



NOTICE OF DECISION

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

I, Chris Gell, delegate of the planning and land authority, pursuant to section 162 of the *Planning and Development Act 2007*, **approve subject to conditions**, the proposal for **construction of a three-storey commercial building comprising of five retail spaces on ground level, office space on the upper levels, ground and basement level car parking, bicycle facilities, an awning encroachment over Hibberson Street verge and Hinder Street verge, landscaping, associated other site works and off-site works and subdivision to create three separate blocks**, at Block 1 Section 12 GUNGAHLIN, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number: 201936603
Block: 1
Section: 12
Suburb: GUNGAHLIN
Application lodged: 3 February 2020
Assessment track: Merit

This decision contains the following information:

- Part A – conditions of approval
- Part B – reasons for the Decision
- Part C – public notification & entity advice
- Attachment 1 – administrative information
- Attachment 2 – TCCS standard conditions
- Application for a 2-party licence

CONTACT / ENQUIRIES

Phone: (02) 6207 6383

Online Form:

https://www.accesscanberra.act.gov.au/app/forms/epd_feedback

Chris Gell
Delegate of the planning
and land authority
16 April 2020

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PART A – CONDITIONS OF APPROVAL

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

1. ICON WATER – APPROVAL DOES NOT TAKE EFFECT

- a) The approval does not take effect until the lessee has obtained a Statement of Acceptance from ICON Water in relation to water and sewer networks and submit the Statement to the planning and land authority as satisfying this condition of approval under s165 of the *Planning and Development Act 2007*.
- b) The lessee/applicant must comply with any conditions imposed on the Statement of Acceptance by ICON Water.

Note: Any substantial changes to the development required for the Icon Water Statement of Acceptance will need to be submitted for the consideration of the planning and land authority with an application to amend the approval under s197 of the Planning and Development Act 2007.

2. TRANSPORT CANBERRA AND CITY SERVICES (TCCS) – BUILDING WORKS NOT TO COMMENCE

- a) No building works in relation to this development approval is to commence until the lessee/applicant has obtained written approval from TCCS and submits such approval to the planning and land authority as satisfying this condition of approval under s165 of the *Planning and Development Act 2007*.
- b) The lessee/applicant must comply with any additional conditions imposed by Transport Canberra and City Services.

Note: Refer to TCCS advice received as recorded in Part C of this decision. Endorsed plans may not be released prior to compliance with this condition or to the discretion of the planning and land authority.

Any substantial changes to the development required for TCCS approval will need to be submitted for the consideration of the planning and land authority with an application to amend the approval under s197 of the Planning and Development Act 2007.

3. RELOCATION OF LIGHT RAIL ASSETS – BUILDING WORKS NOT TO COMMENCE

- a) The light rail infrastructure (boxes) located directly outside the front doors of the proposed development shall be relocated prior to any work commencing on site.
An agreement with the relevant entities for the relocation need to be submitted to the authority.

4. COMMENCEMENT and COMPLETION OF DEVELOPMENT

- a) This development must be started (commenced) within three years from the date when this approval take effect.
- b) This development must be finished (completed) within three years from the date when it started, or within such further time as approved in writing by the planning and land authority.

Note: The planning and land authority may only extend the time to finish the development if an application, to extend the time to finish the development, is made prior to when the development has to be finished – refer to section 184(3) of the Planning and Development Act 2007.

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5. FURTHER INFORMATION

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:

- a) Further evidence or amended plans based on the relevant drawings submitted as part of the application, demonstrating how the residual block (future development) is to be serviced and how access to that site will be achieved;
- b) Ground floor accessible parking subject to visitor and retail use, showing a turn-around area within the shared zones.

A revised ground floor plan along with updated turning template is required to confirm that shared zone is clear.

6. PRIOR TO THE GRANT OF ANY CONSEQUENT LEASE ON THE BLOCK

No consequent lease will be granted on the block until the Deed of Agreement for the Estate is varied to the satisfaction of the Planning and Land Authority.

