

From: [Geldart, Jenny](#) on behalf of [App Sec](#)
To: ["davidsimon@ttarchitecture.com.au"](mailto:davidsimon@ttarchitecture.com.au)
Subject: approved amended plans for DA200309168 - 15/5 Ainslie
Date: Monday, 7 November 2005 10:21:19 AM
Attachments: [Notice of Decision \(signed\)-200309168-02.pdf](#)
[SITE-200309168-S247A-01.PDF](#)
Importance: High

Dear Mr Simon,

Please find attached the decision and approved amended plans for DA-200309168 - 15/5 Ainslie.

Please ensure that when printing approved plans, your print screen is set up to print the plans with both the approval stamp and any additional comments. You can do this by changing the print option in the print preview screen to say "Documents and Comments" rather than just "Documents".

Please note that if you have Adobe Acrobat Professional 7 you will need to select "Documents and Markups".

If you have any further questions please contact the Applications Secretariat on (02) 6207 1687.

Regards,
Jenny Geldart
Applications Secretariat
Ph: 6207 1687



**ACT Planning &
Land Authority**

NOTICE OF DECISION TO AMEND AN APPROVAL
PURSUANT TO SECTION 247 OF THE *LAND (PLANNING AND ENVIRONMENT) ACT 1991*

APPLICATION NO: 200309168 DATE LODGED: 10/10/2005

BLOCK: 15 SECTION: 5 SUBURB: AINSLIE
ADDRESS: 53 Campbell Street
LESSEE: [REDACTED]

1.0 THE PROPOSAL

Pursuant to section 247 of the *Land (Planning and Environment) Act 1991* ("the Land Act") approval is sought to amend development approval No. 200309168 dated 15 August 2005 by:

- (a) revising setbacks to meet ActewAGL requirements

2.0 THE DECISION

I, *JASON CAMERON HUNTER*, delegate of the Planning and Land Authority, pursuant to section 247 of the Act hereby **amend** the approval by:

- (a) Supporting the revised setbacks meeting requirements stated by ActewAGL.

3.0 REASONS FOR THE DECISION

The development approval was amended in the manner described in Section 2.0 because, pursuant to section 247 of the Act, it:

- (a) does not change the effect of a condition subject to which the approval was given;
- (b) will not cause a significant increase in detriment to any person; and
- (c) does not change the kind of development approved but only the activity permitted.

[REDACTED]
Jason Hunter
Development Assessment – City & Inner North Team
Delegate of the Planning and Land Authority

4 November 2005

ADVICE TO APPLICANT***Review by the ACT Administrative Appeals Tribunal (AAT)***

If your interests are adversely affected by this decision you may apply to the Tribunal for a review.

Decisions that are reviewable by the AAT are identified in Schedule 4 of the *Land (Planning and Environment) Act 1991*.

Contact details for the Tribunal are as follows:

Location:

Tribunals Branch
Magistrates Court
4 Knowles Place
CANBERRA ACT 2601

Postal Address:

GPO Box 370
CANBERRA ACT 2601

Telephone: 02 6217 4261

Facsimile: 02 6217 4505

Document Exchange: DX 5691

Web Address: www.courts.act.gov.au

Powers of the AAT

The Tribunal 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 Tribunal 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 Tribunal recommendations.

How to Apply to the AAT

To apply for a review, simply obtain an application form from the Tribunal or from the web address above. It outlines all the information needed by the Tribunal to process a review promptly.

Generally you should make your request for a review within 28 days of receiving this notice of the decision, but there are some variations to this time limit. The time limit can be extended in some circumstances. Check with the Tribunal Registry for more details.

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.

Fees

When lodging an application with the Tribunal you will be required to pay an application fee of not less than \$153 (the Tribunal Registry will advise of the current fee). However, no fee is payable if you are receiving legal or financial assistance from the Attorney-General (see below). If you are unable to pay the application fee you can apply to have the fee waived on the grounds of hardship, subject to approval. Ask at the Tribunal Registry for more details.

You will have to pay any costs involved in preparing or presenting your case.

The ACT Planning and Land Authority will be the Respondent to your case.

Legal Assistance

You may be able to get advice or legal aid from the ACT Legal Aid Office. They can be contacted on 02 6243 3411. You may also apply to the ACT Attorney General for legal or financial assistance. 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, ACT Department of Justice and Community Safety, GPO Box 158, CANBERRA ACT 2601.

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

- Aboriginal Legal Service: phone 02 6249 8488
- Legal Advice Bureau: phone 02 6247 5700
- ACT Council of the Ageing: phone 02 6282 3777
- Welfare Rights and Legal Centre: phone 02 6247 177

Access To Documents

You may apply for access to any documents you consider relevant to this decision under the *ACT Freedom of Information Act 1989*. For more information on how you can obtain these documents please send your request to: The Manager, Government and Assembly Relations, ACT Planning and Land Authority, PO Box 1908, Canberra ACT 2601 or phone the Customer Services Centre 02 6207 1923.

