

From: [Sargent, Narelle](#)
To: [Cilliers, George](#)
Subject: FW: REFERRAL-EPA-201733198-RECONSIDERATION-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]
Date: 29 January 2019 14:44:52
Attachments: [Referral-Health- DEVELOPMENT APPLICATION - Additional documents submissi....pdf](#)
[image001.jpg](#)
[image004.png](#)

Hi George
Our advice below –sorry I forgot to cc you.

Warm regards
Narelle

From: Sargent, Narelle
Sent: Friday, 25 January 2019 10:30 AM
To: EPD, Customer Services <EPDCustomerServices@act.gov.au>
Cc: EPAPlanningLiaison <EPAPlanningLiaison@act.gov.au>; Power, David <DAVID.POWER@act.gov.au>
Subject: REFERRAL-EPA-201733198-RECONSIDERATION-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]

Environment Planning & Sustainable Development Directorate,

The Environment Protection Authority (EPA) provides the following advice for the Application for Reconsideration for Development Application (DA)201733198:

BLOCK: 18	SECTION: 11	DIVISION: MITCHELL
-----------	-------------	--------------------

No comments	
Recommend Conditions of Approval	
Advice for the applicant	
Recommend Lease Conditions	
Not Supported	X
Further Information/amendments Required	

The Application for Reconsideration for Development Application (DA)201733198 is not supported.

The EPA has considered the DA and concurs with ACT’s Health’s response that the additional information provided by the applicant to attempt to address human health risks has *“not demonstrated that an unacceptable risk to the health and safety of children and vulnerable users thereof will not be created by the use of the site as a childcare centre”*.

Given the outstanding human health risks, the proposed change to the approval to exclude ACT Health from the assessment process, is not supported and it is recommended the Planning Authority continue to consider advice from ACT Health.

Should the Planning Authority decide against refusing the reconsideration, it is recommended that the conditional approval be amended to reflect the original Notice of Decision Condition A1 (see below) requiring EPA endorsement prior to **approval taking effect**.

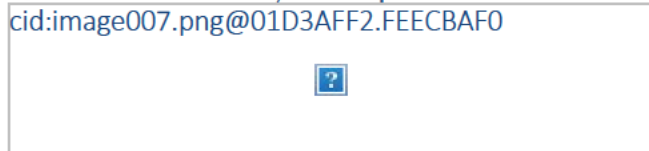
Condition:



The EPA will continue to seek assistance from other agencies which may include ACT Health with its review of the technical aspects of the application.

Warm regards
Narelle

Narelle Sargent | the Environment Protection Authority
Office of the Environment Protection Authority (EPA)
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
Phone: 02 6207 5782 | Mobile [REDACTED] | Email: narelle.sargent@act.gov.au
470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR
cid:image007.png@01D3AFF2.FEECBAF0



From: EPD, Customer Services
Sent: Tuesday, 15 January 2019 3:05 PM
To: EPAPlanningLiaison <EPAPlanningLiaison@act.gov.au>
Subject: REFERRAL-EPA-201733198-RECONSIDERATION-18/11 MITCHELL-01

The Environment, Planning and Sustainable Development Directorate has received an Application for Reconsideration for the following Development Application:

DEVELOPMENT APPLICATION NO: 201733198
BLOCK: 18 **SECTION:** 11 **DIVISION:** MITCHELL

The Application for reconsideration is being applied against Conditional Approval.

Attached is a copy of the additional information supplied by the applicant in relation to the issues they seek to have reviewed.

Your advice by **31/01/2019** would be greatly appreciated to ensure the reconsideration application can be determined within the prescribed period of 20 working days from the date of lodgement.

Please forward any written advice to Customer Service at epdcustomerservices@act.gov.au

If you require any further information please contact customer service on 6207 1923.

Kind Regards

Samantha

Phone 6207 1923

EPDCustomerServices@act.gov.au

www.act.gov.au/accesscbr

Access Canberra | **ACT Government**

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



[@canberratownplanning.com.au](http://canberratownplanning.com.au)

Referral-Health - DEVELOPMENT APPLICATION – Additional documents submission- 201733198- Block 18 Section 11 MITCHELL

Dear Sir/Madam,

Thank you for the submission of additional documentation regarding the proposed construction of a 130 place childcare centre within an IZ2 industrial zone in Mitchell ACT.

The Health Protection Service (HPS) notes that **Condition A2 (a)** of the Notice of Decision (NOD) issued on 18 September 2018 by the Environment Planning and Sustainable Development Directorate in relation to the development states:

Approval does not take effect until the lessee/applicant has prepared and submitted an air quality report to the satisfaction of the ACT Health Protection Service. The report must be prepared by a consultant listed on the Clean Air Society of Australia and New Zealand (CASANZ) directory <http://www.casanz.org.au/directory/>

Such a report shall discuss and demonstrate that the development subsequent use of the site as a childcare centre in the locality will not create an unacceptable risk to the health and safety of children and vulnerable uses thereof.

The report must discuss the effects of potential expansion of permitted activities by surrounding businesses and of future land uses in the surrounding area on air quality. All previous investigations upon which the report is based must be discussed within the report and copies of these reports must be provided to ACT Health Protection Service. The Lessee/applicant must comply with any additional conditions imposed by the ACT Health Protection Service as a result of the findings of this report.

The HPS has reviewed the additional documents submitted and concluded that the documents provided have not met the requirements of the NOD in that they have not demonstrated that an unacceptable risk to the health and safety of and safety of children and vulnerable users thereof will not be created by the use of the use of the site as a childcare centre.

The HPS considers that the air quality sampling undertaken to date has not covered a sufficient period of time to determine seasonal variations and to determine if the results are minimum, average or maximum concentration that would be typically found at this site for a variety of analytes. This has resulted in the Human Health Risk assessment being limited in its insight into any potential health risks posed.

To address this, an air quality sampling program based on the National Environment Protection Measures (NEPMs) should be implemented by a CASANZS listed consultant to measure the following pollutants:

- Carbon Monoxide – 1 month of hourly averages outside of December and January (note this data must be contiguous and include QA data)
- Nitrogen Dioxide – 1 month of hourly averages outside of December and January (note this data must be contiguous and include QA data)
- Ozone – 1 month of hourly averages outside of December and January (note this data must be contiguous and include QA data)
- Particulate Matter less than 10 micron (PM₁₀) – 1 month of hourly averages outside of December and January (note this data must be contiguous and include QA data) or a rolling 1 in 6 day gravimetric sampling program over 1 year
- Particulate Matter less than 2.5 microns (PM_{2.5}) – 1 month of hourly averages outside of December and January (note this data must be contiguous and include QA data) or a rolling 1 in 6 day gravimetric over 1 year
- Air toxics/Volatile Organic Compounds - A rolling 1 in 6 day sampling program over 1 year. This program should cover the common air toxics associated with motor vehicles and the established business in the area.


The results from the above sampling should be incorporated into a revised Human Health Risk Assessment (HHRA).

In addition, whilst the submitted report provides an identification of surrounding block usage and a list of permitted activities within these blocks, it has not met the requirements of the NOD in that it has not adequately discussed the potential expansion of permitted activities which may be enacted on these blocks (without requiring an additional development application) and the impacts such amended land uses may have on air quality at the subject site. The discussion should consider scenarios where the most harmful permitted activities are enacted on surrounding blocks and how this will affect the suitability of the site. The assessment should be incorporated into the revised HHRA and this assessment should be provided to the HPS.

The HPS considers that the protection of vulnerable populations from pollutants from current and future neighbouring industrial uses is of paramount importance and the information requested above is required to demonstrate the use of the site as a child care centre will not create an unacceptable risk to the health and safety of children and vulnerable uses thereof.

Please contact Andrew Stedman, Public Health Officer on (02) 5124 9087 or email andrew.stedman@at.gov.au you require any further information.

Yours Sincerely



Conrad Barr
Executive Branch Manager
Health Protection Service

11 December 2018

From: [ED-HPS-Support](#)
To: [EPD, Customer Services](#)
Cc: [ED-HPS-Support](#)
Subject: REFERRAL-ACT HEALTH-201733198-RECONSIDERATION-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]
Date: 29 January 2019 15:48:57
Attachments: [Referral-Health - DEVELOPMENT APPLICATION 201733198 - Reconsideration submission - Block 18 Section 11 MITCHELL.pdf](#)

Good afternoon EPSDD

Please see attached response from ACT Health.

Conrad Barr | Executive Branch Manager

Health Protection Service | Public Health, Protection and Regulation | ACT Health

PH 5124 9262 | **FAX** 6205 1705

25 Mulley Street, HOLDER ACT 2611 | Locked Bag 5005, Weston Creek, ACT, 2611

E ED-HPS-Support@act.gov.au W health.act.gov.au

From: [EPAPanningLiaison](#)
To: [EPD, Customer Services](#)
Cc: [Cilliers, George](#); [Sargent, Narelle](#); [Power, David](#)
Subject: RE: REFERRAL-EPA-201733198-RECONSIDERATION-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]
Date: 17 January 2019 16:26:17

Environment Planning & Sustainable Development Directorate,

Could further information please be provided in relation to the current Notice of Decision and DA history. The DA history has been reviewed but no records can be located of any referral to the EPA for any proposal to change the original conditions, or a notification that the NoD was updated. There is also no correspondence that explains why and how the original conditions were changed or how the updated EPA conditions protect human health and are enforceable.

The updated air quality report, which was requested by the EPA in correspondence dated 16.5.2018, that was prepared by the applicant and referred to the HPS by the Planning Authority has not been referred to the EPA. Given the specifics of the current application as well as the outstanding human health concerns, it is recommended all documentation, including the Air Quality and planning reports be referred to the EPA for review.

Further, any assistance to understand how the current and proposed conditions would protect human health and would be enforceable under the Planning & Development Act would assist the EPA with assessment of the application. The Air Quality Report along with the HPS response to the report and all other supporting information and any updated plans and reports should also be included in an updated referral for the EPA to consider.

Further advice from the EPA will be provided following review of the updated referral.

It should be noted that review of technical documents such as Air Quality Reports require up to 15 business days to review.

Regards,

Robin Brown | Environment Protection Authority Planning Liaison

Phone 02 6207 5642

Environmental Quality | Construction Environment & Workplace Protection | Access Canberra | **ACT Government**
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: EPD, Customer Services
Sent: Tuesday, 15 January 2019 3:05 PM
To: EPAPanningLiaison <EPAPanningLiaison@act.gov.au>
Subject: REFERRAL-EPA-201733198-RECONSIDERATION-18/11 MITCHELL-01

The Environment, Planning and Sustainable Development Directorate has received an Application for Reconsideration for the following Development Application:

DEVELOPMENT APPLICATION NO: 201733198
BLOCK: 18 **SECTION:** 11 **DIVISION:** MITCHELL

The Application for reconsideration is being applied against Conditional

Approval.

Attached is a copy of the additional information supplied by the applicant in relation to the issues they seek to have reviewed.

Your advice by **31/01/2019** would be greatly appreciated to ensure the reconsideration application can be determined within the prescribed period of 20 working days from the date of lodgement.

Please forward any written advice to Customer Service at epdcustomerservices@act.gov.au

If you require any further information please contact customer service on 6207 1923.

Kind Regards

Samantha

Phone 6207 1923

EPDCustomerServices@act.gov.au

www.act.gov.au/accesscbr

Access Canberra | ACT Government

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

From: [EPAPanningLiaison](#)
To: [Cilliers, George](#)
Cc: [EPD, Customer Services](#); [Sargent, Narelle](#); [Power, David](#)
Subject: FW: REFERRAL-EPA-201733198-RECONSIDERATION-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]
Date: 24 January 2019 09:29:47
Importance: High

Hi George,

Hoping someone might be able to get something back asap given the limited time remaining on this one. Specifically what is being requested is advice how any of the applicants proposed pollution mitigation and human health protection strategies would or could be enforceable if the proposed change to the conditions is approved. Advice by CoB today would be preferred.

Regards,

Robin Brown | Environment Protection Authority Planning Liaison

Phone 02 6207 5642

Environmental Quality | Construction Environment & Workplace Protection | Access Canberra | **ACT Government**
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: EPAPanningLiaison
Sent: Wednesday, 23 January 2019 7:41 AM
To: EPD, Customer Services <EPDCustomerServices@act.gov.au>
Cc: Cilliers, George <George.Cilliers@act.gov.au>
Subject: RE: REFERRAL-EPA-201733198-RECONSIDERATION-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]

Environment Planning & Sustainable Development Directorate,

Could assistance please be provided to assist with our offices assessment of the referral to understand what institutional planning controls will be available to enforce the proposed environmental controls to protect human health should the application be approved in its current form by the Planning Authority.

Regards,

Robin Brown | Environment Protection Authority Planning Liaison

Phone 02 6207 5642

Environmental Quality | Construction Environment & Workplace Protection | Access Canberra | **ACT Government**
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: EPD, Customer Services
Sent: Tuesday, 15 January 2019 3:05 PM
To: EPAPanningLiaison <EPAPanningLiaison@act.gov.au>
Subject: REFERRAL-EPA-201733198-RECONSIDERATION-18/11 MITCHELL-01

The Environment, Planning and Sustainable Development Directorate has received an Application for Reconsideration for the following Development Application:

DEVELOPMENT APPLICATION NO: 201733198

BLOCK: 18 SECTION: 11 DIVISION: MITCHELL

The Application for reconsideration is being applied against Conditional Approval.

Attached is a copy of the additional information supplied by the applicant in relation to the issues they seek to have reviewed.

Your advice by **31/01/2019** would be greatly appreciated to ensure the reconsideration application can be determined within the prescribed period of 20 working days from the date of lodgement.

Please forward any written advice to Customer Service at epdcustomerservices@act.gov.au

If you require any further information please contact customer service on 6207 1923.

Kind Regards

Samantha

Phone 6207 1923

EPDCustomerServices@act.gov.au

www.act.gov.au/accesscbr

Access Canberra | ACT Government

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

From: [Sargent, Narelle](#)
To: [EPD, Customer Services](#)
Cc: [EPPlanningLiaison](#); [Power, David](#)
Subject: REFERRAL-EPA-201733198-RECONSIDERATION-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]
Date: 25 January 2019 10:30:16
Attachments: [Referral-Health- DEVELOPMENT APPLICATION - Additional documents submissi....pdf](#)
[image001.jpg](#)
[image004.png](#)

Environment Planning & Sustainable Development Directorate,

The Environment Protection Authority (EPA) provides the following advice for the Application for Reconsideration for Development Application (DA)201733198:

BLOCK: 18	SECTION: 11	DIVISION: MITCHELL
-----------	-------------	--------------------

No comments	
Recommend Conditions of Approval	
Advice for the applicant	
Recommend Lease Conditions	
Not Supported	X
Further Information/amendments Required	

The Application for Reconsideration for Development Application (DA)201733198 is not supported.

The EPA has considered the DA and concurs with ACT's Health's response that the additional information provided by the applicant to attempt to address human health risks has *"not demonstrated that an unacceptable risk to the health and safety of children and vulnerable users thereof will not be created by the use of the site as a childcare centre"*.

Given the outstanding human health risks, the proposed change to the approval to exclude ACT Health from the assessment process, is not supported and it is recommended the Planning Authority continue to consider advice from ACT Health.

Should the Planning Authority decide against refusing the reconsideration, it is recommended that the conditional approval be amended to reflect the original Notice of Decision Condition A1 (see below) requiring EPA endorsement prior to **approval taking effect**.

Condition:

cid:image003.jpg@01D4B3F7.8FBD7840

The EPA will continue to seek assistance from other agencies which may include ACT Health with its review of the technical aspects of the application.

