

From: [Robyn King](#)
To: [Cilliers, George](#)
Subject: FW: Email 2 of 3 - Mitchell 18/11 ACTPLA Submission
Date: 12 November 2018 10:44:48
Attachments: [image001.gif](#)
[Attachment 3 Part 1.pdf](#)

Hi George

My apologies I failed to copy you in the other 2 emails.

Thanks

CTP Logo



Robyn King
Executive Assistant

5/32 Lonsdale Street, Braddon 2612
Phone (02) 6262 5091
[@canberratownplanning.com.au](mailto:robyn.king@canberratownplanning.com.au)
canberratownplanning.com.au

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From: Robyn King
Sent: Monday, 12 November 2018 10:36 AM
To: Andrew Stedman (andrew.stedman@act.gov.au) <andrew.stedman@act.gov.au>
Subject: Email 2 of 3 - Mitchell 18/11 ACTPLA Submission

CTP Logo



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From: [Cilliers, George](#)
To: [Stedman, Andrew \(Health\)](#)
Subject: FW: Email 3 of 3 [SEC=UNCLASSIFIED]
Date: 11 December 2018 11:41:00
Attachments: [image001.gif](#)
Importance: High

Good morning Andrew,

I received the below correspondence from Canberra Town Planning.

Canberra Town Planning is applying increasing pressure on me to facilitate a meeting. I'd appreciate if you will advise Pieter or Robyn directly whether you intend to have a meeting or not, and cc me to the response.

The reference made to "Government charges" may relate to a penalty incurred for not developing the site timely in accordance with the Crown lease. (The word "interactable" appears to be a typo – I think the writer means "intractable".)

Kind regards

George

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From: Pieter Van Der Walt [REDACTED]@CanberraTownPlanning.com.au]
Sent: Monday, 10 December 2018 7:04 PM
To: Cilliers, George <George.Cilliers@act.gov.au>
Cc: Robyn King [REDACTED]@CanberraTownPlanning.com.au>
Subject: RE: Email 3 of 3 [SEC=UNCLASSIFIED]
Importance: High

Hi George,

I called on Friday and today to ask again for a meeting re the matter below.

We have received a very cryptic e-mail response from Health but still no formal response. It appears that the approval is interactable from ACT Health's point of view. Can we please arrange an urgent meeting to discuss this and resolve the matter.

We have now become aware that the site is incurring various Government charges over and above rates, some relating directly to the time this matter is taking in planning approval and would like to see if we can finalise the matter with urgency. It is causing the proponent [REDACTED] and the Authority's assistance in finalising the matter will be appreciated.

We await your urgent response with anticipation.

Thank you in advance.

Regards

Pieter



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

From: Pieter Van Der Walt
Sent: Monday, 3 December 2018 3:21 PM
To: Cilliers, George <George.Cilliers@act.gov.au>
Cc: Robyn King [redacted] <[\[redacted\]@CanberraTownPlanning.com.au](mailto:[redacted]@CanberraTownPlanning.com.au)>
Subject: FW: Email 3 of 3 [SEC=UNCLASSIFIED]
Importance: High

Hi George,

It seems that we cannot get any timely action from ACT Health on this matter – please see below.

Would the Authority be amenable to arrange a meeting with ACT Health to gauge what the hold-up is please. [redacted]

Thank you in advance.

Regards

Pieter



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

From: Robyn King [REDACTED] <[\[REDACTED\]@CanberraTownPlanning.com.au](mailto:[REDACTED]@CanberraTownPlanning.com.au)>
Sent: Monday, 3 December 2018 2:33 PM
To: Stedman, Andrew (Health) <Andrew.Stedman@act.gov.au>
Cc: Pieter Van Der Walt [REDACTED] <[\[REDACTED\]@CanberraTownPlanning.com.au](mailto:[REDACTED]@CanberraTownPlanning.com.au)>; Nichelle Jackson [REDACTED] <[\[REDACTED\]@CanberraTownPlanning.com.au](mailto:[REDACTED]@CanberraTownPlanning.com.au)>; John Konstantinou [REDACTED] <[\[REDACTED\]@kgroup.com.au](mailto:[REDACTED]@kgroup.com.au)>
Subject: RE: Email 3 of 3 [SEC=UNCLASSIFIED]

Andrew

I have called and left messages a number of times last week and today, would you mind please giving me a call re: Mitchell 18/11. The office number is 6262 5091

Thank you

CTP Logo



Robyn King
Executive Assistant

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From: Stedman, Andrew (Health) <Andrew.Stedman@act.gov.au>
Sent: Friday, 23 November 2018 9:15 AM
To: Robyn King [REDACTED] <[\[REDACTED\]@CanberraTownPlanning.com.au](mailto:[REDACTED]@CanberraTownPlanning.com.au)>
Subject: RE: Email 3 of 3 [SEC=UNCLASSIFIED]

Hi Robyn,

To give you a quick update.

We have received the EnRiskS report from Nichelle and are carefully reviewing the reports provided with a view to give you our considered response next week.

Kind regards

Andrew Stedman | Public Health Officer | A/g Manager Environment and Radiation Safety
Health Protection Service | Public Health, Protection and Regulation | ACT Health
PH 6205 4404 | MOB [REDACTED] | FAX 6205 1705
25 Mulley Street, Holder ACT 2611 | Locked Bag 5005, Weston Creek, ACT, 2611
Email: andrew.stedman@act.gov.au W health.act.gov.au

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From: Stedman, Andrew (Health)
Sent: Tuesday, 20 November 2018 8:15 AM
To: Robyn King [REDACTED]@CanberraTownPlanning.com.au>
Subject: Re: Email 3 of 3

Hi Robyn,

I recieved your message however I will not be in the office today and most of tomorrow. I have provided the document yourself and Nichelle have provided to staff to review, noting we are still waiting for the EnriskS report to be provided a we will have to see and review this document before we can provide final comments.

Kind regards

Sent from my iPad

On 12 Nov 2018, at 10:36 am, Robyn King [REDACTED]@CanberraTownPlanning.com.au> wrote:

<image001.gif>

Robyn King
Executive Assistant

5/32 Lonsdale Street, Braddon 2612
(02) 6262 5091

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

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<Attachment 3 Part 2.pdf>

From: [Cilliers, George](#)
To: [Stedman, Andrew \(Health\)](#)
Subject: RE: Mitchell Section 11 Block 18 [SEC=UNCLASSIFIED]
Date: 20 November 2018 09:18:00
Attachments: [SUPP-201528763-EPA LETTER-01.pdf](#)
[SUPP-201528763-INFO BLOCKS 200M RADIUS-01.pdf](#)
[SCRITERIA-201528763-01.pdf](#)

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

From: Stedman, Andrew (Health)
Sent: Tuesday, 20 November 2018 8:22 AM
To: Cilliers, George <George.Cilliers@act.gov.au>
Subject: Re: Mitchell Section 11 Block 18

Hi George,

The HPS has recently been provided with additional documents from the proponent in relation to this development.

Can I confirm with you if they ended up clarifying the education departments powers in relation to suspending or revoking a childcare license? From the meeting I remember they mentioned that this was a possibility and could serve as a backstop should the site become unsuitable in future.

From my memory you may have requested further info. Did you ever get clarity on that?

Also we have requested numerous time the EnRiskS report upon which a number of air quality documents are based. The proponent has not done so and seems there are difficulties locating it. As this document was one which was commissioned on behalf of the government in relation to the lease variation, do you have a copy of this report you can provide to me?

Thanks

Sent from my iPad

> On 26 Sep 2018, at 10:08 am, Cilliers, George <George.Cilliers@act.gov.au> wrote:

>

> Good afternoon

>

> Please accept this invite to discuss Mitchell Section 11 Block 18.

>

> If you require access to the building please call me when you arrive on 77206.

>

> Thank you

>

> Olivia

>

> Olivia Edgar | Executive Assistant

> Phone: 02 6207 7206 | Email:

> olivia.edgar@act.gov.au<<mailto:olivia.edgar@act.gov.au>>

> Planning Delivery | Environment, Planning and Sustainable Development

> Directorate| ACT Government Dame Pattie Menzies House, Challis Street,

> Dickson | GPO Box 158 Canberra ACT 2601 |

> www.planning.act.gov.au<<http://www.environment.act.gov.au/>>

>

>

>

>

> <meeting.ics>



ACT
Government

Chief Minister, Treasury and
Economic Development

File Ref: New file

Ms Mechelle Swanepoel
ACT Environment Manager
SMEC Australia Pty Ltd
Suite 2, Level 1 243 Northbourne Ave
Lyneham ACT 2602

Dear Ms Swanepoel

**COMMENT ON PRELIMINARY SITE INVESTIGATION REPORT -
BLOCK 18 SECTION 11 MITCHELL GUNGAHLIN**

Environment Protection has reviewed the report titled "Preliminary Site Investigation, Block 18, Section 11, Mitchell, ACT" dated 6 November 2015 by SMEC Australia Pty Ltd.

Environment Protection has assessed the report and supports the findings that "SMEC consider the Site to be currently unsuitable for the proposed child care facility."

As a result of these findings Environment Protection is not in a position to recommend to the Environment Protection Authority (EPA) that he support the lease variation for the site at this time.

Prior to the EPA making a determination as to the suitability of the site, from a contamination perspective, for the proposed uses under the lease variation further assessment of the site must be undertaken by a suitably qualified environmental consultant.

Any future assessment must make specific comment on the suitability of the site for the proposed uses under the lease variation.

The findings of future assessments must be reviewed and endorsed by the EPA prior to the site being used for other purposes.

All future assessment, remediation and audit of the site must be in accordance with the guidelines endorsed by the Environment Protection Authority.

Yours sincerely


Mark Heckenberg
Manager, Contaminated Sites
Construction, Environment and Workplace Protection
10/11/2015



Capital

Crown

Leasing

**Block 18
Section 11
Mitchell
Lease Variation**

PREPARED FOR
KONSTANTINOU
DEVELOPMENTS PTY
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1 PROPERTY INFORMATION

| | |
|--|---|
| Site Identifier | Block 18 Section 11 Mitchell |
| Site Address: | 1-9 Heffernan Street, Mitchell |
| Proposal | Lease variation only to add 'Community Use LIMITED to child care centre'. |
| Land Use Policy: | IZ2 – Industrial Mixed Use |
| Precinct/Development, General Codes and Overlays | Industrial Zones Development Code Mitchell Precinct Map Gungahlin District Precinct Map and Code Community and Recreation Facilities Location Guidelines General Code Lease Variation General Code No other overlays identified |

2 BACKGROUND

This application is for the variation of the Crown lease purpose clause to include 'Community Use LIMITED to child care centre' as a use. The variation (if approved) would then allow for a full design and siting application to be submitted which would demonstrate compliance with access arrangements, parking arrangements, building requirements, solar compliancy and the like.

The lessee has met on-site with a representative of the Children's Education and Care Assurance Unit to discuss their requirements. Although it is understood that further in-depth assessment of the proposed building would be required, their 'in principle' support to the concept has been given and a letter from that unit is provided as a document for this application.

This property is located within the IZ2 Mixed Industrial Zone. The intention of the IZ2 zone is to provide for a range of commercial and industrial uses. This application proposes to expand the purpose clause of the existing Crown lease to allow for the use of the block as a child care centre, which is an assessable use within the zone.

The Industrial Zones Development Code requires that a community use must not jeopardise the use of the surrounding land for industrial purposes. An investigation into the uses of blocks within a 200 metre radius was undertaken to identify the current uses allowable on these blocks. A spreadsheet has been prepared which sets out the purpose clauses for all blocks. This is being lodged as a separate document in support of this application. What this investigation demonstrated is that the introduction of a child care centre in this neighbourhood is not likely to impact on a lessees' ability to utilise their premises for the uses currently in their purpose clauses.

In addition, there is no evidence that the use or operation of a well-designed child care centre would impact on the ability to operate any of the uses permitted in the IZ2 development table, including indoor recreation, light industry/industrial trades, restaurant or even service station. There are examples in Canberra and across Australia where these uses co-exist successfully without detriment to either party, particularly where the building is designed to take these matters into account.

It is also worth noting that the northern boundaries of Mitchell, which are fully developed, are less than 200 metres from residential developments in Franklin. This proximity would, no doubt, require a much higher level of monitoring. Historically, Mitchell was originally planned as the Services Zone for Gungahlin and this is reflected in the low impact industrial uses in the suburb and its colocation in close proximity to residential areas.

The current lease purpose clause provides for the use of 'offices'. The development of the site for this use would require the same treatment of the design and siting to be undertaken, to ensure that the noise, fumes and odours from surrounding blocks did not impact on the occupants of the offices, should it be developed for this use.

Equally, legislation is in place which ensures that individual users are not legally allowed to emit noise, fumes or odours beyond an agreed limit.

It is unlikely that other uses provided for under the IZ2 development table such as general industry, recyclable materials collection centres or waste transfer station, could be activated in this area as these uses would serve to impact on all of the current land holders.

Solutions to any possible incompatibility issues with existing or future uses in the surrounding neighbourhood could be addressed at the development stage and reflected in the design of the building. At this stage, the aim is to vary the lease to include this use.

This application will serve to demonstrate that the land is suitable for this use, the introduction of this use will not sterilise the surrounding blocks from being used for industrial uses, nor will the existing uses or future development have any detrimental impact of the operation of a child care centre from this block.

