Planning and Development Act 2007

Development Application

Application Number: **201629482**

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
CITY	48	5	

Street Address

110 ALINGA STREET, CITY

Applicant Details

What type of applicant are you:

○ Business

ACN or ABN
68154870078

Company Name
4thD Planning & Design Pty Ltd

Position held / Title
Director

Salutation
None

First Name
Shamsul

Surname
Huda

Postal Address 1
35 Clem Hill Street

Postal Address 2

Postal Address 3
Gordon

Suburb
Gordon

State/Territory
ACT

Postcode
2906

Country
Australia

Phone Number
62948059

Fax Number

Mobile Number

Email
info@4thD.com.au

Lessee (Property Owners) Details

Lessee Number: 1

Is the Lessee a:

○ Standard lessee

Salutation
None

First Name
Constantinos

Surname
Armoutis

Postal Address 1
c/-LJ Hooker Commercial - Canb

Postal Address 2
Level 6, 28 University Avenue

Postal Address 3
Canberra

Suburb
City

State/Territory
ACT

Postcode
2600

Country
Australia

Phone Number
0262487411

Fax Number

Mobile Number

Email

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.

☐ CZ1 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.

☐ Commercial Zones Development Code

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

City Precinct Map and Code

Fully Describe Your Proposal

Please provide a full description of your proposal

1. Remove internal partition walls, cabinets and fittings and install new walls, cabinets, fixtures and fittings;
2. Remove old aluminium windows and sliding doors on the front façade and replace them with new aluminium windows and bi-folds doors;
3. Remove existing wall mounted café sign and two air-conditioning units on the front facade and make good (reinstate) the affected area;
4. Install three spherical lights in the front colonnade ceiling as suggested by ACT Heritage;
5. Reuse existing Under Awning Sign in the colonnade by replacing the name on the sign to “Espresso Code Canberra”.
6. Install an above ground grease trap and pump within a new enclosure at the rear (just outside the kitchen) to comply with the BCA.

Proposed Use of the Land

Describe the use of the land or the use of a building or structure on the land. **Example:** Office, restaurant, and business agency limited to 300m2 gross floor area

Café and Takeaway Food Shop limited to approx. 115 m2 NLA

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 and Planning 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 and Planning Directorate may refuse to accept a development application made in an incorrect assessment track. If the Environment and Planning 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.

☐ Non-Residential (including Commercial and Industrial)

☐ Signage

Non-Residential

Please select a Non-Residential sub type:

☐ Additions/Alterations to existing building

Do the additions exceed 1 storey in height?

○ No

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) (m^2)

115.00

B - Gross Floor Area to be demolished (m2)

0.00

C - Gross Floor Area to be added (m^2)

0.00

D - Total Gross Floor Area of development (A-B+C)(m^2)

115

E - COST OF WORKS at D* ($)

80000.00

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) (m^2)

0.00

G - Parking areas – undercover

0.00

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

0.00

Cost of Associated Works

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

0.00

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

0.00

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

80000

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

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

Is the Trees item relevant to your proposal?

○ No

Heritage

Heritage

Is the *Heritage* item relevant to your proposal?

○ Yes

Have you provided Entity Endorsement?

○ No

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

○ Yes

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?

○ No

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

Waste Management, Noise

Waste Management for waste facilities and management

Is the *Waste Management (for waste facilities)* item relevant to your proposal?

○ Yes

Have you provided Entity Endorsement?

○ No

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

○ Yes

Waste Management for liquid trade waste

Is the *Waste Management (for liquid trade waste)* item relevant to your proposal?

○ Yes

Have you provided Entity Endorsement?

○ No

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

○ Yes

Noise

Is the Noise Management 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

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

National Capital Plan

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

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

○ Yes

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

Site Access, Parking, Landscape, Lighting

Site Access

Is the Site Access item relevant to your proposal?

○ No

Landscape

Is the *Landscape* item relevant to your proposal?

○ No

Lighting

Is the *Lighting* item relevant to your proposal?

○ No

Signs, Neighbourhood Plans, Water Sensitive Urban Design

Signs

Is the *Signs* item relevant to your proposal?

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

○ Yes

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?

○ No

Water Sensitive Urban Design (Stormwater Quality)

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

○ 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?

○ No

Survey Requirements - S.139(2)(i) - 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?

○ Not Relevant

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

Is this application for development undertaken without approval?

○ No

If YES - Under Section 139(j) 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 and Planning 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 and Planning Directorate staff?

○ Yes

Please provide details:

The applicant is married to Rumana Jamaly who is a staff of EPD.

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 Directorate;

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 and Planning Directorate will not provide written advice of this decision.

I/we also understand that the Environment and Planning 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 and Planning Directorate its servants and agents to erect sign/s on the subject property(s) as required and 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 and Planning Directorate when required, alter, amend or provide further information as necessary and receive any communications relating to this Development Application;

I/we declare that information relating to utility standards, access provisions and asset clearance zones has been sought from the relevant utility providers and this development application has been prepared in accordance with their requirements;

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

24 May 2016

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 interuption.

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 EPD for review.

Development applications (DAs) can be delayed unnecessarily because EPD 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 EPD 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 and Planning Directorate (EPD) 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 EPD 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. EPD's Information Privacy Policy contains information about how you may access or seek to correct your personal information held by EPD, and how you may complain about an alleged breach of the Territory Privacy Principles. The EPD 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 and Planning Directorate
Customer Service Centre
GPO Box 1908, Canberra City 2601
16 Challis Street, Dickson ACT 2602
Business Hours: 8.30am to 4.30pm weekdays (excluding Public Holidays)
Phone: (02) 6207 1923
Fax: (02) 6207 1925
TTY: (02) 6207 2622
Email: epdcustomerservices@act.gov.au
Website: www.environment.act.gov.au

Planning and Development Act 2007

Development Application

Application Number: **201629482**

Type of Application

The type of application you are applying for is Further Information - S141

Lease/Site Details

Site Number: 1

Suburb	Section	Block Number	Unit Number
CITY	48	5	

Street Address

110 ALINGA STREET, CITY

Applicant Details

ACN or ABN

68154870078

Company Name

4thD Planning & Design Pty Ltd

Position held / Title

Director

Salutation	First Name	Surname
None	Shamsul	Huda

Postal Address 1

35 Clem Hill Street

Postal Address 2

Postal Address 3

Suburb	State/Territory	Postcode	Country
Gordon	ACT	2906	Australia

Phone Number	Fax Number	Mobile Number
62948059		

Email

info@4thd.com.au

Lessee (Property Owners) Details

Lessee Number: 1

Is the Lessee a

◉ Standard

Salutation	First Name	Surname
None	Constantinos	Armoutis

Postal Address 1	Postal Address 2
c/-LJ Hooker Commercial - Canb	Level 6, 28 University Avenue

Postal Address 3
Canberra

Suburb	State/Territory	Postcode	Country
City	ACT	2600	Australia

Phone Number	Fax Number	Mobile Number
0262487411		

Email

Describe the Additional Information Being Provided

Revised set of drawings that show new location for grease trap that now complies with ACTEW Electricity, Gas and Icon Water requirements.
ACTEW Electricity Conditional Approval.
Jemena Gas Conditional Compliance.
Icon Water has already forwarded their endorsement of the revised proposal directly to ACTPLA/EPD.

Applicant Declaration

I/we declare that this application is accompanied by all of the required information or documents as requested by the Environment and Planning Directorate in accordance with Section 141 of the Planning and Development Act 2007;

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

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

8/08/2016

ACT Government
Environment and Planning

Notice of decision

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

Merit track

DA NO: 201629482/201629482A		**DATE LODGED: 25/05/2016**
DATE OF DECISION: 30/08/2016		
BLOCK: 5	**SECTION: 48**	**SUBURB: CITY**
STREET NO AND NAME: 110 Alinga Street City		
APPLICANT: 4thd Planning & Design Pty Ltd		
LESSEE: Armoutis Constantinos		

THE DECISION

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

I, George Cilliers, delegate of the planning and land authority, pursuant to section 162 of the Act, hereby **approve subject to conditions** the proposal for refurbishment of the existing building (see below) and associated works;

1. remove internal partition walls, cabinets and fittings and install new walls, cabinets, fixtures and fittings;
2. remove old aluminium windows and sliding doors on the front façade and replace them with new aluminium windows and bi-folds doors;
3. remove existing wall mounted café sign and two air-conditioning units on the front facade and make good (reinstate) the affected area;
4. install three spherical lights in the front colonnade ceiling as suggested by ACT Heritage;
5. reuse existing Under Awning Sign in the colonnade by replacing the name on the sign to "Espresso Code Canberra"; and
6. install an above ground grease trap and pump within a new enclosure at the rear (just outside the kitchen) to comply with the National Construction Code (NCC);

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

This decision is subject to the conditions of approval at **PART 1** being satisfied.

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

George Cilliers
Delegate of the planning and land authority
Environment and Planning Directorate
30/08/2016

CONTACT OFFICER

Mr Ajith Buddhadasa
Phone: 02 62051550
Email: ajith.buddhadasa@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

N/A

B. PRIOR TO CONSTRUCTION AND/OR DEMOLITION

B1. TREE PROTECTION

Tree protection fencing, if required, must be erected prior to the commencement of any work on the site.

B2. 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*.

B3. 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 construction commencing (Refer Part 3 of this decision).

C. DURING CONSTRUCTION AND/OR DEMOLITION

C1. TREE PROTECTION

The applicant/lessee must 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.

C2. 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.

C3. 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 during the construction (Refer Part 3 of this decision).

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. ENTITY ADVICE

The applicant is advised to carefully consider all the relevant advice (in addition to the conditions imposed) from each of the entities stated in Part 3 of this decision throughout the process of development (prior to, during & post construction) as applicable.

Refer to Appendix 1 for information about approvals that may be required for construction.

PART 2
REASONS FOR THE DECISION

The application satisfactorily meets the requirements for approval. The application was approved because, based on the documentation and in the form modified by the imposed conditions, it was considered to meet:

- the relevant codes, being the City Precinct Map and Code and the Commercial Zones Development Code.

The key issues identified in the assessment are the comments received from entities in relation to the proposal. Conditions have been imposed to address the key issues and ensure that the proposal is consistent with the Territory Plan and the *Planning and Development Act 2007*.

EVIDENCE
Application No. 201629482
The Territory Plan zone – CZ1 Core Zone
The Development Codes – Commercial Zones Development Code
The Precinct Codes – City Precinct Map and Code
Current Crown Lease – Volume 7 Folio 607
Entity advice

PART 3
PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 01/06/2016 to 23/06/2016. No written representations were received during public notification.

ENTITY ADVICE

Pursuant to Division 7.3.3 of the Act, the application was referred to entities and advice was received. The referral entities' comments are as follows. A response to the advice is provided as appropriate.

TERRITORY AND MUNICIPAL SERVICES DIRECTORATE

On 24/06/2016 advice was received from Territory and Municipal Services in relation to the proposal. The advice states that the proposal is supported.

