



ACT
Government

Environment, Planning and
Sustainable Development

NOTICE OF DECISION

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

I, Richard Davies, 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 construction of a new mobile telecommunications tower, landscaping, and associated works, at Block 3 Section 60 AINSLIE, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number: 202342438 / S141A / S141B
Block: 03
Section: 60
Suburb: AINSLIE
Application lodged: 18 January 2024/ 24 May 2024/ 8 August 2024
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

CONTACT / ENQUIRIES

Phone: (02) 6207 6383

Online Form:

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

Richard Davies
Delegate of the Planning
and Land Authority
18 October 2024

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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 – Grant of a licence

No building work in relation to the telecommunication monopole and associated works on Block 3 Section 60 Ainslie (unleased Territory land) are to commence on the site until the proposed Licensee has applied for and has been granted a licence in relation to the works pursuant to section 378 of the *Planning Act 2023* (See application form attached).

CONDITIONS RELATING TO DEVELOPMENT and ENTITY REQUIREMENTS

3. 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. Revised Landscape Plan and planting schedule showing

- i) details of landscape screening around the perimeter of the proposed telecommunication compound on the Site Setout Plan, drawing no. 280007-G2, Revision C including:
 - a) Planting showing the number, location and species of advanced stock trees to be planted around the perimeter of the compound as well as other shrubs and ground cover planting to the satisfaction of the Conservator of Flora and Fauna as outlined in condition 6 a) below.
 - b) the landscape plan to demonstrate sufficient clearances from proposed underground cables and other proposed groundworks to ensure proposed planting will be feasible.
- ii) details of additional landscaping in the form of mature stock trees as proposed in the letter from Indara dated 6 August 2024 to screen the proposed mobile phone tower from view along Limestone Avenue, particularly near the Limestone Avenue and Quick Street intersection subject to the following requirements:
 - a) The trees to be of advanced stock, with height at maturity of greater than 12m consistent with existing trees along or adjacent to site boundaries.
 - b) Species selection to be approved by the Conservator to ensure they are suitable with existing and intended flora and fauna in the surrounding area as outlined in **condition 6a)** below.

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- c) Location for the trees may be either within the block boundary or on the verge, or a combination of both, depending on consideration of their screening impact on vistas to Mt Ainslie from Limestone Avenue.
 - d) Any tree planting on the verge shall be approved by TCCS, in addition to the Conservator, to ensure they are consistent with TCCS' requirements for streetscapes, as well as requirements of utility entities.
- B. Provide Construction Environment Management Plan (CEMP) devising suitable measures to ensure no impact to ecological communities in particular those identified in ACTMapi, to the satisfaction of the Conservator of Flora and Fauna. CEMP recommendations to be indicated on relevant plans.
- C. Elevation plans (and/or other suitable plans), updated to include:
- a. proposed materials, colours and finishes consistent with external appearance of the mobile tower shown in Visual Impact assessment report lodged with S141A application; and
 - b. Elevation drawings with detailed dimensions of individual structures and facilities to be included in the facility such as the ODU's, trunk cable, support posts, meter box panel, signages and security fencing;
- D. Details of Safety and/or warning sign(s) including:
- a. those required by Rule 6 of the Communications Facilities and Associated Infrastructure General Code element 2.2 Public and Worker Health and Safety (Territory Plan 2008 version R292),
 - b. Any signs addressing emissions (EME).
- Please include graphics, dimensions, location, and proposed methods of installation including addressing any relevant requirements of Sign General Code or Communications Facilities and Associated Infrastructure General Code (Territory Plan 2008 version R292).

All condition 3 requirements are to the satisfaction of the ACT planning and land authority.

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 s205 of the Planning Act 2023 – Note S197 applications are no longer available under the Planning and Development Act 2007.*

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4. ENVIRONMENT PROTECTION AUTHORITY (EPA)

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

Construction

- A. All works must be carried out in accordance with “Environment Protection Guidelines for Construction and Land Development in the ACT, August 2022”, available at Environment protection guidelines (act.gov.au) or by calling 132281.

