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**From:** Treloggen, Jacob  
**Sent:** Monday, 2 December 2019 4:15 PM  
**To:** Elhassan, Walid  
**Subject:** Request for Stage 4 input prior to RFI being sent  
**Attachments:** DA-201936351.obr

UNCLASSIFIED

Hi Walid

Could I please get a stage 4 assessment completed on the attached DA. The Conservator does not support the application and prior to me requesting further information I would like stage 4 input to add to the RFI.

This is the first RFI.

Let me know if you have any questions.

Regards

Jacob

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**From:** Pradhan, Jyoti  
**Sent:** Friday, 24 January 2020 12:10 PM  
**To:** Majid, Fawzia  
**Subject:** RE: DA201936351 - Waramanga NoD  
**Attachments:** NOD-201936351-01 - Merit Track DA.obr; COMM-TREE PROTECTION-201936351-31\_12 WARAMANGA-01.obr

UNCLASSIFIED

Hi Fawzia,

Could you please clarify following with the assessing officer:

1. One of the reasons for the decision states 4.0m setback is not considered acceptable. But it is a corner block and it is permissible as the dwelling has a considerable setback from the other front boundary. Why was it not considered compliant with the rule?
2. The App Form states, the secondary residence is 1 storey. The proposal includes basement car parking to be used for the existing dwelling. There is no mention of this in the Application Form. Was this considered acceptable? Shouldn't this have been included in the description as additions to existing dwelling? – can this be an additional reason for the decision?
3. The basement car park to be used for the existing residence shows car parking space + storage. The storage part of the basement area will need to be included in the GFA – total GFA. Although it will still comply, should have been identified on the assessment. Also the Area Plan provided does not include this area as GFA – error in the drawings?
4. In the TPU advice, they have said the DA is not supported as the proposal is within the Tree Canopy of a regulated tree and TMP required for the other tree. However, their advice states they need further information/amendments required. Please confirm if they need further information/amendments to confirm their decision to not support the building under the canopy or with a TMP they can support?

Do you mind checking the above and amending the NoD accordingly please?

We'll need to add the following note:

**Note:**

Above matters could potentially have been addressed, through design changes, by requesting further information pursuant to S144 of the Act. However, following assessment of the proposal, the view was formed that a conditional approval is not warranted given the uncertain nature of design changes that may be required for the proposal to be consistent with the Territory Plan.

Please email me a revised copy and I'll check it over the weekend. We can then finalise it by Tuesday as promised.

Thanks and regards,  
Jyoti

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**From:** Pradhan, Jyoti  
**Sent:** Thursday, 23 January 2020 5:17 PM  
**To:** Majid, Fawzia <Fawzia.Majid@act.gov.au>  
**Subject:** Waramanga NoD

UNCLASSIFIED

Hi Fawzia,

I'm looking at the NoD and will try and send it to you tonight or tomorrow morning.

Regards,  
Jyoti

**Jyoti Pradhan | DA Merit Assessment |**

Phone: 6207 1649 | Email: [Jyoti.Pradhan@act.gov.au](mailto:Jyoti.Pradhan@act.gov.au)

**Planning Delivery Division | Environment, Planning and Sustainable Development Directorate | ACT Government**

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

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**From:** Pradhan, Jyoti  
**Sent:** Tuesday, 28 January 2020 12:52 PM  
**To:** Elhassan, Walid  
**Cc:** Majid, Fawzia  
**Subject:** RE: DA201936351 - Waramanga NoD - Refusal - Please sign  
**Attachments:** NOD-201936351-01 - Merit Track DA.obr

**Importance:** High

UNCLASSIFIED

Hi Walid,

I refer to the above DA for a secondary res. Fawzia has drafted the NoD, I have checked it and she is now making some minor edits. I am going home now and we have promised the applicant that we'll dispatch it today.

You being the assessing officer, can you please sign this refusal today? Fawzia will print a copy for you to sign once she finalises the NoD.

