



ACT
Government

Environment, Planning and
Sustainable Development

Notice of decision

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

Merit track

DA NO: 201630750		DATE LODGED: 17/01/2017
DATE OF DECISION: 23/03/2017		
BLOCK: 2	SECTION: 58	SUBURB: Duffy
BLOCK: 3	SECTION: 56	SUBURB: Duffy
BLOCK: 3	SECTION: 48	SUBURB: Holder
STREET NO AND NAME: Duffy/Holder		
APPLICANT: ACT Healthy Waterways (Basin Project)		
LESSEE: Unleased Territory Land (Land Custodian - Transport Canberra and City Services Directorate)		

THE DECISION

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

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

- **The construction of storm water ponds and treatment system, landscaping; and associated works and structures;**

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

Ajith Buddhadasa
Delegate of the planning and land authority
Environment and Planning Directorate
23/03/2017

CONTACT OFFICER

Mr Ajith Buddhadasa
Phone: 02 62051550
Email: ajith.buddhadasa@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. The development must comply with all relevant entity advice.
- A2. APPROVAL DOES NOT TAKE EFFECT
This approval does not take effect until ACT Heritage has endorsed the proposal.

B. PRIOR TO CONSTRUCTION AND/OR DEMOLITION

- B1. SEDIMENT AND EROSION CONTROL
That prior to any work on the site commencing, the applicant/lessee must submit two copies of the sediment and erosion control plan to Environment Protection Authority for approval;
- B2. TREE PROTECTION
Tree protection fencing, if required, shall be erected prior to the commencement of any work on the site.
- B3. VERGE MANAGEMENT
This plan is to be approved and implemented before the commencement of any work on the site, and is to be in accordance with the *City Management Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04*.
- B4. TRAFFIC MANAGEMENT
If required, a Temporary Traffic Management (TTM) Plan shall be prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety, Roads ACT, Roads and Public Transport Division, Transport Canberra and City Services Directorate (TCCS) prior to commencement of any work on the site. This plan is to address, as a minimum, measures to be employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices.
- B5. HERITAGE
The proposal must be endorsed by ACT Heritage (see ENTITY ADVICE).

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 applicant/lessee 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. VERGE MANAGEMENT

During any work undertaken on the site, all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with a Landscape Management Plan approved by the Manager, Asset Acceptance, Operational Support, Directorate Services, TCCS.

C4. TRAFFIC MANAGEMENT

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

C5. WASTE MANAGEMENT

All building waste is to be stored on the site in suitable receptacles 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.

Note:

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 codes, being the Duffy and Holder Precincts Maps and Codes; and the **Non-Urban Zone Development Code**.

The key issues identified in the assessment are the comments received from entities and the representations received in relation to the proposal.

Conditions have been imposed to address the key issues raised by the entities and ensure that the proposal is consistent with the Territory Plan and the *Planning and Development Act 2007*.

The representations received have been addressed as appropriate in the **PUBLIC NOTIFICATION** section of this decision.

EVIDENCE

Application No. 201630750

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

The Development Codes – Non-Urban Zone Development Code

The Precinct Codes – Duffy and Holder Precincts Maps and Codes

Representations

Entity advice

PART 3 PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 1/02/2017 to 22/02/2017. Five written representations were received during public notification.

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

(a) *Possible traffic impacts upon functioning of the Weston Woden Animal Hospital*

Response:

The proposal was referred to the Roads ACT-TCCS. The proposal was supported by TCCS.

Applicant's response:

The proposed works are located approximately 600m west from the Animal Hospital. During construction, works access to LMO13 will be via an existing maintenance road, which is over 600 metres from the entrance to the animal hospital. Significant change in traffic on Dixon Road due to the facility is not expected and parking will not be provided on the sites.

(b) *The noise from construction vehicles accessing the site will diminish the amenity of nearby residents. Already have a problem with vehicles speeding along Dixon Drive, and ... concerned about an increase in traffic volume*

Response:

All the construction noise (including noise from construction vehicles) must be in accordance with the accepted noise standards in the Australian Capital Territory (ACT). Any related issues may be forwarded to the Environment Protection Authority for investigation when occur. Any issues relating to speeding vehicles may be forwarded to ACT Policing for investigation. Issues relating to increased traffic volumes during construction may be forwarded to TCCS for investigation (the proposal was referred to Roads ACT-TCCS. TCCS supported the proposal with conditions).

