

Planning and Development (Approval of Application – 201629942 Estate Development Plan for Weston Service Station) Notice 2016

Notifiable Instrument NI2016–656

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 – 201629942 Estate Development Plan for Weston Service Station) Notice 2016*.

2 Impact track development approval notice

On 24 October 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 201629942, for:

- (1) Estate Development Plan (EDP) for Block 1 Section 120 Weston (to create CZ3 Services Zone block for future service station)
- (2) earthworks to create a construction pad for the future development, two verge crossings, upgrades to Kirkpatrick Street and pathway on verge
- (3) associated landscaping, services and other site works.

3 The approval of development application 201629942 is in the schedule.

Dorte Ekelund
Chief Planning Executive
26 November 2016



ACT
Government

Environment and Planning

Notice of decision

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

Impact track

DA NO: 201629942		DATE LODGED: 18 August 2016
DATE OF DECISION: 24 October 2016		
BLOCK: 14	SECTION: 98	SUBURB: Weston
BLOCK: 1	SECTION: 120	SUBURB: Weston
PREVIOUSLY BLOCK: 1218	SECTION: 0	SUBURB: Weston Creek
STREET NO AND NAME: Kirkpatrick Street and Cotter Road		
APPLICANT: Indesco Pty Ltd		
LESSEE: Vincentia South Pty Ltd		

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

- Estate Development Plan (EDP) for Block 1 Section 120 Weston (to create CZ3 Services Zone block for future service station);
- earthworks to create a construction pad for the future development, two verge crossings, upgrades to Kirkpatrick Street and pathway on verge; and
- associated landscaping, services and other site works;

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 some 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

Ajith Buddhadasa
Delegate of the planning and land authority
Environment and Planning Directorate
24/10/2016

CONTACT OFFICER

Mr Dominic Riches
Phone: 6205 1834
Email: dominic.riches@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.

A. ADMINISTRATIVE / PROCESS CONDITIONS

Note: The following conditions must be satisfied prior to the release of approved plans to the proponent. These conditions may result in changes to plans or changes to documents associated with plans which will be stamped by the Authority.

A1. FURTHER INFORMATION

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

- (a) an endorsement from Icon Water;
- (b) revised plans, based on the plans submitted as part of the application, in accordance with Icon Water requirements;
- (c) revised landscape plan, based on the relevant drawings submitted as part of the application, showing additional medium sized trees (when mature) on block 1 section 109 and block 21 section 83 Weston;
- (d) endorsement from Transport Canberra and City Services for the revised landscape plan at (b);

B. PRIOR TO CONSTRUCTION AND/OR DEMOLITION

The following conditions are required to be addressed prior to any work on the site.

B1. HERITAGE

An 'Unanticipated Discovery Protocol' must be submitted to the ACT Heritage Council for endorsement prior to the commencement of works.

B2. ENVIRONMENT PROTECTION AUTHORITY (EPA)

Prior to works commencing, an erosion and sediment control plan must be submitted to and be endorsed by the EPA.

The contractor/builder must hold an Environmental Authorisation or enter into an Environment Protection Agreement with the EPA prior to works commencing.

B3. DESIGN ACCEPTANCE

A certificate of design acceptance must be obtained from Transport Canberra and City Services (TCCS) prior to the commencement of works.

B4. LANDSCAPE MANAGEMENT & PROTECTION PLAN (LMPP)

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

B5. TRAFFIC MANAGEMENT

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

Sufficient access to Kirkpatrick Street must be provided at all times to allow for emergency vehicles, delivery trucks etc.

C. DURING CONSTRUCTION AND/OR DEMOLITION

The following conditions are required to be implemented and maintained for the duration of any work on the site.

C1. HERITAGE

All works must be in accordance with the 'Unanticipated Discovery Protocol' that was approved by the ACT Heritage Council.

C2. ENVIRONMENT PROTECTION AUTHORITY (EPA)

All works must be in accordance with "*Short-term Environmental Management Plan, Former Pine Plantation, Block 1204, Weston Creek*" (ref. 3002156) dated 5 November 2009 by SMEC Australia Pty Ltd.

No soil is to be disposed from site without EPA approval and works must be in accordance with EPA guideline "*Environment Protection Guidelines for Construction and Land Development, March 2011*".

C3. OFFSITE WORKS

All offsite works must be constructed in accordance with Transport Canberra and City Services (TCCS) Design Standards.

