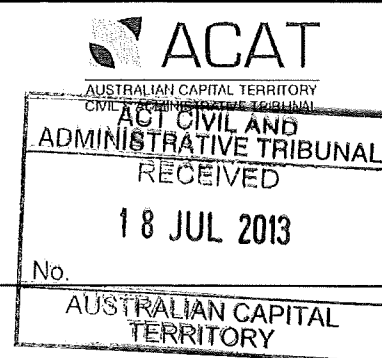


File Number ACT CIVIL AND ADMINISTRATIVE TRIBUNAL

AT 13 / 36

**APPLICATION FOR INTERIM OR  
OTHER ORDERS – GENERAL\***

*\*see attachment for when this application may be used*



**APPLICANT**

Name OLD NARRABUNDAH COMMUNITY COUNCIL INC. (ONCC)

**RESPONDENT**

Name ACT PLANNING AND LAND AUTHORITY (ACTPLA)

**PARTY JOINED**

Name DEZIGNTEAM PTY LTD

THIS APPLICATION is made by the: (strike out what does not apply)

Applicant Respondent All Parties

Orders sought – interim or other orders (use an attachment if insufficient space and number each order separately)

The orders sought by the consent of the parties are at pages 2-3 of this application (grounds relied on) and the 3 pages attached to this application labelled "Attachment A" are part of this application and the orders sought.

Legislation under which orders are sought:

ACT Civil and Administrative Tribunal Act 2008 (ACAT Act)

Planning and Development Act 2007

**Grounds relied on** (use an attachment if insufficient space)

Noting that:

1. The Lessee has lodged a new Development Application (**DA**) to add commercial use(s) to the Crown Lease for the subject site (Block 13, Section 28, Narrabundah).

By consent and pursuant to section 55 of the *ACT Civil and Administrative Tribunal Act 2008* (**ACAT Act**):

1. The party joined seeks to amend the DA 201222513 pursuant to section 144 of the *Planning and Development Act 2007* to enable the ground floor units 1-4 to have the ability to incorporate commercial use(s), in accordance with the plans at **Attachment A**.
2. Subject to the party joined obtaining an approval of a DA for commercial use(s) in relation to the subject site (Block 13, Section 28, Narrabundah), the parties seek an order of the ACT Civil and Administrative Tribunal to vary the Respondent's decision pursuant to section 68(3)(b) of the ACAT Act by varying the Notice of Decision dated 1 May 2013 (beginning at T45 of the Tribunal's documents) in the terms set out below:

(a) The second dot point in the paragraph under the heading "THE DECISION" (extracted at T45 of the Tribunal's documents) be removed and replaced with the following paragraph:

- construction of a new two-storey multi-unit housing development comprising twelve (12) residential dwellings (with units 1-4 at ground floor level to have the ability to incorporate commercial use(s)), with a single level basement car parking and a secure undercroft car parking area, in accordance with the plans at **Attachment A**.

(b) A new paragraph be inserted under the heading "PART 1 CONDITIONS OF APPROVAL" (extracted at T47 of the Tribunal's documents) as follows:

**A.1.A**     DATE THIS APPROVAL TAKES EFFECT

This approval does not take effect until after the Lessee obtains approval for the crown lease to be varied for commercial use(s) at ground floor.

(c) The condition B1 of the Conditions of Approval entitled "B1. COURTYARD WALL" (extracted on T48 of the Tribunal's documents) be deleted and the condition B2 entitled "REVISED PLANS" be amended as follows:

**B2.**     REVISED PLANS

- (a) The proposal shall be constructed in accordance with the revised plans and information lodged on 20 February 2013 and 18 March 2013 pursuant to section 141 of the *Planning and Development Act 2007* except for the courtyard walls and revised ground floor and basement plans for the residential development, which shall be constructed as modified in the plans at **Attachment A**.
- (b) Parking allocation and waste management shall also be undertaken in accordance with the plans at **Attachment A**.