Contamination

- B. All spoil identified at the site must be managed in accordance with EPA Information Sheet – Spoil Management in the ACT available at Environment protection guidelines (act.gov.au).
- C. No soil is to be disposed from the site without EPA approval.

5. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

The following standard conditions apply as appropriate to all telecommunications installations on public land under TCCS custodianship:

General

- A. A Landscape Management and protection Plan (LMPP) Approval may be required if there are significant impacts on existing landscape elements within the road median and verge and/or open space areas as part of the installation activities. All disturbed areas to be reinstated by the person(s) responsible for the disturbance within four (4) weeks of works completion. This shall be checked at Design Review.
- B. More detailed plans with field surveys showing the road reserves and existing carriageways to be provided for TCCS assessment for installation of new pits and conduits within the road reserve.
- C. Any pre-existing damage is to be notified to the Senior Director, Development Planning, TCCS attention prior to the commencement of work. Failure to notify will result in the developer being held responsible for rectification of these defects.
- D. If new infrastructure is to be built, sufficient room must be left around it to allow passage of mowers, emergency, and service vehicles.
- E. Any damage done to ACT Government assets is to be repaired by the developer at their expense.
- F. There will be no left-over materials on site. A Public Land Use Permit may be required to occupy public land. This includes, but not limited to the storage of materials, site compounds, temporary parking areas, site sheds and clearance zones. Please check TCCS website for further information: <https://www.cityservices.act.gov.au/public-land/use/object-on-public-land>.
 - i) All footpath, and concrete panels are to be replaced in whole, no infill and all grassing is to be reinstated to previous condition (this may involve the reseeding and use of bitumen straw mulch).
 - ii) Installations of all infrastructure assets must be a minimum of 1.5m away from the closest edge of any driveways.

Tree protection

- G. All installations must avoid adverse impact on trees.
- H. All excavation (pits and trenching) and associated works (e.g., vehicles, machinery, and materials) must be located outside the protection zones of all trees. As a general guide, for mature trees the minimum protection zone is beneath the tree canopy or 5m clearance from the tree trunk, whichever is the greater distance.
- I. For immature trees the minimum protection zone is beneath the tree canopy or 3m clearance from the edge of the tree trunk, whichever is the greater distance.

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- J. Contact Access Canberra on 132 281 to talk to the relevant Urban Treescapes Technical Officer to obtain appropriate clearances from trees for proposed installations within urban parkland and road verges. Arrange a site meeting if required.
- K. Confirm in writing that the design and implementation of the work meets the tree protection conditions as outlined for 9 to 12.

Under-boring and trench excavation

- L. The Contractors' details and the locations where each contractor is working are required to be submitted to Manager of Roads ACT for all boring and trenching works;
- M. All boring is to be a minimum of 1.2 metres below the Kerb and Gutter base for all under road crossings. This is not to be changed or deviated from;
- N. All trenching and boring is to be kept at least 1.5m clear of all Territory stormwater lines;
- O. A Temporary Traffic Management (TTM) plan is required for all trenching and boring on or near roads, footpaths, and other pedestrian areas. These plans are to be lodged with the Manager of Roads ACT for approval prior to the commencement of any work;
- P. The utility provider indemnifies the TCCS from all public liabilities arising out of the erection of this facility on Territory land. In addition, the utility provider will respond to all public queries in relation to the new facility in terms of location, amenity and any other issues including health issues.

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.

6. **CONSERVATOR OF FLORA AND FAUNA (THE CONSERVATOR)**

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

- A. Consult with the Conservator of Flora and Fauna (the Conservator) regarding proposed landscaping design, specifically tree selection, to ensure species suitability for the ecological conditions of the site and surrounding areas.

7. **ACT HERITAGE COUNCIL (THE COUNCIL)**

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

- A. In the event that any unexpected Aboriginal places or objects are encountered during works: those works are to cease to allow for heritage assessment and management (in accordance with Section 75 of the *Heritage Act 2004*);
- B. the discovery is to be reported to the Council within five working days (in accordance with Section 51 of the *Heritage Act 2004*); and
- C. the discovery is to be managed in accordance with further Council advice.

