



**LAND DEVELOPMENT AGENCY
BOARD MEETING 162,
23 February 2017**

Minutes

Present:

Mr Ross Barrett OAM (Chair)
Mr Con Kourpanidis
Mr Jim Shonk
Mr David Dawes

Ms Sandra Lambert AM (Deputy Chair)
Ms Cherelle Murphy
Ms Chris Purdon

In Attendance:

Mr Tom Gordon (Executive Director, Greenfields)
Ms Liz Lopa (Executive Director – Urban Renewal)
Mr Chris Wilson (Director, Office of the CEO)
Ms Jacqui Bear (Senior Manager, Governance and Quality Assurance Team)
Ms Margaret Lovell (LDA Corporate Secretariat)

Mr Bruce Fitzgerald (Chief Financial Officer – part)
Mr Daniel Bailey (Executive Director, Sales, Marketing and Land Development)
Mr Simon Tennent (A/g Director Strategy and Program Design)

Apologies:

Ms Yvonne von Hartel AM
Mr Neil Bulless (A/g Deputy Chief Executive Officer)

MEETING OPENING

162

'In Camera' discussion

An 'in camera' Board discussion commenced at 8:35 am.

The Chair advised that the discussion centred on the future of the LDA as advised by the Head of Service and reported by the CEO.

162.1.1

Welcome and Review of Attendance

The Chair declared the meeting open at 9:05am and welcomed those in attendance, introducing the new CFO Mr Bruce Fitzgerald. Ms von Hartel's apology was noted.

162.1.2

Confirmation of Agenda

[Redacted]

162.1.3

Declaration of Conflicts of Interest

The standing declaration of interests was noted.

[Redacted]

All matters were noted by the Board.

162.1.4

Confirmation of Minutes of the Previous Meeting

[Redacted]

RESOLUTION:

The Board approved the minutes of the meeting subject to amendment as outlined above.

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]

1. [REDACTED]

162.3.9 Westside decommissioning

Ms Lopa spoke to the report. She reported that whilst no further funds were required at present it was likely that further funds would be required during the decommissioning process when current tenants leave the facility, and/or if outstanding rent payment are not received.

The Board **noted** the report, requested that site removal be viewed as a priority, and that LDA Management follow up the status of a police investigation into activities at the site.

[REDACTED]

[REDACTED]

[REDACTED]

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MEETING CLOSE

[REDACTED]

162.6.2 Meeting outcomes for discussion by the CEO with the Minister for Urban Renewal

The topics to be discussed are:

- 1. [REDACTED]
- 2. [REDACTED]
- 3. The decommissioning of Westside container village;
- 4. [REDACTED]
- 5. [REDACTED]
- 6. [REDACTED]

The meeting closed at 3.45 pm. The next meeting of the Board will take place on 30 March 2017.

The minutes of Land Development Agency Board meeting 162, held on 23 February 2017, were approved as an accurate record of the meeting.

Mr Ross Barrett OAM
Chair, LDA Board
30 March 2017

162.3.8 City to the Lake Project Control Board Quarterly report (2nd quarter 2016-17)

Purpose

To provide the Land Development Agency (LDA) Board with an update on the City to the Lake program.

Background

In considering the City to the Lake Project Control Board's (PCB) terms of reference in April 2016, the LDA Board required the PCB provide quarterly progress reports on the City to the Lake program. This report covers the period October 2016 to December 2016.

Issues

Project progress

Over the second quarter 2016-17, the City to the Lake project team focused on:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

5. decommissioning of Westside Village

[REDACTED]

The PCB met on two occasions during this period. The agendas for these meetings reflected the project team's activities as outlined above, with discussion having a particular focus on managing the ongoing relationship with the National Capital Authority (NCA) and the program's cross government interdependencies, such as the Light Rail Network.

- [REDACTED]
- [REDACTED]
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[REDACTED]

5. Decommissioning of Westside Village

On 17 November 2016, the NCA announced, via media release, the works approval for Westside Village would be extended by 12 months, with the site to be remediated by 19 November 2017. The LDA had sought an extension until April 2019.

On 21 December 2016, the ACT Government announced Westside would cease trading at the end of April 2017. The decision to close the site before winter was made in close consultation with vendors.

Some vendors have ceased trading, with six vendors continuing to operate on month to month agreements. The event manager departed upon expiry of their contract on 31 December 2016. Those vendors remaining on site until 30 April 2017 have been allowed to continue operating effectively rent free from 1 January 2017, but are required to pay any rent in arrears owing prior to that period. With the departure of the event manager, there will be no activation of the site during its final months.

A separate paper detailing the decommissioning and deconstruction strategy, and seeking the LDA Board's support for the process will be presented as part of the agenda for the February 2017 LDA Board meeting.

Westside financial reporting

Westside Village is funded through the LDA. As of 10 February 2017, approx \$1.78 million has been spent on the site, as detailed in Table 1 below.

TABLE 1: EXPENDITURE ON WESTSIDE VILLAGE AS AT 10 FEBRUARY 2017

Expenditure	\$ (ex GST)
Construction	1,095,061
Maintenance costs to address compliance, regulatory, and safety matters	280,985
Project management	85,742
Planning and design	85,010
Sales and marketing to activate the site	103,410
Administrative costs	5,564
Expended costs not invoiced by ACT Property Group	121,192
Total	1,776,964

6. Communications and stakeholder engagement

In September 2016, the PCB agreed for a facilitated workshop to be held with participants across government to inform the communications and community engagement strategy for City to the Lake. The workshop was postponed until after the new Government had formed following advice from the CMTEDD Central Communications unit.

In October 2016, the Chief Minister announced a new urban renewal authority would be formed

[REDACTED]

[Redacted text block]

[Redacted text block]

[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]

[Redacted text block]

Recommendation

That the Board note the status of the City to the Lake program as outlined in this report.

Liz Lopa
Executive Director LDA Urban Renewal
February 2017

162.3.9 WESTSIDE VILLAGE DECOMMISSIONING

Purpose

To update the LDA Board (the Board) on measures being implemented to close and decommission Westside Village (Westside).

Background

Ownership of Westside transferred to the Land Development Agency (LDA) in September 2015. ACT Property Group (ACTPG) manages and maintains the site for the LDA under a Memorandum of Understanding (MoU).

On 21 December 2016, the ACT Government announced that Westside would cease trading at the end of April 2017. The decision to close the site before winter was made in consultation with traders after the National Capital Authority (NCA) limited works approval for the site to 19 November 2017. The LDA had applied for a 2.5 year works approval.

There are currently six vendors operating at Westside. Existing tenants are on month to month agreements, and may vacate prior to 30 April 2017.

Issues

Financial implications

Operational costs

The LDA Board has provided all funding for Westside as part of the early activation of West Basin. To date, the Board has approved \$1,909,723 for Westside ([Attachment A](#), table 1). At 14 February 2017, expenditure against Westside totalled \$1,776,964 ([Attachment A](#), table 2).

It is estimated it will cost a further \$130,800 to run Westside until the closure date of 30 April 2017 ([Attachment A](#), table 3), including a contingency of 20 percent. An allowance has also been included within this for the village to be 'mothballed' up until the latest possible decommissioning date of 19 November 2017, but it is expected that decommissioning will occur sooner.

Subject to receipt of all rent payments (discussed below), it is forecast that there is sufficient remaining approved budget to meet these known and forecast operational costs.

Rental receipts

As the venue and event manager concluded at the end of 2016, and the LDA will not engage in any extra promotion, the Government decided to move to a 'peppercorn lease' for the container village's final four months at West Basin.

Vendors are still required to pay their agreed rent up until the end of 31 December 2016. Seven vendors, however, have rent owing, totalling arrears of \$81,450. ACT Property Group will endeavour to recoup these costs, but it is considered a high risk that this rent will not be paid. If all or part of the rent is not recovered, the above estimate of operational costs will worsen as ACT Property Group invoice the LDA for running costs that exceed revenue received.

Decommissioning Strategy

The last day of trade for Westside will be Sunday 30 April 2017. Vendors on the ground floor of the village have been provided two weeks to remove their containers from the site. Vendors within the vertical village have varying agreements with the Territory. The One food van own their container, whilst The Fish Can, Miss Vans and the Bars all own their fit-out and have an option to purchase these containers. Availability of the containers is reliant on the ACT Government's decommissioning timeline.

Disposal policy

In accordance with the ACT Government Disposal of Assets policy, it is deemed that the items are no longer required for their original purpose. They will also occupy significant storage space and are not expected to be reused within the foreseeable future. It is therefore appropriate that the assets are disposed of.

An internal expression of interest process is underway through ACT Property Group to see if any other ACT Government Directorate could use all or part of the structure at another location. Funding would need to be identified by the new owner for relocation and installation costs, as these would not be covered by the LDA. There has been limited interest expressed to date.

A valuation will be sought for Westside assets, however, because of the potential value of the structure and its components and for probity reasons, an open tender process for removal of the assets is warranted.

Due diligence to support the decommissioning strategy is underway, with \$15,000 being allocated from the remaining approved Board budget for:

- Structural Advice
- Surveyor
- ACTEW/Icon Fees
- Site Auditor.

Disposal costs

While the Westside assets have potentially significant value, the disposal process may not generate a return for the LDA or even be cost neutral. There is substantial work associated with safely disassembling, loading, and transporting the structure.

If the market can't realise the intrinsic value (and therefore essentially scraps the structure), there will likely be a cost to the LDA associated with the disposal. This will only become clear following an open approach to the market, at which time we will further advise the Board of any financial implications.

Implementing an open expression of interest process for contractors to decommission the site, however, provides the best opportunity for the LDA to minimise its costs associated with the disposal, or generate a return.

Recommendation

That the Board:

- **Notes** there is sufficient Board approved funding to maintain Westside until the works approval expires on 19 November 2017.
- **Notes** that an open approach to the market seeking contractors to decommission Westside village will be undertaken.

- **Notes** that additional funds are likely to be required to decommission Westside and make-good the site, as required by the NCA works approval. The Board will be advised of any financial implications following market interest being ascertained through the open market approach. If all or part of the rental arrears is not re-couped by this time, the financial implication of this will be advised at the same time.

Liz Lopa
Executive Director, Urban Renewal

Daniel Bailey
Executive Director, Sales, Marketing and Property Management

Attachment A

Table 1. West Basin Activation Budget (ex GST)

August 2013	\$5 million Board allocation for the City to the Lake project	\$1,302,383
December 2015	Undertake required works to address compliance, regulatory, safety and capacity issues	\$250,000
March 2016	To further improve safety, security and works approval compliance	\$246,700
March 2016	To fund the venue manager's activation program until 31 December 2016	\$110,640
		\$1,909,723

Table 2. Westside Expenditure as at 31 January 2017 (excludes GST)

ACTPG operating deficit	\$121,192
Planning and Design	\$85,010
Project Management	\$85,742
Construction	\$1,095,061
Land Maintenance	\$280,985
Miscellaneous and Admin Cost	\$5,564
Selling and Marketing	\$103,410
	\$1,776,964

Table3. Operating expenses until 19 November 2017 (excludes GST)

Make good on hired assets	\$5,000
Bonds	\$11,000
Due diligence for decommissioning strategy	\$15,000
Operating costs (1 January to 30 April 2017)	\$64,000
Residual monthly costs during decommissioning (1 May to 19 November 2017)	\$14,000
Contingency (20 per cent)	\$21,800
	\$130,800

163.2.5. Westside Village decommissioning - funding request

Purpose

To recommend a strategy for the decommissioning of Westside Village (Westside).