Warm regards
Narelle

Narelle Sargent | the Environment Protection Authority
Office of the Environment Protection Authority (EPA)
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
Phone: 02 6207 5782 | Mobile: [REDACTED] | Email: narelle.sargent@act.gov.au
470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR

cid:image007.png@01D3AFF2.FEECBAF0



From: EPD, Customer Services
Sent: Tuesday, 15 January 2019 3:05 PM
To: EPAPlanningLiaison <EPAPlanningLiaison@act.gov.au>
Subject: REFERRAL-EPA-201733198-RECONSIDERATION-18/11 MITCHELL-01

The Environment, Planning and Sustainable Development Directorate has received an Application for Reconsideration for the following Development Application:

DEVELOPMENT APPLICATION NO: 201733198
BLOCK: 18 **SECTION:** 11 **DIVISION:** MITCHELL

The Application for reconsideration is being applied against Conditional Approval.

Attached is a copy of the additional information supplied by the applicant in relation to the issues they seek to have reviewed.

Your advice by **31/01/2019** would be greatly appreciated to ensure the reconsideration application can be determined within the prescribed period of 20 working days from the date of lodgement.

Please forward any written advice to Customer Service at epdcustomerservices@act.gov.au

If you require any further information please contact customer service on 6207

1923.

Kind Regards

Samantha

Phone 6207 1923

EPDCustomerServices@act.gov.au

www.act.gov.au/accesscbr

Access Canberra | **ACT Government**

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

From: [EPD, Customer Services](#)
To: [ED-HPS-Support](#)
Subject: REFERRAL-ACT HEALTH-201733198-RECONSIDERATION-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]
Date: 15 January 2019 15:07:00
Attachments: [APP-201733198-RECONSIDERATION-01.pdf](#)
[SUPP-201733198-RECONSIDERATION-LETTER-01.pdf](#)

The Environment, Planning and Sustainable Development Directorate has received an Application for Reconsideration for the following Development Application:

DEVELOPMENT APPLICATION NO: 201733198
BLOCK: 18 **SECTION:** 11 **DIVISION:** MITCHELL

The Application for reconsideration is being applied against Conditional Approval.

Attached is a copy of the additional information supplied by the applicant in relation to the issues they seek to have reviewed.

Your advice by **31/01/2019** would be greatly appreciated to ensure the reconsideration application can be determined within the prescribed period of 20 working days from the date of lodgement.

Please forward any written advice to Customer Service at epdcustomerservices@act.gov.au

If you require any further information please contact customer service on 6207 1923.

Kind Regards

Samantha
Phone 6207 1923

EPDCustomerServices@act.gov.au

www.act.gov.au/accesscbr

Access Canberra | ACT Government

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

From: [Evatt, Ebony](#)
To: [John Konstantinou](#)
Subject: NOTICE OF DECISION-201733198-18/11 MITCHELL-RECONSIDERATION-01 [SEC=UNCLASSIFIED]
Date: 6 February 2019 12:31:51
Attachments: [NOTICE OF DECISION-201733198-RECONSIDERATION-SIGNED-01.pdf](#)
[image001.jpg](#)
[REFERRAL-ACT HEALTH-201733198-RECONSIDERATION-1811 MITCHELL-01 SECUNCLASSIFIED.msg](#)
[FW REFERRAL-EPA-201733198-RECONSIDERATION-1811 MITCHELL-01 SECUNCLASSIFIED.msg](#)

Good Afternoon,

Please find attached the Notice of decision and on the reconsideration for DA201733198 – 18/11 MITCHELL.

For further information please contact Hayden Pini on 6207 8728 or email hayden.pini@act.gov.au

Kind Regards,

Ebony Evatt

Customer service Officer | Notification

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

Access Canberra | ACT Government | Environment, Planning and Land Building Services

16 Challis st, Dickson 2602 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accesscbr

Access Canberra brings together customer and regulatory services

161024_AccessCbr_moving_SigBlock



Land titles and revenue services are moving to Dame Pattie Menzies House, 16 Challis Street, Dickson and will be co-located with the Access Canberra Environment, Planning and Land Shopfront. These services will be available at this new location from 1 December 2016. For more information visit www.act.gov.au/accessCBR



ACT
Government

Environment, Planning and
Sustainable Development

Notice of decision on Reconsideration

Division 7.3.10 of the *Planning and Development Act 2007*

DA NO: 201733198	DATE RECONSIDERATION LODGED: 15 January 2019	
DATE OF DECISION: 31 January 2019		
BLOCK: 18	SECTION: 11	SUBURB: Mitchell
STREET NO AND NAME: Corner of Heffernan Street and Darling Street		
APPLICANT: Konstantinou Developments Pty Ltd		
Lessees: Konstantinou Developments Pty Ltd		

THE APPLICATION

This application seeks reconsideration of condition A2 applicable to the conditional approval for DA-201733198, as formally corrected by the planning and land authority on 18 September 2018.

Condition A2 reads as follows:

• A2. ACT HEALTH PROTECTION SERVICE – APPROVAL DOES NOT TAKE EFFECT

- a. *The approval does not take effect until the lessee/applicant has prepared and submitted an air quality report to the satisfaction of the ACT Health Protection Service. The report must be prepared by a consultant listed on the Clean Air Society of Australia and New Zealand (CASANZ) directory <https://www.casanz.org.au/directory/>.*

Such a report shall discuss and demonstrate that the development and subsequent use of the site as a Childcare Centre in the locality will not create an unacceptable risk to the health and safety of children and vulnerable users thereof. The report must discuss the effects of potential expansion of permitted activities by surrounding businesses and of future land uses in the surrounding area on air quality. All previous investigations upon which the report is based must be discussed within the report and copies of these reports must be provided to ACT Health Protection Service. The lessee/applicant must comply with any additional conditions imposed by the ACT Health Protection Service as a result of the findings of this report.

- b. *The lessee/applicant must ensure that all water outlets supplied by rainwater are clearly labelled as being provided with non-potable water and must also ensure that they are located in areas inaccessible to children OR provided with tamperproof fittings.*
- c. *The lessee/applicant must ensure that a food business license is obtained from the Health Protection Service prior to completion of the development.*

Note: Evidence of compliance with this condition must be provided to the planning and land authority. Any substantial changes to the development required for the ACT Health Protection Service endorsement will need to be submitted for the approval of the planning and land authority with an application to amend the approval under s197 of the Planning and Development Act 2007.

THE DECISION

I, Brett Phillips, delegate of the planning and land authority, pursuant to section 193 of the *Planning and Development Act 2007*, hereby **confirm the formally corrected decision** of the planning and land authority of 18 September 2018.

PUBLIC NOTIFICATION

Pursuant to Division 7.3.10 of the Act, written notice of the reconsideration application was not required as no written representations were received for the original application notified 26 February 2018 to 20 March 2018.

REASONS FOR THE DECISION

The original decision dated 21 May 2018, as formally corrected on 18 September 2018, is confirmed based on advice received from entities, i.e. the Health Protection Service (HPS) and the Environment Protection Authority (EPA).

The reconsideration application was referred to the ACT Health Protection Service and Environment Protection Authority on 15 January 2019 and comments were due 31 January 2019.

On 29 January 2019 the HPS provided comments to advise that they do not support the removal of condition A2. A copy of HPS' advice is attached to this decision (**Attachment A**).

On 29 January 2019 the EPA provided comments to advise that they do not support the removal of condition A2. A copy of EPA's advice is attached to this decision (**Attachment B**).

The planning and land authority considered the advice of the HPS and the EPA and concluded that, by altering or removing condition A2 from the Notice of Decision, there is potential for the matters as identified by the entities to go unmanaged.

Therefore, condition A2 in the formally corrected Notice of Decision dated 18 September 2018 is confirmed.

In making this decision, no planning reasons were identified for this decision. This decision is solely based on entity advice received.

INSPECTION OF THE APPLICATION AND DECISION

A copy of the application and the decision can be inspected between 8:30am and 4:30pm weekdays at the Environment and Planning Dickson Customer Service Centre at 16 Challis Street, Dickson, ACT.

REVIEW BY THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL (ACAT)

Decisions that are reviewable by the ACAT are identified in Schedule 1 of the *Planning and Development Act 2007*, except for those precluded under Schedule 3 of the *Planning and Development Regulations 2008* – Matters exempt from third-party ACAT review.

EVIDENCE

Application No. - 201733198 & Reconsideration application
The Territory Plan Zone – IZ2 Industrial Mixed Use
The Development Codes – Industrial Zones Development Code
Current Crown Lease – Volume 1831 Folio 29
Representations – Not applicable
Entity advice- ACT Health Protection Service & the Environment Protection Authority

DELEGATE



Brett Phillips
Delegate of the planning and land authority
Environment, Planning and Sustainable Development Directorate

31 January 2019

CONTACT

DAEnquiries@act.gov.au

APPENDIX 1

REVIEW OF THE DECISION

The following notes are provided in accordance with regulation 7 of the *ACT Civil and Administrative Tribunal Regulation 2008*. Refer to the Review by the ACT Civil and Administrative Tribunal (ACAT) section of the Notice of decision for information about its relevance to this development application.

CONTACT DETAILS

The review authority is the ACT Civil and Administrative Appeals Tribunal (ACAT).

Location	Contact details
ACT Civil and Administrative Tribunal Level 4, 1 Moore Street (the Health building) CANBERRA CITY ACT 2601	Website: www.acat.act.gov.au Email: tribunal@act.gov.au Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601 Document exchange: DX 5691

POWERS OF THE ACAT

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

APPLICATIONS TO THE ACAT

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

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

TIME LIMITS FOR APPLICATIONS

The time limit to make a request for a review is 28 days from receiving this Notice of decision. The time limit can be extended in some circumstances. Check with the ACAT for more details.

FEES

Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee of not less than \$178 (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Director General, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. Ask the ACAT for more details.

TIME LIMITS FOR REVIEWS OF DECISIONS

The ACAT is required to decide appeals in land and planning and tree protection cases within 120 days after the lodging of the appeal, unless that period is extended by the ACAT upon it being satisfied that it is in the interests of justice to do so.

FORMS OF LEGAL, FINANCIAL AND OTHER ADVICE AND ASSISTANCE

The following organisations can provide advice and assistance if you are eligible:

- ACT Attorney-General, write to The Director General, Justice and Community Safety Directorate, GPO Box 158, CANBERRA, ACT, 2601;
- the ACT Legal Aid Office, telephone 1300 654314;
- Legal Advice Bureau, telephone (02) 6247 5700;
- ACT Council of the Ageing, telephone (02) 6282 3777; and
- Welfare Rights and Legal Centre, telephone (02) 6247 2177.

AWARDING OF COSTS

You will have to pay any costs involved in preparing or presenting your case. The ACAT also has the power to award costs against a party if the party contravenes a direction of the ACAT and the ACAT considers it in the interests of justice to make such an order. This power is in addition to the power of the ACAT to strike out a party and to dismiss an application for failure to comply with the ACAT's directions.

ACCESS TO DOCUMENTS ABOUT THE DECISION

You may apply for access to any documents you consider relevant to this decision under the ACT Freedom of Information Act 1989. Information about Freedom of information requests is available on the planning and land authority's web site or by contacting us by phone on (02) 6207 1923.

PROCEDURES OF THE ACAT

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

TRANSLATION AND INTERPRETER SERVICES

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

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodioca telefoniрајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

TRANSLATING AND INTERPRETING SERVICE

131 450

Canberra and District - 24 hours a day, seven days a week

From: [ED-HPS-Support](#)
To: [EPD, Customer Services](#)
Cc: [ED-HPS-Support](#)
Subject: REFERRAL-ACT HEALTH-201733198-RECONSIDERATION-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]
Date: 29 January 2019 15:48:57
Attachments: [Referral-Health - DEVELOPMENT APPLICATION 201733198 - Reconsideration submission - Block 18 Section 11 MITCHELL.pdf](#)

Good afternoon EPSDD

Please see attached response from ACT Health.

Conrad Barr | Executive Branch Manager

Health Protection Service | Public Health, Protection and Regulation | ACT Health

PH 5124 9262 | **FAX** 6205 1705

25 Mulley Street, HOLDER ACT 2611 | Locked Bag 5005, Weston Creek, ACT, 2611

E ED-HPS-Support@act.gov.au W health.act.gov.au

From: [Evatt, Ebony](#)
To: [EPAPanningLiaison](#); [ED-HPS-Support](#)
Subject: NOTICE OF DECISION-201733198-18/11 MITCHELL-RECONSIDERATION-01 [SEC=UNCLASSIFIED]
Date: 5 February 2019 13:57:57
Attachments: [NOTICE OF DECISION-201733198-RECONSIDERATION-SIGNED-01.pdf](#)
[image001.jpg](#)
[REFERRAL-ACT HEALTH-201733198-RECONSIDERATION-1811 MITCHELL-01 SECUNCLASSIFIED.msg](#)
[FW_REFERRAL-EPA-201733198-RECONSIDERATION-1811 MITCHELL-01 SECUNCLASSIFIED.msg](#)
[DISPATCHADVICECHECKLIST-201733198-RECONSIDERATION-01.doc](#)
[NOTICE OF DECISION-201733198-RECONSIDERATION-SIGNED-01.obr](#)
[Attachment A.OBR](#)
[Attachment B.OBR](#)
[DISPATCHADVICECHECKLIST-201733198-RECONSIDERATION-01.obr](#)

Please disregard previous email.

Good Afternoon,

Please find attached the Notice of decision and on the reconsideration for DA201733198 – 18/11 MITCHELL.

For further information please contact Hayden Pini on 6207 8728 or email hayden.pini@act.gov.au

Kind Regards,

Ebony Evatt

Customer service Officer | Notification

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

Access Canberra | **ACT Government** | **Environment, Planning and Land Building Services**

16 Challis st, Dickson 2602 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accesscbr

Access Canberra brings together customer and regulatory services

161024_AccessCbr_moving_SigBlock



Land titles and revenue services are moving to Dame Pattie Menzies House, 16 Challis Street, Dickson and will be co-located with the Access Canberra Environment, Planning and Land Shopfront. These services will be available at this new location from 1 December 2016. For more information visit www.act.gov.au/accessCBR

From: [Pradhan, Jyoti](#) on behalf of [EPSDD DA Stage 6](#)
To: [Pini, Hayden](#)
Cc: [Gell, Chris](#); [Cilliers, George](#); [EPSD DACoordinator](#); [EPSDD DA Stage 6](#)
Subject: FW: Proposed Amendment to DA201733198 - Mitchell Childcare
Date: 22 April 2021 09:09:01
Attachments: [image002.png](#)
[2020 - DA Approval.pdf](#)
[2021- 2 storey Proposal.pdf](#)
[image001.jpg](#)
[DA-201733198.obr](#)
[20190415-Decision confirmed with amendments.obr](#)
[20210223 - Proposed amendments to DA 201733198.obr](#)
Importance: High

OFFICIAL

Good morning Hayden,

This refers to the proposed Child Care Centre in Mitchell.

The DA was subject of a reconsideration application and later was mediated at the ACAT.

The reconsideration decision confirmed the formal correction in relation to HPS requirements and the 'approval not taking effect' till HPS endorses the proposal. However, the ACAT amended the decision to remove 'approval does not take effect'. (Just noticed the ACAT decision quotes incorrect DA number instead of 201733198, it states 201733189 – you may need to check this).

I also note your recent email to the architect/applicant in relation to proposed amendments. Unsure if there were any further discussions with the applicants on the revised proposal. A s188 EOT has been granted on 25 March 2021.

There is currently no S197 application lodged and appears the applicant has directly approached HPS and other agencies (EPA, CECA) for comments prior to lodging the amendments.

I would appreciate you reviewing the below and advising HPS accordingly please.

