

**From:** [Pradhan, Jyoti](#)  
**To:** [Davey, Rossllyn](#)  
**Cc:** [Corrigan, Jim](#); [Jamaly, Rumana](#)  
**Subject:** DA200812307 - Revised Reconsideration Notice & Plans - Dispatch  
**Date:** Thursday, 9 April 2009 1:07:01 PM  
**Importance:** High

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Hi Ross,

Please dispatch the attached notice and its attachments and the stamped plans.

Please email a copy of the revised reconsideration notice to the applicant and lessee as soon as scanned.

Applicant: Peter Byfield - [peter@pb-a.com.au](mailto:peter@pb-a.com.au)

Lessee: David Hill - [joneshill@bigpond.com.au](mailto:joneshill@bigpond.com.au)

Regards,

Jyoti

**From:** Davey, Rosslyn on behalf of aatSecretariat  
**To:** ["devapp@actewagl.com.au"](mailto:devapp@actewagl.com.au)  
**Subject:** Notice of Decision on Reconsideration DA-200812307 (16&17/13 Mawson)  
**Date:** Wednesday, 15 April 2009 11:33:00 AM

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Dear Sir/Madam

Please find attached the revised Notice of Decision on Reconsideration, and attachments, for DA 200812307.

Kind Regards,

Applications Secretariat  
Ph: 6207 1687  
Fax: 6207 7762

**From:** Davey, Rosslyn on behalf of aatSecretariat  
**To:** ["peter@pb-a.com.au"](mailto:peter@pb-a.com.au); ["joneshill@bigpond.com.au"](mailto:joneshill@bigpond.com.au)  
**Subject:** Reconsideration Application DA-200812307 (16 & 17/13 Mawson)  
**Date:** Thursday, 9 April 2009 4:11:00 PM

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Dear Peter and David

Please find attached the revised notice of decision on reconsideration and approved plans for DA-200812307(16 & 17/13 Mawson.

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

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

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

Kind Regards,

Applications Secretariat  
ACT Planning & Land Authority  
Ph: 6207 1687  
Fax: 6207 7762

**From:** Davey, Rosslyn on behalf of aatSecretariat  
**To:** [Rossow, Hilary](#)  
**Subject:** Notice of Decision on Reconsideration DA-200812307 (16&17/13 Mawson)  
**Date:** Wednesday, 15 April 2009 10:59:00 AM

---

Dear Hilary

Please find attached a reference to the revised Notice of Decision on Reconsideration for DA 200812307.

Kind Regards,

Applications Secretariat

Ph: 6207 1687

Fax: 6207 7762

**From:** Davey, Rosslyn on behalf of aatSecretariat  
**To:** [REDACTED]  
**Subject:** Reconsideration application DA-200812307 (16 & 17/13 Mawson)  
**Date:** Thursday, 9 April 2009 4:38:00 PM

---

Dear [REDACTED]

## **Letter to Objector after Reconsideration Decision**

### **BLOCK 16, SECTION 13: MAWSON DEVELOPMENT APPLICATION 200812307**

I refer to the Application for Reconsideration received by the ACT Planning and Land Authority (the Authority) for the above Development Application. As previously advised, additional information was received from the applicant in support of the proposal. The Authority, after reconsidering the additional information submitted, has now reversed the decision of the Authority dated 25 February 2009 and approved the proposal subject to conditions.

The attached 'Notice of Decision on Reconsideration' sets out the details relating to the reconsideration decision.

A copy of the application for reconsideration and the reconsideration decision are available on the Public Register. The register can be inspected between 8:30am and 4:30pm weekdays at the ACT Planning and Land Authority Customer Service Centre, 16 Challis Street, Dickson, ACT.

If you wish to seek a review of the reconsideration decision with the ACT Civil and Administrative Tribunal (ACAT) you must lodge an application form together with the required fee, within 28 days from the date of this letter to:

ACT Civil and Administrative Tribunal  
ACT Magistrates Court Building  
Knowles Place  
CANBERRA CITY, ACT, 2601

An application form can be obtained from either the ACAT at the ACT Magistrates Court, Knowles Place, Canberra City or from the ACT Planning and Land Authority Customer Service Centre, 16 Challis Street, Dickson. If you require further information about the ACAT's requirements or the review process, their office can be contacted on (02) 6207 1740.

If you apply for a review of the reconsideration decision the Authority will, at the direction of the ACAT, give written notice to the applicant and any interested parties that:

- you have applied to the ACAT for a review of the decision; and
- they are entitled to apply to be made a party to the proceedings for the review.

As this application for reconsideration has confirmed the original decision, the applicant may also apply to the ACAT for a review of the reconsideration decision. If this occurs you will be advised, and you will be entitled to apply to the Tribunal to be made a party to the proceedings (i.e. you can apply to the Tribunal to attend the review hearings where you will have the opportunity to present your case).

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

Yours Sincerely

Rosslyn Davey  
ACAT Co-ordination Unit  
ACT Planning and Land Authority

**From:** Davey, Rosslyn on behalf of aatSecretariat  
**To:** [TAMS-AssetAcceptance](#)  
**Subject:** Notice of Decision on Reconsideration DA-200812307 (16&17/13 Mawson)  
**Date:** Wednesday, 15 April 2009 10:55:00 AM

---

Dear Sir/Madam

Please find attached a reference to the revised Notice of Decision on Reconsideration for DA 200812307.

Kind Regards,

Applications Secretariat

Ph: 6207 1687

Fax: 6207 7762



[REDACTED]  
Dear [REDACTED]

## Letter to Objector after Reconsideration Decision

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Yours Sincerely

Rosslyn Davey  
ACAT Co-ordination Unit  
ACT Planning and Land Authority

9 April 2009

enc.



Department Of Education  
Po Box 158  
CANBERRA CITY ACT 2602

Dear Department Of Education

## **Letter to Objector after Reconsideration Decision**

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Yours sincerely

Rosslyn Davey  
ACAT Co-ordination Unit  
ACT Planning and Land Authority

9 April 2009

enc.



Dear 

## **Letter to Objector after Reconsideration Decision**

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Yours Sincerely

Rosslyn Davey  
ACAT Co-ordination Unit  
ACT Planning and Land Authority

9 April 2009

enc.

**From:** [Peter Byfield](#)  
**To:** [Pradhan, Jyoti](#)  
**Cc:** [joneshill@bigpond.com.au](mailto:joneshill@bigpond.com.au)  
**Subject:** 16+17/13 Mawson  
**Date:** Wednesday, 4 March 2009 10:04:46 AM  
**Attachments:** [1284 Rev B-pdf files.zip](#)

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Dear Jyoti,

Thank you again for your time on Friday, and for the opportunity to revise this scheme to address the outstanding issues.

Attached are revised drawings which address the issues raised in particular the following. GFA has been reduced by altering the party walls from 270mm to 200mm and reducing the double garages 1-4 to 5.5x6m this has had the nett result of achieving a Plot Ratio of 0.4995:1. A revised Access and Mobility report will be prepared if you're happy with the revisions. WSUD details are being prepared and will be submitted with revisions.

I do hope these revisions satisfy your concerns, feel free to call should the need arise.

Regards

**Peter Byfield**

PRINCIPAL

PETER BYFIELD +

Associates pty ltd

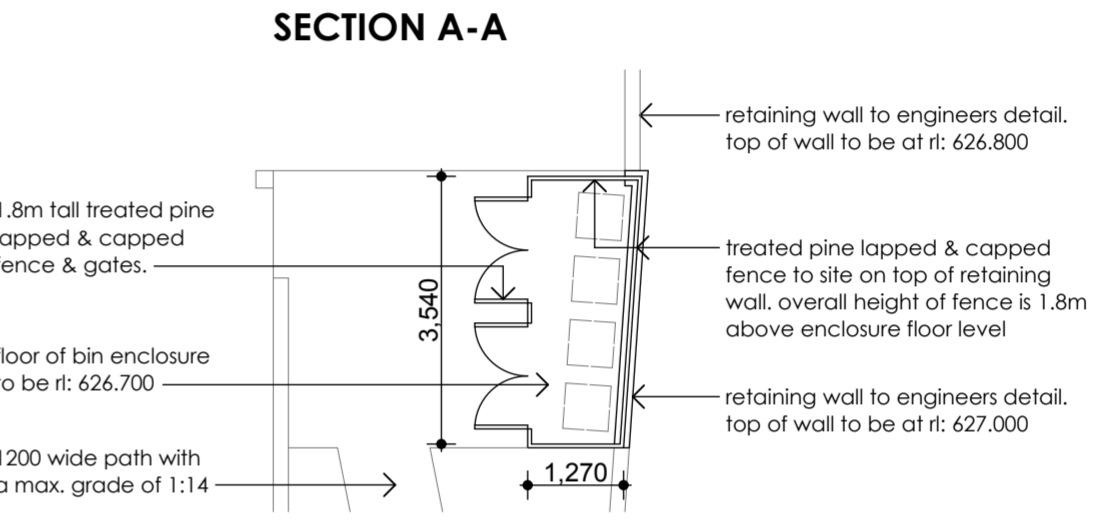
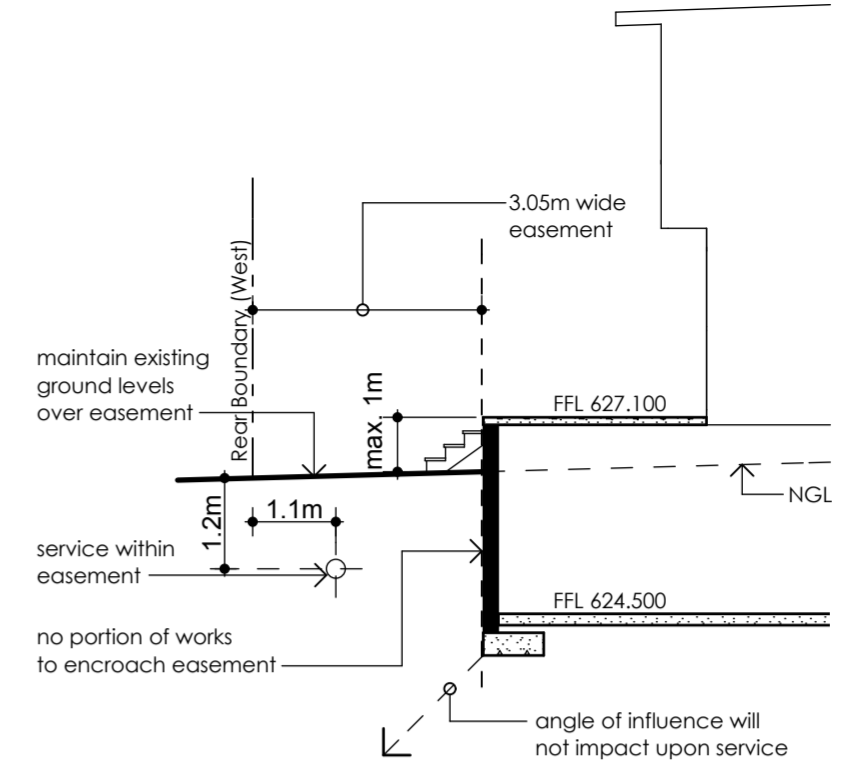
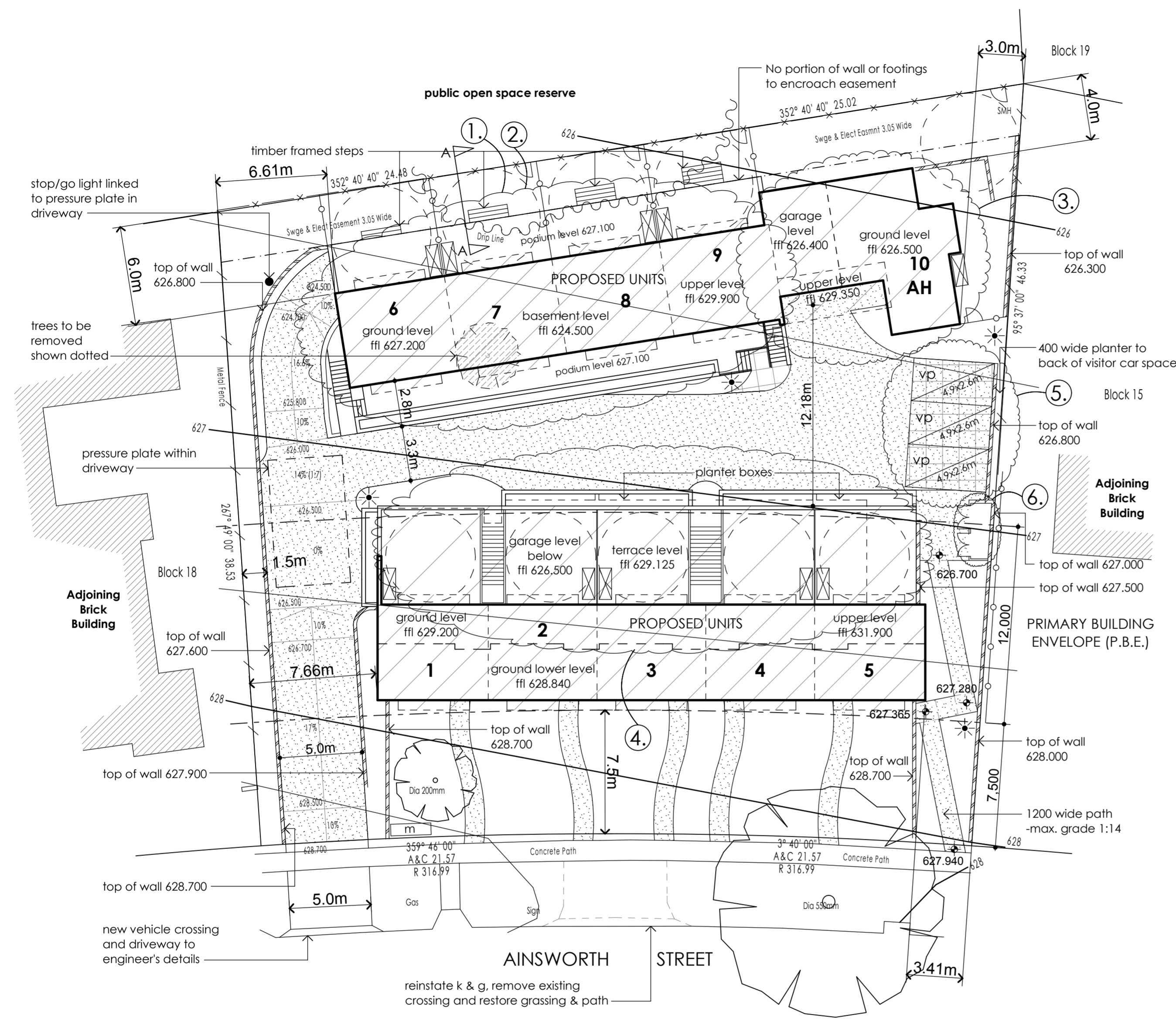
34A Taylor Street

Annandale 2038

t. 02 9660 2255

f. 02 9660 2254

m. 0419 479 022



**LEGEND**

- existing tree to be retained
- existing tree to be removed
- existing fence to be retained
- 1.8m tall treated pine lapped & capped pailing fence & matching gate
- powdercoated metal 'spear fence' & gates 1.8m tall as selected
- 6m min. p.o.s. area
- retaining wall to eng's details
- visitor car parking space
- portable clothes airer locations
- brick mailbox enclosure to detail
- 1.2m tall public areas light fitting as selected
- dark grey broom finished concrete driveway
- stencilled coloured concrete to contrast with above to define parking bays
- AH** adaptable house

Issue	Date	Event
<b>B</b>	March, 2009	Amendments to satisfy ACTPLA's concerns
<b>A</b>	Dec. 2008	Revision

Project  
**Multi Unit Housing**

Site  
**blocks 16+17 section 13, Mawson, ACT.**

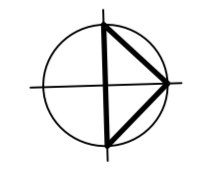
Title  
**Site Plan**

Scale  
1:200

Date  
May 2008

Drawn By  
SA

Drawing No.  
1284 - A



**SITE PLAN**

**PLOT RATIO CALCULATIONS**

Units 1-5	383.1m <sup>2</sup>
Garages 1-5	165.5m <sup>2</sup>
Units 6-10	405.7m <sup>2</sup>
Area within basement not carparking	7.3m <sup>2</sup>
<b>Total Area</b>	<b>961.6m<sup>2</sup></b>
Site Area	1,925.1m <sup>2</sup>
<b>Proposed Plot Ratio</b>	<b>0.4995 : 1</b>

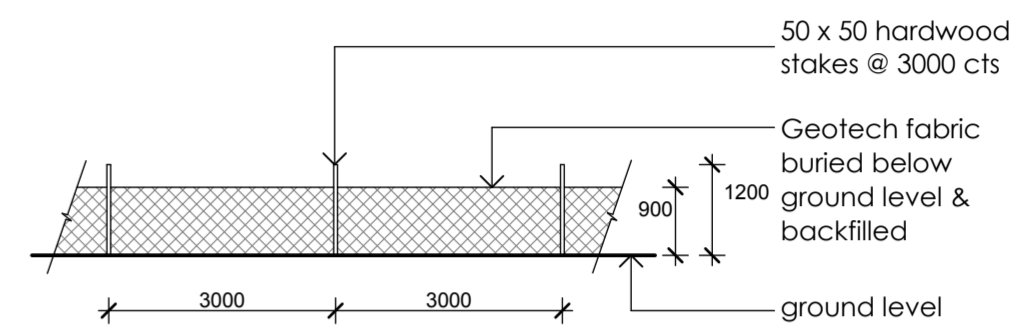
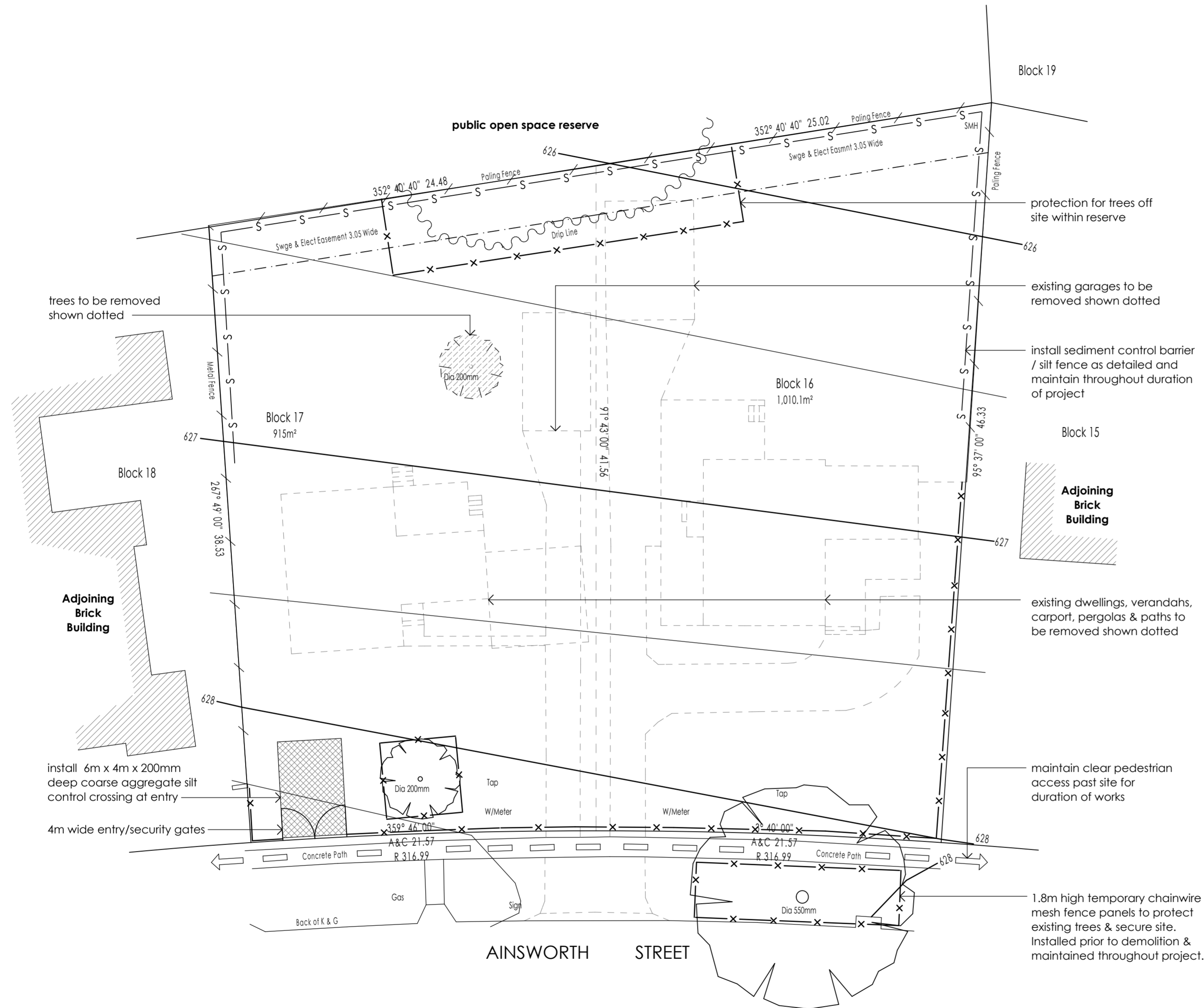
**PARKING CALCULATIONS**

10 x 2 Bedroom Units @ 2 spaces each	= 20
10 x 0.25 visitor spaces	= 3
<b>Total number of spaces required</b>	<b>= 23</b>
<b>Total number provided</b>	<b>= 23</b>

20 (2 per unit) allocated to units  
3 nominated visitor spaces

**PETER BYFIELD + Associates**  
Suite A, 34 Taylor Street, Annandale NSW 2038  
Phone 02 9660 2255 Fax 02 9660 2254

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**SEDIMENT CONTROL BARRIER DETAIL** scale 1:100

- B** March. 2009 Amendments to satisfy ACTPLA's concerns
  - A** Dec. 2008 Revision
1. Increase floor levels of units 6-9 by 700mm.
  2. Create basement parking under units 6-9 (9 spaces) accessed via a vehicular ramp.
  3. Relocated unit 10 to achieve a rear setback of 4m.
  4. Convert car parking under units 1-5 to allow for 2 car spaces per unit (1-5).
  5. Relocated 3 visitor car spaces.
  6. Provide enclosure for units 6-9 waste bins.
- | Issue | Date | Event |
|-------|------|-------|
|       |      |       |

Project  
**Multi Unit Housing**

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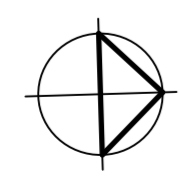
Site  
**blocks 16+17 section 13, Mawson, ACT.**

Title  
**Additional Site Plans**

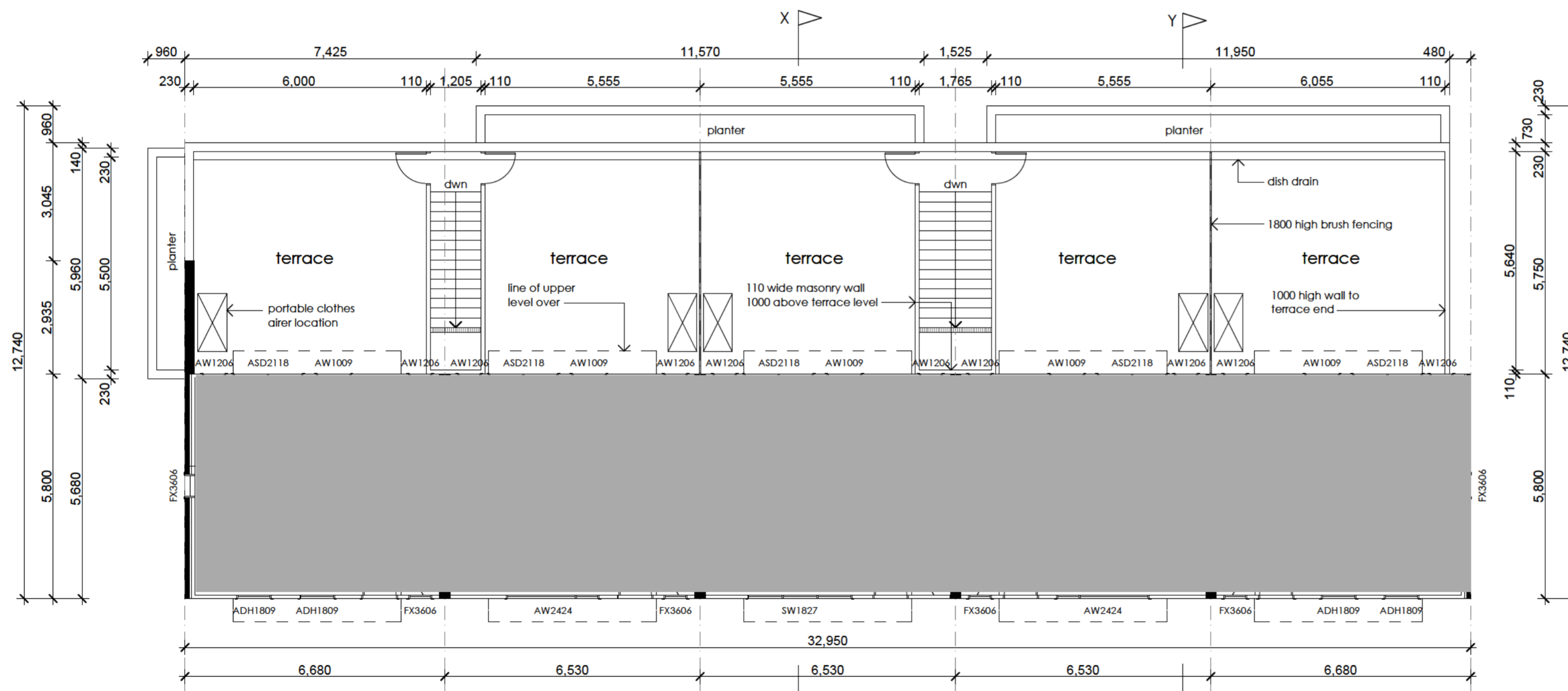
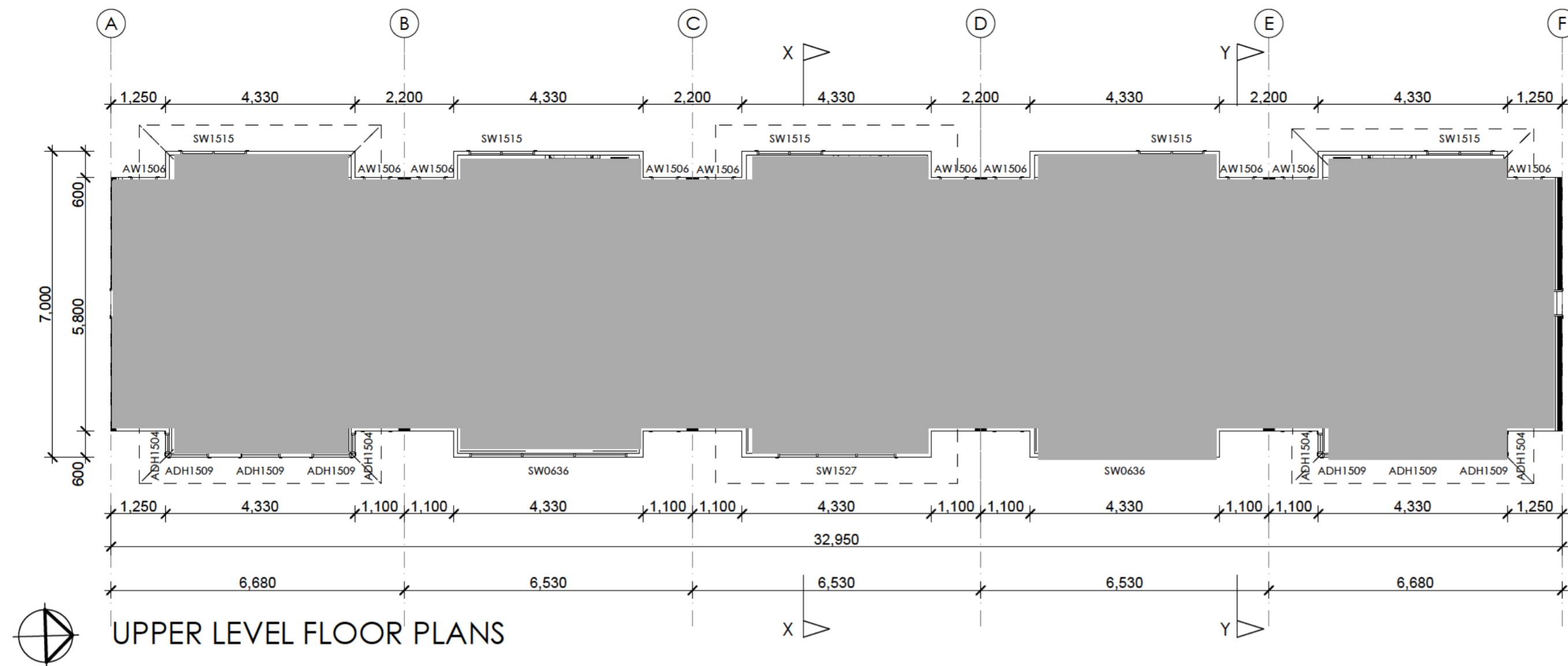
Scale 1:200	Drawn By SA
Date May 2008	Drawing No. 1284 - B

**PETER BYFIELD + Associates**  
 Suite A, 34 Taylor Street, Annandale NSW 2038  
 Phone 02 9660 2255 Fax 02 9660 2254

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**TREE MANAGEMENT PROTECTION PLAN, DEMOLITION PLAN & SEDIMENT AND EROSION CONTROL PLAN**



**UPPER LEVEL FLOOR PLANS**

**GROUND LEVEL FLOOR PLANS**

UNIT 1 AREAS	UNIT 2 AREAS	UNIT 3 AREAS	UNIT 4 AREAS	UNIT 5 AREAS
ground level living 38.7m <sup>2</sup>	ground level living 37.8m <sup>2</sup>	ground level living 37.8m <sup>2</sup>	ground level living 37.8m <sup>2</sup>	ground level living 38.7m <sup>2</sup>
upper level living 39.0m <sup>2</sup>	upper level living 38.1m <sup>2</sup>	upper level living 38.1m <sup>2</sup>	upper level living 38.1m <sup>2</sup>	upper level living 39.0m <sup>2</sup>
terrace 37.9m <sup>2</sup>	terrace 33.9m <sup>2</sup>	terrace 33.9m <sup>2</sup>	terrace 33.9m <sup>2</sup>	terrace 36.9m <sup>2</sup>
garage 37.2m <sup>2</sup>	garage 36.1m <sup>2</sup>	garage 36.1m <sup>2</sup>	garage 36.1m <sup>2</sup>	garage 20.0m <sup>2</sup>
<b>Total 152.8m<sup>2</sup></b>	<b>Total 145.9m<sup>2</sup></b>	<b>Total 145.9m<sup>2</sup></b>	<b>Total 145.9m<sup>2</sup></b>	<b>Total 134.6m<sup>2</sup></b>

- B** March, 2009 Amendments to satisfy ACTPLA's concerns
  - A** Dec. 2008 Revision
1. Increase floor levels of units 6-9 by 700mm.
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  5. Relocated 3 visitor car spaces.
  6. Provide enclosure for units 6-9 waste bins.
- | Issue | Date | Event |
|-------|------|-------|
|       |      |       |

Project  
**Multi Unit Housing**

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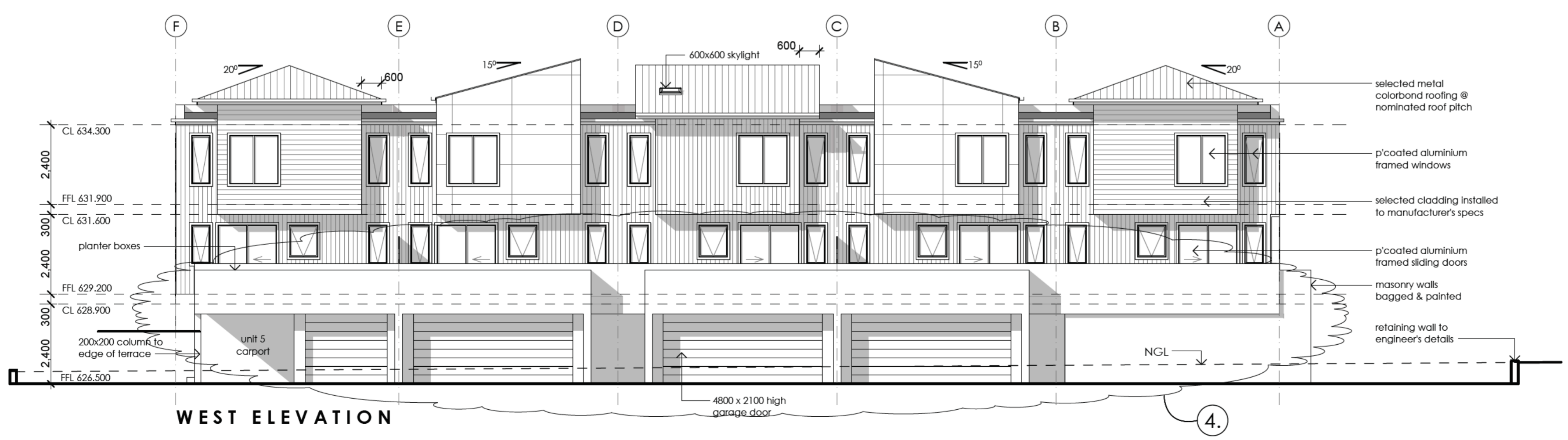
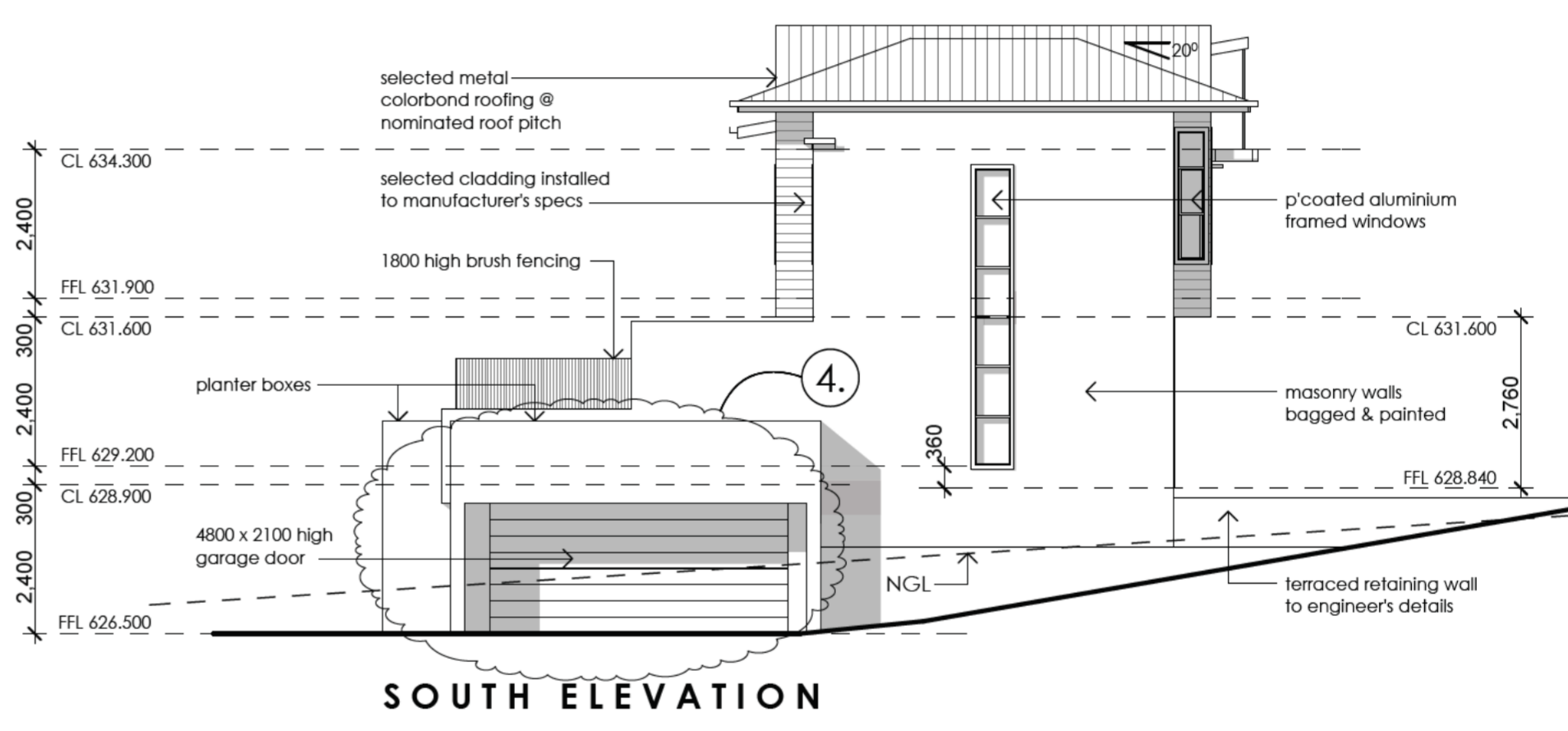
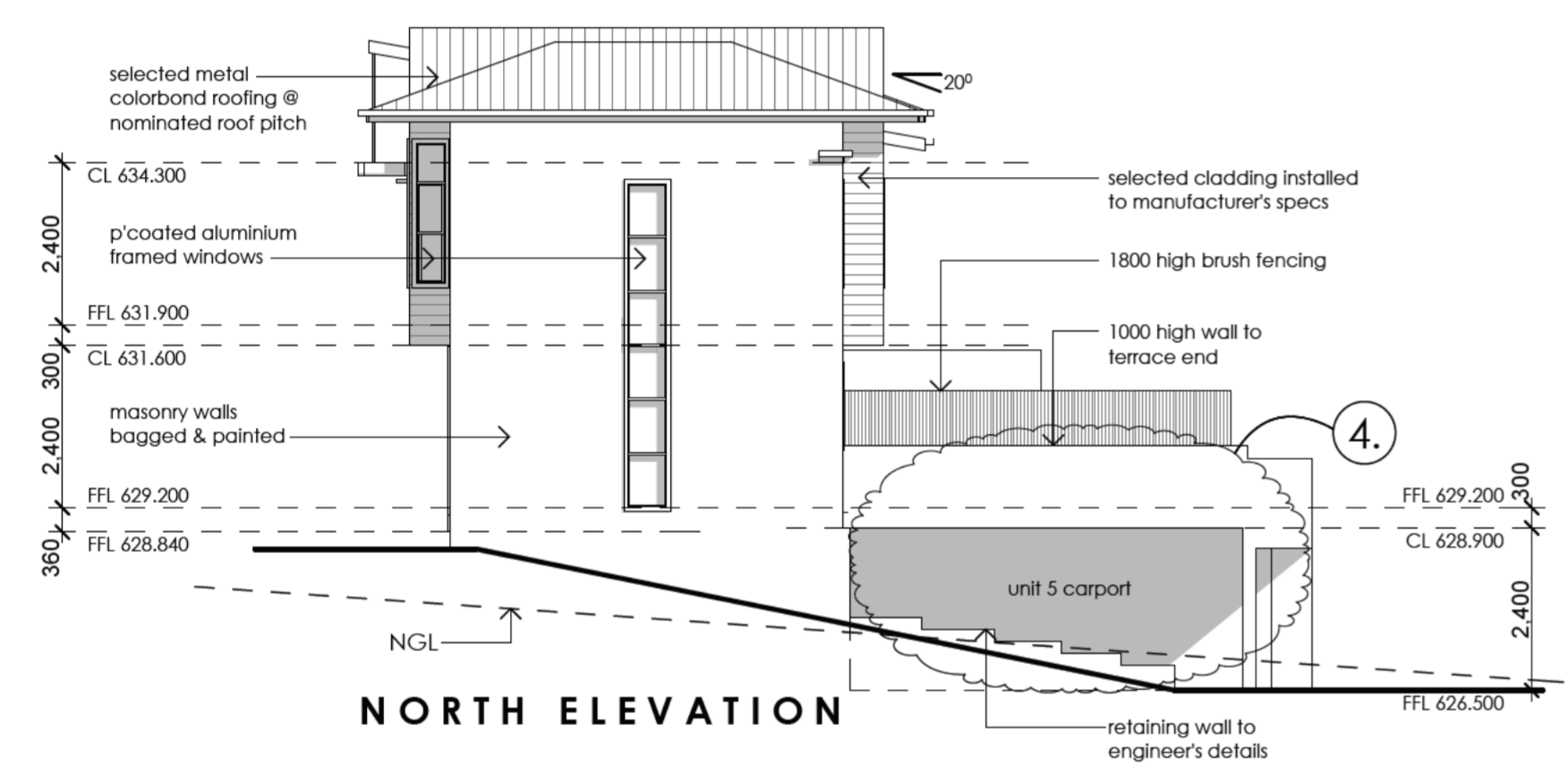
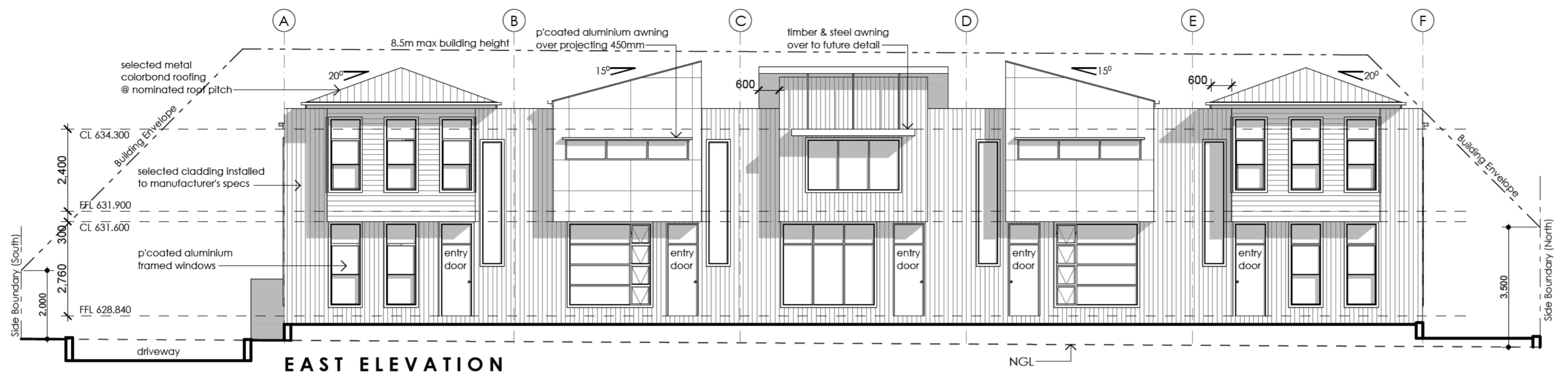
Site  
**blocks 16+17  
 section 13,  
 Mawson, ACT.**

Title  
**Floor Plans Units 1-5**

Scale 1:100	Drawn By SA
Date May 2008	Drawing No. 1284 - C

**PETER BYFIELD + Associates**  
 Suite A, 34 Taylor Street, Annandale NSW 2038  
 Phone 02 9660 2255 Fax 02 9660 2254

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- |          |             |   |
|----------|-------------|---|
| <b>B</b> | March, 2009 | Amendments to satisfy ACTPLA's concerns |
| <b>A</b> | Dec. 2008   | Revision                                |
1. Increase floor levels of units 6-9 by 700mm.
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- | Issue | Date | Event |
|-------|------|-------|
|       |      |       |

