

Planning and Development (Approval of application – 201527669 Throsby Estate Development Plan and off site works) Notice 2015 (No 1)*

Notifiable instrument NI2015–508

made under the

Planning and Development Act 2007, s 170 (Notice of approval of application)

1 Name of instrument

This instrument is the *Planning and Development (Approval of application - 201527669 Throsby Estate Development Plan and off site works) Notice 2015 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Impact track development approval

In accordance with section 162 (1) (b) of the *Planning and Development Act 2007*, the planning and land authority has approved a development application for the development of the Throsby estate development plan and off site works on the following blocks.

Block	Section	Suburb	Block	Section	Suburb
718	-	Gungahlin	1	136	Harrison
733	-	Gungahlin	2	136	Harrison
7	133	Gungahlin	1	137	Harrison
21	15	Harrison	1	164	Harrison
1	94	Harrison			

In accordance with section 170 (4) of the *Planning and Development Act 2007*, a copy of the impact track development approval notice is shown at [Annexure A](#).

A copy of the impact track development approval notice may also be obtained from the Environment and Planning Directorate's website:

http://www.planning.act.gov.au/topics/design_build/da_assessment/environmental_assessment/impact_track_development_approval_notices

Dorte Ekelund
Chief Planning Executive
25 August 2015

*Name amended under Legislation Act, s 60



Notice of decision

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

Impact track

DA NO: 201527669		DATE LODGED: 3 June 2015
DATE OF DECISION: 4 August 2015		
BLOCK: 718, 733, 7	SECTION: 0, 0, 133	SUBURB: Gungahlin
BLOCK: 21, 1, 1, 2, 1, 1	SECTION: 15, 94, 136, 136, 137, 164	SUBURB: Harrison
NAME: Throsby Estate		
APPLICANT: Calibre Consulting ACT Pty Ltd		
LESSEE: Peter and Simone Hudson, Territory and Municipal Services Directorate, Land Development Agency		

THE DECISION

This application was lodged in the Impact track. Pursuant to section 128 of the *Planning and Development Act 2007*, the application must be assessed according to the provisions relevant to impact track applications.

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

- **An estate development plan for the subdivision and creation of Throsby residential estate including the creation of 884 leased blocks (874 single dwelling blocks, 9 multi unit blocks for 178 dwelling units, and One CZ5 Mixed Use zoned block for 47 dwellings), One Community Facility zoned block, One NUZ3 – Hills, Ridges and Buffers zoned block, 29 open space blocks**
- **Roads, infrastructure, and landscaping required for the estate**
- **Ongoing provisions**
- **Off site works including the construction of and connection to sewer mains, construction of and connection to water mains, construction of electrical trenches and connection to existing electrical substations**

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

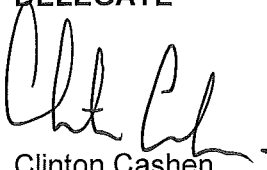
This decision is subject to the conditions of approval at **PART 1** being satisfied. Please note that plans will not be dispatched until all conditions are satisfied.

PART 2 sets out the Reasons for the Decision

PART 3 relates to Public Notification, Entity Advice and Commonwealth Advice.

PART 4 contains administrative information relating to the determination.

DELEGATE



Clinton Cashen
Delegate of the planning and land authority
Environment and Planning Directorate
4 August 2015

CONTACT OFFICER

Clinton Cashen
Phone: (02) 6205 4498
Email: clinton.cashen@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 by the planning and land authority (the Authority), others before work commences or before the completion of building work.

Note: All works are to be conducted in a manner and to a standard consistent with the requirements of the *Gungahlin Strategic Assessment Biodiversity Plan* made under the *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*

A. ADMINISTRATIVE / PROCESS CONDITIONS

A1. FURTHER INFORMATION

Within 28 days from the date of this decision, or within such further time as may be approved in writing by the planning and land authority, the applicant shall lodge with the planning and land authority for approval:

- (a) A revised landscape master plan based on the relevant drawing submitted as part of the application:
 - (i) proposing only one cultivar of *Pyrus calleryana* (either 'Aristocrat' or 'Chanticleer' but not both) to address cross pollination issues raised by the Conservator
 - (ii) using Mugga Ironbark *Eucalyptus sideroxylon* to address the comments outlined by the Conservator
- (b) A revised utilities services plan based on the relevant drawings submitted as part of the application:
 - (i) addressing the electrical cabling trench requirements identified by ActewAGL Distribution in the vicinity of sections AN, AM, & CA; and
 - (ii) endorsed by ActewAGL Distribution and TAMS.
- (c) A revised water supply master plan based on the relevant drawing submitted as part of the application:
 - (i) addressing the fire hydrant coverage concern in the vicinity of roads 50, 53, & 55 that was identified by the Emergency Services Agency; and
 - (ii) addressing water supply requirements for fire fighting purposes identified by the Emergency Services Agency.
- (d) A revised Planning Control Plan based on the relevant drawing submitted as part of the application:
 - (i) providing modified wording to ensure the proposed fence controls consider the unique characteristics of some blocks so they can be applied to all applicable blocks.
 - (ii) providing details of the courtyard wall proposed