Thanks and regards,
Jyoti

From: EPSD DACoordinator <DAcoordinator@act.gov.au>
Sent: Tuesday, 20 April 2021 3:16 PM
To: EPSDD DA Stage 6 <EPSDDDAStage6@act.gov.au>
Subject: FW: Mitchell Childcare - Proposed Amendment to DA201733198

OFFICIAL

Hi Stage 6,

I have received the below enquiry from ACT health regarding DA201733198 and if a formal amendment is required.

From the email chain below I assume that CTP are seeking advice from ACT health prior to

lodging the amendment.
Can you please look into the below and respond to Kate.

Thank you

Anna

From: AC, EPD Customer Services <ACEPDCustomerServices@act.gov.au>
Sent: Monday, 19 April 2021 8:25 AM
To: EPSD DACoordinator <DAcoordinator@act.gov.au>
Subject: FW: Mitchell Childcare - Proposed Amendment to DA201733198

OFFICIAL

From: Groeschel, Kate (Health) <Kate.Groeschel@act.gov.au>
Sent: Friday, 16 April 2021 4:49 PM
To: AC, EPD Customer Services <ACEPDCustomerServices@act.gov.au>
Cc: Kneipp, Jason (Health) <Jason.Kneipp@act.gov.au>
Subject: FW: Mitchell Childcare - Proposed Amendment to DA201733198

OFFICIAL

Good afternoon,

The Health Protection Service received the below email and attachments in regards to the development application (DA) 201733198- Block 18 Section 11 Mitchell, directly from the applicant.

As this is an amendment to a DA should it have gone through the appropriate EPSDD channels rather than directly to the agencies? Please advise if this is not the case as soon as possible.

Kind regards,

Kate Groeschel | Public Health Officer

Ph: 5124 9092 Mob: [REDACTED] | Email: kate.groeschel@act.gov.au

Environmental Health, Health Protection Service, Public Health Protection and Regulation | ACT Health Directorate
25 Mulley Street, Holder ACT 2611
health.act.gov.au

ACTH Email signature Values



From: Pieter Van Der Walt
Sent: Wednesday, 14 April 2021 1:03 PM
To: andrew.stedman@act.gov.au; Leah.Partridge@act.gov.au; clare.brookes@act.gov.au;
Narelle.Sargent@act.gov.au

Cc: Nichelle Jackson [redacted]@CanberraTownPlanning.com.au>

Subject: Mitchell Childcare - Proposed Amendment to DA201733198

Good afternoon

Proposed Amendment to DA201733198 – Block 18 Section 11 Mitchell.

With reference to the approval of DA201733198 (20/2/2020 that comprised a 3-storey Childcare Centre. Canberra Town Planning has been engaged by the Lessee to progress an amendment to the approved proposal. The amendment seeks to reduce the scale of the centre to 2 storeys (a predominantly single level centre over undercroft parking) and a reduction in childcare places. For your convenience we attach artefacts detailing the approved proposal and proposed amendment scheme to this correspondence.

We believe the amendments is in keeping with the demand for this service in Mitchell and provide a reduced exposure and risk profile to the centre being of lesser scale. We further believe that this goes some way limiting impacts relating to the centre in as far as the matters that was conditioned in the Notice of Decision set out. We would also note that the new adjustments provides improved outdoor play area and natural lighting to the new single floor, as opposed to the original option.


We are seeking your consideration and support for progressing this amendment. WE are available and happy to meet with you to discuss these matters in more detail should that be beneficial to you.

We would appreciate your timely consideration and response to support the progression of this amendment and development of the centre.

Please feel free to contact me should you have any questions regarding the above.

Regards

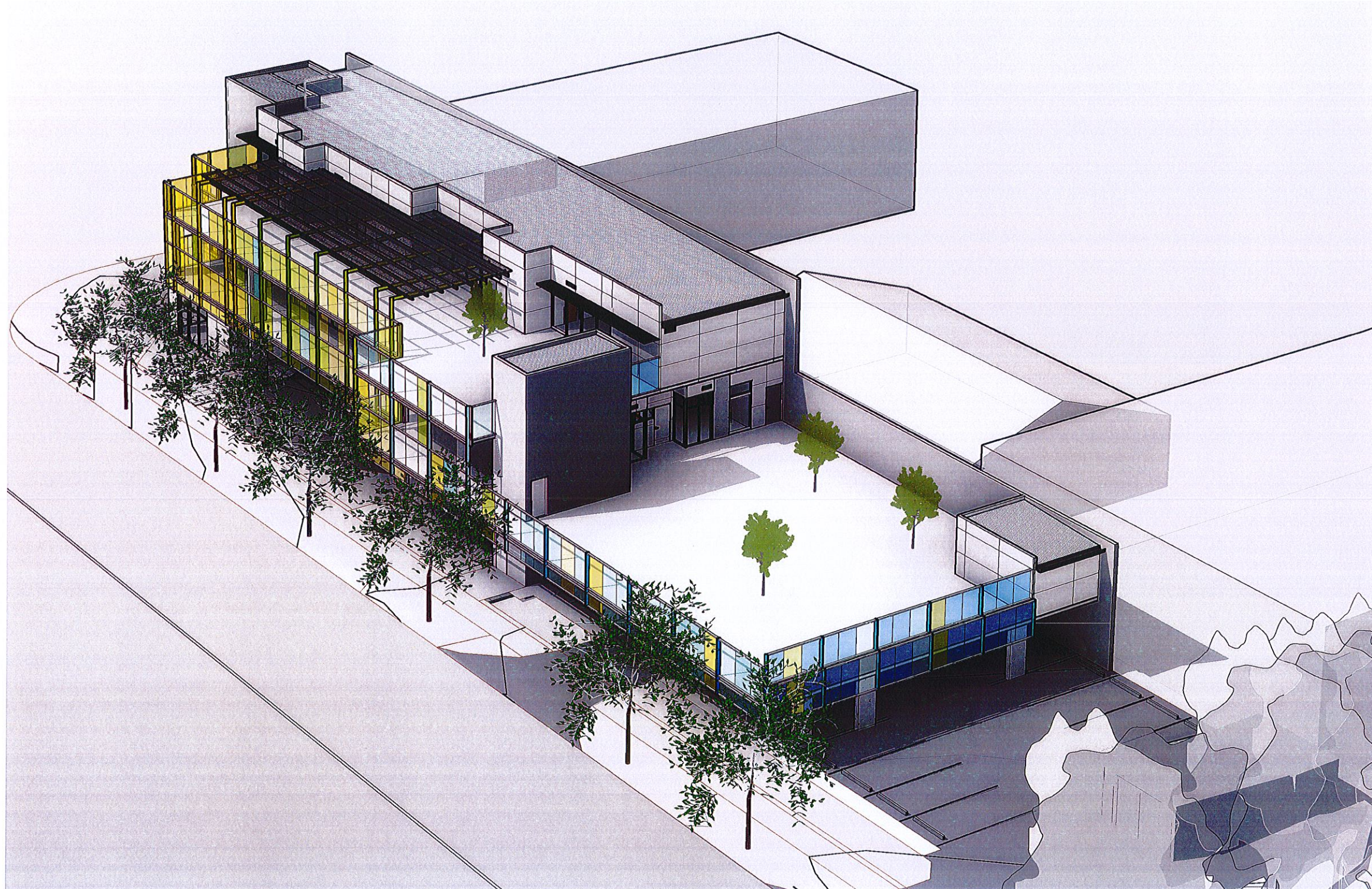
Pieter



Pieter van der Walt
Director – Senior Town Planner
5/32 Lonsdale Street, Braddon 2612
e (02) 6262 5091
[redacted]@canbplan.com.au
canberratownplanning.com.au

Please consider the environment before printing this email.
This message and any attachments may be privileged, confidential or proprietary. If you are not the intended recipient of this email or believe that you have received this correspondence in error, please contact the sender through the information provided above and permanently delete this message.

PREVIOUSLY APPROVED
PLANS - 3 STOREY



I:\MacHome\Desktop\Revit Local Files\A17041 Mitchell C_Central_R17_Jarrad.rvt

13/02/2018 9:31:09 AM

Rev	Amendment	Date	Init

arpm

Adelaide | Alice Springs | Canberra | Darwin | Hobart | Melbourne | Perth

Level 5, 15 Moore Street, Canberra ACT 2601 P: (02) 6169 4667 | E: info@arpm.com.au

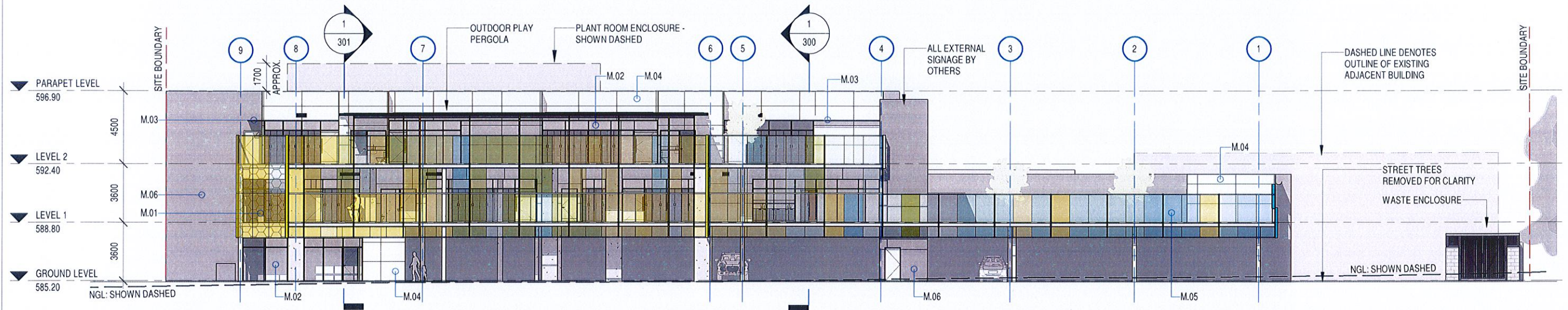
MITCHELL CHILDCARE CENTRE
BLOCK 18, SECTION 11 CORNER DARLING &
HEFFERNAN STREET, MITCHELL, ACT

PERSPECTIVES

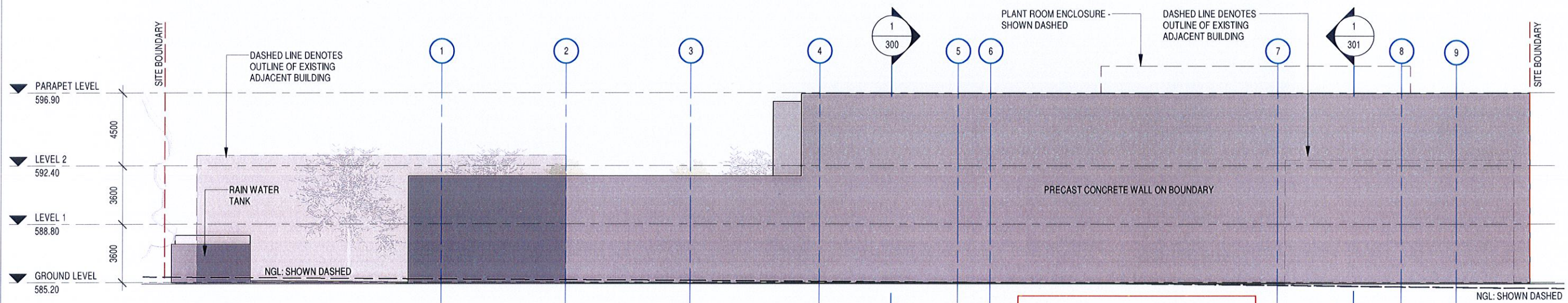
Drawn	Date	Scale	A3	Project Number	A17041	
Author						
Review	Date	Project Leader	Date			
Checker		Designer		Drawing Number	SK 801	
PRELIMINARY						

Contractor shall check and verify all levels and dimensions on site and report any discrepancies to the Superintendent before undertaking any work or shop drawings.

13/02/2018 9:29:39 AM \\MacHome\Desktop\Revit Local Files\A17041 Mitchell C_Central_R17_Jarrad.rvt



1 NORTH ELEVATION
102 1:250

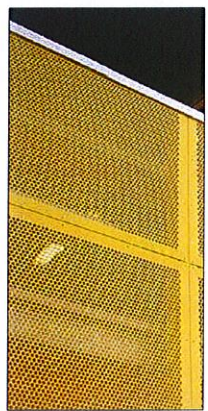


2 SOUTH ELEVATION
102 1:250

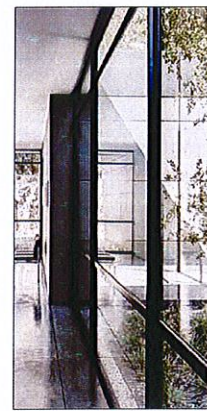
PLANNING AND DEVELOPMENT ACT 2007
APPROVAL GRANTED
PURSUANT TO SECTION 165

Delegate name HAYDEN PINI
Date 20/2/2020

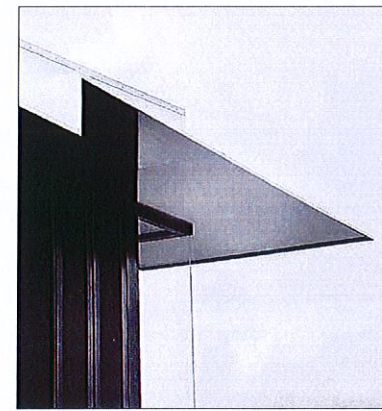
MATERIALS PALETTE



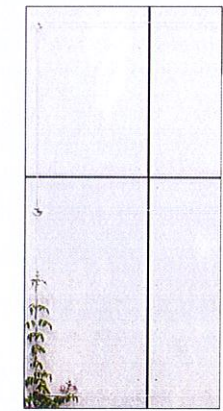
M.01 PERFORATED STEEL SCREEN. COLOUR - TO MATCH TRANSPARENT CLADDING (M05)



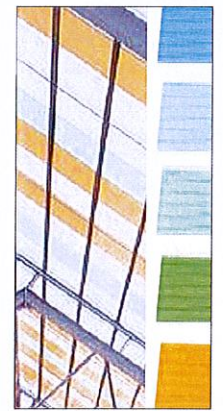
M.02 CLEAR GLAZING IN POWDERCOATED ALUMINIUM FRAMES COLOUR - COLORBOND MONUMENT



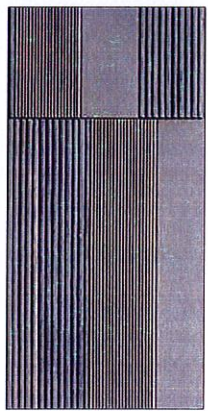
M.03 HEKA HOOD HH900 MM WIDE COLOUR - COLORBOND MONUMENT



