

# NOTICE OF DECISION

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

I, Matt Davis, delegate of the planning and land authority, pursuant to section 162 of the *Planning and Development Act 2007*, **refuse**, the proposal **for the demolition of two existing structures, removal of trees, construction of three new commercial buildings for shop and restaurant use, associated car parking, signage, landscaping and associated works** at Blocks 6 Section 7 Fyshwick.

DA Number: 202342480  
Block: 6 and 7  
Section: 7  
Suburb: Fyshwick  
Application lodged: 17 May 2024  
Assessment track: Merit

This decision contains the following information:

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

*A copy of the development application and decision may be inspected from 9:00 am to 4.00 pm,  
Monday to Friday at 8 Darling Street, Mitchell 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](https://www.accesscanberra.act.gov.au/app/forms/epd_feedback)



**Matt Davis**

Delegate of the Planning  
and Land Authority  
27 August 2024

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### **PART A – REASONS FOR THE DECISION**

In accordance with section 119 of the *Planning and Development Act 2007*, the application was refused because it did not comply with the legislated requirements for merit track applications. While the application was partially assessed against the Industrial Zones Development Code and the Fyshwick Precinct Map and Code a complete assessment could not be undertaken due to the inconsistencies and information required by entities with regard to section 120 of the *Act*.

See below for non-compliance with Territory Plan and list of entities non-support.

#### **FURTHER INFORMATION S141 & S144 PLANNING ACT 2007**

This Development Application (DA) was made prior to 27 November 2023 was under the Planning and Development Act 2007. This Act was then repealed however, the new *Planning Act 2023* provides transitional provisions that apply to such DAs made under the 'old legislation'. Of significance for this DA, Section 613 limits the making of S144 applications to 6 months after the new Act commenced i.e. on or before 28 May 2024.

As this application was made on 17 May 2024 with public notification and entity advice extending beyond the May 28 deadline, the Authority cannot accept a 144 amendment application.

To obtain approval, the application in its current form requires substantial information and amendments particularly to satisfy entity advice and requirements. The DA is not currently considered to meet the Territory Plan (2008) however it appears the changes to address the entity requirements/advice need to be addressed to enable the application/development to be fully assessed against the Territory Plan. A revised application addressing entities may be considered through the reconsideration application and it is recommended to discuss with the Authority and entities before beginning this process.

Please also note the Authority provided communications/emails to all applicants advising of the legislation change some time before the May deadline and of the potential implications for such legislation.

#### **CROWN LEASE**

The proposal covers two separate leases and appears to be one development. As the blocks will be heavily reliant on each other they will be required to be consolidated. The plans provided show each block cannot independently operate on its own. If each can operate independently then two individual development applications are required.

In addition, the lease over block 7 contains an easement for access and egress that allows block 6 to pass and repass. The proposal is inconsistent with this clause. Consolidation of the blocks will remove this clause. However if the proposal is modified to demonstrate individual operation, the lease will need to be varied to modify or remove this clause.

If a reconsideration application is sought on this decision a separate concurrent application will be required for the consolidation. Alternatively a new development application under the Planning Act 2023 consolidating the blocks and addressing entity concerns.

#### **ENTITY ADVICE**

A number of entities advised the proposed development was not supported. The advice was considered by the Authority and it was noted amendments would be required to address such advice. Given the legislative changes since lodgement and information within the application, the Authority considers that a further information only (S141) response would not address the entity requirements.

Refer to part B for entity reasons which may be address in a separate reconsideration application.

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## **CONCLUSION**

Given the changes that would be required to the proposal to address the entity issues, a view was formed that the proposal would not be able to meet these requirements. Therefore, in accordance with section 162 of the Act, the planning and land authority refuses this application.