Thanks and Regards,  
Jyoti

**DA ASSESSMENT – Merit Track**

Block/s:	31	DA number:	<a href="#">201936351</a>
Section:	12	Date lodged:	24-Oct-19
Suburb:	WARAMANGA	Due date:	05/12/2019
Zone/s:	RZ1	Unit Number (if applicable)	
Proposal:	<b>Proposal for a single storey secondary residence in addition to the existing dwelling, attached garage, landscaping and associated works.</b>		
Proposed Use:	RESIDENATIL		
Is the proposed use permissible under the zone development table or Crown Lease	<input checked="" type="checkbox"/> Yes - under development table <input type="checkbox"/> No - under development table <input checked="" type="checkbox"/> Yes - in Crown Lease <input type="checkbox"/> No - in Crown Lease <input type="checkbox"/> Other – specify:		

**STAGE 1 – APPRAISAL AND PRELIMINARY ASSESSMENT**

Did the proposal have a <b>pre-application</b> meeting:	No
Is the <b>notification</b> wording appropriate:	Yes
Have all <b>Entities</b> been referred to?	Yes
NOD outline saved into Objective	Yes
<b>MPRG Triggers:</b> Click to view Triggers	<b>Does the proposal trigger referral to the MPRG:</b> No <input type="text"/>
Has a conflict of interest been declared?	No
Do representors have the right to review in ACAT? <b>(See Schedule 1 of the Act and Schedule 3 of the Regulation)</b>	Yes
Is a <b>public land</b> management plan in force over the land, (s.120(f))	NO If Yes – Has the DA been referred to the Conservator? Choose an item. Additional referral requested <a href="#">Click or tap to enter a date.</a>
Is an environmental significance opinion in force & relevant: (s.120(c))	<input checked="" type="checkbox"/> No known ESO applies

**Notes for the assessment officers / Key issues identified:**

Click here to enter text.

Have any issues been identified that would result in a refusal:	No
Conditions required from initial review of application or Territory Plan assessment:	Other/Discuss/Advice: Please specify below <input type="text" value="ASSESSMENT REQUIRED"/>

Initial appraisal – likely assessment task:  <b>NOTE: Categories (Green, Amber, Red) should reflect potential complexities. This is a guide only based on the initial check and can change throughout assessment if required.</b>	<input checked="" type="checkbox"/> <b>GREEN</b>  <input type="checkbox"/> <b>AMBER</b> <input type="checkbox"/> <b>RED – Note: Further Information should not be requested at this stage if the DA is to be refused</b>
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**Completion**

<b>Stage 1 assessment has been completed.</b>		
<input checked="" type="radio"/> The application is suitable for advancement (to the next assessment Stage). <input type="radio"/> The DA is recommended for refusal – Reasons for refusal has been added to the Draft NoD. <input type="radio"/> Other. To discuss		
<b>Assessment officer:</b>	Name MANTASA KABIR	29/10/2019

**STAGE 2 – INFORMATION COLLECTION (ENTITIES – including EPSDD DA Leasing)**

The DA was referred to the following Entities (or internal Sections) with the following response(s):

Entity	Did the entity support the application?	Assessment comments / Conditions required
The Conservator of Flora & Fauna	No	Not supported. Further information required.
Evo Energy - Electricity	Yes - with conditions	Std Entity conditions – Entity conditions attached to NoD
Evo Energy - Gas	Yes - with conditions	Std Entity conditions – Entity conditions attached to NoD
ICON Water	Yes - with conditions	Std Entity conditions – Entity conditions attached to NoD
TCCS	Yes - with conditions	Std Entity conditions – Entity conditions added to NoD
Other:		
EPSDD DA Leasing	Yes	<input checked="" type="radio"/> DA leasing advice entered in Draft NoD No conditions required.

