

Planning and Development Act 2007

Development Application

Application Number: **201833601**

Before Starting

PLEASE NOTE: This wizard will time out if left inactive for a period of more than two hours, after which time you will lose your application and be required to complete a new wizard. It is recommended you **save** this session if it is to be left inactive for an extended period of time.

Please ensure that your screen is set to the highest resolution (e.g. 1280 by 1024 pixels) to ensure all content in the wizard is visible.

Type of Application

The type of application you are applying for is a **New Application**

Are you applying for a:

Development Application

Has a pre-application meeting been held in relation to this proposal?

No

Lease/Site Details

Site Number: 1

If your rural property is identified by a Block/Section/Suburb, please select the "Urban" radio button.

Urban

Suburb

Section

Block Number

Unit Number

Street Address

Applicant Details

What type of applicant are you:

Non-business (individual)

Salutation	First Name	Surname	
None	Jim	Madaffari	
Postal Address 1		Postal Address 2	
Po Box 1381			
Postal Address 3			
Suburb	State/Territory	Postcode	Country
Dickson	ACT	2602	Australia
Phone Number	Fax Number	Mobile Number	
0413600514			
Email			
jim@oztal.com.au			

Lessee (Property Owners) Details

Lessee Number: 1

Is the Lessee a:

Standard lessee

Salutation	First Name	Surname	
None	Melissa	Beban	
Postal Address 1		Postal Address 2	
56 redruth street			
Postal Address 3			
Suburb	State/Territory	Postcode	Country
crace	ACT	2911	Australia
Phone Number	Fax Number	Mobile Number	
0433376923		0433376923	
Email			
melbebs@gmail.com			

Lessee Number: 2

Is the Lessee a:

Standard lessee

Salutation	First Name	Surname	
<input type="text" value="None"/>	<input type="text" value="louis"/>	<input type="text" value="purcell"/>	
Postal Address 1		Postal Address 2	
<input type="text" value="56 redruth street"/>		<input type="text"/>	
Postal Address 3			
<input type="text"/>			
Suburb	State/Territory	Postcode	Country
<input type="text" value="crace"/>	<input type="text" value="ACT"/>	<input type="text" value="2911"/>	<input type="text" value="Australia"/>
Phone Number	Fax Number	Mobile Number	
<input type="text" value="0431415965"/>	<input type="text"/>	<input type="text" value="0431415965"/>	
Email			
<input type="text" value="louiepurcell1990@gmail.com"/>			

Notice of Decision and Plans

Please specify the delivery method for the return of plans. Unless otherwise specified, your Notice of Decision and/or plans will be returned via email.

Email

Are you applying for an *Estate Development Plan* OR *Home Business*?

No

Zone

Please specify which zone applies to this application (please select one zone only). Please click [here](#) to access ACTMAPi and locate the zone.

RZ2 Suburban core zone

If more than one zone is applicable to your application, please specify them below:

Development/Precinct Code

Please specify which development code applies to this application.

Residential zones - Multi-Unit Housing Development Code

Please specify all relevant precinct code/s applied to your proposal
Macquarie Precinct

Loose-Fill Asbestos

Is this a loose-fill asbestos affected ("Mr Fluffy") block?

Yes

Fully Describe Your Proposal

Please provide a full description of your proposal (Note: This must accurately describe all aspects of your proposal and include any lease changes being applied for.)

Proposed construction of 2 new two storey residence with double garages

Proposed Use of the Land

Describe the use of the development. **Example:** Residential use for a maximum of 7 residential units. (Note: Please refer to the Territory Plan definitions for land use definitions. Please also consider what is permitted under any Crown Lease for the site.)

Residential use for a maximum of 2 residential units

Is the proposed use consistent with the current Crown lease?

Yes

Assessment Track

Please indicate which assessment track applies to this Development Application: (If you are not sure which assessment track applies, please contact Environment, Planning and Sustainable Development Directorate on (02)62071923)

Merit

For more information about which track your development application will be assessed in, please click [here](#). *Please note, the Environment, Planning and Sustainable Development Directorate may refuse to accept a development application made in an incorrect assessment track. If the Environment, Planning and Sustainable Development Directorate assesses an application made in the incorrect assessment track it must refuse the application (S.114 (3)).*

Type of Development

Please indicate which type of development applies to this development application.

Multiple Dwelling

Multiple Dwelling

Please select a Multiple Dwelling sub type:

New Development

Number of new dwellings to be constructed

Total number of Dwellings on the block

Does your proposal involve work on a Dual Occupancy development?

No

Community Consultation Summary

Is this proposal -

A building for residential use with 3 or more storeys and 15 or more dwellings?

No

A building with a gross floor area of more than 5000m²?

No

A building or structure more than 25m above finished ground level?

No

A variation of a lease to remove its concessional status?

No

Please Note A development application cannot be lodged if the development proposal meets one of the triggers and the application does not include the pre-DA lodgement community consultation form.

Gross Floor Area (GFA) and Cost of Works

Please ensure that all values contain a decimal point followed by two digits

Gross Floor Area Calculation

A - Gross Floor Area (existing) (m²)

B - Gross Floor Area to be demolished (m²)

C - Gross Floor Area to be added (m²)

D - Total Gross Floor Area of development (A-B+C)(m²)

E - COST OF WORKS (\$)

Other Area Calculation (not already included in the areas provided above)

F - Area of other BCA Class 10 structures included in this application
(e.g. metal carport, pergola, deck, verandah) (m²)

G - Parking areas – undercover

H - COST OF WORKS (F & G) (\$)

Cost of Associated Works

I - Cost of all associated works such as landscaping (\$)

J - Cost of all public works and/or off site works (\$)

K - TOTAL COST OF WORKS (E+H+I+J)

Cost of works **MUST be calculated in accordance with the current version of [Building \(General\) \(Cost of Building Work\) Determination](#) OR a summary of costs from a bill of quantities prepared by a quantity surveyor supplied with application. A summary of costs from a bill of quantities MAY be requested for proposals where cost of work is between \$0 and \$10 million. A summary of costs from a bill of quantities **MUST** be provided for proposals where cost of work is over \$10 million.*

Demolition, Trees, Waste Management

Demolition

Is the [Demolition](#) item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for [referral](#) to Entity?

Yes

Trees

"Protected tree" is defined under the [Tree Protection Act 2005](#).

In accordance with section 148 of the [Planning and Development Act 2007](#), where the development proposal requires groundwork within the tree protection zone of a protected tree, or is likely to cause damage to or removal of, any protected trees, the application is to be accompanied by a Tree Management Plan

For more information about urban tree protection in the ACT, please click [here](#).

Is the Trees item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for [referral](#) to Entity?

Yes

Waste Management

NOTE: Only relevant for single dwelling housing where the development will generate a total of 20 cubic metres or greater of demolition and/or excavation waste

Is the Waste Management item relevant to your proposal?

No

Heritage

Heritage

Is the [Heritage](#) item relevant to your proposal?

No

Hazardous Materials, Contamination, Erosion and Sediment Control

Hazardous Material

Is the [Hazardous Materials](#) item relevant to your proposal?

No

Contamination

Is the [Contamination](#) item relevant to your proposal?

No

Erosion and Sediment Control (for sites less than 0.3 of a hectare)

Is the Erosion and Sediment Control (for sites less than 0.3 of a hectare) item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for *referral* to Entity?

Yes

For works such as class 10 structures, additions and alterations, and backyard swimming pools - a note on the plan that "the development will comply with the ACT Environment Protection Authority, Environment Protection Guidelines for Construction and Land Development in the ACT" is required. In circumstances where there is a reasonable risk that soil from the required earth works in the front of the block will impact on the stormwater system because the block slopes towards the street a separate Erosion & Sediment Control Plan will be required

Erosion and Sediment Control (for sites greater than 0.3 of a hectare)

Is the Erosion and Sediment Control (for sites greater than 0.3 of a hectare) item relevant to your proposal?

No

Servicing & Site Management, Utilities

Servicing and Site Management

Is the Servicing and Site Management item relevant to your proposal?

No

Utilities

Is the *Utilities* item relevant to your proposal?

Yes

Please tick the relevant entities

Water

Electricity

Sewerage

Gas

Stormwater

Have you provided Entity Endorsement?

No

Have you provided required documentation for *referral* to Entity?

Yes

Subdivision (residential zones)

Subdivision (residential zones)

Is the Subdivision (residential zones) item relevant to your proposal?

No

National Capital Plan, Crime Prevention, Access & Mobility, Traffic Generation

National Capital Plan

Is the *National Capital Plan* item relevant to your proposal?

No

Crime Prevention through Environmental Design

Is the *Crime Prevention* item relevant to your proposal?

No

Access and Mobility

Is the Access and Mobility item relevant to your proposal?

No

Traffic Generation

Is the Traffic Generation item relevant to your proposal?

No

Parking

Parking (car)

Is the *Parking (car)* item relevant to your proposal?

No

Parking (bicycle)

Is the *Parking (bicycle)* item relevant to your proposal?

No

Signs, Neighbourhood Plans, Water Sensitive Urban Design

Signs

Is the *Signs* item relevant to your proposal?

No

Neighbourhood Plans

Is the [Neighbourhood Plans](#) item relevant to your proposal?

No

Water Sensitive Urban Design (Mains Water Consumption)

Is the Water Sensitive Urban Design (Mains Water Consumption) item relevant to your proposal?

Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the [Territory Plan](#)?

Yes

Water Sensitive Urban Design (Stormwater Quality)

Is the Water Sensitive Urban Design (Stormwater Quality) item relevant to your proposal?

No

Water Sensitive Urban Design

Water Sensitive Urban Design (Stormwater Quantity)

Is the Water Sensitive Urban Design (Stormwater Quantity) item relevant to your application?

No

Driveways (For works on verge only)

PLEASE NOTE: For proposals that include construction or modification of a driveway this application **MUST** be signed by the land custodian (Government Land Custodian - Asset Acceptance) as the works will be undertaken on unleased land **EXCEPT FOR DUAL OCCUPANCY DEVELOPMENT PROPOSALS**. For more information on driveways, garages and carports, please click [here](#).

Does your proposal include construction or modification of driveway/s?

Yes

Please indicate the works to be undertaken

Construction of new driveway

Survey Requirements - S.139(2)(l) - P & D Act 2007

If this application is for approval of a development that requires construction work to be carried out on land that has previously been developed and is not leased for rural purposes, a survey certificate for the land where the development is to be carried out (prepared and signed by a registered surveyor) must accompany this application unless exempt by Regulation 25 of the [Planning and Development Regulations 2008](#)

Do you have a [survey certificate](#) with this application?

Yes

Development Undertaken Without Approval - S.205 - P & D Act 2007

Is this application for development undertaken without approval?

No

*If YES - Under Section 139(2)(m) of the Planning and Development Act 2007, plans of the development signed by a registered surveyor confirming the location and dimensions of the development **must** be submitted with this application. The plans need to confirm the height, width and length dimensions of the development and the setback dimensions of the development from the block boundaries. The information may be provided on one plan or on a series of plans provided each plan is signed by a registered surveyor. Note: For all unapproved development involving construction the location and nature of earthworks, utility connections, proposed buildings, pavements and landscape features must comply with utility standards, access provisions and asset clearance zones. For more information on development exempt from approval, please click [here](#). For more information on development applications for developments undertaken without approval, please refer to S205 under the [Planning and Development Act 2007](#)*

Exclusion from Public Inspection

In accordance with the requirements of Sections 28 and 30 of the [Planning and Development Act 2007](#), the Environment, Planning and Sustainable Development Directorate must make the details and associated documents relevant to a development application available for public inspection.

If you wish to apply to have all or part of this development application excluded from public inspection, you must meet the requirements of Section 411(5) or 412(1) of the Planning and Development Act 2007

Are you requesting an exclusion from [Public Inspection](#)?

No

Conflict of Interest Declaration

Does the applicant or the lessee have any association with the Environment, Planning and Sustainable Development Directorate staff?

No

NOTE: There are penalties for deliberately giving false and misleading information. The Planning and Land Authority or Minister may revoke an approval if satisfied that the approval was obtained by fraud or misrepresentation

Applicant/Lessee Declaration

I/we hereby apply for approval to carry out the development described on the land specified in this application;

I/we declare that this application is accompanied by all of the required information or documents that address the relevant rules and/or relevant criteria for it to be considered for approval;

I/we understand that the information submitted with this application form will undergo a documentation check prior to the payment of fees and formal lodgement of the application. Further information may be required prior to the acceptance of the development application by the Authority;

I /we understand that this application will be considered lodged once the relevant application fees have been paid;

I/we understand that if during the assessment of this application it is found to have been submitted in the incorrect assessment track the application will be refused and I/we will not be entitled to a refund or transfer of fees;

I/we understand that the documentation provided on CD/DVD or via the electronic lodgement process will be considered to be the relevant documentation associated with this application. All development application documentation will be made available for *public inspection* including via the Internet unless exclusion has been approved;

If the time for deciding the application (prescribed period) has ended and a decision has not been reached I/we understand that the application will be deemed refused and the Environment, Planning and Sustainable Development Directorate will not provide written advice of this decision. I/we also understand that the Environment, Planning and Sustainable Development Directorate is able to still consider the application and make a decision after the expiration of the prescribed period;

I/we hereby authorise the Environment, Planning and Sustainable Development Directorate its servants and agents to erect sign/s on the subject property(s) as required;

I/we hereby authorise ACT Government officers to access the subject property(s) for the purpose of evaluating the proposal(including the inspection of driveways and trees);

I/we (lessee) appoint the applicant whose signature appears in the attached *letter of appointment* to act on my/our behalf in relation to this Development Application. This authorises the applicant to pay all application fees, bonds and securities, liaise with the Environment, Planning and Sustainable Development Directorate when required, alter, amend or provide further information as necessary and receive any communications relating to this Development Application;

I understand that costs associated with the relocation of any engineering services (light poles, storm water, sumps etc) will be at my expense and that I will indemnify the ACT Government, its servants and agents against any claims arising during the relocation of these services;

I understand that construction of any driveway associated with this application may not commence until the contractor has received endorsement by the relevant government entity;

I understand that a Certificate of Design Acceptance and a Road Opening Permit and Temporary Management Plan must be obtained from the relevant government agencies prior to the start of construction works;

I/we declare that all the information given on this form and its attachments is true and complete;

If lodging on behalf of a company, organisation or Government agency: -

I/we declare I/we have the appropriate delegation or authority to sign on behalf of the company, organisation or Government agency;

I declare that I am the person shown in this eDA form as the Applicant, and by clicking the ACCEPT button below I understand that this replaces my requirement to sign a hard copy of this application.

I accept the above declarations

Accept

Acceptance Date

27 Mar 2018

Before Submitting

You have almost completed the first stage of your Development Application/Pre-Application request. **PLEASE ENSURE YOUR WIZARD SESSION IS SAVED BEFORE PROCEEDING.** This will enable you to resume your session in the event of a system outage or other interruption.

When you click on Finish below, you will be navigated to a new page which will enable you to upload any associated plans/documents prior to submitting to EPSDD for review.

Development applications (DAs) can be delayed unnecessarily because EPSDD does not have all the information it needs to undertake an assessment and make a decision.

To avoid delays ensure all required sections of the wizard are answered correctly and all required documentation is uploaded. In particular:

1. A signed appointment letter from all lessee's must be provided if works are to performed on the verge, a signed endorsement letter must be provided by the relevant Government Custodian;
2. Public register plans for residential applications are included;
3. You **MUST** include a statement against the criteria for development applications that will be assessed in the Merit track;
4. If the application is for a single unit on a unit titled block body corporate authorisation is required if there is works on a common property

If you are still not sure how to proceed or want to ensure you have everything you need for your application, you can visit the EPSDD Customer Service Centre, 16 Challis Street, Dickson, or call us on 6207 1923 and ask to speak with a technical officer.

Privacy Notice

The personal information on this form is provided to the Environment, Planning and Sustainable Development Directorate (EPSDD) to enable the processing of your application. The collection of personal information is authorised by the Planning and Development Act 2007. If all or some of the personal information is not collected EPSDD cannot process your application. The Planning and Development Act 2007 requires the details of applications, decisions and orders to be kept on a register and made available for public inspection. Information and documentation relevant to a development application may be made available via the Internet. The personal information you provide may be disclosed to Australian Bureau of Statistics, ACT Revenue Office, the Registrar General's Office, ACTEW Corporation, ActewAGL, Territory and Municipal Services Directorate and other Government agencies with a direct interest in the development assessment process. The information may also be disclosed where authorised by law or court order, or where the Directorate reasonably believes that the use or disclosure of the information is reasonably necessary for enforcement-related activities conducted by, or on behalf of, an enforcement body. EPSDD's Information Privacy Policy contains information about how you may access or seek to correct your personal information held by EPSDD, and how you may complain about an alleged breach of the Territory Privacy Principles. The EPSDD Information Privacy Policy can be found at www.environment.act.gov.au

Does the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC) affect your proposal?

The EPBC came into operation on 16 July 2000. It establishes an environmental assessment and approval system that is separate and distinct from the ACT system. It does not affect the validity of ACT development assessment and approval processes, but may affect the assessment track. The ACT cannot provide preliminary advice on whether a proposal falls within the definition of a controlled action, or requires referral to the Commonwealth. You should consult with the Commonwealth to determine if your proposal is a controlled action before seeking any approvals under the Planning and Development Act 2007. For information about the EPBC, including the referral process and when a referral should be made, contact: the Department of Sustainability, Environment, Water, Population and Communities, GPO Box 787, CANBERRA ACT 2601
Telephone: 62741111

Contact Details: Environment, Planning and Sustainable Development Directorate Customer Service Centre GPO Box 158, Canberra City 2601 16 Challis Street, Dickson ACT 2602
Business Hours: 8.30am to 4.30pm weekdays (excluding Public Holidays) Phone: (02) 6207 1923
Email: epdcustomerservices@act.gov.au Website: www.environment.act.gov.au

Planning and Development Act 2007

Development Application

Application Number: **201833601S144B**

Type of Application

The type of application you are applying for is a S144 Amendment

Lease/Site Details

Site Number: 1

Suburb	Section	Block Number	Unit Number
MACQUARIE	9	32	
Street Address			
MACQUARIE			

Applicant Details

Salutation	First Name	Surname	
None	Jim	Madaffari	
Postal Address 1		Postal Address 2	
Po Box 1381			
Postal Address 3			
Suburb	State/Territory	Postcode	Country
Dickson	ACT	2602	Australia
Phone Number	Fax Number	Mobile Number	
0413600514			
Email			
jim@oztal.com.au			

Lessee (Property Owners) Details

Lessee Number: 1

Is the Lessee a

 Standard

Salutation	First Name	Surname	
<input type="text" value="None"/>	<input type="text" value="Melissa"/>	<input type="text" value="Beban"/>	
Postal Address 1	Postal Address 2		
<input type="text" value="56 redruth street"/>	<input type="text"/>		
Postal Address 3	<input type="text"/>		
Suburb	State/Territory	Postcode	Country
<input type="text" value="crace"/>	<input type="text" value="ACT"/>	<input type="text" value="2911"/>	<input type="text" value="Australia"/>
Phone Number	Fax Number	Mobile Number	
<input type="text" value="0433376923"/>	<input type="text"/>	<input type="text" value="0433376923"/>	
Email	<input type="text" value="melbebs@gmail.com"/>		

Lessee Number: 2

Is the Lessee a

- Standard

Salutation	First Name	Surname	
<input type="text" value="None"/>	<input type="text" value="louis"/>	<input type="text" value="purcell"/>	
Postal Address 1	Postal Address 2		
<input type="text" value="56 redruth street"/>	<input type="text"/>		
Postal Address 3	<input type="text"/>		
Suburb	State/Territory	Postcode	Country
<input type="text" value="crace"/>	<input type="text" value="ACT"/>	<input type="text" value="2911"/>	<input type="text" value="Australia"/>
Phone Number	Fax Number	Mobile Number	
<input type="text" value="0431415965"/>	<input type="text"/>	<input type="text" value="0431415965"/>	
Email	<input type="text" value="louiepurcell1990@gmail.com"/>		

Type of Application

Will the development applied for after the amendment be substantially the same as the development applied for originally?

- Yes
- No

Will the assessment track for the application change if the application is amended?

- Yes
- No

List Amendments Being Satisfied

- 1.shadow diagrams added
- 2.tree management plan shown
- 3.FFL reduced and roof truss design altered

Entity and/or Referral Requirements

Do the amendments to your proposal impact on entity requirements?

- Yes
 No

Applicant Declaration

I/we declare that this application is accompanied by all of the required information or documents that address the relevant rules and/or relevant criteria for it to be considered for approval;

I /we understand that this application will be considered lodged once any relevant application fees have been paid;

I/we understand that the documentation provided on CD/DVD or via the electronic lodgment process will be considered to be the relevant documentation associated with this application. All development application documentation will be made available for public inspection including via the Internet unless exclusion has been approved;I/we understand that an amendment may be notified in accordance with the requirements of the Planning and Development Act 2007.

I/we declare that all the information given on this form and its attachments is true and complete;

If signing on behalf of a company, organisation or Government agency: -

I/we the undersigned, declare I/we have the appropriate delegation or authority to sign on behalf of the company, organisation or Government agency.