Project  
**Multi Unit Housing**

Site  
**blocks 16+17  
section 13,  
Mawson, ACT.**

Title  
**Elevations Units 1-5**

Scale  
1:100

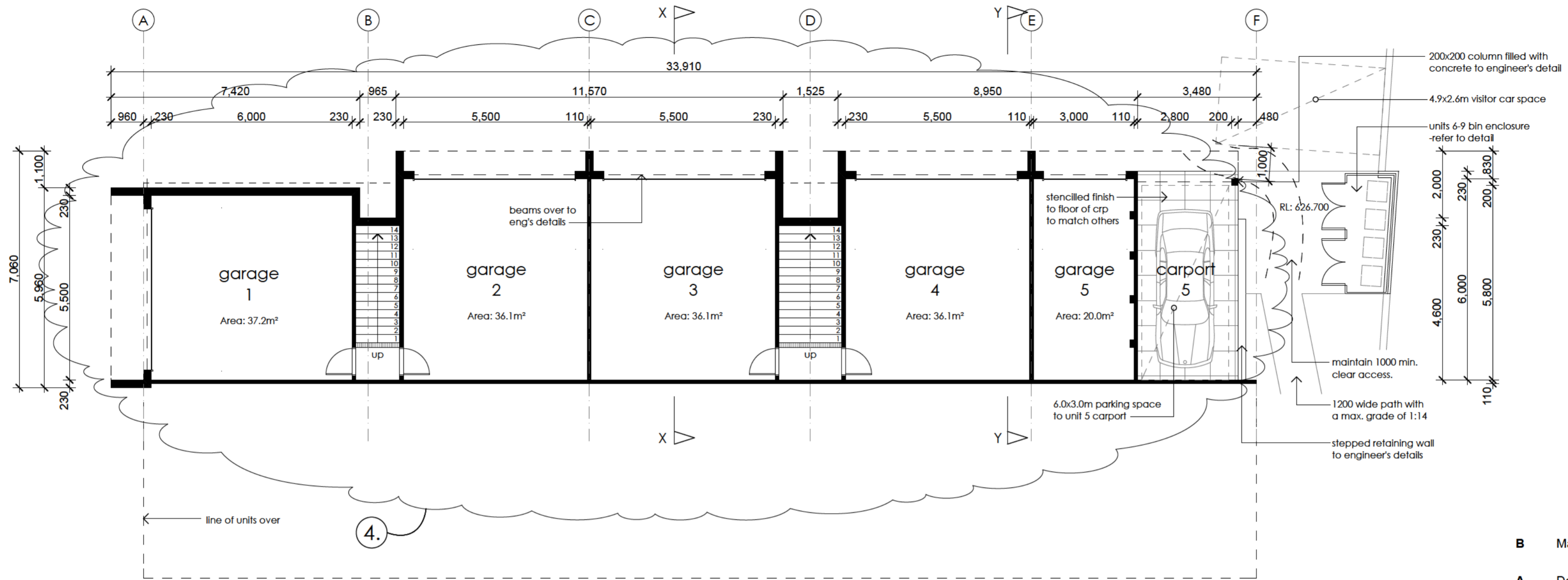
Drawn By  
SA

Date  
May 2008

Drawing No.  
1284 - D

**PETER BYFIELD + Associates**  
Suite A, 34 Taylor Street, Annandale NSW 2038  
Phone 02 9660 2255 Fax 02 9660 2254

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LOWER LEVEL FLOOR PLAN TOTAL AREA: 165.5m²

Issue	Date	Event
B	March, 2009	Amendments to satisfy ACTPLA's concerns
A	Dec. 2008	Revision

Project  
**Multi Unit Housing**

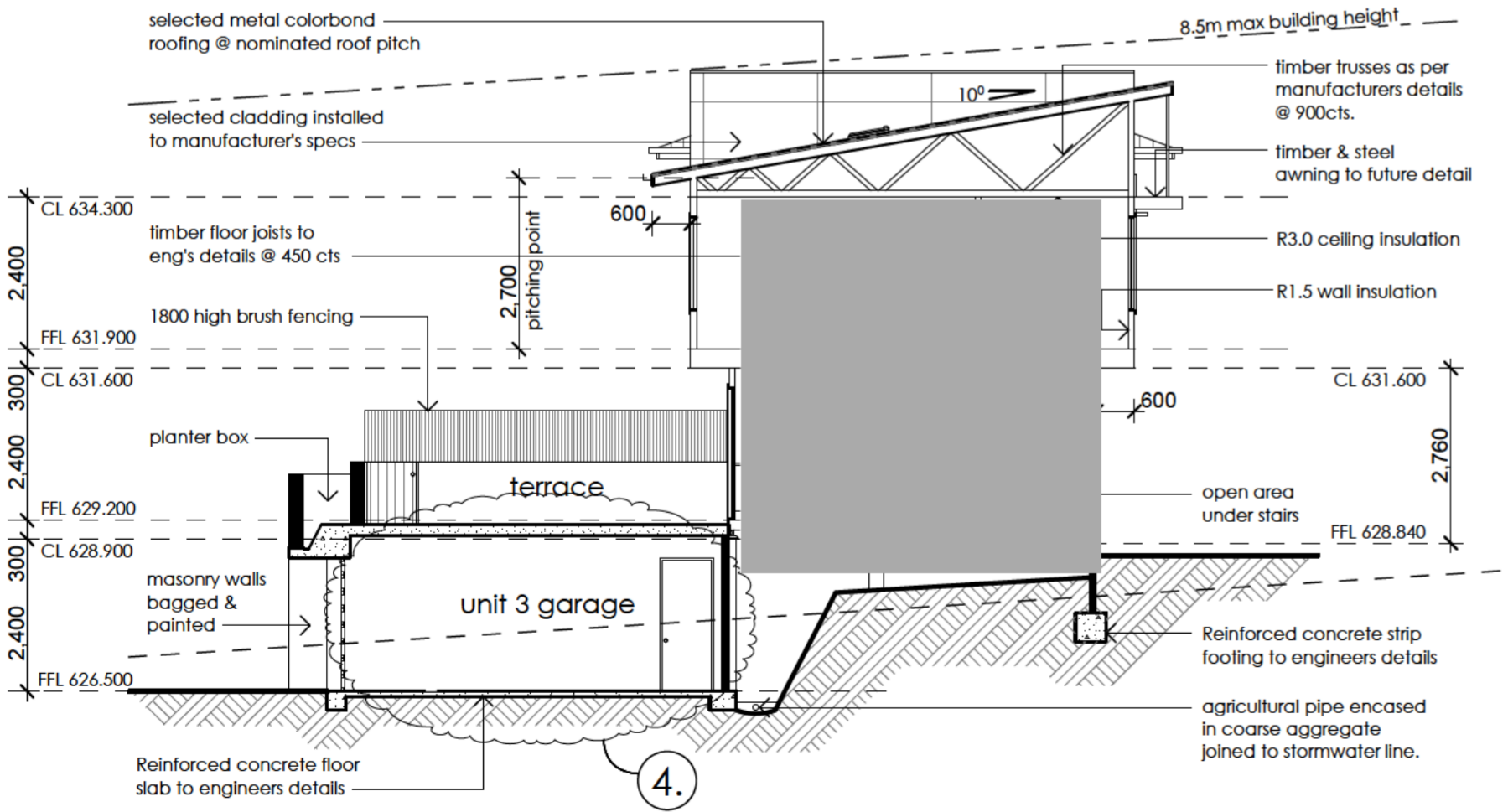
Site  
**blocks 16+17 section 13, Mawson, ACT.**

Title  
**Garage Level Floor Plan & Sections**

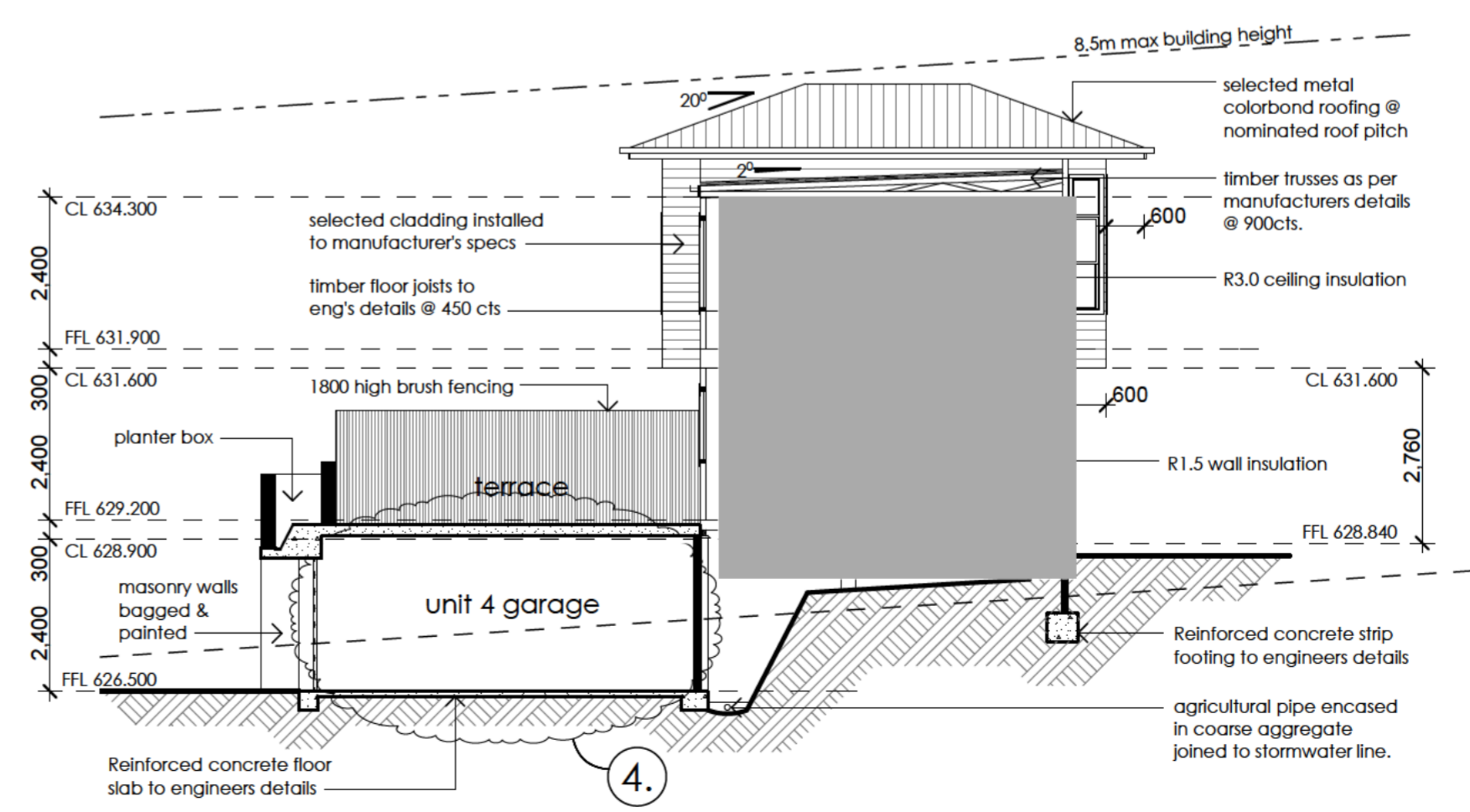
Scale 1:100	Drawn By SA
Date May 2008	Drawing No. 1284 - E

PETER BYFIELD + Associates  
Suite A, 34 Taylor Street, Annandale NSW 2038  
Phone 02 9660 2255 Fax 02 9660 2254

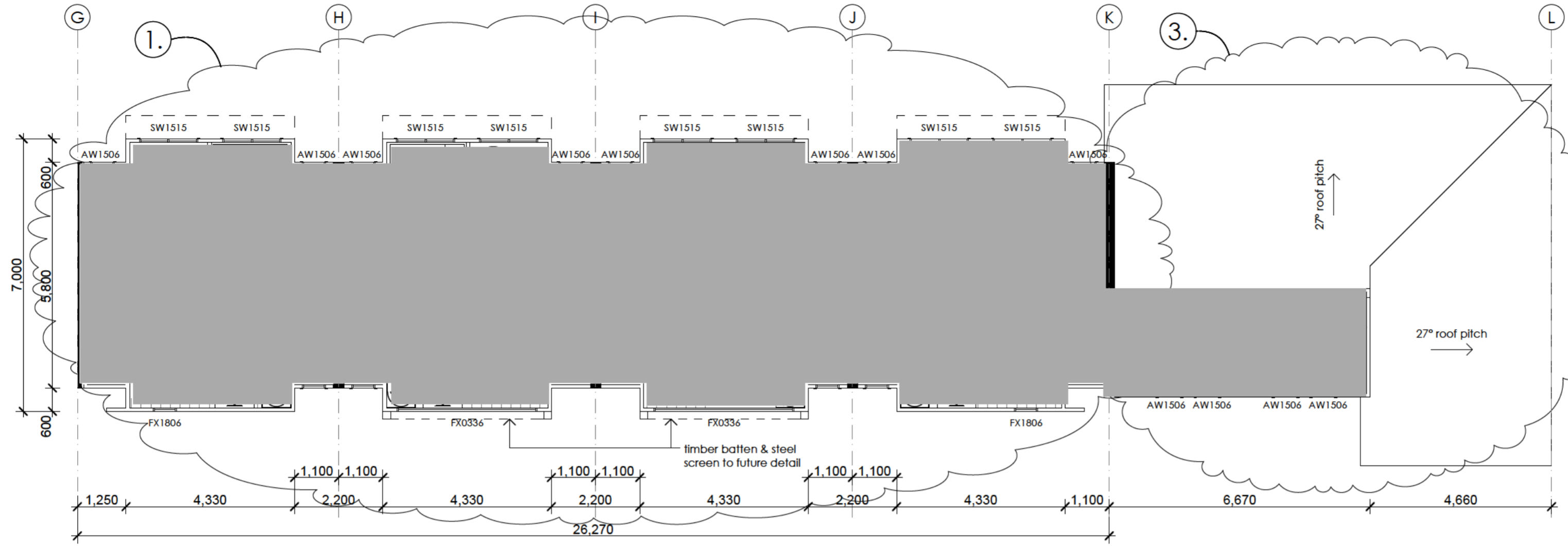
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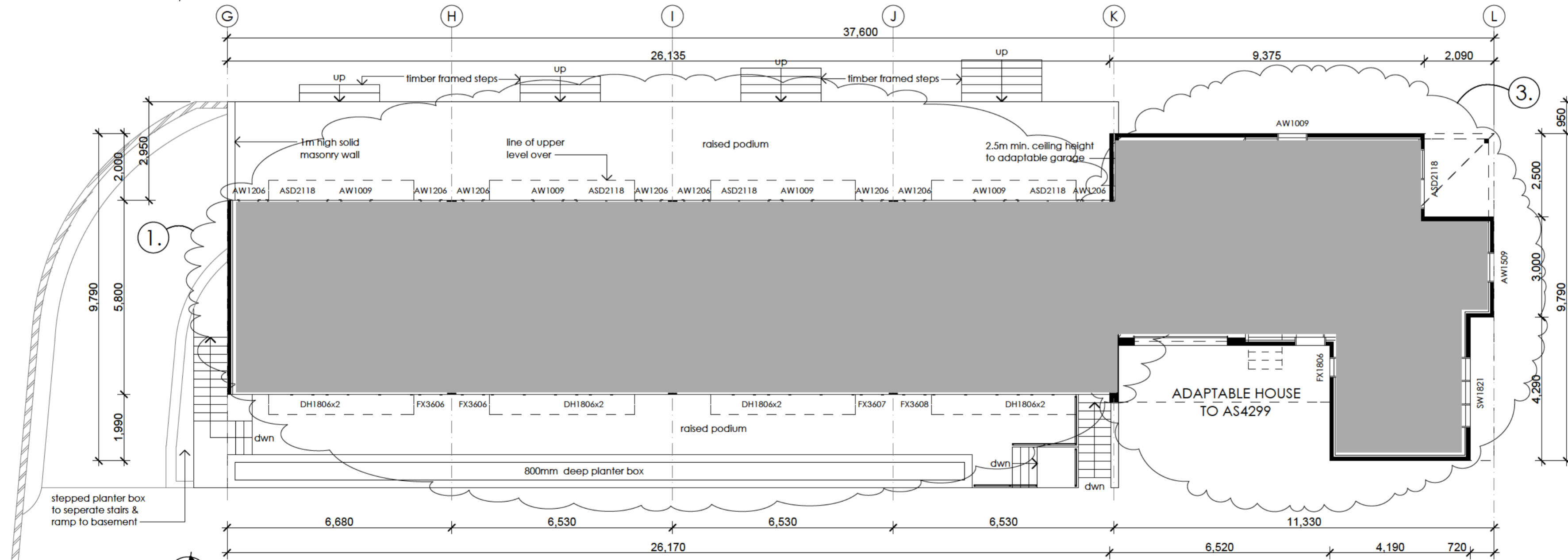
SECTION X-X



SECTION Y-Y



UPPER LEVEL FLOOR PLANS



GROUND LEVEL FLOOR PLANS

**UNIT 6 AREAS**

ground level living	38.7m <sup>2</sup>
upper level living	39.6m <sup>2</sup>
<b>Total</b>	<b>78.3m<sup>2</sup></b>

**UNIT 7 AREAS**

ground level living	37.8m <sup>2</sup>
upper level living	38.7m <sup>2</sup>
<b>Total</b>	<b>76.5m<sup>2</sup></b>

**UNIT 8 AREAS**

ground level living	37.8m <sup>2</sup>
upper level living	38.7m <sup>2</sup>
<b>Total</b>	<b>76.5m<sup>2</sup></b>

**UNIT 9 AREAS**

ground level living	38.0m <sup>2</sup>
upper level living	39.0m <sup>2</sup>
<b>Total</b>	<b>77.0m<sup>2</sup></b>

**UNIT 10 AREAS**

ground level living	55.7m <sup>2</sup>
upper level living	16.8m <sup>2</sup>
garage	24.9m <sup>2</sup>
<b>Total</b>	<b>97.4m<sup>2</sup></b>

**B** March, 2009 Amendments to satisfy ACTPLA's concerns

**A** Dec. 2008 Revision

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- Relocated 3 visitor car spaces.
- Provide enclosure for units 6-9 waste bins.

Issue	Date	Event

Project  
**Multi Unit Housing**

Site  
**blocks 16+17  
section 13,  
Mawson, ACT.**

Title  
**Floor Plans Units 6-10**

Scale  
1:100

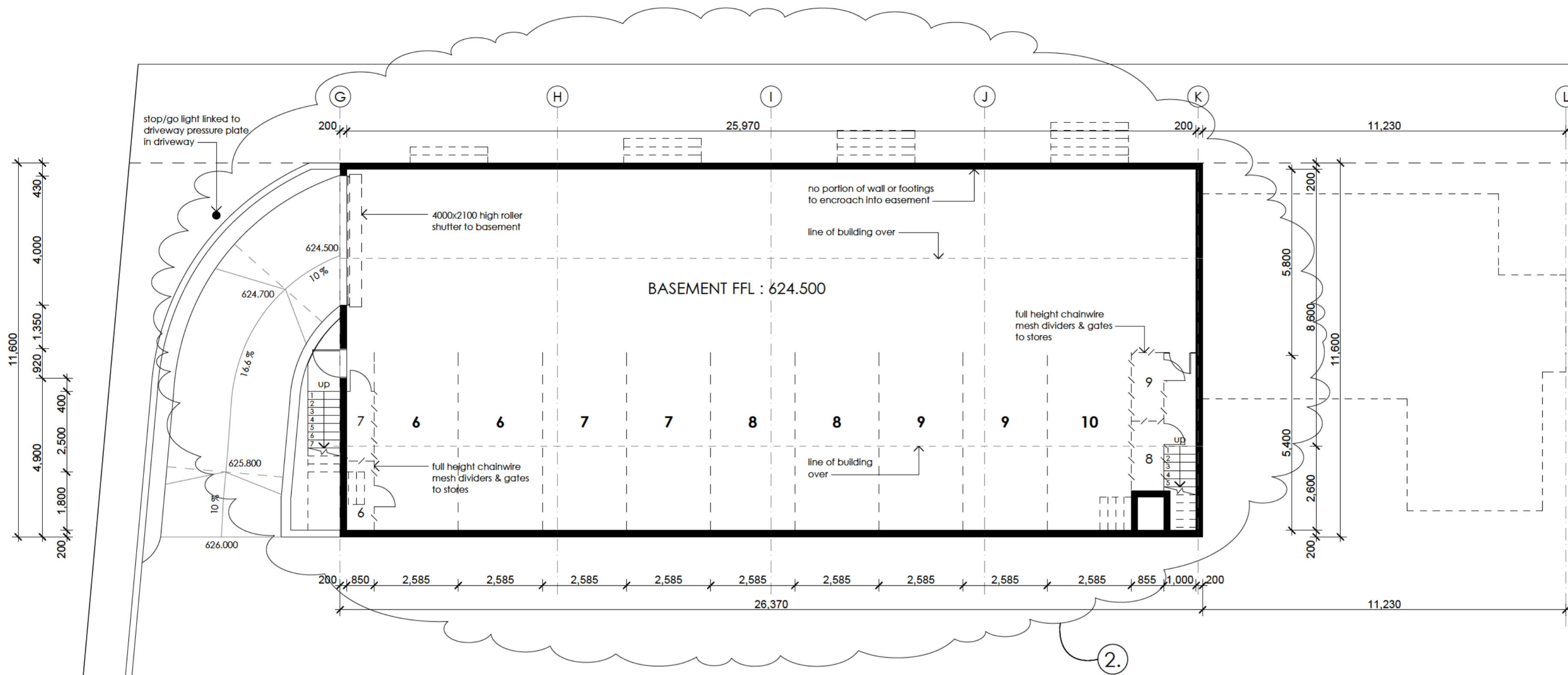
Drawn By  
SA

Date  
May 2008

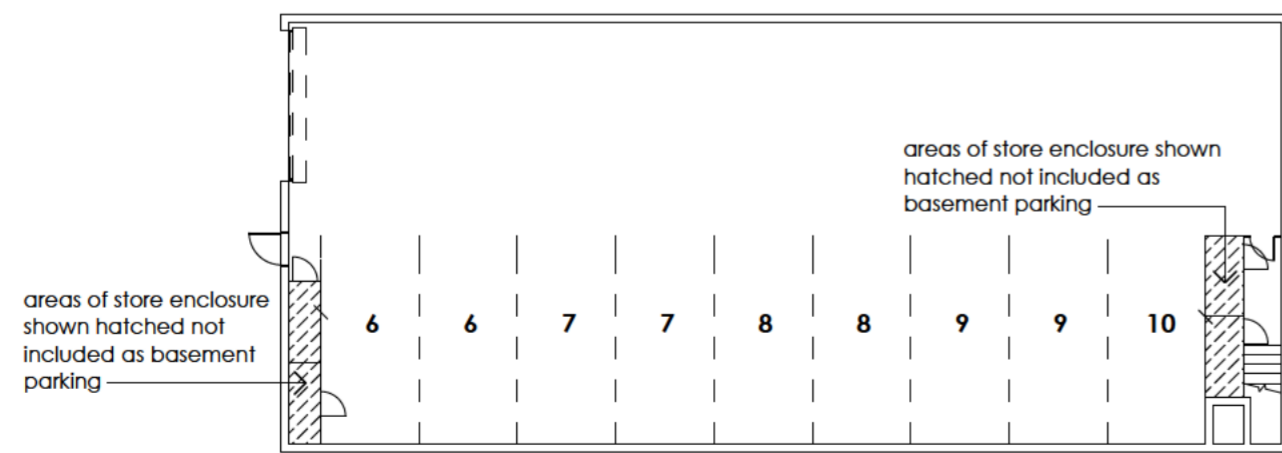
Drawing No.  
1284 - F


**PETER BYFIELD + Associates**  
Suite A, 34 Taylor Street, Annandale NSW 2038  
Phone 02 9660 2255 Fax 02 9660 2254

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 **BASEMENT LEVEL FLOOR PLAN**



 **FLOOR PLAN SHOWING FLOOR AREA NOT INCLUDED AS BASEMENT PARKING** SCALE 1:200

**B** March, 2009 Amendments to satisfy ACTPLA's concerns

**A** Dec. 2008 Revision

1. Increase floor levels of units 6-9 by 700mm.
2. Create basement parking under units 6-9 (9 spaces) accessed via a vehicular ramp.
3. Relocated unit 10 to achieve a rear setback of 4m.
4. Convert car parking under units 1-5 to allow for 2 car spaces per unit (1-5).
5. Relocated 3 visitor car spaces.
6. Provide enclosure for units 6-9 waste bins.

Issue	Date	Event

Project  
**Multi Unit Housing**

Site  
**blocks 16+17  
section 13,  
Mawson, ACT.**

Title  
**Basement Level Floor Plan**

Scale  
1:100, 1:200

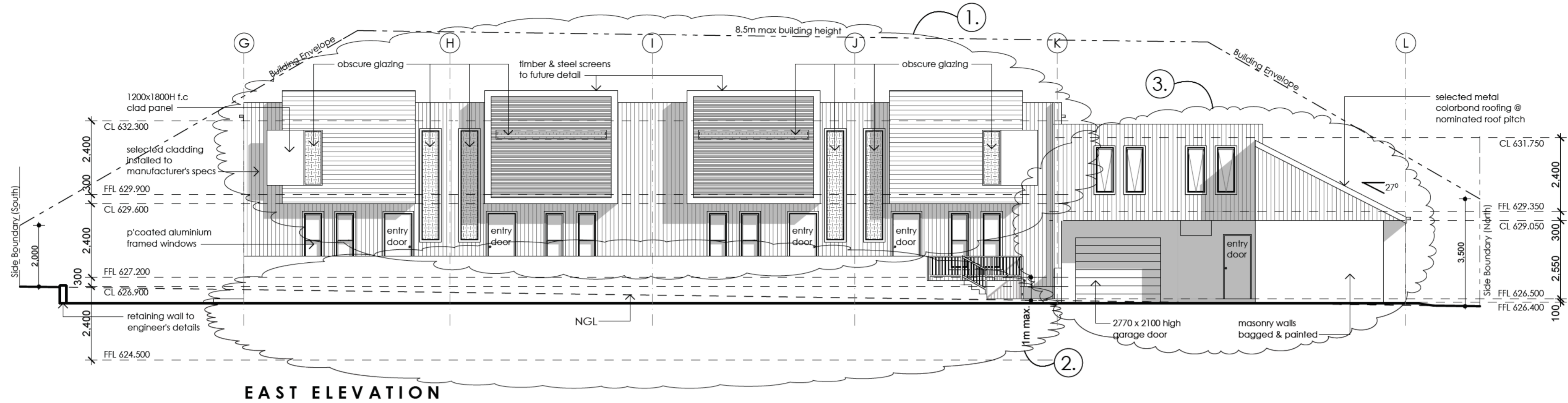
Drawn By  
SA

Date  
May 2008

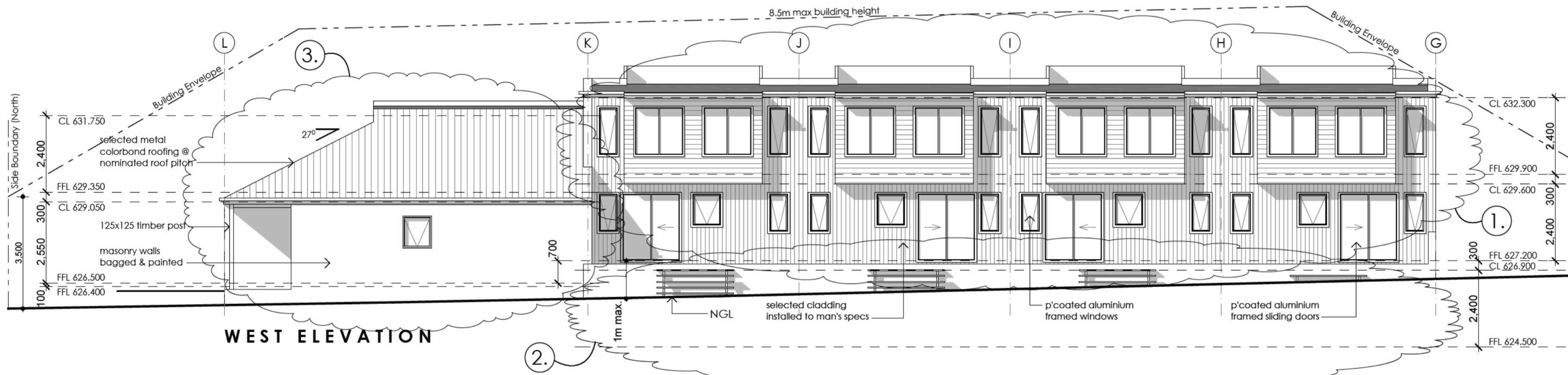
Drawing No.  
1284 - G

**PETER BYFIELD + Associates**  
Suite A, 34 Taylor Street, Annandale NSW 2038  
Phone 02 9660 2255 Fax 02 9660 2254

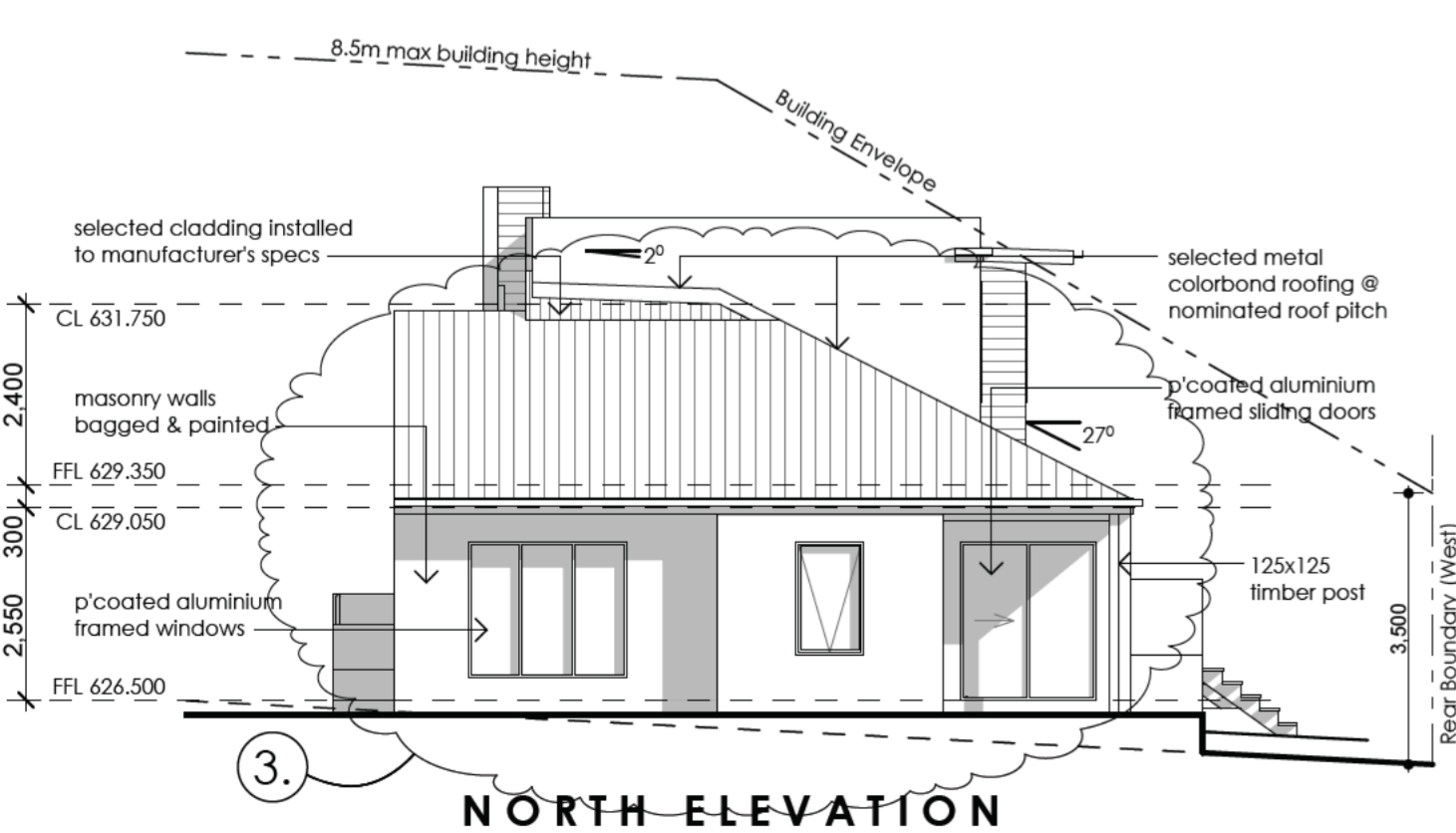
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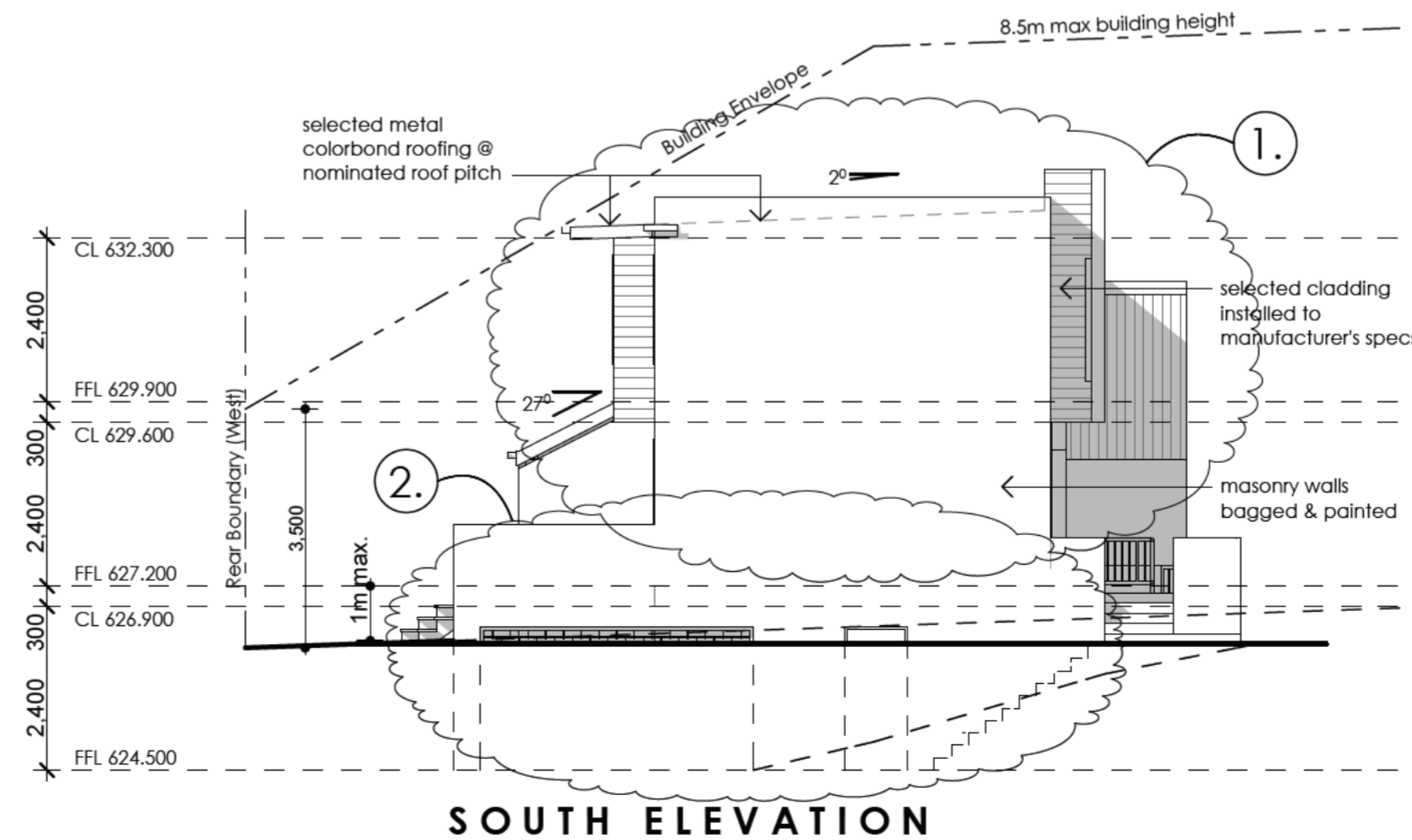
**EAST ELEVATION**



**WEST ELEVATION**



**NORTH ELEVATION**



**SOUTH ELEVATION**

<b>B</b>	March, 2009	Amendments to satisfy ACTPLA's concerns
<b>A</b>	Dec. 2008	Revision

1. Increase floor levels of units 6-9 by 700mm.
2. Create basement parking under units 6-9 (9 spaces) accessed via a vehicular ramp.
3. Relocated unit 10 to achieve a rear setback of 4m.
4. Convert car parking under units 1-5 to allow for 2 car spaces per unit (1-5).
5. Relocated 3 visitor car spaces.
6. Provide enclosure for units 6-9 waste bins.

Issue	Date	Event

Project  
**Multi Unit Housing**

Site  
**blocks 16+17  
section 13,  
Mawson, ACT.**

Title  
**Elevations Units 6-10**

Scale  
1:100

Drawn By  
SA

Date  
May 2008

Drawing No.  
1284 - H

**PETER BYFIELD + Associates**  
Suite A, 34 Taylor Street, Annandale NSW 2038  
Phone 02 9660 2255 Fax 02 9660 2254

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**From:** [Pradhan, Jyoti](#)  
**To:** ["Peter Byfield"](#)  
**Subject:** RE: 16+17/13 Mawson  
**Date:** Thursday, 5 March 2009 12:55:04 PM

---

Good Afternoon Peter,

Thanks for the revised drawings. I have had a quick look at the revised proposal and appears that it would resolve most of the concerns that we discussed in the meeting last Friday. The only drawing missing in the attachment is the drawing by your engineer showing the turning circles and traffic movement at grade and also in the basement. Because traffic movement was one of the critical issues, I would appreciate if you could email me that drawing asap. The drawing would be helpful in the discussions with Jim and Rumana.

Please do not hesitate to call me if you need any further assistance.

Regards,

Jyoti

---

**From:** Peter Byfield [mailto:[peter@pb-a.com.au](mailto:peter@pb-a.com.au)]  
**Sent:** Wednesday, 4 March 2009 10:02 AM  
**To:** Pradhan, Jyoti  
**Cc:** [joneshill@bigpond.com.au](mailto:joneshill@bigpond.com.au)  
**Subject:** 16+17/13 Mawson

Dear Jyoti,

Thank you again for your time on Friday, and for the opportunity to revise this scheme to address the outstanding issues.

Attached are revised drawings which address the issues raised in particular the following. GFA has been reduced by altering the party walls from 270mm to 200mm and reducing the double garages 1-4 to 5.5x6m this has had the nett result of achieving a Plot Ratio of 0.4995:1. A revised Access and Mobility report will be prepared if you're happy with the revisions. WSUD details are being prepared and will be submitted with revisions.

I do hope these revisions satisfy your concerns, feel free to call should the need arise.

