

From: [EPD, Customer Services](#)
To: [REDACTED]
Subject: RE: Objection to DA 201834426 [SEC=UNCLASSIFIED]
Date: Tuesday, 23 October 2018 2:26:00 PM
Attachments: [image001.png](#)

Dear Sir/Madam,

**ACKNOWLEDGEMENT OF RECEIPT OF REPRESENTATION
DEVELOPMENT APPLICATION NO: 201834426
BLOCK: 9 SECTION: 46 DIVISION: TURNER**

Thank you for your representation made **22/10/2018** regarding development application number : **201834426**.

The issues raised in your submission will be taken into consideration during the assessment of the development application and you will be notified in writing once a decision has been made.

Please Note: A copy of your representation will be forwarded to the development application applicant and released to the public only on request. All representations are saved electronically within the Development Application file and are not placed on a website.

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

Kind Regards,

Jenna McAlpin | Customer Services Officer | Environment, Planning & Land Shopfront

Phone: 02 6207 1923 | Email: epdcustomerservices@act.gov.au

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

GPO Box 158, Canberra City ACT 2601 | www.act.gov.au/accessCBR

cid:image004.png@01D3AFF2.FEECBAF0



From: [REDACTED]
Sent: Monday, 22 October 2018 11:35 AM
To: EPD, Customer Services <EPDCustomerServices@act.gov.au>
Subject: Objection to DA 201834426

Good Morning,

Please find attached our objection to DA 201834426.

Please acknowledge receipt of this document.

Regards



Ordinance Development application File # 14-03-026 Block 9 Section 1611 under (S. Section 66 Turner 1612)

We [REDACTED] and [REDACTED] of Block 9, Section 66 Turner object to the proposed development on several grounds

Importantly, please note that we have assessed the application only against the M.U. 1611-1612, including Development Code (D.C. 1611-1612), and conclude that the application is "not in" a" acceptable standard, as it contains many of the items and statements.

An application such as this may be denied with no possibility of reconsideration until the case is made with certainty.

Driveways

DCS 1611-1612 D.C. 1611-1612

"This rule applies to internal driveways that are used by residents of houses that are buildings. Internal driveways comply with all of the following:

- a) are not back from external block boundaries by more than 1m.
- b) are not more than 1m and are not more than 1m from the side of a building or more than 1m from the side of a building.
- c) the setbacks referred to in (a) and (b) are placed in a width of no less than 1m, and 1m.

"Internal driveways shall have all of the following:

- a) sufficient space for planting along property boundaries
- b) sufficient space for planting between internal driveways and buildings."

And

DCS

"This rule applies to internal driveways with both of the following characteristics:

- a) not more than 1m from parking space.
- b) located in a public area.

"The internal driveway is not less than 1m from the side of a building, the width of the driveway is not less than 1m from the side of a building."

DCS

"Internal driveways are not more than 1m from the side of a building, the width of the driveway is not less than 1m from the side of a building."

The applicant states in response to both R 73 and R75 that:

“Not Applicable. The proposed development does not include internal driveways.”

This is clearly not accurate as correspondence from MunnsSlyMoore clearly refer to “driveways”. In addition, the term “ramp” does not appear in the definition of terms under the Planning and Development Act 2007.

In Rules R73 and R75 the term “driveways” does not mean that the rules only apply when there is more than one driveway – it a collective term to mean one or more.

If the driveways rules do not apply, then there would be no design rule or criteria to cover “the ramp” and “the ramp” could be 1 m wide or nonexistent.

However, the Pre-Application meeting notes provided by MunnsSlyMoore note the following:

“R72/C72 – driveway verge crossing upgrade requirements

R73/C73 – internal – driveways – address criteria due to setbacks of buildings

R75/C75 – turning spaces – provide further details”

Furthermore G.A Lindsay Garrick of Certified Building Solutions writing on behalf of the applicant, in an email to Paul Owens of the ACT Government notes the following:

“Performance Solution for a single exit for the basement carpark as follows:

A door will be provided in the basement that opens directly onto the driveway, and a 1 metre wide non-slip pedestrian path will be painted on the driveway and vehicle passing bay to prevent cars from permanently parking in the delineated 1 metre path/zone.

A continuous handrail will be installed along the pedestrian path.

The door will be signed inside the basement as an Emergency Exit Only *door* with an emergency light in the vicinity of the door to ensure the signage is clearly visible. Emergency lighting and exit signs will be provided to the whole of the basement as per BCA.”

It has been clearly acknowledged by the applicant and their building surveyor and fire safety and risk engineer as a driveway. Therefore, there is no reason to say that Rules 73 and 75 do not apply.

The DA drawings show that there are problems siting a rule compliant driveway and the proposed dwelling structure.

Drawing A061 indicates that the distance between the southern boundary and the building wall is 4.3 metres. R73 requires a separation of 1 metre from an external wall and 1 metre from the boundary. The 1 m from the building in this case is a painted pedestrian path with a handrail. This leave a width of 2.3m for the internal driveway where the minimum design standard specifies a width of 3.0m. A pedestrian walkway is not a driveway and must be clearly delineated if not separated vertically.

In addition, R 75 specifies a width of 5m for not less than 7m from the boundary. The current plan indicates that this may not be achieved for any distance from the boundary as the landscape plan indicates the 1m planting zone continues to the front boundary and the paved area is in the order of 1.6m. It only comes close for a distance of around 5m meaning that a B99 car will be hanging over the footpath when operating a door swipe card.

The proposed structure is too big and must be reduced in size.

We also note noise from the driveway and the gate will impact bedrooms 1 and 2 of Unit 2. Also, as the driveway is on the south side of the building and the 25% section is in permanent shade in winter that it may not be possible to enter or exit the building on a frosty morning.

Furthermore, in the statement against criteria – civil document the applicants has stated:

“R70 – Driveway Verge Crossings

The project involves the reconstruction on an existing driveway and the construction of one new basement driveway off Forbes Street.

The driveway provides for forwards in and out movements onto and off Forbes Street.

R71 – Driveway Verge Crossings

The project involves the demolition of an existing driveway.

The demolished driveways are to have kerbs and verge reinstated to make good. Refer to the civil plans for further details.”

We note on the Driveway Plan that the kerb at the gutter on the southern boundary remains in the same position but the kerb at the gutter on the northern edge of the driveway is moved north by some 3m, this may impact on Tree 1 on the verge and it appears that this has not been assessed.

Parking

There is no provision for visitor parking on the site, because the applicant claims that on street parking is acceptable for the required 2 visitor car parking spaces. This is certainly not the case.

In the Parking and Vehicular Access General Code under Section 3.1.1 d) the objectives for residential zones code state:

“safe and efficient access for all users, with the needs of residents and visitors being catered for by the onsite provision of adequate parking”

In addition, it is not possible to park on any of the streets within 100 metres of the site at certain times during the day.

Lack of any visitor parking on site was tested in a recent case in Macleay Street (DA 201624931) which has less restrictive hours of parking than does Forbes St. In that case it was noted by the delegate that there was to be:

“• No visitor parking on the site

Response

Plans were amended to include two visitor parking spaces on site and a condition of approval is imposed to ensure that the visitor parking spaces are provided on the site.”

Using the same logic as proposed by the applicant for visitor parking for the future re-development of the Northbourne Flats would lead to absolute chaos on the street. No other development on Forbes St has had a proposal approved without the provision of adequate visitor parking on-site.

Car Parking Generation

The Parking and Vehicular Access General Code (PVAGC) states the following:

“Apartment One (1) parking space per single bedroom dwelling;

and

A minimum average provision of 1.5 spaces per two bedroom dwelling, provided that each two bedroom dwelling is allocated a minimum of one (1) parking space and each two (2) bedroom dwelling is allocated no more than two (2) parking spaces;

or

Two (2) parking spaces per two bedroom dwelling;

and

Two (2) parking spaces for each dwelling with three or more bedrooms;

plus

One (1) visitor space per four (4) dwellings or part thereof where a complex comprises four (4) or more dwellings

Attached house One (1) parking space per single bedroom dwelling;”

The parking generation figures in the “Statement Against Criteria – Civil” document provided by the applicant the figures used are incorrect. There are six two-bedroom apartments and one three bedroom apartment.

This means that the correct generation is 6 x 1.5 space plus 1 x 2 for a total of 11 resident spaces plus 2 visitor spaces for a total of 13 spaces rather than the 11 proposed.

Again, the proposed development is clearly too big for the site.

Building Envelope

“Buildings are sited wholly within the solar building envelope formed by planes projected over the subject block at 31° to the horizontal from the height of the ‘solar fence’ on any northern boundary of an adjoining residential block.

31° is the apparent sun angle at noon on the winter solstice.

The height of the ‘solar fence’ is:

For a *block* approved before 5 July 2013:

- i) in the primary building zone – 2.4m
- ii) all other parts of the boundary – 1.8m”

C26

“Buildings achieve all of the following:

- a) consistency with the *desired character*
- b) reasonable solar access to *dwellings* on adjoining *residential blocks* and their associated *private open space*
- c) reasonable levels of privacy for *dwellings* on adjoining *residential blocks* and their associated *private open space*
- d) where an adjoining *block* is not yet developed, the potential for reasonable solar access and privacy on the adjoining *residential block(s)* is maintained.”

The applicant claims that the proposal complies with Criteria C26 – they state:

“The proposed development includes minor encroachments of roof overhangs and parapets to the building envelope within the Primary Building Zone.”

C26 requires the buildings comply with all four sub-criteria – although sub-criteria d) is not relevant in this case.

In fact, the incursion in the primary zone is in the order of 600mm for the entire roof length and approximately 1600mm for a length of 2200 mm in the rear zone. The impact of this is that at midday the shadows cast by the roof in the primary zone are approximately 1200mm longer than they should be and behind the primary zone 3200mm longer. This is apart from the impact of the massive box over the second level balcony. See Drawing A201.

As stated in C26 (a) containing the building within the envelope is more than just being about solar access for neighbours it is also about keeping buildings to a reasonable size and similar to what the rest of the street will eventually become.

Furthermore, R33 deals with allowable encroachments – building envelopes, permitting one or more of the following:

- a) flues
- b) chimneys
- c) antennae
- d) aerials
- e) cooling appliances
- f) heating appliances.

The applicant states:

“Complies - Proposed development does not include encroachments defined by R33. Refer to response C25 and C26 in relation to proposed encroachments to building envelope.”

In summary the applicant is stating that the proposal does not have any of the permitted encroachments which could be classed as minor encroachments while claiming the massive encroachments the proposal does have and which are not permitted, are able to be classed as minor.

Screens

Definitions applying under the Territory Plan define a Screening Device as

“means a permanent structure that comprise one or more of the following

- a) opaque or translucent glazing
- b) solid panels
- c) perforated panels or trellises with a maximum 25% openings.”

Even if the 25% opening trellises (as illustrated in the drawings) are used on the south facing bedroom windows of Unit 5 the screens and the windowsill levels would still permit passive oversight of the rear open space and living areas of the residents of Block 10 (7 Forbes St.) The screens would need the trellises to be at an angle of 45 degrees to the vertical plane of the windows to avoid oversight.

The configuration of the neighbouring living areas need to be considered when assessing oversight and privacy considerations.

Envelope

R13 of MUHDC states:

“Site coverage in the rear zone does not exceed 30%. This rule does not apply to:

- a) Braddon Sections 15, 16, 58 and 59
- b) O’Connor Section 40
- c) Lyneham Section 46 Block 1 and 2.

Note: A basement structure that projects into the Rear Zone is included in calculations of site coverage.”

C13

“This criterion applies only to a site where at least one protected tree is proposed to be retained within the primary building zone. In all other cases the rule is mandatory.

Sufficient space on the block is provided to retain or introduce large-canopy trees and create a treed backdrop to development.

Compliance with this criterion is demonstrated by a report from a suitably qualified person.

A protected tree is defined under the Tree Protection Act 2005.”

The applicant states that the proposal complies with C13.