Background

Ownership of Westside transferred to the Land Development Agency (LDA) in September 2015. ACT Property Group (ACTPG) manages and maintains the site for the LDA under a Memorandum of Understanding.

On 21 December 2016, the ACT Government announced Westside would cease trading at the end of April 2017. The decision to close the site before winter was made in consultation with traders after the National Capital Authority (NCA) limited works approval for the site to 19 November 2017. The LDA had applied for a 2.5 year works approval.

The value of Westside being carried on the LDA's books is \$895,000.

Issues

Asset disposal policy

In accordance with the ACT Government assets disposal policy, it has been deemed that Westside is no longer required for its original purpose. It will also occupy significant storage space and is not expected to be reused by the LDA within the foreseeable future. It is therefore appropriate that the LDA dispose of Westside.

Disposal options considered

With regard to the Government's asset disposal policy, a number of disposal options have been considered for Westside.

These options have been considered in the context that Westside was designed and promoted publicly as a temporary structure that was suitable for transport and re-use. Therefore adaptive re-use should be prioritised, particularly to the benefit of the community. Adverse media attention may be received if the structure is otherwise scrapped.

1. An **internal Government expression of interest** (EOI) process has been conducted through ACTPG to see if any other ACT Government directorate could use all or part of the vertical structure at another location.

Venues ACT has expressed an interest in establishing the roof-top podium at Stromlo Forest Park (Stromlo) at ground level, however it has advised it doesn't have funding to realise this.

There has been no other interest expressed to date (other than some interest in several individual shipping containers). Written confirmation has been requested from interested directorates by close of business on 6 April 2017.

Retention of the asset by Government offers the lowest risk and best opportunity to adaptively re-use the asset for the benefit of Canberrans. However, it will result in a cost to the LDA.

It is proposed that the feasibility of this option be examined, particularly, that:

- A cost planner be engaged to estimate the cost of dismantling, transferring the roof-top podium to Stromlo Forest Park, and re-establishing on site.

-
- Preliminary discussions occur with Venues ACT to see what contribution it could make to the establishment of the structure on its site, and to assess the extent of enabling works necessary.
2. **Donation of the structure to a community or not-for-profit organisation.** Donation of ACT Government property is only permitted in special circumstances. Donating the structure to a community or not-for-profit organisation may meet this threshold. An open EOI process could be undertaken to ascertain if there is interest from such organisations. While this approach may attract re-purposing options, there are some risks:
- a. If more than one organisation is interested, it may be difficult to decide between them, and thereby tacitly acknowledge the more worthy cause.
 - b. The LDA would be required to manage (and likely pay) for the dismantling and transport to ensure it complies with the Works Approval, is done safely, manages risk, and that the contractor otherwise meets LDA requirements.
 - c. A community or not-for-profit organisation is unlikely to have the resources to establish the structure once delivered, and may seek further assistance from the ACT Government to effect the re-purposing.
 - d. This process is unlikely to meet the required deadline for removal of the structure by 19 November 2017 given the complexity of engaging with interested organisations and then running and managing a procurement process for the decommissioning.

This option is not recommended unless there is a strong desire to ensure the asset has the best chance of being re-purposed.

3. **Open EOI/tender for de-commissioning contractors.** Implementing an open expression of interest process for contractors to decommission the site, provides the best opportunity for the LDA to minimise its costs associated with the disposal, or generate a return.

However, this would need to be balanced against a desire to see the structure adaptively re-used for the benefit of the community. Prioritising this criterion would increase the cost to the LDA.

The expression of interest process would seek binding offers that would be evaluated against:

- The proposed adaptive re-use methodology (if any), with a focus on benefits to the broader community.
- An ability to ascertain NCA Works Approval and remove the structure and restore the site by no later than 19 November 2017.
- The cost to the LDA for removing the structure, or, what would be paid to the LDA for salvage rights over the asset.

There is some risk associated with such a process:

- The ACT is likely to face an increased cost if community re-use is prioritised. While the assets are valued at \$895,000, the disposal process would likely result in a cost to the LDA.
- Once the successful organisation has removed the structure from site, the timeframe in, and the duration over, which adaptive re-use occurs may be difficult to enforce.
- There is the potential that community and not-for-profit offers would be highly valued, but are unlikely to have the experience and technical ability to manage the contracting, Works Approval process, the safe dismantling, removal from site, and site restoration. The ACT may be drawn into protracted negotiations and/or maintain some ongoing commitment to the management of Westside which would not be ideal.

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- Evaluation criteria and weightings that balance community re-use and financial implications will require careful consideration, and transparency of the assessment process will be required. Binding financial offers would be required to facilitate this.
 - A focus on adaptive re-use may result in little interest from pure demolition contractors, which may be the only option if appropriate re-use opportunities are not identified.

Discussion

Whichever option for decommissioning is selected, the LDA is likely to incur a cost associated with the removal of Westside village. Even to simply demolish the structure may cost \$150,000 or more, as there is substantial work associated with obtaining Works Approval and safely disassembling, loading, and transporting the structure.

Re-purposing the structure should be a key priority, given it was actively promoted as a re-usable structure.

There is significant risk around engaging with the community and private sector concerning re-purposing opportunities and some of these risks are outlined above. Accordingly, the lowest risk and preferred option is the transfer of the asset within ACT Government for re-use by Venues ACT at Stromlo. In this instance the ACT Government would control the transfer process and the outcome.

The cost to progress this option should first be assessed though, prior to making a decision. To this end, a cost planner will be engaged to estimate the cost of scrapping the structure as a base case, compared with re-establishing the roof-top podium at Stromlo.

Recommendations

That the Board:

- **notes** Westside Village must be dismantled, removed, and the site made good by 19 November 2017;
- **agrees** that adaptive re-use of the structure should be considered as a priority.
- **notes** regardless of the option selected, the LDA is likely to incur some cost to decommission the structure and restore the site. A further recommendation will be made to the board when the Stromlo option has been investigated.

David Hughes

Development Director, City to the Lake

21 March 2017

165.2.5 Westside Village decommissioning - funding request

Purpose

To seek funding of up to \$813,000 (excluding GST) to facilitate the relocation of the Westside village rooftop podium to Stromlo Forest Park.

Background

Westside Village must be removed and the site restored by 19 November 2017, when the NCA works approval expires. Ideally however, it requires removal by early September to provide additional parking for Floriade visitors.

The Territory owns the vertical structure, and 14 of the containers. All vendors own the fit-outs within the containers, and where the Territory owns the containers that vendors have fitted out, the vendors have first right of refusal to purchase those containers. It is expected all vendors will exercise their right to purchase the container where this option is relevant.

Westside was publicly promoted as a temporary and transportable structure. The Territory also invested close to \$2 million in establishing and operating the venue, and the asset is currently being carried on the LDA's books with a value of \$895,000.

Issues

A range of costed options to decommission or re-use the Westside structure were examined. These included:

- Re-use of the structure by the government for a purpose currently identified through an internal expression of interest process;
- Storing the structure for future use by the government for a purpose beyond that currently identified through the internal expression of interest process;
- Donation of the structure to a community or not-for-profit organisation;
- Open expression of interest for decommissioning contractors who might scrap or reuse the structure elsewhere; or
- Scrap the structure.

The Chief Minister was briefed on the various options considered on 15 May 2017, and indicated his priority that the structure be re-used by the government (Venues ACT).

This option was identified through an internal government expression of interest process run by ACT Property Group in late 2016, to ascertain interest from other agencies concerning the re-use of the Westside structure or containers. While interest was expressed in a number of containers, Venues ACT was the only organisation that expressed an interest in the vertical structure. Specifically, Venues ACT proposed the establishment of the roof-top podium at ground level at Stromlo Forest Park (Stromlo).

Venues ACT proposes that this space would be used as an undercover area for event gatherings, and may also support a cafe and bike workshop/repair facilities. The proposed location is identified in Attachment A.

The estimated cost to relocate the vertical structure to Stromlo is up to \$813,000. This includes:

- Dismantling costs;
- Transport;
- Reestablishment of the podium and the two end shipping containers at ground level (on average 700mm off ground), including new footings, access stairs and balustrade, power, water and sanitary plumbing connections, and minor associated footpaths;
- Preliminaries for both sites, fees, margin and supervision;
- Make good of the existing Westside site; and
- Contingency.

Due to the timing of this relocation, Venues ACT has not been able to source budget funding in the 2017 financial year to facilitate the reestablishment component of the project, therefore it is proposed to be funded by the LDA.

Financial Implications

The cost of relocating the structure, estimated to be up to \$813,000 is to be met by the LDA using savings made in Greenfield estate development costs as captured in the October 2016 and March 2017 Bi-Annual Reviews.

Sensitivities

It is expected that the cost of relocating the structure will attract media interest, with the Canberra Times having recently shown interest in the future plans for Westside and its associated cost. Not re-using Westside is likely to attract negative media interest.

Re-use of the structure at Stromlo provides the best ability to re-use the structure for the benefit of Canberrans and represents an opportunity to promote a positive outcome for a initiative that has attracted some negative media coverage.

Recommendations

That the Board:

- **Notes** the information in this paper; and
- **Agrees** to the provision of funding of up to \$813,000 (excluding GST) being sourced through savings identified in the October 2016 and March 2017 Bi-Annual Reviews to facilitate the transfer of the Westside village rooftop podium to Stromlo Forest Park.

Nicholas Holt
Director, Urban Projects
15 May 2017

Westside Village

Westside Village forms the early activation for West Basin. It is a vertical container village with incubation retail and dining, and an events space.



Project phase: Decommissioning

- Project objectives / outcomes**
- To create local awareness about potential future developments.
 - To enliven the shore of West Basin.
 - To trial different approaches to urban play spaces

- Major milestones to date**
- Possession of Westside transferred to the LDA in August 2015. There is an MOU between the LDA and ACT Property Group to manage and maintain the venue.
 - In August 2016 a works approval application was submitted to the NCA to extend the term of Westside by 2.5 years. This was rejected, with the NCA extending approval to 19 November 2017, by which time the village must be removed.
 - Westside ceased operating on 30 April 2017.

- Progress since last report – 12 May 2017**
- The Chief Minister has agreed to the relocation of the top structure to Stromlo Forest Park. The LDA Board has agreed to a funding request of up to \$813,000 to fund the decommissioning of the site and construction at Stromlo.
 - Various planning applications and procurement processes are underway in order that the site is reinstated by mid August 2017.

Financial

	TOTAL as at 31 May 17 \$m	2016-17 \$m	2017-18 \$m	2018-19 \$m	2019-20 \$m
LDA funding	2.779				
Appropriation					
TOTAL	2.779				
Expenditure					
LDA	1.966				
Capital					
Commitments					
TOTAL	1.966				

- Westside Village is fully funded by the LDA.

- Community and stakeholder engagement**
- Ongoing engagement with the NCA is required, particularly concerning works approval for the demobilisation of the village.

Issues and risks

- Decommissioning and make-good of site is required by mid August 2017 in order that the hard stand is available for Floriade bus parking. A Works Approval application for demolition and reinstatement is currently being considered by the NCA and a cost plan for the work is currently being agreed with a managing contractor.

Progress	Risk

- Forward work program**
- Implementation of the decommissioning strategy.