ActewAGL Gas networks

On 30/05/2016 and 26/07/2016 advice was received from Jemena in relation to the proposal. The advice states that the proposal is supported with conditions (attached).

Matters raised have been incorporated as either conditions of approval or advice (Conditions B3, C3 and Advisory Note E1).

ActewAGL Electrical Division

On 08/06/2016 advice was received from Actew Electrical Division in relation to the proposal. The advice states that the proposal is not supported. The applicant liaised with Actew to resolve the issues in concern and provided ACTPLA with evidence of conditional support (dated 27/07/2016) of the proposal from Actew (attached).

Matters raised have been incorporated as either conditions of approval or advice (Conditions B3, C3 and Advisory Note E1).

Icon Water

On 01/06/2016 and on 05/08/2016 advice was received from Icon Water in relation to the proposal. The advice states that the proposal is supported with conditions (attached).

Matters raised have been incorporated as either conditions of approval or advice (Conditions B3, C3 and Advisory Note E1).

Heritage

On 16/06/2016 advice was received from ACT Heritage in relation to the proposal. The advice states that the proposed development is unlikely to have a detrimental impact upon the heritage values of the place provided the development meets the conditions in the Heritage advice dated 16 June 2016 (attached).

Matters raised have been incorporated as either conditions of approval or advice (Conditions B3, C3 and Advisory Note E1).

PART 4
ADMINISTRATIVE INFORMATION

DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise this approval is effective from the day after the date of this notice. 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.

INSPECTION OF THE APPLICATION AND DECISION

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

RECONSIDERATION OF THE DECISION

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

To submit an application for reconsideration, documents must be provided 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.

APPENDIX 1

CONTACT DETAILS OF RELEVANT AGENCIES

Health Directorate - health protection	Website: www.health.act.gov.au Telephone: (02) 6205 1700
Environment and Planning Directorate *Planning and land authority* - list of certifiers for building approval - demolition information - asbestos information *Environment Protection Authority* - environment protection - water resources - asbestos information *Conservation, Planning and Research* - threatened species/wildlife management	 Website: www.actpla.act.gov.au Telephone: (02) 6207 1923 Website: www.environment.act.gov.au Telephone: (02) 6207 6251 Website: www.environment.act.gov.au Telephone: (02) 6207 1911
Territory and Municipal Services Directorate - tree damaging activity approval - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets	Website: www.tams.act.gov.au Telephone: 132 281 Telephone for asset acceptance: (02) 6207 7480
Utilities - Telstra (networks) - TransACT (networks) - 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.actpla.act.gov.au/tools_resources/e-services/edevelopment

For further information regarding the lodgement of this information please contact Customer Service Centre by Phone: (02) 6207 1923, Email: **esddcustomerservices@act.gov.au** or on the planning and land authority website at **www.actpla.act.gov.au.**

FURTHER APPROVALS FOR CONSTRUCTION

The Notice of Decision grants development approval, but does not cover building approval or approvals which may be required during construction, which commonly include the following.

BUILDING APPROVAL

Most building work requires building approval to ensure it complies with building laws such as the Building Code of Australia. If this applies to this proposal, the lessee should engage a private building certifier to assess and approve the building plans before construction begins. A list of licensed certifiers and information about building approval is available from the planning and land authority's website and Customer Service Centres.

PERMITTED VARIATIONS TO APPROVED DEVELOPMENT

Under section 35 of the Planning and Development Regulation 2008 the development as built may vary from the approved development in accordance with section 35 and the permitted construction tolerances and other permitted variations identified in Schedule 1A of that regulation.

Note 1 The development may still need building approval, or further building approval, under the *Building Act 2004*

Note 2 The development must also comply with the lease for the land on which it is carried out.

"TREE DAMAGING ACTIVITY" APPROVAL

A Tree Management Plan under the *Tree Protection Act 2005* is required for approval where it is proposed to undertake groundwork within the tree protection zone of a protected tree or likely to cause damage to, or remove, any trees defined as protected trees by that Act. More information is available from the Territory and Municipal Services Directorate.

USE OF VERGES OR OTHER UNLEASED TERRITORY LAND

In accordance with the *Public Unleased Land Act of 2013,* road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. Approval can be obtained from the Territory and Municipal Services Directorate.

WORKS ON UNLEASED TERRITORY LAND – DESIGN AND OPERATIONAL ACCEPTANCE

In accordance with the *Public Unleased Land Act of 2013,* no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval must be obtained from the Manager Asset Acceptance, Asset Services Group, TAMSD by way of:

1. a certificate of design acceptance prior to the commencement of any work and
2. a certificate of operational acceptance on completion of all works to be handed over to TAMSD

Works on unleased Territory land may include the construction or upgrading of driveway verge crossings, public footpaths, roads, street lighting, stormwater works, waste collection amenities, street signs and line marking, road furniture and landscaping.

A certificate of compliance under s296 of the *Planning and Development Act 2007* may not be issued unless a certificate of design acceptance **AND** a certificate of operational acceptance has both been obtained from TAMSD.

CONSTRUCTION REQUIREMENTS

The following information are some key requirements that apply to building work in the Territory. Other requirements may apply to this development.

DEMOLITION AND ASBESTOS MANAGEMENT

Demolition and asbestos management must be undertaken in accordance with the *Building Act 2004* (including the Building Code of Australia) and the *Dangerous Substances Act 2004*. Information about demolition and asbestos management is available from the planning and land authority's web site and Customer Service Centres.

ENVIRONMENT PROTECTION

All building work must be undertaken in accordance with the *Environment Protection Act 1997*, particularly but not exclusively in relation to noise and pollution control. More information is available from the Environment Protection Authority.

REPAIR OF DAMAGE TO PUBLIC ASSETS

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

UTILITY ASSETS RETENTION

The lessee should obtain a plant location advice from ActewAGL to avoid conflict with existing plant or electrical easements. The lessee will be responsible for the costs associated with the relocation of assets, if necessary. The lessee is to ensure that the water service and water meter are retained in position and in good condition. 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 τηλεφωνήσετε 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

Planning and Development Act 2007

Development Application

Application Number: **201731070**

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
MONASH	52	4	

Street Address

MONASH

Applicant Details

What type of applicant are you:

○ Business

ACN or ABN
68154870078

Company Name
4thD Planning & Design Pty Ltd

Position held / Title
Director

Salutation
None

First Name
Shamsul

Surname
Huda

Postal Address 1
35 Clem Hill Street

Postal Address 2

Postal Address 3
Gordon

Suburb
Gordon

State/Territory
ACT

Postcode
2906

Country
Australia

Phone Number
62948059

Fax Number

Mobile Number

Email
info@4thD.com.au

Lessee (Property Owners) Details

Lessee Number: 1

Is the Lessee a:

○ Organisation or Government entity

Australian Business Number (ABN)
47299363767

Company Name
Canberra Islamic Centre Inc.

Position held / Title
President

Salutation
Ms

First Name
Azra

Surname
Khan

Postal Address 1
221 Clive Steele Avenue

Postal Address 2

Postal Address 3

Suburb
Monash

State/Territory
ACT

Postcode
2904

Country

Phone Number
0262920602

Fax Number

Mobile Number
0409324693

Email
azra.khan.canberra@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.

☐ CFZ Community facility 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.

☐ Community Facility Zone Development Code

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

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.)

A DA for Stage 2 Development was lodged with the Environment and Planning Directorate (EPD) on 19 February 2013. The 1298 m2 development proposal forming part of that DA included a main mosque building with religious associated use facilities, a minaret structure plus some hard standing car parking spaces with associated landscaping.

The DA was approved by EPD on 11 June 2013. This DA approval has since lapsed and a new DA needs to be re-lodged for the constructions works to continue and the project to be completed.

Construction of the project started in February 2014 and works have been undertaken mostly in accordance with the previously approved DA.
The surface carpark including all necessary drainage works have already been completed. The main Mosque building has been built to lock-up stage with almost 95% of all external building works completed.

This DA is for the remainder of the Stage 2 Development works previously approved. It also includes some very minor external amendments as shown on the drawings submitted.

Proposed Use of the Land

Describe the use of the development. **Example:** Office, childcare facility, gymnasium. (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.)

Place of Assembly (a Mosque) and Religious Associated Use.

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 and Planning Directorate on (02)62071923)

○ Merit

Has an Environmental Significance Opinion been sought for this proposal?

○ No

For more information about which track your development application will be assessed in, please click *here*. *Please note, the Environment and Planning Directorate may refuse to accept a development application made in an incorrect assessment track. If the Environment and Planning 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.

☐ Community Use (includes Institutional)

Community Use

Please select a Community Use sub type:

☐ New building

New building storeys

2

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 5000m^2?

○ 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) (m^2)

0.00

B - Gross Floor Area to be demolished (m2)

0.00

C - Gross Floor Area to be added (m^2)

1298.00

D - Total Gross Floor Area of development (A-B+C)(m^2)

1298

E - COST OF WORKS ($)

1817200.00

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) (m^2)

0.00

G - Parking areas – undercover

0.00

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

0.00

Cost of Associated Works

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

10000.00

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

0.00

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

1827200

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

Demolition

Is the *Demolition* item relevant to your proposal?

○ No

Trees

Is the Trees 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?

○ No

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?

○ Yes

Have you provided Entity Endorsement?

○ No

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

○ Yes

Servicing & Site Management, Utilities

Servicing and Site Management

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

○ Yes

Have you provided Entity Endorsement?

○ No

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

○ Yes

Utilities

Is the *Utilities* item relevant to your proposal?

○ Yes

Please tick the relevant entities

- ☐ Water
- ☐ Electricity
- ☐ Sewerage
- ☐ Stormwater

Have you provided Entity Endorsement?

○ No

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

○ Yes

Location Requirements

Location Requirements

Is the Location Requirements item relevant to your proposal?

○ No

Subdivision, National Capital Plan, Crime Prevention, Access & Mobility, Traffic Ge

Subdivision (other than residential zones)

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

○ No

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?

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

○ Yes

Access and Mobility

Is the *Access and Mobility* item relevant to your proposal?

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

○ Yes

Traffic Generation

Is the Traffic Generation item relevant to your proposal?

○ Yes

Have you provided a Traffic and Parking Assessment Report/Statement prepared by a suitably qualified consultant?

○ Yes

Site Access, Parking, Lighting

Site Access

Is the Site Access item relevant to your proposal?

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

○ Yes

Parking (Car)

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

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

○ Yes

Parking (Bicycle)

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

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

○ Yes

Lighting

Is the *Lighting* item relevant to your proposal?

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

○ Yes

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?

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

○ Yes

Water Sensitive Urban Design

Water Sensitive Urban Design (Stormwater Quantity)

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

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

○ Yes

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?

○ No

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?

○ Not Relevant

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 and Planning 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 and Planning Directorate staff?