“Development includes the proposed retention of a ‘Protected Tree’ within the PBZ. Area equal to that not developed in the PBZ has been added to maximum 30% coverage to rear

zone. Refer to drawing *A010-Site Coverage Diagram* for area analysis to demonstrate compliance.

Refer to correspondence at Appendix D for confirmation of approval in principle to the approach taken.”

The Tree Protect Measures (TPM) in the Tree Management Plan (TMP) mentions only one regulated tree located in the front zone with intrusions of roots into the Primary Building Zone (PBZ).

The applicant is claiming an offset of 23 m² of PZU (Primary Zone Uncoverage). Of the 23 m² claimed 7 m² is covered by the concrete driveway ramp and cannot be considered as PZU. Furthermore, the surface of that section of the driveway ramp is below the natural ground level (ngl) by least 600 mm. Then there is the additional excavation for the driveway ramp structure in that section meaning that the entire section is at least 700 mm below the ngl.

The result is that only a maximum of 16 m² could be claimed as offset for the excessive rear site coverage, meaning more than 30% of the rear site is covered and the rule is not met.

Apartments, Units or Dwellings and Solar Access

In the original community consultation document, it stated:

“Housing ACT is looking to replace an ageing three bedroom dwelling built in 1948 at 9 Forbes St, Turner (Block 9, Section 46) with a new multi-unit complex.”

And went on to add:

“Housing ACT is proposing to demolish the existing building and construct seven new dwellings, with a mixture of two and three bedroom units and two Class C adaptable units to allow older residents to age in place. The proposed development is for three storeys with a maximum building height of 9.69m and has been designed to capitalise on solar access and cross ventilation.”

The applicant claims that R.37 of the MCTDC does not apply because the units are apartments and not R.38 applies meaning that only 50% of windows are required to meet the 5' height of solar access rule.

We note that no other development, Section 4 or neighboring sections has been built as apartments – Lower D, applications have clearly stated that R.38 or use requirements did not apply. Also, if Lower D's ACT housing has suddenly had a change of plan as the prospective drawings were included in the consultation document.

The R.38 added in the consultation document the proposed lot development was "designed to replicate or better access and enjoy the 'backyard' was clearly 'back and forth' with the case as Unit 1 which was absolutely unreasonable after 11:00 am and Unit 2 which was absolutely unreasonable during the required period.

The proposed development clearly does not meet R.37 or Lower ACT housing's claimed objectives for the development.

R.37 of MCTDC deals with Principal Private Open Space (PPOS) and requires that PPOS within is located in the south-east corner of a building get not less than 1 hour of direct sunlight into 50% of the minimum required area between 9am and 3pm on the winter solstice on it located on an upper floor level and overlooks a road or street or public open space. The 21-03-01 Act 3 fails the direct sunlight criterion but passes on the other part but the applicant claims that still can't be the development is provided with not less than 3 hours of direct sunlight. This is clearly false.

Because when it comes to the number of units to be developed, some of the units

The Planning Committee is possible some order in development and re-development and not to have 40-45 units to improve or other things in the neighborhood and the project.

To have Housing ACT estate develop something that is not big for the whole, because the Zone and not provide good form design for the intended residents extremely sprawling and not a good precedent for future development.

We believe that the development must be a special and the applicant must make a fresh application with a completely new, more modern and solar aware design.

Yours Sincerely

[Redacted Signature]

From: [EPD, Customer Services](#)
To: [Pini, Hayden](#); info@munsslymoore.com.au
Cc: wesley.randell@act.gov.au
Subject: RE: DA201834426 - Block 9 Section 46 Turner [SEC=UNCLASSIFIED]
Date: Wednesday, 2 January 2019 3:29:00 PM
Attachments: [REDACTED]

Good afternoon,

The representations were sent out to the applicant on the 26/10/2018 at the following email addresses which were provided on the application form:

Applicant: info@munsslymoore.com.au

Lessee: Wesley.randell@act.gov.au

Kind Regards,

Samantha | Assistant Manager - Customer Coordination

Phone: 02 6207 1923 | Email: epdcustomerservices@act.gov.au

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

16 Challis Street Dickson, ACT 2601 | GPO Box 158 Canberra ACT 2601 |

www.act.gov.au/accessCBR

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From: Pini, Hayden

Sent: Wednesday, 2 January 2019 3:10 PM

To: EPD, Customer Services <EPDCustomerServices@act.gov.au>

Subject: FW: DA201834426 - Block 9 Section 46 Turner [SEC=UNCLASSIFIED]

Good Afternoon Customer Services,

Can I please request that the representations received for DA-201834426 be provided to the applicant?

Kind regards,

Hayden Pini | Assessment Officer

Development Assessment

Phone: **02 6207 8728** | Hayden.Pini@act.gov.au

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

From: Randall, Wesley
Sent: Wednesday, 2 January 2019 1:57 PM
To: Pini, Hayden <Hayden.Pini@act.gov.au>
Subject: FW: DA201834426 - Block 9 Section 46 Turner [SEC=UNCLASSIFIED]

Hi Hayden,

Email re Turner DA to George as mentioned. Could you forward MSM a formal notification of the representations made for this DA. It appears that in our direct access to these has somehow short circuited the process and the architect has missed out being notified.

Thanks Wes

Wes Randall | Senior Project Officer
Asset Delivery Team | Housing ACT
Community Services Directorate | ACT Government
Phone 02 6205 4743 | Mob [REDACTED]
Nature Conservation House | 153 Emu Bank Road, Belconnen
Locked Bag 3000 Belconnen ACT 2616 | www.act.gov.au



From: Erik Innes [<mailto:erinnes@munsslymoore.com.au>]
Sent: Thursday, 20 December 2018 1:35 PM
To: Cilliers, George <George.Cilliers@act.gov.au>
Cc: Randall, Wesley <Wesley.Randall@act.gov.au>; Conrad Moore <cmoore@munsslymoore.com.au>
Subject: DA201834426 - Block 9 Section 46 Turner

George,
I hope this email finds you well. We were hoping you may be able to please point us in the right direction in relation to DA201834426 - Block 9 Section 46 Turner.

We have been working with Housing ACT on the redevelopment of this block, and received copies of representations following the completion of public notification through Housing ACT (we understand you provided this information at the executive level).

In trying to issue additional information in response to these representations, we have now noted - as the Applicant - we have never been provided with these comments, and as such the eDevelopment system will not allow us to upload the additional information.

Can you please provide details of who is looking after the application, and/or how we can lodge responses to keep the DA progressing.

Any assistance you are able to provide will be greatly appreciated

Regards

Erik

Regards

ERIK INNES FRAIA
DIRECTOR

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From: [EPD, Customer Services](#)
To: info@munnslymoore.com.au; [Randall, Wesley](#)
Bcc: [EPD_DACoordinator](#)
Subject: CLOSE OF PUBLIC NOTIFICATION PERIOD-201834426-9/46 TURNER-(3 Representations)
[SEC=UNCLASSIFIED]
Date: Friday, 26 October 2018 10:56:00 AM
Attachments: 

CLOSE OF PUBLIC NOTIFICATION

BLOCK 9 SECTION 46 SUBURB TURNER

The public Notification period for DA **201834426** has now closed.

Attached for your information is a copy of all representations received by the Environment and Planning Directorate during the public notification 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,

David

Phone 6207 1923

EPDCustomerService@act.gov.au

www.act.gov.au/accesscbr

Access Canberra | ACT Government

16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601

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D&S + LEASING COMPONENT CHECK LIST – DA 201834426 ; LODGED 18-09-18 ; DUE 31-10-2018 ⁽¹⁵⁻¹⁰⁻²⁰¹⁸⁾
 BLOCK/S 9 SECTION 46 SUBURB/DISTRICT Turner DA LEASING OFFICER: Kobee
 STRIKE OUT INAPPLICABLE – INITIAL WHERE NOTED

PRE-LODGEMENT

TYPE: LEASE VARIATION BY: INSTRUMENT
 SURRENDER/REGRANT (SURVEY PLANS?)
 COMMERCIAL/RESIDENTIAL/INDUSTRIAL/
 OTHER _____
 APPLICANT Munns Sly Moore Architect
 ZONE & OVERLAYS R24 Medium Density
 LEASING CHECK COMPLETED DATE 31-08-18
 LV APPLICATION FEE PAID? YES/NO (initial)
 AGENCY REFERRAL: LEASING; REG GEN; NCA;
TAMS; EPA; HERITAGE; ACTEW; AVO; TREASURY;
 OTHER _____
 (all lease variations to be referred to REG GEN)
 ENTERED ON SPREADSHEET DATE 26-09-18
 COMPLETION CHECK RECEIVED DATE 31-08-18
 COMPLETION CHECK DONE DATE 31-08-2018
 FAILURE OF LODGEMENT for leasing reasons
 (See lodgement checklist if yes) YES/NO
 RESUB COMPLETION CHECK DATE _____
 LVC: s276E/s277 AVO & TREASURY INITIAL
 REFERRAL DATE _____

PRE-LODGEMENT

REFERRAL REQUEST RECEIVED DATE 24-09-18
 AGENCY COMMENTS DUE DATE 16-10-2018
 REFERRAL COMMENTS SENT DATE 25-09-18
 SEC 141 LEASING REQUIRED YES/NO
 SEC 141 REQUEST SENT DATE _____

ASSESSMENT

ISSUES:

Demo of existing dwelling
D+S of 7 dwellings.
LV to remove specific number of
dwellings on lease.

Initial
or
Date
here

W

KT

REQUEST FOR LEASING CONDITIONS INPUT

DA MERIT ASSESSMENT OFFICER: _____

MPRG NO/YES

MPRG LEASING INPUT CLEARED PRE-
PRESENTATION DATE _____

EPC NO/YES

EPC LEASING INPUT CLEARED PRE-
PRESENTATION DATE _____

DECISION LEASING CONDITIONS AND
ATTACHMENTS REQUESTED BY DA MERIT
DATE 24-09-2018

TARQUIN CHECKED DATE 25-09-2018

DECISION LEASING CONDITIONS AND
ATTACHMENTS COMPLETED DATE 26-09-18

DECISION LEASING CONDITIONS AND
ATTACHMENTS CHECKED AND CLEARED
(note on objective decision & attachment doc
DATE 15-10-18 NAME Karen Walker

CONDITION DELAYING EFFECT YES/NO

LEASING S165 REQUIRED YES/NO

DISPATCH CHECKLIST COMPLETED – NOTE
REFERRALS DATE 15-10-2018

AGENCY REFERRALS – LEASING; DEED MGT;
REG GEN; NCA; TAMS; EPA; HERITAGE;
ACTEW; AVO; TREASURY; OTHERS

DECISION WITH LEASING CONDITIONS AND
ATTACHMENTS CLEARANCE SENT BACK

DATE 15-10-18 NAME Kobee

NUMBER OF WORKING DAYS - RECEIPT OF
REQUEST TO RESPONSE EMAILED 15
days (target is 5 working days)

Initial
or
Date
here

W

KT

KW

KT

D&S + LEASING COMPONENT CHECK LIST – DA 201834426 ; LODGED 18-09-18 ; DUE 15-10-2018

BLOCK/S 9 SECTION 46 SUBURB/DISTRICT Turner DA LEASING OFFICER: Kobee
STRIKE OUT INAPPLICABLE – INITIAL WHERE NOTED

CONDITION DELAYING EFFECT YES/NO

POST APPROVAL

EMAIL REFERENCE TO LVC & POST TEAM
(email to ACTPLADALEASING INBOX) DATE N/A

SPREAD SHEET UPDATED DATE 15-10-2018

ACAT APPEAL ON DECISION LIKELY **YES/NO**

SCANNED TO DA FILE – ASSESSMENT FOLDER DATE

THIS CHECKLIST TO POST & LVC INTRAY (IRMA)

LEASING S165 REQUIRED YES/NO

Description of S165:

IF APPEAL – NOTIFY LVC AND POST APPROVAL

DATE _____ NAME _____

Initial
or
Date
here



KT

From: [Vetsavong, Phab](#)
To: [EPSD DACoordinator](#)
Cc: [Davies, Richard](#)
Subject: Stage 3 further information required-proceed to Stage 5-DA-201834426 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]
Date: Wednesday, 27 February 2019 3:20:00 PM
Attachments: [DA-201834426.obr](#)

Hello Trent

This DA was allocated to Stage 3 today.