	2016	2017	2018	2019	2020
Engage venue manager					
Extend works approval					
Decommissioning strategy					
Decommission village					



Chief Minister, Treasury and Economic Development Directorate

UNCLASSIFIED

To:	Chief Minister	Tracking No.: BM17/914
CC:	Minister for Urban Renewal	
From:	Director-General, Economic Development	
Date:	24 April 2017	
Subject:	Westside Village (Westside) Decommissioning	
Critical Date:	1 May 2017	
Critical Reason:	To provide sufficient time to decommission Westside prior to Floriade to increase available parking area	

- DG .../.../...
- DDG .../.../...
- CFO .../.../...

Purpose

To seek your views on the priority regarding the future of the Westside Village Structure following decommissioning.

Recommendations

That you:

1. Note the information contained in this brief;

~~Noted~~ / Please Discuss

2. Indicate your priority, being either to:

Option A

Transport and re-establish the vertical structure from Westside Village to Stromlo Forest Park at a cost of up to \$813,000 (option C in the table below).

Agreed / Not Agreed / Please Discuss

Option B

Donate the structure to the community or not-for-profit sector.

Agreed / Not Agreed / Please Discuss

UNCLASSIFIED

Option C

Run an open expression of interest process for contractors to remove the structure at an estimated cost of up to \$177,000.

Agreed / ~~Not Agreed~~ / Please Discuss

Option D

Undertake an expression of interest process to re-purpose the structure, with the LDA to initially manage the transport of the structure to the LDA's yard at Fyshwick for storage, at a cost of up to \$227,000 (option D in the table below).

Agreed / ~~Not Agreed~~ / Please Discuss

Andrew Barr MLA  10./5./17.

Minister's Office Feedback

Background

1. Possession of Westside transferred to the Land Development Agency (LDA) in September 2015. The Land Development Agency (LDA) owns the Westside structure, and ACT Property Group (ACTPG) manages and maintains the site for the LDA under a Memorandum of Understanding.
2. On 21 December 2016, the Government announced Westside would cease trading at the end of April 2017. The decision to close the site before winter was made in consultation with traders after the National Capital Authority (NCA) limited works approval for the site to 19 November 2017. The LDA had applied for a 2.5 year works approval.
3. Westside Village must be removed and the site restored by 19 November 2017, when the NCA works approval expires. Ideally, however, it requires removal by early September to provide additional parking for Floriade visitors.
4. The Territory owns the vertical structure, and 14 of the containers. All vendors own the fit-outs within the containers, and where the Territory owns the containers that vendors have fitted out, the vendors have first right of refusal to purchase those containers. It is expected all vendors will exercise their right to purchase the container where this option is relevant. Effectively, the Territory will end up retaining ownership for the vertical structure and empty containers.
5. Westside was publicly promoted as a temporary and transportable structure. The Territory also invested close to \$2 million in establishing and operating the venue; and the asset is currently being carried on the LDA's books with a value of \$895,000. Accordingly, there could be a public perception that the asset should be re-used.

Issues

6. A range of disposal options have been considered, and these are set out below:

- a. **An internal Government expression of interest (EOI)** process has been conducted through ACTPG to see if any other Government directorate could use all or part of the vertical structure at another location, or the individual containers.

In relation to the vertical structure, Venues ACT has expressed an interest in establishing the roof-top podium at Stromlo Forest Park (Stromlo) at ground level, however, it has advised it does not have funding to realise this.

There has been a high degree of interest expressed in the empty containers, both within Government and the community sector. It is expected all empty containers owned by the Territory can be re-purposed for little or no cost.

A cost planner has examined the cost of relocating the roof-top podium to the nominated Stromlo site and has estimated the cost at \$813,000. This is relatively high as the structure requires significant effort to 'de-construct'. An alternate option that considered relocating half of the podium would cost \$647,000. If re-use is an imperative then retention of the structure within Government offers the lowest risk option to re-purpose the asset for the benefit of Canberrans, however it would be at a cost to the LDA as Venues ACT does not have funding to facilitate the relocation.

This option is recommended if there is a strong desire to see the structure re-purposed immediately.

While Venues ACT does not have funding, an option of allocating savings from other capital works projects could be explored for example any remaining savings from the Public Housing Renewal Taskforce.

- b. **Donation of the structure to a community or not-for-profit organisation.** Donation of Government property is only permitted in special circumstances. Donating the structure to a community or not-for-profit organisation may meet the threshold. An open EOI process could be undertaken to ascertain if there is interest from such organisations. While this approach may attract re-purposing options, there are some risks:
- If more than one organisation is interested, it may be difficult to decide between them, and thereby tacitly acknowledge the more worthy cause.
 - A community organisation is unlikely to have the capacity to pay the relocation costs of \$813,000. There may be an expectation that the Territory would meet this cost. This figure also assumes relatively minor site establishment costs and basic service connections. A community organisation may seek further assistance to establish the structure and adapt it to their desired use.
 - The LDA would likely be required to manage the dismantling and transport to ensure it complies with the Works Approval, is done safely, manages risk, and that the contractor otherwise meets LDA requirements.
 - This process is unlikely to meet the required deadline for removal of the structure by 19 November 2017 given the complexity of engaging with

UNCLASSIFIED

interested organisations and then running and managing a procurement process for the decommissioning.

This option is not recommended for the vertical structure – although it is noted some surplus containers could be gifted to community or not for profit organisations.

- c. **Open EOI/tender for de-commissioning contractors.** Implementing an open expression of interest process for contractors to decommission the site, provides the best opportunity for the Territory to minimise its costs associated with the disposal, or generate a return.

The cost to simply demolish the structure is estimated to be around \$180,000. This is after accounting for the scrap value of the steel.

This option is recommended if there is a strong desire to minimise cost to the Government in decommissioning Westside.

- d. **Disassemble the structure and store.** While Venues ACT has expressed interest in the structure, the Government may in time identify alternate re-use opportunities for the vertical structure. Accordingly, the structure could be disassembled and stored for future re-use, when an appropriate opportunity is identified. The cost to implement this option is approximately \$227,000.

The LDA Board has recommended an open EOI process be undertaken to invite innovative and cost effective options from the private sector.

Financial Implications

7. Options costed, including professional and management fees are:
- A(1) - Relocate 100 per cent of the roof-top podium to Stromlo Forest Park and re-use empty containers - \$813,000.
 - A(2) - Relocate 50 per cent of the roof-top podium to Stromlo Forest Park and re-use empty containers - \$647,000.
 - B - Donate the structure to a community or not-for-profit organisation - \$813,000+
 - C - Open EOI for decommissioning contractors (Territory to re-use containers though) - \$177,000.
 - D - Disassemble the structure and store for future re-use (Territory to re-use containers immediately) - \$227,000.
8. Costs associated with option A1 could in part be met through using savings in existing Economic Development capital programs. For example, \$15 million in savings is being returned from the Public Housing Renewal program. You have previously indicated a preference to use around \$10 million of this funding to undertake a program of upgrade works in Manuka Oval.
9. Costs associated with donating, scrapping or storing the structure would be funded by LDA (subject to LDA Board agreement) and expensed. Ongoing costs from 1 July 2017 would need to be met by responsible agencies.
10. As noted above the assets at Westside are valued in LDA's books at \$895,000.

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Consultation

Internal

11. ACTPG has been consulted in the development of this brief.

Cross Directorate

12. N/A.

Benefits/Sensitivities

13. If the structure is not re-used it is likely to attract adverse attention. If it is re-used, the cost associated with facilitating this is also likely to attract adverse attention.

14. Even if the structure is demolished, it is expected to cost the Territory \$177,000.

Media Implications

15. Westside Village has attracted extensive media attention.

16. Regardless of the disposal option, further media attention is expected. The Canberra Times has recently sought advice as to the proposed future for Westside, and has been interested in the cost to establish and operate the venue to date. Accordingly it is expected there will be interest in the cost associated with relocating or scrapping the structure.

Signatory Name:	David Dawes	Phone:	6207 3331
Action Officer:	David Hughes	Phone:	6205 6744

Option	Pros	Cons
<p>A(1) – Relocate the full roof-top podium to Stromlo Forest Park</p>	<ul style="list-style-type: none"> • The structure will continue to be used for the benefit of Canberrans. • The asset ownership will remain within Government. • Achieves re-use, which was an ability promoted when establishing Westside. 	<ul style="list-style-type: none"> • High cost. The cost to relocate is comparable to the carried value of the asset. • Similar functionality could be built from new for less, if less elaborately engineered. • Re-use at Stromlo is not to fill a pressing need that has been identified but is more a ‘nice to have’.
<p>A(2) – Relocate 50% of the roof-top podium to Stromlo Forest Park</p>	<ul style="list-style-type: none"> • The structure will continue to be used for the benefit of Canberrans. • The asset ownership will remain within Government. • Lower cost than option A(1), while still providing reasonable amenity in meeting Stromlo Forest Park’s identified need. • Achieves re-use, which was an ability promoted when establishing Westside. 	<ul style="list-style-type: none"> • High cost. The cost to relocate is similar to the carried value of the asset. • Similar functionality could be built from new for less, if less elaborately engineered. • Re-use at Stromlo is not to fill a pressing need that has been identified but is more a ‘nice to have’.
<p>B – Donate the community or not-for-profit sector</p>	<ul style="list-style-type: none"> • The structure will continue to be used for the benefit of Canberrans. • It is a good promotional opportunity. • Achieves re-use, which was ability promoted when establishing Westside. 	<ul style="list-style-type: none"> • Community and not-for-profit organisations won’t be able to afford the high cost of relocation. • Risk and cost associated with relocation and re-establishment, and potential further adaptive upgrades, likely to remain with the Government. • Similar functionality could be built from new for less, if less elaborately engineered. • Difficulty in deciding between organisations that may register interest.

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	<ul style="list-style-type: none"> • There may be no suitable interest identified given the size and elaborate design of the structure. • Highly unlikely to facilitate removal of the structure prior to Floriade, which is needed to make additional space for parking and related activities. 		
<p>C – Open EOI for decommissioning contractors (demolish the structure but re-use the containers)</p>	<ul style="list-style-type: none"> • Would effectively write-off asset currently valued at \$895,000. • Likely to attract negative media attention, however re-use of the containers may ameliorate some of this risk. 	<ul style="list-style-type: none"> • Likely lowest cost option. • Achieves partial re-use (containers only) • Fastest option. • Could consider re-use as part of the evaluation criteria for bids, but this may increase cost. 	
<p>D – Disassemble and store until an alternate use is identified.</p>	<ul style="list-style-type: none"> • Without regular maintenance the structure may become unserviceable if stored for an extended period. 	<ul style="list-style-type: none"> • Low cost option. • Can be implemented quickly. • Provides time to assess re-use opportunities that may have a higher importance. • Containers could still be re-used immediately. 	



ACT
Government

Environment, Planning and
Sustainable Development

Mr Rod Baxter
Senior Manager Major Projects
Office of the Coordinator General
Chief Minister, Treasury and Economic Development Directorate
GPO Box 158
CANBERRA ACT 2601

Dear Mr Baxter

This is to advise of my decision, under s.138AB(4) of the *Planning and Development Act 2007*, on your request for an Environmental Significance Opinion for the installation of two converted shipping containers, and construction of associated decking and roofing, at Stromlo Forest Park. The proposal is not likely to have a significant adverse environmental impact.

Please find attached the Environmental Significance Opinion and a Statement of Reasons for the decision.

