

From: [Kaucz, Alix](#)
To: [Ridsdale, Janine](#)
Subject: FW: 9/12 Hackett - DA2016 60803 [SEC=UNCLASSIFIED]
Date: Wednesday, 25 October 2017 10:00:14 AM
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.gif](#)
[Public Consultation - Draft Variation to the Territory Plan No 352 - Changes to various development tables codes and definitions SECUNCLASSIFIED.msg](#)

From: [REDACTED] [au.knightfrank.com](#)]
Sent: Friday, 9 June 2017 2:30 PM
To: Walker, Karen
Cc: Kaucz, Alix; Phillips, Brett
Subject: RE: 9/12 Hackett - DA2016 60803 [SEC=UNCLASSIFIED]

Hi Karen

I've been advised that DV352 has been released for public consultation – see attached.

Can you please initiate DA processes?

Much appreciated,
[REDACTED]

From: Phillips, Brett [<mailto:Brett.Phillips@act.gov.au>]
Sent: Wednesday, 19 April 2017 1:31 PM
To: [REDACTED]
Cc: Walker, Karen; Kaucz, Alix
Subject: RE: 9/12 Hackett - DA2016 60803 [SEC=UNCLASSIFIED]

Hi [REDACTED]

I agree that the DA be placed on hold pending TPV notification.

Kind regards

Brett

Brett Phillips

Phone 02 6207 3520

Executive Director

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

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: [REDACTED] [au.knightfrank.com](#)]
Sent: Wednesday, 19 April 2017 12:46 PM
To: Phillips, Brett
Cc: Walker, Karen; Kaucz, Alix
Subject: 9/12 Hackett - DA2016 60803

Hi Brett

Further to this morning's discussion with Karen Walker.

The Christian Community in Australia currently utilizes 9/12 Hackett for church purposes. This is contrary to its current PRZ1 zone and lease purpose clause. To this end, KFTP has lodged a planning report proposing a TPV and a concurrent lease variation DA (DA2016 60803) to regularize the use. .

The initial assumption was that the concurrent DA would be notified under Section 137AA of the Act. I understand that this is no longer possible, and that it will require notification under Section 137AB.

Karen has advised two options for the DA:-

- Withdraw and resubmit after the TPV has been notified
- Seek your approval to place the DA on hold pending TPV notification.

The latter is preferred from an administrative/efficiency perspective. The same/similar issue arose in relation the Yamba Club redevelopment (8/24 Phillip) and I understand a file note explaining the circumstances was deemed sufficient to cover off all bases.

I have word searched the Planning report and DA report/CRITERIA and confirm there are no specific references to either S137AA or AB.

Can you please confirm whether it is possible to deal with this without withdrawing/resubmitting?

Much appreciated

[Redacted]



[Redacted]

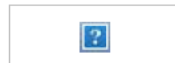
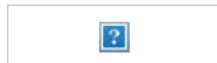
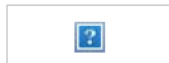
Knight Frank Canberra



KnightFrank.com.au

Save a tree - we only print emails we need to.

[Redacted]



For the latest market trends, property listings and an integrated mix of property, financial, management and consulting services, see our website

<http://www.knightfrank.com.au>

This email is intended solely for its addressee. The contents are confidential and may be legally privileged or subject to copyright. Any unauthorised access, disclosure, use or copying is strictly prohibited and may be unlawful. If you have received this email in error, please notify the sender by return email immediately and then delete it.

Any views expressed in the email are those of the individual sender, except where the sender specifically states them to be the views of Knight Frank

Email is not secure and there is a risk messages may be corrupted in transmission

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

For the latest market trends, property listings and an integrated mix of property, financial, management and consulting services, see our website

<http://www.knightfrank.com.au>

This email is intended solely for its addressee. The contents are confidential and may be legally privileged or subject to copyright. Any unauthorised access, disclosure, use or copying is strictly prohibited and may be unlawful. If you have received this email in error, please notify the sender by return email immediately and then delete it.

Any views expressed in the email are those of the individual sender, except where the sender specifically states them to be the views of Knight Frank

Email is not secure and there is a risk messages may be corrupted in transmission

From: [Terrplan](#)
To: [REDACTED]
Cc: [Terrplan](#)
Subject: Public Consultation - Draft Variation to the Territory Plan No 352 - Changes to various development tables, codes and definitions [SEC=UNCLASSIFIED]
Date: Friday, 9 June 2017 1:17:31 PM

Hi [REDACTED]

Please find notification of DV 352 for public release that includes changes to the Hackett Precinct Map and Code for Block 9 Section 12 Hackett:

Draft Variation to the Territory Plan No 352 - Changes to various development tables, codes and definitions

The Planning and Land Authority gives notice that Draft Variation No. 352 (DV352) has been released for public consultation.

DV352 proposes some policy changes as well as some refinements and clarifications to various codes and definitions in the Territory Plan.

These include:

- introduction of animal care facility in industrial zones
- prohibition of child care centres in industrial zones
- removal of Public Land Reserve overlay on part block 510 Stromlo
- inclusion of an additional merit assessable use in the Hackett Precinct Map
- revisions to provisions in some development codes (single dwelling housing development code, multi unit housing development code, residential zones development code, commercial zones development code, parks and recreation zones development code)
- clarification and refinement of some definitions (detached house, attached house, minor use, building line, natural ground level and datum ground level, side boundary, rear boundary, habitable room, setback)

Written comments about DV352 are invited from the public until COB 24 July 2017.

