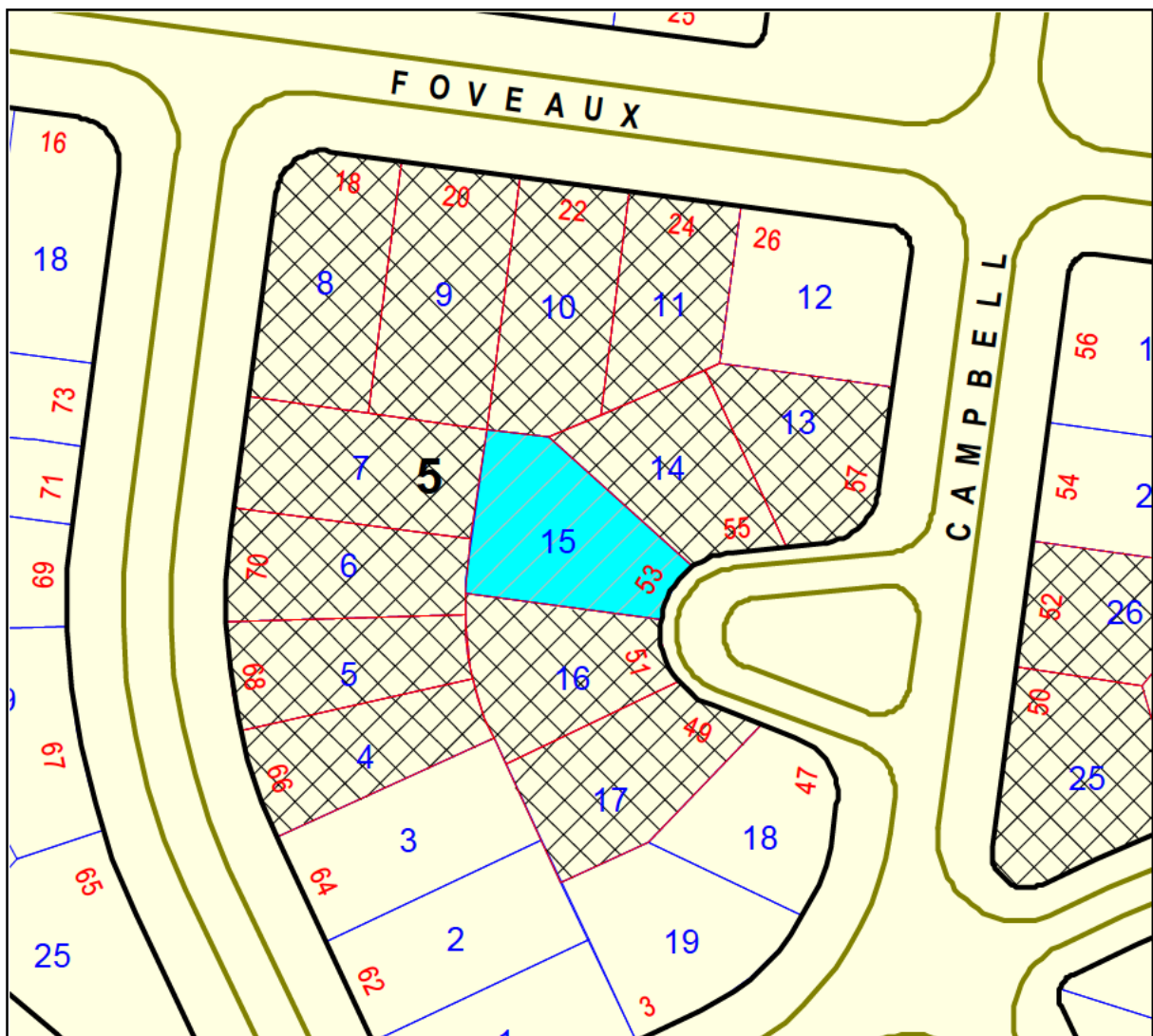


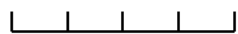
AINSLIE
Block 15 Section 5

15 April 2005 to 6 May 2005

Development Application
200309168



0 10 20 30 40



metres

Name,Address1,Address2,Address3,Address4

TT ARCHITECTURE,PO BOX 5282,KINGSTON ACT 2604,

,50 CAMPBELL STREET,AINSLIE ACT 2602,
52 CAMPBELL STREET,AINSLIE ACT 2602,

,49 CAMPBELL STREET,AINSLIE ACT 2602,

,49 CAMPBELL STREET,AINSLIE ACT 2602,

,57 CAMPBELL STREET,AINSLIE ACT 2602,

XX.,

66 PATERSON STREET,AINSLIE ACT 2602,

,24 FOVEAUX STREET,AINSLIE ACT 2602,

,24 FOVEAUX STREET,AINSLIE ACT 2602,

,18 FOVEAUX STREET,AINSLIE ACT 2602,

,55 CAMPBELL STREET,AINSLIE ACT 2602,

,22 FOVEAUX STREET,AINSLIE ACT 2602,

,22 FOVEAUX STREET,AINSLIE ACT 2602,

,20 FOVEAUX STREET,AINSLIE ACT
2602,

,2/72A PATERSON STREET,AINSLIE ACT 2602,

,1/72 PATERSON STREET,AINSLIE ACT 2602,

ACT,

ACT,

70 PATERSON STREET,AINSLIE ACT 2602,



14 April 2005

TT ARCHITECTURE
PO BOX 5282
KINGSTON ACT 2604

Dear Applicant

Suburb: AINSLIE Block: 15 Section: 5
Development Application Number: 200309168

I am writing to advise you about the public notification of your Development Application.

The public notification period for your application will commence on **15 April 2005** and end at the close of business on **6 May 2005**. If comments or objections are received, I will forward a copy to you after the notification period ends. Please note, you are required to remove the yellow sign from the property on **7 May 2005**.

Your application will then be forwarded to the Development Assessment Unit for a full assessment. We expect to make a decision on your application within 30 business days of its date of lodgement. However, where objections are received, our expected time for making a decision is 45 business days from the date of lodgement. You will be advised when a decision on your application has been made and of any appeal rights that you may have.

If you would like to discuss your development application or any aspect of this letter, please contact the Applications Secretariat on telephone (02) 6207 1687, we will be happy to assist you.

Yours faithfully

Kevin Rochford
A/Team Leader
Applications Secretariat

ACT Planning & Land Authority

Applications Secretariat

16 Challis Street, Dickson

PO Box 365, Mitchell, ACT 2911 • Telephone: (02) 6207 1687 • Email: app.sec@act.gov.au

Authority Website: www.actpla.act.gov.au



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Authority Website: www.actpla.act.gov.au

JOB REPORT - Public Notification Generator

JOB DATE: 14 April 2005 10:06 am
JOB CODE: 100229
OPERATOR: FRED ARUGAY

Development Application 200309168
PUBLIC NOTIFICATION
Application lodged on 13 April 2005.
Notification begins on 15 April 2005 and ends on 6 May 2005.