Yours sincerely

Dr Annie Lane
Conservator of Flora and Fauna

9/ June 2017

Schedule

See section 2(2)

ENVIRONMENTAL SIGNIFICANCE OPINION

In accordance with section 138AB(4) of the *Planning and Development Act 2007* (the Act), I provide the following environmental significance opinion:

APPLICANT

Office of the Coordinator General, Chief Minister, Treasury and Economic Development Directorate, as represented by Rod Baxter, Senior Manager, Major Projects.

APPLICATION and DEVELOPMENT PROPOSAL

The applicant has applied under section 138AA of the Act to the Conservator of Flora and Fauna for an environmental significance opinion to the effect that the development proposal set out in the submission is not likely to have a significant adverse environmental impact (the application).

The development proposal is for the installation of two 40' containers linked by 300m² of decking and architecturally designed roof as described in the submission.

LOCATION

Block 511 District of Stromlo, Stromlo Forest Park.

MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only the development proposal as described in the application.

OPINION

The works are unlikely to cause a significant adverse environmental impact.

Attached is a Statement of Reasons for the decision.



Dr Annie Lane
Conservator of Flora and Fauna
9 June 2017

STATEMENT OF REASONS REASONS FOR THE DECISION

The proposed development is a proposal mentioned in Schedule 4 of the *Planning and Development Act 2007* – Development proposal for an activity requiring an EIS Schedule 4, being:

Part 4.3, item 3 proposal for development on land reserved under s 315 for the purpose of a wilderness area, national park, nature reserve or special purpose reserve.

Block 511 District of Stromlo is an area of special purpose reserve.

The proponent wants the application for the development approval assessed in the merit track on the grounds that the proposal is not likely to have a significant adverse environmental impact, and has applied to the Conservator of Flora and Fauna to that effect.

Meaning of *significant* adverse environmental impact

An adverse environmental impact is *significant* if—

- (a) the environmental function, system, value or entity that might be adversely impacted by a proposed development is significant; or
- (b) the cumulative or incremental effect of a proposed development might contribute to a substantial adverse impact on an environmental function, system, value or entity.

In deciding whether an adverse environmental impact is *significant*, the following matters must be taken into account:

- (a) the kind, size, frequency, intensity, scope and length of time of the impact;
- (b) the sensitivity, resilience and rarity of the environmental function, system, value or entity likely to be affected.

In deciding whether a development proposal is likely to have a significant adverse environmental impact it does not matter whether the adverse environmental impact is likely to occur on the site of the development or elsewhere.

It has been determined that the proposal is unlikely to have a significant environmental impact, based on the documentation submitted, known values of the site, and provided the works and ongoing management are carried out in accordance with the conditions attached to this ESO.

Project description

The permanent installation of two 40 foot containers on footings, 600mm above ground level, linked by 300m² of decking with an architecturally designed roof. The structures

will be installed on the southern side of the main car park adjacent to Dave McInnes Road.

It is intended that the structure will provide space for the operation of a cafe and bicycle service / repair shop with access to undercover seating for park users.

No site levelling or bulk earthworks will be required. The structure will sit above the existing finished ground level supported on screw pile footings, which will be directly drilled into the existing ground without the need for excavation and soil removal. The deck and roof structure are pre-fabricated and will also be placed directly onto the footings.

Services, such as electricity, water and sewer, can be accessed within 10m of the structure.

Documentation Submitted

- Stromlo Rural Block 511 Background Report Supporting an Application for an Environmental Significance Opinion, May 2017;
- Form 1M.

Natural conservation values present

Stromlo Forest Park is an area of approximately 1065 ha located around Mt Stromlo. The Park as a whole has been subject to large disturbances since European settlement. The site was being used as pastoral land as part of Yarralumla Station till about 1913, prior to being planted with *Pinus radiata* for forestry purposes. The plantation area was logged at least once and was affected by fire on at least three occasions, being particularly hard hit by the fire storm in January 2003. Following this event, the area was largely cleared for the establishment of the Park and has had extensive tree plantings of native and exotic species

The site chosen for the installation of the containers is highly modified, being a platform of fill material that was created as part of the bulk earthworks for the construction of the facilities hub for Stromlo Forest Park. The earthworks were undertaken over 10 years ago and only a sparse cover of introduced grass and weed species has established on the site.

Impact on the Reserve

There will be minimal visual impact on the reserve as the containers are to be painted in a neutral grey colour with the area surrounding the structure to be landscaped with native trees which will ensure the structure blends in with the bushland setting.

The structure is to be used for visitor facilities such as a cafe and bike support service. This will have a positive impact on Stromlo Forest Park given that the park has been developed as a multi-use recreation and sporting facility.

Potentially Significant Environmental Impacts

It has been determined that if the works are unlikely to cause a significant adverse environmental impact.



**LAND DEVELOPMENT AGENCY
BOARD MEETING 163,
30 March 2017**

Minutes

Present:

Mr Ross Barrett OAM (Chair)
Mr Con Kourpanidis
Mr Jim Shonk
Mr David Dawes

Ms Sandra Lambert AM (Deputy Chair)
Ms Yvonne von Hartel AM
Ms Cherelle Murphy
Ms Christine Purdon

In Attendance:

Mr Neil Bulless (Deputy Chief Executive Officer)
Mr Tom Gordon (Executive Director, Greenfields)
Ms Liz Lopa (Executive Director – Urban Renewal)
Mr Chris Wilson (Director, Office of the CEO)
Ms Jacqui Bear (Senior Manager, Governance Project - part)
Mr Andrew Kefford (CMTEDD Head of Transition Project – part)

Mr Bruce Fitzgerald (Chief Financial Officer)
Mr Daniel Bailey (Executive Director, Sales, Marketing and Land Management)
Mr Simon Tennent (A/g Director Strategy and Program Design - part)
Mr David Hughes (Project Director *City to the Lake* – part)
Ms Margaret Lovell (LDA Corporate Secretariat)

Apologies:

Nil

MEETING OPENING

163

'In Camera' discussion

An 'in camera' Board discussion commenced at 8:40 am.

The Chair advised that the discussion centred on the future of the LDA and reiterated the Board's commitment to supporting the achievement of the LDA's outcomes during the period of transition to the new agency and authority.

163.1.1

Welcome and Review of Attendance

The Chair declared the meeting open at 9:45am and welcomed those in attendance.

163.1.2

Confirmation of Agenda



163.1.3

Declaration of Conflicts of Interest

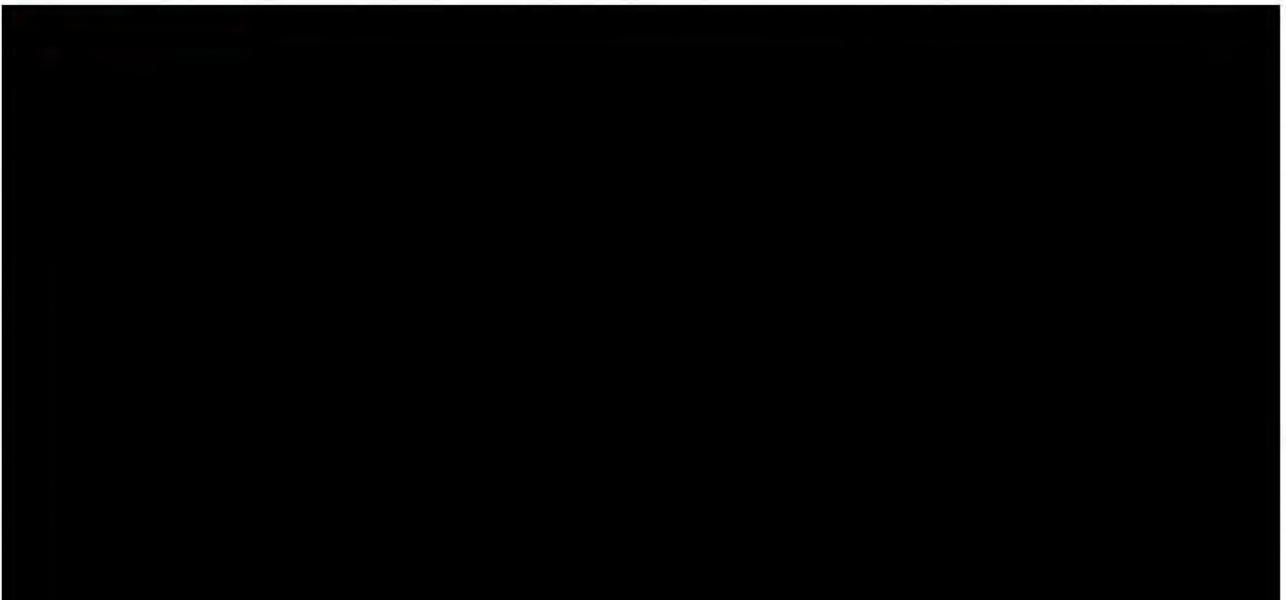
The standing declaration of interests was noted.



All declarations were noted by the Board.

163.1.4

Confirmation of Minutes of the Previous Meeting

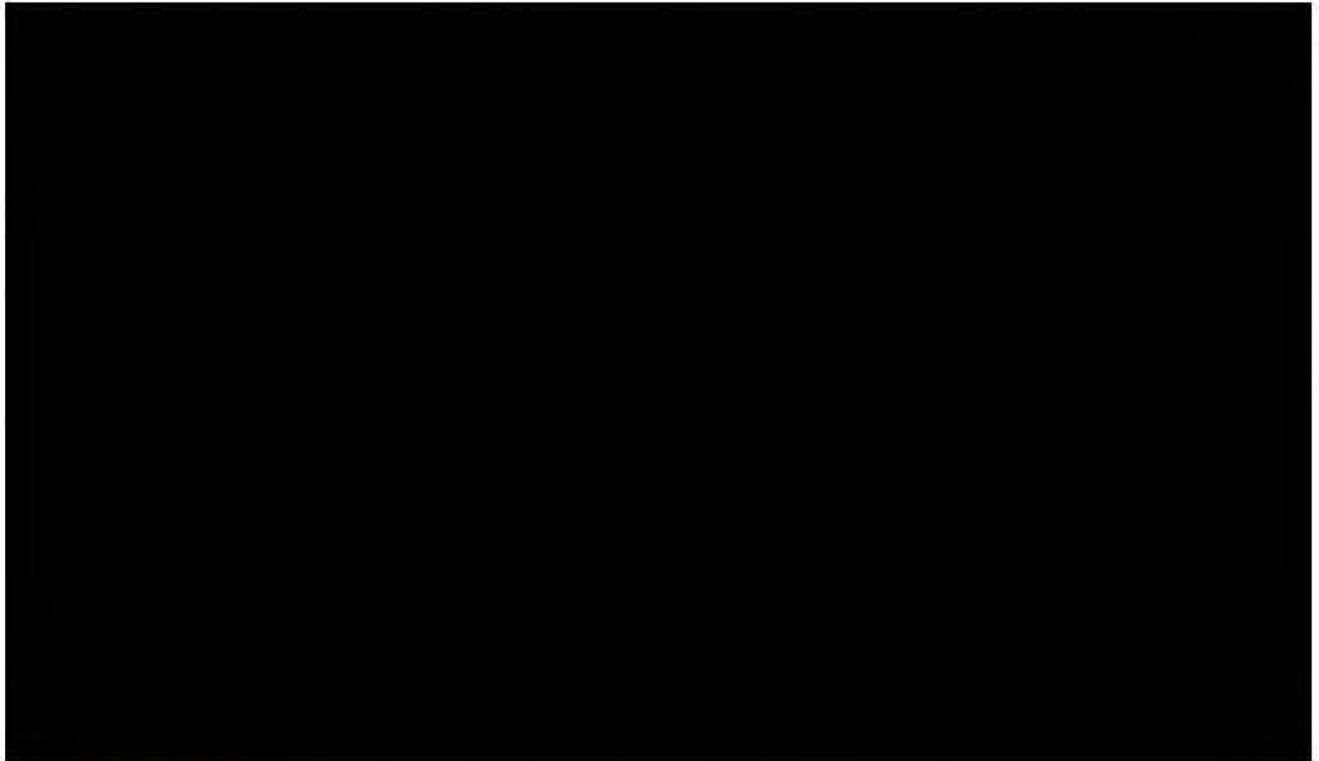


RESOLUTION:

The Board **approved** the minutes of the meeting subject to amendments outlined above.