B. PRIOR TO CONSTRUCTION AND/OR DEMOLITION

B1. TREE PROTECTION

All construction is to be undertaken in accordance with the TREE MANAGEMENT PLANS and Tree Protection Strategy as set out in the, Sheets 1, 2, 3, 4, 5, 6, 7 and 8 of 8, , DRAWING NUMBER C13128-TMP.1, PLAN No's. 14.1, 14.2, 14.3, 14.4, 14.5, 14.6, AMEND.

F, PLAN No. 14.7, AMEND. C, PLAN No. 14.8, AMEND. D, DATE: 18/2/15 for TREE MANAGEMENT PLAN SHEETS 1, 2, 3, 4, 5, 6, 7 of 8 and 27/4/15 for TREE MANAGEMENT PLAN SHEET 8 OF 8. All required tree protection fencing is to be in place prior to construction commencing.

B2. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

That a Construction Environmental Management Plan (CEMP) be submitted for approval prior to the commencement of any work on the site. The CEMP must be prepared by a suitably qualified person. The CEMP must be consistent with the relevant matters from the s211 Environmental Impact Statement exemption for the Gungahlin Strategic Assessment Area granted on 20 November 2013.

Note: *The CEMP may contain plans and management strategies listed elsewhere within the conditions of approval. Where these plans can be integrated into the CEMP, it must be clearly identified to which condition of approval the plan or management strategy applies.*

Construction activities that occur adjacent to the conservation areas must avoid known Superb Parrot nesting trees by not less than 100m during the breeding season (September to February) unless previously approved by the Plan Implementation Team. A construction program is required to be included in the CEMP.

B3. DESIGN ACCEPTANCE AND OPERATIONAL ACCEPTANCE

A Certificate of Design Acceptance is required for all off-site works from the Senior Manager, Asset Acceptance, TAMS, 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, Asset Acceptance, TAMS.

A Certificate of Operational Acceptance on completion of the works is required from the Senior Manager, Asset Acceptance, TAMS, prior to the issue of a Certificate of Occupancy.

Similarly a Chartered Engineer/Landscape Architect should certify compliance with TAMS Ref No 08: "Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance is made to the Senior Manager, Asset Acceptance, TAMS 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.

B4. NOTICE OF COMMENCEMENT OF CONSTRUCTION

Notice of Commencement for the Works in Unleased Territory Land shall be submitted to the Senior Manager, Asset Acceptance, TAMS 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 Landscape Management and Protection Plan (LMPP) and the programmed implementation of Temporary Traffic Management (TTM) Plan.

B5. TEMPORARY TRAFFIC MANAGEMENT PLAN

A TTM plan is required to be approved by the Manager, Traffic Management & Safety, Roads ACT, Transport and Infrastructure Division, TAMS. 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.

B6. LANDSCAPE MANAGEMENT AND PROTECTION PLAN

LMPP approval is required from the Senior Manager, Asset Acceptance, TAMS. 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, Asset Acceptance, TAMS. This plan is to be implemented before the commencement of works, including demolition on the site and is to be in accordance with *TAMS Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04*.

B7. USE OF VERGE 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 City Services, TAMS.

B8. 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 TAMS of any existing damage to public facilities.

B9. HERITAGE

- a) That the Unanticipated Discovery Plans (UDP) as described in the report prepared by Biosis (2014) submitted with the application must be adhered to at all times during construction.
- b) The UDP required by condition B9 a) must be written into the CEMP, induction programs, and 'toolbox talks'.
- c) Heritage sites T2 and GCE8 and their management are to be identified to construction personnel during 'toolbox talks'
- d) Protective fencing is to be installed around heritage sites GCE8 and T2. Cultural heritage advisors, being an archaeologist and Representative Aboriginal Organisations, must be in attendance during the installation of the protective fencing
- e) A fence on the boundary of the Throsby estate must be constructed to avoid inadvertently impacting heritage items during the construction program.

