


From: [App Sec](#)
To: [@designsbymahony.net.au"](#)
Cc: 
Subject: CLOSING MINUTE-200914463-5/16 AINSLIE-3 REPRESENTATIONS RECEIVED
Date: Tuesday, 9 June 2009 9:50:00 AM
Attachments: [51 Campbell St Ainslie.msg](#)
[Re Demolition construction of 51 Campbell Street Ainslie.msg](#)
[Comments on DA 200914463 - 51 Campbell Street Ainslie .msg](#)

Dear Applicant\Lessee

Please find attached the Representation/'s received for - Development Application:200914463

You will be notified once a decision is made on the application.

If you need more information please contact the Applications Secretariat on (02) 6207 1687. We will be pleased to assist you.

Yours Sincerely,

Applications Secretariat

From: [Brideson, Amy](#)
To: [Ponton, Jim](#)
Subject: CLOSING MINUTE-200914463-5/16 AINSLIE-3 REPRESENTATIONS RECEIVED (DUE DATE 14/07/2009)
Date: Tuesday, 9 June 2009 9:52:00 AM
Attachments: [ObjRef.obr](#)

From: [App Sec](#)
To: [REDACTED]
Subject: RE: 51 Campbell St Ainslie
Date: Tuesday, 26 May 2009 12:30:00 PM

Dear [REDACTED],

BLOCK 16 SECTION 5 Ainslie
DEVELOPMENT APPLICATION 200914463

Thank you for your submission received 26/06/2009 concerning the above development application. Your representation will be considered during the assessment process and you will be notified when a decision is made on the application.

If you need more information please contact the Applications Secretariat on (02) 6207 1687. We will be pleased to assist you.

Yours Sincerely,

Applications Secretariat

From: [REDACTED]@canberratimes.com.au]
Sent: Tuesday, 26 May 2009 11:44 AM
To: App Sec
Subject: 51 Campbell St Ainslie

To whom it may concern,

We write in regards to your notification of the forthcoming demolition of the existing dwelling at 51 Campbell Street, Ainslie, and the construction of dual occupancy dwellings on that block.

We wish to make a number of objections relating to the design of the proposed new dwellings.

As one of five families living in the small cul-de-sac where the new dwellings will be built, it appears immediately that the dual occupancy would not fit in with the style of the existing houses.

Most problematic is the idea of brick veneer. Of the five houses in the cul de sac, none have brick veneer! They are either fibro, weatherboard or rendered brick. We would be more favourably disposed to a rendered finish as it would blend more readily with the two recently-built [REDACTED].

The other major issue is the height and pitch of the proposed roof. All the existing homes have much higher roof pitches, in keeping with the heritage look of the area. Such a flat looking roofline will look not only ugly but conspicuous. We would also prefer a corrugated iron roof as the majority of the houses in our immediate vicinity have corrugated iron roofs - including ours.

We were also disturbed to find there is no clear outline of proposed landscaping available on the

website and no clear front view of the houses so we can judge their impact on the streetscape.

It is a shame that the [REDACTED] has granted the tender to this builder without any prior consultation with existing residents as to how we feel, or looked at whether the dwellings are harmonious with neighbouring buildings.

We would have indicated our satisfaction with the design and finish on the dwellings at 53 Campbell Street (an [REDACTED] dual occupancy which has a neutral colour scheme, rendered finish and corrugated iron roof with steep pitch) and recommended the same, or similar, be built at number 51.

Yours sincerely,

[REDACTED] and

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

From: [App Sec](#)
To: [REDACTED]
Subject: RE: Re Demolition /construction of 51 Campbell Street, Ainslie
Date: Thursday, 28 May 2009 3:11:00 PM

Dear [REDACTED],

BLOCK 16 SECTION 5 Ainslie
DEVELOPMENT APPLICATION 200914463

Thank you for your submission received 28/05/2009 concerning the above development application. Your representation will be considered during the assessment process and you will be notified when a decision is made on the application.

If you need more information please contact the Applications Secretariat on (02) 6207 1687. We will be pleased to assist you.

Yours Sincerely,

Applications Secretariat

-----Original Message-----

From: [REDACTED]
Sent: Thursday, 28 May 2009 2:34 PM
To: App Sec
Cc: [REDACTED]
Subject: Re Demolition /construction of 51 Campbell Street, Ainslie

From: [App Sec](#)
To: [REDACTED]
Subject: RE: Comments on DA: 200914463 - 51 Campbell Street Ainslie
Date: Friday, 5 June 2009 9:16:00 AM

Dear [REDACTED]

BLOCK 16 SECTION 5 Ainslie
DEVELOPMENT APPLICATION 200914463

Thank you for your submission received 03/06/09 concerning the above development application. Your representation will be considered during the assessment process and you will be notified when a decision is made on the application.

If you need more information please contact the Applications Secretariat on (02) 6207 1687. We will be pleased to assist you.

Yours Sincerely,

Applications Secretariat

From: [REDACTED]
Sent: Wednesday, 3 June 2009 10:56 PM
To: App Sec
Subject: Comments on DA: 200914463 - 51 Campbell Street Ainslie

To whom it may concern,

We would like to make the following comments in relation to development application 200914463 (51 Campbell Street Ainslie) for:

*MULTI DWELLING - DEMOLITION - 2 NEW DWELLINGS.
Proposed demolition of the existing residence & construction of two new single storey dwellings with attached shared carport. Includes associated site works & landscaping.*

We consider some aspects of the current design, including choice of exterior finishes, to be very unsympathetic to the original Ainslie streetscape and surrounding houses, in particular:

- The proposed blonde, "Urban One Olive" face brick is completely out of keeping with the area. Any face bricks should be a similar red to the bricks used in the original houses in the area, or the bricks should be rendered.
- The very shallow 18 degree roof pitch, slab on the ground construction, and 2.4 metre ceiling height would all contribute to making the dwellings appear very squat in comparison to those nearby. A steeper roof pitch that is closer to pitch of the original houses nearby should be used. We would also recommend a 2.7 metre ceiling height as this would make the units more visually appealing and liveable.
- Terracotta roof tiles (ideally recycled from the original houses in the area), or as a

compromise galvanised iron similar to the dual-occupancy to the right of the proposed development, should be used in place of the proposed brown concrete roof tiles (which are also out of keeping).