I accept the above declarations:

- Accept

Acceptance Date

23/07/2018

Planning and Development Act 2007

Development Application

Application Number: **201833601S165C**

Type of Application

The type of application you are applying for is a S165 Amendment

Lease/Site Details

Site Number: 1

Suburb	Section	Block Number	Unit Number
MACQUARIE	9	32	
Street Address			
MACQUARIE			

Applicant Details

Salutation	First Name	Surname	
None	Jim	Madaffari	
Postal Address 1	Postal Address 2		
Po Box 1381			
Postal Address 3			
Suburb	State/Territory	Postcode	Country
Dickson	ACT	2602	Australia
Phone Number	Fax Number	Mobile Number	
0413600514			
Email			
jim@oztal.com.au			

Lessee (Property Owners) Details

Lessee Number: 1

Is the Lessee a

 Standard

Salutation	First Name	Surname	
None	Melissa	Beban	
Postal Address 1		Postal Address 2	
56 redruth street			
Postal Address 3			
Suburb	State/Territory	Postcode	Country
crace	ACT	2911	Australia
Phone Number	Fax Number	Mobile Number	
0433376923		0433376923	
Email			
melbebs@gmail.com			

Lessee Number: 2

Is the Lessee a

Standard

Salutation	First Name	Surname	
None	louis	purcell	
Postal Address 1		Postal Address 2	
56 redruth street			
Postal Address 3			
Suburb	State/Territory	Postcode	Country
crace	ACT	2911	Australia
Phone Number	Fax Number	Mobile Number	
0431415965		0431415965	
Email			
louiepurcell1990@gmail.com			

List Amendments Being Satisfied

1. additional trees shown on landscape plan as per NOD

Applicant Declaration

I/we declare that this application is accompanied by all of the required information or documents that address the relevant rules and/or relevant criteria for it to be considered for approval;

I /we understand that this application will be considered lodged once any relevant application fees have been paid;

I/we understand that the documentation provided on CD/DVD or via the electronic lodgment

process will be considered to be the relevant documentation associated with this application. All development application documentation will be made available for public inspection including via the Internet unless exclusion has been approved; I/we understand that an amendment may be notified in accordance with the requirements of the Planning and Development Act 2007.

I/we declare that all the information given on this form and its attachments is true and complete;

If signing on behalf of a company, organisation or Government agency: -

I/we the undersigned, declare I/we have the appropriate delegation or authority to sign on behalf of the company, organisation or Government agency.

I accept the above declarations:

Accept

Acceptance Date

6/08/2018

Johnston, HeatherG

From: Vetsavong, Phab
Sent: Monday, 30 April 2018 12:08 PM
To: EPD, Customer Services; Venkatasubbu, Athi
Cc: TCCS_CW DRCDACOORD; Aster-Stater, Alek
Subject: Urban Treescapes-COMM-TCCS-201833601-32/9 MACQUARIE-01 [SEC=UNCLASSIFIED]

Dear App Sec,

In addition to TCCS comments dated 26 April 2018, please include the following from Urban Treescapes.

Urban Treescapes can support the removal of the small Prunus (tree) on the nature strip of 50 Lachlan Street (Block 32, Section 9), Macquarie.

This is an unofficial street tree planting, and due to the street light location, new driveway locations and the tree within the lease, we won't request a replacement planting.

Please note: That in line with Urban Treescapes public notification policy, the applicant will be required to post a removal sign on the tree at least 14 days prior to removal.

Thank you

Regards

Phab Vetsavong | Development Applications Development Review & Coordination
Phone 02 6207 4588 | Email: phab.vetsavong@act.gov.au
Capital Works and Development Support | Transport Canberra and City Services Directorate | ACT Government
Level 1, 490 Northbourne Ave, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

Connected services for the people of Canberra



From: TCCS_CW DRCD
Sent: Thursday, 26 April 2018 11:31 AM
To: EPD, Customer Services <EPDCustomerServices@act.gov.au>; Venkatasubbu, Athi <Athi.Venkatasubbu@act.gov.au>
Cc: TCCS_CW DRCDACOORD <TCCS.DACOORD@act.gov.au>; Aster-Stater, Alek <Alek.Aster-Stater@act.gov.au>; Henriquez, Jose <Jose.Henriquez@act.gov.au>; Bell, Jeff <Jeff.Bell@act.gov.au>
Subject: COMM-TCCS-201833601-32/9 MACQUARIE-01 [SEC=UNCLASSIFIED]

Dear App Sec,

DEVELOPMENT APPLICATION NO: 201833601

Project Description:

PROPOSAL FOR DUAL OCCUPANCY - Construction of 2 new two storey dwellings with attached garage, landscaping and associated works.

BLOCK: 32	SECTION: 9	SUBURB: MACQUARIE
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This DA has been assessed in regards to the following:

Traffic	Driveways	X
On Street / Public Parking Facility	LMPP/Street Trees	X
Public Transport	Street Lighting	X
Waste Management	Pedestrian Footpath	X
Stormwater	Service / Access Easement	
Demolition	Estate Development Plan (EDP)	
Further Information	Amendments/Additions/Alterations	
Lease Variation	Capital Works	

X = Areas Assessed.

And TCCS' position is:

That It Is Supported	
That It Is Supported Subject to Compliance With The Following Conditions	X
That Further Information Is Required	
That It Is Not Supported	

Conditions

VERGE CROSSING

1. The verge crossings must be constructed in accordance with TCCS Design Standards.
2. The levels on the verge must not be altered as a result of the new constructed verge crossings.
3. The verge crossings (domestic) must be inspected at the formwork stage by an officer of Development Review and Coordination, TCCS. The verge crossing inspections can be organised by completing a smart form available in the TCCS website.
4. Any infrastructure assets such as street lighting, mini-pillars, signage etc must be a minimum of 1.5m away from the closest edge of the verge crossings. In case of stormwater sumps this minimum distance would be 1.2m.

PEDESTRIAN NETWORK

5. The pedestrian footpath must take precedence over the driveway.
6. All verge protective fencing must be placed in a way so that the verge is protected but access to the pedestrian network is provided at all times.
7. Adequate clearance must be provided for pedestrian footpath in accordance with the TCCS Standard Drawing 04: Verge Design.

VERGE / VERGE TREE

8. The verge must be protected during construction.
9. All trees / shrubs proposed within the lease boundary are to be set back adequately and planted so that it won't encroach beyond the lease boundary of the property into unleased Territory land.
10. A Landscape Management and Protection Plan (including temporary fencing for protection of the verge) and a dilapidation report for all Government Assets adjacent to the site must be submitted to the Development Review and Coordination, TCCS prior to commencement and on completion of the work.

STORMWATER

11. Only one stormwater tie must be used for all the developments in a single block.

Standard Conditions

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

Use of Verges or other Unleased Territory land

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

Repair of Damage to Public Assets

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

Additional Comments/Advice (as advice to EPSDD only, and not to be included in the Notice of Decision)

1. The external services plan shows two water meters for the proposed dual occupancy, however, the development does not include block subdivision.
2. EPSD to ensure landscaping does not obstruct vehicle sight lines including on neighbouring blocks.
3. Although the Demolition Plan shows a 1.8m high fence around the verge, the Landscape Management Protection Plan lodged with the DA needs to show temporary fencing of the verge during construction. Temporary fencing can only be adjusted to enable removal of the street tree but afterwards must be reinstated to protect the verge during construction.

Regards

Phab Vetsavong | Development Applications Development Review & Coordination
Phone 02 6207 4588 | Email: phab.vetsavong@act.gov.au
Capital Works and Development Support | Transport Canberra and City Services Directorate | ACT Government
Level 1, 490 Northbourne Ave, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

Connected services for the people of Canberra



From: EPD, Customer Services
Sent: Friday, 6 April 2018 10:42 AM
To: TCCS_CW DRCDA <TCCS.DA@act.gov.au>
Subject: REFERRAL-TCCS-201833601-32/9 MACQUARIE-01 [SEC=UNCLASSIFIED]

DEVELOPMENT APPLICATION NO: 201833601
BLOCK: 32 **SECTION:** 9 **DIVISION:** MACQUARIE

Description - PROPOSAL FOR DUAL OCCUPANCY - Construction of 2 new two storey dwellings with attached garage, landscaping and associated works.

Pursuant to Section 148(1) of the *Planning and Development Act 2007* the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than **15 working days** after the date of this notice **(30/04/2018)**.

In accordance with Section 150 of the *Planning and Development Act 2007* If advice is not received within the prescribed time it will be taken that you have supported the application.

Please forward any written advice via email to Customer Services EPDcustomerservices@act.gov.au

Please use the following format in the subject line of the email when providing advice:
COMM-Agency Name-20140XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-TAMS-201401234-10/10 Dickson-01

Kind Regards

Athi Venkatasubbu

Phone 6207 1923

EPDCustomerService@act.gov.au

www.act.gov.au/accesscbr

Access Canberra | ACT Government

16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601



Access Canberra is an ACT Government service that brings together customer and regulatory services, including the former Environment and Planning Directorates Customer Services Team. Access Canberra has been set up to make it easier for business, community organisations and individuals to work with ACT Government and deliver a more seamless experience.

Johnston, HeatherG

From: Diehm, Mark
Sent: Friday, 27 July 2018 1:47 PM
To: Billing, Dale
Subject: FW: COMM-Tree Protection-201833601-32/9 MACQUARIE further info required [SEC=UNCLASSIFIED]

Hi Dale,

The Tree Management Plan is supported if the protective fencing measures are carried out in accordance with the Tree Protection Plan and Tree Protection Notes outlined on Tree Protection Plan, Drawing No. A003A, Date: July 2018 and any services required within the tree protection zone are to be under bored or excavated by the use of hydro vac, this activity will require ground work approval by the Conservator.

Regards

Mark Diehm | Tree Protection Officer | Urban Treescapes
Phone: 62072147 | Fax: 62075956 | e-mail: mark.diehm@act.gov.au
City Presentation | Transport Canberra and City Services Directorate - TCCS | ACT Government
Level 2, WATSO house, 490 Northbourne Ave | GPO Box 158 Canberra ACT 2601 | www.gov.au

From: Billing, Dale
Sent: Tuesday, 24 July 2018 4:44 PM
To: TCCS_CP TreeProtectionACTPLARef <TCCS.TreeProtectionACTPLARef@act.gov.au>
Cc: Dojcic, Rosie <Rosie.Dojcic@act.gov.au>; McKeown, Helen <Helen.McKeown@act.gov.au>
Subject: RE: COMM-Tree Protection-201833601-32/9 MACQUARIE further info required [SEC=UNCLASSIFIED]

Dear Tree Protection/Conservator Liaison

Please find attached a reference to the further information provided by the applicant for DA201833601 32/9 Macquarie. This development application has been referred to LRP and the proposed tree removals have been supported on design grounds. However, in response to the Conservators comments below, a Tree Management Plan has been provided for the proposed impact on the tree to the front of the property identified for retention.

It was agreed in LRP that this be provided for review prior to a decision on the application. Could you please review the attached information and let me know if this information has adequately addressed your concerns.

Happy to discuss.

Regards

Dale Billing

Senior Officer | Development Assessment
Planning Delivery | Environment Planning and Sustainable Development | **ACT Government**
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601
p (02) 6205 3980 | e dale.billing@act.gov.au | web www.actpla.act.gov.au

From: McKeown, Helen
Sent: Monday, 23 April 2018 1:44 PM
To: EPD, Customer Services <EPDCustomerServices@act.gov.au>
Cc: Dojcic, Rosie <Rosie.Dojcic@act.gov.au>
Subject: COMM-Tree Protection-201833601-32/9 MACQUARIE further info required [SEC=UNCLASSIFIED]

DA No 201833601

BLOCK:	SECTION:	DIVISION:
32	9	Macquarie

This DA has been assessed and the following Conservators Advice in accordance with Section 82 *Tree Protection Act 2005* is provided:

No regulated trees on the site	
Supported provided there are conditions of approval	
Advice for the applicant	
Not Supported	X
Further Information/amendments required	X

Conditions/Comments/Advice:

The development application is not supported as the proposed activity removes a regulated tree from the northern side of the block. It has not been established that criteria for removal have been satisfied in clause (2) of Schedule 1 of Disallowable Instrument DI2006-60, *Tree Protection (Approval Criteria) Determination 2006 (No2)* to support the removal of this tree under the provisions of the *Tree Protection Act 2005*, however the tree was assessed as medium quality and could be considered for removal under the *Planning and Development Act 2005*. The application to undertake a tree damaging activity referred to on Sketch Design 4 submitted with this application was not received by the Tree Protection Unit.

Two trees have already been removed from the block. One of these appears to have been of a regulated size based on the size of the stump left. This tree was located against the northern fence and would most likely been supported for removal if an application was received as being located in an inappropriate location. The other tree appears to be under the size requirements to be classified as a regulated tree.

Note: A Tree Management plan is required to demonstrate how the tree proposed to be retained at the front of the block will remain viable during construction of the new dwellings and associated works.

I look forward to receiving written advice of the decision and a copy of the decision in accordance with Section 174 of the *Planning and Development Act 2005*.

Helen McKeown | Conservator Liaison

Phone 02 6207 2247 |

Environment | Environment and Planning | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: [McKeown, Helen](#)
To: [EPD, Customer Services](#)
Cc: [Dojic, Rosie](#)
Subject: COMM-Tree Protection-201833601-32/9 MACQUARIE further info required [SEC=UNCLASSIFIED]
Date: Monday, 23 April 2018 1:43:54 PM

DA No 201833601

BLOCK:	SECTION:	DIVISION:
32	9	Macquarie

This DA has been assessed and the following Conservators Advice in accordance with Section 82 *Tree Protection Act 2005* is provided:

No regulated trees on the site	
Supported provided there are conditions of approval	
Advice for the applicant	
Not Supported	X
Further Information/amendments required	X

Conditions/Comments/Advice:

The development application is not supported as the proposed activity removes a regulated tree from the northern side of the block. It has not been established that criteria for removal have been satisfied in clause (2) of Schedule 1 of Disallowable Instrument DI2006-60, *Tree Protection (Approval Criteria) Determination 2006 (No2)* to support the removal of this tree under the provisions of the *Tree Protection Act 2005*, however the tree was assessed as medium quality and could be considered for removal under the *Planning and Development Act 2005*. The application to undertake a tree damaging activity referred to on Sketch Design 4 submitted with this application was not received by the Tree Protection Unit.

Two trees have already been removed from the block. One of these appears to have been of a regulated size based on the size of the stump left. This tree was located against the northern fence and would most likely been supported for removal if an application was received as being located in an inappropriate location. The other tree appears to be under the size requirements to be classified as a regulated tree.

Note: A Tree Management plan is required to demonstrate how the tree proposed to be retained at the front of the block will remain viable during construction of the new dwellings and associated works.

I look forward to receiving written advice of the decision and a copy of the decision in accordance with Section 174 of the *Planning and Development Act 2005*.

Helen McKeown | Conservator Liaison

Phone 02 6207 2247 |

Environment | Environment and Planning | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au



ACT
Government

Environment, Planning and
Sustainable Development

Notice of decision

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

Merit track

DA NO: 201833601		DATE LODGED: 29/03/2018
DATE OF DECISION: 02/08/2018		
BLOCK: 32	SECTION: 9	SUBURB: MACQUARIE
STREET NO AND NAME: 50 Lachlan Street Macquarie		
APPLICANT: Jim Madaffari		
LESSEE: Melissa Beban & Louis Purcell		

THE DECISION

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

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

- **the erection of a 2-storey building containing 2 dwellings with attached garage car parking and associated landscaping, paving and other site works.**

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

Dale Billing
Delegate of the planning and land authority
Environment, Planning and Sustainable Development Directorate
02/08/2018

CONTACT OFFICER

Dale Billing
Phone: (02) 6205 3980
Email: dale.billing@act.gov.au

PART 1 CONDITIONS OF APPROVAL

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

A. ADMINISTRATIVE / PROCESS CONDITIONS

A1. 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 revised Landscape Plan showing:

- a) Provision of two small deciduous trees with a minimum mature height of 4m and of semi-mature stock with a minimum pot size of 70 litres, planted in the rear yards of units 1 & 2 outside of easements and access corridors.

A2. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

The following conditions are to be addressed to the satisfaction of Transport Canberra and City Services (TCCS):

VERGE CROSSING

- a) The verge crossings must be constructed in accordance with TCCS Design Standards.
- b) The levels on the verge must not be altered as a result of the new constructed verge crossings.
- c) The verge crossings (domestic) must be inspected at the formwork stage by an officer of Development Review and Coordination, TCCS. The verge crossing inspections can be organised by completing a smart form available in the TCCS website.
- d) Any infrastructure assets such as street lighting, mini-pillars, signage etc must be a minimum of 1.5m away from the closest edge of the verge crossings. In case of stormwater sumps this minimum distance would be 1.2m.

PEDESTRIAN NETWORK

- e) The pedestrian footpath must take precedence over the driveway.
- f) All verge protective fencing must be placed in a way so that the verge is protected but access to the pedestrian network is provided at all times.
- g) Adequate clearance must be provided for pedestrian footpath in accordance with the TCCS Standard Drawing 04: Verge Design.

VERGE / VERGE TREE

- h) The verge must be protected during construction.
- i) All trees / shrubs proposed within the lease boundary are to be set back adequately and planted so that it won't encroach beyond the lease boundary of the property into unleased Territory land.
- j) A Landscape Management and Protection Plan (including temporary fencing for protection of the verge) and a dilapidation report for all Government Assets adjacent to the site must be submitted to the Development Review and Coordination, TCCS prior to commencement and on completion of the work.

STORMWATER

- k) Only one stormwater tie must be used for all the developments in a single block.

USE OF VERGES OR OTHER UNLEASED TERRITORY LAND

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

REPAIR OF DAMAGE TO PUBLIC ASSETS

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

A3. FENCING CONDITION

Pursuant to sub paragraph 165(3) (o) (ii) of the *Planning and Development Act 2007*, at the lessee's expense and before the completion of building work, the existing fence between Blocks 5, 31, 32, 33, & 36 Section 9 MACQUARIE shall be replaced with a 1.8 m high timber lapped and capped fence, or to another standard acceptable to the subject lessee and the adjoining lessees. In the event the adjacent lessees do not wish to replace their respective fence the existing fence can be retained. The lessee must take all reasonable steps to obtain the written agreement of the respective lessees before the erection of any new fencing. New fencing shall not extend further forward than the new building line.

Note: Representations received have requested that fencing be provided at the maximum height in certain locations to increase privacy between blocks. Discussion with the adjacent lessees on Block 31 Section 9 (50 Lachlan Street) and Block 5 Section 9 (6 Belbin Place) should be had to determine the height and location of any replacement and/or higher fencing elements consistent with the Common Boundaries Act and relevant exemptions, to provide additional privacy to their rear yards.

A4. COMPLIANCE WITH ENTITY REQUIREMENTS

The development must comply with all the relevant conditions imposed by each of the relevant entities which states in each of their advice that need to be addressed prior to , during and post construction (Refer advisory notes at Part 1, Item E and Part 3 of this document).

B. PRIOR TO CONSTRUCTION AND/OR DEMOLITION

B1. SEDIMENT AND EROSION CONTROL

All works shall be carried out in accordance with environment Protection guidelines for Construction and Land Development I the ACT, March 2011.

B2. TREE PROTECTION

All works and protective fencing measures are carried out in accordance with the Tree Protection Plan and Tree Protection Notes outlined on Tree Protection Plan, Drawing No. A003A, Date: July 2018 and any services required within the tree protection zone are to be under bored or excavated by the use of hydro vac, this activity will require ground work approval by the Conservator.

B3. VERGE MANAGEMENT

This plan is to be approved and implemented before the commencement of any work on the site, and is to be in accordance with the *City Management Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04*.

C. DURING CONSTRUCTION AND/OR DEMOLITION**C1. SEDIMENT AND EROSION CONTROL**

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

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

C2. TREE PROTECTION

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

C3. VERGE MANAGEMENT

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

C4. WASTE MANAGEMENT

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

D. POST CONSTRUCTION AND/OR DEMOLITION

N/A

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. VERGE TREE

Urban Treescapes can support the removal of the small Prunus (tree) on the nature strip of 50 Lachlan Street (Block 32, Section 9), Macquarie.

This is an unofficial street tree planting, and due to the street light location, new driveway locations and the tree within the lease, TCCS won't request a replacement planting.

Please note: That in line with Urban Treescapes public notification policy, the applicant will be required to post a removal sign on the tree at least 14 days prior to removal.

E2. CONSTRUCTION ACTIVITIES

It is recommended that the person/s responsible for construction activities on site discuss with neighbouring properties the construction program for the proposal and advise them of any particularly noisy activities or activities that could generate excessive dust/wind borne pollution.

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 where appropriate in the form modified by the imposed conditions, it was considered to meet:

- the relevant codes, being the Macquarie Precinct Map & Code, The Residential Zones Development Code and the Multi unit Housing Development Code.

The key issues identified in the assessment are:

- Consideration of tree removals on development grounds
- The reduction in FFL's of the proposal to lessen the encroachment into the solar building envelope and impact of overlooking on adjoining properties.
- The provision of additional landscaping in the form of small deciduous trees to the rear yards of the proposed units to replace existing vegetation removals, provide additional screening and contribute to summer shade and winter solar access.
- Replacement of common boundary fencing to a standard agreed to by the applicant and adjoining lessees.

Where appropriate 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*.

The decision is inconsistent with advice from the Conservator of Flora and Fauna dated 23/04/2018. However, pursuant to section 119 (2) of the Act, the advice received has been considered, as well as the relevant guidelines and any realistic alternative to the development proposed or aspects of it. A decision to approve this application is consistent with the objectives of the Territory Plan.

EVIDENCE

Application No. – 201833601

File No. – 1-2018/08048

The Development Codes – The Residential Zones Development Code and the Multi-unit Housing Development Code.

The Precinct Codes – Macquarie Precinct Map & Code

Current Crown Lease – Volume 2325 Folio 28

Representations – Three

Entity advice – Conservator of Flora and Fauna, Evoenergy (Electricity and Gas), ICON Water, Transport Canberra and City Services.

**PART 3
PUBLIC NOTIFICATION AND ENTITY ADVICE****PUBLIC NOTIFICATION**

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 10/04/2018 to 01/05/2018. Three written representations were received during public notification.

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

- (a) Replacement of the existing fencing to common boundaries to the maximum height allowable to ensure privacy to neighbouring residences.

