

Planning and Development (Approval of Application – DA201935514 Canberra Brickworks Precinct Access Road and Dudley Street Upgrade) Notice 2019

Notifiable instrument NI 2019–497

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 – DA201935514 Canberra Brickworks Precinct Access Road and Dudley Street Upgrade) Notice 2019*.

2 Impact track development approval

On 30 July 2019, pursuant to section 162 of the *Planning and Development Act 2007* (the **Act**), the planning and land authority approved, subject to conditions, in the impact track, development application 201935514 for Canberra Brickworks Precinct Access Road and Dudley Street Upgrade project at Block 1 Section 127 and Block 3 Section 94 Yarralumla.

The approval of development application 201935514 is in the schedule.

George Cilliers
Delegate of the planning and land authority
31 July 2019



ACT
Government

NOTICE OF DECISION

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

I, Terri-Ann English, delegate of the planning and land authority, pursuant to section 162 of the *Planning and Development Act 2007*, hereby **approve subject to conditions**, the proposal for **construction of a new 130 metre Access Road and a new roundabout intersection on Dudley Street and associated works**, at Block 1 Section 127 and Block 3 Section 94 YARRALUMLA in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number:	DA201935514
Block:	1 and 3
Section:	127 and 94
Suburb:	YARRALUMLA
Address:	Dudley Street
Application lodged:	16 May 2019
Assessment track:	Impact
Approval takes effect:	The day when condition A1 has been satisfied

This decision contains the following information:

- Part A – conditions of approval
- Part B– reasons for the Decision
- Part C – entity advice
- Attachment 1 – administration information

A copy of the development application and this approval may be inspected at the planning and land authority's office from 8.30 am to 4.30 pm, Monday to Friday at 16 Challis Street, Dickson, ACT 2602

Contact:

DA Enquiries

Ph: 6207 6383

Online:

https://www.accesscanberra.act.gov.au/app/forms/epd_feedback

Terri-Ann English

Delegate of the planning and land authority

30 / 07 / 2019

NOTICE OF DECISION

DA 201935514

PART A – CONDITIONS OF APPROVAL

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

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 must lodge with the planning and land authority for information and/ or approval:

- The endorsement of the proposed development from Icon Water; and
- Revised drawings to reflect Icon Water's comments, if required.

PRIOR TO CONSTRUCTION AND/OR DEMOLITION

A2. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

A CEMP must be submitted to (by email: EPDImpact@act.gov.au) and approved by the planning and land authority prior to the commencement of any work on the site. The CEMP must include the commitments made in Section 8 of the Environmental Impact Statement (EIS) exemption application report (AECOM, 24/10/2018) and must include, as a minimum, the following:

- A site specific unexpected finds protocol (UFP) prepared by a suitably qualified environmental consultant to manage potentially contaminated material identified during development of the site;
- Description of measures to protect sensitive vegetation and fauna habitat;
- A biodiversity and rehabilitation management plan;
- A weed management plan;
- An erosion and sediment control plan;
- Plans to minimise potential impacts on the community with a particular focus on keeping the community informed;
- Plan to monitor and report conditions of approval that have arisen from the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) Approval;
- A construction traffic management plan to manage potential traffic and pedestrian impacts associated with construction;
- A construction noise, vibration and lighting management plan to manage noise, vibration and lighting impacts;
- Process of inducting anyone working within the project area; and
- Extra measures to achieve successful rehabilitation of area 'U' identified on the Landscaping Plan Sheet 2 (20-0000-LA-9202).

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.

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A3. PRE-CLEARANCE SURVEY

Pre-clearance surveys must be undertaken by a qualified ecologist prior to commencing any works within the project area. The surveys must:

- Identify and mark out exclusion zones and vegetation/habitat to be retained on site (including threatened ecological communities and habitat); and
- Check for the presence of and record fauna including threatened species, bird nests and arboreal mammals, and translocate where possible.