163.1.4 (b)

Confirmation of Key meeting outcomes



163.1.5

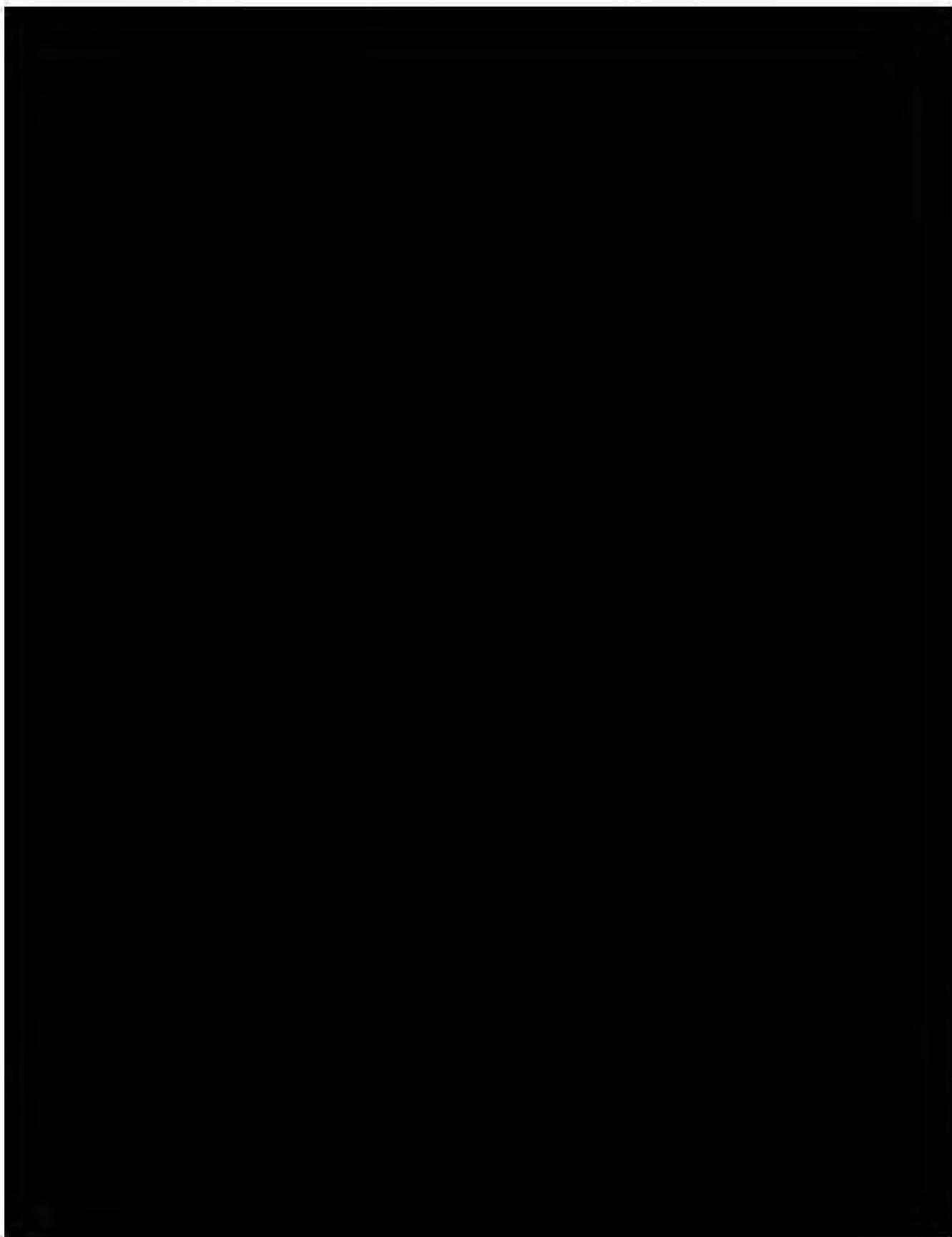
Matters Arising from Previous Minutes

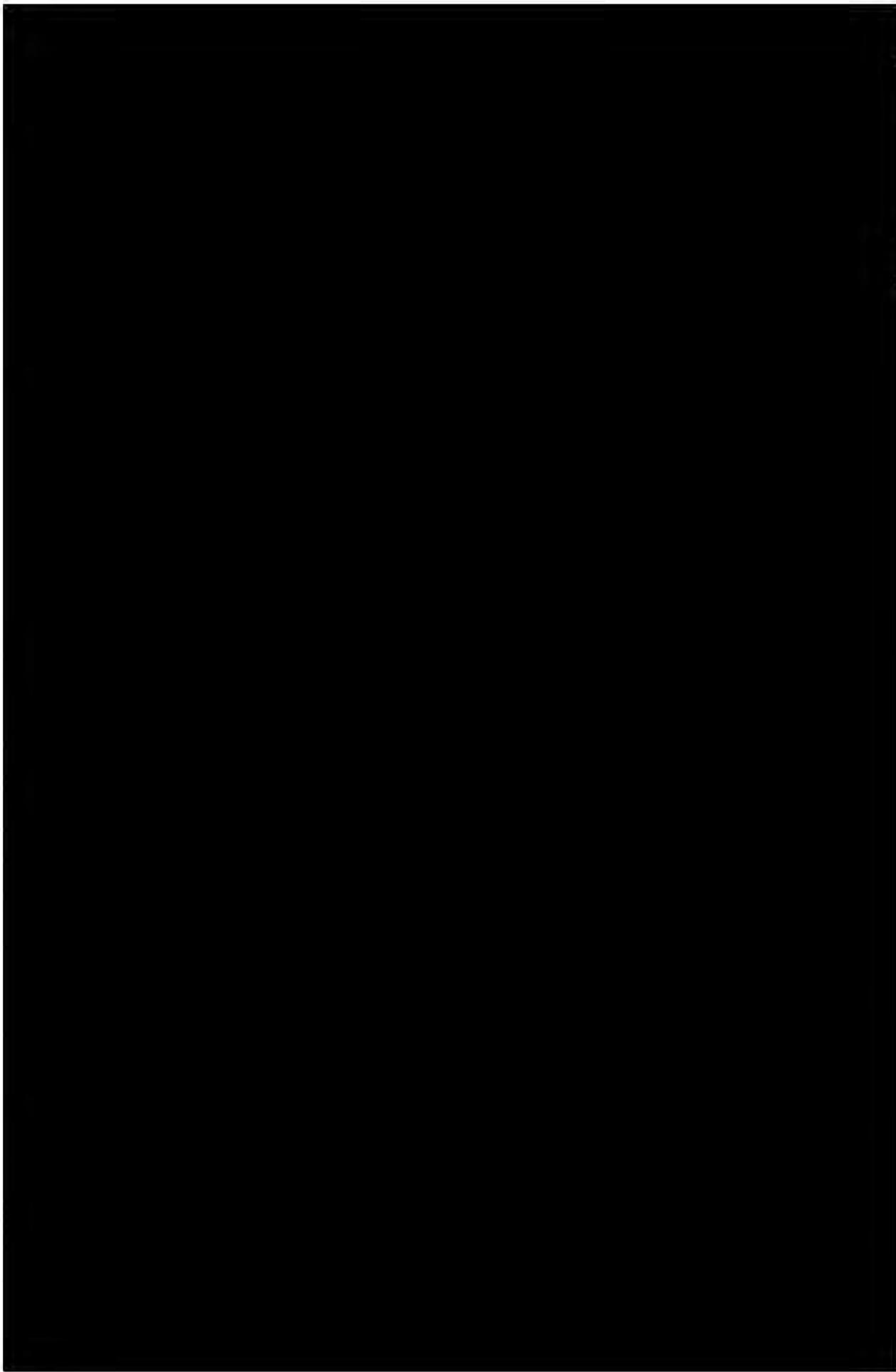
The Board considered the matters arising and requested the following amendments:

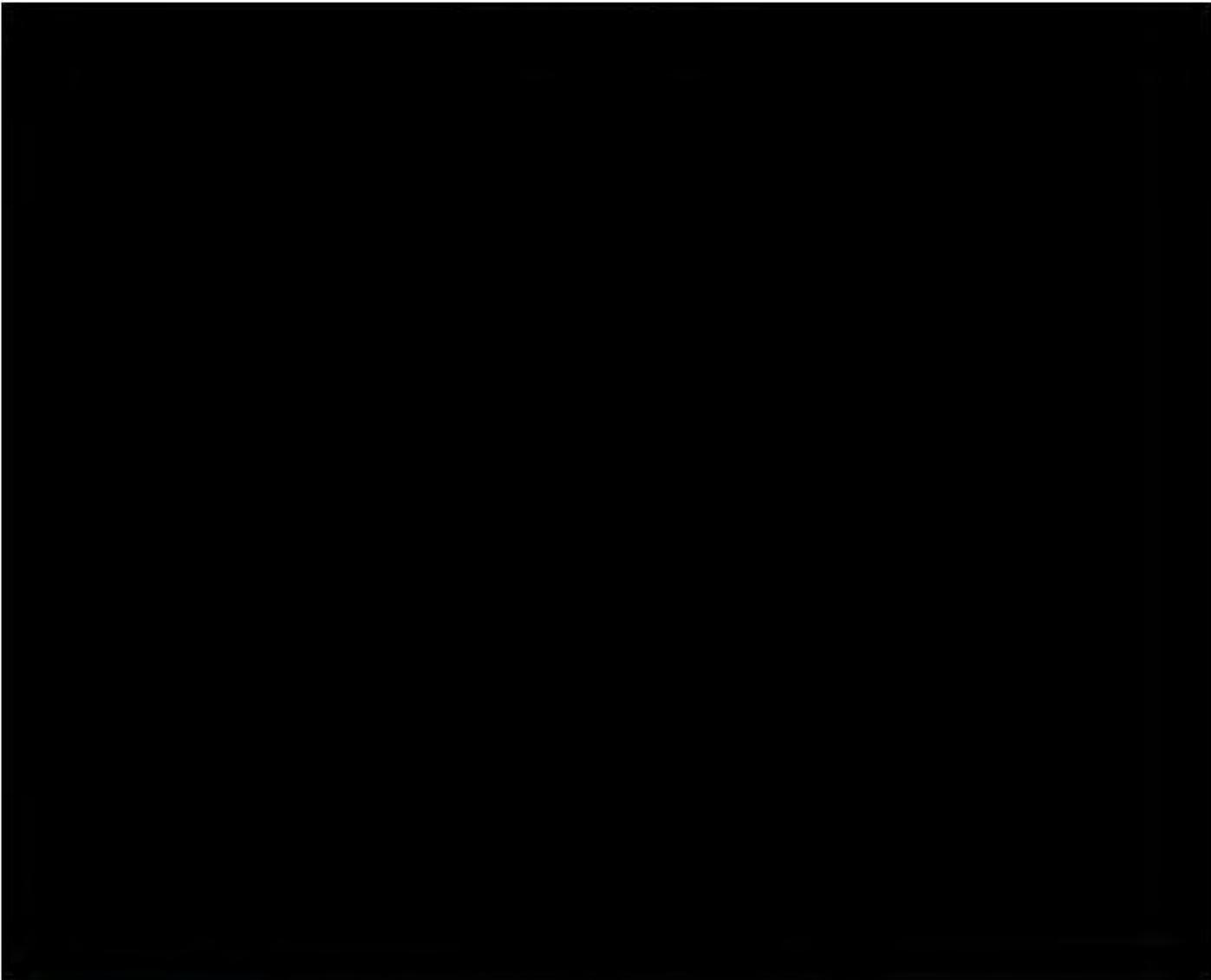




The Board **agreed** that items 3, 8, 12, 14, 19, 20 and 21 be closed.







