioner. Note that where the decision maker is the Minister, typically 3rd party reviews (eg. reviews from representors) are not available.

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6. If you are applying on behalf of an organisation or association, whether incorporated or not, the Tribunal in deciding whether to support this application will consider the effect of the decision being reviewed on the interests of the organisation or association in terms of its objects or purposes. A copy of the relevant documents will be required to be lodged with the Tribunal.
7. The time limit to make a request for a review is 28 days from the date of this notice of decision. The time limit can be extended in some circumstances (refer to sections 10 (2), 10(3), 25(1)(e) and 25(2) of the *ACT Civil & Administrative Tribunal Act 2008*; and rule 38 of the *ACT Civil and Administrative Tribunal Procedures Rules 2020*).
8. Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Applications should be made in writing to: the Director General, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. You can ask the ACAT for more details.
9. The ACAT is required to decide appeals in land and planning and tree protection cases within 120 days after the lodging of the appeal, unless that period is extended by the ACAT upon it being satisfied that it is in the interests of justice to do so.
10. The following organisations may be able to provide you with advice and assistance if you are eligible:
 - ACT Law Society, telephone 6274 0300ACT
 - Legal Aid Office, telephone 1300 654 314
 - ACT Council of the Ageing, telephone 02 6154 9740
 - Welfare Rights Centre, telephone 1800 226 028
 - Environmental Defender's Office (ACT), telephone 02 6243 3460.
11. You will have to pay any costs involved in preparing or presenting your case. The ACAT also has the power to award costs against a party in the circumstances specified in s 48 of the *ACT Civil and Administrative Tribunal Act 2008*. This power is in addition to the power of the ACAT to strike out a party and to dismiss an application for failure to comply with the ACAT's directions.
12. You may apply for access to any documents you consider relevant to this decision under the *ACT Freedom of Information Act 2016*. Information about Freedom of information requests is available on the planning and land authority's web site at <https://www.environment.act.gov.au/about/access-government-information> or by contacting us by phone on 02 6207 1923.
13. The procedures of the ACAT are outlined on the ACAT's website, including in the Guide to the Land and Planning Division and the Guide to the Hearing. Contact the ACAT for alternative ways to access information about the ACAT's procedures.

Review by the ACT Supreme Court

1. The decision may also be subject to judicial review by the ACT Supreme Court under the *Administrative Decisions (Judicial Review) Act 1989* (ADJR Act).
2. Under the ADJR Act, an *eligible person* may make an application for review of a decision.

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3. An *eligible person* must demonstrate that their interests are adversely affected by the decision and that the application raises a significant issue of public importance.
4. Section 5 of the ADJR Act sets out the grounds on which a decision can be reviewed.
5. The time limit to make an application for review is 28 days from the date the Notice of Decision is provided to the applicant and those people who made a representation.
6. The ACT Supreme Court is a costs jurisdiction where costs generally follow the event. This means that the unsuccessful party is required to pay the costs of the successful party.
7. For more information on ACT Supreme Court processes and fees, please visit <https://courts.act.gov.au/home>.

Other approvals

A notice of decision under the *Planning and Development Act 2007* grants development approval only. Other approvals may be required, including:

1. **Building Approval**

Most building work requires building approval under the *Building Act 2004* to ensure it complies with building laws such as the *Building Code of Australia*. The lessee should engage a private building certifier to determine whether building approval is required and assess and approve the building plans before construction commences. A list of certifiers can be obtained from the [Environment, Planning and Sustainable Development Directorate](#).

2. **Tree damaging activity approval**

A Tree Management Plan under the *Tree Protection Act 2005* is required for approval where it is proposed to undertake groundwork within the tree protection zone of a protected tree or likely to cause damage to, or remove, any trees defined as protected trees by that Act. More information is available from the Transport Canberra and City Services Directorate at <https://www.tccs.act.gov.au/city-living/trees>.

3. **Use of verges or other unleased Territory Land**

In accordance with the *Public Unleased Land Act 2013*, road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. More information is available from the Transport Canberra and City Services Directorate at https://www.tccs.act.gov.au/city-living/public_land_use.