A4. GOLDEN SUN MOTH HABITAT

Prior to work commencing, a salvage must be made to translocate Golden Sun Moth caterpillars from the work footprint area into neighbouring grassland habitat. This would involve:

- Running rip lines across areas of moderate or higher Golden Sun Moth habitat value to a depth of 10cm;
- Checking for any unearthed caterpillars or caterpillars at the base of grass tussocks;
- Banging a large screwdriver into neighbouring grassland habitat, within the immediate vicinity of favourable food plants; and
- Placing a salvaged caterpillar in the hole created by the screwdriver and covering with dirt.

A5. ENVIRONMENT PROTECTION

- As the site is greater than 0.3 hectares the construction is an activity listed in Schedule 1 as a Class B activity under the *Environment Protection Act 1997*. The contractor/builder developing the site must hold an Environmental Authorisation or enter into an Environment Protection Agreement with the Environment Protection Authority (EPA) in respect of that activity prior to works commencing.

DURING CONSTRUCTION AND/ OR DEMOLITION

A6. HERITAGE PROTECTION

- The section of the former railway alignment within the development area is to be managed in accordance with recommendations in *Access Road and Dudley Street Upgrade-Review of Environmental Factors* (AECOM, 2018);
- During ground disturbance works, a qualified archaeologist must be on site to record the exposed soil profile across the cutting, if this is evident; and
- In the event that Aboriginal places and objects are encountered during construction works, these sites are to be managed in accordance with the project's Unanticipated Discovery Protocol included in *Canberra Brickworks, Yarralumla ACT Stage 1 Aboriginal Cultural Heritage Assessment* (Navin Officer Heritage Consultants, 2014).

A7. HABITAT REMOVAL

- A suitably qualified ecologist must be present during the removal of habitat including felling of woodland and removal of surface rock and debris.

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A8. SOIL DISPOSAL

- All soil subject to disposal from the site must be assessed in accordance with the Environment Protection Authority (EPA) *Information Sheet 4 - Requirements for the Reuse and Disposal of Contaminated Soil in the ACT*;
- No soil is to be disposed from the site without EPA approval.

A9. UNEXPECTED FINDS PROTOCOL

- The UFP endorsed as part of Condition A2 must be implemented during development works at the site.

A10. ENVIRONMENT PROTECTION

- All works must be carried out in accordance with “Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011”, available at www.environment.act.gov.au or by calling 132281.

POST CONSTRUCTION AND/ OR DEMOLITION

A11. SITE AUDIT REPORT

- Prior to the handover of the site subject to the development application for operational purposes the Auditor’s site audit statement and site audit report (or appropriate Auditor interim advice) into the suitability of the area for its proposed and permitted uses must be reviewed and endorsed by the EPA.

A12. HERITAGE PROTECTION

- A report documenting actions listed under Condition A6 must be submitted to the ACT Heritage Council following completion of works.

PART B – 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.

B1. DESIGN OF WATER BODIES

The design and construction of any water bodies, including sedimentation ponds, must minimise the potential for them to become a local mosquito nuisance.

Note: Consideration should be given to Attachment 1- Administrative information relating to notice of decision.

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PART C – REASONS FOR THE DECISION

An EIS exemption was granted for the proposal by the Minister for Planning and Land Management on 4 April 2019, considering that the expected environmental impact of the proposal has been sufficiently addressed. The EIS exemption identified a range of avoidance, mitigation and management measures to reduce potential environmental impacts arising from construction and operational activities. All mitigation measures identified in the EIS exemption have been incorporated into this decision.

In deciding the development application, the authority has considered the zone objectives in conjunction with other requirements of the Territory Plan, such as the relevant codes and Strategic Directions, to achieve a balanced approach in assessing economic, social and environmental impacts. After considering the issues and impacts raised by the development, especially those set out in the representations, the authority is satisfied that the social, environmental and other impacts that may arise from the development are adequately addressed by the conditions imposed.