We also notice that details of any proposed landscaping are not on the website. Could you please provide details of the proposed landscaping, and confirm that the existing tree in the front of the house will be protected and retained?

Thanks,



From: [App Sec](#)
To: [Ponton, Jim](#)
Subject: SUFFICIENCY CHECK FOR DA-200914463-S141A-16/5 AINSLIE-01
Date: Monday, 15 June 2009 11:34:00 AM
Attachments: [ObjRef.obr](#)

SharePoint V1 is still not working will update as soon as I can.

**BLOCK 16 SECTION 5 AINSLIE
DEVELOPMENT APPLICATION: 200914463 - S141A**

The Applicant has lodged a S141 Application on **11/6/09**. Could you please confirm that the documents received are sufficient and that we can update SharePoint.

If the application is insufficient please send an email to the Applications Secretariat on the reasons and please advise what further requirements are required.

Regards

Maria Wood
Applications Secretariat

From: [Buddhadasa, Ajith](#)
To: [App Sec](#)
Subject: RE: SUFFICIENCY CHECK FOR DA-200914463-S141A-16/5 AINSLIE-01
Date: Monday, 15 June 2009 1:26:13 PM

sufficient

From: App Sec
Sent: Monday, 15 June 2009 11:34 AM
To: Ponton, Jim
Subject: SUFFICIENCY CHECK FOR DA-200914463-S141A-16/5 AINSLIE-01

SharePoint V1 is still not working will update as soon as I can.

**BLOCK 16 SECTION 5 AINSLIE
DEVELOPMENT APPLICATION: 200914463 - S141A**

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If the application is insufficient please send an email to the Applications Secretariat on the reasons and please advise what further requirements are required.

Regards

Maria Wood
Applications Secretariat

From: [Buddhadasa, Ajith](#)
To: [Johns, Peter](#)
Cc: [Corrigan, Jim](#); [Brown, Ray](#)
Subject: RE: [REDACTED] & 51 Campbell Street Ainlie - Requirements for ACAT's Two Appeals & ACTPLA's DA Approval
Date: Wednesday, 22 July 2009 12:35:00 PM

Hi Peter

In response to your query about the requirement for a DA for proposed amendments, please find following clarification:

Changing to the roof material and changes to the external wall finishing will be exempt from a development approval provided that the roof or walls are not of a metallic, white or off-white finish, but a building approval is required from a private building certifier.

Changing the roof pitch by more than 2 degrees is not exempt from a development approval, therefore a development application (DA) to amend the approval would need to be submitted to the Authority for consideration. The DA will be notified for a period of 15 working days under section 155 of the Act (Major Public Notification).

For the first 2 points alone (roof and wall material) public notification would not be required.

Upgrading of fence to a 1.8m high timber paling fence or to a standard acceptable to the Authority is one of the conditions of the approval therefore private building certifier can issue the building approval on meeting this condition.

I hope the above clarification will address the issues raised.

Regards

Ajith Buddhadasa
Assessment Officer
Statutory Planning and Development Services
ACT Planning & Land Authority
ajith.buddhadasa@act.gov.au
Phone: 02 62051550

From: Johns, Peter
Sent: Tuesday, 21 July 2009 4:04 PM
To: Corrigan, Jim
Subject: FW: [REDACTED] & 51 Campbell Street Ainlie - Requirements for ACAT's Two Appeals & ACTPLA's DA Approval

[Jim](#)

The question we asked Ajith still hasn't been answered.

Putting aside the fact that this has gone to appeal, if the changes listed below were made how would they be dealt with by ACTPLA: would a new DA be required, would we need to submit an amendment to the existing DA or is this a matter that would be addressed by the building certifier??

In the case of the first two options would there be any community consultation on the changes?

Look forward to an early reply.

Peter Johns
Project Management
ph: 62078170
fax: 62071403
e-mail: peter.johns@act.gov.au

From: Buddhadasa, Ajith **Sent:** Tuesday, 21 July 2009 12:44 PM **To:** [REDACTED]

Subject: 51 Campbell Street Ainlie 16/5 - Amended Plans

Hi Don

If you are ready to address the appellant concerns then it will be through the ACAT which will order a consent decision considering the amendments.

regards

Ajith XN 51550

From: [REDACTED] **Sent:** Tuesday, 21 July 2009 10:55 AM **To:** Buddhadasa, Ajith **Cc:** Salerno, Lisa

Subject: 51 Campbell Street Ainlie 16/5 - Amended Plans **Importance:** High

Ajith

Would you please confirm if a new DA application is required for the attached amended plans?

Regards,

[REDACTED]

From: Buddhadasa, Ajith **Sent:** Tuesday, 21 July 2009 8:42 AM **To:** [REDACTED]

Subject: RE: 51 Campbell Street Ainlie 16/5 - Amended Plans

Hi [REDACTED]

Since the appeal is already lodged we if the parties satisfied with the changes we need to get a consent decision from the ACAT. Therefore need to get the consent of the Appellant on the changes and inform the GSO to facilitate the consent decision. From the ACTPLA's point of view we dont have any issues with the proposed changes.