Stage 3 further information required-proceed to Stage 5.

Please note that a different team other than Stage 3 has been involved and previously requested information in regard to entity requirements. Refer to S141A, S141B, S141C and S144D.

The applicant needs to address Conservator issues which was not raised by the other team.

Regards

Phab Vetsavong | Senior Officer
Merit Assessment-Commercial/Industrial/Mixed Use developments
Phone 02 6207 4588
Planning Delivery | Environment, Planning and Sustainable Development Directorate | ACT Government
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 |
www.actpla.act.gov.au

From: [Vetsavong, Phab](#)
To: [EPSD DACoordinator](#)
Cc: [Davies, Richard](#)
Subject: RE: Stage 3 further information required-proceed to Stage 5-DA-201834426 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]
Date: Friday, 1 March 2019 10:27:00 AM

Hi Trent

OK-will keep in Stage 3 until CRA comments for S144D are provided (due 11/03/2019) before allocating to Stage 5 to request further information for the Conservators issues.

Regards

Phab Vetsavong | Senior Officer
Merit Assessment-Commercial/Industrial/Mixed Use developments
Phone 02 6207 4588
Planning Delivery | Environment, Planning and Sustainable Development Directorate | ACT Government
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 |
www.actpla.act.gov.au

-----Original Message-----

From: EPSD DACoordinator
Sent: Friday, 1 March 2019 10:24 AM
To: Vetsavong, Phab <Phab.Vetsavong@act.gov.au>; EPSD DACoordinator <DAcoordinator@act.gov.au>
Cc: Davies, Richard <Richard.Davies@act.gov.au>
Subject: RE: Stage 3 further information required-proceed to Stage 5-DA-201834426 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Hi Phab,

I agree that conservator comments should have been provided though we should now wait for CRA comments until we request anything further to make sure we are only doing one request. Please keep in stage 3 until CRA comments have been received and addressed.

Trent

-----Original Message-----

From: Vetsavong, Phab
Sent: Wednesday, 27 February 2019 3:21 PM
To: EPSD DACoordinator <DAcoordinator@act.gov.au>
Cc: Davies, Richard <Richard.Davies@act.gov.au>
Subject: Stage 3 further information required-proceed to Stage 5-DA-201834426 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Hello Trent

This DA was allocated to Stage 3 today.

Stage 3 further information required-proceed to Stage 5.

Please note that a different team other than Stage 3 has been involved and previously requested information in regard to entity requirements. Refer to S141A, S141B, S141C and S144D.

The applicant needs to address Conservator issues which was not raised by the other team.

Regards

Phab Vetsavong | Senior Officer

Merit Assessment-Commercial/Industrial/Mixed Use developments Phone 02 6207 4588 Planning Delivery | Environment,
Planning and Sustainable Development Directorate | ACT Government Dame Pattie Menzies House, Challis Street,
Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au

From: [EPD, Customer Services](#)
To: [cityrenewal](#)
Subject: REFERRAL-CITY RENEWAL-2018.34426-9/46 TURNER-01
Date: Monday, 24 September 2018 2:25:00 PM
Attachments: [plans.obr](#)
[supporting_docs.obr](#)
[image001.png](#)

DEVELOPMENT APPLICATION NO: 201834426
BLOCK: 9 **SECTION:** 46 **DIVISION:** TURNER

Description - PROPOSAL FOR MULTI UNIT DEVELOPMENT AND LEASE VARIATION - demolition of the existing dwelling and construction of a 3 storey dwelling comprising 7 units, basement car parking and associated works. LEASE VARIATION to specify seven (7) dwellings.

Pursuant to Section 148(1) of the *Planning and Development Act 2007* the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than **15 working days** after the date of this notice **(16/10/2018)**.

In accordance with Section 150 of the *Planning and Development Act 2007* If advice is not received within the prescribed time it will be taken that you have supported the application.

Please forward any written advice via email to Customer Services
EPDcustomerservices@act.gov.au

Please use the following format in the subject line of the email when providing advice:

COMM-Agency Name-20140XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-TAMS-201401234-10/10 Dickson-01

Kind Regards

Katherine
Phone 6207 1923

EPDCustomerService@act.gov.au

www.act.gov.au/accesscbr

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16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601

cid:image004.png@01D3DE12.73C7D510



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From: [EPD, Customer Services](#)
To: [EPD DA Leasing referrals](#)
Subject: REFERRAL-DA LEASING-2018.34426-9/46 TURNER-01
Date: Monday, 24 September 2018 2:26:00 PM
Attachments: [plans.obr](#)
[supporting docs.obr](#)
[image001.png](#)

DEVELOPMENT APPLICATION NO: 201834426
BLOCK: 9 **SECTION:** 46 **DIVISION:** TURNER

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From: [Vetsavong, Phab](#)
To: [EPSD DACoordinator](#)
Cc: [Davies, Richard](#)
Subject: Stage 3 further information required-Stage 2 also requires further information-proceed to Stage 5-DA-201834426
[SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]
Date: Wednesday, 20 March 2019 12:12:00 PM
Attachments: 

Hi Trent

Stage 3 further information required-Stage 2 also requires further information-proceed to Stage 5.

Regards

Phab Vetsavong | Senior Officer
Merit Assessment-Commercial/Industrial/Mixed Use developments
Phone 02 6207 4588
Planning Delivery | Environment, Planning and Sustainable Development Directorate | ACT Government
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 |
www.actpla.act.gov.au

From: [Vetsavong, Phab](#)
To: [EPSP DACoordinator](#)
Cc: [Elhassan Walid](#); [Jamaly Rumana](#); [Teasdale Jonathan](#)
Subject: Stage 2 (Entities) & Stage 3 (reps) have been completed.-proceed to Stage 4-COMM-TREE PROTECTION-201834426-S144F-02-9/46 Turner [SEC=UNCLASSIFIED]
Date: Thursday, 9 May 2019 12:44:00 PM
Attachments: [COMM-TREE PROTECTION-201834426-S144F-9_46 TURNER-01.obr](#)

Hi Trent

Stage 2 (Entities) & Stage 3 (reps) have been completed.

I will allocate to Stage 4 (formerly known as Stage 2 -Assessment Team).

Regards

Phab Vetsavong | Senior Officer
Merit Assessment-Commercial/Industrial/Mixed Use developments
Phone 02 6207 4588
Planning Delivery | Environment, Planning and Sustainable Development Directorate | **ACT Government**
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 |
www.actpla.act.gov.au

From: Vetsavong, Phab
Sent: Thursday, 9 May 2019 12:25 PM
To: Varlow, Trent <Trent.Varlow@act.gov.au>
Cc: Elhassan, Walid <Walid.Elhassan@act.gov.au>; Teasdale, Jonathan <Jonathan.Teasdale@act.gov.au>
Subject: RE: COMM-TREE PROTECTION-201834426-S144F-02-9/46 Turner [SEC=UNCLASSIFIED]

Hi Trent

To give you an update.

Since we have received Conservator comments for the S144F, I am currently finishing off Stage 3 and Stage 4 (old system).
Then will allocate to Stage 2 (Walid-Assessment Team).

Please note that I won't be doing the completeness check for the S144F.
Conservator comments have been provided in the S144F folder.

Regards

Phab Vetsavong | Senior Officer
Merit Assessment-Commercial/Industrial/Mixed Use developments
Phone 02 6207 4588
Planning Delivery | Environment, Planning and Sustainable Development Directorate | **ACT Government**
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 |
www.actpla.act.gov.au

From: Varlow, Trent
Sent: Friday, 3 May 2019 3:00 PM
To: Vetsavong, Phab <Phab.Vetsavong@act.gov.au>
Cc: Elhassan, Walid <Walid.Elhassan@act.gov.au>; Teasdale, Jonathan <Jonathan.Teasdale@act.gov.au>
Subject: FW: COMM-TREE PROTECTION-201834426-S144F-02-9/46 Turner [SEC=UNCLASSIFIED]

Hi Phab,

Could you do the completeness check and undertake stages 2 & 3 for that above DA.

Walid, please undertake stage 4 when Phab has finished and allocate to stage 6.

Trent

From: Teasdale, Jonathan
Sent: Friday, 3 May 2019 2:53 PM
To: Elhassan, Walid <Walid.Elhassan@act.gov.au>; Varlow, Trent <Trent.Varlow@act.gov.au>
Subject: FW: COMM-TREE PROTECTION-201834426-S144F-02-9/46 Turner [SEC=UNCLASSIFIED]

Hi folks

This was the last issue to be resolved. Grateful if the matter could now be finalised.

Cheers

From: Watts, Michaela
Sent: Thursday, 2 May 2019 2:48 PM
To: Teasdale, Jonathan <Jonathan.Teasdale@act.gov.au>
Subject: FW: COMM-TREE PROTECTION-201834426-S144F-02-9/46 Turner

From: Schwartzkoff, Brent
Sent: Thursday, 2 May 2019 2:39 PM
To: EPD, Customer Services <EPDCustomerServices@act.gov.au>
Cc: Watts, Michaela <Michaela.Watts@act.gov.au>
Subject: COMM-TREE PROTECTION-201834426-S144F-02-9/46 Turner

DA No: 201834426-S144F-02

BLOCK:	SECTION:	DIVISION:
9	46	Turner

This DA has been assessed and the following Conservators Advice in accordance with Section 82 *Tree Protection Act 2005* is provided:

No regulated trees on the site	
Supported provided there are conditions of approval	X
Advice for the applicant	
Not Supported	
Further Information/amendments required	

Conditions/Comments/Advice:

Development is approved if all works proceed in accordance with the Tree Protection Plan (Drawing) B.

Regards

Brent Schwartzkoff | A/g Tree Protection Officer-Urban Trees
Phone 0262076203 | Mobile 0423 657 031 | Email brent.schwartzkoff@act.gov.au
City Presentation | Roads and Infrastructure | Transport Canberra & City Services Directorate | ACT Government
Level 2, Wotso House, 490 Northbourne Avenue, Dickson ACT 2602 | gpo Box 158 Canberra 2601 | www.act.gov.au

From: [Walker, Karen](#)
To: [DiCampli, Nicki](#)
Subject: COMM-DA LEASING-2018.34426-9/46 TURNER-01 [SEC=UNCLASSIFIED]
Date: Thursday, 16 May 2019 1:21:23 PM
Attachments: [plans.obr](#)
[supporting_docs.obr](#)
[image001.png](#)
[%ASSESSMENTCUC-201834426-S141A-FULL VALUATION REPORT-01.obr](#)

Hi Nicki,

Yes the S141 valuation report resolves comment. The original report is in the assessment folder. Could you please remove the following from NOD condition 1 as I understand all plans are to be released.

, and no approved plans other than demolition and site decontamination plans will be released,

Thanks,
Karen.

From: DiCampli, Nicki
Sent: Thursday, 16 May 2019 1:03 PM
To: Walker, Karen <Karen.Walker@act.gov.au>
Subject: FW: COMM-DA LEASING-2018.34426-9/46 TURNER-01 [SEC=UNCLASSIFIED]

Hi Karen

Can I please confirm that the Full Valuation report (reference attached) resolves your original comments below? (Note I couldn't see where the original report was saved)

Thanks

Nicki

From: EPSD DALeasingreferrals
Sent: Tuesday, 25 September 2018 3:10 PM
To: EPD, Customer Services <EPDCustomerServices@act.gov.au>
Subject: COMM-DA LEASING-2018.34426-9/46 TURNER-01 [SEC=UNCLASSIFIED]

Hi Customer Service,

Thank you for referring this DA to DA Leasing for comment. The proposal is for the construction of 7 dwellings and the variation of the lease to remove the number specified.

The notification incorrectly describes the variation (a separate email has been sent to customer service regarding this) and the valuation report is insufficient as it values the incorrect proposal.