DV352 and the background papers are available, until the closing date for comments, at:

- <http://www.planning.act.gov.au/draftvariations>
- Access Canberra, Environment, Planning and Sustainable Development Shopfront, Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm

Written comments should include reference to the draft variation, your name and contact details, and be addressed to the Territory Plan Section of the Environment, Planning and Sustainable Development Directorate (EPSDD).

Comments can be:

emailed to terrplan@act.gov.au

-
- mailed to Territory Plan Comments, EPSDD, GPO Box 158, Canberra, ACT 2601
- delivered to Access Canberra, EPSDD Shopfront at 16 Challis Street, Dickson.

Comments received will be made publicly available, for a period of at least 15 working days starting 10 working days after the closing date, at EPSDD's Shopfront in Dickson and will be published on EPSDD's website.

Your personal information will be managed in accordance with the *Information Privacy Act 2014* and the EPSDD *Information Privacy Policy* which are available through the EPSDD website.

Section 65 of the Act applies to parts of the draft variation. This means that, in addition to the Territory Plan, some provisions of DV352 apply to development applications lodged on or after **9 June 2017**. The draft variation is part of the Territory Plan for a period of up to one year from this date unless the draft variation is commenced, is withdrawn or rejected by the Legislative Assembly. During this period, the ACT Government must not do or approve anything that would be inconsistent with the Territory Plan.

Regards

TerrPlan | General Enquiries Inbox | terrplan@act.gov.au

Territory Plan Section | Environment, Planning and Sustainable Development | **ACT Government**
 Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au | www.actpla.act.gov.au

ü *Please consider the environment before printing this e-mail*

 This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [Walker, Karen](#)
To: [REDACTED]
Subject: RE: CLOSE OF PUBLIC NOTIFICATION-201630803-9/12 HACKETT-(1 Representation) [SEC=UNCLASSIFIED]
Date: Friday, 18 August 2017 9:44:00 AM
Attachments: [image002.png](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.jpg](#)
[image007.jpg](#)
[image008.jpg](#)

Thanks [REDACTED]

Karen.

Karen Walker | Leasing DA
Phone 02 6207 7257 | Fax 02 6207 1856
Planning and Delivery Division | Environment, Planning and Sustainable Development | **ACT Government**
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2602 | www.planning.act.gov.au
Mon - Fri, 9:30 - 14:30

From: [REDACTED] knightfrank.com]
Sent: Thursday, 17 August 2017 4:28 PM
To: Walker, Karen
Subject: FW: CLOSE OF PUBLIC NOTIFICATION-201630803-9/12 HACKETT-(1 Representation)

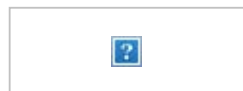
Hi Karen

Re former Girl Guides site, Hackett

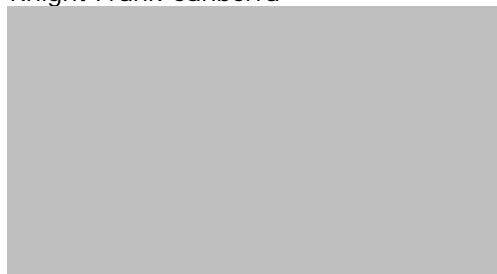
Just a FYI – I met with Alix and Janine today to discuss this and will prepare a written response in the coming days. Ill cc' you in, but happy to discuss.

Cheers

[REDACTED]



Knight Frank Canberra



KnightFrank.com.au

Save a tree - we only print emails we need to.





From: EPD, Customer Services [<mailto:EPDCustomerServices@act.gov.au>]
Sent: Friday, 11 August 2017 11:31 AM
To: Planning ACT
Cc: [REDACTED]
Subject: CLOSE OF PUBLIC NOTIFICATION-201630803-9/12 HACKETT-(1 Representation)

CLOSE OF PUBLIC CONSULTATION PERIOD

BLOCK 9 SECTION 12 HACKETT

The public consultation period for DA 201630803 has now closed.

Attached for your information is a copy of the representation received by the Environment, Planning and Sustainable Development Directorate during the public consultation period.

The assessment of your application will now be finalised taking into consideration the representations that have been received. You will be advised in writing of the decision as soon as the DA has been determined.

If you require any further information please contact (02) 6207 1923.

Kind Regards

Courtney

Phone 02 6207 1923

Customer Services | Access Canberra

Environment, Planning and Land

16 Challis Street, Dickson

GPO Box 158 Canberra ACT 2601

Access Canberra brings together customer and regulatory services

www.planning.act.gov.au | EPDCustomerservices@act.gov.au

161024_AccessCbr_moving_SigBlock



This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

For the latest market trends, property listings and an integrated mix of property, financial, management and consulting services, see our website

<http://www.knightfrank.com.au>

This email is intended solely for its addressee. The contents are confidential and may be legally privileged or subject to copyright. Any unauthorised access,

disclosure, use or copying is strictly prohibited and may be unlawful. If you have received this email in error, please notify the sender by return email immediately and then delete it.

Any views expressed in the email are those of the individual sender, except where the sender specifically states them to be the views of Knight Frank.

Email is not secure and there is a risk messages may be corrupted in transmission.

From: [Kaucz, Alix](#)
To: [Ridsdale, Janine](#)
Subject: FW: DV352 - 9/12 Hackett - Place of Worship [SEC=UNCLASSIFIED]
Date: Wednesday, 25 October 2017 10:00:40 AM
Attachments: [imagee16ff9.PNG](#)
[image9e9626.JPG](#)
[image85a6e2.JPG](#)
[image30febe.JPG](#)
[image6b6d63.JPG](#)
[image91aead.JPG](#)
[539101.03 20170824 Response to representations.pdf](#)
[539101.03 20170824 Response to representations.docx](#)

From: [REDACTED] au.knightfrank.com]
Sent: Thursday, 24 August 2017 10:49 AM
To: Ridsdale, Janine
Cc: Kaucz, Alix; Walker, Karen
Subject: DV352 - 9/12 Hackett - Place of Worship

Hi Janine

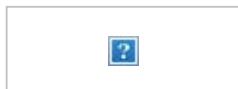
Thanks to you and Alix for meeting last week to discuss this matter.