○ Yes

Please provide details:
The applicant is the husband of Ms Rumana Jamaly who is a staff of EPD

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 and Planning Directorate will not provide written advice of this decision. I/we also understand that the Environment and Planning 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 and Planning 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 and Planning 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

13 Jan 2017

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 interuption.

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 EPD for review.

Development applications (DAs) can be delayed unnecessarily because EPD 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 EPD 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 and Planning Directorate (EPD) 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 EPD 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. EPD's Information Privacy Policy contains information about how you may access or seek to correct your personal information held by EPD, and how you may complain about an alleged breach of the Territory Privacy Principles. The EPD 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 and Planning 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: **201731070**

Type of Application

The type of application you are applying for is Further Information - S141

Lease/Site Details

Site Number: 1

Suburb	Section	Block Number	Unit Number
MONASH	52	4	

Street Address

MONASH

Applicant Details

ACN or ABN

68154870078

Company Name

4thD Planning & Design Pty Ltd

Position held / Title

Director

Salutation	First Name	Surname
None	Shamsul	Huda

Postal Address 1

35 Clem Hill Street

Postal Address 2

Postal Address 3

Suburb	State/Territory	Postcode	Country
Gordon	ACT	2906	Australia

Phone Number	Fax Number	Mobile Number
62948059		

Email

info@4thd.com.au

Lessee (Property Owners) Details

Lessee Number: 1

Is the Lessee a

◉ Agency

Australian Business Number (ABN)
47299363767

Company Name
Canberra Islamic Centre Inc.

Position held / Title
President

Salutation
Ms

First Name
Azra

Surname
Khan

Postal Address 1
221 Clive Steele Avenue

Postal Address 2

Postal Address 3

Suburb
Monash

State/Territory
ACT

Postcode
2904

Country

Phone Number
0262920602

Fax Number

Mobile Number
0409324693

Email
azra.khan.canberra@gmail.com

Describe the Additional Information Being Provided

Icon Water Endorsement (Design Acceptance).

Applicant Declaration

I/we declare that this application is accompanied by all of the required information or documents as requested by the Environment and Planning Directorate in accordance with Section 141 of the Planning and Development Act 2007;

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

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

6/04/2017

ACT Government
Environment, Planning and Sustainable Development

Notice of decision

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

Merit track

DA NO: 201731070		**DATE LODGED: 17/02/2017**
DATE OF DECISION: 12 April 2017		
BLOCK: 4	**SECTION: 52**	**SUBURB: MONASH**
STREET NO AND NAME: 221 Clive Steele Avenue Monash		
APPLICANT: 4thD Planning & Design Pty Ltd		
LESSEE: Canberra Islamic Centre Incorporated		

THE DECISION

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

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

- **additions and alterations to an existing place of worship and associated car parking, landscaping, paving and other site works**

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

This decision is subject to the conditions of approval at **PART 1** being satisfied.

PART 2 sets out the Reasons for the Decision

PART 3 is Public Notification and Entity Advice.

PART 4 contains administrative information relating to the determination.

DELEGATE

Brett Phillips
Delegate of the planning and land authority
Environment and Planning Directorate
12/04/2017

CONTACT OFFICER

Ms Gabrielle Caddy
Phone: 6207 1799
Email: gabrielle.caddy@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. ICON WATER COMPLIANCE REQUIRED

The applicant is advised that Icon Water compliance has not been achieved.

Before a building certificate can be issued, the applicant/lessee must submit the in-principle approval to ActewAGL Water for compliance approval.

A2. TCCS CONDITIONS

a) There must be no construction access from Isabella Drive and Clive Steele Avenue including construction vehicles such as cranes and trucks.
b) All construction and patron access must be through the existing internal road and driveway through the car-park.
c) There must be no parking in bay 140 in front of the waste enclosure during waste collection times.

B. PRIOR TO CONSTRUCTION AND/OR DEMOLITION

B1. TRAFFIC MANAGEMENT

A Temporary Traffic Management (TTM) Plan shall be prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety, Roads ACT, Transport and Infrastructure, TCCS prior to commencement of any work on the site.

This plan is to address, as a minimum, measures to be employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices.

B2. REPORT OF PRIOR DAMAGE TO PUBLIC ASSETS

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

B3. NOTICE OF COMMENCEMENT OF CONSTRUCTION

Notice of Commencement for the Works in Unleased Territory Land shall be submitted to the Senior Manager, Asset Acceptance, TCCS one week prior to the commencement of works. The Notice shall also include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of TTM.

B4. TREE PROTECTION

Tree protection fencing, if required, shall be erected prior to the commencement of any work on the site.

C. DURING CONSTRUCTION AND/OR DEMOLITION

C1. POLLUTION CONTROL

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

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. 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 City Services, TCCS.

C3. 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 prior to the issue of a certificate of occupancy.

C4. ICON WATER, JEMENA GAS AND ACTEWAGL ELECTRICAL NETWORKS

The applicant is advised that Icon Water, Jemena Gas Networks and ActewAGL Electrical Networks Division have supported the proposal with conditions. These are appended to the notice, and the applicant/lessee is required to act in accordance with them when carrying out this development.

C5. 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.

C6. TRAFFIC MANAGEMENT

At all times, the site and surrounds shall be managed in accordance with the approved Temporary Traffic Management (TTM) Plan.

C7. 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. EPA ADVICE

As the site is greater than 1 hectare a Temporary Erosion & Sediment control pond/s must be incorporated into each stage of development. The ponds must comply with the Environment Protection Act 1997 (the Act) (and all relevant policies and guidelines). The ponds must also comply with the minimum standards and be in accordance with the following guidelines:

(a) Be of adequate size to control all runoff from the site (i.e. 150 cubic metres per hectare of catchment).

(b) No discharge from dam unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.

(c) Water level must not exceed 20% capacity at all times to allow runoff storage during a rain event.

(d) Regular dredging of the dam must be carried out to remove silt.

(e) Site drawing and details must be provided to Environment Protection Authority, for approval prior to works commencing.

(f) The temporary ponds shall not be removed until 85 % of the development is complete or all the disturbed areas are stabilised

All rain water that enters the site and pools in excavations during a rain storm event would be considered as a sediment control pond, and must meet the following conditions.

i. No discharge from dam all stormwater must be pumped out and disposed in at an approved location.

ii. No discharge from pond unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.

Noise from generators and any other plant which may be installed at the site, including air conditioning units, must comply with the noise standard as per the Environment Protection Regulation 2005 Noise Zone Standard D being 50/35dB(A). Building work is permitted above the zone noise standard during the following hours:

7am to 6pm Excluding Sundays and Public Holidays

All external lights must comply with Australian Standards AS4282 Control of the obtrusive effects of outdoor lighting.

Refer to Appendix 1 for information about approvals that may be required for construction.

PART 2
REASONS FOR THE DECISION

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

The key issues identified in the assessment are the advice sent by agencies. Conditions have been imposed to address the key issues and ensure that the proposal is consistent with the Territory Plan and the *Planning and Development Act 2007*.

EVIDENCE

Application No. 201731070
The Territory Plan zone – CFZ Community Facility Zone
The Development Codes – Community Facility Zone Development Code
The Precinct Codes – Monash Precinct Map and Code
Current Crown Lease – Volume 1998 Folio 21
Representations - Nil
Entity advice – Icon Water, ActewAGL, Jemena, TCCS.

PART 3
PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 22 February 2017 to 16 March 2017. No written representations were received during public notification.

ENTITY ADVICE

Pursuant to Division 7.3.3 of the Act, the original application was referred to various entities and advice was received. The referral entities' comments are as follows. A response to the advice is provided as appropriate.

ICON WATER

On 27 February 2017 advice was received from ActewAGL Icon Water in relation to the proposal. The advice states that the proposal is not approved. The matter was referred back to the applicant on 3 March 2017 for resolution directly with Icon. The applicant referred further information on 6 April 2017, advising that the proposal had achieved design acceptance. A condition of approval requiring that the applicant refer the proposal back to Icon for compliance has been included in this notice at A1.

JEMENA

On 8 March 2017 advice was received from ActewAGL Jemena Gas Networks Division in relation to the original proposal. The advice states that the proposal conditionally complies with their Gas Networks requirements.

As the matters raised relate to building certification, they have been incorporated as a covering condition at C4 and the details of the advice is attached to this notice.

ACTEWAGL ELECTRICITY

On 24 February 2017 advice was received from ActewAGL Electricity Networks Division in relation to the original proposal. The advice states that the proposal has conditional approval.

As the matters raised relate to building certification, they have been incorporated as a covering condition at C4 and the details of the advice is attached to this notice (Attachment B).

TRANSPORT CANBERRA & CITY SERVICES (formerly TAMSD)

On 14 March 2017 advice was received from Transport Canberra and City Services in relation to the proposal. The advice states that the proposal is supported with conditions of approval.

These conditions have been incorporated into this Notice of Decision at A1; B1 and C6. In addition, standard conditions have been imposed at B2; B3; C2; C3 and C7.

PART 4
ADMINISTRATIVE INFORMATION

DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise this approval is effective from the day after the date of this notice. The effective date for development applications approved subject conditions could also be adjusted if the approval is reconsidered by the planning and land authority or if an application is made to the ACT Civil and Administrative Tribunal.

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

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

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

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

INSPECTION OF THE APPLICATION AND DECISION

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

RECONSIDERATION OF THE DECISION

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

To submit an application for reconsideration, documents must be provided 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.

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 *Planning and land authority* - list of certifiers for building approval - demolition information - asbestos information *Environment Protection Authority* - environment protection - water resources - asbestos information *Conservation, Planning and Research* - threatened species/wildlife management	 Website: www.actpla.act.gov.au Telephone: (02) 6207 1923 Website: www.environment.act.gov.au Telephone: (02) 6207 6251 Website: www.environment.act.gov.au Telephone: (02) 6207 1911
Transport Canberra and City Services Directorate - tree damaging activity approval - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets	Website: www.tccs.act.gov.au Telephone: 132 281 Telephone for asset acceptance: (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.actpla.act.gov.au/tools_resources/e-services/edevelopment

For further information regarding the lodgement of this information please contact Customer Service Centre by Phone: (02) 6207 1923, Email: **esddcustomerservices@act.gov.au** or on the planning and land authority website at **www.actpla.act.gov.au.**

FURTHER APPROVALS FOR CONSTRUCTION

The Notice of Decision grants development approval, but does not cover building approval or approvals which may be required during construction, which commonly include the following.

BUILDING APPROVAL

Most building work requires building approval to ensure it complies with building laws such as the Building Code of Australia. If this applies to this proposal, the lessee should engage a private building certifier to assess and approve the building plans before construction begins. A list of licensed certifiers and information about building approval is available from the planning and land authority's website and Customer Service Centres.

PERMITTED VARIATIONS TO APPROVED DEVELOPMENT

Under section 35 of the Planning and Development Regulation 2008 the development as built may vary from the approved development in accordance with section 35 and the permitted construction tolerances and other permitted variations identified in Schedule 1A of that regulation.