**LRP/MPRG**

Does any Entity advice received trigger referral to either the LRP or MPRG:	Yes
Does any entity advice received mean the application must be refused:	Yes - if yes, discuss further action with team leader
Conditions required from entity advice:	Entered in draft NoD: Yes

**Final**

Has the entity advice received on this application been considered: (s.120(e))	Yes, see summary above.
An <i>alias</i> of advice from the Utility service providers and other relevant entities has been moved into the approved plans folder.	Yes

### STAGE 3 – ISSUES CONSIDERATION (REPRESENTATIONS)

- Representation/s were made in respect of the application under section 156 of the Planning and Development Act 2007. All Representation have been read and considered, and a summary of key concerns / issues can be found below:

Specify number of Representation/s received: <input type="text" value="1"/>	NOTE: If 10 or more Reprs – refer to MPRG
Area of concern / issue	Representation comment - Territory Plan response
<b>Tree Protection</b> ➤ Representation regarding tree on representors block (Block 32 Section 12 Waramanga) to be protected during construction of secondary residence on Block 31 section 12 Waramanga.	<b>Stage 4 comment – The issues raised by the representor has been considered, however the DA is to be refused and the comment no longer applicable.</b>
Was a site inspection undertaken in this stage:	No - Aerial imagery on ACTMapi deemed sufficient

Additional information requests: Not Requested

#### Completion

<input type="radio"/> Stages 2 and 3 has been completed with no issues identified.		
<input checked="" type="radio"/> Stages 2 and 3 has been completed with the following issues noted:		
Choose an item.		
<input type="radio"/> Stages 2 and 3 has identified issues that prevent further assessment, specifically (insert below)		
Proposed development was not supported by the Conservator. Stage 4 to finalise assessment. 1 Representation received.		
Assessment officer:	Name Jacob Treloggen	Date: 17/12/2019

### STAGE 4 – TERRITORY PLAN ASSESSMENT

Proposed Use	Q1. Is the proposed use allowable in the applicable zone/s? No <b>The proposed secondary residence is allowed in the RZ1 Zone-Thara</b> Q2. Is the proposal permitted under the Crown Lease? Yes	
Territory Plan assessment		
Select relevant code: (click box) (Select more than one if required)	<input checked="" type="checkbox"/> Waramanga Precinct Map <input checked="" type="checkbox"/> Residential Zone Development code <input checked="" type="checkbox"/> Single Dwelling Housing Development code	
The assessing officer undertook an assessment of the proposal and found that the following KEY rules and criteria warrant further discussion. Note: Further issues may have been identified in a plan based assessment that have not necessarily been included in this or is of a significance that did not warrant particular discussion. NOTE: Assessment Officers to pay particular attention to all mandatory rules		
Code	Rule / Criteria	Assessment/Discussion
Waramanga Precinct Map	N/A	
Residential Zone Development code	R13 & C13	The proposal does not meet rule R13, and the applicant has failed to demonstrate, by supporting plans and written documentation, that the proposed development satisfies the applicable criterion C13. In particular, the proposed car parking location for the secondary residence is not adequate in width to accommodate an accessible car park and the continuous path of travel will not work due to the change in levels from the car park to the secondary

		dwelling. The proposed development therefore fails to satisfy the intent of the element.
Single Dwelling Housing Development code	R11 & C11	The proposal does not meet rule R11, and the applicant has failed to demonstrate, by supporting plans and written documentation, that the proposed development satisfies the applicable criterion C11. In particular, the proposed 4 metres front basement/garage setback is not consistent with the desired character. The proposed development therefore fails to satisfy the intent of the element.
Single Dwelling Housing Development code	R34 & C34	The proposal does not meet rule R34, and the applicant has failed to demonstrate, by supporting plans and written documentation, that the proposed development satisfies the applicable criterion C34. In particular, the proposed ramp does not meet AS2890.1 Australian Standard and it is not safe being within the front zone 4 metres.