(c) *It is not clear ... what permanent vehicle access and parking will be given for the site already have a problem and an increase in traffic will make it worse. ... would not support any direct access to the site for vehicles from Dixon Drive – the Cotter Road would be better as there are no homes on that side of the reserve. And depending on this, the location of any parking in terms of noise and visual amenity.*

Response:

There will be no public vehicle access to the site. Gates or bollards will be erected at the entrance of the maintenance roads. Significant change in traffic on Dixon Road due to the asset is not expected. Parking will not be provided on the sites. Also refer to responses at above Issues (a) and (b).

(d) *It is not clear what the change in visual amenity will be. We currently look out over Dixon Drive to the pleasant outlook of the reserve – it wasn't clear from the papers what it would look like with the changes. If we looked onto gravel walls, maintenance buildings, or parking it would be a significant and unacceptable reduction in our visual amenity.*

Response:

On completion, the facility will include ponds and wetlands with surrounding areas revegetated with endemic native species. There will be no exposed earth embankments (gravel walls), maintenance buildings or parking on the sites.

(e) Concerns about permanent water bodies and pest control for mosquitos

Response:

This is not a matter that can be addressed by the assessment of the application against the applicable development codes. However, the applicant provided the below response to the issue raised.

Applicant's response:

Open Water Marsh Management practices will be implemented, including :

- a) Planting fringing vegetation that will attract predatory insects such as dragonflies and damsel flies, and promote competing insect fauna, such as water bugs and water beetles;
- b) Incorporating open water areas to support native predatory aquatic fauna such as birds, fish, frogs and turtles;
- c) Fluctuating water levels that interfere with the mosquito breeding cycle; and
- d) Providing swim paths, channels and deep zones to enable fish and other predators to access mosquito egg and larvae sites.

(f) It is not clear when the works would start and how long they would take. We have already experienced significant disruption over many years with the roadworks to service the new Molonglo area, this is another large infrastructure project that will come with noise, disruption and possibly permanent reduction in our amenity.

Applicant's response:

The works are anticipated to take about 6 months and will commence between September 2017 and December 2018 depending on the work program of the contractor.

(g) Some of the areas covered by this DA currently have no barriers to stop road vehicles from entering this land. aware of vehicles entering this land for illegal dumping, drug use and other illegal activities. This long-standing issue has been reported to the AC T government on multiple occasions. On 19 December 2014, the ACT Minister for Territory and Municipal Services wrote to me acknowledging the need for barricades in this area. I recommend this application include details of physical barriers which will be used to ensure that this activity does not continue, while still allowing pedestrian and bicycle access. Appropriate placement of large boulders at entry points is preferred

Response:

The issues raised are not matter that can be addressed by the assessment of the application against the applicable development codes. These issues are related to the specific functional aspects of the proposal. However, the applicant provided the below response to the issue raised.

Applicant's response:

There will be no public vehicle access to the site. Gates or bollards will be erected at the entrance of the maintenance roads. Significant change in traffic on Dixon Road due to the asset is not expected. Parking will not be provided on the sites. Issues relating to illegal activities in the area may be forwarded to ACT Policing for investigation when occur.

(h) AC TEA asks that equestrian safety be made a serious consideration in the design of the

proposed crossings over the BNT and that Alluvium be required to consult with us about an appropriate design and footing which should be consistent with that already agreed with the government in other places.

AC TEA seeks a meeting with Alluvium before any approvals to ensure the Traffic Management Plan does not transfer off site a significant danger to equestrians.

A Long Term Problem

AC TEA understood the new works would finish roughly at the existing stock fence and the broad verge up to Eucumbene Drive presently used by riders will remain unaffected. Several drawings in the DA, however, show what appear to be two pedestrian access tracks crossing the Bicentennial National Trail (BNT) from Dixon Drive. One drawing implies these will be 3.5m wide and concrete!

There has been no discussion with us about the design of these crossings or their impact on horse riders travelling through the open space on Dixon Drive. The foot traffic between Dixon Drive and the wetlands will increase greatly in the future as the government deliberately aims to create a community destination of the storm water treatment ponds.