Note 1 The development may still need building approval, or further building approval, under the *Building Act 2004*

Note 2 The development must also comply with the lease for the land on which it is carried out.

"TREE DAMAGING ACTIVITY" APPROVAL

A Tree Management Plan under the *Tree Protection Act 2005* is required for approval where it is proposed to undertake groundwork within the tree protection zone of a protected tree or likely to cause damage to, or remove, any trees defined as protected trees by that Act. More information is available from the Territory and Municipal Services Directorate.

USE OF VERGES OR OTHER UNLEASED TERRITORY LAND

In accordance with the *Public Unleased Land Act of 2013,* road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. Approval can be obtained from the Territory and Municipal Services Directorate.

WORKS ON UNLEASED TERRITORY LAND – DESIGN AND OPERATIONAL ACCEPTANCE

In accordance with the *Public Unleased Land Act of 2013,* no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval must be obtained from the Manager Asset Acceptance, Asset Services Group, 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 the Territory and Municipal Services Directorate of any existing damage to public facilities.

UTILITY ASSETS RETENTION

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

WATER RESTRICTIONS AND FILLING OF NEW POOLS, PONDS AND FOUNTAINS

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

DRAINAGE

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

REVIEW OF THE DECISION

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

CONTACT DETAILS

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

Location	Contact details
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 τηλεφωνήσετε 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

Planning and Development Act 2007

Development Application

Application Number: **201731447**

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
YARRALUMLA	71	2	

Street Address

21 LOFTUS STREET, YARRALUMLA

Applicant Details

What type of applicant are you:

○ Non-business (individual)

Salutation: None
First Name: Jalal
Surname: Anis

Postal Address 1: 11 Alice Clarke Street
Postal Address 2:

Postal Address 3:

Suburb: Casey
State/Territory: ACT
Postcode: 2913
Country: Australia

Phone Number: 0422342970
Fax Number:
Mobile Number:

Email: anis1stnov@yahoo.com

Lessee (Property Owners) Details

Lessee Number: 1

Is the Lessee a:

○ Standard lessee

Salutation: Mr
First Name: Yusuf
Surname: Mansuri

Postal Address 1: 21 Loftus Street
Postal Address 2:

Postal Address 3:

Suburb: Yarralumla
State/Territory: ACT
Postcode: 2913
Country: Australia

Phone Number: 0432672880
Fax Number:
Mobile Number: 0432672880

Email: ymansuri@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.

☐ RZ1 Suburban 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 - Single Dwelling Housing Development Code

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

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.)

To demolish existing single storey residence and to build a new two storey residence including a garage and a carport. As second driveway access has also been proposed.

Proposed Use of the Land

Describe the use of the development. **Example:** Residential purposes for a single dwelling (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 purpose for a single dwelling

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 and Planning 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 and Planning Directorate may refuse to accept a development application made in an incorrect assessment track. If the Environment and Planning 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.

☐ Single Dwelling

Single Dwelling

Please select a Single Dwelling sub type:

☐ Demolition/Rebuild

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) (m^2)

99.00

B - Gross Floor Area to be demolished (m^2)

99.00

C - Gross Floor Area to be added (m^2)

277.00

D - Total Gross Floor Area of development (A-B+C)(m^2)

277

E - COST OF WORKS ($)

380875.00

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

F - Area of other BCA class 10 structures (e.g. metal garage, metal carport, pergola, deck, verandah, etc) (m^2)

217.00

G - COST OF WORKS at F* ($)

152985.00

Cost of Associated Works

H - Cost of all associated work such as landscaping ($)

15000.00

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

10000.00

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

558860

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?

○ No

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?

○ Yes

Have you provided Entity Endorsement?

○ No

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

○ Yes

Heritage

Heritage

Is the *Heritage* item relevant to your proposal?

○ No

Erosion and Sediment Control

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

NOTE: All new dwellings (including in established areas) require a plan that provides details of the sediment and erosion control measures including: sediment control barrier, designated cutting area and wash area, stockpiles and stabilised access point.

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

Utilities

Subdivision (residential zones)

Subdivision (residential zones)

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

○ No

Utilities Requirements - ActewAGL & Stormwater

For all developments 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

Does this application comply with utility standards?

○ Yes

For more information on Utility Requirements and Standards, Water, Electricity, Sewerage and gas, please contact ActewAGL on Ph: 62483555 or visit their web site. For more information on Stormwater Easements, please contact Asset Acceptance via Canberra Connect on Ph: 132281 or visit their web site. ***Please carefully read the applicant declaration before submitting this form***

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 additional entrance

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*

Proposal previously determined exempt from development approval

Is this application for development being submitted to address a situation where an exemption from development approval was granted, but the development does not accord with the exemption provisions?

○ No

Exclusion from Public Inspection

In accordance with the requirements of Sections 28 and 30 of the *Planning and Development Act 2007*, the Environment and Planning 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 and Planning Directorate staff?

○ Yes

Please provide details:

FAWZIA MAJID, Development Assessment - South
Planning Delivery Division, Environment and Planning Directorate
Challis Street, Dickson

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 Directorate;

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 and Planning Directorate will not provide written advice of this decision.

I/we also understand that the Environment and Planning 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 and Planning Directorate its servants and agents to erect sign/s on the subject property(s) as required and 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 and Planning Directorate when required, alter, amend or provide further information as necessary and receive any communications relating to this Development Application;

I/we declare that information relating to utility standards, access provisions and asset clearance zones has been sought from the relevant utility providers and this development application has been prepared in accordance with their requirements;

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

28 Mar 2017

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 interuption.

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 EPD for review.

Development applications (DAs) can be delayed unnecessarily because EPD 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 EPD 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 and Planning Directorate (EPD) 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 EPD 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. EPD’s Information Privacy Policy contains information about how you may access or seek to correct your personal information held by EPD, and how you may complain about an alleged breach of the Territory Privacy Principles. The EPD 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 and Planning 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: **201731447**

Type of Application

The type of application you are applying for is Further Information - S141

Lease/Site Details

Site Number: 1

Suburb	Section	Block Number	Unit Number
YARRALUMLA	71	2	

Street Address

21 LOFTUS STREET, YARRALUMLA

Applicant Details

Salutation	First Name	Surname
None	Jalal	Anis

Postal Address 1	Postal Address 2
11 Alice Clarke Street	

Postal Address 3

Suburb	State/Territory	Postcode	Country
Casey	ACT	2913	Australia

Phone Number	Fax Number	Mobile Number
0422342970		

Email

anis1stnov@yahoo.com

Lessee (Property Owners) Details

Lessee Number: 1

Is the Lessee a

- (●) Standard

Salutation: Mr

First Name: Yusuf

Surname: Mansuri

Postal Address 1: 21 Loftus Street

Postal Address 2:

Postal Address 3:

Suburb: Yarralumla

State/Territory: ACT

Postcode: 2913

Country: Australia

Phone Number: 0432672880

Fax Number:

Mobile Number: 0432672880

Email: ymansuri@gmail.com

Describe the Additional Information Being Provided

entity advices have been uploaded

Applicant Declaration

I/we declare that this application is accompanied by all of the required information or documents as requested by the Environment and Planning Directorate in accordance with Section 141 of the Planning and Development Act 2007;

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

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

22/06/2017

Planning and Development Act 2007

Development Application

Application Number: **201731447S165B**

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
YARRALUMLA	71	2	

Street Address

21 LOFTUS STREET, YARRALUMLA

Applicant Details

Salutation	First Name	Surname
None	Jalal	Anis

Postal Address 1	Postal Address 2
11 Alice Clarke Street	

Postal Address 3

Suburb	State/Territory	Postcode	Country
Casey	ACT	2913	Australia

Phone Number	Fax Number	Mobile Number
0422342970		

Email

anis1stnov@yahoo.com

Lessee (Property Owners) Details

Lessee Number: 1

Is the Lessee a

- (●) Standard

Salutation: None
First Name: Yusuf
Surname: Mansuri
Postal Address 1: 21 Loftus Street
Postal Address 2:
Postal Address 3:
Suburb: Yarralumla
State/Territory: ACT
Postcode: 2913
Country: Australia
Phone Number: 0432672880
Fax Number:
Mobile Number: 0432672880
Email: ymansuri@gmail.com

List Amendments Being Satisfied

The Western façade has been amended as per DA Condition,
- Upper Floor windows' sill height has been raised to 1.7meter
- The timber slat screen has been made 100% opaque (Detail added)

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

29/07/2017

ACT Government
Environment, Planning and Sustainable Development

Notice of decision

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

Merit track

DA NO: 201731447		**DATE LODGED: 22/04/2017**
DATE OF DECISION: 18 July 2017		
BLOCK: 2	**SECTION: 71**	**SUBURB: YARRALUMLA**
STREET NO AND NAME: 21 Loftus Street		
APPLICANT: Jalal Anis		
LESSEE: Mansuri Yusuf Jafarbhai		

THE DECISION

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

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

The demolition of the existing dwelling and the construction of a new two storey residence including a garage and carport with a second driveway and associated landscaping, paving and other site works

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

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

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

George Cilliers
Delegate of the planning and land authority
Environment and Planning Directorate
18/07/2017

CONTACT OFFICER

Matthew Williams
Phone: (02) 6205 7736
Email: matthew.williams@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. 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 site plan and architectural drawings, based on the relevant drawings submitted as part of the application, showing:

(i) The proposed upper floor window(s) on the western frontage to either show a sill height of 1.7m or show obscure glazing.

(ii) The proposed timber flat screening to the upper floor level on the western frontage is to be illustrated as being 100% non-transparent.

A2. <u>TRANSPORT CANBERRA AND CITY SERVICES DIRETORATE</u>

The following conditions as stated by Transport Canberra and City Services must be adhered with:

1. The new verge crossing must be constructed in accordance with the TCCS Design Standards.

2. The levels on the verge must not be altered as a result of the new constructed driveway.

3. The verge crossing must be inspected at the formwork stage by an officer of Development Review and Coordination - TCCS. This driveway inspection 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 driveway. In case of stormwater sumps this minimum distance would be 1.2m.

5. Maximum gradient for the first 6 meter of the access driveway within the block boundary must not exceed 5% in accordance with the section 3.3 of the Australian Standard for Parking facilities AS 2890.1 Off-street Car Parking.

6. A clear sight triangle must be provided in accordance with the section 3.2.4 of the Australian Standard for Parking facilities AS 2890.1 Off-street Car Parking.

7. A maximum skew of 10% will be allowed if necessary.

8. The pedestrian walkway / footpath must take precedence over the verge crossing.

9. 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.

10. Adequate clearance must be provided for pedestrian walkway / footpath in accordance with the TCCS Standard Drawing 04: Verge Design.

B. PRIOR TO CONSTRUCTION AND/OR DEMOLITION

B1. TREE PROTECTION

Tree protection fencing, if required, shall be erected prior to the commencement of any work on the site.