As this application is a multi-unit proposal a standard condition (Condition A3) has been imposed to require the lessee to replace the existing common boundary fencing at their own cost. The replacement fence is to be a 1.8 m high timber lapped and capped fence, or to another standard acceptable to the subject lessee and the adjoining lessees. A note has also been added to this condition identifying the request for neighbouring residents to provide a fence higher than the standard for privacy needs. A common boundary fence can reach a height of 2.3m above natural ground level without requiring a development approval. As common boundary fencing falls under the *Common Boundaries Act* details of this fencing is not required for planning approval. More information can be found at the following link.

https://www.planning.act.gov.au/topics/design_build/da_assessment/fences_hedges_walls

- (b) Requests for 3m high hedge to be provided along the subject blocks side boundary for further screening and privacy.

The provision of hedging in this location would contravene utility access requirements and cannot be imposed as a condition of approval.

- (c) The provision of mature replacement plants to offset the removal of all trees from the site.

A condition (Condition A1) has been imposed to provide two semi mature deciduous tree species, with a minimum pot size of 70 litres. This condition has been imposed to replace the trees removed from the site and also address relevant provisions of the Multi-unit Housing Development Code.

- (d) Request for conditions to be imposed on times for construction activities to occur on site.

This is not a planning matter and noise requirements for residential blocks are governed by the EPA. Notwithstanding this advice has been included in the Notice of Decision requesting that the construction schedule be discussed with adjacent lessees.

- (e) Concern in relation to potential overlooking into neighbouring properties Principal Private Open space.

As part of a further information request the proposal has been amended to reduce the Finished Floor Levels across the site to comply with solar building envelope requirements and in part, reduce the potential for overlooking into rear yards of neighbouring properties. The living and alfresco areas to the rear of the property have been lowered by 200mm and this will reduce the potential for overlooking from these areas. A condition has also been imposed for the planting of additional trees to the rear yards as detailed above. An assessment of the amended proposal has been found to comply with the Multi-unit Housing Development Code in particular the protection of privacy of adjoining blocks.

(f) Concern for the removal of regulated trees.

The application has been approved and the proposed tree removals have supported on development grounds. However, conditions have been imposed to include a replacement tree to the rear yard of each dwelling as outlined above.

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 23/04/2018 advice was received from the Conservator of Flora and Fauna in relation to the proposal. The advice states that:

The development application is not supported as the proposed activity removes a regulated tree from the northern side of the block. It has not been established that criteria for removal have been satisfied in clause (2) of Schedule 1 of Disallowable Instrument DI2006-60, *Tree Protection (Approval Criteria) Determination 2006 (No2)* to support the removal of this tree under the provisions of the *Tree Protection Act 2005*, however the tree was assessed as medium quality and could be considered for removal under the *Planning and Development Act 2005*. The application to undertake a tree damaging activity referred to on Sketch Design 4 submitted with this application was not received by the Tree Protection Unit.

Two trees have already been removed from the block. One of these appears to have been of a regulated size based on the size of the stump left. This tree was located against the northern fence and would most likely been supported for removal if an application was received as being located in an inappropriate location. The other tree appears to be under the size requirements to be classified as a regulated tree.

A Tree Management plan is required to demonstrate how the tree proposed to be retained at the front of the block will remain viable during construction of the new dwellings and associated works.

Assessment Note: In relation to the non-support of the proposed tree removals a decision to support the application on development grounds inconsistent with conservator's advice was made pursuant to section 119 (2) of the Act.

Further information was requested to address comments raised by the Conservator in relation to the provision of a tree management plan and this was referred for comment.

On 27/07/2018 advice was received from the Conservator of Flora and Fauna in relation to the proposal. The advice states that the Tree Management Plan is supported if the protective fencing measures are carried out in accordance with the Tree Protection Plan and Tree Protection Notes outlined on Tree Protection Plan, Drawing No. A003A, Date: July 2018 and any services required within the tree protection zone are to be under bored or excavated by the use of hydro vac, this activity will require ground work approval by the Conservator.

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

EVOENERGY (ELECTRICITY & GAS)

On 20/04/2018 advice was received from Evoenergy (electricity & gas) in relation to the proposal. The advice states that the application conditionally complies.

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

TRANSPORT CANBERRA AND CITY SERVICES

On 26/04/2018 advice was received from Transport Canberra and City Services in relation to the proposal. The advice states that the application is supported subject to compliance with the following conditions:

VERGE CROSSING

1. The verge crossings must be constructed in accordance with TCCS Design Standards.
2. The levels on the verge must not be altered as a result of the new constructed verge crossings.
3. The verge crossings (domestic) must be inspected at the formwork stage by an officer of Development Review and Coordination, TCCS. The verge crossing inspections can be organised by completing a smart form available in the TCCS website.
4. Any infrastructure assets such as street lighting, mini-pillars, signage etc must be a minimum of 1.5m away from the closest edge of the verge crossings. In case of stormwater sumps this minimum distance would be 1.2m.

PEDESTRIAN NETWORK

5. The pedestrian footpath must take precedence over the driveway.
6. All verge protective fencing must be placed in a way so that the verge is protected but access to the pedestrian network is provided at all times.
7. Adequate clearance must be provided for pedestrian footpath in accordance with the TCCS Standard Drawing 04: Verge Design.

VERGE / VERGE TREE

8. The verge must be protected during construction.
9. All trees / shrubs proposed within the lease boundary are to be set back adequately and planted so that it won't encroach beyond the lease boundary of the property into unleased Territory land.
10. A Landscape Management and Protection Plan (including temporary fencing for protection of the verge) and a dilapidation report for all Government Assets adjacent to the site must be submitted to the Development Review and Coordination, TCCS prior to commencement and on completion of the work.

STORMWATER

11. Only one stormwater tie must be used for all the developments in a single block.

Standard Conditions

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

Use of Verges or other Unleased Territory land

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

Repair of Damage to Public Assets

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

On 30/04/2018 further advice was received from Transport Canberra and City Services in relation to the proposal. The advice states that In addition to TCCS comments dated 26 April 2018, Urban Treescapes can support the removal of the small Prunus (tree) on the nature strip of 50 Lachlan Street (Block 32, Section 9), Macquarie.

This is an unofficial street tree planting, and due to the street light location, new driveway locations and the tree within the lease, we won't request a replacement planting. Please note: That in line with Urban Treescapes public notification policy, the applicant will be required to post a removal sign on the tree at least 14 days prior to removal.

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

PART 4 ADMINISTRATIVE INFORMATION

DATE THAT THIS APPROVAL TAKES EFFECT

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

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

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

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

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

INSPECTION OF THE APPLICATION AND DECISION

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

RECONSIDERATION OF THE DECISION

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

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

REVIEW BY THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL (ACAT)

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

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

APPENDIX 1

CONTACT DETAILS OF RELEVANT AGENCIES

Health Directorate - health protection	Website: www.health.act.gov.au Telephone: (02) 6205 1700
Environment, Planning and Sustainable Development 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.planning.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
Transport Canberra and City Services - 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.tccs.act.gov.au Telephone: 132 281 Telephone for Development Review & Coordination: (02) 6207 7480
Utilities - Telstra (networks) - TransACT (networks) - Icon Water - Electricity reticulation	Telephone: (02) 8576 9799 Telephone: (02) 6229 8000 Telephone: (02) 6248 3111 Telephone: (02) 6293 5738

ADVICE TO APPLICANT

SUBMISSION OF REVISED DRAWINGS AND DOCUMENTATION

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

- Completing an application for S165 Satisfying Conditions of Approval and submitting the documentation online using edevelopment. More information on edevelopment can be found at http://www.planning.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.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 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 Transport Canberra and City Services.

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 Transport Canberra and City Services.

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, TCCS 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 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.

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 TCCS.

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 Transport Canberra and City Services of any existing damage to public facilities.

UTILITY ASSETS RETENTION

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

WATER RESTRICTIONS AND FILLING OF NEW POOLS, PONDS AND FOUNTAINS

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

DRAINAGE

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

REVIEW OF THE DECISION

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

CONTACT DETAILS

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

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

POWERS OF THE ACAT

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

APPLICATIONS TO THE ACAT

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

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

TIME LIMITS FOR APPLICATIONS

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

FEES

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

TIME LIMITS FOR REVIEWS OF DECISIONS

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

FORMS OF LEGAL, FINANCIAL AND OTHER ADVICE AND ASSISTANCE

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

- ACT Attorney-General, write to The Chief Executive, Justice and Community Safety Directorate, GPO Box 158, CANBERRA, ACT, 2601;
- the ACT Legal Aid Office, telephone 1300 654314;
- Legal Advice Bureau, telephone (02) 6247 5700;
- ACT Council of the Ageing, telephone (02) 6282 3777;
- Welfare Rights and Legal Centre, telephone (02) 6247 2177; and
- Environmental Defender's Office (ACT), telephone (02) 6247 9420.

AWARDING OF COSTS

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

ACCESS TO DOCUMENTS ABOUT THE DECISION

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

PROCEDURES OF THE ACAT

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

TRANSLATION AND INTERPRETER SERVICES

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

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ако вам је потребна помоћ преводиоца телефонирајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana 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

ASSESSMENT REPORT

ASSESSMENT OFFICER: Dale Billing

APPLICATION NUMBER: 201833601

BLOCK: 32 SECTION: 9

DIVISION: MACQUARIE

Zone: RZ2 Suburban Core Zone

The Planning and Development Act 2007

This document provides analysis of a development proposal in the Merit Track in relation to the legislated requirements of the Planning and Development Act 2007 (the Act), specifically Section 119 and Section 120.

Planning and Development Act 2007 - Section 119

In deciding a Merit Track development application, the decision maker must ensure the application meets the following four items numbered S119 (1)(a) to (c) and S119 (2). Approval of an application in the Merit Track must not be given unless the application meets the Section 119 requirements.

<p>S119 (1)(a) The relevant code</p> <p>NB: Refer to form Territory Plan Code Requirements Merit Track to complete this question</p>	<p>The relevant code(s) for the development proposal are:</p>	
	<p>Precinct Code:</p>	<p>Macquarie Precinct Map and Code – No relevant provisions</p>
	<p>Development Code:</p>	<p>Residential Zones Development Code</p>
	<p>Development Code:</p>	<p>Multi-unit Housing Development Code</p>
<p>The proposal is consistent with the above code(s) for reasons identified in Form – Territory Plan Code Requirements – Merit Track.</p>		
<p>S119 (1)(b) Any land management agreement for the land (for proposed development relating to land comprised in a rural lease)</p>	<p>The proposal is not for a proposed development relating to land comprised in a rural lease.</p>	

<p>S119 (1)(c) the advice of the Conservator of Flora and Fauna in relation to the proposal (if the proposed development will affect a registered tree or declared site)</p> <p>NB: In accordance with Section 119(3)(a), the application must not be approved unless the approval is consistent with the advice of the Conservator of Flora and Fauna in relation to a proposal that will affect a registered tree or declared site.</p> <p>NB: Section 119A may affect the operation of this section for proposals relating to Light Rail. Assessment should be included here where relevant. Section 119A does not apply to a proposal involving a protected matter. In most cases it cannot be used for a DA subject to an ESO.</p>	<p>The proposal is not for a proposed development that will affect a registered tree or declared site.</p>
<p>S119 (2) Consistency with advice given by an entity to which the application was referred under division 7.3.3 of the Act.</p> <p>NB: Under Section 119 (2) of the Act, development approval must not be given for a development proposal in the merit track if approval would be inconsistent with any advice given by an entity to which the application was referred under division 7.3.3 unless the person deciding the application is satisfied that –</p> <p>(a) the following have been considered:</p> <ul style="list-style-type: none"> (i) any applicable guidelines; (ii) any realistic alternative to the proposed development, or relevant aspects of it; and <p>(b) the decision is consistent with the objects of the Territory Plan</p> <p>NB: Section 119A may affect the operation of this section for proposals relating to Light Rail. Assessment should be included here where relevant. Section 119A does not apply to a proposal involving a protected matter. In most cases it cannot be used for a DA subject to an ESO.</p>	<p>The decision is/is not inconsistent with any advice given by an entity to which the application was referred under division 7.3.3 of the Act.</p> <p>As tree removals have not been supported by the conservator. Subsequently tree removals were supported by LRP On development grounds on the condition that TMP was provided as further information to demonstrate impacts on the tree to the front.</p> <p>This TMP has subsequently been provided as further information and endorsed by TPU.</p>

Planning and Development Act 2007 - Section 120

In deciding a Merit Track development application, a decision maker must consider the following six items numbered S120 (a) to S120 (g).

S120 (a) Zone Objectives	<p>The development is proposed to take place in RZ2 Suburban zone.</p> <p>The application meets all relevant objectives of the zone.</p>
S120 (b) Suitability of the Land	<p>The proposed development seeks approval to use the land or a building or structure of the land for the purpose(s) of Multi unit Housing.</p> <p>The proposed use is listed as an assessable development in the RZ2 development table, and is therefore determined to be a permissible use for the land.</p> <p>The proposed development is in accordance with the provisions of the Crown Lease.</p> <p>The land is suitable for the development proposed.</p>
S120 (c) Environmental Significance Opinion	An Environmental Significance Opinion (ESO) is not in force for the development proposal.
S120 (d) Representations	<p>Representations received are addressed in the Notice of Decision. Major issues raised include:</p> <ul style="list-style-type: none"> • Concerns for privacy and overlooking with the request of replacement fencing and additional planting. In particular due to FFL heights of the LFL • Replacement of removed trees with mature plants • Timing of construction and possible noise impacts
<p>S120 (e) advice given by an entity in accordance with section 149 of the Act</p> <p>NB: Under Section 150 of the Act, if entity advice is not received within 15 working days, the entity is taken to have given advice in support of the application.</p>	<p>Entity advice received is addressed in the Notice of Decision.</p> <ul style="list-style-type: none"> • Non-support from the conservator of flora and fauna regarding tree removals. • Conditional endorsement from all other entities.

S120 (f) the plan of management for the land (if the proposed development relates to land that is Public Land)	The proposal is not for a proposed development relating to land that is public land.
Proposal for development on land reserved under S315 for the purpose of wilderness area, national park, nature reserve, or special purpose reserve.	The proposal does not occur on land that is reserved under S315 of the Act for the purpose of wilderness area, national park, nature reserve, or special purpose reserve.
S120 (g) the probable impact of the proposed development, including the nature, extent and significance of probable environmental impacts.	Based on the matters to be considered by the relevant Code there are no probable environmental impacts of significance associated with the proposed development.
Site Inspection (Although not a legislative requirement as such, a site inspection may assist with the assessment of the proposal against the provisions of S120)	No site inspection was required as sufficient evidence could be derived from other assessment methods.



Form

Territory Plan Code Requirements Merit Track

ASSESSMENT REPORT

RZ2

ASSESSMENT OFFICER: Dale Billing

APPLICATION NUMBER: 201833601

BLOCK: 32 SECTION:9

DIVISION: Macquarie

Territory Plan Code Requirements

This document provides analysis of a development proposal in relation to the relevant codes contained in the Territory Plan. The proposal meets all rules of the code(s) that are relevant to the development with the exception of those either identified in the statement against relevant criteria submitted for the proposal or, listed in the tables below. The statement against relevant criteria demonstrates the proposal meets all relevant criteria that are, either:

- the applicable criterion to a relevant rule that is not met; or,
- the criterion is relevant and there is no applicable rule,

with the exception of those listed in the tables below.

1. Assessment of Compliance with Macquarie Precinct map and Code

The Weetangera Precinct Map and Code has no additional provisions that apply to this block.

2. Assessment of Compliance with Residential Zones Development Code

The Residential Zones Development Code is a Code relevant to this proposal. The comments for the criterion or rule identified in the tables below are provided where it is considered warranted to clarify why a particular criterion or rule is either met or not met.

Part A

Sub-Element: 2.1 Multi unit housing development code	
Rule: R2	Applicable Criterion: N/A
The proposal meets the rule because as assessment against the MUHDC has been made as outline below and the proposal complies with the relevant rules and criteria of this code.	
Sub-Element: 8.1 Statement of endorsement	
Rule: R33	Applicable Criterion: N/A
The proposal meets the rule because the application has been referred to and endorsed by all relevant utility service providers.	
Sub-Element: 14.1 Water sensitive urban design	
Rule: R57	Applicable Criterion: N/A
The proposal meets the rule because a WSUD checklist has accompanied the submission demonstrating compliance with this rule and a 42% reduction in potable water use.	

Sub-Element: 14.5 Erosion and sediment control	
Rule: R64	Applicable Criterion: N/A
The proposal meets the rule because a condition of approval will be included in the NOD to ensure compliance with this requirement.	

3. Assessment of Compliance with Multi-unit Housing Development Code

The Multi-unit Housing Development Code is a Code relevant to this proposal. The comments for the criterion or rule identified in the tables below are provided where it is considered warranted to clarify why a particular criterion or rule is either met or not met.

Sub-Element: 1.2 Dual occupancy housing – single dwelling blocks – RZ2	
Rule: R2	Applicable Criterion: N/A
The proposal meets the rule because the proposal is for a dual occupancy on a block greater than 700m ² . The block is 915m ² .	

Sub-Element: 3.1 Dwelling replacement – single dwelling blocks	
Rule: R5	Applicable Criterion: N/A
The proposal meets the rule because the proposal includes 2 four-bedroom dwellings to replace the original single dwelling.	

Sub-Element: 3.3 Plot ratio – dual occupancy – single dwelling blocks – RZ2 and surrendered residential blocks – RZ1	
Rule: R7 & R8	Applicable Criterion: N/A
The proposal meets the rule because on assessment GFA calculations have been checked and the proposed plot ratio is as follows	
UFL = 109	
LFL = 345	
Total block area is 915 resulting in a 49.6% plot ratio.	

Sub-Element: 3.8 Residential density – single dwelling blocks – RZ2	
Rule: R12	Applicable Criterion: N/A
The proposal meets the rule because in accordance with Table A2 an RZ2 block of 915m ² is able to accommodate 2 dwellings.	

Sub-Element: 3.11 Number of dwellings in each building – single dwelling blocks – RZ2	
Rule: R15	N/A
The proposal meets the rule because the proposal includes 2 dwellings in one building.	

Sub-Element: 3.14 Number of storeys – RZ2	
Rule: R19	Applicable Criterion: N/A
The proposal meets the rule because the proposal is for a 2 storey building.	

Sub-Element: 3.18 Height of buildings – RZ1 and RZ2	
Rule: R23	Applicable Criterion: N/A
The proposal meets the rule because the maximum height of the building above ground level is 7.9m	

Sub-Element: 3.20 Building envelope – all blocks except buildings over 3 storeys in RZ5 and CZ's	
Rule: R25	Applicable Criterion: C25
The proposal meets the criteria because the building is contained wholly within the building envelopes required by this rule.	

Sub-Element: 3.20 Building envelope – all blocks except buildings over 3 storeys in RZ5 and CZ's	
Rule: R26	Applicable Criterion: C26
The proposal meets the relevant criteria as although there is an encroachment into the solar building envelope for the UFL portion of Unit 1 as part of a further information request the proponent has reduced the FFL's and overall height of the building to minimise the level of encroachment. The proponent has also provided solar diagrams to demonstrate the level of overshadowing and provided discussion with regards to the overshadowing of roof element to the neighbouring property. On assessment this is deemed acceptable and consistent with the criteria.	

Sub-Element: 3.22 Front boundary setbacks	
Rule: R29	Applicable Criterion: C29
The proposal meets the rule because the required LFL & UFL 6m front setback to buildings has been achieved. Minimum setback to garage is 6.54m The fin wall encroachment is consistent with the relevant criteria.	

Sub-Element: 3.23 Side and rear boundary setbacks	
Rule: R30	Applicable Criterion: C30
The proposal meets the criteria because although the proposal includes a 57mm LFL and a 1.17m UFL encroachment on the southern side boundary and a 300mm LFL and a 1.17m UFL encroachment to the northern side boundary the proposal is consistent with the criteria as follows: The proposal is consistent with the desired character and will not unreasonably impact upon the streetscape vale of the place. Provides reasonable separation and privacy to adjoin properties and their associated PPOS through the use of high-sill windows on the UFL where encroachments exist. Provides reasonable solar access to the dwelling to the south as demonstrated with the solar diagrams provided. Rear setback requirements comply with the rule.	

Sub-Element: 3.24 Allowable encroachments - setbacks	
Rule: R31	Applicable Criterion: C31
The rule is not applicable as no encroachments are minor and have already been discussed under relevant criteria.	

Sub-Element: 3.25 Allowable encroachments – building envelopes	
Rule: R33	Applicable Criterion: C33
The rule is not applicable because no minor encroachments of these elements have been nominated on the plans.	

Sub-Element: 4.2 Site open space – RZ1 and RZ2	
Rule: R38	Applicable Criterion: C38
The proposal meets the rule because approximately 51% of the site area.	
Not less than 20% of the total site area is planting as demonstrated on the Landscape Plan submitted with the application.	

Sub-Element: 4.4 Landscape design	
Rule: N/A	Applicable Criterion: C40
The proposal meets the criterion because a landscape plan has been submitted with the application demonstrating that the Landscape and site design achieves all of the following:	
<p>a) planting of trees of semi-mature stock. A condition of approval will require for trees of a minimum height of 4m to be planted to rear yards outside of easements and access corridors and to be of deciduous species to ensure solar access during winter and shad in summer.</p> <p>b) planting of trees with a minimum mature height of 4m A condition of approval will require for trees of a minimum height of 4m to be planted to rear yards outside of easements and access corridors and to be of deciduous species to ensure solar access during winter and shad in summer.</p> <p>c) a contribution to energy efficiency by providing substantial shade in summer, especially to west-facing windows and open car-parking areas, and admitting winter sunlight to outdoor and indoor living areas, especially to the north. A condition will be imposed to include additional deciduous within the rear yard of the proposed dwellings to contribute shade in summer and sunlight in winter.</p> <p>d) reasonable residential amenity Reasonable amenity to residents of the property has been provided as demonstrated on the landscape plan submitted with the application.</p> <p>e) reasonable visibility along paths and driveways Visibility along paths has been maintained.</p> <p>f) visual interest in pavement materials and finishes Visual interest has been achieved. The proposal does not include excessive hard surfaces so the concrete driveway and paved entries are the only pavement materials. The rest of the site is to be soft landscaped.</p> <p>g) species with appropriate growth habits and mature height in relation to site conditions. Complies.</p>	

Sub-Element: 4.7 External facilities	
Rule: N/A	Applicable Criterion: C43 & 44
The proposal meets the criterion because external facilities are adequately screened from public view. Letterboxes are conveniently located..	