Further assessment documents, if any, can be found in the assessment file in Objective YES

Is the proposal consistent with the relevant zone objectives: (s.120(a))	<input checked="" type="radio"/> No - Note: Please discuss with Senior Manager <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>The proposal has been reviewed with Chris Gell The development proposal is inconsistent with RZ1 zone objective, item;</p> <p>b) Protect the character of established single dwelling housing</p> </div>
Is the proposal considered suitable for the land on which it is to take place: (s.120(b))  Note: The assessment officer may also have regard to any DRP and Pre-DA community consultation	Yes - Based on relevant legislation and the TP assessment, the proposal is considered suitable for the land
What is the probable impact of the proposed development (including nature, extent and significance of probable environmental impacts): (s.120(g))	<input checked="" type="radio"/> No probable impacts identified that require amendment or refusal of the proposed development
Was a site inspection undertaken in the assessment stage:	No - Aerial imagery on ACTMapi deemed sufficient
Have any issues been identified that would result in a refusal:	Yes, discuss further action with a Senior Officer or Manager
Conditions required from initial review of application Stage 1 or Territory Plan Stage 4 assessment:	Other/Discuss/Advice: Please specify below <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">The recommendation for refusal has been cleared by Chris Gell 17/12/2019</div>
All representations made about this application been considered in the assessment of this proposal: (s.120(d))	Yes, see assessment above

### Completion

#### Stage 4 assessment has been completed.

- The application is suitable for advancement (to the next assessment Stage). Any recommended conditions and/or advisory notes have been added to the Draft NoD
- The DA is recommended for refusal – Reasons for refusal has been added to the Draft NoD.
- Other. To discuss e.g. partial approval/ refusal

<b>Assessment officer:</b>	Name – Walid Elhassan	17/12/2019
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**STAGE 5 – PRELIMINARY DECISION MAKING Including MPRG / LRP**

Have all previous Stages (1-4) been completed?	Yes
Is a site inspection required to make a decision?	No Aerial imagery and street view were considered sufficient
Are there any Stage 1-4 reasons for referral to LRP, MPRG, Other?	No - Delete all cells below in this stage other than sign off
Comments/Addition issues	<p>Tree protection unit does not support the removal of a regulated tree located at the front adjacent to Alawa Street. The conservator has requested TMP to protect the street tree, the above-mentioned regulated tree and the tree on the neighbouring block on the northern side.</p> <p>Stage 4 has identified the noncompliance of the garage depth, driveway gradient and accessibility to the secondary residence from the proposed car parking area and the impact of the basement garage on the streetscape.</p> <p>The proposed new driveway requires removal of a regulated tree and the street tree and the removal of those trees are not supported.</p> <p>Since the car parking for the secondary residence does not meet the requirements of the relevant codes and there are no design alternatives demonstrated, the application was not referred to LRP.</p> <p>The proposal would require significant changes to the design to meet the relevant codes and to meet the streetscape character of the zone. The revision would require referral to entities and possible renotification.</p> <p>A tree survey and tree management plan is not submitted as part of the application.</p> <p>The statement against Criteria does not address the Tree Protection requirement stating N/A There is no protective tree on the block.</p>

The findings of Stages 1-4 have been reviewed and the application should be:	<input type="radio"/> Approved <input type="radio"/> Approved with Conditions <input type="radio"/> Partially approved/ refused (provide details below): <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <input checked="" type="radio"/> Refused
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<b>Assessment officer:</b> Name Thara	<b>Date:</b> Click or tap to enter a date.
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## STAGE 6 – RECOMMENDED DETERMINATION OF PROPOSAL

Was the DA referred to LRP or MPRG	No	
Has the leasing manager requested to be referred during the decision stage (see stage 2 assessment)	No	
Has leasing advice been incorporated into the decision:	N/A	
Has the Notice of Decision been finalised:	Recommended reasons for decision:	Yes
	Recommended conditions:	Yes
	Entity advice:	Yes
	Representations:	Yes
	Do third party appeal rights apply:	Yes
The application is to be:	<input type="radio"/> Approved <input type="radio"/> Approved with conditions <input type="radio"/> Partially Approved/ Refused. Details below: <div style="border: 1px solid black; height: 30px; width: 100%;"></div> <input checked="" type="radio"/> Refused	
Has a conflict of interest been declared? - <i>If Yes, the proposal must be Peer Reviewed by Stage 6 officer (without potential conflict) and Signed/determined by a Senior manager</i>	No	
Does the determining officer have the correct classification to make the decision? <i>Refer to Classification Matrix</i>	Yes	