B2. LANDSCAPE MANAGEMENT AND PROTECTION PLAN (LMPP)/DILAPIDATION REPORT

A Landscape Management and Protection Plan (LMPP) and a dilapidation report for all government assets adjacent to site must be provided to TCCS/DRC prior to construction work.

B3. COMPLIANCE WITH ENTITY CONDITIONS

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 construction (Refer to Part 3 of this decision).

C. DURING CONSTRUCTION AND/OR DEMOLITION

C1. VERGE MANAGEMENT

The verge must be protected during construction.

C2. 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.

C3. STORMWATER

Minimum width and height clearance of 2.5m access must be provided through the carport to the stormwater easement at the rear of the block.

C4. COMPLIANCE WITH ENTITY CONDITIONS

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 during construction (Refer to Part 3 of this decision).

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. CONSERVATOR OF FLORA AND FAUNA

The following advice raised by the Conservator of Flora and Fauna should be considered;

- There are 2 x "Swane's Gold *Cupressus sempervirens*", located on the eastern boundary of Block 7 Section 71. The trees are in the neighbouring lease and it is impossible to measure the girth as the foliage is growing from ground level. The trees should be treated as regulated and must not be damaged by any proposed works on the site.

- As the trees are next to an existing driveway the removal and relaying of a surface would be supported as part of any proposal. It is unlikely the trees will be affected by works of this nature as they are relatively small in stature. The referenced landscape plan indicated there is a lot of concrete to be laid in the front yard. Whilst this may not affect the health of the neighbours Cupressus it does appear to be a bit excessive and does not allow for any deep root zones for reasonable sized trees.

E2. ENTITY ADVICE

The applicant is advised to carefully consider all the relevant advice (in addition to the conditions imposed) from each of the entities stated in Part 3 of this decision throughout the process of development (prior to, during & post construction) as applicable.

Refer to Appendix 1 for information about approvals that may be required for construction.

PART 2
REASONS FOR THE DECISION

The application satisfactorily meets the requirements for approval. The application was approved because, based on the documentation and in the form modified by the imposed conditions, it was considered to meet:

- the relevant codes, being the Residential Zones Development Code; Single Dwelling Housing Development Code.

The key issue identified in the assessment was the comments received from the relevant entities. Conditions have been imposed to address the key issues and ensure that the proposal is consistent with the Territory Plan and the *Planning and Development Act 2007.*

EVIDENCE

Application No. 201731447
File No. 1-2017/07917
The Territory Plan zone – RZ1: Suburban
The Development Codes – Residential Zones Development Code; Single Dwelling Housing Development Code
The Precinct Codes – Yarralumla Precinct Map and Code
Current Crown Lease – Volume 494 Folio 25
Representations - One
Entity advice – Icon Water, ActewAGL, TCCSD, Conservator of Flora and Fauna

PART 3
PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 3 May 2017 to 16 May 2017. One written representation was received during public notification.

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

(a) Solar access concerns/rendered brick wall

A representation was received in relation to solar access. The representation also highlighted the encroachment of the western wall as being detrimental to solar access to the adjoining block.

The authority has considered the proposal and any potential overshadowing concerns. Given that the boundary concerned is a western boundary and because of the existing class 10 structures on the neighbouring block to the west, the extent of overshadowing is not considered so severe as to require this application to be refused or amended. The proposed carport in its current form is considered acceptable.

(b) Privacy concerns

A representation was received in relation to privacy concerns, particularly sight line access from the proposed residence from the upper floor level and in specific the sight lines from the proposed window and timber flat screening.

As the proposal does not meet the required side setback at the upper floor level, the proposal needed to be assessed against the relevant criterion. Consequently, conditions A1. (a)(i) and A1. (a)(ii) have been included in this notice of decision to address "reasonable privacy for dwellings on adjoining residential blocks" as per the relevant criterion.

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 8 May 2017 advice was received from the Conservator of Flora and Fauna in relation to the proposal. The advice states that the proposal is supported with advice to the proponent.

Matters raised have been incorporated as advice (Entity Advice E1).

TRANSPORT CANBERRA AND CITY SERVICES DIRECTORATE (TCCSD)

On 19 May 2017 advice was received from TCCSD in relation to the proposal. The advice states that the proposal is supported subject to compliance with conditions (attached).

Matters raised have been incorporated as either conditions of approval or advice (Conditions A2, B2, B3, C1, C3,C4 and Entity Advice E2).

ActewAGL – Electricity Networks Division

On 22 June 2017 advice was received from ActewAGL – Electricity Networks Division in relation to the proposal. The advice states that the application is approved subject to compliance with conditions (attached).

Matters raised have been incorporated as either conditions of approval or advice (Conditions B3 & C4 and Entity Advice E2).

ActewAGL – Gas Networks

On 8 May 2017 advice was received from Jemena Gas Networks in relation to the proposal. The advice states that the proposal is supported subject to conditions (attached).

Matters raised have been incorporated as either conditions of approval or advice (Conditions B3 & C4 and Entity Advice E2).

Icon Water (formerly ActewAGL Water)

On 2 May 2017 advice was received from Icon Water in relation to the proposal. The advice states that the proposal is supported subject to conditions (attached).

Matters raised have been incorporated as either conditions of approval or advice (Condition B3 & C4 and Entity Advice E2).

PART 4
ADMINISTRATIVE INFORMATION

DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise this approval is effective from the day after the date of this notice. 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.

INSPECTION OF THE APPLICATION AND DECISION

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

RECONSIDERATION OF THE DECISION

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

To submit an application for reconsideration, documents must be provided 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 and Planning Directorate *Planning and land authority* - list of certifiers for building approval - demolition information - asbestos information *Environment Protection Authority* - environment protection - water resources - asbestos information *Conservation, Planning and Research* - threatened species/wildlife management	 Website: www.actpla.act.gov.au Telephone: (02) 6207 1923 Website: www.environment.act.gov.au Telephone: (02) 6207 6251 Website: www.environment.act.gov.au Telephone: (02) 6207 1911
Territory and Municipal Services Directorate - tree damaging activity approval - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets	Website: www.tams.act.gov.au Telephone: 132 281 Telephone for asset acceptance: (02) 6207 7480
Utilities - Telstra (networks) - TransACT (networks) - 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.actpla.act.gov.au/tools_resources/e-services/edevelopment

For further information regarding the lodgement of this information please contact Customer Service Centre by Phone: (02) 6207 1923, Email: **esddcustomerservices@act.gov.au** or on the planning and land authority website at **www.actpla.act.gov.au.**

FURTHER APPROVALS FOR CONSTRUCTION

The Notice of Decision grants development approval, but does not cover building approval or approvals which may be required during construction, which commonly include the following.

BUILDING APPROVAL

Most building work requires building approval to ensure it complies with building laws such as the Building Code of Australia. If this applies to this proposal, the lessee should engage a private building certifier to assess and approve the building plans before construction begins. A list of licensed certifiers and information about building approval is available from the planning and land authority's website and Customer Service Centres.

PERMITTED VARIATIONS TO APPROVED DEVELOPMENT

Under section 35 of the Planning and Development Regulation 2008 the development as built may vary from the approved development in accordance with section 35 and the permitted construction tolerances and other permitted variations identified in Schedule 1A of that regulation.

Note 1 The development may still need building approval, or further building approval, under the *Building Act 2004*

Note 2 The development must also comply with the lease for the land on which it is carried out.

"TREE DAMAGING ACTIVITY" APPROVAL

A Tree Management Plan under the *Tree Protection Act 2005* is required for approval where it is proposed to undertake groundwork within the tree protection zone of a protected tree or likely to cause damage to, or remove, any trees defined as protected trees by that Act. More information is available from the Territory and Municipal Services Directorate.

USE OF VERGES OR OTHER UNLEASED TERRITORY LAND

In accordance with the *Public Unleased Land Act of 2013,* road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. Approval can be obtained from the Territory and Municipal Services Directorate.

WORKS ON UNLEASED TERRITORY LAND – DESIGN AND OPERATIONAL ACCEPTANCE

In accordance with the *Public Unleased Land Act of 2013,* no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval must be obtained from the Manager Asset Acceptance, Asset Services Group, TAMSD by way of:

1. a certificate of design acceptance prior to the commencement of any work and
2. a certificate of operational acceptance on completion of all works to be handed over to TAMSD

Works on unleased Territory land may include the construction or upgrading of driveway verge crossings, public footpaths, roads, street lighting, stormwater works, waste collection amenities, street signs and line marking, road furniture and landscaping.

A certificate of compliance under s296 of the *Planning and Development Act 2007* may not be issued unless a certificate of design acceptance **AND** a certificate of operational acceptance has both been obtained from TAMSD.

CONSTRUCTION REQUIREMENTS

The following information are some key requirements that apply to building work in the Territory. Other requirements may apply to this development.

DEMOLITION AND ASBESTOS MANAGEMENT

Demolition and asbestos management must be undertaken in accordance with the *Building Act 2004* (including the Building Code of Australia) and the *Dangerous Substances Act 2004*. Information about demolition and asbestos management is available from the planning and land authority's web site and Customer Service Centres.

ENVIRONMENT PROTECTION

All building work must be undertaken in accordance with the *Environment Protection Act 1997*, particularly but not exclusively in relation to noise and pollution control. More information is available from the Environment Protection Authority.

REPAIR OF DAMAGE TO PUBLIC ASSETS

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

UTILITY ASSETS RETENTION

The lessee should obtain a plant location advice from ActewAGL to avoid conflict with existing plant or electrical easements. The lessee will be responsible for the costs associated with the relocation of assets, if necessary. The lessee is to ensure that the water service and water meter are retained in position and in good condition. 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 τηλεφωνήσετε 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

ACT Government
Environment and Planning

Jalal Anis
11 Alice Clarke Street
Casey ACT 2913

Dear Jalal Anis

BLOCK 2 SECTION 71 - YARRALUMLA
Application Number: 201731447
Lessee:Yusuf Jafarbhai Mansuri

I refer to the plans and information you submitted in response to conditions A.1 (a) (i) & (ii) of the Notice of Decision with respect to the above Development Application.

The plans and information now satisfy conditions A1. (a) (i) & (ii) 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 62057736.

Yours sincerely

M Williams

Matthew Williams
31 July 2017

Planning and Development Act 2007

Development Application

Application Number: **201731482**

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?