8. **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.

9. **ELECTROMAGNETIC ENERGY –OPERATIONAL PHASE AND ONGOING**

- A. Provide an electromagnetic radiation emissions report showing the results and mapping of cumulative electromagnetic radiation resulting from the transmission facility during the

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operational phase, is to be commissioned and lodged with the ACT planning and land authority within 12 months of the proposed facility commencing its operation.

- B. Compliance with relevant Australian Communications and Media Authority (ACMA) electromagnetic energy standards for cumulative impacts to be evaluated in the abovementioned report in compliance with Communications Facilities and Associated Infrastructure General Code element 6.1 Electromagnetic Energy Rule 40 (Territory Plan 2008 version R292).

10. DECOMMISSIONING AND RESTORATION

- A. When a facility is no longer required or used for mobile communications, the development is to be decommissioned and removed from the site within 6 months non-operation.
- B. If a facility is removed from a building or structure, the site is restored to the pre-development state in consultation with the planning and land authority (or its successors).

11. 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.

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. RELEASE OF APPROVED PLAN

Stamped plans may not be released until relevant conditions of the decision (including Leasing, s165 further Information, Entity compliance) are complied with to the satisfaction/at the discretion of the planning and land authority.

2. EPA ADVICE:

Construction

All excavations that collect rainwater during a rainstorm event would be considered as a sediment control pond, and must meet the following condition:

- A. No discharge from pond unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the pond must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.

Noise

- B. Noise from equipment which may be installed or used at the site, including cooling fans, pumps etc, 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.

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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 requirements of the *Planning and Development Act 2007 (the Act)*.

The subject development was assessed with regards to potential environmental significance of the subject site which is zoned NUZ3 zoned Hills, Ridges and Buffer and which is part of a hill system providing a unified landscape setting for Canberra. The site provides a foreground to Mt Ainslie vista from Limestone Avenue and as such visual impact of the development was assessed in some detail. This included photomontages of the facility viewed from various vantage points along Limestone Avenue.

Based on the information provided, it was determined that the proposed telecommunication tower and surrounding structure can be in part screened from view of the pedestrians and motorists by providing additional landscaping in the form of mature trees along or near the site frontages as a condition of approval.

It was also considered that the visual dominance of the proposed telecommunication tower will be limited as it will have other urban structures such as the street light and buildings on adjoining blocks, particularly as the residential apartment development on the adjoining block 4 section 38 Campbell is completed. Hence the proposal was considered consistent with objectives for the NUZ3: Hills, Ridges and Buffer zone.

With regards to potential impact on cultural heritage value of the site and the surrounding areas, proposal was referred to the ACT Heritage Council. As part of the entity review process, a Cultural Heritage Assessment (CHA) was submitted to the Council and based on a modification of the report, the Council supported the proposal with a condition requiring works to cease in the event of unexpected findings of archaeological objects or places.

Regarding the ecological impact, the planning and land authority relied on advice provided by the Conservator of Flora and Fauna that the proposed location for the development is dominated by exotic grass, not native template grassland (NTG) and from an ecological perspective in relation to the development, can be approved. The proposal was not considered to pose a threat to native ecological communities as the actual development site is already dominated by exotic grass species. To control potential environmental impact(s) during the construction phase of the development, a condition of approval has also been imposed for a Construction Environment Management Plan (CEMP) to be lodged under section 165 and implemented during the construction phase.

With regards to risk of electromagnetic energy emission (EME) from the facility, the environmental EME report posted on the Radio Frequency National Sites Archive (RFNSA) website (<http://www.rfnsa.com.au/2612016>) showed the EME output will be within accepted levels. A condition of approval has been imposed for an EME report to be commissioned during the operational phase of the facility and lodged with the ACT planning and land authority in line with the provisions of the Territory Plan 2008's Communications Facilities and Associated Infrastructure General Code Rule 40 regarding EME.