Please find attached our response in both .pdf and .word format. I have also cc'd in Karen Walker as she is dealing with the lease variation DA.

More than happy to discuss.

Thanks

[REDACTED]



[REDACTED]

Knight Frank Canberra



KnightFrank.com.au

Save a tree - we only print emails we need to.





For the latest market trends, property listings and an integrated mix of property, financial, management and consulting services, see our website

<http://www.knightfrank.com.au>

This email is intended solely for its addressee. The contents are confidential and may be legally privileged or subject to copyright. Any unauthorised access, disclosure, use or copying is strictly prohibited and may be unlawful. If you have received this email in error, please notify the sender by return email immediately and then delete it.

Any views expressed in the email are those of the individual sender, except where the sender specifically states them to be the views of Knight Frank.

Email is not secure and there is a risk messages may be corrupted in transmission.

24 August 2017

Ms Janine Ridsdale
Territory Plan Variation Unit
Environment Planning and Sustainable Development Directorate

By Email

Dear Janine,

Draft Variation 352 – Block 9 Section 12 Hackett

Thank you for providing us with those representations which comment on DV352's proposals for Block 9 Section 12 Hackett. This letter responds to each.

Inner South Canberra Community Council and Griffith/Narrabundah Community Association

The objective of the proponent is to regularize the existing use of the site as a 'place of worship'. The Planning Report proposed the retention of the PRZ1 land use zone and the introduction of a site specific overlay in the Hackett Precinct Code to achieve this outcome. The Planning Report also contemplated alternative mechanisms including the application of the CFZ, but discounted this as it *'would enable a broader range of uses including childcare centre, health facility and educational establishment that may not be suited to the location and could introduce different effect patterns, and which were simply not required to achieve the objective of this proposal'* (p13-14).

The proponent recognizes the concern expressed by the Inner South Canberra Community Council and Griffith/Narrabundah Community Association, and is happy for the CFZ to be applied in preference to the PRZ1.

In line with our discussions, we attach a table comparing merit assessable uses in the PRZ1 and CFZ, with preliminary commentary regarding site suitability. We trust this will enable EPSDD to consider any other Precinct Code controls necessary to manage the future use of this site.

Canberra City Football Club

This representation raises a number of issues, many of which reflect an incomplete understanding of the Territory Plan and how it operates within its legislative framework.

- The representation assesses the proposal against the objectives of the Community and Recreation Facilities Location Guidelines General Code (CRFLGGC). This Code is a General Code, and the weight that can be attributed to it should reflect its position in the Territory Plan hierarchy. The objectives referenced are the objectives of that code; they are not objectives for the purpose of development assessment. Irrespective, the Planning and Development Act does not mandate consideration of code objectives when considering Territory Plan variations.

- The Planning and Development Act does not mandate consideration of zone objectives when considering Territory Plan variations. Zone objectives need only be considered when assessing development applications (refer to Section 120). We also note that the zone objectives are not determinative of the appropriateness of a proposal. Irrespective, we note EPSDD's intention to alter the land use zone to CFZ to achieve the proposed outcome; the proposal sits comfortably within the CFZ objectives.
- The representation appears to suggest that all community facility uses must be made available to all segments of the community to be Territory Plan compliant. This is contrary to accepted practice and would remove discretion from leaseholders to manage access to their facilities.
- The representation suggests that any one community facility/site must meet the needs of all segments of the community. This is an unrealistic position. It is self evident that different segments of the community will have different needs. It is unreasonable to preclude a community development (say, a church) on the basis that its *'setup, configuration, ongoing usage, fit out and branding'* will preclude its use by another (say, a childcare centre). This approach would preclude virtually all community facility development.
- The representation states that the site was *'specifically located next to the Hackett Playing fields to make it available for all users of the Hackett Playing Fields'*. This is incorrect. The site was leased to the Girl Guides 'only for the purpose of the Girl Guides Association'. The fact that the Girl Guides Association chooses to make some of its facilities available for external hire does not reflect a requirement for other community facility operators to do the same.
- The representation appears to discount the role or validity of religious groups, or groups with smaller membership numbers, as part of the community. 'Place of worship' is a defined 'community use' under the Territory Plan. The Territory Plan does not offer priority to one segment of the community and their needs over another.
- The representation suggests that the proposal will undermine a CRFLGGC direction to cluster community and recreational activities. The CRFLGGC is framed as a guideline document. There is no requirement within the Territory Plan to exclude activities on the basis that they do not exactly match those that surround it. As an example, the former Girl Guides use was not directly related to other surrounding PRZ1 uses. This proposal will maintain the community focus of the site and its surrounds.
- The proponent rejects the assertion that its use of the site has excluded the community from the site. The proponent meets the needs of a particular segment of the community, and has at times made the facility available to other community groups. Any member of the general community is welcome to attend the site for the purpose of religious participation. The suggestion that the proponent's use of the site has negatively impacted the community has not been demonstrated. Indeed, the lack of representations from the local community suggests otherwise.
- The representation appears to purport, without evidence, that the current use of the site has compromised the operation of the adjoining playing fields. While the CCFC clearly believes alternative uses would be preferable, a Territory Plan variation process does not consider the merits of one proposal relative to another. The appropriate focus of the Territory Plan variation process is to consider

if a particular proposal is acceptable. The Planning Report has demonstrated that the continued use of the site as a Place of worship is acceptable.