SUBJECT BLOCK

BLOCK: AINSLIE SECTION 5 BLOCK 15
STREET ADDRESS: 53 CAMPBELL STREET
LESSEE(S): [REDACTED]
ADDRESS: [REDACTED]

APPL_TYPE: DUAL
DEV_DESC: DUAL OCCUPANCY - Demolish existing single dwelling and construct two adaptable single dwellings

NEIGHBOURING LESSEES

1. BLOCK: AINSLIE SECTION 5 BLOCK 6
NAME(S): [REDACTED]
ADDRESS: 70 PATERSON STREET
AINSLIE ACT 2602

2. BLOCK: AINSLIE SECTION 5 BLOCK 5
NAME(S): [REDACTED]
ADDRESS: [REDACTED]

3. BLOCK: AINSLIE SECTION 5 BLOCK 7 UNIT 0
NAME(S): [REDACTED]
ADDRESS: ACT

4. BLOCK: AINSLIE SECTION 5 BLOCK 7 UNIT 1
NAME(S): [REDACTED]
ADDRESS: ACT

5. BLOCK: AINSLIE SECTION 5 BLOCK 7 UNIT 1
NAME(S): [REDACTED]
ADDRESS: 1/72 PATERSON STREET
AINSLIE ACT 2602

6. BLOCK: AINSLIE SECTION 5 BLOCK 7 UNIT 2
NAME(S): [REDACTED]
ADDRESS: 2/72A PATERSON STREET
AINSLIE ACT 2602

7. BLOCK: AINSLIE SECTION 5 BLOCK 9
NAME(S): [REDACTED]
ADDRESS: 20 FOVEAUX STREET
AINSLIE ACT 2602

8. BLOCK: AINSLIE SECTION 5 BLOCK 16
NAME(S): [REDACTED]
ADDRESS: [REDACTED]

9. BLOCK: AINSLIE SECTION 5 BLOCK 10
NAME(S): [REDACTED]
ADDRESS: 22 FOVEAUX STREET
AINSLIE ACT 2602

10. BLOCK: AINSLIE SECTION 5 BLOCK 10
NAME(S): [REDACTED]
ADDRESS: 22 FOVEAUX STREET
AINSLIE ACT 2602

11. BLOCK: AINSLIE SECTION 5 BLOCK 14
NAME(S): [REDACTED]
ADDRESS: 55 CAMPBELL STREET
AINSLIE ACT 2602

12. BLOCK: AINSLIE SECTION 5 BLOCK 8
NAME(S): [REDACTED]
ADDRESS: 18 FOVEAUX STREET
AINSLIE ACT 2602

13. BLOCK: AINSLIE SECTION 5 BLOCK 11
NAME(S): [REDACTED]
ADDRESS: 24 FOVEAUX STREET
AINSLIE ACT 2602

14. BLOCK: AINSLIE SECTION 5 BLOCK 11
NAME(S): [REDACTED]
ADDRESS: [REDACTED]

15. BLOCK: AINSLIE SECTION 5 BLOCK 11
NAME(S): [REDACTED]
ADDRESS: [REDACTED]

16. BLOCK: AINSLIE SECTION 5 BLOCK 11
NAME(S): [REDACTED]
ADDRESS: [REDACTED]

17. BLOCK: AINSLIE SECTION 5 BLOCK 4
NAME(S): [REDACTED]
ADDRESS: 66 PATERSON STREET
AINSLIE ACT 2602
18. BLOCK: AINSLIE SECTION 5 BLOCK 4
NAME(S): [REDACTED]
ADDRESS: XX
19. BLOCK: AINSLIE SECTION 5 BLOCK 13
NAME(S): [REDACTED]
ADDRESS: 57 CAMPBELL STREET
AINSLIE ACT 2602
20. BLOCK: AINSLIE SECTION 5 BLOCK 17
NAME(S): [REDACTED]
ADDRESS: 49 CAMPBELL STREET
AINSLIE ACT 2602
21. BLOCK: AINSLIE SECTION 5 BLOCK 17
NAME(S): [REDACTED]
ADDRESS: 49 CAMPBELL STREET
AINSLIE ACT 2602
22. BLOCK: AINSLIE SECTION 80 BLOCK 26
NAME(S): [REDACTED]
ADDRESS: 52 CAMPBELL STREET
AINSLIE ACT 2602
23. BLOCK: AINSLIE SECTION 80 BLOCK 25
NAME(S): [REDACTED]
ADDRESS: 50 CAMPBELL STREET
AINSLIE ACT 2602

APPLICANTS

1. NAME(S): TT ARCHITECTURE
ADDRESS: PO BOX 5282
KINGSTON ACT 2604

SUMMARY

No of lessee notifications created = 19 – Letters 2,4,8,18 not sent due to duplicate
No of interested party notifications created = 0
No of advertisement authorisation letters created = 1
No of outdoor signs created = 1
No of letters to Gungahlin Development Authority created = 0
No of letters to applicants created = 1



NOTICE OF DEVELOPMENT APPLICATION

The ACT Planning & Land Authority has received the following application and you are invited to make written comments

Development Application 200309168:

DUAL OCCUPANCY - Demolish existing single dwelling and construct two adaptable single dwellings

Location: Block: 15 Section: 5 Suburb: AINSLIE
53 CAMPBELL STREET

You can see a copy of the application at the **Applications Secretariat, Dame Pattie Menzies House, Ground Floor South (right hand building), 16 Challis Street Dickson** (*opposite Motor Vehicle Registry*). The Secretariat's office is open on weekdays from **8:30am to 4:30pm**. **(Please record the application number above for reference).**

If you feel the application may affect you in any way and wish to object, you can lodge a written objection clearly stating the grounds for objection. However, you may also provide comments in support of the application. You may deliver your objections or comments to the address above, Internet Email to app.sec@act.gov.au, or post to:

**Applications Secretariat
PO Box 365
Mitchell ACT 2911**

Objections or comments must arrive by close of business **6 May 2005**.

If you make objections or comments, an acknowledgment will be posted to you and you will be advised when a decision is made on the application. Copies of all correspondence received will be forwarded to the applicant and also made available for public inspection. You may request that your identity be kept confidential, however, in doing so you are required under the *Land (Planning and Environment) Act 1991* to clearly state the reasons why it would not be in the public interest for your identity to be published.

A list of Development Applications, other than single dwellings, currently open for public comment are available on the ACT Planning and Land Authority internet site at www.actpla.act.gov.au/consultation/index.htm

For more information, please phone the Applications Secretariat on 6207 1687

4th May 2005

[REDACTED]
20 Foveaux Street,
Ainslie, Canberra,
A.C.T. 2602.

Applications Secretariat
16 Challis Street, Dickson,
Canberra, A.C.T. 2602.

Re : **Block: 15 , Section: 5 , Suburb: Ainslie , Address: 53 Campbell Street**
Development Application 200309168, DUAL OCCUPANCY – Demolish existing
single dwelling and construct two adaptable single dwellings.

In response to your letter dated 14th April 2005, I wish to commend the efforts
made by the ACT Planning Authority to [REDACTED]
[REDACTED]

My only request is that the corner that adjoins my property be screened off
with a row of screen shrubs so that I do not view the dual occupancy from my property.
Due to the fact that the tenants may be in wheelchairs, if the screen shrubs are planted 2
meters in from the boundary so that when they are fully grown, minimal pruning needs to
be done. The existing plan tends to reflect this however, is it possible to made this a
requirement for the dual occupancy to be approved. I did mention this to the Architect
and he did not see any problems with this.

The other point I wish the Planning Authority to consider is that with this
approval, it would make two properties with Dual Occupancy that adjoin my property. I
have invested a significant amount of money into my property and it was considered a
landmark property even before the renovations. In the future, it would be grossly unfair to
approve another Dual Occupancy, as I would be effectively surrounded by Dual
Occupancy properties and that would have a very detrimental effect on the value of my
property.

Although I am naturally against any further dual occupancy, this current
application is for a worthy cause and I will register no objection but give it the thumbs
up. I will however strongly object to any application to dual occupancy approval to either
property beside mine. I believe that this request is fair minded and balanced.

