



ACT
Government

Environment and Planning

Notice of decision

Under Part 7 of the *Planning and Development Act 2007*

Impact track

DA NO: 201630671		DATE LODGED: 29/11/2016
DATE OF DECISION: 24/03/2017		
BLOCK: 1	SECTION: 11	SUBURB: GUNGAHLIN
BLOCK: 1	SECTION: 229	SUBURB: GUNGAHLIN
BLOCK: 1	SECTION: 230	SUBURB: GUNGAHLIN
BLOCK: 2	SECTION: 231	SUBURB: GUNGAHLIN
BLOCK: 4	SECTION: 233	SUBURB: GUNGAHLIN
APPLICANT: Indesco Pty Ltd - Viet Le		
LESSEE: Unleased Territory Land		

THE DECISION

This application was lodged in the impact track. Pursuant to section 113(2) of the *Planning and Development Act 2007*, the application must be assessed according to the provisions relevant to impact track applications.

I, *Dale Billing*, delegate of the planning and land authority, pursuant to section 162 of the Act, hereby **approve subject to conditions** the proposal for:

- **The subdivision of Gungahlin Town Centre East estate development plan including the creation of 11 mixed use sites capable of accommodating 1121 dwellings, six community facility blocks, six office blocks, one retail core block, a public car park accommodating 150 parking spaces, a linear public park; and**
- **Associated roads, open space, infrastructure, services, off site works and landscaping.**
- **Ongoing provisions to be included in the Gungahlin Precinct Map & Code.**

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

This decision is subject to the conditions of approval at **PART 1** being satisfied.

PART 2 sets out the Reasons for the Decision.

PART 3 is Public Notification and Entity Advice.

PART 4 contains administrative information relating to the determination.

DELEGATE

Dale Billing
Delegate of the planning and land authority
Environment and Planning Directorate
24/03/2017

Contact Officer: Gabrielle Caddy
Phone: 6207 1799
Email: gabrielle.caddy@act.gov.au

PART 1

CONDITIONS OF APPROVAL

This application is approved subject to the following conditions being satisfied. Some conditions of approval will require attention before the approved drawings will be released by the Authority, others before work commences or before the completion of building work.

A ADMINISTRATIVE / PROCESS CONDITIONS

Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act).

- A1. All works and remediation activities are to be conducted in a manner and to a standard consistent with the requirements of the *Gungahlin Strategic Assessment Biodiversity Plan* made under the *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*.

Heritage

- A2. With the exception of the placement of fill within a 10 metre wide strip along the eastern boundary of Block ff (in accordance with Attachment A); ground disturbance works, including geotechnical investigations, shall not be undertaken within Blocks fd, fe and ff Section FF until the following steps have taken place:
- (a) A full heritage investigation of the suspected heritage item has been prepared to the satisfaction of, reviewed; and endorsed by ACT Heritage; AND
 - (b) Either:
 - (i) The item in question is determined to not be a heritage item; OR
 - (ii) If the item is determined to be heritage and of high conservation value then a new subdivision plan for Section FF; incorporating its safe retention ; is to be submitted to the planning and land authority for endorsement by ACT Heritage and the Planning Delivery Division.
- A3. Prior to works commencing within Section FF, a temporary construction fence must be erected around at least 10 meters from the drip line of Tree 177 and evidence must be provided to ACT Heritage after the fence is erected
- A4. Ground disturbance works, including geotechnical investigations, should not be undertaken within Block 1, Section 230, Gungahlin prior to completion of the archaeological investigation of the PAD area; unless authorised by the Council under Section 76 of the Heritage Act 2004;
- A5. Should Aboriginal places or objects be identified within the Gungahlin Town Centre East development area, a 'Statement of Heritage Effect' (SHE) should be prepared in accordance with Section 61G of the Heritage Act 2004, and approved by the Council under Section 61H of the Heritage Act 2004 prior to the commencement of works
- A6. The project's Construction Environmental Management Plan (CEMP) must identify heritage requirements for the project and be submitted to the Council for endorsement prior to the commencement of works. Heritage requirements should include management controls for the protection of the possible heritage item on Block 1, Section 234, Gungahlin during works, and an 'Unanticipated Discovery Protocol' to identify management requirements for any heritage places or objects encountered during construction works.

Design and Siting

- A7. Within 28 days from the date of this decision, or within such further time as may be approved in writing by the planning and land authority, the applicant shall lodge with the planning and land authority for approval revised drawings, based on the relevant drawings submitted as part of the application, as follows:
- (a) Revised Landscape Master Plan and detail plans for the verges and Linear Open Space showing:
 - (i) an increase in soft landscaping in the Linear Park to improve the rate of "green open space" provided within the open space spine;
 - (ii) revision of ramp locations to ensure they align with the ribbon path at changes in level;
 - (iii) Changes to the ribbon path at the Flemington Road crossing to remove the conflict with block 'da', street trees and the flagpole whilst still maintaining connectivity to existing crossings;
 - (iv) Changes to the ribbon path location at Ernest Cavanagh Street to align with the raised crossing and removal of conflicts with on street parking locations;
 - (v) revision to landscape treatments within the Linear Open Space to frame the proposed alignment of the ribbon path and remove conflicts with landscaping and street furniture; and
 - (vi) Pathway connections across the Linear Park to provide connectivity to the pedestrian easements in section EE.

B PRIOR TO CONSTRUCTION AND/OR DEMOLITION

Construction Environmental Management Plan

- B1. That a Construction Environmental Management Plan (CEMP) be submitted for approval prior to the commencement of any work on the site. The CEMP must be prepared by a suitably qualified person. The CEMP must be consistent with the relevant matters from the s211 Environmental Impact Statement exemption for the Gungahlin Strategic Assessment Area granted on 20 November 2013.