4. **Works on unleased Territory Land**

In accordance with the *Public Unleased Land Act 2013*, no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval must be obtained from the Senior Manager, Place Coordination and Planning, Transport Canberra and City Services Directorate by way of:

- (a) a certificate of design acceptance prior to the commencement of any work; and
- (b) a certificate of operational acceptance on completion of all works to be handed over to TCCS.

Works on unleased Territory land may include the construction or upgrading of driveway verge crossings, public footpaths, roads, street lighting, stormwater works, waste collection amenities, street signs and line marking, road furniture and landscaping.

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Contact details for relevant agencies

<p>ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601 GPO Box 370, CANBERRA, ACT 2601</p>	<p>www.acat.act.gov.au tribunal@act.gov.au 02 6207 1740 02 6205 4855 (Fax)</p>
<p>ACT Supreme Court 4-6 Knowles Place, CANBERRA CITY ACT 2601 GPO Box 1548, CANBERRA CITY, ACT 2601</p>	<p>www.courts.act.gov.au 02 6205 0000</p>
<p>Environment, Planning and Sustainable Development Directorate 480 Northbourne Avenue DICKSON ACT 2602 GPO Box 158, CANBERRA 2601</p> <ul style="list-style-type: none"> • <i>Planning and land authority</i> <ul style="list-style-type: none"> - list of certifiers for building approval - demolition information - asbestos information • <i>Environment Protection Authority</i> <ul style="list-style-type: none"> - environment protection - water resources - Conservation, Planning and Research - threatened species/wildlife management • <i>WorkSafe ACT</i> <ul style="list-style-type: none"> - asbestos information • <i>ACT Heritage Council</i> <ul style="list-style-type: none"> - Aboriginal, historic and natural heritage management • <i>Tree Protection Unit</i> <ul style="list-style-type: none"> - <i>Development Applications (DA) issue:</i> - <i>Tree Damaging Activity Applications (TDAA) issue:</i> 	<p>www.planning.act.gov.au 02 6207 1923</p> <p>EPAPanningLiaison@act.gov.au 6207 5642</p> <p>worksafe@worksafe.act.gov.au 132 281</p> <p>www.environment.act.gov.au 132 281</p> <p>TCCS.TreeProtectionACTPLARef@act.gov.au</p> <p>TCCS.TreeProtection@Act.gov.au</p>
<p>Transport Canberra and City Services</p> <ul style="list-style-type: none"> • landscape management and protection plan approval • use of verges or other unleased Territory land • works on unleased Territory land - design acceptance • driveway inspections or building applications • damage to public assets 	<p>www.tccs.act.gov.au 132 281</p> <p>02 6207 0019 (development coordination)</p> <p>tccs.dcdevelopmentcoordination@act.gov.au</p>
<p>Health Directorate</p>	<p>www.health.act.gov.au hps@act.gov.au 02 5124 9700</p>

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Education Directorate	www.education.act.gov.au 02 6205 5429
Utilities <ul style="list-style-type: none">• Telstra (networks)• TransACT (networks)• Icon Water• Electricity reticulation	02 8576 9799 02 6229 8000 02 6248 3111 02 6293 5749

Translation and interpretation services

The ACT Government's translation and interpreter service runs 24 hours a day, every day of the week by calling 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-għajnuna t'interpretu, çempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ако вам је потребна помоћ преводиоца телефонирајте:
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

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Made under part 7 of the *Planning and Development Act 2007*
S197 Amendment – Application 202037196 S197B

Pursuant to section 197 of the *Planning and Development Act 2007*, approval is sought to amend development approval No. 202037196 approved by the Minister for Planning and Land Management on the 7th August 2020 by:

- 1. removal of proposed on-street carparking on eastern side of Hawdon Place;**
- 2. removal of landscaping associated with on-street parking;**
- 3. changes to water service,**
- 4. changes to the electrical services; and**
- 5. associated works; and**
- 6. changes to the relevant parts of the Notice of Decision**