The decision is made with the understanding that conditions imposed by the Commonwealth Department of the Environment and Energy under the provisions of the EPBC Act must be complied with. Conditions imposed under the EPBC Act are in addition to those listed in this decision. This decision is not inconsistent with the Commonwealth decision.

Majority of the proposal is located within the designated areas. This assessment and decision only relates to works on Territory Land. The application was approved because it was found to meet the relevant rules and criteria of the Territory Plan and section 120 of the *Planning and Development Act 2007*.

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

Development Application:	DA201935514
Territory Plan Zones:	PRZ1 Urban Open Space Zone, PRZ2 Restricted Access Recreation Zone
Development Codes:	Parks and Recreation Zone Development Code
Precinct Code:	Yarralumla District Precinct Map and Code
Legislative requirements:	Sections 119 and 120 of the <i>Planning and Development Act 2007</i>
Entity advice:	ACT Health Protection Service, Deed Management within EPSDD, ACT Heritage Council, Conservator of Flora and Fauna, EPA, ESA, Evoenergy, Icon Water, NCA and TCCS
Other:	EIS exemption (201800023) Canberra Brickworks Precinct Access Road and Dudley Street Upgrade - granted by the Minister of Planning and Land Management on 4 April 2019

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PART D – PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the *Planning and Development Act 2017*, the application was publicly notified from 28 May 2019 to 18 June 2019. Four written representations were received during public notification period.

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

- Novar Street roundabout, Mint Interchange and the Adelaide Ave, Yarra Glen and Cotter Road junction should be upgraded.

Assessment note: These areas are not part of this development and therefore are not included in the assessment. However, the proponent has confirmed that funding to signalise the three intersections along Novar Street was received in the 2019/20 ACT Budget. The proposed works will not constrain future infrastructure works.

- The project should be integrated with the future Mint Interchange, Light Rail stage 2 and the Curtin Horse Paddocks works.

Assessment note: This is not a matter to be considered as part of this development. The proposed works will not constrain future infrastructure works or land development.

- Measures to protect Golden Sun Moth habitat and native temperate grasslands and the proposed scope of rehabilitation are inadequate.

Assessment note: Impacts on Golden Sun Moth habitat and native temperate grasslands and the rehabilitation measures have been assessed and approved by the Commonwealth Department of the Environment and Energy under the EPBC Act and the EIS Exemption under *Planning and Development Act 2007*. A number of conditions have been incorporated into the Commonwealth decision and this notice of decision in relation to this matter.

- Lack of path to directly connect Denman Street to the new bus stops and the proposed bus stops are too far from Canberra Brickworks Precinct.

Assessment note: A path from Dudley Street to Denman Street would impact on Golden Sun Moth habitat and high quality native temperate grassland. The bus stops have been located as close to the roundabout as design specifications allow. Accessibility, among other matters, will be assessed for the Canberra Brickwork Precinct once the application is lodged.

- The traffic analysis does not accurately consider the impact on local traffic.

Assessment note: The upgrade of Dudley Street is required to allow Dudley Street to operate safely and to meet the design requirements for a 'major collector road'. The Traffic and Transport Impact Assessment (AECOM, 2018) states that the improvements to Dudley Street would help alleviate the impacts of increased traffic and the project itself is unlikely to affect the amount of local traffic.

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The proposal and all supporting documents, including the Traffic and Transport Impact Assessment report have been referred to relevant entities, including Transport Canberra and City Services (TCCS) and no concerns were raised in relation to this matter.

- Traffic lights at the intersection of Dudley Street and the new Access Road will be more effective than a roundabout.

Assessment note: Suitability of the proposed roundabout have been assessed and approved by the Traffic Management and Safety Division of Transport Canberra and City Services Directorate (TCCS). The proponent confirmed that a signalised intersection was not considered suitable by TCCS due to the hazardous weaving movement vehicles would be required to undertake from the intersection to the right turn onto Cotter Road.