NOTE: *The CEMP may contain plans and management strategies listed elsewhere within the conditions of approval. Where these plans can be integrated into the CEMP, it must be clearly identified to which condition of approval the plan or management strategy applies.*

Environment Protection Authority

- B2. A construction environmental management plan incorporating an unexpected finds protocol must be prepared by a suitably qualified environmental consultant prior to the commencement of excavation works and implemented during development of the site.
- B3. All works must be carried out in accordance with Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011, available by calling 132281.
- B4. An erosion and sediment control plan must be submitted to and be endorsed by the EPA prior to works commencing on site.

- B5. Due to the site being greater than 0.3 hectares, the contractor/builder proposing to develop the site must hold an Environmental Authorisation or enter into an Environment Protection Agreement with the Environment Protection Authority (EPA) PRIOR TO WORKS COMMENCING.

Transport Canberra and City Services

- B6. That prior to the commencement of any work on the site, the following requirements be submitted to and approved by the Senior Manager, Development Review and Coordination, Transport Canberra and City Services (TCCS).

Certificate of design acceptance

- (a) That a Certificate of Design Acceptance be obtained from the Senior Manager, Development Review and Coordination, TCCS. In order to obtain this certificate the following shall be submitted to and approved by the Senior Manager, Development Review and Coordination, TCCS prior to the commencement of construction works on site:
- (i) Fully detailed drawings (civil, landscape) prepared by suitably qualified persons for all off-site works including roads, driveways, footpaths, street lighting, storm water and landscaping;
 - (ii) A Waste Management Plan in accordance with the Development Control Code for Best Practice Waste Management in the ACT, and
 - (iii) Any other issues that may be found by audit of the plans.

Temporary Traffic Management (TTM)

- (b) That at all times during construction the site and surrounds shall be managed in accordance with a TTM plan, prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety, TCCS prior to the commencement of construction works on site.

This plan is to address measures to be employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices.

Landscape Management & Protection Plan (LMPP)

- (c) That during construction, all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development be managed, protected and maintained in accordance with the LMPP approved by the Senior Manager, Development Review and Coordination, TCCS prior to the commencement of construction works on site. This plan is to be implemented before the commencement of works, including the demolition/earthworks on the site and is to be in accordance with TCCS Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04.
- (d) The protective fences as described in the Tree Management Plan must be erected prior to the commencement of any earthworks, construction or demolition activity on any part or stage of the development.

Use of Verges or other Unleased Territory land

- (e) In accordance with the Public Unleased Land Act 2013, road verges and other unleased Territory land must not be used for carrying out of works, including storage of materials or waste, without prior approval of the Territory. Such approval can be obtained from Licensing and Compliance, City Services, Parks and Territory Services, TCCS.

Repair of Damage to Public Assets

- (f) The applicant/lessee is held responsible for all damages to ACT Government assets (including footpaths) caused by the development and they must properly repair any damages to those assets. Before work commences, they should notify TCCS of any existing damage to public facilities.

Notice of commencement of construction

- (g) That a Notice of Commencement of Construction be submitted to the Senior Manager, Development Review and Coordination, TCCS, one week prior to the commencement of construction works on site. Notice shall also include the confirmation of any protective measures installed in accordance with the approved Landscape Management Protection Plan (LMPP) and programmed implementation of the Temporary Traffic Management Plan.

Protected Matters

- B7. Conditions A1 and B1, are for ACT protected matters and, where relevant, matters of national environmental significance and are required to be undertaken prior to the commencement of construction and/or demolition.

Note: Actions must be consistent with the EPBC Part 10 approval. Any actions that are not consistent with the Part 10 approval will need to be considered on a case by case basis and referred under the EPBC Act if significant impacts on protected matters are possible or likely.

C. DURING CONSTRUCTION AND/OR DEMOLITION

The following conditions are required to be implemented and maintained for the duration of any work on the site.

Construction Environmental Management Plan

- C1. At all times the activities on site will adhere to the requirements of the CEMP. This includes the adherence to the Unanticipated Discovery Plan and unexpected finds protocol as required by other conditions.

ACT Heritage

- C2. At all times during construction the Unanticipated Discovery Plan endorsed by the ACT Heritage Council will be adhered to.

Transport Canberra and City Services

- C3. Traffic Management Plan and Landscape management and protection plan prepared by a suitably qualified person and approved by approved by the Senior Manager, Development Review and Coordination, TCCS.

Conservator of Flora and Fauna

- C4. That at all times during construction the site and surrounds shall be managed in accordance with Drawing Title, Tree Management Plan Sheet 1 of 4, Job No. 5678-EDP, Drawing EDP-LA-TMP, PLAN No. 5678-170,ISSUE G; Drawing Title, Tree Management Plan Sheet 2 of 4, Job No. 5678-EDP-TMP, PLAN No. 5678-171, ISSUE G; Drawing Title, Tree Management Plan Sheet 3 of 4, Job No. 5678-EDP, Drawing EDP-LA-TMP, PLAN No. 5678-172, ISSUE G; and Drawing Title, Tree Management Plan Sheet 4 of 4, Job No. 5678-EDP, Drawing EDP-LALTMP, PLAN No. 5678-173, ISSUE G.

D POST CONSTRUCTION AND/OR DEMOLITION**Certificate of Operational Acceptance**

- D1 A Certificate of Operational Acceptance on completion of the works is required from the Senior Manager, Development Review and Coordination, TCCS, prior to the issue of a Certificate of Occupancy.

A Chartered Engineer/Landscape Architect should certify compliance with TCCS Ref No 08: "Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance is made to the Senior Manager, Development Review and Coordination, TCCS on completion of all off-site works

Easements and Access Routes

- D2. All designated easements as shown on the approved Block Details Plans and any required maintenance and emergency access routes are to be recorded on the Deposited Plans and consequential leases for the relevant blocks

Final Survey Plan

- D3. That the lessee shall arrange for a survey of the subdivided blocks and lodge the survey plan with the Environment and Sustainability Development Directorate for examination and clearance by the Surveyor-General, Surveying and Spatial Data Section and pay the appropriate examination fee.
- D4. A final survey for the estate must be lodged with the Environment and Planning Directorate detailing the as constructed contour levels once the roads and blocks have been created.