I, Mick Gentleman, Minister for Planning and Land Management, pursuant to section 198 of the *Planning and Development Act 2007 (Act)*, **approve subject to conditions**, to amend the development approval only for the amendments nominated above, in accordance with the application made under section 197 of the Act, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number: 202037196/**S197B**
Block: 22, 25
Section: 72
Suburb: Dickson
And adjacent unleased land

Assessment track: Merit

NOTICE OF DECISION

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My decision contains the following information:

Part A – sets out conditions of approval that are to be satisfied

Part B– sets out the Reasons for the Decision

Part C – provides a summary of issues arising from the public notification of the application and from referral of the application to relevant entities

Attachment 1 – contains administrative information relating to my decision

Copies of entity advice – as attached

A copy of the development application and this approval may be inspected at the planning and land authority's office from 8.30 am to 4.30 pm, Monday to Friday at 480 Northbourne Avenue, Dickson, ACT 2602

CONTACT / ENQUIRIES

Phone: (02) 6205 2888

Online Form:

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



Mick Gentleman MLA
Minister for Planning and
Land Management

5th May 2022

NOTICE OF DECISION

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PART A – CONDITIONS OF APPROVAL

This application is approved subject to the following conditions being satisfied:

1. CONDITIONS IN THE ORIGINAL NOTICE OF DECISION FOR DA 202037196 TO CONTINUE

- a) Unless stated below, conditions in the existing Notice of Decision dated 7th August 2020 remain in place and are to be complied with unless inconsistent with the following additional conditions.
- b) In the event of any conflict between conditions, the following conditions of this Notice of decision shall prevail for the extent of the inconsistency.
- c) Plans as stamped by the Authority are approved for the extent of the amendments listed within this approval. As above, the amended plans shall prevail over any previous approved plans for the amendments.

2. CHANGES TO THE CONDITIONS OF APPROVAL

- a) Conditions 2a) and 2b) of the Notice of Decision dated 7th August 2020 are deleted as these conditions are no longer relevant due to the landscaping in the Hawdon Place verge being amended by this decision.

3. COMPLIANCE WITH ENTITY REQUIREMENTS

The development shall meet the requirements of the following entities as stated in each of their advice.

- ICON Water;
- Evoenergy (Electricity);
- Evoenergy (Gas);
- ACT Heritage Council

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

4. CONSERVATOR OF FLORA AND FAUNA (the Conservator)

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

- a) The proposed amendments are supported as they do not affect the regulated *Calocedrus decurrens* which has been noted for retention on the demolition plan, Dwg 50521062-1015-DEM, Revision D, dated 14/06/2021 regulated trees on the site
- b) Tree protection fencing should be maintained on the site until the landscape phase of the project.

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5. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

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

- a) As the construction works have already begun, and the Dickson Common Ground project has already received a LODR, TCCS would like to highlight that the LMPP and all tree protection measures previously approved for the Dickson Common Ground project take precedence and are required to be continued.
- b) An amended TCCS Letter of Design Review, is required to be gained for all adjustment to works on territory land, before these works are started.
- c) All shrub beds on the verge will be the sole responsibility of the body corporate. They will be required to maintain the garden beds to a high level of quality for the life of the assets.
- d) The extent of proposed underground services and removal of existing infrastructure to the SW of the site (Image 1 below) continues into the tree line of Block 26, Section 72 Dickson. TCCS will conditionally support these works with the understanding that:
- e) Any construction activities additional to those documented on plans are prohibited without further approval.
- f) Trunk protection is required to be installed to the trunk of the trees adjacent to the works in accordance with AS4970-2009 before works commence.
- g) Excavation works within the Tree Protection Zone (TPZ) of existing trees is to be carried out by low pressure hydro-vac excavation so not to remove the bark from the roots.
- h) Excavation within the tree drip zone shall be undertaken in such a manner that no roots with a diameter greater than 30mm are damaged.
- i) If pruning of trees is required, the proponent must seek approval from Urban Trees to undertake the pruning BEFORE pruning works commence. All pruning works are to be carried out by a qualified arborist with final cuts made in accordance with Australian Standards 4373 'Pruning of amenity trees'.