Note:

- a) *Office and Business Agency are not currently permitted by the Deed. The Lessee must enter into a Deed of Variation to add "Office and Business Agency" uses.*
- b) *Reciprocal rights for vehicular access and car parking shall be inserted in both consequent leases created by the subdivision.*
- c) *EPA endorsement of the Noise Management Plan, prepared by Rudds Consulting Engineers, titled Gungahlin Commercial Building Block 1 Section 12, Cnr Hinder & Hibberson Streets, Gungahlin, Report Number: R320046AC R0 dated 15th November 2019 is endorsed by the EPA on the basis that the consequent lease does not include "Drinks Establishment."*

7. ENVIRONMENT PROTECTION AUTHORITY (EPA)

The development shall comply with the following conditions to the satisfaction of the EPA:

- a) A site specific Unexpected Finds Protocol (UFP) must be prepared by a suitably qualified environmental consultant and implemented during site development works. The UFP must include, amongst other things, appropriate procedures for the identification, assessment, management, validation and disposal of potential contamination at the site and contractor induction procedures into the use of the UFP.

Note: *Where remediation and validation is required at the site under the UFP the site validation report must be forwarded to the EPA for review and endorsement prior to occupancy of the site.*

- b) All soil subject to disposal from the site must be assessed in accordance with [EPA Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT](#).
- c) No soil is to be disposed from site without EPA approval.
- d) As the site is greater than 0.3 hectares the construction is an activity listed in Schedule 1 as a Class B activity under the *Environment Protection Act, 1997*. The contractor/builder developing the site must hold an Environmental Authorisation or

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enter into an Environmental Protection Agreement with the EPA in respect of that activity prior to works commencing.

- e) An Erosion and Sediment Control Plan must be submitted to and be endorsed by the EPA prior to works commencing on site.
- f) All works must be carried out in accordance with "Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011", available at www.environment.act.gov.au

8. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

The development shall comply with the following conditions to the satisfaction of TCCS:

Pedestrian Network

- 1. All verge protective fencing must be placed in such a way that the verge is protected but access to the pedestrian network is provided at all times.

Verge / Verge Tree

- 2. The verge must be protected during construction.
- 3. Paving finishes must comply with the Gungahlin Design Guidelines and allow for water permeability around the trees.
- 4. Planting locations are to ensure TCCS min tree pit offset from kerb.
- 5. The new trees must be planted as per Landscape Plan, Project No.J19-00665, Drawing No. L501.1, dated 06.12.2019.
- 6. Advanced tree stock that meets the criteria of Australian Standards 2303:2015 Tree Stock for Landscape Use are to be used.
- 7. A license must be obtained for the encroachment over territory land due to proposed awning.

Subdivision

- 8. A deposited plan showing that the access easement for both blocks (A & B) must be submitted at the Design acceptance stage.

Traffic

- 9. The applicant must address the TCCS conditions regarding traffic for the adjacent Stage 1 of the development (DA201936502 - conditions 1,2,3 and 4) before the Design Acceptance submission of Stage 2 (Note - Stage 1 comments are included under **PART C** ENTITY ADVICE).

Note: Standard TCCS conditions (attached to this Notice of Decision) also apply. Please contact TCCS for further information.

9. CONDITIONS FOR LICENCING OF ENCROACHMENTS (2-Party)

a) COMMENCEMENT OF BUILDING WORK

No building work in relation to the encroachment (the works on unleased Territory land that are part of this development approval) is to commence on the site until the lessee has applied for and has been granted a licence in relation to the encroachment, being the awning projections over Hibberson Street and Hinder Street, by the planning and land authority pursuant to section 303 of the *Planning and Development Act 2007* and in the form approved by the planning and land authority.

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b) APPLICATION FOR A LICENCE (See attached application form)

Prior to the commencement of building work, the lessee (the proposed Licensee) must lodge with the Environment, Planning & Sustainable Development Directorate (EPSDD) an application for the grant of a licence to occupy and use unleased Territory land, pay the appropriate fee and undertake the following:

(i) Encroachment Plan:

The lessee (the proposed Licensee) must submit to EPSDD a plan detailing all dimensions of the proposed encroachment including area, block boundaries and location of encroachment in relation to the building, adjacent unleased Territory land and/or public road. Plan details must be sufficient to enable the preparation of a Spatial Data Mapping System (SDMS) plan and number.

(ii) Public Liability Insurance:

The lessee (the proposed licensee) must obtain public liability insurance in respect of the encroachment by complying with the procedures outlined in the *Financial Management (Public Liability Insurance) Guidelines 2011*.

The procedures are specified below in summary form:

1. nominate each and all of the proposed activities the proposed licensee wishes to undertake on Territory land or premises ("Premises");
2. take out a public liability insurance policy for the term of the licence;
3. submit a certificate of currency in respect of the public liability insurance, which clearly states that the encroachment/s is/are covered by the insurance policy; and
4. Comply with obligations in respect of risk management plans if applicable.

