

Planning and Development (Approval of Application – 201528071 Horse Park Drive Duplication, Gungahlin) Notice 2016

Notifiable instrument NI2016–127

made under the

Planning and Development Act 2007, s 170(4) (Notice of approval of application)

1 Name of instrument

This instrument is the *Planning and Development (Approval of application – 201528071 Horse Park Drive Duplication, Gungahlin) Notice 2016*.

2 Impact track development approval notice

On 24 February 2016, pursuant to section 162 of the *Planning and Development Act 2007*, the planning and land authority approved, subject to conditions, in the impact track, development application 201528071, for:

- (1) upgrading the Mapleton Avenue and Well Station Drive T-intersections along Horse Park Drive;
- (2) duplication of Horse Park Drive between Anthony Rolfe Avenue and Well Station Drive (approximately 2km); and
- (3) construction of a pedestrian underpass 400m north of Mapleton Avenue.

3 The approval of development application 201528071 is in the schedule.

Dorte Ekelund
Chief Planning Executive
11 March 2016



ACT
Government

Environment and Planning

Notice of decision

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

Impact track

DA NO: 201528071		DATE LODGED: 23/09/2015
DATE OF DECISION: 24/2/2016		
BLOCK: 1	SECTION: 137	SUBURB: HARRISON
BLOCK: 2	SECTION: 136	SUBURB: HARRISON
BLOCK: 733	SECTION: 0	SUBURB: GUNGAHLIN
STREET NO AND NAME: Horse Park Drive		
APPLICANT: Calibre Consulting (ACT) Pty Ltd		
LAND CUSTODIAN: Territory and Municipal Services Directorate		

THE DECISION

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

- upgrading the Mapleton Avenue and Well Station Drive T-intersections along Horse Park Drive;
- duplication of Horse Park Drive between Anthony Rolfe Avenue and Well Station Drive (approximately 2km); and
- construction of a pedestrian underpass 400m north of Mapleton Avenue

in accordance with the plans, drawings and other documents and items submitted with the application 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 and Planning Directorate
24/02/2016

CONTACT OFFICER

Linda Ren
Phone: (02) 6205 3343
Email: linda.ren@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 by the Authority, others before work commences or before the completion of building work.

Note: All works are to be conducted in a manner and to a standard consistent with the requirements of the *Gungahlin Strategic Assessment Biodiversity Plan* made under the *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*.

A PRIOR TO CONSTRUCTION AND/OR DEMOLITION

Noise Impacts on Throsby Estate

- A1. That prior to the commencement of any work on the site, the noise impacts from the proposed road duplication on Throsby estate must be addressed to the satisfaction of the Authority.

Environment Protection

- A2. Construction and development works to be in accordance with "Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011".
- A3. An unexpected finds protocol (UFP) must be developed by a suitably qualified environmental consultant prior to development to manage potential contaminated excavated material on the site and disposal of any impacted material from the site.

Asset Acceptance and Works on Unleased Territory Land

- A4. That prior to the commencement of any work on the site, the following requirements be submitted to and approved by the Territory and Municipal Services Directorate (TAMS).

(a) Certificate of design, operational and final acceptance

Design, Operational and Final Acceptance of this capital project will be undertaken by Senior Manager, Capital Works Design and Development, TAMS.

(b) Temporary Traffic Management (TTMP)

A TTMP must be prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety, Roads ACT, Transport and Infrastructure Division, TAMS prior to commencement of any work on the site. This plan is to address, as a minimum, measures to be employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices.

(c) Landscape Management & Protection Plan (LMPP)

A LMPP must be approved by the Manager, Major Capital Works, Roads ACT, Transport and Infrastructure Division, TAMS. During construction, all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development must be managed, protected and maintained in accordance with the LMPP approved by the Manager, Major Capital Works, Roads ACT, Transport and

Infrastructure Division, TAMS. This plan is to be implemented before the commencement of works, including demolition/ earthworks on the site and is to be in accordance with TAMS Reference No 04 'Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04'.

Tree Management

- A5. The proposed ground works on the northern side of the remnant Eucalypt in the centre medium strip of Anthony Rolfe Avenue must be undertaken in accordance with the submitted Tree Impact Plan (plan no. C14030-DA651+, dated 13/05/2015).
- A6. If there are any regulated trees affected by the proposal, the proposed works plan must be sent to the Conservator for comment.

