



ACT
Government

Environment, Planning and
Sustainable Development

Notice of decision

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

Merit track

DA NO: 201630881 201630881A		DATE LODGED: 27/01/2017 /04/2017	
DATE OF DECISION: 12 April 2017			
BLOCK: 5	SECTION: 55	SUBURB: DUFFY	
STREET NO AND NAME: 7 Forestry Street, Duffy			
APPLICANT: Enviro Links Design			
LESSEE: ACT Government (Unleased Territory Land)			

THE DECISION

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

I, Chris Gell, delegate of the planning and land authority, pursuant to section 162 of the Act, hereby approve subject to conditions the proposal for an outdoor recreation facility comprising a dog park including –

- gravel access road with an equestrian crossing;
- fencing with gates around the site to enclose the 2 dog park areas;
- a gravel car park with 36 car spaces including 3 accessible car parking spaces;
- installation of bench seats, waste bins, water bubblers with dog bowls;
- signage; and
- associated landscaping, paving and other site works,

in accordance with the plans, drawings and other documents and items submitted with the application approval and endorsed as forming part of this approval.

This decision is subject to the conditions of approval at **PART 1** being satisfied.

PART 2 sets out the Reasons for the Decision.

PART 3 is Public Notification and Entity Advice.

PART 4 contains administrative information relating to the determination.

DELEGATE

Chris Gell
Delegate of the planning and land authority
Environment, Planning and Sustainable Development Directorate

12 /04/2017

CONTACT OFFICER

Meena Ramesh

Phone: 62076174

Email: meena.ramesh@act.gov.au

PART 1 CONDITIONS OF APPROVAL

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

A. ADMINISTRATIVE / PROCESS CONDITIONS

A1. EQUESTRIAN CROSSING

The proponent must consult with the ACT Equestrian Association (ACTEA) at the detail design stage to finalise details such as signage, extent of pruning of existing vegetation and incorporate/implement all agreed measures required to allow for a safe equestrian crossing.

B. PRIOR TO CONSTRUCTION AND/OR DEMOLITION

B1. TEMPORARY TRAFFIC MANAGEMENT PLAN (TTM Plan)

Prior to the commencement of any work on the site, a TTM Plan must be prepared in consultation with the ACTEA and implemented on site. This plan is to address, as a minimum, measures to be employed during construction to manage all traffic, including horse riders and construction traffic, in and around the site, the provision of parking for construction workers, and associated traffic control devices.

B2. NOTICE OF COMMENCEMENT OF WORK

Written notice of commencement of works must be given to the ACTEA, two weeks prior to the commencement of works.

B3. ENVIRONMENT PROTECTION

(a) All works must be carried out in accordance with the *Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011*.

(b) All soil subject to disposal from the site must be assessed in accordance with the *Environment Protection Authority (EPA) Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT*.

(c) No soil is to be disposed from the site without EPA approval.

B4. TREE PROTECTION

Tree protection fencing, shall be erected prior to the commencement of any work on the site.

C. DURING CONSTRUCTION AND/OR DEMOLITION

C1. SEDIMENT AND EROSION CONTROL

All unsurfaced entry and exit points must be consolidated with crushed aggregate or similar extending from the road kerb to the building line.

Temporary sediment controls – comprising, as a minimum, geotextile silt fencing along the lowest points of the site and hay bale filters as required – are to be installed and maintained at least daily to prevent sediment from reaching the stormwater mains system.

C2. TREE PROTECTION

The proponent shall protect and maintain all existing trees and shrubs located on the subject site, on adjoining blocks overhanging the subject site, on the verge and unleased Territory land immediately adjacent, except for those specifically identified for removal in the approved drawings and a Tree Management Plan.

C3. TRAFFIC MANAGEMENT

At all times, the site and surrounds shall be managed in accordance with the TTM Plan.

C4. WASTE MANAGEMENT

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

D. POST CONSTRUCTION AND/OR DEMOLITION

Not applicable.

E. ADVISORY NOTES

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

E1. BICYCLE PARKING

It is recommended that 5 bicycle hoops be provided.