Sediment Ponds to Remain in Place During Development

- D5. Ponds to be used as temporary sediment and erosion control ponds must not be decommissioned or removed until 80% of the total site has been stabilised following building (dwellings) stage. The ponds must be managed in accordance with the requirements outlined in Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011, for this entire time.

E ADVISORY NOTES

This application is approved with the following advisory notes. It is recommended that careful consideration be given to advisory notes prior to commencing work.

Conservator of Flora and Fauna

E1. It is noted that there is a 20m inner asset protection zone within the development area which also includes an edge road. This is supportable provided the IAPZ meets the following requirements:

- 1) Gradient <1:4
- 2) No large rocks, logs or holes which restrict access
- 3) No fences blocking access to the areas to be mowed
- 4) No boggy areas

Environment Protection Authority

E2. The Erosion & Sediment Control Plan should be in accordance with schedule 11.1 of the Environment Protection Guidelines for Construction & Land Development in the ACT, March 2011, available by calling 132281:

As your site is greater than 1 hectare a Temporary Erosion & Sediment control ponds must be incorporated into each stage of development. The ponds must comply with the minimum standards and be in accordance with the following guidelines:

- Be of adequate size to control all runoff from the site (i.e. 150 cubic metres per hectare of catchment).
- No discharge from dam unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.
- Water level must not exceed 20% capacity at all times to allow runoff storage during a rain event.
- Regular dredging of the dam must be carried out to remove silt.
- Site drawing and details must be provided to Environment Protection Authority, for approval prior to works commencing.
- The temporary ponds shall not be removed until 85 % of the development is complete or all the disturbed areas are stabilised

All rain water that enters the site and pools in excavations during a rain storm event would be considered as a sediment control pond, and must meet the following conditions.

- No discharge from dam all stormwater must be pumped out and disposed in at an approved location.
- No discharge from pond unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.

All external lights must comply with Australian Standards AS4282 Control of the obtrusive effects of outdoor lighting.

ActewAGL Electricity

- E3. We estimate an electrical demand of around 10.0 MVA for this development. This will require two new 11 kV underground cable feeders from our Gold Creek Zone Substation on the western side of Mirrabai Drive approx 500m north of Paul Coe Crescent. These feeders will be installed down Mirrabai Drive and Anthony Rolfe Ave to the Gungahlin Town Centre East development area. These feeders will be required to be installed at Stage 1 of the development.

Site(s) will be required within the development area for electrical infrastructure such as chamber substation buildings or easement areas. Equipment to be installed will be determined at detail design stage and will include 11 kV switchgear and 11kV/415V distribution substations. Low voltage reticulation including cables, pits and pillars will be required throughout the development to service all buildings and other infrastructure such as streetlights. Chamber Substations can be incorporated into the ground floor of new buildings – such details will be arranged at detail design stage. Outdoor pad-mounted distribution substations will require an easement area measuring 7m x 5m.

As the Electricity Distribution Network Service Provider for the ACT, ActewAGL will plan, manage, and operate the electricity supply network within the confines of the regulatory framework and in keeping with industry best practice. To support us in our undertakings we request timely information on the proposed development. In particular we require information on the timing and construction program for the development, the calculated maximum electricity demand by load category (residential, commercial, retail etc) and sustainable development initiatives being considered, particularly in relation to energy conservation and reduction. For example is the installation of solar PV generation, battery energy storage systems, instantaneous electric hot water heating systems, and electric vehicle charging stations to be included?

ActewAGL will prepare a detailed electrical reticulation design when required, showing cable routes, any requirement for road crossing conduits, and locations of electrical infrastructure.

ActewAGL Gas

- E4. Development is to comply with minimum separation requirements to underground assets
- 300mm minimum clearance from major plastic and steel gas mains and steel gas services
 - 150mm minimum clearance from other plastic gas mains and services

ICON Water

- E5. Any failure to accurately show existing or proposed structures may result in damage and costs for which the property owner will be liable. Damage to network assets must be reported to Icon Water.

Utility conditions may also apply to minor structures and landscaping works that may not have been depicted in this document. Consultation with Icon Water is advised if such structures and landscaping are planned.

Icon Water recommends setbacks provided for equipment access to water or sewerage network assets are kept free of obstruction by the property owner. Construction of works without the approval of Icon Water may result in connection to Icon Water's water and sewerage networks being denied and /or action being taken to require the property owner to remove non-compliant services (e.g. sanitary drains) or structures.

Transport Canberra – Light Rail

- E6. The Applicant should note that the possession of site in some road reserves and unleased Territory land may be held under licence from the Territory by delivery contractors and/or light rail operations contractors for the Transport Canberra Light Rail project. Coordination between Transport Canberra Light Rail, Canberra Metro Construction and relevant contractors will be essential for site access, temporary traffic management and scope of works. Contractors undertaking works must allow sufficient time in their works program to coordinate site access and works.

NOTE: Development Assessment note that if changes to verge widths or assets within the verge are required as a result of liaison with Transport Canberra - Light Rail then an amendment to this EDP may be required.

Refer to Appendix 1 for information about approvals that may be required for construction and/or demolition.

PART 2 REASONS FOR THE DECISION

The application satisfactorily meets the requirements for approval. The application was approved because, based on the documentation and in the form modified by the imposed conditions, it was considered to meet:

- the relevant codes, being: the Gungahlin Structure Plan: the Gungahlin Precinct Map and Code; and the Estate Development Code;
- the advice of the Conservator of Flora and Fauna in relation to the proposal; and
- the legislative requirements of the *Planning and Development Act 2007*.

The key issues identified in the assessment are:

- clarification of the status of a potential heritage item within the estate area;
- refinement of the design of the ribbon park and associated road crossings/car parking to ensure that it is used as both an active travel path and a public recreation resource;
- refinement of the landscape planning to ensure the quality of the public open space areas provided;
- the interface between the Estate and the light rail infrastructure;
- the provision of adequate land zoned Community Facility within the Estate (consistent with the Precinct Code);
- Compliance with the Estate Development Code and General Codes of the Territory Plan, in particular the permeability of the estate, legibility of pedestrian network, the design and orientation of blocks in accordance with the block compliance tables.
- Endorsement from relevant entities; and
- Development consistent with the requirements of the Gungahlin District Plan for the Protection of Matters of National Environmental Significance (the NES Plan).