B10. ENVIRONMENT PROTECTION AUTHORITY (EPA)

- a) An Unexpected Finds Protocol (UFP) is to be developed by a suitably qualified environmental consultant and endorsed by the EPA prior to works commencing. The UFP is to be incorporated into the CEMP for the site. The initial induction of staff must be undertaken by a suitably qualified environmental consultant (SQEC). Subsequent inductions can then be performed by senior site staff previously inducted by the SQEC.
- b) For areas where impacted material has been identified a validation report detailing the suitability of the area for its proposed and permitted landuses from a contamination perspective is endorsed by the EPA

Note: Any impacted area of the site cannot be redeveloped until EPA endorsement of the validation report is received by the proponent.

- c) That a Pollution Control Plan is developed and submitted to the EPA for approval prior to the commencement of any work on the site. The Pollution Control Plan should be prepared in accordance with the Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011.
- d) The person undertaking the works is required to enter into an Environment Protection Agreement or an Environmental Authorisation with the EPA for any activity on the site which is listed under Schedule 1 as a Class B activity of the Environment Protection Act 1997.
- e) A Waterway Works licence under the provision of the Water Resources Act 2007 for the construction of ponds and removal of farm dams is required.

B11. PROTECTED MATTERS

Conditions A1 (a) and B2, are for ACT protected matters and, where relevant, matters of national environmental significance and are required to be undertaken prior to the commencement of construction and/or demolition.

Note: Actions must be consistent with the EPBC Part 10 approval. Any actions that are not consistent with the Part 10 approval will need to be considered on a case by case basis and referred under the EPBC Act if significant impacts on protected matters are possible or likely.

B12. BLOCKS AFFECTED BY NOISE FROM HORSE PARK DRIVE

Construction of sections AK, AM, BW, BX, & BY is not to commence until noise impacts from the operation of the upgraded Horse Park Drive are addressed to the satisfaction of the Authority.

C. DURING CONSTRUCTION AND/OR DEMOLITION**C1. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN**

At all times the activities on site will adhere to the requirements of the CEMP as required by condition B2. This includes the adherence to the Unexpected Finds and unanticipated Discovery Plans, as required by conditions B10.

C2. TRAFFIC MANAGEMENT DURING CONSTRUCTION

That at all times during construction the site and surrounds shall be managed in accordance with the TTM plan required by Condition B5.

C3. LANDSCAPE MANAGEMENT AND PROTECTION

That at all times during construction, vegetation on the site and surrounds are managed in accordance with the LMPP required by Condition B6.

C4. TREE PROTECTION

Tree protection fencing is to remain in place for the duration of construction. Vehicle parking and materials storage or stockpiling is not permitted within tree protection zones. If fencing is temporarily moved to facilitate works, it is to be replaced to the perimeter of the tree protection zone as soon as practicable after the completion of works in that location.

C5. ASSET ACCEPTANCE AND WORKS ON UNLEASED TERRITORY LAND

That at all times during construction the site and surrounds shall be managed in accordance with Conditions B5, B6, & B7.

C6. PROTECTED MATTERS

The bulk earthworks for Stages 2C, 3A and 3B are to occur outside of the period in which the Superb Parrot is breeding on the nearby Throsby Ridge. If such works wish to impinge on this time then a monitoring program and adaptive management strategy, agreeable to the Conservator of Flora and Fauna, must be in place.

Note: Actions must be consistent with the EPBC Part 10 approval. Any actions that are not consistent with the Part 10 approval will need to be considered on a case by case basis and referred under the EPBC Act if significant impacts on protected matters are possible or likely.

D. POST CONSTRUCTION AND/OR DEMOLITION**D1. EASEMENT AND ACCESS ROUTES**

All designated easements as shown on the approved Block Details Plans and any required maintenance and emergency access routes are to be recorded on the Deposited Plans and consequential leases for the relevant blocks.

D2. FINAL SURVEY PLAN

That the lessee shall arrange for a survey of the subdivided blocks and lodge the survey plan with the Environment and Sustainability Development Directorate for examination and clearance by the Surveyor-General, Surveying and Spatial Data Section and pay the appropriate examination fee.

A final survey for the estate must be lodged with the Environment and Planning Directorate detailing the as constructed contour levels once the roads and blocks have been created.

D3. SEDIMENT PONDS TO REMAIN IN PLACE DURING DEVELOPMENT

Ponds to be used as temporary sediment and erosion control ponds must not be decommissioned or removed until 80% of the total site has been stabilised following building (dwellings) stage. The ponds must be managed in accordance with the requirements outlined in Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011, for this entire time.

E. ADVISORY NOTES

These items are ADVICE only and don't form part of the statutory decision. They can be included where entities want to advise the proponent of:

- Ways to get further information
- Other legislation which is applicable (e.g., ActewAGL requirements, EPBC Act approvals)

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. ONGOING MANAGEMENT OF HERITAGE SITES

As outlined in the referral advice from ACT Heritage, the developer is to liaise with the Representative Aboriginal Organisations, the Heritage Council, and TAMS to discuss the ongoing management requirements for heritage sites GCE8 and T2.