E2. COMPLIANCE WITH ENTITY REQUIREMENTS

The development must comply with all the relevant conditions imposed by each of the relevant entities stated in each of their advice that need to be addressed prior to, during and post construction.

Also see further advice from other entities under PART 3 ENTITY ADVICE below. Refer to Appendix 1 for information about approvals that may be required for construction.

PART 2 REASONS FOR THE DECISION

The application satisfactorily meets the requirements for approval. The application was approved because, based on the documentation and in the form modified by the imposed conditions, it was considered to meet the relevant code, being the Non-Urban Zones Development Code.

The key issues identified in the assessment are provision of a safe equestrian crossing and entity issues.

Following completion of an assessment, the applicant was asked to provide further information to address the concerns raised by the ACT Equestrian Association (ACTEA), inconsistency in documentation and issues raised by entities.

The proponent consulted with the ACTEA on concerns raised about the interface between the equestrian trail and the proposed driveway to the dog park from Warragamba Avenue. As a result revised documentation was submitted under Section 141 of the *Planning and Development Act 2007*.

The revised documentation included the following safety measures to address concerns raised by the ACTEA in relation to the equestrian crossing.

- Increase in width of the proposed equestrian crossing from 5 to 20 metres located between two speed humps to slow drivers on north and south vehicle approach.
- Extra speed hump and additional boulders along the driveway to the north of the crossing.
- Equestrian crossing and 10kmph speed limit signage located on the north and south vehicle approach. Signage on both sides of the crossing also establishes equestrian right of way/priority at this crossing.
- Signage warning equestrians of driveway on west and east approach.
- Design changes to allow a smooth transition across the driveway. Grade changes are minimal and are only planned to smooth the surface and improve drainage. The drain has been replaced by a 150mm wide concrete mowing strip surrounding the crossing.
- Compacted, decomposed granite surface appropriate for horses yet still able to provide the stable surface required for vehicles. The gravel will also assist to create visual delineation of the crossing, as it will contrast in colour to the rest of the driveway.
- A communication strategy for Park use and behaviour guidelines signage will include information for dog owners on the proximity of the equestrian trail and appropriate behaviour of their dogs around horses.

The applicant has advised that the width of the crossing has been determined in consideration of the ACTEA's request for the crossing and other site constraints including clearance requirements from existing in-ground and above ground services that impact on the location of speed humps and achieving maximum sightlines for all users.

Existing vegetation will be assessed during construction and pruned/removed as necessary. A Temporary Traffic Management Plan for the construction phase will also be put in place in consultation with ACTEA. The proponent will meet with the ACTEA to discuss any ongoing concerns and finalise the crossing design. Conditions have been imposed to ensure these matters are addressed. A condition has also been included in this decision for the proponent to provide prior notice to ACTEA regarding the timing of commencement of works.

The measures adopted as outlined above have made the crossing as safe as possible. The applicant also provided relevant clearances from ACTEW, ICON and JEMENA for the revised proposal.

Conditions have been imposed to address the key issues particularly the safety of the equestrian crossing both during and after construction, and to ensure that the proposal is consistent with the Territory Plan and the *Planning and Development Act 2007*.

EVIDENCE

Application No. 201630881

The Territory Plan zone – NUZ3: Hills, Ridges and Buffer Zone

The Development Code – Non-Urban Zones Development Code

General Codes - Access and Mobility General Code, Bicycle Parking General Code, Parking and Vehicular Access General Code, with Crime Prevention through Environmental Design General Code and Signs General Code

Representations - four

Entity advice – CONSERVATOR OF FLORA & FAUNA, ACT HERITAGE COUNCIL, TCCS, ICON, JEMENA, ACTEW & EPA

PART 3 PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 6 February 2017 to 24 February 2017. Four written representations were received during public notification.