- While the alternative uses identified by the CCFC may well be supported by the football and cricket communities, the proposals are undeveloped and evidence of this support is scant. There is a significant amount of PRZ1 land in the immediate vicinity. This proposal does not preclude CCFC from working with the ACT government (perhaps through a direct sale application) to identify a site adjoining the Hackett Playing Fields for these uses.
- Pre-lodgment community engagement is detailed in the Planning Report. Statutory community consultation requirements have been met through EPSDD led public notification. The fact that only three representations were received, of which only one is from an organization active in the locality, suggests minimal local community concern with this proposal.
- Any insinuation that the CCFC represents 'the community at large' is rejected. The CCFC represents the CCFC community and their interests. The fact that no other representations were received raising these concerns suggest that these are the CCFC's concerns only.
- We concur that the historic use of the site as a place of worship is not in itself a valid justification for its continued use. However this illustrates that a place of worship can operate from the site with no discernable amenity or environmental impacts, without community detriment, and without compromising the use of surrounding PRZ1 land for recreational purposes.

Please feel free to contact the writer should you wish to discuss any of these points.

Your sincerely
Knight Frank Town Planning



Cc Karen Walker, Crown Leasing/Development Applications

Alternative PRZ1 and CFZ uses and their suitability to the site

(note –uses highlighted in grey scale are merit assessable in both zones)

Assessable uses	PRZ1	CFZ	Commentary	Possible?
Ancillary use	Y	Y	Not a use in its own right.	No
Aquatic recreation facility	Y		Site too small, use not considered to be economic, existing aquatic recreation facilities available in the Inner North catchment.	No
Business agency		Y	CFZ Code limits use to not for profit organizations. Building floor area sufficient to accommodate a small office, but would require external alterations to create an appropriate internal amenity, or wholesale redevelopment. Unlikely to be economic given limited resources of not for profit organizations.	Unlikely but possible
Childcare centre		Y	Site too small, unable to accommodate an economically viable operation (90 spaces).	No
Communications facility	Y		No known demand from communication service providers, unlikely to be a suitable location for communication networks due to site level and surrounding trees, has not been previously identified by any communication network providers.	Unlikely but possible
Community activity centre	Y	Y	Permissible in both zones. Able to be accommodated within existing site area. Existing use within the Crown lease	Yes
Community theatre		Y	Site too small, would require comprehensive redevelopment of existing building, not in a desirable location for this use, unlikely to be economically viable without government support.	Unlikely
Consolidation	Y	Y	Not a use in its own right	No
Cultural facility		Y	May be suitable depending on the requirements of the cultural facility (ie, art studio)	Possibly
Demolition	Y	Y	Not a use in its own right.	No
Educational establishment		Y	Site too small for primary/secondary/tertiary education providers.	No
Emergency services facility		Y	Site too small and immediately adjacent to an existing emergency services facility. Government delivered/required use. No known demand.	No
Health facility		Y	Site likely to be too big for a sole practitioner and too small for a multi-practitioner facility. Building would require comprehensive redevelopment. Health facility operators tend to prefer more central, accessible locations (ie, in commercial centres).	Unlikely but possible
Hospital		Y	Site too small and in an inappropriate location. Unsuitable road access.	No
Indoor recreation facility		Y	Site too small for most uses. Possibility as a gym/yoga studio or equivalent.	Possibly

Precinct development	Code	Y		Not a use in its own right.	No
Major road		Y		Not appropriate to this site	No
MAJOR UTILITY INSTALLATION		Y		Not appropriate to this site.	No
Minor road		Y	Y	Not appropriate to this site.	No
Minor use		Y	Y	Not a use in its own right.	No
Municipal depot		Y		Site too small, existing municipal depots available in the catchment, not previously identified by Government for this purpose, unlikely to be suitable to this site due to proximity to residential uses	No
Office			Y	CFZ Code limits use to not for profit organizations. Building floor area sufficient to accommodate a small office, but would require external alterations to create an appropriate internal amenity, or wholesale redevelopment. Unlikely to be economic given limited resources of not for profit organizations.	Unlikely but possible
Outdoor recreation facility		Y	Y	Site too small for most uses. Most uses to be delivered by Government. Smaller scale, privately delivered uses (bowling greens, croquet green) unlikely to be economically viable. Existing building would require demolition.	No
Parkland		Y		Site sits within a parkland environment. Parkland delivered and maintained by Government. That is, this use would only be delivered if the block was resumed by Government. Unclear what benefits converting this site to parkland would deliver in this location.	No
Place of worship			Y	Current proposal. Site demonstrably capable of accommodating this use without amenity or environmental impact.	Yes
Playing field		Y		Site too small. Sits adjacent to Government maintained playing fields. Consolidation into adjacent planning fields would not deliver any benefits in terms of playing field accessibility or utility.	No
Public agency			Y	CFZ Code limits use to not for profit organizations. Building floor area sufficient to accommodate a small office, but would require external alterations to create an appropriate internal amenity, or wholesale redevelopment. Unlikely to be economic given limited resources of not for profit organizations.	Unlikely but possible
Religious associated use			Y	Unlikely but possible.	Unlikely but possible.
Residential care accommodation			Y	Site too small.	No
Retirement village			Y	Site too small.	No
Sign		Y		Not a use in its own right.	No

Subdivision		Y	Not a use in its own right	No
Supportive housing		Y	Site too small	No
Temporary use	Y		Not a use in its own right.	No
Varying the lease	Y		Not a use in its own right.	No

24 August 2017

Ms Janine Ridsdale
Territory Plan Variation Unit
Environment Planning and Sustainable Development Directorate

By Email

Dear Janine,

Draft Variation 352 – Block 9 Section 12 Hackett

Thank you for providing us with those representations which comment on DV352's proposals for Block 9 Section 12 Hackett. This letter responds to each.