E2. HERITAGE SITES

As outlined in the referral advice from ACT Heritage, heritage sites T2 and GCE8 and their management are to be identified in the Project's Request for Tender documents

E3. ENVIRONMENT PROTECTION AUTHORITY

The development is located in a fully allocated water management area for groundwater. Drilling of bores is not permitted unless appropriate approvals are granted by the EPA.

Ponds to be used as temporary sediment and erosion control ponds must not be decommissioned or removed until 80% of the total site has been stabilised following building (dwellings) stage. The ponds must be managed in accordance with the requirements outlined in Environment Protection Guidelines for Construction and Land Management in the ACT, March 2011, for this entire time.

A licence or exemption must be approved by the EPA for taking non-potable water for:

- the purposes of construction or earthworks
- establishing street trees and/or landscaped areas.

E4. ELECTRICAL SUPPLY INFRASTRUCTURE

Multi-unit sites and non-residential use blocks may require on-site substations depending on load and/or timing. These substation shall be within a registered easement and be sited such that all ActewAGL Substation Siting Requirements are fully met. Any easements required to accommodate electricity substations will be registered on the Deposited Plans for the blocks, as required in condition D1.

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, the Estate Development Code, the Crime Prevention Through Environmental Design (CPTED) General Code and the Water Sensitive Urban Design General Code; and
- the relevant precinct code, being the being the Throsby Concept Plan.
- the advice of the Conservator of Flora and Fauna
- advice of the Emergency Services Agency
- the advice of Actew AGL
- comments from ACT Heritage

The key issues identified in the assessment are:

- cross pollination concerns in response to cultivars proposed in the Landscape Master Plan
- undertaking the works to minimise the impacts on the Superb Parrots in the area
- the inclusion of specific species in the Landscape Master Plan to support fauna
- the adequacy of hydrant locations and the rating of hydrants in select areas in the estate
- the adequacy of electrical services in the estate
- the characteristics of some blocks make it difficult to consistently apply the fence related planning controls
- noise impacts on the estate from Horse Park Drive
- protection of heritage items on site
- Development consistent with the requirements of the Gungahlin Strategic Assessment Biodiversity Plan dated September 2011 and subsequent section 211 exemption from requiring an Environmental Impact Statement (EIS).

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

Throsby Concept Plan (Precinct Code)

The proposed estate is consistent with the Throsby Concept Plan. In particular, the indicative subdivision pattern, provision of a for a community facility site, provision of open space areas, the retention of the cultural heritage items, and the internal road network are all consistent with the Concept Plan. The overall dwelling mix and yield across the estate is consistent with the Concept Plan.

Heritage items

Conditions have been imposed requiring certain actions be undertaken to protect the heritage items identified on site.

Tree removals

The design of the estate has responded well to the natural features of the site. High and exceptional quality trees are retained in open spaces spread throughout the estate. The Conservator supported the Tree Management Plans and Protection Strategy submitted with the proposal.

Compliance with the Estate Development Code

The development was assessed against the requirements of the Estate Development Code and is deemed to comply. The estate meets the rule requirement for block compliance.

Gungahlin Strategic Assessment and Section 211 exemption from requiring an EIS.

The site for the proposal was subject to the Gungahlin Strategic Assessment under the

Environment Protection and Biodiversity Conservation (EPBC) Act 1999 (approved 17 July 2013). The proposal was exempted from requiring an EIS under section 211 of the *Planning and Development Act 2007*. The proposal is consistent with the requirements of the Gungahlin Strategic Assessment and subsequent s211 as the area of Throsby under consideration has been identified for residential development. A CEMP has been required as a condition of approval consistent with recommendations outlined in the s211 report.

The decision is consistent with the zone objectives from the Territory Plan for all applicable zones; RZ1 – Suburban Zone, RZ3 – Urban Residential Zone, CFZ – Community Facility Zone, CZ5 – Mixed Use Zone, PRZ1 – Urban Open Space, and the TSZ1 - Transport Zone, NUZ3 – Hills, Ridges, and Buffer

Commonwealth advice

On 17 July 2015 the proposed decision was referred to the Commonwealth Minister responsible for administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) for 10 working days. The decision is consistent with the advice received from the Commonwealth Minister.

Conservator advice – protected matter

In accordance with Section 147A the application was referred to the Conservator of Flora and Fauna on 9 June 2015. The decision is consistent with the advice received from the Conservator of Flora and Fauna on 9 July 2015.