Regards

Ajith

From: [REDACTED] **Sent:** Monday, 20 July 2009 4:26 PM **To:** Buddhadasa, Ajith **Cc:** Johns, Peter

Subject: 51 Campbell Street Ainlie 16/5 - Amended Plans

Ajith,

Would you please confirm if a new DA application is required for the attached plans, amended as follows?

- Roofing - Selected colour bond roof sheeting
- Facade - half selected face bricks & half weatherboard cladding (refer Elevations)
- Roof Pitch - Steepened (refer Typical Section)
- Fences - 1800 high boundary fencing (refer Site Plan)

[REDACTED]

From: Jason Tanchevski [mailto:Jason@classicconstructions.com.au] **Sent:** Wednesday, 1 July 2009 10:49 AM

To: [REDACTED] **Cc:** Johns, Peter; George Tanchevski; Milan Kraljevic **Subject:** 16/5 Ainslie - new plans

Don

Please find attached for your records the up to date plans for 51 Campbell St, including the changes to the facade and roof layout.

These are the plans that we will eventually submit for a DA amendment.

Let me know if you have any queries.

Cheers

Kind regards,

Jason Tanchevski

From: [Johns, Peter](#)
To: [Buddhadasa, Ajith](#)
Cc: [Corrigan, Jim](#); [Brown, Ray](#)
Subject: RE: [REDACTED] & 51 Campbell Street Ainlie - Requirements for ACAT's Two Appeals & ACTPLA's DA Approval
Date: Wednesday, 22 July 2009 1:10:30 PM

[Ajith](#)

Thanks for the information.

Does this mean that if we sign off on the changes with the appellant, it will still need to be notified??
Or is the situation different where the matter is considered by ACAT??

Point of clarification, as the DA will be [REDACTED]
[REDACTED] my understanding is that the public notification period is only 10 days and there is no 3rd party appeal - based on recent regulation.

Look forward to your reply on both matters.

Peter Johns
Project Management
ph: 62078170
fax: 62071403
e-mail: peter.johns@act.gov.au

From: Buddhadasa, Ajith
Sent: Wednesday, 22 July 2009 12:36 PM
To: Johns, Peter
Cc: Corrigan, Jim; Brown, Ray
Subject: RE: [REDACTED] & 51 Campbell Street Ainlie - Requirements for ACAT's Two Appeals & ACTPLA's DA Approval

Hi Peter

In response to your query about the requirement for a DA for proposed amendments, please find following clarification:

Changing to the roof material and changes to the external wall finishing will be exempt from a development approval provided that the roof or walls are not of a metallic, white or off-white finish, but a building approval is required from a private building certifier.

Changing the roof pitch by more than 2 degrees is not exempt from a development approval, therefore a development application (DA) to amend the approval would need to be submitted to the Authority for consideration. The DA will be notified for a period of 15 working days under section 155 of the Act (Major Public Notification).

For the first 2 points alone (roof and wall material) public notification would not be required.

Upgrading of fence to a 1.8m high timber paling fence or to a standard acceptable to the Authority is one of the conditions of the approval therefore private building certifier can issue the building approval on meeting this condition.

I hope the above clarification will address the issues raised.

Regards

Ajith Buddhadasa
Assessment Officer
Statutory Planning and Development Services
ACT Planning & Land Authority
ajith.buddhadasa@act.gov.au
Phone: 02 62051550

From: Johns, Peter
Sent: Tuesday, 21 July 2009 4:04 PM
To: Corrigan, Jim
Subject: FW: [REDACTED] & 51 Campbell Street Ainlie - Requirements for ACAT's Two Appeals & ACTPLA's DA Approval

Jim

The question we asked Ajith still hasn't been answered.

Putting aside the fact that this has gone to appeal, if the changes listed below were made how would they be dealt with by ACTPLA: would a new DA be required, would we need to submit an amendment to the existing DA or is this a matter that would be addressed by the building certifier??

In the case of the first two options would there be any community consultation on the changes?

Look forward to an early reply.

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Project Management
ph: 62078170
fax: 62071403
e-mail: peter.johns@act.gov.au

From: Buddhadasa, Ajith **Sent:** Tuesday, 21 July 2009 12:44 PM **To:** [REDACTED]
Subject: 51 Campbell Street Ainlie 16/5 - Amended Plans
Hi [REDACTED]
If you are ready to address the appellant concerns then it will be through the ACAT which will order a consent decision considering the amendments.
regards
Ajith XN 51550

From: [REDACTED] **Sent:** Tuesday, 21 July 2009 10:55 AM **To:** Buddhadasa, Ajith **Cc:** Salerno, Lisa
Subject: 51 Campbell Street Ainlie 16/5 - Amended Plans **Importance:** High

Ajith
Would you please confirm if a new DA application is required for the attached amended plans?
Regards,
[REDACTED] [REDACTED]

From: Buddhadasa, Ajith **Sent:** Tuesday, 21 July 2009 8:42 AM **To:** [REDACTED]
Subject: RE: 51 Campbell Street Ainlie 16/5 - Amended Plans

Hi Don
Since the appeal is already lodged we if the parties satisfied with the changes we need to get a consent decision from the ACAT.

Therefore need to get the consent of the Appellant on the changes and inform the GSO to facilitate the consent decision. From the ACTPLA's point of view we dont have any issues with the proposed changes.

Regards
Ajith

From: [REDACTED] **Sent:** Monday, 20 July 2009 4:26 PM **To:** Buddhadasa, Ajith **Cc:** Johns, Peter
Subject: 51 Campbell Street Ainslie 16/5 - Amended Plans

Ajith,

Would you please confirm if a new DA application is required for the attached plans, amended as follows?