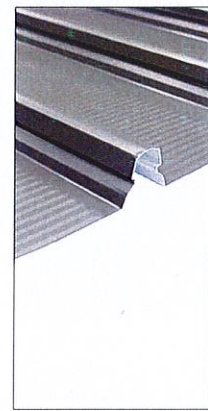
M.04 CEMINTEL BARESTONE EXTERNAL CLADDING COLOUR - CARESTONE



M.05 TRANSPARENT COLOURED EXTERNAL CLADDING COLOUR - AS SHOWN INDICATIVELY ON ELEVATIONS



M.06 TEXTURED PRECAST CONCRETE PANELS



M.07 KLIP LOK STEEL ROOFING COLOUR - SHALE GREY

Rev	Amendment	Date	Init

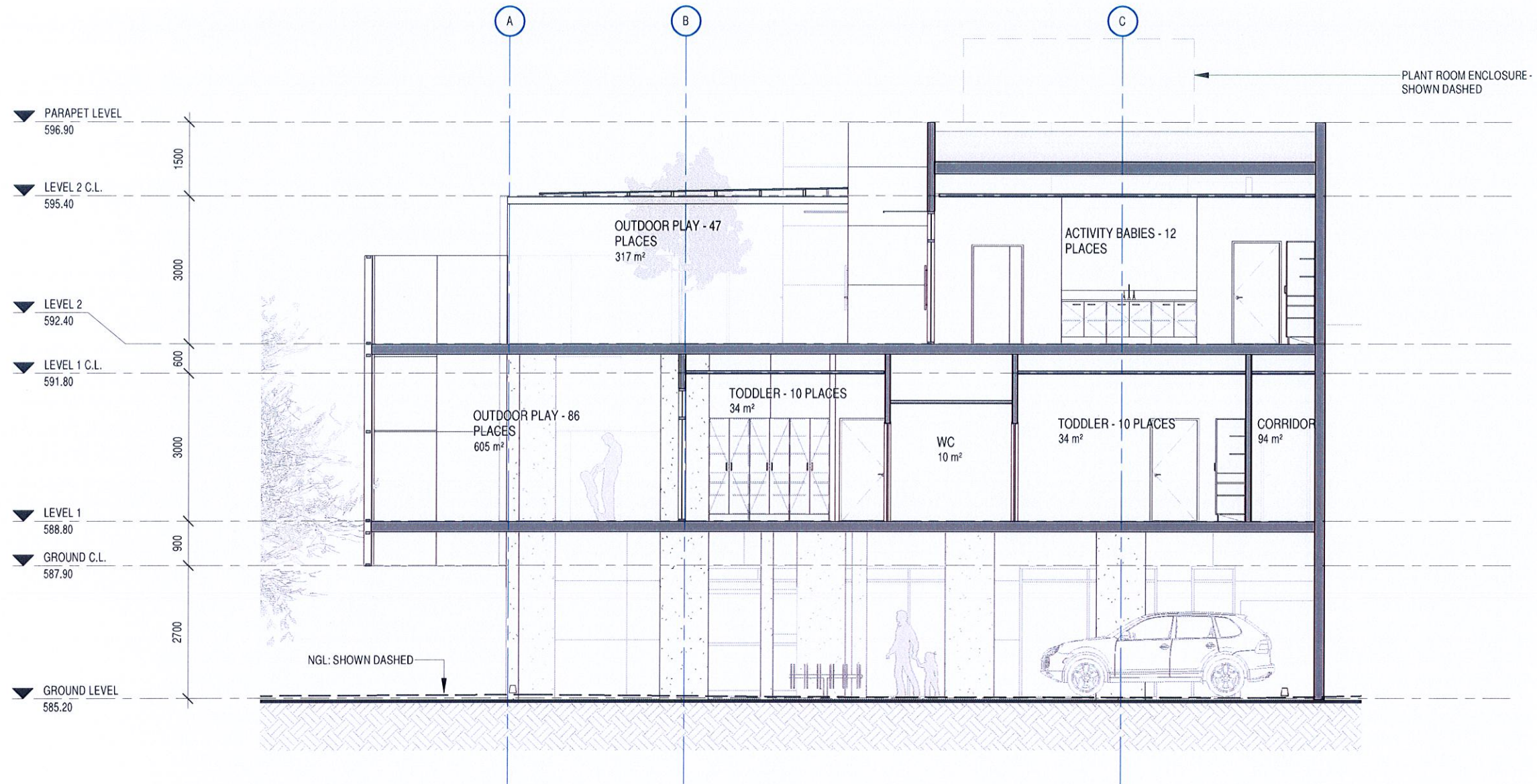


Adelaide | Alice Springs | Canberra | Darwin | Hobart | Melbourne | Perth
Level 5, 15 Macquarie Street Canberra ACT 2601 P: 0831 6169 4697 | E: info@arpm.com.au

MITCHELL CHILDCARE CENTRE
BLOCK 18, SECTION 11 CORNER DARLING & HEFFERNAN STREET, MITCHELL, ACT

ELEVATIONS			
Drawn	Date	Scale	Project Number
Author		As indicated	A3
Review	Date	Project Leader	Date
Checker		Designer	
PRELIMINARY			Drawing Number
			SK 200

Contractor shall check and verify all levels and dimensions on site and report any discrepancies to the Superintendent before undertaking any work or shop drawings



1 SECTION A
102 1:100

PLANNING AND DEVELOPMENT ACT 2007
APPROVAL GRANTED
 PURSUANT TO SECTION 165
 Delegate name HAYDEN PINI
 Date 20/2/2020

Rev	Amendment	Date	Init

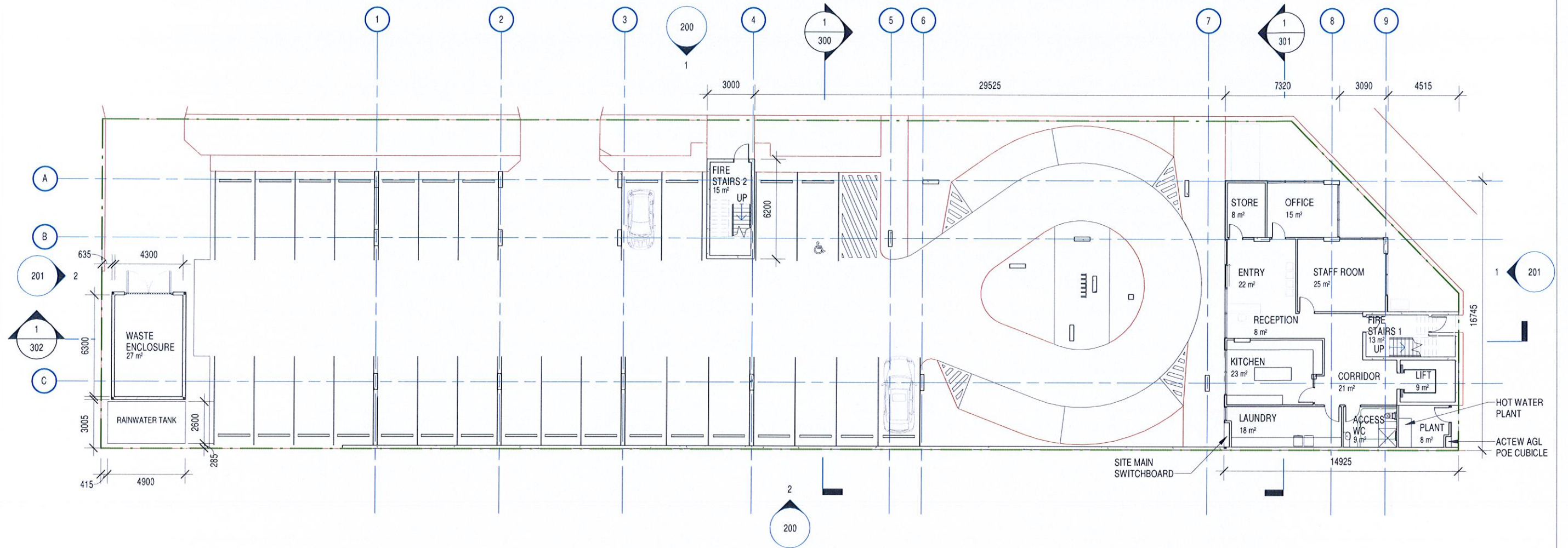


Adelaide | Alice Springs | Canberra | Darwin | Hobart | Melbourne | Perth
 Level 5, 15 Macao Street Canberra ACT 2601 P: (02) 6169 4597 E: info@arpm.net.au

MITCHELL CHILDCARE CENTRE
 BLOCK 18, SECTION 11 CORNER DARLING &
 HEFFERNAN STREET, MITCHELL, ACT

SECTIONS					
Drawn	Date	Scale	A3	Project Number	
Author		1:100		A17041	
Review	Date	Project Leader	Date	Drawing Number	Amct
Checker		Designer		SK 300	
PRELIMINARY				SK 300	

Contractor shall check and verify all levels and dimensions on site and report any discrepancies to the Superintendent before undertaking any work or shop drawings



PLANNING AND DEVELOPMENT ACT 2007
APPROVAL GRANTED
 PURSUANT TO SECTION 165
 Delegate name HAYDEN PINI
 Date 20/2/2020



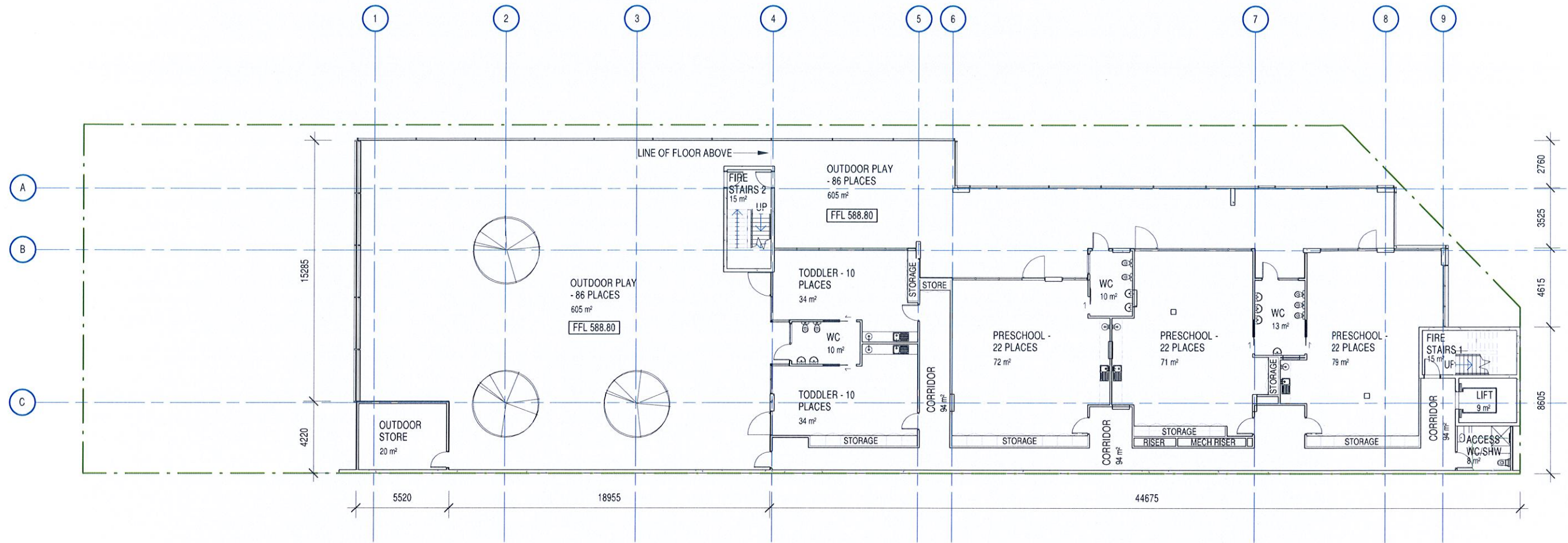
Rev	Amendment	Date	Init
-----	-----------	------	------



Adelaide | Alice Springs | Canberra | Darwin | Hobart | Melbourne | Perth
 Level 5, 15 Macao Street, Canberra ACT 2601 P: (02) 6169 4097 E: info@arpm.net.au

MITCHELL CHILDCARE CENTRE BLOCK 18, SECTION 11 CORNER DARLING & HEFFERNAN STREET, MITCHELL, ACT			
GROUND FLOOR PLAN			
Drawn Author	Date	Scale 1 : 250	Project Number A17041
Review Checker	Date	Project Leader Designer	Drawing Number SK 102
PRELIMINARY			Am't

Contractor shall check and verify all levels and dimensions on site and report any discrepancies to the Superintendent before undertaking any work or shop drawings.



Rev	Amendment	Date	Init



Adelaide | Alice Springs | Canberra | Darwin | Hobart | Melbourne | Perth
 Level 5, 15 Macquarie Street Canberra ACT 2601 P: (02) 6169 4997 E: info@arpm.net.au

MITCHELL CHILDCARE CENTRE
 BLOCK 18, SECTION 11 CORNER DARLING &
 HEFFERNAN STREET, MITCHELL, ACT

FIRST FLOOR PLAN

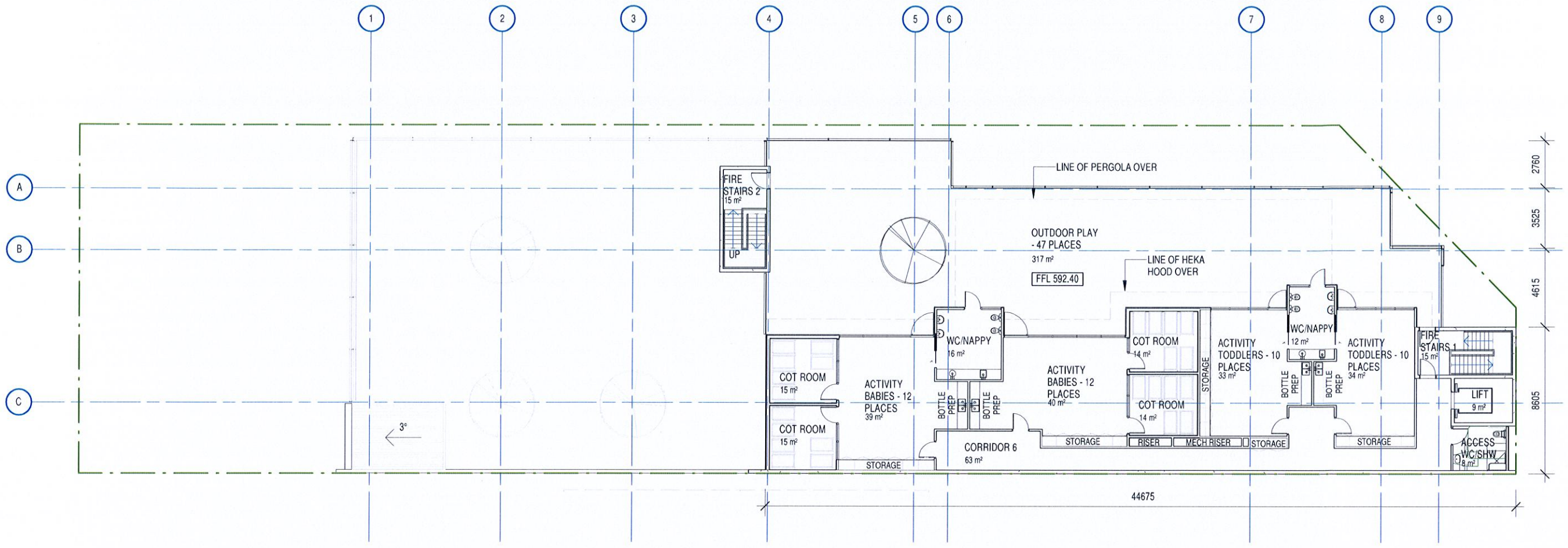
Drawn Author	Date	Scale 1 : 250	A3	Project Number A17041
Review Checker	Date	Project Leader Designer	Date	Drawing Number SK 103

PRELIMINARY

PLANNING AND DEVELOPMENT ACT 2007
APPROVAL GRANTED
 PURSUANT TO SECTION 165
 Delegate name HAYDEN PINI
 Date 20/2/2020

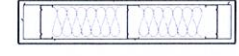


Contractor shall check and verify all levels and dimensions on site and report any discrepancies to the Superintendent before undertaking any work or shop drawings

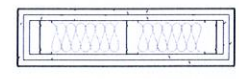


WALL TYPE LEGEND:

INTERNAL WALLS:

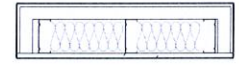


P01 **STUD FRAMED WALL - STANDARD**
 - 92mm INTERNAL STEEL STUD FRAMING @ 400mm MAX CENTRES
 - 13mm PLASTERBOARD LINING TO BOTH SIDES, FLUSHED AND PAINTED
 - 11 kg/m³ POLYESTER OR GLASS WOOL 75mm INSULATION