## **EVIDENCE**

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

Development Application:	202342480
Territory Plan Zones:	Industrial Zones Development Code
Development Codes:	N/A due to inability to complete assessment
Precinct Code:	Fyshwick Precinct Map and Code
Crown Lease:	Block 6 - Volume 163140 and Folio 4 Block 7 - Volume 1640 and Folio 86
Legislative requirements:	the <i>Planning and Development Act 2007</i> in particular sections 119 and 120
Representations and Entity advice:	As addressed in <b>PART A</b> and <b>PART B</b> of this Decision

## **KEY INCONSISTENCIES WITH RELEVANT DEVELOPMENT AND GENERAL CODES**

The following inconsistencies of the proposed development the subject of this development application with the relevant rules of the *Industrial Zone Development Code (IZDC)* identified through the assessment process are outlined below:

While the application provided an example of an approvable development a full assessment could not be completed due to the outstanding entity advice. Some of the advice also related to rules of the industrial zones development code, in particular;

**Rule 44 Trees**, As the development application proposed tree removal, the proposal was referred to the Conservator of Flora and Fauna (the Conservator) for assessment against the *Tree Protection Act 2005*. The Conservator provided the following comments:

- The development cannot be supported, The proponents of the proposed development have indicated that all trees will be removed from the site as noted in the Tree Removal Plan, Dwg 202, Rev A, dated 24 July 2023, and Site demolition Plan, Dwg A102, Revision A, dated 01.09.2023. There are a significant number of mature trees on the site which do not meet criteria for removal. These trees primarily constitute the *Eucalyptus mannifera*, *Eucalyptus melliodora*, *Eucalyptus bridgesiana*, *Casuarina cunninghamiana*.
- The proposed layout of the buildings and new road works does not provide any avenues to retain trees which is disappointing considering the significant aesthetic and landscape component trees on the site presently provide.

The removal of the regulated tree was presented to the Landscape Review Panel (LRP) and determined that the removal of trees could not be supported without further information/justification.

As such, due to the impact/location of trees, the design and siting component of this development application is refused.

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

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## **PART B – 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 03 June 2024 to 25 June 2024. Two (2) written representations were received during public notification period.

Representations received during the public notification period raising concerns that the proposed development significantly reduces green space/planting including tree removal, concern for noise during and post construction, light spill (traffic and signs) and accessibility.

The issues raised in the representations were considered in the assessment and making of the decision for this development application. Please refer to **PART A** – ‘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.

A summary of entity comments can be found below.

#### 1. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

TCCS provided advice stating that the proposal is not supported. Further information is required.

- i) The applicant proposes waste collection from buildings 2 and 3, located on block 7, through block 6 but hasn't specified if blocks 6 and 7 are consolidated. If they are not consolidated, the applicant should either use driveways from block 7 or create a right-of-way access easement for shared internal driveways.

#### TRAFIC AND PARKING

- ii) As per Section 2.3.2, Item (h) of the Parking and Vehicular Access General Code (PVAGC), “the queuing space for drive through facilities should be accommodated entirely on-site. The driveway must provide for a minimum queue length of 10 cars from the pick up point, including a minimum length of 4 cars from the ordering point. The calculated on-site parking provision requirement may be reduced by two spaces for every three spaces provided for in queuing space.” Please confirm if this queuing requirement is met and re-calculate the parking requirements based on the direction in Section 2.3.3, Item (h) of the PVAGC.
- iii) It is noted that Page 47 of the Statement Against Criteria document prepared by Canberra Town Planning, dated 24 November 2023 outlines that a Traffic Impact Assessment (TIA) has been submitted. This TIA is not available as part of this submission for review and hence, please re-submit.

#### WASTE

- iv) This submission is incomplete as the applicant needs to submit all mandatory documents per Waste Code 2019, Table 4.2;
- v) The applicant has not provided calculations for waste and recycling generation, hopper pad locations, or travel paths for moving bins from individual storage facilities to the designated collection point (hopper pad).
- vi) The Truck Turning Template must remain within the roadway, which it does not comply.

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## LANDSCAPING

TCCS supports the DA for the project in Fyshwick, section 7, block 6 & 7. However, some matters still need consideration. Landscape Plan - DWG 301 - Rev C – Dated 11 Sep 2023 proposes a stand of Eucalyptus mannifera in the left top corner of the drawing (image 5). However, the aerial image 6 show that the soil there is very compact. In addition, given the contamination due to the presence of the petrol station, applicant requires to provide further details on how they plan to make the tree planting process possible and successful.