163.2.5

Westside Village decommissioning – funding request

Mr Hughes joined the meeting at 11:40 am and spoke to the paper.

He reiterated that Westside had been designed and promoted as a temporary structure that was suitable for relocation and re-use. He reported that the relocation cost for re-use would be in the order of \$800,000, whereas scrapping would cost approximately \$170,000. He reported that the internal Government expression of interest process had identified a potential re-use by Venues ACT at Stromlo Forest Park but Venues ACT did not have the funding to achieve this.

The Board **did not support** the LDA funding an adaptive re-use of the container village as a priority, and requested the LDA seek the Government's view on the matter before proceeding.

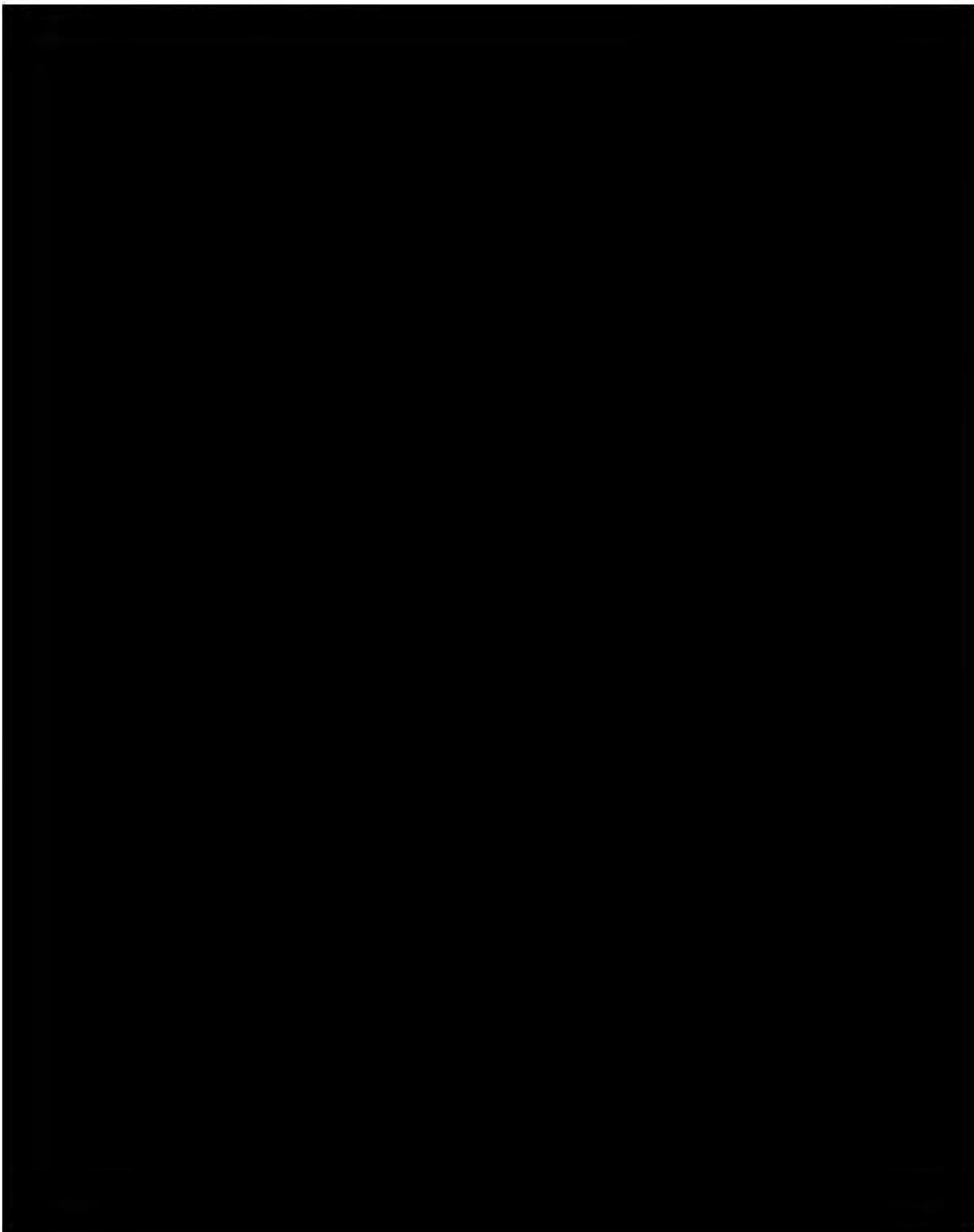
The Board **supported** a public expression of interest for private re-use to help defray the costs incurred to date and demonstrate responsible financial oversight.