B DURING CONSTRUCTION AND/OR DEMOLITION

Traffic Management

- B1. That at all times during construction the site and surrounds must be managed in accordance with the TTMP required under Condition A4 (b), prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety, Roads ACT, Transport and Infrastructure Division, TAMS prior to the commencement of work.

ActewAGL- Electricity Division Requirements

- B2. That the development is to comply with the statement of conditional compliance provided by ActewAGL-Electricity on 30 January 2015 in relation to this application.

Icon Water Requirements

- B3. That the development is to comply with the statement of conditional compliance provided by Icon Water on 5 February 2015 in relation to this application.

Heritage Management

- B4. Any additional heritage places or objects encountered during construction must be managed in accordance with the project's "Unanticipated Discovery Plans".

C 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.

Erosion and Sediment Control

- C1. Due to the length of the duplication and areas proposed to be excavated, all runoff from the site should be directed to sediment control ponds.
- C2. All rain water that enters the site and pools in excavations during a rain storm event would be considered as a sediment control pond, and must meet the following conditions:
- all stormwater must be pumped out and disposed at an approved location; and
 - no discharge from pond unless sediment level is less than 60mg/litre. If sediment level is greater, prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.

- C3. Any use of groundwater or surface water must be licensed under the *Water Resources Act 2007*. Construction of any sediment ponds greater than 2ML will require waterway works licence.

Landscape

- C4. *Eucalyptus rossii* (Ero) and *Eucalyptus gonicalyx* (Ego) grow higher up on slopes and would be unlikely successful in lower situation and soils. It is suggested that they are replaced with *Eucalyptus mannifera* (Emf) which have generally proven most suitable in such situations or other Eucalypt species from the list.

Refer to Appendix 1 for information about approvals that may be required for construction and/or demolition.

PART 2

REASONS FOR THE DECISION

The application satisfactorily meets the requirements for approval. The application was approved because, based on the documentation and in the form modified by the imposed conditions, it was considered to meet:

- the Statement of Strategic Directions from the Territory Plan;
- the Transport and Services Zone Development Code;
- the Residential Zone Development Code;
- the Urban Open Space Zone Development Code;
- the Throsby Concept Plan;
- the East Gungahlin Structure Plan; and
- the requirements of the Development Assessment Considerations of the Gungahlin Strategic Assessment Area Environmental Impact Statement Exemption Assessment Report.

The application is consistent with the principles set out in the Statement of Strategic Directions, because the proposal is to upgrade the Horse Park Drive to facilitate new estate release at Throsby.

The proposal meets the requirements of the Concept Plan and associated Development codes with conditions being imposed to ensure this is achieved.

The key issues identified in the assessment are potential traffic congestion along Horse Park Drive and noise impacts on residents on both sides of the road.

The traffic assessment report supporting the application states that the level of service for the intersections along Horse Park Drive is very low. However the advice from Transport Planning Team within EPD states that the road design allows for future augmentation via construction of a third lane in the future. The level of service at the intersections will be improved with the additional lane on both directions along Horse Park Drive.

The noise impact assessment prepared by SLR Consulting identified that the applicable planning guidelines were met at all locations on both sides of Horse Park Drive, except at some blocks near Mapleton Avenue and some blocks within the future suburb of Throsby, where the private open space criteria value may be exceeded. The proponent is required to address the noise impacts on blocks within Throsby. Based on the noise impact assessment report, the changes in noise levels along Mapleton Avenue, due to natural local traffic growth rather than the duplication of Horse Park Drive, are not significant.

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*.

Although the proposal itself is unlikely to cause significant environmental impact, it has been assessed under the impact track because it is to facilitate the development of Throsby estate which will have significant impact on protected species. In addition, parts of the development footprint are covered by the Gungahlin Strategic Assessment and the subsequent EIS exemption assessment.

The decision is made with the understanding that conditions imposed by the Commonwealth under the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) must be complied with. Conditions imposed under the EPBC Act are in addition to those listed in this decision.

EVIDENCE

Application No. 201528071

File No. 1-2015/15710/1

The Territory Plan zone – TSZ1 Transport, and RZ1 Suburban, RZ2 Suburban Core, RZ3 Urban Residential, PRZ1 Urban Open Space (overlay: FUA- Future Urban Area)

The Development Codes – Transport and Services Zone Development Code, Residential Zone Development Code, Urban Open Space Zone Development Code

The Precinct Codes – Throsby Concept Plan, East Gungahlin Structure Plan

Exemption from EIS Titled: Gungahlin Strategic Assessment Area accepted by the Minister on 20 November 2013.