This information is to be forwarded to the:

Licensing Officer

Leasing Services

Planning Delivery Division

Environment, Planning & Sustainable Development Directorate GPO Box 158

CANBERRA ACT 2601

Ph: (02) 6207 1923

Note: The Activity Schedule will form part of the licence agreement

c) TRANSFER OF TITLE

The lessee must not transfer or assign its interest in the premises unless and until the proposed transferee or assignee is granted a licence by the planning and land authority pursuant to section 303 of the *Planning and Development Act 2007*, under the same terms and conditions as the licence granted in accordance with **Conditions 9a) and 9b)** and meets the insurance requirements in accordance with **Condition 9b)**.

10. COMPLIANCE WITH ENTITY REQUIREMENTS

The development must comply with all the conditions imposed by each of the relevant entities as stated in each of their advice.

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11. VENTILATION

All food retail and restaurant outlets must comply with the exhaust and ventilation systems and must be installed and operated to comply with *Australian Standard AS1668.1 The Use of Ventilation and Air-conditioning in Buildings*.

12. LIGHTING

All external lighting to building frontages and to all pathways, road, laneways and car parking areas must be in accordance with *Australian Standard AS1158.3.1 Pedestrian Lighting* and all external lighting must be in accordance with *Australian Standard AS4282 – Control of the obstructive effects of outdoor lighting*.

13. NOISE ATTENUATION

The development must be constructed to comply with relevant *Australian standard, AS/NZS: 210.2000 and AS/NZS 3671 - Noise Attenuation*.

Advisory Notes

1. PARKING

Where possible, parking spaces for this proposal are to be made available for the use of the adjacent cinema development, approved as part of DA201936502, outside of the peak demand times for this development.

2. ENVIRONMENT PROTECTION AUTHORITY (EPA)

- a) All excavations that collect rain water during a rain storm event would be considered as a sediment control pond, and must meet the following condition:
 - i. No discharge from pond unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the pond must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.
- b) All external lights must comply with Australian Standards AS4282 Control of the obtrusive effects of outdoor lighting.
- c) Noise from equipment which may be installed or used at the site, including air conditioning units and other plant equipment such as ventilation fans etc, must comply with the noise standard at the block boundary at all times as per the Environment Protection Regulation 2005. Please consider the type and location of noise generating equipment prior to installation. Written assurance should be sought from the supplier/installer of the equipment that it complies with the Noise Zone Standard as per the *Environment Protection Regulation, 2005*.

For further information please contact EPA on EPAPlanningLiaison@act.gov.au

3. SIGNAGE

- a) This development application does not include an assessment of any proposed signage. Details of any proposed signage were not included in the application.

Any proposed signage at the site must be the subject of a separate DA for approval by planning and land authority.

- b) All signage installed at the site, including advertising signage and hoarding, should comply with the Australian Association of National Advertisers (AANA) Code of Ethics and the ACT Government's Hoarding Signage Advertising Guidelines available online

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at <https://www.planning.act.gov.au/build-buy-renoate/for-industry/industry-resources/hoarding-signage-guidelines>

PART B – REASONS FOR THE DECISION

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 rules and criteria of the Territory Plan and section 120 of the *Planning and Development Act 2007*.

In deciding to approve the application with conditions, a key consideration was the shortfall in car parking spaces provided compared to the requirements of the Parking and Vehicular Access General Code (PVAGC). This issue was also raised through representations and entity advice.

The application proposes 90 spaces for the commercial development while the PVAGC requires 142 spaces. The Planning and Land Authority decided to depart from PVAGC requirements due to justification provided by the applicant, which included that the shortfall of approximately 50 parking spaces is justifiable given the proximity of the site to public transport networks including a light rail stop directly adjacent to the development.

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 rules and criteria of the Territory Plan and section 120 of the *Planning and Development Act 2007*.

EVIDENCE

The following evidence formed part of the assessment of this application:

Development Application:	201936603
Territory Plan Zones:	C1: CORE ZONE
Development Codes:	Commercial Zones Development Code
Precinct Code:	Gungahlin Precinct Map and Code
General Code:	Parking and Vehicular Access General Code Access and Mobility General Code Crime Prevention Through Environmental Design General Code Bicycle Parking General Code
Crown Lease:	Volume 2204 and Folio 7 (Holding Lease)
Legislative requirements:	Sections 119 and 120 of the <i>Planning and Development Act 2007</i>
Entity advice:	As addressed in Part C of this Decision
Representations	Three received

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PART C – PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 10 February 2020 to 28 February 2020. Three (3) written representations were received during public notification period.