At this stage from a leasing perspective there is no reason not to support the proposal however in addition to standard leasing conditions any approval will need to include conditions that

require a new valuation report to be submitted as further information.

Thanks,
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: EPD, Customer Services

Sent: Monday, 24 September 2018 2:27 PM

To: EPSD DALeasingreferrals <DALeasingreferrals@act.gov.au>

Subject: REFERRAL-DA LEASING-2018.34426-9/46 TURNER-01

DEVELOPMENT APPLICATION NO: 201834426

BLOCK: 9 **SECTION:** 46 **DIVISION:** TURNER

Description - PROPOSAL FOR MULTI UNIT DEVELOPMENT AND LEASE VARIATION - demolition of the existing dwelling and construction of a 3 storey dwelling comprising 7 units, basement car parking and associated works. LEASE VARIATION to specify seven (7) dwellings.

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COMM-Agency Name-20140XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-TAMS-201401234-10/10 Dickson-01

Kind Regards

Katherine

Phone 6207 1923

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Sustainable Development

DA ASSESSMENT – Merit Track

Block/s:	9	DA number:	201834426
Section:	46	Date lodged:	18-Sep-18
Suburb:	Turner	Due date:	22-Nov-18
Zone/s:	RZ4 Medium Density residential	Unit Number (if applicable)	
Proposal:	Demolition of an existing single story dwelling and detached garage. Construction of three storey development containing 7 units for Housing ACT. Car parking and associated landscaping and site works. Lease Variation.		
Proposed Use:	Residential use for a max of 7 residential units for Housing ACT		

STAGE 1 – PRE-ASSESSMENT APPRAISAL

Did the proposal have a pre application meeting:	Yes
Was the proposal subject to a Design Review Panel meeting?	Yes, minutes have been saved in objective file No
Was Pre DA Community Consultation Undertaken?	No - Double check as this may have triggered the Pre-DA consultation requirements (3 or more Storeys) <i>P and D Act Extract for community consultation:</i> (a) a building for residential use with 3 or more storeys and 15 or more dwellings; <i>Community consultation is not required as the proposed development contains seven dwellings only. The proposal is not a prescribed development proposal for community consultation... Thara</i>
Is the notification wording appropriate:	Yes
Have all Entities been referred to?	Yes
NOD outline saved into Objective	Yes
Has a conflict of interest been declared?	Yes - ACT Government Organisation <i>Noted</i>
Has an ESO been submitted as part of this project?	No

Notes for the assessment officers / Key issues identified:

- Click here to enter text.

OUTCOME

Can proceed to next stage

Assessment officer:	Lydia Stone	30-Oct-18
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STAGE 2 – ASSESSMENT

Proposed Use	Is the proposed use allowable in the applicable zone/s?
	Yes

Does the proposal trigger referral to the MPRG at this phase: ➤ Assessment Policy clarification ➤ Managers direction ➤ Impact Track DA ➤ EDP ➤ GFA >10,000m² ➤ >25m height ➤ 3 or more stories & 50+ dwellings ➤ 25% or greater car parking departure ➤ Referred from LRP or other	MPRG: No
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Territory Plan assessment		
Codes of the Territory Plan considered include:	• TURNER Precinct Map & Code • Multi-Unit Housing Development Code • Parking & Vehicular Access General Code • Crime Prevention Through Environmental Design General Code • Access & Mobility General Code	
Does the application meet all relevant mandatory rules:	Yes	
The assessing officer undertook an assessment of the proposal and found that the following KEY rules and criteria warrant further discussion. Note: Further issues may have been identified in a plan based assessment that have not necessarily been included in this or is of a significance that did not warrant particular discussion.		
Code	Rule / Criteria	Assessment/Discussion
Turner Precinct Map & Code		Inner North Precinct Code apply for the subject block.
INPC	R3	Block amalgamation – N/A
	R6	Front setbacks – building is setback 6m from the front boundary
	R7	The front courtyard wall (solid wall) same material of the building located forward of the specified minimum front setback – design element – need to be as courtyard wall and detached from the building. S144F Courtyard walls detached from the building
	R8	Rear setbacks – 7m setbacks provided, complies
	R9	Complies
	R13 & C13	Site coverage is 33% exceed the maximum limit. The proposal complies with criteria because one regulated tree at the front zone proposed to be retained. Sufficient spaces at the rear zone is retain for large canopy trees. 23m² area in PBZ not developed to minimise impact on tree protection zone for the regulated tree in the front zone. Additional 23m² area added to rear Zone coverage.
	R14 & R15	Articulation of front facade – complies
	R18	Block 8 has multi-unit approved in 2008. Block 10 is a single dwelling block. No evidence found about redevelopment of Block 10 and Block 11.
	C21	Neighbourhood Plan - Refer to following section ‘Turner Neighbourhood Plan’ in the SARC doc prepared by the applicant that responds to strategies and goals for Precinct 4: North-East of Haig Park.
	R22	Proposed 3 bedroom dwelling is provided with direct access to ground floor private open space.
		Block 9 Section 46 does not have any specific site controls noted in Part C(5) Turner.

MUHDC	R5	Dwelling replacement - The existing dwelling is 3 bedrooms. The proposed development includes 1 three bedroom unit.
	R8	Plot Ratio – Complies – plot ratio less than 80%
	R21	Number of storeys – Complies, the proposed development is 3 storeys
	R24	Height of buildings – Complies, height of the building is less than 12.5m.
	R25 & C25	Building envelope – very minor encroachment to the south-east corner of the roof – refer to south elevation. The proposal complies with criteria.
	R26 & C26	Solar building envelope – the development encroaches to the solar building envelope. At the front zone the encroachment is vertically 1.7m and at the rear zone the encroachment increased to 2.5m. Shadow diagram drawn and it shows that the northern side of the adjoining single dwelling will be overshadowed by the proposed development. S144F Building Encroachment for Unit 5 removed at the rear zone – the length of unit 5 reduced from 12015mm to 10060mm. Shadow diagram checked again, it reduced overshadowing. Compared the revised shadow with the shadow of a solar fence on that boundary shows that the proposed development will not adversely affect solar access to the adjoining dwelling at noon.
	R29 & C29	Front setback – complies with INPC
	R30 & C30	Side & rear setback – all first upper floor windows proposed with screening. To meet the definition of the external wall a condition will be added in the NOD that the first upper floor windows shall be any of the followings; • Windows will sill heights at or above 1.7m from the ground; • Fixed pane windows with obscure glass; • Awning sashes with obscure glass and with an opening of not more than 30cm to the horizontal; • Obscure glass bricks. The proposal complies with rear setback. S144F Screening to upper windows amended to 45 degree blades
	R39 & C39	Site open space – complies
	R41 & C41	Fences are not proposed forward of the building line. A standard fencing condition will be added in the decision.
	R42A & C42A	The front courtyard wall same material of the building forward of the specified minimum front setback of INPC. The proposed courtyard wall is mainly brick wall and metal screening are proposed behind existing hedges.
	C43 & C44	External facilities are screened from public area. Mail boxes are proposed at the entry pathway as shown on the site plan.
	R47 & C47	Surveillance – complies
	R48 & C48	The common entry is provided with shelter; a direct line of sight from the public footpath; and is able to be secured.
	R49 & C49 R50 & C50	Proposed development does not include walls or roof greater than 15m without articulation.
	R53 & C53	Basement is proposed to be fully underground, and exposed walls to the ramp entry are provided with face brick finish to match the proposed development.
	R58	Solar access – the applicant provided solar diagram showing that only unit 2 and 5 does not getting 3 hours of solar access. Which complies with 70% of apartments getting solar access. But all the northern windows to unit 1 and 4 are screened to comply with setback requirement. These screening were not included in the solar diagram. S144F Solar access diagrams updated to include impact of 45 degree blades and confirm that the living areas will get solar access.
	R60 & C60	Privacy – The PPOS area of unit 3 will be overlooked from unit 6 above. S144F Windows to Unit 6 amended – bedroom window and kitchen window relocated to prevent overlooking.
	R61 & C61	PPOS – complies with dimension and other requirements
	R64 & C64	Solid balustrades are proposed to the balconies
	R65 & C65	All units are provided with a storage area located in the basement.

	R70 & C70	Existing driveway verge crossing will retain
	R72 & C72	TCCS does not support visitor parking proposed on street. They advised to remove the visitor parking from the site plan. A condition may be added. S144F Visitor carparks removed from Site Plan. The application was referred to Strategic Planning for advice regarding proposed off-site visitor parking.
	R73 – R75	700mm space along the driveway is retain for planting, complies Turning template is provided.
	C76	A condition need to be added to change the pavement material or different surface treatment for the pedestrian paths within the basement. S144F Basement pedestrian path delineated with alternate surface finish.
	R77 – R80	Complies, the basement ramp is proposed for two-way access controlled travel for use by one vehicle at a time by traffic light located at the entrance of the site, refer to civil SARC
	R82 & C82	Visitor parking – Two visitor parking spaces proposed on street. TCCS asked to remove those parking from the street. S144F Visitor carparks removed from Site Plan. The application was referred to Strategic Planning for advice regarding proposed off-site visitor parking.
	R86	WSUD – 41% water reduction shown
	R91	Tree – TPU requested FI The Tree Management Plan (Table 1 Tree Schedule and Tree Protection Zone) has Tree 2 listed as a <i>Eucalyptus bicostata</i> however Tree 2 is actually a <i>Liquidamber styraciflua</i> . The Tree Management Plan needs to be accurate before it is approvable. S144F Tree Management Plan updated to show correct species. TPU provided comments on 2 May 2019 for conditional approval.
PVAGC		Car parking provision 2 @ 2 per 3 bedroom dwelling (1 dwelling) 9 @ 1.5 per 2 bedroom dwelling (6 dwellings) 2 @ 1 per 4 dwellings – Visitor parking spaces proposed on street. 11 parking spaces provided at the basement for the residents. Visitor parking spaces proposed on street. The application referred to Strategic Planning – request sent to CS on 27/2/19. Strategic Planning provide comments on 20 March 2019, supporting the proposal.
AMGC		Access report submitted with the application confirmed that the adaptable unit complies with the AMGC.
		Discussed with the applicant on 21/2/19 and request for a meeting time. The applicant will talk to ACT housing and confirmed the time. Meeting with applicant on

Further assessment documents, if any, can be found in the assessment file in Objective. Yes

Is the proposal consistent with the relevant zone objectives: (s.120(a))	The proposal is consistent with all zone objectives.
Is the proposal considered suitable for the land on which it is to take place: (s.120(b))	Yes – Based on relevant legislation and the Territory Plan assessment, the proposal is considered suitable for the land
Is an environmental significance opinion in force & relevant: (s.120(c))	No known ESO applies
What is the probable impact of the proposed development (including nature, extent and significance of	No impacts identified to require amendment or refusal of the proposed development

probable environmental impacts): (s.120(g))	
Is a public land management plan is in force over the land, (s.120(f))	No

Additional Information –AFTER FIRST 10 DAYS

Is further information required at this phase: (s.141 or s.144)	Yes - Enter details here of what is required (wording to be sufficient to be copied into development & an additional info request) <i>Itemise each issue per box</i> After having a meeting with the applicant in presence of Walid this further information request prepared, Jesmin 27/2/19	Summarise response to issue raised here Officer to identify themselves and date assessed.
	Courtyard wall Courtyard wall (solid wall) same material of the building located forward of the specified minimum front setback as per the Inner North Precinct Code. The courtyard wall need to be detached from the building and break the continuation of solid brick wall with other materials.	S144F Courtyard walls detached from building
	Solar building envelope The development encroaches to the solar building envelope. At the front zone the encroachment is vertically 1.7m and at the rear zone the encroachment increased to 2.5m. Shadow diagram drawn and it shows that the northern side of the adjoining single dwelling will be overshadowed by the proposed development most of the day.	Building Encroachment for Unit 5 removed, and solar diagrams updated
	Side & rear setback All first upper floor windows proposed with screening to the northern side. To meet the definition of the external wall the first upper floor windows shall be any of the followings; • Windows will sill heights at or above 1.7m from the ground; • Fixed pane windows with obscure glass; • Awning sashes with obscure glass and with an opening of not more than 30cm to the horizontal; • Obscure glass bricks.	Screening to upper windows amended to 45 degree blades
	Solar access The solar diagram provided with the application showing that only unit 2 and 5 does not getting 3 hours of solar access. Which complies with 70% of apartments getting solar access. But all the northern windows to unit 1 and 4 are screened to comply with setback requirement. These screening were not included in the solar diagram.	Solar access diagrams updated to include impact of 45 degree blades
	Privacy The Principal Private Open Space area of unit 3 will be overlooked from unit 6 above.	windows to Unit 6 amended
	Basement Change the pavement material or different surface treatment for the pedestrian paths within the basement.	Basement pedestrian path delineated with alternate surface finish
	TCCS The two off-site visitor carparks shown on the site plan (while allowed) must be removed from the site plan so they are NOT shown as designated parking spaces that require a Traffic Control Device (TCD) plan showing parking signs and line marking.	Visitor carparks removed from Site Plan
	Tree Protection Unit The Tree Management Plan (Table 1 Tree Schedule and Tree Protection Zone) has Tree 2 listed as a <i>Eucalyptus bicostata</i> however Tree 2 is actually a <i>Liquidamber styraciflua</i> . The Tree Management Plan needs to be accurate before it is approvable	TPU provides comments on 2 May 2019, supporting the proposal.