Sub-Element: 4.8 Electrical and telecommunication facilities	
Rule: R45	Applicable Criterion: C45 & 46
The proposal meets the rule because all new electrical connection points will be provided for underground as per evoenergy requirements.	
There are no ground level facilities proposed.	

Sub-Element: 5.1 Surveillance	
Rule: R47	Applicable Criterion: C47
The proposal meets the rule because each dwelling has a bedroom at the UFL with a full length window and front door facing the street and this is not obscured by a courtyard wall.	

Sub-Element: 5.3 Building design	
Rule: R51	Applicable Criterion: C51
The proposal meets the rule because the garages are the same material as the dwelling.	

Sub-Element: 5.4 Building design – RZ2	
Rule: R52	Applicable Criterion: C52
The proposal meets the rule because each dwelling has a front door facing the street.	

Sub-Element: 5.7 Minimum dwelling size	
Rule: R55	Applicable Criterion: C55
The proposal meets the rule because each dwelling contains 4 bedrooms and is in excess of 95m ² .	

Sub-Element: 6.1 Solar access –other than apartments	
Rule: R57	Applicable Criterion: N/A
The proposal meets the rule because living and alfresco areas to the north east (rear yard) achieve the required 3 hours of solar access.	

Sub-Element: 6.3 Privacy	
Rule: R59	Applicable Criterion: C59
The proposal meets the rule because due to the party wall construction and the lack of internal overlooking windows there is no direct line of sight to adjoining residences rear LFLF family and alfresco areas will be screened by way of a common fence.	

Sub-Element: 6.3 Privacy	
Rule: R60	Applicable Criterion: C60
The proposal meets the rule because the UFL windows do not overlook more than 50% of the adjacent PPOS of the neighbouring dwellings. There is also sufficient separation ensure that reasonable privacy of adjoining dwellings PPOS is maintained.	

Sub-Element: 6.4 Principal private open space	
Rule: R61	Applicable Criterion: C61
The proposal meets the rule because PPOS of 6m minimum dimension and of 45m2 has been provided to each residence.	

Sub-Element: 6.5 Separation between external walls	
Rule: R62 & R63	Applicable Criterion: C62 & 63
The proposal meets the rule.	

Sub-Element: 6.7 Storage	
Rule: R65	Applicable Criterion: C65
The rule is not applicable because each dwelling has a garage.	

Sub-Element: 7.2 Driveway verge crossings	
Rule: R70 & 72	Applicable Criterion: C70 & 72
The proposal meets the rule because although 2 driveways are is proposed this will not unreasonably impact the streetscape character of the area. The application has been endorsed by TCCS as meeting their requirements.	

Sub-Element: 7.3 Internal driveways	
Rule: R73	Applicable Criterion: C73
<p>The proposal meets the criteria because</p> <ul style="list-style-type: none"> a) sufficient space for planting along property boundaries has been provided. b) sufficient space for planting between internal driveways and buildings. Each driveway services its own dwelling and does not impact the adjacent dwelling as the internal area between the two is planted. c) reasonable residential amenity, particularly in relation to the intrusion of light and noise into <i>habitable rooms</i> Each driveway services its own dwelling and does not impact the adjacent dwelling. The DA will also include the fencing condition to ensure adequate common boundary fencing is provided to neighbouring dwellings. d) clear differentiation between the driveway and parking spaces. Complies parking is within garages and clearly defined from the driveway. 	

Sub-Element: 7.3 Internal driveways	
Rule: N/A	Applicable Criterion: C76
The proposal meets the criterion because the internal driveway lacks kerb and gutters and is a different height to the adjacent street. The proposal also includes separate pedestrian access from the front of the block to both dwellings.	

Sub-Element: 7.4 Residents' car parking	
Rule: R77	Applicable Criterion: C77
The proposal meets the criterion because although each garage is within the front zone the design provides reasonable residential amenity consistent with the desired character of the area.	

Sub-Element: 8.1 Water sensitive urban design	
Rule: R86	Applicable Criterion: N/A
The proposal meets the rule as demonstrated on the WSUD checklist provided with the application demonstrating a 42% reduction in potable water use.	

Sub-Element: 8.3 Tree protection	
Rule: R91	Applicable Criterion: N/A
The rule is met as the application has been referred to the Conservator of flora and Fauna. A decision to remove trees on design grounds was made in consultation with Landscape review panel.	


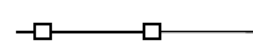
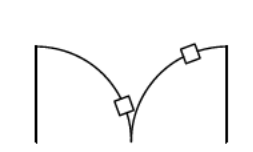
Sub-Element: 8.5 Erosion and sediment control	
Rule: R93	Applicable Criterion: N/A
A note has been included on the plan stating that development will provide with EPA guidelines and condition of approval will be included to ensure compliance with this rule.	

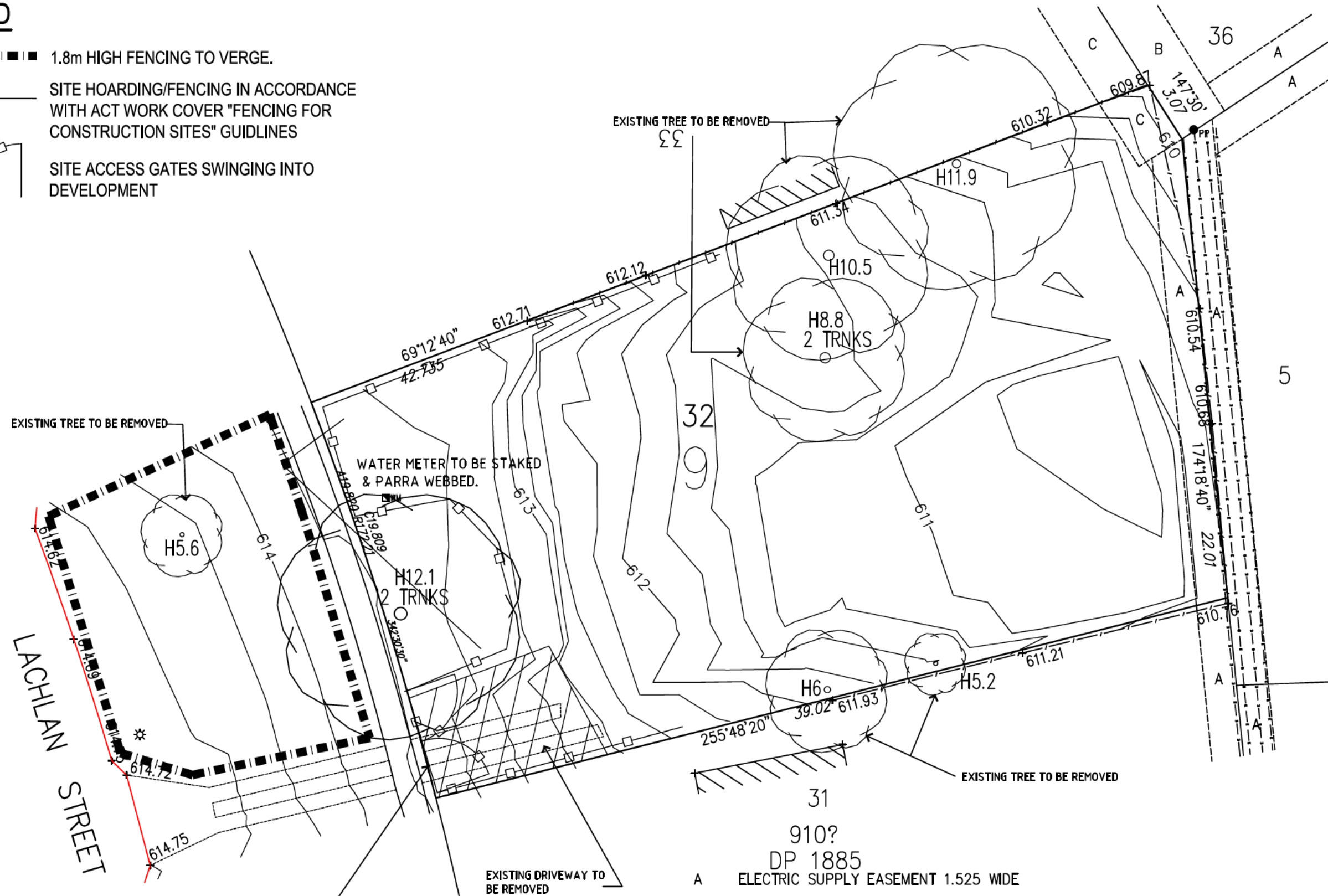
Sub-Element: 9.1 Post occupancy waste management	
Rule: N/A	Applicable Criterion: C94
Kerbside waste collection is consistent with the criteria and has been endorsed by TCCS	

Part D – Endorsement by government agencies (entities)

The application has been referred to and endorsed by all relevant entities with the exception of ICON waster that will be dealt with by way of a condition of approval. The proposal is deemed consistent with the relevant rules/criteria of part D of the MUHDC.

LEGEND

-  1.8m HIGH FENCING TO VERGE.
-  SITE HOARDING/FENCING IN ACCORDANCE WITH ACT WORK COVER "FENCING FOR CONSTRUCTION SITES" GUIDELINES
-  SITE ACCESS GATES SWINGING INTO DEVELOPMENT



NOTES

A LICENSED DRAINER IS TO BE ENGAGED TO DISCONNECT THE INTERNAL SANITARY DRAINS BEFORE ANY DEMOLITION WORKS COMMENCE.

BUILDING CONTRACTOR WILL BE REQUIRED TO MAKE A NEW SANITARY DRAINAGE CONNECTION AT THE DESIGNATED TIE WHEN DEMOLITION IS COMPLETED ACTEWAGL MUST BE NOTIFIED.

WATER METER TO BE STAKED AND PARRAWEBBED SEWER TO BE DISCONNECTED AND CAPPED OFF.

A LICENSED PLUMBER TO BE ENRAGED IN THE DISCONNECTION OF THE INTERNAL PLUMBING SERVICES AT THE WATER METER BEFORE ANY DEMOLITION WORKS COMMENCES. A TEMPORARY HOSE COCK IS TO BE INSTALLED ADJACENT TO THE WATER METER. THE METER BOX AND HOSE COCK MUST BE RETAINED FOR THE DURATION OF ALL BUILDING WORKS, IDENTIFY FLAG, BARRICADE AND PROTECT THE WATER METER ASSEMBLY FROM DEMOLITION OPERATIONS AND ACCIDENTAL DAMAGE. ACTEWAGL IS THE BE CONTACTED FOR REPAIRS TO HYDRANTS , VERGE NETWORK VALVES ETC BEFORE DEMOLITION COMMENCES.

ALL RECYCLABLE MATERIAL FROM SITE TO BE RECYCLED IN A PROPER MANNER.

ASBESTOS REPORT MUST BE PROVIDED PRIOR TO ANY DEMOLITION . ANY ASBESTOS REMOVAL MUST BE REMOVED BY A QUALIFIED TECHNICIAN.

- A ELECTRIC SUPPLY EASEMENT 1.525 WIDE
- B DRAINAGE & ELECTRIC SUPPLY EASEMENT 2.44 WIDE
- C SEWERAGE & ELECTRIC SUPPLY EASEMENT 2.44 WIDE

Revision	Notes

DRAWING TITLE		DEMOLITION PLAN	
Scale	1:200	Date	February 2018
Drawn	JM	Plot Date	March 2018
Drawing No.		A003	

CLIENT	Loucon Building solutions
PROJECT	PROPOSED DUAL OCCUPANCY
	Block 32 Section 9 Macquarie



ACT
Government
Environment and Planning

Jim Madaffari
Po Box 1381
Dickson ACT 2602

**Block 32 Section 9 - Macquarie
Application Number: 201833601
Lessee: Melissa Beban**

Dear Jim

I refer to the plans you submitted in response to condition A1 of the Notice of Decision with respect to the above Development Application.

The plans now satisfy condition A1 of the decision and have been endorsed to form part of the above Development Approval.

Enclosed are copies of the approved plans.

Please note that any other outstanding conditions of approval in the Notice of Decision may need to be addressed prior to development commencing on the site.

If you would like to discuss this matter further please telephone me on 6207 8684.

Sincerely

Minh Pham
Assessment Officer
Environment, Planning and Sustainable Development Directorate
26 September 2018

BLOCK BOUNDARIES & CONTOURS
EASEMENTS TO BE VERIFIED ON
SITE PRIOR TO CONSTRUCTION.

SITE AREA =910sqm
PLOT RATIO =455sqm max 50%
ACHIEVING =454.84sqm 49.98%

60% SITE AREA -50sqm
IS TO BE OPEN SPACE.

REQUIRED =496sqm
ACHIEVING =565.08sqm

10% OF SITE AREA TO BE
PRIVATE OPEN SPACE
WITH A MIN DIMENSION OF 6m

Unit 1 POS: 100.8sqm
Unit 2 POS: 111sqm

WT=2000LT min RAINWATER TANK CAPTUR NG 75sqm OF
ROOF TO BE CONNECTED TO IRRIGATION &
OUTDOOR USE

LB= LETTER BOX

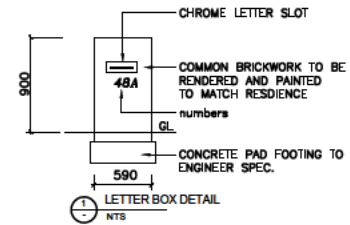
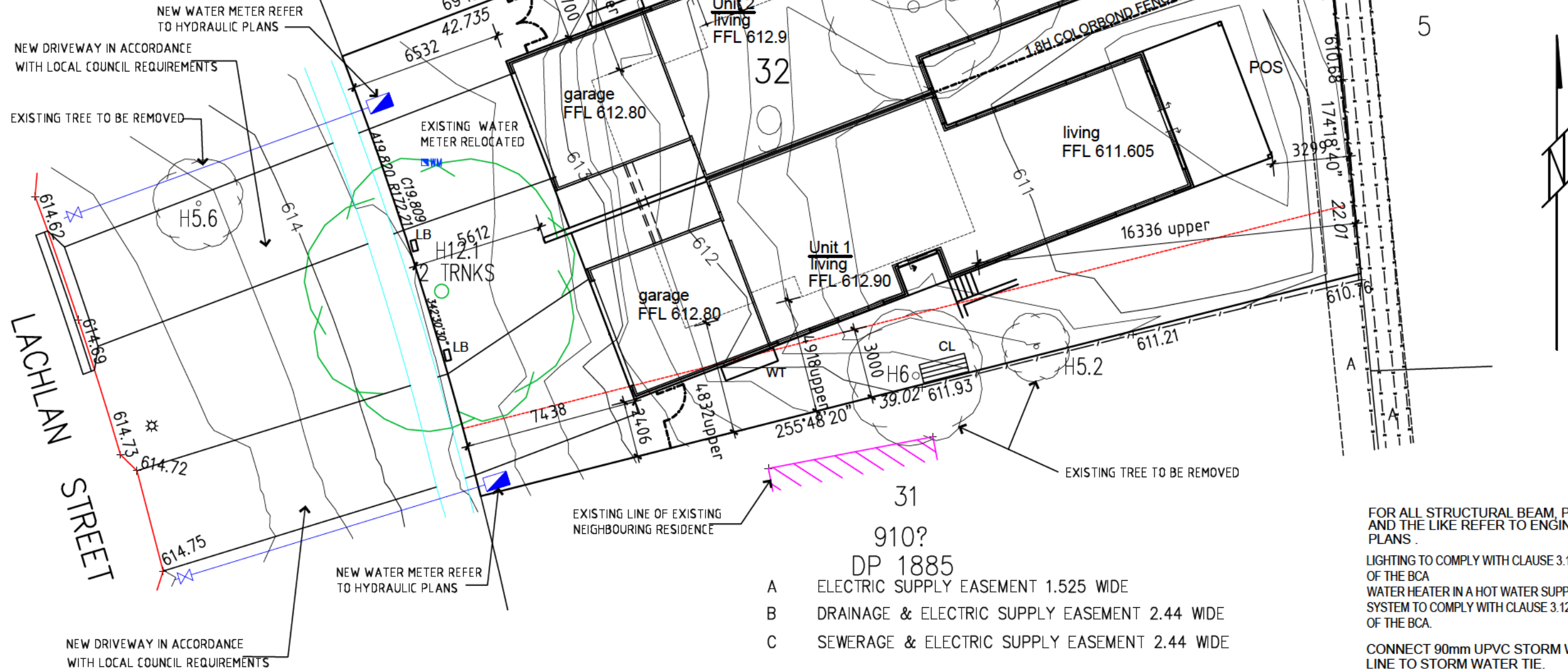
HS=HARDSTAND 5.4 X 3.0

CL =CLOTHES LINE

Unit 1
Ground Living Area: 135.36sqm
Upper Living Area: 54.96sqm
Garage Area: 37.1sqm
Total Area =227.42sqm

Unit 2
Ground Living Area: 135.36sqm
Upper Living Area: 54.96sqm
Garage Area: 37.1sqm
Total Area =227.42sqm

MINIMUM OF 50% OF P.O.S. IS RETAINED



Revision Notes

- R1 FFL reduced by 200mm
- R2 upper roof reduced by 150mm (plus 200mm) 350mm in total
- R3 tree management plan attached

DRAWING TITLE
SITE PLAN
NOTIFICATION

Scale	1:200
Drawn	JM
Date	July 2018
Plot Date	July 2018
Drawing No.	A002

CLIENT
Loucon Building solutions
PROJECT
PROPOSED DUAL OCCUPANCY
Block 32 Section 9 Macquarie

- A ELECTRIC SUPPLY EASEMENT 1.525 WIDE
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- C SEWERAGE & ELECTRIC SUPPLY EASEMENT 2.44 WIDE

FOR ALL STRUCTURAL BEAM, POSTS
AND THE LIKE REFER TO ENGINEERING
PLANS .

LIGHTING TO COMPLY WITH CLAUSE 3.12.5.5
OF THE BCA
WATER HEATER IN A HOT WATER SUPPLY
SYSTEM TO COMPLY WITH CLAUSE 3.12.5.6
OF THE BCA.

CONNECT 90mm UPVC STORM WATER
LINE TO STORM WATER TIE.
EXACT LOCATION OF STORM WATER
TIE TO BE CONFIRMED BY BUILDER
PRIOR TO CONSTRUCTION.
FOR ALL INFORMATION ON STORMWATER
TIES AND DRAINAGE TIES REF TO HYDRAULIC
DRAWINGS

"the development will comply with the ACT
Environment Protection Authority, Environment
protection Guidelines for construction and land
Development in the ACT , August 2007"

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Form for seeking advice from the Landscape Review Panel

Block/s:	32	Date:	27/06/2018
Section:	9	DA Number:	201833601
Suburb:	Macquarie	Address:	50 Lachlan Street
Zone:	RZ2	Assessment officer:	Dale Billing
Proposal :	Dual occupancy development on surrendered RZ2 block		
Additional members required:	No additional attendees		
Reason for seeking advice:	Departure from Conservator's advice		

A copy of the development application for this proposal and assessment documents can be found in the Objective file DA201833601.

ENTITY ADVICE RELEVANT TO DISCUSSION

Conservator's advice

The development application is not supported as the proposed activity removes a regulated tree from the northern side of the block. It has not been established that criteria for removal have been satisfied in clause (2) of Schedule 1 of Disallowable Instrument DI2006-60, Tree Protection (Approval Criteria) Determination 2006 (No2) to support the removal of this tree under the provisions of the Tree Protection Act 2005, however the tree was assessed as medium quality and could be considered for removal under the Planning and Development Act 2005. The application to undertake a tree damaging activity referred to on Sketch Design 4 submitted with this application was not received by the Tree Protection Unit.

Two trees have already been removed from the block. One of these appears to have been of a regulated size based on the size of the stump left. This tree was located against the northern fence and would most likely been supported for removal if an application was received as being located in an inappropriate location. The other tree appears to be under the size requirements to be classified as a regulated tree.

Note: A Tree Management plan is required to demonstrate how the tree proposed to be retained at the front of the block will remain viable during construction of the new dwellings and associated works.

DESIGN OPTIONS

Have other design options been submitted by the proponent?	No
Are there any applicable guidelines?	No
Are there considered to be any realistic alternatives to the proposed development?	No

OPTIONS

The panel has the following options:

- Support the proposal
- Support the removal of trees as proposed
- Do not support the proposal



Form for seeking advice from the Landscape Review Panel

- Do not support the removal of trees as proposed.
- Other.