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

ENTITY ADVICE

Pursuant to Division 7.3.3 of the *Planning and Development Act*, the application was referred to the below entities. Where an entity requested conditions to be imposed on this development, those conditions have been incorporated into Part A of this Decision. A summary of entity comments can be found below.

1. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

TCCS provided advice on 25 February 2020 stating that the proposal is supported subject to conditions. Please refer to **Part A** for conditions.

Stage 1 Conditions (relevant conditions 1, 2, 3 & 4 copied from the TCCS advice received for DA201936502 on 19 December 2019. Please refer to the DA201936502 for further details):

1. Provide SIDRA analyses for the identified intersections. The analysis must include anticipated trip generation and access arrangements for Stage 3 with available information at this stage.
2. Provide justification for trip generation similar to determining the parking space requirements comparing an existing cinema development (Warriewood, NSW).
3. With the development, the traffic on the surrounding road network is expected to increase by 20-30%, (by 144 vehicles in peak). Even if this future (development) traffic is aligned to the growth rate of Gungahlin and is predicted in a planning stage 10 years ago (Gungahlin Town Centre Transportation Study, 2009), it is vital to reassess to match current conditions.

Assess the traffic impact purely from an operation point of view for reasons such as:

- Modelled road network and demographics might differ from what is now in place.
 - With the additional development traffic, verify whether the surrounding road network and intersections can provide adequate capacity, safety and operate within the acceptable level of service (LOS C or better). If not, identify the alternative/ upgrade treatments.
4. Complete the items A2.1.2(j) and A2.10 in Table 9.

The report summarises the Deed Compliance against relevant clauses. The study claims that the study has addressed all these clauses. However, with the additional traffic the study should undertake,

 - Intersection analyses for appropriate sites to ensure safety and adequate LOS are available. If not, please recommend alternative treatments.
 - Access road capacity.

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2. ICON WATER

On 11 February 2020, advice was received from ICON Water stating that the proposal 'Fails to Comply'. A condition has been imposed in **Part A** of this decision that approval does not take effect until a Statement of Acceptance by ICON Water is provided. A copy of the ICON Water advice is attached to this Notice of Decision.

3. EVOENERGY (Electricity)

On 11 February 2020, advice was received from Evoenergy (Electricity) stating that the proposal is supported subject to conditions. Please refer to **Part A** for conditions regarding compliance with entity advice. A copy of the Evoenergy advice is attached to this Notice of Decision.

4. EVOENERGY (Gas)

On 6 February 2020, advice was received from Evoenergy (Gas) stating that the proposal is supported subject to conditions. Please refer to **Part A** for conditions regarding compliance with entity advice. A copy of the Evoenergy advice is attached to this Notice of Decision.

5. ENVIRONMENT PROTECTION AUTHORITY (EPA)

On 26 February 2020, advice was received from EPA including recommended conditions and advice. Please refer to **Part A** for conditions and advice.

6. ACT EMERGENCY SERVICES (ACTESA)

On 17 February 2020, advice was received from ACT ESA stating that the proposal is supported. A copy of the ESA advice is attached with the Notice of Decision.

Translation and interpretation services

The ACT Government's translation and interpreter service runs 24 hours a day, every day of the week by calling 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	Ако вам је потребна помоћ преводиоца телефонирајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

TRANSLATING AND INTERPRETING SERVICE
131 450
Canberra and District - 24 hours a day, seven days a week

ATTACHMENT 1

ADMINISTRATIVE INFORMATION RELATING TO NOTICE OF DECISION

DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise, this approval takes effect the day after the date of this decision. The effective date for development applications approved subject to conditions may also 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 *Planning and Development Act 2007* (Act), this approval will expire if:

- the development or any stage of the development is not started within three years after the day the approval takes effect;
- the development is not finished three 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 pursuant to 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, Planning and sustainable Development Directorate Dickson Customer Service Centre at 16 Challis Street, Dickson, ACT.

Submission of revised drawings or documentation

If a condition of approval requires the applicant to lodge revised drawings and / or documentation with the planning and land authority for approval pursuant to section 165 of the Act, the submission must be made by completing an application in e-development.

Reconsideration of the Decision

If the applicant is not satisfied with the decision made by the planning and land authority, they are entitled to apply to the planning and land authority for reconsideration within 20 working days of being told of this decision pursuant to section 191 of the Act. A longer timeframe may apply only if granted in writing by the planning and land authority pursuant to section 184 of the Act.