Representations - Four

Entity advice ACT Heritage Council, Territory and Municipal Services Directorate, ActewAGL-Electricity & Water, Conservator of Flora and Fauna, Emergency Services Agency, Environment Protection Authority, Tree Protection Unit-TAMS and Transport Planning-EPD

PART 3

PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 25 September 2015 to 20 October 2015. Four written representation were received during public notification.

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

- 1) Concerns were raised that no information was provided regarding how the Government will reduce current noise from Horse Park Drive.

Assessment note: the noise assessment report confirmed that the existing noise levels along Horse Park Drive generally comply with the ACT Draft Noise Management Guideline, except some blocks near Mapleton Avenue intersection where the existing noise levels exceed the private open space criterion value.

This matter should be raised with Roads ACT directly.

- 2) Concerns were raised that the estimated traffic volume is too low.

Assessment note: the traffic assessment report confirmed that the traffic generation assumptions reflect the broader urban development in Gungahlin. The traffic assessment report was referred to all relevant entities and no concerns were raised in relation to this matter.

- 3) Suggestions were made to reduce noise levels, such as reduce the speed limit to 70km/h, use high quality noise abatement barriers, increase the height of soil noise barriers along both sides of Horse Park Drive, improve the quality of road surface materials, use noise absorbing natural materials, and erecting signage regarding heavy vehicle engine breaking.

Assessment note: the noise impact assessment prepared by SLR Consulting identified that the applicable planning guidelines were met at all locations on both sides of Horse Park Drive, except at some blocks near Mapleton Avenue and some blocks within the future suburb of Throsby, where the private open space criteria value may be exceeded.

Noise mitigation measures have been proposed to reduce noise impacts on blocks within Throsby and on-going planning controls have been incorporated into the estate development plans.

The noise impact assessment also states that the existing noise levels already exceed the private open space criterion value for some blocks along Mapleton Avenue. The predicted noise levels did not take into account the 1.8m high Harrison entry feature wall which provides some noise screening. The noise impact assessment found that the changes in noise levels along Mapleton Avenue are due to natural local traffic growth rather than due to the road duplication project itself. Based on SLR Consulting' noise modelling, the noise changes will be less than 2dB which is considered negligible and not likely to be perceptible or noticeable to most observers. SLR Consulting also noted that there will be no opportunity to mitigate noise by way of barriers along Mapleton Drive due to the location of the private open spaces.

The comments have been noted and considered against the requirements of the Territory

Plan and advice received from referral entities. Overall it has been found that the project is generally consistent with the Noise Management Guideline and it is not anticipated to significantly increase the current noise environment across the alignment. A requirement for mitigation for some blocks within Harrison as a part of the current project is not considered warranted due to the minor increase of noise levels.

Should any residents along Mapleton Avenue experience any noise impact, they should raise the matter with Roads ACT directly.

- 4) Consideration has not been given to reducing noise from heavy vehicle engine braking, especially around traffic controlled intersections.

Assessment note: this matter should be raised with Roads ACT directly.

- 5) It was suggested that the amount of dust generated be monitored during construction and developers remove rubbish.

Assessment note: the proponent has been requested to make sure pollution controls are managed in accordance with the *Environment Protection Guidelines for Construction and Land Development in the ACT*.

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.

CONSERVATOR OF FLORA AND FAUNA

On 2 October 2015 advice was received from the Conservator of Flora and Fauna in relation to the proposal. The advice states that:

- *The proposal will not result in significant impact on any wildlife or vegetation communities.*
- *A small amount of Golden Sun Moth habitat and some elements of the endangered woodland occur within the road corridor but not to a significant extent.*
- *The proposal may have indirect impacts on protected matters but the loss of all habitat and woodland in adjacent Throsby has already been approved and offset as part of the Gungahlin Strategic Assessment.*

Assessment note: no action is required in relation to this advice.