Regards

**Peter Byfield**

PRINCIPAL

PETER BYFIELD +

Associates pty ltd

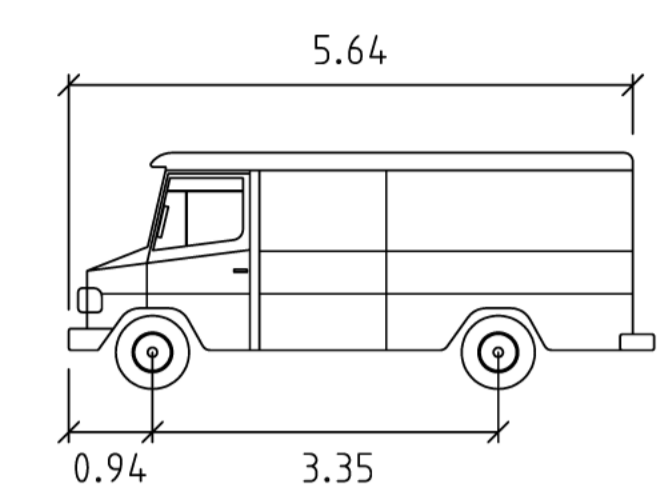
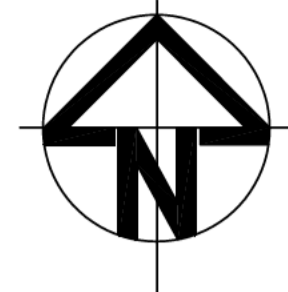
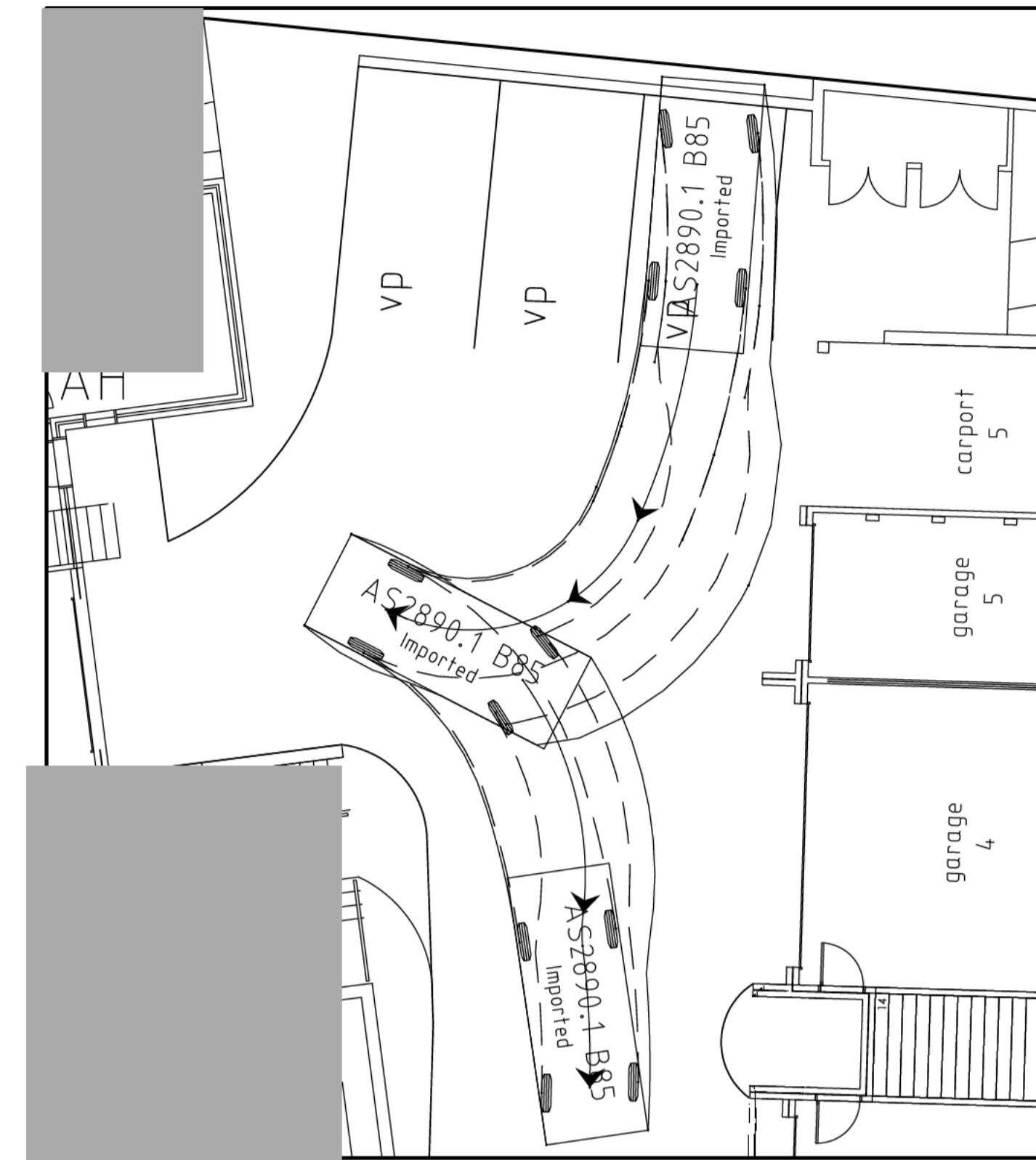
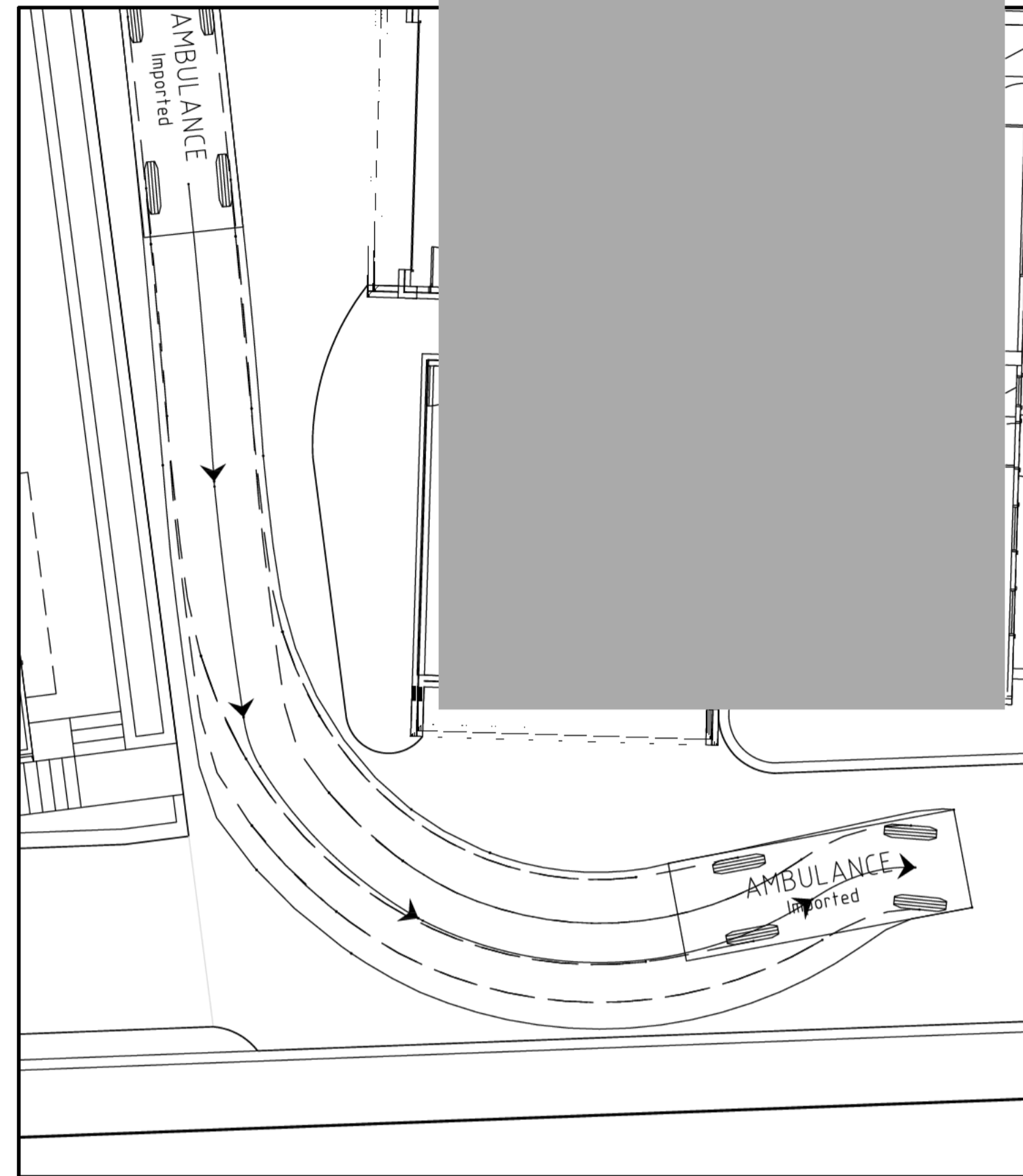
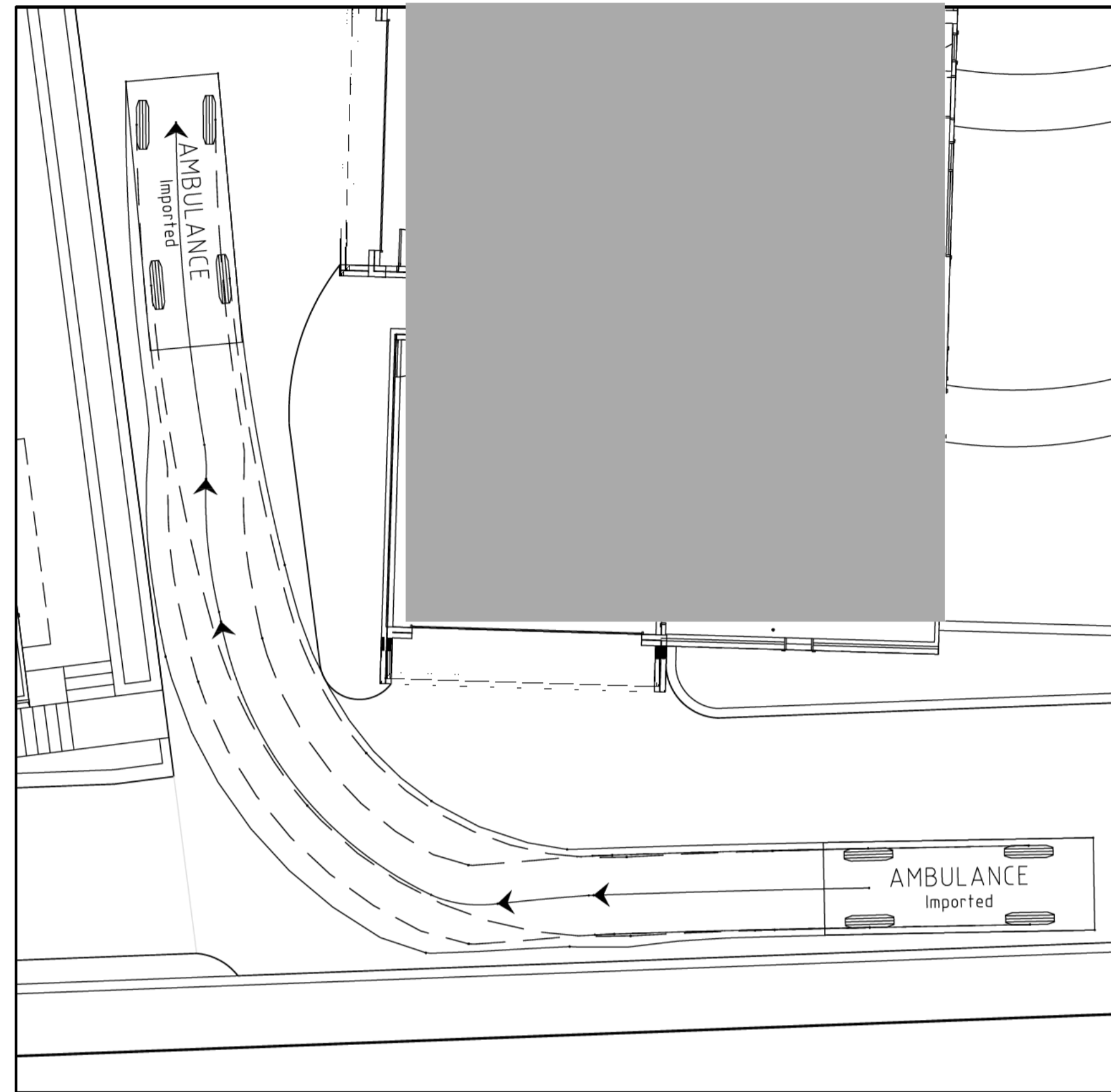
34A Taylor Street

Annandale 2038

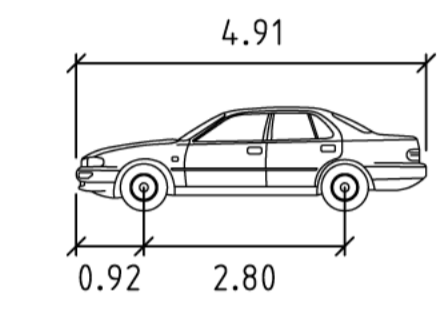
t. 02 9660 2255

f. 02 9660 2254

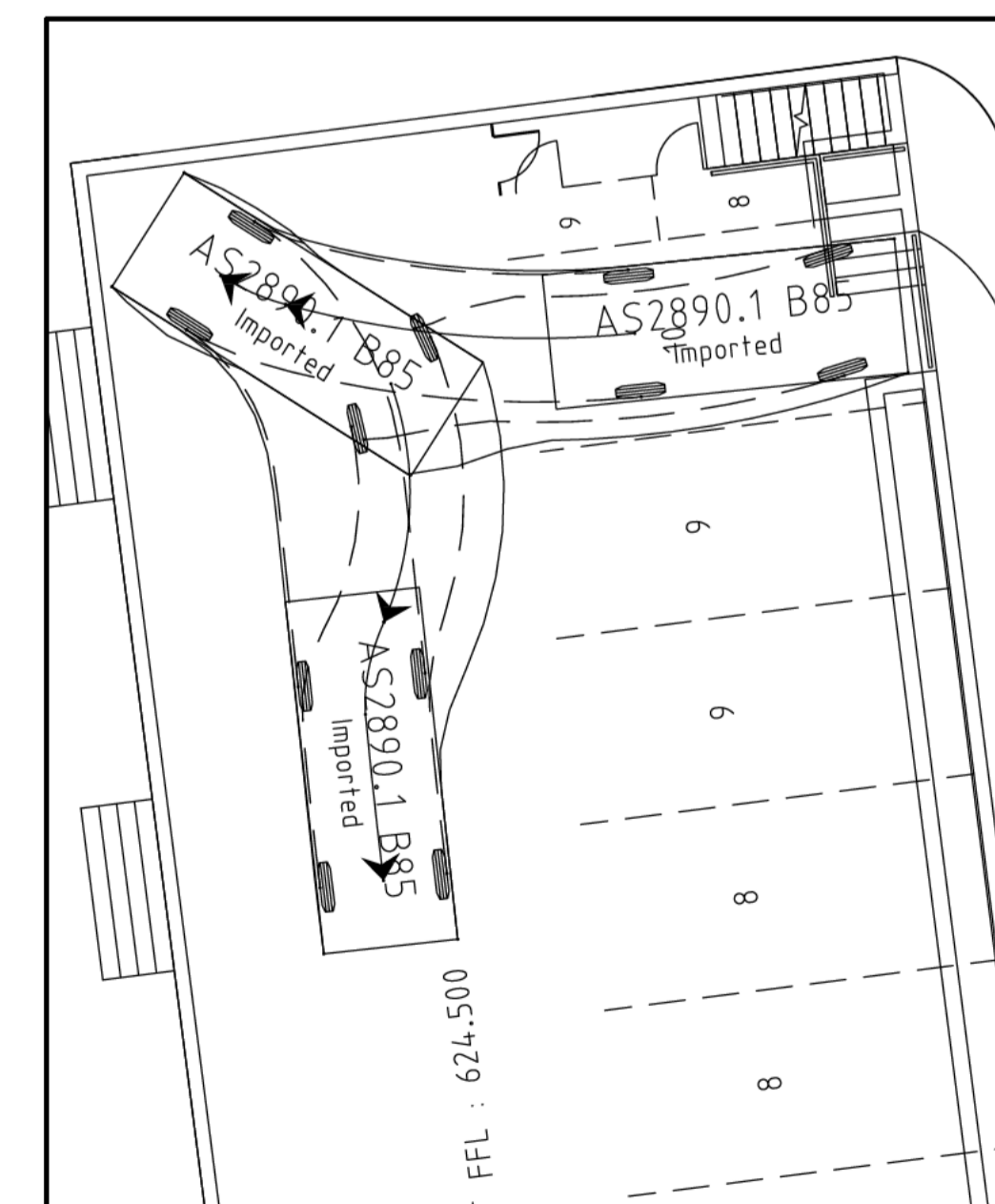
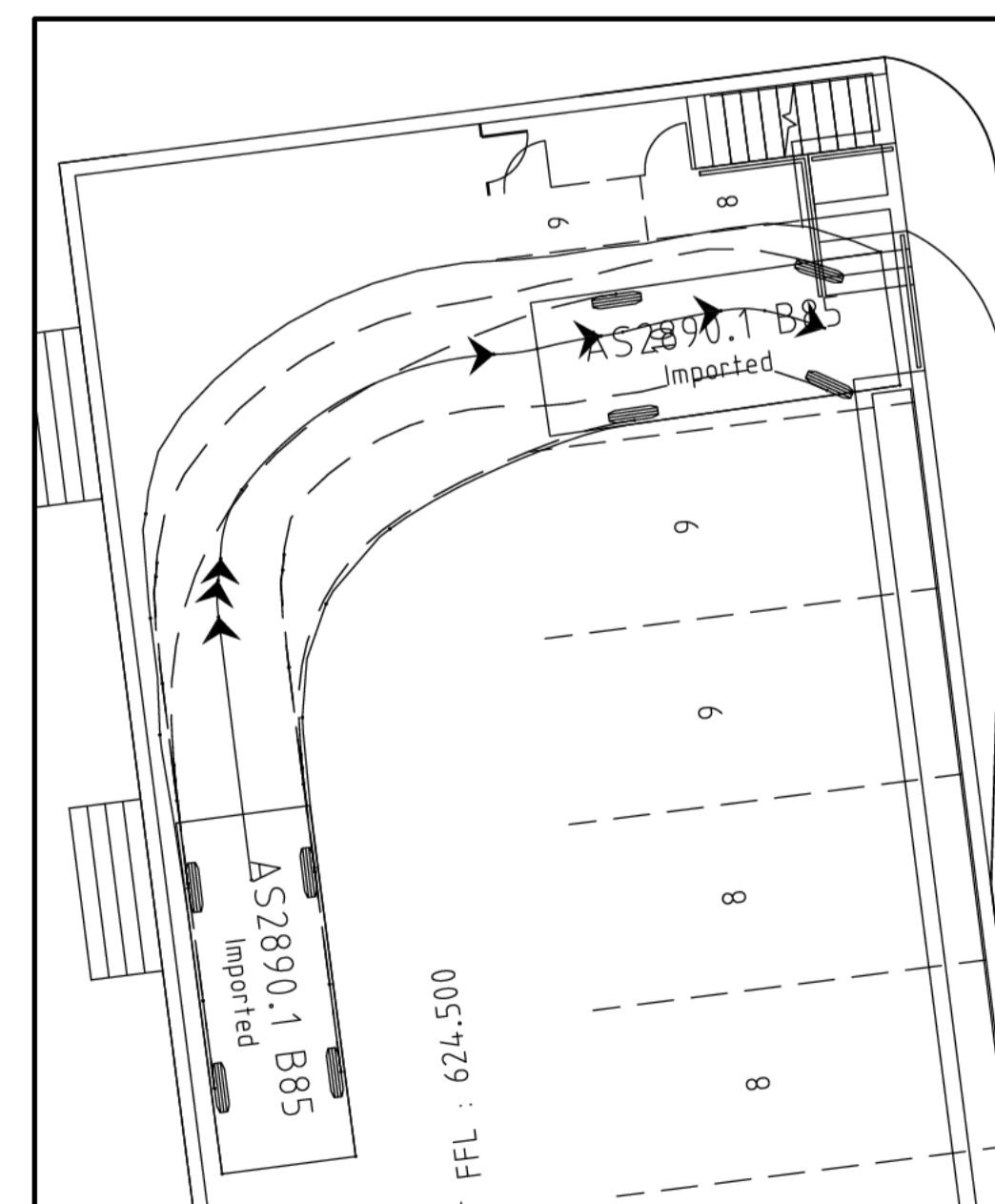
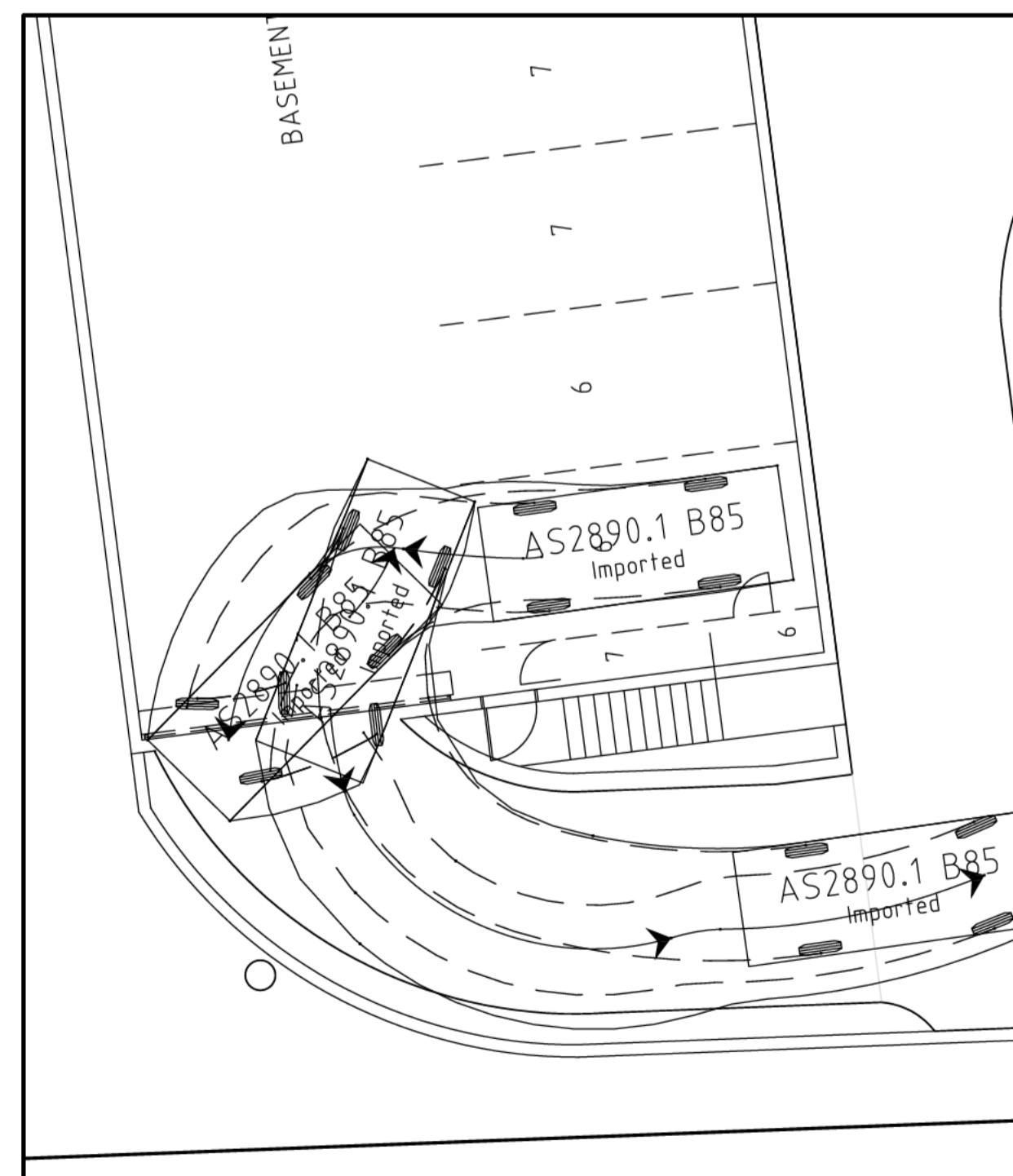
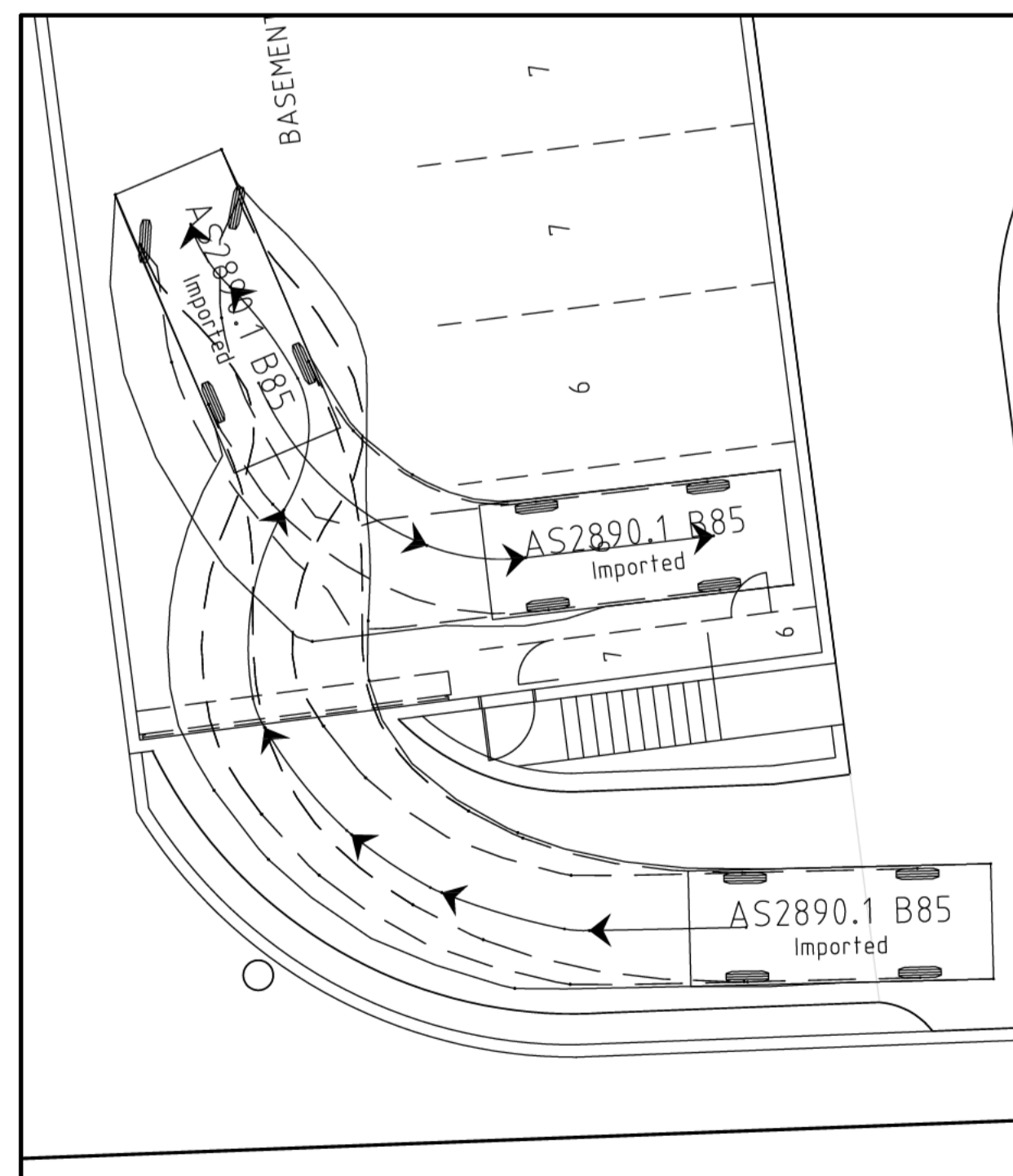
m. 0419 479 022



**AMBULANCE** meters  
 Width : 1.93  
 Track : 1.65  
 Lock to Lock Time : 6.00  
 Steering Angle : 26.2



**AS2890.1 B85** METERS  
 WIDTH : 1.87  
 TRACK : 1.59  
 LOCK TO LOCK TIME : 6.00  
 STEERING ANGLE : 38.00



ISSUE	DESCRIPTION	DATE	CHECKED
A	FOR DEVELOPMENT APPROVAL ONLY.	07.03.09	

**PIERRE DRAGH**  
 CONSULTING ENGINEERS PTY. LTD.  
 PO BOX 336 HALL ACT 2618  
 (m) 0438 625 440 (f) 6230 9695

CLIENT  
**HILLCORP**

PROJECT  
**PROPOSED MULTI UNIT DEVELOPMENT  
 BLOCKS 16 & 17, SECTION 13  
 MAWSON, ACT**

TITLE  
**TURNING DEMONSTRATIONS**

DESIGNED BY KS	SCALE 1:100 @ A1
DRAWN BY KS	JOB NO.
AUTHORISED	<b>09HILL1</b>
DATE MAR 09	DRAWING NO. <b>C08</b>

**From:** [Peter Byfield](#)  
**To:** [Pradhan, Jyoti](#)  
**Cc:** [joneshill@bigpond.com.au](mailto:joneshill@bigpond.com.au)  
**Subject:** RE: 16+17/13 Mawson  
**Date:** Tuesday, 10 March 2009 9:47:20 AM  
**Attachments:** [OSD Concept.pdf](#)  
[Vehicle turns.pdf](#)

---

Jyoti,

Engineering OSD and vehicle turning plans are attached for your comment.

Regards

PB

---

**From:** Pradhan, Jyoti [mailto:[Jyoti.Pradhan@act.gov.au](mailto:Jyoti.Pradhan@act.gov.au)]  
**Sent:** Thursday, 5 March 2009 2:39 PM  
**To:** Peter Byfield  
**Subject:** RE: 16+17/13 Mawson

Thanks Peter.

---

**From:** Peter Byfield [mailto:[peter@pb-a.com.au](mailto:peter@pb-a.com.au)]  
**Sent:** Thursday, 5 March 2009 2:38 PM  
**To:** Pradhan, Jyoti  
**Subject:** RE: 16+17/13 Mawson

Dear Jyoti,

The Engineer is currently working on these, I'll get them to you ASAP.

Regards

PB

---

**From:** Pradhan, Jyoti [mailto:[Jyoti.Pradhan@act.gov.au](mailto:Jyoti.Pradhan@act.gov.au)]  
**Sent:** Thursday, 5 March 2009 12:55 PM  
**To:** Peter Byfield  
**Subject:** RE: 16+17/13 Mawson

Good Afternoon Peter,

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Regards,

Jyoti

---

**From:** Peter Byfield [mailto:peter@pb-a.com.au]  
**Sent:** Wednesday, 4 March 2009 10:02 AM  
**To:** Pradhan, Jyoti  
**Cc:** joneshill@bigpond.com.au  
**Subject:** 16+17/13 Mawson

Dear Jyoti,

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I do hope these revisions satisfy your concerns, feel free to call should the need arise.

Regards

**Peter Byfield**

PRINCIPAL

PETER BYFIELD +

Associates pty ltd

34A Taylor Street

Annandale 2038

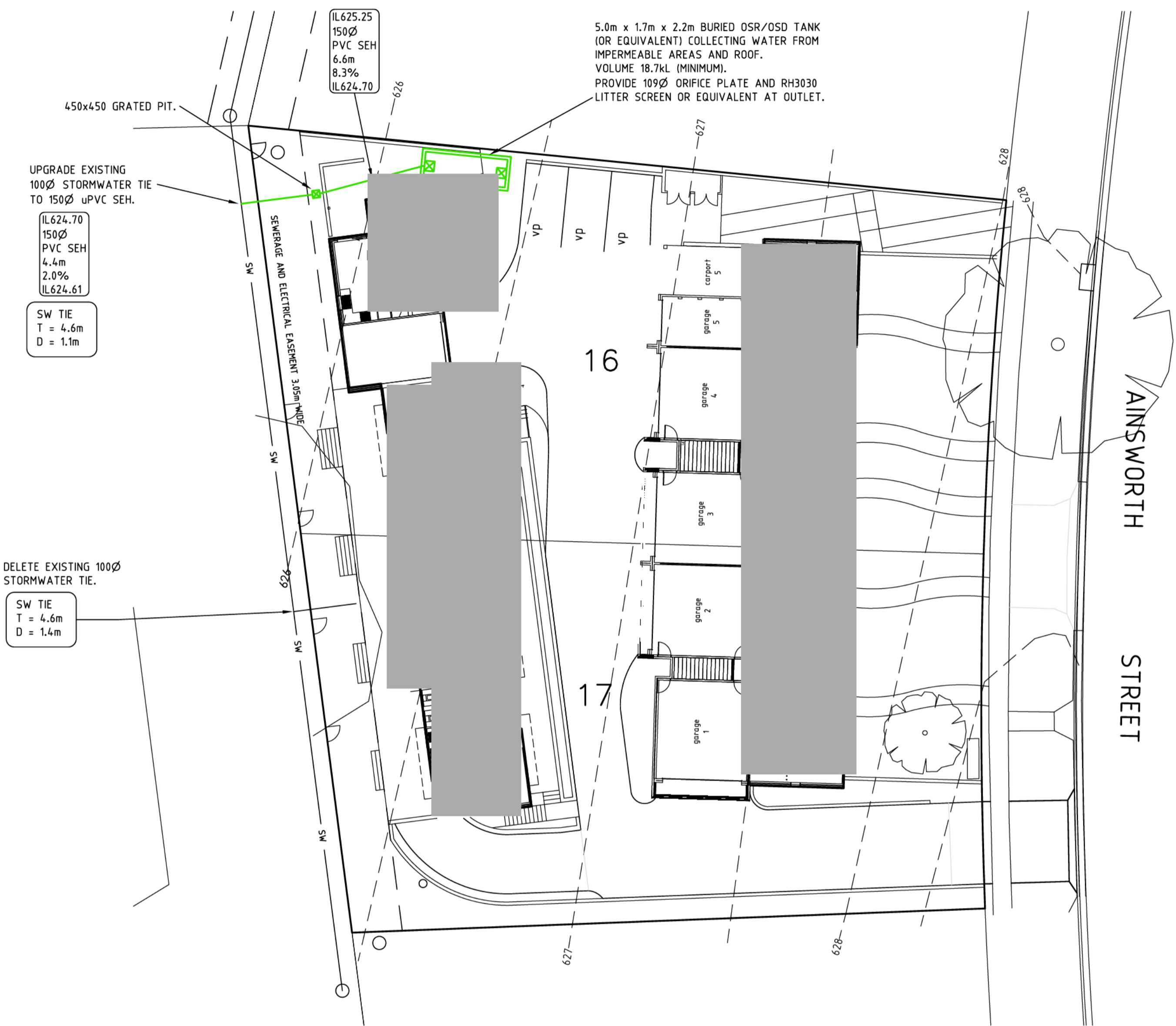
t. 02 9660 2255

f. 02 9660 2254

m. 0419 479 022

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### WATER SENSITIVE URBAN DESIGN CHECKLIST

PLUMBING FITTING	RATING	APPLIANCES (OPTIONAL)	RATING
TAPS	3 STAR	WASHING MACHINE	NA
SHOWER HEADS	3 STAR	DISHWASHER	NA
TOILETS	4 STAR		
OTHER			

LANDSCAPING			
AREA OF IRRIGATED LAWN	125	m <sup>2</sup>	
AREA OF IRRIGATED GARDEN BEDS	175	m <sup>2</sup>	
TOTAL IRRIGATED AREA	300	m <sup>2</sup>	
AREA OF NON-IRRIGATED LAWN	0	m <sup>2</sup>	
AREA OF NON-IRRIGATED GARDEN BEDS	251.7	m <sup>2</sup>	
TOTAL NON-IRRIGATED AREA	251.7	m <sup>2</sup>	

RAINWATER STORAGE AND USE PROPOSED	YES	
USES FOR STORED WATER	YES	
GARDEN USE	YES	
TOILET FLUSHING	NO	
OTHER	NO	

ESTIMATED MAINS WATER USE REDUCTION USING THE DESIGN RESPONSE REPORT, BASIX OR OTHER ASSESSMENT TOOL SPREADSHEET: 40%

STORMWATER MANAGEMENT DEVELOPMENT AREA	1925.4	m <sup>2</sup>
IMPERVIOUS AREA - ROOF AREA		
ROOF CONNECTED TO RAINWATER STORAGE	731.2	m <sup>2</sup>
ROOF AREA NOT CONNECTED TO STORAGE	0	m <sup>2</sup>
TOTAL	731.2	m <sup>2</sup>
IMPERVIOUS AREA - PAVED AREAS		
HARD PAVED AREAS	642.5	m <sup>2</sup>
PERMEABLE / POROUS PAVING	0	m <sup>2</sup>
TOTAL	642.5	m <sup>2</sup>

TOTAL IMPERVIOUS AREAS (WITH A 50% REDUCTION APPLIED TO PERMEABLE/POROUS PAVING AREAS) 1373.7 m<sup>2</sup>

THIS PROJECT IS IN A RESIDENTIAL ZONED AREA. THE STORMWATER SITE STORAGE REQUIREMENT IS TOTAL IMPERVIOUS AREA ABOVE MINUS 35% OF THE BLOCK AREA DIVIDED BY 100 AND MULTIPLIED BY 1.4 KL 9.8 m<sup>3</sup>

PAVED AREAS SHEDDING RUNOFF TO GARDEN BEDS AND/OR LAWNS 120 m<sup>2</sup>

RAINWATER STORAGE PROPOSED YES  
TYPE OF STORAGE (ABOVE GROUND TANK, BURIED TANK, GUTTER STORAGE, WALL STORAGE, OTHER) BURIED TANK

VOLUME OF STORAGE (M3 OR KL) 18.7 m<sup>3</sup>(=KL)

EXTENDED STORAGE DETENTION PROPOSED YES

STORMWATER SITE STORAGE ACHIEVED (= 50% OF RAINWATER STORAGE PLUS 100% OF EXTENDED DETENTION STORAGE) 13.0 m<sup>3</sup>(=KL)

WASTEWATER REUSE PROPOSED? NO

SUMMARY OF WSUD TARGETS AND ACHIEVEMENTS	TARGET	ACHIEVED
MAINS WATER USE REDUCTION	40%	40%
STORMWATER SITE STORAGE	9.8 M3(=KL)	10.2 M3(=KL)

### PUMP NOTES

- PROVIDE DUAL SUBMERSIBLE, SELF ACTIVATING PUMP SET WITH EACH PUMP RATED AT 10L/s DISCHARGE RATE OVER 4.0m HEAD.
- PUMP SIZE AND PRESSURE PIPE DIAMETER TO BE DETERMINED BY PUMP MANUFACTURER.
- SET PUMPS TO ALTERNATE PUMP ACTIVATION.
- PROVIDE HIGH LEVEL DUAL PUMP ACTIVATION.
- PROVIDE VISABLE ALARM IN CASE OF PUMP FAILURE.
- PROVIDE AUDIBLE ALARM IN CASE BOTH PUMPS FAIL.
- PUMPS TO BE FITTED SECURELY INSIDE PUMP OUT WELL.
- PROVIDE GATE AND NON-RETURN VALVES TO DELIVERY SIDE OF EACH PUMP.
- ALL ELECTRICAL MOTORS TO BE INSTALLED IN ACCORDANCE WITH AS3000.
- LOCATE HIGH AND LOW LEVEL ALARMS CLEAR OF INLETS TO PREVENT FALSE ALARMS.
- PROVIDE LITTERSCREEN ABOUT PUMP SET.

### DETENTION

SITE STORAGE REQUIRED = 7.3 m<sup>3</sup>  
SITE STORAGE PROVIDED = 8.5 m<sup>3</sup>

### RETENTION

SITE STORAGE REQUIRED = 9.8 m<sup>3</sup>  
SITE STORAGE PROVIDED = 10.2 m<sup>3</sup>

### MINIMUM INTERNAL DIMENSIONS STORMWATER AND INLET PITS

Depth to invert of outlet	Minimum internal dimensions		
	Rectangular		Circular
	Width	Length	Diameter
<600	450	450	600
>600 <900	600	600	900
>900 <1200	600	900	1000
>1200	900	900	1000

AS3500.3:2 Table 8.2

### WATER CONSERVATION STRATEGIES

- ON SITE RETENTION TANK PROVIDED FOR LANDSCAPE IRRIGATION, WC FLUSHING AND LAUNDRY RE-USE.
- DUAL FLUSH CISTERNS TO BE PROVIDED TO ALL WC'S THROUGHOUT DEVELOPMENT.
- WATER SAVER SHOWER HEADS TO BE PROVIDED.
- MULCH TO BE PROVIDED TO ALL GARDEN BEDS (50MM MINIMUM DEPTH)

### STORMWATER NOTES

- ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH AS 3500.3 AND THE DESIGN STANDARDS FOR URBAN INFRASTRUCTURE.
- ALL STORMWATER LINES TO BE 100Ø uPVC AT 1.0% MIN. GRADE UNLESS NOTED OTHERWISE.
- COVER TO SERVICES TO BE IN ACCORDANCE WITH AS 3500.3.2-1998.
- ALL SUB-SOIL LINES TO BE SLEEVED WITH GEOFABRIC FILTER WITH NO FINES AGGREGATE BACKFILL.
- MAXIMUM IN GROUND JUNCTION DEFLECTION ANGLE TO BE 45 DEGREES.

### ON SITE RETENTION NOTES

- ALL BUILDING STORMWATER DRAINAGE TO PASS THROUGH OSDR/OSD TANK PRIOR TO DISCHARGE FROM SITE.
- PROVIDE ELECTRICAL SERVICES TO TANK FOR PUMP OPERATION.

### MAINTENANCE NOTES

- MAINTENANCE OF STORAGE SYSTEM IS THE RESPONSIBILITY OF THE BODY CO-OPERATE.
- MAINTENANCE TO BE CARRIED OUT ON A QUARTERLY BASIS AT A MINIMUM AND AFTER EXTENDED PERIODS OF RAINFALL.
- MAINTENANCE PROCEDURE TO INCLUDE:
  - REMOVAL OF GROSS POLLUTANTS AND SEDIMENT FROM TANK AND SUMPS.
  - REMOVAL AND CLEANING OF LITTERSCREEN AND REINSTATE.
  - FLUSH SYSTEM AND REMOVE REMAINING SEDIMENT AS NECESSARY.
  - ASSESS CONDITION OF ORIFICE PLATE, REPLACE IF POOR.
  - GENERAL ASSESSMENT OF SYSTEM, CARRY OUT ANY NECESSARY REPAIRS.

ISSUE	DESCRIPTION	DATE	CHECKED
A	FOR DEVELOPMENT APPROVAL ONLY.	07.03.09	

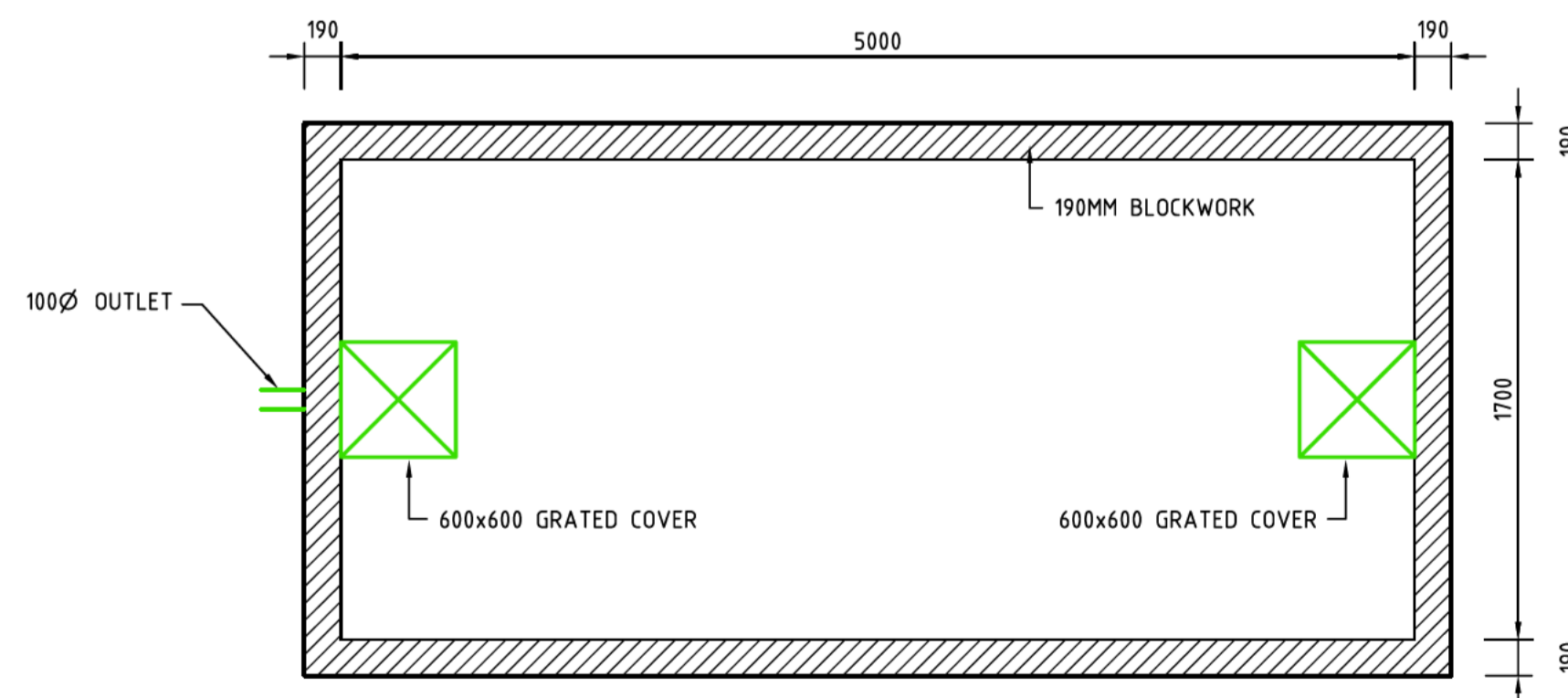
PIERRE DRAGH  
CONSULTING ENGINEERS PTY. LTD.  
PO BOX 336 HALL ACT 2618  
(m) 0438 625 440 (f) 6230 9695

CLIENT  
HILLCORP

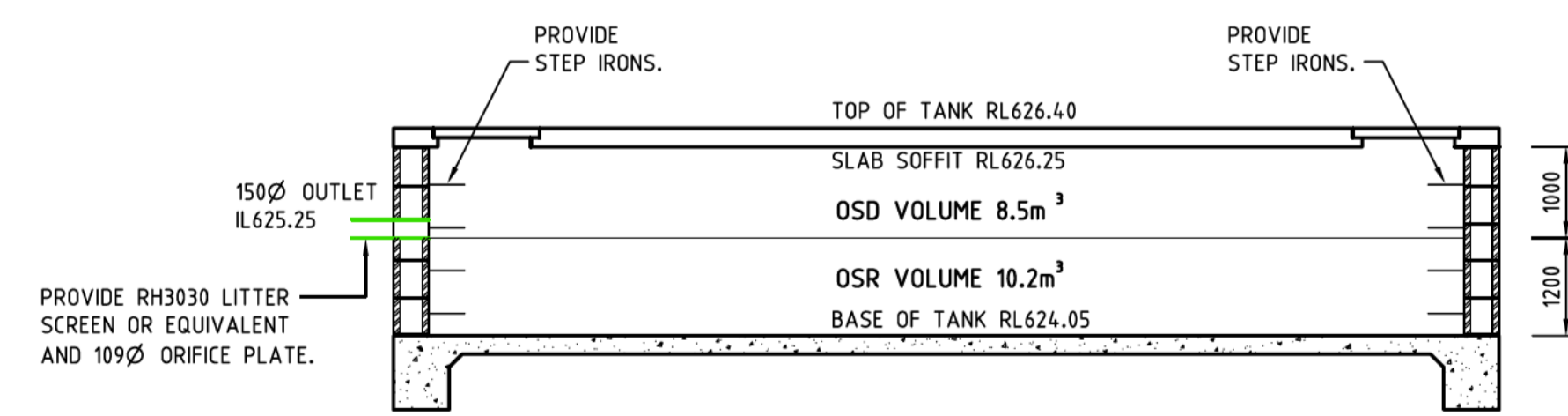
PROJECT  
PROPOSED MULTI UNIT DEVELOPMENT  
BLOCKS 16 & 17, SECTION 13  
MAWSON, ACT

TITLE  
WATER MANAGEMENT PLAN

DESIGNED BY KS	SCALE 1:200 @ A1
DRAWN BY KS	JOB NO. 09HILL1
AUTHORISED	DRAWING NO.
DATE MAR 09	C04



OSD TANK PLAN  
NOT TO SCALE



TYPICAL LONG SECTION  
NOT TO SCALE

**From:** [Peter Byfield](#)  
**To:** [App\\_Sec](#)  
**Cc:** [joneshill@bigpond.com.au](mailto:joneshill@bigpond.com.au)  
**Subject:** DA# 200812307 16+17/13 Mawson  
**Date:** Thursday, 12 March 2009 6:34:13 PM

---

Dear App Sec.