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

The Conservator provided advice stating that the proposal is not supported and provided the following comments:

### **Please note: The current DA is being assessed against the criteria of the repealed *Tree Protection Act 2005***

The tree protection unit has undertaken an assessment of the proposed development and existing trees on the site and compared them with the Canopy Tree Experts – Preliminary Arboricultural Report, 149 Canberra Avenue, job ref 8661, revision date 4 Feb 2022.

- The advice provided only relates to trees within the lease and not trees located on public unleased land.
- Advice regarding trees located on unleased land (whilst also covered by the Urban Forest Act 23) are made by TCCS Urban Treescapes and not the Conservator of Flora and Fauna.
- The proponents of the proposed development have indicated that all trees will be removed from the site as noted in the Tree Removal Plan, Dwg 202, Rev A, dated 24 July 2023, and Site demolition Plan, Dwg A102, Revision A, dated 01.09.2023.
- The tree ratings noted in the Canopy Tree Experts – Preliminary Arboricultural Report and tree assessment are consistent with the trees existing on the site.
- The Canopy Tree Experts tree assessment reflect the status of trees as defined under the Tree Protection Act 2005. (Trees covered by the Urban Forest Act 23 have not been specified as the assessment was undertaken in 2022 prior to the Urban Forest Act 23 being legislated, this should not be a particular issue as the development is being assessed against the provisions of the repealed Tree Protection Act 2005).
- There are a significant number of mature trees on the site which do not meet criteria for removal. These trees primarily constitute the Eucalyptus mannifera, Eucalyptus melliodora, Eucalyptus bridgesiana, Casuarina cunninghamiana.
- The proposed layout of the buildings and new road works does not provide any avenues to retain trees which is disappointing considering the significant aesthetic and landscape component trees on the site presently provide.

Advice: The Conservator of Flora and Fauna would support the following tree removals:

- Trees assessed as low or poor-quality trees. (As noted in the Canopy Tree Experts - Tree Schedule, pages 3-5 of the Preliminary Arboricultural Report).
- Trees listed pest under Pest Plants and Animals Act 2005. ( Populus alba within the lease)
- Trees which would meet a criterion for removal ( e.g. Tree 34 – the tree is in decline and its life expectancy is short).
- Note: Undersized trees. The removal of trees which were not covered by the Tree Protection Act 2005, and which were not removed prior to January 1st, 2024. will need to be considered for removal on planning grounds. If they are 8m high 8 metre canopies and circumferences of 1m at 1.4m above ground level. (The Canopy Tree Experts – Preliminary Arboricultural Report does not include the status of trees in relation to the Urban Forest Act 2023). ( Predominantly these trees include smaller underperforming species or the Populus deltoides)
- As the Development application is being considered under the Tree Protection Act 2005 there is not requirement to provide a Canopy Contribution Agreement.

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- Please note: The Conservator of Flora and Fauna cannot approve the removal of protected trees which do not meet criteria for approval under the Tree Protection (Approval Criteria) Determination 2006 (No 2). Support for the removal of protected trees on planning grounds would be commensurate to the following:
- The proponent providing a high level of tree replacement within the proposed new development.
- An aim to meet 30% canopy cover where possible.
- A tree palette which provides some Australian native species
- The inclusion of water sensitive urban design features which assist in benefitting future tree planting.
- The use of permeable surfaces to allow better water percolation withing future tree protection zones.
- Extensive us of tree planting within internal carparks.

### 3. NATIONAL CAPITAL AUTHORITY (NCA)

The NCA provided advice stating that the proposal is not supported.

The site is adjacent to an Approach Route and is subject to Special Requirements under Section 4.24 of the National Capital Plan (the Plan).

The NCA currently does not support the application for proposed redevelopment. The site does not have an approved Development Control Plan (DCP) in place at this time. The NCA would need to agree to a DCP prior to supporting a redevelopment of the site. The DCP provisions in the submitted Statement of Criteria have not been approved by the NCA.

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

### 4. ENVIRONMENT PROTECTION AUTHORITY (EPA)

EPA provided advice stating that the proposal is not supported.

The Environment Protection Authority (EPA) does not support the DA in its current form. Please provide an updated Hazardous Materials Survey.