(d) The following paragraphs be inserted at Part E under the heading "E. ADVISORY NOTES" of the Conditions of Approval (extracted at T50 of the Tribunal's documents) as follows:

**E.3 ENVIRONMENT PROTECTION AUTHORITY**

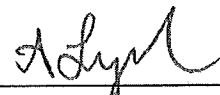
Any plant or equipment associated with commercial uses is to comply with the Noise Zone Standards at the lease boundary. Where noisy uses are proposed in the commercial units, the EPA must be referred to for assessment. All works are to be carried out in accordance with *Environment Protection Guidelines for Construction and Land Development in the ACT*, March 2011, available by calling 132281.

**E.4 ACTEWAGL – GAS & ELECTRICITY**

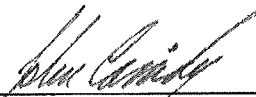
Proposed development to comply with the requirements of ActewAGL Networks and Electricity Networks Division.



ACT Government Solicitor  
Per: Aditi Mohindra  
Solicitor for the Respondent, 18 July 2013



Per: Austin Lynch  
For the Applicant, 18 July 2013



Per: John Cassidy  
For the Party Joined, 18 July 2013

**Applicant's signature**

**Date**  
18 July 2013

### Applications for Interim or Other Orders

This form may be used when an application has already commenced before the tribunal and a party or someone else wishes to apply for an interim or other order in relation to that application. It should be used only when no other specific form exists for the application. It may only be used when the ACT Civil and Administrative Act 2008 (the Act) or some other law authorises the application.

Examples of applications that may be made include:

1. for an interim order under section 53 of the Act or to vary, revoke or extend such an order
2. to join a person as a new party to an application
3. for an order under section 35 of the Act referring a matter for mediation and requiring the parties to attend a mediation
4. for an order under section 39(3) of the Act relating to hearings in private or partly in private
5. to set aside a subpoena completely or partly under section 41(6) of the Act
6. for a direction to permit a person to take part or give evidence other than in person under section 45 of the Act
7. to amend a document under section 47 of the Act
8. for the tribunal to make an order in accordance with agreed terms under section 55 of the Act
9. for an order to hear an application jointly with another application under section 56 (a) of the Act
10. for orders to be made by consent under section 56(b) of the Act
11. to amend or set aside a tribunal order under section 56(c)
12. to extend the period for compliance stated in a direction made under section 67 of the Act
13. to remove an application to the Supreme Court under section 83 of the Act or for the referral of a question of law to the Supreme Court under section 84 of the Act

**NOTE:** This is not an exhaustive list of the applications for interim or other orders that may be made using this form.

Unless it is inconsistent with a provision in the Act or in an authorising law or rule, a person may apply to the tribunal for an interim or other order in an application by:

- (a) lodging an application in writing using this form or
- (b) by writing a letter to the tribunal or
- (c) by making an oral application to the tribunal.

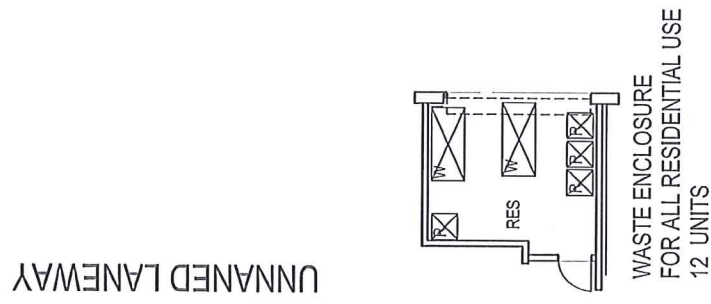
A person who wishes to apply for an interim or other order in an application should ensure that every party to the application is aware of what orders are sought and when the application is going to be made.