Standard TCCS Conditions also apply:

The following general conditions will apply as appropriate for the Works and use of Territory land in addition to the above.

Early Works or prior to construction

In accordance with the Public Unleased Land Act 2013 no Works are to be undertaken without the approval of the TCCS. Such approval must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch TCCS by the ways of (1) a Letter of Early Works Approval for demolition and/or earthworks only; and/or (2) a Letter of Design Review, prior to the commencement of any Works.

Fees and charges will apply for Early Works Approval as per TCCS "GEN-06 - Submissions and Inspections Guideline Principles and Related Fees and Charges for TCCS and Industry".

Design Review

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, stormwater, landscaping (and any other issues that may be found by audit of the plans) and a design report in accordance with TCCS "REF-06 - Requirements for Design Review Submissions", must be certified by a Chartered Engineer/Landscape Architect and submitted to the relevant Senior Director of the TCCS Development Coordination Branch.

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Waste and Recycling Management Plan (WRMP) review

A WRMP in accordance with the relevant revision of the Development Control Code for Best Practice Waste Management in the ACT must also be submitted at the Design Review stage.

Operational Acceptance/Soft Landscape Consolidation Commencement

On completion of the Works a Certificate of Operational Acceptance is required from the relevant Senior Director of the TCCS Development Coordination Branch, prior to the issuance of a Certificate of Occupancy. Where required, a Certificate of Soft Landscape Consolidation Commencement must also be obtained from the relevant Senior Director of the TCCS Development Coordination Branch for the placement of soft landscape works on consolidation.

A Chartered Engineer/Landscape Architect must certify compliance with TCCS "REF08 - Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance and/or Consolidation Commencement is made to the relevant Senior Director of the TCCS Development Coordination Branch on completion of all Works.

Final Acceptance/Soft Landscape Handover

A Certificate of Final Acceptance for all civil and hard landscape works must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch at the end of the required Defects Liability Period (DLP) as noted in the Certificate of Operational Acceptance.

A Certificate of Soft Landscape Handover for all soft landscape works must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch at the end of the required Consolidation Period as noted in the Certificate of Consolidation Commencement.

Temporary Traffic Management (TTM)

A TTM plan approval from the Manager of TCCS Traffic Management & Safety, Roads ACT, must be obtained prior to commencement of Works. This plan must be prepared by a suitably qualified person and address, as a minimum, measures to be employed at all times during construction activities to manage all traffic, including construction and regular traffic in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated temporary traffic control devices.

Landscape Management & Protection Plan (LMPP)

LMPP approval must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch or the delegated authority. During construction, all existing vegetation (trees, shrubs and grass) located within the verge and unleased Territory land immediately adjacent to the development must be managed, protected and maintained in accordance with the approved LMPP. This plan must be implemented before the commencement of any Works, including demolition on the site, and must be in accordance with TCCS "REF 04 - Requirements for the Protection of Public Landscape Assets Adjacent to Development Works".

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 from TCCS. If required, such approval can be obtained from TCCS Licensing and Compliance.

Repair of damage to public assets

Before the Works commence TCCS must be notified of any existing damage to public assets via a Dilapidation Report. The applicant/lessee is held responsible for repairing any damage to ACT Government's assets, caused by the development activities, to the satisfaction of TCCS. If a Dilapidation Report is not provided, any pre-existing damage must also be repaired at the applicant/lessee's cost.

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Notice of Commencement of construction

A Notice of Commencement for the Works within Unleased Territory Land must be submitted to TCCS one week prior to the commencement of Works. The notice must also include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of TTM.

ADVISORY NOTES

This application is approved with the following advisory notes. It is recommended that careful consideration be given to advisory notes prior to commencing work.