The Office of the Environment Protection Authority has reviewed the hazardous materials survey and report "ASBESTOS SURVEY REPORT & MANAGEMENT PLAN, 9 NYRANG STREET, FYSHWICK" by Safe Work and Environments Pty Ltd issued on 30 October 2023. The report identified asbestos in the building to be demolished on Block 6.

In accordance with Section 9.1 of the Hazardous Materials Environmental Protection Policy, the hazardous materials survey must identify, evaluate and propose a management plan (including the use of appropriately licensed contractors for the storage, transport and disposal) of all hazardous materials including fuel tanks, asbestos, lead, PCBs containing materials, synthetic mineral fibre (SMF) and ozone depleting substances that may be present on the site. The submitted survey is not compliant with AO14.10 of the Planning (Industrial Zones) Technical Specifications 2023 and Section 9 of the Hazardous Materials Environmental Protection Policy since the report didn't identify all hazardous materials on both Block 6 and 7.

The DA should not be supported unless the applicant can satisfy AO14.10 of the Planning (Industrial Zones) Technical Specifications 2023 and Section 9 of the Hazardous Materials Environmental Protection Policy.

The following preliminary conditions are provided for the applicant's information. Upon review of the requested information, further conditions and advice will be given.

For further information please contact the Environment Protection Authority Planning Liaison at [EPAPlanningLiaison@act.gov.au](mailto:EPAPlanningLiaison@act.gov.au).

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## Preliminary Conditions:

### Construction

- 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.
- As the site is greater than 0.3 hectares the construction is an activity listed in Schedule 1 as a Class B activity under the Environment Protection Act, 1997. The contractor/builder developing the site must hold an Environmental Authorisation or enter into an Environmental Protection Agreement with the Environment Protection Authority (EPA) in respect of that activity prior to works commencing.
- An Erosion and Sediment Control Plan (ESCP) must be submitted to and be endorsed by the EPA prior to works commencing on site. There must be a separate ESCP for the demolition and for the construction phase of development, each has to be endorsed by EPA prior to the activity commencing.
- All sediment and erosion control measures shall be in place prior to commencing works and shall be maintained until development completion.
- Adjacent roads shall be swept clean at all times.

### Contaminated Sites

EPA records indicate the site is occupied by an operational service station and it was subject to a site audit which concluded that ‘the site remains suitable for its current use as a service station under its current layout. Prior to any reconfiguration of buildings at the site or the site being used for any other land used permitted under its zoning, further assessment and independent audit of the site will be required to determine whether the site is suitable for these uses’.

In light of these findings, EPA supports the proposal subject to the following conditions:

- The site must be assessed and remediated in accordance with the guidelines endorsed by the EPA by a suitably qualified environmental consultant, prior to commencement of development works.
- The adequacy of the assessment and remedial works must be independently audited by an EPA approved environmental auditor.
- Prior to the commencement of remediation works, a remedial action plan (RAP) for any proposed remediation works must be reviewed and endorsed by the auditor with a copy of the RAP endorsement provided to the EPA.
- Prior to the commencement of development works, auditor interim advice indicating that the commencement of development will not impact on the on-going assessment and remedial works at the site must be reviewed and endorsed by the EPA.
- Prior to the area being used for other purposes, the findings of the independent audit into the site's suitability for its proposed and permitted uses from a contamination perspective must be reviewed and endorsed by the EPA.
- All spoil identified at the site must be managed in accordance with EPA Information Sheet – Spoil Management in the ACT.
- All soil subject to disposal from the site must be assessed in accordance with EPA Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT.
- No soil is to be disposed from the site without approval from the Office of the Environment Protection Authority.

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5. ICON WATER

Icon Water provided advice stating that the proposal is conditionally supported and further information is required to comply with the Icon Waters sewer and/or water network.

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.

7. EVOENERGY (GAS)

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

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

8. EMERGENCY SERVICES AUTHORITY (ESA)

The ESA provided advice stating that the proposal is supported with conditions.

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

9. Environment Planning and Sustainable Development (EPSDD) (ESO ADVICE)

While not an entity, EPSDD Impact team advised the Authority and assessment team of the following regarding ESO on the site, the subject ESO is valid for 18 months until 4 September 2025.