In making a decision about how an application for an interim or other order should be made in a matter the tribunal will consider:

- (a) the need to observe natural justice and procedural fairness, and;
- (b) the requirement for procedures to be as simple, quick, inexpensive and informal as is consistent with achieving justice and
- (c) the needs of the particular matter



TYPICAL COURTYARD FENCE  
IS 1400MM HIGH HORIZONTAL WIRES  
INCORPORATING PLANTING HEDGE  
FRONT or BACK DEPENDING ON LOCATION



## MIXED USE

GROUND FLOOR UNITS 1-4 = 4 COMMERCIAL UNITS-UNITS 1-2-4 PROVIDED WITH 2 CAR SPACES IN BASEMENT, UNIT 3 PROVIDED WITH 4 SPACES(2 IN BASEMENT)

UNIT 4 PROVIDED WITH 4 SPACES (2 IN BASEMENT)

UNIT 4 PROVIDED WITH 4 SPACES (2 IN BASEMENT)  
= 8 RESIDENTIAL UNITS-EACH UNIT PROVIDED WITH 1 CAR SPACE IN BASEMENT

3 - 1 VISITORS GROUND FLOOR-2 VISITORS BASEMENT-SHARED BETWEEN COM

=3 - 1 VISITORS GROUND FLOOR-2 VISITORS BASEMENT-SHARED BETWEEN COMMERCIAL AND RESIDENTIAL SLAT FENCE

F1— 1.8M HIGH VERTICAL SLAT FENCE

**F2— 2.0M HIGH BRICK FENCE BOTH RESIDENTIAL AND COMMERCIAL APPLICATIONS**

F3—1.3M HIGH HORIZONTAL TEMPORARY WIRE FOR HEDGE



USAGE OPTIONS - BLOCK 13 SECTION 28 NARRABUNDAH

10 5 2 0

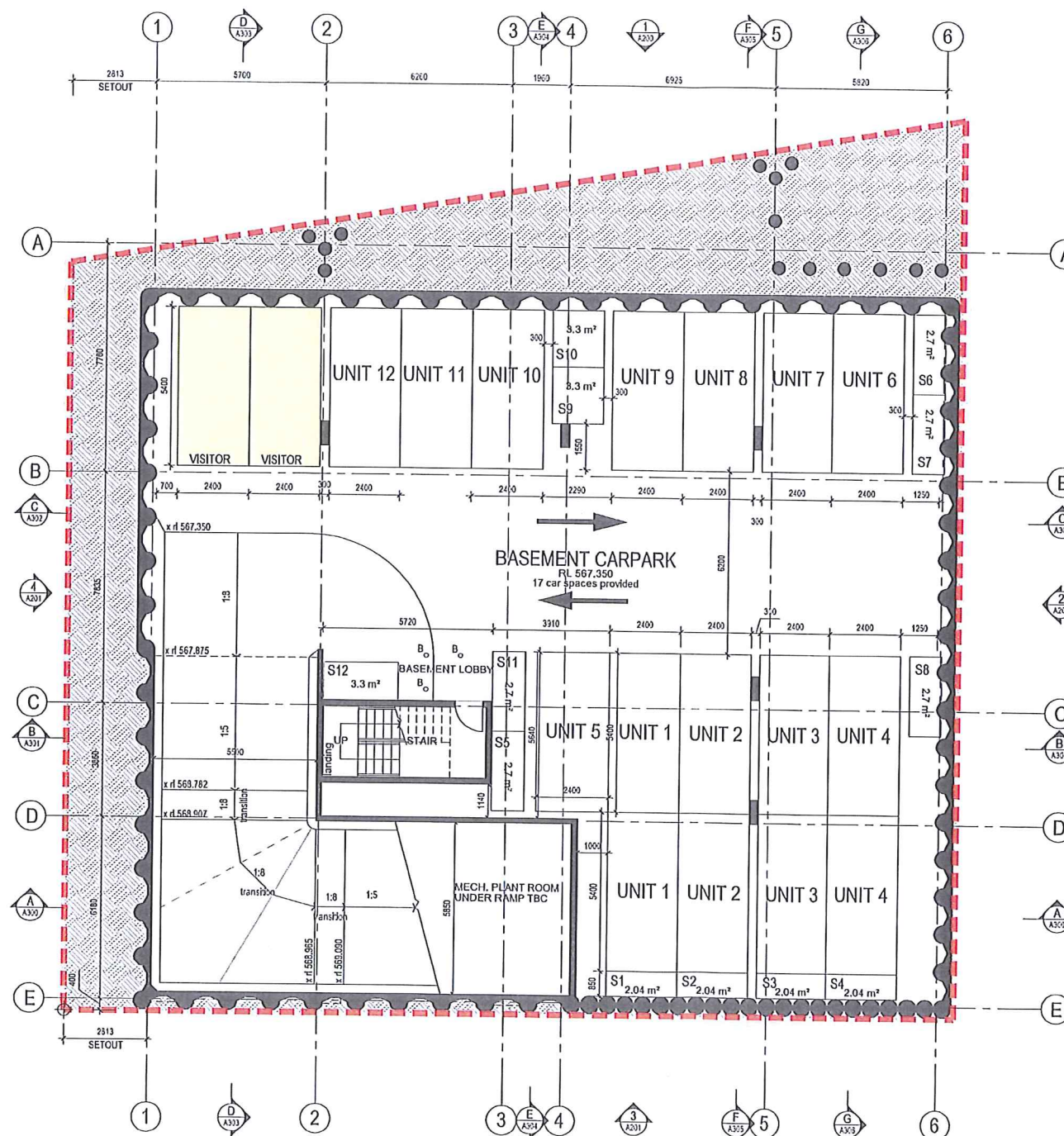
DATE 17-07-2013  
issue 5

SCALE 1:200@A3

DRAWN: DEZIGNTEAM PTY LTD



16.7.13



### PARKING GENERATION

#### MULTI-UNIT RESIDENTIAL

1 space/ 1 bedroom dwelling = 10 spaces  
1 space/ adaptable 1 bedroom dwelling = 2 space

#### VISITOR

1 space/ 4 dwellings = 3 spaces  
REQUIRED PARKING = 16 spaces + 1 motorcycle  
PROVIDED PARKING = 18 SPACES + 3 VISITORS  