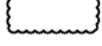






PREFERRED OPTION

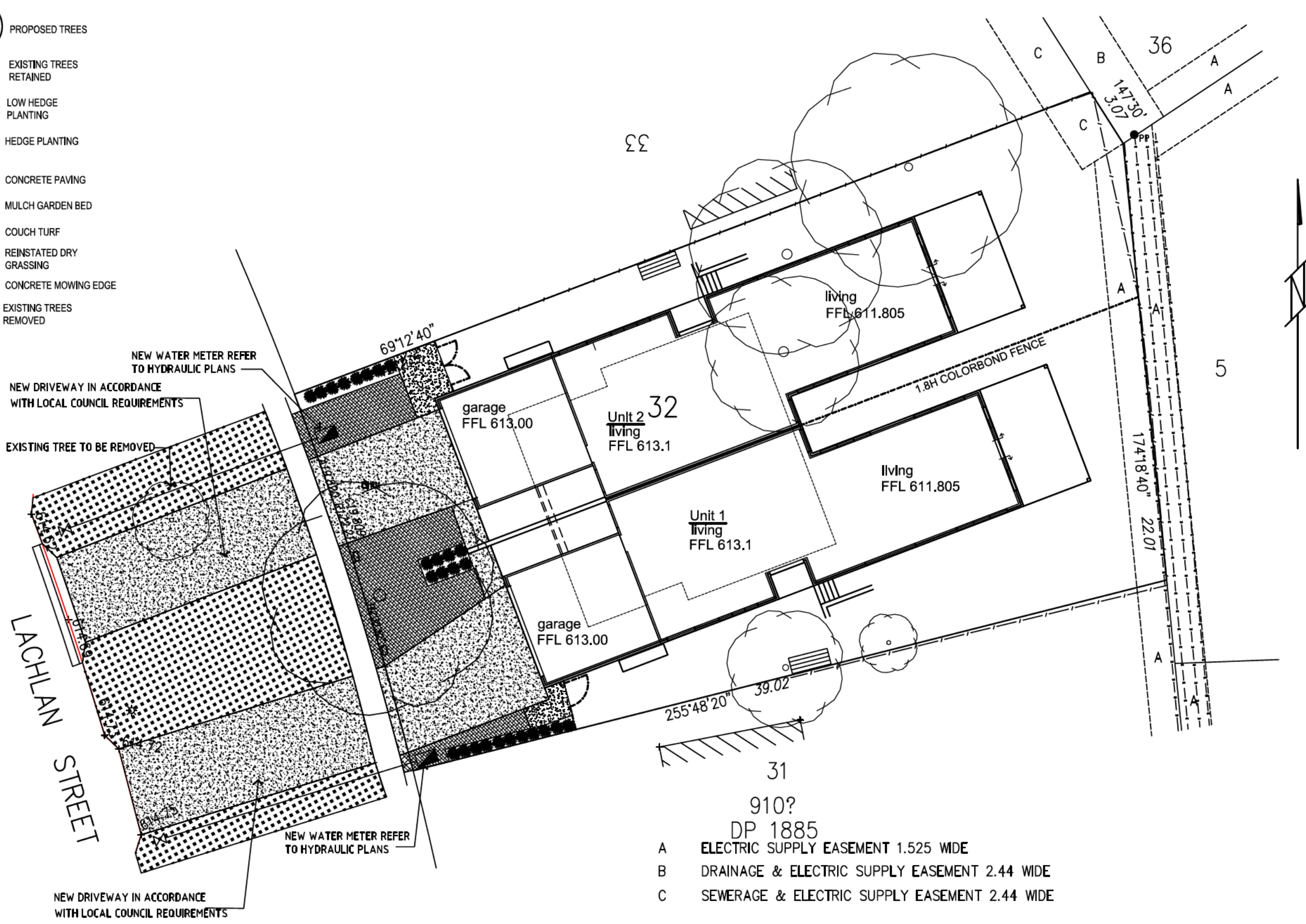
The assessing officer recommends that the LRP support the departure.

LRP MINUTES

Minutes taken by:	Dale Billing	Chair:	Rumana Jamaly
Conflicts of Interest:	None declared		
Members present:	Rumana Jamaly, Simon Hawke, Chris Gell, Johanna Wallner, Helen McKeown, Meagan Russell.		
LRP advice:	Support the proposed tree removals subject to provision and endorsement of a tree management plan for the proposed impact to the tree to the front of the property. Also support is pending approval of other design and siting issues addressed and discussed in the meeting. In particular the solar building envelope encroachment and the level of overshadowing to the neighbour.		

LEGEND

-  PROPOSED TREES
-  EXISTING TREES RETAINED
-  LOW HEDGE PLANTING
-  HEDGE PLANTING
-  CONCRETE PAVING
-  MULCH GARDEN BED
-  COUCH TURF
-  REINSTATED DRY GRASSING
-  CONCRETE MOWING EDGE
-  EXISTING TREES REMOVED



- A ELECTRIC SUPPLY EASEMENT 1.525 WIDE
- B DRAINAGE & ELECTRIC SUPPLY EASEMENT 2.44 WIDE
- C SEWERAGE & ELECTRIC SUPPLY EASEMENT 2.44 WIDE

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Revision	Notes								
DRAWING TITLE		INDICATIVE FRONT LANDSCAPE PLAN							
CLIENT		Loucon Building solutions							
PROJECT		PROPOSED DUAL OCCUPANCY							
Block		32 Section 9 Macquarie							
Scale	1:200	Date	February 2018	Drawing No.	A007				
Drawn	JM	Plot Date	March 2018						

SPECIFICATION

TECHNICAL EXCEPTION CLAUSES

EARTHWORKS/DEMOLITION

SUBGRADE LEVELS

Trim and finish site to subgrade levels.

CONCRETE WORKS CONCRETE PAVING

Provide 100mm thick broom finished concrete paths over 25mm fine crushed rock base. Compact base to 90% MMDD. Provide F82 mesh centrally in concrete. Concrete to 25MPa. Provide expansion joints against all fixed edges.

CONCRETE MOWING EDGE

Provide 150 x 150 concrete mowing edge to 25 MPa. Provide Y12 rod centrally. Steel float finish, 25mm tooled radius to edges.

LANDSCAPE

IRRIGATION

Design, obtain certification and supply and install irrigation system to all garden areas. All works to AS 3500. Provide in-line drippers to garden beds, equal to 'dripline', with pressure regulated emitters at 300mm c/s. Pipes to be placed at 400mm c/s, except where irrigation is to a single line of planting. Peg pipe to ground securely using gal. wire pegs, 3.0mm dia, embedded 300mm. Provide controller to suit system to nominated service zone.

Provide sleeves under paving as required.

CULTIVATION & GYPSUM

Cultivate garden beds and grassed areas to 300mm depth. Allow to regrade areas to remove humps and hollows and create even and smooth grades. Remove stones >25mm diameter, and any rubbish/organic matter brought to the surface during cultivation.

Spread gypsum at 200gms/m² and incorporate into subsoil.

TOPSOILING - GARDEN BEDS

Cultivate existing, spread site topsoil, or, if supplies are exhausted, supply and spread type 'S' topsoil such that all mass planted mulched beds have min. 300mm depth topsoil.

TOPSOILING - GRASSING + reinstated verge

Provide 150mm depth type 'B' topsoil over prepared subgrade.

TERRACOTTEM

Add 'Terracottem' to all stock as follows:

Trees	100gms
200mm stock	40 gms
140mm stock	20 gms.

Applied in accordance with manufacturers recommendations.

PLANTING

Supply and plant as per schedule and details.

MULCHING

Allow to spread 75mm depth 'Forest Litter' mulch to all garden beds.

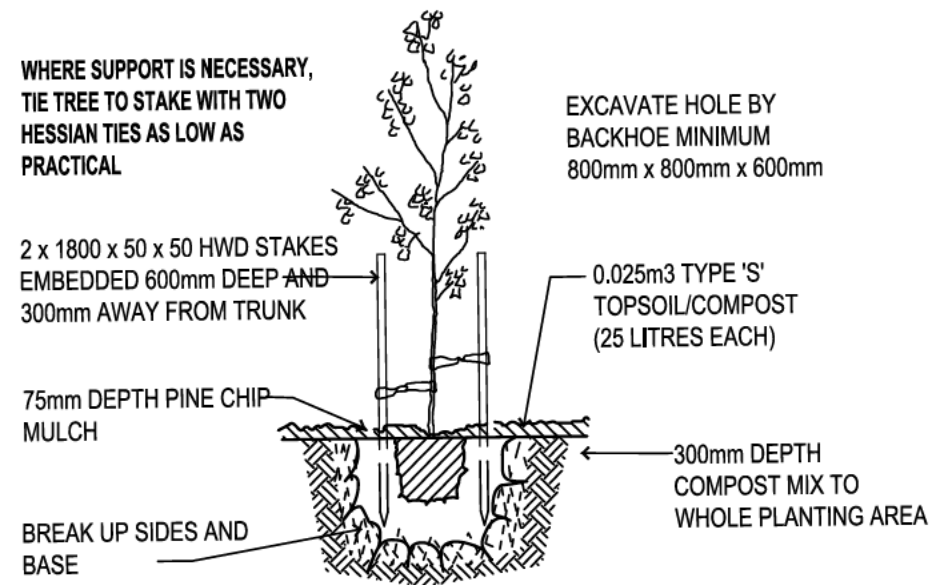
Couch Turf - Provide 'Conquest' couch turf over prepared topsoil.

Verges to be restored:

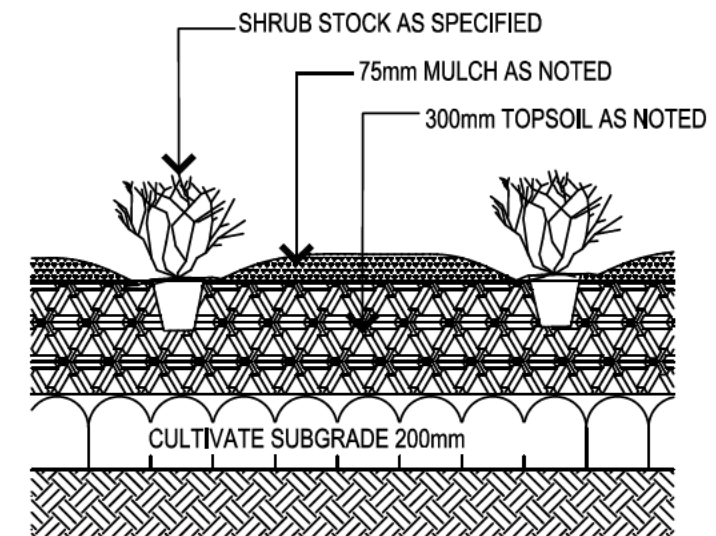
Provide dry grassing and straw mulching as per the Standard Specification

CONSOLIDATION

Period to be 13 weeks.







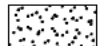





DECIDUOUS TREE IN GARDEN BEDS
SCALE 1:50 @ A3

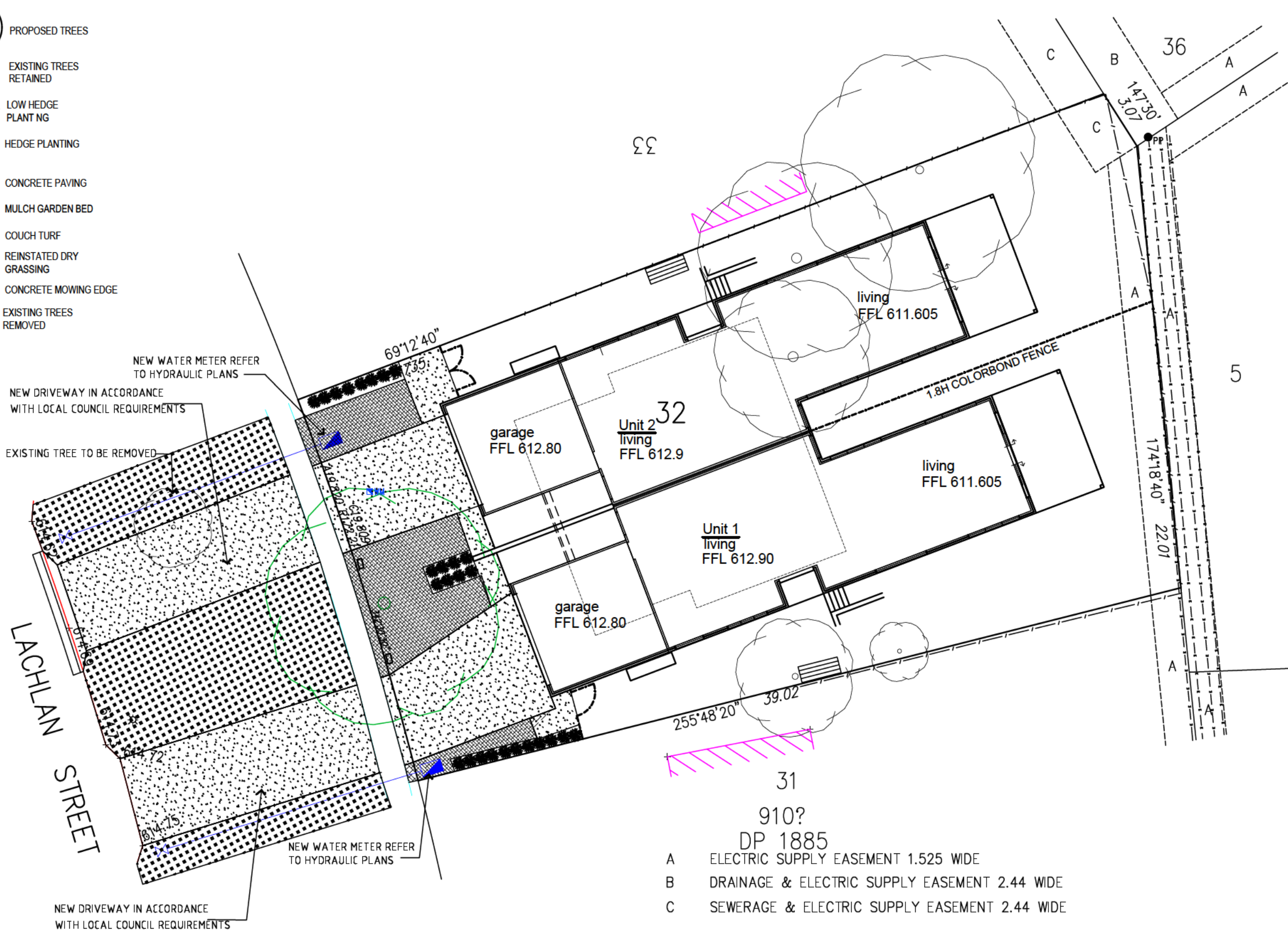


SHRUB PLANTING DETAIL
SCALE 1:20 @ A3

Notes					
Revision					
DRAWING TITLE		LANDSCAPE SPECS		Drawing No. A008	
Scale	AS NOTED	Date	February 2018	Plt Date	March 2018
Drawn	JM				
CLIENT	Loucon Building solutions				
PROJECT	PROPOSED DUAL OCCUPANCY				
	Block 32 Section 9 Macquarie				

LEGEND

-  PROPOSED TREES
-  EXISTING TREES RETAINED
-  LOW HEDGE PLANTING
-  HEDGE PLANTING
-  CONCRETE PAVING
-  MULCH GARDEN BED
-  COUCH TURF
-  REINSTATED DRY GRASSING
-  CONCRETE MOWING EDGE
-  EXISTING TREES REMOVED







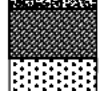








- A ELECTRIC SUPPLY EASEMENT 1.525 WIDE
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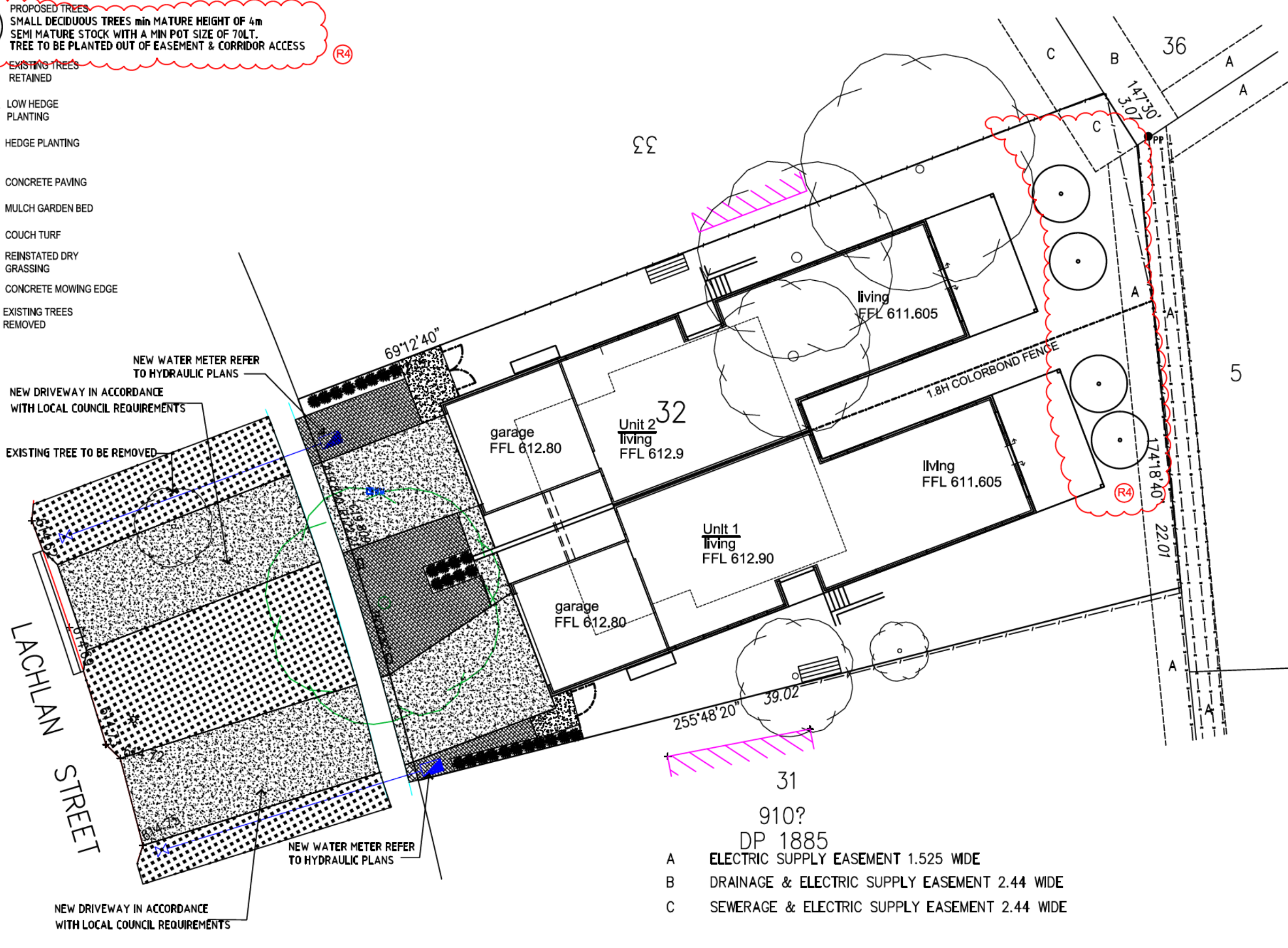
Revision	Notes
R1	FFL reduced by 200mm
R2	upper roof reduced by 150mm (plus 200mm) 350mm in total
R3	tree management plan attached

DRAWING TITLE		INDICATIVE FRONT LANDSCAPE PLAN	
Scale	1:200	Date	July 2018
Drawn	JM	Plot Date	March 2018
CLIENT		Loucon Building solutions	
PROJECT		PROPOSED DUAL OCCUPANCY	
		Block 32 Section 9 Macquarie	
		Drawing No.	A007

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LEGEND

-  PROPOSED TREES
-  SMALL DECIDUOUS TREES min MATURE HEIGHT OF 4m
-  SEMI MATURE STOCK WITH A MIN POT SIZE OF 70LT.
-  TREE TO BE PLANTED OUT OF EASEMENT & CORRIDOR ACCESS
-  EXISTING TREES RETAINED
-  LOW HEDGE PLANTING
-  HEDGE PLANTING
-  CONCRETE PAVING
-  MULCH GARDEN BED
-  COUCH TURF
-  REINSTATED DRY GRASSING
-  CONCRETE MOWING EDGE
-  EXISTING TREES REMOVED



NEW WATER METER REFER TO HYDRAULIC PLANS

NEW DRIVEWAY IN ACCORDANCE WITH LOCAL COUNCIL REQUIREMENTS

EXISTING TREE TO BE REMOVED

LACHLAN STREET

NEW DRIVEWAY IN ACCORDANCE WITH LOCAL COUNCIL REQUIREMENTS





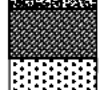








NEW WATER METER REFER TO HYDRAULIC PLANS

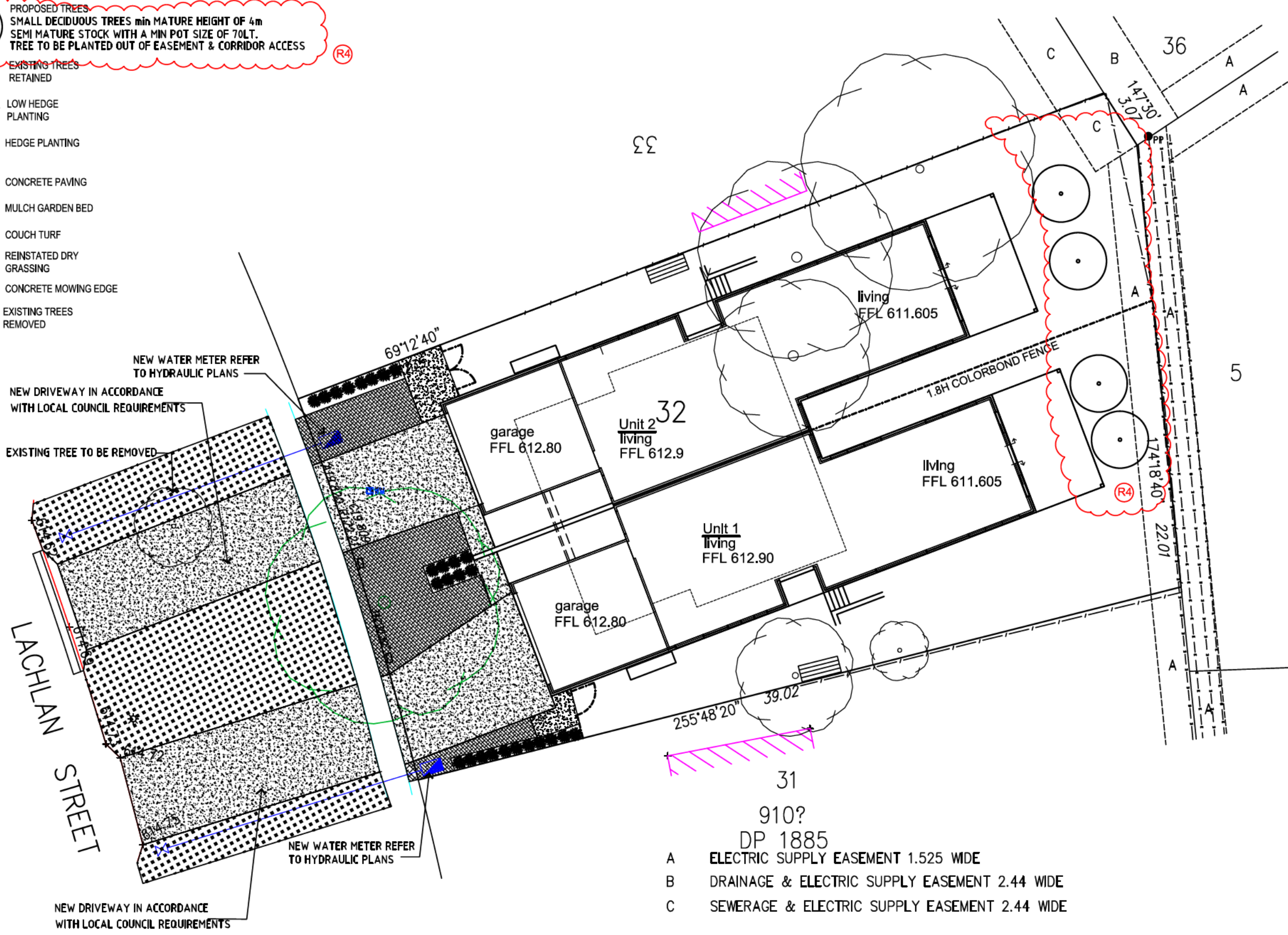
- 31
910?
DP 1885
- A ELECTRIC SUPPLY EASEMENT 1.525 WIDE
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Revision		Notes	
R1		FFL reduced by 200mm	
R2		upper roof reduced by 150mm (plus 200mm) 350mm in total	
R3		tree management plan attached	
R4		trees added to landscape plan as per NOD	
DRAWING TITLE			
INDICATIVE FRONT LANDSCAPE PLAN			
Scale	1:200	Date	July 2018
Drawn	JM	Plot Date	JULY 2018
Drawing No.		A007	
CLIENT	Loucon Building solutions		
PROJECT	PROPOSED DUAL OCCUPANCY		
	Block 32 Section 9 Macquarie		