- A 'wombat crossing' near the intersection of the access road and existing Uriarra Track is a safer option for pedestrians and cyclists.

Assessment note: It is noted that Uriarra Track is not a formal ACT Government path and that a raised crossing would cause additional noise impacts.

This comment has been noted and considered against the requirements of the Territory Plan and advice received from referral entities. The proposal is considered to meet the requirements of the Territory Plan and no further action is required.

- Noise mitigation has been excluded.

Assessment note: Noise impacts have been considered as part of the EIS exemption assessment and this development application. The mitigation measures proposed in the EIS exemption have been incorporated into this notice of decision.

It is understood that the proposed asphalt concrete wearing surface will produce less noise than the current bitumen sealed surface with stone aggregate.

- Loss of parking area used by visitors to the Uniting Church.

Assessment note: This matter is outside the scope of this project and it is noted that the parking space currently used by visitors is not an approved parking area.

- The project should be assessed as part of a Canberra Brickworks Precinct master plan development application

Assessment note: It is an undertaking of the ACT Government to have the access road in place prior to the development of the Canberra Brickworks Precinct so that remediation and construction traffic does not pass through residential streets of Yarralumla.

- Negative impact on the safety, and the amenity, of the forest reserve (including Uriarra Track) for recreational users.

Assessment note: It is noted that the adjacent open space is not a reserve. The access road has been designed to eliminate steep grades and maximise sight distance. The recreational uses of the open space is unlikely to be impacted.

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- Minimise environmental impacts by not widening Dudley Street.

Assessment note: Dudley Street is required to be widened to meet design requirements for a major collector road, to improve traffic safety and to enable access to the proposed Canberra Brickworks Precinct.

- The offset strategy is unacceptable as it falls short of the 100% offset target.

Assessment note: On 27 February 2019, the Commonwealth Department of the Environment and Energy approved the project subject to conditions. To compensate for the loss of Golden Sun Moth habitat and native temperate grasslands, the proponent is required to provide offsets under the EPBC Act approval. The Commonwealth has confirmed and approved the adequacy of the offset area, including the remediation and plan of management.

- Confusion over whether Dudley Street is a Minor or Major Collector Road.

Assessment note: The classification of roads in the ACT is based on a formal road hierarchy. The classification fundamentally relates to the predominant function of a road and to the extent it serves the two basic purposes of the road network – the movement of traffic and access to property. The existing traffic volumes prescribe that Dudley Street is a major collector road.

ENTITY ADVICE

Pursuant to Division 7.3.3 of the *Planning and Development Act*, the application was referred to the below entities. Where an entity requested conditions to be imposed on this development, those conditions have been incorporated into Part A of this Decision. A summary of entity comments can be found below.

1. Transport Canberra and City Services (TCCS)

On 21 June 2019 advice was received from TCCS in relation to the proposal. The advice states that the proposal is supported.

Assessment note: No action is required in relation to this advice.

2. Icon Water

On 23 May 2019 advice was received from Icon Water in relation to the proposal. The advice states that the application has been assessed and fails to comply with Icon Water's water and sewerage network protection.

Assessment note: A condition has been incorporated into the notice of decision to ensure that Icon Water's endorsement is provided prior to the approval takes effect.

3. Environment Protection Authority (EPA)

On 12 June 2019 advice was received from the EPA in relation to the proposal. The advice states that the project is supported subject to the following conditions:

- A site specific UFP must be prepared by a suitably qualified environmental consultant to manage potentially contaminated material identified during development of the site. The UFP must be implemented during development works on the site.

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- All soil subject to disposal from the site must be assessed in accordance with EPA *Information Sheet 4 - Requirements for the Reuse and Disposal of Contaminated Soil in the ACT*;
- No soil is to be disposed from site without EPA approval.