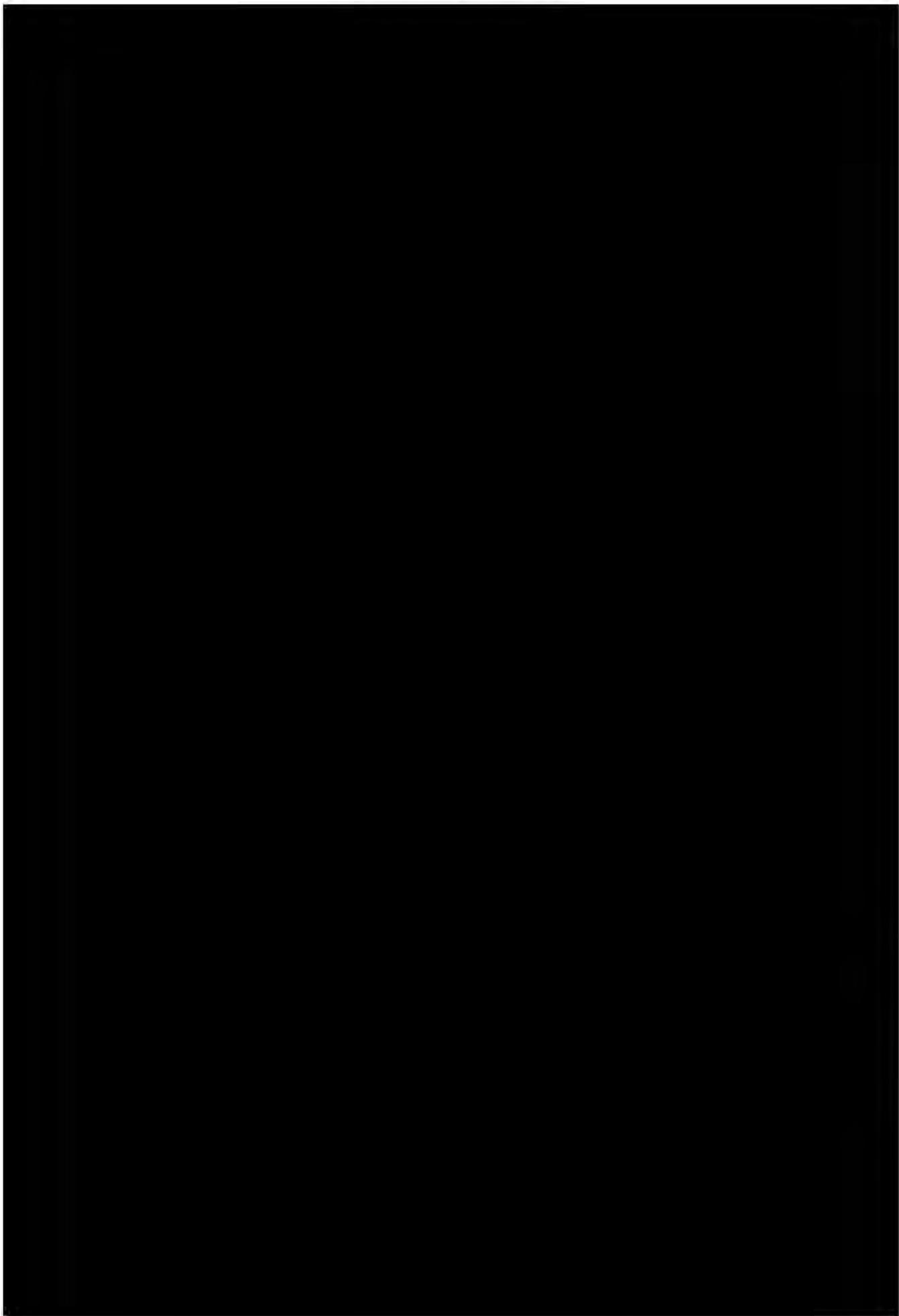
163.2.5

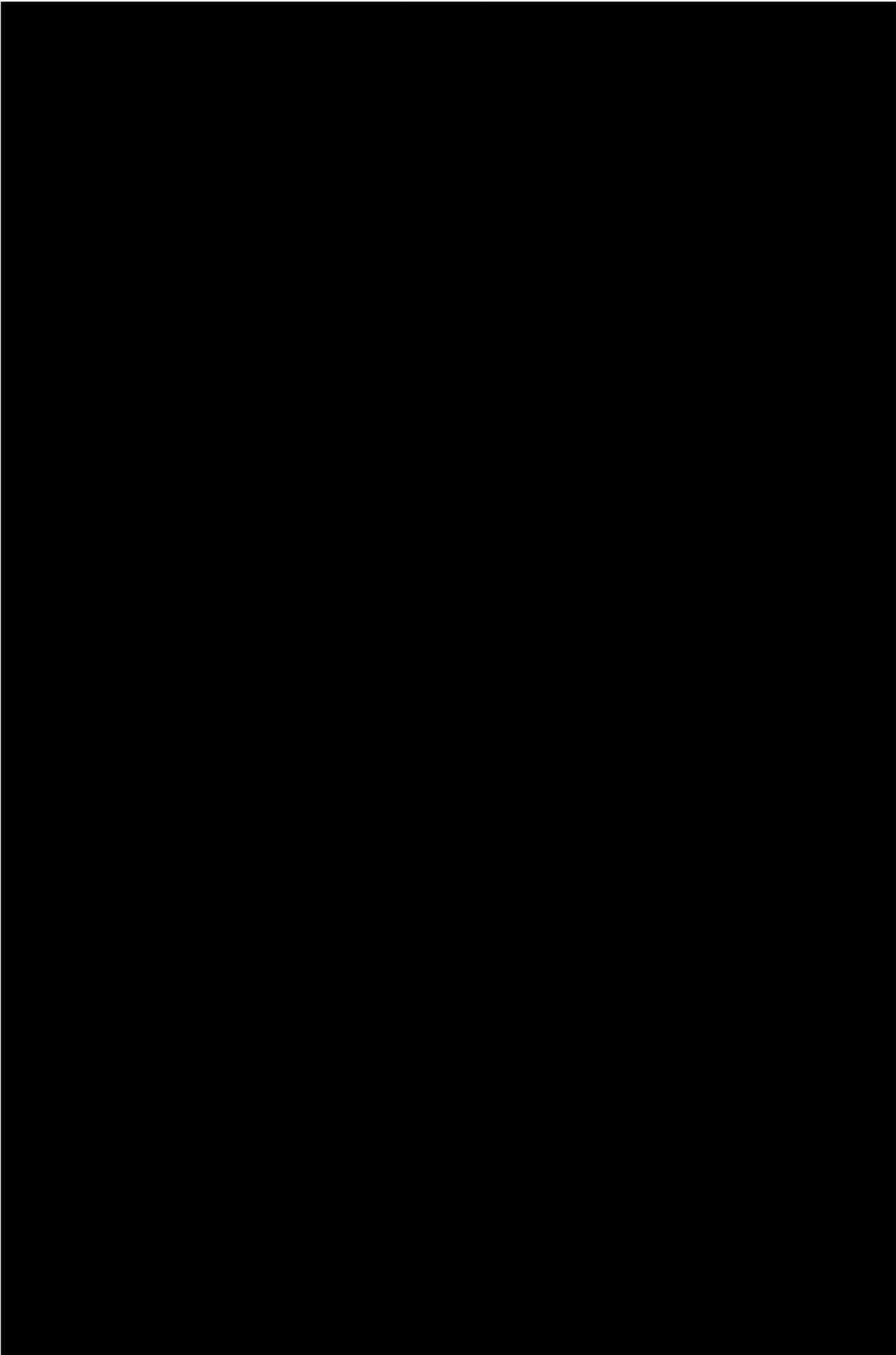
Westside Village decommissioning funding request

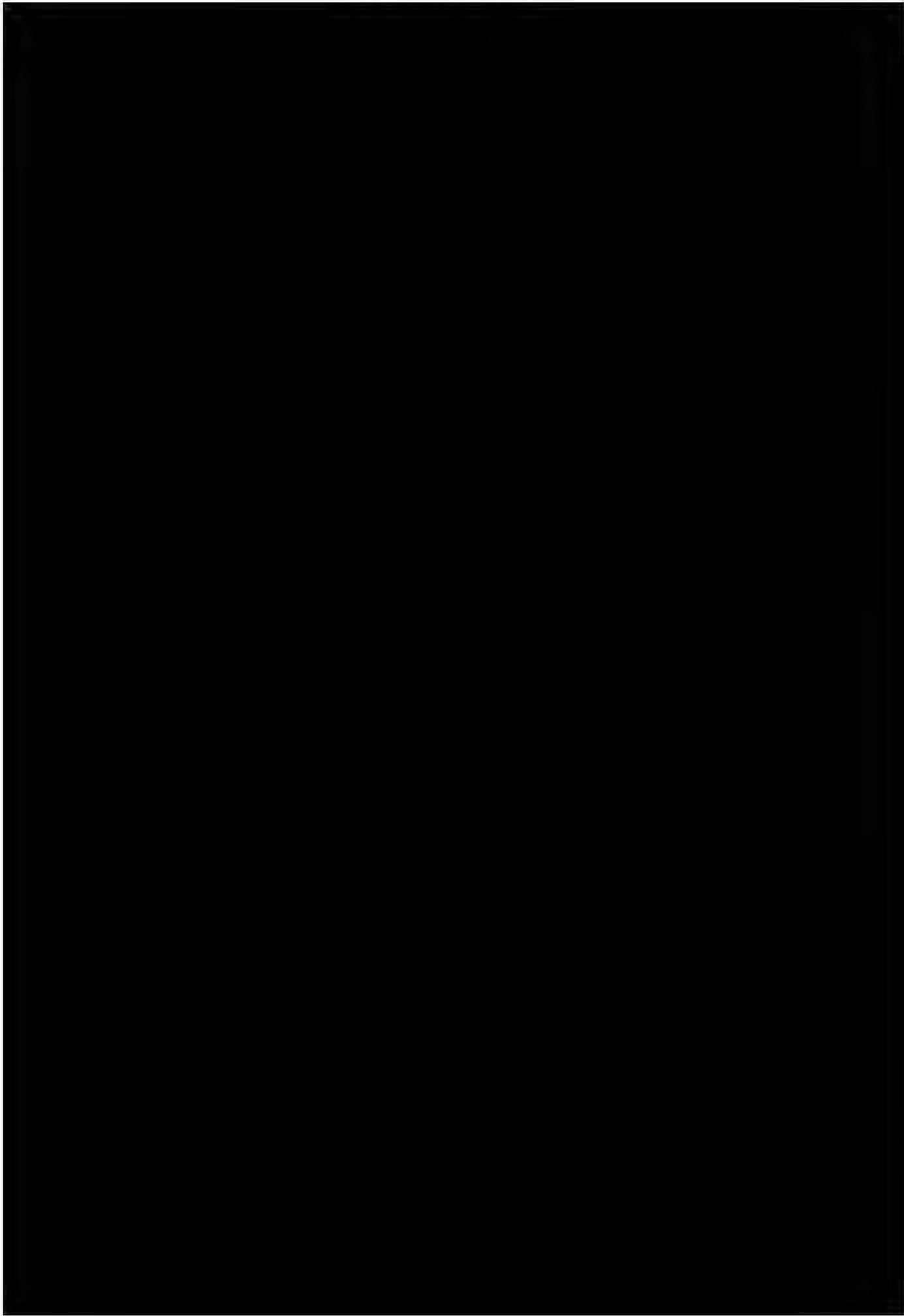
CEO to seek the Government's view on the matter, providing the Minister with the Board's preference for a public EOI, and the relevant history as captured on the public record. If appropriate, approach the market through an EOI.

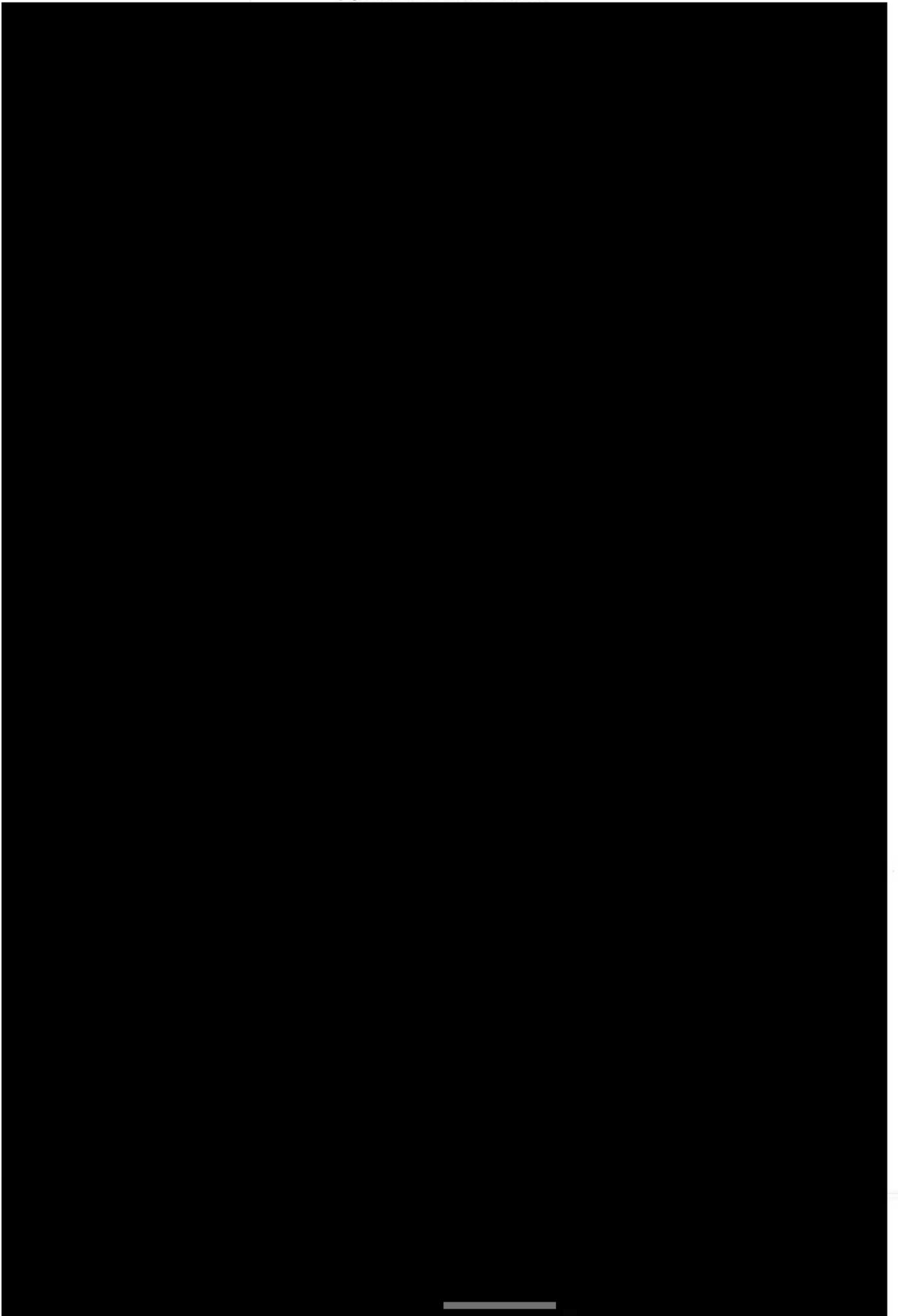
Mr Hughes left the meeting at 11:50 am.