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Revision	Notes
R1	FFL reduced by 200mm
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R3	tree management plan attached
R4	trees added to landscape plan as per NOD

DRAWING TITLE	
INDICATIVE FRONT LANDSCAPE PLAN	
Scale	1:200
Date	July 2018
Drawn	JM
Plot Date	JULY 2018
Drawing No.	A007

CLIENT	Loucon Building solutions
PROJECT	PROPOSED DUAL OCCUPANCY
	Block 32 Section 9 Macquarie

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Environment, Planning and
Sustainable Development

Notice of decision

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

Merit track

DA NO: 201833601		DATE LODGED: 29/03/2018
DATE OF DECISION: 02/08/2018		
BLOCK: 32	SECTION: 9	SUBURB: MACQUARIE
STREET NO AND NAME: 50 Lachlan Street Macquarie		
APPLICANT: Jim Madaffari		
LESSEE: Melissa Beban & Louis Purcell		

THE DECISION

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

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

- **the erection of a 2-storey building containing 2 dwellings with attached garage car parking and associated landscaping, paving and other site works.**

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

Dale Billing
Delegate of the planning and land authority
Environment, Planning and Sustainable Development Directorate
02/08/2018

CONTACT OFFICER

Dale Billing
Phone: (02) 6205 3980
Email: dale.billing@act.gov.au

PART 1 CONDITIONS OF APPROVAL

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

A. ADMINISTRATIVE / PROCESS CONDITIONS

A1. 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 revised Landscape Plan showing:

- a) Provision of two small deciduous trees with a minimum mature height of 4m and of semi-mature stock with a minimum pot size of 70 litres, planted in the rear yards of units 1 & 2 outside of easements and access corridors.

A2. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

The following conditions are to be addressed to the satisfaction of Transport Canberra and City Services (TCCS):

VERGE CROSSING

- a) The verge crossings must be constructed in accordance with TCCS Design Standards.
- b) The levels on the verge must not be altered as a result of the new constructed verge crossings.
- c) The verge crossings (domestic) must be inspected at the formwork stage by an officer of Development Review and Coordination, TCCS. The verge crossing inspections can be organised by completing a smart form available in the TCCS website.
- d) Any infrastructure assets such as street lighting, mini-pillars, signage etc must be a minimum of 1.5m away from the closest edge of the verge crossings. In case of stormwater sumps this minimum distance would be 1.2m.

PEDESTRIAN NETWORK

- e) The pedestrian footpath must take precedence over the driveway.
- f) All verge protective fencing must be placed in a way so that the verge is protected but access to the pedestrian network is provided at all times.
- g) Adequate clearance must be provided for pedestrian footpath in accordance with the TCCS Standard Drawing 04: Verge Design.

VERGE / VERGE TREE

- h) The verge must be protected during construction.
- i) All trees / shrubs proposed within the lease boundary are to be set back adequately and planted so that it won't encroach beyond the lease boundary of the property into unleased Territory land.
- j) A Landscape Management and Protection Plan (including temporary fencing for protection of the verge) and a dilapidation report for all Government Assets adjacent to the site must be submitted to the Development Review and Coordination, TCCS prior to commencement and on completion of the work.

STORMWATER

- k) Only one stormwater tie must be used for all the developments in a single block.

USE OF VERGES OR OTHER UNLEASED TERRITORY LAND

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

REPAIR OF DAMAGE TO PUBLIC ASSETS

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

A3. FENCING CONDITION

Pursuant to sub paragraph 165(3) (o) (ii) of the *Planning and Development Act 2007*, at the lessee's expense and before the completion of building work, the existing fence between Blocks 5, 31, 32, 33, & 36 Section 9 MACQUARIE shall be replaced with a 1.8 m high timber lapped and capped fence, or to another standard acceptable to the subject lessee and the adjoining lessees. In the event the adjacent lessees do not wish to replace their respective fence the existing fence can be retained. The lessee must take all reasonable steps to obtain the written agreement of the respective lessees before the erection of any new fencing. New fencing shall not extend further forward than the new building line.

Note: Representations received have requested that fencing be provided at the maximum height in certain locations to increase privacy between blocks. Discussion with the adjacent lessees on Block 31 Section 9 (50 Lachlan Street) and Block 5 Section 9 (6 Belbin Place) should be had to determine the height and location of any replacement and/or higher fencing elements consistent with the Common Boundaries Act and relevant exemptions, to provide additional privacy to their rear yards.

A4. COMPLIANCE WITH ENTITY REQUIREMENTS

The development must comply with all the relevant conditions imposed by each of the relevant entities which states in each of their advice that need to be addressed prior to, during and post construction (Refer advisory notes at Part 1, Item E and Part 3 of this document).

B. PRIOR TO CONSTRUCTION AND/OR DEMOLITION**B1. SEDIMENT AND EROSION CONTROL**

All works shall be carried out in accordance with environment Protection guidelines for Construction and Land Development I the ACT, March 2011.

B2. TREE PROTECTION

All works and protective fencing measures are carried out in accordance with the Tree Protection Plan and Tree Protection Notes outlined on Tree Protection Plan, Drawing No. A003A, Date: July 2018 and any services required within the tree protection zone are to be under bored or excavated by the use of hydro vac, this activity will require ground work approval by the Conservator.

B3. VERGE MANAGEMENT

This plan is to be approved and implemented before the commencement of any work on the site, and is to be in accordance with the *City Management Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04*.

C. DURING CONSTRUCTION AND/OR DEMOLITION**C1. SEDIMENT AND EROSION CONTROL**

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

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

C2. TREE PROTECTION

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

C3. VERGE MANAGEMENT

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

C4. WASTE MANAGEMENT

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

D. POST CONSTRUCTION AND/OR DEMOLITION

N/A

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. VERGE TREE

Urban Treescapes can support the removal of the small Prunus (tree) on the nature strip of 50 Lachlan Street (Block 32, Section 9), Macquarie.

This is an unofficial street tree planting, and due to the street light location, new driveway locations and the tree within the lease, TCCS won't request a replacement planting.

Please note: That in line with Urban Treescapes public notification policy, the applicant will be required to post a removal sign on the tree at least 14 days prior to removal.

E2. CONSTRUCTION ACTIVITIES

It is recommended that the person/s responsible for construction activities on site discuss with neighbouring properties the construction program for the proposal and advise them of any particularly noisy activities or activities that could generate excessive dust/wind borne pollution.

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 where appropriate in the form modified by the imposed conditions, it was considered to meet:

- the relevant codes, being the Macquarie Precinct Map & Code, The Residential Zones Development Code and the Multi unit Housing Development Code.

The key issues identified in the assessment are:

- Consideration of tree removals on development grounds
- The reduction in FFL's of the proposal to lessen the encroachment into the solar building envelope and impact of overlooking on adjoining properties.
- The provision of additional landscaping in the form of small deciduous trees to the rear yards of the proposed units to replace existing vegetation removals, provide additional screening and contribute to summer shade and winter solar access.
- Replacement of common boundary fencing to a standard agreed to by the applicant and adjoining lessees.

Where appropriate 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*.

The decision is inconsistent with advice from the Conservator of Flora and Fauna dated 23/04/2018. However, pursuant to section 119 (2) of the Act, the advice received has been considered, as well as the relevant guidelines and any realistic alternative to the development proposed or aspects of it. A decision to approve this application is consistent with the objectives of the Territory Plan.

EVIDENCE

Application No. – 201833601

File No. – 1-2018/08048

The Development Codes – The Residential Zones Development Code and the Multi-unit Housing Development Code.

The Precinct Codes – Macquarie Precinct Map & Code

Current Crown Lease – Volume 2325 Folio 28

Representations – Three

Entity advice – Conservator of Flora and Fauna, Evoenergy (Electricity and Gas), ICON Water, Transport Canberra and City Services.

PART 3 PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 10/04/2018 to 01/05/2018. Three written representations were received during public notification.

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

- (a) Replacement of the existing fencing to common boundaries to the maximum height allowable to ensure privacy to neighbouring residences.

As this application is a multi-unit proposal a standard condition (Condition A3) has been imposed to require the lessee to replace the existing common boundary fencing at their own cost. The replacement fence is to be a 1.8 m high timber lapped and capped fence, or to another standard acceptable to the subject lessee and the adjoining lessees. A note has also been added to this condition identifying the request for neighbouring residents to provide a fence higher than the standard for privacy needs. A common boundary fence can reach a height of 2.3m above natural ground level without requiring a development approval. As common boundary fencing falls under the *Common Boundaries Act* details of this fencing is not required for planning approval. More information can be found at the following link.

https://www.planning.act.gov.au/topics/design_build/da_assessment/fences_hedges_walls

- (b) Requests for 3m high hedge to be provided along the subject blocks side boundary for further screening and privacy.

The provision of hedging in this location would contravene utility access requirements and cannot be imposed as a condition of approval.

- (c) The provision of mature replacement plants to offset the removal of all trees from the site.

A condition (Condition A1) has been imposed to provide two semi mature deciduous tree species, with a minimum pot size of 70 litres. This condition has been imposed to replace the trees removed from the site and also address relevant provisions of the Multi-unit Housing Development Code.

- (d) Request for conditions to be imposed on times for construction activities to occur on site.

This is not a planning matter and noise requirements for residential blocks are governed by the EPA. Notwithstanding this advice has been included in the Notice of Decision requesting that the construction schedule be discussed with adjacent lessees.

- (e) Concern in relation to potential overlooking into neighbouring properties Principal Private Open space.

As part of a further information request the proposal has been amended to reduce the Finished Floor Levels across the site to comply with solar building envelope requirements and in part, reduce the potential for overlooking into rear yards of neighbouring properties. The living and alfresco areas to the rear of the property have been lowered by 200mm and this will reduce the potential for overlooking from these areas. A condition has also been imposed for the planting of additional trees to the rear yards as detailed above. An assessment of the amended proposal has been found to comply with the Multi-unit Housing Development Code in particular the protection of privacy of adjoining blocks.

(f) Concern for the removal of regulated trees.

The application has been approved and the proposed tree removals have supported on development grounds. However, conditions have been imposed to include a replacement tree to the rear yard of each dwelling as outlined above.

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 23/04/2018 advice was received from the Conservator of Flora and Fauna in relation to the proposal. The advice states that:

The development application is not supported as the proposed activity removes a regulated tree from the northern side of the block. It has not been established that criteria for removal have been satisfied in clause (2) of Schedule 1 of Disallowable Instrument DI2006-60, *Tree Protection (Approval Criteria) Determination 2006* (No2) to support the removal of this tree under the provisions of the *Tree Protection Act 2005*, however the tree was assessed as medium quality and could be considered for removal under the *Planning and Development Act 2005*. The application to undertake a tree damaging activity referred to on Sketch Design 4 submitted with this application was not received by the Tree Protection Unit.

Two trees have already been removed from the block. One of these appears to have been of a regulated size based on the size of the stump left. This tree was located against the northern fence and would most likely been supported for removal if an application was received as being located in an inappropriate location. The other tree appears to be under the size requirements to be classified as a regulated tree.

A Tree Management plan is required to demonstrate how the tree proposed to be retained at the front of the block will remain viable during construction of the new dwellings and associated works.

Assessment Note: In relation to the non-support of the proposed tree removals a decision to support the application on development grounds inconsistent with conservator's advice was made pursuant to section 119 (2) of the Act.

Further information was requested to address comments raised by the Conservator in relation to the provision of a tree management plan and this was referred for comment.

On 27/07/2018 advice was received from the Conservator of Flora and Fauna in relation to the proposal. The advice states that the Tree Management Plan is supported if the protective fencing measures are carried out in accordance with the Tree Protection Plan and Tree Protection Notes outlined on Tree Protection Plan, Drawing No. A003A, Date: July 2018 and any services required within the tree protection zone are to be under bored or excavated by the use of hydro vac, this activity will require ground work approval by the Conservator.

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

EVOENERGY (ELECTRICITY & GAS)

On 20/04/2018 advice was received from Evoenergy (electricity & gas) in relation to the proposal. The advice states that the application conditionally complies.

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

TRANSPORT CANBERRA AND CITY SERVICES

On 26/04/2018 advice was received from Transport Canberra and City Services in relation to the proposal. The advice states that the application is supported subject to compliance with the following conditions:

VERGE CROSSING

1. The verge crossings must be constructed in accordance with TCCS Design Standards.
2. The levels on the verge must not be altered as a result of the new constructed verge crossings.
3. The verge crossings (domestic) must be inspected at the formwork stage by an officer of Development Review and Coordination, TCCS. The verge crossing inspections can be organised by completing a smart form available in the TCCS website.
4. Any infrastructure assets such as street lighting, mini-pillars, signage etc must be a minimum of 1.5m away from the closest edge of the verge crossings. In case of stormwater sumps this minimum distance would be 1.2m.

PEDESTRIAN NETWORK

5. The pedestrian footpath must take precedence over the driveway.
6. All verge protective fencing must be placed in a way so that the verge is protected but access to the pedestrian network is provided at all times.
7. Adequate clearance must be provided for pedestrian footpath in accordance with the TCCS Standard Drawing 04: Verge Design.

VERGE / VERGE TREE

8. The verge must be protected during construction.
9. All trees / shrubs proposed within the lease boundary are to be set back adequately and planted so that it won't encroach beyond the lease boundary of the property into unleased Territory land.
10. A Landscape Management and Protection Plan (including temporary fencing for protection of the verge) and a dilapidation report for all Government Assets adjacent to the site must be submitted to the Development Review and Coordination, TCCS prior to commencement and on completion of the work.

STORMWATER

11. Only one stormwater tie must be used for all the developments in a single block.

Standard Conditions

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

Use of Verges or other Unleased Territory land

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

Repair of Damage to Public Assets

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

On 30/04/2018 further advice was received from Transport Canberra and City Services in relation to the proposal. The advice states that In addition to TCCS comments dated 26 April 2018, Urban Treescapes can support the removal of the small Prunus (tree) on the nature strip of 50 Lachlan Street (Block 32, Section 9), Macquarie.

This is an unofficial street tree planting, and due to the street light location, new driveway locations and the tree within the lease, we won't request a replacement planting. Please note: That in line with Urban Treescapes public notification policy, the applicant will be required to post a removal sign on the tree at least 14 days prior to removal.

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

PART 4 ADMINISTRATIVE INFORMATION

DATE THAT THIS APPROVAL TAKES EFFECT

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

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

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

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

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

INSPECTION OF THE APPLICATION AND DECISION

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

RECONSIDERATION OF THE DECISION

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

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

REVIEW BY THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL (ACAT)

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

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

APPENDIX 1

CONTACT DETAILS OF RELEVANT AGENCIES

Health Directorate - health protection	Website: www.health.act.gov.au Telephone: (02) 6205 1700
Environment, Planning and Sustainable Development 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.planning.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
Transport Canberra and City Services - 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.tccs.act.gov.au Telephone: 132 281 Telephone for Development Review & Coordination: (02) 6207 7480
Utilities - Telstra (networks) - TransACT (networks) - Icon Water - Electricity reticulation	Telephone: (02) 8576 9799 Telephone: (02) 6229 8000 Telephone: (02) 6248 3111 Telephone: (02) 6293 5738

ADVICE TO APPLICANT

SUBMISSION OF REVISED DRAWINGS AND DOCUMENTATION

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

- Completing an application for S165 Satisfying Conditions of Approval and submitting the documentation online using edevelopment. More information on edevelopment can be found at http://www.planning.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.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 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 Transport Canberra and City Services.

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 Transport Canberra and City Services.

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, TCCS 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 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.

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 TCCS.

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 Transport Canberra and City Services of any existing damage to public facilities.

UTILITY ASSETS RETENTION

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

WATER RESTRICTIONS AND FILLING OF NEW POOLS, PONDS AND FOUNTAINS

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

DRAINAGE

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

REVIEW OF THE DECISION

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

CONTACT DETAILS

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

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

POWERS OF THE ACAT

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

APPLICATIONS TO THE ACAT

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

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

TIME LIMITS FOR APPLICATIONS

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

FEES

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

TIME LIMITS FOR REVIEWS OF DECISIONS

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

FORMS OF LEGAL, FINANCIAL AND OTHER ADVICE AND ASSISTANCE

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

- ACT Attorney-General, write to The Chief Executive, Justice and Community Safety Directorate, GPO Box 158, CANBERRA, ACT, 2601;
- the ACT Legal Aid Office, telephone 1300 654314;
- Legal Advice Bureau, telephone (02) 6247 5700;
- ACT Council of the Ageing, telephone (02) 6282 3777;
- Welfare Rights and Legal Centre, telephone (02) 6247 2177; and
- Environmental Defender's Office (ACT), telephone (02) 6247 9420.

AWARDING OF COSTS

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

ACCESS TO DOCUMENTS ABOUT THE DECISION

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

PROCEDURES OF THE ACAT

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

TRANSLATION AND INTERPRETER SERVICES

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

ENGLISH	If you need interpreting help, telephone:
ARABIC	إذا احتجت لمساعدة في الترجمة الشفوية، إتصل برقم الهاتف:
CHINESE	如果你需要传译员的帮助，请打电话:
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, ċempel:
PERSIAN	اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ако вам је потребна помоћ преводиоца телефонирајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

TRANSLATING AND INTERPRETING SERVICE**131 450**

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

From: [Billing, Dale](#)
To: ["treeprotection-AC@act.gov.au"](mailto:treeprotection-AC@act.gov.au)
Cc: [Dojic, Rosie](#); [McKeown, Helen](#)
Subject: RE: COMM-Tree Protection-201833601-32/9 MACQUARIE further info required [SEC=UNCLASSIFIED]
Date: Tuesday, 24 July 2018 4:43:00 PM
Attachments: [S144B.OBR](#)

Dear Tree Protection/Conservator Liaison

Please find attached a reference to the further information provided by the applicant for DA201833601 32/9 Macquarie. This development application has been referred to LRP and the proposed tree removals have been supported on design grounds. However, in response to the Conservators comments below, a Tree Management Plan has been provided for the proposed impact on the tree to the front of the property identified for retention.

It was agreed in LRP that this be provided for review prior to a decision on the application. Could you please review the attached information and let me know if this information has adequately addressed your concerns.

Happy to discuss.

Regards

Dale Billing

Senior Officer | Development Assessment

Planning Delivery | Environment Planning and Sustainable Development | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601

p (02) 6205 3980 | e dale.billing@act.gov.au | web www.actpla.act.gov.au

From: McKeown, Helen
Sent: Monday, 23 April 2018 1:44 PM
To: EPD, Customer Services <EPDCustomerServices@act.gov.au>
Cc: Dojic, Rosie <Rosie.Dojic@act.gov.au>
Subject: COMM-Tree Protection-201833601-32/9 MACQUARIE further info required [SEC=UNCLASSIFIED]

DA No 201833601

BLOCK:	SECTION:	DIVISION:
32	9	Macquarie

This DA has been assessed and the following Conservators Advice in accordance with Section 82 *Tree Protection Act 2005* is provided:

No regulated trees on the site	
Supported provided there are conditions of approval	
Advice for the applicant	
Not Supported	X
Further Information/amendments required	X

Conditions/Comments/Advice:

The development application is not supported as the proposed activity removes a regulated tree from the northern side of the block. It has not been established that criteria for removal have been satisfied in clause (2) of Schedule 1 of Disallowable Instrument DI2006-60, *Tree Protection (Approval Criteria) Determination 2006 (No2)* to support the removal of this tree under the provisions of the *Tree Protection Act 2005*, however the tree was assessed as medium quality and could be considered for removal under the *Planning and Development Act 2005*. The application to undertake a tree damaging activity referred to on Sketch Design 4 submitted with this application was not received by the Tree Protection Unit.