○ Yes

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
MONCRIEFF	33	2	

Street Address

MONCRIEFF

Applicant Details

What type of applicant are you:

○ Business

ACN or ABN
68154870078

Company Name
4thD Planning & Design Pty Ltd

Position held / Title
Director

Salutation
None

First Name
Shamsul

Surname
Huda

Postal Address 1
35 Clem Hill Street

Postal Address 2

Postal Address 3
Gordon

Suburb
Gordon

State/Territory
ACT

Postcode
2906

Country
Australia

Phone Number
62948059

Fax Number

Mobile Number

Email
info@4thD.com.au

Lessee (Property Owners) Details

Lessee Number: 1

Is the Lessee a:

○ Organisation or Government entity

Australian Business Number (ABN)
37307569373

Company Name
TCCS Roads ACT

Position held / Title
Director

Salutation
Mr

First Name
Ken

Surname
Marshall

Postal Address 1
496 Northbourne Avenue

Postal Address 2

Postal Address 3

Suburb
Dickson

State/Territory
ACT

Postcode
2602

Country

Phone Number
62076588

Fax Number

Mobile Number

Email
ken.marshall@act.gov.au

Lessee Number: 2

Is the Lessee a:

○ Organisation or Government entity

Australian Business Number (ABN)

20419925579

Company Name

Land Development Agency

Position held / Title

Salutation

Ms

First Name

Julia

Surname

Forner

Postal Address 1

470 Northbourne Avenue

Postal Address 2

Postal Address 3

Suburb

Dickson

State/Territory

ACT

Postcode

2602

Country

Phone Number

62050600

Fax Number

62076110

Mobile Number

Email

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.

☐ CFZ Community facility zone

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

Works are also proposed off-site on public road adjacent to the subject site.

Development/Precinct Code

Please specify which development code applies to this application.

☐ Community Facility Zone Development Code

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

Moncrieff Precinct Map and Code

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.)

Development proposal subject of this DA will include the following buildings/facilities:

1. Permanent Lower Primary School Building – permanent new building for Years KG, 1, 2 & 3 (1168.52 m2);
2. Permanent Preschool Building & Store – permanent new buildings (416.88 m2);
3. Interim Primary School – Years 1 to 6 in eight demountable buildings plus toilet facilities (580.92 m2);
4. Interim Preschool – one demountable building with toilet facilities (129.60 m2);
5. Interim Administration Building – in two demountable buildings plus toilet facilities (169.50 m2); and
6. Interim Prayer Room – two demountable buildings plus toilet facilities (169.50 m2).

The scope of works for Stage 1 also includes the following:

1. Bulk earthwork on site – levelling the grounds for Stage 1 works;
2. Removal of four regulated trees on site;
3. Site services and service connections;
4. Construct three new vehicular access crossovers – two on Yidaki Way and one on Hoffman Street;
5. Minor modifications and/or adjustments to street kerbs and on-street parking bays including removal of three newly planted trees in the verge (two on Hoffman Street and one on Yidaki Way) to facilitate new vehicular access to the site;
6. Remove and make good two small parking islands on O'Keefe Avenue to allow for mini-bus and car drop off bays;
7. Construct a new pedestrian crossover on Yidaki Way;
8. Sealed bitumen driveway, drop-off and carpark on site – also includes a gravel overflow carpark;
9. Central Assembly Court paving and pedestrian pathways;
10. Covered Walkway/Colonnade – permanent roofed structures (1554.42 m2);
11. Outdoor play areas for Preschool and Lower Primary School;
12. Outdoor lighting – pedestrian areas and sealed carpark;
13. Landscaping; and
14. Boundary fencing.

Proposed Use of the Land

Describe the use of the development. **Example:** Office, childcare facility, gymnasium. (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.)

Educational Establishment - a new private school.

A lease is yet to be issued for the block.

Is the proposed use consistent with the current Crown lease?

○ No

Assessment Track

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

○ Merit

Has an Environmental Significance Opinion been sought for this proposal?

○ No

For more information about which track your development application will be assessed in, please click *here*. *Please note, the Environment and Planning Directorate may refuse to accept a development application made in an incorrect assessment track. If the Environment and Planning 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.

☐ Community Use (includes Institutional)

Community Use

Please select a Community Use sub type:

☐ New building

New building storeys

1

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 5000m^2?

○ 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) (m^2)

0.0

B - Gross Floor Area to be demolished (m2)

0.0

C - Gross Floor Area to be added (m^2)

2634.92

D - Total Gross Floor Area of development (A-B+C)(m^2)

2634.92

E - COST OF WORKS ($)

3688888.00

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) (m^2)

1554.42

G - Parking areas – undercover

0.00

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

932652.00

Cost of Associated Works

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

1150000.00

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

60000.00

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

5831540

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

Demolition

Is the *Demolition* item relevant to your proposal?

○ No

Trees

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

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?

○ No

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?

○ Yes

Have you provided Entity Endorsement?

○ No

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

○ Yes

Servicing & Site Management, Utilities

Servicing and Site Management

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

○ Yes

Have you provided Entity Endorsement?

○ No

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

○ Yes

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

Location Requirements

Location Requirements

Is the Location Requirements item relevant to your proposal?

○ No

Subdivision, National Capital Plan, Crime Prevention, Access & Mobility, Traffic Ge

Subdivision (other than residential zones)

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

○ No

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?

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

○ Yes

Access and Mobility

Is the *Access and Mobility* item relevant to your proposal?

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

○ Yes

Traffic Generation

Is the Traffic Generation item relevant to your proposal?

○ Yes

Have you provided a Traffic and Parking Assessment Report/Statement prepared by a suitably qualified consultant?

○ Yes

Site Access, Parking, Lighting

Site Access

Is the Site Access item relevant to your proposal?

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

○ Yes

Parking (Car)

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

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

○ Yes

Parking (Bicycle)

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

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

○ Yes

Lighting

Is the *Lighting* item relevant to your proposal?

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

○ Yes

Signs, Neighbourhood Plans, Water Sensitive Urban Design

Signs

Is the *Signs* item relevant to your proposal?

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

○ Yes

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?

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

○ Yes

Water Sensitive Urban Design

Water Sensitive Urban Design (Stormwater Quantity)

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

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

○ Yes

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

☐ Other

Please specify

1. Site services and service connections;
2. Construct three new vehicular access crossovers;
3. Minor modifications and/or adjustments to street kerbs;
4. Removal of three newly planted trees in the verge; and
5. Remove and make good two small parking islands on O'Keefe Avenue.
5. Construct a new pedestrian crossover on Yidaki Way;

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 and Planning 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 and Planning Directorate staff?

○ Yes

Please provide details:

Ms Rumana Jamaly is a staff of Environment, Planning and Sustainable Development Directorate and is the wife of the applicant (Shamsul Huda of 4thD Planning and Design).

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 and Planning Directorate will not provide written advice of this decision. I/we also understand that the Environment and Planning 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 and Planning 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 and Planning 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

05 Apr 2017

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 interuption.

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 EPD for review.

Development applications (DAs) can be delayed unnecessarily because EPD 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 EPD 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 and Planning Directorate (EPD) 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 EPD 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. EPD’s Information Privacy Policy contains information about how you may access or seek to correct your personal information held by EPD, and how you may complain about an alleged breach of the Territory Privacy Principles. The EPD 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 and Planning 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: **201731482S165A**

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
MONCRIEFF	33	2	

Street Address
MONCRIEFF

Applicant Details

ACN or ABN
68154870078

Company Name
4thD Planning & Design Pty Ltd

Position held / Title
Director

Salutation	First Name	Surname
None	Shamsul	Huda

Postal Address 1
35 Clem Hill Street

Postal Address 2

Postal Address 3
Gordon

Suburb	State/Territory	Postcode	Country
Gordon	ACT	2906	Australia

Phone Number	Fax Number	Mobile Number
62948059		

Email
info@4thD.com.au

Lessee (Property Owners) Details

Lessee Number: 1

Is the Lessee a

◉ Agency

Australian Business Number (ABN)
37307569373

Company Name
TCCS Roads ACT

Position held / Title
Director

Salutation
None

First Name
Ken

Surname
Marshall

Postal Address 1
496 Northbourne Avenue

Postal Address 2

Postal Address 3

Suburb
Dickson

State/Territory
ACT

Postcode
2602

Country

Phone Number
62076588

Fax Number

Mobile Number

Email

Lessee Number: 2

Is the Lessee a

◉ Agency

Australian Business Number (ABN)
20419925579

Company Name
Land Development Agency

Position held / Title

Salutation
None

First Name
Julia

Surname
Forner

Postal Address 1
470 Northbourne Avenue

Postal Address 2

Postal Address 3

Suburb
Dickson

State/Territory
ACT

Postcode
2602

Country

Phone Number
62050600

Fax Number
62076110

Mobile Number

Email

List Amendments Being Satisfied

To comply with Condition A2 -

1. The Site Plan, Landscape Plan and three other drawings have been revised to retain three regulated trees and

reconfigure the 'Assembly Area'.
2. The Tree Management Plan has been revised to show the retention of the same three regulated trees with tree protection devices noted.

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

10/10/2017

ACT Government
Environment, Planning and Sustainable Development

Notice of decision

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

Merit track

DA NO: 201731482		**DATE LODGED: 24/05/2017**
DATE OF DECISION: 16 August 2017		
BLOCK: 2	**SECTION: 33**	**SUBURB: MONCRIEFF**
STREET NO AND NAME: Crnr O'Keefe Avenue and Yidaki Way		
APPLICANT: 4thd Planning & Design Pty Ltd		
LESSEE: **Unleased Territory Land**		

THE DECISION

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

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

- **the construction of seven single storey buildings containing a childcare centre, preschool and primary school, connecting breezeways and associated landscaping, paving and other site works**

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

This decision is subject to the conditions of approval at **PART 1** being satisfied. Please note that plans will not be dispatched until all conditions are satisfied; and that this approval does not permit the removal of any regulated trees.

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

George Cilliers
Delegate of the planning and land authority
Environment and Planning Directorate
16 August 2017

CONTACT OFFICER
Ms Gabrielle Caddy
Phone: 6207 1799
Email: gabrielle.caddy@act.gov.au

PART 1
A. ADMINISTRATIVE / PROCESS CONDITIONS

A1. NO WORKS UNTIL GRANT AND REGISTRATION OF CROWN LEASE

No building work in relation to this Development Application is to commence on the site until a Crown lease permitting the use is issued, granted and registered at the Land Titles Office.

A2. 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 site plan, and landscape plan, based on the relevant drawings submitted as part of the application, showing:

(i) Regulated trees '702', '705', and '714' retained and the 'assembly area' moved and/or reconfigured to avoid their tree protection zones.

(b) Revised Tree Management Plan showing:

(i) The retention of regulated trees '702', '705', and '714'

(ii) The tree protection devices to be used to protect and retain all the regulated trees, including the three listed at (i).

A3. TCCS CONDITIONS

Construction and finishing of on and off site works shall be in accordance with the Transport Canberra City Services (TCCS) requirements as follows:

(a) Verge Crossing

(i) The driveway must be constructed in accordance with TCCS Design Standards.

(ii) The levels on the verge must not be altered as a result of the new constructed driveway.

(iii) 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 driveway. In case of stormwater sumps this minimum distance would be 1.2m.

(iv) A clear sight triangle must be provided in accordance with the section 3.2.4 of the Australian Standard for parking facilities AS 2890.1 Off-street Car Parking.

(v) A maximum skew of 10% will be allowed if necessary. This will be checked during Design Acceptance.