The decision is made with the understanding that conditions imposed by the Commonwealth under the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) must be complied with. Conditions imposed under the EPBC Act are in addition to those listed in this decision.

The Commonwealth decision referenced as the Gungahlin Strategic Assessment Biodiversity Plan (June 2013) applies to the proposed development.

EVIDENCE

Application No. 201527669

File No. 1-2015/09756

The Territory Plan zone – Future Urban Area overlay applies with the following zones indicated: Note the zones shown on the Land Use Plan will apply to the Throsby estate area upon completion of the subdivision).

RZ1 – Suburban Zone

RZ3 – Urban Residential Zone

CFZ – Community Facility Zone

CZ5 – Mixed Use Zone

PRZ1 – Urban Open Space

TSZ1 – Transport Zone

NUZ3 – Hills, Ridges and Buffer

The Development Codes – Estate Development Code, Crime Prevention Through Environmental Design General Code, Water Sensitive Urban Design General Code

The Precinct Codes – Throsby Concept Plan

Current Crown Lease – Volume 1931 Folio 46

Representations - Two representations were received

Entity advice

ACT Health

ActewAGL Gas

ActewAGL Water

ActewAGL Distribution
Conservator of Flora and Fauna
Education and Training Directorate – Planning and Reporting Section
Environment Protection Authority
Emergency Services Agency
Environment and Planning Directorate – Leasing section, ACT Heritage, Major
Projects and Transport, Impact Assessment Team
Territory and Municipal Services
Gungahlin Strategic Assessment – Plan Implementation Team

Advice from the Commonwealth Minister- the draft notice of decision was referred on
17 July 2015. Advice was received on 4 August 2015

PART 3

PUBLIC NOTIFICATION, ENTITY ADVICE & COMMONWEALTH ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the *Planning and Development Act 2007*, the application was publicly notified from 10 June 2015 to 8 July 2015. Two written representations were received during public notification.

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

(a) Increased noise and congestion

Issue: The signalised intersections along Horse Park Drive to accommodate vehicular access to Throsby will stop traffic that is currently free flowing. This will increase traffic noise and traffic congestion. The shape and focus of the estate has changed since the original Concept Plan was released.

Comment: The Gungahlin Strategic Assessment resulted in suburb configuration and traffic flow changes. These have been considered as part of this application.

The signalised intersections and duplication of Horse Park Drive are not part of the development application under consideration. The concerns raised will be assessed as part of separate development applications. The traffic noise impacts on Throsby from Horse Park Drive have been assessed as part of this application.

(b) Screening of adjoining residential properties from Horse Park Drive

Issue: the existing screening between Well Station Drive and Mapleton Avenue along Horse Park Drive will not extend a sufficient distance to screen neighbouring residential properties from the increased traffic.

Comment: The signalised intersections and duplication of Horse Park Drive are not part of the development application under consideration. The matters you have raised will be assessed as part of separate development applications.

The Throsby estate development plan has been assessed against the requirements of the Territory Plan.

(c) Purported DA design gaps

Development in Harrison near Mapleton Drive do not appear to have considered the implications of the impacts from the proposed intersection that will serve both Harrison and Throsby

Comment: The intersections and duplication of Horse Park Drive are not part of the development application under consideration. The matters you have raised will be assessed as part of separate development applications.

The Throsby estate development plan has been assessed against the requirements of the Territory Plan.

(d) Future connection of the estate with equestrian trails

Issue: A memorandum of understanding between the ACT Government and the ACT Equestrian Association has an emphasis on connecting equestrian infrastructure. The memorandum includes reference for the design of new suburbs to consider ways in which horse trails can be extended or improved.

Comment: The MOU is noted. The development application has been assessed against the requirements of the *Planning and Development Act 2007* and the Territory Plan. The Structure Plan and Concept Plan that apply to Throsby make no reference to the requirement for equestrian infrastructure or trails.

A copy of this submission has been provided to the applicant. It is suggested contact be made with the applicant of the estate to discuss this matter further.

(e) Design of Horse Park Drive underpass to facilitate connection of equestrian trails

Comment: The path linkages from Throsby to adjoining areas have been assessed against the requirements of the Territory Plan. The upgrade of Horse Park Drive and underpass is not part of this development application. It is therefore suggested contact be made with the applicant for the future Horse Park Drive upgrade to discuss equestrian related requirements.

(f) Access to trails in Throsby

Provision of infrastructure such as a cavaletti to facilitate equestrian access to shared paths

Comment: As stated above, the Territory Plan codes relevant to this development application do not contain equestrian related requirements. The estate design allows for effective external and internal connections for future users including an extensive shared path network.