We have reviewed the provisions of the Industrial Zones Development Code and other relevant maps and codes and comment as follows:-

3 ZONE OBJECTIVES – IZ2 MIXED USE INDUSTRIAL

| Zone objective | Comment |
|---|--|
| a) Support the diversification and expansion of the ACT's industrial base and employment growth | The proposed child care centre would support the growth of the ACT's industrial base by providing the opportunity for workers in Mitchell to access this amenity close to their place of employment. <i>Objective achieved.</i> |
| b) Facilitate investment in a wide range of industrial and related activities, with efficient land utilisation and provision of infrastructure | The proposed use will facilitate investment and promote efficient land utilisation of the subject block. As previously discussed, this block has remained undeveloped since 2008 as no interest has been found in developing the block. <i>Objective achieved.</i> |
| c) Provide convenient access for ACT and regional residents to industrial goods, services and employment opportunities | The proposed child care centre would provide convenient access to services and employment opportunities for ACT, Mitchell employees and regional residents. <i>Objective achieved.</i> |
| d) Ensure that industrial development achieves high environmental standards of cleaner production, waste disposal, noise and air quality | This proposal is for Lease Variation only, however, subject to development the proposed additional use is capable of achieving high environmental standards. <i>Objective N/A</i> |
| e) Encourage the design and construction of industrial and commercial buildings that are energy efficient, functional and flexible | This proposal is for Lease Variation only. <i>Objective N/A</i> |
| f) Ensure that development along major approach routes and major roads meets appropriate standards of urban design | The subject block is not located directly along a major approach route or road, but is one block back. This will make for easy access for users of the centre to drop off and collect their children on route to and from work. <i>Objective achieved.</i> |
| g) Accommodate industry-associated retailing, services and other commercial uses without jeopardising an adequate supply of industrial land | The proposed additional use does not jeopardise the adequate supply of industrial land and would accommodate services for workers in Mitchell and residents of the surrounding areas. <i>Objective achieved.</i> |
| h) Provide for a range of commercial and service activities at a scale that will protect the planned hierarchy of commercial centres and the Territory's preferred locations for office development | The proposed additional use represents a smaller scale commercial and service activity that does not compromise hierarchy of commercial centres and the Territory's preferred locations for office development. <i>Objective achieved.</i> |
| i) Meet the need for a mix of lower rent bulky goods retailing, specialised industrial, commercial and service activities alongside general industry | The proposed additional use does not compromise the mix of lower rent bulky goods retailing, specialised industrial, commercial and service activities alongside general industry that operate within this area of Mitchell. <i>Objective achieved.</i> |
| j) Preserve and promote viable industries that can coexist with more commercially oriented uses | The proposed additional use does not impact on the viability of industries within the IZ2 zone and are compatible with surrounding commercially oriented uses. <i>Objective achieved.</i> |
| k) Make provision for small-scale services that support surrounding industrial activities, or which meet the needs of the local workforce | The proposed additional use would be considered a small-scale service and, as previously discussed, will support surrounding industrial activities and meets the needs of the local workforce. <i>Objective achieved.</i> |
| l) The following Zone Objectives apply specifically to West Fyshwick | Not applicable to the subject block. |

4 INDUSTRIAL ZONES DEVELOPMENT CODE

3.1 PART A ZONE SPECIFIC CONTROLS

Part A(1) – IZ1 General Industrial Zones

Not applicable. The site is not located within the IZ1 zone.

Part A(2) – IZ2 Industrial Mixed Use Zone

| Rule | Criteria | Commentary |
|--|---|--------------|
| R2 The maximum gross floor area per shop is as follows: a) supermarket or shop selling food: 200 m ² b) other shops, except for bulky goods retailing: 3000 m ² | This is a mandatory rule. There is no applicable criterion. | Not relevant |

3.2 PART B GENERAL DEVELOPMENT CONTROLS

The following provisions are considered to be relevant:-

| Rule | Criteria | Commentary |
|---|---|---|
| Element 1: Restrictions on Use | | |
| There is no applicable rule | C3 – Community uses are to be considered only where it is demonstrated that the proposed use does not jeopardise the use of the surrounding land for industrial purposes. | Criterion addressed. The proposed community use of this application has been considered in context of the location and zoning. Please refer to the response to the Community and Recreation Facilities Location Guidelines General Code included in this document. |
| There is no applicable rule | C4 - An application for community uses demonstrates that the proposed use: a) services the needs of the local workforce, or b) requires a scale of building or level of amenity that is not compatible with other available land. | Criterion addressed. a) The community use proposed has been considered in the context of the location and how this use would operate. The proposed use is to provide the opportunity for the operation of a child care centre on the site, therefore, providing a necessary amenity to the Mitchell and surrounding community. b) Not applicable. This application does not propose physical development on site. |
| R5 - The total GFA of any individual or combination of the following must not exceed 2000 m ² per lease: a) business agency b) financial establishment c) office d) public agency. | This is a mandatory requirement. There is no applicable criterion. | Not applicable |

| | | |
|---|---|--|
| There is no applicable rule. | C6 – Residential amenity is provided, through solar access, privacy, noise attenuation and security measures. | Not applicable. No caretaker's residence is proposed as a result of this application. |
| Element 2: Building and Site Controls | | |
| R7 - Subdivision is only permitted where: a) it is part of a development application for another assessable development b) it is demonstrated that any residual block can accommodate another assessable development designed in accordance with the relevant section of this Code. | This is a mandatory requirement. There is no applicable criterion. | Not applicable. Subdivision is not proposed. |
| R9 - Urban infrastructure designs are in accordance with the Design Standards for Urban Infrastructure (ACT Department of Urban Services). | This is a mandatory requirement. There is no applicable criterion. | Not applicable. |
| R10 - In accordance with section 148 of the Planning and Development Act 2007, the application is accompanied by a Statement of Endorsement from utility provider (including water, sewerage, stormwater, electricity and gas) stating that: a) All network infrastructure on or immediately adjacent the site has been identified on the plan b) All potentially hazardous substances and conditions (associated with or resulting from the demolition process) that may constitute a risk to utility services have been identified c) All required network disconnections have been identified and the disconnection works comply with utility requirements. d) All works associated with the demolition comply with and are in accordance with utility asset access and protection requirements. | C10 – If a Statement of Endorsement is not provided the application will be referred to relevant utility provider in accordance with the requirements of the <i>Planning and Development Act 2007</i> . | Not applicable. This application does not propose physical development for the site. |

| | | |
|---|--|---|
| R11 - The maximum height of any wall of the building is 12 metres above natural ground level. | C11 - Development is of an appropriate scale compatible with an industrial area. | Not applicable. This application does not propose physical development for the site. |
| There is no applicable rule. | C12 - Front and side boundary setbacks provide an acceptable design solution for the development of the site and are not detrimental to the visual relationship with adjoining buildings or the streetscape. | Not applicable. This application does not propose physical development for the site. |
| There is no applicable rule. | C13 - Where a development is subject to Special Requirements under the National Capital Plan, or any relevant Development Control plan prepared under the National Capital Plan, the development is not inconsistent with the Special Requirements or Development Control Plan. Where any provision of this code is inconsistent with Special Requirements under the National Capital Plan, or any relevant Development Control Plan prepared under the National Capital Plan, that provision has no effect. | Not applicable. The site is not subject to any Special Requirements under the National Capital Plan. |
| Element 3: Built Form | | |
| R14 External service equipment must be screened from public view. | C14 External service equipment must be integrated into the building design. | Not applicable. This application does not propose physical development for the site. |
| There is no applicable rule. | C15 The elevations of all buildings facing roads should contribute to the quality of the streetscape through well-designed buildings that respect adjoining buildings and street landscaping. | Not applicable. This application does not propose physical development for the site. |
| There is no applicable rule. | C16 The proposal identifies opportunities for retrofitting of existing buildings where appropriate. | Not applicable. There is no building on site. |
| There is no applicable rule. | C17 The roof and/or wall finish is of low reflectivity and not white or off-white or untreated metal. | Not applicable. This application does not propose physical development for the site. |

| | | |
|---|--|--|
| R18 External walls are clad with durable materials, such as masonry, fibre cement sheeting or prefinished metal. | C18 Where practicable, materials are chosen to increase the sustainability of the building and the built environment. | Not applicable. This application does not propose physical development for the site. |
| There is no applicable rule. | C19 Materials colours and textures are compatible within any development and should contribute to the built character of the adjoining development. | Not applicable. This application does not propose physical development for the site. |
| There is no applicable rule. | C20 Public access to shops and offices ancillary to industrial buildings provide legible and safe entries, located to the front of buildings. | Not applicable. This application does not propose physical development for the site. |
| There is no applicable rule. | C21 Fencing visible from the public domain is compatible with the predominant building on the site, and is at least 50% transparent. | Not applicable. This application does not propose physical development for the site. |
| There is no applicable rule. | C22 The development meets the requirements of the Crime Prevention Through Environmental Design General Code. | Not applicable. This application does not propose physical development for the site. |
| There is no applicable rule. | C23 The development meets the requirements of the Access and Mobility General Code. | Not applicable. This application does not propose physical development for the site. |
| There is no applicable rule. | C23A The development meets the requirements of the Community and Recreation Facilities Location Guidelines General Code. | Criterion addressed. Please refer to the response in this document to the Community and Recreational Facilities Location Guidelines General Code. |
| Element 4: Parking and Site Access | | |
| There is no applicable rule. | C24 Driveways and pedestrian entrances to the site are clearly visible from the front site boundary. | Not applicable. This application does not propose physical development for the site. |

| | | |
|--|--|--|
| <p>R26</p> <p>Loading docks or vehicular entries to buildings are not provided on the street frontages of buildings.</p> | <p>C26</p> <p>Loading docks and building entries do not dominate the street frontage or conflict with parking and pedestrian movements in front of the building.</p> | <p>Not applicable.</p> <p>This application does not propose physical development for the site.</p> |
| <p>There is no applicable rule.</p> | <p>C27</p> <p>Parking and vehicular access must comply with the requirements of the Parking and Vehicular Access General Code.</p> | <p>Not applicable. Lease variation only. The Criterion will be addressed at the development stage.</p> |
| <p>R28</p> <p>Parking facilities are located behind the minimum front setback but forward of any onsite activity.</p> | <p>C28</p> <p>The location of car-parking areas maximises opportunities for passive surveillance from areas within and adjacent to the site.</p> | <p>Not applicable. Lease variation only. The Criterion will be addressed at the development stage.</p> |
| <p>There is no applicable rule.</p> | <p>C29</p> <p>Where applicable, bicycle parking complies with the requirements of the Bicycle Parking General Code.</p> | <p>Not applicable.</p> <p>This application does not propose physical development for the site.</p> |
| <p>R30</p> <p>Provision is made onsite for the loading and unloading of vehicles, with adequate manoeuvring space so that vehicles can enter and leave the site travelling in a forward direction.</p> <p>Note: Loading/unloading and associated manoeuvring areas is in addition to minimum parking requirements.</p> | <p>C30</p> <p>Provision is made for associated loading and unloading of goods which complies with all of the following:</p> <ul style="list-style-type: none"> a) demonstrates adequate justification for the proposed arrangements when not entering and exiting in a forward direction b) does not unreasonably compromise the safety of pedestrian and traffic movement and operation of any adjoining facilities such as road, cycleway or pedestrian pathway, and on-street and off-street parking c) provides adequate space for the manoeuvring of vehicles d) is endorsed by the Department of Territory and Municipal Services. | <p>Not applicable.</p> <p>This application does not propose physical development for the site.</p> |

| Element 5: Amenity | | |
|---|---|--|
| There is no applicable rule. | C31 The minimum setback area includes landscaping, comprising advanced trees and shrubs, in order to minimise the visual impacts of buildings, carparking areas, and plant and materials stored on site. | Not applicable. This application does not propose physical development for the site. |
| There is no applicable rule. | C32 Tree planting to parking areas are positioned to provide shade to such areas and to soften the visual impact of such areas. | Not applicable. This application does not propose physical development for the site. |
| There is no applicable rule. | C33 Where the proposed use is adjacent to, or is, a noise producing activity, noise attenuation measures are utilised to protect the amenity of the area and promote compatibility of uses. | Although this is a Lease Variation only, it is understood that acceptable attenuation measures will have to be included in the design of the building and surrounds. The block has considerable natural buffering from the surrounding area and it is considered that the design and siting of the building will comply with this criterion. Please see the attached spreadsheet setting out the existing lease variation purposes for blocks within a 200 metre radius of this block. The use of child care centre has been considered in the context of the Industrial Zoning and the surrounding Blocks. A suitable clause in the Crown lease should require the need for support of a noise report by EPA prior to the activation of this use. |
| R34 A Noise Management Plan, prepared by an accredited acoustic specialist who is a member of the Australian Acoustical Society, endorsed by Environment Protection is provided for the following uses: -club -drink establishment -hotel -industry (except light industry) -indoor entertainment facility -restaurant The Noise Management Plan details the design, siting and construction methods, which will be used to minimise the impact of noise on neighbours. | C34 If an endorsed Noise Management Plan is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007. | Complies with Criterion. This application is only to vary the Crown lease to add a use. Prior to the activation of the use, a noise report would need to be provided to EPA for their support. The application can be referred to the relevant agency in accordance with the criteria and the Act. |

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| R35 External lighting is provided to building frontages, to all pathways, roads/laneways and car parking areas in accordance with Australian Standard 1158.1.3 Pedestrian Lighting. | C35 External lighting is provided in accordance with the ACT Crime Prevention and Urban Design General Code. | Not applicable. This application does not propose physical development for the site. |
| R36 All external lighting provided is in accordance with AS 4282 Control of the Obtrusive Effects of Outdoor Lighting. | C36 All lighting, including security and car park lighting, is designed to minimise light spill | Not applicable. This application does not propose physical development for the site. |
| There is no applicable rule. | C37 Signs must comply with the Signs General Code. | Not applicable. This application does not propose physical development for the site. |
| Element 6: Environment Not applicable. This application does not propose physical development of the site, except for R43 as addressed below. | | |
| R43 A statement is provided that the potential for land contamination has been assessed in accordance with the ACT Government Strategic Plan – Contaminated Sites Management 1995 and the ACT Environment Protection Authority Contaminated Sites Environmental Protection Policy 2000, and it is demonstrated that the land is suitable for the proposed development. | C43 If a statement that the site has been assessed is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007. | A Preliminary Site Investigation (PSI) has been undertaken by SMEC and is submitted with this application. The report indicates that further investigation is required to address several areas of concern on-site, but does not advise of any likely contaminants from adjoining blocks. It is understood that the further investigation would be required and any issues mentioned in the PSI would need to be addressed before the site would be suitable for a child care centre. However, the lessee should not be expected to undertake the expenditure for such testing until such time as the use has 'in principle' support from the Environment and Planning Directorate. |
| Element 7 Services: Not applicable. This application does not propose physical development of the site. | | |

5 LEASE AND DEVELOPMENT CONDITIONS

The Crown lease for Block 18 Section 11 Mitchell is subject to lease and development conditions. However, the lease conditions have been incorporated into the Crown lease and the development conditions are focused at physical development of the site.

