



ACT

Government

Environment, Planning and
Sustainable Development

NOTICE OF DECISION

Made under part 7 of the *Planning and Development Act 2007*

I, Fawzia Majid, delegate of the planning and land authority, pursuant to section 162 of the *Planning and Development Act 2007*, **approve subject to conditions** the proposal for:

the consolidation of blocks 23 and 24, section 62 division of Turner, demolition of the existing two dwellings on blocks 23 and 24 and the construction of three-storey multi-unit housing consists of 11 units, basement car parking, tree removal and associated other site works;

in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number: 202341755 / s144B
Blocks: 23 & 24
Section: 62
Suburb: TURNER
Application lodged: 9 June 2023 / 12 October 2023
Assessment track: Merit

This 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

Please note that the changes to the Crown lease do not commence until documents giving effect to the variation are registered at Land Titles, Access Canberra. Registration must occur before the expiry of this approval.

CONTACT / ENQUIRIES

Phone: (02) 6207 6383

Online Form:

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

Fawzia Majid

Delegate of the Planning
and Land Authority

1 February 2024

NOTICE OF DECISION

DA 202341755

PART A – CONDITIONS OF APPROVAL

Please note that this approval includes leasing requirements.

This application is approved subject to the following conditions being satisfied. Some conditions of the approval require attention before work commences or before approved drawings will be released.

GENERAL CONDITIONS

1. COMMENCEMENT AND COMPLETION OF DEVELOPMENT

- a) This development must be started (commenced) within **three years** from the date when this approval take effect.
- b) This development must be finished (completed) within **three years** from the date when it started, or within such further time as approved in writing by the planning and land authority.

Note: The planning and land authority may extend the time to commence or finish the development if an application, to extend the time to commence or finish the development, is made prior to when the development has to be started or finished – refer to section 184(3) and 188 of the Planning and Development Act 2007 (the Act).

2. COMMENCEMENT OF BUILDING WORK

That no building work in relation to this Development Application except demolition, decontamination and/or excavation is to commence on the site until documents giving effect to the variation of the lease are registered at Access Canberra Land Titles.

CONDITIONS RELATING TO LEASE VARIATION

Please note that this approval includes leasing requirements.

THE LEASING COMPONENT OF THIS APPROVAL WILL EXPIRE 2 YEARS AFTER THE APPROVAL TAKES EFFECT or otherwise in accordance with the conditions of approval.

There are legislative requirements that must be met prior to the registration of documents giving effect to the approval. See Advisory Notes for further information about those legislative requirements.

3. LEASING ENTITY

The existing Crown leases over Block 23 Section 62 Division of Turner - (Volume 115: Folio 44) and Block 24 Section 62 Division of Turner - (Volume 747: Folio 44) must be held by a single entity or entities ("the new lessee/s") prior to consolidation of the blocks and prior to undertaking any development in accordance with this approval.

4. NEW BLOCK SURVEY

That the applicant/lessee must arrange for a survey of the consolidated block. When advised of the new block number, the applicant/lessee must lodge the survey plan with the Environment, Planning and Sustainable Development Directorate for examination and clearance by the Surveyor-General, Surveying and Spatial Data Section, and pay the appropriate examination fee.

The new block survey must show:

- (i) the dimensioned location of the proposed boundaries for each of the new blocks generally in accordance with the approved consolidation plan (including the centreline of any party wall as constructed);
- (ii) the surveyed block size; and
- (iii) the location of all service easements in accordance with the requirements of the relevant service providers.

NOTICE OF DECISION

DA 202341755

5. SURRENDER AND REGRANT

That the lessee surrender the existing Crown leases over Block 23 Section 62 Division of Turner - (Volume 115: Folio 44) and Block 24 Section 62 Division of Turner - (Volume 747: Folio 44) and accept a Crown lease giving effect to the approval.

6. LEASE REGISTRATION

The documents giving effect to the approval must be registered at Access Canberra Land Titles prior to the expiry of this approval.

This includes, but is not limited to, the applicant/lessee arranging:

- (i) payment of any lease variation charge;
- (ii) obtaining mortgagee and relevant interested parties consent to register the documents;
- (iii) payment of any fee for the lodgement of the documents at Access Canberra Land Titles.

Please also see the Advisory Notes for additional information on the lease variation.