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

(a) *Access to the dog park should be off Eucumbene Drive.*

A detailed process of site selection and investigation was undertaken by the proponent in consultation with all relevant entities. Matters considered included traffic safety, site contamination and associated remediation, constraints and access to services, adequate area for a car park, site grades and accessibility, site drainage, opportunities for passive surveillance from surrounding development and the budget for the proposed dog park. Following this analysis, the proposed site for the dog park was the preferred option and supported by all relevant entities.

The proponent has advised that the reason why Warragamba Avenue is most suited for access is mainly because of traffic safety. Access off Eucumbene Drive has a sight distance limitation from South for a design speed of 60km/hr and therefore would be inconsistent with Austroads Guidelines.

Average speed on Eucumbene Drive is known to be above the speed limit of 60km/hr at 62.8km/hr. Eucumbene Drive not only has a higher speed limit but also carries a greater volume of traffic compared to Warragamba Avenue. Grades are also steep. These factors combined with the inconsistent sightlines made access off Eucumbene Drive not feasible.

Access off Warragamba Avenue has no sightline issue and, there is already an existing verge crossing and access track with workable grades. The safety of the equestrian crossing was considered manageable with detailed design. The applicant has proposed changes to make the equestrian crossing safer than originally proposed. Conditions have also been imposed to allow the fine tuning of the design of the equestrian crossing in consultation with ACT Equestrian Association to make it as safe as possible for all users.

The Development, Review and Co-ordination Unit of the Transport Canberra and City Services responsible for approval of site access has supported the proposed access off Warragamba Avenue.

(b) *Safety of the proposed equestrian crossing.*

Refer comments under PART 2 REASONS FOR THE DECISION above.

(c) *Parking*

The Parking and Vehicular Access General Code and the Bicycle Parking General Code indicate the proposal is subject to individual assessment. So the matter was referred to the Major Projects and Transport Unit and the following advice was received.

Thirty six (36) is a reasonable number of car parking spaces for this proposal. The provision of 3 accessible spaces exceeds the requirements (only 1 would be required in this instance).

The provision of bicycle parking is recommended due to the nature of the proposal and position to an active travel network. Transport planning would recommend a minimum of 10 bicycle parks.

Bicycle Rails (Class 3) would be sufficient. This could be achieved with the provision of 5 bicycle hoops.

Since there is adequate car parking and the car park is the closest possible location to access the dog park, it is unlikely that cars will be parked on adjacent streets. Should the verge or other unleased land be used inappropriately for parking, the matter should be raised with TCCS. It is also noted that the car park location has the added benefit of having an additional area available to expand in future, should demand warrant this. The recommendation for bicycle parking is included as advice to the applicant.

(d) Management of stormwater

The applicant has confirmed that consideration has been given to stormwater and overland flow in the design of the dog park and the associated car park/entry road to ensure that water is slowed, collected and/ or managed across the site to limit scouring, flooding and erosion. Improved landscape quality, including additional vegetation, will assist water to penetrate the ground and reduce runoff. In addition, drainage has also been allowed for within the entry drive and car park area.

(e) Dog park's operational times

The applicant has advised that the dog park will be open for use at the beginning of each day and closed in the evening by a ranger. Existing dog park car park opening times are 5am – 10pm. The proposed dog park will be similarly managed.

ENTITY ADVICE

Pursuant to Division 7.3.3 of the Act, the application was referred to entities and advice was received. The referral entities' comments are as follows. A response to the advice is provided as appropriate.

ACT HERITAGE COUNCIL (Council)

On 15 February 2017, advice was received from this entity in relation to the proposal. The advice is as below.

Review of the ACT Heritage Register identifies that no heritage places or objects will be affected by the proposed works. Further, due to prior disturbance associated with the Stromlo Forestry Settlement and modern use, Aboriginal places and objects are considered unlikely to occur within the proposed work areas.

In this context, the Council advises that the proposed development is unlikely to damage Aboriginal places or objects, and that no heritage assessment or management actions are required prior to the commencement of works.

Comment – Advice is noted.

CONSERVATOR OF FLORA AND FAUNA

On 23 February 2017, advice was received from this entity in relation to the proposal. The advice states that the land is unleased Territory Land and the provisions of the *Tree Protection Act* do not apply.