Standard Development Conditions 'Development assessment processes' states the following:-

"The development proposed for this block shall be subject to a pre-application and validation process prior to the acceptance of a development application. This process requires the preparation of a Design response report."

The design response report may be referred to a Design Review Panel who will provide advice on the quality of the design concept"

Our reading of this requirement is that it is only intended to be applied to development proposals for physical development and not to lease variation development applications. However, this is not expressly stated or recognised by the Development Condition.

Therefore, and in fulfilment of the Development Condition, we provide the following comments:-

- This proposal does not conflict with any relevant lease and development conditions.
- This lease variation application does not propose physical development of the site.
- In the absence of a design and siting proposal, there are no comments that can be offered on the quality of the design concept. The requirement for a design response report is therefore nullified.

6 MITCHELL PRECINCT MAP

The Mitchell Precinct Map has been considered in this application and is not inconsistent with the proposed lease variation as set out in the application.

7 GUNGAHLIN DISTRICT PRECINCT MAP AND CODE

The Gungahlin District Precinct Map and Code have been considered in this application and are not inconsistent with the proposed lease variation as set out in the application.

8 COMMUNITY AND RECREATION FACILITIES LOCATION GUIDELINES GENERAL CODE

| Community Uses: | Relationship to Shops | Relationship to other use – Close to | Separate from | Co-location Opportunity | Other uses |
|-------------------|--|---|--|--|---|
| Child Care Centre | Take-away shops are located within 100 metres from this block. Local Centre is located in the next street. Located within an area of light industry and offices. | Close amenities include pharmacy, post office and local centre. Close to major work routes including Flemington Road and Barton Highway. Able to provide easy vehicle access. There are several blocks of unleased Territory land in the near vicinity. | No correction facilities within this suburb. Separate from residential, schools hospitals and uses. No water bodies or major roads in the immediate vicinity. Can be adequately buffered from any industrial sight, smell or fumes | Co – location opportunities is provided through the surrounding industrial area in providing a child care facility to people working in the major employment centre of Mitchell. | Block is located one block off Flemington Road, a busy thoroughfare that connects Gungahlin to North Canberra. Closest intersection is controlled by traffic lights. Bus stop is located on Flemington Road within 200 -250 metres of the block depending on the direction the bus. |

| Code objective | Comment |
|--|--|
| 1. To protect and enhance social amenity for all ACT resident and visitors. Social amenity includes access to services, safety and equity in the distribution of facilities. | The proposed child care centre would provide a much needed service to not only Mitchell employees, but residents of Gungahlin and the nearby inner north suburbs, who are in desperate need of additional facilities. Objective achieved. |
| 2. To maximise efficient land use, accessibility and convenience for uses through clustering related facilities and encouraging shared use. | The proposed use will facilitate and promote efficient land utilisation of the subject block. A Child care facility in this area could be accessed by workers in Mitchell, many of which could be within walking distance. Objective achieved. |
| 3. To protect and enhance residential amenity for ACT residents whilst meeting the need to provide access to facilities best located in the residential area. | Not applicable. This is not a residential area. |

The proposed child care centre use is not inconsistent with the Community and Recreation Facilities Location Guidelines General Code:

- Sufficient parking will be provided on site following a further design and siting application and will provide safe and convenient access to any future centre. Because the site is currently undeveloped, all parking requirements could be catered for on-site;
- Facilities are adequately separated from any industrial activity, alleviating any concerns regarding noise or odour issues. The Crown lease already provides for the use of office, which would be considered more sensitive than industrial uses. The Industrial Zone development code does provide for the more intensive types of industry, however, the surrounding development would already dictate that that type of industry would have to be located elsewhere.
- The subject block is located conveniently to public transport networks and within reasonable distance to residential areas of Gungahlin and inner north Canberra suburbs.
- The lessee has met on-site with a representative of the Children's Education and Care Assurance Unit. That unit has provided 'in principle' support. This Unit is responsible for granting the licenses to child care operators.

9 LEASE VARIATION GENERAL CODE

| Rule | Criteria | Commentary |
|---|---|--|
| Element 1: Variations - General | | |
| There is no applicable rule | A lease is varied only where all of the following are achieved: i) the varied lease is consistent with the Territory Plan including all relevant codes ii) the land to which the lease applies is suitable for the development or use authorised by the varied lease. | This statement against criteria and supportive documentation addresses the relevant Territory Plan as to the suitability of the proposed uses to the land. |
| Element 2: Variations – to increase rights | | |
| There is no applicable rule | C2 A right under a lease is increased only when all of the following are achieved if the additional rights are granted and activated: i) sufficient car parking is provided on site or is available off site in accordance with the Parking and Vehicular Access General Code ii) any increase in traffic flow is within the capacity of the surrounding road network iii) adequate post occupancy waste management and | Not applicable. No increase of rights is proposed as a result of this Lease Variation application. |

| | | |
|--|---|--|
| | <p>disposal can be provided to the relevant Territory standard</p> <p>iv) no unreasonable increase in the level of noise for the occupants of dwellings on the block or on adjoining land.</p> <p>Note: examples of rights are the maximum gross floor area, the maximum floor area allocated to a particular use, building heights.</p> | |
| Element 3: Variations to add uses – general | | |
| There is no applicable rule | <p>C3</p> <p>An additional use is authorised by a lease only when all of the following are achieved if the additional use is granted and activated:</p> <p>i) sufficient car parking is provided on site or is available off site in accordance with the Parking and Vehicular Access General Code</p> <p>ii) any increase in traffic flow is within the capacity of the surrounding road network</p> <p>iii) adequate post occupancy waste management and disposal can be provided to the relevant Territory standard</p> <p>iv) no unreasonable increase in level of noise for the occupants of dwellings on the block or on adjoining land</p> <p>v) no unreasonable risk to occupants of the block through any contamination of the block or on adjoining land</p> <p>vi) no unreasonable level of odour for the occupants of dwellings on the block or on adjoining land</p> <p>vii) no unreasonable level of light emission for the occupants of dwellings on the block or on adjoining land.</p> | <p>i) Undeveloped block. Car parking will be addressed as part of a subsequent design and siting application.</p> <p>ii) Traffic flow in the area is not expected to be affected with the approval of this use. The use is generally considered to cause low volume traffic.</p> <p>iii) Post occupancy waste will be dealt with in accordance to the municipality's requirements.</p> <p>iv) The proposed use is within an IZ2 zoning. There are expected to be noisy uses in the vicinity. The use of the premises for child care centre is not expected to be a noisy use and will not increase the level of noise in the area or serve to disrupt occupants of adjoining blocks. Adequate buffering will be included in the design of the building to ensure that noise, smells and fumes are dealt with in accordance with EPA requirements. None of the uses being added are more sensitive than the uses currently activated or able to be activated, including community uses, gym and shop.</p> <p>v) Odour will be controlled on the site via virtualisation systems to ensure odour does not impact on the occupants. A separate design and siting application will be required for the activation of this use and will address any odour issues emitting from the block or coming from adjoining blocks.</p> <p>vi) No light is proposed as a result of this lease variation application, a further design and siting Development will address lighting.</p> |
| Element 4: Variations to add particular uses | | |
| There is no applicable rule | <p>C4</p> <p>Community facilities or recreational facilities that are authorised by a lease comply with the Community and Recreational Facilities Locational Guidelines General Code.</p> | See Item 8 of this report. |
| <p>R6</p> <p>A variation to a lease to authorise a secondary residence is approved only where the block affected by the lease is 500m² or larger.</p> | <p>This is a mandatory requirement.</p> <p>There is no applicable criterion.</p> | <p>Not applicable.</p> <p>This Lease Variation does not propose a secondary residence on site.</p> |

10 CONCLUSION

As stated above, this proposal is for a lease variation only and the future use would be subject to a further Development Application for the design and siting of the building and parking. That application will address any matters in relation to vehicular and pedestrian access arrangements, solar access to the centre, play area size and location etc. Child care centres are highly regulated in operation, and rigorous licensing requirements would require a proponent to address these matters as part of the design, construction and ultimately the licensing process.

The block is bounded by development on one side only, currently by an electrical automotive business to the south. Two sides share a boundary with roads, as it is a corner block. Along the western boundary is a stretch of treed buffering area of land which appears to be unleased Territory land.

The proposal is generally consistent with the objectives of the locational guidelines (see Item 8) and achieves the objectives of the relevant zone and codes. As demonstrated in the Statement Against Criteria of all of the applicable codes, the application performs well against the locations requirements on a number of fronts. Matters relating to parking, buffering and contamination will be further addressed in the design and siting application.

SMEC have prepared a report based on the preliminary investigations of the site. Nothing in that report indicates that there are any matters that could not be adequately addressed, based on the fact that the site is not developed. Further investigations will be required in order to be certain that the site is suitable for the use. However, these investigations are costly and it is desirable to first establish that, subject to conditions the site could be suitable for the use through an approval of this development application.

Taking all of the above into consideration in conjunction with other material submitted with this application, it is concluded that the land is suitable for the use and that the lease could be varied to add 'Community use LIMITED to child care centre'.

| BLOCK | SECTION | PURPOSE CLAUSE |
|-------|---------|--|
| 14 | 4 | To use the premises only for the purpose of storage fabrication and supply of structural steel and any manufacturing process which is not offensive hazardous or noxious; |
| 15 | 4 | (a) To use the premises only for the purpose of a wholesale warehouse and for any manufacturing process which is not offensive hazardous or noxious PROVIDED ALWAYS THAT - (i) in this sub-clause "wholesale" means the sale and supply to a person for the purpose of re-sale and shall include sales by bulk to institutions business establishments and Commonwealth departments; and (ii) the gross floor area of the building shall not exceed 915 square metres; |
| 16 | 4 | (c) To use the premises only for one or more of the following purposes - (i) any manufacturing process other than offensive hazardous or noxious industries and the retail sale of goods manufactured on the premises other than the retail sale of foodstuffs and beverages; (ii) storage and wholesale disposal of goods; (iii) repair and servicing of vehicles caravans boats and machinery including the sale of parts and accessories thereof; (iv) auction rooms second hand stores and other businesses concerned with the storage and sale of used goods; and (v) the storage sale distribution or hire of building materials and equipment builder's hardware garden supplies and sporting equipment; |
| 21 | 4 | (c) To use the premises only for one or more of the following purposes - (i) any manufacturing process other than offensive hazardous or noxious industries and the retail sale of goods manufactured on the premises other than the retail sale of foodstuffs and beverages; (ii) storage and wholesale disposal of goods; (iii) repair and servicing of vehicles caravans boats and machinery including the sale of parts and accessories thereof; (iv) auction rooms second hand stores and other businesses concerned with the storage and sale of used goods; (v) the storage sale distribution or hire of building materials and equipment builder's hardware garden supplies and sporting equipment; (vi) storage servicing and repair of motor vehicles and for provision of related office accommodation; |
| 28 | 4 | for any purpose permitted pursuant to the Territory Plan |
| 29 | 4 | Unleased land |
| 30 | 4 | To use the premises only for the purpose of: (i) industrial trades; (ii) light industry; (iii) shop (maximum gross floor area of 200 square metres, not including supermarket or take away food); |
| 68 | 6 | To use Units 1-7 for one or more of the following purposes: (i) bulky goods retailing (ii) non retail commercial use RESTRICTED TO business agency and office; (iii) light industry; (iv) plant and equipment hire establishment; PROVIDED ALWAYS THAT the combined maximum gross floor area for bulky goods retailing shall not exceed 2,500 square metres; AND IN ADDITION Unit 3 may also use a maximum gross floor area of 200 square metres for the purpose of shop; |