Conditions have been imposed where appropriate to address the key issues and ensure that the proposal is consistent with the Territory Plan and the *Planning and Development Act 2007*.

The Commonwealth decision referenced as the *Gungahlin Strategic Assessment Biodiversity Plan* for the Protection of Matters of National Environmental Significance applies to the proposed development. The decision on this development is made with the understanding that conditions imposed by the Commonwealth under the provisions of the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* must be complied with. Conditions imposed under the EPBC Act are in addition to those listed in this decision.

The issue of potential heritage items has been addressed by delaying works to the affected section until the item can be assessed and the appropriate measures applied. The condition permits the applicant to submit a revised subdivision plan under s165 of the Act if this is required as a part of the measures. This condition has been imposed in agreement with ACT Heritage.

Design of the linear open space and provision of landscaping were issues raised by EPD Strategic Planning. The provision of landscaping in the proposal is not consistent with the requirements of the Structure Plan, and there are conflicts between the main access path, other landscape elements, road crossing points, and roadside car parking spaces. These issues have been addressed in conditions which require the submission of redesigned landscape plans.

During assessment questions were raised regarding the width of the road verge to the Hibberson St light rail route. The application was referred to and endorsed by Transport Canberra Light Rail. Advice provided by Transport Canberra Light Rail has been included. A note has also been included by the planning authority explaining that any changes during further detailed design and consultation may require an amendment.

The issue of sufficient community facility zoned land consistent with the Precinct Map and Code provisions, was considered and addressed during the assessment of the proposal and no conditions of approval are required in this notice. The provision of the land is considered on assessment to be consistent with the amount required to meet the rule within the Code.

EVIDENCE

Application No. 201630671

The Territory Plan zone – Future Urban Area – CZ1, CZ4, CZ5, CFZ & PRZ1

The Development Codes – Gungahlin Structure Plan; Estate Development Code; Crime Prevention Through Environmental Design General Code, Water Sensitive Urban Design General Code

The Precinct Codes – Gungahlin Precinct Map and Code

Exemption from EIS Titled: Exemption from the requirement to complete an Environmental Impact Statement under Section 211 of the planning and Development Act 2007 - Development in the remaining Greenfield areas of Gungahlin, accepted by the Minister on 20/11/2013

Current Crown Lease – Unleased Territory Land

Representations- five

Entity advice- ActewAGL Electrical, Icon Water, Jemena Gas, Emergency Services Agency, Conservator of Flora and Fauna, Heritage, Environment Protection Agency, Transport Canberra City Services, Transport Canberra Light Rail, EPD Plan Implementation, EPD Deed Management, EPD Strategic Planning, EPD Transport Planning.

Other *Gungahlin Strategic Assessment Biodiversity Plan* made under the *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*.

PART 3 PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 6 December 2016 to 5 January 2017, however during the notification the time period was extended to 19 January 2017. Five written representations were received during public notification.

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

(a) A new road should be constructed into Gungahlin from Gungahlin Drive through Mulangarri Grasslands and connecting to Gungahlin PI

The point is noted for future works, however the line of the road is outside the EDP area and so not pertinent to the determination of this Estate Development Plan.

The subject and area of this comment is not included in the assessment or consideration of this development. No further action is required in relation to this comment.

(b) Objection to mixed use block opposite representor's block on Anthony Rolfe Ave due to privacy concerns.

The point is noted, however the land is shown in the Gungahlin Precinct Map and Code as zoned either commercial or community facility, with an expectation of a high density design outcome. To reflect this, the distance from these blocks to the residential blocks across Anthony Rolfe Avenue is 52m. This is sufficient distance under the Territory Plan to ensure adequate privacy.

The comments have been noted and considered against the requirements of the Territory Plan and advice received from referral entities. The proposal is considered to meet the requirements of the Territory Plan and no further action is required

(c) Noise from use

The intentions shown on the Gungahlin Structure Plan and the Gungahlin Precinct Map and Code show this area to be a future part of the town centre, with a zoning of commercial with some community facility zoning. The noise will be consistent with this intention.

The comments have been noted and considered against the requirements of the Territory Plan and advice received from referral entities. The proposal is considered to meet the requirements of the Territory Plan and no further action is required

(d) Noise from construction

Construction noise will be controlled, under the Environment Protection Act, by the Environment Protection Agency (EPA). Conditions from the EPA have been imposed to ensure noise does not create a nuisance under the Act. The EPA contact details are included at the end of this notice in the event that problems arise.

(e) Height of proposed buildings (single storey ok) – privacy, overlooking, scale change across Anthony Rolfe.

The point is noted, however the land is shown in the Gungahlin Precinct Map and Code as zoned either commercial or community facility, with an expectation of a high density design outcome. To reflect this, the distance from these blocks to the residential blocks across Anthony Rolfe Avenue is 52m. This is sufficient distance under the Territory Plan to ensure adequate privacy.

The comments have been noted and considered against the requirements of the Territory Plan and advice received from referral entities. The proposal is considered to meet the requirements of the Territory Plan and no further action is required

(f) Proposal should prioritise active travellers over vehicle uses at street crossings

The comments have been noted and considered against the requirements of the Territory Plan and advice received from referral entities. The proposal is considered to meet the requirements of the Territory Plan and no further action is required

(g) Proposal has only one community route share path on Hibberson St - should be both sides

The plans indicate that the full verges on both sides of Hibberson St within the Estate are paved, responding to both the urban context of the Estate and the requirements of the precinct Code. As all paths in the ACT are shared paths, these verges will therefore be shared paths even though they are not noted as such.

The comments have been noted and considered against the requirements of the Territory Plan and advice received from referral entities. The proposal is considered to meet the requirements of the Territory Plan and no further action is required.

(h) There are no playground structures shown

The plans provided indicate a landscaped area for play, and this is considered to be adequate for the purposes of estate development. The area will be handed to TCCS for ongoing maintenance, and they will determine appropriate equipment for the area.