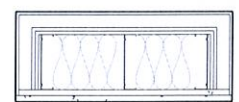


P02 **STUD FRAMED WALL - COT ROOMS**
 - 92mm INTERNAL STEEL STUD FRAMING @ 400mm MAX CENTRES
 - 2 LAYERS 16mm FIRE RATED PLASTERBOARD LINING TO BOTH SIDES, FLUSHED AND PAINTED
 - R2.7 HIGH DENSITY GLASSWOOL ACOUSTIC INSULATION TO STUDS

EXTERNAL WALLS:



E01 **EXTERNAL STUD FRAMED WALL - STANDARD**
 - 92mm STEEL STUD FRAMING @ 400mm MAX CENTRES AND NOGGINGS @ 800mm MAX CENTRES
 - 13mm PLASTERBOARD LINING INTERNALLY, FLUSHED AND PAINTED
 - R2.5 INSULATION TO STUDS
 - 9mm CEMINTEL BARESTONE EXTERNAL CLADDING (1200 X 2400mm PANELS) ON 35mm TOPHATS @ 800mm CENTRES



E02 **STUD FRAMED WALL - COT ROOMS**
 - 150mm STEEL STUD FRAMING @ 400mm MAX CENTRES AND NOGGINGS @ 800mm MAX CENTRES
 - 2 LAYERS 16mm FIRE RATED PLASTERBOARD LINING INTERNALLY, FLUSHED AND PAINTED
 - 90mm THICK R2.7 HIGH DENSITY GLASSWOOL ACOUSTIC INSULATION TO STUDS
 - 2 LAYERS 9mm CFC SHEET FIXED DIRECTLY TO OUTSIDE OF STEEL STUDS, 9mm CEMINTEL BARESTONE EXTERNAL CLADDING (1200 X 2400mm PANELS) ON 35mm TOPHATS @ 800mm CENTRES OVER THE TOP OF THE 2 LAYERS OF CFC SHEET



E03 **PRECAST CONCRETE WALL**
 - 200mm THICK PRECAST CONCRETE PANELS

PLANNING AND DEVELOPMENT ACT 2007
APPROVAL GRANTED
 PURSUANT TO SECTION 165
 Delegate name **HAYDEN PINI**
 Date **20/2/2020**

Rev	Amendment	Date	Init



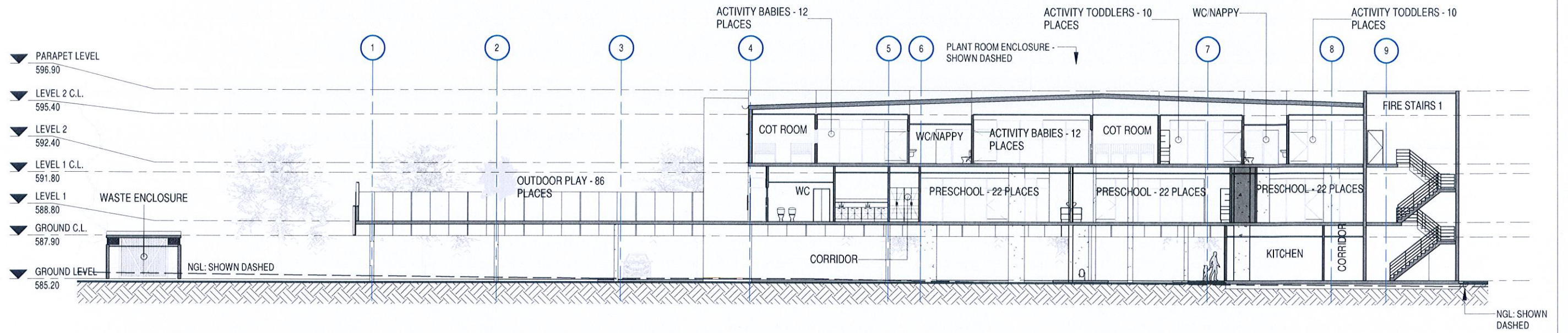
Adelaide | Alice Springs | Canberra | Darwin | Hobart | Melbourne | Perth
 189 Wakefield Street Adelaide SA 5000 P (08) 8236 2900 | E: info@arpm.net.au

MITCHELL CHILDCARE CENTRE
 BLOCK 18, SECTION 11 CORNER DARLING &
 HEFFERNAN STREET, MITCHELL, ACT

SECOND FLOOR PLAN

Drawn	Date	Scale	Project Number
Author	As indicated	A3	A17041
Review	Date	Project Leader	Date
Checker	Designer		
PRELIMINARY			SK 104

Contractor shall check and verify all levels and dimensions on site and report any discrepancies to the Superintendent before undertaking any work or shop drawings



1 SECTION C
102 1:250

PLANNING AND DEVELOPMENT ACT 2007
APPROVAL GRANTED
 PURSUANT TO SECTION 165
 Delegate name HAYDEN PINI
 Date 20/2/2020



Rev	Amendment	Date	Init
-----	-----------	------	------

arpm

Adelaide | Alice Springs | Canberra | Darwin | Hobart | Melbourne | Perth

Level 5, 15 Mopac Street Canberra ACT 2601 P: (02) 6169 4697 E: info@arpm.net.au

MITCHELL CHILDCARE CENTRE
 BLOCK 18, SECTION 11 CORNER DARLING &
 HEFFERNAN STREET, MITCHELL, ACT

SECTIONS					
Drawn	Date	Scale	A3	Project Number	
Author		1:250		A17041	
Review	Date	Project Leader	Date	Drawing Number	Amnt
Checker		Designer		SK 302	
PRELIMINARY					

Contractor shall check and verify all levels and dimensions on site and report any discrepancies to the Superintendent before undertaking any work or shop drawings.



STREET TREES REMOVED FOR CLARITY

Rev	Amendment	Date	Init
-----	-----------	------	------

arpm

Adelaide | Alice Springs | Canberra | Darwin | Hobart | Melbourne | Perth

Level 5, 15 Abercrombie Street, Canberra, ACT 2601 P: (02) 6169 4997 E: info@arpm.com.au

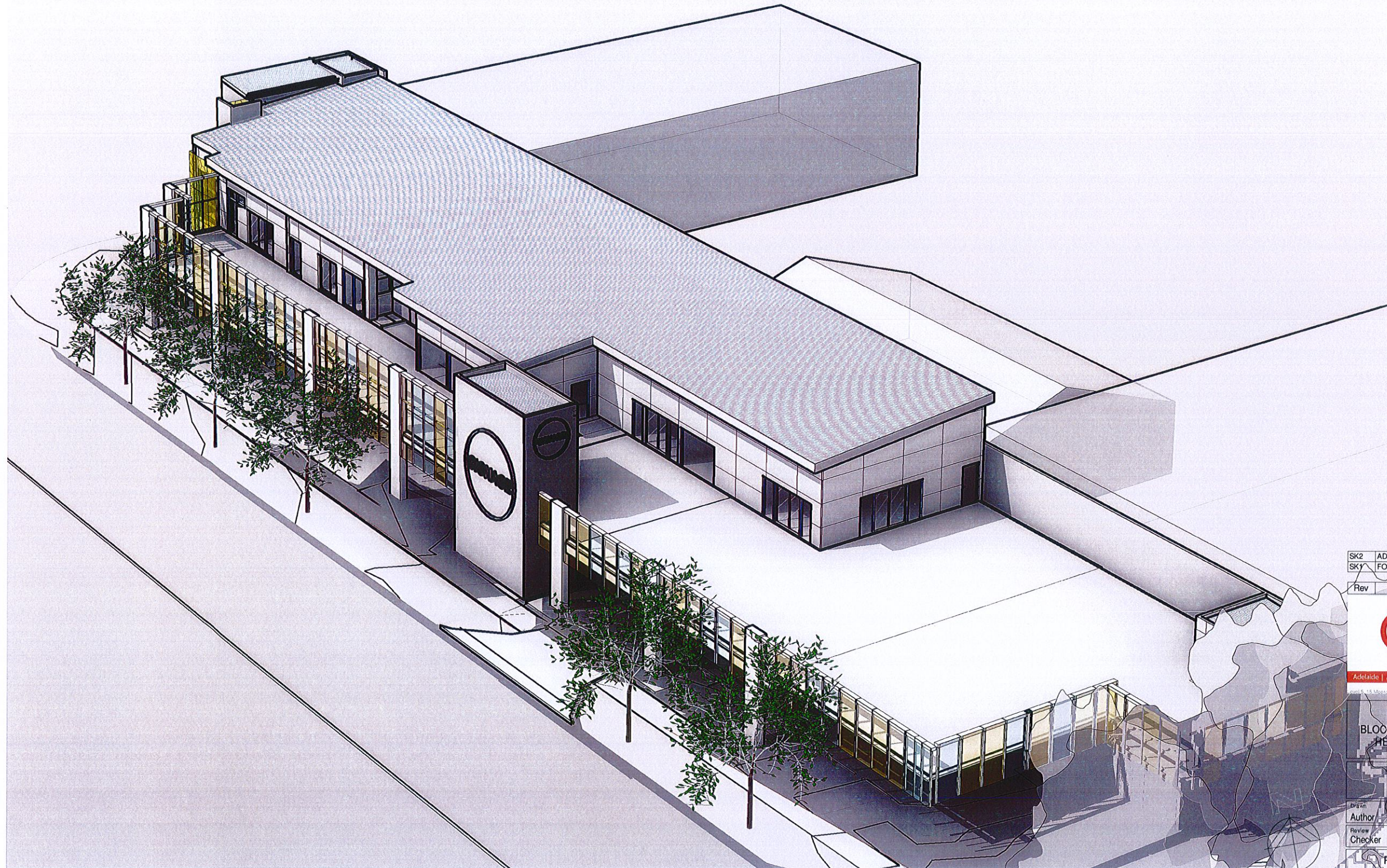
**MITCHELL CHILDCARE CENTRE
BLOCK 18, SECTION 11 CORNER DARLING &
HEFFERNAN STREET, MITCHELL, ACT**

PERSPECTIVES

Drawn	Date	Scale	A3	Project Number
Author				A17041
Review	Date	Project Leader	Date	
Checker		Designer		
PRELIMINARY				Drawing Number
				SK 800
				Arch

Contractor shall check and verify all levels and dimensions on site and report any discrepancies to the Superintendent before undertaking any work or shop drawings.

REVISED PROPOSAL
 MARCH 2021
 2 - STOREY



C:\Users\Su Jan New Clark\Documents\A17041 Mitchell Childcare_sujann.M4ZD.rvt

1/03/2021 12:00:34 PM

SK2	ADDED DOORS + WINDWOS	01/03/21	
SK1	FOR REVIEW - REDUCED LEVELS	26/02/21	
Rev	Amendment	Date	Init

arpm

Adelaide | Alice Springs | Canberra | Darwin | Hobart | Melbourne | Perth
 Level 5, 115 Macquarie Street Canberra ACT 2601 P: 023 6189 5972 E: info@arpm.net.au

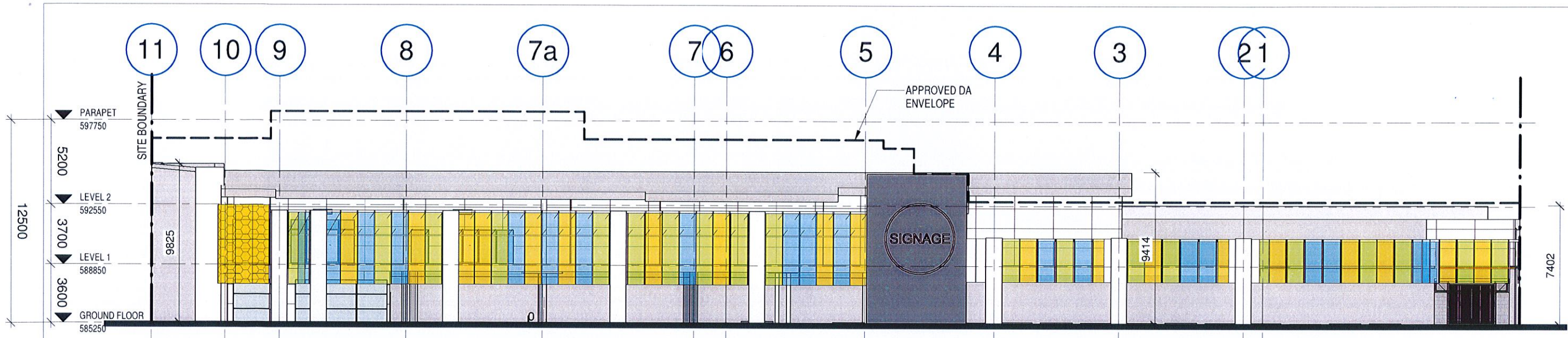
MITCHELL CHILDCARE CENTRE
 BLOCK 18, SECTION 11 CORNER DARLING &
 HEFFERNAN STREET, MITCHELL, ACT

PERSPECTIVES

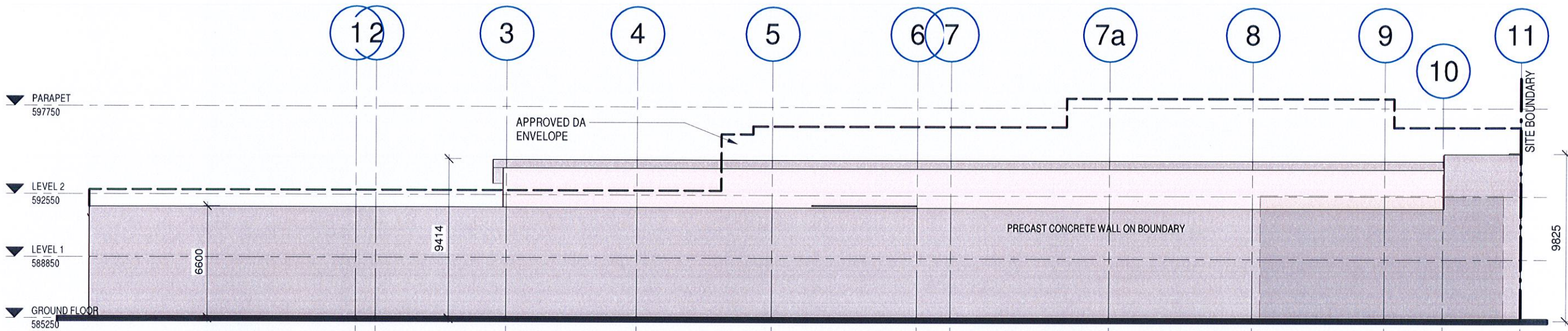
Drawn	Date	Scale	A3	Project Number
Author				A17041
Review	Date	Project Leader	Date	Drawing Number
Checker		Designer		SK801 SK2

PRELIMINARY

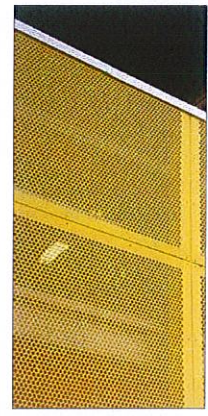
Contractor shall check and verify all levels and dimensions on site and report any discrepancies to the Superintendent before undertaking any work or shop drawings