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| 69 | 6 | To use the premises only for one or more of the following purposes: (i) bulky goods retailing LIMITED to a maximum gross floor area of 3,000 square metres; (ii) light industry; (iii) non retail commercial use RESTRICTED to business agency and office; (iv) plant and equipment hire establishment; and (v) shop LIMITED to a maximum gross floor area of 200 square metres PROVIDED ALWAYS THAT the combined gross floor area for business agency and office shall not exceed 2,000 square metres; |
| 70 | 6 | To use the premises only for one or more of the following: (i) bulky goods retailing restricted to a maximum gross floor area of 3,000 square metres; (ii) non retail commercial use limited to business agency and office; (iii) light industry; (iv) plant and equipment hire establishment; and (v) shop restricted to a maximum gross floor area of 200 square metres PROVIDED ALWAYS THAT the combined gross floor area of business agency and office shall not exceed 2,000 square metres; |
| 71 | 6 | To use the premises only for the purpose of one or more of the following: (i) bulky goods retailing LIMITED to a maximum gross floor area of 3,000 square metres; (ii) light industry; (iii) non retail commercial use RESTRICTED to business agency and office; (iv) plant and equipment hire establishment; and (v) shop restricted to a maximum gross floor area of 200 square metres PROVIDED ALWAYS THAT the combined gross floor area of business agency and office shall not exceed 2,000 square metres; |
| 72 | 6 | To use the land for one or more of the following purposes: (i) bulky goods retailing restricted to a maximum gross floor area of 3,000 square metres; (ii) business agency restricted to a maximum gross floor area 2,000 square metres; (iii) light industry; (iv) office restricted to a maximum gross floor area of 2,000 square metres; (v) plant and equipment hire; and (vi) shop restricted to a maximum gross floor area of 200 square metres PROVIDED ALWAYS THAT the combined gross floor area of business agency and office shall not exceed 2,000 square metres; |
| 73 | 6 | To use the land only for the purpose of: (i) bulky goods retailing LIMITED to a maximum gross floor area of 3,000 square metres; (ii) business agency; (iii) light industry; (iv) office; (v) plant and equipment hire establishment; and (vi) shop LIMITED to a maximum gross floor area of 200 square metres PROVIDED ALWAYS THAT the combined gross floor area for business agency and office shall not exceed 2,000 square metres; |
| 74 | 6 | To use the premises for one or more of the following purposes: (i) bulky goods retailing LIMITED to a maximum gross floor area of 3,000 square metres; (ii) business agency LIMITED to a maximum gross floor area 2,000 square metres; (iii) light industry; (iv) office LIMITED to a maximum gross floor area of 2,000 square metres; (v) plant and equipment hire establishment; and (vi) shop LIMITED to a maximum of 200 square metres PROVIDED ALWAYS THAT the combined gross floor area of business agency and office shall not exceed 2,000 square metres; |

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| 75 | 6 | To use the land for one or more of the following purposes: (i) bulky goods retailing restricted to a maximum gross floor area of 3,000 square metres; (ii) business agency restricted to a maximum gross floor area 2,000 square metres; (iii) light industry; (iv) office restricted to a maximum gross floor area of 2,000 square metres; (v) plant and equipment hire; (vi) shop restricted to a maximum gross floor area of 200 square metres PROVIDED ALWAYS THAT the combined gross floor area of business agency and office shall not exceed 2,000 square metres; |
| 76 | 6 | To use the land for one or more of the following purposes: (i) bulky goods retailing restricted to a maximum gross floor area of 3,000 square metres; (ii) business agency restricted to a maximum gross floor area 2,000 square metres; (iii) light industry; (iv) office restricted to a maximum gross floor area of 2,000 square metres; (v) plant and equipment hire; (vi) shop restricted to a maximum gross floor area of 200 square metres; PROVIDED ALWAYS THAT the combined gross floor area of business agency and office shall not exceed 2,000 square metres; |
| 35 | 7 | To use units 1-5 only for one or more of the following purposes: (i) industrial trades; (ii) light industry; (iii) non retail commercial LIMITED to office; (iv) plant and equipment hire establishment; and (v) shop PROVIDED ALWAYS THAT the maximum gross floor area for non retail commercial use shall not exceed 2,000 square metres AND FURTHER PROVIDED THAT the maximum gross floor area for any shop other than bulky goods retailing and personal services shall not exceed 200 square metres; |
| 36 | 7 | To use the premises only for the purpose of a warehouse and ancillary uses limited to the activities conducted by Lifeline Canberra Incorporated; |
| 44 | 7 | To use the land for one or more of the following purposes: (i) bulk landscape supplies; and (ii) bulky goods retailing; |
| 45 | 7 | Unleased land |
| 3 | 11 | (a) Subject to sub-clause (b) of this clause to use the premises only for the purpose of any manufacturing process other than offensive hazardous or noxious industries the sale repairing or servicing of motor vehicles caravans boats machinery equipment goods articles or appliances auction rooms second hand store and other businesses concerned with the storage and sale of used goods the storage sale hire or distribution of building materials or equipment builder's hardware fuel garden supplies motor vehicles caravans boats machinery and parts and accessories thereof and other goods and materials new household appliances and new furniture except where such goods are manufactured on the land on which the industry is situated. For the purpose of this lease "retail" means the sale to a person for the purposes of consumption or use and "wholesale" means the sale or supply to a person for the purpose of resale and shall include sale by bulk to institutions and business establishments. |

| | | |
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| 4 | 11 | To use the premises only for the purpose of retailing wholesaling and fitting of motor vehicle wheels tyres and batteries including the alignment of wheels and adjustment of steering mechanical repairs panel beating and spray painting; assembly repair and servicing of new and used caravans campervans trailers and mobile homes and subsidiary thereto the sale by retail of trailers caravans campervans mobile homes and parts and accessories and any manufacturing process which is not offensive hazardous or noxious; |
| 5 | 11 | (c) To use the premises only for the purpose of one or more of the following: - (i) any manufacturing process other than offensive hazardous or noxious industries and the retail sale of goods manufactured on the premises other than the retail sale of foodstuffs and beverages; (ii) storage and wholesale disposal of goods; (iii) repair and servicing of vehicles caravans boats and machinery including the sale of parts and accessories thereof; (iv) auction rooms second hand stores and other businesses concerned with the storage and sale of used goods; and (v) the storage sale distribution or hire of building materials and equipment builder's hardware garden supplies and sporting equipment; |
| 6 | 11 | (a) To use the said parcel for one or more of the following purposes: - (i) any manufacturing process other than offensive hazardous or noxious industries and the retail sale of goods manufactured on the premises other than the retail sale of foodstuffs and beverages; (ii) storage and wholesale disposal of goods; (iii) repair and servicing of vehicles caravans boats and machinery including the sale of parts and accessories thereof; (iv) auction rooms second hand stores and other businesses concerned with the storage and sale of used goods; and (v) the storage sale distribution or hire of building materials and equipment builder's hardware garden supplies and sporting equipment; |
| 7 | 11 | (a) Subject to sub-clause (b) of this clause to use the premises only for the purpose of (i) for the period of eight years after the date of commencement of the lease for the purpose of the servicing and repairing of motor vehicles and the buying reconditioning and sale of used motor vehicles and ancillary thereto the storage and sale of spare parts provided that if during the eight year period - (A) the Lessee becomes insolvent or being a company is placed under official management or is wound up; <u>or</u> (B) a mortgagee enters into possession of the land subject to the lease or obtains an order for foreclosure or exercises his power of sale - then the official receiver manager or mortgagee or a transferee assignee or sublessee from such official receiver manager or mortgagee can use the land for the additional purpose of any manufacturing process which is not offensive hazardous or noxious; (ii) for the remainder of the term of the lease for the purpose set out in paragraph (i) of this sub-clause and any manufacturing process which is not offensive hazardous or noxious; |

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|----|----|--|
| 14 | 11 | (a) To use the premises only for the purpose of (i) any manufacturing process other than offensive hazardous or noxious industries and the retail sale of goods manufactured on the premises other than the retail sale of foodstuffs and beverages; (ii) storage and wholesale disposal of goods; (iii) repair and servicing of vehicles caravans boats and machinery including the sale of parts and accessories thereof; (iv) auction rooms second hand stores and other businesses concerned with the storage and sale of used goods; and (v) the storage sale distribution or hire of building materials and equipment builder's hardware garden supplies and sporting equipment; (vi) a general produce store for the storage sale and distribution or hire of animal feed and veterinary supplies and other goods and equipment for agricultural and rural uses (including pets and pet supplies) normally sold by the sellers of such general produce; |
| 15 | 11 | To use the premises only for one or more of the following purposes - i) any manufacturing process; ii) repairing and servicing of equipment machinery appliances and other goods; iii) processing packaging and wholesale distribution of goods; iv) hiring or installation of machinery mechanical equipment and appliances; BUT EXCLUDING any use of the premises which causes injury to or prejudicially affects the amenity of the area by the emission of noise vibration smell fumes ash smoke waste water/or waste products grit oil or otherwise; and PROVIDED ALWAYS THAT within the meaning of this clause "wholesale" means the sale or the supply of goods in bulk for the purpose of resale and "manufacturing process" means the making of articles by physical labour or machinery and does not include the retail sale of those goods; |
| 16 | 11 | To use the premises only for one or more of the following purposes - i) any manufacturing process; ii) the processing packaging and wholesale distribution of goods; iii) repairing and servicing of equipment machinery appliances and other goods; iv) hiring or installation of machinery mechanical equipment and appliances; BUT EXCLUDING any use of the premises which causes injury to or prejudicially affects the amenity of the area by the emission of noise vibration smell fumes ash smoke waste water or waste products grit oil or otherwise; and PROVIDED ALWAYS THAT i) the maximum number of unit titles or separate lettable tenancies for sublease shall be five, and ii) within the meaning of this clause "wholesale" means the sale or the supply of goods in bulk for the purpose of resale and "manufacturing process" means the making of articles by physical labour or machinery and does not include the retail sale of those goods; |
| 17 | 11 | (c) To use Unit 1 to 10 for one or more of the following purposes; (i) any manufacturing process other than offensive hazardous or noxious industries and the retail sale of goods manufactured on the premises other than the retail sale of foodstuffs and beverages; (ii) storage and wholesale disposal of goods; (iii) repair and servicing of vehicles caravans boats and machinery including the sale of parts and accessories thereof; (iv) auction rooms second hand stores and other businesses concerned with the storage and sale of used goods; (v) the storage and sale distribution or hire of building materials and equipment builder's hardware garden supplies and sporting equipment; and (vi) funeral parlour excluding any chapel; |

| | | |
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| 19 | 11 | (a) To use the said parcel only for one or more of the following purposes: - (i) any manufacturing process other than offensive hazardous or noxious industries and the retail sale of goods manufactured on the premises other than the retail sale of foodstuffs and beverages; (ii) storage and wholesale disposal of goods; (iii) repair and servicing of vehicles caravans boats and machinery including the sale of parts and accessories thereof; (iv) auction rooms second hand stores and other businesses concerned with the storage and sale of used goods; and (v) the storage sale distribution or hire of building materials and equipment builder's hardware garden supplies sporting equipment coal and firewood; |
| 21 | 11 | To use the premises only for one or more of the following purposes - i) any manufacturing process; ii) the repairing and servicing of equipment machinery appliances and other goods; iii) the processing packaging and wholesale distribution of goods; iv) hiring or installation of machinery mechanical equipment and appliances; BUT EXCLUDING any use of the premises which causes injury to or prejudicially affects the amenity of the area by the emission of noise vibration smell fumes ash smoke waste water or waste products grit oil or otherwise; and PROVIDED ALWAYS THAT i) the maximum number of unit titles or separate lettable tenancies for sublease shall be five, and ii) within the meaning of this clause "wholesale" means the sale or the supply of goods in bulk for the purpose of resale and "manufacturing process" means the making of articles by physical labour or machinery and does not include the retail sale of those goods; |
| 22 | 11 | To use the premises only for one or more of the following purposes - i) any manufacturing process; ii) the processing packaging and wholesale distribution of goods; iii) repair and servicing of equipment machinery appliances and other goods; iv) hiring or installation of machinery mechanical equipment and appliances; BUT EXCLUDING any use of the premises which causes injury to or prejudicially affects the amenity of the area by the emission of noise vibration smell fumes ash smoke waste water or waste products grit oil or otherwise; and PROVIDED ALWAYS THAT i) the maximum number of unit titles or separate lettable tenancies for sublease shall be five, and ii) within the meaning of this clause "wholesale" means the sale or the supply of goods in bulk for the purpose of resale and "manufacturing process" means the making of articles by physical labour or machinery and does not include the retail sale of those goods; |
| 23 | 11 | To use the premises only for one or more of the following purposes:(i) any manufacturing process; (ii) the repairing and servicing of equipment machinery appliances and other goods; (iii) wholesale distribution of goods; (iv) hiring or installation of machinery mechanical equipment and appliances; BUT EXCLUDING any use of the premises which causes injury to or prejudicially affects the amenity of the area by the emission of noise vibration smell fumes ash smoke waste water or waste products grit oil or otherwise; and PROVIDED ALWAYS THAT i) the maximum number of unit titles or separate lettable tenancies for sublease shall be five, and ii) within the meaning of this clause "wholesale" means the sale or the supply of goods in bulk for the purpose of resale and "manufacturing process" means the making of articles by physical labour or machinery and does not include the retail sale of those goods; |



ACT
Government

Education and Training

Re: Development of an education and care centre at Block 18, Section 11, Mitchell ACT.