**Peer review** To be completed ONLY IF the delegate (determining officer) undertook another stage in the assessment.

Reviewing officer name:		Classification:		Date:	Click or tap to enter a date.
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### Sign Off

Determination:	In my findings, I have considered the advice and recommendations stages 1-5 in this assessment document and determine that the application is to be: <input type="radio"/> Approved <input type="radio"/> Approved subject to conditions consistent with the above assessment <input checked="" type="radio"/> Refused consistent with the above assessment OTHER/COMMENTS:	Date: Click or tap to enter a date.
Determining officer	Name: fawzia majid	Date Click or tap to enter a date.
Delegate:	Name: Walid Elhassan	Date: 28/01/2020

### Post Determination

Can stamped plans be released with decision?

Yes - Stage 6 officer to Stamp Plans and email Customer Services to Dispatch

#### No - select below:

S165 Conditions required to be satisfied - Stage 6 to organise Stamped Plans once endorsed

Leasing conditions to be satisfied - Once satisfied Plans to be Stamped and dispatched by Stage 6

3rd party appeals - Set reminder date in calendar when plans can be Stamped and promptly dispatched

Other (specify below)

Refused



**ACT**  
Government

# NOTICE OF DECISION

Made under part 7 of the *Planning and Development Act 2007*

I, Walid Elhassan, delegate of the planning and land authority, pursuant to section 162 of the *Planning and Development Act 2007*, **refuse**, the proposal for **construction of a secondary residence, additional basement garage/ storage area underneath the proposed secondary residence and associated site works**, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number: 201936351  
Block: 31  
Section: 12  
Suburb: WARAMANGA  
Application lodged: 24 October 2019  
Assessment track: Merit

This decision contains the following information:

- Part 1 – reasons for the Decision
- Part 2 – public notification & entity advice
- Part 3 – administrative information

*A copy of the development application and this approval may be inspected at the planning and land authority's office from 8.30 am to 4.30 pm, Monday to Friday at 16 Challis Street, Dickson, ACT 2602*

## CONTACT / ENQUIRIES

Phone: (02) 6207 6383

Online Form:

[https://www.accesscanberra.act.gov.au/app/forms/epd\\_feedback](https://www.accesscanberra.act.gov.au/app/forms/epd_feedback)

**Walid Elhassan**  
Delegate of the planning  
and land authority  
28 January 2020

## NOTICE OF DECISION

DA 201936351

### PART 1 – REASONS FOR THE DECISION

In accordance with section 119 of the Act, the application was refused because it did not comply with the legislated requirements for merit track applications. The application was inconsistent with Zone Objectives and the relevant code, being Residential Zones Development Code and Single Dwelling Housing Development Code.

#### **Inconsistency with Zone Objectives for RZ1 Suburban Zone**

The development proposal is inconsistent with RZ1 zone objective, item;

- b) Protect the character of established single dwelling housing areas by limiting the extent of change that can occur particularly with regard to the original pattern of subdivision and the density of dwellings.
- d) Ensure development respects valued features of the neighbourhood and landscape character of the area and does not have unreasonable negative impacts on neighbouring properties.

The proposal does not reflect the established streetscape character.

#### **Inconsistencies with the Relevant Codes**

The development proposal is inconsistent with the following sections of the Residential Zones Development Code and (RZDC) and Single Dwelling Housing Development Code (SDHDC).

#### **Residential Zones Development Code (RZDC):**

##### Element 4: Secondary residence

###### *R13 /C13*

The proposal does not meet rule R13, and the applicant has failed to demonstrate, by supporting plans and written documentation, that the proposed development satisfies the applicable criterion C13. In particular, the proposed car parking location for the secondary residence is not adequate in width to accommodate an accessible car park and the continuous path of travel will not work due to the change in levels from the car park to the secondary dwelling. The proposed development therefore fails to satisfy the intent of the element.