The facilitation of access for equestrians may be considered at the detailed design stage. A copy of this submission has been provided to the applicant. It is suggested you discuss this item with the applicant of the estate.

(g) Future Access to Goorooyaroo Nature Reserve

Comment: As required by previous decisions made under the *Environment Protection and Biodiversity Conservation Act 1999 (Cmwth)* and the *Planning and Development Act 2007* the appropriateness of pedestrian access points proposed in the development application from the estate to the adjoining nature reserves were assessed as being appropriate.

The provision of access arrangements for horse riding on vehicular tracks in the adjoining reserve is not a requirement of the above mentioned decisions or Territory Plan Codes applicable to this development application. It is suggested the appropriateness of access such as this be raised with the land manager of the nature reserve.

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

In accordance with Section 147A the application was referred to the Conservator of Flora and Fauna on 6 June 2015.

On 9 July 2015 advice was received from the Conservator of Flora and Fauna in relation to the proposal. The advice states that

- The development will impact on protected matters
- Impacts of the development were considered as part of the Gungahlin Strategic Assessment Process
- The design of the estate has been sensitive to its surrounds and reflects positions previously agreed

- Conditions need to be imposed regarding species and cultivars selected for trees in the estate, and scheduling of bulk earthworks
- Offsets for the development have already been provided as part of the package developed to offset the development of the remaining Greenfield areas in Gungahlin

Matters raised have been incorporated as either conditions of approval or advice. The proposed decision is consistent with the advice received from the Conservator of Flora and Fauna.

On 15 June 2015

The Conservator advised

The overall the Design of Throsby has been sensitive and in line with its location next to the significant Mulligan's Flat – Goorooyarroo woodland complex, and reflects positions previously agreed. The position of gates within the fencing separating the development from the reserves should be regarded as provisional, as gating requirements are likely to change if a Predator Proof Fence is erected along this boundary.

The following should be included as conditions of approval.

1. *The bulk earthworks for Stages 2C, 3A and 3B are to occur outside of the period in which the Superb Parrot is breeding on the nearby Throsby Ridge, and if such works wish to impinge on this time then a monitoring program and adaptive management strategy, agreeable to the Conservator of Flora and Fauna, must be in place.*
2. *Only one cultivar of *Pyrus calleryana* (either "Aristocrat" **or** "Chanticleer" **but not both**) to be utilised in street tree plantings. (This is because *Pyrus calleryana* is already a minor weed within the ACT and capable of becoming more widespread in woodland areas such as Mulligans Flat and Goorooyarroo. A cultivar of this species cannot self-pollinate because of self-incompatibility issues and is thus infertile. However cultivars that derive from seed obtained from different areas, when planted together can cross pollinate and both set viable fruit. It is possible that a different cultivar may be planted in private gardens, and that rootstock on which a cultivar is grafted may sprout and lead to fertilisation, but limiting street trees to one cultivar makes it much less likely that a large seed source will develop within Throsby.*

On 1 July 2015 advice was received from the Conservator regarding the removal and retention of trees. The advice stated the DA had been assessed and the following Conservators advice in accordance with section 82 Tree Protection Act 2005 is provided:

The removal and retention plans as set out in the TREE MANAGEMENT PLAN, SHEET 1, 2, 3, 4, 5, 6, 7 and 8 of 8 are supported.

All construction is to be undertaken in conjunction with the TREE MANAGEMENT PLANS and Tree Protection Strategy as set out in the, Sheets 1, 2, 3, 4, 5, 6, 7 and 8 of 8, , DRAWING NUMBER C13128-TMP.1, PLAN No's. 14.1, 14.2, 14.3, 14.4, 14.5, 14.6, AMEND. F, PLAN No. 14.7, AMEND. C, PLAN No. 14.8, AMEND. D, DATE: 18/2/15 for TREE MANAGEMENT PLAN SHEETS 1, 2, 3, 4, 5, 6, 7 of 8 and 27/4/15 for TREE MANAGEMENT PLAN SHEET 8 OF 8

Note:

1. *Tree numbers 39, 47 and 49 are exceptional quality regulated trees that have been included on the Provisional ACT Tree Register, this has already been taken into account by the proponent and are protected accordingly.*
2. *There is a cultural scar tree number 578 that has been identified and has also protected accordingly.*

There was a proposal to have the developer install signage for the cultural scar tree and provide landscaping in the way of Lomandra and Poa grasses to deter access. You may need to speak with Euroka Gilbert, Heritage Unit in regards to the wording of the signage and how this process will occur.

Assessment note: Matters raised have been incorporated as conditions of approval. The decision is not contrary to the Conservator of Flora and Fauna advice regarding the retention and management of trees.