TERRITORY AND MUNICIPAL SERVICES DIRECTORATE (TAMS)

On 15 October 2015 advice was received from the TAMSD in relation to the proposal. The advice states that the proposal is supported with the following conditions:

- *Design, Operational and Final Acceptance for the proposed Capital Works must be obtained from the Manager, Major Capital Works, Roads ACT, TAMS.*
- *General conditions in relation to temporary traffic management, landscape management and protection plan, use of verges or other unleased territory land, repair of damage to public assets and notice of commencement of construction.*

Assessment note: matters raised have been incorporated as either conditions of approval or advice.

ACT HERITAGE COUNCIL

On 14 October 2015 advice was received from the ACT Heritage Council in relation to the proposal. The advice states that due to the nature of the works the proposed development is

unlikely to further detrimentally impact upon the heritage values of the place, on the basis that the following condition is complied with:

Any additional heritage places or objects encountered during construction are to be managed in accordance with the project's "Unanticipated Discovery Plans".

Assessment note: matters raised have been incorporated as conditions of approval. The comments will be dispatched together with this Notice of Decision.

ActewAGL- ELECTRICITY DIVISION

On 16 October 2015 advice was received from the ActewAGL-Electricity division in relation to the proposal. The advice states that the application has been assessed for compliance with ActewAGL's Electricity Network and conditionally complies with the requirements.

Assessment note: matters raised have been incorporated as conditions of approval. The statement of conditional compliance and stamped plans will be dispatched with this Notice of Decision.

ICON WATER

On 8 October 2015 advice was received from Icon Water in relation to the proposal. The advice states that the application has been assessed for compliance with ActewAGL's water and sewerage network access and asset protection requirements and conditionally complies with the requirements.

Assessment note: matters raised have been incorporated as conditions of approval. The statement of conditional compliance and stamped plans will be dispatched with this Notice of Decision.

EMERGENCY SERVICES AGENCY (ESA)

On 9 October 2015 advice was received from the ESA in relation to the proposal. The advice states that the ESA has no special considerations or objections for the proposal.

Assessment note: no action is required in relation to this advice.

ENVIRONMENT PROTECTION AUTHORITY (EPA)

On 3 November 2015 advice was received from the EPA in relation to the proposal. The advice states that the proposal is supported subject to the following conditions and advice:

Conditions:

- *All works must be carried out in accordance with "Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011".*
- *An unexpected finds protocol (UFP) must be developed by a suitably qualified environmental consultant prior to development to manage potential contamination in excavated material from the site and the disposal of any impacted material from the site.*

Advice:

- *Due to the length of the duplication and areas proposed to be excavated, all runoff from the site should be directed to sediment control ponds.*
- *All rain water that enters the site and pools in excavations during a rain storm event would be considered as a sediment control pond, and must meet the following conditions: all stormwater must be pumped out and disposed in at an approved location; no discharge from pond unless sediment level is less than 60mg/litre; and 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.

- *Any use of groundwater or surface water must be licensed under the Water Resources Act 2007. Construction of any sediment ponds greater than 2ML will require waterway works licence.*

Assessment note: matters raised have been incorporated as either conditions of approval or advice.

TRANSPORT PLANNING, EPD

On 19 October 2015 advice was received from the Transport Planning Team, EPD in relation to the proposal. The advice states that the proposed development is supported subject to the following:

- *review of the traffic report in terms of:*
 - *traffic intersection performance of Horse Park Drive/Mapleton Avenue in 2021 and 2031*
 - *traffic coming through the Maple Avenue east approach during the morning peak (2016, 2021 and 2031)*
 - *intersection configuration of Horse Park Drive/Well Station Drive (excluding access to Throsby – Well Station Drive north eastern approach);*
- *review of the 2031 traffic volume assumptions (Table 4) used in the noise traffic report;*
- *additional road detail drawings showing vehicle turns for buses (articulated and steer tag) considering that the corridor is currently servicing bus route 58 during weekdays and 958 during weekends, noting that the same has been provided for B-double and 19m semi-trailer vehicles; and*
- *connection of the pedestrian underpass to the existing trunk path near Megalong Crescent and the proposed shared use path on the Throsby side.*

Further advice was received on 14 December 2015, following the receipt of further information provided by the proponent. The advice states that the road design allows for future augmentation via construction of a third lane in the future and the improved level of service at the intersection with the additional lane on both directions along Horse Park Drive is noted. The other concerns raised previously have been addressed.

Assessment note: matters raised have been addressed by the proponent by submitting further information. No further action is required in relation to this advice.