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

All trees planting are to be carried out by a landscape contractor with horticultural expertise.

C4. LANDSCAPE MANAGEMENT & PROTECTION PLAN (LMPP)

During any work undertaken on the site, all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with LMPP approved by Transport Canberra and City Services, TCCS.

C5. TRAFFIC MANAGEMENT

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

D. POST CONSTRUCTION

The following conditions are required to be implemented and maintained for the duration of any work on the site.

D1. OPERATIONAL ACCEPTANCE

A certificate of Operational Acceptance must be obtained from Transport Canberra and City Services (TCCS) on completion of off-site works. A 12 month consolidation period is required prior to formal handover to TCCS.

E. ADVISORY NOTES

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

E1. ACTEWAGL/ICON WATER

All relevant issues raised by ActewAGL and Icon Water must be addressed accordingly (see Part 3 of this decision).

E2. HEALTH PROTECTION SERVICES (HPS) – ACT HEALTH

The applicant is required to submit food business registration applications and fit-out assessment applications with suitably detailed plans to the HPS prior to construction of the restaurant. Contact the HPS for further information.

E3. ENVIRONMENT PROTECTION AUTHORITY

Advice was provided by the Environment Protection Authority for works on sites over 1 hectare (see Part 3 of this decision for further information).

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 relevant codes, being the Weston Precinct Map and Code, Estate Development Code, Transport and Services Zone Development Code and Parks and Recreation Zone Development Code.

The key issues identified in the assessment are access during construction, impacts on adjacent land and the issues raised by entities. 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*.

The proposal was subject to a previous strategic assessment in the planning of North Weston, Wright and Coombs. Subsequently, the works was exempted from requiring an Environmental Impact Statement (EIS) under section 211 of the *Planning and Development Act 2007*.

The strategic assessment was considered as part of the assessment along with the requirements of the Territory Plan and a decision was made to approve the application. The decision to approve this application is consistent with the requirements of the Act and the objectives/codes of the Territory Plan.

EVIDENCE

Application No. 200813390

File No. 1-2016/13935

The Territory Plan zone – Future Urban Area (CZ3 Services Zone & RZ1 Suburban Zone);
TRZ1 Services Zone; and
PRZ1 Urban Open Space Zone

The Development Codes – Estate Development Code
Transport and Services Zone Development Code
Parks and Recreation Zone Development Code

The Precinct Codes – Weston Precinct Map and Code

Exemption from EIS Titled: *Molonglo Valley Urban Development – s211 Exemption Request* accepted by the Minister on 22 July 2009

Current Crown Lease – Volume 2218 Folio 10

Representations – Representations received

Entity advice – Conservator, Heritage, Health, EPA, ESA, TCCS, ActewAGL & Icon Water

Other – Site inspection (21/10/2016)

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 August 2016 to 14 September 2016. Two written representations were received during public notification.

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

(a) Restricted access to Kirkpatrick Street

The finer details of temporary traffic arrangements are usually finalised at the design acceptance stage by Transport Canberra and City Services (TCCS). Advice was received from TCCS in relation to the proposal which included conditions for a temporary traffic management plan (TTMP) to be endorsed and implemented during the construction period.

Assessment note: Conditions have been imposed to address TCCS requirements. In addition, a condition has been added to ensure sufficient access to Kirkpatrick Street is provided to allow for emergency vehicles, delivery trucks etc.

(b) Agreement for planting on both sides of Cotter Road

The proposed site is subject to various requirements of a Deed of Agreement that was put in to place at the time of sale. These requirements were imposed to minimise impacts on neighbouring properties and to reduce public costs on exist areas. The Deed was considered by the Deed Management Section who stated that the proposal is consistent with the requirements of the Deed, however, consideration should be given to the quantum and type of landscaping.

Assessment note: The proposal is for the subdivision only and it is acknowledged that the actual application for the building will include landscaping on the site. It should also be noted that the proposed planting on the verge (surrounding the site) will need to ensure clear sightlines are provided to pedestrians, cyclists and vehicles. The proposal has depicted planting (proposed Eucalypts) on the open space adjacent to the block (1/109 Weston & 21/83 Weston), however, the type of planting selected are quite large trees that will only provide protection at a canopy level, when mature.

Therefore, a condition of approval has been imposed to provide a revised landscape plan showing additional medium sized trees to the open space areas.