More information is available online at [https://www.planning.act.gov.au/build-buy-
renovate/build-buy-or-renovate/approvals/development-applications/appeal-a-da-decision](https://www.planning.act.gov.au/build-buy-renovate/build-buy-or-renovate/approvals/development-applications/appeal-a-da-decision).

Please contact Access Canberra Customer Services if you wish to lodge a reconsideration application.

Review by the ACT Civil and Administrative Tribunal (ACAT)

1. Decisions that are reviewable by the ACAT are identified in Schedule 1 of the Act, except for matters that are exempted under Schedule 3 of the *Planning and Development Regulation 2008* (matters exempt from third party review).
2. The notice of decision and this advice have been sent to all people who made a representation in relation to the application.
3. The ACAT is an independent body. It can review a large number of decisions made by ACT Government ministers, officials and statutory authorities on their merits. 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.
4. If you think you have a right of appeal, you may apply to the ACAT for a review of the decision. Application forms can be obtained from the ACAT at the website listed below. You can also download the form from the ACT Legislation Register.
5. If you are unsure of whether you have a right of appeal, you may contact Access Canberra Customer Services who can provide you with assistance.
6. More information on appeal rights is available online at <https://www.planning.act.gov.au/build-buy-renovate/build-buy-or-renovate/approvals/development-applications/appeal-a-da-decision>.
7. If you are applying on behalf of an organisation or association, 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.
8. 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*).
9. 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. Applications should be made in writing to: the Director General, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. You can ask the ACAT for more details.
10. 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.
11. The following organisations may be able to provide you with advice and assistance if you are eligible:
 - ACT Attorney-General, write to the Director General, Justice and Community Safety Directorate, GPO Box 158, CANBERRA, ACT, 2601
 - the ACT Legal Aid Office, telephone 1300 654 314
 - ACT Council of the Ageing, telephone 02 6154 9740

- Welfare Rights Centre, telephone 1800 226 028
 - Environmental Defender's Office (ACT), telephone 02 6243 3460.
12. 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.
 13. You may apply for access to any documents you consider relevant to this decision under the ACT *Freedom of Information Act 2016*. Information about Freedom of information requests is available on the planning and land authority's web site at <https://www.environment.act.gov.au/about/access-government-information> or by contacting us by phone on 02 6207 1923.
 14. 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.

Review by the ACT Supreme Court

1. The Authority's decision may also be subject to judicial review by the ACT Supreme Court under the *Administrative Decisions (Judicial Review) Act 1989* (ADJR Act).
2. Under the ADJR Act, an *eligible person* may make an application for review of a decision.
3. An *eligible person* must demonstrate that their interests are adversely affected by the decision and that the application raises a significant issue of public importance.
4. Section 5 of the ADJR Act sets out the grounds on which a decision can be reviewed.
5. The time limit to make an application for review is 28 days from the date the Notice of Decision is provided to the applicant and those people who made a representation.
6. The ACT Supreme Court is a costs jurisdiction where costs generally follow the event. This means that the unsuccessful party is required to pay the costs of the successful party.
7. For more information on ACT Supreme Court processes and fees, please visit <https://courts.act.gov.au/home>.

Other approvals

A notice of decision under the *Planning and Development Act 2007* grants development approval only. Other approvals may be required, including:

1. **Building Approval**
Most building work requires building approval under the *Building Act 2004* to ensure it complies with building laws such as the *Building Code of Australia*. The lessee should engage a private building certifier to determine whether building approval is required and assess and approve the building plans before construction commences. A list of certifiers can be obtained from the [Environment, Planning and Sustainable Development Directorate](#).
2. **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 at <https://www.tccs.act.gov.au/city-living/trees>.

3. 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 the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. More information is available from the Transport Canberra and City Services Directorate at https://www.tccs.act.gov.au/city-living/public_land_use.

4. Works on unleased Territory Land

In accordance with the *Public Unleased Land Act 2013*, no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval must be obtained from the Senior Manager, Place Coordination and Planning, Transport Canberra and City Services Directorate by way of:

- (a) a certificate of design acceptance prior to the commencement of any work; and
- (b) a certificate of operational acceptance on completion of all works to be handed over to TCCS.

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.