- Roofing - Selected colour bond roof sheeting
- Facade - half selected face bricks & half weatherboard cladding (refer Elevations)
- Roof Pitch - Steepened (refer Typical Section)
- Fences - 1800 high boundary fencing (refer Site Plan)



From: Jason Tanchevski [mailto:Jason@classicconstructions.com.au] **Sent:** Wednesday, 1 July 2009 10:49 AM
To: [REDACTED] **Cc:** Johns, Peter; George Tanchevski; Milan Kraljevic **Subject:** 16/5 Ainslie - new plans
Don

Please find attached for your records the up to date plans for 51 Campbell St, including the changes to the facade and roof layout.

These are the plans that we will eventually submit for a DA amendment.

Let me know if you have any queries.

Cheers

Kind regards,

Jason Tanchevski

From: [Brown, Ray](#)
To: [Johns, Peter](#)
Cc: [Corrigan, Jim](#); [Buddhadasa, Ajith](#)
Subject: RE: [REDACTED] & 51 Campbell Street Ainlie - Requirements for ACAT's Two Appeals & ACTPLA's DA Approval
Date: Wednesday, 22 July 2009 5:47:47 PM

Peter

If you agree to the changes with the appellant, and the appellant still maintains their appeal, the changes could be discussed by all parties at the Mediation held under the proceedings of the ACAT. In such a case, ACTPLA would not have received a DA amendment, so there would be nothing to notify. It would be open to all the parties at the Mediation to agree to the changes, and the changes would be then incorporated in a Consent Order of the ACAT. The only possible obstacle here is if the changes were such that they may adversely affect someone who was not a participant in the Mediation, in which case the ACAT may not endorse the Consent Order. (on this matter, we need to consider who will be parties joined to these appeals, and whether anyone other than these people are likely to be affected by the roof pitch change.)

If the changes were agreed with the appellant, and the appellant withdrew the appeal, ACTPLA could receive a DA amendment and notify it. You are correct about the notification period being 10 business days, but it would still be 'Major Public Notification'.

On the matter of appeal rights, there are no third party appeal rights for any DA amendment decision. Regarding the present appeals, I have been advised that as the regulation which had the effect of removing 3rd party appeal rights for the original DA came in after the decision was made, that right of appeal on the original decision still remains for the objectors.

Happy to discuss further if you wish.

Ray Brown

From: Johns, Peter
Sent: Wednesday, 22 July 2009 1:10 PM
To: Buddhadasa, Ajith
Cc: Corrigan, Jim; Brown, Ray
Subject: RE: [REDACTED] & 51 Campbell Street Ainlie - Requirements for ACAT's Two Appeals & ACTPLA's DA Approval

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Thanks for the information.

Does this mean that if we sign off on the changes with the appellant, it will still need to be notified?? Or is the situation different where the matter is considered by ACAT??

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e-mail: peter.johns@act.gov.au

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- Roof Pitch - Steepened (refer Typical Section)
- Fences - 1800 high boundary fencing (refer Site Plan)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Jason Tanchevski [mailto:Jason@classicconstructions.com.au] **Sent:** Wednesday, 1 July 2009 10:49 AM

To: [REDACTED] **Cc:** Johns, Peter; George Tanchevski; Milan Kraljevic **Subject:** 16/5 Ainslie - new plans

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Cheers

Kind regards,

Jason Tanchevski



Statement of findings

Under Part 4A of the ACT Civil and Administrative Tribunal Act 2008

Merit Track

In accordance with the requirements of section 22B of the *ACT Civil and Administrative Tribunal Act 2008*, the following written statement sets out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision for the following merit track development application.

DA NO: 200914463		DATE LODGED: 11 May 2009
BLOCK: 16	SECTION: 5	SUBURB: AINSLIE
STREET NO AND NAME: 51 Campbell Street, Ainslie		
APPLICANT: Designs By Mahony		
LESSEE: [REDACTED]		

DESCRIPTION OF PROPOSAL

Demolition of the existing house, construction of two dwellings (dual occupancy); construction of a new verge crossing; associated internal drive ways, paving, landscaping, car parking, fencing, garden sheds, other site facilities and site works.

The proposal is described in drawings and supporting documents submitted as part of Development Application No. 200914463 & 200914463A (revised verge/waste management & erosion and sediment control plans).

SITE AND SURROUNDS

The subject site has an area of 847.0 m² and located in a cul-de-sac off Campbell street with a frontage of approx: 12.5m to Campbell street.

The site has a gentle slope from front to rear and no regulated trees currently present on the site. A medium size tree (not a regulated tree) located to the front of the property will be retained as a part of the future landscaping. The front of the site is facing east.

The land falls approximately 0.7m from east to west.

The subject block is not registered in the heritage register. The surrounding physical developments mainly consist of single dwelling houses with hipped tiled or metal sheet roofs; and brick faced, rendered or weather board walls. There are other dual occupancy developments in the vicinity including the adjoining block to the north. Even though the majority of the houses are quiet old there are many instances where new houses have taken place of the old houses.

Surrounding roads are with verges of approx: 4.0m wide and no verge trees in the area covered by the cul-de-sac. Majority of the houses have wide setbacks from the front boundary and a pedestrian foot path is located parallel to the front boundaries.

Currently a single detached house is sitting on the block which has weather board walls terra-cotta tiled hipped roof.

STATUTORY REQUIREMENTS

The proposal involves:

- (a) building or demolishing a building or structure on the land;
- (b) carrying out earthworks or other construction work on or under the land;
- (c) carrying out work that would affect the landscape of the land;

which constitutes “development” as defined by section 7 of the *Planning and Development Act 2007* (the Act).

Under section 50 of the Act, the Territory, the Executive, a Minister or a Territory authority must not do any act, or approve the doing of an act, that is inconsistent with the Territory Plan. The Act also specifies certain matters that are to be taken into account in an assessment of an application. The relevant provisions of the Territory Plan are addressed below.

