

Planning and Development (Approval of Application – 201731411 Removal and Replacement of Two Underground Fuel Storage Tanks Mitchell) Notice 2017

Notifiable instrument NI2017–413

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 – 201731411 Removal and Replacement of Two Underground Fuel Storage Tanks Mitchell) Notice 2017*.

2 Impact track development approval

On 25 July 2017, pursuant to section 162 of the *Planning and Development Act 2007* (the **Act**), the delegate of the planning and land authority approved, subject to conditions, in the impact track, development application 201731411, for the removal and replacement of two underground fuel storage tanks at Block 50, Section 18 Mitchell.

The approval of development application 201731411 is in the schedule.

Note 1 Development application 201731411 was assessed as a concurrent development application with an EIS exemption application (concurrent document) under s 147AA of the Act.

Note 2 Under section 162(2) of the Act, the development application was approved after the concurrent process had been completed. The concurrent process was the assessment of an EIS exemption application under s 211H of the Act. The EIS exemption was granted on 14 July 2017 by the Minister for Planning and Land Management (see NI2017-387).

3 Dictionary

concurrent development application see section 147AA(1) of the Act

concurrent document see section 147AA(1) of the Act.

Dave Pepper
Delegate of the Chief Planning Executive
27 July 2017



ACT
Government

Environment and Planning

Notice of decision

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

Impact track

DA NO: 201731411		DATE LODGED: 7/04/2017
DATE OF DECISION: 25/07/2017		
BLOCK: 50	SECTION: 18	SUBURB: MITCHELL
STREET NO AND NAME: 116 Lysaght Street, Mitchell		
APPLICANT: Canberra Town Planning Pty Ltd Hope Watson		
LESSEE: Ross Di Bartolo Orazia Di Bartolo Salvatore Mario Di Bartolo		

THE DECISION

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

I, *Jonathan Teasdale*, delegate of the planning and land authority, pursuant to section 162 of the Act, hereby **approve subject to conditions** the proposal for;

- **Excavation of two underground storage tanks from service station site;**
- **Soil excavation, stockpiling and management in accordance with the RAP;**
- **Replacement of underground storage tanks with two 30,000L double walled fibreglass tanks;**
- **And associated works;**

in accordance with the plans, drawings and other documents and items submitted with the application 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

Jonathan Teasdale
Delegate of the planning and land authority
Environment and Planning Directorate
25/07/2017

CONTACT OFFICER

Alexanda Adkins
Phone: (02) 6207 9249
Email: Alexanda.adkins@act.gov.au

PART 1

CONDITIONS OF APPROVAL

A. PRIOR TO CONSTRUCTION AND/OR DEMOLITION

Environmental Protection Authority

A1. That prior to the commencement of construction works on site, the following requirements be submitted to and approved by the Environmental Protection Authority:

A hazardous materials survey must be prepared by a suitably qualified consultant.

The Remedial Action Plan (RAP) and Health & Safety Plan are to be reviewed and endorsed by the auditor with a copy of the RAP endorsement provided to the Environment Protection Authority prior to the commencement of remedial works.

B. DURING CONSTRUCTION AND/OR DEMOLITION

The following conditions are required to be implemented and maintained for the duration of any work on the site.

B1. The works must be in accordance with "Environmental Guidelines for Service Station Sites and Hydrocarbon Storage, Environment Protection Authority, January 2014".

B2. Appropriately licensed ACT contractors must be engaged for the removal, transport and disposal of all hazardous materials found on the site.

B3. Any soil disposed of from the site must be in accordance with the requirements of the EPA as detailed in EPA information sheet 4.

B4. All tanks (and related infrastructure) including those previously abandoned on site must be removed in accordance with WorkSafe ACT requirements.