Jyoti Pradhan has asked me to forward the attached documentation to assist in the reconsideration of the application referred to above. Ms Pradhan mentioned we would not need an application form, and forgive me but I was unsure if I was required to comply with your naming convention.

Please let me know if any additional information is required.

Thank you for your prompt assistance in this matter.

## **Peter Byfield**

P R I N C I P A L

PETER BYFIELD +

Associates pty ltd

34A Taylor Street

Annandale 2038

t. 02 9660 2255

f. 02 9660 2254

m. 0419 479 022

**REVISED  
ACCESS AND  
MOBILITY REPORT**

Multi Unit  
Housing

Blocks **16 + 17**  
Section **13**  
**MAWSON ACT**

PETER BYFIELD  
+ Associates p/l  
Suite A, 34 Taylor St.  
Annandale NSW 2038  
t. 02 9660 2255  
f. 02 9660 2254  
pb-a.com.au

March 2009

### **Adaptable Unit/s**

In accordance with Residential Zones – Multi Unit Development Code – Accessibility, 1 in 10 (10%) of the proposed units are to be capable of being adapted to satisfy the provisions of AS4299 'Adaptable Housing Code' (The Code). As ten dwellings are proposed, one needs to satisfy this requirement. We have nominated Unit 10 as the 'Adaptable Unit' and designed it so as to need no adaptation to satisfy the requirements of The Code for both the resident/s and visitors alike. **Therefore no pre and post adaptation plans have been provided for consideration.**

### **Site Access and Accessible Path of Travel**

Visual connection and a continuous path of travel is provided from the public realm to Unit 10 via the pedestrian ramp provided at the northern side of the site, next to Unit 5. This ramp will comply with AS 1428.1 and provide a continuous, slip resistant, hard surface with grades to satisfy AS 1428.1.

Vehicular access for both residents and emergency vehicles is provided along the communal driveway at the southern end of the site, refer to Engineers details for turning provisions for emergency vehicles.

### **Doorways and Doors**

All doorways and circulation areas within Unit 10 (the adaptable unit) satisfy AS 4299. No internal alterations are required for it to satisfy the requirements of AS 4299 and AS 1428.1.

### **Car Parking Facilities**

Unit 10 has its own attached at grade secure lock up garage. Surrounding grades and internal dimensions at 3.8 wide x 6m long with a 2.5m ceiling height satisfy the requirements of AS 1428.1 and AS 2890.1

### **Letterboxes**

A communal letterbox facility is provided accessed from the public footpath at the front of the site, accessed from the accessible pathway described earlier.

Refer to the attached schedule of features for adaptable housing for details of features to be incorporated.

APPENDIX A  
 SCHEDULE OF FEATURES FOR ADAPTABLE HOUSING  
 (Normative)

This schedule is a list of essential features to be incorporated into a housing unit for it to be termed an 'Adaptable House'. A higher level of 'Adaptable House' classification may be achieved by incorporating some or all of the desirable elements.

It is intended that this schedule be also used as a checklist to record the features incorporated.

**CLASSIFICATION LEVELS**

**Adaptable house class A.** All essential and all desirable features incorporated.

**Adaptable house class B** All essential and 50% desirable features incorporated, including all those notated 'first priority'.

**Adaptable house class C** All essential features incorporated.

Item No.	Room/Item	Clause No.	Essential		First priority desirable		Desirable	
			Required feature	Certified by	Proposed feature	Certified by	Proposed feature	Certified by
	<b>DRAWINGS</b>							
1	Provision of drawings showing the housing unit in its pre-adaptation and post-adaptation stages	2.3	✓					
	<b>SITING</b>							
2	A level or gently sloping site with up to 1:14 gradient	3.2.2			✓			
3	A continuous accessible path of travel from street frontage and vehicle parking to entry complying with AS 1428.1	3.3.2	✓					
4	Additional paths and walkways to be continuous, slip-resistant and hard-surfaced with gradients complying with AS 1428.1	3.3.2					✓	
5	Within a residential estate development, common use facilities to be accessible	3.3.3			✓			
6	Within a residential estate development, street names with house numbers at each intersection	3.3.3					✓	
7	Within a residential estate development, internal roadways to be separate from pedestrian walkways	3.3.3			✓			
	<b>SECURITY</b>							
8	Pathway lighting shall be positioned at low height to avoid glare and to provide min. 50 lux at ground level	3.6.1			✓			
9	Clear line of sight from a well-lit vehicle drop-off point to safe pedestrian entry point	3.6.2			✓			

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Item No.	Room/Item	Clause No.	Essential		First priority desirable		Desirable	
			Required feature	Certified by	Proposed feature	Certified by	Proposed feature	Certified by
	<b>LETTERBOXES IN ESTATE DEVELOPMENTS</b>							
10	Within residential estate developments, letterboxes centrally located adjacent to street entry. Lockable	3.8			<input checked="" type="checkbox"/>			
11	Letterboxes to be on hard standing area connected to accessible pathway	3.8	<input checked="" type="checkbox"/>					
12	Letterbox area roofed and in a well lit location	3.8			<input checked="" type="checkbox"/>			
13	Parcel rack included with letterboxes	3.8			<input checked="" type="checkbox"/>			
	<b>PRIVATE CAR ACCOMMODATION</b>							
14	Carparking space or garage min. area 6.0 m x 3.8 m	3.7.2	<input checked="" type="checkbox"/>					
15	Roof to car parking space	3.7.1			<input checked="" type="checkbox"/>			
16	Internal clearance of garage or carport 2.5 m min.	3.7.2			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
17	Provision for power-operated roller door to garage	3.7.2					<input checked="" type="checkbox"/>	
18	Covered access to dwelling unit	3.7.3					<input checked="" type="checkbox"/>	
19	Illumination level min. 50 lux	4.10			<input checked="" type="checkbox"/>			
	<b>ACCESSIBLE ENTRY</b>							
20	Accessible entry	4.3.1	<input checked="" type="checkbox"/>					
21	Entry protected by porch or similar	4.3.1					<input checked="" type="checkbox"/>	
22	Accessible entry to be level (i.e. max. 1:40 slope)	4.3.2	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	
23	Threshold to be low-level	4.3.2	<input checked="" type="checkbox"/>					
24	Landing to enable wheelchair manoeuvrability	4.3.2	<input checked="" type="checkbox"/>					
25	Accessible entry door to have 850 mm min. clearance	4.3.1	<input checked="" type="checkbox"/>					
26	Weatherproofed entry door	4.3.3					<input checked="" type="checkbox"/>	
27	Door lever handles and hardware to AS 1428.1	4.3.4	<input checked="" type="checkbox"/>					
28	Provision for combined door/security door	4.3.5			<input checked="" type="checkbox"/>			
29	Potential min. illumination level 300 lux	4.10			<input checked="" type="checkbox"/>			
	<b>EXTERIOR: GENERAL</b>							
30	All external doors to be keyed alike	4.3.4					<input checked="" type="checkbox"/>	
31	Provision for security screen to exterior opening or sliding windows and doors	4.7.6			<input checked="" type="checkbox"/>			
	<b>INTERIOR: GENERAL</b>							
32	Internal doors to have 820 mm min. clearance	4.3.3	<input checked="" type="checkbox"/>					
33	Internal corridors min. width of 1000 mm	4.3.7	<input checked="" type="checkbox"/>					
34	Provision for compliance with AS 1428.1 for door approaches	4.3.7	<input checked="" type="checkbox"/>					
35	Window sills at max. 730 mm above floor level to living and 600 mm above floor level to bedroom areas	4.7.2, and 4.6.2					<input checked="" type="checkbox"/>	

Item No.	Room/Item	Clause No.	Essential		First priority desirable		Desirable	
			Required feature	Certified by	Proposed feature	Certified by	Proposed feature	Certified by
<b>LIVING ROOM &amp; DINING ROOM</b>								
36	Provision for circulation space of min. 2250 mm diameter	4.7.1	<input checked="" type="checkbox"/>					
37	Minimum 4 double GPOs	4.7.3			<input checked="" type="checkbox"/>			
38	Telephone adjacent to GPO	4.7.4	<input checked="" type="checkbox"/>					
39	Telephone outlet location between kitchen and living space, adjacent to GPO	4.7.4					<input checked="" type="checkbox"/>	
40	Two TV antenna outlets adjacent to GPO (positioned so viewing from dining and kitchen is achievable)	4.7.5			<input checked="" type="checkbox"/>			
41	Potential illumination level min. 300 lux	4.10	<input checked="" type="checkbox"/>					
<b>KITCHEN</b>								
42	Minimum width 2.7 m (1550 mm clear between benches)	4.5.2	<input checked="" type="checkbox"/>					
43	Provision for circulation at doors to comply with AS 1428.1	4.5.1	<input checked="" type="checkbox"/>					
44	Provision for benches planned to include at least one work surface of 800 mm length, adjustable in height from 750 mm to 850 mm or replaceable. Refer to Figure 4.8	4.5.5	<input checked="" type="checkbox"/>					
45	Refrigerator adjacent to work surface	4.5.5	<input checked="" type="checkbox"/>					
46	Kitchen sink adjustable to heights from 750 mm to 850 mm or replaceable	4.5.6	<input checked="" type="checkbox"/>					
47	Kitchen sink bowl max. 150 mm deep	4.5.6	<input checked="" type="checkbox"/>					
48	Tap set capstan or lever handles or lever mixer	4.5.6(e)	<input checked="" type="checkbox"/>					
49	Tap set located within 300 mm of front of sink	4.5.6(e)	<input checked="" type="checkbox"/>					
50	Installation of thermostatic mixing valve	4.5.6(f)			<input checked="" type="checkbox"/>			
51	Cooktops to include either front or side controls with raised cross bars	4.5.7	<input checked="" type="checkbox"/>					
52	Cooktops to include isolating switch	4.5.7	<input checked="" type="checkbox"/>					
53	Work surface min. 800 mm length adjacent to cooktop at same height	4.5.7	<input checked="" type="checkbox"/>					
54	Oven located adjacent to an adjustable height or replaceable work surface	4.5.8	<input checked="" type="checkbox"/>					
55	Provision for microwave oven at height of 750 mm–1200 mm above floor	4.5.9					<input checked="" type="checkbox"/>	
56	Central light with second light over sink. Potential illumination level min. 300 lux with 550 lux over work surfaces	4.10			<input checked="" type="checkbox"/>			
57	Adjustable shelving: depth 600 mm max. up to 800 mm above floor; depth 450 mm max. from 800 to 1500 mm above floor; depth 300 mm max. above 1500 mm	4.5.10					<input checked="" type="checkbox"/>	

Item No.	Room/Item	Clause No.	Essential		First priority desirable		Desirable	
			Required feature	Certified by	Proposed feature	Certified by	Proposed feature	Certified by
58	Locate handles towards the top of below bench cupboards and towards the bottom of overhead cupboards. Provide 'D' pull handles	4.5.10			<input checked="" type="checkbox"/>			
59	GPOs to comply with AS 1428.1. At least one double GPO within 300 mm of front of work surface	4.5.11	<input checked="" type="checkbox"/>					
60	GPO for refrigerator to be easily reachable when the refrigerator is in its operating position	4.5.11	<input checked="" type="checkbox"/>					
61	Slip-resistant floor surface	4.5.4	<input checked="" type="checkbox"/>					
<b>MAIN BEDROOM</b>								
62	At least one bedroom of area sufficient to accommodate queen size bed and wardrobe and circulation space requirements of AS 1428.2	4.6.1	<input checked="" type="checkbox"/>					
63	Two double GPOs on wall where bedhead is likely to be	4.6.3			<input checked="" type="checkbox"/>			
64	Minimum of one GPO on opposite wall	4.6.3					<input checked="" type="checkbox"/>	
65	Telephone outlet next to bed on the side closest to door (with GPO adjacent to telephone outlet)	4.6.5			<input checked="" type="checkbox"/>			
66	TV antenna point and double GPO on opposite wall to bedhead	4.6.6			<input checked="" type="checkbox"/>			
67	2-way light switches, one located above bed. 1000 mm high above floor	4.6.4			<input checked="" type="checkbox"/>			
68	Potential illumination level 300 lux	4.10			<input checked="" type="checkbox"/>			
69	Sliding doors on wardrobe with full length mirror	4.6.7					<input checked="" type="checkbox"/>	
<b>OTHER BEDROOMS</b>								
70	Two double GPOs on one wall. Minimum of one GPO on opposite wall	4.6.3			<input checked="" type="checkbox"/>			
71	Two-way light switch	4.6.4			<input checked="" type="checkbox"/>			
72	Telephone outlet next to double GPO	4.6.5			<input checked="" type="checkbox"/>			
73	TV antenna point adjacent to one GPO	4.6.6			<input checked="" type="checkbox"/>			
74	Potential illumination level 300 lux	4.10			<input checked="" type="checkbox"/>			
<b>BATHROOM</b>								
75	Provision for bathroom area to comply with AS 1428.1	4.4.1	<input checked="" type="checkbox"/>					
76	Slip-resistant floor surface	4.4.2	<input checked="" type="checkbox"/>					
77	Shower recess-no hob. Minimum size 1160 x 1100 to comply with AS 1428.1. (Refer Figures 4.6 and 4.7)	4.4.4(f)	<input checked="" type="checkbox"/>					
78	Shower area waterproofed to AS 3740 with floor to fall to waste	4.4.4(f)	<input checked="" type="checkbox"/>					
79	Recessed soap holder	4.4.4(f)	<input checked="" type="checkbox"/>					
80	Shower taps positioned for easy reach to access side of shower sliding track	4.4.4(f)	<input checked="" type="checkbox"/>					
81	Shower waste min. 80 mm diameter	4.4.4(f)					<input checked="" type="checkbox"/>	

Item No.	Room/Item	Clause No.	Essential		First priority desirable		Desirable	
			Required feature	Certified by	Proposed feature	Certified by	Proposed feature	Certified by
82	Provision for adjustable, detachable hand held shower rose mounted on a slider grabrail or fixed hook (plumbing and wall-strengthening provision)	4.4.4(h)	<input checked="" type="checkbox"/>					
83	Provision for grabrail in shower (Refer to Figure 4.7) to comply with AS 1428.1	4.4.4(h)	<input checked="" type="checkbox"/>					
84	Provision for additional grabrail	4.4.4(h)			<input checked="" type="checkbox"/>			
85	Provision for folding seat in shower to comply with AS 1428.1	4.4.4(h)					<input checked="" type="checkbox"/>	
86	Tap sets to be capstan or lever handles with single outlet	4.4.4(c)	<input checked="" type="checkbox"/>					
87	Installation of thermostatic mixing valve	4.4.4(b)			<input checked="" type="checkbox"/>			
88	Provision for washbasin with clearances to comply with AS 1428.1	4.4.4(g)	<input checked="" type="checkbox"/>					
89	Wall cabinet with light over or similar	4.4.4(d)			<input checked="" type="checkbox"/>			
90	Double GPO beside mirror	4.4.4(d)	<input checked="" type="checkbox"/>					
91	Potential illumination level 300 lux generally with 600 lux task lighting	4.10			<input checked="" type="checkbox"/>			
	<b>TOILET</b>							
92	Provision of either 'visitable toilet' or accessible toilet	4.4.3	<input checked="" type="checkbox"/>					
93	Provision to comply with AS 1428.1	4.4.1	<input checked="" type="checkbox"/>					
94	Location of WC pan at correct distance from fixed walls	4.4.3	<input checked="" type="checkbox"/>					
95	Provision for grab rail zone. (Refer Figure 4.6)	4.4.4(h)	<input checked="" type="checkbox"/>					
96	Slip resistant floor surface. (Vitrous tiles or similar)	4.4.2	<input checked="" type="checkbox"/>					
97	Recessed toilet roll holder	4.4.3					<input checked="" type="checkbox"/>	
	<b>LAUNDRY</b>							
98	Circulation at doors to comply with AS 1428.1	4.8	<input checked="" type="checkbox"/>					
99	Provision for adequate circulation space in front of or beside appliances (min. 1550 mm depth)	4.8	<input checked="" type="checkbox"/>					
100	Provision for automatic washing machine	4.8(e)	<input checked="" type="checkbox"/>					
101	Provision for drier	4.8(f)			<input checked="" type="checkbox"/>			
102	Where clothes line is provided, an accessible path of travel to this	4.8(a)	<input checked="" type="checkbox"/>					
103	Installation of thermostatic mixing valve	4.8(d)			<input checked="" type="checkbox"/>			
104	Taps positioned at side of tub	4.8(c)					<input checked="" type="checkbox"/>	
105	Double GPO	4.8(g)	<input checked="" type="checkbox"/>					
106	Provision of shelf for soaps and similar, 1200 mm max. height	4.8(h)					<input checked="" type="checkbox"/>	
107	Potential illumination level 300 lux generally with 550 lux task lighting	4.10			<input checked="" type="checkbox"/>			
108	Slip-resistant floor surface	4.9.1	<input checked="" type="checkbox"/>					

Item No.	Room/Item	Clause No.	Essential		First priority desirable		Desirable	
			Required feature	Certified by	Proposed feature	Certified by	Proposed feature	Certified by
	<b>STORAGE</b>							
109	Linen cupboard min. 600 mm wide with adjustable shelving	4.11.5			<input checked="" type="checkbox"/>			
	<b>DOOR LOCKS</b>							
110	Door hardware operable with one hand, located 900–1100 mm above floor	4.3.4	<input checked="" type="checkbox"/>					
	<b>FLOOR COVERINGS</b>							
111	Slip resistant surfaces — balconies and external paved areas. (Vitreous tile or similar)	4.9.1			<input checked="" type="checkbox"/>			
	<b>ANCILLARY ITEMS</b>							
112	Switches located 900–1100 mm above floor in line with door handles	4.11.1			<input checked="" type="checkbox"/>			
113	GPOs located not less than 600 mm above floor	4.11.1			<input checked="" type="checkbox"/>			
114	Electrical distribution board located inside housing unit	4.11.2					<input checked="" type="checkbox"/>	
115	Window controls located in an accessible position	4.11.4					<input checked="" type="checkbox"/>	
	<b>GARBAGE</b>							
116	Provision for bin in an accessible location	4.11.6			<input checked="" type="checkbox"/>			
117	Provision for external wheelchair storage	4.11.6					<input checked="" type="checkbox"/>	
118	Provision for external battery charging facility	4.11.6					<input checked="" type="checkbox"/>	
119	Guide dog accommodation	4.11.6					<input checked="" type="checkbox"/>	

**IMPLEMENTATION** The Table indicates essential/desirable categories and the level required of the feature noted. All essential items are pre-checked in the 'essential' features column. The independent certifier must initial the second column to confirm the item has been incorporated into the building.

The developer/builder shall indicate which 'first priority desirable' and 'desirable' features are intended to be incorporated in the 'adaptable house' by checking the relevant boxes. The independent certifier must initial the second column to confirm the item has been incorporated into the building.

Upon addition of the number of 'first priority desirable' and 'desirable' features provided, and conversion to a percentage of the total possible desirable features, the classification level can be ascertained.

The certifier should sign the checklist as to the class of adaptable housing achieved.

No. of desirable features incorporated

Add number of first priority desirable features

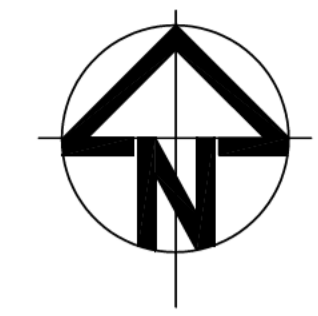
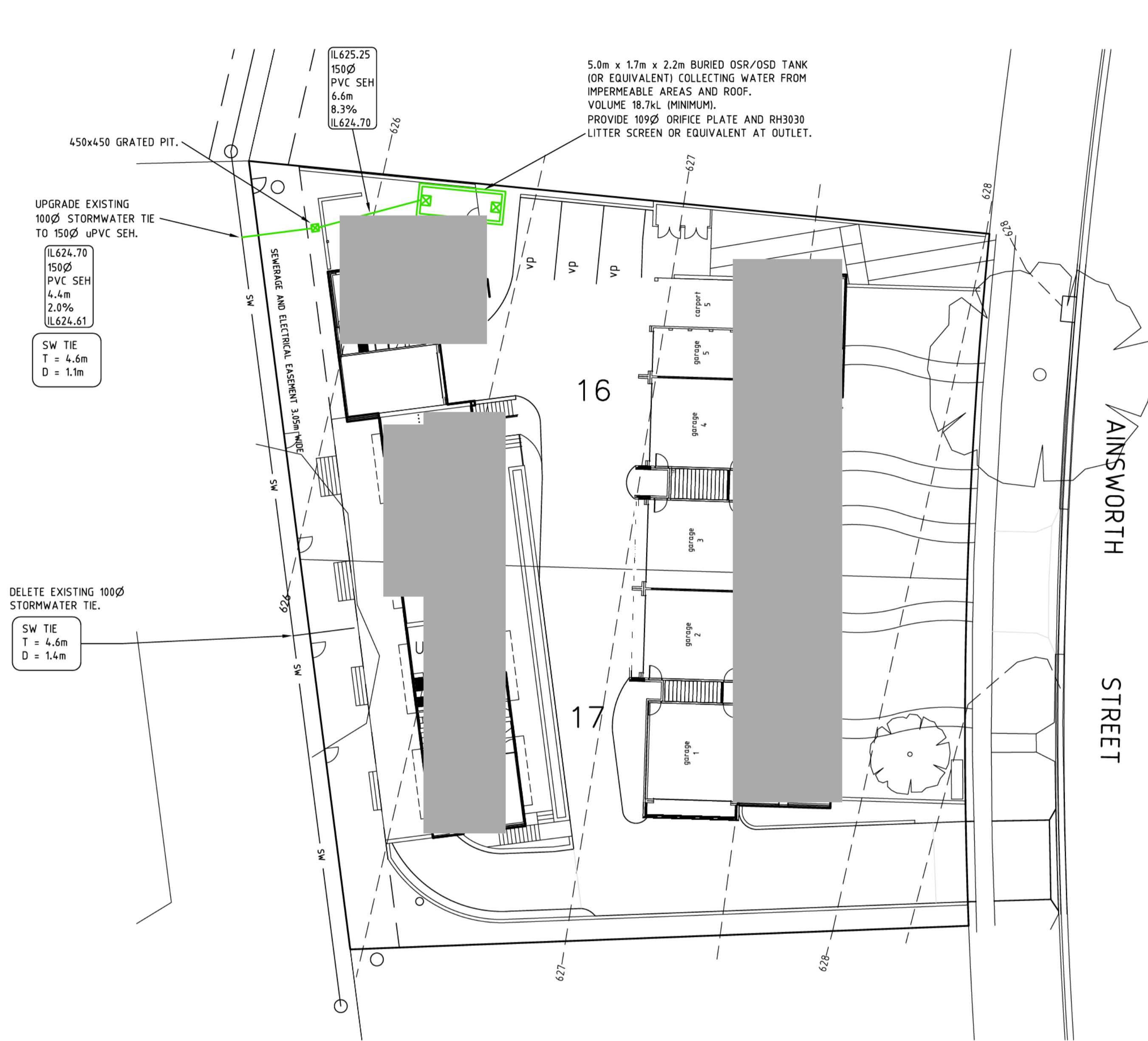
Total

20	+	40	=	60	%	of	64	possible desirable features
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NOTE: Minimum 50% must be achieved for class B certification; 100% must be achieved for class A certification.

Provision user review only. Storage, distribution or use on network prohibited.





**WATER SENSITIVE URBAN DESIGN CHECKLIST**

MAINS WATER USE			
PLUMBING FITTING	RATING	APPLIANCES (OPTIONAL)	RATING
TAPS	3 STAR	WASHING MACHINE	NA
SHOWER HEADS	3 STAR	DISHWASHER	NA
TOILETS	4 STAR		
OTHER			
LANDSCAPING			
AREA OF IRRIGATED LAWN	125	m <sup>2</sup>	
AREA OF IRRIGATED GARDEN BEDS	175	m <sup>2</sup>	
TOTAL IRRIGATED AREA	300	m <sup>2</sup>	
AREA OF NON-IRRIGATED LAWN	0	m <sup>2</sup>	
AREA OF NON-IRRIGATED GARDEN BEDS	251.7	m <sup>2</sup>	
TOTAL NON-IRRIGATED AREA	251.7	m <sup>2</sup>	
RAINWATER STORAGE AND USE PROPOSED			
USES FOR STORED WATER	YES		
GARDEN USE	YES		
TOILET FLUSHING	NO		
OTHER	NO		
ESTIMATED MAINS WATER USE REDUCTION USING THE DESIGN RESPONSE REPORT, BASIX OR OTHER ASSESSMENT TOOL SPREADSHEET: 40%			
STORMWATER MANAGEMENT			
DEVELOPMENT AREA	1925.4	m <sup>2</sup>	
IMPERVIOUS AREA - ROOF AREA			
ROOF CONNECTED TO RAINWATER STORAGE	731.2	m <sup>2</sup>	
ROOF AREA NOT CONNECTED TO STORAGE	0	m <sup>2</sup>	
TOTAL	731.2	m <sup>2</sup>	
IMPERVIOUS AREA - PAVED AREAS			
HARD PAVED AREAS	642.5	m <sup>2</sup>	
PERMEABLE / POROUS PAVING	0	m <sup>2</sup>	
TOTAL	642.5	m <sup>2</sup>	
TOTAL IMPERVIOUS AREAS (WITH A 50% REDUCTION APPLIED TO PERMEABLE/POROUS PAVING AREAS)			
	1373.7	m <sup>2</sup>	
THIS PROJECT IS IN A RESIDENTIAL ZONED AREA. THE STORMWATER SITE STORAGE REQUIREMENT IS TOTAL IMPERVIOUS AREA ABOVE MINUS 35% OF THE BLOCK AREA DIVIDED BY 100 AND MULTIPLIED BY 1.4 KL			
	9.8	m <sup>3</sup>	
PAVED AREAS SHEDDING RUNOFF TO GARDEN BEDS AND/OR LAWNS			
	120	m <sup>2</sup>	
RAINWATER STORAGE PROPOSED			
TYPE OF STORAGE (ABOVE GROUND TANK, BURIED TANK, GUTTER STORAGE, WALL STORAGE, OTHER)			YES BURIED TANK
VOLUME OF STORAGE (M3 OR KL)	18.7	m <sup>3</sup> (=KL)	
EXTENDED STORAGE DETENTION PROPOSED			
	YES		
STORMWATER SITE STORAGE ACHIEVED (= 50% OF RAINWATER STORAGE PLUS 100% OF EXTENDED DETENTION STORAGE)			
	13.0	m <sup>3</sup> (=KL)	
WASTEWATER REUSE PROPOSED?			
	NO		
SUMMARY OF WSUD TARGETS AND ACHIEVEMENTS			
	TARGET		ACHIEVED
MAINS WATER USE REDUCTION	40%		40%
STORMWATER SITE STORAGE	9.8 M3(=KL)		10.2 M3(=KL)

**WATER CONSERVATION STRATEGIES**

- ON SITE RETENTION TANK PROVIDED FOR LANDSCAPE IRRIGATION, WC FLUSHING AND LAUNDRY RE-USE.
- DUAL FLUSH CISTERNS TO BE PROVIDED TO ALL WC'S THROUGHOUT DEVELOPMENT.
- WATER SAVER SHOWER HEADS TO BE PROVIDED.
- MULCH TO BE PROVIDED TO ALL GARDEN BEDS (50MM MINIMUM DEPTH)

**STORMWATER NOTES**

- ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH AS 3500.3 AND THE DESIGN STANDARDS FOR URBAN INFRASTRUCTURE.
- ALL STORMWATER LINES TO BE 100Ø uPVC AT 1.0% MIN. GRADE UNLESS NOTED OTHERWISE.
- COVER TO SERVICES TO BE IN ACCORDANCE WITH AS 3500.3.2-1998.
- ALL SUB-SOIL LINES TO BE SLEEVED WITH GEOFABRIC FILTER WITH NO FINES AGGREGATE BACKFILL.
- MAXIMUM IN GROUND JUNCTION DEFLECTION ANGLE TO BE 45 DEGREES.

**ON SITE RETENTION NOTES**

- ALL BUILDING STORMWATER DRAINAGE TO PASS THROUGH OSR/OSD TANK PRIOR TO DISCHARGE FROM SITE.
- PROVIDE ELECTRICAL SERVICES TO TANK FOR PUMP OPERATION.

**MAINTENANCE NOTES**

- MAINTENANCE OF STORAGE SYSTEM IS THE RESPONSIBILITY OF THE BODY CO-OPERATE.
- MAINTENANCE TO BE CARRIED OUT ON A QUARTERLY BASIS AT A MINIMUM AND AFTER EXTENDED PERIODS OF RAINFALL.
- MAINTENANCE PROCEDURE TO INCLUDE:
  - REMOVAL OF GROSS POLLUTANTS AND SEDIMENT FROM TANK AND SUMPS.
  - REMOVAL AND CLEANING OF LITTERSCREEN AND REINSTATE.
  - FLUSH SYSTEM AND REMOVE REMAINING SEDIMENT AS NECESSARY.
  - ASSESS CONDITION OF ORIFICE PLATE, REPLACE IF POOR.
  - GENERAL ASSESSMENT OF SYSTEM, CARRY OUT ANY NECESSARY REPAIRS.

**WATER SENSITIVE URBAN DESIGN DEVELOPMENT CHECKLIST USED TO DETERMINE WATER RETENTION AND**

ACT DEPARTMENT OF URBAN SERVICES - ON-SITE STORMWATER DETENTION WORKSHEET USED TO DETERMINE WATER DETENTION.

THIS DEMONSTRATES COMPLIANCE IN ACCORDANCE WITH R49 OF THE MULTI UNIT HOUSING DEVELOPMENT CODE.

**PUMP NOTES**

- PROVIDE DUAL SUBMERSIBLE, SELF ACTIVATING PUMP SET WITH EACH PUMP RATED AT 10L/s DISCHARGE RATE OVER 4.0m HEAD.
- PUMP SIZE AND PRESSURE PIPE DIAMETER TO BE DETERMINED BY PUMP MANUFACTURER.
- SET PUMPS TO ALTERNATE PUMP ACTIVATION.
- PROVIDE HIGH LEVEL DUAL PUMP ACTIVATION.
- PROVIDE VISABLE ALARM IN CASE OF PUMP FAILURE.
- PROVIDE AUDIBLE ALARM IN CASE BOTH PUMPS FAIL.
- PUMPS TO BE FITTED SECURELY INSIDE PUMP OUT WELL.
- PROVIDE GATE AND NON-RETURN VALVES TO DELIVERY SIDE OF EACH PUMP.
- ALL ELECTRICAL MOTORS TO BE INSTALLED IN ACCORDANCE WITH AS3000.
- LOCATE HIGH AND LOW LEVEL ALARMS CLEAR OF INLETS TO PREVENT FALSE ALARMS.
- PROVIDE LITTERSCREEN ABOUT PUMP SET.

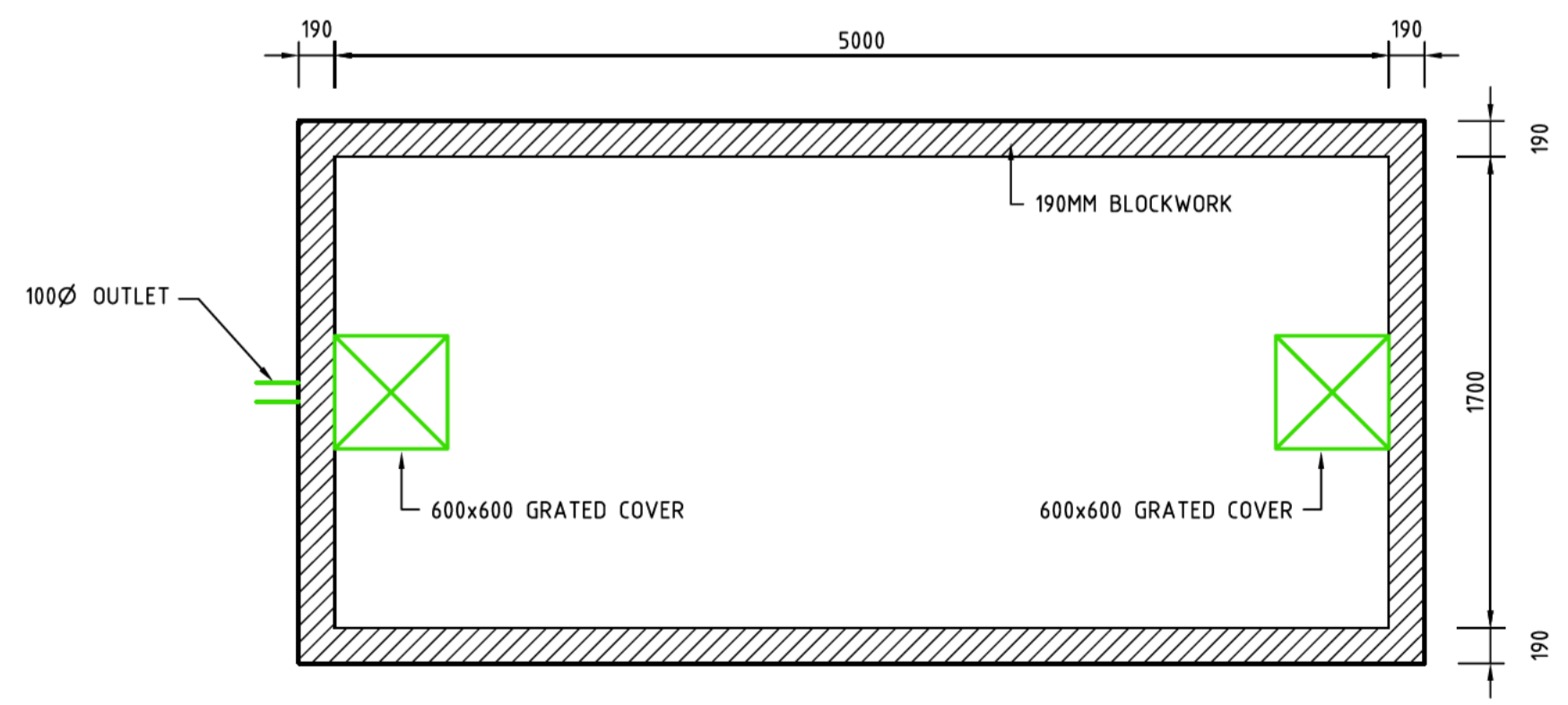
DETENTION  
SITE STORAGE REQUIRED = 7.3 m<sup>3</sup>  
SITE STORAGE PROVIDED = 8.5 m<sup>3</sup>

RETENTION  
SITE STORAGE REQUIRED = 9.8 m<sup>3</sup>  
SITE STORAGE PROVIDED = 10.2 m<sup>3</sup>

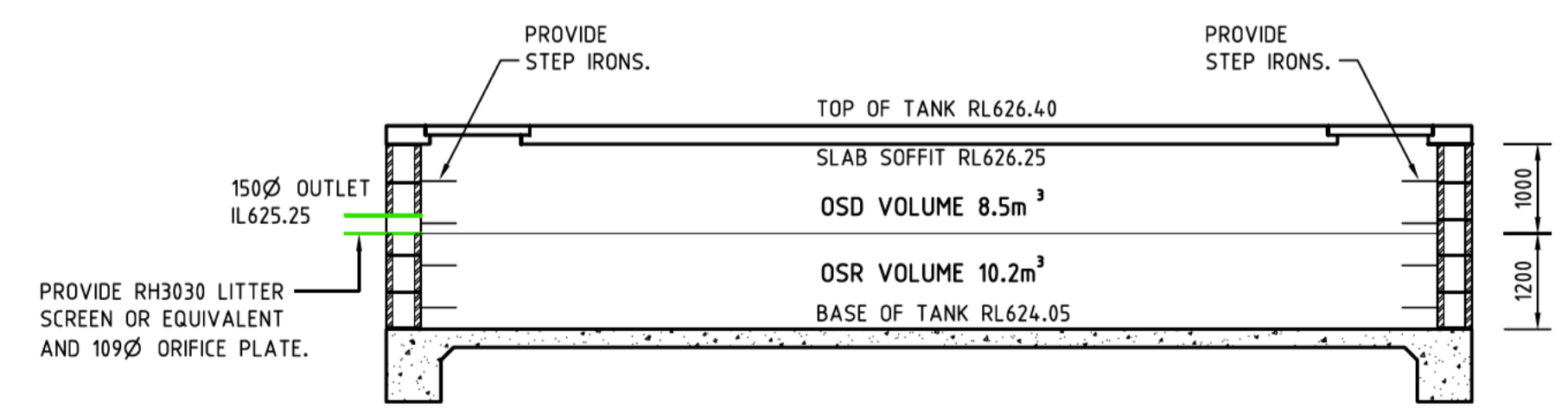
**MINIMUM INTERNAL DIMENSIONS STORMWATER AND INLET PITS**

Depth to invert of outlet	Minimum internal dimensions		
	Rectangular		Circular
	Width	Length	Diameter
<600	450	450	600
>600 <900	600	600	900
>900 <1200	600	900	1000
>1200	900	900	1000

AS3500.3.2 Table 8.2



**OSD TANK PLAN**  
NOT TO SCALE



**TYPICAL LONG SECTION**  
NOT TO SCALE

A	FOR DEVELOPMENT APPROVAL ONLY.	07.03.09	
ISSUE	DESCRIPTION	DATE	CHECKED

PIERRE DRAGH  
CONSULTING ENGINEERS PTY. LTD.  
PO BOX 336 HALL ACT 2618  
(m) 0438 625 440 (f) 6230 9695

CLIENT  
HILLCORP

PROJECT  
PROPOSED MULTI UNIT DEVELOPMENT BLOCKS 16 & 17, SECTION 13 MAWSON, ACT

TITLE  
WATER MANAGEMENT PLAN

DESIGNED BY KS	SCALE 1:200 @ A1
DRAWN BY KS	JOB NO. 09HILL1
AUTHORISED	DRAWING NO.
DATE MAR 09	C04

**From:** [Pradhan, Jyoti](#)  
**To:** [Dunstan, David](#)  
**Cc:** [Corrigan, Jim](#); [Jamaly, Rumana](#)  
**Subject:** "New Reconsideration - Notice of Decision - 16+17/13 Mawson"  
**Date:** Monday, 30 March 2009 3:47:21 PM  
**Attachments:** [New Reconsideration - Notice of Decision.doc](#)  
**Importance:** High

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Good Afternoon Mr. Dunstan,

Attached is a Notice of Decision on Reconsideration (REVISED) for the above mentioned application where Authority is proposing a reversal of reconsideration decision as discussed with you earlier.

As you may know, the revised drawings were sent to the representors with a letter explaining the reasons for reconsideration. The representors have time till COB tomorrow. We have not received any comments to date.

I would appreciate if you could please review the attached document and replace highlighted areas in the document with correct clauses/section and legislation. I am still in the process of drafting the Notice. I'll forward it to you again for a review when finalised.

Regards,

Jyoti Pradhan

Ph: 6207 1649



# Notice of decision on Reconsideration

41

Division 7.3.10 of the *Planning and Development Act 2007*

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DA NO: 200812307

DATE RECONSIDERATION LODGED: 28 January 2009

DATE OF DECISION: 3 April 2009

BLOCK: 16 & 17

SECTION: 13

SUBURB: MAWSON

STREET NO AND NAME: 53 & 51 Ainsworth Street

APPLICANT: Peter Byfield

LESSEE: Hillcorp Developments Pty Ltd

## THE APPLICATION

This application seeks reconsideration of the reconsideration decision by the Authority to **confirm the original decision** of the Planning and Land Authority dated 25 February 2009.

## THE DECISION

I, Jim Corrigan, delegate of the ACT Planning and Land Authority, **pursuant to section 193** of the **Planning and Development Act 2007**, hereby **reverse the decision** at **Attachment A** for the previous reconsideration decision of the Planning and Land Authority dated 25 February 2009.

## NOTIFICATION

The additional information received was forwarded to persons who made representation under section 156 about the original application on 17 March 2009 to 31 March 2009. No written representations were received.

## REASONS FOR THE DECISION

The original decision is substituted by the decision at **Attachment A** because further information provided by the applicant for reconsideration demonstrated that the proposal is not inconsistent with the *Territory Plan*.

The decision has been revised as a result of an application for reconsideration in accordance with **Section 191 of the Planning and Development Act 2007**.

The Authority supports the revisions to the previous Notice of Decision because the application for reconsideration demonstrated that the proposed development would comply with the Territory Plan. In particular the additional supporting documentation demonstrates that the proposal would not be inconsistent with the requirements of the *Territory Plan* Multi-Unit Housing Development Code; requirements of the *Parking and Vehicular Access General Code*; requirements of the *Access and Mobility General Code* and not inconsistent with the advice of the Department of Territory and Municipal Services. In remaking the decision the following matters were addressed as part of revisions to the original decision...

## INSPECTION OF THE APPLICATION AND DECISION

A copy of the application and the decision are available on the public register. The register can be inspected between 8:30am and 4:30pm weekdays at the ACT Planning and Land Authority Dickson Customer Service Centre at 16 Challis Street, Dickson, ACT.

## 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 Regulations 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.

## **EVIDENCE**

**Application No. 200812307**

**File No. 200812307**

**The Territory Plan zone** – RZ2 Suburban Core

**The Development Codes** – Multi Unit Housing Development Code

**Current Crown Lease** – Block 16: Volume 918 : Folio 11

Block 17: Volume 986 : Folio 78

**Representations** – Non received

## **DELEGATE**

Jim Corrigan

Delegate of the ACT Planning and Land Authority

April 2009

## **CONTACT OFFICER**

Jyoti Pradhan

Phone: (02) 6207 1649

Email: [Jyoti.Pradhan@act.gov.au](mailto:Jyoti.Pradhan@act.gov.au)

# APPENDIX 1

## REVIEW OF THE DECISION

The following notes are provided in accordance with regulation 7 of the *ACT Civil and Administrative Tribunal Regulation 2008*. 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 Appeals Tribunal (ACAT).

Location	Contact details
ACT Civil and Administrative Tribunal ACT Magistrates Court Building Knowles Place CANBERRA CITY ACT 2601	Website: <a href="http://www.courts.act.gov.au">www.courts.act.gov.au</a> Email: <a href="mailto:tribunal@act.gov.au">tribunal@act.gov.au</a> Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601 Document exchange: DX 5691

## 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. 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 receiving this Notice of decision. The time limit can be extended in some circumstances. Check with the ACAT for more details.