Has the further information request been reviewed by the team lead and/or manager? Yes

Note: must be reviewed prior to being requested

Has an email been sent to the DA Coordinator to request further information? Yes

Stage 5 officer to complete Has further information been requested	Not applicable for the current stage 5. The further information was sought and received by assessment stage.
Stage 5 officer to complete Has further information been received	Not applicable for the current stage 5. The further information was sought and received by assessment stage.

Was a site inspection undertaken in the assessment stage:	No
Have any issues been identified that would result in a refusal:	No
Conditions required from initial review of application or Territory Plan assessment:	Conditions have been added to draft NoD

Completion

- A Stage 2 has been completed. The application is suitable for advancement (to the next assessment Stage). Any recommended conditions and/or advisory notes have been added to the draft Notice.

An email been sent to the DA Coordinator to advance DA to the next stage – Yes

If yes: DATE – 14/05/19

Assessment officer:	Jesmin Abdullah	14/05/19
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STAGE 3 – INFORMATION COLLECTION (ENTITIES – including EPSDD DA Leasing)

The DA was referred to the following Entities (or internal Sections) with the following response(s):

Entity	Did the entity support the application? Eg Yes, with conditions OR No – additional info req'd	Assessment comments / Conditions required
The Conservator of Flora & Fauna	No	16/10/2018. Further information required. The Tree Management Plan (Table 1 Tree Schedule and Tree Protection Zone) has Tree 2 listed as a <i>Eucalyptus bicostata</i> however Tree 2 is actually a <i>Liquidamber styraciflua</i> . The Tree Management Plan needs to be accurate before it is approvable.
Evo Energy - Electricity	Yes with conditions	15/10/2018 Standard entity condition to be included in the NOD.
Evo Energy – Jemena Gas	Yes with conditions	27/09/2018 Standard entity condition to be included in the NOD.
ICON Water	No	28/09/2018. Further information required. Design Acceptance for External Services and Off Site Works must be in principle design approved by Icon Water Hydraulic Assets. Phone Icon Water Asset Acceptance on ph: 02 6248 3111. This needs to be referred back to Icon Water Building Approvals area for approval prior to any DA/BA Approval by ACTPLA or certifiers. Details of Icon Waters sewer and/or water networks need to be shown on the plan/s Other: See comments Please resubmit - Documents do not identify relevant water or sewerage connections. Note that the water meter is to be located clear of driveways and footpaths. Structure infringes an easement/Pipe Protection Envelope, design to be modified to remove the infringement. Refer to the S144D.
TCCS	Yes with conditions	07/11/2018 VERGE CROSSING 1. The double width verge crossing must be constructed in accordance with TCCS Design Standards. 2. The maximum gradient for the first 6 meters from the front boundary must not exceed 5% (1:20) in accordance with the section 3.3 of the Australian Standard for Parking Facilities AS 2890.1 - Off-street Car Parking. 3. The levels on the verge are not to be altered as a result of the newly constructed verge crossing.

		4. Any infrastructure assets such as fire hydrant, street lighting, mini-pillars, signage etc must be a minimum of 1.5m away from the closest edge of the verge crossing. 5. In the case of stormwater sumps this minimum distance can be reduced to 1.2m. PARKING 6. The two off-site visitor carparks shown on the site plan (while allowed) must be removed from the site plan so they are NOT shown as designated parking spaces that require a Traffic Control Device (TCD) plan showing parking signs and linemarking. VERGE 7. A Landscape Management and Protection Plan (LMPP) including a Dilapidation Report for all Government assets adjacent to the site must be submitted to Asset Acceptance prior to the commencement of any construction and on the completion of works. PEDESTRIAN NETWORK 8. The pedestrian footpaths must take precedence over the verge crossing and be constructed in accordance with TCCS requirements. 9. All verge protective fencing must be placed in a way so that the verge is protected but access to the pedestrian network is provided at all times. 10. Adequate clearance must be provided for pedestrian walkway / footpath in accordance with the TCCS Standard Drawing 04: Verge Design. STORMWATER 11. Only one stormwater tie must be used for this block. WASTE 12. All waste can be collected along the kerb in accordance with TCCS requirements. <u>Standard Conditions</u> <i>Following general conditions will apply as appropriate for Works on and Use of Territory Land in addition to the above:</i> <i>In accordance with the Public Unleased Land Act 2013 no work is to be undertaken on road verges and other unleased Territory Land without the</i>
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		approval of the Territory. Such approval must be obtained from the Senior Manager, Development Review and Coordination, TCCS by the ways of: 1. A Letter of Design Review prior to the commencement of any work; and 2. A certificate of Operational Acceptance on completion of all works to be handed over to TCCS. Design Review and Operational Acceptance A Letter of Design Review is required for all off-site works from the Senior Manager, Development Review and Coordination, TCCS, prior to the construction. In order to obtain the Letter of Design Review , fully detailed drawings (civil, landscape) prepared by suitably qualified persons for all off-site works including roads, driveways, footpaths, street lighting, storm water, landscaping (and any other issues that may be found by audit of the plans) and a design report in accordance with Ref No 06: "Requirements for Design Acceptance Submissions", must be certified by a Chartered Engineer/Landscape Architect and submitted to the Senior Manager, Development Review and Coordination, TCCS. A Certificate of Operational Acceptance on completion of the works is required from the Senior Manager, Development Review and Coordination, TCCS, prior to the issue of a Certificate of Occupancy. Similarly a Chartered Engineer/Landscape Architect should certify compliance with TCCS Ref No 08: "Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance is made to the Senior Manager, Development Review and Coordination, TCCS on completion of all off-site works A Waste Management Plan in accordance with the Development Control Code for Best Practice Waste Management in the ACT should also be included if not approved at the Development Application stage. Temporary Traffic Management (TTM) A TTM plan approval from the Manager, Traffic Management & Safety, Roads ACT, TCCS. All times during construction the site and surrounds shall be managed in accordance with a Temporary Traffic Management Plan, prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety. This plan is to address, as a minimum, measures to be
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		<i>employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices.</i> <i>Landscape Management & Protection Plan (LMPP)</i> <i>LMPP approval from the Senior Manager, Development Review and Coordination, TCCS. During construction, all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with the Landscape Management Protection Plan (LMPP) approved by the Senior Manager, Development Review and Coordination, TCCS. This plan is to be implemented before the commencement of works, including demolition on the site and is to be in accordance with TCCS Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04.</i> <i>Use of Verges or other Unleased Territory land</i> <i>In accordance with the Public Unleased Land Act 2013, road verges and other unleased Territory land must not be used for carrying out of works, including storage of materials or waste, without prior approval of the Territory. Such approval can be obtained from Licensing and Compliance, City Services, Parks and Territory Services, TCCS.</i> <i>Repair of Damage to Public Assets</i> <i>The applicant/lessee is held responsible for all damages to ACT Government assets (including footpaths) caused by the development and they must properly repair any damages to those assets. Before work commences, they should notify TCCS of any existing damage to public facilities.</i> <i>Notice of Commencement of Construction</i> <i>Notice of Commencement for the Works in Unleased Territory Land shall be submitted to the Senior Manager, Development Review and Coordination, TCCS one week prior to the commencement of works. The Notice shall also include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of TTM.</i> <i>Conditions to be included in the NOD.</i>
Strategic Planning	Yes-supported	22/03/2019

		I provide the following comments supporting the proposal: • The Parking and Vehicular Access General Code requires visitor parking to be provided on-site or within 100m. The proponent has provided a statement on observations of parking availability near the site, suggesting that spaces are generally available during popular residential visitor times (evenings and weekends). • A range of scenarios are possible to support visitor parking provision and alternatives: ○ The Territory Plan's Inner North Precinct Code (INPC) applies to this development. Criterion 20 provides that the parking provision rates identified in the Parking and Vehicular Access General Code are the maximum parking provision rates. Therefore, Planning, Land and Building Policy would support the re-allocation of one or two basement parking spaces for visitor use. ○ As noted in the proponent's traffic report, additional spaces may be available in nearby streets and the off-street parking at Haig Park near Greenway Street. Planning, Land and Building Policy would accept this as a suitable outcome. ○ The site location is close to active and public transport links, which may encourage visitors to arrive by means other than private car. • Planning, Land and Building Policy notes that on-street parking demand will increase on Forbes Street with the anticipated redevelopment of the former Northbourne Flats site, both during construction and its future use. Reliance on on-street parking is generally not supported in the Inner North. The above is for Stage 4 (Assessment Team) to consider.
CRA (City Renewal)	No	16/10/2018. Further information required. <u>Principle 2: Built Form and Scale</u> The City Renewal Authority welcomes collaboration with the Housing ACT design team to provide more information and input into early concepts of current and future developments. Refer to comments at Principle 6 Amenity on increasing the number of windows in the development. <u>Principle 4: Sustainability</u> Further information is requested outlining the level of sustainability performance being targeted for the

		development, with information on measures to enhance thermal values of the building, the energy performance rating being targeted, energy saving design improvements and water sensitive garden and design features. Community consultation raised the importance of energy efficient housing. This could be better addressed in the proposal documentation. The proponent is encouraged to explore options for the building's thermal performance (to ensure resident comfort in both summer and winter), solar passive design features and the use of increased glazing and windows, for example on the northern elevation. <u>Principle 5: Landscape</u> The community feedback identified the importance of communal spaces within the development. Nurturing social connectedness and cohesion is an important element of city renewal. It is recommended that the proponent explore an alternative, more centralised and welcoming placement for the communal park bench and consider increasing and enhancing the approach to shared facilities and communal space throughout the development. <u>Principle 6: Amenities</u> The City Renewal Authority maintains that developments must meet or exceed the Multi Unit Housing Development Code's rule to achieve at least 70% of all apartments receiving a minimum of 3 hours sun penetration on the winter solstice. This would achieve a greater level of liveability for future residents and lift the sustainability credentials of the development. It is requested that the applicant provide exploded axonometric sun diagrams (floorplate by floorplate) demonstrating a minimum of 70% solar penetration to all apartments in accordance with ACT Multi Unit code. The proponent is encouraged to consider including more windows, particularly on the northern elevation, to enable increased natural light and ventilation for the apartments. <u>Principle 9: Aesthetics</u> It is recommended that, to create and enhance a sense of arrival and user experience, a greater design emphasis be applied to the entry area and corridor to the lifts, to create a more generous and inviting space.
EPSDD DA Leasing	Yes	25/09/2018 DA leasing advice entered in Draft NoD and checked by Karen Walker on 15/10/2018.
S141/S144: additional Entity advice:		

Icon Water (S144D)	Yes with conditions	The applicant provided Icon Water conditional compliance dated 30/01/2019 with the S144D.
CRA (S144D)	Yes-supported	CRA comments dated 6/03/2019 Principle 1: Context and Neighbourhood Character The City Renewal Authority ('the Authority') thanks the applicant for its responses to previous comments and providing information on the development's environmental sustainability performance and solar access diagrams (floor-plate by floor-plate). For future projects, consultation with the Authority at early stages of development would help to enhance urban design outcomes, including the amenity and place experience for residents. Principle 4: Sustainability The Authority thanks the applicant for submitting information on the environmental sustainability performance of the development. The 7 star energy rating is commended, but please note the minimum NatHERS rating is scheduled to be raised as part of pending changes to the National Construction Code. The Authority encourages the applicant to continue exceeding minimum standards in future developments.
S141/S144: additional Entity advice:		
The Conservator of Flora & Fauna (S144F)	Yes with conditions	02/05/2019 Development is approved if all works proceed in accordance with the Tree Protection Plan (Drawing) B. Condition to be included in the NOD.