Contact details for relevant agencies

ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601 GPO Box 370, CANBERRA, ACT 2601	www.acat.act.gov.au tribunal@act.gov.au 02 6207 1740 02 6205 4855
ACT Supreme Court 4-6 Knowles Place, CANBERRA CITY ACT 2601 GPO Box 1548, CANBERRA CITY, ACT 2601	www.courts.act.gov.au 02 6205 0000
Health Directorate	www.health.act.gov.au 02 6205 1700
Environment, Planning and Sustainable Development Directorate <i>Planning and land authority</i> <ul style="list-style-type: none">- list of certifiers for building approval- demolition information- asbestos information <i>Environment Protection Authority</i> <ul style="list-style-type: none">- environment protection- water resources- asbestos information <i>Conservation, Planning and Research</i> <ul style="list-style-type: none">- threatened species/wildlife management	www.planning.act.gov.au 02 6207 1923 www.environment.act.gov.au 132 281 www.environment.act.gov.au 132 281
Transport Canberra and City Services <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	www.tccs.act.gov.au 132 281 02 6207 0019 (place coordination)

Utilities	
- Telstra (networks)	02 8576 9799
- TransACT (networks)	02 6229 8000
- Icon Water	02 6248 3111
- Electricity reticulation	02 6293 5738

Translation and interpretation services

The ACT Government's translation and interpreter service runs 24 hours a day, every day of the week by calling 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 τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjnuna 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	

TRANSPORT CANBERRA and CITY SERVICES (TCCS)

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, Place Coordination and Planning, TCCS by the ways of:

1. A Letter of Design Review 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 Review and Operational Acceptance

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

In order to obtain the Letter of Design Review, 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 Review Submissions", must be certified by a Chartered Engineer/Landscape Architect and submitted to the Senior Manager, Place Coordination and Planning, TCCS.

A Certificate of Operational Acceptance on completion of the works is required from the Senior Manager, Place Coordination and Planning, 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, Place Coordination and Planning, 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 must 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, Place Coordination and Planning, 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, Place Coordination and Planning, 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, Place Coordination and Planning, 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.



ACT
Government

Environment, Planning and
Sustainable Development

APPLICATION FOR THE GRANT OF A LICENCE

(2 Party - Minor Encroachment Only)

PART 1 – LICENSEE and APPLICANT DETAILS

LICENSEE (*as is to appear on licence*)

NAME	
A.C.N. or A.B.N.	
POSTAL ADDRESS	
PHONE NUMBER	

APPLICANT (*if different from Licensee*)

NAME	
POSTAL ADDRESS	
PHONE NUMBER	

BRIEF DESCRIPTION OF ORGANISATIONS ACTIVITIES/SERVICES

PART 2 - THE PROPOSAL

PROPOSED USE OF LAND

PART 3 – BLOCK DETAILS

LAND ADJACENT TO:

BLOCK _____

SECTION _____

DIVISION/DISTRICT _____

STREET ADDRESS _____

DEVELOPMENT APPLICATION NUMBER (If applicable) **DA** - _____

PART 4 - THE DEVELOPMENT

TYPE OF ENCROACHMENT

(eg. Awning, signage, facade):

ENCROACHMENT LOCATION PLAN

Plan should show area of unleased land for proposed encroachment and include the following;

- All elevations and dimensions including area;
- Block boundaries and location of encroachment/s in relation to the building, adjacent Territory land and/or public roads.

INSURANCE DOCUMENTS:

From 1 October 2005, the level of public liability insurance required by a proposed licensee of unleased Territory land is now determined by a legislated process. Your insurance Policy must be approved by the ACT Insurance Agency (ACTIA).

Under this legislation in general terms, the licensee will be required to:

1. **Submit a Certificate of Currency of insurance to the department;**
** For a 2 party encroachment Licence, EPSDD will seek ACTIA's approval**
2. **Nominate each and all of the proposed activities on Territory land or premises;**
** EPSDD will incorporate those activities in a schedule to the licence (Activity Schedule)**
3. **If the Public Liability Activities rating is higher than 7, a risk management plan may be required: ** EPSDD will let you know about this after submission of the application****

AN APPLICATION FEE IS APPLICABLE

SIGNED:

DATE:

REQUIREMENTS & CHECKLIST

- | | |
|--|------------------------------|
| A plan showing encroachment/s and surrounding area as per application | <input type="checkbox"/> Yes |
| A copy of the Companies/Associations Certificate of Incorporation or Registered Trading Name including A.B.N./A.C.N. | <input type="checkbox"/> Yes |
| Lessee's Public Liability Insurance documentation (Certificate of Currency) | <input type="checkbox"/> Yes |
| Application fee paid | <input type="checkbox"/> Yes |