## FEES

Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee of not less than \$172 (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, ACT Department of Justice and Community Safety, 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, ACT Department of Justice and Community Safety, 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; and
- Welfare Rights and Legal Centre, telephone (02) 6247 2177.

### **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 ACT 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	Ako vam je potrebna pomoć prevodioca telefoniрајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

### TRANSLATING AND INTERPRETING SERVICE

**131 450**

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

**From:** [Pradhan, Jyoti](#)  
**To:** [Dunstan, David](#)  
**Cc:** [Corrigan, Jim](#); [Jamaly, Rumana](#)  
**Subject:** FW: "New Reconsideration - Notice of Decision - 16+17/13 Mawson"  
**Date:** Thursday, 2 April 2009 11:37:55 AM  
**Attachments:** [New Reconsideration - Notice of Decision.doc](#)  
**Importance:** High

---

Good Morning Mr, Dunstan,

Just wanted to know if you have had a chance to look at this document as yet. I would appreciate if you could please provide me the details ASAP as the lessee has been calling re the approval.

Regards,

Jyoti Pradhan

---

**From:** Pradhan, Jyoti  
**Sent:** Monday, 30 March 2009 3:47 PM  
**To:** Dunstan, David  
**Cc:** Corrigan, Jim; Jamaly, Rumana  
**Subject:** 'New Reconsideration - Notice of Decision - 16+17/13 Mawson'  
**Importance:** High

Good Afternoon Mr. Dunstan,

Attached is a Notice of Decision on Reconsideration (REVISED) for the above mentioned application where Authority is proposing a reversal of reconsideration decision as discussed with you earlier.

As you may know, the revised drawings were sent to the representors with a letter explaining the reasons for reconsideration. The representors have time till COB tomorrow. We have not received any comments to date.

I would appreciate if you could please review the attached document and replace highlighted areas in the document with correct clauses/section and legislation. I am still in the process of drafting the Notice. I'll forward it to you again for a review when finalised.

Regards,

Jyoti Pradhan

Ph: 6207 1649

**From:** [Pradhan, Jyoti](#)  
**To:** [Davey, Rosslyn](#)  
**Cc:** [Corrigan, Jim](#); [Jamaly, Rumana](#)  
**Subject:** DA200812307 - 16+17/13 Mawson - Revised Reconsideration Letter+Drgs to representors  
**Date:** Monday, 16 March 2009 5:11:47 PM  
**Attachments:** [ObiRef.obr](#)  
**Importance:** High

---

Hi Ros,

As discussed with you last week re reversal of reconsideration decision for this application, please find attached letter and revised drawings to be forwarded to the representors (original 3 representors) for their comments by COB 31 March 2009.

I would appreciate if you could please send these out tomorrow ASAP.

Please call me if you need any further clarification.

Regards,

Jyoti

**From:** [Pradhan, Jyoti](#)  
**To:** ["joneshill@bigpond.com.au"](mailto:joneshill@bigpond.com.au)  
**Cc:** ["Peter Byfield"](#); [Corrigan, Jim](#)  
**Bcc:** [Jamaly, Rumana](#)  
**Subject:** DA200812307 - BI 16&17 Sec 13 Mawson - Letter of Comfort  
**Date:** Tuesday, 10 March 2009 3:01:54 PM  
**Attachments:** [Meeting Notes - 27\\_02\\_09.doc](#)

---

Good Afternoon Mr. Hill,

Please find attached a copy of the Meeting Notes for our meeting held at the Authority on 27 February 2009. Please consider these notes as a Letter of Comfort as it describes in detail all the matters discussed.

Please do not hesitate to contact me if you need any further clarification.

Regards,

Jyoti Pradhan

ph. (02) 6207 1649



## FILE NOTE

DA Number: **200812307**

Blocks: **16 & 17** Section: **13** District/Division: **MAWSON**

**27 February 09**

Meeting in relation to Reconsideration decision of 25 February 2009 at 11.00am

Attendees: David Hill (lessee/developer); Peter Byfield (architect/applicant); Christian (lessee's engineer) and Jim Corrigan, Rumana Jamaly, Jyoti Pradhan (Authority)

### **Background:**

- + The proposal for a multi unit development containing ten units was conditionally approved on 8 December 2008;
- + One of the conditions of the original Notice of Decision was that the applicant removes Unit 10 to make space available for visitor car parking and communal open space;
- + Other important conditions included – provision of waste enclosures for Units 6 to 9, Water Sensitive Urban Design (WSUD) documentation and compliance with Actew conditions re easement clearance;
- + Applicant lodged revised drawings on 28 January 2009 for reconsideration of the decision to remove Unit 10;
- + The revised proposal included a basement parking for Units 6 -10, relocated visitor parking, provision of a waste bin enclosure for units 6 to 9 and increased setback from the west boundary to Unit 10. However Unit 10 was not deleted as required in the original Decision and WSUD documentation was not provided;
- + An assessment of the revised proposal raised a number of additional issues especially in relation to increase in GFA, traffic movement at grade, basement parking and access requirements for adaptable Unit 10;
- + The Authority reaffirmed the original conditional approval to remove Unit 10 in the Reconsideration Decision dated 25 February 2009.

### **Meeting:**

- + The Reconsideration Notice was discussed with the Applicant and the lessee;
- + Applicant provided explanations for a number of issues that were raised in the Reconsideration Notice. The applicant and lessee offered to make the required changes to the proposal so that it complies with the Territory Plan;
- + Applicant's engineer advised that he will provide turning circles for basement parking, at grade vehicular movement, WSUD documentation etc.

- ✚ Jim and Rumana agreed that if the applicant amends the proposal, the Authority would consider the proposal with 10 units;
- ✚ It was agreed that the applicant would make the required changes in the design to address the issues raised (as noted below);
- ✚ Applicant to revise the proposal as follows –
  - Reduce GFA to comply with 50% requirement;
  - Revise basement parking layout to provide safe and convenient vehicular movement – increase aisle width to 5.8m accompanied by an engineer's drawing demonstrating turning circles and other relevant details;
  - Explore possible option of locating visitor parking within the basement to create communal open space near Unit 10;
  - Improve at grade circulation by redesigning the vehicular movement, rearranging garage 1, remove planter boxes etc (engineer to provide turning circles and other relevant details);
  - Provision of a traffic control device (light) at the junction of basement ramp, garage 1 entrance and driveway leading to Unit 10;
  - Redesign/relocate waste enclosures along north boundary;
  - Demonstrate (sketches) clear pedestrian access to units 6-9 and especially Unit 10 (along north boundary);
  - Demonstrate (sketches) clear pedestrian access from Unit 10 to wheel the garbage bin to & from kerb;
  - Provide a revised Access & Mobility Report;
  - Provide WSUD documentation.
- ✚ Jim discussed the options re how this proposal could be reconsidered –
  - a) lodge an appeal OR b) resubmit as a new DA OR c) Authority to reverse the decision subject to endorsement of revisions to the proposal as noted above.

### **Outcome:**

- ✚ Option c) was considered to be the most viable option;
- ✚ Applicant to revise the proposal as discussed;
- ✚ A letter, together with revised drawings, will be sent to all objectors informing re the additional information and giving them an opportunity to provide their comments in 10 working days;
- ✚ New decision letter will be drafted to allow 10 Units on the block.

Contact Officer: Jyoti Pradhan  
 Position: Project Officer  
 Phone: 71649  
 27 February 2009



Department Of Education  
PO Box 158  
CANBERRA CITY ACT 2602

Attention: Chris Bayer; Miles McCann

Dear Sir/Madam

The ACT Planning and Land Authority (the Authority) previously received an Application for Reconsideration for the following Development Application.

**Blocks: 16 & 17 Section: 13 Suburb: MAWSON**  
**Address: 53 Ainsworth Street Mawson**  
**Development Application Number: 200812307**

A decision on the reconsideration application was made on 25 February 2009 reconfirming the conditions of the original Notice of Decision dated 8 December 2008.

However, additional information has been received from the applicant in support of the proposal. In light of this additional information received, the Authority is to consider whether to modify, reverse or affirm the reconsideration decision of 25 February 2009.

Attached is a copy of the additional information supplied by the applicant in relation to the issues they seek to have reviewed.

Should you have any comments they can be made in writing and forwarded to the Applications Secretariat, GPO Box 365, Mitchell ACT 2601, via e-mail to [app.sec@act.gov.au](mailto:app.sec@act.gov.au) or delivered to the ACT Planning & Land Authority Customer Service Centre, 16 Challis Street, Dickson, by no later than 31 March 2009. Copies of all correspondence received will be forwarded to the applicant and also made available for public inspection.

The Authority will take account of any comments received in deciding whether to modify, reverse or affirm the reconsideration decision of 25 February 2009.

If you require any further information please contact Jyoti Pradhan on (02) 6207 1649.

Yours sincerely

Applications Secretariat  
ACT Planning and Land Authority

17 March 2009

enc



Dear [REDACTED]

The ACT Planning and Land Authority (the Authority) previously received an Application for Reconsideration for the following Development Application.

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**Address: 53 Ainsworth Street Mawson**  
**Development Application Number: 200812307**

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Yours sincerely

Applications Secretariat  
ACT Planning and Land Authority

17 March 2009

enc



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Yours sincerely

Applications Secretariat  
ACT Planning and Land Authority

17 March 2009

enc

**From:** [Pradhan, Jyoti](#)  
**To:** [Davey, Rosslyn](#)  
**Cc:** [Corrigan, Jim](#); [Jamaly, Rumana](#)  
**Subject:** DA200812307 - Revised Reconsideration Notice & Plans - Dispatch  
**Date:** Thursday, 9 April 2009 1:07:01 PM  
**Attachments:** [ObiRef.obr](#)  
**Importance:** High

---

Hi Ross,

Please dispatch the attached notice and its attachments and the stamped plans.

Please email a copy of the revised reconsideration notice to the applicant and lessee as soon as scanned.

Applicant: Peter Byfield - [peter@pb-a.com.au](mailto:peter@pb-a.com.au)  
Lessee: David Hill - [joneshill@bigpond.com.au](mailto:joneshill@bigpond.com.au)

Regards,

Jyoti

**From:** Davey, Rosslyn on behalf of aatSecretariat  
**Bcc:** Bayer, Chris; McCann, Miles; [REDACTED]  
**Subject:** Application for Reconsideration - DA200812307 - 16 & 17/13 Mawson - email 1  
**Date:** Tuesday, 17 March 2009 10:27:00 AM

---

Dear Sir/Madam

The ACT Planning and Land Authority (the Authority) previously received an Application for Reconsideration for the following Development Application.

<p><b>Blocks: 16 &amp; 17 Section: 13 Suburb: MAWSON</b> <b>Address: 53 Ainsworth Street Mawson</b> <b>Development Application Number: 200812307</b></p>
--

A decision on the reconsideration application was made on 25 February 2009 reconfirming the conditions of the original Notice of Decision dated 8 December 2008.

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Attached is a copy of the additional information supplied by the applicant in relation to the issues they seek to have reviewed.

Should you have any comments they can be made in writing and forwarded to the Applications Secretariat, GPO Box 365, Mitchell ACT 2601, via e-mail to [app.sec@act.gov.au](mailto:app.sec@act.gov.au) or delivered to the ACT Planning & Land Authority Customer Service Centre, 16 Challis Street, Dickson, by no later than 31 March 2009. Copies of all correspondence received will be forwarded to the applicant and also made available for public inspection.

The Authority will take account of any comments received in deciding whether to modify, reverse or affirm the reconsideration decision of 25 February 2009.

If you require any further information please contact Jyoti Pradhan on (02) 6207 1649.

Yours sincerely

Applications Secretariat  
ACT Planning and Land Authority

**From:** Davey, Rosslyn on behalf of aatSecretariat  
**Bcc:** Bayer, Chris; McCann, Miles; [REDACTED]  
**Subject:** Application for Reconsideration - DA200812307 - 16 & 17/13 Mawson - email 2  
**Date:** Tuesday, 17 March 2009 10:27:00 AM

---

Dear Sir/Madam

The ACT Planning and Land Authority (the Authority) previously received an Application for Reconsideration for the following Development Application.

<p><b>Blocks: 16 &amp; 17 Section: 13 Suburb: MAWSON</b> <b>Address: 53 Ainsworth Street Mawson</b> <b>Development Application Number: 200812307</b></p>
--

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Attached is a copy of the additional information supplied by the applicant in relation to the issues they seek to have reviewed.

Should you have any comments they can be made in writing and forwarded to the Applications Secretariat, GPO Box 365, Mitchell ACT 2601, via e-mail to [app.sec@act.gov.au](mailto:app.sec@act.gov.au) or delivered to the ACT Planning & Land Authority Customer Service Centre, 16 Challis Street, Dickson, by no later than 31 March 2009. Copies of all correspondence received will be forwarded to the applicant and also made available for public inspection.

The Authority will take account of any comments received in deciding whether to modify, reverse or affirm the reconsideration decision of 25 February 2009.

If you require any further information please contact Jyoti Pradhan on (02) 6207 1649.

Yours sincerely

Applications Secretariat  
ACT Planning and Land Authority

**From:** [Dunstan, David](#)  
**To:** [Pradhan, Jyoti](#)  
**Cc:** [Corrigan, Jim](#); [Jamaly, Rumana](#)  
**Subject:** FW: DA200812307 - Reconsideration - letters to representors re reversal of decision.doc  
**Date:** Monday, 16 March 2009 3:23:40 PM  
**Attachments:** [DA200812307 - Reconsideration - letters to representors re reversal of decision.doc](#)  
**Importance:** High

---

Jyoti Pradhan

I think the letter as drafted with some minor track changes suggested (refer attd) should be fine.

Regards  
David

**David Dunstan**

Legislation Section | Client Services Branch | ACT Planning and Land Authority

Ph: (02) 6207 1716 | Mob: 0409005824 | <mailto:david.dunstan@act.gov.au> | [www.actpla.act.gov.au](http://www.actpla.act.gov.au)

---

**From:** Pradhan, Jyoti  
**Sent:** Friday, 13 March 2009 12:36 PM  
**To:** Dunstan, David  
**Cc:** Corrigan, Jim; Jamaly, Rumana  
**Subject:** DA200812307 - Reconsideration - letters to representors re reversal of decision.doc  
**Importance:** High

Good Afternoon David,

Please review the attached letter for the representors re the reversal of the reconsideration decision that Jim discussed with you recently. Let me know if there is anything that I need to change.

I am hoping to get this letter out by COB today. I would appreciate your comments at your earliest.

Regards,

Jyoti Pradhan



Dear XYZ

The ACT Planning and Land Authority (the Authority) previously received an Application for Reconsideration for the following Development Application.

**Blocks: 16 & 17 Section: 13 Suburb: MAWSON**  
**Address: 53 Ainsworth Street Mawson**  
**Development Application Number: 200812307**

A decision on the reconsideration application was made on 25 February 2009 reconfirming the conditions of the original Notice of Decision dated 8 December 2008.

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Should you have any comments they can be made in writing and forwarded to the Applications Secretariat, GPO Box 365, Mitchell ACT 2601, via e-mail to [app.sec@act.gov.au](mailto:app.sec@act.gov.au) or delivered to the ACT Planning & Land Authority Customer Service Centre, 16 Challis Street, Dickson, by no later than 27 March 2009. Copies of all correspondence received will be forwarded to the applicant and also made available for public inspection.

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If you require any further information please contact Jyoti Pradhan on (02) 6207 1649.

Yours sincerely

Applications Secretariat

13 March 2009

**From:** [David Hill](#)  
**To:** [Pradhan, Jyoti](#); [pbyfield@ozemail.com.au](mailto:pbyfield@ozemail.com.au)  
**Cc:** [pbyfield@ozemail.com.au](mailto:pbyfield@ozemail.com.au)  
**Subject:** RE: DA200812307 - BI 16&17 Sec 13 Mawson - Letter of Comfort  
**Date:** Tuesday, 10 March 2009 7:30:30 PM

---

Good Morning Jyoti. Thank you for your email "Letter of comfort " received on the 10<sup>th</sup> March seems that we are on the right track . Looking forward to an early resolution and approval.  
Regards David Hill (Hillcorp Developments Pty Ltd)

---

**From:** Pradhan, Jyoti [<mailto:Jyoti.Pradhan@act.gov.au>]  
**Sent:** Tuesday, 10 March 2009 3:02 PM  
**To:** [joneshill@bigpond.com.au](mailto:joneshill@bigpond.com.au)  
**Cc:** Peter Byfield; Corrigan, Jim  
**Subject:** DA200812307 - BI 16&17 Sec 13 Mawson - Letter of Comfort

Good Afternoon Mr. Hill,

Please find attached a copy of the Meeting Notes for our meeting held at the Authority on 27 February 2009. Please consider these notes as a Letter of Comfort as it describes in detail all the matters discussed.

Please do not hesitate to contact me if you need any further clarification.

Regards,

Jyoti Pradhan

ph. (02) 6207 1649

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This email, and any attachments, may be confidential and also privileged.  
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all copies of this transmission along with any attachments immediately.  
You should not copy or use it for any purpose, nor disclose its contents  
to any other person.  
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DA NO: 200812307		DATE LODGED: 15 August 2008	
DATE OF DECISION: 8 December 2008			
BLOCKS: 16 and 17	SECTION: 13	SUBURB: MAWSON	
STREET NO AND NAME: 51 Ainsworth Street Mawson			
APPLICANT: Peter Byfield			
LESSEE: Hillcorp Developments Pty Limited			

## 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, Ada Schuurmans-Stekhoven, delegate of the ACT Planning and Land Authority, pursuant to section 162 of the Act, hereby **approve subject to conditions** the proposal for:

- the consolidation of Blocks 16 and 17 and variation of the Crown lease to allow for a minimum of two (2) and maximum of ten (10) dwellings;
- the demolition of the detached dwellings and associated structures;
- the erection of ten (10) dwelling in the form of two two-storey building including garages; and
- car parking and associated landscaping, paving and other site works

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

Subject to the following conditions being satisfied, this decision permits the use of the land or a building or structure on the land for the purposes of a multi-unit development.

## CONDITIONS RELATING TO THE CONSOLIDATION OF CROWN LEASES

### *Commencement of Building Work*

1. that no building work in relation to this Development Application is to commence on the site until the new consolidated Crown lease is registered at the Registrar-General's Office;

### *Change of Use Charge*

2. that if a "Change of Use Charge" is payable, the lessee shall pay it within 28 days of being notified of the amount or within such further time as may be approved by the Planning and Land Authority;

### *New Block Survey*

3. that the lessee shall arrange for a survey of the consolidated block and lodge the survey plan with the Planning and Land Authority Customer Service Centre for examination and clearance by the ACT Government Survey Office, ACT Land Information Centre, Planning and Land Authority and pay the appropriate examination fee;

**Surrender and Regrant**

4. that the lessee surrender the existing Crown leases over Block 16 Section 13 Division of Mawson (Volume 918 : Folio 11) and Block 17 Section 13 Division of Mawson (Volume 986 : Folio 78) and accept a new Crown lease substantially in accordance with the form of lease appearing at Attachment 1;

**Commencement and Termination of Lease**

5. that the new Crown lease shall commence on the date of surrender of the existing leases and will terminate on 23 October 2068 or on such further date as may be approved by the Planning and Land Authority under section 254 of the *Planning and Development Act 2007*;

**Lease Registration**

6. that the lessee shall do all that is necessary to ensure that the new Crown lease giving effect to this approval is registered at the Registrar-General's Office within 14 days of being notified that the Crown lease is available for registration or within such further time as may be approved by the Planning and Land Authority;

**Development Covenants**

7. that if the lessee wishes to extend the period of time allowable for completion of building work as set out in clause 3(c) of the draft lease they shall be required to submit a development timeframe proposal to demonstrate that the time requested will reasonably be required to complete proposed development on the site;

**CONDITIONS OF APPROVAL FOR BUILDING WORKS**

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 by the Authority, others before work commences or before the completion of building work.

1. Within 28 days from the date of this decision, or within such further time as may be approved in writing by the ACT Planning and Land Authority, the applicant shall lodge with the ACT Planning and Land Authority for approval:
  - (a) revised drawings, based on the relevant drawings submitted as part of the application, showing:
    - (i) the removal of a visitor car park space in front of Unit 9; and
    - (ii) the removal of Unit 10 and in its place provide a visitor car park space and common landscape open space.

**Note:** *The proposal must provide a minimum of 3 visitor car park spaces on site. Further, all parking facilities shall comply fully with AS/NZS 2890.1 - 2004*
  - (b) details of plans and statements showing the proposed development achieves the mandatory rules regarding the Water Sensitive Urban Design requirements. The applicant/lessee is to refer to Sub-Elements 6.7 and 6.8, General Development Controls of the Multi Unit Housing Development Code.

2. A cable reticulation plan, prepared by a suitably qualified person and endorsed by the relevant service providers, showing:
  - (i) underground reticulation of all cables (including electricity, telephone and data);
  - (ii) relevant points of connection (no new poles should be erected);
  - (iii) size and location of associated items (including electrical sub-stations) within the site; and
  - (iv) screening of any electrical sub-station that may be required;
3. The maximum height of all proposed buildings shall be 8.5m from the natural ground level.
4. The rear units (Units 6 to 9) shall be 2.7m setback from overhead power lines that run along the western boundary (adjacent to open public space) in accordance with ActewAGL's requirements;
5. that the mature height of plants and any structures within a right triangle formed on each side of the driveway with dimensions of 2m along the at front boundary and 2.5m from the front boundary along the edge of the driveway shall not exceed 700mm (to comply with AS 2890.1 –2004).

**Note:** *The proposed mailbox location must also comply with AS 2890.1-2004.*

6. 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. Tree protection fencing, if required, shall be erected prior to the commencement of any work on the site.
7. During building work (including demolition) for both stages:
  - (a) all unsurfaced entry and exit points must be consolidated with crushed aggregate or similar extending from the road kerb to the building line;
  - (b) 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;
  - (c) all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with a Landscape Management Plan approved by the Asset Acceptance Manager, Asset Management Services Group, Department of Territory and Municipal Services. This plan is to be approved and implemented before the commencement of works, including demolition, 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*; and
  - (d) 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.

- (e) all times during construction the site and surrounds shall be managed in accordance with a Temporary Traffic Management Plan, prepared by a suitably qualified person and approved by the Manager, Asset Use. 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;
- (f) the Notice of Commencement of Construction shall be submitted to the Manager Asset Acceptance 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 LMP and programmed implementation of the TTM.

**Note:** see Appendix 1 for more information in relation to other approvals required for work on unleased Territory land.

8. Pursuant to sub paragraph 165(3)(n)(ii) of the *Planning and Development Act 2007*, at the lessee's expense and before the completion of building work, the existing fences on both the side boundaries and on the boundary adjacent to the public open space shall be upgraded to a 1.8m high timber lapped and capped fence, or to another standard acceptable to the ACT Planning and Land Authority. The lessee must take all reasonable steps to obtain the written agreement of the respective lessees before the erection of any new fencing. If there is no agreement, the fencing is to be to the satisfaction of the ACT Planning and Land Authority. New fencing shall not extend further forward than the new building line, facing Ainsworth Street.

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

### **DATE THAT THIS APPROVAL TAKES EFFECT**

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 to conditions could be adjusted if the approval is reconsidered by the ACT Planning and Land Authority or if an application is made to the ACT Administrative Appeals 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 ACT 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.

### **PUBLIC NOTIFICATION**

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 21 August 2008 to 15 September 2008. Three (3) written representations were received during the public consultation.

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

(a) Overshadowing from the proposed development on both Unit 1 and Unit 2

The proposed height of the development fully complies with the building envelope requirement to ensure the amenity of surrounding properties is maintained, particularly in relation to privacy, overshadowing and solar access. Unit 1 and Unit 2 on Block 18 would have a minimum of 3 hours of direct sunlight onto the internal primary living space and the private open space between the hours of 9am and 3pm on 21 June (winter solstice).

(b) The terraces of Units 1 to 5 will overlook the main living areas and outdoor area of Unit 2

The proposal fully complies with the relevant rules and the criteria of the Multi-Unit Housing Development Code. It is considered that no further improvement is warranted in regard to overlooking.

(c) The structure will have an overbearing appearance due to the bulky nature of the design

The proposed architectural design of the building is different from those of existing and newly constructed development (and a newly approved development on Blocks 1 and 2 Section 15). However the proposed development does show appropriate consideration for the streetscape and adjoining development. The proposed development has provided adequate setback from the street frontage to allow adequate space for landscaping. The proposal also provided adequate setback from all other boundaries to allow landscaping and minimise any significant impact on the neighbouring development.

The proposed front elevation is considered to have good articulation and it provides visual interest, with entry doors, different fenestration design and sizes, and differentiating the roof design to each unit.

Notwithstanding this, there is no planning control over architectural style of a building for the suburb of Mawson. The Authority recognises that the proposal is an innovative design and that does not imitate the existing single dwellings and the recently approved multi unit development in the area. It is considered that the difference in architectural style of the proposal in relation to the adjoining residential development is not disrespecting the existing streetscape character. It is considered that the proposal compliments the diversity of architectural styles common to a residential area. The style of residential buildings both single and multi unit development does not stay constant. The changes to the style could be for many reasons, to name a few; innovative and more sustainable materials, change in consumers' taste and demographic changes and infill consistent with the Suburban Core Zone's objectives.

(d) The provision for visitor parking on site is inadequate... could cause a safety issue

The proposal has provided adequate car park spaces for both residents and visitors. However, the location of one visitor space was not considered satisfactory and conditions have been imposed to rectify this situation.

(e) traffic noise impact on Block 18 due to the location of the proposed driveway

The proposed location of the driveway is in accordance with the Multi-Unit Housing Development Code, where it is separated from the side boundary, common with Block 18, by 1.5m. This space between the side boundary and the driveway is to be landscaped which will provide screening and thus provide protection to the residents on Block 18 and the future residents of the proposed development.

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Further, the driveway gradient is in accordance with Part 1: Off-Street Car Parking, Parking Facilities of Australian/New Zealand Standard 2890.1:2004.

The location of the proposed driveway is similar to the dual occupancy development on Block 18 and the recently approved 18 residential units on Blocks 1 and 2 Section 15 Mawson. That is, the proposed driveway is located on the southern side of the block.

The noise from the proposed driveway would be of residential scale and would not significantly affect the amenity of adjoining residents. The proposal was referred to the TAMS and no concerns were raised in this regard.

The location and extent of the Suburban Core Zone – RZ2 (previously known as A10 Core Area, Territory Plan 2002) was established as part of an extensive public consultation process. The Suburban Core Areas provide a greater certainty to where multi-unit redevelopment is likely to occur. The type of development that is envisaged for RZ2 is the type of residential development that could have occurred previously throughout all the suburbs, prior to the introduction of RZ2.

On 31 March 2008, the new Territory Plan was introduced and became effective. Among other changes, the new Territory Plan provides new rules and criteria in relation to multi-unit development proposals in RZ2 areas to further improve the amenity of the residents within the development and the adjoining residents.

- (f) Inconsistent with the required 4m boundary setback from the public open space and the visitor car park in front of Unit 9 seems to be an add-on, and will have a cluttering effect on the main thoroughfare

The majority of the proposed rear building is located 4m from other front boundary. Only Unit 10 is setback 3.05m from the other front boundary, this is less than 19% width of the other front boundary. It is considered that this minor encroachment would not significantly affect the outlook from the public open reserve. However, a condition has been imposed to remove Unit 10 from the development to provide a better visitor car park location.

- (g) The safety of school children due to increase in traffic volume

All vehicles will exit in forward direction on to the road from the subject site. All vehicles during school hours must comply with the 40km speed limit along Ainsworth Street.

Notwithstanding this, the proposal was referred to the Department of Territory and Municipal Services for comment and no concerns regarding increased traffic volume were raised. However, a condition has been imposed to ensure sightline from the subject site to the street is compliant with the relevant Australian Standards.

- (h) The safety of school children during the construction work

All construction works must be carried in accordance with Condition 9 and Appendix 1 'FURTHER APPROVALS FOR CONSTRUCTION' of this document. The compliance of Appendix 1 would ensure the safety of all pedestrians in the area.

### 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.

#### Department of Territory and Municipal Services

On 27 November 2008 advice was received from Territory and Municipal Services in relation to the proposal. The advice states that the proposal is fully supported. However, the standard conditions must be imposed.

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

#### ActewAGL

On 22 August 2008 and 6 September advice were received from Actew Corporation in relation to the proposal.

- ACTEW's Water and Sewerage Section approved the proposed development with standard conditions.
- ACTEW's Electricity Networks approved with conditions that rear units be setback 2.7m from the existing overhead powerlines that run along rear boundary in accordance with the ActewAGL's requirements.

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

### 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 Multi Unit Housing Development Code; and
- 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).

The key issues identified in the assessment are:

- the payment of the change of use charge, the new block survey and the registration of the consolidated lease. Conditions have been imposed to address the key issues and ensure that the proposal is consistent with the Territory Plan and the *Planning and Development Act 2007*;
- the inappropriate location for a visitor car park space on site. A condition has been imposed to remove a unit from the development to provide a more appropriate location for visitor car park space to address this issue.
- the proposed landscaping and mailbox may obscure driver's visibility of the footpath. A condition has been imposed to address this issue.

In reaching the decision, the application has been assessed in accordance with section 120 of the Act – Merit track considerations when deciding development approval.

### **INSPECTION OF THE APPLICATION AND DECISION**

A copy of the application and the decision are available on the public register. The register can be inspected between 8:30am and 4:30pm weekdays at the ACT Planning and Land Authority 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 ACT Planning and Land Authority for reconsideration within 20 working days of being told of this decision or within any longer period allowed by the ACT Planning and Land Authority.

Application forms and further information about reconsideration are available from the ACT Planning and Land Authority's website and Customer Service Centres. 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 Administrative Appeals Tribunal.

### **REVIEW BY THE ACT ADMINISTRATIVE APPEALS TRIBUNAL (AAT)**

Decisions that are reviewable by the AAT 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 AAT review.

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

### **EVIDENCE**

**Application No. 200812307**

**File No. 200812307**

**The Territory Plan zone – Suburban Core Zone**

**The Development Codes – Multi Unit Housing Development Code**

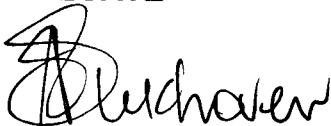
**Current Crown Leases – Block 16: Volume 918 : Folio 11**

**Block 17: Volume 986 : Folio 78**

**Representations**

**Entity advice**

### **DELEGATE**



Ada Schuurmans-Stekhoven

Delegate of the ACT Planning and Land Authority

8 December 2008

### **CONTACT OFFICER**

Ada Schuurmans-Stekhoven

Phone: 62072435

Email: [ada.stekhoven@act.gov.au](mailto:ada.stekhoven@act.gov.au)

# APPENDIX 1

## CONTACT DETAILS OF RELEVANT AGENCIES

<b>ACT Health</b> - health protection	Website: <a href="http://www.health.act.gov.au">www.health.act.gov.au</a> Telephone: (02) 6205 1700
<b>ACT Planning and Land Authority</b> - list of certifiers for building approval - demolition information - asbestos information	Website: <a href="http://www.actpla.act.gov.au">www.actpla.act.gov.au</a> Telephone: (02) 6207 1923 or (02) 6207 1687
<b>Department of Territory and Municipal Services</b> - tree damaging activity approval - environment protection - water resources - heritage - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets	Website: <a href="http://www.tams.act.gov.au">www.tams.act.gov.au</a> Telephone: 132 281 Telephone for asset acceptance: (02) 6207 6594
<b>Utilities</b> - Telstra (networks) - TransACT (networks) - ActewAGL - Electricity reticulation	Telephone: (02) 6219 1213 Telephone: (02) 6229 8000 Telephone: 1100 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 ACT Planning and Land Authority for approval under section 165 of the *Planning and Development Act 2007* the submission shall be made with a completed application Form 11 for Section 144 & 197 Amendments and Satisfying Conditions of Approval (S.165).

### 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 ACT 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 Department of Territory and Municipal Services.

**USE OF VERGES OR OTHER UNLEASED TERRITORY LAND**

In accordance with the *Roads and Public Places Act 1937*, 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 Department of Territory and Municipal Services.

**WORKS ON UNLEASED TERRITORY LAND – DESIGN ACCEPTANCE**

In accordance with the *Roads and Public Places Act 1937*, no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval is only given by way of a certificate of design acceptance from Asset Acceptance, Asset Management Services Group, TAMS. Unless a certificate of design acceptance is obtained, and the respective work completed in accordance with this certificate, a certificate of compliance under s296 of the Planning and Development Act 2007, may not be issued. This applies to works such as the construction or upgrading of driveway verge crossings, the replacement of public footpaths, street lighting and verge landscaping.

**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 ACT 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 Department of Territory and Municipal Services.

**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 Department of Territory and Municipal Services of any existing damage to public facilities.

**UTILITY ASSETS RETENTION**

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

### **BUSHFIRE MITIGATION MEASURES**

This residential dwelling is located in an area where a bushfire risk assessment has identified that mitigation measures are required to reduce the impact of bushfires. The mitigation measures in this approval are to be maintained for the life of the residence. Special care needs to be exercised by the lessee to ensure that any future building works and modifications to the dwelling and additional landscaping does not compromise the mitigation measures imposed.

### **REVIEW OF THE DECISION**

The following notes are provided in accordance with the ACT Administrative Appeals Tribunal (AAT) *Code of Practice for Notification of Reviewable Decisions and Rights of Review*. Refer to the Review by the ACT Administrative Appeals Tribunal (AAT) section of the Notice of decision for information about its relevance to this development application.

### **CONTACT DETAILS**

The review authority is the Administrative Appeals Tribunal (AAT).

Location	Contact details
Tribunals Branch Magistrates Court 4 Knowles Place CANBERRA ACT 2601	Website: <a href="http://www.courts.act.gov.au">www.courts.act.gov.au</a> Email: <a href="mailto:tribunals@act.gov.au">tribunals@act.gov.au</a> Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601 Document exchange: DX 5691

### **POWERS OF THE AAT**

The AAT 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 AAT 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 AAT recommendations.

### **APPLICATIONS TO THE AAT**

To apply for a review, obtain an application form from the AAT. 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 receiving this Notice of decision. The time limit can be extended in some circumstances. Check with the AAT for more details.

### **FEES**

Applications to the AAT, including an application to be joined as a party to a proceeding, require payment of a fee of not less than \$165 (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 62 of the *Administrative Appeals Tribunal Act 1989*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Chief Executive, ACT Department of Justice and Community Safety, GPO Box 158, CANBERRA ACT 2601. Ask the AAT for more details.

#### **TIME LIMITS FOR REVIEWS OF DECISIONS**

The AAT 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 AAT 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, ACT Department of Justice and Community Safety, 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; and
- Welfare Rights and Legal Centre, telephone (02) 6247 2177.

#### **AWARDING OF COSTS**

You will have to pay any costs involved in preparing or presenting your case. The AAT also has the power to award costs against a party if the party contravenes a direction of the AAT and the AAT considers it in the interests of justice to make such an order. This power is in addition to the power of the AAT to strike out a party and to dismiss an application for failure to comply with the AAT'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 ACT Planning and Land Authority's web site or by contacting us by phone on (02) 6207 1923.

#### **PROCEDURES OF THE AAT**

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



# Notice of decision on Reconsideration

Division 7.3.10 of the *Planning and Development Act 2007*

DA NO: 200812307

DATE RECONSIDERATION LODGED: 28 January 2009

DATE OF DECISION: 9 April 2009

BLOCK: 16 & 17

SECTION: 13

SUBURB: MAWSON

STREET NO AND NAME: 53 & 51 Ainsworth Street

APPLICANT: Peter Byfield

LESSEE: Hillcorp Developments Pty Ltd

## THE APPLICATION

This application seeks reconsideration of the decision by the Authority to **confirm the original decision** of the Planning and Land Authority dated 25 February 2009.

## THE DECISION

I, Jim Corrigan, delegate of the ACT Planning and Land Authority, pursuant to Section 180 of the *Legislation Act 2001* and Section 193 of the *Planning and Development Act 2007*, hereby **reverse the decision** of the Planning and Land Authority dated 25 February 2009 and **approve subject to conditions** the proposal for:

- the consolidation of Blocks 16 and 17 and variation of the Crown lease to allow for a minimum of two (2) and maximum of ten (10) dwellings;
- the demolition of the detached dwellings and associated structures;
- the erection of ten (10) dwelling in the form of two two-storey building including garages; and
- car parking and associated landscaping, paving and other site works

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

This decision supersedes the following previous decisions by the Authority:

1. Original Notice of Decision dated 8 December 2008 (Attachment A) and
2. Reconsideration Notice of Decision dated 25 February 2009 (Attachment B).

Subject to the following conditions being satisfied, this decision permits the use of the land or a building or structure on the land for the purposes of a multi-unit development.

## CONDITIONS RELATING TO THE CONSOLIDATION OF CROWN LEASES

### *Commencement of Building Work*

1. that no building work in relation to this Development Application is to commence on the site until the new consolidated Crown lease is registered at the Registrar-General's Office;

**Change of Use Charge**

2. that if a "Change of Use Charge" is payable, the lessee shall pay it within 28 days of being notified of the amount or within such further time as may be approved by the Planning and Land Authority;

**New Block Survey**

3. that the lessee shall arrange for a survey of the consolidated block and lodge the survey plan with the Planning and Land Authority Customer Service Centre for examination and clearance by the ACT Government Survey Office, ACT Land Information Centre, Planning and Land Authority and pay the appropriate examination fee;

**Surrender and Regrant**

4. that the lessee surrender the existing Crown leases over Block 16 Section 13 Division of Mawson (Volume 918 : Folio 11) and Block 17 Section 13 Division of Mawson (Volume 986 : Folio 78) and accept a new Crown lease substantially in accordance with the form of lease appearing at Attachment 1;

**Commencement and Termination of Lease**

5. that the new Crown lease shall commence on the date of surrender of the existing leases and will terminate on 23 October 2068 or on such further date as may be approved by the Planning and Land Authority under section 254 of the *Planning and Development Act 2007*;

**Lease Registration**

6. that the lessee shall do all that is necessary to ensure that the new Crown lease giving effect to this approval is registered at the Registrar-General's Office within 14 days of being notified that the Crown lease is available for registration or within such further time as may be approved by the Planning and Land Authority;

**Development Covenants**

7. that if the lessee wishes to extend the period of time allowable for completion of building work as set out in clause 3(c) of the draft lease they shall be required to submit a development timeframe proposal to demonstrate that the time requested will reasonably be required to complete proposed development on the site;

**CONDITIONS OF APPROVAL FOR BUILDING WORKS**

This application is approved subject to the following conditions being satisfied.

1. The applicant/lessee must ensure:
  - (i) underground reticulation of all cables (including electricity, telephone and data);
  - (ii) that relevant no new poles should be erected as part of this development;
  - (iii) the location of associated items (including electrical sub-stations) within the site; and

- (iv) screening of any electrical sub-station that may be required;
2. 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. Tree protection fencing, if required, shall be erected prior to the commencement of any work on the site.
3. During building work (including demolition) for both stages:
- (a) all unsurfaced entry and exit points must be consolidated with crushed aggregate or similar extending from the road kerb to the building line;
  - (b) 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;
  - (c) all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with a Landscape Management Plan approved by the Asset Acceptance Manager, Asset Management Services Group, Department of Territory and Municipal Services. This plan is to be approved and implemented before the commencement of works, including demolition, 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*; and
  - (d) 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.
  - (e) all times during construction the site and surrounds shall be managed in accordance with a Temporary Traffic Management Plan, prepared by a suitably qualified person and approved by the Manager, Asset Use. 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;
  - (f) the Notice of Commencement of Construction shall be submitted to the Manager Asset Acceptance 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 LMP and programmed implementation of the TTM.

**Note:** see Appendix 1 for more information in relation to other approvals required for work on unleased Territory land.

4. Pursuant to sub paragraph 165(3)(n)(ii) of the *Planning and Development Act 2007*, at the lessee's expense and before the completion of building work, the existing fences on both the side boundaries and on the boundary adjacent to the public open space shall be upgraded to a 1.8m high timber lapped and capped fence, or to another standard acceptable to the ACT

Planning and Land Authority. The lessee must take all reasonable steps to obtain the written agreement of the respective lessees before the erection of any new fencing. If there is no agreement, the fencing is to be to the satisfaction of the ACT Planning and Land Authority. New fencing shall not extend further forward than the new building line, facing Ainsworth Street.

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

### **DATE THAT THIS APPROVAL TAKES EFFECT**

This approval takes effect from the date of this Notice. The effective date for development applications approved subject to conditions could be adjusted if an application is made to the ACT Administrative Appeals 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 ACT 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.

### **NOTIFICATION**

The additional information received was forwarded to persons who made representations under section 156 about the original application on 17 March 2009 to 31 March 2009. No written representations were received during this period.

### **REASONS FOR THE DECISION**

The previous decisions are substituted by this decision because further information provided by the applicant for reconsideration demonstrated that the proposal is not inconsistent with the *Territory Plan*.

The decision has been revised in accordance with Section 180 of the *Legislation Act 2001* and Section 193 of the *Planning and Development Act 2007*.

The Authority supports the revisions to the previous Notice of Decision because the application for reconsideration demonstrated that the proposed development would comply with the Territory Plan. In particular the additional supporting documentation demonstrates that the proposal would not be inconsistent with the requirements of the *Territory Plan Multi-Unit Housing Development Code*; requirements of the *Parking and Vehicular Access General Code*; requirements of the *Access and*

*Mobility General Code* and not inconsistent with the advice of the Department of Territory and Municipal Services. In remaking the decision the following matters were addressed as part of revisions to the previous decisions;

**1. Compliance with Multi Unit Housing Development Code:**

The revised proposal complies with the relevant requirements of the Code including; Plot Ratio,

**Part A – Zone Specific Controls**

- a. **Element 2 Building and Site Controls: 2.3 Plot Ratio: Rule 15** – The revised proposal has a plot ratio of 49.95% and complies with the mandatory 50% allowable plot ratio requirement.

**Part B – General Development Controls**

- b. **Element 3 Built Form: 3.2 Access and Mobility: Criteria 35** – A revised Access and Mobility Report has been provided. The proposal complies with the requirements for Access and Mobility General Code.
- c. **Element 6 Environment: 6.7 Water Sensitive Urban Design – Mains Water Consumption: Rule 46** – The design provides evidence that demonstrates application of WSUD principles.
- d. **Element 6 Environment: 6.8 Water Sensitive Urban Design – Stormwater Quality & Quantity: Rules 47, 48 and 49** – The design provides evidence that demonstrates application of WSUD principles.
- e. **Element 7 Services: 7.2 Servicing & Site Management: Rule 51** – The applicant has revised the design to provide adequate measures for waste management.

**Part C – Development Type Controls**

**Element 4: Parking and Site Access:** the revised drawings satisfy the requirements of this section.

2. The proposal Complies with the requirements of **Parking and Vehicular Access General Code** and
3. The proposal Complies with the requirements of **Access and Mobility General Code**.

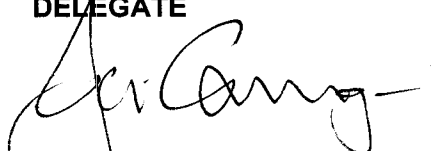
**INSPECTION OF THE APPLICATION AND DECISION**

A copy of the application and the decision are available on the public register. The register can be inspected between 8:30am and 4:30pm weekdays at the ACT Planning and Land Authority Dickson Customer Service Centre at 16 Challis Street, Dickson, ACT.

**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 Regulations 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.