TIMEFRAMES FOR DECISION

The application was lodged on 11 May 2009. Under section 122 of the Act, the prescribed time for a decision is 45 working days, i.e. by 10 August 2009.

ASSESSMENT AGAINST THE TERRITORY PLAN

Zone objectives

Under section 120(a) of the Act, in deciding a development application for a development proposal in the merit track, the decision-maker must consider the objectives for the zone in which the development is proposed to take place.

The development is proposed to take place in the RZ1 zone. The application meets following objectives of the zone.

Create a wide range of affordable and sustainable housing choices within a low density residential environment to accommodate population growth and meet changing household and community needs;

Ensure development respects and contributes to the neighbourhood and landscape character of residential areas;

Provide for a limited range of small-scale facilities to meet local needs consistent with residential amenity;

Promote energy efficiency and conservation and sustainable water use.

Applicable Codes

Under section 119(1)(a) of the Act, development approval must not be given for a development proposal in the merit track, unless the proposal is consistent with the relevant Codes of the Territory Plan.

Multi Unit Housing Development Code

Territory Plan Code Requirements

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

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

with the exception of those listed in the tables below.

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

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

Part A

The proposal meets all the relevant rules or the criterion which ever is applicable.

Part B

Not all the required Entity endorsements were provided. Adequate information has been provided for necessary Entity referrals.

Part C

The proposal meets all the relevant rules or the criterion which ever is applicable.

4. Assessment of Compliance with Parking and Vehicular Access General Code

Complies.

5. Crime Prevention through Environmental Design General Code

Complies.

6. WSUD General Code

Complies.

Relevant General Codes

The following General Codes were called up by Development or Precinct Codes as relevant considerations in assessing the development application.

Parking and Vehicular Access General Code

Requirement

2 spaces for each unit.

Provided 4 spaces.

Crime Prevention through Environmental Design General Code

Complies.

WSUD general Code

Complies.

LAND MANAGEMENT AGREEMENT

Under section 119(1)(b) of the Act, development approval must not be given for a development proposal in the merit track, if the proposed development relates to land comprised in a rural lease unless the proposal is consistent with any land management agreement for the land.

The proposal is not for a proposed development relating to land comprised in a rural lease.

SUITABILITY OF THE LAND

Under section 120(b) of the Act, in deciding a development application for a development proposal in the merit track, the decision-maker must consider the suitability of the land where the development is proposed to take place for a development of the kind proposed.

The current Crown lease was granted under the Australian Capital Territory Land Act 1991 for 99 years commencing on 14 July 1994 for the purpose of residential.

The proposal is not inconsistent with the provisions of the Crown lease.

REPRESENTATIONS

Under section 120(c) of the Act, in deciding a development application for a development proposal in the merit track, the decision-maker must consider each representation made in relation to the application during the public consultation period which has not been withdrawn. Submissions received in relation to this proposal are examined in the Notice of Decision.

ENTITY ADVICE

Under section 120(d) of the Act, in deciding a development application for a development proposal in the merit track, the decision-maker must consider if an entity gave advice on the application in accordance with section 149 (Requirement to give advice in relation to development applications) – the entity's advice. Entity advice received in relation to this proposal is examined in the Notice of Decision.

REGISTERED TREE OR DECLARED SITE

Under section 119(1)(c) of the Act, development approval must not be given for a development proposal in the merit track, if the proposed development will affect a registered tree or declared site unless the proposal is consistent with the advice of the Conservator of Flora and Fauna in relation to the proposal.

The proposal is not for a proposed development that will affect a registered tree or declared site.

CONSISTENCY WITH ADVICE GIVEN BY AN ENTITY

Under section 119(2) of the Act, development approval must not be given for a development proposal in the merit track, if approval would be inconsistent with any advice given by an entity to which the application was referred under division 7.3.3 unless the person deciding the application is satisfied that –

- (a) the following have been considered:
 - (i) any applicable guidelines;
 - (ii) any realistic alternative to the proposed development, or relevant aspects of it; and
- (b) the decision is consistent with the objects of the Territory Plan.

The decision is not inconsistent with any advice given by an entity to which the application was referred under division 7.3.3 of the Act.

PLAN OF MANAGEMENT

Under section 120(e) of the Act, in deciding a development application for a development proposal in the merit track, if the proposed development relates to land that is public land, the decision-maker must consider the plan of management for the land.

The proposal is not for a proposed development relating to land that is public land.

PROBABLE IMPACT

Under section 120(f) of the Act, in deciding a development application for a development proposal in the merit track, the decision-maker must the probable impact of the proposed development, including the nature, extent and significance of probable environmental impacts.

Based on the matters to be considered by the relevant Code there are no probable environmental impacts of significance associated with the proposed development.

REASONS FOR THE DECISION

The reasons for the decision are contained in the Notice of Decision.

EVIDENCE

A list of evidence is contained in the Notice of Decision.

FINDINGS

As delegate of the Planning and Land Authority I find that:

- the proposal does constitute development as defined in the Act;
- the proposal is consistent with the relevant codes of the Territory Plan;
- the proposal is not for a proposed development that will affect a registered tree or declared site;
- the approval is consistent with advice given by an entity to which the application was referred under division 7.3.3 of the Act;

As delegate of the Planning and Land Authority I have considered:

- the objectives for the zone in which the development is proposed to take place;
- the suitability of the land where the development is proposed to take place for a development of the kind proposed;
- each representation received by the Authority in relation to the application that has not been withdrawn; and
- each entity's advice provided if an entity gave advice on the application in accordance with section 149 of the Act;

The conclusions from these findings have been considered in the Notice of Decision.