CONDITIONS RELATING TO DEVELOPMENT and ENTITY REQUIREMENTS

7. FURTHER INFORMATION

The applicant shall lodge with the planning and land authority, an application under section 165 of the *Planning and Development Act 2007* (the Act) seeking approval to address the following conditions:

- a) Please submit complete set of updated plans including DWG No. A01-010 (Tree canopy coverage);

Notes:

- i) *consider providing all requested information under a single s165 application. This will assist the Authority in providing you a response in the most efficient manner.*
- ii) *information shall be submitted in the eDevelopment portal addressing the above conditions. Please ensure plans and supporting information are suitably named as per the Authority's naming convention, are clouded for any amendments, such clouding are labelled consistently with items listed on the s165 application form,*
- iii) *any substantial changes to the development required to comply with the above conditions may need to be submitted for the approval of the planning and land authority with an application to amend the approval under s197 of the Planning and Development Act 2007.*

8. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

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

DRIVEWAY / VERGE CROSSING

- a. The driveway shall be designed and constructed in compliance with TCCS Municipal Infrastructure Standards (*MIS 07 – Driveways*, and others) and related specifications and standard drawings.
- b. The levels on the verge shall not be altered as a result of the newly constructed driveway.
- c. Any infrastructure assets such as street lighting, mini-pillars, signage, etc, must be a minimum of 1.5 m away from the closest edge of the driveway. In the case of stormwater sumps, this minimum distance is 1.2 m.
- d. A clear sight triangle must be provided in accordance with Clause 3.2.4 of *AS/NZS 2890.1:2004* (off-street parking).

PEDESTRIAN NETWORK

- e. The pedestrian walkway / footpath shall take precedence over the driveway.

NOTICE OF DECISION

DA 202341755

WASTE

- f. A Waste and Recycling Management Plan (WRMP) for the new development shall be prepared in accordance with the *Development Control Code for Best Practice Waste Management in the ACT* 2019. This shall include the Appendix 10 form including details on demolition and construction waste.

Note: other standard TCCS conditions may apply (as appropriate) for works on, and the use of, Territory Land in addition to the above conditions. A copy of the standard conditions is included with this decision.

9. CONSERVATOR OF FLORA AND FAUNA (TREE PROTECTION UNIT) (the Conservator)

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

- All works must proceed in accordance with the Site Plan, Job 22021, Drawing A32-001, Revision M, Date 26/09/2023 and the Tree Management Plans, Drawing Nos. 4654-G201 A, B and C, and the conditions therein.

10. COMPLIANCE WITH ENTITY REQUIREMENTS

The development must satisfy the requirements of the following entities as stated in each of their advice.

- ICON Water;
- Evoenergy (Electricity);
- Evoenergy (Gas);

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

11. REPLACEMENT TREES

The applicant must ensure that the proposed replacement trees can achieve maturity with appropriate measures taken to achieve this.

12. WASTE MANAGEMENT – DURING CONSTRUCTION PHASE

All building waste is to be stored on the site in suitable receptacles/containers and collected regularly. The lessee is to take all reasonable steps to ensure that waste, particularly wind-borne litter, does not affect adjoining or adjacent properties.

13. ENVIRONMENT PROTECTION

All works shall be carried out in accordance with *Environment Protection Guidelines for Construction and Land Development in the ACT, August 2022*.

14. SIGHTLINE

The mature height of plants and any structures within a right triangle formed on each side of the driveway, with dimensions of 2m along the front boundary and 2.5m from the front boundary along the edge of the driveway, shall not exceed 700mm (to comply with AS 2890.1).

15. SERVICES

Any service connections including, point of entry, meter boxes and gas meters, are to be located clear of areas approved for car parking space(s) to ensure these services do not reduce the minimum area of the parking spaces and/or restrict vehicular access.

NOTICE OF DECISION

DA 202341755

16. ACCESS & MOBILITY

All recommendations in the Access Report titled "Adaptable Housing Report" prepared by Amoeba Access Pty Ltd dated May 2023 must be implemented on site.

17. EXTERNAL LIGHTING

External lighting is to comply with the following:

- a) *Australian Standard AS1158.3.1 Pedestrian Lighting*
- b) *Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.*

18. VISITOR CAR PARKING

All visitor parking spaces on the block are to be clearly identified for visitor parking by appropriate line marking and signage.

19. FENCING

Pursuant to sub paragraph 165(3)(o)(ii) of the *Planning and Development Act 2007*, at the lessee's expense and before the completion of building work, the existing fences on the common boundaries shared with adjoining residential blocks must be replaced with a 1.8m high timber lapped and capped fence, or to another standard acceptable to the subject lessee and the adjoining lessee(s). Such fencing must not extend forward to the street than the building line of the approved building. The lessee must take all reasonable steps to obtain the written agreement of the respective lessees before the erection of any new fencing.

Note: In the event the adjacent lessees do not wish their respective fence to be replaced, the existing fence can be retained.

20. LETTER BOXES

Design and location of letterboxes must comply with Australia Post standards.