I wish you a smooth and trouble free construction process and thank you in
anticipation to listening to my concerns. I would also like to formally thank the efforts of
the Planning Authority with regards to my renovations. The end result was very pleasing
and in time it will raise the profile of Ainslie homes.

Yours Sincerely,

[REDACTED]

PRE-LODGEMENT ASSESSMENT

ADMINISTRATIVE INFORMATION

Proposal Number:	200309168	Validation (1)	
Unit	Block: 15	Section: 5	
Division:	Ainslie		
Block Street Address:	53 Campbell Street		
Contact Details:	Applicant Name: TT	Email: davidsimon@ttarchitecture.com.au	
	Architecture - David Simon	Phone: 62326311	Fax: 62326312
Address:	PO Box 5282, Kingston, ACT, 2604		

Initial advice

Date	Officer/Agency	Context	Advice
		Agency coord mee	
		Agency coord mee	
		Agency coord mee	
		Agency coord mee	

Agency Referral meeting comments

Date	Officer	Agency	Plans taken	Advice
		Environment A	No	
		Environment A	No	
		Environment A	No	
		Environment A	No	

Submission information

Team:	Commercial South	Case Officer:	Jason Hunter
Type of Project:	Design and Siting		
Instruments saved to Objective			
Crown Lease/Units Plan saved into Objective			
Compliance Action (Forwarded in Objective)			
Leasing:	No leasing component.....		
Description:	Demolition of original house and rebuild 2 fully adaptable units.		
DA form signed	Yes	Lessee Authority	Yes
Block and section correspond to Cadastre:	Yes		
Date of Pre lodgement submission	23/03/2005	Date of validation:	
Date for reporting back to applicant		Date of lodgement:	
Is Public Notification required? Yes			
If Yes - Public notification wording: Demolish existing single dwelling and construct two adaptable single dwellings			
Is a Preliminary Assessment Required? No			
Is a Referral to Planning and Land Council and the Relevant Community Council required ?: NO			
If YES which Community Council requires Notification? Yes			

Referrals within Development Management and Building Administration:

Area	Documentation Check	Applications Secretariat	Leasing	Compliance	Development Assessment
Date in	Application Secretariat	Documentation Check			12/04/2005
Date out					12/04/2005

Referrals to Land Planning and Projects:	Area	Date in	Date out

Referrals to Strategic Planning and Policy:	Area	Date in	Date out

Referral to external agency (if required at pre-lodgement stage)	Agency	Date of referral	Date of comments	Comments

SUMMARY OF TWO WEEK VALIDATION

	Validation 1	2	3	4
Design Development Team				
Status	Validate	.....	.....	.....
Reasons				
Officer:	Jason Hunter			
Date:	12/04/2005			
Development Assessment				
Status	Validate	.....	.....	.....
Reasons				
Officer:	Jason Hunter			
Date:	12/04/2005			
Leasing				
Status	.....	.....	.....	.....
Reasons				
Officer:				
Date:				
Compliance				
Status	.....	.....	.....	.....
Reasons				
Officer:				
Date:				
Environmental Planning	Referral Required?			
Status	.....	.....	.....	.....
Reasons				
Officer:				
Date:				
Territory Plan Coordination	Referral Required?			
Status	.....	.....	.....	.....
Reasons				
Officer:				
Date:				

Design	Referral Required?
Review Panel	.....
Status	.....
Reasons	.....
Officer:	.....
Date:	.....

LEASING AREA

Volume:	Folio:	Disallowable Instruments	No
Type of Lease	Residential >5yo	Most recent variation date:	
Proposal consistent with all clauses in lease?			N/A
Lease Variation type	None - Wording: n/a		
Valuation Report	supplied		N/A
	Information sufficient		N/A
	Comment:		
Relevant clauses	Purpose:		
	Gross Floor Area:		
	Car parking:		
	Other - :		
Encroachments	Indemnity arranged		N/A
	Insurance Policy supplied		N/A
	Policy check arranged		N/A
	Client aware of process and fee?		N/A
Units Plan	Endorsement by owner's corporation		N/A
	New schedule of entitlements required.		N/A
Consolidation	Existing lease details		
	Issues to be noted		none
Subdivision	Existing lease details		
	Issues to be noted		none
Other comments for case officer:			
Project Officer: see summary			

[fill out summary](#)

COMPLIANCE AREA

Outstanding compliance action on the block?	No
If yes , does the action preclude the determination of a DA?	No
If yes , give the reasons:	
If possible , give the required steps to resolve the action.	
Can the DA proceed?	Proceed
Project Officer:	Other comments for case officer:

[fill out summary](#)

SUMMARY - DESIGN RESPONSE REPORT

Site Visits

Date:	Comments:	Photograph links:

Documentation Check

Is documentation check satisfactory?	Yes
Comments:	

BOOK 2 - Design Response Report Assessment – (Book 2 proposals ONLY)

Component	Present	Comment
location and area of the block	<input checked="" type="checkbox"/>	
description of the proposal	<input checked="" type="checkbox"/>	
statement against the requirements of the Territory plan	<input checked="" type="checkbox"/>	
a record of the preliminary design steps including site and context study:	<input checked="" type="checkbox"/>	
o streetscape character study (only for significant streetscapes)	<input checked="" type="checkbox"/>	
o opportunities and constraints study	<input checked="" type="checkbox"/>	
o statement relating the design to the above	<input checked="" type="checkbox"/>	
o statement of design intent	<input checked="" type="checkbox"/>	
o residential sustainability report	<input type="checkbox"/>	
o record of consultation with neighbours, government agencies and service providers, and summary of responses to the issues raised	<input type="checkbox"/>	

BOOK 3 - Design Response Report Assessment – (Book 3 proposals ONLY)

Component	Present	Comment
location and area of the block	<input type="checkbox"/>	
description of the proposal	<input type="checkbox"/>	
site and context study:	<input type="checkbox"/>	
o statement against the requirements of the Territory plan	<input type="checkbox"/>	
o local area context analysis	<input type="checkbox"/>	
o neighbourhood development context analysis	<input type="checkbox"/>	
o site features and context analysis	<input type="checkbox"/>	
o streetscape character study (only for significant streetscapes)	<input type="checkbox"/>	
opportunities and constraints study	<input type="checkbox"/>	
design concept documentation used during consultation	<input type="checkbox"/>	
statement relating the design to the above	<input type="checkbox"/>	
statement of design intent	<input type="checkbox"/>	
consultation summary:	<input type="checkbox"/>	
o record of consultation with neighbours and the community	<input type="checkbox"/>	
o record of consultation with government agencies and utility providers	<input type="checkbox"/>	
o summary of issues raised in consultation	<input type="checkbox"/>	
o summary of responses to the issues raised	<input type="checkbox"/>	
residential sustainability report	<input type="checkbox"/>	

DEVELOPMENT ASSESSMENT TEAM

DA Process Decisions

Public Notification

Is Public Notification required?	Yes
Comments:	Demolish existing single dwelling and construct two adaptable single dwellings
Insert Public Notification information at front of document	

Initial Advice -

Check Initial Advice section

Has the proponent made contact with the Authority prior to submission for validation?	Yes
Were any issues raised with the applicant at this meeting?	No
Has the proponent acknowledged this in the submission?	.....
Has the proponent addressed the issues in the submission?	.....
Comments:	

Referrals - Check Referrals already made

Referrals – check those already made	
Do mandatory referrals apply?	Yes
Are any other referrals required? – please complete agency referral summary for referrals to occur once DA formally lodged	
Agency issues - Please list any agency issues identified and any contact made with agencies seeking advice (need to reword!!)	