To whom it may concern

This letter is to advise that Children's Education and Care Assurance has made an assessment of Block 18, Section 11, Mitchell ACT and gives 'in principle' support to the variation of the Crown lease to add the use 'education and care centre' to the purpose clause.

The site is located in close proximity to green belt buffer zones with established trees and the adjacent properties are currently occupied by low intensity businesses. If an education and care centre is constructed on this site it would provide a convenient facility for workers in the local area.

This endorsement is provided for purposes of the lease variation and does not provide any assurance that an education and care service built on this block will be approved to operate.

Children's Education and Care Assurance has also made an assessment of the design proposal for the development of an education and care centre on this site. The planning arrangements proposed in the drawings are considered to have met the current regulatory requirements and the proposed arrangement is endorsed in principle.

This endorsement is provided for the design as documented on the plans provided and does not remove the requirement for the facility to undergo a formal review of completed works prior to approval and operation.

If you require any additional information please contact me on 62071093.

Yours sincerely

[Redacted Signature]
Susan Sullivan
Manager
Children's Education and Care Assurance
19 October 2015

WITH STUBS
NO 101-1270

0134

ACT 26 14 15000 460 525 2260 1149 1582 3119M -180

105097 01/84 0106530 0504549 R07 41261

ACT 26 14 15000 460 525 2260 1149 1582 3119M -180

CANBERRA 2001
1:16000 Approx. Scale
ACT26

RUN 7
01-04-01
127-146



152.76 mm

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APPENDIX F – HISTORIC TITLE SEARCH



APPENDIX G - Photographs



Photograph 1a. Derelict site sheds.



Photograph 1b. Site shed and shipping container.



Photograph 2. Stockpile consisting of unknown material from another development site.



Photograph 3. Old truck parked on Site.



Photograph 4. Old bus parked on Site.



Photograph 5. Example of sporadic rubbish located on Site.



Photograph 6. Example of concrete sitting on the soil surface.



**Preliminary Site Investigation
Block 18, Section 11, Mitchell, ACT
3002389/22**

For: Capital Crown Leasing Pty Limited



| | |
|-----------------------------|---|
| Project Name: | Preliminary Site Investigation, Block 18, Section 11, Mitchell, ACT |
| Internal Reference: | 3002389/22 |
| Report prepared for: | Capital Crown Leasing Pty Limited |

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LIST OF ABBREVIATIONS

| General Terms used in this Report | |
|-----------------------------------|---|
| ACM | Asbestos Containing Material(s) |
| ACT | Australian Capital Territory |
| AEC | Area of Environmental Concern |
| AHD | Australian Height Datum |
| ANZECC | Australian and New Zealand Environment and Conservation Council |
| BaP | Benzo(a)pyrene (a PAH) |
| bgf | Below ground level |
| BTEX | Benzene, toluene, ethyl benzene and xylenes |
| CEC | Cation Exchange Capacity |
| CoPC | Contaminants of Potential Concern |
| CRC CARE | Cooperative Research Centre for Contamination Assessment and Remediation of the Environment |
| CSM | Conceptual Site Model |
| DQO / DQI | Data Quality Objective / Data Quality Indicator |
| EIL | Ecological Investigation Level |
| ESL | Ecological Screening Levels |
| EMP / SMP | Environmental Management Plan / Site Management Plan |
| GAC | Groundwater Assessment Criteria |
| GIL | Groundwater Investigation Levels |
| GW | Groundwater |
| Heavy metals | Generally arsenic, cadmium, chromium, copper, mercury, nickel, lead and zinc |
| HSL | Health Screening Level |
| LOR | Limit of reporting |
| mbgl | Metres below ground level |
| mbtoc | Metres below top of casing |
| meq | Milliequivalent |
| MW | Monitoring Well |
| NATA | National Association of Testing Authorities |
| NEHF / NEPC | National Environmental Health Forum / National Environment Protect Council |
| NEPM | National Environment Protection (Assessment of Site Contamination) Measure |
| NSW EPA | NSW Environment Protection Authority |
| OCP | Organochlorine pesticides |
| OPP | Organophosphorus pesticides |
| PAH | Polycyclic Aromatic Hydrocarbons |
| PCB | Polychlorinated biphenyls |
| PID | Photoionisation detector |
| QA/QC | Quality Assurance/Quality Control |
| RAP | Remedial Action Plan |
| SAC | Soil Assessment Criteria |
| SMEC | SMEC Australia Pty Ltd |
| SSP | Shared Services Procurement |
| SVOC | Semi-volatile Organic Compound |
| SWL | Standing Water level |
| TAMS | Territory and Municipals Services |
| TDS | Total Dissolved Solids |
| TPH | Total petroleum hydrocarbons |
| TRH | Total Recoverable Hydrocarbons |
| UCL | Upper Confidence Limit (on mean) |
| uPVC | Unplasticised Poly Vinyl Chloride |
| USCS | Unified Soil Classification System |
| UST | Underground Storage Tank |
| UPSS | Underground Petroleum Storage System |
| VOC | Volatile Organic Compound |

| | |
|----------------------|-------------------------|
| WQM | Water Quality Meter |
| Units of Measurement | |
| mg/L | Milligrams per litre |
| mg/kg | Milligrams per kilogram |
| µg/L | Micrograms per litre |
| ppm | Parts per million |

EXECUTIVE SUMMARY

SMEC Australia Pty Ltd (SMEC) was engaged by Capital Crown Leasing Pty Limited to undertake a Preliminary Site Investigation (PSI) at the Site identified as at Block 18, Section 11, Mitchell, ACT (the Site).

Based on desktop review of the available data (including historic aerial imagery, government searches and registered bore details) and a Site inspection, SMEC have identified a total of four Areas of Environmental Concern (AEC). A summary of the AECs has been provided below.

Summary of Areas of Environmental Concern

| AEC | Description | CoPC | Contamination Potential |
|-----|---|---|-------------------------|
| 1 | Stockpile of unknown material from another development site | Asbestos, herbicides and pesticides, metals, Polycyclic Aromatic Hydrocarbons, Total Recoverable Hydrocarbons, and Benzene, Toluene, Ethylbenzene, Xylenes and other Volatile Organic Compounds | Medium-High |
| 2 | Derelict site shed and shipping container | Lead | Low |
| 3 | Neighbouring fabrication shop | Total Recoverable Hydrocarbons, and Benzene, Toluene, Ethylbenzene, Xylenes and other Volatile Organic Compounds | Low |
| 4 | Truck and bus parked on Site | Hydrocarbons, Total Recoverable Hydrocarbons, and Benzene, Toluene, Ethylbenzene, Xylenes and other Volatile Organic Compounds | Low |

Based on the review of available data SMEC consider the Site to be currently unsuitable for the proposed child care facility. SMEC recommend consideration of the table below.

Recommendations for Areas of Environmental Concern

| Site Area | Description | Recommendations |
|-----------|---|---|
| AEC 01 | Stockpile of unknown material from another development site | Classification of stockpiled material in accordance with the ACT EPA 2015 "Information sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT" and appropriate disposal or reuse. |
| AEC 02 | Derelict site shed and shipping container | It is recommended that the paint on the shipping container is sampled to determine the presence/absence of lead. If the presence of lead is confirmed then further investigation of the soil within the footprint of the shed/container will be required. |
| AEC 03 | Neighbouring fabrication | If earthworks are proposed for the Site, It is recommended that a Construction |

| Site Area | Description | Recommendations |
|---|---|--|
| and AEC04 General Site | shop Truck and bus parked on Site Unexpected finds | <p>Environmental Management Plan (CEMP) be prepared to include the following as a minimum:</p> <ul style="list-style-type: none"> ▪ Procedure for uncovering unexpected contamination, associated with AEC03, AEC04 and general Site ▪ Dust & Noise Exposure ▪ Groundwater Management ▪ Waste Management ▪ Other Contamination Management |

1. INTRODUCTION

1.1 Preamble

SMEC Australia Pty Ltd (SMEC) was engaged by Capital Crown Leasing Pty Limited (CCL) to undertake a Preliminary Site Investigation (PSI) for the property located at 29-31 Darling Street, Mitchell; legally identified as Block 18, Section 11, Mitchell, ACT (the Site).

It is understood by SMEC that the ACT Environment and Sustainable Development Directorate (ESDD) and the ACT Environmental Protection Authority (EPA) require a PSI to be completed for all crown lease variations. This PSI will provide supporting information in relation to identifying whether contamination risk is present at the Site as a result of former Site uses, to support the current and proposed lease variation to include a child care facility.

1.2 The Site

The Site is located within the industrial suburb of Mitchell. It is bounded by Heffernan Street to the north, Darling Street to the east, commercial and industrial properties to the south and a culvert and Winchcombe Crescent to the west. The Site comprises a grassed undeveloped land portion with an approximate area of 1,685 m². The Site is presently unsecure (not fenced).

1.3 Objectives

The purpose of the PSI was to provide a review of the existing and available data relating to the Site, including Site history information to determine the potential for contamination to be associated with the Site. The overall objective of the works was to determine the suitability of the Site for an amendment of the lease to include additional land uses, as detailed in **Section 2.4**.

1.4 Scope of Works

The following scope of work was undertaken to meet the objective of this PSI:

- Review of available background data, comprising of:
 - Historical aerial photography;
 - Geology and hydrogeology maps;
 - Registered groundwater bores;
 - Dangerous goods search;
 - ACT EPA Contaminated Land Database; and
 - Historic title search.
- Site inspection; and
- Preparation of this PSI report, discussing the historical data and preliminary findings.

1.5 Environmental Standards and Guidelines

This PSI report was prepared in general accordance with the requirements of the guidelines endorsed by the ACT EPA which includes the following:

- ACT EPA 1997 – *Environment Protection Act* (the Act);
- ACT EPA (2009 and Addendum 2014) *Contaminated Sites Environmental Protection Policy*;
- ACT Department of Environment and Planning Directorate 2014, *Information sheet 7 – Guidance for undertaking preliminary contamination investigations for development/lease variation purposes*;
- NSW Office of Environment and Heritage (2011) *Guidelines for Consultants Reporting on Contaminated Sites*; and
- *The National Environmental Protection (Assessment of Site Contamination) Measure* (1999, as amended 2013) (the ASC NEPM).

1.6 Report Limitations

This report was based on the Scope of Work outlined in **Section 1.4** and is a desktop based (non-intrusive) assessment. SMEC prepared this PSI in a manner consistent with the normal level of care and expertise exercised by members of the environmental profession.

This report relates only to the objectives stated and does not relate to any other work undertaken for the Client. Site conditions upon which inferences in this report are drawn may change with time and space. The absence of any identified hazardous or toxic materials on the subject property should not be interpreted as a guarantee that such materials do not exist on the Site.

All conclusions regarding the property area are the professional opinions of SMEC, subject to the qualifications in the report. While normal assessments of data reliability have been made, SMEC assumes no responsibility or liability for errors in any data obtained from regulatory agencies, statements from sources outside of SMEC, or developments resulting from situations outside the scope of this project. The client acknowledges that this report is for the exclusive use of Capital Crown Leasing Pty Limited and their client.

2. SITE CHARACTERISTICS

2.1 Site Identification

The Site is located within the suburb of Mitchell in the ACT and is identified by the following features.

Table 2.1 Site Identification

| Feature | Description |
|--------------------------|--|
| Site Owner | Konstantinou Group Pty Ltd |
| Site Address | 29-31 Darling Street, Mitchell, 2911, ACT |
| Block and Section | Block 18, Section 11, Mitchell |
| Land Zoning | IZ1: Industrial Mixed Use according to the <i>ACT Territory Plan, September 2015</i> |
| Current Land Use | Vacant site |
| Proposed Land Use | Child care facility |
| Block Area | Approximately 1,685 m ² |
| Site Elevation (m AHD) | Approximately 585 m AHD |
| Site Location and Layout | Figure 1, Appendix A |

2.2 Site Description

The Site is located within the industrial suburb of Mitchell. The Site is bounded by Darling Street to the east and Heffernan Street to the north, open space to the west and industrial development to the south. Access to the Site is via Darling Street and/or Heffernan Street. The Site is presently grassed, vacant and unfenced. There is a derelict transportable site shed, toilet block and a shipping container located on the eastern section of the Site. Between the site shed and shipping container there is a stockpile of what appears to be fly tipped soil and building material. The specific contents of this material are unknown. There is an old truck parked on the south eastern boundary and an old bus parked on the south western boundary of the Site.

2.3 Current Land Use

The Site is vacant. Excluding the storage of the old vehicles, transportable buildings and shipping containers, the Site is unused.

2.4 Proposed Land Use

The proposed lease variation is to change the industrial land use (IZ1: Industrial Mixed Use) to a child care facility (CF: Community Facilities).

2.5 Surrounding Land Use

The Site is located in an industrial setting. The land uses surrounding the Site are as follows:

- North – Heffernan Street is located immediately north of the Site, thereafter occurs a vacant site and industrial and commercial businesses, including a landscaping business and a vehicle scrapping yard;
- East – immediately to the east is Darling Street with car-parks and commercial and industrial properties occurring beyond. Further to the east occurs Flemington Road and what appears to be agricultural grazing land ;
- South – immediately to the south of the Site are commercial and industrial properties including car parts, tyre, and booking binding businesses. Stanford Street and the ACTEW AGL centre are located thereafter; and
- West – located immediately to the west is a small area of vegetation and a culvert. Thereafter are grassed areas, carparks and commercial and industrial properties.