Additional paths will be created, linking the wetlands and to the existing pathways, and creating more recreational opportunities.

That means more pedestrians, more dogs and more cyclists. Horses can cope with these things if their environment does not include hazards. Concrete paths are a hazard for horses especially when they are moving from one surface (grass) to another.

Their metal shoes can slip on the concrete if they shy sharply and can result in falls and injuries to the horses, their riders and bystanders. We would much prefer these paths to be reduced to one crossing point and to be constructed of a safer material.

There are standards for footing materials for horses which will be included in the new Municipal Infrastructure Standards.

Capital Works in Transport Canberra and City Services is proposing to construct a vehicle access route across the BNT to the new dog park at the Eucumbene Drive intersection with Waragamba Avenue. Discussions about the same safety issue have resulted in a signage strategy and a decision to use compacted gravel consistent with the standard.

AC TEA asks that equestrian safety be made a serious consideration in the design of the proposed crossings over the BNT and that Alluvium be required to consult with us about an appropriate design and footing which should be consistent with that HOLDER already agreed with the government in other places.

A Short Term Problem

The Traffic Management Plan associated with the project includes a label.

Manage pedestrian, equestrian and cycle traffic during construction of outlet pipe.

Pedestrian movement to be carefully considered during construction. Engage with stakeholders to arrange alternative route This label seems to imply that equestrians will be rerouted onto a commuter cycle path for the duration of the project. This is an extremely serious issue. There are 2 problems:

Fast moving cyclists and horses do not work together. Cyclists do not slow down for horses and horses can react badly to cyclists speeding up behind them. Accidents will

happen which, we are sure, is not the intention.

The drawing conveniently shows the cycle path disappearing off the right hand side of the page, taking the horses with it.

Unfortunately, in the real world, the path continues on to a blind left hand turn into the western side of the Cotter Road underpass. This is a narrow, four lane long cycle chute through which commuting cyclists move at speed wearing headphones.

The equestrian underpass for the Cotter Road is well separated on the other, eastern side of Weston Creek. Once exiting from the underpass riders will find themselves on the wrong side of the North Weston Ponds. See the attached map. There is no way that it is safe for horse riders to be routed to this underpass.

This plan is not consistent with the statement on page 23 of the Design Development Report. Careful consideration will need to be given to manage traffic during construction works. Access to the Canberra Centenary Trail and Bicentennial trail that runs through the site should be maintained, requiring traffic controllers to manage the interaction of site vehicles and pedestrians.

Response:

The proposal was referred to the Roads ACT-TCCS. TCCS supported the proposal with conditions. Some of the issues raised above are not matter that can be addressed by the assessment of the application against the applicable development codes. However, the applicant provided the below response to the issue raised.

Applicant's response:

There are two roads crossing the BNT. The one near Hyndes Crescent is an existing asphalt path. The new crossing is a maintenance track to reach the Gross Pollutant Trap. Consistent with the TCCC standard the track will be constructed with a safer material such as asphalt or compacted gravel. There will be no public vehicle access to LM013. Gates or bollards will be erected at the entrance of the maintenance roads to preclude access.

A traffic management plan will be prepared. Careful consideration, in consultation with key stakeholders, will be given to managing the interaction of site vehicles, equestrians, pedestrians and cyclist during construction. The label in the Traffic Management Plan is placed over the bike path but it is a general note relevant for the whole Traffic Management.

- (i) *While it is anticipated that a number of near residents would walk to the wetlands, also believes that a number of residents and visitors would drive to the wetlands. As a result there would be a need for some form of parking near the wetlands and there doesn't appear to be any parking proposed. The two roads adjoining the wetlands, the Cotter Road and Dixon Drive are busy roads and it would be preferable to have parking off both roads.*

Response:

This is not a matter that can be addressed by the assessment of the application against the applicable development codes. The issues raised are related to the specific functional aspects of the proposal. However, the applicant provided the below response to the issue raised.

Applicant's response:

There will be no public vehicle access to, or parking at the site. Gates or bollards will be erected at the entrance of the maintenance roads to preclude access.

- (j) *There appears to be no bridge proposed for the wetlands. Council considers that the inclusion of a bridge would bring benefits to the community.*

Applicant's response:

Funding for ACT Healthy Waterways is for provision of stormwater infrastructure. Construction of a bridge is outside the scope of works.