Other

Designated or National Land?	No
Leasing check complete?	No

[leasing check](#)

Territory Plan –

(please note that inconsistency with the TP is not grounds to withhold validation, although it is grounds for refusal of the application.)

Part B – Land Use Policy

What is the Land Use Policy?:	B1 Residential.....
Which, if any, precinct or Area Specific Plan applies?	
Is the proposal consistent with the objectives of the policy?:	Yes
Is the proposal permissible under Schedule 1 of the policy?:	Yes
Is the proposal consistent with the general controls?	Yes
Is the proposal consistent with the precinct/area specific controls?	Yes
Comments:	

Part C – Overlays

What overlay applies to the block?:	None
Is the proposal consistent with the requirements of the overlay?:	No
Are any referrals required as a result of the overlay?:	No
Comments:	

Appendices to the Territory Plan

Will an appendix apply to this proposal?:	iii Residential Design and Siting Code
Comments:	

Draft Variation

Will a variation impact on this proposal?	
Comments:	

Crown lease

Does the lease override the Territory Plan?:	No
---	----

Comments:	
------------------	--

Master Plans

Does a Master Plan apply to the block?:	Building our City
--	-------------------

Comments:	
------------------	--

Other Issues to be noted for Assessment phase (not required and not to be included in validation response)

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TT ARCHITECTURE

Mr David Simon
Po Box 5282
KINGSTON 2604

Dear Mr Simon

**Re: Validation of Pre-lodgement Documentation
DA Number: 200309168, Block 15, Section 5:AINSLIE**

Thank you for your submission of 23/03/2005 for this proposal.

The information has passed validation, and is now ready for lodgement as a Development Application (DA).

Before your validation submission can be lodged as a formal DA you will need to pay the prescribed fees as detailed below:

Design and Siting	\$ 461.48
Public Notification	\$ 198.00
Total Fees Due	\$ 659.48

Payment can be made in person at the ACT Planning and Land Authority Customer Service Centre 16 Challis Street Dickson between 8:30am and 4:30pm, or see overleaf for other payment options.

Please note that this validation is current for 28 days from the date of this letter or as agreed to by the ACT Planning and Land Authority. After this time, it will be necessary for you to seek re-validation of the submission if you wish to lodge it as a development application.

Please contact the Applications Secretariat on (02) 6207 1687 if you require further information or wish to discuss this letter.

Yours sincerely

Applications Secretariat
12 April 2005

Payment options for Development Applications

Electronically (Bankcard, Mastercard, Visa, Direct Debit or Electronic Funds Transfer for pre registered frequent users)

Before payment can be made, you will need a pre allocated client number*, a proposal number, block section and suburb and the breakdown of application fees payable. Payment is made through the Canberra Connect payment website at <https://www.trading.act.gov.au/CC>

* To get a client number contact the ACT Planning and Land Authority Customer Service Centre on PH 62071923 during business hours. Once allocated you can use this client number for all your development application payments.

In Person (Cash, Cheque, EFTPOS, Credit card – Bankcard, Mastercard and Visa)
Please ensure you bring a copy of your validation letter outlining your proposal number and breakdown of fees when making payment.

ACT Planning and Land Authority
Customer Service Centre
Office Hours 8.30am to 4.30pm Monday to Friday
16 Challis Street
Dickson

By Post (**Cheque Only)

Please ensure you include a copy of your validation letter outlining your proposal number and breakdown of fees.

ACT Planning and Land Authority
GPO Box 1908
Canberra ACT 2601

By Phone (Credit card - Bankcard, Mastercard and Visa)

Contact ACT Planning and Land Authority during business hours on
Phone 62071927

**Cheques are to be made out to ACT Government

Decision Advice Checklist

DA Number: 200309168A

Block(s): 15 Section: 5 District/Division: AINSLIE

Case Officer: Contact Number: Decision Date:

Despatch Plans: **Please Select** Despatch by: **Please Select**

Action Already Taken by Case Officer: **Please Select**

Application Type

Design and Siting Lease Variation S247 Amendment S245 Amendment

Type of Decision **Please Select**

Decision By **Please Select**

Return File to Case Officer **Please Select**

Submissions

No Objections Objections

Appeal Rights

Applicant: **Please Select** Objectors: **Please Select**

Agencies to be advised

Agency Referral Required: **Please Select**

Leasing Referral Required: **Please Select**

- | | | |
|---|--|---|
| <input type="checkbox"/> ActewAGL | <input type="checkbox"/> Building and Land Reg | <input type="checkbox"/> Registrar- Generals |
| <input type="checkbox"/> Environment ACT | <input type="checkbox"/> Heritage | <input type="checkbox"/> Asset Acceptance |
| <input type="checkbox"/> Finance Officer | <input type="checkbox"/> Territory Planning | <input type="checkbox"/> National Capital Auth. |
| <input type="checkbox"/> Others (Please List Below) | <input type="checkbox"/> LDA | |

Comments



NOTICE OF DECISION

UNDER PART 6 OF THE *LAND (PLANNING AND ENVIRONMENT) ACT 1991*

APPLICATION NO: 200309168

DATE LODGED: 13 April 2005

BLOCK: 15

SECTION: 5

SUBURB: Ainslie

ADDRESS: 53 Campbell Street

APPLICANT: David Simons (TT Architecture)

LESSEE:

1.0 THE PROPOSAL

The application seeks approval for:

- (a) the demolition of a detached house;
- (b) the erection of two detached houses; and
- (c) associated landscaping, car parking, paving and other site works.

2.0 THE DECISION

The "relevant authority" in relation to this application as defined in section 222 of the *Land (Planning and Environment) Act 1991* (the Land Act), is the Planning and Land Authority.

I, *JASON CAMERON HUNTER*, delegate of the Planning and Land Authority, pursuant to section 230 of the Act hereby **approve** the application subject to the following conditions imposed pursuant to section 245 of the Act.

General

1. that the development is to be carried out only in accordance with the following:

- (a) drawings by TT Architecture, Job No.0370

A01	Site Plan	January 2005
A02	Demolition & Verge Management Plan	January 2005
A03	Floor Plan	January 2005
A04	East & South Elevations	January 2005
A05	West & North Elevations	January 2005

- (b) exterior finishes sample board lodged with the application; and
- (c) any amendments to those drawings or other items and additional drawings or other items approved or accepted in accordance with the following conditions;

Where there is an inconsistency between the drawings and items listed above and the following conditions, the conditions shall firstly prevail, then the amended or additional drawings or items, to the extent of that inconsistency;

Completion

- 2. that the approved development shall be completed within 24 months from the date of this approval or within such further time as may be approved in writing by the Planning and Land Authority;

Notes:

- 1. *Under section 251 of the Land Act this approval will expire if the development is not commenced within two years after the date of approval. There is no provision in the Land Act to extend the period specified for commencement.*
- 2. *Under section 252 the applicant may apply to the Planning and Land Authority for any extension to the period specified for completion, but such an application must be made within the original period specified for completion.*

Fencing

- 3. that, pursuant to sub paragraph 245(3)(i)(ii) of the Land Act, at the lessee's expense and before the completion of building work, the existing fence on the boundary shall be upgraded to 1.8m high timber lapped and capped fence, or to another standard acceptable to the Planning and Land Authority. The lessee must take all reasonable steps to obtain the written agreement of the respective lessee before the erection of new fencing affecting that lessee. If there is no agreement, the fencing is to be to the satisfaction of the Planning and Land Authority. New fencing shall not extend further forward than the *existing *new building line;

Cable Reticulation

- 4. that all utility cables, including electricity, telephone and data, are to be reticulated underground to each house from the boundary or from an existing pole within the block or suitable provision (by way of conduits or the like) for such future reticulation;

Note: *no new poles are to be erected.*

Unleased Territory Land

- 5. that, during construction, 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 Landscape Management Plan (LMP) approved by the Manager Asset Acceptance, City Management, DUS. This plan

is to be approved and implemented before the commencement of works, including demolition, on the site and is to be in accordance *City Management Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04*.