#### **Single Dwelling Housing Development Code (SDHDC):**

###### *R11 /C11 Front boundary setbacks*

The proposal does not meet rule R11, and the applicant has failed to demonstrate, by supporting plans and written documentation, that the proposed development satisfies the applicable criterion C11. In particular, the proposed 4 metres front setback for the secondary residence is considered acceptable. However, basement garage needs to be 5.5 metres from the front boundary. Proposed 4 metres garage setback is not consistent with the desired character.

###### *R34 /C34 Parking*

The proposal does not meet rule R34, and the applicant has failed to demonstrate, by supporting plans and written documentation, that the proposed development satisfies the applicable criterion C34. In particular, the proposed ramp does not meet AS2890.1 Australian Standard and it is not safe being within 4 metres of the front zone.

## NOTICE OF DECISION

DA 201936351

### *R45 Tree Protection (Mandatory)*

Tree Protection Unit did not support the proposed development as this proposes the removal of a *Ulmus parvifolia* on the Alawa street side of the block which is regulated by the size of its canopy. The Tree Protection Unit would also require a Tree Management Plan to show how the *Eucalyptus nicholii* on the neighbouring property and the *Quercus sp.* street tree will be protected during construction of the proposed secondary residence.

Note: This potential non-compliance can be addressed by a condition requiring more information to demonstrate compliance. However, following assessment, the view was formed that a conditional approval is not warranted given that other matters raised with this development would potentially involve design changes, and that there is uncertainty about the extent, nature and impacts of design changes. It is recommended that the applicant seek further advice from the Tree Protection Unit in relation to this matter.

### *Administrative issues*

The application form does not include basement parking/ storage area (underneath the proposed secondary residence) as description of work on site. This parking area is proposed for the main dwelling. However, plans submitted with the lodgement include this area.

### **Note:**

Above matters could potentially have been addressed, through design changes, by requesting further information pursuant to S144 of the Act. However, following assessment of the proposal, the view was formed that a conditional approval is not warranted given the uncertain nature of design changes that may be required for the proposal to be consistent with the Territory Plan.

## **PART 2 PUBLIC NOTIFICATION AND ENTITY ADVICE**

### **PUBLIC NOTIFICATION**

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 31 October 2019 to 20 November 2019. One written representation was received during public notification period.

The issues raised in the representation were considered in the assessment and making of the decision for this development application.

### **ENTITY ADVICE**

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

1. Transport Canberra and City Services (TCCS)

TCCS supported the proposed development with following conditions:

#### **VERGE CROSSING**

- a. The proposed new domestic type verge crossing width must not be exceeded the maximum width of 5.5m.
- b. The new verge crossing must be constructed in accordance with TCCS Design Standards.

## NOTICE OF DECISION

DA 201936351

- c. The levels on the verge must not be altered as a result of the new constructed verge crossing.
- d. The verge crossing must be inspected at the formwork stage by an officer of Place Coordination - TCCS. This verge crossing inspection can be organised by completing a smart form available on the TCCS website.
- e. Any infrastructure assets such as street lighting, mini-pillars, signage etc must be a minimum of 1.5m away from the closest edge of the verge crossing. In case of stormwater sumps this minimum distance must be 1.2m.

### VERGE / VERGE TREE

- f. The verge must be protected during construction.
- g. A Landscape Management and Protection Plan and a dilapidation report for all Govt. Assets adjacent to the site must be submitted to the Development and Design Review – TCCS prior to commencement and on completion of the work.

### STORMWATER

- h. The existing stormwater tie must use for both of dwellings.
- i. 2.5m wide unobstructed access zone must be provided from the front of the block to the stormwater easement.

### 2. Conservator of Flora and Fauna (Conservator)

The Conservator of Flora and Fauna provided advice on the 14/11/2019 stating that: The Development Application cannot be supported. The Development Application proposes the removal of a *Ulmus parvifolia* on the Alawa street side of the block which is regulated by the size of its canopy.

The Tree Protection Unit would also require a Tree Management Plan to show how the *Eucalyptus nicholii* on the neighbouring property and the *Quercus sp.* street tree will be protected during construction of the proposed secondary residence.

### 3. Evoenergy

Evoenergy supported the proposed development with conditions.

### 4. Jemena Gas

Jemena Gas supported the proposed development with conditions.

