

From: [App Sec](#)
To: ["davidsimon@ttarchitecture.com.au"](mailto:davidsimon@ttarchitecture.com.au)
Subject: Approved Plans for DA-200309168 - 15/5 Ainslie
Date: Tuesday, 16 August 2005 3:54:08 PM
Attachments: [Notice of Decision \(signed\)-200309168-01.PDF](#)
[ELEV-200309168-east and south-01.PDF](#)
[ELEV-200309168-west and north-01.PDF](#)
[FLOOR-200309168-01.PDF](#)
[LSCAPE-200309168-01.PDF](#)
[PLAN-200309168-cover sheet-01.PDF](#)
[SECTION-200309168-01.PDF](#)
[SITE-200309168-01.PDF](#)
[STREET-200309168-01.PDF](#)
[VERGE-200309168-incl demo-01.PDF](#)

Dear Mr Simon,

Please find attached the decision and approved plans for DA-200309168.

If you have any further questions please contact the Applications Secretariat.

Regards,
Applications Secretariat
Ph: 62071687



ACT Planning & Land Authority

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:
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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**

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