2.6 Historic Title Search

A request was made with the ACT Office of Regulatory Services for records of historical titles relating to the Site. The historic title search provided from the ACT Office of Regulatory Services indicates that the Site was registered in November 2007. A development application was lodged and approved in August 2010. The development application was for the construction of a new two storey office and showroom building, including a rear carpark with access from Heffernan Street. The record is included as background data in **Appendix F**.

2.7 Geology

According to the Canberra 1:100,000 Geological Map, the Site is comprised of alluvium which is described as Quaternary material comprised of gravel, sand, silty clay and black organic clay.

Topography of the site is flat and similar to surrounding properties.

2.8 Regional Hydrology and Hydrogeology

The Site is generally flat and run-off water from the Site is presumed to flow into the on-Site drains and then into the local municipal storm water system.

A request was made to the ACT Department of Environment Protection and Water Regulation for information regarding registered groundwater bores in the region (**Appendix B**). The Department

confirmed that there is one registered groundwater bore within a 1 km radius of the Site. The groundwater bore was inferred to be up gradient from the Site and the details were as below:

- Bore number 60 – located to the north-west of the Site, construction date is unknown, total depth 79 m, static water level is 4 m.

The nearest flowing body of water is Sullivan's Creek approximately 680 m southeast of the Site. The inferred groundwater flow direction is southeast towards Sullivan's Creek.

Review of the 1:100,000 Hydrology of the Australian Capital Territory and Environs (1984) indicates that the groundwater beneath the Site is present in fractured rock aquifers with a yield of <0.5 l/s. The quality tends to be variable and was described as 500 – 1000 mg/l Total Dissolved Solids (TDS).

2.9 Acid Sulphate Soils

Review of the Australian Soil Resources Information System national acid sulphate probability map (www.asris.csiro.au) indicates that there is no known occurrence of acid sulphate soils occurring on Site.

2.10 Site Inspection

A Site inspection was conducted by a suitably qualified SMEC Environmental Scientist on 18 September 2015 to investigate the potential for contamination sources. The following observations were made in addition to the general site conditions detailed in **Section 2.2**:

- The Site was flat and grassed. The site is unsecure (unfence);
- A derelict site shed, toilet block and shipping container are located on the western section of the Site (**Photograph 1a, Appendix G**). The site shed and toilet block were noted to be unlocked, with broken windows and graffiti. The shipping container was observed to be locked and no access to the structure was gained, as such the contents of the container are unknown. SMEC has been advised however that the containers have been raided, and have been situated on the site since 2010. Based on the presumed age of the shipping container (>20 years) the painted surfaces (cream coloured) the outside of the shipping container may potentially comprise of lead-based paint. Painted surfaces were noted to be in fair condition (**Photograph 1b, Appendix G**);
- A stockpile was observed between the site shed and shipping container. The stockpile was mostly covered in grass growth, and the visibility of stockpile material was limited. However, soil and building material (e.g. wood and concrete) were observed (**Photograph 2, Appendix G**). SMEC has been advised that the origin of this stockpile was from a development completed by the owner on another site in 2009. The specific contents of this stockpile are unknown;
- An old truck was parked on the south eastern boundary (**Photograph 3, Appendix G**). Grass underneath the truck is long, but unstressed. No oils spills were observed underneath or around the vehicle;
- An old bus was parked on the south western boundary of the Site (**Photograph 4, Appendix G**). The grass underneath the bus was shorter than underneath the truck and grass was unstressed. No oils spills were observed underneath or around the vehicle. SMEC has been advised that both the truck and bus can be readily removed from the site;
- Sporadic rubbish and broken concrete were observed on the surface of the Site (**Photograph 5 and 6, Appendix G**); and

- No spills, underground petroleum storage systems, bulk chemical storage, odours or potentially asbestos containing material were noted during the Site inspection.

3. SITE HISTORY AND BACKGROUND DATA

3.1 Historical Aerial Photographs

Historical aerial photographs were obtained and reviewed to investigate the former land uses and development at the Site. Aerial photographs dated between 1950 and 2001 were reviewed, are presented in Appendix E, and described further below:

Table 3.1 Historical Aerial Photographs

| Year | Description |
|---------------------------|---|
| 1950 Historic Aerial | <p>The Site: The Site is part of a cleared area of land that appears to be used for agricultural grazing.</p> <p>The Surrounds: The surrounding area is also largely cleared land for agricultural grazing.</p> |
| 1968 Historical Aerial | <p>The Site: No significant difference from the previous aerial photograph.</p> <p>The Surrounds: No significant difference from the previous aerial photograph.</p> |
| 1978 Historic Aerial | <p>The Site: The Site is a grassed and vacant lot. The Site no longer appears to be used for agricultural grazing.</p> <p>The Surrounds: The areas surrounding the Site are undergoing development with the clearing of land and development of roads and buildings,</p> |
| 1988 Historic Aerial | <p>The Site: No significant difference from the previous aerial photograph.</p> <p>The Surrounds: Development of the surrounding area continues and the Site appears to be surrounded by commercial and industrial properties or vacant lots.</p> |
| 1998 Historic Aerial | <p>The Site: No significant difference from the previous aerial photograph.</p> <p>The Surrounds: Development of the surrounding area continues and the Site appears to be surrounded by commercial and industrial properties or grassed vacant lots</p> |
| 2001 Historic Aerial | <p>The Site: No significant difference from the previous aerial photograph.</p> <p>The Surrounds: Development of the surrounding area continues and the Site appears to be surrounded by commercial and industrial properties or grassed vacant lots. The land portion directly to the north of the Site consists of bare soil.</p> |

3.2 Previous Investigations

SMEC are not aware of any previous investigations completed at the Site.

3.3 Site History

The Site appears to have been potentially utilised for agricultural grazing prior to 1987. From at least 1987 onwards the Site has comprised of an undeveloped, vacant and grassed land portion. No evidence of bulk earthworks within the Site was observed as part of the review of aerial photography.

3.4 ACT Contaminated Land Search

A search of the Environment Protection Authority (EPA) Contaminated Land Search database was completed for the Site. The results concluded that the block is not listed on the EPA contaminated Sites management database and geographic information system. The EPA has not issued any environment protection orders under sections 91C(1), 91D(1) or 125 (4) of the *Environment Protection Act 1997* for the Site.

The record is included as background data in **Appendix C**.

3.5 Dangerous Goods Records Search

A request was made to ACT Worksafe for records regarding the storage of dangerous goods on Site. Worksafe confirmed the following:

- That there are no records held for any Dangerous substances for the Site; and
- Tanks with a capacity of up to 50,000 L which contained Diesel were not required to be licenced with WorkCover/ safe, only if the capacity was over 50,000 L.

The record information is included in **Appendix D**.

4. CONTEXT OF ANTHROPOGENIC IMPACTS

4.1 Contaminants of Potential Concern

Based on Site history and background data review SMEC have identified the following Contaminants of Potential Concern (CoPC) that may be present at the Site.

Table 4.1 Contaminants of Potential Concern

| CoPC | Context |
|---|--|
| Asbestos Containing Material (ACM), Asbestos Fines (AF) and Fibrous Asbestos (FA) | Due to the long history of ACM use in Australia, and the persistence of ACM in the environment, ACM are of concern. Many buildings built prior to 1990s contain asbestos containing materials. Asbestos may be present in stockpiles of unknown soil and building material, originating from another development site. |
| Polychlorinated Biphenyls (PCBs) | <p>Polychlorinated Biphenyls are a group of synthetic organic compounds, which have historically been an important ingredient in many industrial products. PCBs are stable chemicals that resist change in response to time, wide temperature variance or from the influence of acids and alkalis.</p> <p>Potential for impacts to be present in stockpiles of building materials present at the Site.</p> |
| Metals | <p>Prior to 1970, Australian paints contained high levels of lead, and were still used up to approximately 1997. Exposure to lead is a health hazard.</p> <p>Elevated metal concentrations may be present in stockpiled soil material and potentially within painted surfaces within the Site (namely the shipping container).</p> |
| Organochlorine Pesticides (OCP), Organophosphorus Pesticides (OPP), Herbicides and Pesticides | OCPs are persistent and bio-accumulative in the environment. They were formerly used as pest control for crops, livestock and buildings. OPPs are slightly less persistent and have been used since the banning of OCP in Australia. There is potential for OCP/OPP to be present in stockpiles of unknown soil material. |
| Polycyclic Aromatic Hydrocarbons (PAH) | PAH can be present in fuel and oils. PAHs can occur naturally in crude oil, coal and incompetently burnt carbon based materials (wood, coal, diesel etc.) and ash. PAH was used in the production of bitumen and asphalt material and can be present in stockpiles of unknown materials. |
| Benzene, Toluene, Ethylbenzene, Xylenes (BTEX) | Volatile organic compounds (VOC) are present in petroleum based fuels, oils and solvents. There is a potential for VOC to be present on Site from former spills or |

| CoPC | Context |
|---|---|
| and other Volatile Organic Compounds (VOCs) | leaks from machinery or vehicles operated within the Site. VOC may also be present in fill of unknown material. |
| Petroleum Recoverable Hydrocarbons (TRH) | TRH can be present in petroleum based chemicals including fuels (petrol, diesel, and kerosene) solvents, greases and oils; and can be present within the stockpile of unknown material. |

4.2 Areas of Environmental Concern

Based on the Site history review, background data and field observations, SMEC have identified the following Area of Environmental Concern (AEC) at the Site:

Table 4.2 Areas of Environmental Concern

| AEC | CoPC | Context and Contamination Risk |
|--|---|--|
| AEC01 Stockpile from other development | Asbestos, PCB, metals, OCP, OPP, PAH, BTEX, VOC and TRH | <p>There is a stockpile located on Site that contains soil and building material, for example concrete and woods. SMEC has been advised that the origin of the stockpile is from a development at another site completed in 2009.</p> <p>The ACT EPA 2014 <i>“Information sheet 7 - Guidance for undertaking preliminary contamination investigations for development /lease variation purposes”</i> identifies that the ACT has a history of builder’s waste disposal as fill. This stockpile of builder’s waste could contain asbestos material along with other contaminants. The ACT EPA recommends that where fill is found it should be initially assessed as potentially contaminated.</p> <p>The contamination risk is considered to be medium to high.</p> |
| AEC02 Derelict site shed and shipping container | Lead | <p>Based on the presumed age of the structures, painted surfaces of the shipping container comprise of lead-based paint. The quality of the paint is in fair condition and no paint debris were observed in the vicinity of the structures.</p> <p>The contamination risk is considered to be low.</p> |
| AEC03 Neighbouring fabrication | TRH, BTEX, VOCs | <p>There is potential for on-site migration of contaminants associated with the neighbouring fabrication shop. No staining, or other visual or olfactory signs of contamination were noted at the Site boundary of the Site and the fabrication shop property.</p> |

| AEC | CoPC | Context and Contamination Risk |
|---------------------------------------|-----------------|---|
| shop | | The contamination risk is considered to be low. |
| AEC04 Truck and bus parked on Site | TRH, BTEX, VOCs | There is potential for hydrocarbon spills underneath the truck and the bus parked on Site. No staining, or other visual or olfactory signs of contamination were observed during the Site inspection. Additionally, grass underneath the vehicles was unstressed. The contamination risk is considered to be low. |

4.3 Conceptual Site Model

A Conceptual Site Model (CSM) summarises the expected Site conditions at and surrounding the Site, as they relate to Site contamination and potential risks to human health and the environment. SMEC have nominated to use a Source-Pathway-Receptor Linkage Model to assess AECs.

4.3.1 Overview of the Source-Pathway-Receptor Linkage

A CSM was developed based on the findings of the background information review, field observations, CoPC and AEC. The CSM involves the assessment of environmental/human health risk based on a contaminant (source) – pathway – receptor methodology whereby:

Table 4.3 Receptor Pathway System

| | |
|------------------------------|--|
| Contaminant (source): | A substance that has the potential to cause harm to a receptor. In a broader sense, sources can include particular ground conditions, for example redundant footings within the ground, which have the potential to impact on redevelopment proposals. |
| Pathway: | The route by which the source is brought into contact with the receptor. This can include the transport of contamination via water (surface and groundwater), Aeolian deposition, vapours, excavation and deposition. |
| Receptor: | Human beings, other living organisms, physical systems and built structures that could be affected by the source. A receptor will only be affected if a pathway from the source to the receptor is present and a pollutant linkage established. Groundwater and surface water systems can be considered as receptors in their own right as their quality is regulated by statutory bodies, as well as being pathways for contaminant migration to other receptors. |

If the source-pathway-receptor relationship is complete, a pollutant linkage exists and on this basis, an assessment can be made of the environmental liabilities associated with the Site. These can be expressed for example, in terms of additional costs associated with Site redevelopment or remedial measures, the potential for costs, fines or penalties imposed for breaches of environmental legislation or third party claims, and loss of land value.

The identified potential environmental/human health liabilities for this Site are potentially:

- Impacts on construction and maintenance workforce;
- Impacts on current and future Site users.
- Impacts on current and future adjacent Site users
- Impacts on surface water bodies; and
- Impacts on groundwater.