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

4. Conservator of Flora and Fauna

On 24 May 2019 advice was received from the Conservator in relation to the proposal. The advice states that the project is supported subject to the following conditions:

Pre-clearance survey must be undertaken prior to commencing any works within the project area. The surveys will:

- identify and mark out exclusion zones and vegetation/habitat to be retained on site (including threatened ecological communities and habitat)
- check for the presence of and record fauna including threatened species; bird nests and arboreal mammals, and translocate where possible.

A suitably qualified ecologist must be present during the removal of habitat including felling of woodland and removal of surface rock and debris.

A CEMP to be produced for the proposal prior to work commencing. Once this document is submitted more detailed comments will be provided. The CEMP will need to include:

- A rehabilitation plan including weed management; and
- Extra measures required for the successful rehabilitation of area 'U'. (Note: This area is relatively low in the landscape, appears to be nutrient rich and will likely require stripping back and removal of the existing top soil).

Please note that the landscape plan covers the agreed work footprint and marks most the area for rehabilitation with native grasses.

Prior to work commencing, a salvage attempt should be made to translocate Golden Sun Moth caterpillars from the work footprint area into neighbouring grassland habitat. This would involve:

- Running rip lines across areas of moderate or higher Golden Sun Moth habitat value to a depth of 10cm,
- Checking for any unearthed caterpillars or caterpillars at the base of grass tussocks,
- Banging a large screwdriver into neighbouring grassland habitat, within the immediate vicinity of favourable food plants
- Placing a salvaged caterpillar in the hole created by the screwdriver and covering with dirt.

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

5. ACT Health

On 4 June 2019 advice was received from ACT Health in relation to the proposal. The advice states that ACT Health supports EPA's conditions noted in the Contamination Due Diligence Assessment (AECOM, dated 27 July 2017) that:

- The site be managed in accordance with the contaminant management plan;

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- All future assessments and remedial work be subject to an independent site audit; and
- A site audit statement must be reviewed and approved by the EPA prior to the site being used for any other use.

The applicant is also advised that:

- ACT Health supports AECOM's recommendation that construction works associated with the proposed project should be covered by a Construction Environmental Management Plan, which should include an Unexpected Finds Protocol to be implemented if indicators of contamination are encountered; and
- The design and construction of any water bodies, including sedimentation ponds, must minimise the potential for them to become a local mosquito nuisance. The applicant is advised to contact the HPS for further information.

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

6. National Capital Authority (NCA)

On 30 May 2019 advice was received from NCA in relation to the proposal. The advice states that Block 3 Section 94 is adjacent to a Main Avenue and is subject to Special Requirements under Section 4.23 of the National Capital Plan.

The NCA has no objections to the proposed road. The section of works located within the NCA's Designated Area has been lodged as a Works Approval application which was approved by the NCA.

Assessment note: No action is required in relation to this advice.

7. ACT Emergency Services Agency (ESA)

On 12 June 2019 advice was received from ESA in relation to the proposal. The advice states that ESA has no comments or objections.

Assessment note: No action is required in relation to this advice.

8. Deed Management, Environmental, Planning and Sustainable Development Directorate (EPSDD)

On 30 May 2019 advice was received from Deed Management in relation to the proposal. The advice states that Deed Management has no comments.

Assessment note: No action is required in relation to this advice.

9. Evoenergy

On 11 June 2019 advice was received from Evoenergy in relation to the proposal. The advice states that the application conditionally complies with Evoenergy's Electricity Networks requirements.

Assessment note: The stamped plans together with a conditional statement of compliance will be dispatched with the notice of approval.

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10. ACT Heritage Council

On 12 June 2019 advice was received from the ACT Heritage Council in relation to the proposal. The advice states that the proposed development is unlikely to diminish the heritage significance of places or objects, subject to the below conditions:

- The section of the former railway alignment within the development area is to be managed in accordance with AECOM (2018) recommendations; and
- In the event that Aboriginal places and objects are encountered during construction works, these sites are to be managed in accordance with the project's Unanticipated Discovery Protocol (Navin Officer Heritage Consultants 2014).