### 5. Icon Water

Icon Water supported the proposed development with conditions.

## NOTICE OF DECISION

DA 201936351

### **PART 3 ADMINISTRATIVE INFORMATION**

#### INSPECTION OF THE APPLICATION AND DECISION

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

#### RECONSIDERATION OF THE DECISION

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

To submit an application for reconsideration, documents must be provided electronically by email to [epdcustomerservices@act.gov.au](mailto:epdcustomerservices@act.gov.au) or provided at the customer service centre on a CD/DVD. The delegate of the Authority reconsidering the decision must be different from, and senior to, the original decision maker. An application for reconsideration does not prevent an application for a review of the same decision being made to the ACT Civil and Administrative Tribunal. Application forms and further information about reconsideration are available from the planning and land authority's website and Customer Service Centres.

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

Decisions that are reviewable by the ACAT are identified in Schedule 1 of the *Planning and Development Act 2007*, except for those precluded under Schedule 3 of the *Planning and Development Regulation 2008* – Matters exempt from third-party ACAT review.

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

## NOTICE OF DECISION

DA 201936351

# APPENDIX 1

## REVIEW OF THE DECISION

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

### CONTACT DETAILS

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

Location	Contact details
ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601	Website: <a href="http://www.acat.act.gov.au">www.acat.act.gov.au</a> Email: <a href="mailto:tribunal@act.gov.au">tribunal@act.gov.au</a> Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601

### POWERS OF THE ACAT

The ACAT is an independent body. It can review on their merits a large number of decisions made by ACT Government ministers, officials and statutory authorities. The ACAT can agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with ACAT recommendations.

### APPLICATIONS TO THE ACAT

To apply for a review, obtain an application form from the ACAT. You can also download the form from the ACT Legislation Register <http://www.legislation.act.gov.au/af/2009-278/current/pdf/2009-278.pdf>.

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

### TIME LIMITS FOR APPLICATIONS

The time limit to make a request for a review is 28 days from the date of this Notice of decision. The time limit can be extended in some circumstances (refer to sections 10 (2), 10(3), 25(1)(e) and 25(2) of the *ACT Civil & Administrative Tribunal Act 2008*; section 7 of the *ACT Civil and Administrative Tribunal Procedure Rules 2009 (No 2)*; and section 409 of the *Planning and Development Act 2007*).

### FEES

Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Chief Executive, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. Ask the ACAT for more details.

## **NOTICE OF DECISION**

DA 201936351

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

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

### **FORMS OF LEGAL, FINANCIAL AND OTHER ADVICE AND ASSISTANCE**

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

- ACT Attorney-General, write to The Chief Executive, of Justice and Community Safety Directorate, GPO Box 158, CANBERRA, ACT, 2601;
- the ACT Legal Aid Office, telephone 1300 654314;
- Legal Advice Bureau, telephone (02) 6247 5700;
- ACT Council of the Ageing, telephone (02) 6282 3777; and
- Welfare Rights and Legal Centre, telephone (02) 6247 2177.

### **AWARDING OF COSTS**

You will have to pay any costs involved in preparing or presenting your case. The ACAT also has the power to award costs against a party if the party contravenes a direction of the ACAT and the ACAT considers it in the interests of justice to make such an order. This power is in addition to the power of the ACAT to strike out a party and to dismiss an application for failure to comply with the ACAT's directions.

### **ACCESS TO DOCUMENTS ABOUT THE DECISION**

You may apply for access to any documents you consider relevant to this decision under the ACT Freedom of Information Act 1989. Information about Freedom of information requests is available on the planning and land authority's web site or by contacting us by phone on (02) 6207 1923.

### **PROCEDURES OF THE ACAT**

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

## NOTICE OF DECISION

DA 201936351

### TRANSLATION AND INTERPRETER SERVICES

The ACT Government's translation and interpreter service runs 24 hours a day, every day of the week. Telephone 131 450.

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ако вам је потребна помоћ преводиоца телефонирајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

### TRANSLATING AND INTERPRETING SERVICE

# 131 450

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