The comments have been noted and considered against the requirements of the Territory Plan and advice received from referral entities. The proposal is considered to meet the requirements of the Territory Plan and no further action is required.

(i) There is a gap in the Main Community Route on bb/BB

A condition of approval requires a redesign of the ribbon path to align with the crossing of Earnest Cavanagh St. This will ensure the continuity of the Main Community Route across bb/BB.

Conditions of approval have been imposed to address these concerns.

(j) Crossing of Earnest Cavanagh St does not align with ribbon path

A condition of approval requires a redesign of the ribbon path to align with the crossing of Earnest Cavanagh St.

Conditions of approval have been imposed to address these concerns.

(k) Plaza south of Flemington Rd has terrace steps and zigzag path – needs to be bike accessible

A condition of approval requires a redesign of the ribbon path to put ramps within the main path to improve accessibility, both for those with a disability and for bicycle users.

Conditions of approval have been imposed to address these concerns.

(l) Acute join of service road to Valley Av will encourage unsafe high speed merging through bike path.

The plans indicate that the shared path along the side of the slip road is within the verge to the south, or block boundary, side of it. There should be no conflict between the two, as the connections to and from this section of the path, as well as the path section itself, do not cross the slip road at all.

The comments have been noted and considered against the requirements of the Territory Plan and advice received from referral entities. The proposal is considered to meet the requirements of the Territory Plan and no further action is required.

ENTITY ADVICE

Pursuant to Division 7.3.3 of the Act, the original application was referred to various entities and advice was received. The referral entities' comments are as follows. A response to the advice is provided as appropriate.

ACTEWAGL ELECTRICITY

On 9 December 2016 advice was received from ActewAGL Electricity Networks Division in relation to the original proposal. The advice states:

We estimate an electrical demand of around 10.0 MVA for this development. This will require two new 11 kV underground cable feeders from our Gold Creek Zone Substation on the western side of Mirrabei Drive approx 500m north of Paul Coe Crescent. These feeders will be installed down Mirrabei Drive and Anthony Rolfe Ave to the Gungahlin Town Centre East development area. These feeders will be required to be installed at Stage 1 of the development.

Site(s) will be required within the development area for electrical infrastructure such as chamber substation buildings or easement areas. Equipment to be installed will be determined at detail design stage and will include 11 kV switchgear and 11kV/415V distribution substations. Low voltage reticulation including cables, pits and pillars will be required throughout the development to service all buildings and other infrastructure such as streetlights. Chamber Substations can be incorporated into the ground floor of new buildings – such details will be arranged at detail design stage. Outdoor pad-mounted distribution substations will require an easement area measuring 7m x 5m.

As the Electricity Distribution Network Service Provider for the ACT, ActewAGL will plan, manage and operate the electricity supply network within the confines of the regulatory framework and in keeping with industry best practice. To support us in our undertakings we request timely information on the proposed development. In particular we require information on the timing and construction program for the development, the calculated maximum electricity demand by load category (residential, commercial, retail etc) and sustainable development initiatives being considered, particularly in relation to energy conservation and reduction. For example is the installation of solar PV generation, battery energy storage systems, instantaneous electric hot water heating systems, and electric vehicle charging stations to be included?

We will prepare a detailed electrical reticulation design when required, showing cable routes, any requirement for road crossing conduits, and locations of electrical infrastructure.

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

ICON WATER

On 5 December 2016 advice was received from ActewAGL Icon Water in relation to the proposal. The advice states that the proposal is accepted.

JEMENA

On 5 December 2016 advice was received from ActewAGL Jemena Gas Networks Division in relation to the original proposal. The advice states

Your application has been assessed by ActewAGL and conditionally complies with our Gas Networks requirements.

Please find attached, your stamped plans together with a statement of compliance.

Separate compliance statements are required from other utilities (eg: electricity, water and sewerage, stormwater and communications).

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

TRANSPORT CANBERRA & CITY SERVICES (formerly TAMSD)

On 5 January 2017 advice was received from Transport Canberra and City Services in relation to the proposal. The advice states that:

This DA is supported as the EDP for Gungahlin Town Centre East has recently been approved subject to issues to be addressed at detailed design stage. Please find attached documents for the proponent to address the relevant issues when the submission for Design Acceptance is lodged.

Standard Conditions

Following general conditions will apply as appropriate for Works on and Use of Territory Land in addition to the above:

In accordance with the Public Unleased Land Act 2013 no work is to be undertaken on road verges and other unleased Territory Land without the approval of the Territory. Such approval must be obtained from the Senior Manager, Development Review and Coordination, TCCS by the ways of:

- 1. A certificate of Design Acceptance prior to the commencement of any work; and*
- 2. A certificate of Operational Acceptance on completion of all works to be handed over to TCCS.*

Design Acceptance and Operational Acceptance

A Certificate of Design Acceptance is required for all off-site works from the Senior Manager, Development Review and Coordination, TCCS, prior to the construction.

In order to obtain the Certificate of Design Acceptance, fully detailed drawings (civil, landscape) prepared by suitably qualified persons for all off-site works including roads, driveways, footpaths, street lighting, storm water, landscaping (and any other issues that may be found by audit of the plans) and a design report in accordance with Ref No 06: "Requirements for Design Acceptance Submissions", must be certified by a Chartered Engineer/Landscape Architect and submitted to the Senior Manager, Development Review and Coordination, TCCS.

A Certificate of Operational Acceptance on completion of the works is required from the Senior Manager, Development Review and Coordination, TCCS, prior to the issue of a Certificate of Occupancy.

Similarly a Chartered Engineer/Landscape Architect should certify compliance with TCCS Ref No 08: "Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance is made to the Senior Manager, Development Review and Coordination, TCCS on completion of all off-site works

A Waste Management Plan in accordance with the Development Control Code for Best Practice Waste Management in the ACT should also be included if not approved at the Development Application stage.