The proposed works must be undertaken subject to the following conditions, in a manner consistent with ESO-202300047, made under s138AB(4) of the Planning and Development Act 2007 (the Act):

The site is to be assessed and remediated in accordance with the Environment Protection Authority (EPA) endorsed guidelines by a qualified environmental consultant and the assessment report to be independently audited by an EPA approved environmental auditor. Prior to commencement of the remediation works, a remedial action plan (RAP) for any proposed remediation works must be reviewed and endorsed by the auditor with a copy of the RAP endorsement provided to the EPA.

Prior to the commencement of development works, auditor interim advice indicating that the commencement of development will not impact on the on-going assessment and remedial works, must be reviewed and endorsed by the EPA.

Prior to the area being used for purposes other than the current use, the findings of the independent audit into the site's suitability for its proposed and permitted uses from a contamination perspective must be reviewed and endorsed by the EPA.

All spoil identified at the site must be managed in accordance with EPA Information Sheet – Spoil Management in the ACT.

All soil subject to disposal from the site must be assessed in accordance with EPA Information Sheet 4 – Requirements for the reuse and disposal of contaminated soil in the ACT.

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

An updated and approved Site Management Plan and/or Construction Management Plan, an Unexpected Finds Protocol and Groundwater Management Plan must be developed and implemented before the proposed works commence.

The design and construction of any sedimentation ponds must minimise the potential for them to cause an insanitary condition (local mosquito nuisance) under the Public Health Act 1997.

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A hazardous material survey must be undertaken prior to demolition. Any resulting asbestos removal works undertaken should be completed by a suitably licensed person and a clearance certificate issued by a licensed Asbestos Assessor.

All reasonable and practicable measures are to be taken to suppress dust and minimise detrimental impacts to air quality during demolition, construction, and landscaping works.

The proposed food business must comply with the Food Act 2001 and the ACT Food Business Fit-Out Guide. The proponent must submit food business registrations and fit-out applications (with suitably detailed plans) to the Health Protection Service (HPS) for any food business prior to construction.

The operator of the fast-food restaurant (regulated utility) must have an appropriate liquid trade waste practice per the Utility technical Regulator's technical codes requirements. The operator of the fast-food restaurant needs to have a customer agreement with Icon Water for liquid trade waste disposal to the sewerage system.

Note: Reckless introduction of substances to a sewerage network that could form a blockage without being authorised by Icon Water to do so, could result in regulatory action against the operator of the restaurant under Section 25 of the Utilities (Technical Regulation) Act 2014.

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## ATTACHMENT 1

### ADMINISTRATIVE INFORMATION RELATING TO NOTICE OF DECISION

#### DATE THAT THIS APPROVAL TAKES EFFECT – N/A

#### 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 Customer Service Centre 8 Darling Street, Mitchell, ACT 2911.

#### Submission of revised drawings or documentation

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

#### Reconsideration of the Decision

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

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

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

#### Review by the ACT Civil and Administrative Tribunal (ACAT)

1. Decisions that are reviewable (sometimes referred to as appeals) by the ACAT are identified in Schedule 1 of the [Act](#), except for matters that are exempted under Schedule 3 of the [Planning and Development Regulation 2008](#) (matters exempt from third party review).
2. The notice of decision and this advice have been sent to all people who made a representation in relation to the application.
3. The ACAT is an independent body. It can review a large number of decisions made by ACT Government ministers, officials and statutory authorities on their merits. The ACAT can agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with ACAT recommendations.
4. More information on appeal rights is available online at <https://www.planning.act.gov.au/build-buy-renovate/build-buy-or-renovate/approvals/development-applications/appeal-a-da-decision>.
5. The ability to review the Authority's decision is a matter of law. **If** you think you have a right of review, you may apply to the ACAT for a review of the decision. Application forms can be obtained from the ACAT at the website listed below. You can also download the form from the ACT Legislation Register. It is recommended you seek independent advice in regards to such reviews eg a legal practitioner.
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*).