(vi) The proponent must demonstrate that adequate queuing area is provided at the car park entry to ensure that no queuing on public road will occur and traffic operation on public road will not be impacted.

(b) Pedestrian Network

(i) The pedestrian walkway / footpath must take precedence over the driveway.

(ii) 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.

(iii) Adequate clearance must be provided for pedestrian walkway / footpath in accordance with the TCCS Standard Drawing 04: Verge Design.

(c) Verge / Verge Tree

(i) The verge must be protected during construction.

(ii) There are to be no encroachments on Territory Land.

(iii) All excavation within the tree protection zones of the verge trees must be carried out by hand dig, hydro excavation or other recommended methods to ensure minimal damage to the tree roots.

(d) Stormwater

(i) Stormwater Management Plan to be submitted with Design Acceptance.

(ii) The floor level / habitable area of the proposed development must be above 100 year ARI flood level plus 300 mm.

(e) Traffic / Public Transport

(i) Any changes to the Traffic Control Devices (TCD) must comply with the applicable standards. This will be checked in detail during Design Acceptance.

(ii) Any changes to the public transport operation must be consulted with ACTION Buses.

(f) On street / Public Parking Facility

(i) Any on street car parking must be designed and constructed in accordance with the Australian Standard for Parking Facilities AS 2890.5 On-street Car Parking.

(ii) Any publicly available off-street car parking facility must be designed and constructed in accordance with the Australian Standard for Parking Facilities AS 2890.1 Off-street Car Parking.

(iii) Any proposed car parking for people with disabilities must be designed and constructed in accordance with the Australian Standard for Parking Facilities AS 2890.6 Off-street Parking for People with Disabilities.

(iv) Any changes to the existing on street parking must be justified and complied with applicable standards and codes.

(g) Waste

(i) A 12.5m truck turning template provided to show the waste vehicle's manoeuvrability while collecting waste on-site is supported. However this to be submitted with Design Acceptance.

A4. <u>EPA CONDITIONS</u>

The following Environment Protection Agency (EPA) conditions apply:

(a) Works must be undertaken in accordance with the site's approved Construction Environmental Management Plan and accompanying unexpected finds protocol.

(b) Construction and development works must be carried out in accordance with "Environment Protection Guidelines for Construction and Land Development, March 2011", available at www.environment.act.gov.au or by calling 132281.

(c) As the site is greater than 0.3 hectares the development is an activity listed in Schedule 1 as a Class B activity under the Environment Protection Act 1997. The contractor/builder proposing to develop the site must hold an Environmental Authorisation or enter into an Environment Protection Agreement with the Environment Protection Authority (EPA) in respect of that activity PRIOR TO WORKS COMMENCING.

(d) An erosion and sediment control plan is to be endorsed by the EPA prior to works commencing. Plans can be emailed to Environment.Protection@act.gov.au

(e) All external lights must comply with Australian Standards AS4282 Control of the obtrusive effects of outdoor lighting.

B. PRIOR TO CONSTRUCTION AND/OR DEMOLITION

B1. CONTAMINATION ASSESSMENT

All soil material from the site must be assessed in accordance with ACT EPA Information Sheet No.4 by a suitably qualified environmental consultant prior to disposal/removal from the site.

No soil material is to leave the site without EPA approval.

B2. UNEXPECTED FINDS PROTOCOL

An unexpected finds protocol (UFP) must be developed for the site by a suitably qualified environmental consultant. The UFP must be implemented during all redevelopment works at the site.

Prior to demolition as per the consultant's recommendation a Hazardous Material Management Plan is to be developed for the removal, handling, transport and disposal of hazardous materials identified in the above report.

Appropriately ACT licensed contractors and consultants able to perform the full range of licensable duties in the ACT must be engaged for the removal, transport and disposal of all hazardous materials present at the site.

All hazardous materials found on the site must be disposed of to a facility lawfully licensed/authorised to accept the waste.

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

B3. ENVIRONMENT PROTECTION AGREEMENT

As the site is greater than 0.3 hectares the construction is an activity listed in Schedule 1 as a Class B activity under the Environment Protection Act 1997. The contractor/builder proposing to develop the site must hold an Environmental Authorisation or enter into an Environment Protection Agreement with the Environment Protection Authority (EPA) in respect of that activity PRIOR TO WORKS COMMENCING.

B4. POLLUTION CONTROL

A pollution control plan is to be endorsed by the EPA prior to works commencing. Construction and development works to be in accordance with "Environment Protection Guidelines for Construction and Land Development, March2011" available by calling 132281.

B5. DESIGN ACCEPTANCE FOR APPROVED OFFSITE WORKS

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

In order to obtain the Certificate, fully detailed drawings (civil, landscape) prepared by suitably qualified persons for all off-site works including roads, driveways, footpaths, street lighting, storm water, landscaping (and any other issues that may be found by audit of the plans) and a design report in accordance with Ref No 06:"Requirements for Design Acceptance Submissions", must be certified by a Chartered Engineer/Landscape Architect and submitted to the Senior Manager, Asset Acceptance, Transport Canberra and City Services.

B6. LANDSCAPE MANAGEMENT & PROTECTION PLAN (LMPP)/VERGE MANAGEMENT

A Landscape Management and Protection Plan (LMPP), for the adjacent or surrounding Territory land, is required for this proposal.

The LMPP is to be in accordance with the *City Management Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04*, and must be submitted to and approved by the Senior Manager, Asset Acceptance, TCCS, prior to the commencement of works on the site.

B7. TRAFFIC MANAGEMENT

A Temporary Traffic Management (TTM) Plan shall be prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety, Roads ACT, Transport and Infrastructure, TCCS prior to commencement of any work on the site.

This plan is to address, as a minimum, measures to be employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices.

B8. REPORT OF PRIOR DAMAGE TO PUBLIC ASSETS

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

B9. NOTICE OF COMMENCEMENT OF CONSTRUCTION

Notice of Commencement for the Works in Unleased Territory Land shall be submitted to the Senior Manager, Asset Acceptance, TCCS one week prior to the commencement of works. The Notice shall also include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of TTM.

B10. TREE PROTECTION

Tree protection fencing, if required, shall be erected prior to the commencement of any work on the site.

C. DURING CONSTRUCTION AND/OR DEMOLITION

C1. POLLUTION CONTROL

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

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. LANDSCAPE MANAGEMENT & PROTECTION PLAN (LMPP)/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 the Landscape Management Protection Plan (LMPP) approved by the Senior Manager, Asset Acceptance, TCCS. This plan is to be implemented before the commencement of works, including demolition on the site and is to be in accordance with TCCS Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04.

C3. 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 City Services, TCCS.

C4. 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 prior to the issue of a certificate of occupancy.

C5. ICON WATER, JEMENA GAS AND ACTEWAGL ELECTRICAL NETWORKS

The applicant is advised that Icon Water, Jemena Gas Networks and ActewAGL Electrical Networks Division have supported the proposal with conditions. These are appended to the notice, and the applicant/lessee is required to act in accordance with them when carrying out this development.

C6. 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.

C7. TRAFFIC MANAGEMENT

At all times, the site and surrounds shall be managed in accordance with the approved Temporary Traffic Management (TTM) Plan.

C8. 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

D1. OPERATIONAL ACCEPTANCE FOR APPROVED OFFSITE WORKS

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

Similarly a Chartered Engineer/Landscape Architect should certify compliance with TCCS Ref No 08: "Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance is made to the Senior Manager, Asset Acceptance, TCCS on completion of all off-site works.

A Waste Management Plan in accordance with the Development Control Code for Best Practice Waste Management in the ACT should also be included if not approved at the Development Application stage.

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. LIMITATIONS TO APPROVAL

The concept master plan and concept plan submitted with the application are excluded from this approval, which is only for stage 1 as detailed in this application.

E2. EXPIRY OF APPROVAL

For approvals that include a lease variation, there is no provision under the *Planning and Development Act 2007* to extend the time frame for compliance with the subdivision conditions of the approval beyond 2 years after the date this approval takes effect.

E3. EPA ADVICE

As the site is greater than 1 hectare a Temporary Erosion & Sediment control pond/s must be incorporated into each stage of development. The ponds must comply with the Environment Protection Act 1997 (the Act) (and all relevant policies and guidelines). The ponds must also comply with the minimum standards and be in accordance with the following guidelines:

(a) Be of adequate size to control all runoff from the site (i.e. 150 cubic metres per hectare of catchment).

(b) A2No discharge from dam unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.

(c) Water level must not exceed 20% capacity at all times to allow runoff storage during a rain event.

(d) Regular dredging of the dam must be carried out to remove silt.

(e) Site drawing and details must be provided to Environment Protection Authority, for approval prior to works commencing.

(f) The temporary ponds shall not be removed until 85 % of the development is complete or all the disturbed areas are stabilised

All rain water that enters the site and pools in excavations during a rain storm event would be considered as a sediment control pond, and must meet the following conditions.

(a) No discharge from dam all stormwater must be pumped out and disposed in at an approved location.

(b) No discharge from pond unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.

Noise from generators and any other plant which may be installed at the site, including air conditioning units, must comply with the noise standard as per the Environment Protection Regulation 2005 Noise Zone Standard D being 50/35dB(A). Building work is permitted above the zone noise standard during the following hours:

7am to 6pm Excluding Sundays and Public Holidays

All external lights must comply with Australian Standards AS4282 Control of the obtrusive effects of outdoor lighting.

Refer to Appendix 1 for information about approvals that may be required for construction.

PART 2
REASONS FOR THE DECISION

The application satisfactorily meets the requirements for approval. The application was approved because, based on the documentation and in the form modified by the imposed conditions, it was considered to meet the relevant codes within the Territory Plan, being the:

- Moncrieff Precinct Map and Code
- Community Facilities Zone Development Code
- Subsidiary general codes.

The key issues identified in the assessment are:

- the proposed removal of regulated trees from the block
- the provision of a lease to permit the use on the land, and
- consideration of the advice sent by referral agencies.

Regulated Trees

This approval does not include the removal of regulated trees from the block as sought in the application. This matter was given careful consideration during the assessment of this proposal, but was found to be supported neither by the Tree Protection Act 2005 nor the Planning and Development Act 2007.

The site given to the school is extensive, and the area available without the removal of trees is considerable.

The North Gungahlin Structure Plan, which is still in force, requires:

> "2. the landscape setting and values of the site should be recognised and enhanced. Existing significant landscape features will be retained;"

The Moncrieff Concept Plan, similarly still in force, states:

> "**5.11 Trees**
> All exceptional value trees are to be retained in open space. A significant proportion of high value trees are also to be retained in open space, road reserves and within large blocks. Other trees are to be retained wherever possible.
>
> However, the issue of tree retention and removal consistent with the requirements of the *Tree Protection Act 2005* will be considered further at the Estate Development Plan stage."