2. that the public footpath is to be continuous across the driveway verge crossing, ie. the footpath is to have precedence;
3. that the existing concrete footpath shall be retained or, if it is to be replaced, it is to be reconstructed in concrete at the same level and with a finish and colour as close to the original concrete as possible, to the satisfaction of the Planning and Land Authority;

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

Protection of Trees

4. that the applicant/lessee shall protect and maintain in accordance with *Canberra Landscape Guidelines* all existing trees and shrubs on the block, except for those specifically identified for removal in the approved drawings or related documents.

Note: No approval is hereby given for any tree damaging activity as defined by the Tree Protection (Interim Scheme) Act 2001. *Appendix 1* contains relevant advice.

3.0 DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise this approval is effective four weeks from the date of this notice. The effective date could be adjusted if the approval is reconsidered by the Planning and Land Authority or if an application for a review of the decision is made to the ACT Administrative Appeals Tribunal.

4.0 REASONS FOR THE DECISION

The application was approved because, in the form modified by the imposed conditions, it was considered to be consistent with the Territory Plan. An assessment against the Territory Plan, a list of the evidence relied upon in reaching the decision and other information related to the proposal, and an assessment of the pertinent issues raised in public submissions are included in the Findings on Material Questions of Fact attached to this document.

Jason Hunter
Project Officer – DA Development Assessment City - Inner North
Delegate of the Planning and Land Authority

15 August 2005

FINDINGS ON MATERIAL QUESTIONS OF FACT

APPLICATION NO.: 200309168

BLOCK 15 SECTION 5 SUBURB AINSLIE

1.0 FINDINGS

1.1 Statutory Requirements

The proposal involves:

- (a) the erection, alteration or demolition of a building or structure on or under the land; and
- (b) the carrying out of earthworks or other construction work on or under the land;
- (c) a variation to a lease of the land;

which constitutes "development" as defined by section 222 of the Land Act and which is subject to the provisions of Part 6 of that Act.

Under section 8 of the Land Act, the relevant authority cannot "do any act, or approve the doing of any act" that is inconsistent with the Territory Plan. The Land Act also specifies certain matters that are to be taken into account in an assessment of an application, most of which are contained in the Territory Plan. The relevant provisions of the Territory Plan are addressed in Section 1.6 below.

1.2 Time Frames for Decision

The application was lodged on 13 April 2005. Under the Land (Planning and Environment) Regulations the prescribed time for a decision is 45 working days, ie by 26 May 2005.

Under section 230(2) of the Land Act the relevant authority is taken to have refused to approve an application if he or she fails to make a decision in relation to the application before the expiration of the prescribed period.

However, pursuant to section 230(3) of the Act the relevant authority may approve an application at any time after the expiration of the prescribed period until the ACT Administrative Appeals Tribunal has finally dealt with an application for review of the "deemed refusal" or until 6 months has elapsed from the date of lodgement.

1.3 Description of Proposal

The proposal is described in drawings and supporting documents submitted as part of Development Application Number 200309168.

1.4 Site and Surrounds

The subject site has an area of 1016m² and frontage of 12 metres to Campbell Street.

The land falls approximately 1m from east to west. Vegetation comprises 1 identified significant tree and some small shrubs. The streetscape is consistently single storey tile roofed residential development with mature verge tree plantings.

1.5 Crown Lease

The current Crown lease was granted under the Land (Planning and Environment) Act 1991 for a period of 99 years commencing on 14 July 1994 for residential purposes

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

See **Appendix 1** for advice about a variation to the Crown lease that may be required to allow for Unit Titling.

1.6 Assessment Against the Territory Plan

The subject land is within a “suburban area” under the Territory plan.

1.6.1 Land Use Policies – Part B1

Clause 9.1(a) of Part A3 provides that the proposal cannot be approved if it is inconsistent with the B1 Residential Land Use Policies. These policies comprise “objectives” and “controls”, as follows.

Objectives

The relevant objectives are 1(a),1(b),1(c),1(d),1(e),1(f),1(g) and 1(h).

These objectives are concerned with providing high quality living environments; being responsive to change; providing a mix of efficient, affordable, and sustainable residential development; promoting energy efficiency and conservation; providing a variety of housing types and encouraging residential development that is cost-effective in infrastructure provision; and the promotion of sustainable urban water management.

It is considered that the proposal meets these objectives.

Controls

The relevant controls are 2, 3.1, 3.3, 3.4, 3.5, 3.6, 3.8, 3.9 and 3.10. The proposal is consistent with these controls, including Control 3.3, which requires the proposal to be assessed against *Residential Design and Siting Code for Multi-Dwelling Developments* – Appendix III.2 of the Territory Plan. A summary of the assessment against this code is provided in the following section 1.6.2.

1.6.2 Residential Design and Siting Code for Multi-Dwelling Developments - Appendix III.2

Clause 9.1(d) of Part A3 provides that a proposal in a residential area cannot be approved if it is inconsistent with the relevant provisions of any Residential Code at Appendix III. In this case *Residential Design and Siting Code for Multi-Dwelling Developments – Appendix III.2* is applicable.

The proposal complies with all relevant performance measures.

1.6.3 ACT Interim Planning Guidelines for Access and Mobility 2003

Clause 9.2(b) of Part A3 provides that the relevant authority must carefully consider any relevant planning guideline or interim guideline contained in the Register of Planning Guidelines. *ACT Interim Planning Guidelines for Access and Mobility 2003* is such a guideline.

The proposal complies with all relevant provisions.

1.6.4 Public Submissions

Clause 9.2(e) of Part A3 provides that the relevant authority must carefully consider “each objection or other submission received in relation to the application which has not been withdrawn”. Submissions received in relation to this proposal are examined in Section 2.0 below.

1.6.5 Additional Matters for Consideration

Clause 9.3 of Part A3 provides that the relevant authority must carefully consider further relevant matters in addition to those considered under Clause 9.2.

1.7 Significant Trees

On the Conservator of Flora and Fauna granted approval to under the *Tree Protection (Interim Scheme) Act 2001*.

2.0 PUBLIC NOTIFICATION

Pursuant to section 229 of the Land Act, the application was publicly notified from 15 April 2005 to 6 May 2005. 3 written submissions were received.

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

- (a) *Issue raised concerning whether the proposed developments were accessible to residents and visitors requiring the use of a wheelchair to circulate through the residence.*

Authorities response

The proposed development has been designed to meet the requirements stated within the relevant Australian Standards on accessibility for people requiring the use of a wheelchair. The Authority considers that the proposed residential development accessible in terms of these standards.

- (b) *Issue raised concerning the design and siting of the development specifically the re-positioning of the driveway and the location of the proposed landscaping.*

Authorities response

Considering the narrow frontage of the subject site, the Authority considers the relocation to have no significant impact to the streetscape. The landscaping proposed is considered consistent with the surrounding landscape context of the street and broader suburb.