The CSM for the Site is presented below. The model identifies the potential sources of contamination associated with a particular activity, the receptor likely to be impacted by the contamination source and the pathway through which the impact is likely to occur.

It is noteworthy that the CSM is based on the proposed future development of the Site for sensitive (day care) land uses and therefore if this proposed land use is likely to change the CSM will need to be revisited. The CSM also considers risks posed to Construction workers during the proposed redevelopment works.

Table 4.4 Conceptual Site Model

| Contaminants of Concern | Sources | Media | Pathway | Human Receptors | | | Environmental receptors | | | | | | | | |
|------------------------------|--|----------------------------|--|----------------------------------|------------------------------------|------------------------------------|-------------------------|---------------------|---------------|-------------------------------------|---------------|---------------------|-------|---|--|
| | | | | Site users / adjacent Site users | Maintenance / Construction workers | Adjacent Site occupants / visitors | Groundwater users | Surface water users | Soil / ground | Surface Water / aquatic ecosystem's | Flora & Fauna | Building Structures | Ozone | | |
| Asbestos Containing Material | Stockpile of unknown material (AEC01) | Dust / wind | Inhalation | X | X | X | | | | | | | | | |
| TPH/BTEX, PAH, OCP/OPP | Stockpile of unknown material (AEC01), Neighbouring fabrication shop (AEC03), Truck and bus parked on Site (AEC04) | Soils & soil gas (vapours) | Ingestion, inhalation & dermal contact | X | X | | | | | | X | X | | | |
| | | Soil | Run-off & sediment transport, leaching | | | | | | | | | | | | |
| | | Groundwater | Plant uptake | | | | | | | | | | X | | |
| | | | Abstraction usage | | | | | X | | | | | | X | |
| PCB | Stockpile of unknown material(AEC01) | Soil | Discharge to surface water | | | | | | | X | X | | | | |
| | | | Diffusion into buildings, utilities pits | X | | X | | | | | | | X | | |
| | | Groundwater | Inhalation, ingestion, soil deposition, leaching | X | X | X | X | | X | | | X | | | |
| Plant uptake | | | | | | | | | | | X | | | | |
| Metals | Stockpile of unknown material (AEC01) and potential lead paint (AEC02) | Soil | Abstraction usage | | | | X | | | | | | | | |
| | | | Discharge to surface water | | | | | | | X | X | | | | |
| | | | Ingestion, inhalation & dermal contact | X | X | | | | | | | | | | |

4.3.2 Summary CSM

In summary, the CSM for the Site identified a range of potentially contaminated media and exposure pathways. The overall contamination risk of these AECs was qualitatively assessed by SMEC to be low (AEC 2, AEC 3 and AEC 4) to high (AEC 1), therefore the identified pathways are considered to be complete for the proposed land use scenario. The source, media and pathway linkages may change during future redevelopment works (i.e. bulk excavation) and the CSM may need to be revised.

4.3.3 Data Gaps

Subsurface conditions (soil, sediment and groundwater) can be complex and heterogeneous with many unknown geologic interactions that may affect the movement and/or concentrations of potential contaminants. Uncertainty is increased by the absence of field testing (logging of soil conditions, collection of samples and the evaluation of the concentrations of potential contaminants).

5. CONCLUSIONS

This PSI provided a preliminary assessment of the potential for contamination to be present at Block 18, Section 11, Mitchell, ACT (the Site). SMEC understands that the Site is proposed for development as a child care facility.

Based on desktop review of the available data (including historic aerial imagery, government searches and registered bore details), and a Site inspection, SMEC have identified a total of four Areas of Environmental Concern (AEC). A summary of AEC has been provided below.

Table 5.1 Summary of Areas of Environmental Concern

| AEC | Description | CoPC | Contamination Potential |
|-----|---|---|-------------------------|
| 1 | Stockpile of unknown material from another development site | Asbestos, herbicides and pesticides, metals, Polycyclic Aromatic Hydrocarbons, Petroleum Recoverable Hydrocarbons, and Benzene, Toluene, Ethylbenzene, Xylenes and other Volatile Organic Compounds | Medium-High |
| 2 | Derelict site shed and shipping container | Lead | Low |
| 3 | Neighbouring fabrication shop | Petroleum Recoverable Hydrocarbons, and Benzene, Toluene, Ethylbenzene, Xylenes and other Volatile Organic Compounds | Low |
| 4 | Truck and bus parked on Site | Hydrocarbons, Petroleum Recoverable Hydrocarbons, and Benzene, Toluene, Ethylbenzene, Xylenes and other Volatile Organic Compounds | Low |

Based on the review of available data SMEC consider the Site to be currently unsuitable for the proposed child care facility. SMEC recommend consideration of the recommendations provided below in Table 6.1

6. RECOMMENDATIONS

Based on the findings of the PSI, the following recommendations are made for the Site and are provided in Table 6.1 below.

Table 6.1 Recommendations for Areas of Environmental Concern

| Site Area | Description | Recommendations |
|-------------------------------------|--|---|
| AEC 01 | Stockpile of unknown material from another development site | Classification of stockpiled material in accordance with the ACT EPA 2015 "Information sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT" and appropriate disposal or reuse. |
| AEC 02 | Derelict site shed and shipping container | It is recommended that the paint on the shipping container is sampled to determine the presence/absence of lead. If the presence of lead is confirmed then further investigation of the soil within the footprint of the shed/container will be required. |
| AEC 03 and AEC04 General Site | Neighbouring fabrication shop Truck and bus parked on Site Unexpected finds | <p>If earthworks are proposed for the Site, It is recommended that a Construction Environmental Management Plan (CEMP) be prepared to include the following as a minimum:</p> <ul style="list-style-type: none"> ▪ Procedure for uncovering unexpected contamination, associated with AEC03, AEC04 and general Site ▪ Dust & Noise Exposure ▪ Groundwater Management ▪ Waste Management ▪ Other Contamination Management |

7. REFERENCES





- ACT Department of Environment and Sustainable Development (2014) Information sheet 7 – Guidance for undertaking preliminary contamination investigations for development/lease variation purposes. Australian Capital Territory.
- ACT Environment Protection Authority (2009 and Addendum 2014) *Contaminated Sites Environmental Protection Policy*. Australian Capital Territory.
- ACT Planning and Land Authority, March 2008, Notice of Decision – UNDER PART 6 OF THE LAND (PLANNING AND ENVIRONMENT) ACT 1991. Application NO: 200801655.
- Abell (1992) Canberra New South Wales and Australian Capital Territory 1:100 000 Map Sheet 8727. Bureau of Mineral Resources, Canberra.
- ANZECC (1999) *Guidelines for the Assessment of On-Site Containment of Contaminated Soil*. Australian and New Zealand Environment Council, Canberra.
- ASRIS (2011) *Australian Soil Resource Information System* (<http://www.asris.csiro.au/>). Accessed 5 March 2015.
- Evans, WR (1984) *Hydrogeology of the Australian Capital Territory and Environs*. Bureau of Mineral Resources, Geology and Geophysics, Canberra.
- Evans, WR, Croke, BFW, Ticehurst, JL, Jakeman, AJ (2004) *Sustainable Groundwater Yield Assessment: Weston Sub-Catchment, ACT*. Integrated Catchment, assessment and Management Centre (iCAM) Australian National University, Canberra.
- National Environment Protection Council (1999) *Amended National Environmental Protection Measures Schedule B series*. Department of Sustainability, Environment, Water, Population and Communities, Canberra.
- New South Wales Department of Environment and Conservation (2006) *Guidelines for the NSW Site Auditor Scheme*, 2nd Edition. NSW DEC, Sydney.
- NSW Office of Environment and Heritage (2011) *Guidelines for Consultants Reporting on Contaminated Sites*. NSW OEH, Sydney.

APPENDIX A – FIGURES

LEGEND

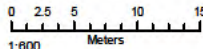

 Site Boundary

Areas of Environmental Concern

-  AEC01 Stockpile of Unknown Origin
-  AEC02 Site Shed and Shipping Container
-  AEC03 Neighbouring Mechanics
-  AEC04 Truck and Bus Parked on Site



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| | | | | |
|-------------------------------------|---|--|---|--|
| <p>FIG NO.1</p> | <p>FIGURE TITLE Site Location and Areas of Environmental Concern</p> | <p>DATE 29/09/2015</p>  | <p>PAGE SIZE A4</p> <p>COORDINATE SYSTEM GDA 1994 MGA Zone 55</p> | <p>© SMEC Australia Pty Ltd 2015. All Rights Reserved</p> <p><small>Disclaimer While all reasonable care has been taken to ensure the information contained on this map is up to date and accurate, this map contains data from a number of sources - no warranty is given that the information contained on this map is free from error or omission. Any reliance placed on such information shall be at the sole risk of the user. Please verify the accuracy of all information prior to using it. This map is not a design document.</small></p>  |
| <p>PROJECT NO.3002389/22</p> | <p>PROJECT TITLE B18 S11 Mitchell PSI</p> | <p>CREATED BY E. Telfer</p> | <p>SOURCES Roadnet©, Bingmap©</p> | |



APPENDIX B – GROUNDWATER BORE SEARCH



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: Adcock_11/9/2015
Your ref: 2HCGWN

Ms Caitlin Adcock
SMEC Australia Pty Ltd
Email: [REDACTED]@smec.com

Dear Ms Adcock

Re: Groundwater Bore Search

I refer to your application for a groundwater bore search. There is one (1) privately managed groundwater abstraction bores registered under the *Water Resources Act 2007* within a 1.0km radial search area of Block 18, Section 11, Mitchell.

| Bore Number | Construction Date | Depth of Bore | Static Water Level |
|-------------|-------------------|---------------|--------------------|
| 60 | Unknown | 79m | 4m |

Please note that this search does not include investigation and/or monitoring bores associated with possible contaminated sites in the search area. If you require more information please contact Contaminated Sites (Environment Protection Authority) on 132281.

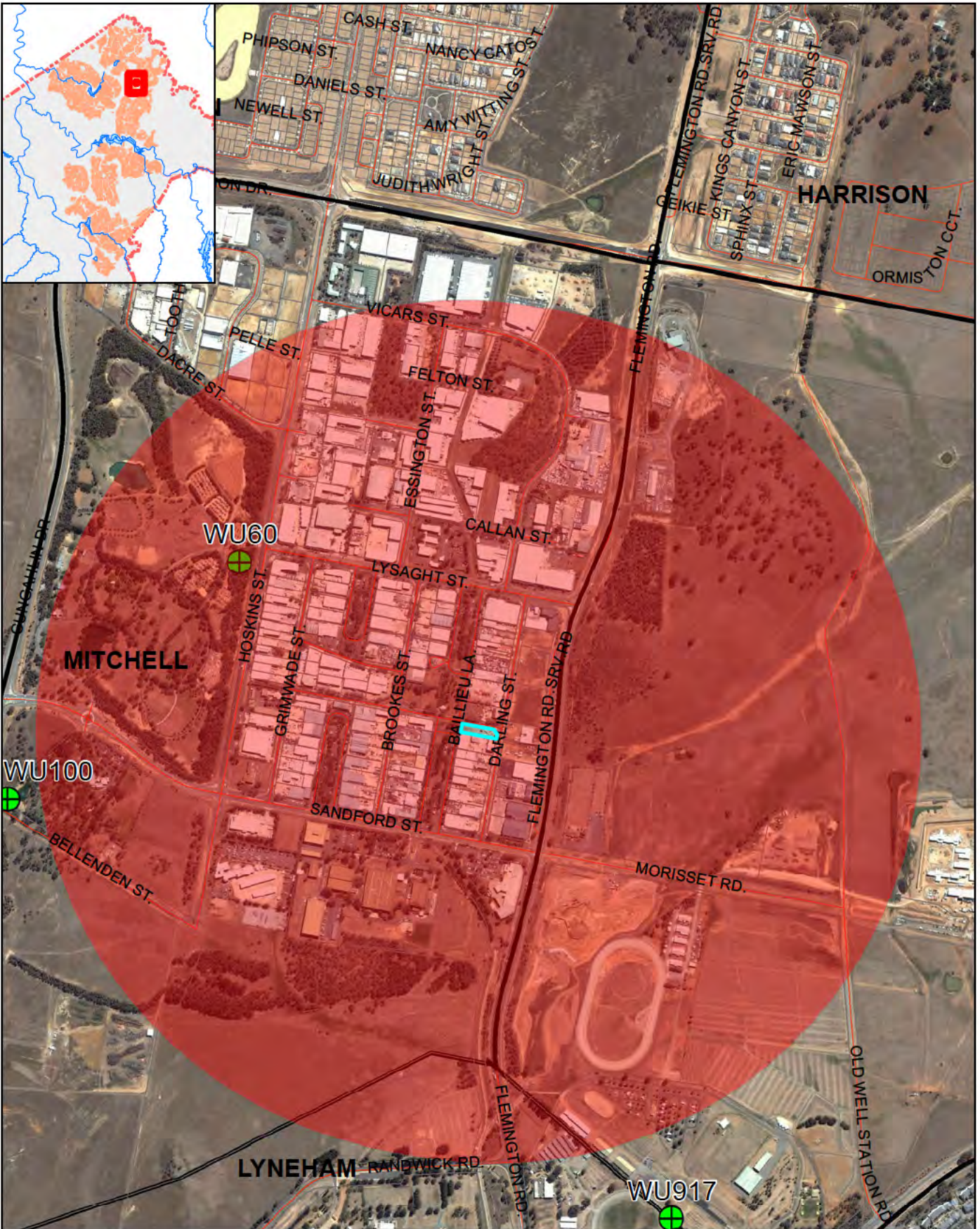
If you have any questions please contact me on (02) 62052466 or email matthew.dickinson@act.gov.au.