Inner South Canberra Community Council and Griffith/Narrabundah Community Association

The objective of the proponent is to regularize the existing use of the site as a 'place of worship'. The Planning Report proposed the retention of the PRZ1 land use zone and the introduction of a site specific overlay in the Hackett Precinct Code to achieve this outcome. The Planning Report also contemplated alternative mechanisms including the application of the CFZ, but discounted this as it *'would enable a broader range of uses including childcare centre, health facility and educational establishment that may not be suited to the location and could introduce different effect patterns, and which were simply not required to achieve the objective of this proposal'* (p13-14).

The proponent recognizes the concern expressed by the Inner South Canberra Community Council and Griffith/Narrabundah Community Association, and is happy for the CFZ to be applied in preference to the PRZ1.

In line with our discussions, we attach a table comparing merit assessable uses in the PRZ1 and CFZ, with preliminary commentary regarding site suitability. We trust this will enable EPSDD to consider any other Precinct Code controls necessary to manage the future use of this site.

Canberra City Football Club

This representation raises a number of issues, many of which reflect an incomplete understanding of the Territory Plan and how it operates within its legislative framework.

- The representation assesses the proposal against the objectives of the Community and Recreation Facilities Location Guidelines General Code (CRFLGGC). This Code is a General Code, and the weight that can be attributed to it should reflect its position in the Territory Plan hierarchy. The objectives referenced are the objectives of that code; they are not objectives for the purpose of development assessment. Irrespective, the Planning and Development Act does not mandate consideration of code objectives when considering Territory Plan variations.

- The Planning and Development Act does not mandate consideration of zone objectives when considering Territory Plan variations. Zone objectives need only be considered when assessing development applications (refer to Section 120). We also note that the zone objectives are not determinative of the appropriateness of a proposal. Irrespective, we note EPSDD's intention to alter the land use zone to CFZ to achieve the proposed outcome; the proposal sits comfortably within the CFZ objectives.
- The representation appears to suggest that all community facility uses must be made available to all segments of the community to be Territory Plan compliant. This is contrary to accepted practice and would remove discretion from leaseholders to manage access to their facilities.
- The representation suggests that any one community facility/site must meet the needs of all segments of the community. This is an unrealistic position. It is self evident that different segments of the community will have different needs. It is unreasonable to preclude a community development (say, a church) on the basis that its *'setup, configuration, ongoing usage, fit out and branding'* will preclude its use by another (say, a childcare centre). This approach would preclude virtually all community facility development.
- The representation states that the site was *'specifically located next to the Hackett Playing fields to make it available for all users of the Hackett Playing Fields'*. This is incorrect. The site was leased to the Girl Guides 'only for the purpose of the Girl Guides Association'. The fact that the Girl Guides Association chooses to make some of its facilities available for external hire does not reflect a requirement for other community facility operators to do the same.
- The representation appears to discount the role or validity of religious groups, or groups with smaller membership numbers, as part of the community. 'Place of worship' is a defined 'community use' under the Territory Plan. The Territory Plan does not offer priority to one segment of the community and their needs over another.
- The representation suggests that the proposal will undermine a CRFLGGC direction to cluster community and recreational activities. The CRFLGGC is framed as a guideline document. There is no requirement within the Territory Plan to exclude activities on the basis that they do not exactly match those that surround it. As an example, the former Girl Guides use was not directly related to other surrounding PRZ1 uses. This proposal will maintain the community focus of the site and its surrounds.
- The proponent rejects the assertion that its use of the site has excluded the community from the site. The proponent meets the needs of a particular segment of the community, and has at times made the facility available to other community groups. Any member of the general community is welcome to attend the site for the purpose of religious participation. The suggestion that the proponent's use of the site has negatively impacted the community has not been demonstrated. Indeed, the lack of representations from the local community suggests otherwise.
- The representation appears to purport, without evidence, that the current use of the site has compromised the operation of the adjoining playing fields. While the CCFC clearly believes alternative uses would be preferable, a Territory Plan variation process does not consider the merits of one proposal relative to another. The appropriate focus of the Territory Plan variation process is to consider

if a particular proposal is acceptable. The Planning Report has demonstrated that the continued use of the site as a Place of worship is acceptable.

- While the alternative uses identified by the CCFC may well be supported by the football and cricket communities, the proposals are undeveloped and evidence of this support is scant. There is a significant amount of PRZ1 land in the immediate vicinity. This proposal does not preclude CCFC from working with the ACT government (perhaps through a direct sale application) to identify a site adjoining the Hackett Playing Fields for these uses.
- Pre-lodgment community engagement is detailed in the Planning Report. Statutory community consultation requirements have been met through EPSDD led public notification. The fact that only three representations were received, of which only one is from an organization active in the locality, suggests minimal local community concern with this proposal.
- Any insinuation that the CCFC represents 'the community at large' is rejected. The CCFC represents the CCFC community and their interests. The fact that no other representations were received raising these concerns suggest that these are the CCFC's concerns only.
- We concur that the historic use of the site as a place of worship is not in itself a valid justification for its continued use. However this illustrates that a place of worship can operate from the site with no discernable amenity or environmental impacts, without community detriment, and without compromising the use of surrounding PRZ1 land for recreational purposes.

Please feel free to contact the writer should you wish to discuss any of these points.