Ajith Buddhadasa
Delegate of the Planning and Land Authority
15 July 2009



Form

Territory Plan Code Requirements Merit Track

ASSESSMENT REPORT

RZ1

ASSESSMENT OFFICER: Ajith Buddhadasa

APPLICATION NUMBER: 200914463

BLOCK: 16 SECTION: 5

DIVISION: Ainslie

Territory Plan Code Requirements

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

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

with the exception of those listed in the tables below.

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

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

Part A

The proposal meets all the relevant rules or the criterion which ever is applicable.

Part B

Not all the required Entity endorsements were provided. Adequate information has been provided for necessary Entity referrals.

Part C

The proposal meets all the relevant rules or the criterion which ever is applicable.

4. Assessment of Compliance with Parking and Vehicular Access General Code

Complies.

5. Crime Prevention through Environmental Design General Code

Complies.

6. WSUD General Code

Complies.



Form

Legislated Requirements

Merit Track

ASSESSMENT REPORT

RZ1

ASSESSMENT OFFICER: Ajith Buddhadasa

APPLICATION NUMBER: 200914463

BLOCK: 16 SECTION: 5

DIVISION: Ainslie

The Planning and Development Act 2007

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

Planning and Development Act 2007 - Section 119

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

<p>S119 (1)(a) The relevant code</p> <p>NB: Refer to form Territory Plan Code Requirements Merit Track to complete this question</p>	<p>The relevant codes for the development proposal are:</p> <p>Multi Unit Housing Development Code Parking and Vehicular Access General Code Crime Prevention through Environmental Design General Code WSUD general Code</p> <p>The proposal is consistent with the above codes for reasons identified in <u>Form – Territory Plan Code Requirements – Merit Track</u>.</p>
<p>S119 (1)(b) Any land management agreement for the land (for proposed development relating to land comprised in a rural lease)</p>	<p>The proposal is not for a proposed development relating to land comprised in a rural lease.</p>

<p>S119 (1)(c) the advice of the Conservator of Flora and Fauna in relation to the proposal (if the proposed development will affect a registered tree or declared site)</p> <p>NB: In accordance with Section 119(3)(a), the application must not be approved unless the approval is consistent with the advice of the Conservator of Flora and Fauna in relation to a proposal that will affect a registered tree or declared site.</p>	<p>The proposal is not for a proposed development that will affect a registered tree or declared site.</p>
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<p>S119 (2) Consistency with advice given by an entity to which the application was referred under division 7.3.3 of the Act.</p> <p>NB: Under Section 119 (2) of the Act, development approval must not be given for a development proposal in the merit track if approval would be inconsistent with any advice given by an entity to which the application was referred under division 7.3.3 unless the person deciding the application is satisfied that –</p> <p>(a) the following have been considered:</p> <ul style="list-style-type: none">(i) any applicable guidelines;(ii) any realistic alternative to the proposed development, or relevant aspects of it; and <p>(b) the decision is consistent with the objects of the Territory Plan</p>	<p>The decision is not inconsistent with any advice given by an entity to which the application was referred under division 7.3.3 of the Act.</p>
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Planning and Development Act 2007 - Section 120

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

S120 (a) Zone Objectives	The development is proposed to take place in the RZ1 zone. The application meets all objectives of the zone.
S120 (b) Suitability of the Land	The proposed development seeks approval to use the land or a building or structure of the land for the purpose of multi unit housing. The proposed use is listed as an assessable development in the RZ1 zone development table, and is therefore determined to be a permissible use for the land. The proposed development is in accordance with the provisions of the Crown Lease. The land is suitable for the development proposed.
S120 (c) Representations	Three written representations were received. Representations received are addressed in the Notice of Decision. Major issues raised include: external finishes (wall and roof), scale, landscape plan not in the public register, status of the existing large tree at front, condition of the existing drive way, number of dwellings on the site, nomination of the builder,
S120 (d) advice given by an entity in accordance with section 149 of the Act NB: Under Section 150 of the Act, if entity advice is not received within 15 working days, the entity is taken to have given advice in support of the application	Entity advice received is addressed in the Notice of Decision.

S120 (e) the plan of management for the land (if the proposed development relates to land that is Public Land)	The proposal is not for a proposed development relating to land that is public land.
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S120 (f) the probable impact of the proposed development, including the nature, extent and significance of probable environmental impacts.	Based on the matters to be considered by the relevant Code there are no probable environmental impacts of significance associated with the proposed development.
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From: [Buddhadasa, Ajith](#)
To: [Johns, Peter](#)
Cc: [REDACTED]
Subject: FW: 51 Campbell Street Ainlie 16/5 - Amended Plans
Date: Wednesday, 22 July 2009 8:15:00 AM
Attachments: [image003.jpg](#)

Hi Peter

Further to your email to Jim, I have already confirmed that if the appellant agreed to the amendments then the ACAT will order a consent decision (revised conditional approval) which will include the amendments. You need to submit the amended drawings to ACTPLA for the endorsement (these plans will not be notified again).

Regards

Ajith

From: Buddhadasa, Ajith
Sent: Tuesday, 21 July 2009 8:42 AM
To: [REDACTED]
Subject: RE: 51 Campbell Street Ainlie 16/5 - Amended Plans

Hi Don

Since the appeal is already lodged if the parties satisfied with the changes we need to get a consent decision from the ACAT. Therefore need to get the consent of the Appellant on the changes and inform the GSO to facilitate the consent decision. From the ACTPLA's point of view we don't have any issues with the proposed changes.

Regards

Ajith

From: [REDACTED]
Sent: Monday, 20 July 2009 4:26 PM
To: Buddhadasa, Ajith
Cc: Johns, Peter
Subject: 51 Campbell Street Ainlie 16/5 - Amended Plans

Ajith,

Would you please confirm if a new DA application is required for the attached plans, amended as follows?