- (k) *There appears to be no beach for access to the water of the wetlands.*

Applicant's response:

Funding for ACT Healthy Waterways is for provision of stormwater infrastructure. Inclusion of a beach is outside the scope of works.

- (l) *Both trails traverse the proposed wetlands with the Centennial Trail passing through the centre of the area while the Bicentennial Trail passes to the south of the wetlands along Dixon Drive. Council has concerns over where these will be located following the development and would want them not to be close to busy roads so that all users are safe.*

Applicant's response:

Both the Canberra Centenary Trail and the Bicentennial Trail will be preserved. Impacts during construction will be remediated at the conclusion of works.

ENTITY ADVICE

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

Conservator of Flora and Fauna

On 2/02/2017 advice was received from the Conservator of Flora and Fauna in relation to the proposal. The advice states that the proposed construction of stormwater ponds and associated works is supported.

Transport Canberra and City Services Directorate (TCCS)

On 23/02/2017 advice was received from Territory and Municipal Services in relation to the proposal. The advice states that the proposal is supported with conditions:

Civil & General Conditions

1. *The proponent must ensure that the Wetland design and associated civil works comply with the Municipal Infrastructure Standard 08 Stormwater.*
2. *The DA proposes a Rocla system with the size to be determined by the manufacturer. If the size of the proposed system impacts on the MUSIC modelling results, then the proponent is to write to the Authority and TCCS to seek approval.*
3. *Additional information must be provided at Design Acceptance stage regarding the size and type of the GPT unit to be installed and the maintenance requirements.*
4. *The proponent is to obtain approvals for the proposed works from all utility and service providers whose services are impacted by the proposed works.*
5. *An Waste Management Plan for Construction and Demolition Waste must be prepared in accordance with the Development Control Code for Best Practice Waste Management in the ACT (Waste Code) 2014 and it must be submitted at Design Acceptance stage.*

Urban Treescapes and Tree Planting Conditions

6. All new trees should be given sufficient space for canopies to develop independently and to reduce competition for resources rather than be planted at the 1 tree per m² density indicated in the Preliminary Sketch Plan Lower Molonglo Site LM013 Concept Planting Plan (P316007-LM013-024 I/R D dated 26.11.16). Please ensure that eucalypt and casuarina trees are planted at a minimum spacing of 10-12m and are located at least 2.5m away from paths.
7. All trees to be removed must be signposted a minimum of 14 days prior to removal, in accordance with Urban Treescapes public notification procedures.
8. A site specific Landscape Management and Protection Plan must be provided at design acceptance showing the distance from trees to the edge of excavation and also details measures to mitigate the adverse effects of root disturbance within tree protection zones of retained trees that appear to be in close proximity to works.
9. Tree species must be selected from the draft MIS 25 Plants Species for Landscape Projects. *Eucalyptus dawsonii* and *Eucalyptus calignosa* must be replaced with species from this approved plant list unless there is justification for their use in this instance. The list is available at http://www.tccs.act.gov.au/parks-conservation/trees_and_forests/design-standards-23-draft-tree-species-list
10. Tree roots exposed during works must be cut cleanly with tools intended for the task where removal is required and it must be included in the tree protection conditions listed in the Notes and Assumptions and/or the Tree Management Plan at detailed design stage.

Advisory Notes

- It may be difficult to source seed stock of *Eucalyptus acaciiformis* in the ACT.
- The O&M Plan should factor in that this catchment is in a developing area therefore a lot of building and development is occurring at this location with potential to impact on the site after establishment. Standard O&M and annual inspections may not be aligned with the intent of the ACT Healthy Waterways objectives.

Standard Conditions

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

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

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

Design Acceptance and Operational Acceptance

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

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

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

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

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

Temporary Traffic Management (TTM)

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

Landscape Management & Protection Plan (LMPP)

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

Use of Verges or other Unleased Territory land

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

Repair of Damage to Public Assets

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

Notice of Commencement of Construction

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

Matters raised have been incorporated as conditions of approval (Condition A1).

Environment Protection Authority (EPA)

On 17/03/2017 advice was received from EPA in relation to the proposal. The advice states that the proposal is supported with conditions.