SPACES (1 VISITORS SPACE AT GROUND LEVEL)

### BICYCLE PARKING GENERATION

SUFFICIENT PARKING SPACE FOR RESIDENTIAL BICYCLE PARKING PROVIDED WITHIN EACH DWELLINGS BASEMENT STORAGE UNIT

VISITORS BICYCLE PARKING NOT REQUIRED UNDER THE BICYCLE PARKING GENERAL CODE 16TH DECEMBER 2011  
STATING VISITORS BICYCLE PARKING IS REQUIRED AT A RATE OF 1 SPACE FOR EVERY 12 UNITS AFTER THE FIRST 12 UNITS

NOTES:  
1. THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO APPROVAL BY THE LOCAL COUNCIL.  
2. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE TO ANYTHING ON THE SITE.  
3. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE TO ANYTHING ON THE SITE.

NO.	DATE	REVISION
01	17.07.13	REVISION FOR PRELIMINARY

CODE	DESCRIPTION	COLOR
AV	Access Hatch / Floor	Wooden Grey
BT	Basement Floor	Dark Grey
CB	Concrete Floor	Dark Grey
RA-1	Ramp / Floor	Dark Grey
RA-2	Ramp / Floor	Dark Grey
RC	Ramp / Floor	Dark Grey
RL	Ramp / Floor	Dark Grey
AP-1	Access Hatch / Floor	Dark Grey
AP-2	Access Hatch / Floor	Dark Grey
B	Basement Floor	Dark Grey

CODE	DESCRIPTION	COLOR
AV	Access Hatch / Floor	Wooden Grey
BT	Basement Floor	Dark Grey
CB	Concrete Floor	Dark Grey
RA-1	Ramp / Floor	Dark Grey
RA-2	Ramp / Floor	Dark Grey
RC	Ramp / Floor	Dark Grey
RL	Ramp / Floor	Dark Grey
AP-1	Access Hatch / Floor	Dark Grey
AP-2	Access Hatch / Floor	Dark Grey
B	Basement Floor	Dark Grey

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sellickconsultants.com.au

Structural Design Solutions Pty. Ltd.  
engineers@structuraldesignsolutions.com.au

dezignteam  
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sellickconsultants.com.au