What The AAT Will Do

After an appeal has been lodged, the Tribunal will notify the decision-maker (respondent) and request that he/she provide a statement setting out his/her findings on material questions of fact, referring to the evidence or material on which those findings were based and giving the reasons for the decision. Also he/she will be required to provide copies of all the documents that were considered relevant to the review of the decision. If you are a party to the appeal (AAT applicant or party joined) the Tribunal will provide you with the decision-maker's statement and related documents (Tribunal Documents or 'T-docs') when they have been received.

Party To A Proceeding

The decision-maker, under direction from the Tribunal, may be required to give notice of the appeal to certain persons who will then be given an opportunity to apply to be joined as a party to the proceedings. When lodging an application to be joined as a party to a proceeding you will be required to pay an application fee of not less than \$153 (the Tribunal Registry will advise of the current fee). Check with the Tribunal Registry for more information on whether your interests would be best served by becoming a party to a proceeding or lodging a separate appeal.

If a person whose interests are affected by the decision applies to be joined as a party, the tribunal may, **in its discretion**, by order, make that person a party to the proceeding.

Directions Hearing

Each party to the appeal will be given notice of a directions hearing which they are required to attend personally or to be represented by another person. At the directions hearing, the Tribunal may refer the appeal to a registered mediator. The Tribunal will also give directions to the parties, which are to be followed by them if the matter is not referred to mediation or in the event that mediation is not successful in resolving the appeal. You should be in a position at the directions hearing to inform the Tribunal of any problem with your availability or that of your witnesses to attend the hearing of the appeal. Time limits will be fixed for compliance with the Tribunal's directions. In the event that any party other than the decision-maker fails to comply with the Tribunal's directions that party may be struck out as a party or, in the case of the applicant, the appeal may be dismissed.

Mediation

It is now a requirement that before an appeal is heard the Tribunal must consider whether it is a suitable case for mediation and, if so, refer the appeal to a registered mediator and direct the parties to attend the mediation. You will be requested to indicate on a form provided to you by the Tribunal whether or not you wish to participate in mediation and to provide your reasons.

Mediation is a process by which an independent and neutral person helps you and other parties to identify concerns, evaluate options and reach agreement.

The mediator will not make any judgement about who is right or wrong and if the mediation fails will not participate in the Tribunal hearing. If the Tribunal decides to refer your case to a mediator you will be informed of the place and time at which the mediation will be held.

Hearing

The hearing will take place in a hearing room at the Magistrates Court Building.

Prior to the Hearing, a direction will have been issued requiring each party to provide to the Tribunal and the other parties a statement of facts and contentions, a copy of the statement of any witness proposed to be called to give evidence and any other material, such as plans and photographs, proposed to be presented to the Tribunal.

The statement of facts and contentions should set out the facts upon which each party relies, the evidence proposed to be presented to support those facts, the issues in the case to be resolved by the Tribunal and the submissions which each party wishes to make in support of the decision which they ask the Tribunal to make.

Ordinarily the person who lodged the appeal ("the applicant") will be asked to present his/her evidence first; then any other party supporting the applicant's case; then any party opposing the applicant's case ("the parties joined"); then the decision-maker ("the respondent". Witnesses should be present, or by application to the Tribunal, available to give evidence by phone hook up. If they are not present their evidence cannot be tested by cross-examination and may therefore be excluded.

For more detailed information on the hearing process please refer to the "*Guide to the Hearing*" on the Tribunal's web site.

Time For Deciding Cases

The Tribunal 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 Tribunal upon it being satisfied that it is in the interests of justice to do so.

The following table will give some guidance to the timeframes for an appeal (days are approximate):

Day 1	Application for review lodged at the AAT
Day 16	T-docs lodged and applications for Parties Joined processed
Day 26	Directions Hearing
Day 33	Mediation session
Day 36	Mediation result
Day 50	Mediation successful – consent agreement lodged, case finalised

	Mediation unsuccessful
Day 57	AAT Applicant, and Parties Joined supporting Applicant, Facts and Contentions to be lodged
Day 78	Respondent, and Parties Joined opposing Applicant, Facts and Contentions to be lodged
Day 85	Parties to lodge material in reply
Day 95	Hearing
Day 120	Delivery of Decision

Costs

The Tribunal also has the power to award costs against a party if the party contravenes a direction of the Tribunal and the Tribunal considers it in the interests of justice to make such an order. This power is in addition to the power of the Tribunal to strike out a party and to dismiss an application for failure to comply with the Tribunal's directions as outlined above.

Translation and Interpretation Service

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodnoica telefoniрајте:
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, 7 days a week