Advice:

EPA records indicate the blocks were previously occupied by a commercial Forestry Plantation (Radiata Pine) which was destroyed in the January 2003 bushfires. Records held by the EPA indicate that the application of chemicals may have been undertaken in the area for the purpose of weed and pest control.

The ANZECC 1992, Guidelines for the Assessment and Management of Contaminated Sites and the Contaminated Sites Environment Protection Policy 2009 lists agricultural/horticultural activities as activities associated with land contamination which may present a risk to human health or the

environment. The EPA has no records to indicate that the sites have been assessed for impacts from contamination associated with past activities.

All rain water that enters the site and pools in excavations during a rain storm event would be considered as a sediment control pond, and must meet the following conditions.

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

The EPA would support the application subject to the following conditions:

Conditions:

Prior to the commencement of development works an environmental assessment (and remediation if necessary) in accordance with EPA endorsed guidelines must be undertaken by a suitably qualified environmental consultant to determine whether past activities have impacted the site from a contamination perspective and to determine whether the site is suitable for the proposed uses.

The assessment report must be reviewed and endorsed by the EPA prior to the commencement of development works on this site;

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

All works must be carried out in accordance with "Environment Protection Guidelines for Construction & Land Development in the ACT, March 2011", available at www.environment.act.gov.au or by calling 132281. A water way works license is required prior to works commencing.

Matters raised have been incorporated as conditions of approval (Condition A1).

ActewAGL Electrical Division

On 7/02/2017 advice was received from Actew Corporation in relation to the proposal. The advice states that the proposal is supported with conditions (attached).

Matters raised have been incorporated as conditions of approval (Condition A1).

ActewAGL Gas networks

On 7/02/2017 advice was received from Jemena in relation to the proposal. The advice states that the proposal is supported with conditions (attached).

Matters raised have been incorporated as conditions of approval (Condition A1).

Icon Water

On 13/02/2017 advice was received from Icon Water in relation to the proposal. The advice states that the proposal is supported with conditions (attached).

Matters raised have been incorporated as conditions of approval (Condition A1).

Heritage

On 23/02/2017 advice was received from ACT Heritage in relation to the proposal. The advice states that *further information is needed to determine whether the proposal may damage aboriginal objects*. The applicant is required to undertake a cultural heritage assessment (CHA) prior to commencing work at site. The CHA must include an Unanticipated Discovery Plan which should be endorsed by the ACT Heritage prior to commencing work at site (see attached Heritage advice).

Matters raised have been incorporated as conditions of approval (Condition A1, A2 and B5).

PART 4 ADMINISTRATIVE INFORMATION

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 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.

INSPECTION OF THE APPLICATION AND DECISION

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

RECONSIDERATION OF THE DECISION

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

To submit an application for reconsideration, documents must be provided 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

Health Directorate - health protection	Website: www.health.act.gov.au Telephone: (02) 6205 1700
Environment and Planning Directorate <i>Planning and land authority</i> - list of certifiers for building approval - demolition information - asbestos information <i>Environment Protection Authority</i> - environment protection - water resources - asbestos information <i>Conservation, Planning and Research</i> - threatened species/wildlife management	Website: www.actpla.act.gov.au Telephone: (02) 6207 1923 Website: www.environment.act.gov.au Telephone: (02) 6207 6251 Website: www.environment.act.gov.au Telephone: (02) 6207 1911
Territory and Municipal Services Directorate - tree damaging activity approval - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets	Website: www.tams.act.gov.au Telephone: 132 281 Telephone for asset acceptance: (02) 6207 7480
Utilities - Telstra (networks) - TransACT (networks) - Icon Water - Electricity reticulation	Telephone: (02) 8576 9799 Telephone: (02) 6229 8000 Telephone: (02) 6248 3111 Telephone: (02) 6293 5738

ADVICE TO APPLICANT

SUBMISSION OF REVISED DRAWINGS AND DOCUMENTATION

If a condition of approval requires the applicant to lodge revised drawings and/or documentation with the 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, TAMSD by way of:

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

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

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

CONSTRUCTION REQUIREMENTS

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

DEMOLITION AND ASBESTOS MANAGEMENT

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

ENVIRONMENT PROTECTION

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

REPAIR OF DAMAGE TO PUBLIC ASSETS

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

UTILITY ASSETS RETENTION

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

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 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