Comment – Advice is noted.

TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

On 31 March 2017, advice was received from this entity in relation to the proposal. The advice stated that the DA is supported and that Design, Operational and Final Acceptance will be carried out by TCCS City Services, Infrastructure Planning and Operations Capital Works.

Comment – Advice is noted.

ACTEWAGL ELECTRICITY NETWORKS DIVISION

Original proposal

On 27 February 2017, advice was received from this entity in relation to the proposal. The advice states that the application conditionally complies with the Electricity Networks requirements.

DA201630881A

The applicant submitted a statement of conditional compliance from this entity dated 4 April 2017 in relation to the revised proposal.

Comment – Applicant should note the matters raised and address them accordingly.

ICON WATER

Original proposal

On 21 February 2017, advice was received from this entity in relation to the proposal. The advice states that the application fails to comply with their requirements for the following reasons.

- Design Acceptance for External Services and Off Site Works must be in principle design approved by Icon Water Hydraulic Assets.
- Speed humps to be outside of the protection zone of the 750mm & 450mm trunk water mains. The track over the 150mm water main shall provide cover of no less than 750mm, this needs to be determined by potholing the main.

Comment – The matter was referred to the applicant for follow up.

Subsequently, on 20 March 2017, advice was received from this entity in relation to the proposal. The advice stated that the application is supported subject to conditions.

DA201630881A

The applicant submitted a statement of conditional compliance from this entity dated 3 April 2017 in relation to the revised proposal.

Comment – Applicant should note the matters raised and address them accordingly.

JEMENA

On 17 February 2017, advice was received from this entity in relation to the proposal. The advice states that there are no gas networks assets within the vicinity of the development and as such no approval is required.

DA201630881A

The applicant submitted a statement of conditional compliance from this entity dated 4 April 2017 in relation to the revised proposal.

Comment – Applicant should note the matters raised and address them accordingly.

ENVIRONMENT PROTECTION AUTHORITY (EPA)

On 23 February 2017, advice was received from the EPA in relation to the proposal which states that the application is supported subject to the following conditions.

- All works must be carried out in accordance with *Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011*, available at www.environment.act.gov.au.
- All soil subject to disposal from 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 EPA approval.

Comment - Matters raised have been incorporated as conditions of approval.

PART 4 ADMINISTRATIVE INFORMATION

DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise this approval is effective from the day after the date of this notice. The effective date for development applications approved subject conditions could 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 Act, this approval will expire if:

- the development or any stage of the development is not started within two years after the day the approval takes effect;
- the development is not finished two years after the day the development begins; or
- the development approval relates to land comprised in a lease that requires the development to be completed on a stated date – the date stated in the lease for completion of the development, or the approval is revoked under section 189 of the Act.

Conditional Approval

This approval will expire if, in accordance with Section 165(3)(d) of the Act, a condition has deferred the effect of the development approval **and** imposed a time frame during which another approval must be revoked, amended or given, and the time frame has expired.

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

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

INSPECTION OF THE APPLICATION AND DECISION

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

RECONSIDERATION OF THE DECISION

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

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

REVIEW BY THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL (ACAT)

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

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

APPENDIX 1

CONTACT DETAILS OF RELEVANT AGENCIES

<p>Health Directorate - health protection</p>	<p>Website: www.health.act.gov.au Telephone: (02) 6205 1700</p>
<p>Environment, Planning & Sustainable Development Directorate</p> <p><i>Planning and land authority</i></p> <ul style="list-style-type: none"> - list of certifiers for building approval - demolition information - asbestos information <p><i>Environment Protection Authority</i></p> <ul style="list-style-type: none"> - environment protection - water resources - asbestos information <p><i>Conservation, Planning and Research</i></p> <ul style="list-style-type: none"> - threatened species/wildlife management 	<p>Website: www.actpla.act.gov.au Telephone: (02) 6207 1923</p> <p>Website: www.environment.act.gov.au Telephone: (02) 6207 6251</p> <p>Website: www.environment.act.gov.au Telephone: (02) 6207 1911</p>
<p>Transport Canberra & City Services Directorate</p> <ul style="list-style-type: none"> - tree damaging activity approval - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets 	<p>Website: www.tccs.act.gov.au Telephone: 132 281</p>
<p>Utilities</p> <ul style="list-style-type: none"> - Telstra (networks) - TransACT (networks) - Icon Water - Electricity reticulation 	<p>Telephone: (02) 8576 9799 Telephone: (02) 6229 8000 Telephone: (02) 6248 3111 Telephone: (02) 6293 5738</p>