LRP/MPRG

Does any Entity advice received trigger referral to either the LRP or MPRG:	No
	if yes, which Entity
	If yes; An email has been sent to the DA Coordinator to book the DA in for MPRG/ LRP – Yes/No Date Sent:

Additional information requests:

Is further information required at this phase: (s.141 or s.144)	Yes - Enter details here of what is required (wording to be sufficient to be copied into development & an additional info request) Itemise each issue per box	Summarise response to issue raised here Officer to identify themselves and date assessed.
Conservator (16/10/2018)	The Tree Management Plan (Table 1 Tree Schedule and Tree Protection Zone) has Tree 2 listed as a <i>Eucalyptus bicostata</i> however Tree 2 is actually a <i>Liquidamber styraciflua</i> . The Tree Management Plan needs to be accurate before it is approvable.	Refer to S144F above.

	List of additional items	

Has the further information request been reviewed by the manager? Yes/ No

Note: must be reviewed prior to being requested

Has an email been sent to the DA Coordinator to request further information? Yes

Date email request sent: DATE 20/03/2019

Does any entity advice received mean the application must be refused:	No
Conditions required from entity advice:	Entered in draft NoD: Yes

Final

Has the entity advice received on this application been considered: (s.120(e))	Yes, see summary above.
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An <i>alias</i> of the Utility Entity advice has been moved into the approved plans folder	Yes
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A Stage 3 has been completed with the following issues noted...

- Conditions as recommended by Entities entered into draft NoD

An email been sent to the DA Coordinator to advance DA to the next stage – Yes

If yes: DATE – 09/05/2019

Assessment officer:	Name Phab Vetsavong	Date 09/05/2019
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STAGE 4 – ISSUES CONSIDERATION (REPRESENTATIONS)

Two (2) representations were made in respect of the application under section 156 of the *Planning and Development Act 2007*. The representations have been read and considered, and a summary of key concerns / issues can be found below:

Area of concern / issue	Assessing officer response
Please refer to pdf representations for details on issues below.	
R8/C8	All issues raised covered in the Assessment part Stage 2
R13/C13	
Site coverage	
R26/C26	
Privacy	
Parking requirement, access, visitor parking (PVAGC)	
R57 solar access	
R72/C72	
R73/C73	
R75/C75	
Development is too big	
Noise form the driveway	
R61	
R70	
R71	

Do any issues raised in representations require a further information request: (s.141 or 144)	No	Date request sent in edevelopment
Do any issues raised in representations mean the application must be refused:	No	
Response required from assessment of representations :	Representation received are considered in the assessment. Building envelope encroachment, privacy and solar access issue identified in the design & siting assessment. Those issue sent to the applicant as Further information request. Applicant responded those issues and lodged revised plans under S144F. Jesmin 14/5/19	
Have representations made on this application been considered in the assessment of this proposal: (s.120(d))	Yes	
Do any representations trigger a referral to MPRG or LRP?	No	An email has been sent to the DA Coordinator to book the DA in for MPRG/ LRP with the seeking advice form attached – Yes/No Date Sent:
Was a site inspection undertaken in this stage:	There is no evidence of site inspection undertaken by stages 1-4. Thara --Stage 5	

Has the draft NoD been updated: When the DA takes effect	If no application is made to ACAT for review of the decision, the approval of the development application takes effect 20 working days after the final notice of the decision to approve the application is given.
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When appeal period starts In response to representations (whether received or not)	<i>After the final notice of the decision to approve the application is given. Stage 5-Thara</i>
Do third party appeal rights apply?	<i>Yes. Thara</i>

Completion

A Stage 4 has been completed with the following issues noted:

- Issues raised by representations considered in the Assessment.

An email been sent to the DA Coordinator to advance DA to the next stage – Yes

If yes: DATE -09/05/2019

Assessment officer:	Name Phab Vetsavong	Date 09/05/2019
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Representation received are considered in the assessment. Building envelope encroachment, privacy and solar access issue identified in the design & siting assessment. Those issue sent to the applicant as further information request. Applicant responded those issues and lodged revised plans under S144F. Jesmin 14/5/19

STAGE 5 – RELEVANT CONSIDERATIONS (MPRG/LRP)

Are there any Stage 1-4 reasons for referral to LRP, MPRG, Other?	No - Delete all cells below in this stage other than sign off
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Stage 5 assessment officer:	Name Thara Boraiah	Date 15/ May 2019
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An email has been sent to the DA Coordinator to advance DA to the next stage – Yes

If yes: DATE -15 May 2019

STAGE 6 – RECOMMENDED DETERMINATION OF PROPOSAL

Have all previous Stages (1-4) been signed off recommending approval?	Yes	
Was the DA referred to LRP or MPRG	No	
Has the leasing manager requested to be referred during the decision stage (see stage 3 assessment)	No	
Has leasing advice been incorporated into the decision:	Yes	
Is a site inspection required to make a decision:	Not for Stage 6	
Has the notice of decision been finalised:	Recommended reasons for decision:	Yes
	Recommended conditions:	Yes
	Entity advice:	Yes
	Representations:	Yes
	Checked third party appeal rights:	Yes
The application is recommended to be:	Approved with conditions	

Has a conflict of interest been declared? – If Yes, the proposal must be Peer Reviewed by Stage 6 officer (without potential conflict) and Signed/determined by a Senior manager	Yes Government Project
Does the determining officer have the correct classification to make the decision? <i>Refer to Classification Matrix</i>	No To be signed off by Assistant Director (SOG C) due to number of representations

Peer review To be completed ONLY IF the delegate (determining officer) undertook another stage in the assessment.					
Reviewing officer name:		Classification:		Date:	

Has the Notice of Decision been scanned and sent to customer services? PLEASE NOTE: THE SUBJECT OF THE SCANNED DOCUMENT TO CS SHOULD INCLUDE THE DA NUMBER	Yes
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An email been sent to the DA Coordinator indicate completion of DA – Yes If yes: DATE – 23/5/19

Sign Off

Determination:	In my findings, I have considered the advice and recommendations received by the officers who undertook stages 1-5 in this assessment document and determine that the application is to be: Approved subject to conditions consistent with the above assessment	Date: 22/5/19
Determining officer & Delegate:	Name: Nicki Di-Campli Delegate Dale Billing	Date 22/5/19

Post Determination

Can stamped plans be released with decision? No - S165 Conditions required to be satisfied
 - Leasing conditions to be satisfied
 - 3rd party appeals

DEVELOPMENT COMPLIES WITH THE ENVIRONMENT
PROTECTION AUTHORITY, ENVIRONMENT PROTECTION
GUIDELINES FOR CONSTRUCTION AND LAND DEVELOPMENT IN
THE ACT, AUGUST 2007

STOREY
APARTMENT
BUILDING

— MDB ENCLOSURE. REFER TO ELECTRICAL ENGINEERS DOCUMENTATION.

— PROTECT AND RETAIN EXISTING
HEDGE, REFER TO DEMOLITION
PLAN FOR AREAS TO BE
REMOVED.

— FENCE - FT1. REFER TO FINISHES SCHEDULE

WATER METER ENCLOSURE.
SEPARATELY METERED 7 OFF.
REFER TO CIVIL ENGINEERS
DOCUMENTATION

VISITOR PARK

VISITOR PARK

STREET TREE QUERCUS
LUSITANICA (LUSITANIAN
OAK) NEW PLANTING

2m TREE PROTECTION ZONE

RENEWED DRIVEWAY
CROSSING - REFER TO CIVIL
ENGINEER'S DOCUMENTATION

PROTECT AND RETAIN, LIQUIDAMBAR
STYRACIFLUA (SWEET GUM), REGULATED
TREE 17m HIGH. LOCATED IN FRONT ZONE,
REFER TO ARBORICULTURAL REPORT AND
TREE MANAGEMENT PLAN FOR DETAIL.

- RAMP + DRIVEWAY SETOUT AND DETAIL TO CIVIL ENGINEERS DETAIL.

- TRAFFIC LIGHT

- PROVIDE BALUSTRADE + HANDRAIL BETWEEN RAMP + FENCE IN ACCORDANCE WITH NCC/ BCA REQUIREMENTS

PROJECT DETAILS

TURNER: Block 9, Section 46 Urban REGISTERED
ADDRESS 9 FORBES STREET
TERRITORY PLAN - Land Use Zone:
 RZ4: MEDIUM DENSITY RESIDENTIAL
SITE AREA: 1045m²
EXISTING RESIDENCE FOOTPRINT: 154m² (3 BEDROOM)
MAX PLOT RATIO: 80%
MAX PERMITTED FLOOR AREA: 836m²
MAX FLOORS: 3
BUILDABLE AREA: 691m² (WITHIN SETBACK)

AREA SCHEDULE

GROUND	332.3m ²
LEVEL 1	280.3m ²
LEVEL 2	90.57m ²
BASEMENT STORAGE	19.2m ²

TOTAL GFA	= 722.37m2 ACTUAL
80% PERMISSIBLE OF 1045 SITE AREA	= 836m2

30% REAR ZONE COVERAGE

REAR ZONE TOTAL AREA	= 634m ²
30% ALLOWABLE COVERAGE	= 190m ²
PREVIOUSLY PROPOSED COVERAGE	= 190m ²
PBZ AREA OFFSET TO REAR ZONE	= 23m ²
ADDITIONAL AREA ADDED TO REAR ZONE COVERAGE	= 21m ²
TOTAL ALLOWABLE REAR ZONE COVERAGE	190 + 23 = 213m ²
TOTAL REAR ZONE COVERAGE PROPOSED	= 211m ²

SITE OPEN SPACE

322.8m² ACTUAL
(209m MIN 20% OF 1045 Site Area)

CARPARKING REQUIREMENTS

1.5 PER 2 BED UNITS = 9
2 PER 3 BEDROOM UNIT = 2
1 VISITOR PER 4 UNITS = 2

TOTAL REQUIRED - 13
TOTAL PROVIDED ON SITE - 11
TOTAL PROVIDED OFF SITE - 2 VISITOR

NOTE - 1 ACCESSIBLE SPACE PROVIDED AS PART OF TOTAL. 4x B99 SPACES PROVIDED AS PART OF TOTAL

ACOUSTIC PERFORMANCE INSIDE THE RESIDENTIAL UNITS TO MEET THE REQUIREMENTS OF AS2107:2000 AND AS 3671

UNIT AREAS / YIELD

NAME	UNIT TYPE	AREA
UNIT 1	2 BED LIVABLE GOLD	82.9 m ²
UNIT 2	2 BED LIVABLE GOLD	79.5 m ²
UNIT 3	3 BED LIVABLE GOLD	115.1 m ²
UNIT 4	2 BED CLASS C	98.8 m ²
UNIT 5	2 BED LIVABLE GOLD	80.8 m ²
UNIT 6	2 BED LIVABLE GOLD	79.3 m ²
UNIT 7	2 BED LIVABLE GOLD	77.8 m ²