(c) Proposed design of service station and fast food restaurant

The layout of the service station or design of proposed buildings is indicative only and is not part of this application. The proposed works is for:

- Estate Development Plan (EDP) for Block 1 Section 120 Weston (to create CZ3 Services Zone block for future service station);
- earthworks to create a construction pad for the future development, two verge crossings, upgrades to Kirkpatrick Street and pathway on verge; and
- associated landscaping, services and other site works;

Assessment note: The description of the proposal is outlined on page 1 of this decision.

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 22 August 2016 advice was received from the Conservator of Flora and Fauna in relation to the proposal. The advice states that there are no issues of concern to the Conservator of Flora and Fauna with this proposal.

Assessment note: The advice has been noted as part of the assessment.

ACT HERITAGE COUNCIL

On 30 August 2016 advice was received from the ACT Heritage Council in relation to the proposal. The advice states that the application has been supported with the following condition:

The project's Construction Environmental Management Plan (CEMP) is to include 'Unanticipated Discovery Protocol' (UDP) to identify management requirements for any heritage places or objects encountered during construction works; and be submitted to the Council for endorsement prior to the commencement of works. The UDP should also reflect the requirements of Section 51 of the Heritage Act 2004, to report the discovery of any suspected Aboriginal heritage places discovered within five working days.

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

HEALTH PROTECTION SERVICE (HPS) - ACT HEALTH

On 12 September 2016 advice was received from the ACT Health in relation to the proposal. The advice states that the application has been supported with the following condition:

The application proposes a fast food restaurant and a convenience store as part of future development on the site. The applicant is required to submit food business registration applications and fit-out assessment applications with suitably detailed plans to the HPS prior to construction. The applicant is required to contact the HPS for further information.

Assessment note: Matters raised have been incorporated as advice.

ENVIRONMENT PROTECTION AUTHORITY

On 14 September 2016 advice was received from the Environment Protection Authority (EPA) in relation to the proposal. The advice states that the application has been supported with the following conditions and advice:

Conditions:

All works be undertaken in accordance with the document titled "Short-term Environmental Management Plan, Former Pine Plantation, Block 1204, Weston Creek" (ref. 3002156) dated 5 November 2009 by SMEC Australia Pty Ltd available from Shared Services Procurement;

No soil is to be disposed from site without EPA approval.

Construction and development works must be in accordance with "Environment Protection Guidelines for Construction and Land Development, March 2011", available by calling 132281.

An erosion and sediment control plan must be submitted to and be endorsed by the EPA prior to works commencing on site.

Due to the site being greater than 0.3 hectares, the contractor/builder proposing to develop the site must hold an Environmental Authorisation or enter into an Environment Protection Agreement with the Environment Protection Authority (EPA) PRIOR TO WORKS COMMENCING.

Advice:

For sites OVER 1ha:

Sediment Retention Dam Construction

Dam construction should be in accordance with the following guidelines:

- 1. Be of adequate size to control all runoff from the site (i.e.. 150 cubic metres per hectare of catchment).*

2. *No discharge from dam unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.*
3. *Water level must not exceed 20% capacity at all times to allow runoff storage during a rain event.*
4. *Regular dredging of the dam must be carried out to remove silt.*
5. *Site drawing and details must be provided to Environment Protection Unit, EPA for approval prior to works commencing.*
6. *Temporary Erosion & Sediment control ponds must be incorporated into each stage of development. The temporary ponds shall not be removed until 85 % of the developments are complete or all the disturbed areas are stabilised.*

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.

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

Assessment note: Matters raised have been incorporated as conditions of approval and advice.

EMERGENCY SERVICES AGENCY

On 7 September 2016 advice was received from the Emergency Services Agency (ESA) in relation to the proposal. The advice states that the ESA has no special consideration or objection at this time.

Assessment note: The advice has been noted as part of the assessment.

TRANSPORT CANBERRA AND CITY SERVICES

On 9 September 2016 advice was received from Transport Canberra and City Services (TCCS) in relation to the proposal. The advice states that the application has been supported with the following conditions:

Conditions

All the offsite works (road, footpath, streetlights, trees, driveway verge crossings etc) must be constructed in accordance with TCCS Design Standards.

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

All trees planting are to be carried out by a landscape contractor with horticultural expertise. A 12 month consolidation period is required prior to formal handover to TCCS.