Two trees have already been removed from the block. One of these appears to have been of a regulated size based on the size of the stump left. This tree was located against the northern fence and would most likely been supported for removal if an application was received as being located in an inappropriate location. The other tree appears to be under the size requirements to be classified as a regulated tree.

Note: A Tree Management plan is required to demonstrate how the tree proposed to be retained at the front of the block will remain viable during construction of the new dwellings and associated works.

I look forward to receiving written advice of the decision and a copy of the decision in accordance with Section 174 of the *Planning and Development Act 2005*.

Helen McKeown | Conservator Liaison

Phone 02 6207 2247 |

Environment | Environment and Planning | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au

From: [EPD, Customer Services](#)
To: treeprotection-AC@act.gov.au
Subject: REFERRAL-TREE-201833601-32/9 MACQUARIE-01 [SEC=UNCLASSIFIED]
Date: Friday, 6 April 2018 10:42:00 AM
Attachments: [image001.jpg](#)
[plans.obr](#)
[supporting docs.obr](#)

DEVELOPMENT APPLICATION NO: 201833601
BLOCK: 32 **SECTION:** 9 **DIVISION:** MACQUARIE

Description - PROPOSAL FOR DUAL OCCUPANCY - Construction of 2 new two storey dwellings with attached garage, landscaping and associated works.

Pursuant to Section 148(1) of the *Planning and Development Act 2007* the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than **15 working days** after the date of this notice **(30/04/2018)**.

In accordance with Section 150 of the *Planning and Development Act 2007* If advice is not received within the prescribed time it will be taken that you have supported the application.

Please forward any written advice via email to Customer Services
EPDcustomerservices@act.gov.au

Please use the following format in the subject line of the email when providing advice:

COMM-Agency Name-20140XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-TAMS-201401234-10/10 Dickson-01

Kind Regards

Athi Venkatasubbu

Phone 6207 1923

EPDCustomerService@act.gov.au

www.act.gov.au/accesscbr

Access Canberra | ACT Government

16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601

cid:image009.jpg@01D31C1B.E0820B30



Access Canberra is an ACT Government service that brings together customer and regulatory services, including the former Environment and Planning Directorates Customer Services Team. Access Canberra has been set up to make it easier for business, community organisations and individuals to work with ACT Government and deliver a more seamless experience.

BLOCK BOUNDARIES & CONTOURS
EASEMENTS TO BE VERIFIED ON
SITE PRIOR TO CONSTRUCTION.

SITE AREA =910sqm
PLOT RATIO =455sqm max 50%
ACHIEVING =454.84sqm 49.98%

60% SITE AREA -50sqm
IS TO BE OPEN SPACE.

REQUIRED =496sqm
ACHIEVING =565.08sqm

10% OF SITE AREA TO BE
PRIVATE OPEN SPACE
WITH A MIN DIMENSION OF 6m

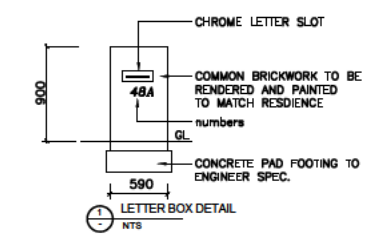
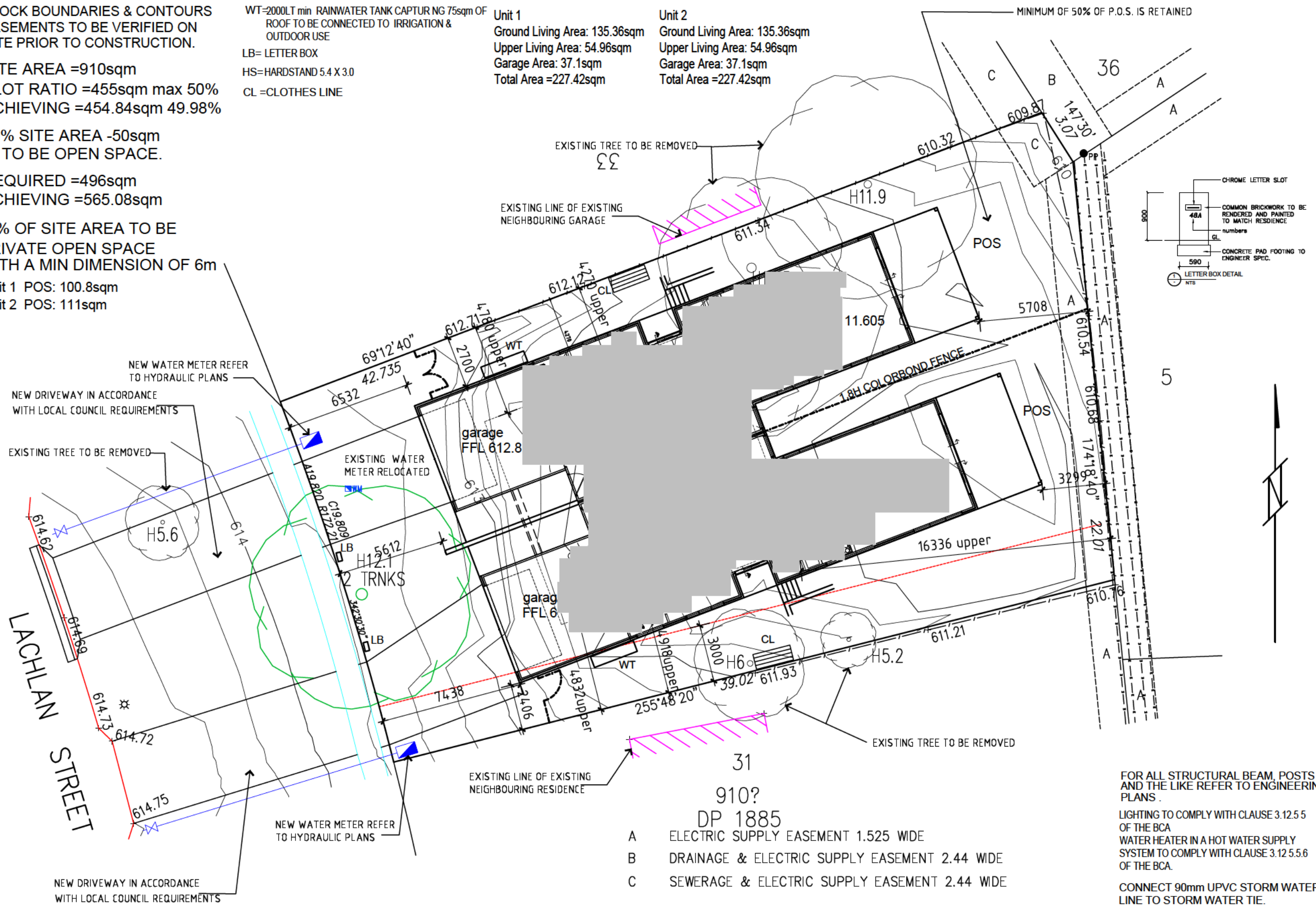
Unit 1 POS: 100.8sqm
Unit 2 POS: 111sqm

WT=2000LT min RAINWATER TANK CAPTUR NG 75sqm OF
ROOF TO BE CONNECTED TO IRRIGATION &
OUTDOOR USE
LB= LETTER BOX
HS=HARDSTAND 5.4 X 3.0
CL =CLOTHES LINE

Unit 1
Ground Living Area: 135.36sqm
Upper Living Area: 54.96sqm
Garage Area: 37.1sqm
Total Area =227.42sqm

Unit 2
Ground Living Area: 135.36sqm
Upper Living Area: 54.96sqm
Garage Area: 37.1sqm
Total Area =227.42sqm

MINIMUM OF 50% OF P.O.S. IS RETAINED



- 910?
DP 1885
- A ELECTRIC SUPPLY EASEMENT 1.525 WIDE
 - B DRAINAGE & ELECTRIC SUPPLY EASEMENT 2.44 WIDE
 - C SEWERAGE & ELECTRIC SUPPLY EASEMENT 2.44 WIDE

FOR ALL STRUCTURAL BEAM, POSTS
AND THE LIKE REFER TO ENGINEERING
PLANS .
LIGHTING TO COMPLY WITH CLAUSE 3.12.5.5
OF THE BCA
WATER HEATER IN A HOT WATER SUPPLY
SYSTEM TO COMPLY WITH CLAUSE 3.12.5.5.6
OF THE BCA.
CONNECT 90mm UPVC STORM WATER
LINE TO STORM WATER TIE.
EXACT LOCATION OF STORM WATER
TIE TO BE CONFIRMED BY BUILDER
PRIOR TO CONSTRUCTION.
FOR ALL INFORMATION ON STORMWATER
TIES AND DRAINAGE TIES REF TO HYDRAULIC
DRAWINGS


"the development will comply with the ACT
Environment Protection Authority, Environment
protection Guidelines for construction and land
Development in the ACT , August 2007"

Revision	Notes
R1	FFL reduced by 200mm
R2	upper roof reduced by 150mm (plus 200mm) 350mm in total
R3	tree management plan attached

DRAWING TITLE		A001	
SITE PLAN		Drawing No.	
Scale	1:200	Date	July 2018
Drawn	JM	Plot Date	July 2018

CLIENT	Loucon Building solutions
PROJECT	PROPOSED DUAL OCCUPANCY
	Block 32 Section 9 Macquarie

GENERAL NOTES: All works are to comply with the relevant Australian standards & all relevant authority requirements. All dimensions dependent on existing site conditions shall be verified by the builder on site prior to the commencement of the works. DO NOT SCALE OFF DRAWING. A registered surveyor to set out structure & confirm positions of all relevant building envelope setbacks & easements prior to the commencement of the works. All timber framing & construction must comply with AS1684 'the national timber framing code'. Provide temporary & permanent bracing to all framing in accordance with the standard. All concrete slabs & footings are subject to a soil classification & are to comply with engineers drawings or AS2870 'residential slabs & footings code' including all relevant region specific supplements. All storm water drainage & sewerage to be connected to existing services in accordance with the BCA & all local authority requirements or selected rainwater tank or septic system. All lintels, beams, & supports to be specified by a registered engineer or relevant Australian Standard. provide termite control to sub-floor in accordance with the BCA & all relevant local authority requirements or provide ant capping and termite barrier. The structure shall be maintained in a stable condition at all times, & no element shall be overstressed, during & after construction. All wet area fixtures shall be to client's selection or inclusions list. COPYRIGHT: UNAUTHORISED USE OR REPRODUCTION IN WHOLE OR IN PART OF THESE DOCUMENTS WITHOUT WRITTEN PERMISSION MAY LEAD TO LEGAL ACTION.



8th February 2018

To Whom it may concern

We are the owners of Block 33 Section 9, 52 Lachlan Street, Macquarie. ACT.

The residence on the block next door to us (Number 50) was recently demolished because the house contained Mr Fluffy asbestos.

The block has been sold and the new owners, Melissa Beban and Louis Purcell, approached us to ask if we would have any objections to their application to remove a tree in the back part of their block close to the boundary with our block.

Branches of the tree overhang the tiled roof of our garage. In the past we have had problems with low hanging branches dislodging ridge capping and with branches falling on to the roof. Also the roots of the tree appear to have caused a significant crack our concrete garage floor.

For these reasons we support their application to remove the tree.

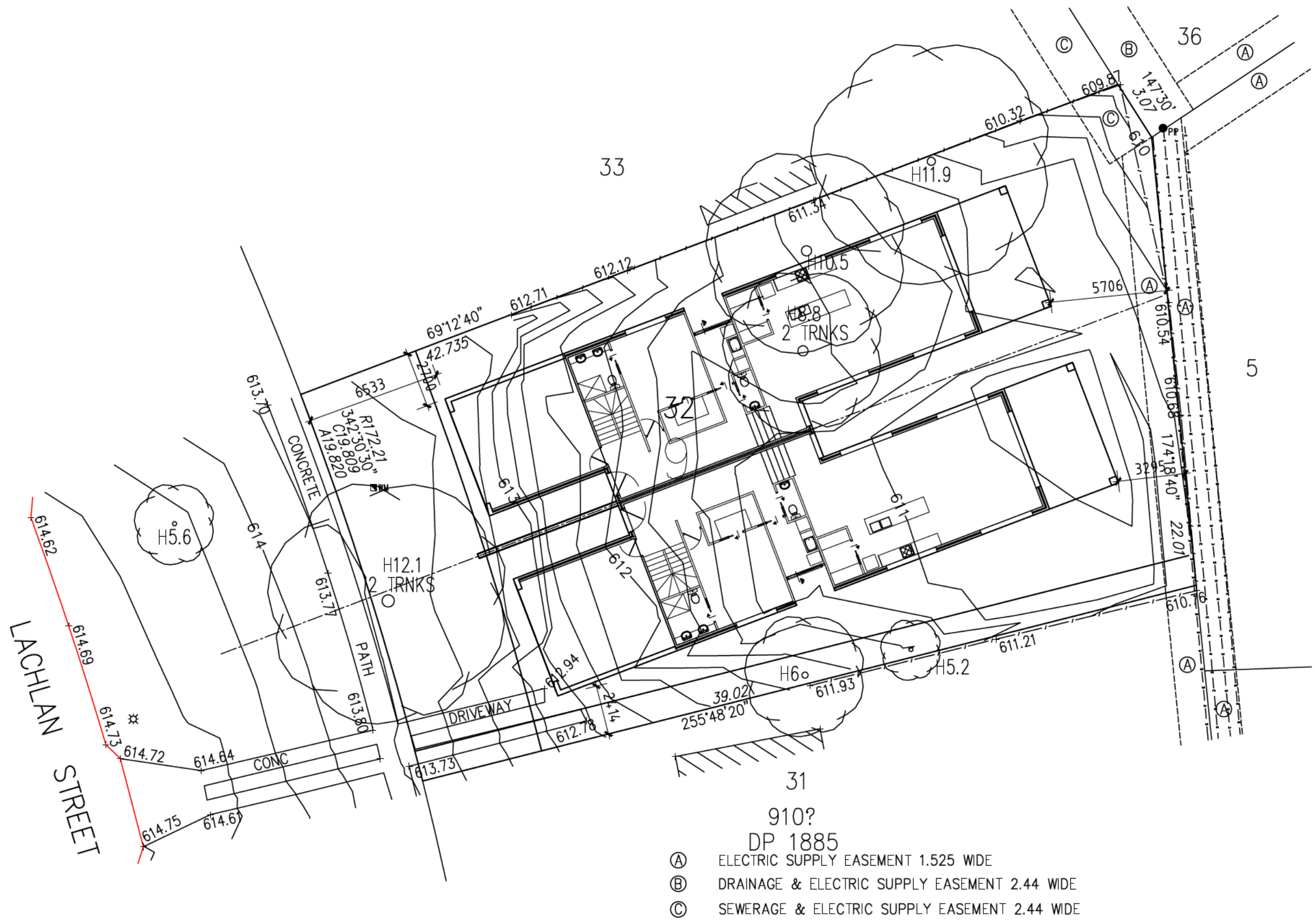
Signed



copyright
 Designed by
 Jim Madaffari 0413 600 514

SKETCH DESIGN 4

block 32 section 9 Macquarie



- 910?
 DP 1885
- (A) ELECTRIC SUPPLY EASEMENT 1.525 WIDE
 - (B) DRAINAGE & ELECTRIC SUPPLY EASEMENT 2.44 WIDE
 - (C) SEWERAGE & ELECTRIC SUPPLY EASEMENT 2.44 WIDE

APPLICATION TO UNDERTAKE A TREE DAMAGING ACTIVITY (INCLUDING URGENT CIRCUMSTANCES OR MINOR WORKS APPROVAL)

Under the provisions of Sections 22 and 29 of the *Tree Protection Act 2005*

Before you complete this application we suggest you read the Tree Protection Information and Criteria for Approval of Activities which is available on the [Transport Canberra and City Services website](#).

1. The Applicant

Title (e.g. Mr, Mrs) First name Surname
Mr Louis Purcell

Company ACN
ACN

Street address
56 Redruth Street
Suburb Crace Post code 2911

Postal Address (if different from above)
As above
Suburb Post code

Telephone: Home Work Mobile
N/a N/a 0431415965

Facsimile Email address
N/a louiepurcell1990@gmail.com

2. Is the Applicant also the Lessee (owner) of the land on which the Tree Damaging Activity is to be conducted?

Yes No

3. The Lessee (compulsory information)

Title (e.g. Mr, Mrs) First Name Surname
Mr Louis Purcell

Company ACN
N/a N/a

Street address
56 Redruth Street
Suburb Crace Post code 2911

Postal Address (if different from above)
N/a
Suburb Post code

Telephone: Home Work Mobile
N/a N/a 0431415965

Facsimile Email Address
N/a louiepurcell1990@gmail.com

4. The activity (the location where the proposed tree damaging activity is to occur)

Street address

50 Lachlan Street	
Suburb Macquarie	Post code

Block

Section

5. Type of activity requested

Please tick the appropriate box(es) for the tree damaging activity which you are applying for:

<input checked="" type="checkbox"/> Tree felling or removal	<input type="checkbox"/> Prohibited groundwork in the tree protection zone: The protection zone for a protected tree is: (a) the area under the canopy of the tree; and (b) the 2 metre wide area surrounding the vertical projection of the canopy; and (c) the 4 metre wide area surrounding the trunk as measured at 1 metre above natural ground level.
<input type="checkbox"/> Major pruning	
<input type="checkbox"/> Minor pruning (registered trees only)	
<input type="checkbox"/> Lopping	<input type="checkbox"/> Other activity, please describe
	<input type="text"/>
	<input type="text"/>

6. Block plan

Please provide the following information:

- the location of any significant tree/s affected by the proposal, including trees on adjacent blocks if you propose to undertake prohibited groundwork within the protection zone; and
- **number each tree to which the application relates.**

Elm Tree 1 as per the attached Tree Removal Plan.

7. Reason/s for the application

- Tick the appropriate box:
- Block of land where the tree(s) is located is on the ACT Heritage Register or other heritage place.
 - Block of land where the tree(s) is located is on National Capital Authority (NCA) land.
 - The application is development-related or associated with a proposed development.
 - Other (private property/leased land)

State the reason/s why the application is being made with regard to each tree (you should have regard to the criteria for approval). Include any arborists' reports, plumbing diagrams, receipts, structural engineers' reports or other substantiating evidence that would assist the conservator in assessing the application.

Please note that delays may be experienced in processing your application if you have not provided sufficient or accurate information in order for a comprehensive assessment to be made.

Elm Tree 1 along the fence line has been indiscriminately lopped (bad pruning practice which was not completed in accordance AS4373), the tree may be more likely to form multi stems with bark inclusions that have a poor branch attachment (epicormic growth) at 10 metres in height.

The tree has a history of branch failure and has already caused damage to the target beneath the tree, this tree is threatening to cause further damage to a substantial building or structure. The residents of the neighboring property have expressed concerns about the damage the tree has caused to their roof and concrete flooring. Attachment A in support of this application is a letter from the owners of the neighboring property Block 33 Section 9, Macquarie.

8. Consent to enter (compulsory information)

To enable assessment of this application, consent is required from the tenant/occupier to enter the land where the tree damaging activity is to occur.

Are you the current occupier of the property where the tree damaging activity is to occur?

Yes No

If Yes: You must provide consent to enter by signing the occupier's declaration below.

If No: You must provide consent to enter from the occupier.
If the property is tenanted, consent to enter is required from the tenant.

Note: If the property is not occupied the lessee **must** sign the declaration.

9. Occupier's/lessee's declaration (compulsory)

I consent to an authorised person entering my premises between the hours of 8:30am and 5pm weekdays for the purposes of assessing this application.

Occupier's name

Louis Purcell

Telephone: Home

N/a

Work

N/a

Mobile

0431415965

1. Is there clear access to the tree for the purpose of the inspection? Yes No
2. Is there a dog in the yard? Yes No

Occupier's signature and date

 21 / 3 / 18

10. Signature of the applicant

Applicant's signature and date

 21 / 3 / 18

Important disclosure of information

This notice is issued for the purposes of Information Privacy Principle 2 of the *Privacy Act 1988* (Cwlth).

As part of this application, the Transport Canberra and City Services Directorate obtains information about you, including but not limited to personal details, property details, reports, assessments, and other supporting documentation. This information is obtained pursuant to sections 22 and 29 of the *Tree Protection Act 2005*.

The purpose of this information is to process your application, undertake all necessary investigations and assessments in relation to the application and make a determination. This information is usually passed on to some or all ACT Government agencies or in accordance with legislation. These ACT Government agencies may include, but are not limited to:

Environment and Sustainable Development Directorate;
Justice and Community Safety Directorate; and
Health Directorate

You should be aware that any of these agencies may also exchange this information with other similar organisations relevant to the application.

Please acknowledge the Transport Canberra and City Services Directorate has made you aware of its obligations under Information Privacy Principle 2 of the *Privacy Act 1988* (Cwlth) by signing below.