1. SIGNAGE

- a) All signage installed at the site, including advertising signage and hoarding, should comply with the Australian Association of National Advertisers (AANA) Code of Ethics and the ACT Government's Hoarding Signage Advertising Guidelines available online at <https://www.planning.act.gov.au/build-buy-renovate/for-industry/industry-resources/hoarding-signage-guidelines>

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PART B – REASONS FOR THE DECISION

Pursuant to section 198 of the *Planning and Development Act 2007*, the changed development proposal and the original development proposal would not be in different assessment tracks, and the development, after the amendment, was assessed as substantially the same as the development for which approval was originally given.

The objectives of the PRZ1: Urban Open Space, CZ6: Leisure and Accommodation, CF Community Facility zones have been considered. In general, the assessment found the development was not inconsistent with the zone objectives.

The main issues identified during the assessment were:

- The development meeting the Territory Plan requirements;
- Issues raised in the representation: a summary is provided below;
- Entity advice: The proposal was referred to relevant entities and the entity advice is discussed in PART C below. In summary, the relevant entities supported to the amendments.

Conditions have been imposed in regards the issues identified during assessment including relevant entity advice and to ensure the development generally follows standard process and practices.

Other applications and decisions have also been considered in the assessment and the making of this decision. In particular the Common Ground DA (201936662) and its amendment application and DA 202139141 for a public car park.

The application to amend the original development approval, in respect to the proposed amendments, was assessed as being satisfactory to meet the requirements for approval subject to the above conditions.

All relevant conditions are included under PART A and entity advice is summarised in PART C.

The following evidence formed part of the assessment of this application:

Development Applications:	202037196 S197B, as well as 201936662 and 202139141
Territory Plan Zones:	PRZ1: Urban Open Space, CZ6: Leisure and Accommodation, CF Community Facility zones
Development Codes:	Community Facility Zone Development Code, Parks and Recreation Zones Development Code, Commercial Zones Development Code.
Precinct Code:	Dickson Precinct Map and Code
Legislative requirements:	the <i>Planning and Development Act 2007</i> in particular Sections 119 and 120, 197 and 198.
Representations and Entity advice:	Addressed in PART C of this Decision

PART A and PART C provide further details and considerations informing the reasons for the decision.

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PART C – PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the *Planning and Development Act 2007* (the Act), the application was publicly notified from 28 June 2021 to 16 July 2021. One (1) written representation was received during public notification period.

The issues raised in the representations were considered in the assessment and making of the decision for this development application. In summary the issues raised were as follows:

- *Previous DA commitments to the car parking spaces throughout the previous DA and community consultation. On-road car parking spaces were notified as to support the Common Ground parking arrangements. Parking should be retained, help deter illegal parking.*

The amended Common Ground development (DA 201936662) has retained the number of car parking spaces plus 1 with a basement and on-grade configuration. The separate consideration of this has been supported for the subject and amended development.

The amendment proposed by this application is to remove on-street car parking in front of the Common Ground development. The street is considered suitable for limited additional car parking for a range of uses including potentially for visitors to the Common Ground development.

Separate to this development, the Authority has also approved a car park to provide additional public car parking primarily to address sporting field use. This approved car park is also within relevant distances to the Common Ground development to be considered for visitor parking. While it is not yet constructed is likely to benefit this development into the future.

Noting that TCCS has supported the amendment and the development's sufficient on-site parking, there is no planning reasons to amend or refuse this amendment and the reduced on-street parking arrangements.

The amendments to the on-site, on-grade parking are likely to assist any future road connections between Hawdon Place and Rosevear Place consistent with the Dickson Precinct Map and Code.

The amendment application was publicly notified and this representation along with the representation for the related Common Ground DA amendments have been considered.

The amended car parking arrangements are supported.

- *Consultations and community input provided for improve ground level parking, visual and social amenity and 'future proofing' in Hawdon Place. Landscaping as approved should be retained including for environmental reasons, additional vegetation should be provided.*

The amendments have been assessed as capable of approval. The landscaping and works within Hawdon Place are considered consistent with redevelopments of this scale and nature. The amendments will also provide easier adaption and potential connections to Rosevear Place. Other public space connections including the footpath re-development are considered suitable. The amendments are supported by TCCS as the land custodian.