**EVIDENCE****Application No. 200812307****File No. 200812307****The Territory Plan zone – RZ2 Suburban Core****The Development Codes – Multi Unit Housing Development Code****Current Crown Lease – Block 16: Volume 918 : Folio 11****Block 17: Volume 986 : Folio 78****Representations – Non received****DELEGATE**

Jim Corrigan

Delegate of the ACT Planning and Land Authority

9 April 2009

**CONTACT OFFICER**

Jyoti Pradhan

Phone: (02) 6207 1649

Email: [Jyoti.Pradhan@act.gov.au](mailto:Jyoti.Pradhan@act.gov.au)

# APPENDIX 1

## CONTACT DETAILS OF RELEVANT AGENCIES

<b>ACT Health</b> - health protection	Website: <a href="http://www.health.act.gov.au">www.health.act.gov.au</a> Telephone: (02) 6205 1700
<b>ACT Planning and Land Authority</b> - list of certifiers for building approval - demolition information - asbestos information	Website: <a href="http://www.actpla.act.gov.au">www.actpla.act.gov.au</a> Telephone: (02) 6207 1923 or (02) 6207 1687
<b>Department of Territory and Municipal Services</b> - tree damaging activity approval - environment protection - water resources - heritage - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets	Website: <a href="http://www.tams.act.gov.au">www.tams.act.gov.au</a> Telephone: 132 281 Telephone for asset acceptance: (02) 6207 6594
<b>Utilities</b> - Telstra (networks) - TransACT (networks) - ActewAGL - Electricity reticulation	Telephone: (02) 6219 1213 Telephone: (02) 6229 8000 Telephone: 1100 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 ACT Planning and Land Authority for approval under section 165 of the *Planning and Development Act 2007* the submission shall be made with a completed application Form 11 for Section 144 & 197 Amendments and Satisfying Conditions of Approval (S.165).

### 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 ACT 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 Department of Territory and Municipal Services.

#### **USE OF VERGES OR OTHER UNLEASED TERRITORY LAND**

In accordance with the *Roads and Public Places Act 1937*, 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 Department of Territory and Municipal Services.

#### **WORKS ON UNLEASED TERRITORY LAND – DESIGN ACCEPTANCE**

In accordance with the *Roads and Public Places Act 1937*, no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval is only given by way of a certificate of design acceptance from Asset Acceptance, Asset Management Services Group, TAMS. Unless a certificate of design acceptance is obtained, and the respective work completed in accordance with this certificate, a certificate of compliance under s296 of the Planning and Development Act 2007, may not be issued. This applies to works such as the construction or upgrading of driveway verge crossings, the replacement of public footpaths, street lighting and verge landscaping.

#### **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 ACT 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 Department of Territory and Municipal Services.

#### **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 Department of Territory and Municipal Services of any existing damage to public facilities.

#### **UTILITY ASSETS RETENTION**

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

position and in good condition. ActewAGL 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 ACTEW Corporation Limited'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 ACTEW's Water 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.

### **BUSHFIRE MITIGATION MEASURES**

This residential dwelling is located in an area where a bushfire risk assessment has identified that mitigation measures are required to reduce the impact of bushfires. The mitigation measures in this approval are to be maintained for the life of the residence. Special care needs to be exercised by the lessee to ensure that any future building works and modifications to the dwelling and additional landscaping does not compromise the mitigation measures imposed.

### **REVIEW OF THE DECISION**

The following notes are provided in accordance with regulation 7 of the *ACT Civil and Administrative Tribunal Regulation 2008*. 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 Appeals Tribunal (ACAT).

Location	Contact details
ACT Civil and Administrative Tribunal ACT Magistrates Court Building Knowles Place CANBERRA CITY ACT 2601	Website: <a href="http://www.courts.act.gov.au">www.courts.act.gov.au</a> Email: <a href="mailto:tribunal@act.gov.au">tribunal@act.gov.au</a> Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601 Document exchange: DX 5691

### **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. 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 receiving this Notice of decision. The time limit can be extended in some circumstances. Check with the ACAT for more details.

#### **FEEES**

Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee of not less than \$172 (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, ACT Department of Justice and Community Safety, 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, ACT Department of Justice and Community Safety, 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; and
- Welfare Rights and Legal Centre, telephone (02) 6247 2177.

#### **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 ACT 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-għajjuna 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



# Notice of decision on Reconsideration

85

Division 7.3.10 of the *Planning and Development Act 2007*

DA NO: 200812307

DATE RECONSIDERATION LODGED: 28 January 2009

DATE OF DECISION: 25 February 2009

BLOCK: 16 & 17

SECTION: 13

SUBURB: MAWSON

STREET NO AND NAME: 53 & 51 Ainsworth Street

APPLICANT: Peter Byfield

LESSEE: Hillcorp Developments Pty Ltd

## THE APPLICATION

This application seeks reconsideration of the decision by the Authority of 8 December 2008 to impose the conditions of approval set out in the Notice of Decision.

## THE DECISION

I, Rumana Jamaly, delegate of the ACT Planning and Land Authority, pursuant to section 193 of the *Planning and Development Act 2007*, hereby **confirm the original decision** of the Planning and Land Authority dated 8 December 2008.

## PUBLIC NOTIFICATION

Pursuant to Division 7.3.10 of the Act, written notice of the reconsideration application was given to anyone who made representation under section 156 about the original application on 29 January 2009 to 12 February 2009. One written representation was received during the time allowed.

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

### (a) *Overshadowing due to increase in floor levels:*

The proposed height of the development in the revised proposal complies with the building envelope requirement to ensure the amenity of surrounding properties is maintained, particularly in relation to privacy, overshadowing and solar access. Unit 1 and Unit 2 on Block 18 would have a minimum of 3 hours of direct sunlight onto the internal primary living space and the private open space between the hours of 9am and 3pm on 21 June (winter solstice).

### (b) *Stormwater Drainage on Site:*

Sub-Elements 6.7 and 6.8, General Development Controls of the Multi Unit Housing Development Code require that the proposed development achieves the mandatory rules regarding the Water Sensitive Urban Design (WSUD) requirements. Condition 1 (b) of the original Notice of Decision required that the applicant provides details demonstrating that the proposal achieves this requirement. However the applicant has failed to provide any information in relation to WSUD. The Authority has reconfirmed its original decision to approve the proposal subject to conditions and therefore condition 1 (b) of the original Notice of Decision is still valid.

### (c) *Removal of Unit 10:*

A condition to remove Unit 10 from the development was imposed to provide a more appropriate location for visitor car park space. In the revised proposal the applicant has relocated the visitor car parking spaces to a more suitable location. However the Authority has reconfirmed its original decision to approve the proposal subject to conditions and therefore condition 1a) (i) of the original Notice of Decision relating to removal of Unit 10 is still valid.

## REASONS FOR THE DECISION

The original decision to approve subject to conditions was confirmed because:

- a) A review of the information available when the original decision was made disclosed no grounds that would support an approval of the proposal;
- b) The information provided by the applicant in the revised application for reconsideration provided no grounds for the approval of the proposal but in actual fact has triggered more issues;
- c) The revised proposal for reconsideration does not satisfy Authority's concerns especially in relation to:

### 1. Non Compliance with Multi Unit Housing Development Code:

The revised proposal does not comply with the following requirements of the Code:

#### Part A – Zone Specific Controls

- **Element 2 Building and Site Controls: 2.3 Plot Ratio: Rule 15** – The revised proposal has a plot ratio of 50.55% and does not comply with the mandatory 50% allowable plot ratio requirement.

#### Part B – General Development Controls

- **Element 3 Built Form: 3.2 Access and Mobility: Criteria 35** – Access and Mobility Report was provided with the original submission however an amended report has not been provided for the revised proposal.
- **Element 6 Environment: 6.7 Water Sensitive Urban Design – Mains Water Consumption: Rule 46** – The design does not provide any evidence that demonstrates application of WSUD principles.
- **Element 6 Environment: 6.8 Water Sensitive Urban Design – Stormwater Quality & Quantity: Rules 47, 48 and 49** – The design does not provide any evidence that demonstrates application of WSUD principles.
- **Element 7 Services: 7.2 Servicing & Site Management: Rule 51** – The applicant has revised the design to accommodate Waste Bin Enclosures for Units 6-9. However there is no provision for Unit 10 waste bin enclosure.

#### Part C – Development Type Controls

- **Element 4 Parking and Site Access: 4.1 Vehicle Access: Rule 72 i)** – The Site Plan shows access driveway built over the footpath. The footpath is to have precedence.
- **Element 4 Parking and Site Access: 4.1 Vehicle Access: Rule 76 b) & c)** - The vehicular movement at grade will be considerably confusing and unsafe especially at the point where basement ramp starts, Unit 1 garage is accessed and at the entrance to the podium area /driveway leading to Unit 2-5 & Unit 10 garages & visitor parking. The width of the driveway (2.7m) at this point is not adequate for 2 cars to pass at the same time. Moreover it is not adequate for easy manoeuvring of emergency vehicles.

The proposal does not meet the Rule or the Criteria because the driveways and access/internal roads do not allow safe and efficient vehicle movement.

- **Element 4 Parking and Site Access: 4.1 Vehicle Access: Rule 77 a) & b)** – The access width of Basement parking for Units 6-9 is 5.4m and the width of parking spaces is 2.6m. This does not comply with the required width of 6.4m for 90 degree parking.

Adequate space is not available for manoeuvring especially for cars parked in bays 9 & 10 towards the north of the basement car park. The cars will have to reverse back on to the ramp to get out of the basement if there are no other vacant bays available to reverse the car.

- **Element 4 Parking and Site Access: 4.2 Parking: Rule 81 a) (i)** – Proposed visitor parking is closer to the northern boundary and is setback less than 1.5m.

The proposal does not meet the Rule or Criteria because the proposed visitor parking (noise and lights) will compromise the amenity of adjoining residential development.

## 2. Non Compliance with Parking and Vehicular Access General Code:

### 3.1.1 Objectives for Residential Zones

- **b) Safety:**
  - i) **No traffic hazards are created by the provision of access and parking facilities for a development, especially multi-unit developments:** the bottle neck situation created at the starting of basement ramp, opening of Unit 1 garage and the entrance to the podium area /driveway leading to Unit 2-5 & Unit 10 garages & visitor parking is considered to be a traffic hazard.
  - ii) **The safety of all users, especially pedestrians and cyclists, is considered:** there is NO separate access/footpath proposed for pedestrians/cyclists, especially accessing Units 6-10. They will have to share the driveway and access ramp leading towards the basement parking. It would be especially difficult for persons on wheelchair to access the adaptable unit 10 which is located at the far end of the site.

## 3. Non Compliance with Access and Mobility General Code:

Access and Mobility Report was provided with the original submission however an amended report has not been provided for the revised proposal. The revised proposal does not comply with the following mandatory requirements of the Code:

### Part A – General Development Controls

- **Element 2 Access: 2.1 Continuous Accessible Path of Travel: Rule 11 c), g) and f)** – The proposed adaptable Unit 10 is situated far away from the entrance to the complex. There is no separate pedestrian/wheelchair access leading to the unit. There is no waste enclosure provided for the unit. A person has to wheel the bin through the visitor car park spaces, through a narrow access path near Units 6-9 waste enclosures and all the way to the kerb.
- **Element 2 Access: 2.2 Walkways: Rule 12** – There is no separate pedestrian / wheelchair access leading to the unit. Persons on wheelchair will have to share the driveway with other vehicles.

### Part B – Additional Specific controls – Adaptable Housing

- **Element 2 Access: 2.1 Entries: Rule 27** – The proposed adaptable Unit 10 is situated far away from the entrance to the complex. A principal pedestrian entry has not been provided. The pathway along the northern boundary of the subject site leading up to the waste enclosure is not considered an appropriate access path as it does not comply with the access requirements of *AS4299 Class C (Adaptable Housing)*.

## INSPECTION OF THE APPLICATION AND DECISION

A copy of the application and the decision are available on the public register. The register can be inspected between 8:30am and 4:30pm weekdays at the ACT Planning and Land Authority Dickson Customer Service Centre at 16 Challis Street, Dickson, ACT.

## REVIEW BY THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL (ACAT)

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

## EVIDENCE

**Application No. 200812307**

**File No. 200812307**

**The Territory Plan zone** – RZ2 Suburban Core

**The Development Codes** – Multi Unit Housing Development Code

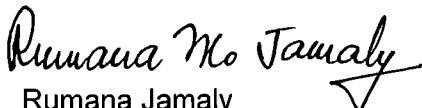
**Current Crown Lease** – Block 16: Volume 918 : Folio 11

Block 17: Volume 986 : Folio 78

**Representations** – one received

**Entity advice** – TAMS – Asset Acceptance and Environment Protection Authority,  
Actew – Water & Sewerage Division and Electricity Networks

## DELEGATE



Rumana Jamaly

Delegate of the ACT Planning and Land Authority

25 February 2009

## CONTACT OFFICER

Jyoti Pradhan

Phone: (02) 6207 1649

Email: [Jyoti.Pradhan@act.gov.au](mailto:Jyoti.Pradhan@act.gov.au)

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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 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



# Notice of decision on<sup>90</sup> Reconsideration

Division 7.3.10 of the *Planning and Development Act 2007*

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DA NO: 200812307

DATE RECONSIDERATION LODGED: 28 January 2009

DATE OF DECISION: 9 April 2009

BLOCK: 16 & 17

SECTION: 13

SUBURB: MAWSON

STREET NO AND NAME: 53 & 51 Ainsworth Street

APPLICANT: Peter Byfield

LESSEE: Hillcorp Developments Pty Ltd

## THE APPLICATION

This application seeks reconsideration of the decision by the Authority to **confirm the original decision** of the Planning and Land Authority dated 25 February 2009.

## THE DECISION

I, Jim Corrigan, delegate of the ACT Planning and Land Authority, pursuant to Section 180 of the *Legislation Act 2001* and Section 193 of the *Planning and Development Act 2007*, hereby **reverse the decision** of the Planning and Land Authority dated 25 February 2009 and **approve subject to conditions** the proposal for:

- **the consolidation of Blocks 16 and 17 and variation of the Crown lease to allow for a minimum of two (2) and maximum of ten (10) dwellings;**
- **the demolition of the detached dwellings and associated structures;**
- **the erection of ten (10) dwelling in the form of two two-storey building including garages; and**
- **car parking and associated landscaping, paving and other site works**

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

This decision supersedes the following previous decisions by the Authority:

1. Original Notice of Decision dated 8 December 2008 (Attachment A) and
2. Reconsideration Notice of Decision dated 25 February 2009 (Attachment B).

Subject to the following conditions being satisfied, this decision permits the use of the land or a building or structure on the land for the purposes of a multi-unit development.

## CONDITIONS RELATING TO THE CONSOLIDATION OF CROWN LEASES

### *Commencement of Building Work*

1. that no building work in relation to this Development Application is to commence on the site until the new consolidated Crown lease is registered at the Registrar-General's Office;

### ***Change of Use Charge***

2. that if a "Change of Use Charge" is payable, the lessee shall pay it within 28 days of being notified of the amount or within such further time as may be approved by the Planning and Land Authority;

### ***New Block Survey***

3. that the lessee shall arrange for a survey of the consolidated block and lodge the survey plan with the Planning and Land Authority Customer Service Centre for examination and clearance by the ACT Government Survey Office, ACT Land Information Centre, Planning and Land Authority and pay the appropriate examination fee;

### ***Surrender and Regrant***

4. that the lessee surrender the existing Crown leases over Block 16 Section 13 Division of Mawson (Volume 918 : Folio 11) and Block 17 Section 13 Division of Mawson (Volume 986 : Folio 78) and accept a new Crown lease substantially in accordance with the form of lease appearing at Attachment 1;

### ***Commencement and Termination of Lease***

5. that the new Crown lease shall commence on the date of surrender of the existing leases and will terminate on 23 October 2068 or on such further date as may be approved by the Planning and Land Authority under section 254 of the *Planning and Development Act 2007*;

### ***Lease Registration***

6. that the lessee shall do all that is necessary to ensure that the new Crown lease giving effect to this approval is registered at the Registrar-General's Office within 14 days of being notified that the Crown lease is available for registration or within such further time as may be approved by the Planning and Land Authority;

### ***Development Covenants***

7. that if the lessee wishes to extend the period of time allowable for completion of building work as set out in clause 3(c) of the draft lease they shall be required to submit a development timeframe proposal to demonstrate that the time requested will reasonably be required to complete proposed development on the site;

## **CONDITIONS OF APPROVAL FOR BUILDING WORKS**

This application is approved subject to the following conditions being satisfied.

1. The applicant/lessee must ensure:
  - (i) underground reticulation of all cables (including electricity, telephone and data);
  - (ii) that relevant no new poles should be erected as part of this development;
  - (iii) the location of associated items (including electrical sub-stations) within the site; and

- (iv) screening of any electrical sub-station that may be required;
2. 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. Tree protection fencing, if required, shall be erected prior to the commencement of any work on the site.
3. During building work (including demolition) for both stages:
- (a) all unsurfaced entry and exit points must be consolidated with crushed aggregate or similar extending from the road kerb to the building line;
  - (b) 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;
  - (c) all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with a Landscape Management Plan approved by the Asset Acceptance Manager, Asset Management Services Group, Department of Territory and Municipal Services. This plan is to be approved and implemented before the commencement of works, including demolition, 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*; and
  - (d) 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.
  - (e) all times during construction the site and surrounds shall be managed in accordance with a Temporary Traffic Management Plan, prepared by a suitably qualified person and approved by the Manager, Asset Use. 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;
  - (f) the Notice of Commencement of Construction shall be submitted to the Manager Asset Acceptance 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 LMP and programmed implementation of the TTM.

**Note:** see Appendix 1 for more information in relation to other approvals required for work on unleased Territory land.

4. Pursuant to sub paragraph 165(3)(n)(ii) of the *Planning and Development Act 2007*, at the lessee's expense and before the completion of building work, the existing fences on both the side boundaries and on the boundary adjacent to the public open space shall be upgraded to a 1.8m high timber lapped and capped fence, or to another standard acceptable to the ACT

Planning and Land Authority. The lessee must take all reasonable steps to obtain the written agreement of the respective lessees before the erection of any new fencing. If there is no agreement, the fencing is to be to the satisfaction of the ACT Planning and Land Authority. New fencing shall not extend further forward than the new building line, facing Ainsworth Street.

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

## **DATE THAT THIS APPROVAL TAKES EFFECT**

This approval takes effect from the date of this Notice. The effective date for development applications approved subject to conditions could be adjusted if an application is made to the ACT Administrative Appeals 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 ACT 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.

## **NOTIFICATION**

The additional information received was forwarded to persons who made representations under section 156 about the original application on 17 March 2009 to 31 March 2009. No written representations were received during this period.

## **REASONS FOR THE DECISION**

The previous decisions are substituted by this decision because further information provided by the applicant for reconsideration demonstrated that the proposal is not inconsistent with the *Territory Plan*.

The decision has been revised in accordance with Section 180 of the *Legislation Act 2001* and Section 193 of the *Planning and Development Act 2007*.

The Authority supports the revisions to the previous Notice of Decision because the application for reconsideration demonstrated that the proposed development would comply with the Territory Plan. In particular the additional supporting documentation demonstrates that the proposal would not be inconsistent with the requirements of the *Territory Plan Multi-Unit Housing Development Code*; requirements of the *Parking and Vehicular Access General Code*; requirements of the *Access and*

*Mobility General Code* and not inconsistent with the advice of the Department of Territory and Municipal Services. In remaking the decision the following matters were addressed as part of revisions to the previous decisions;

**1. Compliance with Multi Unit Housing Development Code:**

The revised proposal complies with the relevant requirements of the Code including; Plot Ratio,

**Part A – Zone Specific Controls**

- a. **Element 2 Building and Site Controls: 2.3 Plot Ratio: Rule 15** – The revised proposal has a plot ratio of 49.95% and complies with the mandatory 50% allowable plot ratio requirement.

**Part B – General Development Controls**

- b. **Element 3 Built Form: 3.2 Access and Mobility: Criteria 35** – A revised Access and Mobility Report has been provided. The proposal complies with the requirements for Access and Mobility General Code.
- c. **Element 6 Environment: 6.7 Water Sensitive Urban Design – Mains Water Consumption: Rule 46** – The design provides evidence that demonstrates application of WSUD principles.
- d. **Element 6 Environment: 6.8 Water Sensitive Urban Design – Stormwater Quality & Quantity: Rules 47, 48 and 49** – The design provides evidence that demonstrates application of WSUD principles.
- e. **Element 7 Services: 7.2 Servicing & Site Management: Rule 51** – The applicant has revised the design to provide adequate measures for waste management.

**Part C – Development Type Controls**

**Element 4: Parking and Site Access:** the revised drawings satisfy the requirements of this section.

2. The proposal Complies with the requirements of **Parking and Vehicular Access General Code** and
3. The proposal Complies with the requirements of **Access and Mobility General Code**.

**INSPECTION OF THE APPLICATION AND DECISION**

A copy of the application and the decision are available on the public register. The register can be inspected between 8:30am and 4:30pm weekdays at the ACT Planning and Land Authority Dickson Customer Service Centre at 16 Challis Street, Dickson, ACT.

**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 Regulations 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.

## **EVIDENCE**

**Application No. 200812307**

**File No. 200812307**

**The Territory Plan zone – RZ2 Suburban Core**

**The Development Codes – Multi Unit Housing Development Code**

**Current Crown Lease – Block 16: Volume 918 : Folio 11**

**Block 17: Volume 986 : Folio 78**

**Representations – Non received**

## **DELEGATE**

Jim Corrigan

Delegate of the ACT Planning and Land Authority

April 2009

## **CONTACT OFFICER**

Jyoti Pradhan

Phone: (02) 6207 1649

Email: [Jyoti.Pradhan@act.gov.au](mailto:Jyoti.Pradhan@act.gov.au)

# APPENDIX 1

## CONTACT DETAILS OF RELEVANT AGENCIES

<b>ACT Health</b> - health protection	Website: <a href="http://www.health.act.gov.au">www.health.act.gov.au</a> Telephone: (02) 6205 1700
<b>ACT Planning and Land Authority</b> - list of certifiers for building approval - demolition information - asbestos information	Website: <a href="http://www.actpla.act.gov.au">www.actpla.act.gov.au</a> Telephone: (02) 6207 1923 or (02) 6207 1687
<b>Department of Territory and Municipal Services</b> - tree damaging activity approval - environment protection - water resources - heritage - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets	Website: <a href="http://www.tams.act.gov.au">www.tams.act.gov.au</a> Telephone: 132 281 Telephone for asset acceptance: (02) 6207 6594
<b>Utilities</b> - Telstra (networks) - TransACT (networks) - ActewAGL - Electricity reticulation	Telephone: (02) 6219 1213 Telephone: (02) 6229 8000 Telephone: 1100 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 ACT Planning and Land Authority for approval under section 165 of the *Planning and Development Act 2007* the submission shall be made with a completed application Form 11 for Section 144 & 197 Amendments and Satisfying Conditions of Approval (S.165).

### 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 ACT 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 Department of Territory and Municipal Services.

### **USE OF VERGES OR OTHER UNLEASED TERRITORY LAND**

In accordance with the *Roads and Public Places Act 1937*, 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 Department of Territory and Municipal Services.

### **WORKS ON UNLEASED TERRITORY LAND – DESIGN ACCEPTANCE**

In accordance with the *Roads and Public Places Act 1937*, no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval is only given by way of a certificate of design acceptance from Asset Acceptance, Asset Management Services Group, TAMS. Unless a certificate of design acceptance is obtained, and the respective work completed in accordance with this certificate, a certificate of compliance under s296 of the Planning and Development Act 2007, may not be issued. This applies to works such as the construction or upgrading of driveway verge crossings, the replacement of public footpaths, street lighting and verge landscaping.

### **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 ACT 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 Department of Territory and Municipal Services.

### **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 Department of Territory and Municipal Services of any existing damage to public facilities.

### **UTILITY ASSETS RETENTION**

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

position and in good condition. ActewAGL 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 ACTEW Corporation Limited'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 ACTEW's Water 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.

### **BUSHFIRE MITIGATION MEASURES**

This residential dwelling is located in an area where a bushfire risk assessment has identified that mitigation measures are required to reduce the impact of bushfires. The mitigation measures in this approval are to be maintained for the life of the residence. Special care needs to be exercised by the lessee to ensure that any future building works and modifications to the dwelling and additional landscaping does not compromise the mitigation measures imposed.

### **REVIEW OF THE DECISION**

The following notes are provided in accordance with regulation 7 of the *ACT Civil and Administrative Tribunal Regulation 2008*. 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 Appeals Tribunal (ACAT).

Location	Contact details
ACT Civil and Administrative Tribunal ACT Magistrates Court Building Knowles Place CANBERRA CITY ACT 2601	Website: <a href="http://www.courts.act.gov.au">www.courts.act.gov.au</a> Email: <a href="mailto:tribunal@act.gov.au">tribunal@act.gov.au</a> Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601 Document exchange: DX 5691

### **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. 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 receiving this Notice of decision. The time limit can be extended in some circumstances. Check with the ACAT for more details.

### **FEES**

Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee of not less than \$172 (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, ACT Department of Justice and Community Safety, 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, ACT Department of Justice and Community Safety, 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; and
- Welfare Rights and Legal Centre, telephone (02) 6247 2177.

### **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 ACT 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	Ako vam je potrebna pomoć prevodioca telefonirajte:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

### TRANSLATING AND INTERPRETING SERVICE

**131 450**

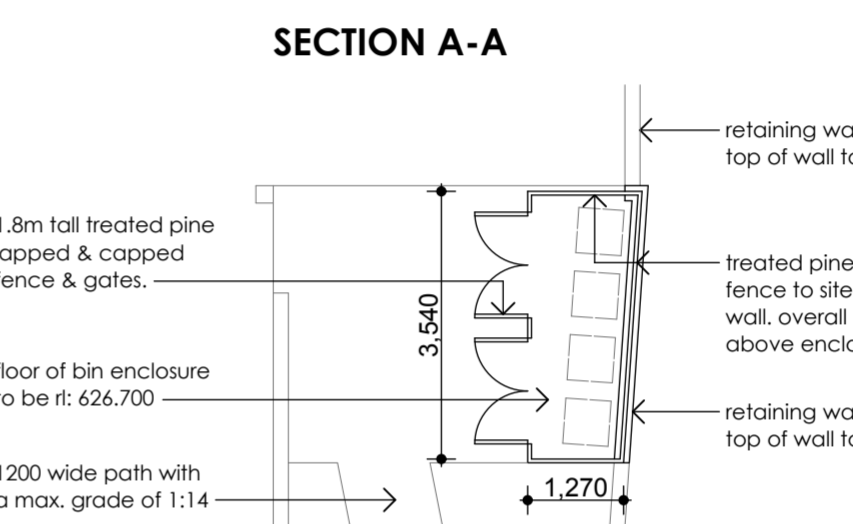
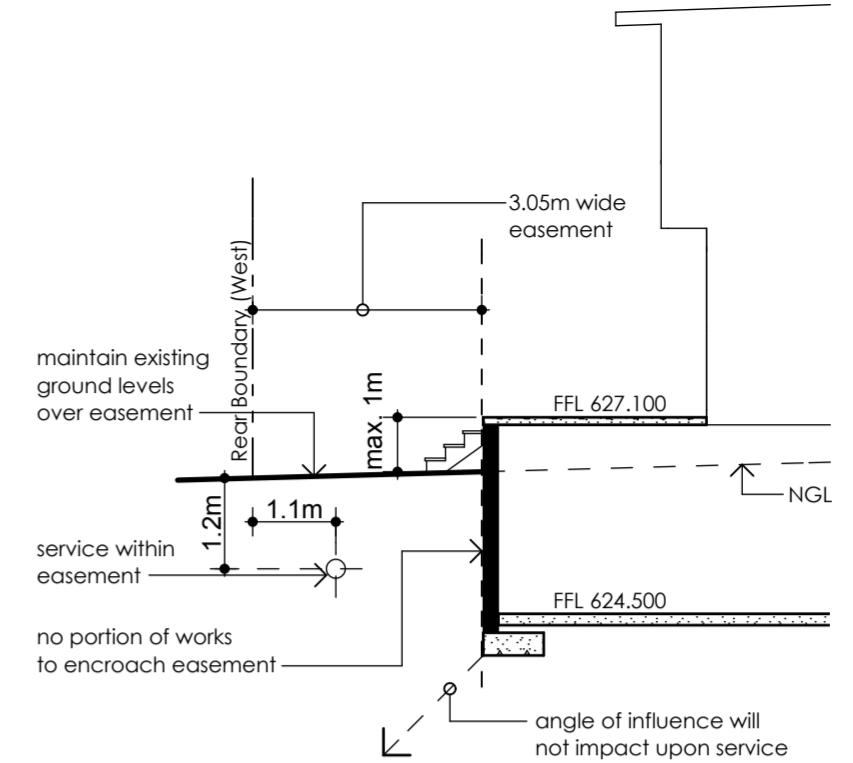
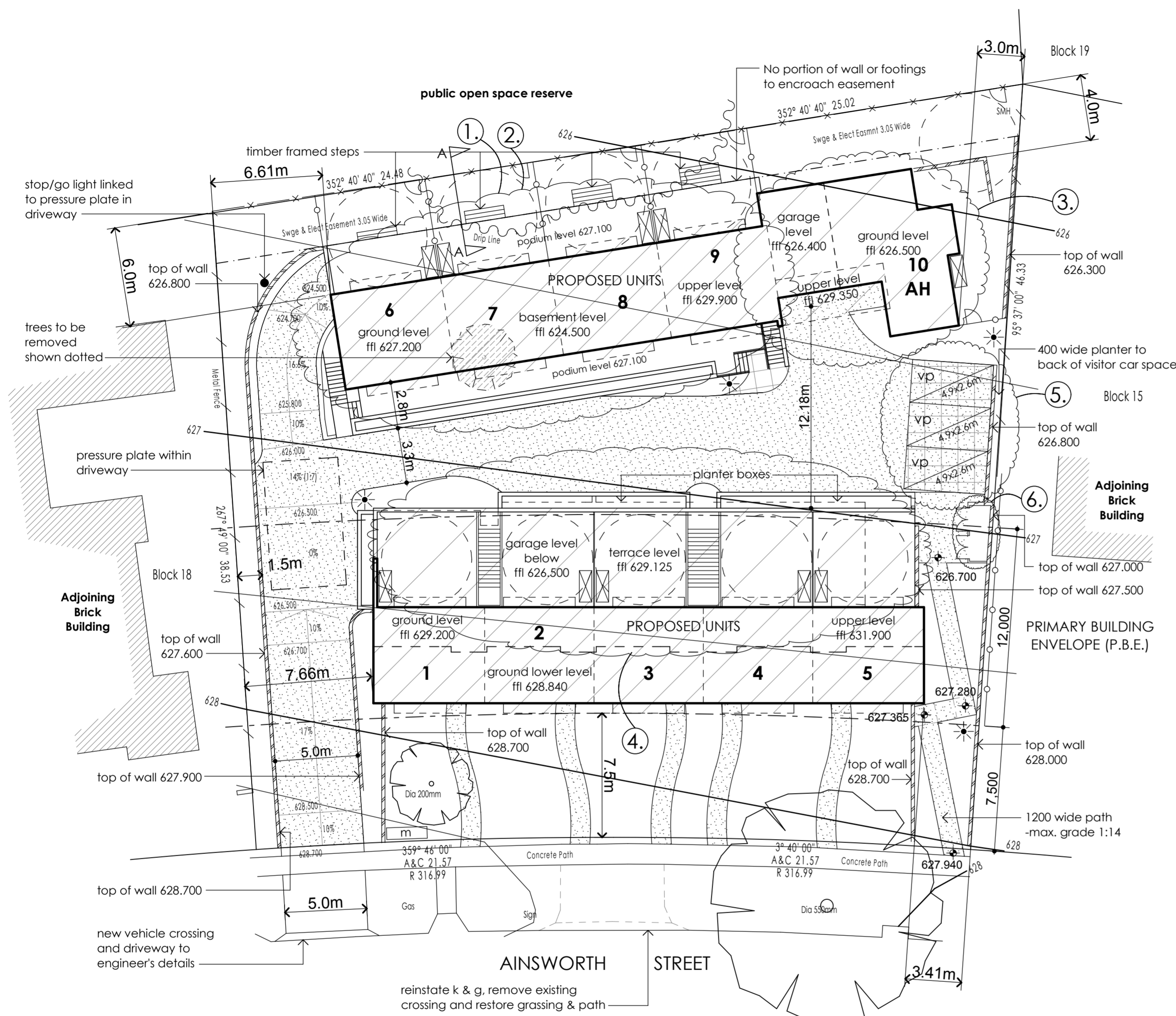
Canberra and District - 24 hours a day, seven days a week



# RECONSIDERATION APPLICATION – CHECKLIST

**Part 3: AAT Coordination Unit to complete:**

DARTS updated:	<input type="checkbox"/>	Excel 'Reconsiderations Database' updated:	<input checked="" type="checkbox"/>
Scan Signed NOD (Should be filed under DA files, folder 8-Appeals, Reconsideration)			
Doc name - RECONAPP-200xxxxxx-Signed Recon NOD		Date	9/4/09
Create alias of signed NOD & place alias in 6-Decision folder			<input checked="" type="checkbox"/>
Update note on 6-Decision folder in the DA file with reconsideration decision			<input checked="" type="checkbox"/>
NOD to Application for Reconsideration sent to:			
Applicant &/or Lessee		Date	9/4/09
Enter dispatched details in 'POSTED OR COLLECTED-DA FORM.xls'			<input type="checkbox"/>
Use F451 Templates to send cover letter to		Date	9/4/09
Objector/s / Commenter/s			
Agencies		Date	15/4/09



**LEGEND**

- existing tree to be retained
- existing tree to be removed
- existing fence to be retained
- 1.8m tall treated pine lapped & capped pailing fence & matching gate
- powdercoated metal 'spear fence' & gates 1.8m tall as selected
- 6m min. p.o.s. area
- retaining wall to eng's details
- visitor car parking space
- portable clothes airer locations
- brick mailbox enclosure to detail
- 1.2m tall public areas light fitting as selected
- dark grey broom finished concrete driveway
- stencilled coloured concrete to contrast with above to define parking bays
- AH** adaptable house

- B** March, 2009 Amendments to satisfy ACTPLA's concerns
- A** Dec. 2008 Revision
1. Increase floor levels of units 6-9 by 700mm.
  2. Create basement parking under units 6-9 (9 spaces) accessed via a vehicular ramp.
  3. Relocated unit 10 to achieve a rear setback of 4m.
  4. Convert car parking under units 1-5 to allow for 2 car spaces per unit (1-5).
  5. Relocated 3 visitor car spaces.
  6. Provide enclosure for units 6-9 waste bins.
- | Issue | Date | Event |
|-------|------|-------|
|       |      |       |

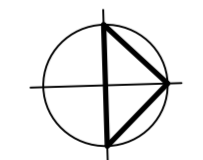
Project  
**Multi Unit Housing**

Site  
**blocks 16+17 section 13, Mawson, ACT.**

Title  
**Site Plan**

Scale 1:200      Drawn By SA

Date May 2008      Drawing No. 1284 - A



**SITE PLAN**

**PLOT RATIO CALCULATIONS**

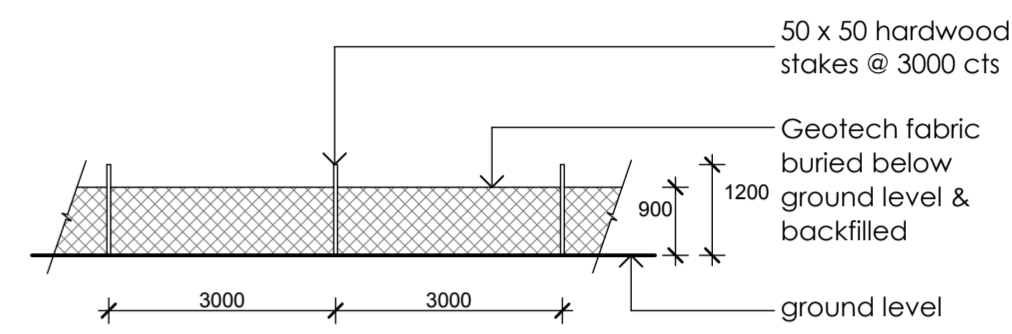
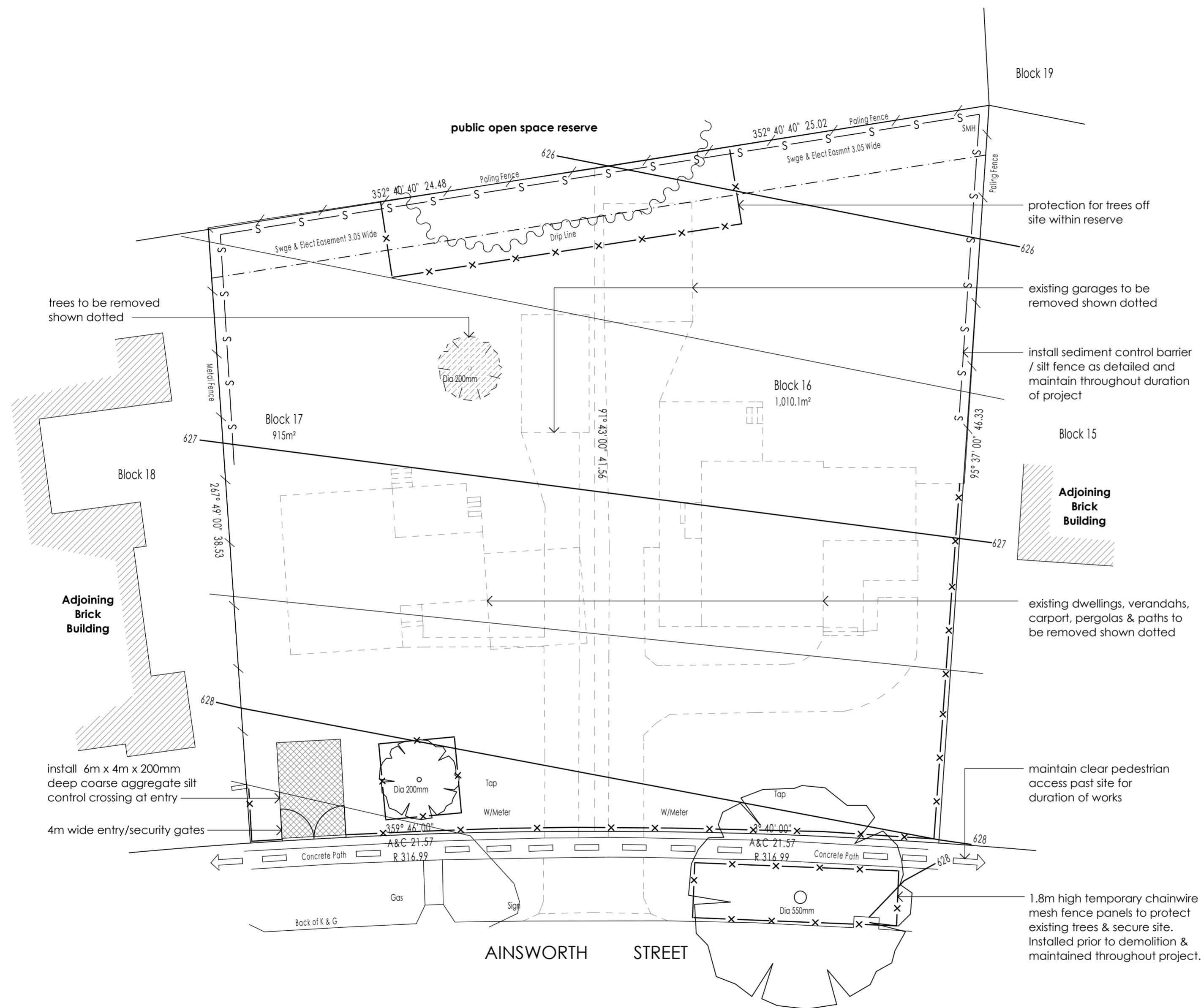
Units 1-5	383.1m <sup>2</sup>
Garages 1-5	165.5m <sup>2</sup>
Units 6-10	405.7m <sup>2</sup>
Area within basement not carparking	7.3m <sup>2</sup>
<b>Total Area</b>	<b>961.6m<sup>2</sup></b>
Site Area	1,925.1m <sup>2</sup>
<b>Proposed Plot Ratio</b>	<b>0.4995 : 1</b>

**PARKING CALCULATIONS**

10 x 2 Bedroom Units @ 2 spaces each	= 20
10 x 0.25 visitor spaces	= 3
<b>Total number of spaces required</b>	<b>= 23</b>
<b>Total number provided</b>	<b>= 23</b>
20 (2 per unit) allocated to units	
3 nominated visitor spaces	

**PETER BYFIELD + Associates**  
 Suite A, 34 Taylor Street, Annandale NSW 2038  
 Phone 02 9660 2255 Fax 02 9660 2254

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**SEDIMENT CONTROL BARRIER DETAIL** scale 1:100

- B** March. 2009 Amendments to satisfy ACTPLA's concerns
  - A** Dec. 2008 Revision
1. Increase floor levels of units 6-9 by 700mm.
  2. Create basement parking under units 6-9 (9 spaces) accessed via a vehicular ramp.
  3. Relocated unit 10 to achieve a rear setback of 4m.
  4. Convert car parking under units 1-5 to allow for 2 car spaces per unit (1-5).
  5. Relocated 3 visitor car spaces.
  6. Provide enclosure for units 6-9 waste bins.
- | Issue | Date | Event |
|-------|------|-------|
|       |      |       |

Project  
**Multi Unit Housing**

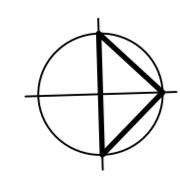
Site  
**blocks 16+17 section 13, Mawson, ACT.**