- Roofing - Selected colour bond roof sheeting
- Facade - half selected face bricks & half weatherboard cladding (refer Elevations)
- Roof Pitch - Steepened (refer Typical Section)
- Fences - 1800 high boundary fencing (refer Site Plan)



From: Jason Tanchevski [mailto:Jason@classicconstructions.com.au]
Sent: Wednesday, 1 July 2009 10:49 AM
To: [REDACTED]
Cc: Johns, Peter; George Tanchevski; Milan Kraljevic
Subject: 16/5 Ainslie - new plans



Please find attached for your records the up to date plans for 51 Campbell St, including the changes to the facade and roof layout.

These are the plans that we will eventually submit for a DA amendment.

Let me know if you have any queries.

Cheers

Kind regards,

Jason Tanchevski



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1. The development shall be carried out in accordance with the following revised plans dated 30 June 2009 and submitted on 14 August 2009:

- Site Plan; Floor Plan; Elevations; Sections; Roof Plan; Letter Box/Fence Plan; Demolition Plan; Tree management Plan; Verge Management Plan; Landscape Plan; Landscape Management Plan; Public Notification plan (Site); Public Notification Plan (Floor);

which shows the following revisions made to the original plans:

- roof pitch changed to 25° from 18°;
- roofing material changed to metal corrugated sheets from concrete roof tiles;
- external wall finish changed to combination of weather board and face brick from full height face brick walls; and

further revised to specify and incorporate following colours for the materials:

- roofing.....
- weather board.....
- face brick- "Metropolis Ruby"

Dear Mr/s Mahony

In accordance with section S141 of the *Planning and Development Act 2007*, before this application can be determined, the Authority requires the information below to be lodged the period stated:

DA Number: 200914463
Site Details: Block: 16 Section: 5 AINSLIE
Applicant Name: Guy Mahony
Information Required: Provide storage space to meet Rule 96 or in consistent with the Criterion 96 of the Development Code. There may be other information you need to submit in support of the application during further assessment.
Further Information due date: 25/06/2009 00:00:00

To lodge amended plans or make any other submissions that address the above matters, you are required to complete a Development Application form, indicating the submission of Further Information under the heading Type of Application.

If you cannot provide your response within the required timeframe, it is recommended you write to the Authority prior to the expiration of the period stated above and seek an extension of the prescribed period for providing the information. Please note, Section 141 (4) of the *Planning and Development Act 2007* provides that only one such extension may be granted.

You are advised that if some or all of the information has not been provided in accordance with this request, Section 142 of the *Planning and Development Act 2007* provides that the Authority may refuse the application under Section 162.

This email was automatically generated **please do not respond**. If you need to contact the ACT Planning and Land Authority in relation to this proposal please contact the Applications Secretariat on (02) 6207 1687 or email app.sec@act.gov.au.

Yours faithfully

Applications Secretariat
ACT Planning and Land Authority



















From: [Buddhadasa, Ajith](#)
To: [Buddhadasa, Ajith](#)
Subject: FW: Design/Bricks for 51 Campbell Street Ainslie etc.
Date: Thursday, 13 August 2009 2:46:05 PM
Importance: High

From: Oshyer, Aaron
Sent: Wednesday, 12 August 2009 10:09 AM
To: Brown, Ray
Cc: Buddhadasa, Ajith
Subject: FW: Design/Bricks for 51 Campbell Street Ainslie etc.
Importance: High

Hi Ray,

Peter Johns will call you about this. He advised me that the parties are likely to come to an agreement to change the development by replacing the roof tiles with colorbond, increase the roof pitch from 18 to 25 degrees, change the colour of the bricks and make facade modifications. It appears that this could be dealt with through a consent agreement.

Thanks

Aaron

From: Johns, Peter
Sent: Tuesday, 11 August 2009 2:19 PM
To: Oshyer, Aaron
Subject: FW: Design/Bricks for 51 Campbell Street Ainslie etc.
Importance: High

Aaron

In Jim's absence can you give me a call please re this matter.

Peter Johns
Project Management
ph: 62078170
fax: 62071403
e-mail: peter.johns@act.gov.au

From: Johns, Peter
Sent: Monday, 10 August 2009 9:49 AM
To: Corrigan, Jim
Subject: FW: Design/Bricks for 51 Campbell Street Ainslie etc.
Importance: High

Jim

Can you give me a call about this please.

Peter Johns
Project Management
ph: 62078170
fax: 62071403
e-mail: peter.johns@act.gov.au

From: [REDACTED]
Sent: Sunday, 9 August 2009 9:22 PM
To: Johns, Peter
Cc: [REDACTED]
Subject: Design/Bricks for 51 Campbell Street Ainslie etc.
Importance: High

Peter,

Thanks for meeting me the Friday before last and providing an example of the "olive" brick. I did give this to our neighbours to have a look at – but I was not able to share the colour board with them as you took this with you after our meeting.

While it is hard to tell for sure from a colour sample, we think the colour of the alternative "Metropolis: Ruby" brick you have proposed [REDACTED] - please refer to attached link above) is much better than the original "olive" brick proposed - and we appreciate the efforts you are making to address our concerns.

From our perspective, if the revised design incorporates all of the changes you have already proposed (revised roof pitch, colour bond roof, changed wall treatment including red brick etc), and this was confirmed in writing and with ACTPLA approval of the revised plans etc, we would be happy with the outcome.

[REDACTED] - could you please let us all know by e-mail if you would be happy with the position above (including the new brick Peter has proposed) – and perhaps also let Peter know if you would like to see the proposed colour board?