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As above, the community consultations, representations from both the original DA and this amendment have been considered in making this decision.

- *Carparking restrictions and monitoring to be considered.*

Such issues can be raised with TCCS into the future. The assessment of the DA and amendments has raised such measures are not required to be included in this decision.

The above PART B Reasons for the decision, also provide context to the issues raised in the representation.

ENTITY ADVICE

Pursuant to Division 7.3.3 of the *Planning and Development Act*, the application was referred to the below entities. Where an entity requested conditions to be imposed on this development, those conditions have been incorporated into Part A of this Decision.

A summary of entity comments can be found below.

1. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

TCCS provided advice stating that the proposal is supported subject to conditions. This advice has been considered. The recommended conditions have been imposed in this Decision in Part A above.

2. CONSERVATOR OF FLORA AND FAUNA (the Conservator)

The Conservator provided advice stating that the proposal is supported subject to conditions. This advice has been considered. The recommended conditions have been imposed in this Decision in Part A above.

3. EVOENERGY (ELECTRICITY)

Evoenergy Electricity provided advice stating that the proposal is supported subject to conditions. This advice has been considered. A condition requiring the development to satisfy relevant entity requirements has been imposed in PART A.

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

4. ICON WATER

Icon Water provided advice stating that the proposal is supported subject to conditions. This advice has been considered. A condition requiring the development to satisfy relevant entity requirements has been imposed in PART A.

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

5. ENVIRONMENTAL PROTECTION AUTHORITY (EPA)

The EPA provided advice stating that the proposal is supported subject to conditions. This advice has been considered. Conditions in regards to a CMP, soil disposal, erosion and sediment control and hazardous materials were recommended. Further advice about noise from air conditioning units, pool pumps were also included in the advice. Noting that this application is for an

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amendment of the approved services and verge development, the advice does not appear to fit the development circumstances. It is also noted that the advice almost identically matches that of the original advice provided for DA 201936662 which was imposed as conditions in that decision. The proponent will need to adhere to environmental requirements overseen by the EPA however the recommended conditions have not been imposed in this decision. This decision is therefore inconsistent with EPA's advice and has been considered under S119 in regards applicable guidelines and realistic alternatives.

It is recommended that the proponent continue to engage with their Certifier, builder and the EPA as required to ensure relevant environmental standards are achieved throughout the construction and development stages. Guidance and requirements in the Notice of Decision for DA 201936662 will assist and be consistent with advice received for this amendment application.

6. EVOENERGY/JEMENA (GAS)

Evoenergy/Jemena Gas provided advice stating that the proposal is supported subject to conditions. This advice has been considered. A condition requiring the development to satisfy relevant entity requirements has been imposed in PART A.

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

7. ACT HERITAGE COUNCIL (The Council)

The Council provided advice stating that the proposed development is unlikely to diminish the heritage significance of a place or object, subject to conditions. The advice was considered. A condition in regards to complying with entity requirements has been imposed including ACT Heritage requirements. A copy of the Heritage advice received for this application is attached to the Notice of Decision.

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ATTACHMENT 1

ADMINISTRATIVE INFORMATION RELATING TO NOTICE OF DECISION

DATE THAT THIS APPROVAL TAKES EFFECT

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

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

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

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

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

Inspection of the Application and Decision

A copy of the application and the decision can be inspected between 8:30am and 4:30pm weekdays at the Environment, Planning and Sustainable Development Directorate Dickson Customer Service Centre at 480 Northbourne Avenue, Dickson, ACT.

Submission of revised drawings or documentation

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

Reconsideration of the Decision

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

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

Please contact Access Canberra Customer Services if you wish to lodge a reconsideration application.

Review by the ACT Civil and Administrative Tribunal (ACAT)

1. Decisions that are reviewable (sometimes referred to as appeals) by the ACAT are identified in Schedule 1 of the [Act](#), except for matters that are exempted under Schedule 3 of the [Planning and Development Regulation 2008](#) (matters exempt from third party review).