Grand total: 7

MUNNS SLY MOOREarchitects




 NORTH
 23/08/18

4031 A001 8



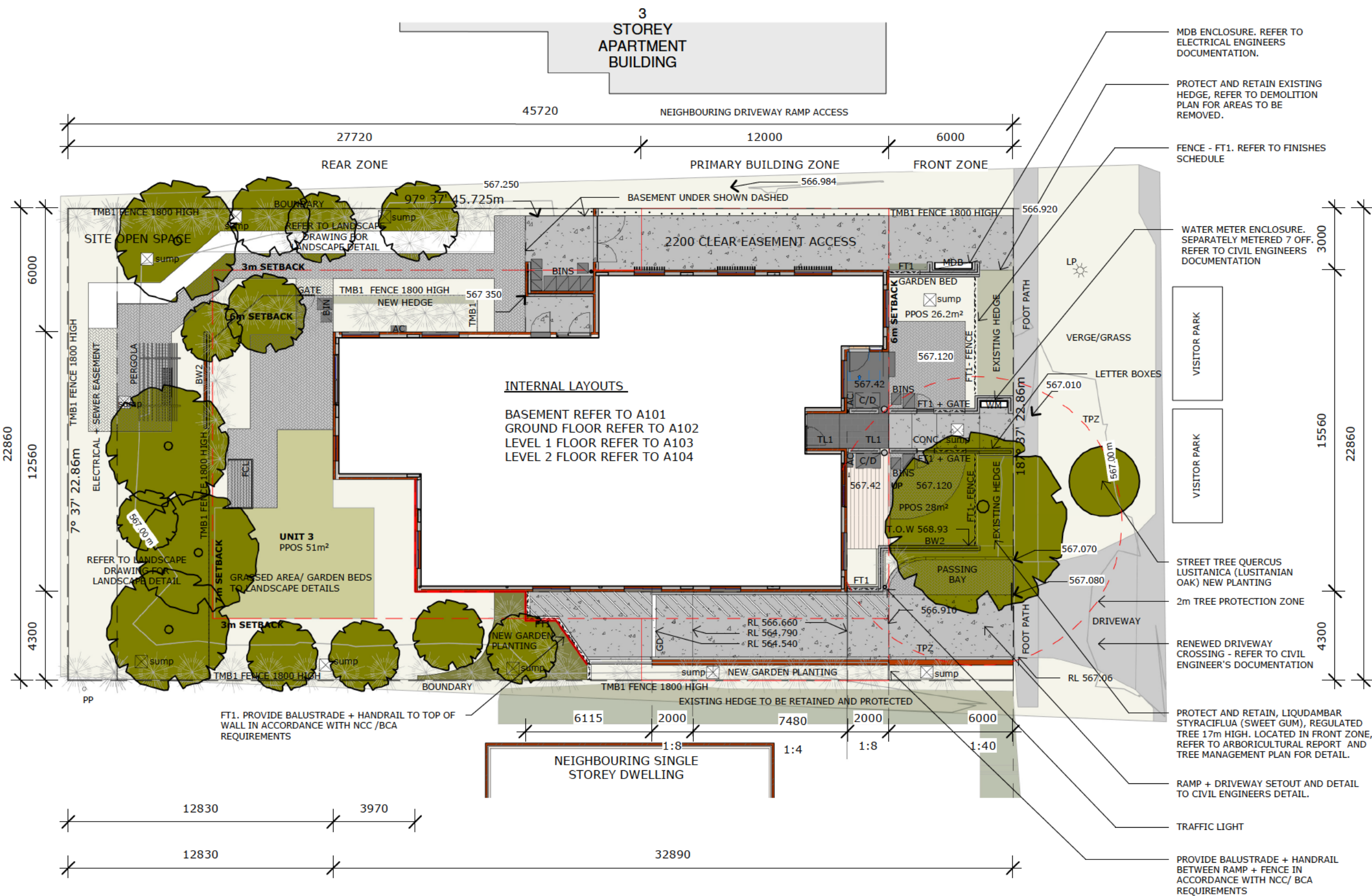
PROJECT STATUS:
Issue For Approval

SITE PLAN

HOUSING ACT - MULTI UNIT DEVELOPMENT
9 FORBES STREET, TURNER ACT
BK:9 SEC:46 TURNER
SCALE: 1 : 200 @A3



DEVELOPMENT COMPLIES WITH THE ENVIRONMENT
PROTECTION AUTHORITY, ENVIRONMENT PROTECTION
GUIDELINES FOR CONSTRUCTION AND LAND DEVELOPMENT IN
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TOTAL REAR ZONE COVERAGE PROPOSED		= 211m ²

SITE OPEN SPACE

322.8m2 ACTUAL
(209m MIN 20% OF 1045 S te Area)

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UNIT 5	2 BED LIVABLE GOLD	80.8 m ²
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UNIT 7	2 BED LIVABLE GOLD	77.8 m ²

Grand total: 7

PROJECT STATUS:
Issue For Approval

SITE PLAN

HOUSING ACT - MULTI UNIT DEVELOPMENT
9 FORBES STREET, TURNER ACT
BK:9 SEC:46 TURNER
SCALE: 1 : 200 @A3



APPLICATION TO VARY A CROWN LEASE

Form 044 - AVCL

Land Titles Act 1925

IMPORTANT INFORMATION

This form is to be used to lodge an application to vary a crown lease under the *Land Titles Act 1925* (the Act). You can access the Act at www.legislation.act.gov.au. You may also obtain further information and forms at www.act.gov.au/accesscbr.

PRIVACY INFORMATION

The Act authorises the Registrar-General to collect the personal information required by this form for the purposes of issuing a registration under the Act. The Registrar-General prevents any unreasonable intrusion into a person's privacy in accordance with the *Information Privacy Act 2014*. The Registrar-General provides identifiable information to law enforcement and other Directorates that have legal authority to request information under prescribed circumstances. These agencies may also use this information to prepare and sell property sales reports to commercial organisations concerned with the development, sale or marketing of land.

INSTRUCTIONS FOR COMPLETION

- The certificate of title or production of title consenting to the registration of this document is required for lodgement.
- All information should be typed or clearly printed. If completing this form by hand please use a solid black pen only.
- This office will not accept lodgement of this form if it is not completed in full.
- Any alteration to information provided on this form must be struck through with a black pen. Substitute information must be clear and all parties must sign in the margin. Do not use correction fluid or tape.
- Ensure all required documents are attached. If there is insufficient space in any panel, please use an Annexure Sheet.
- Execution by:
 - a) **A Natural Person** – Should be witnessed by an adult person who is not a party to the document.
 - b) **Attorney** – if this document is executed by an Attorney pursuant to a registered power of attorney, it must set out the full name of the attorney and the form of execution must indicate the source of his/her authority e.g. "AB by his/her attorney XY pursuant to Power of Attorney ACT Registration No..... of which he/she has no notice of revocation". (This execution requires a witness).
 - c) **Corporation** – Section 127 of the *Corporations Act* provides that a company may now validly execute a document with or without using a Common Seal if the document is signed by:
 - i. Two directors of the company;
 - ii. A director and a secretary of the company; or
 - iii. Where the company is a proprietary company and has a sole director who is also the sole company secretary, that director. (This execution does not require a witness).
- The following forms of execution are suggested –
 - a) **With A Common Seal**
 The common seal of ABC Pty Ltd/Ltd ACN.....
 was affixed in the presence of-
(signature)
(director/secretary)*
 (*repeat if necessary i.e. if two directors signing. If signing as sole director and sole secretary, state 'director/secretary') – (This execution does not require a witness).
 - b) **Without A Common Seal**
 Signed by ABC Pty Ltd/Ltd ACN.....
(signature)
(director/secretary)*
 (*repeat if necessary i.e. if two directors signing. If signing as sole director and sole secretary, state 'director/secretary') – (This execution does not require a witness).

CONTACT AND LODGEMENT INFORMATION

Email:
actlandtitles@act.gov.au
General Enquiries:
 (02) 6207 3000

In Person:
 Environment, Planning and Land Shopfront
 Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson
 Opening hours - Monday to Friday 8:30am to 4:30pm (*excluding public holidays*)



APPLICATION TO VARY A CROWN LEASE

Form 044 - AVCL

Land Titles Act 1925

The Minister or the Delegate of the Planning and Land Authority (the Authority) has agreed to vary the lease as described below, subject to the mortgages, encumbrances and other instruments affecting the land including any created by dealings lodged for registration prior to the lodging of this document. (Note – This form cannot be used to vary a Unit within a Registered Units Plan)

LODGING PARTY DETAILS

Name	Postal Address	Contact Telephone Number

TITLE AND LAND DETAILS

Volume & Folio	District/Division	Section	Block
1379:93	Turner	46	9

FULL NAME OF REGISTERED PROPRIETOR/S (Surname Last)

(ACN required for all companies)

FULL POSTAL ADDRESS

Commissioner for Social Housing

Housing ACT, Locked Bag 3000, Belconnen ACT 2616

LEGISLATIVE PROVISION TO VARY CROWN LEASE

I, **INSERT NAME**, being a delegate of the Planning and Land Authority, APPLY to you to register the variation which has been made to the Crown lease of the land described. An approval of the Variation of Lease is submitted herewith in accordance with Section 72A of the Land Titles Act 1925.

DETAILS OF DELETED CLAUSES (no longer applicable after registration)

- 2(d) That the building erected on the said land will be used only as:
- (i) a single unit private dwelling; and
 - (ii) where permitted by the Territory Plan a second single unit private dwelling;
- PROVIDED THAT any outbuildings erected on the land shall not be used as a habitation;

DETAILS OF VARIATION

**AUSTRALIAN CAPITAL TERRITORY
PLANNING AND DEVELOPMENT ACT 2007
VARIATION OF A CROWN LEASE**

Under the Planning and Development Act 2007, I, **INSERT NAME**, approve the variation of the Crown lease specified hereunder:

FORMER PROVISION/S

N/A

AMENDED PROVISION/S

N/A

INSERTED PROVISIONS

N/A

EXECUTION BY ACT PLANNING AND LAND AUTHORITY

Signed by the person duly authorised by the Planning and Land Authority
(Please print full name of authorised signatory)

SENIOR OFFICER GRADE:
POSITION NUMBER:

Dated -

Print full name and address of witness

**ENVIRONMENT, PLANNING AND SUSTAINABLE
DEVELOPMENT DIRECTORATE
16 CHALLIS STREET
DICKSON ACT 2602**

Signature of witness

Dated -

OFFICE USE ONLY

Lodged by		Certificate of title lodged	
Data entered by		Certificates attached to title	
Registered by		Attachments / Annexures	
Registration date		Production number	



NOTICE OF DECISION

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

I, Dale Billing, delegate of the planning and land authority, pursuant to section 162 of the *Planning and Development Act 2007*, hereby **approve subject to conditions**, the proposal for a **variation to the Crown lease to remove the number of specified dwellings, demolition of the existing dwelling and outbuildings, erection of a 3 storey building containing 7 dwellings with basement parking and associated landscaping and site works**, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number: 201834426
Block: 9
Section: 46
Suburb: Turner
Address: 9 Forbes Street
Application lodged: 18 September 2018
Assessment track: Merit

This decision contains the following information:

Part A – conditions of approval
Part B– reasons for the Decision
Part C – public notification and entity advice
Attachment 1 – administrative information
Attachment 2 – draft instrument of variation

A copy of the development application and this approval may be inspected at the planning and land authority's office from 8.30 am to 4.30 pm, Monday to Friday at 16 Challis Street, Dickson, ACT 2602

CONTACT / ENQUIRIES

Phone: (02) 6207 6383

Online Form:

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

Dale Billing

Delegate of the planning
and land authority

22 May 2019

NOTICE OF DECISION

DA 201834426

PART A – CONDITIONS OF APPROVAL

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

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.

1. FURTHER INFORMATION

Within 28 days from the date of this decision, or within such further time as may be approved in writing by the planning and land authority, the applicant shall lodge with the planning and land authority plans showing:

- a) Revised site plan, landscape plan and architectural drawings, based on the relevant drawings submitted as part of the application showing:
 - i. the driveway/passing bay reconfigured to improve sightlines and facilitate efficient and safe car movements in the front zone in accordance with the requirements of AS 2890.1 Off-street car parking to the satisfaction of the planning and land authority.