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

### **Review by the ACT Supreme Court**

1. The 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>.

### **Contact details for relevant agencies**

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<p><b>ACT Civil and Administrative Tribunal</b>                  Level 4, 1 Moore Street                  CANBERRA CITY ACT 2601                  GPO Box 370, CANBERRA, ACT 2601</p>	<p><a href="http://www.acat.act.gov.au">www.acat.act.gov.au</a>  <a href="mailto:tribunal@act.gov.au">tribunal@act.gov.au</a>                  02 6207 1740                  02 6205 4855 (Fax)</p>
<p><b>ACT Supreme Court</b>                  4-6 Knowles Place,                  CANBERRA CITY ACT 2601                  GPO Box 1548, CANBERRA CITY, ACT 2601</p>	<p><a href="http://www.courts.act.gov.au">www.courts.act.gov.au</a>                  02 6205 0000</p>
<p><b>Environment, Planning and Sustainable Development Directorate</b>                  480 Northbourne Avenue                  DICKSON ACT 2602                  GPO Box 158, CANBERRA 2601</p> <ul style="list-style-type: none"> <li>• <i>Planning and land authority</i> <ul style="list-style-type: none"> <li>- list of certifiers for building approval</li> <li>- demolition information</li> <li>- asbestos information</li> </ul> </li> <li>• <i>Environment Protection Authority</i> <ul style="list-style-type: none"> <li>- environment protection</li> <li>- water resources</li> <li>- Conservation, Planning and Research</li> <li>- threatened species/wildlife management</li> </ul> </li> <li>• <i>WorkSafe ACT</i> <ul style="list-style-type: none"> <li>- asbestos information</li> </ul> </li> <li>• <i>ACT Heritage Council</i> <ul style="list-style-type: none"> <li>- Aboriginal, historic and natural heritage management</li> </ul> </li> <li>• <i>Tree Protection Unit</i> <ul style="list-style-type: none"> <li>- <i>Development Applications (DA) issue:</i></li> <li>- <i>Tree Damaging Activity Applications (TDAA) issue:</i></li> </ul> </li> </ul>	<p><a href="http://www.planning.act.gov.au">www.planning.act.gov.au</a>                  02 6207 1923</p> <p><a href="mailto:EPAPanningLiaison@act.gov.au">EPAPanningLiaison@act.gov.au</a>                  6207 5642</p> <p><a href="mailto:worksafe@worksafe.act.gov.au">worksafe@worksafe.act.gov.au</a>                  132 281</p> <p><a href="http://www.environment.act.gov.au">www.environment.act.gov.au</a>                  132 281</p> <p><a href="mailto:TCCS.TreeProtectionACTPLARef@act.gov.au">TCCS.TreeProtectionACTPLARef@act.gov.au</a></p> <p><a href="mailto:TCCS.TreeProtection@Act.gov.au">TCCS.TreeProtection@Act.gov.au</a></p>
<p><b>Transport Canberra and City Services</b></p> <ul style="list-style-type: none"> <li>• landscape management and protection plan approval</li> <li>• use of verges or other unleased Territory land</li> <li>• works on unleased Territory land - design acceptance</li> <li>• driveway inspections or building applications</li> <li>• damage to public assets</li> </ul>	<p><a href="http://www.tccs.act.gov.au">www.tccs.act.gov.au</a></p> <p>132 281</p> <p>02 6207 0019 (development coordination)</p> <p><a href="mailto:tccs.dcdevelopmentcoordination@act.gov.au">tccs.dcdevelopmentcoordination@act.gov.au</a></p>
<p><b>Health Directorate</b></p>	<p><a href="http://www.health.act.gov.au">www.health.act.gov.au</a>  <a href="mailto:hps@act.gov.au">hps@act.gov.au</a>                  02 5124 9700</p>
<p><b>Education Directorate</b></p>	<p><a href="http://www.education.act.gov.au">www.education.act.gov.au</a>                  02 6205 5429</p>
<p><b>Utilities</b></p> <ul style="list-style-type: none"> <li>• Telstra (networks)</li> <li>• TransACT (networks)</li> <li>• Icon Water</li> <li>• Electricity reticulation</li> </ul>	<p>02 8576 9799                  02 6229 8000                  02 6248 3111                  02 6293 5749</p>

**Translation and interpretation services**

## NOTICE OF DECISION

DA202342480

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

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-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	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