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2. The notice of decision and this advice have been sent to all people who made a representation in relation to the application.
3. The ACAT is an independent body. It can review a large number of decisions made by ACT Government ministers, officials and statutory authorities on their merits. The ACAT can agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with ACAT recommendations.
4. More information on appeal rights is available online at <https://www.planning.act.gov.au/build-buy-renovate/build-buy-or-renovate/approvals/development-applications/appeal-a-da-decision>.
5. The ability to review the Authority's decision is a matter of law. **If** you think you have a right of review, you may apply to the ACAT for a review of the decision. Application forms can be obtained from the ACAT at the website listed below. You can also download the form from the ACT Legislation Register. It is recommended you seek independent advice in regards to such reviews eg a legal practitioner. Note that where the decision maker is the Minister, typically 3rd party reviews (eg. reviews from representors) are not available.
6. If you are applying on behalf of an organisation or association, whether incorporated or not, the Tribunal in deciding whether to support this application will consider the effect of the decision being reviewed on the interests of the organisation or association in terms of its objects or purposes. A copy of the relevant documents will be required to be lodged with the Tribunal.
7. The time limit to make a request for a review is 28 days from the date of this notice of decision. The time limit can be extended in some circumstances (refer to sections 10 (2), 10(3), 25(1)(e) and 25(2) of the *ACT Civil & Administrative Tribunal Act 2008*; and rule 38 of the *ACT Civil and Administrative Tribunal Procedures Rules 2020*).
8. Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Applications should be made in writing to: the Director General, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. You can ask the ACAT for more details.
9. The ACAT is required to decide appeals in land and planning and tree protection cases within 120 days after the lodging of the appeal, unless that period is extended by the ACAT upon it being satisfied that it is in the interests of justice to do so.
10. The following organisations may be able to provide you with advice and assistance if you are eligible:
 - ACT Law Society, telephone 6274 0300ACT
 - Legal Aid Office, telephone 1300 654 314
 - ACT Council of the Ageing, telephone 02 6154 9740
 - Welfare Rights Centre, telephone 1800 226 028
 - Environmental Defender's Office (ACT), telephone 02 6243 3460.
11. You will have to pay any costs involved in preparing or presenting your case. The ACAT also has the power to award costs against a party in the circumstances specified in s 48 of the *ACT Civil and Administrative Tribunal Act 2008*. This power is in addition to the power of the ACAT to strike out a party and to dismiss an application for failure to comply with the ACAT's directions.

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12. You may apply for access to any documents you consider relevant to this decision under the *ACT Freedom of Information Act 2016*. Information about Freedom of information requests is available on the planning and land authority's web site at <https://www.environment.act.gov.au/about/access-government-information> or by contacting us by phone on 02 6207 1923.
13. The procedures of the ACAT are outlined on the ACAT's website, including in the Guide to the Land and Planning Division and the Guide to the Hearing. Contact the ACAT for alternative ways to access information about the ACAT's procedures.

Review by the ACT Supreme Court

1. The Authority's decision may also be subject to judicial review by the ACT Supreme Court under the *Administrative Decisions (Judicial Review) Act 1989* (ADJR Act).
2. Under the ADJR Act, an *eligible person* may make an application for review of a decision.
3. An *eligible person* must demonstrate that their interests are adversely affected by the decision and that the application raises a significant issue of public importance.
4. Section 5 of the ADJR Act sets out the grounds on which a decision can be reviewed.
5. The time limit to make an application for review is 28 days from the date the Notice of Decision is provided to the applicant and those people who made a representation.
6. The ACT Supreme Court is a costs jurisdiction where costs generally follow the event. This means that the unsuccessful party is required to pay the costs of the successful party.
7. For more information on ACT Supreme Court processes and fees, please visit <https://courts.act.gov.au/home>.