Temporary Traffic Management (TTM)

A TTM plan approval from the Manager, Traffic Management & Safety, Roads ACT, TCCS. All times during construction the site and surrounds shall be managed in accordance with a Temporary Traffic Management Plan, prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety. This plan is to address, as a minimum, measures to be employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices.

Landscape Management & Protection Plan (LMPP)

LMPP approval from the Senior Manager, Development Review and Coordination, TCCS. 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 the Landscape Management Protection Plan (LMPP) approved by the Senior Manager, Development Review and Coordination, TCCS. This plan is to be implemented before the commencement of works, including demolition on the site and is to be in accordance with TCCS Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04.

Use of Verges or other Unleased Territory land

In accordance with the Public Unleased Land Act 2013, road verges and other unleased Territory land must not be used for carrying out of works, including storage of materials or waste, without prior approval of the Territory. Such approval can be obtained from Licensing and Compliance, City Services, Parks and Territory Services, TCCS.

Repair of Damage to Public Assets

The applicant/lessee is held responsible for all damages to ACT Government assets (including footpaths) caused by the development and they must properly repair any damages to those assets. Before work commences, they should notify TCCS of any existing damage to public facilities.

Notice of Commencement of Construction

Notice of Commencement for the Works in Unleased Territory Land shall be submitted to the Senior Manager, Development Review and Coordination, TCCS one week prior to the commencement of works. The Notice shall also include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of TTM.

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

CONSERVATOR OF FLORA AND FAUNA

On 20 December 2016 advice was received from the Conservator of Flora and Fauna in relation to the proposal. The advice states

The previous comments of the Conservator of Flora and Fauna have been addressed and the application is supported.

It is noted that there is a 20m inner asset protection zone within the development area which also includes an edge road. This is supportable provided the IAPZ meets the following requirements:

- 1) Gradient <1:4*
- 2) No large rocks, logs or holes which restrict access*
- 3) No fences blocking access to the areas to be mowed*
- 4) No boggy areas*

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

ENVIRONMENT PROTECTION AGENCY (EPA)

On 14 December 2016 advice was received from the Environment Protection Agency in relation to the proposal. The advice states

Conditions:

A construction environmental management plan incorporating an unexpected finds protocol must be prepared by a suitably qualified environmental consultant prior to the commencement of excavation works and implemented during development of the site.

All works must be carried out in accordance with Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011, available by calling 132281.

An erosion and sediment control plan must be submitted to and be endorsed by the EPA prior to works commencing on site.

Due to the site being greater than 0.3 hectares, the contractor/builder proposing to develop the site must hold an Environmental Authorisation or enter into an Environment Protection Agreement with the Environment Protection Authority (EPA) PRIOR TO WORKS COMMENCING.

All external lights must comply with Australian Standards AS4282 Control of the obtrusive effects of outdoor lighting.

Advice:

The Erosion & Sediment Control Plan should be in accordance with schedule 11.1 of the Environment Protection Guidelines for Construction & Land Development in the ACT, March 2011, available by calling 132281.

As your site is greater than 1 hectare a Temporary Erosion & Sediment control ponds must be incorporated into each stage of development. The ponds must comply with the minimum standards and be in accordance with the following guidelines:

- 1. Be of adequate size to control all runoff from the site (i.e. 150 cubic metres per hectare of catchment).*
- 2. No discharge from dam unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.*

3. *Water level must not exceed 20% capacity at all times to allow runoff storage during a rain event.*
4. *Regular dredging of the dam must be carried out to remove silt.*
5. *Site drawing and details must be provided to Environment Protection Authority, for approval prior to works commencing.*
6. *The temporary ponds shall not be removed until 85 % of the development is complete or all the disturbed areas are stabilised*

All rain water that enters the site and pools in excavations during a rain storm event would be considered as a sediment control pond, and must meet the following conditions.

1. *No discharge from dam all stormwater must be pumped out and disposed in at an approved location.*
2. *No discharge from pond unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.*

All external lights must comply with Australian Standards AS4282 Control of the obtrusive effects of outdoor lighting.

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

PLAN IMPLEMENTATION TEAM

On 21 December 2016 advice was received from the Plan Implementation Team in relation to the proposal. The advice stated that

The Plan Implementation Team supports the Estate Development Plan for Gungahlin Town Centre East, noting it is consistent with the Gungahlin Strategic Assessment, June 2013. The impacts on Striped Legless Lizard habitat resulting from the development of the estate have been offset by the creation of Mulangarri Grasslands.

It is worth noting that over 50 animals were translocated from the site in accordance with the approved Framework for Construction Environment Management Plans for areas of Gungahlin subject to the Gungahlin Strategic Assessment 2013.

ACT HERITAGE COUNCIL

On 21 December 2016 advice was received from ACT Heritage in relation to the proposal. The advice stated that the proposed development may detrimentally impact the heritage values of the place, and further information is required.

Subsequent to that advice a discussion was held in the Major Projects Review Group on the 22/2/2017 with a member of the ACT Heritage present in which it was agreed that the decision could proceed with the inclusion of conditions to satisfy the issues of concern.

On 22/03/2017 confirmation of endorsement of the conditions of approval included in the Notice of decision was received from ACT Heritage.

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

TRANSPORT CANBERRA LIGHT RAIL (CAPITAL METRO AGENCY)

On 22 December 2016 advice was received from Transport Canberra Light Rail (Capital Metro Agency) in relation to the proposal. The advice stated

The Development Application is supported by Transport Canberra Light Rail. The following comments are provided for consideration in the assessment:

(1) Transport Canberra Light Rail (TCLR) notes that there is coordination between the scope of this DA and DA201528511 for Light Rail works. The proposed DA is generally consistent with light rail works and ongoing consultation with Land Development Agency is assisting to coordinate design and construction. As reflected in Staging Plan 5678-010(G) and Status Plan 5678-001(G) there are some works in the town centre that are previously approved and further works that are included in this application (for example, parts of Flemington Road and Kate Crace Street include both). TCLR recommend that EPSDD confirm clearly the works that would be included/excluded from this development approval.