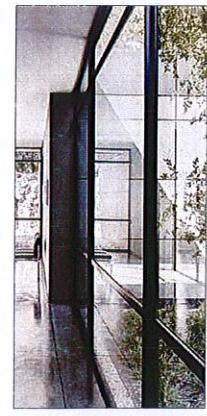
1 NORTH ELEVATION
1 : 250



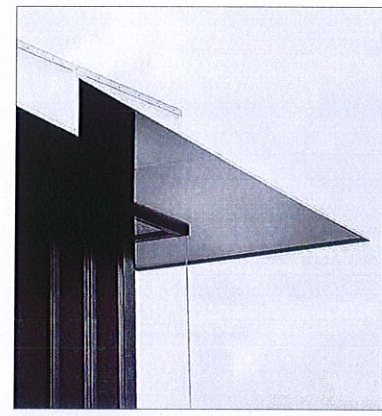
2 SOUTH ELEVATION
1 : 250



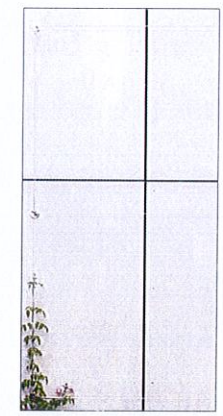
M.01 PERFORATED STEEL SCREEN. COLOUR - TO MATCH TRANSPARENT CLADDING (M05)



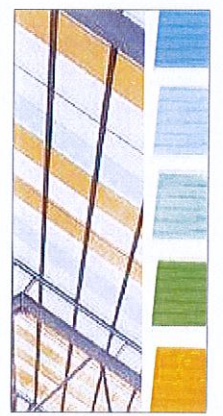
M.02 CLEAR GLAZING IN POWDERCOATED ALUMINIUM FRAMES COLOUR - COLORBOND MONUMENT



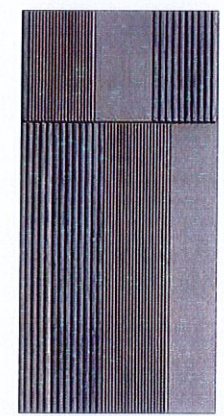
M.03 HEKA HOOD HH900 MM WIDE COLOUR - COLORBOND MONUMENT



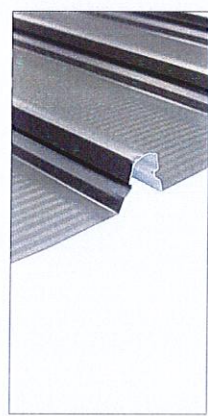
M.04 CEMINTEL BARESTONE EXTERNAL CLADDING COLOUR - CARESTONE



M.05 TRANSPARENT COLOURED EXTERNAL CLADDING COLOUR - AS SHOWN INDICATIVELY ON ELEVATIONS



M.06 TEXTURED PRECAST CONCRETE PANELS



M.07 KLIP LOK STEEL ROOFING COLOUR - SHALE GREY

SK1	FOR REVIEW - REDUCED LEVELS	26/02/21
SK	FOR REVIEW - REDUCED LEVELS	26/02/21

Rev	Amendment	Date	Init



Adelaide | Alice Springs | Canberra | Darwin | Hobart | Melbourne | Perth
Level 5, 15 Moor Street Canberra ACT 2601 P: 02 6168 4067 | E: info@arpm.net.au

MITCHELL CHILDCARE CENTRE
BLOCK 18, SECTION 11 CORNER DARLING & HEFFERNAN STREET, MITCHELL, ACT

ELEVATIONS

Drawn	Date	Scale	Project Number
Author		As indicated	A17041
Review	Date	Project Leader	
Checker		Designer	

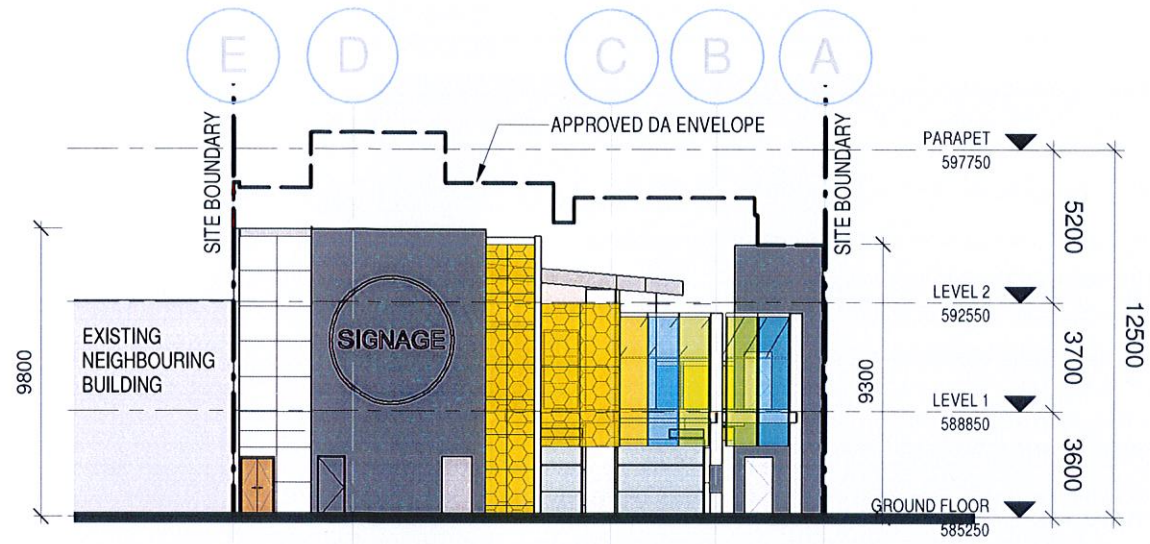
PRELIMINARY	SK200SK1
-------------	----------

Contractor shall check and verify all levels and dimensions on site and report any discrepancies to the Superintendent before undertaking any work or shop drawings

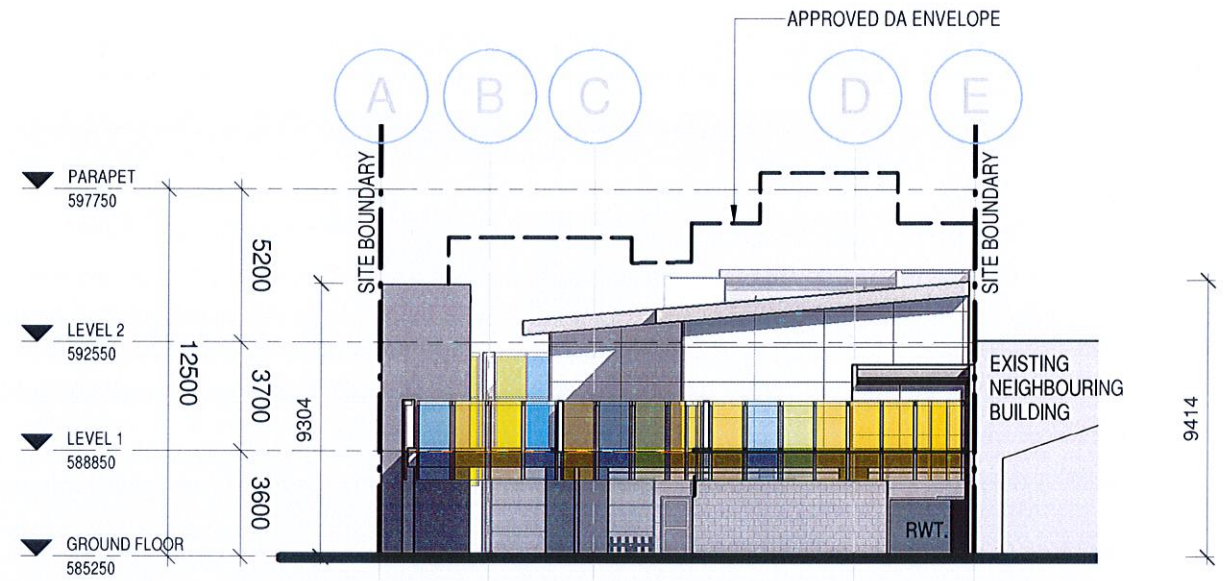
C:\Users\Su Jan New Clark\Documents\A17041 Mitchell Childcare_sujannJM4ZD.rvt 26/02/2021 4:58:34 PM



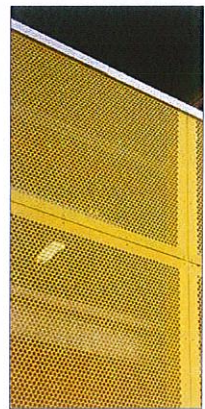
C:\Users\Su Jan New Clark\Documents\A17041 Mitchell Childcare_sujann.JM4ZD.rvt 26/02/2021 4:59:54 PM



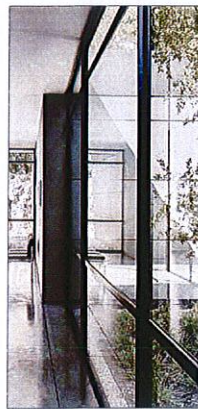
1 EAST ELEVATION
1 : 250



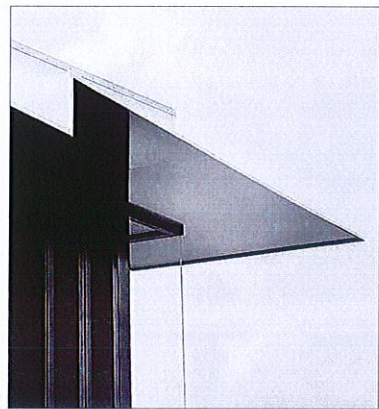
2 WEST ELEVATION
1 : 250



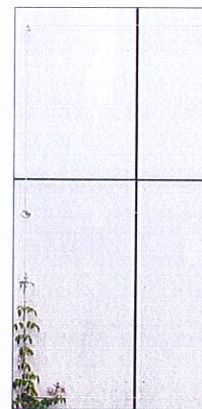
M.01 PERFORATED STEEL SCREEN.
COLOUR - TO MATCH
TRANSPARENT CLADDING (M05)



M.02 CLEAR GLAZING IN
POWDERCOATED ALUMINIUM
FRAMES
COLOUR - COLORBOND
MONUMENT



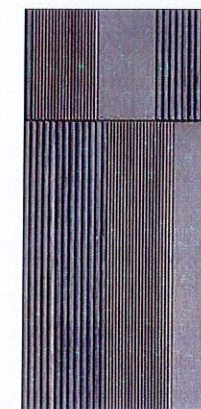
M.03 HEKA HOOD HH900 MM WIDE
COLOUR - COLORBOND MONUMENT



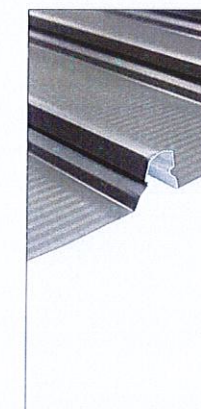
M.04 CEMINTEL BARESTONE
EXTERNAL CLADDING
COLOUR - CARESTONE



M.05 TRANSPARENT COLOURED
EXTERNAL CLADDING
COLOUR - AS SHOWN
INDICATIVELY ON ELEVATIONS



M.06 TEXTURED PRECAST CONCRETE
PANELS



M.07 KLIP LOK STEEL ROOFING
COLOUR - SHALE GREY

SK1	FOR REVIEW - REDUCED LEVELS	26/02/21
SK	FOR REVIEW - REDUCED LEVELS	26/02/21

Rev	Amendment	Date	Init
-----	-----------	------	------

arpm

Adelaide | Alice Springs | Canberra | Darwin | Hobart | Melbourne | Perth

Level 5, 18 Mann Street Canberra ACT 2601 P: (02) 6169 4087 | E: info@arpm.net.au

MITCHELL CHILDCARE CENTRE
BLOCK 18, SECTION 11 CORNER DARLING &
HEFFERNAN STREET, MITCHELL, ACT

ELEVATIONS

Drawn	Date	Scale	Project Number
Author		As indicated	A3
Review	Date	Project Leader	Date
Checker		Designer	

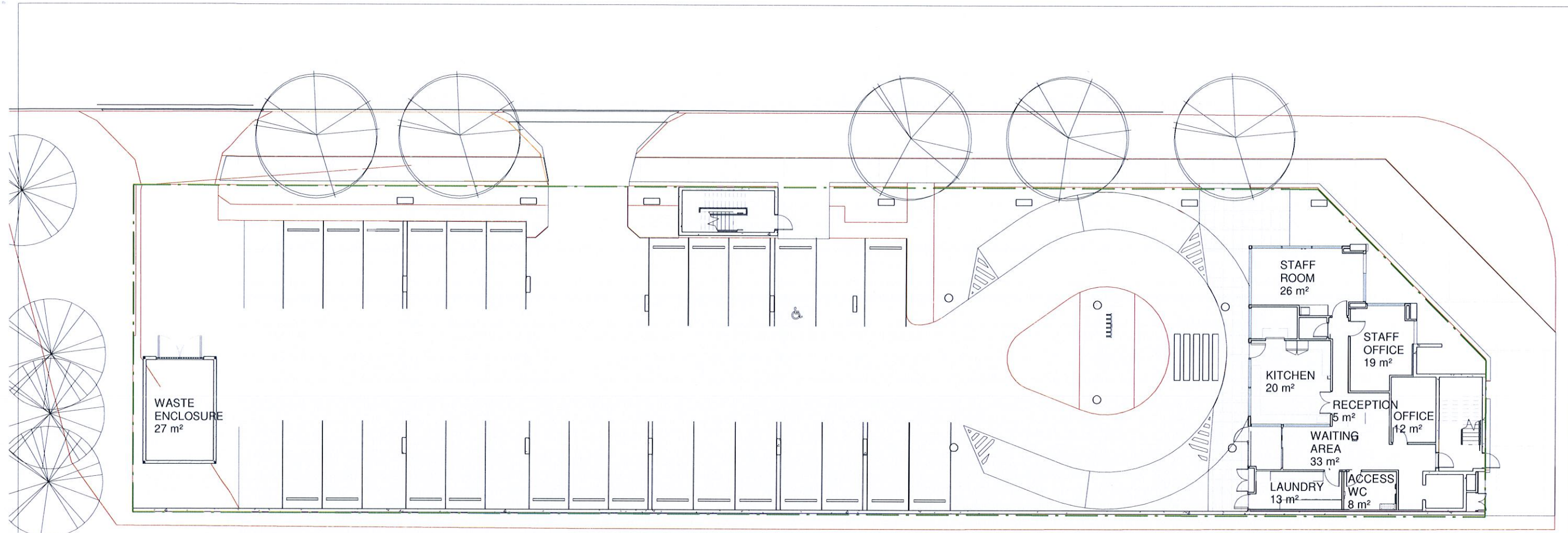
PRELIMINARY	SK201SK1
-------------	----------

Contractor shall check and verify all levels and dimensions on site and report any discrepancies to the Superintendent before undertaking any work or shop drawings



C:\Users\Su Jan New Clark\Documents\A17041 Mitchell Childcare_sujann\IM4ZD.rvt

1/03/2021 9:34:19 AM



SK1	FOR REVIEW - REDUCED LEVELS	26/02/21	
Rev	Amendment	Date	Init



Adelaide | Alice Springs | Canberra | Darwin | Hobart | Melbourne | Perth
 Level 5, 15 Moore Street Canberra ACT 2601 P: (02) 6168 4897 E: info@arpm.net.au