TREE PROTECTION UNIT, TAMS

On 15 October 2015 advice was received from the Tree Protection Unit, TAMS in relation to the proposal. The advice states that:

The proposed access roads for Throsby can be supported as the plans show no impact on any regulated tree provided it is a condition of approval that all works are in accordance with Drawing Title: TREE IMPACT PLAN, Drawing Number C14030-DA1651+, Date: 13/05/15.

If there are any regulated trees affected by the proposal, the proposed works plan must be sent to the Conservator for comment.

Assessment note: matters raised have been incorporated as a condition of approval.

PART 4

ADMINISTRATIVE INFORMATION

DATE THAT THIS APPROVAL TAKES EFFECT

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 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.

INSPECTION OF THE APPLICATION AND DECISION

A copy of the application and the decision can be inspected between 8:30am and 4:30pm weekdays at the Environment and Planning Directorate Dickson Customer Service Centre at 16 Challis Street, Dickson, ACT.

RECONSIDERATION OF THE DECISION

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

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

REVIEW BY THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL (ACAT)

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

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

APPENDIX 1

CONTACT DETAILS OF RELEVANT AGENCIES

Health Directorate - health protection	Website: www.health.act.gov.au Telephone: (02) 6205 1700
Environment and Planning Directorate <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 - asbestos information <i>Conservation, Planning and Research</i> <ul style="list-style-type: none"> - threatened species/wildlife management 	Website: www.actpla.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
Territory and Municipal Services Directorate <ul style="list-style-type: none"> - 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.tams.act.gov.au Telephone: 132 281 Telephone for asset acceptance: (02) 6207 7480
Utilities <ul style="list-style-type: none"> - Telstra (networks) - TransACT (networks) - ActewAGL - Electricity reticulation 	Telephone: (02) 8576 9799 Telephone: (02) 6229 8000 Telephone: 1100 Telephone: (02) 6293 5738

ADVICE TO APPLICANT

SUBMISSION OF REVISED DRAWINGS AND DOCUMENTATION

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

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

For further information regarding the lodgement of this information please contact Customer Service Centre by Phone: (02) 6207 1923, TTY: (02) 6207 2622, Email: epdcustomerservices@act.gov.au or on the ACT Planning and Land Authority website at www.actpla.act.gov.au.

FURTHER APPROVALS FOR CONSTRUCTION

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

BUILDING APPROVAL

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

PERMITTED VARIATIONS TO APPROVED DEVELOPMENT

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

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

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

"TREE DAMAGING ACTIVITY" APPROVAL

A Tree Management Plan under the *Tree Protection Act 2005* is required for approval where it is proposed to undertake groundwork within the tree protection zone of a protected tree or likely to cause damage to, or remove, any trees defined as protected trees by that Act. More information is available from the Territory and Municipal Services Directorate.

USE OF VERGES OR OTHER UNLEASED TERRITORY LAND

In accordance with the *Public Unleased Land Act of 2013*, road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. Approval can be obtained from the Territory and Municipal Services Directorate.

WORKS ON UNLEASED TERRITORY LAND – DESIGN AND OPERATIONAL ACCEPTANCE

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

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

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

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

CONSTRUCTION REQUIREMENTS

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

DEMOLITION AND ASBESTOS MANAGEMENT

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

ENVIRONMENT PROTECTION

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

REPAIR OF DAMAGE TO PUBLIC ASSETS

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

UTILITY ASSETS RETENTION

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

WATER RESTRICTIONS AND FILLING OF NEW POOLS, PONDS AND FOUNTAINS

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

DRAINAGE

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

REVIEW OF THE DECISION

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

CONTACT DETAILS

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

Location	Contact details
----------	-----------------

ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601	Website: www.courts.act.gov.au Email: tribunal@act.gov.au Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601 Document exchange: DX 5691
--	--

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 EPD web site or by contacting us by phone on (02) 6207 1923.

PROCEDURES OF THE ACAT

The procedures of the ACAT are outlined on the ACAT's website, including in the Guide to the Land and Planning Division and the Guide to the Hearing. Contact the ACAT for alternative ways to access information about the ACAT's procedures.

TRANSLATION AND INTERPRETER SERVICES

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

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-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 telefonirajte:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

TRANSLATING AND INTERPRETING SERVICE

131 450

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