(2) Development contractors responsible for implementing works will need to coordinate with active construction activities around the site. The following may be provided to the applicant as advice:

The Applicant should note that the possession of site in some road reserves and unleased Territory land may be held under licence from the Territory by delivery contractors and/or light rail operations contractors for the Transport Canberra Light Rail project. Coordination between Transport Canberra Light Rail, Canberra Metro Construction and relevant contractors will be essential for site access, temporary traffic management and scope of works. Contractors undertaking works must allow sufficient time in their works program to coordinate site access and works.

The development application can be supported provided all works are in accordance with Drawing Title, Tree Management Plan Sheet 1 of 4, Job No. 5678-EDP, Drawing EDP-LA-TMP, PLAN No. 5678-170,ISSUE G; Drawing Title, Tree Management Plan Sheet 2 of 4, Job No. 5678-EDP-TMP, PLAN No. 5678-171, ISSUE G; Drawing Title, Tree Management Plan Sheet 3 of 4, Job No. 5678-EDP, Drawing EDP-LA-TMP, PLAN No. 5678-172, ISSUE G; and Drawing Title, Tree Management Plan Sheet 4 of 4, Job No. 5678-EDP, Drawing EDP-LALTMP, PLAN No. 5678-173, ISSUE G.

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

INTERNAL REFERRALS

EPSDD TRANSPORT PLANNING

On 15 December 2017 advice was received from EPD Transport Planning in relation to the proposal. The advice stated that Transport Policy support this DA and have no comments to provide.

EPD STRATEGIC PLANNING

On 21 December 2016 advice was received from EPD Strategic Planning in relation to the proposal. The advice stated that

The Estate Development Plan (EDP) has addressed most of Strategic Planning's comments on the previous draft EDP. However previous comments on the draft EDP titled "Central open space spine and redistribution of open space" have only been partially resolved and therefore additional issues have been introduced. As a result, Strategic Planning request the following issues be addressed:

- *Main Community Route: The 'Lifestyle walk' ribbon concept for the Main Community Route along the central open space spine is supported as a creative way of balancing the need for a clear path of travel through the space with the need for people to use the space. This concept was discussed between Strategic Planning and the applicant and applicant's representatives, but is not well detailed in the EDP documentation. Further consideration is required for the following:*
 - *The ribbon route conflicts with trees, flagpoles and steps. Landscaping features should be rearranged to frame the Main Community Route rather than be within it, to clearly defining movement areas. Where a level-change is required, the ribbon needs to follow the ramps. The ribbon route should also connect to existing and/or proposed road crossings.*
 - *Given that the Flemington Road crossing point cannot be moved, consideration should be given to chamfer the south eastern corner of Block DA to allow for a safe and legible connection from the Main Community Route to the crossing point. The lost development land can be made up by expanding Block Ea and/or Ec slightly into the proposed central plaza if required.*
 - *The Ernest Cavanagh/Main Community Route crossing still does not align the raised crossing with the Main Community Route. This needs to be addressed in the EDP documentation.*
- *Redistribution of PRZ1 land: The updated concept still does not address the substantial loss of 'green open space' (shaded and vegetated park) that results from the relocation of PRZ1 land from the south of Kate Grace Street to the open space spine. The current zoning allows for approximately 16,000m² of 'green open space'. The proposal only provides around 9,000m², with most PRZ1 land paved. The Gungahlin town centre is designed as a dense centre and green spaces are required for passive recreation, visual amenity and shade to ameliorate the urban heat. To address this issue, a substantial increase in green elements is required in the linear open space. These could be designed similarly to Green Square in Kingston or Ainslie Place in the City.*
- *Strategic Planning notes that changes made have addressed screening of the Light Rail substation and a level change that previously created an entrapment point immediately south of the proposed plaza.*

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

EPSDD DEED MANAGEMENT

On 20 December 2016 advice was received from EPD Deed Management in relation to the proposal. The advice stated that

Deed Management note the response to consolidated comments should be assessed for their adequacy.

There is no Deed of Agreement for the Site and as such we have no further comment.

PART 4 ADMINISTRATIVE INFORMATION

DATE THAT THIS APPROVAL TAKES EFFECT

This approval takes effect 20 working days after the day this notice of decision is given to every person who made a representation on the application. The effective date for development applications approved subject conditions could be adjusted if the approval is reconsidered by the planning and land authority or if an application is made to the ACT Civil and Administrative Tribunal.

Pursuant to section 184 of the Act, this approval will expire if:

- the development or any stage of the development is not started within two years after the day the approval takes effect;
- the development is not finished two years after the day the development begins; or
- the development approval relates to land comprised in a lease that requires the development to be completed on a stated date – the date stated in the lease for completion of the development, or the approval is revoked under section 189 of the Act.

Under section 184 of the Act, the applicant may apply to the planning and land authority to extend the prescribed period to finish the development, but such an application must be made within the original period specified for completion.

A development approval, to which section 184 of the Act applies, continues unless the approval ends under sections 184, 185, 186 or 187 of the Act.

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 and Planning 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 approve the application subject to conditions, 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 electrically by email to 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.

APPENDIX 1

CONTACT DETAILS OF RELEVANT AGENCIES

<p>Health Directorate - health protection</p>	<p>Website: www.health.act.gov.au Telephone: (02) 6205 1700</p>
<p>Environment and Planning Directorate</p> <p><i>Planning and land authority</i></p> <ul style="list-style-type: none"> - list of certifiers for building approval - demolition information - asbestos information <p><i>Environment Protection Authority</i></p> <ul style="list-style-type: none"> - environment protection - water resources - asbestos information <p><i>Conservation, Planning and Research</i></p> <ul style="list-style-type: none"> - threatened species/wildlife management 	<p>Website: www.actpla.act.gov.au Telephone: (02) 6207 1923</p> <p>Website: www.environment.act.gov.au Telephone: (02) 6207 6251</p> <p>Website: www.environment.act.gov.au Telephone: (02) 6207 1911</p>
<p>Transport Canberra and City Services</p> <ul style="list-style-type: none"> - tree damaging activity approval - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets 	<p>Website: www.tccs.act.gov.au Telephone: 132 281 Telephone for asset acceptance: (02) 6207 7480</p>
<p>Utilities</p> <ul style="list-style-type: none"> - Telstra (networks) - TransACT (networks) - IconWater - Electricity reticulation 	<p>Telephone: (02) 8576 9799 Telephone: (02) 6229 8000 Telephone: (02) 6248 3111 Telephone: (02) 6293 5738</p>