Title  
**Additional Site Plans**

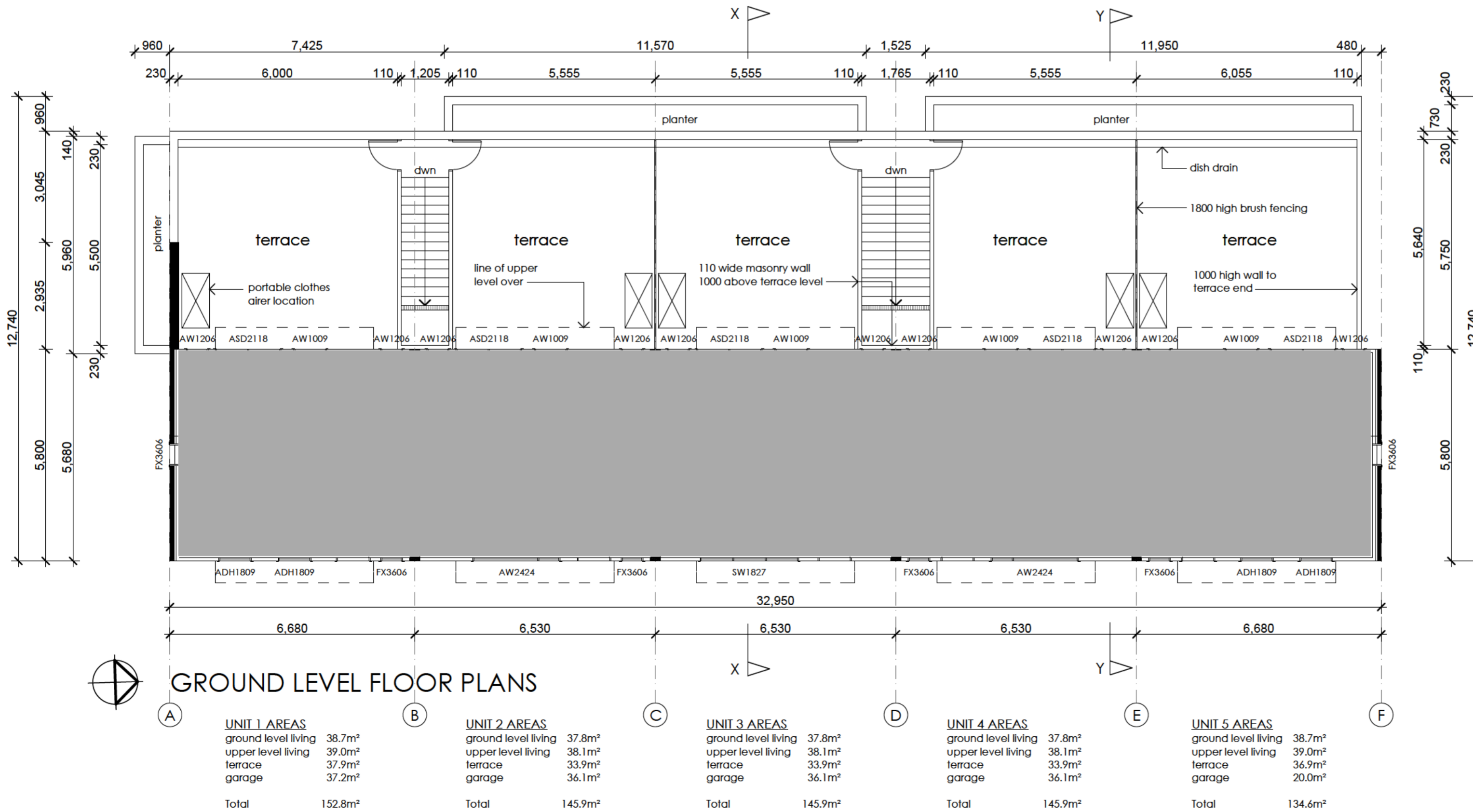
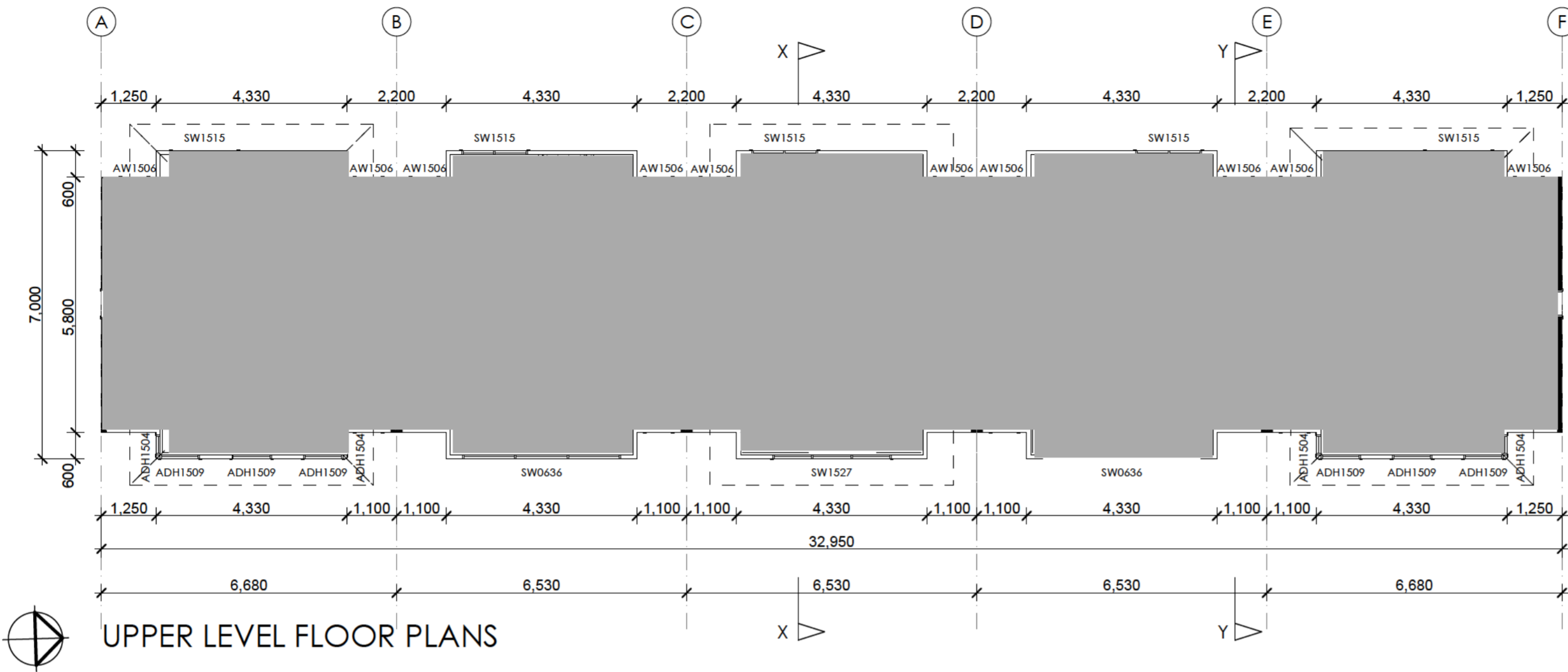
Scale 1:200	Drawn By SA
Date May 2008	Drawing No. 1284 - B

**PETER BYFIELD + Associates**  
Suite A, 34 Taylor Street, Annandale NSW 2038  
Phone 02 9660 2255 Fax 02 9660 2254

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**TREE MANAGEMENT PROTECTION PLAN, DEMOLITION PLAN & SEDIMENT AND EROSION CONTROL PLAN**



- B** March, 2009 Amendments to satisfy ACTPLA's concerns
- A** Dec. 2008 Revision
- Increase floor levels of units 6-9 by 700mm.
  - Create basement parking under units 6-9 (9 spaces) accessed via a vehicular ramp.
  - Relocated unit 10 to achieve a rear setback of 4m.
  - Convert car parking under units 1-5 to allow for 2 car spaces per unit (1-5).
  - Relocated 3 visitor car spaces.
  - Provide enclosure for units 6-9 waste bins.
- | Issue | Date | Event |
|-------|------|-------|
|       |      |       |

Project  
**Multi Unit Housing**

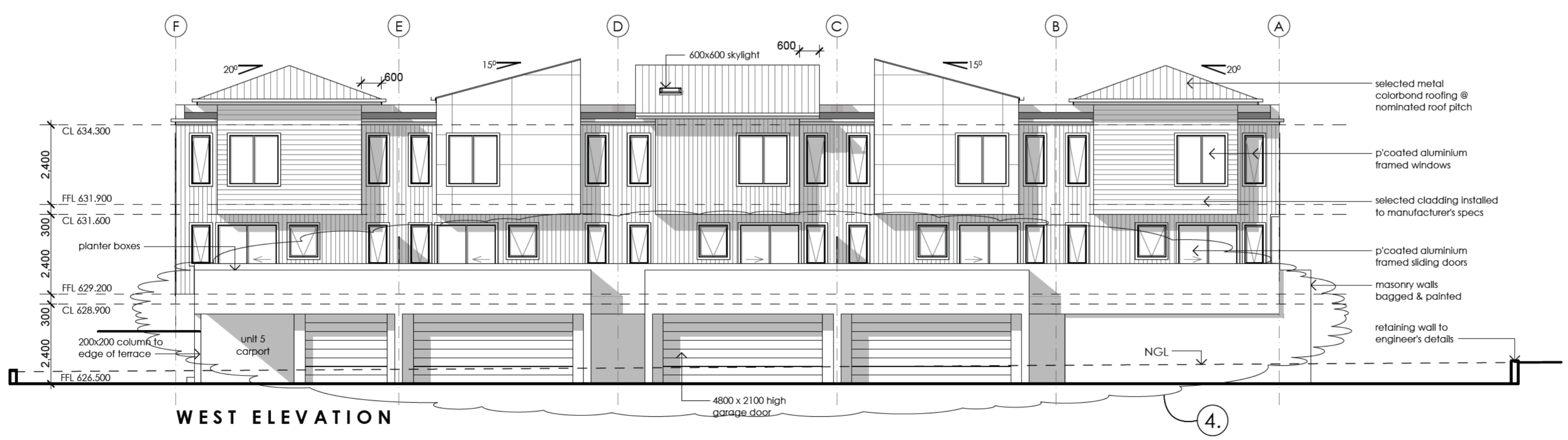
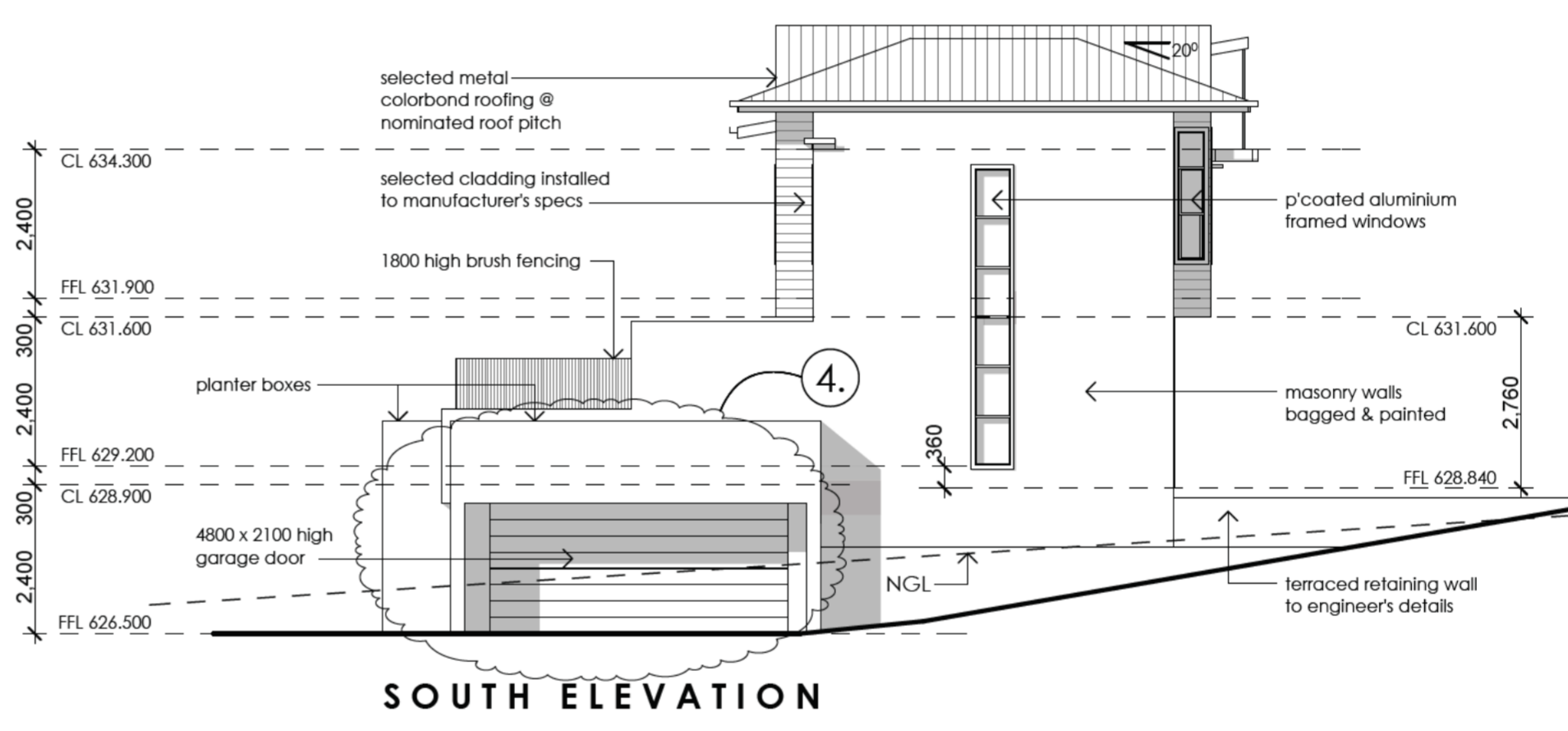
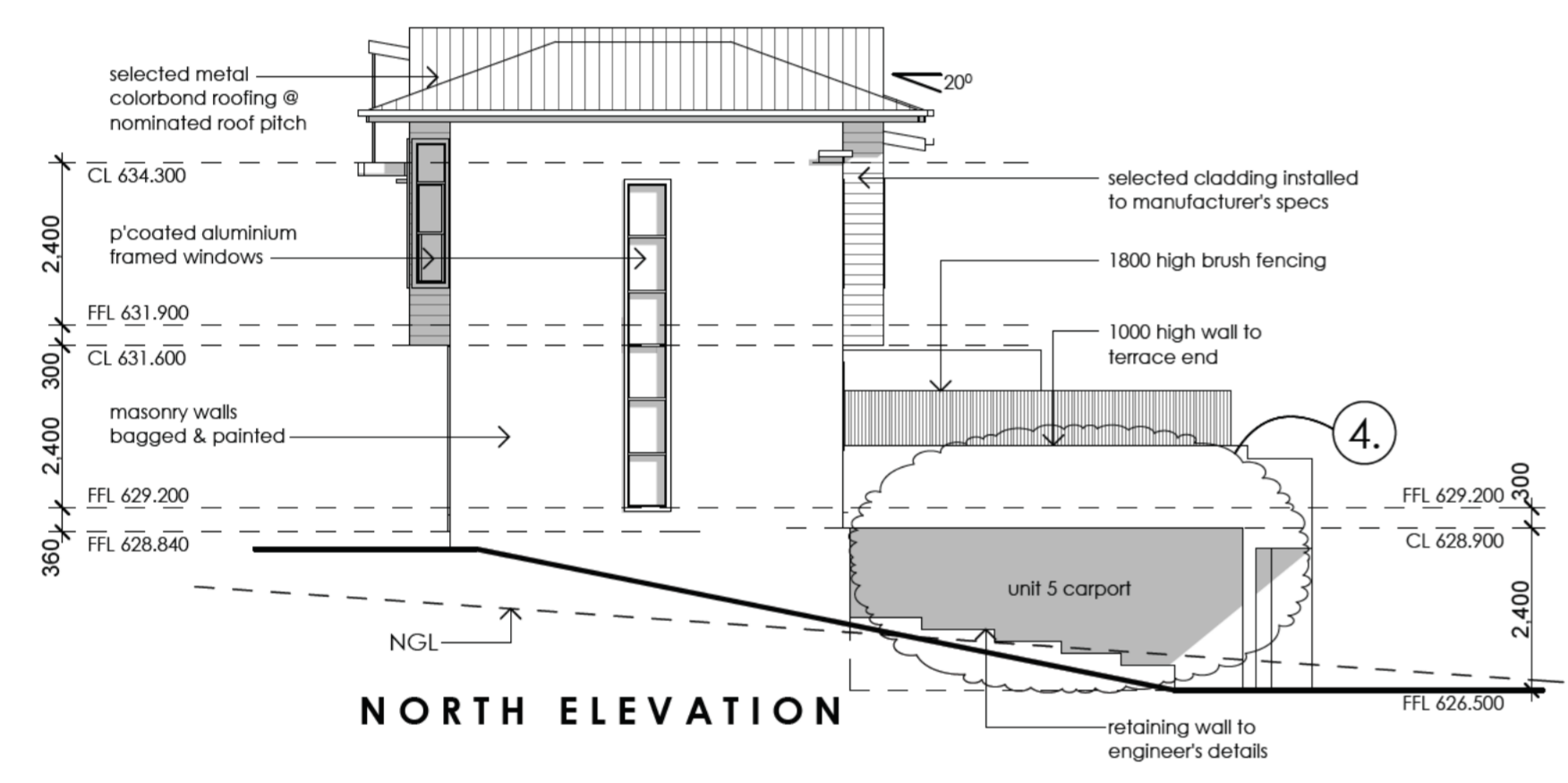
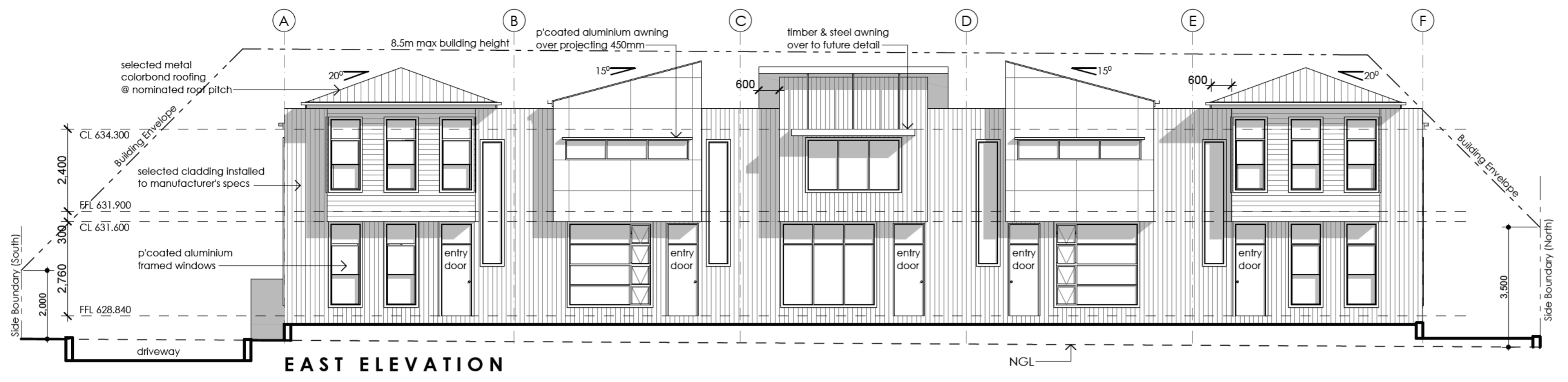
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Site  
**blocks 16+17  
 section 13,  
 Mawson, ACT.**

Title  
**Floor Plans Units 1-5**

Scale 1:100	Drawn By SA
Date May 2008	Drawing No. 1284 - C

UNIT 1 AREAS	UNIT 2 AREAS	UNIT 3 AREAS	UNIT 4 AREAS	UNIT 5 AREAS
ground level living 38.7m <sup>2</sup>	ground level living 37.8m <sup>2</sup>	ground level living 37.8m <sup>2</sup>	ground level living 37.8m <sup>2</sup>	ground level living 38.7m <sup>2</sup>
upper level living 39.0m <sup>2</sup>	upper level living 38.1m <sup>2</sup>	upper level living 38.1m <sup>2</sup>	upper level living 38.1m <sup>2</sup>	upper level living 39.0m <sup>2</sup>
terrace 37.9m <sup>2</sup>	terrace 33.9m <sup>2</sup>	terrace 33.9m <sup>2</sup>	terrace 33.9m <sup>2</sup>	terrace 36.9m <sup>2</sup>
garage 37.2m <sup>2</sup>	garage 36.1m <sup>2</sup>	garage 36.1m <sup>2</sup>	garage 36.1m <sup>2</sup>	garage 20.0m <sup>2</sup>
<b>Total 152.8m<sup>2</sup></b>	<b>Total 145.9m<sup>2</sup></b>	<b>Total 145.9m<sup>2</sup></b>	<b>Total 145.9m<sup>2</sup></b>	<b>Total 134.6m<sup>2</sup></b>



- |          |             |   |
|----------|-------------|---|
| <b>B</b> | March, 2009 | Amendments to satisfy ACTPLA's concerns |
| <b>A</b> | Dec. 2008   | Revision                                |
1. Increase floor levels of units 6-9 by 700mm.
  2. Create basement parking under units 6-9 (9 spaces) accessed via a vehicular ramp.
  3. Relocated unit 10 to achieve a rear setback of 4m.
  4. Convert car parking under units 1-5 to allow for 2 car spaces per unit (1-5).
  5. Relocated 3 visitor car spaces.
  6. Provide enclosure for units 6-9 waste bins.
- | Issue | Date | Event |
|-------|------|-------|
|       |      |       |

Project  
**Multi Unit Housing**

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Site  
**blocks 16+17  
 section 13,  
 Mawson, ACT.**

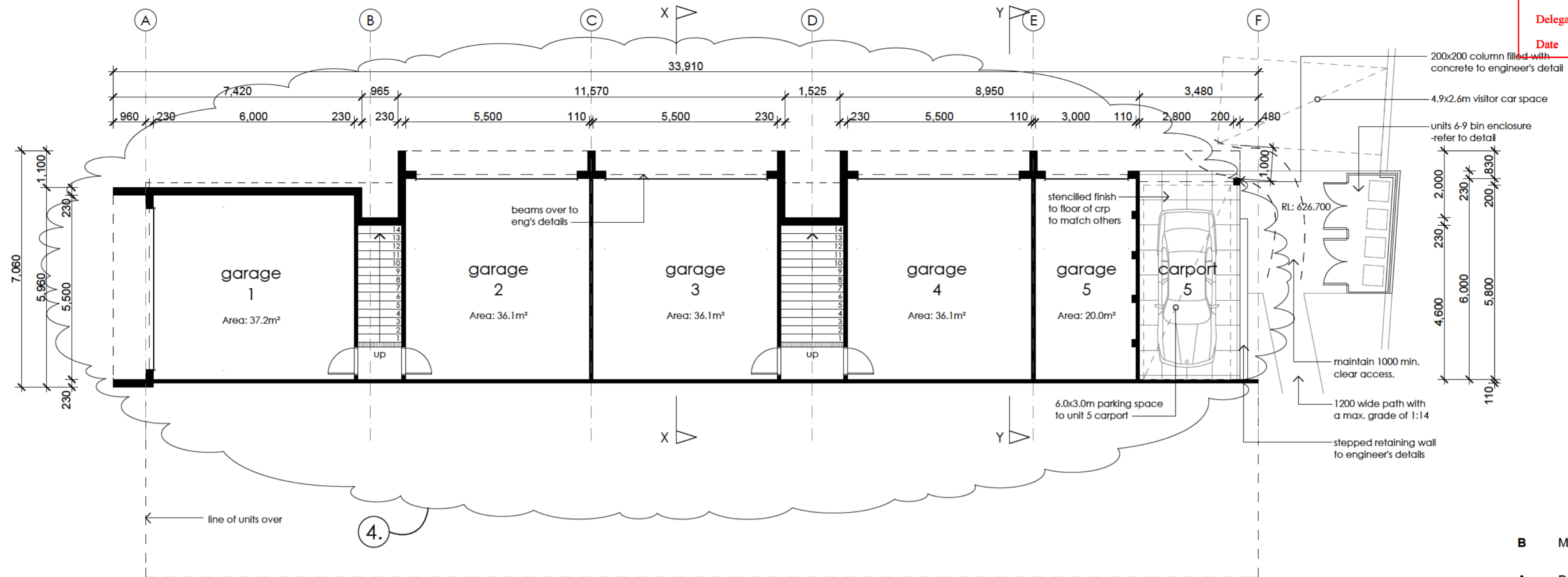
Title  
**Elevations Units 1-5**

---

Scale 1:100	Drawn By SA
Date May 2008	Drawing No. 1284 - D

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 Suite A, 34 Taylor Street, Annandale NSW 2038  
 Phone 02 9660 2255 Fax 02 9660 2254

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LOWER LEVEL FLOOR PLAN TOTAL AREA: 165.5m²

**B** March, 2009 Amendments to satisfy ACTPLA's concerns

**A** Dec. 2008 Revision

- Increase floor levels of units 6-9 by 700mm.
- Create basement parking under units 6-9 (9 spaces) accessed via a vehicular ramp.
- Relocated unit 10 to achieve a rear setback of 4m.
- Convert car parking under units 1-5 to allow for 2 car spaces per unit (1-5).
- Relocated 3 visitor car spaces.
- Provide enclosure for units 6-9 waste bins.

Issue	Date	Event
-------	------	-------

Project  
**Multi Unit Housing**

Site  
**blocks 16+17  
 section 13,  
 Mawson, ACT.**

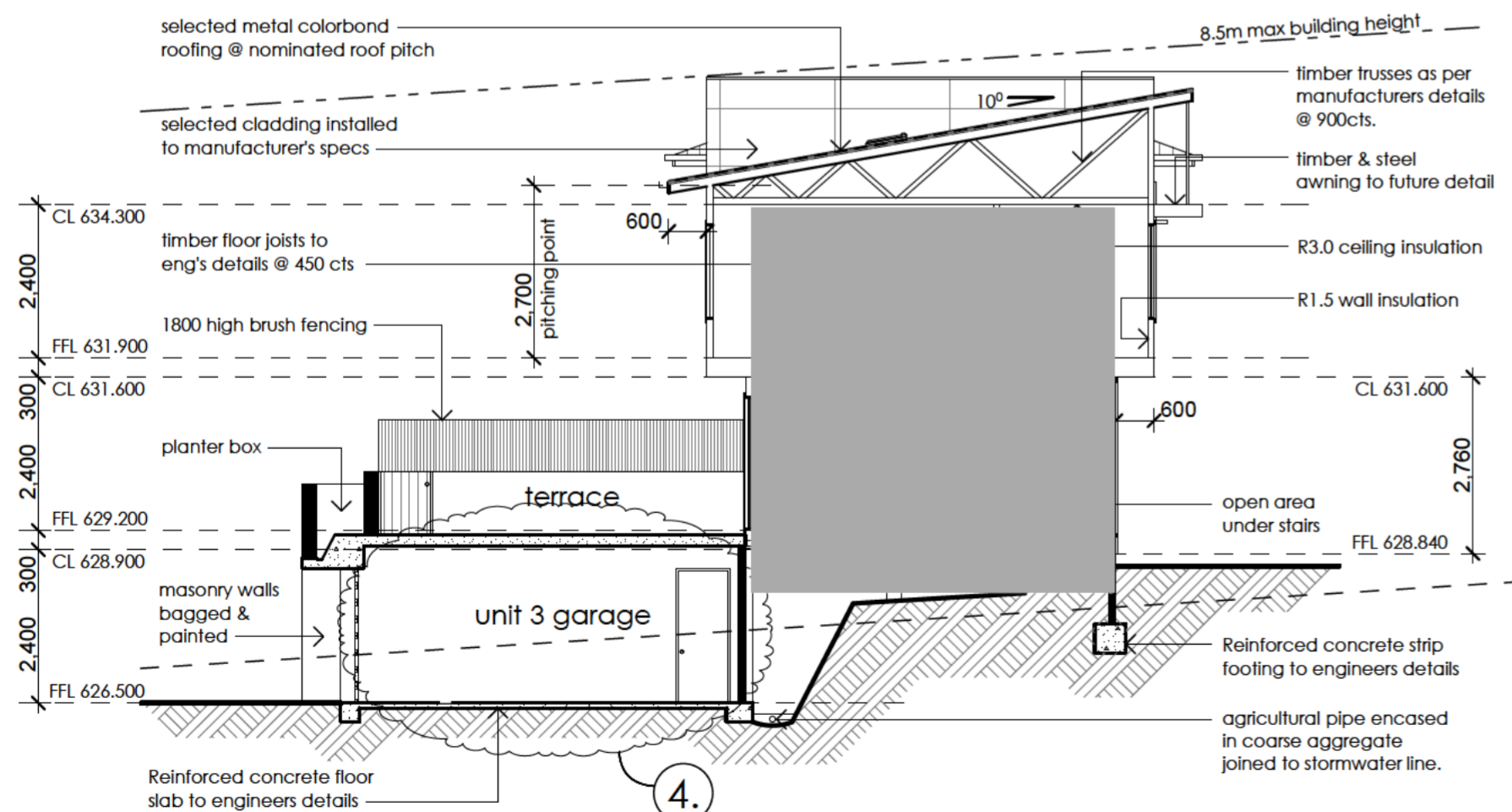
Title  
**Garage Level Floor Plan  
 & Sections**

Scale 1:100 Drawn By SA

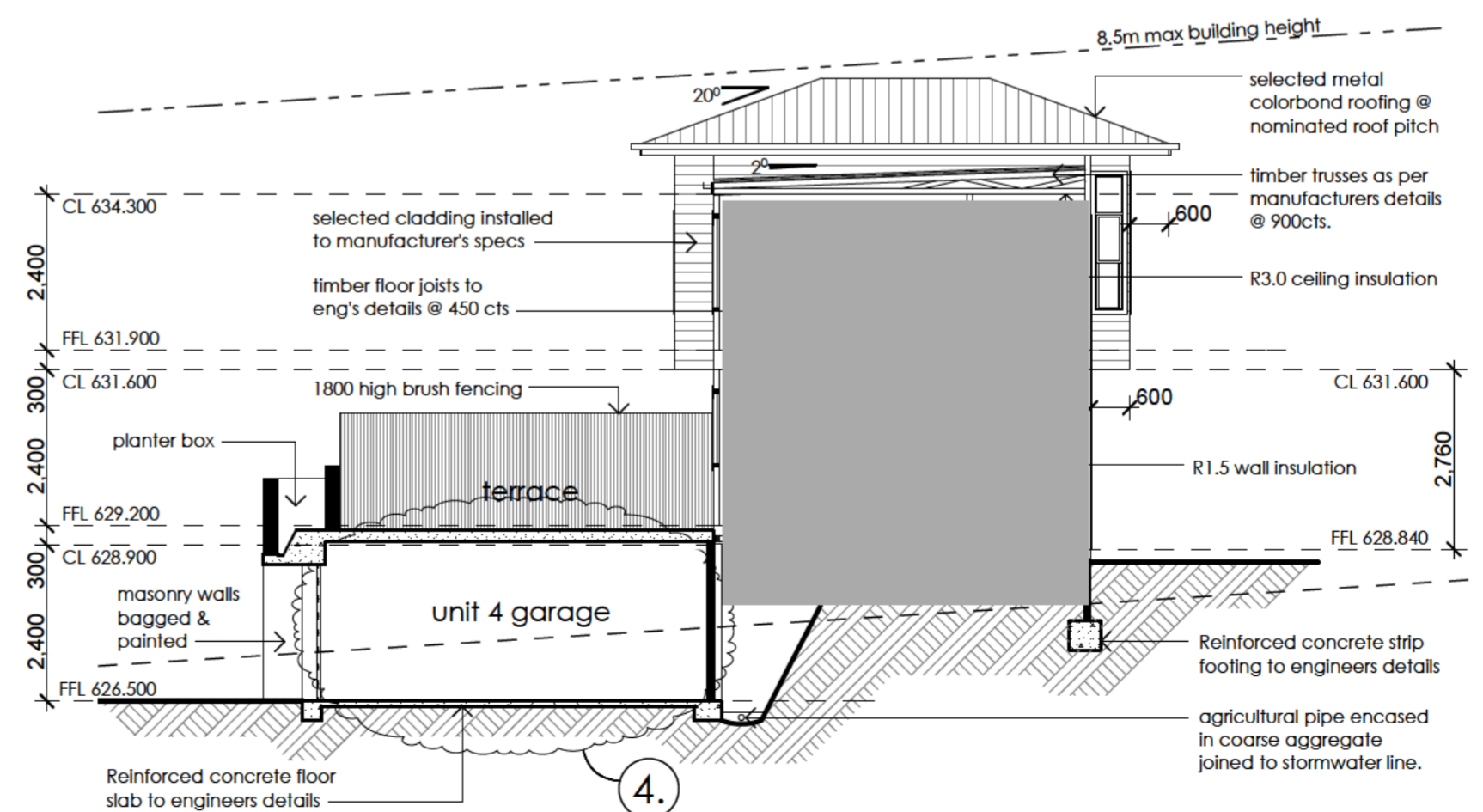
Date May 2008 Drawing No. 1284 - E

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 Suite A, 34 Taylor Street, Annandale NSW 2038  
 Phone 02 9660 2255 Fax 02 9660 2254

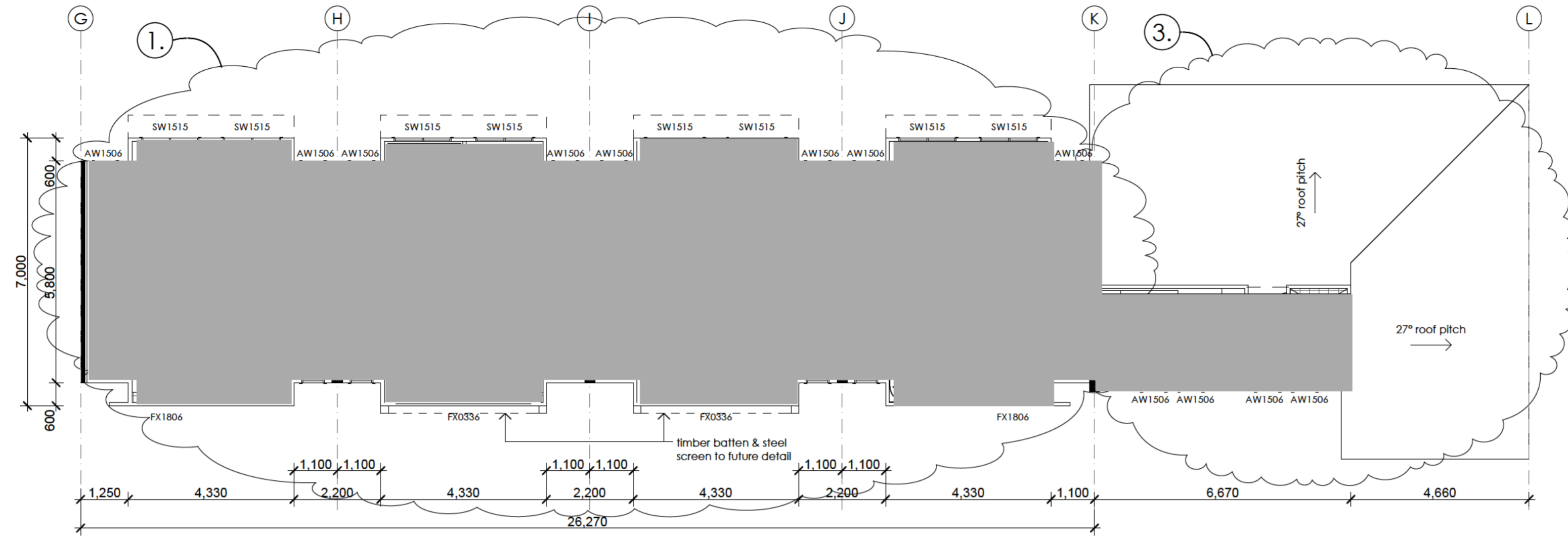
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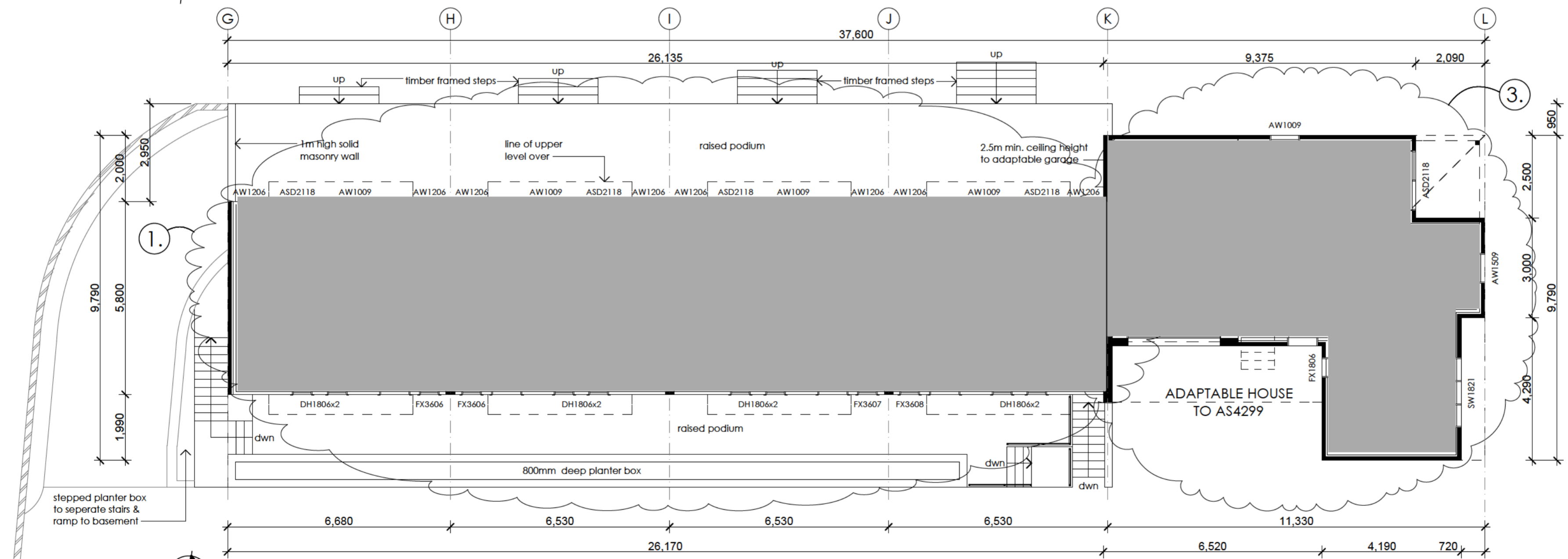
SECTION X-X



SECTION Y-Y



**UPPER LEVEL FLOOR PLANS**



**GROUND LEVEL FLOOR PLANS**

UNIT 6 AREAS	UNIT 7 AREAS	UNIT 8 AREAS	UNIT 9 AREAS	UNIT 10 AREAS
ground level living 38.7m <sup>2</sup>	ground level living 37.8m <sup>2</sup>	ground level living 37.8m <sup>2</sup>	ground level living 38.0m <sup>2</sup>	ground level living 55.7m <sup>2</sup>
upper level living 39.6m <sup>2</sup>	upper level living 38.7m <sup>2</sup>	upper level living 38.7m <sup>2</sup>	upper level living 39.0m <sup>2</sup>	upper level living 16.8m <sup>2</sup>
				garage 24.9m <sup>2</sup>
<b>Total 78.3m<sup>2</sup></b>	<b>Total 76.5m<sup>2</sup></b>	<b>Total 76.5m<sup>2</sup></b>	<b>Total 77.0m<sup>2</sup></b>	<b>Total 97.4m<sup>2</sup></b>

- B** March, 2009 Amendments to satisfy ACTPLA's concerns
- A** Dec. 2008 Revision
- Increase floor levels of units 6-9 by 700mm.
  - Create basement parking under units 6-9 (9 spaces) accessed via a vehicular ramp.
  - Relocated unit 10 to achieve a rear setback of 4m.
  - Convert car parking under units 1-5 to allow for 2 car spaces per unit (1-5).
  - Relocated 3 visitor car spaces.
  - Provide enclosure for units 6-9 waste bins.
- | Issue | Date | Event |
|-------|------|-------|
|       |      |       |

Project  
**Multi Unit Housing**

Site  
**blocks 16+17  
 section 13,  
 Mawson, ACT.**

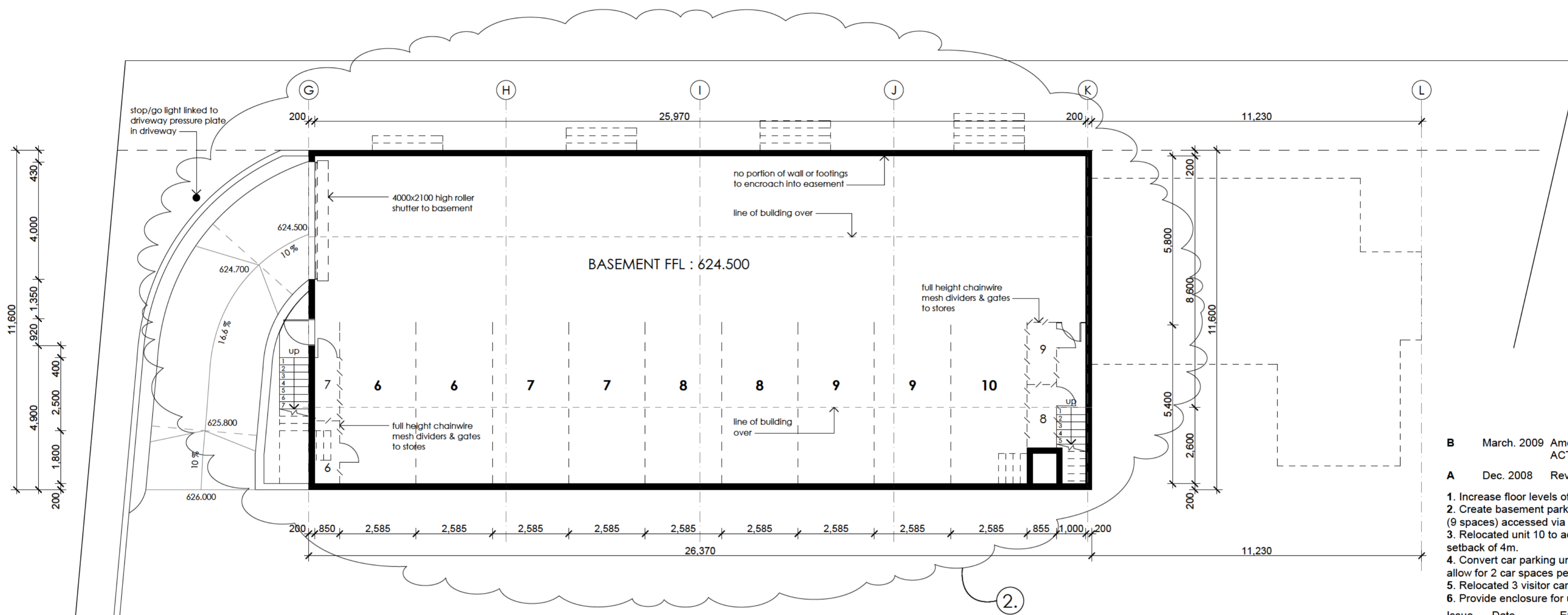
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**Floor Plans Units 6-10**

Scale 1:100  
 Drawn By SA

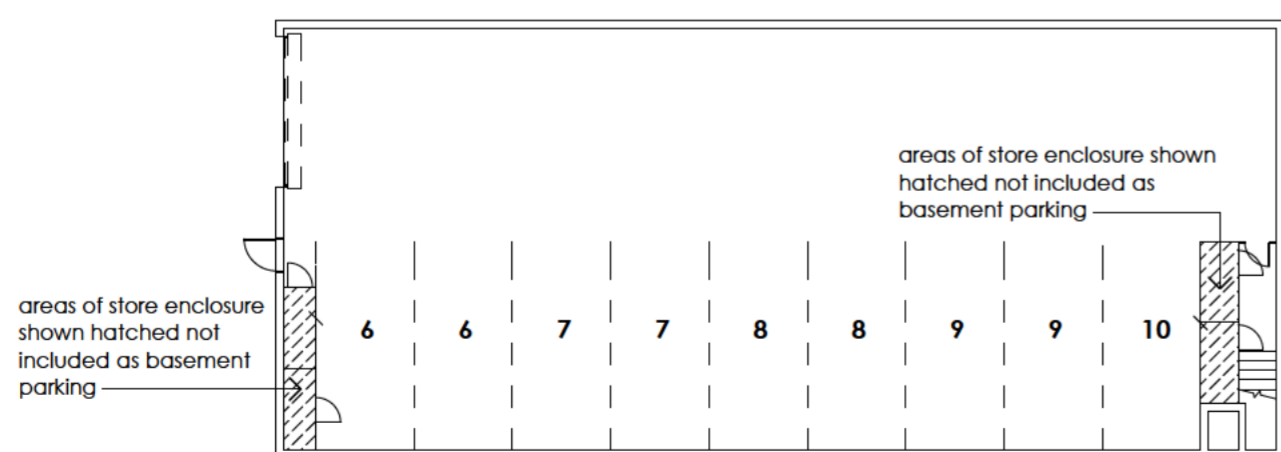
Date May 2008  
 Drawing No. 1284 - F


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 **BASEMENT LEVEL FLOOR PLAN**



 **FLOOR PLAN SHOWING FLOOR AREA NOT INCLUDED AS BASEMENT PARKING** SCALE 1:200

**B** March, 2009 Amendments to satisfy ACTPLA's concerns

**A** Dec. 2008 Revision

1. Increase floor levels of units 6-9 by 700mm.
2. Create basement parking under units 6-9 (9 spaces) accessed via a vehicular ramp.
3. Relocated unit 10 to achieve a rear setback of 4m.
4. Convert car parking under units 1-5 to allow for 2 car spaces per unit (1-5).
5. Relocated 3 visitor car spaces.
6. Provide enclosure for units 6-9 waste bins.