ADVICE TO APPLICANT

SUBMISSION OF REVISED DRAWINGS AND DOCUMENTATION

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

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

For further information regarding the lodgement of this information please contact Customer Service Centre by Phone: (02) 6207 1923, Email: esddcustomerservices@act.gov.au or on the planning and land authority website at www.actpla.act.gov.au.

FURTHER APPROVALS FOR CONSTRUCTION

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

BUILDING APPROVAL

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

PERMITTED VARIATIONS TO APPROVED DEVELOPMENT

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

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

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

"TREE DAMAGING ACTIVITY" APPROVAL

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

USE OF VERGES OR OTHER UNLEASED TERRITORY LAND

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

WORKS ON UNLEASED TERRITORY LAND – DESIGN AND OPERATIONAL ACCEPTANCE

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

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

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

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

CONSTRUCTION REQUIREMENTS

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

DEMOLITION AND ASBESTOS MANAGEMENT

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

ENVIRONMENT PROTECTION

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

REPAIR OF DAMAGE TO PUBLIC ASSETS

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

UTILITY ASSETS RETENTION

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

WATER RESTRICTIONS AND FILLING OF NEW POOLS, PONDS AND FOUNTAINS

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

DRAINAGE

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

REVIEW OF THE DECISION

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

CONTACT DETAILS

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

Location	Contact details
ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601	Website: www.acat.act.gov.au Email: tribunal@act.gov.au Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601

POWERS OF THE ACAT

The ACAT is an independent body. It can review on their merits a large number of decisions made by ACT Government ministers, officials and statutory authorities. The ACAT can agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with ACAT recommendations.

APPLICATIONS TO THE ACAT

To apply for a review, obtain an application form from the ACAT. You can also download the form from the ACT Legislation Register <http://www.legislation.act.gov.au/af/2009-278/current/pdf/2009-278.pdf>.

If you are applying on behalf of an organisation or association of persons, whether incorporated or not, the Tribunal in deciding whether to support this application will consider the effect of the decision being reviewed on the interests of the organisation or association in terms of its objects or purposes. A copy of the relevant documents will be required to be lodged with the Tribunal.

TIME LIMITS FOR APPLICATIONS

The time limit to make a request for a review is 28 days from the date of this Notice of decision. The time limit can be extended in some circumstances (refer to sections 10 (2), 10(3), 25(1)(e) and 25(2) of the *ACT Civil & Administrative Tribunal Act 2008*; section 7 of the *ACT Civil and Administrative Tribunal Procedure Rules 2009 (No 2)*; and section 409 of the *Planning and Development Act 2007*).

FEES

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

TIME LIMITS FOR REVIEWS OF DECISIONS

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

FORMS OF LEGAL, FINANCIAL AND OTHER ADVICE AND ASSISTANCE

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

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

- Welfare Rights and Legal Centre, telephone (02) 6247 2177; and
- Environmental Defender's Office (ACT), telephone (02) 6247 9420.

AWARDING OF COSTS

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

ACCESS TO DOCUMENTS ABOUT THE DECISION

You may apply for access to any documents you consider relevant to this decision under the ACT Freedom of Information Act 1989. Information about Freedom of information requests is available on the planning and land authority's web site or by contacting us by phone on (02) 6207 1923.

PROCEDURES OF THE ACAT

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

TRANSLATION AND INTERPRETER SERVICES

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

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية، إتصل برقم الهاتف:
CHINESE	如果你需要传译员的帮助，请打电话:
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα 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