B5. The site and any off-site impacted areas (including groundwater) are to be assessed and remediated (as required) in accordance with the Environment Protection Authority (EPA) Contaminated Sites Environment Protection Policy 2009 and the National Environment Protection (Assessment of Site Contamination) Measure 1999 as amended 2013 by a suitably qualified environmental consultant.

B6. The above assessment and remedial works must be independently audited in accordance with the EPA Contaminated Sites Environment Protection Policy 2009 by an EPA approved contaminated land auditor.

B7. Prior to installation of new infrastructure: The installation of new tanks and infrastructure or any new construction works is not to commence at the site until the EPA has endorsed the final site audit statement or appropriate interim advice from the independent auditor for the site.

B8. Sediment and leachate control measures must be incorporated for any stockpiled material to prevent contaminants entering the stormwater system.

B9. Dust and odour suppression measures must be incorporated as required during the works to minimise impacts on surrounding blocks.

- B10. Any contaminated soil landfarmed on site must be approved by Environment Protection Unit prior to landfarming commencing.

D POST CONSTRUCTION AND/OR DEMOLITION

POST CONSTRUCTION

- D1. Prior to Occupation: a copy of the Auditor's draft site audit report and site audit statement are to be submitted to the Environment Protection Authority (EPA).

E ADVISORY NOTES

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

E1. ACTEWAGL AND ICON WATER

All relevant issues raised in the conditional statement of compliance for electricity, gas, water and sewerage must be addressed accordingly.

E2. ENVIRONMENTAL PROTECTION AUTHORITY

All rain water that enters the pit during a rain storm event would be considered as a sediment control pond and must meet the following conditions.

- No discharge from dam all stormwater must be pumped out and disposed in at an approved location.
- No discharge is allowed to enter the stormwater system.
- Water level must not exceed 20% capacity at all times to allow runoff storage during a rain event.

E3. HEALTH POLICY UNIT

The applicant is advised HPS supports WSP's recommendations that further assessment works to fully describe the extent describe the extent of impact will be required and that further investigation works should include:

- A thorough site history or preliminary site (desktop preliminary site) investigation.
- Soil testing across the greater site area (outside the UPSS replacement works).
- An investigation to assess the potential risks to onsite and offsite human health and environmental receptors.

PART 2

REASONS FOR THE DECISION

The application lodged was a concurrent EIS Exemption and Development Application. The EIS exemption was approved with conditions by the Minister for Planning and Land Management on 14 July 2017 in accordance with section 211 of the *Planning and Development Act 2007*. Conditions from the EIS Exemption have been included in this Notice of Decision.

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

The key issues identified in the assessment are potential pollution of stormwater, inappropriate handling of toxic or hazardous materials leading to a pollution event, emissions of dust or odour during the construction or operations and exposing workers or the environment to potential toxins.

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*.

EVIDENCE

Application No. 201731411

File No.

The Territory Plan zone – IZ1 General Industrial

The Development Codes – Industrial Zones Development Code and Signs General Code.

The Precinct Codes – Mitchell Precinct Map and Code

Exemption from EIS Titled: Caltex Service Station Redevelopment accepted by the Minister on 14 July 2017

Current Crown Lease – Volume 1563 Folio 78

Representations - None

Entity advice – Conservator of Flora and Fauna, TCCS EPA, Emergency Services Commissioner, ICON Water, Actew Electricity and Gas, Health Policy and Heritage.

PART 3

PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 28 April 2017 to 16 June 2017. No written representations were received during public notification.

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 1 May 2017 advice was received from the Conservator of Flora and Fauna in relation to the proposal. The advice states that;

There are no issues of concern with the development on this site. The site is an industrial development and there is no vegetation that may be impacted by the works.

ICON WATER

On 11 May 2017 advice was received from Icon Water in relation to the proposal. The advice states that;

On 3 May 2017 a site inspection had found that a sewer manhole is buried under the north east corner verge (McEachern Pl). As such the proposal failed to comply with ICON water requirements. This is a 24 hr emergency Icon Water access and it has to be maintained as such. Please uncover the manhole and report back to Icon for further inspection.