Your sincerely

Knight Frank Town Planning



Cc Karen Walker, Crown Leasing/Development Applications

Alternative PRZ1 and CFZ uses and their suitability to the site

(note –uses highlighted in grey scale are merit assessable in both zones)

Assessable uses	PRZ1	CFZ	Commentary	Possible?
Ancillary use	Y	Y	Not a use in its own right.	No
Aquatic recreation facility	Y		Site too small, use not considered to be economic, existing aquatic recreation facilities available in the Inner North catchment.	No
Business agency		Y	CFZ Code limits use to not for profit organizations. Building floor area sufficient to accommodate a small office, but would require external alterations to create an appropriate internal amenity, or wholesale redevelopment. Unlikely to be economic given limited resources of not for profit organizations.	Unlikely but possible
Childcare centre		Y	Site too small, unable to accommodate an economically viable operation (90 spaces).	No
Communications facility	Y		No known demand from communication service providers, unlikely to be a suitable location for communication networks due to site level and surrounding trees, has not been previously identified by any communication network providers.	Unlikely but possible
Community activity centre	Y	Y	Permissible in both zones. Able to be accommodated within existing site area. Existing use within the Crown lease	Yes
Community theatre		Y	Site too small, would require comprehensive redevelopment of existing building, not in a desirable location for this use, unlikely to be economically viable without government support.	Unlikely
Consolidation	Y	Y	Not a use in its own right	No
Cultural facility		Y	May be suitable depending on the requirements of the cultural facility (ie, art studio)	Possibly
Demolition	Y	Y	Not a use in its own right.	No
Educational establishment		Y	Site too small for primary/secondary/tertiary education providers.	No
Emergency services facility		Y	Site too small and immediately adjacent to an existing emergency services facility. Government delivered/required use. No known demand.	No
Health facility		Y	Site likely to be too big for a sole practitioner and too small for a multi-practitioner facility. Building would require comprehensive redevelopment. Health facility operators tend to prefer more central, accessible locations (ie, in commercial centres).	Unlikely but possible
Hospital		Y	Site too small and in an inappropriate location. Unsuitable road access.	No
Indoor recreation facility		Y	Site too small for most uses. Possibility as a gym/yoga studio or equivalent.	Possibly

Precinct development	Code	Y		Not a use in its own right.	No
Major road		Y		Not appropriate to this site	No
MAJOR UTILITY INSTALLATION		Y		Not appropriate to this site.	No
Minor road		Y	Y	Not appropriate to this site.	No
Minor use		Y	Y	Not a use in its own right.	No
Municipal depot		Y		Site too small, existing municipal depots available in the catchment, not previously identified by Government for this purpose, unlikely to be suitable to this site due to proximity to residential uses	No
Office			Y	CFZ Code limits use to not for profit organizations. Building floor area sufficient to accommodate a small office, but would require external alterations to create an appropriate internal amenity, or wholesale redevelopment. Unlikely to be economic given limited resources of not for profit organizations.	Unlikely but possible
Outdoor recreation facility		Y	Y	Site too small for most uses. Most uses to be delivered by Government. Smaller scale, privately delivered uses (bowling greens, croquet green) unlikely to be economically viable. Existing building would require demolition.	No
Parkland		Y		Site sits within a parkland environment. Parkland delivered and maintained by Government. That is, this use would only be delivered if the block was resumed by Government. Unclear what benefits converting this site to parkland would deliver in this location.	No
Place of worship			Y	Current proposal. Site demonstrably capable of accommodating this use without amenity or environmental impact.	Yes
Playing field		Y		Site too small. Sits adjacent to Government maintained playing fields. Consolidation into adjacent planning fields would not deliver any benefits in terms of playing field accessibility or utility.	No
Public agency			Y	CFZ Code limits use to not for profit organizations. Building floor area sufficient to accommodate a small office, but would require external alterations to create an appropriate internal amenity, or wholesale redevelopment. Unlikely to be economic given limited resources of not for profit organizations.	Unlikely but possible
Religious associated use			Y	Unlikely but possible.	Unlikely but possible.
Residential care accommodation			Y	Site too small.	No
Retirement village			Y	Site too small.	No
Sign		Y		Not a use in its own right.	No

Subdivision		Y	Not a use in its own right	No
Supportive housing		Y	Site too small	No
Temporary use	Y		Not a use in its own right.	No
Varying the lease	Y		Not a use in its own right.	No

From: [Kaucz, Alix](#)
To: [Ridsdale, Janine](#)
Subject: FW: DV352 - 9/12 Hackett - Place of Worship [SEC=UNCLASSIFIED]
Date: Wednesday, 25 October 2017 9:59:40 AM
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.jpg](#)

From: [REDACTED] [.knightfrank.com](#)
Sent: Tuesday, 17 October 2017 2:26 PM
To: Kaucz, Alix
Subject: RE: DV352 - 9/12 Hackett - Place of Worship [SEC=UNCLASSIFIED]

Thanks Alix

From: Kaucz, Alix [<mailto:Alix.Kaucz@act.gov.au>]
Sent: Tuesday, 17 October 2017 2:03 PM
To: [REDACTED]; Ridsdale, Janine
Subject: RE: DV352 - 9/12 Hackett - Place of Worship [SEC=UNCLASSIFIED]

Hi [REDACTED]

This is still with Fleur. We have answered some of her questions about the DV so hopefully it moves up the chain shortly

Kind regards

Alix

From: [REDACTED] [au.knightfrank.com](#)
Sent: Tuesday, 17 October 2017 1:56 PM
To: Ridsdale, Janine
Cc: Kaucz, Alix
Subject: RE: DV352 - 9/12 Hackett - Place of Worship [SEC=UNCLASSIFIED]

Hi Janine

Just wondering if this made it up the chain last week?