The main issues identified during the assessment were:

- The development meeting the Territory Plan requirements: the development proposal was consistent with Territory Plan provisions, including the
 - zone objectives of the NUZ3 Hills, Ridges, and Buffer Zone
 - Ainslie Precinct Map and Code,
 - Non-Urban Zones Development Code
 - Communications Facilities and Associated Infrastructure General Code
 - Parking and Vehicular Access General Code
- Issue raised in representations including:
 - Impact on ecological and heritage value of the proposed site including the natural temperate grassland of Box Gum woodland and the habitat of endangered Golden Sun moth

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- Visual impact of the proposed mobile phone tower and associated concrete compound and chain link fence on the vista to Mount Ainslie
- Impact on Aboriginal cultural heritage
- Proximity to the War Memorial having an adverse impact on the cultural and historical significance of the War Memorial precinct
- Impact on places registered with ACT Heritage Council in close proximity to the proposal
- Proximity to residential areas
- Adverse impact on the character and value of the surrounding precinct which includes the War Memorial

As outlined above, the assessment process required further information being submitted by the applicant in the form of photomontages to consider the visual impact of the proposed monopole tower against the Mt Ainslie vista, as well as submissions regarding provision of landscaping screening and evaluation of alternate candidate sites. Through detailed review of such additional documents submitted after the original development application was lodged, it is considered that concerns expressed in the representations regarding the visual impact of the proposal were adequately evaluated and addressed. A Cultural Heritage Assessment (CHA) Report was also submitted as further information in response to the entity comments from the ACT Heritage Council in accordance with the Council's protocol and based on the Report, the Council was able to support the project based on the minor scale of the work proposed and heritage value of the site investigated through the CHA report. The Council did not identify any adverse impact on surrounding heritage registered places or objects due to visual relationship with the proposed facility.

- Entity advice

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

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.

EVIDENCE

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

Development Application:	202342438/S141A
Territory Plan Zones:	NUZ3: Hills, Ridges, and Buffer areas
Development Codes:	Non-Urban Zones Development Code
Precinct Code:	Ainslie Precinct Map and Code
General Codes:	Communications Facilities and Associated Infrastructure General Code; Parking and Vehicular Access General Code
Legislative requirements:	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.

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PART C – PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the *Planning and Development Act 2007* (the Act), the application was publicly notified from 30 January 2023 to 19 February 2024. 49 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.

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. ENVIRONMENT PROTECTION AUTHORITY (EPA)

EPA provided advice stating that the proposal is supported subject to conditions. Please refer to PART A for conditions consistent with the EPA advice. EPA advice has also been provided in this decision.

3. CONSERVATOR OF FLORA AND FAUNA (CONSERVATOR)

The Conservator provided advice stating that they have no objection to the development, but landscaping designs, specifically tree selection will need to be approved by the Conservator to ensure species suitability. Refer to PART A for conditions regarding compliance with entity advice. Note conditions also require information to be supported from the Conservator.

4. ACT HERITAGE COUNCIL – The Council

The Council provided advice stating that the proposed works are unlikely to diminish the heritage significance of the Ainslie Volcanics or Aboriginal places and/or objects subject to conditions. A copy of the Council’s advice is attached to this Notice of Decision. Refer to PART A for conditions regarding compliance with entity advice.

5. 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.

6. 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.

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7. 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.

8. NATIONAL CAPITAL AUTHORITY (NCA)

NCA provided advice stating that sites adjacent to Limestone Avenue and Ainslie Avenue are not subject to Special Requirements in the National Capital Plan (the Plan) but the proposal is still required to be considered against the Statement of Planning Principles outlined in Section 2.2 of the Plan which states:

1. *“Infrastructure must support the effective functioning of Canberra with proper consideration of the environmental and visual impact and be integrated with land use decisions”.*
4. *“The infrastructure of Canberra and the Territory must be planned and provided to ... minimise the visual impact of electricity and telecommunication facilities, particularly along major vistas, corridors and major open space.”*

noting the objectives and principles of Section 2 are binding for both the Australian and ACT Governments in the planning and development of Canberra and the Territory.