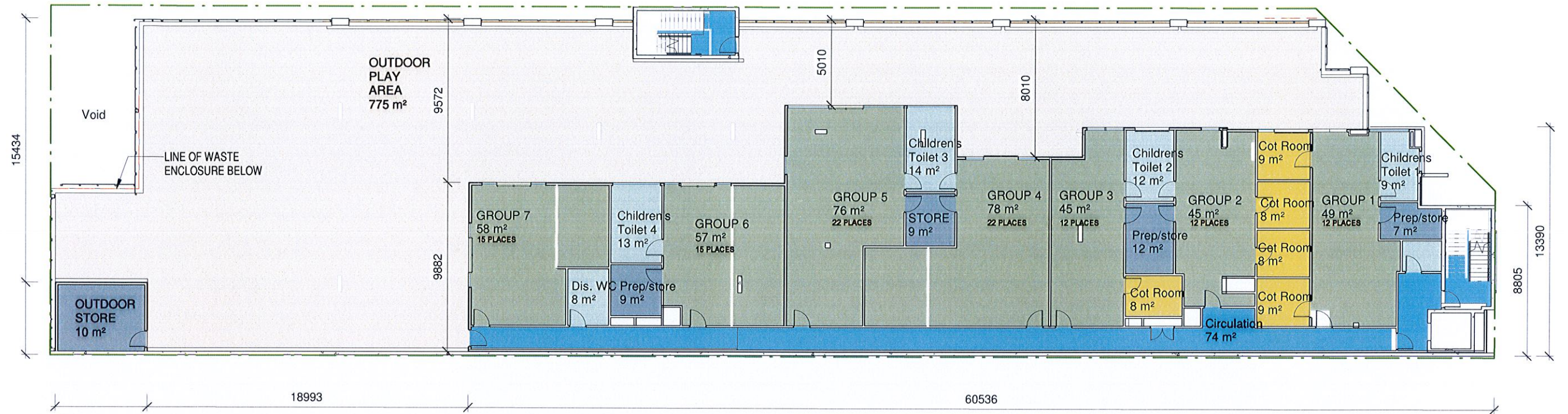
MITCHELL CHILDCARE CENTRE
 BLOCK 18, SECTION 11 CORNER DARLING &
 HEFFERNAN STREET, MITCHELL, ACT

GROUND FLOOR PLAN

Drawn	Date	Scale	A3	Project Number
Author		1 : 250		A17041
Review	Date	Project Leader	Date	
Checker		Designer		
PRELIMINARY				Drawing Number
				SK102SK1



Contractor shall check and verify all levels and dimensions on site and report any discrepancies to the Superintendent before undertaking any work or shop drawings



- circulation
- cot room
- group
- outdoor
- store
- toilet

SK2	ADDED DOORS + WINDOW	01/03/21
SK1	FOR REVIEW - REDUCED LEVELS	26/02/21
SK	FOR REVIEW - REDUCED LEVELS	26/02/21

Rev	Amendment	Date	Init

arpm

Adelaide | Alice Springs | Canberra | Darwin | Hobart | Melbourne | Perth

Level 5, 15 Maber Street Canberra ACT 2601 P (02) 6168 4097 E info@arpm.net.au

MITCHELL CHILDCARE CENTRE
BLOCK 18, SECTION 11 CORNER DARLING &
HEFFERNAN STREET, MITCHELL, ACT

FIRST FLOOR PLAN

Drawn	Date	Scale	A3	Project Number
Author		1 : 250		A17041
Review	Date	Project Leader	Date	
Checker		Designer		

PRELIMINARY	SK103SK2
-------------	----------

Contractor shall check and verify all levels and dimensions on site and report any discrepancies to the Superintendent before undertaking any work or shop drawings.



SK1 FOR REVIEW - REDUCED LEVELS 26/02/21

Rev	Amendment	Date	Init

arpm

Adelaide | Alice Springs | Canberra | Darwin | Hobart | Melbourne | Perth

Level 5, 15 Metro Street Canberra ACT 2601 P: (02) 6169 4947 | E: info@arpm.com.au

MITCHELL CHILDCARE CENTRE
BLOCK 18, SECTION 11 CORNER DARLING &
HEFFERNAN STREET, MITCHELL, ACT

PERSPECTIVES

Drawn	Date	Scale	A3	Project Number
Author				A17041
Review	Date	Project Leader	Date	
Checker		Designer		
		Drawing Number		

PRELIMINARY SK800SK1

Contractor shall check and verify all levels and dimensions on site and report any discrepancies to the Superintendent before undertaking any work or shop drawings



From: [Groeschel, Kate \(Health\)](#)
To: [Pini, Hayden](#)
Cc: [Kneipp, Jason \(Health\)](#)
Subject: RE: Proposed Amendment to DA201733198 - Mitchell Childcare
Date: 22 April 2021 17:03:46
Attachments: [image001.jpg](#)
[image002.png](#)

OFFICIAL

Good afternoon Hayden,

Thank you for getting back to me and looking into this DA, much appreciated.

I'll let you know if we have any questions in the future regarding this development.

Kind regards ,

Kate Groeschel | Public Health Officer

Ph: 5124 9092 Mob: [REDACTED] | Email: kate.groeschel@act.gov.au

Environmental Health, Health Protection Service, Public Health Protection and Regulation | ACT Health Directorate

25 Mulley Street, Holder ACT 2611

health.act.gov.au

ACTH Email signature Values



From: Pini, Hayden <Hayden.Pini@act.gov.au>
Sent: Thursday, 22 April 2021 3:09 PM
To: Groeschel, Kate (Health) <Kate.Groeschel@act.gov.au>
Subject: RE: Proposed Amendment to DA201733198 - Mitchell Childcare

OFFICIAL

Hi Kate,

Thank you for your email.

I can confirm there is currently no amendment application lodged with the planning and land authority (the Authority) for DA 201733198 - Block 18, Section 11 Mitchell.

Having read the email sent from Pieter of Canberra Tow Planning, it appears the applicant may be seeking the advice from The ACT Health Protection Service (HPS) and other ACT Government agencies prior to submitting the proposed amendments.

In the event an amendment application is submitted to the Authority for consideration, I would anticipate the application will be referred to HPS for comment.

Please feel free to give me a call on **6207 8728** if you wish to discuss further.

Kind regards,

Hayden Pini | Development Assessment & ACAT Coordination

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

Merit Assessment | Statutory Planning

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 1, 480 Northbourne Avenue Dickson ACT 2602 | GPO Box 158, Canberra, ACT 2601 |

www.planning.act.gov.au

From: Groeschel, Kate (Health) <Kate.Groeschel@act.gov.au>

Sent: Friday, 16 April 2021 4:49 PM

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

Cc: Kneipp, Jason (Health) <Jason.Kneipp@act.gov.au>

Subject: FW: Mitchell Childcare - Proposed Amendment to DA201733198

OFFICIAL

Good afternoon,

The Health Protection Service received the below email and attachments in regards to the development application (DA) 201733198- Block 18 Section 11 Mitchell, directly from the applicant.

As this is an amendment to a DA should it have gone through the appropriate EPSDD channels rather than directly to the agencies? Please advise if this is not the case as soon as possible.

Kind regards,

Kate Groeschel | Public Health Officer

Ph: 5124 9092 Mob: [REDACTED] | Email: kate.groeschel@act.gov.au

Environmental Health, Health Protection Service, Public Health Protection and Regulation | ACT Health Directorate

25 Mulley Street, Holder ACT 2611

health.act.gov.au

ACTH Email signature Values



From: Pieter Van Der Walt

Sent: Wednesday, 14 April 2021 1:03 PM

To: andrew.stedman@act.gov.au; Leah.Partridge@act.gov.au; clare.brookes@act.gov.au;

Narelle.Sargent@act.gov.au

Cc: Nichelle Jackson <Nichelle@CanberraTownPlanning.com.au>

Subject: Mitchell Childcare - Proposed Amendment to DA201733198

Good afternoon

Proposed Amendment to DA201733198 – Block 18 Section 11 Mitchell.

With reference to the approval of DA201733198 (20/2/2020 that comprised a 3-storey Childcare Centre. Canberra Town Planning has been engaged by the Lessee to progress an amendment to the approved proposal. The amendment seeks to reduce the scale of the centre to 2 storeys (a predominantly single level centre over undercroft parking) and a reduction in childcare places.

For your convenience we attach artefacts detailing the approved proposal and proposed amendment scheme to this correspondence.

We believe the amendments is in keeping with the demand for this service in Mitchell and provide a reduced exposure and risk profile to the centre being of lesser scale. We further believe that this goes some way limiting impacts relating to the centre in as far as the matters that was conditioned in the Notice of Decision set out. We would also note that the new adjustments provides improved outdoor play area and natural lighting to the new single floor, as opposed to the original option.

We are seeking your consideration and support for progressing this amendment. WE are available and happy to meet with you to discuss these matters in more detail should that be beneficial to you.

We would appreciate your timely consideration and response to support the progression of this amendment and development of the centre.

Please feel free to contact me should you have any questions regarding the above.

Regards

Pieter



Pieter van der Walt
Director – Senior Town Planner
5/32 Lonsdale Street, Braddon 2612
e (02) 6262 5091
[@canbplan.com.au](mailto:pieter@canbplan.com.au)
canberratownplanning.com.au

Please consider the environment before printing this email.
This message and any attachments may be privileged, confidential or proprietary. If you are not the intended recipient of this email or believe that you have received this correspondence in error, please contact the sender through the information provided above and permanently delete this message.

From: [Pini, Hayden](#)
To: [EPSDD DA Stage 6](#)
Cc: [Gell, Chris](#); [Cilliers, George](#)
Subject: RE: Proposed Amendment to DA201733198 - Mitchell Childcare
Date: 22 April 2021 14:30:00
Attachments: [image001.jpg](#)
[image002.png](#)

OFFICIAL

Thanks Jyoti, I will respond to Kate's email.

Kind regards,

Hayden Pini | Development Assessment & ACAT Coordination
Phone: 02 6207 8728 | Email: Hayden.Pini@act.gov.au
Merit Assessment | Statutory Planning
Environment, Planning and Sustainable Development Directorate | ACT Government
Level 1, 480 Northbourne Avenue Dickson ACT 2602 | GPO Box 158, Canberra, ACT 2601 |
www.planning.act.gov.au

From: Pradhan, Jyoti <Jyoti.Pradhan@act.gov.au> **On Behalf Of** EPSDD DA Stage 6
Sent: Thursday, 22 April 2021 9:09 AM
To: Pini, Hayden <Hayden.Pini@act.gov.au>
Cc: Gell, Chris <Chris.Gell@act.gov.au>; Cilliers, George <George.Cilliers@act.gov.au>; EPSDDACoordinator <DAcoordinator@act.gov.au>; EPSDD DA Stage 6 <EPSDDDAStage6@act.gov.au>
Subject: FW: Proposed Amendment to DA201733198 - Mitchell Childcare
Importance: High

OFFICIAL

Good morning Hayden,

This refers to the proposed Child Care Centre in Mitchell.

The DA was subject of a reconsideration application and later was mediated at the ACAT.

The reconsideration decision confirmed the formal correction in relation to HPS requirements and the 'approval not taking effect' till HPS endorses the proposal. However, the ACAT amended the decision to remove 'approval does not take effect'. (Just noticed the ACAT decision quotes incorrect DA number instead of 201733198, it states 201733189 – you may need to check this).

I also note your recent email to the architect/applicant in relation to proposed amendments. Unsure if there were any further discussions with the applicants on the revised proposal. A s188 EOT has been granted on 25 March 2021.

There is currently no S197 application lodged and appears the applicant has directly approached HPS and other agencies (EPA, CECA) for comments prior to lodging the amendments.

I would appreciate you reviewing the below and advising HPS accordingly please.

Thanks and regards,
Jyoti

From: EPSD DACoordinator <DAcoordinator@act.gov.au>
Sent: Tuesday, 20 April 2021 3:16 PM
To: EPSDD DA Stage 6 <EPSDDDAStage6@act.gov.au>
Subject: FW: Mitchell Childcare - Proposed Amendment to DA201733198

OFFICIAL

Hi Stage 6,

I have received the below enquiry from ACT health regarding DA201733198 and if a formal amendment is required.

From the email chain below I assume that CTP are seeking advice from ACT health prior to lodging the amendment.

Can you please look into the below and respond to Kate.

Thank you

Anna

From: AC, EPD Customer Services <ACEPDCustomerServices@act.gov.au>
Sent: Monday, 19 April 2021 8:25 AM
To: EPSD DACoordinator <DAcoordinator@act.gov.au>
Subject: FW: Mitchell Childcare - Proposed Amendment to DA201733198

OFFICIAL

From: Groeschel, Kate (Health) <Kate.Groeschel@act.gov.au>
Sent: Friday, 16 April 2021 4:49 PM
To: AC, EPD Customer Services <ACEPDCustomerServices@act.gov.au>
Cc: Kneipp, Jason (Health) <Jason.Kneipp@act.gov.au>
Subject: FW: Mitchell Childcare - Proposed Amendment to DA201733198

OFFICIAL

Good afternoon,

The Health Protection Service received the below email and attachments in regards to the development application (DA) 201733198- Block 18 Section 11 Mitchell, directly from the applicant.

As this is an amendment to a DA should it have gone through the appropriate EPSDD channels rather than directly to the agencies? Please advise if this is not the case as soon as possible.

Kind regards,

Kate Groeschel | Public Health Officer

Ph: 5124 9092 Mob: [REDACTED] | Email: kate.groeschel@act.gov.au

Environmental Health, Health Protection Service, Public Health Protection and Regulation | ACT Health Directorate

25 Mulley Street, Holder ACT 2611

health.act.gov.au

ACTH Email signature Values



From: Pieter Van Der Walt

Sent: Wednesday, 14 April 2021 1:03 PM

To: andrew.stedman@act.gov.au; Leah.Partridge@act.gov.au; clare.brookes@act.gov.au; Narelle.Sargent@act.gov.au

Cc: Nichelle Jackson [REDACTED] [@CanberraTownPlanning.com.au](mailto:[REDACTED]@CanberraTownPlanning.com.au)>

Subject: Mitchell Childcare - Proposed Amendment to DA201733198

Good afternoon

Proposed Amendment to DA201733198 – Block 18 Section 11 Mitchell.

With reference to the approval of DA201733198 (20/2/2020 that comprised a 3-storey Childcare Centre. Canberra Town Planning has been engaged by the Lessee to progress an amendment to the approved proposal. The amendment seeks to reduce the scale of the centre to 2 storeys (a predominantly single level centre over undercroft parking) and a reduction in childcare places.

For your convenience we attach artefacts detailing the approved proposal and proposed amendment scheme to this correspondence.

We believe the amendments is in keeping with the demand for this service in Mitchell and provide a reduced exposure and risk profile to the centre being of lesser scale. We further believe that this goes some way limiting impacts relating to the centre in as far as the matters that was conditioned in the Notice of Decision set out. We would also note that the new adjustments provides improved outdoor play area and natural lighting to the new single floor, as opposed to the original option.

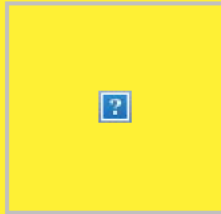
We are seeking your consideration and support for progressing this amendment. WE are available and happy to meet with you to discuss these matters in more detail should that be beneficial to you.

We would appreciate your timely consideration and response to support the progression of this amendment and development of the centre.

Please feel free to contact me should you have any questions regarding the above.

Regards

Pieter



Pieter van der Walt
Director – Senior Town Planner
5/32 Lonsdale Street, Braddon 2612
e (02) 6262 5091
[@canbplan.com.au](mailto:pieter@canbplan.com.au)
canberratownplanning.com.au

Please consider the environment before printing this email.
This message and any attachments may be privileged, confidential or proprietary.
If you are not the intended recipient of this email or believe that you have
received this correspondence in error, please contact the sender through the
information provided above and permanently delete this message.

From: [DiCampli, Nicki](#)
To: admin@canberratownplanning.com.au
Subject: FW: DA 201733198 (Block 11 Section 18 Mitchell) [SEC=UNCLASSIFIED]
Date: 22 May 2019 15:33:00
Attachments: [Not Accepted167621.pdf](#)

Dear Jodie/Nichelle

Further to my email below and your subsequent s.165B application, I advise the information provided does not fully address conditions A3 and A4 as outlined below.

Condition A3 – Evoenergy

The quotations and emails are not satisfactory confirmation of endorsement by Evoenergy to satisfy the condition.

Condition A4 – Icon Water

As indicated in my initial email two endorsements are required from Icon Water. I note you have provided the Icon Water in principle approval for off-site works i.e. for the water meter and external services only. A Statement of Acceptance in relation to on-site works is still required. I have attached the original 'Failed To Comply' Notice for your information.