Standard Conditions

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

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

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

Design Acceptance and Operational Acceptance

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

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

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

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

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

Temporary Traffic Management (TTM)

A TTM plan approval from the Manager, Traffic Management & Safety, Roads ACT, TCCS. All times during construction the site and surrounds shall be managed in accordance with a Temporary Traffic Management Plan, prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety. This plan is to address, as a minimum, measures to be employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices.

Landscape Management & Protection Plan (LMPP)

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

Use of Verges or other Unleased Territory land

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

Repair of Damage to Public Assets

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

Notice of Commencement of Construction

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

Assessment note: Matters raised have been incorporated as conditions of approval.

ACTEWAGL – ELECTRICITY

On 25 August 2016 advice was received from ActewAGL in relation to the proposal. The advice states that ActewAGL (electricity) has no comments or objections to the application.

Assessment note: The advice has been noted as part of the assessment.

ACTEWAGL – GAS

On 25 August 2016 advice was received from ActewAGL in relation to the proposal. The advice states that the application has been supported with the following conditions:

The location and area allocated for gas regulating and metering equipment is to comply with ActewAGL Gas Service and Installation Rules. The latest version of these rules can be downloaded from: <http://www.actewagl.com.au/About-us/The-ActewAGL-network/Natural-gas-network.aspx>

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

ICON WATER

On 1 September 2016 advice was received from Icon Water in relation to the proposal. The advice states that the application has not been supported due to the following:

Design Acceptance for External Services and Off Site Works must be in principle design approved by Icon Water Hydraulic Assets. Phone Icon Water Asset Acceptance on ph: 02 6248 3111. This needs to be referred back to Icon Water Building Approvals area for approval prior to any DA/BA Approval by ACTPLA or certifiers.

Further clarification was sought from Icon Water and conditions were agreed to address the above issue.

Assessment note: Matters raised have been incorporated as conditions 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.

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

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

INSPECTION OF THE APPLICATION AND DECISION

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

RECONSIDERATION OF THE DECISION

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

To submit an application for reconsideration, documents must be provided electrically by email to epdcustomerservices@act.gov.au 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> - list of certifiers for building approval - demolition information - asbestos information <i>Environment Protection Authority</i> - environment protection - water resources - asbestos information <i>Conservation, Planning and Research</i> - threatened species/wildlife management	Website: www.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 - 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 - Telstra (networks) - TransACT (networks) - IconWater - Electricity reticulation	Telephone: (02) 8576 9799 Telephone: (02) 6229 8000 Telephone: (02) 6248 3111 Telephone: (02) 6293 5738

ADVICE TO APPLICANT

SUBMISSION OF REVISED DRAWINGS AND DOCUMENTATION

If a condition of approval requires the applicant to lodge revised drawings and/or documentation with the 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 Services by Phone: (02) 6207 1923, Email: epdcustomerservices@act.gov.au or on the planning and land authority website at www.planning.act.gov.au.

FURTHER APPROVALS FOR CONSTRUCTION

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

BUILDING APPROVAL

Most building work requires building approval to ensure it complies with building laws such as the Building Code of Australia. If this applies to this proposal, the lessee should engage a private building certifier to assess and approve the building plans before construction begins. A list of licensed certifiers and information about building approval is available from the 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. Icon Water's water meters are accountable items and must not be removed from the site or otherwise disposed of.

DRAINAGE

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

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*).

FEES

Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Chief Executive, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. Ask the ACAT for more details.

TIME LIMITS FOR REVIEWS OF DECISIONS

The ACAT is required to decide appeals in land and planning and tree protection cases within 120 days after the lodging of the appeal, unless that period is extended by the ACAT upon it being satisfied that it is in the interests of justice to do so.

FORMS OF LEGAL, FINANCIAL AND OTHER ADVICE AND ASSISTANCE

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

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

AWARDING OF COSTS

You will have to pay any costs involved in preparing or presenting your case. The ACAT also has the power to award costs against a party if the party contravenes a direction of the ACAT and the ACAT considers it in the interests of justice to make such an order. This power is in addition to the power of the ACAT to strike out a party and to dismiss an application for failure to comply with the ACAT's directions.

ACCESS TO DOCUMENTS ABOUT THE DECISION

You may apply for access to any documents you consider relevant to this decision under the ACT *Freedom of Information Act 1989*. Information about Freedom of information requests is available on the 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-għajnuna t'interpretu, óempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodioca telefoniрајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana 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