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. LEASING ADVISORY NOTES

a) FURTHER DEVELOPMENT APPROVAL REQUIRED PRIOR TO UNIT TITLE

Section 20 of the *Unit Titles Act 2001* requires that if a unit title application relates to a lease located within a prescribed zone, the planning and land authority may approve the application only if the lease states the number of units (however described) permitted on the land and the unit title application is for not more than the permitted number of units. This block is within a prescribed zone according to Regulation 8A of the *Unit Titles Regulations 2001* and the Crown lease does not currently state the number of units.

A development application to vary the Crown lease is required to be lodged and approved, and a lease variation registered at Access Canberra Land Titles for your lease purpose to be changed to express the maximum number of units permitted on the land. Further information about applying to vary the Crown lease purpose to express the maximum number of units can be requested by emailing actpladaleasing@act.gov.au.

b) LEASE VARIATION CHARGE

Prior to the registration of the documents giving effect to the approval, the lessee must, as is required under the *Planning and Development Act 2007*, pay any assessed Lease Variation Charge. Once advised of the lease variation charge, the charge should be paid not less than 6 months prior to the expiration of this approval. This will ensure that

NOTICE OF DECISION

DA 202341755

sufficient time remains to enable the relevant documents to be registered at Access Canberra Land Titles prior to expiry of this approval.

c) BLOCK NUMBERS

The new block numbers will not be provided until the Lease Variation Charge is paid. The new survey plan must be cleared by the Surveyor-General prior to the execution of the Crown lease.

d) MINIMUM TERM OF LEASE FOR SUBDIVISION UNDER THE UNIT TITLES ACT 2001

If the lessee intends to subdivide this premises under the *Unit Titles Act 2001*, the Crown lease must have a remaining term of at least 50 years (refer Section 17 *Unit Titles Act 2001*). To extend the term of the lease, an application for the grant of a further Crown lease can be made to Environment, Planning and Sustainable Development Directorate (EPSDD). The appropriate form can be found at:

<https://form.act.gov.au/smartforms/landing.htm?formCode=1266>.

e) EXPIRY OF APPROVAL

In accordance with S185 of the Act this approval will expire 2 years after the date this approval takes effect. Under section 188 of the Act, the applicant may apply to the planning and land authority to extend the prescribed period to register the documents giving effect to the approval, but such an application must be made prior to the expiry of the DA approval.

2. DESIGN AND SITING ADVISORY NOTES

a) RELEASE OF APPROVED PLAN

Final stamped plans may not be released till all relevant conditions of the decision (including Leasing, s165 further Information, Entity non-compliance) are complied with to the satisfaction of the planning authority.

b) SIGNAGE

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>

c) ENVIRONMENT PROTECTION – NOISE

Noise from equipment which may be installed or used at the site, including air conditioning units, must comply with the noise standard at the block boundary at all times as per the *Environment Protection Regulation 2005*. Please consider the type and location of noise generating equipment prior to installation. Written assurance should be sought from the supplier/installer of the equipment that it complies with the Noise Zone Standard as per the *Environment Protection Regulation, 2005*.

NOTICE OF DECISION

DA 202341755

PART B – REASONS FOR THE DECISION

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 rules and criteria of the Territory Plan and section 120 of the *Planning and Development Act 2007 (the Act)*.

The objectives of the RZ4 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;
- s144 Amendment:

During the assessment of the DA, the Authority requested further information. The applicant provided an application under section 144 of the Act in response, amending the proposed development. This decision is based on the amended proposal.

- Issue raised in representations:

- *Privacy to the adjoining blocks/ overshadowing*

Separation and privacy treatment considered acceptable.

- *Solar access for the units within site*

Further information was requested under s144 of the Act, considered acceptable.

- *Site coverage/ plot ratio*

Considered acceptable.

- *Driveway setbacks, traffic management and lack of planting*

Further information was requested under s144 of the Act. The applicant addressed the issues, considered acceptable.

- *Removal of regulated trees*

The applicant provided justification for removing the regulated tree which was supported by the planning authority on design ground. Condition has been imposed to provide updated plans under s165 of the Act showing replacement trees.

- *Impact on neighbour's regulated tree due to proposed basement*

Applicant provided Tree Management plan under s144 of the Act and was supported by the Conservator.

- *Building envelope encroachment/ side setbacks*

Considered acceptable.

- *Material and finishes*

Considered acceptable.

- *Concern in relation to traffic generation*

The application was referred to TCCS and no issues were raised in relation to traffic generation.

- Entity advice:

The proposal was referred to relevant entities and the Entity advice as discussed in **PART C** below.