Yours sincerely



Matthew Dickinson
Environment Protection Officer
Environment Protection Branch
Dame Pattie Menzies House, 16 Challis Street, Dickson, ACT 2602

14/09/2015



**Groundwater Bore Search
1km Radius of
11//18 Mitchell**

Date: September 2015
Produced by: Environment Protection Branch

Coordinate system: MGA Zone 55
Datum: GDA 1994

Contact: via Access Canberra (Ph:132281)

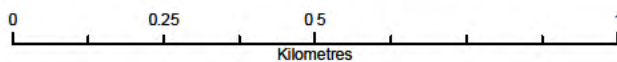
Disclaimer: Access Canberra does not warrant that the data is free from errors.

Legend

- Buffer_of_Block_18
- Licensed Bores



ACT
Government
Chief Minister, Treasury and
Economic Development





APPENDIX C – CONTAMINATED LAND SEARCH



ACT
Government

Chief Minister, Treasury and
Economic Development

File Ref: 97/05278

Ms Caitlin Adcock
SMEC Australia Pty Ltd
Suite 2, Level 1, 243 Northbourne Ave
Lyneham ACT 2602

RE: CONTAMINATED LAND SEARCH

Dear Ms Adcock

Thank you for your search form request of 11/09/2015 enquiring about:

Block 18 Section 11 Mitchell Gungahlin

Records held by the Environment Protection Authority (EPA) for the above block(s) indicate the following:

The block is not recorded on the EPA's contaminated sites management database or geographic information system.


The EPA has not issued any environment protection orders under sections 91C (1), 91D (1) or 125 (4) of the *Environment Protection Act 1997* (the Act) over the site and as a result the site is not recorded on the Register of contaminated sites under section 21(A) of the Act.

The information detailed above only relates to records held by the EPA and may not represent the actual condition of the site.

At present the EPA has no information on contamination of the above block(s). However, this does not absolutely rule out the possibility of contamination and should not be interpreted as a warranty that there is no contamination.

I appreciate that this does not absolutely rule out the existence of contamination of the soils. If you or your clients wish to be completely sure, you, or they, should arrange to conduct independent tests.

Yours sincerely


Jianmin Zhang
Project Officer
Environment Protection and Water Regulation

18/09/2015



APPENDIX D – DANGEROUS GOODS SEARCH

21 September 2015

SMEC Australia Pty Ltd
Suite 2, Level 1, 243 Northbourne Ave
LYNEHAM ACT 2602

Attention: Erin Telfer


Thank you for your application for a records search for Block 18 Section 11, Mitchell ACT.

I have conducted a search of the Dangerous Substances Register and the Dangerous Goods Database and hold no records.

(Please note: Under the *Dangerous Goods Act 1975* (1975 to April 2004), tanks of 50,000 litres which contained Diesel were not required to be licenced with WorkCover, only if the capacity was over 50,000 litres).

If you have any questions in relation to this matter please do not hesitate in contacting me on 62076353 or email lisa.curran@act.gov.au.

Regards



Lisa Curran
Administration Officer
Dangerous Substances Licencing
WorkSafe ACT



APPENDIX E – HISTORIC AERIALS



5190 SVY 1100//CANBERRA RUN 5 (187-212) N-S 29TH Nov 50 305 mm 12,000' ↑

From: [Cilliers, George](#)
To: [Stedman, Andrew \(Health\)](#)
Subject: FW: Email 3 of 3 [SEC=UNCLASSIFIED]
Date: 3 December 2018 18:21:00
Attachments: [image001.gif](#)
Importance: High

FYI

From: Pieter Van Der Walt [redacted]@CanberraTownPlanning.com.au]
Sent: Monday, 3 December 2018 3:21 PM
To: Cilliers, George <George.Cilliers@act.gov.au>
Cc: Robyn King [redacted]@CanberraTownPlanning.com.au>
Subject: FW: Email 3 of 3 [SEC=UNCLASSIFIED]
Importance: High

Hi George,

It seems that we cannot get any timely action from ACT Health on this matter – please see below.

Would the Authority be amenable to arrange a meeting with ACT Health to gauge what the hold-up is please. This matter seems to be dragged out again with substantial financial hardship and loss to our client.

Thank you in advance.

Regards

Pieter



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


From: Robyn King [redacted]@CanberraTownPlanning.com.au>
Sent: Monday, 3 December 2018 2:33 PM
To: Stedman, Andrew (Health) <Andrew.Stedman@act.gov.au>
Cc: Pieter Van Der Walt [redacted]@CanberraTownPlanning.com.au>; Nichelle Jackson <Nichelle@CanberraTownPlanning.com.au>; John Konstantinou [redacted]@kgroup.com.au>
Subject: RE: Email 3 of 3 [SEC=UNCLASSIFIED]

Andrew

I have called and left messages a number of times last week and today, would you mind please giving me a call re: Mitchell 18/11. The office number is 6262 5091

Thank you

CTP Logo



Robyn King
Executive Assistant

5/32 Lonsdale Street, Braddon 2612
Phone (02) 6262 5091
[redacted]@canberratownplanning.com.au
canberratownplanning.com.au

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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: Stedman, Andrew (Health) <Andrew.Stedman@act.gov.au>
Sent: Friday, 23 November 2018 9:15 AM
To: Robyn King [redacted] <[\[redacted\]@CanberraTownPlanning.com.au](mailto:[redacted]@CanberraTownPlanning.com.au)>
Subject: RE: Email 3 of 3 [SEC=UNCLASSIFIED]

Hi Robyn,

To give you a quick update.

We have received the EnRiskS report from Nichelle and are carefully reviewing the reports provided with a view to give you our considered response next week.

Kind regards

Andrew Stedman | Public Health Officer | A/g Manager Environment and Radiation Safety
Health Protection Service | Public Health, Protection and Regulation | ACT Health
PH 6205 4404 | MOB [redacted] | FAX 6205 1705
25 Mulley Street, Holder ACT 2611 | Locked Bag 5005, Weston Creek, ACT, 2611
Email: andrew.stedman@act.gov.au W health.act.gov.au

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From: Stedman, Andrew (Health)
Sent: Tuesday, 20 November 2018 8:15 AM
To: Robyn King [redacted] <[\[redacted\]@CanberraTownPlanning.com.au](mailto:[redacted]@CanberraTownPlanning.com.au)>
Subject: Re: Email 3 of 3

Hi Robyn,

I recieved your message however I will not be in the office today and most of tomorrow. I have

provided the document yourself and Nichelle have provided to staff to review, noting we are still waiting for the EnriskS report to be provided a we will have to see and review this document before we can provide final comments.

Kind regards

Sent from my iPad

On 12 Nov 2018, at 10:36 am, Robyn King [REDACTED]@CanberraTownPlanning.com.au> wrote:

<image001.gif>

Robyn King
Executive Assistant

5/32 Lonsdale Street, Braddon 2612
Phone (02) 6262 5091
[REDACTED]@canberratownplanning.com.au
canberratownplanning.com.au

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<Attachment 3 Part 2.pdf>

From: [Cilliers, George](#)
To: [Stedman, Andrew \(Health\)](#)
Subject: RE: Mitchell Section 11 Block 18 201733198 [SEC=UNCLASSIFIED]
Date: 4 December 2018 18:47:00

Thanks Andrew,
Happy to cc'd or to receive a copy afterwards.
Cheers
George

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

From: Stedman, Andrew (Health)
Sent: Tuesday, 4 December 2018 5:08 PM
To: Cilliers, George <George.Cilliers@act.gov.au>
Subject: RE: Mitchell Section 11 Block 18 201733198 [SEC=UNCLASSIFIED]

Hi George,

We are looking at finalising our response shortly (next day or so).

We will have further testing requirements we wish them to undertake as an analysis of their older documents shows deficiencies. As it stands the majority of documents are those as submitted to ACAT and have not met the intent of our comments within the NOD. They for example did not utilise a CASANZ consultant to undertake any further testing or produce any additional report.

Would you expect to be CC'd into our response to them?

Andrew Stedman | Public Health Officer | A/g Manager Environment and Radiation Safety Health Protection Service | Public Health, Protection and Regulation | ACT Health PH 6205 4404 | MOB 0434 607 429 | FAX 6205 1705
25 Mulley Street, Holder ACT 2611 | Locked Bag 5005, Weston Creek, ACT, 2611
Email: andrew.stedman@act.gov.au W health.act.gov.au

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

From: Cilliers, George
Sent: Monday, 3 December 2018 6:06 PM
To: Stedman, Andrew (Health) <Andrew.Stedman@act.gov.au>
Subject: RE: Mitchell Section 11 Block 18 201733198 [SEC=UNCLASSIFIED]

Hi Andrew,

NoD and subsequent Correction Notice attached.

(The proponent's consultant is pushing for another meeting - not sure what value another meeting will add, and I'm pretty time-poor - is there any chance of avoiding it?) Cheers George

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

From: Stedman, Andrew (Health)
Sent: Monday, 3 December 2018 2:21 PM
To: Cilliers, George <George.Cilliers@act.gov.au>

Subject: RE: Mitchell Section 11 Block 18 201733198 [SEC=UNCLASSIFIED]

Hi George,

Could you please provide me with the finalised Notice of Decision in relation to this? The one that was finally agreed to.

I believe the proponent has misquoted it within their documents, however I want to double check.

Thanks

Andrew Stedman | Public Health Officer | A/g Manager Environment and Radiation Safety Health Protection Service | Public Health, Protection and Regulation | ACT Health PH 6205 4404 | MOB 0434 607 429 | FAX 6205 1705

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

Email: andrew.stedman@act.gov.au W health.act.gov.au

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

From: Cilliers, George

Sent: Tuesday, 20 November 2018 9:17 AM

To: Stedman, Andrew (Health) <Andrew.Stedman@act.gov.au>

Subject: RE: Mitchell Section 11 Block 18 [SEC=UNCLASSIFIED]

Hi Andrew,

Except for being cc'd to the email(s) of 12/11/18 from Robyn King (Canberra Town Planning) to you, I haven't received any further clarification.

I'll send what we've got for the LV application under a number of emails as they are fairly big files - with the attached report being the first document.

Regards

George

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

From: Stedman, Andrew (Health)

Sent: Tuesday, 20 November 2018 8:22 AM

To: Cilliers, George <George.Cilliers@act.gov.au>

Subject: Re: Mitchell Section 11 Block 18

Hi George,

The HPS has recently been provided with additional documents from the proponent in relation to this development.

Can I confirm with you if they ended up clarifying the education departments powers in relation to suspending or revoking a childcare license? From the meeting I remember they mentioned that this was a possibility and could serve as a backstop should the site become unsuitable in future.

From my memory you may have requested further info. Did you ever get clarity on that?

Also we have requested numerous times the EnRiskS report upon which a number of air quality documents are based. The proponent has not done so and seems there are difficulties locating it. As this document was one which was commissioned on behalf of the government in relation to the lease variation, do you have a copy of

this report you can provide to me?

Thanks

Sent from my iPad

> On 26 Sep 2018, at 10:08 am, Cilliers, George <George.Cilliers@act.gov.au> wrote:

>

> Good afternoon

>

> Please accept this invite to discuss Mitchell Section 11 Block 18.

>

> If you require access to the building please call me when you arrive on 77206.

>

> Thank you

>

> Olivia

>

> Olivia Edgar | Executive Assistant

> Phone: 02 6207 7206 | Email:

> olivia.edgar@act.gov.au<<mailto:olivia.edgar@act.gov.au>>

> Planning Delivery | Environment, Planning and Sustainable Development

> Directorate| ACT Government Dame Pattie Menzies House, Challis Street,

> Dickson | GPO Box 158 Canberra ACT 2601 |

> www.planning.act.gov.au<<http://www.environment.act.gov.au/>>

>

>

>

>

> <meeting.ics>

From: [Morgan Bryant](#)
To: [Cilliers, George](#)
Cc: [REDACTED] [@kgroup.com.au](#); [Harry Konstantinou](#); [Pieter van der Walt](#); [Phillips, Brett](#)
Subject: Your Building and Construction matter
Date: 17 December 2018 17:48:03
Attachments: [EC0055-VIVA-LEISURE-New-Signature_VIVA_FA_632c9168-fc16-4d53-9dee-1f77f9993ad2.png](#)
[EC0055-VIVA-LEISURE-New-Signature_Certs_FA_680e80c5-b380-4921-93bd-4e61e63b35e2.png](#)
[Ltr to ACTPLA 17.12.18.pdf](#)

Good afternoon George

I hope all is well and you're winding down for the year.

Please see attached a letter of today's date. I understand we are meeting with you tomorrow to discuss.

Much appreciated.

Regards

Morgan Bryant | General Counsel | Viva Leisure Limited



Head Office: First Floor, Unit 7, 141 Flemington Road, Mitchell ACT 2911

Direct Phone: [REDACTED] | Switchboard: 1300 11 LIME | Facsimile: 02 6251 7666 |

www.vivaleisure.com.au