Issue	Date	Event

Project  
**Multi Unit Housing**

Site  
**blocks 16+17  
section 13,  
Mawson, ACT.**

Title  
**Basement Level Floor Plan**

Scale  
1:100, 1:200

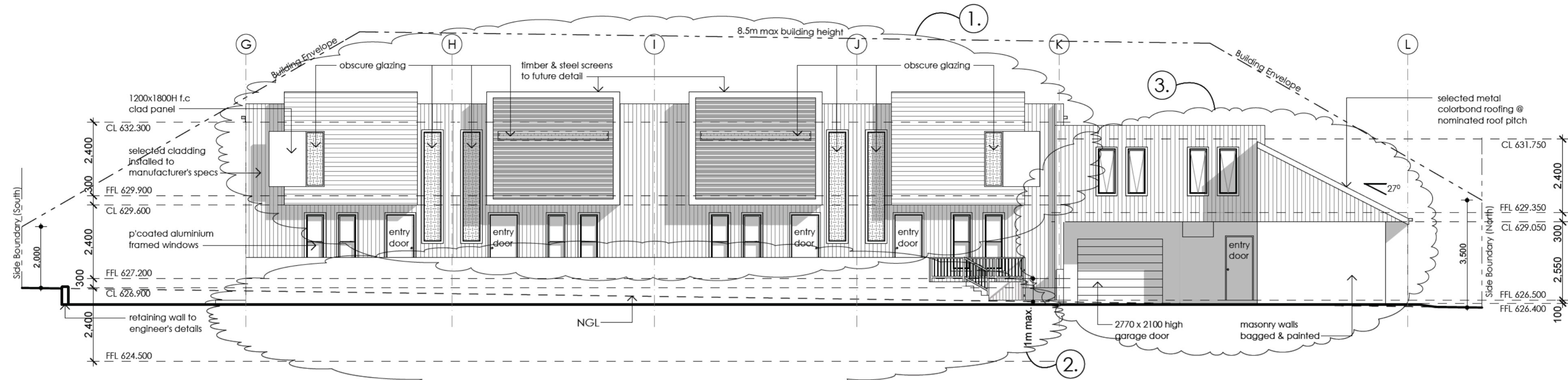
Drawn By  
SA

Date  
May 2008

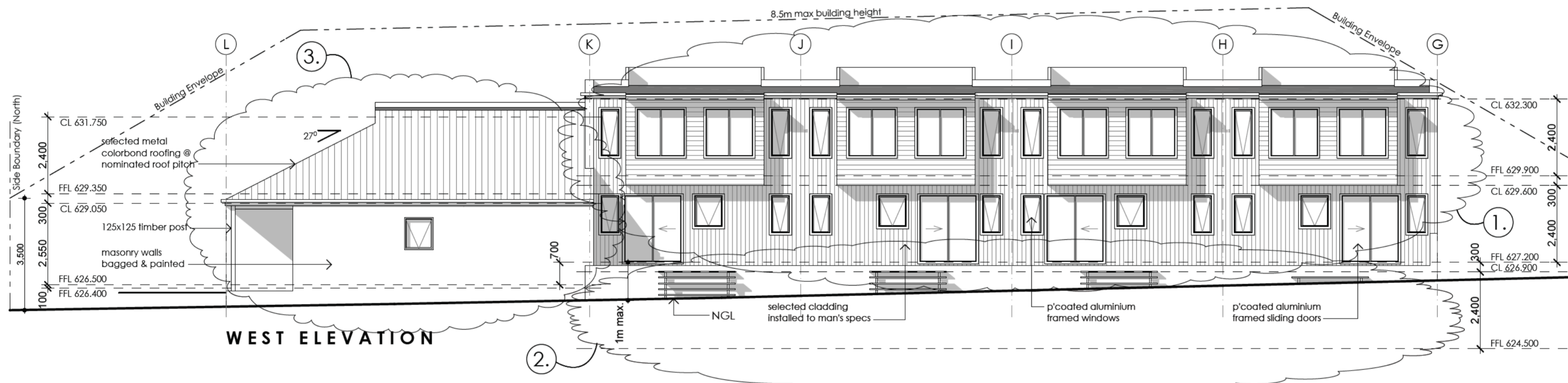
Drawing No.  
1284 - G

**PETER BYFIELD + Associates**  
Suite A, 34 Taylor Street, Annandale NSW 2038  
Phone 02 9660 2255 Fax 02 9660 2254

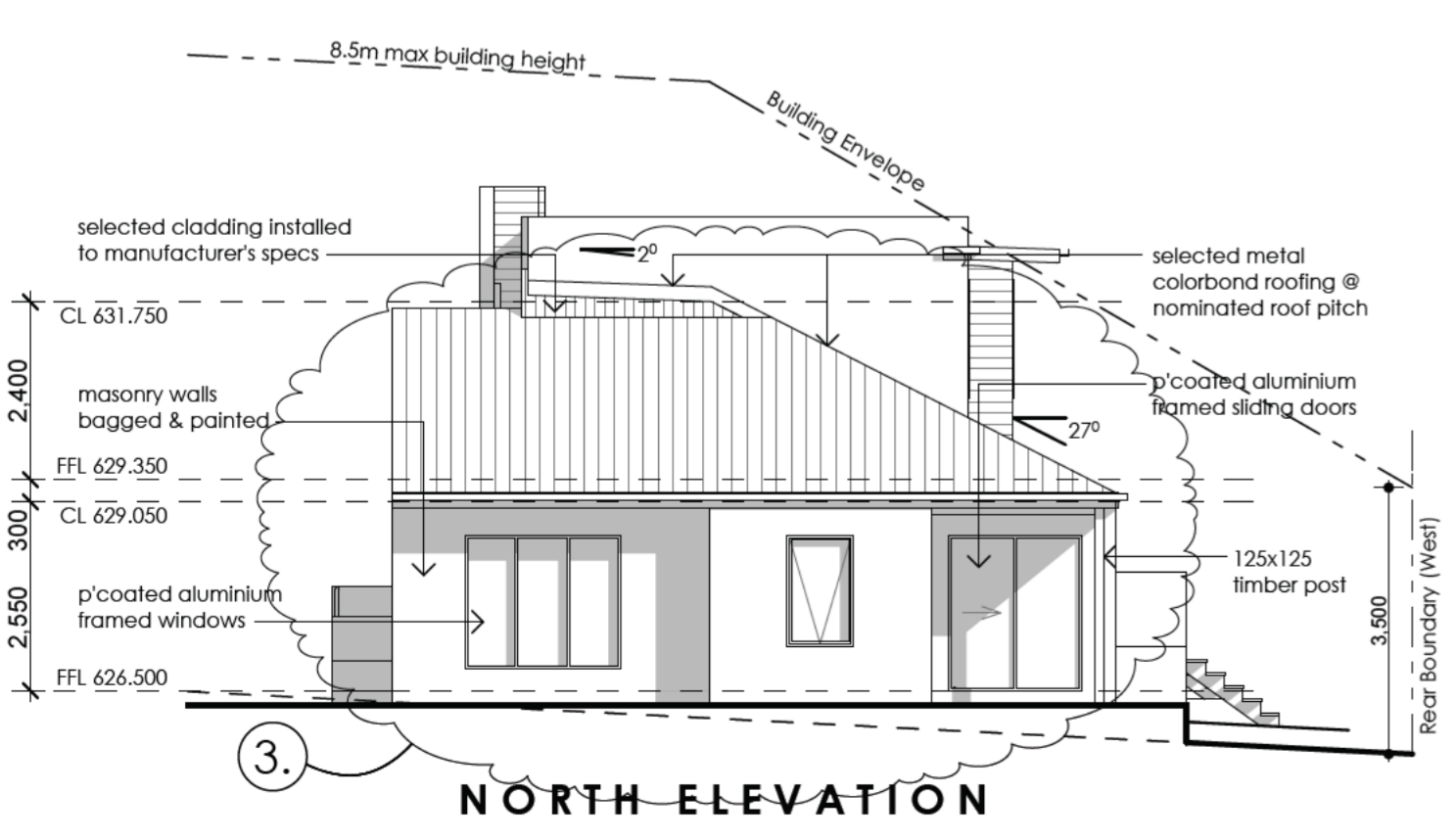
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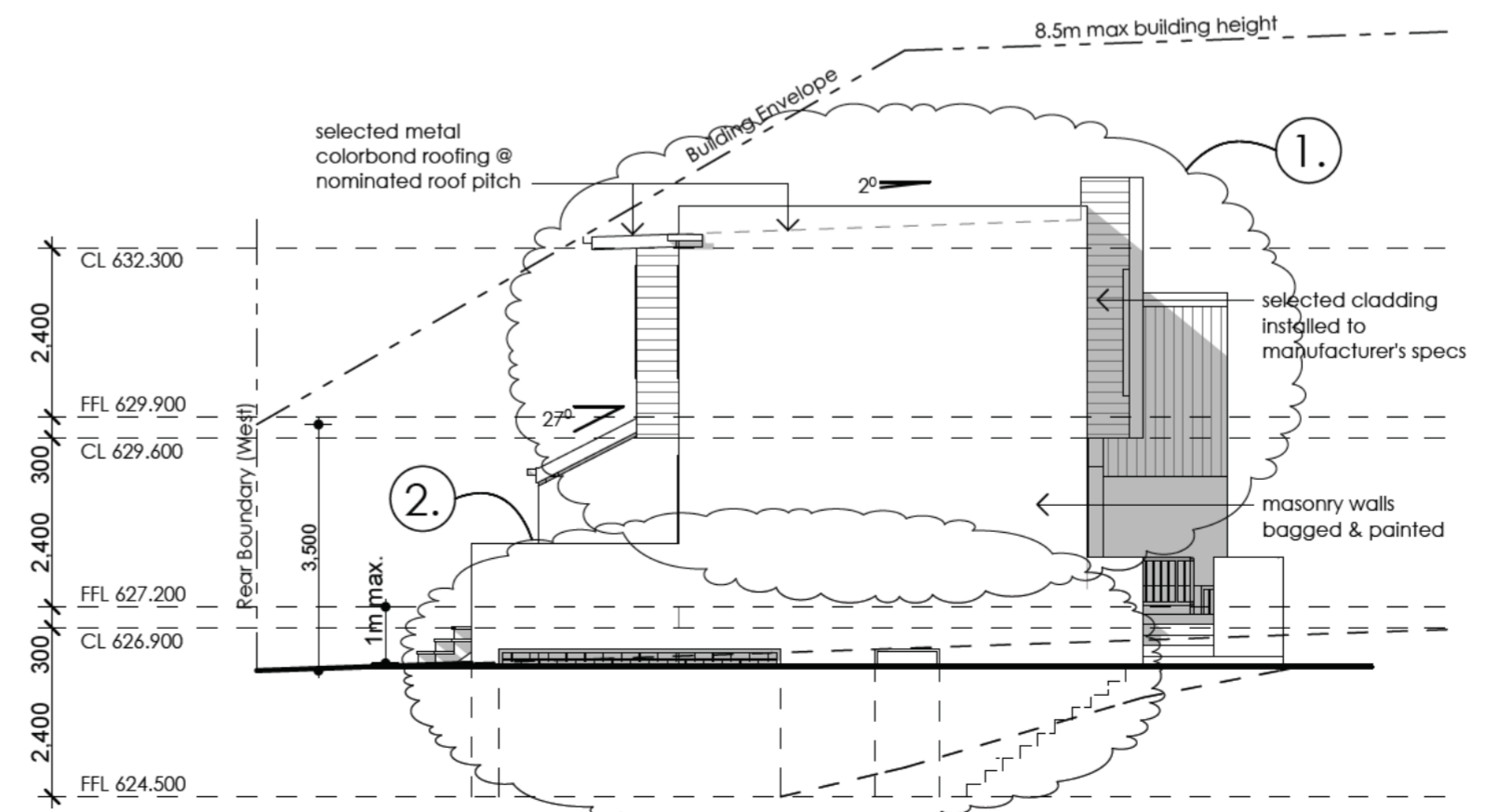
**EAST ELEVATION**



**WEST ELEVATION**



**NORTH ELEVATION**



**SOUTH ELEVATION**

- B** March, 2009 Amendments to satisfy ACTPLA's concerns
  - A** Dec. 2008 Revision
1. Increase floor levels of units 6-9 by 700mm.
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  5. Relocated 3 visitor car spaces.
  6. Provide enclosure for units 6-9 waste bins.
- | Issue | Date | Event |
|-------|------|-------|
|       |      |       |

Project  
**Multi Unit Housing**

Site  
**blocks 16+17  
section 13,  
Mawson, ACT.**

Title  
**Elevations Units 6-10**

Scale  
1:100

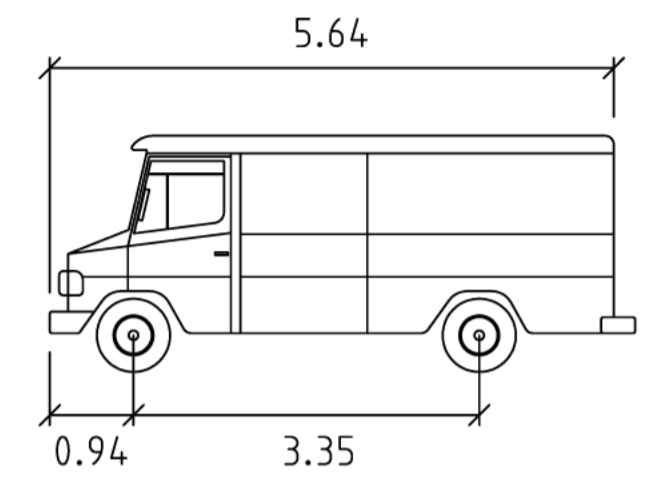
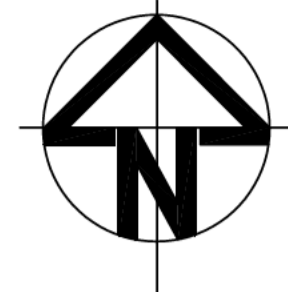
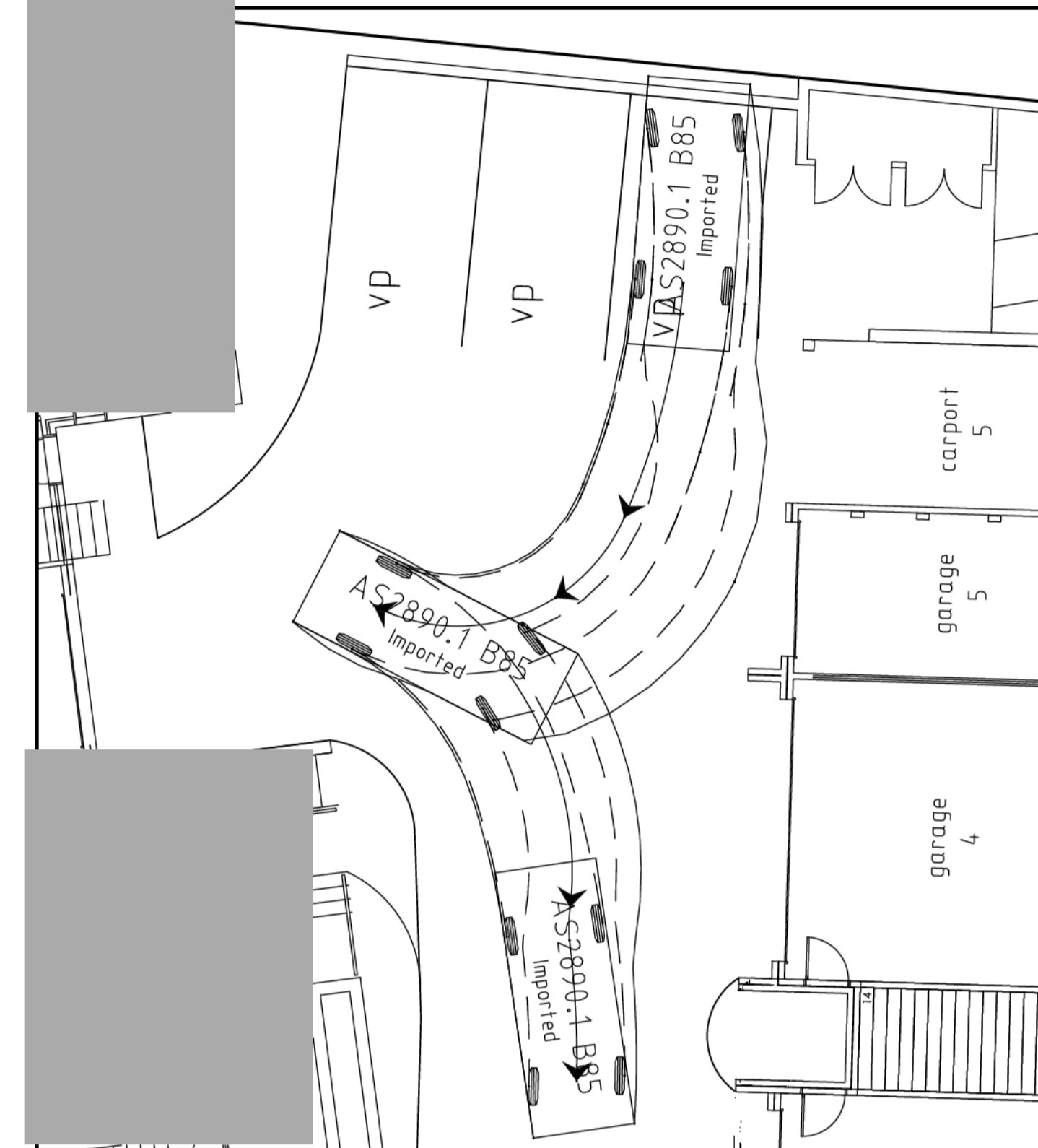
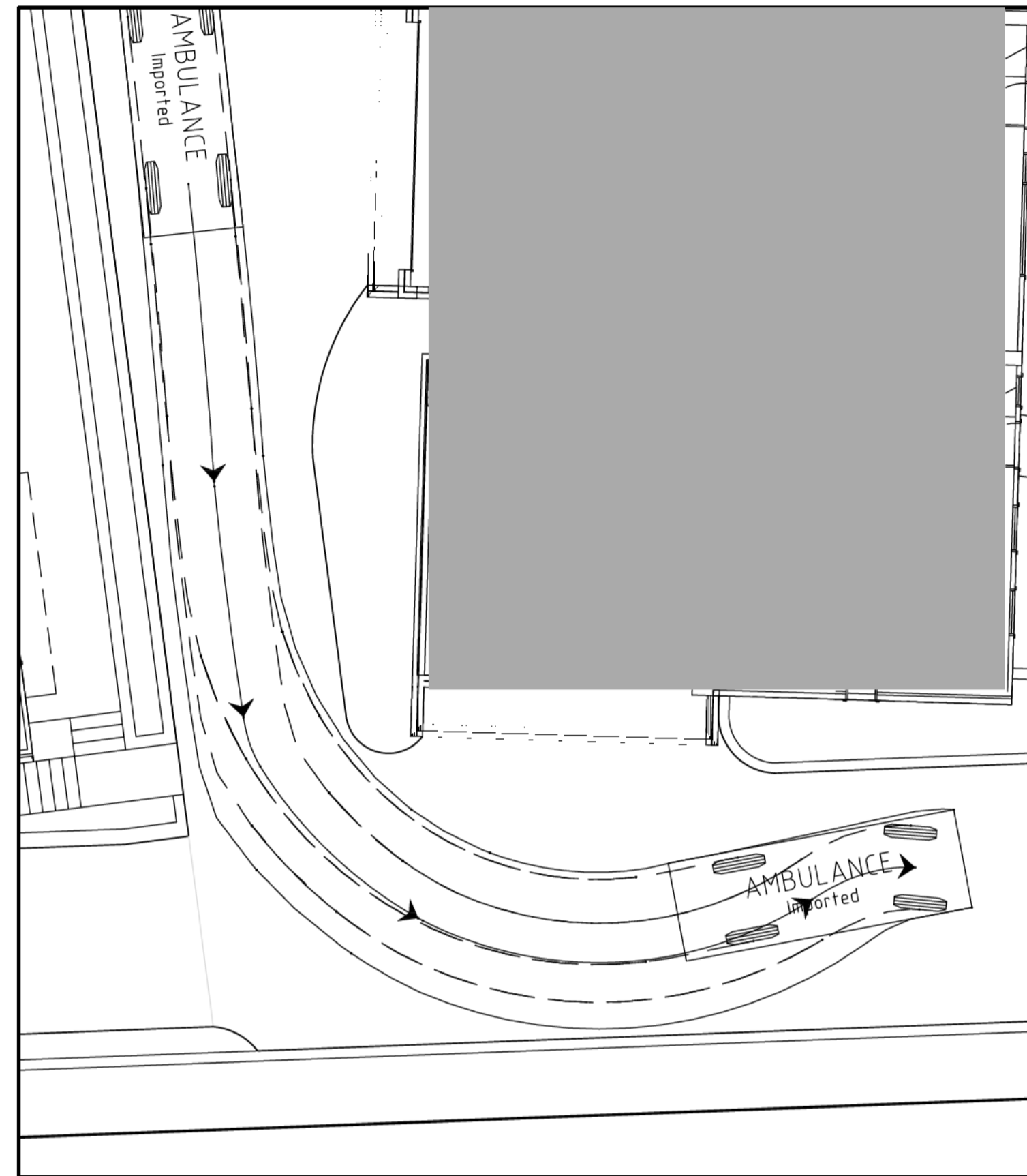
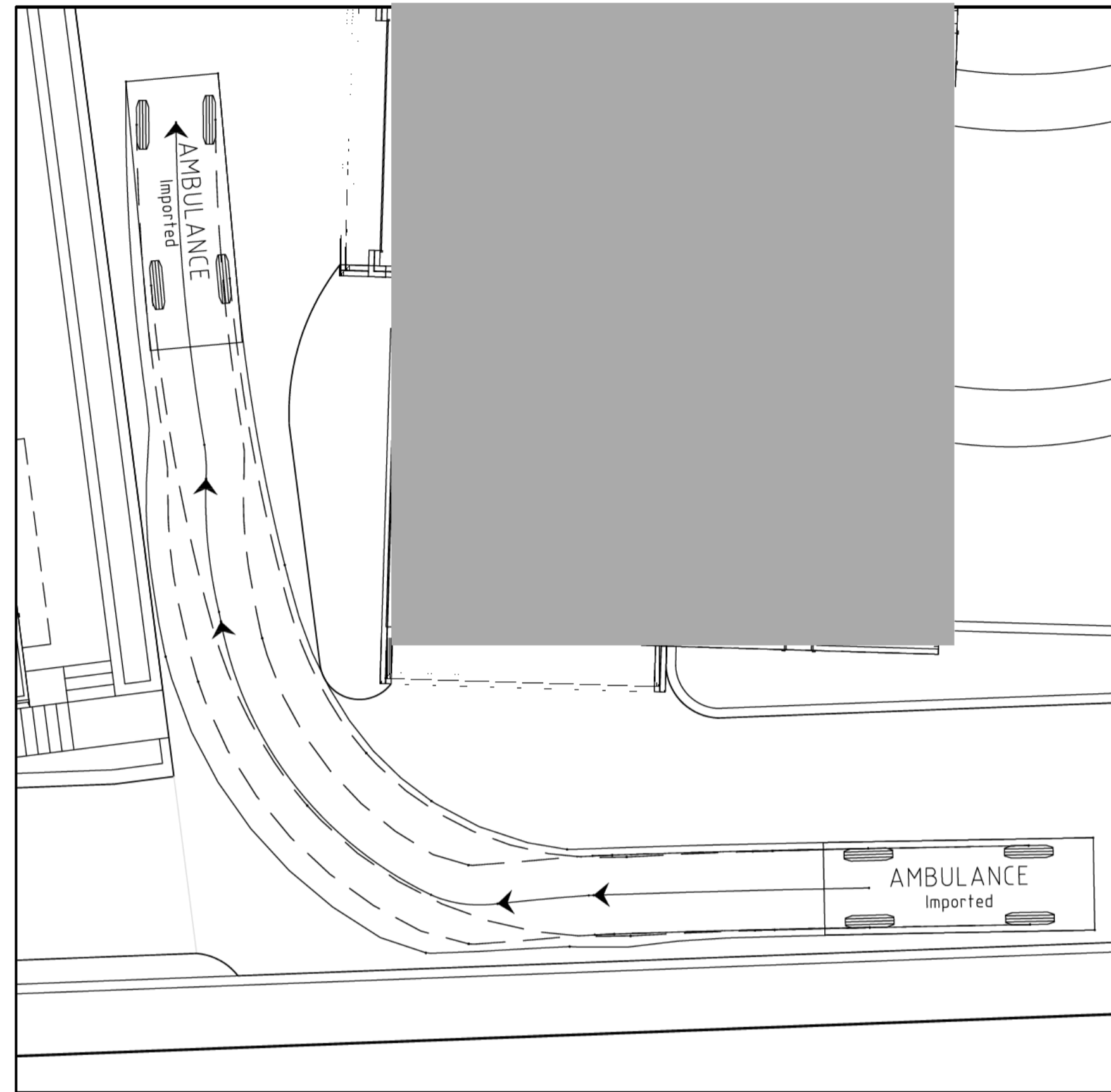
Drawn By  
SA

Date  
May 2008

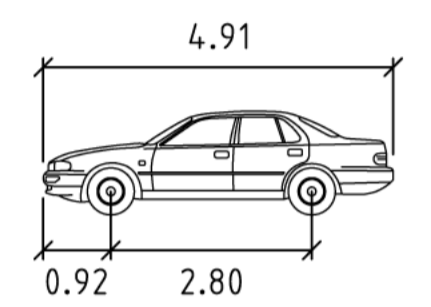
Drawing No.  
1284 - H

**PETER BYFIELD + Associates**  
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AMBULANCE meters  
 Width : 1.93  
 Track : 1.65  
 Lock to Lock Time : 6.00  
 Steering Angle : 26.2



AS2890.1 B85 METERS  
 WIDTH : 1.87  
 TRACK : 1.59  
 LOCK TO LOCK TIME : 6.00  
 STEERING ANGLE : 38.00

PLANNING AND DEVELOPMENT ACT 2007  
**APPROVAL GRANTED**  
 SUBJECT TO THE CONDITIONS SET OUT IN THE  
 NOTICE OF DECISION  
 PURSUANT TO SECTION 162  
 Delegate name JYOTI PRADHAN  
 Date 9/4/2009

ISSUE	DESCRIPTION	DATE	CHECKED
A	FOR DEVELOPMENT APPROVAL ONLY.	07.03.09	

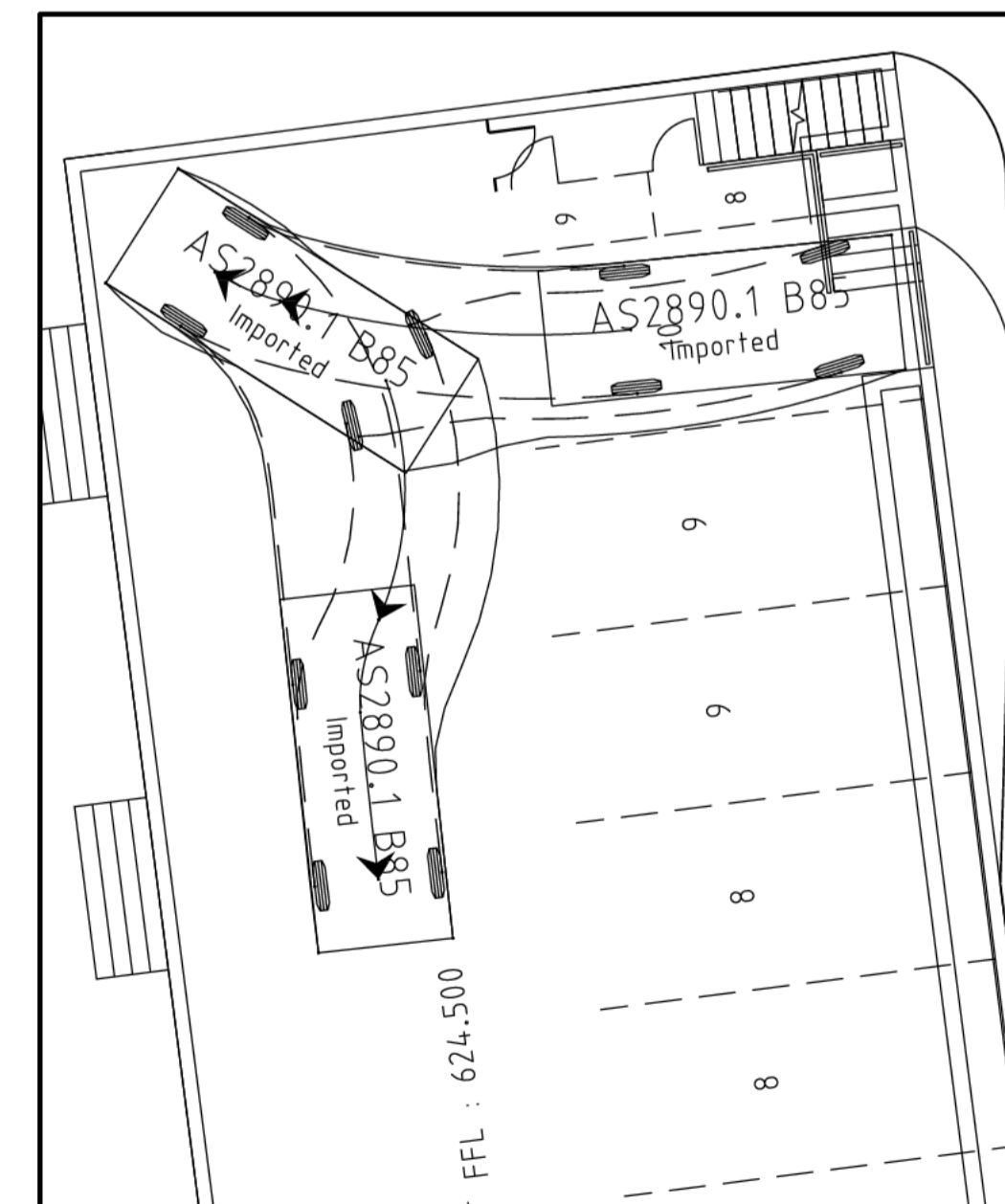
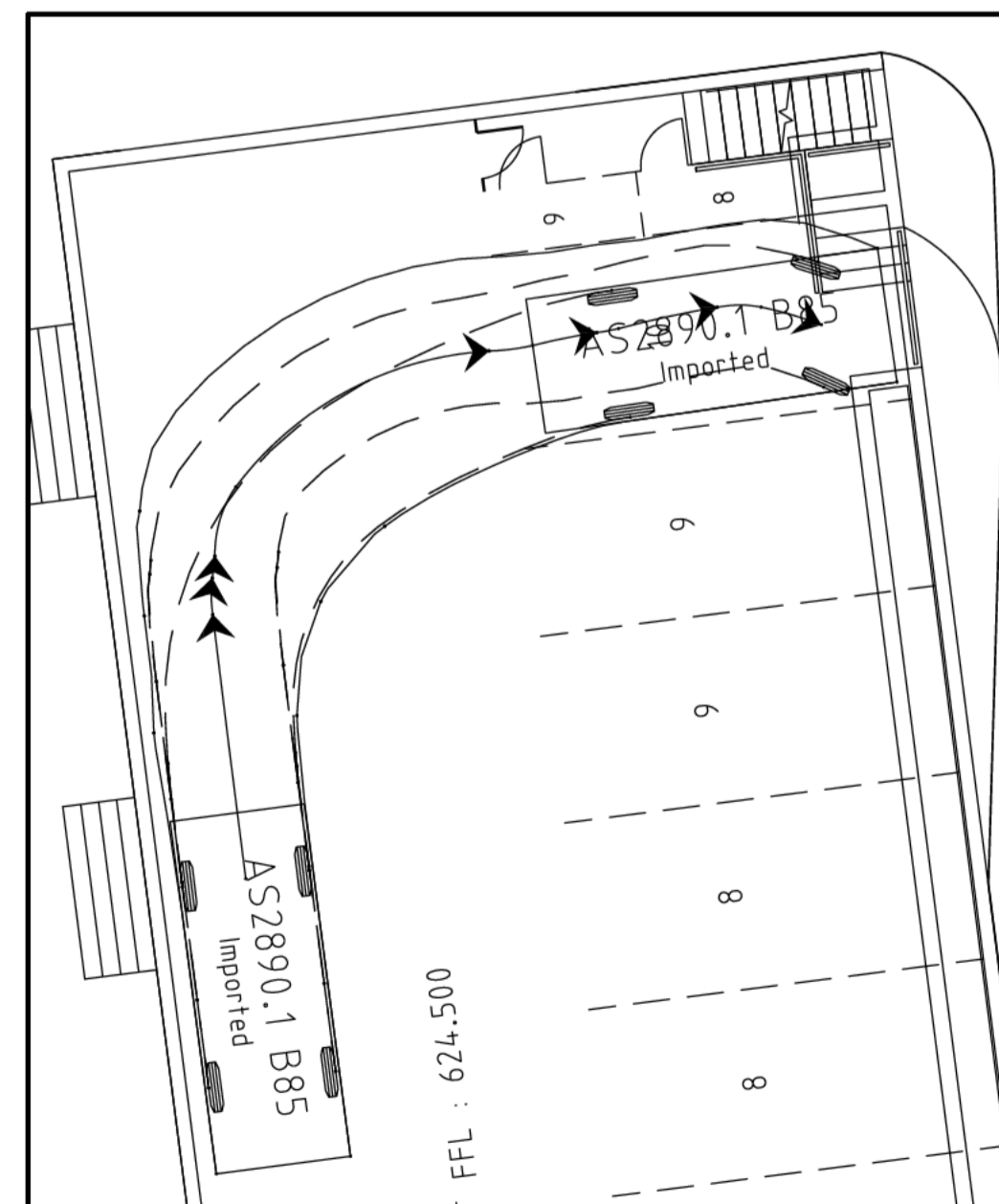
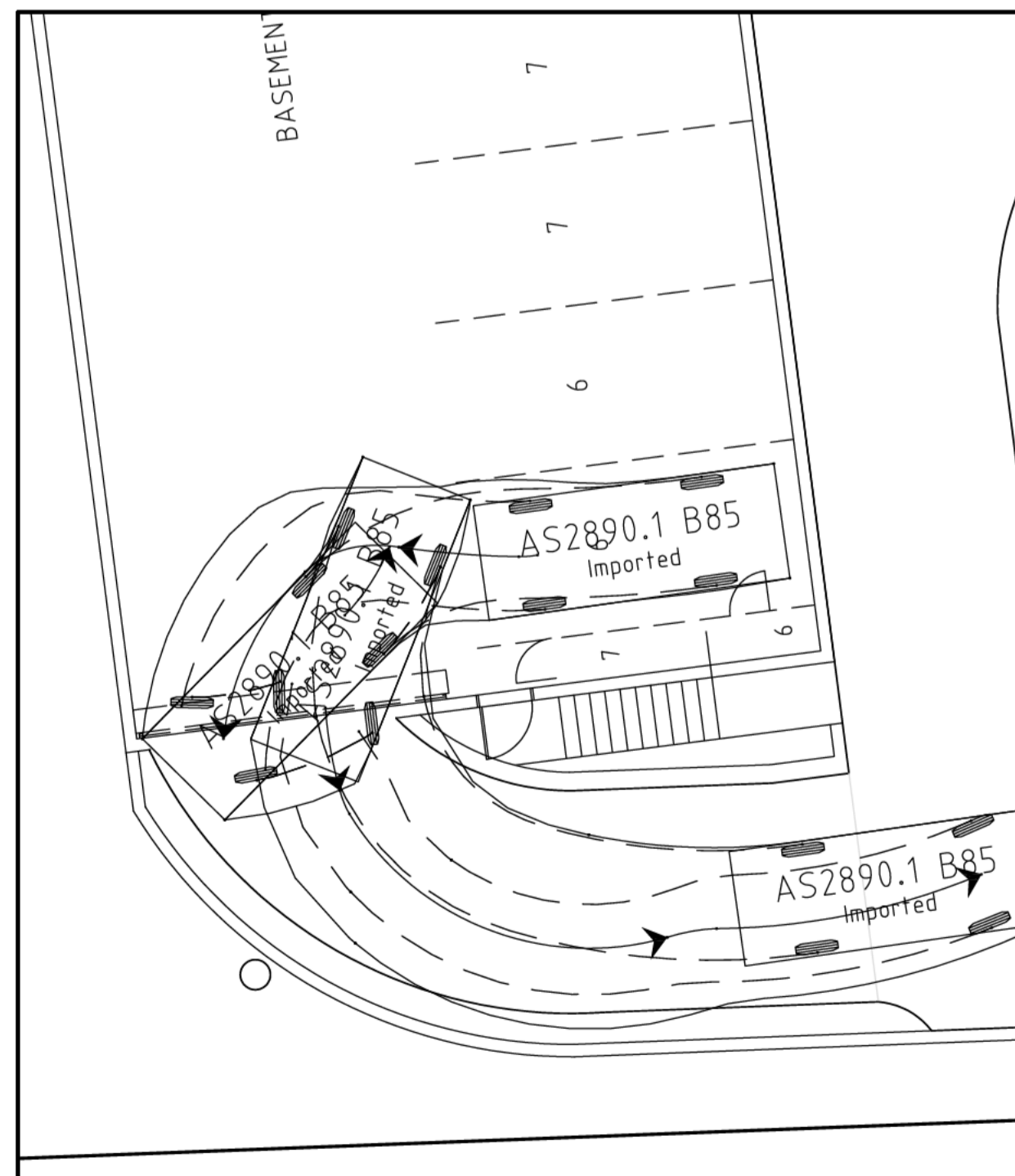
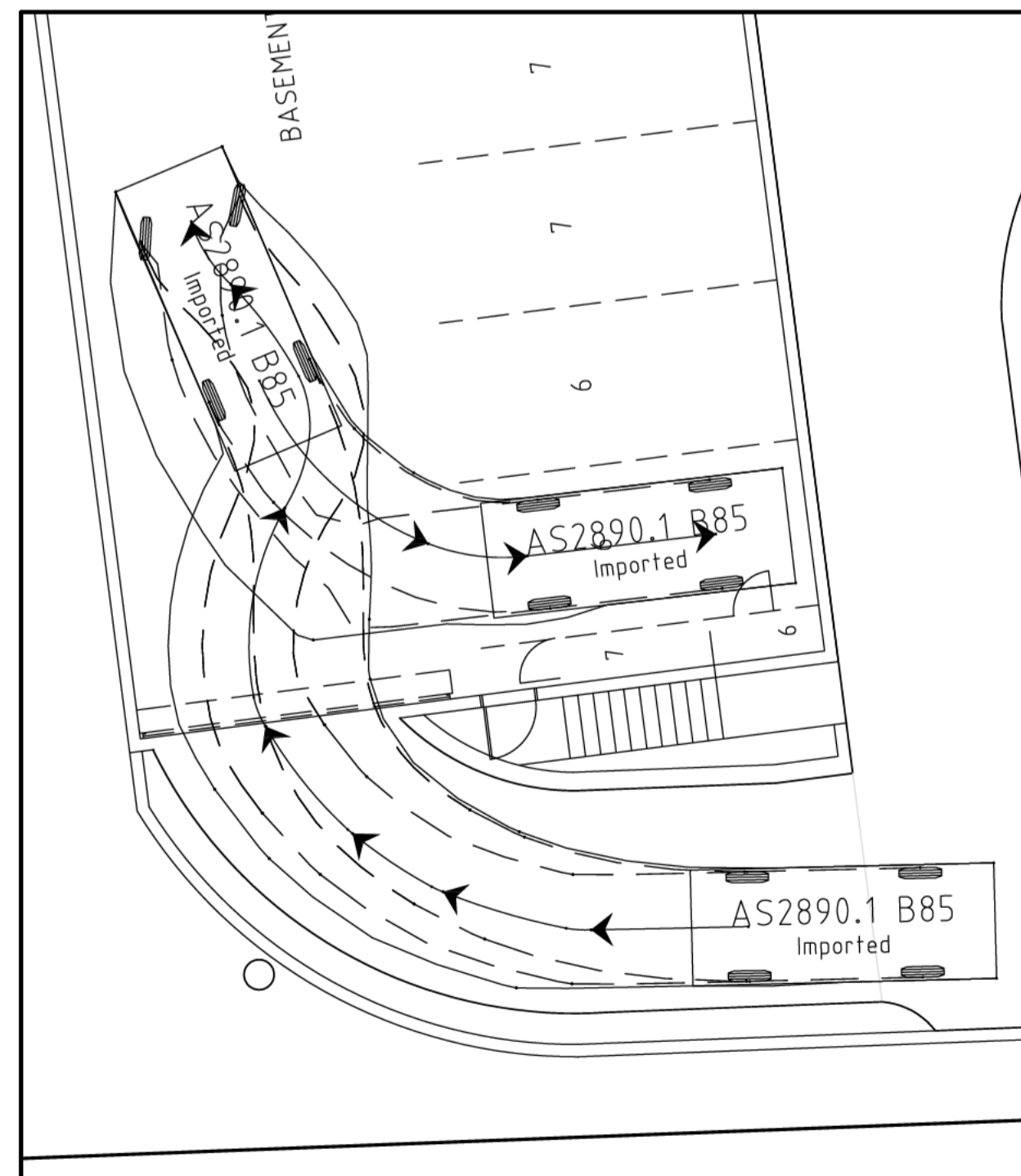
PIERRE DRAGH  
 CONSULTING ENGINEERS PTY. LTD.  
 PO BOX 336 HALL ACT 2618  
 (m) 0438 625 440 (f) 6230 9695

CLIENT  
 HILLCORP

PROJECT  
 PROPOSED MULTI UNIT  
 DEVELOPMENT  
 BLOCKS 16 & 17, SECTION 13  
 MAWSON, ACT

TITLE  
 TURNING DEMONSTRATIONS

DESIGNED BY KS	SCALE 1:100 @ A1
DRAWN BY KS	JOB NO.
AUTHORISED	09HILL1
DATE MAR 09	DRAWING NO. C08



**From:** [Peter Byfield](#)  
**To:** [App Sec](#)  
**Subject:** RE: Reconsideration 16/13 Mawson  
**Date:** Tuesday, 27 January 2009 2:05:40 PM

---

Dear App Sec / Fred.

Required details attached. Let me know if you need more.

Regards

Peter Byfield

---

**From:** App Sec [mailto:App.Sec@act.gov.au]  
**Sent:** Thursday, 22 January 2009 8:58 AM  
**To:** Peter Byfield  
**Subject:** Reconsideration 16/13 Mawson

Hi Peter,

I have been advised by development assessment that a reconsideration needs to be lodged for this application. Can you please submit the attached form to App Sec and we will start the process. As the 20 working days after the decision has passed you will need to ask for an extension to time to lodge the reconsideration and the authority will accept this to be lodged.

Kind Regards,

Fred Arugay  
Applications Secretariat

-----  
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