Ideally, we would hope to have some final agreement confirmed in writing ASAP (as the ACAT hearing is currently scheduled for 10:00 AM this coming Friday 14 August).

Thanks,

[REDACTED]

[REDACTED]

From: Johns, Peter [mailto:Peter.Johns@act.gov.au]
Sent: Friday, 7 August 2009 4:26 PM
To: [REDACTED]
Subject: 51 Campbell Street Ainslie

[REDACTED]

It was good to talk to you the other week.

My apologies for not getting in contact with you before now to find out what you had decided

regarding the matters we had discussed.



It appears that you have circulated the brick amongst the neighbours and I have received some negative responses. I was wondering whether you had taken the colour board around to them as well.

Given the negative responses that have been received I asked the builder to look at what other colour bricks might be available. I am attaching a brick colour that they have suggested - it appears to be similar to the colour of the roof tiles in the area.

Look forward to your view and response - I would like to try and resolve this matter as soon as possible.

Peter Johns
Project Management
ph: 62078170
fax: 62071403
e-mail: peter.johns@act.gov.au

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From: [Brown, Ray](#)
To: [Johns, Peter](#)
Cc: [Buddhadasa, Ajiith](#); [Tomlins, Lisa](#)
Subject: RE: 51 Campbell Street (Appeal AT09/63)
Date: Wednesday, 12 August 2009 3:15:55 PM

Peter

Thanks for your confirmation that the plans are current. I also understand from your other email that the preferred brick is 'Metropolis Ruby' which I understand to be a 'red' brick.

You are correct that ACTPLA is a party to any Consent Decision, so we'll check out the plans again (however our initial check indicates that they're OK).

A Consent Decision would be a modification of the original ACTPLA decision. Whether we can get something drafted for Friday's Direction Hearing is uncertain given the short timeframe, however it could be done shortly after. Bear in mind that this is a Directions Hearing, and the ACAT may just wish to be satisfied that all parties are happy to proceed with a Consent Decision....then have the Consent Decision submitted later. It is usual for the draft Consent Decision to be circulated to the parties before the ACAT signs off on it.

In any event, if everybody's happy, we'll do all we can to expedite the settlement of the matter.

Regards

Ray Brown

From: Johns, Peter
Sent: Wednesday, 12 August 2009 1:44 PM
To: Brown, Ray
Subject: RE: 51 Campbell Street (Appeal AT09/63)

Ray

The plans represent the state of discussions with [REDACTED]. We support the changes and want to proceed to start work on the site asap.

The colour of the brick has changed but the colour is acceptable to the appellant.

I take it from a discussion that I had with Aaron, that ACTPLA is a party to the consent decision - you need to satisfy yourself that the changes are acceptable.

Is it possible to have a consent decision prepared for Friday?? Can you arrange for this to be done asap.

Peter Johns
Project Management
ph: 62078170
fax: 62071403
e-mail: peter.johns@act.gov.au

From: Brown, Ray
Sent: Wednesday, 12 August 2009 12:50 PM

To: Johns, Peter
Cc: Buddhadasa, Ajith; Tomlins, Lisa
Subject: 51 Campbell Street (Appeal AT09/63)

Hello Peter

I note that you have been negotiating changes to the proposed houses at this address. Do the plans sent by [REDACTED] to Ajith on 21 July represent the present state of the discussions? If not, could we please have an updated version. I think it is essential to have some plans that all parties and the Tribunal can sight/understand, if we are going to move successfully to a Consent decision.

Cheers

Raymond Brown

Technical Co-ordinator, Weston Creek & Rural
Development Assessment Section
ACT Planning and Land Authority

Ph. 6207 1750 Fax. 6207 1925

ray.brown@act.gov.au

From: [Brown, Ray](#)
To: [Tomlins, Lisa](#); [Buddhadasa, Ajith](#)
Subject: [REDACTED]
Date: Wednesday, 12 August 2009 11:42:10 AM

Hello Lisa

Both Ajith and I are available all day Thursday up to 4pm. Could we arrange a time on Thursday?

Also we have now received advice from the ACT Heritage Council that it has decided 'not to provisionally register the place' [REDACTED]. We are also advised that, subject to the *ACT Civil and Administrative Tribunal Act 2008*, interested parties may apply for a review of the Heritage Council's decision under s 32 of the *Heritage Act 2004*.

I will send you a copy of the Heritage Council's decision under separate cover.

Regards

Ray Brown

From: Tomlins, Lisa
Sent: Tuesday, 11 August 2009 1:19 PM
To: Brown, Ray; Buddhadasa, Ajith
Subject: [REDACTED]

Hi Ray,

Thanks very much for that.

I've since become aware that Sky isn't available at 2pm tomorrow. Is there another time when you and Ajith are available?

Kind regards

Lisa Tomlins

[REDACTED]

From: Brown, Ray
Sent: Tuesday, 11 August 2009 1:17 PM
To: Tomlins, Lisa; Buddhadasa, Ajith
Subject: RE: Nix & Dumbrell and Philp

Lisa

I understand that Mr Peter Johns (6207 8170) is the contact for the Commissioner. Ajith and I will meet with you and Sky tomorrow at 2.00pm.

Cheers

Ray

From: Tomlins, Lisa

Sent: Tuesday, 11 August 2009 11:07 AM

To: Brown, Ray; Buddhadasa, Ajith

Subject: [REDACTED]

[REDACTED]

[REDACTED]

From: [Brown, Ray](#)
To: [Tomlins, Lisa](#)
Cc: [Buddhadasa, Ajith](#)
Subject: RE: Thursday's meeting with Sky
Date: Wednesday, 12 August 2009 4:20:35 PM

[Lisa](#)

[Yes please, that would be OK.](#)

[Thanks](#)

[Ray](#)