On 20 June 2017 advice was received from Icon Water in relation to the proposal. The advice states that;

ICON Water assets shall be protected for the duration of the construction works from short term load shedding from construction machinery or vibration and groundwater ingress or infiltration. Any damage to ICON assets resulting from the construction works shall be repaired by ICON Water at the contractor's expense. Access to ICON's assets including sewer structures, manholes, hydrants and valves is to be maintained for the duration of the construction works.

Non domestic liquid waste agreements are to be entered into with ICON Water where non-domestic liquid waste or increased load is planned to be discharged to the sewer network.

Protection of water and sewer networks to be in accordance with the attached checklist.

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

ACTEWAGL GAS

On 12 May 2017 advice was received from Jemena in relation to the proposal. The advice states that;

There are no Gas Networks assets within the vicinity of the development and as such no approval is required.

Assessment note: Matters raised have been incorporated as either conditions of approval or

advice.

ACTEWAGL ELECTRICITY

On 17 May 2017 advice was received from Actew Corporation in relation to the proposal. The advice states that;

The development is to comply with the minimum separation requirements to underground assets. Ref ActewAGL Drawing 3832-018.

Proponent is required to submit an "Application for Electricity Network Connection or Alteration form" to enworks@actewagl.com.au (available on ActewAGL website) prior to commencement of any development activity to negotiate the connection of new and/or relocation of existing electricity assets.

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

EMERGENCY SERVICES COMMISSIONER

On 17 May 2017 advice was received from Emergency Management in relation to the proposal. The advice states that;

ACTF&R is supportive of an S211 Environmental Impact Statement exemption for the Caltex Service Station Mitchell re Tank Removal & Replacement, based on the Remedial Action Plan report and Environmental Site assessment that has been prepared and supplied as supportive documentation. These documents comprehensively cover the possible environmental risks associated with the proposed development during replacement works.

ACTF&R assessed the following application and have no special considerations or objections at this time. We have noted the remediation report and comments on the remediation report supplied as supportive documentation. These documents comprehensively cover the possible environmental risks associated with the proposed development.

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

ENVIRONMENTAL PROTECTION AUTHORITY

On 21 June 2017 advice was received from the EPA in relation to the proposal. The advice states that;

A hazardous materials survey prepared by a suitably qualified consultant in accordance with section 8.1 of the Authority's Hazardous Materials Environment Protection Policy November 2010 must be submitted to and be endorsed by the Environmental Quality Unit prior to works commencing. The survey must identify all potential hazardous materials associated with the alteration of the structure and any residues or wastes remaining within the structure. The survey must identify all hazardous material including fuel tanks, asbestos, lead, PCB containing materials, Synthetic Mineral Fibre (SMF), Ozone Depleting Substances etc. Appropriately ACT licensed contractors must be engaged for the removal, transport and disposal of all hazardous materials found on the site.

Demolition:

All tanks (and related infrastructure) including those previously abandoned on site if applicable must be removed in accordance with WorkSafe ACT requirements. The site and any off-site impacted areas (including groundwater) are to be assessed and remediated (as required) in accordance with the Environment Protection Authority (EPA) Contaminated Sites Environment Protection Policy 2009 and the National Environment Protection (Assessment of Site Contamination) Measure 1999 as amended 2013 by a suitably qualified environmental consultant. The above assessment and remedial works must be independently audited in accordance with the

EPA Contaminated Sites Environment Protection Policy 2009 by an EPA approved contaminated land auditor. The Remedial Action Plan (RAP) and Health & Safety Plan are to be reviewed and endorsed by the auditor with a copy of the RAP endorsement provided to the Environment Protection Authority prior to the commencement of remedial works;

Prior to installation of new infrastructure:

The installation of new tanks and infrastructure or any new construction works is not to commence at the site until the EPA has endorsed the final site audit statement or appropriate interim advice from the independent auditor for the site;

Prior to occupation:

A copy of the Auditor's draft site audit report and site audit statement are to be submitted to the Environment Protection Authority (EPA) for review and comment prior to finalisation of these documents. Prior to reoccupation of the site a copy of the Auditor's site audit report and site audit statement into site suitability or appropriate interim advice from the Auditor must be reviewed and endorsed by the Environment Protection Authority.