- (c) *Issues raised concerning the Architectural appearance including the appropriate use of materials and finishes in context with the existing surrounding residences.*

Authorities response

The Authority considers the architectural appearance to be consistent in form and mass with the balance of the subject street and in terms of materials and finish, the Territory Plan does not require that the proposal match the adjacent materials and finishes only acknowledge the built environment in terms of it's context.

The Authority has determined the project to be consistent with the policies and guidelines which performance measure and state performance criteria providing parameters dealing with built context.

3.0 GOVERNMENT AGENCIES COMMENTS

3.1 Environment ACT

A tree damaging activity application has been approved and endorsed by Environment ACT regarding works associated near the canopy of the Eucalyptus Mannifera identified as a significant species.

4.0 EVIDENCE

Application No –200309168

File No – DA200309168

The Territory Plan Part A – General Principles and Policies

The Territory Plan Part B1 – Residential Land Use Policies

The Territory Plan Appendix III.2 – Residential Design and Siting Code for Multi-Dwelling Developments

ACT Interim Planning Guidelines for Access and Mobility 2003

Current Crown lease (Vol 1412:Folio 37)

Agency comments

Public submissions

Jason Hunter

Project Officer – DA Development Assessment City - Inner North

Delegate of the Planning and Land Authority

15 August 2005

1. Contact Telephone Numbers – Relevant Government Agencies

ACT PLANNING AND LAND AUTHORITY

Development Assessment

DA Enquiries	6207 1745
Applications Secretariat	6207 1687

DEPARTMENT OF URBAN SERVICES

City Management

Asset Acceptance	6207 6594
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CHIEF MINISTER'S DEPARTMENT

Environment ACT

Environment Protection Unit	6207 9777
Significant trees helpline	6207 9777

DEPARTMENT OF HEALTH AND COMMUNITY CARE

Health Protection Service	6205 1700
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OTHERS

Telstra

Network Planning Engineer (Ted Murray)	6219 1213
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ActewAGL

Location of assets (Dial Before You Dig)	1100
Electricity reticulation (Doug Malcolm)	6293 5738

TransACT

Networks (Craig Seaton)	6229 8000
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2. Unit Titling

Restrictions on subdivision (including unit titling) in suburban areas

Under clause 3.6(b)(iii) of Part B1 of the Territory Plan the subdivision (including under the *Unit Titles Act 2001*) of a lease of a *standard block* for new dual occupancies in Suburban Areas is not permitted.

Standard block means a block with an area greater than 500 m² that was originally leased or used for the purpose of single dwelling housing.

This restriction does not apply where all the dwellings associated with the proposed subdivision were, before **17 June 2003**:

- (a) lawfully constructed or
- (b) approved, or
- (c) the subject of a formally commenced High Quality Sustainable Design Process under Designing for High Quality and Sustainability and for which a development

application was lodged by
1 September 2003.

If the property can be subdivided in accordance with clause 3.6 a variation to the Crown lease may be required before an application for subdivision (including unit titling) can be approved

Clause 3.7 of Part B1 of the Territory Plan provides that an application for the subdivision of a Crown Lease, including a subdivision under the *Unit Titles Act 2001* (unit titling), can only be approved if the lease expressly provides for the number of units or dwellings that can be subdivided. For example, a Crown lease may permit “residential purposes”, but until that lease is varied to expressly allow for the subdivision of two dwellings, a dual occupancy development on the land cannot be unit titled.

Change of Use Charge

An application to vary a Crown lease can be made with the Planning and Land Authority. If approved, such a variation may attract a change of use charge.

3. Further Approvals

The attached notice of decision grants approval for those items listed at section 1.0. Further approvals from the Territory may be required, as follows:

Works on unleased Territory land - design acceptance

In accordance with the *Roads and Public Places Act 1937* no work is to 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, City Management, DUS. Unless a certificate of design acceptance is obtained, and the respective work completed in accordance with this certificate, a certificate of compliance under s179 of the Land Act, may not be issued. This applies to works such as the construction or upgrading of driveway verge crossings, the replacement of public foot paths, street lighting and verge landscaping.

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 shall not be used for the carrying out of works, including the storage of materials or waste, without the prior approval of the Territory through Asset Acceptance, DUS.

Approval required for “Tree Damaging Activity”

Approval from the Conservator of Flora and Fauna is required before a *Tree Damaging Activity* can be undertaken.

Under the *Tree Protection (Interim Scheme) Act 2001* a tree is a *Significant Tree* and protected if it is growing on urban leased land and it has:

- a height of 12 m or more; or

- a circumference of 1.5 m (approx. 0.5 m in diameter) or more at 1 m above ground level; or
- two or more trunks and the total circumference of all the trunks, 1m above ground level, is 1.5m or more ,or
- a minimum crown width of 12 m or more.

Tree Damaging Activity is defined as felling, removing, ringbarking, lopping and topping, poisoning or any ground work under the canopy of a *Significant Tree* or within a 2m wide area out from the canopy, that is likely to harm the health of the tree. Ground work includes building, trenching, changing the soil level and compacting or contaminating the soil.

Maintenance pruning that does not affect the overall appearance of the tree or pruning required for power line clearing is not considered as 'damage' and does not require approval.

These controls are administered by Environment ACT and the decision maker for such applications is the Conservator of Flora and Fauna. An application form for Approval to Undertake a Tree Damaging Activity may be obtained by contacting the Environment ACT.

4. Conditions of Approval

Please read the conditions of your approval carefully. Some will require attention before the approved drawings will be released by the Authority, others before work commences and still others before the completion of building work.

5. Building Approval

Most building work requires Building Approval. If this applies to your proposal you should engage the services of a private building certifier to assess and approve the building plans. A list of private certifiers is available at the ACT Planning and Land Authority Customer Service Centre, 16 Challis Street Dickson. Office hours are 8.30am to 4.30pm, Monday to Friday. The list is also available on the Authority's website at www.actpla.act.gov.au/bepcon.

6. Reconsideration of the Decision

If you are not satisfied with this decision, you are entitled to apply to the Planning and Land Authority for reconsideration within four weeks of the date of this notice.

Applications forms are available from the Planning and Land Authority Customer Service Centre, 16 Challis Street, Dickson. The completed application, including grounds for the application and the lodgement fee may be lodged at the Customer Service Centre.

Within four weeks of receiving your application, or within such further time as agreed to by you, the Planning and Land Authority will either make a new decision or confirm the original decision.

An application for reconsideration does not prevent an application for a review of the same decision being made to the ACT Administrative Appeals Tribunal (AAT). You should be aware, however, that a reconsideration of the approval by the Planning and Land Authority will be suspended on the day an application for a review of the same decision is made to the AAT.

7. Review of decisions by the Administrative Appeals Tribunal

This Notice of Decision has been sent to all objectors to the proposal. In the Authority's view, objecting parties are not entitled to seek a review of (appeal) the decision under the Land Act Regulations.

If you decide to seek a review of (appeal) the decision, all objectors will be advised. They may apply to the Administrative Appeals Tribunal (AAT) to become a party to the proceedings. The following notes are provided in accordance with the ACT Administrative Appeals Tribunal (AAT) Code of Practice.

Reasons

If a decision has been made and you, as the applicant, have not already been given reasons for the decision, you are entitled to apply for a statement of reasons to explain why the decision was made. If you wish to obtain a statement of reasons you must make your request within 28 days of the date of this decision. Applications should be made to the Director, Development and Building Administration Branch, PO Box 1908, CANBERRA ACT 2601.

This provision does not apply to objectors.