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

Translation and interpretation services

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

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

ATTACHMENT 1 - ADMINISTRATIVE INFORMATION RELATING TO NOTICE OF DECISION.

Submission of revised drawings or documentation

If a condition of approval requires the applicant to lodge revised drawings and / or documentation with the planning and land authority for approval under section 165 of the *Planning and Development Act 2007*, the submission must be made by completing an application in e-development.

DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise this approval takes effect 20 working days after the day this notice of decision is given to every person who made a representation on the application. The effective date for development applications approved subject conditions could also be adjusted if the approval is reconsidered by the planning and land authority or if an application is made to the ACT Civil and Administrative Tribunal.

Pursuant to section 184 of the Act, this approval will expire if:

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

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.

Reconsideration of the Decision

If the applicant is not satisfied with the decision made by the planning and land authority, they are entitled to apply to the planning and land authority for reconsideration within 20 working days of being told of this decision under section 191 of the *Planning and Development Act 2007*. A longer timeframe may apply only if granted in writing by the planning and land authority under section 184 of the *Planning and Development Act 2007*.

Other approvals

A notice of decision grants development approval only. Other approvals may be required, including:

1. Building Approval

Most building work requires building approval to ensure it complies with building laws such as the Building Code of Australia. The lessee should engage a private building certifier to determine whether building approval is required and assess and approve

the building plans before construction commences. A list of certifiers can be obtained from the [Environment, Planning and Sustainable Development Directorate](#).

2. 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.

3. 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.

4. Works on unleased Territory Land

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, Transport Canberra and City Services Directorate by way of:

- (a) a certificate of design acceptance prior to the commencement of any work; and
- (b) a certificate of operational acceptance on completion of all works to be handed over to TCCS.

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.

Review by the ACT Civil and Administrative Tribunal (ACAT)

- 1. Decisions that are reviewable by the ACAT are identified in Schedule 1 of the *Planning and Development Act 2007*, except for matters that are exempted under Schedule 3 of the *Planning and Development Regulations 2008* (matters exempt from third party review).
- 2. The notice of decision and this advice has been sent to all people who made a representation in relation to the application.
- 3. The ACAT is an independent body. It can review a large number of decisions made by ACT Government ministers, officials and statutory authorities on their merits. The ACAT can agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with ACAT recommendations.

4. If you think you have a right of appeal, you may apply for a review. Application forms can be obtained from the ACAT. You can also download the form from the ACT Legislation Register.
5. 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.
6. 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*).
7. 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 Director General, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. Ask the ACAT for more details.
8. 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.
9. The following organisations may be able provide you with advice and assistance if you are eligible:
 - ACT Attorney-General, write to the Director General, Justice and Community Safety Directorate, GPO Box 158, CANBERRA, ACT, 2601
 - the ACT Legal Aid Office, telephone 1300 654 314
 - ACT Council of the Ageing, telephone 02 6154 9740
 - Welfare Rights Centre, telephone 1800 226 028
 - Environmental Defender's Office (ACT), telephone 02 6243 3460.
10. 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.
11. 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.

12. 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.

Contact details for relevant agencies

ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601 GPO Box 370, CANBERRA, ACT, 2601	www.acat.act.gov.au tribunal@act.gov.au 02 6207 1740 02 6205 4855
Health Directorate	www.health.act.gov.au 02 6205 1700
Environment, Planning and Sustainable Development 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 	www.planning.act.gov.au 02 6207 1923 www.environment.act.gov.au 02 6207 6251 www.environment.act.gov.au 02 6207 1911
Transport Canberra and City Services <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 	www.tccs.gov.au 132 281 02 6207 7480 (asset acceptance)
Utilities <ul style="list-style-type: none"> - Telstra (networks) - TransACT (networks) - Icon Water - Electricity reticulation 	02 8576 9799 02 6229 8000 02 6248 3111 02 6293 5738

Translation and interpretation services

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

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