Cheers
[REDACTED]

From: Ridsdale, Janine [<mailto:Janine.Ridsdale@act.gov.au>]
Sent: Tuesday, 10 October 2017 12:14 PM
To: [REDACTED]
Cc: Kaucz, Alix
Subject: RE: DV352 - 9/12 Hackett - Place of Worship [SEC=UNCLASSIFIED]

Hi [REDACTED]

Sorry for the delay in response – [REDACTED].

We are just trying to resolve a few issues with some of the other matters that are included in the DV – hoping to get to senior exec for clearance this week.

I will keep you posted.

Regards

Janine

From: [REDACTED] [\[REDACTED\]@knightfrank.com](mailto:[REDACTED]@knightfrank.com)

Sent: Wednesday, 27 September 2017 10:54 AM

To: Ridsdale, Janine

Subject: RE: DV352 - 9/12 Hackett - Place of Worship

Hi Janine

Hope you are well. Just wondering if you have any updates that I can feed back to my client. They are particularly interested in timeframes.

Thanks

[REDACTED]

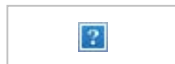


Knight Frank Canberra



KnightFrank.com.au

Save a tree - we only print emails we need to.



From: [REDACTED]

Sent: Thursday, 24 August 2017 10:49 AM

To: Ridsdale, Janine

Cc: Alix Kaucz Work (Alix.Kaucz@act.gov.au); Walker, Karen (Karen.Walker@act.gov.au)

Subject: DV352 - 9/12 Hackett - Place of Worship

Hi Janine

Thanks to you and Alix for meeting last week to discuss this matter.

Please find attached our response in both .pdf and .word format. I have also cc'd in Karen Walker as she is

dealing with the lease variation DA.

More than happy to discuss.

Thanks



For the latest market trends, property listings and an integrated mix of property, financial, management and consulting services, see our website

<http://www.knightfrank.com.au>

This email is intended solely for its addressee. The contents are confidential and may be legally privileged or subject to copyright. Any unauthorised access, disclosure, use or copying is strictly prohibited and may be unlawful. If you have received this email in error, please notify the sender by return email immediately and then delete it.

Any views expressed in the email are those of the individual sender, except where the sender specifically states them to be the views of Knight Frank.

Email is not secure and there is a risk messages may be corrupted in transmission.

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

For the latest market trends, property listings and an integrated mix of property, financial, management and consulting services, see our website

<http://www.knightfrank.com.au>

This email is intended solely for its addressee. The contents are confidential and may be legally privileged or subject to copyright. Any unauthorised access, disclosure, use or copying is strictly prohibited and may be unlawful. If you have received this email in error, please notify the sender by return email immediately and then delete it.

Any views expressed in the email are those of the individual sender, except where the sender specifically states them to be the views of Knight Frank.

Email is not secure and there is a risk messages may be corrupted in transmission.

For the latest market trends, property listings and an integrated mix of property, financial, management and consulting services, see our website

<http://www.knightfrank.com.au>

This email is intended solely for its addressee. The contents are confidential and may be legally privileged or subject to copyright. Any unauthorised access, disclosure, use or copying is strictly prohibited and may be unlawful. If you have received this email in error, please notify the sender by return email immediately and then delete it.

Any views expressed in the email are those of the individual sender, except where the sender specifically states them to be the views of Knight Frank.

Email is not secure and there is a risk messages may be corrupted in transmission.

Notice of decision

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

Merit track

DA NO: 201630803		DATE LODGED: 4/03/2017
DATE OF DECISION: October 2017		
BLOCK: 9	SECTION: 12	SUBURB: HACKETT
STREET NO AND NAME: 5 Holtze Close Hackett		
APPLICANT: Blak Plan Pty Ltd/Trading As Knight Frank Town Planning		
LESSEE: Girls Guide Association Of NSW		

THE DECISION

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

I, Karen Walker, delegate of the planning and land authority, pursuant to section 162 of the Act, hereby **approve subject to conditions** the proposal for a variation to the Crown lease by adding place of worship as a permitted use in accordance with the documents and items submitted with the application and substantially in accordance with the draft Crown lease at Attachment 1.

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

Karen Walker
Delegate of the planning and land authority
Environment and Planning Directorate
October 2017

CONTACT OFFICER

Karen Walker
Phone: (02) 6207 7257
Email: karen.walker@act.gov.au

PART 1

CONDITIONS OF APPROVAL

Please note that this approval includes leasing requirements.

THE APPROVAL WILL EXPIRE 2 YEARS AFTER THE APPROVAL TAKES EFFECT or otherwise in accordance with the conditions of approval. In addition, there are legislative requirements that must be met prior to the registration of the instrument of variation. See Advisory Notes for further information about those legislative requirements.

This application is approved subject to the following conditions.

A. ADMINISTRATIVE / PROCESS CONDITIONS

A1. SURRENDER AND REGRANT

That the lessee surrender the existing Crown lease over Block 9 Section 12 Division of Hackett - (Volume 1743 : Folio 99) and accept a new Crown lease substantially in accordance with the draft lease appearing at **Attachment 1**.

A2. LEASE REGISTRATION

That the lessee shall do all that is necessary to ensure that the new Crown lease is registered at Access Canberra (Land Titles and Rental Bonds) prior to the end of the approval for the variation of the Crown lease.

Please also see the Advisory Notes for additional information on the lease variation.