KOUNDORIS  
PROJECTS

MULTI UNIT DWELLING  
DEVELOPMENT  
BLOCK 13 SECTION 28  
NARRABUNDAH ACT

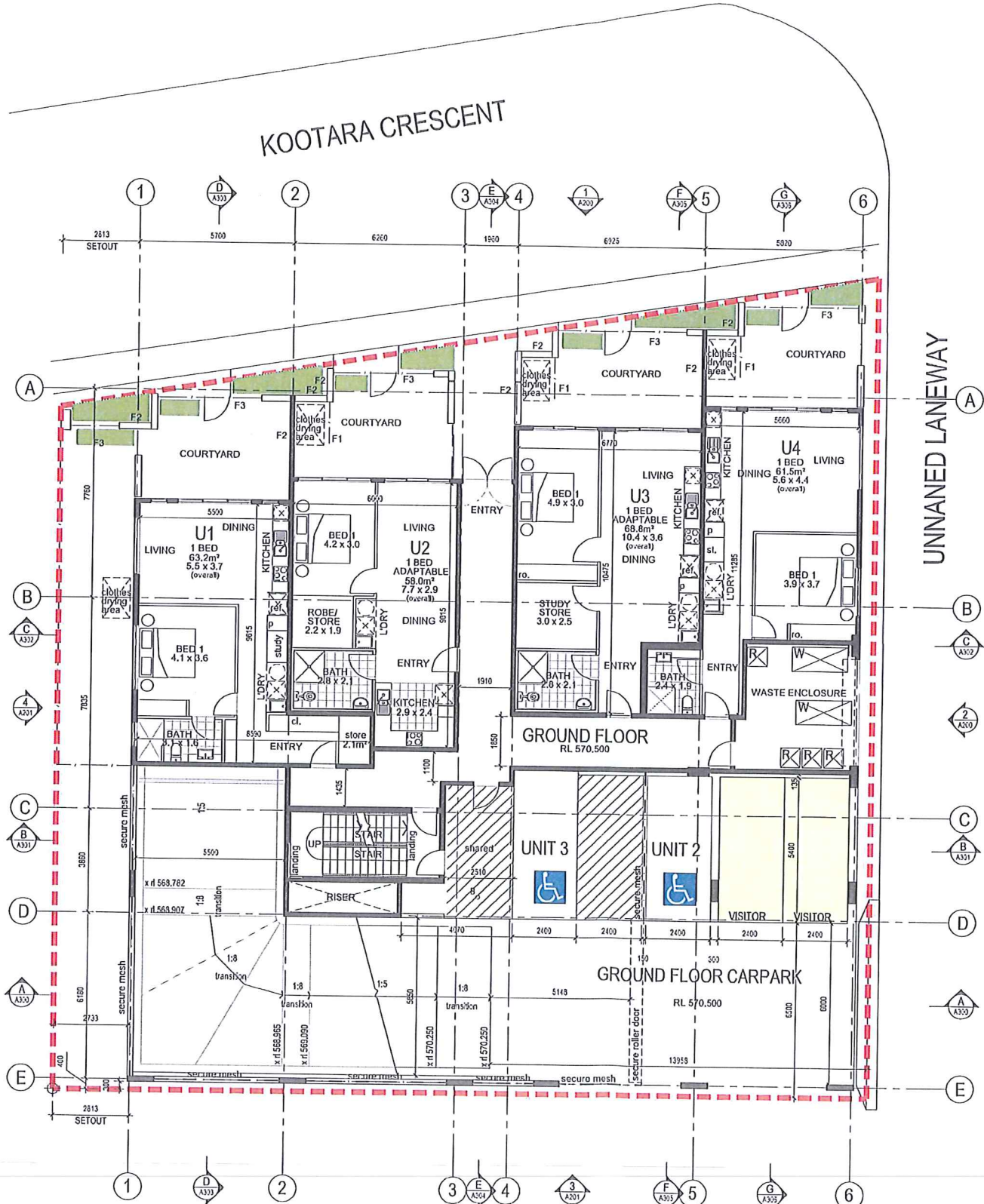
RESEIDENTIAL OPTION PROPOSAL  
BASEMENT FLOOR PLAN

DATE: 17.07.2013  
SCALE: 1:100 @ A1

711.NAR A101 01  
PRELIMINARY COORDINATION  
REVIEW TENDER  
DA FOR CONSTRUCTION



18.7.13



© The client provides the property, all documents, by the registration of the building and the building is to be constructed in accordance with the building code of Australia and the building code of Australia and the building code of Australia.