TERRITORY AND MUNICIPAL SERVICES DIRECTORATE

On 29 June 2015 advice was received from Territory and Municipal Services Directorate in relation to the proposal. The advice states that the proposal is supported with conditions. The conditions relate to the following areas: -

- Design Acceptance and Operational Acceptance
- Temporary Traffic Management Plan
- Landscape Management and Protection Plan
- Use of Verges or other Unleased Territory Land
- Repair of Damage to Public Assets
- Notice of Commencement of Construction

Matters raised have been incorporated as either conditions of approval or advice.

ACT HEALTH

On 26 June 2015 advice was received from ACT Health in relation to the proposal. The advice notes the proponent's response to earlier comments made by ACT Health. The advice also states the rainwater tanks in the estate will need to comply with the *Rainwater Tank Guidelines 2010* and must be clearly labelled.

Assessment note: Matters raised have been incorporated as advice.

GUNGAHLIN STRATEGIC ASSESSMENT – PLAN IMPLEMENTATION TEAM

On 24 June 2015 advice was received from the Plan Implementation Team in relation to the proposal. The advice states the following

Thank you for the opportunity to comment on the Estate Development Plan for Throsby. The Development Application is consistent with the plans previously presented to the Plan Implementation Team for review.

The Strategic Assessment Guide for the preparation of CEMPs specifically requires that development in Throsby that occurs adjacent to areas identified for conservation in the Strategic Assessment include the following:

1. *Construction activities that occur adjacent to the conservation areas must avoid known Superb Parrot nesting trees by not less than 100m during the breeding season (September to February) unless previously approved by the PIT. A construction program is required to be included in the CEMP.*
2. *Construction fencing must be in place to protect these trees prior to construction commencing.*

The Plan Implementation Team is not required to approve this CEMP as work is not anticipated to occur within the conservation areas. It is the responsibility of the proponent to ensure the above two requirements are incorporated into the final CEMP.

There are no additional comments on the proposal.

Assessment note: Matters raised have been incorporated as conditions and advice.

ACT HERITAGE

On 3 July 2015 advice was received from ACT Heritage in relation to the proposal. The advice outlines the history of consultation and heritage related investigations that have occurred on the site.

The advice discusses the identified heritage sites and ongoing management requirement for these items that has previously been identified in Heritage Council advice. The advice also discusses the archaeological investigations and salvage that have occurred to date on the site.

Assessment note: Matters raised have been incorporated as conditions and advice.

GENERAL LEASING – Environment and Planning Directorate

On 25 June 2015 advice was received from General Leasing section in relation to the proposal. The advice discusses the:

- Actions that are required if any community titled blocks are proposed
- Withdrawal of the grazing licence currently issued for part block 718 Gungahlin and Block 733 Gungahlin

Assessment note: No community title blocks are proposed. Advice from Rural Leasing section provided on 28 May 2015 indicates the rural lease has been withdrawn. Matters raised have been incorporated as advice.

IMPACT TEAM – Environment and Planning Directorate

On 6 July 2015 advice was received from Impact Team in relation to the proposal. The advice states:

- The work must comply with the Gungahlin Strategic Assessment Biodiversity Plan and s.211 assessment report for Gungahlin Strategic Assessment area
- A CEMP must be prepared and implemented to control erosion and sedimentation and effects on vegetation
- Management of the additional 300ha to the Mulligan's Flat-Goorooyaroo nature reserve complex must commence prior to commencement of construction in Throsby
- A cat containment policy must be prepared and implemented
- Written advice from the EPA is required regarding the appropriateness of the land for the proposed development

Assessment note: Matters raised have been incorporated as conditions of approval or advice. The requirement relating to the management of the nature reserve was covered under the Strategic Assessment and will therefore be managed under the requirements of that decision.

MAJOR PROJECTS AND TRANSPORT – Environment and Planning Directorate

On 23 June 2015 advice was received from the Major Projects and Transport section of the Environment and Planning Directorate in relation to the proposal. The advice states the noise contours and the submitted noise report are supported.

Assessment note: Matters raised have been included as advice.

EMERGENCY SERVICES AGENCY

On 30 June 2015 advice was received from the Emergency Services Agency in relation to the proposal. The advice outlines and discusses

- Fire station response area
- Water supply requirements within the estate. Roads 50, 53 & 55 appear to have inadequate coverage
- Appropriate species selection for the suburb
- The location of street planting and furniture
- Bushfire protection measures detailed in the Bushfire Risk Assessment and Management Plan 1 & 2
- Management arrangements for the Asset Protection Zones
- The use of gutter guards on future buildings
- Materials and designs for dividing fences

Assessment note: Matters raised have been incorporated as conditions and advice.