Signature and date

 21 / 3 / 18




This application should be lodged as follows:

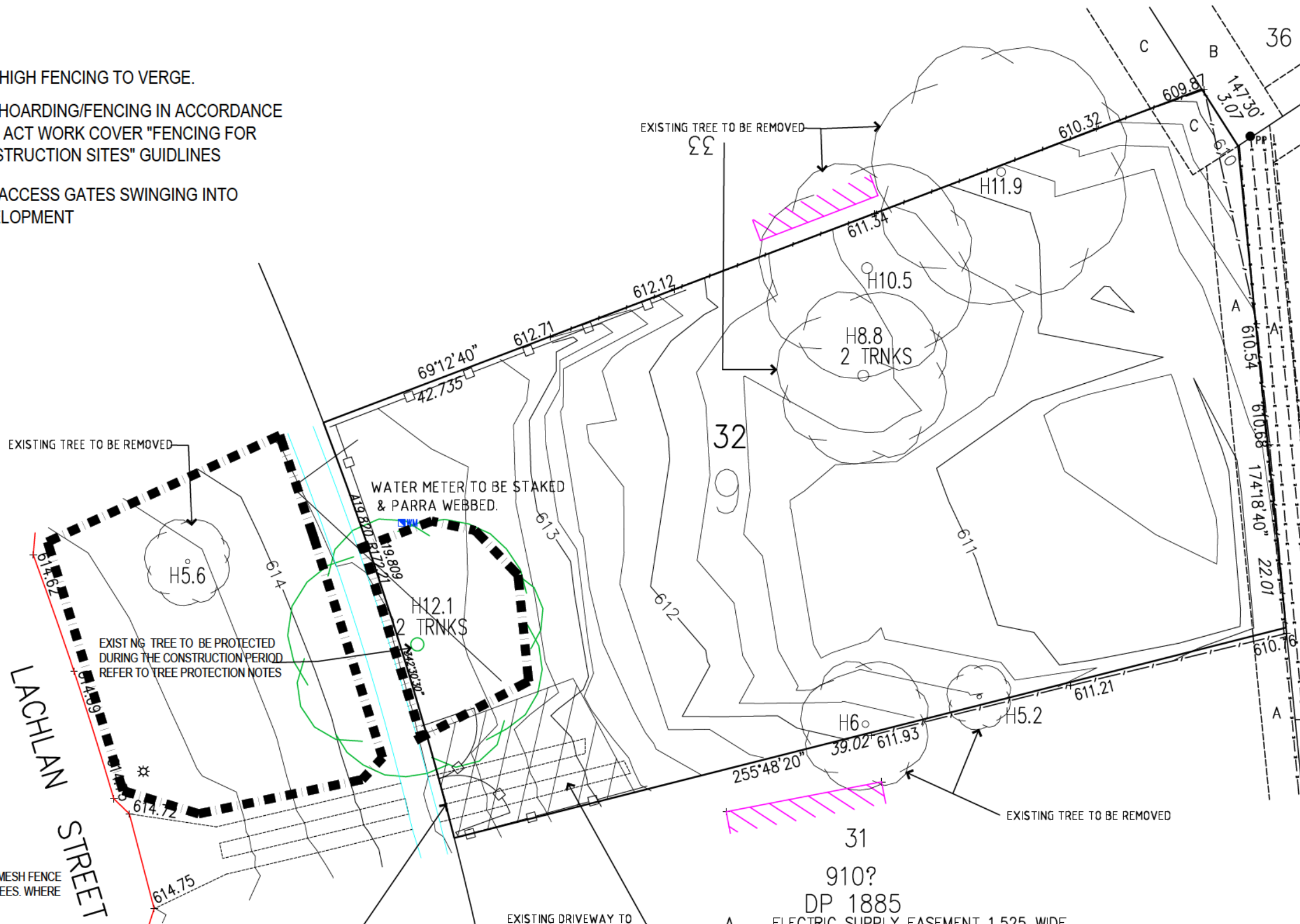
In person at:	OR	By post to:	OR	Scan and email to:
Reception		Urban Treescapes		
Transport Canberra and City Services		GPO Box 158		treeprotection@act.gov.au
496 Northbourne Avenue		Canberra City		
DICKSON ACT 2602		ACT 2601		

Should you have any queries with regard to this application form, please visit the [Access Canberra website](#) or call 13 22 81 for assistance.

Providing false and misleading information on this application is a serious offence under the *Criminal Code 2002*. Prosecution may result in a fine of up to \$10,000 for an individual, \$50,000 for a company and/or 12 months imprisonment.

LEGEND

-  1.8m HIGH FENCING TO VERGE.
-  SITE HOARDING/FENCING IN ACCORDANCE WITH ACT WORK COVER "FENCING FOR CONSTRUCTION SITES" GUIDELINES
-  SITE ACCESS GATES SWINGING INTO DEVELOPMENT



TREE PROTECTION NOTES

PROVIDE 1800MM HIGH TEMPORARY CHAIN MESH FENCE MIN. 3.0M FROM TRUNK ON ALL SIDES OF TREES. WHERE POSSIBLE

ERECT PROTECTIVE FENCE PRIOR TO COMMENCEMENT OF ANY PART OR STAGE OF DEMOLITION/CONSTRUCTION WORKS. FENCE TO REMAIN IN PLACE UNTIL ALL CONSTRUCTION WORKS ARE COMPLETED.

MAINTAIN FENCE IN GOOD ORDER FOR DURATION OF THE BUILDING WORKS

EXCAVATION WITHIN THE TREE PROTECTION ZONE OF TREES SHOULD BE UNDERTAKEN SUCH THAT ANY ROOTS BIGGER THAN 50MM DIA. ARE TO BE CUT CLEANLY, NOT PULLED, TORN OR RIPPED.

ALL EXPOSED ROOTS ARE TO BE KEPT DAMP (THROUGH WRAPPING IN WET HESSIAN OR SIMILAR) AND BACKFILLED AS SOON AS POSSIBLE.

ANY PRUNING TO REMOVE BRANCHES TO BE IN ACCORDANCE WITH AUSTRALIAN STANDARD 4373 'PRUNING OF AMENITY TREES'.

NOTES

A LICENSED DRAINER IS TO BE ENGAGED TO DISCONNECT THE INTERNAL SANITARY DRAINS BEFORE ANY DEMOLITION WORKS COMMENCE. BUILDING CONTRACTOR WILL BE REQUIRED TO MAKE A NEW SANITARY DRAINAGE CONNECTION AT THE DESIGNATED TIE WHEN DEMOLITION IS COMPLETED. ACTEWAGL MUST BE NOTIFIED.

WATER METER TO BE STAKED AND PARRAWEBBED SEWER TO BE DISCONNECTED AND CAPPED OFF.

A LICENSED PLUMBER TO BE ENGAGED IN THE DISCONNECTION OF THE INTERNAL PLUMBING SERVICES AT THE WATER METER BEFORE ANY DEMOLITION WORKS COMMENCES. A TEMPORARY HOSE COCK IS TO BE INSTALLED ADJACENT TO THE WATER METER. THE METER BOX AND HOSE COCK MUST BE RETAINED FOR THE DURATION OF ALL BUILDING WORKS. IDENTIFY, FLAG, BARRICADE AND PROTECT THE WATER METER ASSEMBLY FROM DEMOLITION OPERATIONS AND ACCIDENTAL DAMAGE. ACTEWAGL IS TO BE CONTACTED FOR REPAIRS TO HYDRANTS, VERGE NETWORK VALVES ETC BEFORE DEMOLITION COMMENCES.

ALL RECYCLABLE MATERIAL FROM SITE TO BE RECYCLED IN A PROPER MANNER.

ASBESTOS REPORT MUST BE PROVIDED PRIOR TO ANY DEMOLITION. ANY ASBESTOS REMOVAL MUST BE REMOVED BY A QUALIFIED TECHNICIAN.




Revision	Notes

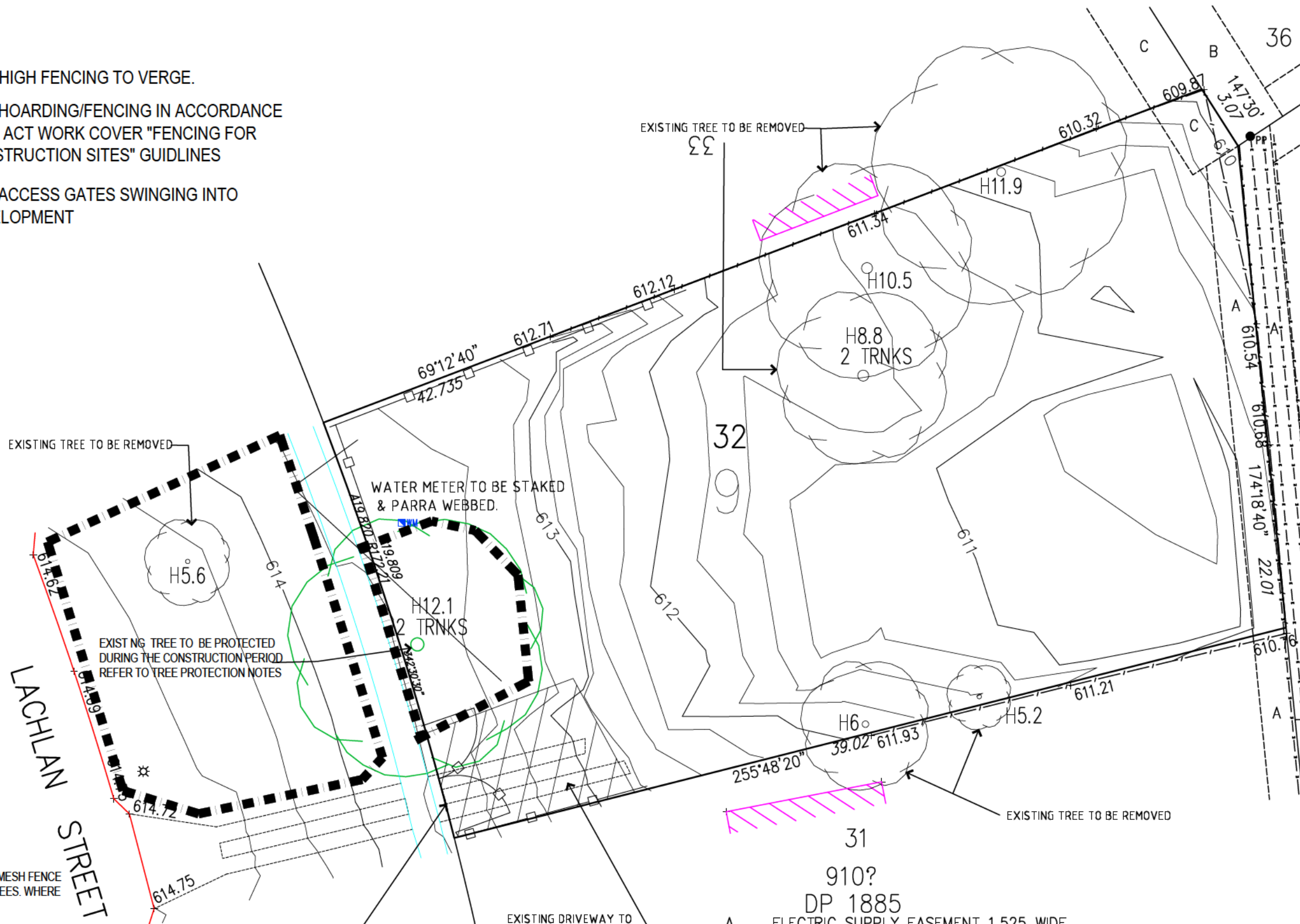
DRAWING TITLE		A003A	
TREE PROTECTION PLAN		Date	July 2018
Scale	1:200	Plot Date	MARCH 2018
Drawn	JM		

CLIENT	Loucon Building solutions
PROJECT	PROPOSED DUAL OCCUPANCY
	Block 32 Section 9 Macquarie

- A ELECTRIC SUPPLY EASEMENT 1.525 WIDE
- B DRAINAGE & ELECTRIC SUPPLY EASEMENT 2.44 WIDE
- C SEWERAGE & ELECTRIC SUPPLY EASEMENT 2.44 WIDE

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-  SITE HOARDING/FENCING IN ACCORDANCE WITH ACT WORK COVER "FENCING FOR CONSTRUCTION SITES" GUIDELINES
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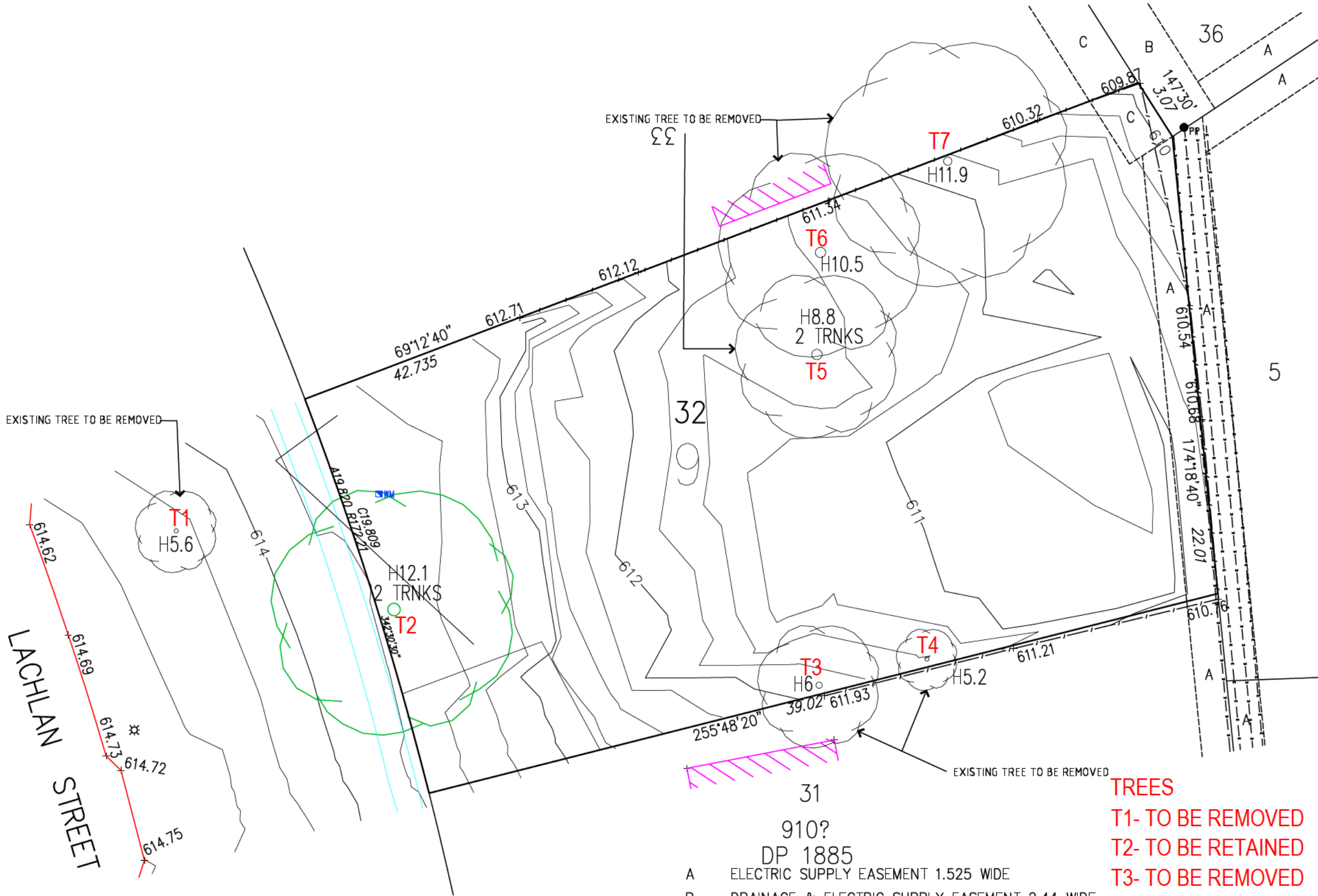
ASBESTOS REPORT MUST BE PROVIDED PRIOR TO ANY DEMOLITION. ANY ASBESTOS REMOVAL MUST BE REMOVED BY A QUALIFIED TECHNICIAN.

Revision	Notes

DRAWING TITLE		A003A	
TREE PROTECTION PLAN		Date	July 2018
Scale	1:200	Plot Date	MARCH 2018
Drawn	JM		

CLIENT	Loucon Building solutions
PROJECT	PROPOSED DUAL OCCUPANCY
	Block 32 Section 9 Macquarie

- A ELECTRIC SUPPLY EASEMENT 1.525 WIDE
- B DRAINAGE & ELECTRIC SUPPLY EASEMENT 2.44 WIDE
- C SEWERAGE & ELECTRIC SUPPLY EASEMENT 2.44 WIDE



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- B DRAINAGE & ELECTRIC SUPPLY EASEMENT 2.44 WIDE
- C SEWERAGE & ELECTRIC SUPPLY EASEMENT 2.44 WIDE

TREES
 T1- TO BE REMOVED
 T2- TO BE RETAINED
 T3- TO BE REMOVED
 T4- TO BE REMOVED
 T5- TO BE REMOVED
 T6- TO BE REMOVED
 T7- TO BE REMOVED

Revision	Notes

DRAWING TITLE TREE IDENTIFICATION PLAN	
Scale 1:200	Date July 2018
Drawn JM	Plot Date MARCH 2018
Drawing No. A009	

CLIENT Loucon Building solutions
PROJECT PROPOSED DUAL OCCUPANCY ON
Block 32 Section 9 Macquarie

Representation for Current Development Application - submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

27 Apr 2018 9:37:04 AM

Reference code

CY7P4N

Thank you for your representation regarding development application number: DA201833601

The issues raised in your submission will be taken into consideration during the assessment of the development application and you will be notified in writing once a decision has been made.

Section 156(2) of the *Planning and Development Act 2007* states that a representation about a development application must be made during the public consultation period for the application. If your representation was made outside the public consultation period it cannot be considered during the assessment of the application.

Please Note: A copy of your representation will be forwarded to the development application applicant and can be released to the public on your request, unless you have requested and been granted an exemption.

Access Canberra
Environment and Planning Directorate

GPO Box 158
Canberra City ACT 2601

Telephone: (02) 6207 1923

Representor details



Development details

Site details

Development application number *

DA

Suburb/District *

Section *

Block *

Unit

If you require help with suburb/district, section or block details, visit [ACTMAPi](#).

Representation

Provide the details of your representation *

To the Development Application Assessor and the Applicant

the proposed development at 50 Lachlan Street Macquarie. I wish to make the following comments to be included in the conditions on which this Development Application is approved.

As the new dwelling is two storey and increases the number of dwellings and therefore likely the number of occupants on the block I would request that the boundary fence is replaced at the Applicants cost to the maximum height allowable, in the same material and colour as is currently established.

I am concerned about the loss of privacy to my property, particularly my back garden.

In addition to the increased fence height I request that the DA conditions include that the Applicant must plant a hedge of 3-3.5 metres offset from the boundary fence along the back garden and doing so by not replacing or removing any other existing trees or vegetation. This hedge should be planted at a mature size to ensure that the privacy is maintained as immediately/as quickly as possible. A hedge such as photinia or simi ar (height) should be planted along the entire back boundary fence.

I note that the mature trees have all been removed apart from the one tree (chinese elm) that is very weedy and spreads seeds. I request that given all of the landscaping has been removed that mature plants are provided to replace the landscape that has been removed to ensure that there is less visual impact and that there is no increased heat sink effect created by the amount of hard reflective surfaces in the new development. It would be good to see a few more trees in the design, even if only small/medium. Please ensure that the colours of the house are not too reflective and glarey!

I request that a condition be put on this DA that work should not take place on weekends, before 8am in the morning and after 6pm at night on weekdays. Our bedrooms are right next to the build. I expect that the build will be disruptive in any case, however if these times can be met it would be greatly appreciated.

Thank you

I look forward to your response.

Kind regards

You may upload any additional supporting documentation or photos.

Click here for more information on applying for exemption from the public register.

Representation for Current Development Application - submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

01 May 2018 6:09:57 PM

Reference code

X9SCDH

Thank you for your representation regarding development application number: DA201833601

The issues raised in your submission will be taken into consideration during the assessment of the development application and you will be notified in writing once a decision has been made.

Section 156(2) of the *Planning and Development Act 2007* states that a representation about a development application must be made during the public consultation period for the application. If your representation was made outside the public consultation period it cannot be considered during the assessment of the application.

Please Note: A copy of your representation will be forwarded to the development application applicant and can be released to the public on your request, unless you have requested and been granted an exemption.

Access Canberra
Environment and Planning Directorate

GPO Box 158
Canberra City ACT 2601

Telephone: (02) 6207 1923

Representor details



Development details

Site details

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Representation

Provide the details of your representation *

My representation is concerned with the finished floor levels of the living and a fresco areas of both Units. Both finished floor levels are above natural ground level, which means residents standing in these areas will be overlooking our private open space,

From the plans it appears as though the ground will be filled in to get to this raised floor level, rather than being dug down to achieve a lower floor height. A lower floor height would not have as great a negative impact on our Privacy.

I already have a 1.8 metre high colourbond fence, however, this may now not be enough to maintain our privacy, as according to the plans the finished floor level of the living and a fresco areas will come a significant way up the fence height which will allow people to stand and look over our fence.

I request that the DA be amended or a condition be imposed so that the finished floor levels of the Living and a fresco areas are taken back to lower end of the natural ground level.

I am also concerned about the request to cut down a significant tree, given that three trees have already been cut down from the block.

You may upload any additional supporting documentation or photos.

[Click here for more information on applying for exemption from the public register.](#)

Representation for Current Development Application - submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

01 May 2018 6:15:25 PM

Reference code

TNV595

Thank you for your representation regarding development application number: DA201833601

The issues raised in your submission will be taken into consideration during the assessment of the development application and you will be notified in writing once a decision has been made.

Section 156(2) of the *Planning and Development Act 2007* states that a representation about a development application must be made during the public consultation period for the application. If your representation was made outside the public consultation period it cannot be considered during the assessment of the application.

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Development details

Site details

Development application number *

DA

Suburb/District *

Section *

Block *

Unit

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Representation

Provide the details of your representation *

My representation is the same as [redacted] and is concerned with the finished floor levels of the living and a fresco areas of both Units. Both finished floor levels are above natural ground level, which means residents standing in these areas will be overlooking our private open space, [redacted]

From the plans it appears as though the ground will be filled in to get to this raised floor level, rather than being dug down to achieve a lower floor height. A lower floor height would not have as great a negative impact on our Privacy.

We already have a 1.8 metre high concrete fence, however, this may now not be enough to maintain our privacy, as according to the plans the finished floor level of the living and a fresco areas will come a significant way up the fence height which will allow people to stand and look over our fence.

We request that the DA be amended or a condition be imposed so that the finished floor levels of the Living and a fresco areas are reduced back to natural ground level at the lower end.

I am also concerned about the application to remove a significant tree which is close to the boundary, as three established trees have already been removed from the block.

You may upload any additional supporting documentation or photos.

Click here for more information on applying for exemption from the public register.