Regards

Nicki Di-Campli

Nicki Di-Campli | Assessment Officer

Development Assessment | Environment, Planning and Sustainable Development Directorate | **ACT Government**
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.planning.act.gov.au

From: DiCampli, Nicki
Sent: Thursday, 9 May 2019 5:09 PM
To: admin@canberratownplanning.com.au
Subject: DA 201733198 (Block 11 Section 18 Mitchell) [SEC=UNCLASSIFIED]

Dear Jodie

I have reviewed your s.165A application in relation to DA 201733198 (Block 11 Section 18 Mitchell) following the consent decision of the ACT Civil and Administrative Tribunal dated 15 April 2019.

Further to my review I advise conditions A3 and A4 remain outstanding and are to be resolved for the approval to take effect and in turn facilitate release of approved plans.

Condition A3

Please provide a Statement of Compliance from Evoenergy.

Condition A4

Please provide a Statement of Acceptance from all relevant areas of Icon Water in relation to both on-site and off-site/external works, noting these endorsements are provided by two separate areas.

Please respond at your earliest convenience.

Regards

Nicki Di-Campli

Nicki Di-Campli | Assessment Officer

Development Assessment | Environment, Planning and Sustainable Development Directorate | **ACT Government**
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.planning.act.gov.au



FAILED TO COMPLY

Application No: 167621 **Suburb:** Mitchell

Block/Section 18 / 11

Appcn Type: Non residential/New Construction Inclusions : Basement

Attached Plans

%lease variation 25_7_17.pdf
%LEASE-201733198-01.pdf
%TITLE-201733198-01.pdf
ACCESSREPORT-201733198-01.pdf
APP-201733198-02.pdf
AUTHORISATION-201733198-01.pdf
ELEV-201733198-01#2.pdf
ELEV-201733198-02#2.pdf
ENTITYADVICE-201733198-EDU-01.pdf
ENTITYADVICE-201733198-EPA-01.pdf
ENTITYADVICE-201733198-EPA-02.pdf
ENTITYADVICE-201733198-EPA-03.pdf
HYDRAULICS-201733198-01#2.pdf
INDEX-201733198-01.pdf
INDEX-201733198-CIVIL-01.pdf
LIGHTING-201733198-01#2.pdf
LIGHTING-201733198-02#2.pdf
LIGHTING-201733198-03#2.pdf
LSCAPE-201733198-01#2.pdf
LSCAPE-201733198-COVER-01#2.pdf
LSCAPE-201733198-LEVEL 1-01#2.pdf
LSCAPE-201733198-LEVEL 2-01#2.pdf
LSCAPE-201733198-PLANING PALETTE-01.pdf
MISC-201733198-12#2.pdf
MISC-201733198-13#2.pdf
MISC-201733198-14#2.pdf
MISC-201733198-15#2.pdf
NOISE-201733198-01_Part1.pdf
NOISE-201733198-01_Part2.pdf
NOISE-201733198-01_Part3.pdf
OFFSITWORKS-201733198-01#2.pdf
PERSP-201733198-01#2.pdf
PERSP-201733198-02#3.pdf
PERSP-201733198-03#3.pdf
PLAN-201733198-CIVIL WORKS-01#2.pdf

PLAN-201733198-EXISTING SERVICES-01#2.pdf
PLAN-201733198-FIRST-01#2.pdf
PLAN-201733198-GROUND-01#2.pdf
PLAN-201733198-NOTES-01.pdf
PLAN-201733198-SECOND-01#2.pdf
PLAN-201733198-TTMP-01#2.pdf
PLAN-201733198-TTMP-02#2.pdf
ROOF-201733198-01#2.pdf
SCRITERIA-201733198-01.pdf
SECTION-201733198-01#2.pdf
SECTION-201733198-02#2.pdf
SECTION-201733198-03#2.pdf
SEDIMENT-201733198-01#2.pdf
SHADOW-201733198-01.pdf
SITE-201733198-01.pdf
SURVEYCERT-201733198-01.pdf
SWMASTER-201733198-01.pdf
TRAFFICREPORT-201733198-01.pdf
TURNTEMPLATE-201733198-01.pdf
WATERURBANDESIGN-201733198-01.pdf

The design depicted in this application has been assessed by Icon Water and fails to comply with their water and sewerage network protection.

Reasons for Failure to Comply

Design Acceptance for External Services and Off Site Works must be in principle design approved by Icon Water Hydraulic Assets. Please contact 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.

Resubmission of this application must be made to both Water and Energy Networks in order to ensure that subsequent changes to the plans meet the compliance requirements of both areas. You may also need to resubmit the application to other referral entities to ensure the changes comply with their requirements.

WARNING

This submission fails to comply with Icon Water requirements. A decision to proceed is likely to result in interference with an Icon Water sewer or water asset. Part 5 of the Utilities (Technical Regulation) Act 2014 applies, which indicates a person who interferes with a utility asset may be subject to prosecution. The current maximum penalty is 200 penalty units, imprisonment for two years, or both. In addition the land-holder can be ordered at their expense to stop the interference, which may involve removal of the building work or that part of the building work that is causing, or is likely to cause interference.

Comments:

Signed Eddie Gonzalez **Date** 02 Mar 2018

For further information please phone Icon Water 6248 3111.

From: [EPSD_DACoordinator](#)
To: [Michael Cusack](#)
Subject: RE: DA201733198 - s165B Assessment (Block 11 Section 18 Mitchell) [SEC=UNCLASSIFIED]
Date: 28 August 2019 11:03:00
Attachments: [FW_DA_201733198 \(Block 11 Section 18 Mitchell\)_SECUNCLASSIFIED.msg](#)
[image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)

Good morning Michael,

I have heard back from our team and they have advised that the applicant was advised on 22 May 2019 that the information provided with the S165B lodgement was not adequate. Please see attached email.

I have also been asked to advise if you could please request to withdraw the S165B and lodge a new S165 with the information required as per condition A3 (Evoenergy endorsement) & A4 (ICON endorsements) of the Decision.

Please let me know if you require any further information.

Kind regards,

Lydia

DA Coordinator

Phone 02 6207 4061 | Planning Delivery Division

Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.planning.act.gov.au

From: Michael Cusack [redacted]@CanberraTownPlanning.com.au]

Sent: Tuesday, 27 August 2019 3:34 PM

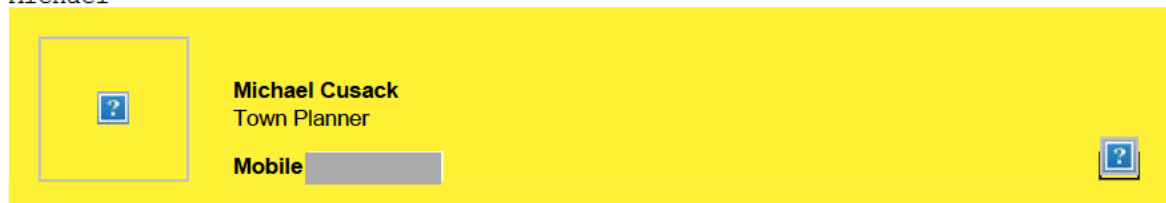
To: EPSD DACoordinator <DAcoordinator@act.gov.au>

Subject: RE: DA201733198 - s165B Assessment (Block 11 Section 18 Mitchell)

[SEC=UNCLASSIFIED]

Hi Lydia,
That's great. Thank you for that!
Look forward to speaking soon.

Michael



This message may be confidential. If you are not the intended recipient please contact the sender and permanently delete the message.

From: EPSD DACoordinator <DAcoordinator@act.gov.au>

Sent: Tuesday, 27 August 2019 3:21 PM

To: Michael Cusack [redacted]@CanberraTownPlanning.com.au>

Subject: RE: DA201733198 - s165B Assessment (Block 11 Section 18 Mitchell)

[SEC=UNCLASSIFIED]

Hi Michael,

I'll follow this s165 up with our team as it was lodged in May.

Will get back to you shortly.

Thanks,

Lydia

DA Coordinator

Phone 02 6207 4061 | Planning Delivery Division

Environment, Planning and Sustainable Development Directorate | ACT Government

From: Michael Cusack [mailto: [REDACTED]@CanberraTownPlanning.com.au]

Sent: Tuesday, 27 August 2019 2:40 PM

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

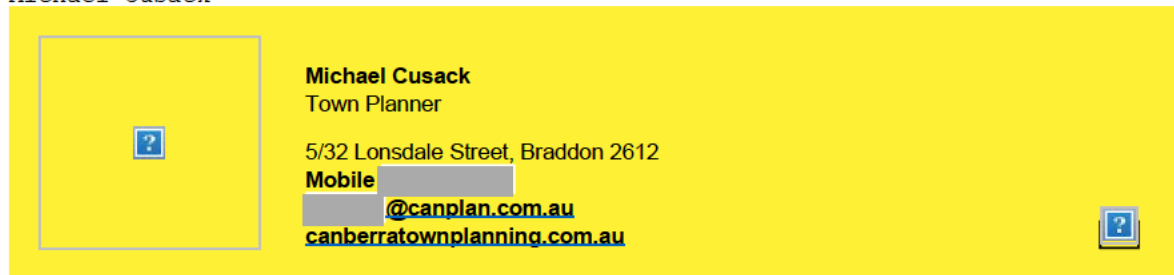
Cc: Nichelle Jackson < [REDACTED]@CanberraTownPlanning.com.au>; Pieter Van Der Walt

< [REDACTED]@CanberraTownPlanning.com.au>

Subject: DA201733198 - s165B Assessment (Block 11 Section 18 Mitchell)

Good afternoon,
Hoping to follow up the progress of s165 response to conditions of approval for DA201733198 (s165B).
The one outstanding item was the payment of the attached invoice which I understand from the client that this was done 3 weeks ago. Have also attached the correspondence with Evo Energy relating to this.
Could you please let us know whether there is anything holding up the endorsement of the conditions? Happy to contact Evo Energy if this would help.

Kind regards
Michael Cusack



Michael Cusack
Town Planner

5/32 Lonsdale Street, Braddon 2612

Mobile [REDACTED]
[REDACTED]@canplan.com.au
canberratownplanning.com.au

Please consider the environment before printing this email.

This message and any attachments may be privileged, confidential or proprietary. If you are not the intended recipient of this email or believe that you have received this correspondence in error, please contact the sender through the information provided above and permanently delete this message.

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

From: [DiCampli, Nicki](#)
To: admin@canberratownplanning.com.au
Subject: FW: DA 201733198 (Block 11 Section 18 Mitchell) [SEC=UNCLASSIFIED]
Date: 22 May 2019 15:33:00
Attachments: [Not Accepted167621.pdf](#)

Dear Jodie/Nichelle

Further to my email below and your subsequent s.165B application, I advise the information provided does not fully address conditions A3 and A4 as outlined below.

Condition A3 – Evoenergy

The quotations and emails are not satisfactory confirmation of endorsement by Evoenergy to satisfy the condition.

Condition A4 – Icon Water

As indicated in my initial email two endorsements are required from Icon Water. I note you have provided the Icon Water in principle approval for off-site works i.e. for the water meter and external services only. A Statement of Acceptance in relation to on-site works is still required. I have attached the original 'Failed To Comply' Notice for your information.

Regards

Nicki Di-Campli

Nicki Di-Campli | Assessment Officer

Development Assessment | Environment, Planning and Sustainable Development Directorate | **ACT Government**
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.planning.act.gov.au

From: DiCampli, Nicki
Sent: Thursday, 9 May 2019 5:09 PM
To: admin@canberratownplanning.com.au
Subject: DA 201733198 (Block 11 Section 18 Mitchell) [SEC=UNCLASSIFIED]

Dear Jodie

I have reviewed your s.165A application in relation to DA 201733198 (Block 11 Section 18 Mitchell) following the consent decision of the ACT Civil and Administrative Tribunal dated 15 April 2019.

Further to my review I advise conditions A3 and A4 remain outstanding and are to be resolved for the approval to take effect and in turn facilitate release of approved plans.

Condition A3

Please provide a Statement of Compliance from Evoenergy.

Condition A4

Please provide a Statement of Acceptance from all relevant areas of Icon Water in relation to both on-site and off-site/external works, noting these endorsements are provided by two separate areas.

Please respond at your earliest convenience.

Regards

Nicki Di-Campli

Nicki Di-Campli | Assessment Officer

Development Assessment | Environment, Planning and Sustainable Development Directorate | **ACT Government**
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.planning.act.gov.au

From: [Pradhan, Jyoti](#)
To: [EPSD_DACoordinator](#)
Cc: [Gell, Chris](#); [DiCampli, Nicki](#)
Subject: RE: DA201733198 - s165B update - conditions not met
Date: 28 August 2019 10:40:04
Attachments: [FW DA 201733198 \(Block 11 Section 18 Mitchell\) SECUNCLASSIFIED.msg](#)

UNCLASSIFIED

Hi Lydia,

The applicant was advised on 22 May 2019 that the information provided with their S165B lodgement was not adequate. Please forward the attached email to Mr Cusack. Also please request him to withdraw S165B and lodge a new S165 when they have the information required as per condition A3 (Evoenergy endorsement) & A4 (ICON endorsements) of the Decision.

Thanks.

Jyoti

From: EPD, Customer Services
Sent: Tuesday, 27 August 2019 2:42 PM
To: EPSD DACoordinator <DAcoordinator@act.gov.au>
Subject: FW: DA201733198 - s165B Assessment (Block 11 Section 18 Mitchell)
[SEC=UNCLASSIFIED]

From: Michael Cusack [[mailto: \[REDACTED\]@CanberraTownPlanning.com.au](mailto: [REDACTED]@CanberraTownPlanning.com.au)]
Sent: Tuesday, 27 August 2019 2:40 PM
To: EPD, Customer Services <EPDCustomerServices@act.gov.au>
Cc: Nichelle Jackson <[\[REDACTED\]@CanberraTownPlanning.com.au](mailto: [REDACTED]@CanberraTownPlanning.com.au)>; Pieter Van Der Walt
[\[REDACTED\]@CanberraTownPlanning.com.au](mailto: [REDACTED]@CanberraTownPlanning.com.au)>
Subject: DA201733198 - s165B Assessment (Block 11 Section 18 Mitchell)

Good afternoon,
Hoping to follow up the progress of s165 response to conditions of approval for DA201733198 (s165B).
The one outstanding item was the payment of the attached invoice which I understand from the client that this was done 3 weeks ago. Have also attached the correspondence with Evo Energy relating to this.
Could you please let us know whether there is anything holding up the endorsement of the conditions? Happy to contact Evo Energy if this would help.

Kind regards
Michael Cusack

CTP Logo



Michael Cusack
Town Planner

5/32 Lonsdale Street, Braddon 2612

Mobile [\[REDACTED\]](tel: [REDACTED])
[\[REDACTED\]@canplan.com.au](mailto: [REDACTED]@canplan.com.au)
canberratownplanning.com.au

Please consider the environment before printing this email.

This message and any attachments may be privileged, confidential or proprietary. If you are not the intended recipient of this email or believe that you have received this correspondence in error, please contact the sender through the information provided above and permanently delete this message.

From: [DiCampli, Nicki](#)
To: [EPSD_DACoordinator](#)
Cc: [Gell, Chris](#); [Billing, Dale](#); [Majid, Fawzia](#); [Pradhan, Jyoti](#); [Lana, Sheikh](#)
Subject: This weeks priority list for Decisions [SEC=UNCLASSIFIED]
Date: 16 April 2019 13:50:54

Hi Trent

In working through the priority list for this week we note the following applications are not able to be finalised at this time:

[REDACTED]

s.165

[REDACTED]

- 201733198 (Block 18 Section 11 Mitchell) – waiting on Jonathon to advise.

[REDACTED]

Regards
Nicki