The Moncrieff Estate Development Plan, approved under development application (DA) 201628927, retained all regulated trees on this block, with the exception of one poor quality tree (tree '708'). The block itself is extremely large for the proposed purpose, and this would appear in part to be to permit development with retention of the trees.

The trees requested for removal under DA 201731482 (trees '702', '705' and '714') are all noted in the advice from the Conservator as being of medium quality but high habitat value, and would therefore fall into the category of 'high value' under the Concept Plan.

Accordingly, there is a clear intent on the part of the ACT Government to retain the regulated trees on this block.

The current proposal is for stage one of the school, and uses a small part of the block. The application provides no adequate justification for the removal of regulated trees. The "concept

plan" and "concept master plan" submitted with the proposal show a potential final use of the site that fills the block; however they include stages which are not currently permitted or approved. These plans are explicitly not approved under this DA. A further argument that the trees would pose a risk to users of the site has been discussed with the Education and Training Directorate; and the Tree Protection Unit, and is not supported as grounds for removal of the trees.

It is therefore determined that the proposal could, with some redesign, be accommodated on the site without the further removal of regulated trees; and so no removal of regulated trees is permitted under this approval. It is noted that the removal of tree '708' is already permitted under approval 201628927, and this removal may be carried out if done in accordance with an approved Tree Management Plan. However the proposal must be redesigned and resubmitted under s165 to retain trees '702', '705' and '714'.

Provision of grant and lease
At present the block is the subject of a direct sale and the lease has yet to be issued. A condition of approval has been imposed to require that no building work occur until the lease is granted and registered with the Land Titles Office.

Agency comments
Other conditions of approval have been imposed to address agency comments and ensure that the proposal is consistent with the Territory Plan and the *Planning and Development Act 2007*.

EVIDENCE
Application No. 201731482
The Territory Plan zone – Community Facility Zone
The Development Codes – Community Facility Zone Development Code
The Precinct Codes – Moncrieff Precinct Map and Code
Current Crown Lease – no lease
Representations – 2 submissions in support of the application.
Entity advice – TCCS, Icon. Jemena, ActewAGL

PART 3
PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 30 May 2017 to 20 June 2017. Two written representations were received during public notification, both of which supported the proposal.

ENTITY ADVICE

Pursuant to Division 7.3.3 of the Act, the original application was referred to various entities and advice was received. The referral entities' comments are as follows. A response to the advice is provided as appropriate.

ICON WATER

On 5 June 2017 advice was received from ActewAGL Icon Water in relation to the proposal. The advice states that the proposal has conditional acceptance.

As the matters raised relate to building certification, they have been incorporated as a covering condition at C5 and the details of the advice forwarded separately to this notice.

JEMENA

On 29 May 2017 advice was received from ActewAGL Jemena Gas Networks Division in relation to the original proposal. The advice states that the proposal conditionally complies with their Gas Networks requirements.

As the matters raised relate to building certification, they have been incorporated as a covering condition at C5 and the details of the advice forwarded separately to this notice.

ACTEWAGL ELECTRICITY

On 16 June 2017 advice was received from ActewAGL Electricity Networks Division in relation to the original proposal. The advice states that the proposal has conditional approval

As the matters raised relate to building certification, they have been incorporated as a covering condition at C5 and the details of the advice forwarded separately to this notice.

TRANSPORT CANBERRA & CITY SERVICES (formerly TAMSD)

On 20 June 2017 advice was received from Territory and Municipal Services in relation to the proposal. The advice states that the proposal is supported with conditions of approval.

These conditions have been incorporated into this Notice of Decision at A3; B5; B6; B7; B8; B9; C2; C3; C4; C7; C8; and D1.

CONSERVATOR OF FLORA AND FAUNA

On 15 June 2017 advice was received from the Conservator of Flora and Fauna in relation to the proposal. The advice states that the proposal is not supported.

> *"The development application is not supported as trees 702, 705, 708 and 714 do not meet criteria for removal and are of medium quality and high habitat value. There are no non-development reasons for the removal of these four trees."*

Conditions have been imposed in response to this advice at A1, requiring retention of the trees and redesign of the proposal elements in conflict with them. It is noted that tree '708' is not cleared for removal under this approval, however there is a current valid approval for this activity made under DA 201628927.

ENVIRONMENT PROTECTION AGENCY (EPA)

On 5 June 2017 advice was received from the Environment Protection Agency in relation to the proposal. The advice states that the proposal is supported with conditions of approval and advice to the applicant.

These conditions have been incorporated into this Notice of Decision at A4; B1; B2; B3; B4; C1 and E3.

ACT HERITAGE COUNCIL

On 25 May 2017 advice was received from ACT Heritage in relation to the proposal. The advice stated that

> *the 'Molonglo River to Barton Highway Woodland' heritage nomination poses no constraint to development within Moncrieff, and that the Council would not object to any proposed development within Moncrieff due to this nomination.*

EDUCATION AND TRAINING DIRECTORATE

On 20 July 2017 the Education and Training Directorate advised by telephone that they had no issues with the application for stage 1 works for the school that was being considered for approval under this DA. No conditions of approval have been imposed in response to this 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 and Planning Directorate *Planning and land authority* - list of certifiers for building approval - demolition information - asbestos information *Environment Protection Authority* - environment protection - water resources - asbestos information *Conservation, Planning and Research* - 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
Territory and Municipal Services Directorate - tree damaging activity approval - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets	Website: www.tams.act.gov.au Telephone: 132 281 Telephone for asset acceptance: (02) 6207 7480
Utilities - Telstra (networks) - TransACT (networks) - 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 the Territory and Municipal Services Directorate.

USE OF VERGES OR OTHER UNLEASED TERRITORY LAND

In accordance with the *Public Unleased Land Act of 2013,* road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. Approval can be obtained from the Territory and Municipal Services Directorate.

WORKS ON UNLEASED TERRITORY LAND – DESIGN AND OPERATIONAL ACCEPTANCE

In accordance with the *Public Unleased Land Act of 2013,* no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval must be obtained from the Manager Asset Acceptance, Asset Services Group, TAMSD by way of:

1. a certificate of design acceptance prior to the commencement of any work and
2. a certificate of operational acceptance on completion of all works to be handed over to TAMSD

Works on unleased Territory land may include the construction or upgrading of driveway verge crossings, public footpaths, roads, street lighting, stormwater works, waste collection amenities, street signs and line marking, road furniture and landscaping.

A certificate of compliance under s296 of the *Planning and Development Act 2007* may not be issued unless a certificate of design acceptance **AND** a certificate of operational acceptance has both been obtained from TAMSD.

CONSTRUCTION REQUIREMENTS

The following information are some key requirements that apply to building work in the Territory. Other requirements may apply to this development.

DEMOLITION AND ASBESTOS MANAGEMENT

Demolition and asbestos management must be undertaken in accordance with the *Building Act 2004* (including the Building Code of Australia) and the *Dangerous Substances Act 2004*. Information about demolition and asbestos management is available from the planning and land authority's web site and Customer Service Centres.

ENVIRONMENT PROTECTION

All building work must be undertaken in accordance with the *Environment Protection Act 1997*, particularly but not exclusively in relation to noise and pollution control. More information is available from the Environment Protection Authority.

REPAIR OF DAMAGE TO PUBLIC ASSETS

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

UTILITY ASSETS RETENTION

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

WATER RESTRICTIONS AND FILLING OF NEW POOLS, PONDS AND FOUNTAINS

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

DRAINAGE

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

REVIEW OF THE DECISION

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

CONTACT DETAILS

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

Location	Contact details
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 τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk ghandek bżonn l-ghajnuna 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

ACT Government
Environment and Planning

Mr. Shamsul Huda
4thD Planning & Design Pty Ltd
35 Clem Hill Street
Gordon ACT 2906

Block 2 Section 33 - Moncrieff
Application Number: 201731482
Lessee: Unleased Territory Land

Dear Shamsul

I refer to the plans you submitted in response to condition A2 of the Notice of Decision with respect to the above Development Application.

The plans now satisfy condition A2 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
9 March 2018

Planning and Development Act 2007

Development Application

Application Number: **201731805**

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?

○ Yes

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
GARRAN	8	31	

Street Address

3 MAURICE PLACE, GARRAN

Applicant Details

What type of applicant are you:

○ Business

ACN or ABN
68154870078

Company Name
4thD Planning & Design Pty Ltd

Position held / Title
Director

Salutation
None

First Name
Shamsul

Surname
Huda

Postal Address 1
35 Clem Hill Street

Postal Address 2

Postal Address 3
Gordon

Suburb
Gordon

State/Territory
ACT

Postcode
2906

Country
Australia

Phone Number
62948059

Fax Number

Mobile Number

Email
info@4thD.com.au

Lessee (Property Owners) Details

Lessee Number: 1

Is the Lessee a:

○ Organisation or Government entity

Australian Business Number (ABN)
31432729493

Company Name
ACT Asbestos Removal Taskforce

Position held / Title
Director

Salutation
Mr

First Name
Clint

Surname
Peters

Postal Address 1
GPO Box 158

Postal Address 2

Postal Address 3

Suburb
Canberra City

State/Territory
ACT

Postcode
2601

Country
Australia

Phone Number
62054700

Fax Number

Mobile Number

Email

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.

☐ RZ1 Suburban 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

None

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 dual occupancy residential development with subdivision under the Unit Titles Act 2001.

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 two 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 and Planning 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 and Planning Directorate may refuse to accept a development application made in an incorrect assessment track. If the Environment and Planning 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

2

Total number of Dwellings on the block

0

Does your proposal involve work on a Dual Occupancy development?

○ Yes

Are you intending to seek approval to unit title this dual occupancy development under the Unit Titles Act 2001?

○ Yes

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 5000m^2?

○ 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) (m^2)

0.0

B - Gross Floor Area to be demolished (m2)

0.0

C - Gross Floor Area to be added (m^2)

481.98

D - Total Gross Floor Area of development (A-B+C)(m^2)

481.98

E - COST OF WORKS ($)

722970.00

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) (m^2)

53.79

G - Parking areas – undercover

100.00

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

148447.50

Cost of Associated Works

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

5000.00

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

15000.00

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

891417.5

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?

○ No

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?

○ No

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?

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

○ Yes

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?

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

○ Yes

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

☐ Construction of additional entrance

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 and Planning 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 and Planning Directorate staff?

○ Yes

Please provide details:

The applicant is married to Rumana Jamaly who is a staff of the Environment Planning and Sustainable Development Directorate

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 and Planning Directorate will not provide written advice of this decision. I/we also understand that the Environment and Planning 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 and Planning 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 and Planning 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

01 Jun 2017

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 interuption.

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 EPD for review.

Development applications (DAs) can be delayed unnecessarily because EPD 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 EPD 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 and Planning Directorate (EPD) 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 EPD 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. EPD’s Information Privacy Policy contains information about how you may access or seek to correct your personal information held by EPD, and how you may complain about an alleged breach of the Territory Privacy Principles. The EPD 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 and Planning 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