ADVICE TO APPLICANT

SUBMISSION OF REVISED DRAWINGS AND DOCUMENTATION

If a condition of approval requires the applicant to lodge revised drawings and/or documentation with the ACT Planning and Land Authority for approval under section 165 of the *Planning and Development Act 2007* the submission shall be made by:

- Completing an application for S165 Satisfying Conditions of Approval and submitting the documentation online using edevelopment. More information on edevelopment can be found at http://www.actpla.act.gov.au/tools_resources/e-services/edevelopment

For further information regarding the lodgement of this information please contact Customer Services by Phone: (02) 6207 1923, Email: epdcustomerservices@act.gov.au or on the planning and land authority website at www.planning.act.gov.au.

FURTHER APPROVALS FOR CONSTRUCTION

The Notice of Decision grants development approval, but does not cover building approval or approvals which may be required during construction, which commonly include the following.

BUILDING APPROVAL

Most building work requires building approval to ensure it complies with building laws such as the Building Code of Australia. If this applies to this proposal, the lessee should engage a private building certifier to assess and approve the building plans before construction begins. A list of licensed certifiers and information about building approval is available from the ACT Planning and Land Authority's website and Customer Service Centres.

PERMITTED VARIATIONS TO APPROVED DEVELOPMENT

Under section 35 of the *Planning and Development Regulation 2008* the development as built may vary from the approved development in accordance with section 35 and the permitted construction tolerances and other permitted variations identified in Schedule 1A of that regulation.

Note 1 The development may still need building approval, or further building approval, under the *Building Act 2004*

Note 2 The development must also comply with the lease for the land on which it is carried out.

"TREE DAMAGING ACTIVITY" APPROVAL

A Tree Management Plan under the *Tree Protection Act 2005* is required for approval where it is proposed to undertake groundwork within the tree protection zone of a protected tree or likely to cause damage to, or remove, any trees defined as protected trees by that Act. More information is available from the Transport Canberra and City Services Directorate.

USE OF VERGES OR OTHER UNLEASED TERRITORY LAND

In accordance with the *Public Unleased Land Act of 2013*, road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. Approval can be obtained from the Transport Canberra and City Services Directorate.

WORKS ON UNLEASED TERRITORY LAND – DESIGN AND OPERATIONAL ACCEPTANCE

In accordance with the *Public Unleased Land Act of 2013*, no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval must be obtained from the Manager Asset Acceptance, Asset Services Group, TTCCS by way of:

1. a certificate of design acceptance prior to the commencement of any work and
2. a certificate of operational acceptance on completion of all works to be handed over to TTCCS.

Works on unleased Territory land may include the construction or upgrading of driveway verge crossings, public footpaths, roads, street lighting, stormwater works, waste collection amenities, street signs and line marking, road furniture and landscaping.

A certificate of compliance under s296 of the *Planning and Development Act 2007* may not be issued unless a certificate of design acceptance **AND** a certificate of operational acceptance has both been obtained from TTCCS.

CONSTRUCTION REQUIREMENTS

The following information are some key requirements that apply to building work in the Territory. Other requirements may apply to this development.

DEMOLITION AND ASBESTOS MANAGEMENT

Demolition and asbestos management must be undertaken in accordance with the *Building Act 2004* (including the Building Code of Australia) and the *Dangerous Substances Act 2004*. Information about demolition and asbestos management is available from the planning and land authority's web site and Customer Service Centres.

ENVIRONMENT PROTECTION

All building work must be undertaken in accordance with the *Environment Protection Act 1997*, particularly but not exclusively in relation to noise and pollution control. More information is available from the Environment Protection Authority.

REPAIR OF DAMAGE TO PUBLIC ASSETS

The applicant/lessee is held responsible for all damage to ACT Government assets (including footpaths) caused by the development and they must properly repair any damage to those assets. Before work commences, they should notify the Transport Canberra and City Services Directorate of any existing damage to public facilities.

UTILITY ASSETS RETENTION

The lessee should obtain a plant location advice from ActewAGL to avoid conflict with existing plant or electrical easements. The lessee will be responsible for the costs associated with the relocation of assets, if necessary. The lessee is to ensure that the water service and water meter are retained in position and in good condition. Icon Water's water meters are accountable items and must not be removed from the site or otherwise disposed of.

WATER RESTRICTIONS AND FILLING OF NEW POOLS, PONDS AND FOUNTAINS

Water restrictions or permanent water conservation measures may be in force in the ACT and may prohibit or affect the filling of new pools, ponds and fountains using potable (tap) water drawn from Icon Water's potable water supply system. Applicants wishing to use water drawn from the potable water supply system to fill a new pool, pond or fountain are advised to first contact Icon Water's conservation office on (02) 62483131. Where water restrictions or permanent water conservation measures would otherwise prevent or affect the filling of a new pool, pond or fountain, it might be possible to obtain an exemption to fill the pool, pond or fountain using potable water.

DRAINAGE

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

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: www.courts.act.gov.au Email: tribunal@act.gov.au Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601 Document exchange: DX 5691

POWERS OF THE ACAT

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

APPLICATIONS TO THE ACAT

To apply for a review, obtain an application form from the ACAT. 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.

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, 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;
- Welfare Rights and Legal Centre, telephone (02) 6247 2177; and
- Environmental Defender's Office (ACT), telephone (02) 6247 9420.

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 EPD web site or by contacting us by phone on (02) 6207 1923.

PROCEDURES OF THE ACAT

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

TRANSLATION AND INTERPRETER SERVICES

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

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

TRANSLATING AND INTERPRETING SERVICE

131 450

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