DATE	REVIEW FOR REGISTRATION
01/12/2013	

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
1	ACCESS HATCH / PANEL	10	ROOF RISE / FLOOR LEVEL
2	ACCESS HATCH / PANEL	11	ROOF RISE / FLOOR LEVEL
3	ACCESS HATCH / PANEL	12	ROOF RISE / FLOOR LEVEL
4	ACCESS HATCH / PANEL	13	ROOF RISE / FLOOR LEVEL
5	ACCESS HATCH / PANEL	14	ROOF RISE / FLOOR LEVEL
6	ACCESS HATCH / PANEL	15	ROOF RISE / FLOOR LEVEL
7	ACCESS HATCH / PANEL	16	ROOF RISE / FLOOR LEVEL
8	ACCESS HATCH / PANEL	17	ROOF RISE / FLOOR LEVEL
9	ACCESS HATCH / PANEL	18	ROOF RISE / FLOOR LEVEL
10	ACCESS HATCH / PANEL	19	ROOF RISE / FLOOR LEVEL
11	ACCESS HATCH / PANEL	20	ROOF RISE / FLOOR LEVEL
12	ACCESS HATCH / PANEL	21	ROOF RISE / FLOOR LEVEL
13	ACCESS HATCH / PANEL	22	ROOF RISE / FLOOR LEVEL
14	ACCESS HATCH / PANEL	23	ROOF RISE / FLOOR LEVEL
15	ACCESS HATCH / PANEL	24	ROOF RISE / FLOOR LEVEL
16	ACCESS HATCH / PANEL	25	ROOF RISE / FLOOR LEVEL
17	ACCESS HATCH / PANEL	26	ROOF RISE / FLOOR LEVEL
18	ACCESS HATCH / PANEL	27	ROOF RISE / FLOOR LEVEL
19	ACCESS HATCH / PANEL	28	ROOF RISE / FLOOR LEVEL
20	ACCESS HATCH / PANEL	29	ROOF RISE / FLOOR LEVEL
21	ACCESS HATCH / PANEL	30	ROOF RISE / FLOOR LEVEL
22	ACCESS HATCH / PANEL	31	ROOF RISE / FLOOR LEVEL
23	ACCESS HATCH / PANEL	32	ROOF RISE / FLOOR LEVEL
24	ACCESS HATCH / PANEL	33	ROOF RISE / FLOOR LEVEL
25	ACCESS HATCH / PANEL	34	ROOF RISE / FLOOR LEVEL
26	ACCESS HATCH / PANEL	35	ROOF RISE / FLOOR LEVEL
27	ACCESS HATCH / PANEL	36	ROOF RISE / FLOOR LEVEL
28	ACCESS HATCH / PANEL	37	ROOF RISE / FLOOR LEVEL
29	ACCESS HATCH / PANEL	38	ROOF RISE / FLOOR LEVEL
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32	ACCESS HATCH / PANEL	41	ROOF RISE / FLOOR LEVEL
33	ACCESS HATCH / PANEL	42	ROOF RISE / FLOOR LEVEL
34	ACCESS HATCH / PANEL	43	ROOF RISE / FLOOR LEVEL
35	ACCESS HATCH / PANEL	44	ROOF RISE / FLOOR LEVEL
36	ACCESS HATCH / PANEL	45	ROOF RISE / FLOOR LEVEL
37	ACCESS HATCH / PANEL	46	ROOF RISE / FLOOR LEVEL
38	ACCESS HATCH / PANEL	47	ROOF RISE / FLOOR LEVEL
39	ACCESS HATCH / PANEL	48	ROOF RISE / FLOOR LEVEL
40	ACCESS HATCH / PANEL	49	ROOF RISE / FLOOR LEVEL
41	ACCESS HATCH / PANEL	50	ROOF RISE / FLOOR LEVEL
42	ACCESS HATCH / PANEL	51	ROOF RISE / FLOOR LEVEL
43	ACCESS HATCH / PANEL	52	ROOF RISE / FLOOR LEVEL
44	ACCESS HATCH / PANEL	53	ROOF RISE / FLOOR LEVEL
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53	ACCESS HATCH / PANEL	62	ROOF RISE / FLOOR LEVEL