Other approvals

A notice of decision under the *Planning and Development Act 2007* grants development approval only. Other approvals may be required, including:

1. **Building Approval**

Most building work requires building approval under the *Building Act 2004* to ensure it complies with building laws such as the *Building Code of Australia*. The lessee should engage a private building certifier to determine whether building approval is required and assess and approve the building plans before construction commences. A list of certifiers can be obtained from the [Environment, Planning and Sustainable Development Directorate](#).
2. **Tree damaging activity approval**

A Tree Management Plan under the *Tree Protection Act 2005* is required for approval where it is proposed to undertake groundwork within the tree protection zone of a protected tree or likely to cause damage to, or remove, any trees defined as protected trees by that Act. More information is available from the Transport Canberra and City Services Directorate at <https://www.tccs.act.gov.au/city-living/trees>.
3. **Use of verges or other unleased Territory Land**

In accordance with the *Public Unleased Land Act 2013*, road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. More information is available from the Transport Canberra and City Services Directorate at <https://www.tccs.act.gov.au/city-living/public-land-use>.

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4. Works on unleased Territory Land

In accordance with the *Public Unleased Land Act 2013*, no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval must be obtained from the Senior Manager, Place Coordination and Planning, Transport Canberra and City Services Directorate by way of:

- (a) a certificate of design acceptance prior to the commencement of any work; and
- (b) a certificate of operational acceptance on completion of all works to be handed over to TCCS.

Works on unleased Territory land may include the construction or upgrading of driveway verge crossings, public footpaths, roads, street lighting, stormwater works, waste collection amenities, street signs and line marking, road furniture and landscaping.

Contact details for relevant agencies

<p>ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601 GPO Box 370, CANBERRA, ACT 2601</p>	<p>www.acat.act.gov.au tribunal@act.gov.au 02 6207 1740 02 6205 4855 (Fax)</p>
<p>ACT Supreme Court 4-6 Knowles Place, CANBERRA CITY ACT 2601 GPO Box 1548, CANBERRA CITY, ACT 2601</p>	<p>www.courts.act.gov.au 02 6205 0000</p>
<p>Environment, Planning and Sustainable Development Directorate 480 Northbourne Avenue DICKSON ACT 2602 GPO Box 158, CANBERRA 2601</p> <ul style="list-style-type: none"> • <i>Planning and land authority</i> <ul style="list-style-type: none"> - list of certifiers for building approval - demolition information - asbestos information • <i>Environment Protection Authority</i> <ul style="list-style-type: none"> - environment protection - water resources - Conservation, Planning and Research - threatened species/wildlife management • <i>WorkSafe ACT</i> <ul style="list-style-type: none"> - asbestos information • <i>ACT Heritage Council</i> <ul style="list-style-type: none"> - Aboriginal, historic and natural heritage management • <i>Tree Protection Unit</i> <ul style="list-style-type: none"> - <i>Development Applications (DA) issue:</i> - <i>Tree Damaging Activity Applications (TDAA) issue:</i> - 	<p>www.planning.act.gov.au 02 6207 1923</p> <p>EPAPlanningLiaison@act.gov.au 6207 5642</p> <p>worksafe@worksafe.act.gov.au 132 281</p> <p>www.environment.act.gov.au 132 281</p> <p>TCCS.TreeProtectionACTPLARef@act.gov.au</p> <p>TCCS.TreeProtection@Act.gov.au</p>

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Transport Canberra and City Services <ul style="list-style-type: none">landscape management and protection plan approvaluse of verges or other unleased Territory landworks on unleased Territory land - design acceptancedriveway inspections or building applicationsdamage to public assets	www.tccs.act.gov.au 132 281 02 6207 0019 (development coordination) tccs.dcdevelopmentcoordination@act.gov.au
Health Directorate	www.health.act.gov.au hps@act.gov.au 02 5124 9700
Education Directorate	www.education.act.gov.au 02 6205 5429

Translation and interpretation services

The ACT Government's translation and interpreter service runs 24 hours a day, every day of the week by calling 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-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	Ако вам је потребна помоћ преводиоца телефонирајте:
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