Review By The ACT Administrative Appeals Tribunal (AAT)

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

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

Contact details for the Tribunal are as follows:

Location:

Tribunals Branch

Magistrates Court

4 Knowles Place

CANBERRA ACT 2601

Postal Address:

GPO Box 370

CANBERRA ACT 2601

Telephone: 02 6217 4261

Facsimile: 02 6217 4505

Document Exchange: DX 5691

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

Powers of the AAT

The Tribunal is an independent body. It can review on their merits a large number of decisions made by ACT Government ministers, officials and statutory authorities.

The Tribunal can agree with; change or reject the original decision; substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with Tribunal recommendations.

How to Apply to the AAT

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

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

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

Fees

When lodging an application with the Tribunal you will be required to pay an application fee of not less than \$149 (the Tribunal Registry will advise of the current fee). However, no fee is payable if you are receiving legal or financial assistance from the Attorney-General (see below). If you are unable to pay the application fee you can apply to have the fee waived on the grounds of hardship, subject to approval. Ask at the Tribunal Registry for more details.

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

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

Legal Assistance

You may be able to get advice or legal aid from the ACT Legal Aid Office. They can be contacted on 02 6243 3411. You may also apply to the ACT Attorney General for legal or financial assistance. Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Chief Executive, ACT Department of Justice and Community Safety, GPO Box 158, CANBERRA ACT 2601.

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

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

Access To Documents

You may apply for access to any documents you consider relevant to this decision under the ACT *Freedom of Information Act 1989*. For more information on how you can obtain these

documents please send your request to: The Manager, Government and Assembly Relations, ACT Planning and Land Authority, PO Box 1908, Canberra ACT 2601 or phone the Customer Services Centre 02 6207 1923.

What The AAT Will Do

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

Party To A Proceeding

The decision-maker, under direction from the Tribunal, may be required to give notice of the appeal to certain persons who will then be given an opportunity to apply to be joined as a party to the proceedings. Check with the Tribunal Registry for more information on whether your interests would be best served by becoming a party to a proceeding or lodging a separate appeal.

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

Directions Hearing

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

Mediation

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

Mediation is a process by which an independent and neutral person helps you and other parties to identify concerns, evaluate options and reach agreement. The mediator will not make any judgement about who is right or wrong and if the mediation fails will not participate in the Tribunal hearing. If the Tribunal decides to refer your case to a mediator you will be informed of the place and time at which the mediation will be held.

Hearing

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

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

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

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

For more detailed information on the hearing process please refer to the “*Guide to the Hearing*” on the Tribunal’s web site.

Time For Deciding Cases

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

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

Day 1	Application for review lodged at the AAT
Day 16	T-docs lodged and applications for Parties Joined processed
Day 26	Directions Hearing
Day 33	Mediation session
Day 36	Mediation result
Day 50	Mediation successful – consent agreement lodged, case finalised
	Mediation unsuccessful
Day 57	AAT Applicant, and Parties Joined supporting Applicant, Facts and Contentions to be lodged
Day 78	Respondent, and Parties Joined opposing Applicant, Facts and Contentions to be lodged
Day 85	Parties to lodge material in reply
Day 95	Hearing
Day 120	Delivery of Decision

Costs

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

In the Authority's view you are **not** entitled to apply for a review of (appeal) this decision to the Administrative Appeals Tribunal (AAT).

This Notice of Decision has been sent to all objectors to the proposal. In the Authority's view, objecting parties are not entitled to seek a review of (appeal) the decision under the Land Act Regulations.

This Notice of Decision has been sent to all objectors to the proposal. They may seek a review of (appeal) the decision under the Land Act Regulations.

8. Other Advice

Damage to Public Assets

It is the responsibility of the applicant/lessee to properly repair any damage to ACT Government assets (including footpaths) caused by the development. The applicant is urged to notify Roads ACT of any existing damage to public facilities before work commences, otherwise the applicant/lessee will be held responsible for all damage.

ActewAGL

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.

Drainage

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

Demolition and Asbestos Management

Asbestos management and demolition must be undertaken in accordance with the Authority's advisory note titled *Demolition*, November 2000. This document is available from the Planning and Land Authority Customer Service Centre, 16 Challis Street Dickson (Office hours: 8.30am to 4.30pm, Monday to Friday), or from the Authority's website at <http://www.actpla.act.gov.au/actpla/bepcon/build/demolition.pdf>

Environment Protection

All work shall be carried out in accordance with the *Environment Protection Act 1997*, particularly but not exclusively in relation to noise and pollution control. More Information may be obtained from Environment ACT.

Dual Occupancy Water Management Requirements

The ACT Government has a policy on sustainability. To ensure that water resource management is consistent with designing for high quality and sustainability, Environment ACT requires developments to:

- (a) ensure that no contaminated water, including that containing sediments, is likely to leave the site during development and during the on-going operation of the site;
- (b) incorporate measures and/or operating procedures which ensure that stormwater runoff from the site reflects patterns, volumes and quality which exist prior to development as far as reasonably practicable; and
- (c) incorporate measures and/or operating procedures which will minimise the demand from the dwellings on potable water supplies.

Dual occupancy developments typically cover much of the block with a proportionally large area of hard impervious surfacing resulting in significant impacts on the rate of runoff, on water quality and the hydrological regime in receiving waters.

The proponent needs to include measures which counter these impacts. Initiatives would be expected to include but are not limited to:

- (a) measures to increase infiltration at the block and neighbourhood level, including swales, permeable pavement, neighbourhood or group based extended detention wetlands, vegetated waterways and overland flow zones or corridors;
- (b) measures to retain water on blocks and slow down the movement of water through the landscape, including ornamental ponds and roof drainage to swales/infiltration trenches;
- (c) reuse of water on a block and neighbourhood scale including garden irrigation; and
- (d) building design and siting setbacks enabling swale and infiltration siting.

The proponent should note that impacts can also be reduced by off-site measures such as neighbourhood ponds, wetlands and water re-use arrangements. Environment ACT is likely to support proponent contribution to such measures, particularly where it involves cooperation with relevant community groups.

9. **Translation and Interpretation Service**

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

Decision Advice Checklist

DA Number: 200309168

Block(s): 15 Section: 5 District/Division: AINSLIE

Case Officer: JASON HUNTER Contact Number: 71745 Decision Date: 4-Nov-05

Despatch Plans: **Yes** Despatch by: **As per Application Form**

Action Already Taken by Case Officer: **Not Applicable**

Application Type

Design and Siting Lease Variation S247 Amendment S245 Amendment

Type of Decision **Approved**

Decision By **Delegate of the Authority**

Return File to Case Officer **No**

Submissions

No Objections Objections

Appeal Rights

Applicant: **No** Objectors: **No**

Agencies to be advised

Agency Referral Required: **No**

Leasing Referral Required: **No**

- | | | |
|---|--|---|
| <input type="checkbox"/> ActewAGL | <input type="checkbox"/> Building and Land Reg | <input type="checkbox"/> Registrar- Generals |
| <input type="checkbox"/> Environment ACT | <input type="checkbox"/> Heritage | <input type="checkbox"/> Asset Acceptance |
| <input type="checkbox"/> Finance Officer | <input type="checkbox"/> Territory Planning | <input type="checkbox"/> National Capital Auth. |
| <input type="checkbox"/> Others (Please List Below) | <input type="checkbox"/> LDA | |

Comments



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

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

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

1.0 THE PROPOSAL

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

- (a) revising setbacks to meet ActewAGL requirements

2.0 THE DECISION

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

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

3.0 REASONS FOR THE DECISION

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

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

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

4 November 2005

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

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

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

Contact details for the Tribunal are as follows:

Location:

Tribunals Branch
Magistrates Court
4 Knowles Place
CANBERRA ACT 2601

Postal Address:

GPO Box 370
CANBERRA ACT 2601

Telephone: 02 6217 4261

Facsimile: 02 6217 4505

Document Exchange: DX 5691

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

Powers of the AAT

The Tribunal is an independent body. It can review on their merits a large number of decisions made by ACT Government ministers, officials and statutory authorities.