B. 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.

B1. LEASE VARIATION CHARGE

Prior to the registration of the new Crown lease, the lessee must, as is required under the *Planning and Development Act 2007*, pay any assessed Lease Variation Charge. Once advised of the lease variation charge, the charge should be paid not less than 6 months prior to the expiration of this approval. This will ensure that sufficient time remains to enable the new Crown lease to be registered at Access Canberra (Land Titles and Rental Bonds) prior to expiry of this approval.

B2. EXPIRY OF APPROVAL

For approvals that include a lease variation, there is no provision under the *Planning and Development Act 2007* to extend the timeframe for compliance with the lease variation conditions of the approval beyond 2 years after the date this approval takes effect.

B3. FURTHER LEASE INCORPORATED INTO LEASE VARIATION

A further lease was applied for on 12 September 2017 and approved on 29 September 2017. This lease variation and the further lease term have both been incorporated into the draft lease at Attachment 1.

Refer to Appendix 1 for information about approvals that may be required for construction.

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 Parks and Recreation Zone Development Code, the Hackett Precinct Map and the Lease Variation General Code.

The key issues identified in the assessment are:

- the suitability of the site for the proposed development;
- the approved variation to the Territory Plan;
- the payment of any assessed Lease Variation Charge;
- the registration of the new Crown lease; and
- the incorporation of the new 20 year term which was the result of a further lease application.

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

EVIDENCE

Application No. 201630803

File No. 1-2016/23357

The Territory Plan zone – PRZ1 urban open space

The Development Codes – Parks and Recreation Zone Development Code

The Precinct Codes – Hackett Precinct Map

The General Codes – Lease Variation General Code

Current Crown Lease – Volume 1743 Folio 99

Representations

Entity advice

PART 3

PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 19 June 2017 to 7 August 2017. One (1) written representation was received during public notification.

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

(a) *Proposal is in direct contravention of the Territory Plan.*

The proposal is consistent with the draft variation 352 which proposed to include 'place of worship' as a permitted use under the merit track assessment for this block only. This draft variation had interim effect. It has since become an approved variation and forms part of the Territory Plan.

(b) *The use of the building for a place of worship does not benefit the wider community and will reduce community access to the premises*

This site, as it currently stands, provides exclusive use for the girl guides. It is to be used by the girl guides only for Girl Guide purposes. Adding the use 'place of worship' will broaden the range of uses permitted and widen the possible users of the site.

The premises may be sublet only with the consent of the planning and land authority. Any sublease arrangements currently in place, either formally or informally, that do not have the consent of the authority are in breach of the Crown lease and should cease immediately.

(c) *This process is being used as a mechanism for an invalid use to be given exclusive access to land and facilities.*

Existing provisions in the Crown lease limit the use of the building to the purposes of the Girl Guides Association. The addition of a place of worship as a possible use will allow a wider range of community members to use the facility.

The existing lease is for the purposes of the Girl Guides only. Any use other than this is in breach of the Crown lease provisions and should cease immediately.

ENTITY ADVICE

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

ENVIRONMENT PROTECTION AUTHORITY (EPA)

On 16 June 2017 advice of no comments was received from EPA in relation to the proposal.

TRANSPORT CANBERRA CITY SERVICES DIRECTORATE (TCCS)

On 24 July 2017 advice supporting the proposal was received from TCCS.

ActewAGL

On 15 June 2017 advice was received from Actew Corporation in relation to the proposal. The advice states that:

*"ActewAGL Distribution do support the **lease variation/place of worship as a use** of above mentioned blocks. Please note that there is an existing Underground service available at above*

mentioned block (refer below network map).

Proponent is required to submit the Request for "Preliminary Network Advice" form to enworks@actewagl.com.au (available on ActewAGL Website) prior to commencement of any development activity to negotiate the connection of new and/or alteration if/as required."

Matters raised have been incorporated here as advice.

Icon Water (formerly ActewAGL Water)

On 22 June 2017 advice was received from Icon Water in relation to the proposal. The advice states that:

"Changes to the lease for use of the land and further development of the block may require augmentation to the utilities water or sewer networks. Augmentation of the networks associated with further development of the block are to be funded by the developer. If multiple blocks are created, separate ties to sewer and water are required for each block. This may require changes to the network/s, Separate access to Icon's networks will be required through each block containing the asset."

Matters raised have been incorporated here as advice.

PART 4 ADMINISTRATIVE INFORMATION

DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise, 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 to 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 185 of the Act, this approval will expire if:

- the lease variation is not completed two years after the day the approval takes effect; or
- the approval is revoked under section 189 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 electronically 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

Health Directorate - health protection	Website: www.health.act.gov.au Telephone: (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 	Website: www.planning.act.gov.au Telephone: (02) 6207 1923 Website: www.environment.act.gov.au Telephone: (02) 6207 6251 Website: www.environment.act.gov.au Telephone: (02) 6207 1911
Transport Canberra City Services Directorate <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 	Website: www.tccs.act.gov.au Telephone: 132 281 Telephone for asset acceptance: (02) 6207 7480
Utilities <ul style="list-style-type: none"> - Telstra (networks) - TransACT (networks) - Icon Water - Electricity reticulation 	Telephone: (02) 8576 9799 Telephone: (02) 6229 8000 Telephone: (02) 6248 3111 Telephone: (02) 6293 5738

ADVICE TO APPLICANT

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.acat.act.gov.au Email: tribunal@act.gov.au Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601

POWERS OF THE ACAT

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

APPLICATIONS TO THE ACAT

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

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

TIME LIMITS FOR APPLICATIONS

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

FEES

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

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 planning and land authority's web site or by contacting us by phone on (02) 6207 1923.

PROCEDURES OF THE ACAT

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

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 τηλεφωνήστε 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 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