- The removal of Tree 11 was not supported by the Conservator. Pursuant to section 119 (2) of the Act, the Conservator's advice has been considered, as well as the relevant guidelines and any realistic alternative to the development proposed or aspects of it, the planning and land authority,

NOTICE OF DECISION

DA 202341755

supports the departure from the Conservator's advice and supports the removal of Tree 11 on the basis that the replacement trees be provided.

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.

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

EVIDENCE

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

Development Application:	202341755 /s144B
Territory Plan Zones:	RZ4: Medium Density Zone
Development Codes:	Residential Zones Development Code and Multi Unit Housing Development Code
Precinct Code:	Inner North Precinct Code
General Codes:	Access and Mobility General Code, Crime Prevention through Environmental Design General Code, Waterways: Water Sensitive Urban Design General Code
Crown Lease:	Block 23: Volume 115 and Folio 44 Block 24: Volume 747 and Folio 44
Legislative requirements:	The <i>Planning Act 2023</i> including the transitional arrangements for DAs such as this made before its commencement. The <i>Planning and Development Act 2007</i> in particular sections 119 and 120
Representations and Entity advice:	As addressed in PART B and 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 19 June 2023 to 7 July 2023. Three (3) written representations were 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. Please refer to **PART B** – 'Reasons for the Decision' for further clarification.

s144 Further Information / Amendment:

An amendment to the proposal was lodged with the authority on 12 October 2023. Pursuant to Division 7.3.4 of the Act, the amended application was publicly notified from 18 October 2023 to 31 October 2023. No written representations were received during this public notification period.

NOTICE OF DECISION

DA 202341755

ENTITY ADVICE and REQUIREMENTS

Pursuant to Division 7.3.3 of the *Planning and Development Act*, the application was referred to the entities below. 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.

Please refer to **PART A** for conditions consistent with the TCCS advice.

2. CONSERVATOR OF FLORA AND FAUNA (TREE PROTECTION UNIT) (the Conservator)

The Conservator provided advice stating that the proposal is supported subject to conditions.

Please Note: The removal of Tree 11 will need to be considered for removal on Design Grounds as the tree does not meet criteria for removal under the Tree Protection Act 2005.

3. ICON WATER

Icon Water provided advice stating that the proposal is supported subject to conditions.

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.

4. EVOENERGY (ELECTRICITY)

EvoEnergy (Electricity) provided advice stating that the proposal is supported subject to conditions.

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.

5. EVOENERGY (GAS)

EvoEnergy (Gas) provided advice stating that the proposal is supported subject to conditions.

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.

6. CITY RENEWAL AUTHORITY (CRA)

Advice received from CRA were considered in making of this Notice of Decision.

NOTICE OF DECISION

DA 202341755

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 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 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.

Chapter 20 of the *Planning Act 2023* (Planning Act) includes various transitional arrangements for Development Applications, such as this, made prior to its commencement which may be applicable to your development proposal. Further information on the transitional arrangements, and how this may affect your DA, can be found under the Planning Act on the ACT legislation register at

<https://legislation.act.gov.au/a/2023-18/>

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.

NOTICE OF DECISION

DA 202341755

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-reno/build-buy-or-reno/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.
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.

NOTICE OF DECISION

DA 202341755

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.

NOTICE OF DECISION

DA 202341755

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

ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601 GPO Box 370, CANBERRA, ACT 2601	www.acat.act.gov.au tribunal@act.gov.au 02 6207 1740 02 6205 4855 (Fax)
ACT Supreme Court 4-6 Knowles Place, CANBERRA CITY ACT 2601 GPO Box 1548, CANBERRA CITY, ACT 2601	www.courts.act.gov.au 02 6205 0000
Environment, Planning and Sustainable Development Directorate 480 Northbourne Avenue DICKSON ACT 2602 GPO Box 158, CANBERRA 2601 • <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 - Conservation, Planning and Research - threatened species/wildlife management • <i>WorkSafe ACT</i> - asbestos information • <i>ACT Heritage Council</i> - Aboriginal, historic and natural heritage management • Tree Protection Unit - <i>Development Applications (DA) issue:</i> - <i>Tree Damaging Activity Applications (TDAA) issue:</i>	www.planning.act.gov.au 02 6207 1923 EPAPlanningLiaison@act.gov.au 6207 5642 worksafe@worksafe.act.gov.au 132 281 www.environment.act.gov.au 132 281 TCCS.TreeProtectionACTPLARef@act.gov.au TCCS.TreeProtection@Act.gov.au
Transport Canberra and City Services • landscape management and protection plan	www.tccs.act.gov.au 132 281

NOTICE OF DECISION

DA 202341755

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	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
Utilities • 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, 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 ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

TRANSLATING AND INTERPRETING SERVICE

131 450

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