Note: the authority's preference is for the passing bay to be located on the southern side of the driveway.
 - ii. realignment/splaying of the courtyard wall on the northern edge of the driveway to the satisfaction of the planning and land authority to improve sightlines and facilitate car movements within the front zone.

2. COMMENCEMENT OF BUILDING WORK

That no building work in relation to this Development Application except demolition or decontamination is to commence on the site, until the Instrument of Variation is registered at Access Canberra (Land Titles and Rental Bonds).

3. INSTRUMENT OF VARIATION

That the lessee accepts the variation substantially in accordance with the draft Instrument of Variation at **Attachment 1** and shall do all that is necessary to ensure that the Instrument of Variation 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.

4. CONSERVATOR

The development must proceed in accordance with the Tree Protection Plan (Drawing) B.

Note: Tree protection Plan (Drawing) B-Construction Period Ref: 20170814 – 2555-TMP- Rev: A

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5. TRANSPORT CANBERRA AND CITY SERVICES (TCCS) VERGE CROSSING

- (a) The double width verge crossing must be constructed in accordance with TCCS Design Standards.
- (b) The maximum gradient for the first 6 metres from the front boundary must not exceed 5% (1:20) in accordance with the section 3.3 of the Australian Standard for Parking Facilities AS 2890.1 - Off-street Car Parking.
- (c) The levels on the verge are not to be altered as a result of the newly constructed verge crossing.
- (d) Any infrastructure assets such as fire hydrant, street lighting, mini-pillars, signage, etc. must be a minimum of 1.5m away from the closest edge of the verge crossing.
- (e) In the case of stormwater sumps this minimum distance can be reduced to 1.2m.

VERGE

- (f) A Landscape Management and Protection Plan (LMPP) including a Dilapidation Report for all Government assets adjacent to the site must be submitted to Asset Acceptance prior to the commencement of any construction and on the completion of works.

PEDESTRIAN NETWORK

- (g) The pedestrian footpaths must take precedence over the verge crossing and be constructed in accordance with TCCS requirements.
- (h) All verge protective fencing must be placed in a way so that the verge is protected but access to the pedestrian network is provided at all times.
- (i) Adequate clearance must be provided for pedestrian walkway / footpath in accordance with the TCCS Standard Drawing 04: Verge Design.

STORMWATER

- (j) Only one stormwater tie must be used for this block.

WASTE

- (k) All waste can be collected along the kerb in accordance with TCCS requirements.

6. DESIGN REVIEW & OPERATIONAL ACCEPTANCE

- (a) A Letter of Design Review must be obtained for all off-site works from the Senior Manager, Place Coordination and Planning, TCCS, prior to the commencement of construction.
- (b) A Certificate of Operational Acceptance on completion of the works must be obtained from the Senior Manager, Place Coordination and Planning, TCCS, prior to the issue of a Certificate of Occupancy.

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7. TEMPORARY TRAFFIC MANAGEMENT (TTM)

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

8. LANDSCAPE MANAGEMENT & PROTECTION PLAN (LMPP)

LMPP approval from the Senior Manager, Place Coordination and Planning, TCCS. During construction, all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with the Landscape Management Protection Plan (LMPP) approved by the Senior Manager, Place Coordination and Planning, TCCS. This plan is to be implemented before the commencement of works, including demolition on the site and is to be in accordance with TCCS Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04.

9. NOTICE OF COMMENCEMENT OF CONSTRUCTION

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

10. COMPLIANCE WITH ENTITY REQUIREMENTS

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

11. ENVIRONMENT PROTECTION

All works shall be carried out in accordance with *Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011*.

12. BUILDINGS AND ASSOCIATED WORKS

All works, including buildings/structures, retaining walls and substructures (i.e. footings etc.) and all drainage are to be sited wholly within the leased boundaries of Block 9 Section 46 Turner.

Note: Access onto adjoining blocks to facilitate construction is subject to consent of the respective lessee(s) to enter their premises.

13. SERVICES

Any service connections e.g. point of entry, meter boxes, gas meters are to be located clear of areas approved for car parking space(s) to ensure these services do not reduce the minimum area of the parking spaces and/or restrict vehicular access.

Service connections and outdoor air conditioning/heat pumps are to be suitably screened.

14. SIGHTLINES

The mature height of plants and any structures within a right triangle formed on each side of the driveway, with dimensions of 2m along the front boundary and 2.5m from the front boundary along the edge of the driveway, shall not exceed 700mm (to comply with AS 2890.1 Off-street car parking).

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15. FENCING

Pursuant to sub paragraph 165(3)(n)(ii) of the Planning and Development Act 2007, at the lessee's expense and before the completion of building work, the existing fences on the shared boundaries with Blocks 8,10 and 19 are to be replaced with a 1.8m high timber lapped and capped fence, or to another standard acceptable to the subject lessee and the adjoining lessee (the boundary fence is not to extend further forward to the street than the building line of the approved building). The lessee must take all reasonable steps to obtain the written agreement of the respective lessees before the erection of any new fencing.

Note: In the event the adjacent lessee(s) do not wish their respective fence to be replaced, the existing fence can be retained.

16. WASTE MANAGEMENT

All building waste is to be stored on the site in suitable receptacles and collected regularly. The lessee is to take all reasonable steps to ensure that waste, particularly wind borne litter, does not affect adjoining or adjacent properties.

ADVISORY NOTES

This application is approved with the following advisory notes.

NOISE

Noise from equipment which may be installed or used at the site, including air conditioning units, must comply with the noise standard at the block boundary at all times as per the Environment Protection Regulation 2005. Please consider the type and location of noise generating equipment prior to installation. Assurance should be sought from the supplier/installer of the equipment that it complies with the Noise Zone Standard as per the Environment Protection Regulation, 2005.

UNIMPROVED LAND VALUE FOR RATING PURPOSES

As a consequence of this lease variation, the unimproved value of the property for rating purposes is likely to increase. Where rates assessments have been issued they will be amended to reflect the higher unimproved value from the time of the lease variation.

LEASE VARIATION CHARGE

Prior to the registration of the Instrument of Variation, 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 Instrument of Variation be registered at Access Canberra (Land Titles and Rental Bonds) prior to expiry of this approval.

FURTHER DEVELOPMENT APPROVAL REQUIRED IF UNIT TITLE IS PROPOSED

Section 20 of the *Unit Titles Act 2001* requires that if a unit title application relates to a lease located within a prescribed zone, the planning and land authority may approve the application only if the lease states the number of units (however described) permitted on the land and the unit title application is for not more than the permitted number of units. This block is within a prescribed zone according to Regulation 8A of the *Unit Titles Regulations 2001* and the Crown lease does not currently state the number of units.

NOTICE OF DECISION

DA 201834426

A development application to vary the Crown lease is required to be lodged and approved, and a lease variation registered at Access Canberra (Land Titles and Rental Bonds) for your lease purpose to be changed to express the maximum number of units permitted on the land. Further information about applying to vary the Crown lease purpose to express the maximum number of units can be requested by emailing actpladaleasing@act.gov.au.

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.

MINIMUM TERM OF LEASE FOR SUBDIVISION UNDER THE UNIT TITLES ACT 2001

If the lessee intends to subdivide this premises under the Unit Titles Act 2001, the Crown lease must have a remaining term of at least 50 years (refer Section 17 Unit Titles Act 2001). To extend the term of the lease, an application for the grant of a further Crown lease can be made to Environment, Planning and Sustainable Development Directorate (EPSDD). The appropriate form can be found at:

<https://form.act.gov.au/smartforms/landing.htm?formCode=1266>

DESIGN REVIEW AND OPERATIONAL ACCEPTANCE

In order to obtain the Letter of Design Review further to condition 5 above, fully detailed drawings (civil, landscape) prepared by suitably qualified persons for all off-site works including roads, driveways, footpaths, street lighting, storm water, landscaping (and any other issues that may be found by audit of the plans) and a design report in accordance with Ref No 06: "Requirements for Design Review Submissions", must be certified by a Chartered Engineer/Landscape Architect and submitted to the Senior Manager, Place Coordination and Planning, TCCS.

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

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

USE OF VERGES OR OTHER UNLEASED TERRITORY LAND

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

REPAIR OF DAMAGE TO PUBLIC ASSETS

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

NOTICE OF DECISION

DA 201834426

PART B – REASONS FOR THE DECISION

During the assessment of the proposal, the applicant was requested to address a number of matters regarding the valuation report, courtyard wall, building envelope, setbacks, solar access, privacy, pavement materials, on street visitor parking and issues raised by the Conservator of Flora and Fauna, the City Renewal Authority and the “Failed to Comply” Notice issued by Icon Water. Responses were submitted under s.144 of the *Planning and Development Act 2007*

The key amendments/information included:

1. Revised roof to Level 2 to reduce building height;
2. Amended front parapet to reduce bulk;
3. Amended Shadow Diagram;
4. Solar diagrams to demonstrate solar penetration;
5. Response to ICON comments
6. Icon Water Endorsement including structural details;
7. Modifications to courtyard walls;
8. Building Encroachment for Unit 5 removed;
9. Screening to upper windows amended to 45 degree blades;
10. PPOS to Unit 3 amended;
11. Windows to Unit 6 amended to address overlooking;
6. Basement pedestrian path delineated with alternate surface finish;
7. Visitor carparks removed from Site Plan; and
8. Tree Management Plan updated to show correct species.

Pursuant to section 146(3) of the Act, the requirement to publicly notify an amended DA can be waived, provided, the requirements of 3(a) and 3(b) of section 146 of the Act, that no-one other than the applicant will be adversely affected by the amendment and the environmental impact caused by the approval of the amendment will do no more than minimally increase the environmental impact of the development.

The planning and land authority considered that no-one other than the applicant will be adversely affected by the amendments and the revised proposal would not increase the environmental impact. Hence, the authority waived the requirement to publicly notify the amended DA.

The revised 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 Inner North Precinct Code, the Residential Zones Development Code and the Multi Unit Housing Development Code.

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*.

NOTICE OF DECISION

DA 201834426

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

Development Application:	201834426
Territory Plan Zones:	RZ4 Medium Density Residential
Development Codes:	Residential Zones Development Code Multi Unit Housing Development Code
Precinct Code:	Turner Precinct Map and Code Inner North Precinct Code
Crown Lease:	Volume 1379 and Folio 93
Legislative requirements:	Sections 119 and 120 of the <i>Planning and Development Act 2007</i>
Entity advice:	Refer to Part C of this Decision

PART C – PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 2 October 2018 to 22 October 2018. Three (3) written representations were received during public notification period.

The main issues raised were as follows:

- Rear Site Coverage
- Building Envelope
- Rear Site Setback
- Bulk and Scale
- Privacy
- Solar Access
- Overshadowing
- Visitor Parking
- Parking provisions
- Overdevelopment
- Noise
- Verge crossing
- Driveway/ramp
- Impact on street tree
- Inaccurate assertions/details

Pursuant to section 120(d) of the Act, the representations have been considered in the assessment.

NOTICE OF DECISION

DA 201834426

ENTITY ADVICE

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

1. Conservator of Flora and Fauna

The Conservator of Flora and Fauna conditionally supports the proposed development. Refer to condition 4 in Part A above.

2. Transport Canberra and City Services (TCCS).

TCCS conditionally support the proposed development. Refer to conditions 5, 6, 7, 8, 9 and Advisory Notes in Part A above.

3. CITY RENEWAL AUTHORITY (CRA)

CRA supports the amended proposal.

4. Evoenergy

Evoenergy conditionally support the proposed development. Refer to condition 10 in Part A above.

5. Jemena Gas

Jemena Gas conditionally support the proposed development. Refer to condition 10 in Part A above.

6. Icon Water.

Icon Water conditionally support the proposed development as amended. Refer to condition 10 in Part A above.

NOTICE OF DECISION

DA 201834426

Translation and interpretation services

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

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ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
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SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
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TRANSLATING AND INTERPRETING SERVICE

131 450

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