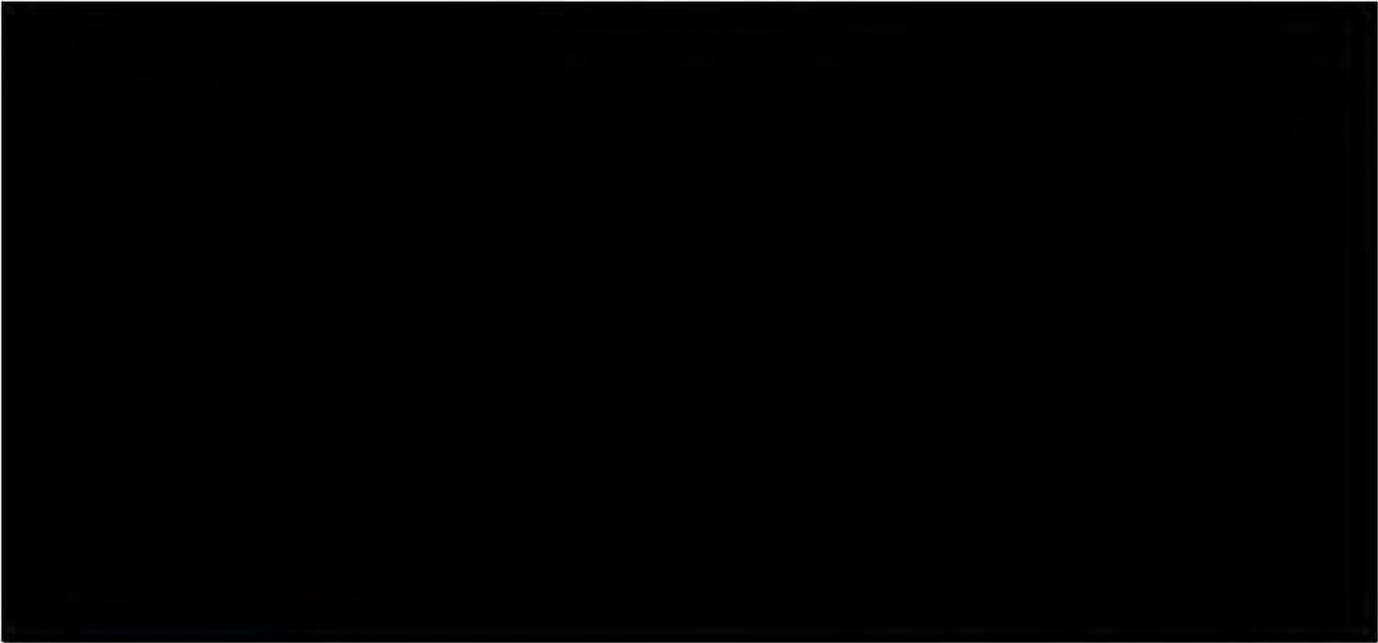












163.6.2

Meeting outcomes for discussion by the CEO with the Minister for Urban Renewal

The topics to be discussed are:



3. The decommissioning of Westside container village;



The meeting closed at 3.00 pm with the Chair's thanks.

The minutes of Land Development Agency Board meeting 163, held on 30 March 2017, were **approved** as an accurate record of the meeting.

Mr Ross Barrett OAM
Chair, LDA Board

28 April 2017



Australian Government
National Capital Authority

Application Number: WA100437

Mr Rod Baxter
Land Development Agency
Land Development Agency
Canberra ACT 2601

Dear Mr Baxter

Block 24 Section 33 Acton - Acton Park
Removal of 'Westside' container village and site reinstatement works

I refer to the works approval application, drawings and supporting information on the above works submitted to the National Capital Authority (NCA) for consideration on 08 June 2017. I also refer to further information submitted on 13 June 2017.

The NCA advises that:

Works Approval is granted pursuant to Section 12(1)(b) of the *Australian Capital Territory (Planning and Land Management) Act 1988* for removal of 'Westside' container village and reinstatement to earlier condition and installation of ranger gate as shown on Drawing Nos. 2, 3(A), 4 and as outlined in the supporting documentation submitted.

The term "works" is defined in the Act to exclude anything done inside buildings or structures. Under the Act works approval may be given where the works are in accordance with the National Capital Plan. This works approval is given only on the basis of satisfaction that the works are in accordance with the National Capital Plan and does not constitute building approval. It does not constitute any form of warranty as to the structural sufficiency of the proposed works, as to safety of the works or as to safety of the performance of the works. It is the responsibility of the applicant to ensure the safety of the works and the safety of the performance of the works and to ensure that any approvals required under separate legislation are also obtained.

Please Note:

1. Please ensure, where relevant, all necessary ACT Government approvals are obtained prior to work commencing on site.

The approved plans are available for download from your Works Approval eLodgement account. Should you have any query or need further advice on the matter please contact Caroline Carrick on (02) 6271 2814.

Yours sincerely,
N. Broughton

Natalie Broughton
Director, Development Approvals & Heritage
DELEGATE OF THE NATIONAL CAPITAL AUTHORITY
21 June 2017

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ABN 75 149 374 427

INFORMATION SUPPORTING A WORKS APPROVAL APPLICATION FOR THE DEMOLITION AND REINSTATEMENT OF THE WESTSIDE TEMPORARY STRUCTURES LOCATED ON PART BLOCK 24 SECTION 33 ACTON

1.0 Introduction

Temporary structures currently occupying part Block 24 Section 33 Acton do so under license issued by the National Capital Authority (NCA). The license expires on 19 November 2017, at which time all structures shall be removed and the site reinstated to its 2014 condition.

2.0 Scope

The extent of the site where all containers and structures are to be removed and the site reinstated to its 2014 conditions is illustrated in **Figure 2**.

All utilities services are to be disconnected and demolished in accordance with the requirements of the various utilities services providers including Icon water and ActewAGL.

All footings are to be demolished at least 150mm below original finished levels. Log barriers, hard pavements and soft landscaping, as described in **Figure 3**, are to be reinstated.



Westside temporary commercial area is to be dismantled and the site reinstated to its pre 2014 condition.

3.0 Safe demolition practice

All work shall be undertaken by suitably qualified and experienced demolition contractors familiar with the *ACT Code of Practice for Safe Demolition Work*. Demolition processes shall be reviewed by the ACT Work Safe Commissioner and be subject to *Active Certification* as required.

Operations will occur within the existing secure area and temporary traffic management will not be required.

Crane operations and Canberra Airport operations

The maximum existing building height is 15m above ground level of RL 561. As advised by Canberra Airport, the proposed 25m maximum crane operating height to RL 586 is below the Obstacle Limitation Surface for Canberra Airport.

Sent: Wed 07/06/2017 12:15 PM

Dear Rod (updated RL 586m)

Thank you for your email seeking our assessment to erect crane to disassembled the containers and removed from the Westside at Acton. Based on your data below a crane at max height 25m (RL 586m) is under the Obstacle Limitation Surface (OLS) for Canberra Airport and can proceed as planned.

Should any of the details provided change please resubmit for assessment.

Kind Regards

[REDACTED]

[REDACTED] | Canberra Airport

2 Brindabella Circuit | Brindabella Business Park ACT 2609

[REDACTED] | F 02 6275 2212

4.0 Tree protection and environmental controls

All work will be carried out on existing hard stand and will not impact on existing trees. Soft landscaped areas will be re-mulched and re-grassed as required.

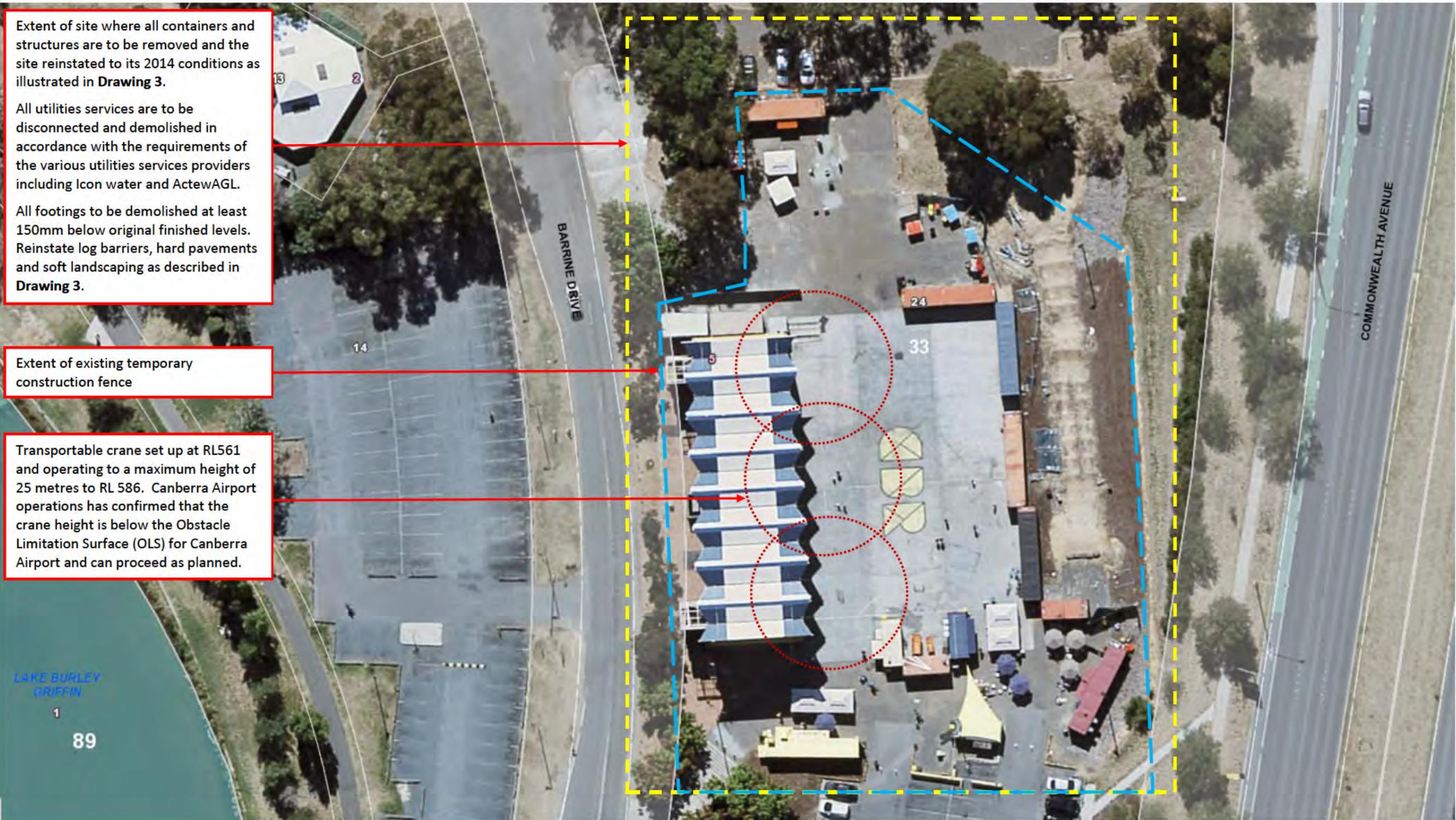
Dust suppression and run-off control will be in accordance with Environment Protection Authority requirements and within the context of the pre-existing extent of hard paving and landscaped areas.

The bulk of the existing materials are being re-used in a new installation within Territory controlled land at Stromlo Forest Park. Materials not required at Stromlo will be salvaged and sold for possible re-use or for value as scrap.

5.0 Program

The indicative program for landscape reinstatement of the Westside precinct and the re-location of some structural elements to Stromlo Forest Park is included at Table 1. Key dates for the Acton demolition and reinstatement are summarised as:

- Works Approval 26 June 2017
- Complete demolition 10 July 2017
- Landscape rehabilitation 21 Aug 2017
- Landscape consolidation and final handover 15 Dec 2017



Extent of site where all containers and structures are to be removed and the site reinstated to its 2014 conditions as illustrated in Drawing 3.

All utilities services are to be disconnected and demolished in accordance with the requirements of the various utilities services providers including Icon water and ActewAGL.

All footings to be demolished at least 150mm below original finished levels. Reinstall log barriers, hard pavements and soft landscaping as described in Drawing 3.

Extent of existing temporary construction fence

Transportable crane set up at RL561 and operating to a maximum height of 25 metres to RL 586. Canberra Airport operations has confirmed that the crane height is below the Obstacle Limitation Surface (OLS) for Canberra Airport and can proceed as planned.

REV	DATE	AMENDMENT	ACT Government Economic Development	Land Development Agency CANBERRA FIRST	SCALE	DRAWING TITLE	DWG NO.	DATE
					Not to scale	SITE PLAN AND DEMOLITION PLAN	2 of 3	7 June 2017