EDUCATION AND TRAINING DIRECTORATE

On 30 June 2015 advice was received from the Planning and Reporting section of the Education and Training Directorate (ETD) in relation to the proposal. The advice states ETD supports the proposal and notes a block zoned Community Facility Zoned has been set aside for the potential development of a government school. ETD also advised they are currently evaluating the need for the government school at this location.

Assessment note: Matters raised have been included as and advice.

ACTEW AGL – Water Division

On 18 June 2015 advice was received from ActewAGL Water Division in relation to the proposal. The advice states that the application has been assessed against ACTEW water and sewerage network access and street protection requirements.

The attached plans show the proposed water and sewerage network design has been conditionally approved

Assessment note: Matters raised have been incorporated as advice.

ACTEW AGL - Distribution

On 22 June 2015 advice was received from ActewAGL Distribution in relation to the proposal. The advice states the extension of some electrical trenching arrangements is required in the vicinity of section CA & DG. The advice also outlines a number of electrical distribution network items that will be considered during the detailed design process.

Assessment note: Matters raised have been incorporated as conditions and advice.

JEMENA

On 17 June 2015 advice was received from Jemena in relation to the proposal. The advice states the application has been assessed by ActewAGL and conditionally complies with gas network requirements. The conditions relate to the separation of assets and the requirement for separate approvals for works in the vicinity of the primary pressure gas main.

Assessment note: Matters raised have been incorporated as advice.

ENVIRONMENT PROTECTION AUTHORITY (EPA)

On 9 June 2015 advice was received from the EPA in relation to the proposal. The advice requested further information be provided by the applicant in relation to an unexpected finds protocol.

On 14 July 2015 advice was also received from the EPA in relation to the proposal. The advice outlines and discusses

- The requirement for the Unexpected Finds Protocol (UFP) to be finalised and incorporated in to the CEMP
- Requirement for staff induction
- Requirements for validation reports addressing the suitability of the proposed land uses
- The need to seek waterway works licences, Environmental Authorisation or Environment Protection Agreement
- Endorsement of a pollution control plan
- Use of water on the site including the required licences

Assessment note: Matters raised have been incorporated as conditions and advice.

COMMONWEALTH ADVICE

The proposal was assessed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* for likely significant impacts on matters of national environmental significance. On 20 June 2013, the Gungahlin Strategic Assessment Biodiversity Plan, Final (June 2013) was endorsed under the *Environment Biodiversity and Conservation Protection Act 1999*, and subsequently varied on 19 March 2013. The Throsby residential estate proposal is an approved class of action under the endorsed plan, as defined in the approved decision notice of 17 July 2013.

Pursuant to section 127A of the Act, on 17 July 2015 the proposed decision was referred to the Commonwealth Minister responsible for administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) as it was likely to have a significant adverse environmental impact on a matter protected by the Commonwealth.

Advice was received on 4 August 2015. The advice states the following:

In general, the Department recommends that decisions under the Planning and Development Act 2007 relating to matters of national environmental significance consider responsibilities and any relevant decisions made under the Environment Protection Biodiversity Conservation Act 1999 (EPBC Act).

I note in this case, you consider the proposed development to be an action covered by the EPBC Act Part 10 approval of a class of actions for urban development. This urban development is described in the endorsed Program for the Gungahlin strategic assessment approved on 17 July 2013. Actions that are consistent with the Part 10 approval do not require further assessment or approval under the EPBC Act. Any actions that are not consistent with an existing approval will need to be considered on a case by case basis and referred under the EPBC Act if significant impacts on protected matters are possible or likely.

The final decision is consistent with advice received from the Commonwealth Minister.

PART 4 ADMINISTRATIVE INFORMATION

DATE THAT THIS APPROVAL TAKES EFFECT

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.

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 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 electrically by email to epdcustomerservices@act.gov.au or provided at the customer service centre at 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> <ul style="list-style-type: none"> - list of certifiers for building approval - demolition information - asbestos information <i>Environment Protection Authority</i> <ul style="list-style-type: none"> - environment protection - water resources - asbestos information <i>Conservation, Planning and Research</i> <ul style="list-style-type: none"> - 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 <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 	Website: www.tams.act.gov.au Telephone: 132 281 Telephone for asset acceptance: (02) 6207 7480
Utilities <ul style="list-style-type: none"> - Telstra (networks) - TransACT (networks) - ActewAGL - Electricity reticulation 	Telephone: (02) 8576 9799 Telephone: (02) 6229 8000 Telephone: 1100 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. ActewAGL 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 ACTEW Corporation Limited'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 ACTEW's Water 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	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