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55	ACCESS HATCH / PANEL	64	ROOF RISE / FLOOR LEVEL
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63	ACCESS HATCH / PANEL	72	ROOF RISE / FLOOR LEVEL
64	ACCESS HATCH / PANEL	73	ROOF RISE / FLOOR LEVEL
65	ACCESS HATCH / PANEL	74	ROOF RISE / FLOOR LEVEL
66	ACCESS HATCH / PANEL	75	ROOF RISE / FLOOR LEVEL
67	ACCESS HATCH / PANEL	76	ROOF RISE / FLOOR LEVEL
68	ACCESS HATCH / PANEL	77	ROOF RISE / FLOOR LEVEL
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70	ACCESS HATCH / PANEL	79	ROOF RISE / FLOOR LEVEL
71	ACCESS HATCH / PANEL	80	ROOF RISE / FLOOR LEVEL
72	ACCESS HATCH / PANEL	81	ROOF RISE / FLOOR LEVEL
73	ACCESS HATCH / PANEL	82	ROOF RISE / FLOOR LEVEL
74	ACCESS HATCH / PANEL	83	ROOF RISE / FLOOR LEVEL
75	ACCESS HATCH / PANEL	84	ROOF RISE / FLOOR LEVEL
76	ACCESS HATCH / PANEL	85	ROOF RISE / FLOOR LEVEL
77	ACCESS HATCH / PANEL	86	ROOF RISE / FLOOR LEVEL
78	ACCESS HATCH / PANEL	87	ROOF RISE / FLOOR LEVEL
79	ACCESS HATCH / PANEL	88	ROOF RISE / FLOOR LEVEL
80	ACCESS HATCH / PANEL	89	ROOF RISE / FLOOR LEVEL
81	ACCESS HATCH / PANEL	90	ROOF RISE / FLOOR LEVEL
82	ACCESS HATCH / PANEL	91	ROOF RISE / FLOOR LEVEL
83	ACCESS HATCH / PANEL	92	ROOF RISE / FLOOR LEVEL
84	ACCESS HATCH / PANEL	93	ROOF RISE / FLOOR LEVEL
85	ACCESS HATCH / PANEL	94	ROOF RISE / FLOOR LEVEL
86	ACCESS HATCH / PANEL	95	ROOF RISE / FLOOR LEVEL
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88	ACCESS HATCH / PANEL	97	ROOF RISE / FLOOR LEVEL
89	ACCESS HATCH / PANEL	98	ROOF RISE / FLOOR LEVEL
90	ACCESS HATCH / PANEL	99	ROOF RISE / FLOOR LEVEL
91	ACCESS HATCH / PANEL	100	ROOF RISE / FLOOR LEVEL

CODE	DESCRIPTION	COLOR
AW	Painted Steel Plate with 10mm Frame	Woodland Grey
BT	Painted Steel Plate with 10mm Frame	Woodland Grey
CB	Painted Steel Plate with 10mm Frame	Woodland Grey
RA-1	Painted Steel Plate with 10mm Frame	Woodland Grey
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AP-1	Painted Steel Plate with 10mm Frame	Woodland Grey
AP-2	Painted Steel Plate with 10mm Frame	Woodland Grey
B	Painted Steel Plate with 10mm Frame	Woodland Grey

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KOUNDORIS  
PROJECTS

MULTI UNIT DWELLING  
DEVELOPMENT  
BLOCK 13 SECTION 28  
NARRABUNDAH ACT

RESEIDENTIAL OPTION PROPOSAL  
GROUND FLOOR PLAN  
date 17.07.2013  
scale 1:100 @ A1  
711.NAR A102 01  
PRELIMINARY COORDINATION  
REVIEW TENDER  
DA FOR CONSTRUCTION