The applicant provided a visual impact assessment report in the S141A submission, which was considered by the NCA to show the telecommunications tower to be highly visible from Limestone Avenue and Ainslie Avenue. NCA advised that if no viable alternate locations are feasible for this development, additional landscaping could be provided in the form of mature stock trees to provide additional landscape screening of the facility between the proposed development and Limestone Avenue.

NCA was referred the S141B submission. NCA provided advice indicating support for the proposal with satisfactory resolution of the additional landscaping screening issue.

NCA's comments were considered and integrated into a condition of approval requiring details of additional landscaping in the form of advanced stock trees around the site frontages to screen view of the facility from Limestone Avenue to be lodged as further information under section 165 of the Act.

9. ACT HEALTH

The Health Protection Service (HPS) provided advice stating there are no public health concerns in relation to the proposal. The advice is noted.

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ATTACHMENT 1

ADMINISTRATIVE INFORMATION RELATING TO NOTICE OF DECISION

DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise, this approval takes effect 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.

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 s191(5)(b) 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.

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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-vate/build-buy-or-reno-vate/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 regard to such reviews e.g. 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.

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

Review by the ACT Supreme Court

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

Other approvals

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

1. **Building Approval**

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

2. **Tree damaging activity approval**

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

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

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

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4. Works on unleased Territory Land

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

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

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

Contact details for relevant agencies

<p>ACT Civil and Administrative Tribunal Allara House 15 Constitution Avenue CANBERRA CITY ACT 2601 GPO Box 370, CANBERRA, ACT 2601</p>	<p>www.acat.act.gov.au tribunal@act.gov.au 02 6207 1740 02 6205 4855 (Fax)</p>
<p>ACT Supreme Court 4-6 Knowles Place, CANBERRA CITY ACT 2601 GPO Box 1548, CANBERRA CITY, ACT 2601</p>	<p>www.courts.act.gov.au 02 6205 0000</p>
<p>Environment, Planning and Sustainable Development Directorate 480 Northbourne Avenue DICKSON ACT 2602 GPO Box 158, CANBERRA 2601</p> <ul style="list-style-type: none"> • <i>Planning and land authority</i> <ul style="list-style-type: none"> - list of certifiers for building approval - demolition information - asbestos information 	<p>www.planning.act.gov.au 02 6207 1923</p>
<ul style="list-style-type: none"> • <i>Environment Protection Authority</i> <ul style="list-style-type: none"> - environment protection - water resources - Conservation, Planning and Research - threatened species/wildlife management • <i>WorkSafe ACT</i> <ul style="list-style-type: none"> - asbestos information 	<p>EPAPanningLiaison@act.gov.au 6207 5642</p> <p>worksafe@worksafe.act.gov.au 132 281</p>
<ul style="list-style-type: none"> • <i>ACT Heritage Council</i> <ul style="list-style-type: none"> - Aboriginal, historic and natural heritage management • Tree Protection Unit <ul style="list-style-type: none"> - <i>Development Applications (DA) issue:</i> - <i>Tree Damaging Activity Applications (TDAA) issue:</i> 	<p>www.environment.act.gov.au 132 281</p> <p>TCCS.TreeProtectionACTPLARef@act.gov.au</p> <p>TCCS.TreeProtection@Act.gov.au</p>
<p>Transport Canberra and City Services</p> <ul style="list-style-type: none"> • landscape management and protection plan approval • use of verges or other unleased Territory land • works on unleased Territory land - design acceptance 	<p>www.tccs.act.gov.au</p> <p>132 281</p> <p>02 6207 0019 (development coordination)</p>

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<ul style="list-style-type: none">• driveway inspections or building applications• damage to public assets	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 <ul style="list-style-type: none">• Telstra (networks)• TransACT (networks)• Icon Water• Electricity reticulation	02 8576 9799 02 6229 8000 02 6248 3111 02 6293 5749

Translation and interpretation services

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

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, çempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	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