General conditions:

Sediment and leachate control measures must be incorporated for any stockpiled material to prevent contaminants entering the stormwater system. Dust and odour suppression measures must be incorporated as required during the works to minimise impacts on surrounding blocks. Any contaminated soil landfarmed on site must be approved by Environment Protection Unit prior to landfarming commencing. Any soil disposed of from the site must be in accordance with the requirements of the EPA as detailed in EPA Information Sheet 4. All works must be carried out in accordance with Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011, available by calling 132281.

Advice:

The design will be required to be in accordance with "Environmental Guidelines for Service Station Sites and Hydrocarbon Storage, Environment Protection Authority, January 2014", available at www.environment.act.gov.au or by calling 132281. All rain water that enters the pit during a rain storm event would be considered as a sediment control pond and must meet the following conditions.

- *No discharge from dam all stormwater must be pumped out and disposed in at an approved location.*
- *No discharge is allowed to enter the stormwater system.*
- *Water level must not exceed 20% capacity at all times to allow runoff storage during a rain event.*

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

HERITAGE

On 5 July 2017 advice was received from ACT Heritage Council in relation to the proposal. The advice states that;

The proposed development is unlikely to diminish the heritage significance of a place or object.

Review of the ACT Heritage Register identifies that no registered or recorded heritage places and objects occur within or in the vicinity of the proposed work area. As works are wholly contained to the existing services station area, it is unlikely that unrecorded heritage places or objects will occur in this area. In this context, the Council considers the proposed development is unlikely to diminish the heritage significance of a place or object and no Heritage Act 2004 is required.

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

HEALTH POLICY UNIT

On 6 July 2017 advice was received from the Executive Director of Health Protection Services in relation to the proposal. The advice states that;

The HPS notes that a Remediation Action Plan (RAP) was prepared by WSP for the works to be conducted at the site in order to obtain an EIS exemption under section 211 of the Planning and Development Act 2007. The applicant is advised HPS supports WSP's recommendations that further assessment works to fully describe the extent describe the extent of impact will be required and that further investigation works should include:

- *A thorough site history or preliminary site (desktop preliminary site) investigation.*
- *Soil testing across the greater site area (outside the UPSS replacement works)*
- *An investigation to assess the potential risks to onsite and offsite human health and environmental receptors.*

The HPS has no other public health concerns regarding the request for an EIS exemption and the redevelopment application.

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

TRANSPORT CANBERRA AND CITY SERVICES DIRECTORATE

On 20 July 2017 advice was received from Transport Canberra and City Services in relation to the proposal. The advice states that;

TCCS acknowledges that adequate studies have been undertaken and sufficient documentation has been prepared to support the application for EIS exemption and that all the proposed works are within the block boundary.

PART 4

ADMINISTRATIVE INFORMATION

DATE THAT THIS APPROVAL TAKES EFFECT

This approval is effective from the day after the date of this notice.

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 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.

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) - IconWater - 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 ACT 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 e-development. 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 Services by Phone: (02) 6207 1923, Email: epdcustomerservices@act.gov.au or on the planning and land authority website at www.planning.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 ACT 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
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ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601	Website: www.courts.act.gov.au Email: tribunal@act.gov.au Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601 Document exchange: DX 5691
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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 EPD 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-għajjuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ако вам је потребна помоћ преводиоца телефонирајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

TRANSLATING AND INTERPRETING SERVICE

131 450

Canberra and District - 24 hours a day, seven days a week