The Tribunal can agree with; change or reject the original decision; substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with Tribunal recommendations.

How to Apply to the AAT

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

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

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

Fees

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

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

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

Legal Assistance

You may be able to get advice or legal aid from the ACT Legal Aid Office. They can be contacted on 02 6243 3411. You may also apply to the ACT Attorney General for legal or financial assistance. Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Chief Executive, ACT Department of Justice and Community Safety, GPO Box 158, CANBERRA ACT 2601.

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

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

Access To Documents

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

What The AAT Will Do

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

Party To A Proceeding

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

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

Directions Hearing

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

Mediation

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

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

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

Hearing

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

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

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

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

For more detailed information on the hearing process please refer to the “*Guide to the Hearing*” on the Tribunal’s web site.

Time For Deciding Cases

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

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

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

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

Costs

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

Translation and Interpretation Service

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

ACT Planning & Land Authority
PO Box 365
MITCHELL ACT 2911

Dear ACT Planning and Land Authority


Development Application 200309168
Block: 15 Section: 5 Suburb: AINSLIE
53 Campbell Street
AINSLIE

I refer to my correspondence to you dated as follows:

6 May 2005
22 August 2005
1 September 2005
7 September 2005



I have had little and no response to my correspondence to you.

I ask again that a 2.4 metre fence be constructed from the front building line to the workshop situated on my property for the following reasons:

- 1 The living room in the front house, proposed next door to me, looks directly into the living room of my property.
- 2 A hedge is expensive to put in and expensive to maintain, especially water wise. It will also take a long time to establish. It would be much cheaper to put in a high fence.
- 3 I have four children and would like some privacy in my yard and house.
- 4 

I am sending a copy of this letter to Simon Corbell, because you have not responded to any of my requests or even acknowledged receipt of my correspondence.

Yours faithfully



55 Campbell Street
AINSLIE ACT 2602

18 September 2006

[REDACTED]
AINSLIE, ACT, 2602

Dear [REDACTED]

Letter to Objector After Decision

BLOCK 15, SECTION 5: AINSLIE DEVELOPMENT APPLICATION 200309168

I refer to your submission regarding the above Development Application. I am writing to advise this application has been [approved without conditions](#).

The attached 'Decision and Statement of Reasons' set out the details relating to the decision and addresses the issues you raised during the public notification process.

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 Customer Service Centre, 16 Challis Street, Dickson, ACT.

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

The Registrar
ACT Administrative Appeals Tribunal
Land and Planning Division
GPO Box 370
CANBERRA, ACT, 2601

An application form can be obtained from either the AAT at the ACT Magistrates Court, 4 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 AAT's requirements or the review process, their office can be contacted on (02) 6217 4261.

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

- You have applied to the AAT for a review of the decision; and
- They are entitled to apply to be made a party to the proceedings for the review.

The applicant's name and postal address can be obtained from the Public Register.

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

Yours Sincerely
Applications Secretariat
24/08/2005


AINSLIE, ACT, 2602

Notification Of Amendment

Development Application Number: 200309168/A		
Block: 15	Section: 5	Suburb: AINSLIE
ADDRESS: 53B Campbell Street Ainslie		

The ACT Planning and Land Authority (the Authority) approved a minor amendment to the abovementioned Development Application on 04 November 2005. Section 247 of the *Land (Planning and Environment) Act 1991* (Land Act) requires that the Authority give notice of an amendment to each person who has objected under Section 237 of the Land Act to the grant of the approval.

A copy of the amendment 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 require any further information please contact the Applications Secretariat on (02) 6207 1687.

Yours Sincerely

Applications Secretariat
04 November 2005



██████████
55 Campbell Street
AINSLIE, ACT, 2602

Dear ██████████

Letter to Objector After Decision

BLOCK 15, SECTION 5: AINSLIE DEVELOPMENT APPLICATION 200309168

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Yours Sincerely
Applications Secretariat
24/08/2005

55 Campbell Street
AINSLIE, ACT, 2602

Notification Of Amendment

Development Application Number: 200309168/A		
Block: 15	Section: 5	Suburb: AINSLIE
ADDRESS: 53B Campbell Street Ainslie		

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

Yours Sincerely

Applications Secretariat
04 November 2005

[REDACTED]
20 Foveaux Street
AINSLIE, ACT, 2602

Dear [REDACTED]

Letter to Objector After Decision

BLOCK 15, SECTION 5: AINSLIE DEVELOPMENT APPLICATION 200309168

I refer to your submission regarding the above Development Application. I am writing to advise this application has been [approved without conditions](#).

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ACT Administrative Appeals Tribunal
Land and Planning Division
GPO Box 370
CANBERRA, ACT, 2601

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- You have applied to the AAT for a review of the decision; and
- They are entitled to apply to be made a party to the proceedings for the review.

The applicant's name and postal address can be obtained from the Public Register.

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

Yours Sincerely
Applications Secretariat
24/08/2005

20 Foveaux Street
AINSLIE, ACT, 2602

Notification Of Amendment

Development Application Number: 200309168/A		
Block: 15	Section: 5	Suburb: AINSLIE
ADDRESS: 53B Campbell Street Ainslie		

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

Yours Sincerely

Applications Secretariat
04 November 2005

**SUBJECT: BLOCK 15 SECTION 5 DIVISION:AINSLIE
DEVELOPMENT APPLICATION NO 200309168
ADVICE OF DECISION**

DEVELOPMENT & BUILDING ADMINISTRATION BRANCH

FILE COPY
PUBLIC REGISTER
COMPLIANCE - APPROVAL ASSURANCE

ACT LAND INFORMATION CENTRE

GOVERNMENT AGENCIES THAT PROVIDED COMMENTS

LAND INFORMATION CENTRE
COMPLIANCE SECTION
CITY MANAGEMENT

I refer to the above Development Application dated 13 April 2005.

The application was approved with conditions on 15 August 2005. The specific terms and conditions of the approval and the reasons for the delegate's decision are set out in the attached Notice of Decision and Findings on Material Questions of Fact.

If you require any further information in regard to this matter please contact the Application Secretariat on (02) 6207 1687.

Yours faithfully.
Applications Secretariat.

16 August 2005

**SUBJECT: BLOCK 15 SECTION 5 DIVISION:AINSLIE
DEVELOPMENT APPLICATION NO 200309168/A
ADVICE OF DECISION**

DEVELOPMENT & BUILDING ADMINISTRATION BRANCH

FILE COPY
PUBLIC REGISTER
COMPLIANCE - APPROVAL ASSURANCE

ACT LAND INFORMATION CENTRE

GOVERNMENT AGENCIES THAT PROVIDED COMMENTS

LAND INFORMATION CENTRE
COMPLIANCE SECTION
CITY MANAGEMENT

I refer to the above Development Application **amendment** dated 10 October 2005.

The application was approved on 04 November 2005. The specific terms and conditions of the approval and the reasons for the delegate's decision are set out in the attached Notice of Decision and Findings on Material Questions of Fact.

If you require any further information in regard to this matter please contact the Application Secretariat on (02) 6207 1687.

Yours faithfully.

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04 November 2005