

FOI – Information Management Team  
Environment, Planning and Sustainable Development Directorate  
GPO Box 158  
CANBERRA ACT 2601

Dear FOI team


**Request for information regarding the approval of DA201017864**

I am seeking information about the conditional approval of DA201017864 on 15 December 2010 and the approval conditions that:


- A2 require the Lessee to provide written advice of compliance with Condition A1 to the Authority within 24 months of the date of the Decision
- A3 require the Decision to cease to have effect if the Lessee has not provided written advice in accordance with Condition A1 within 24 months of the date of the Decision.

Given the conditions were not met until 2019 and DA201017864 was not endorsed until 2020, would you please provide the following information about compliance with the conditions over the 10-year period.

- A1 – evidence that all hazardous materials present at the site have been removed to the satisfaction of the Department of Environment, Climate change, Energy and Water or its successor
- A2 - The written advice (with date of receipt) to the Authority of compliance with Condition A1 or the requests for extensions of time to comply
- A2 - The written approvals (with date) for extensions of time to comply with condition A1
- A4 – the documents with date of receipt for:
  - a) the revised drawings showing the privacy screens to the balconies
  - b) revised colour schedules
  - c) revised outdoor lighting plan
- C7 – the approved plan to meet the Australian Standards for noise
- C11 – the approved plan to implement the recommendations outlined in chapter 6 of the study prepared by Windtech
- All correspondence, including emails, with reference to DA201017864
- All correspondence, including emails, about the 2 DAs for the site being active at the same time.

I have attached a part of the decision to this request for investigation. Please let me know on  if you have any questions about the request.

Yours sincerely





## Notice of decision

Under Part 7 of the *Planning and Development Act 2007*

### Merit track

DA NO: 201017864 201017864/B 201017864/C		DATE LODGED: 28 May 2010, 17 August 2010 11 November 2010
DATE OF DECISION: 15 December 2010		
BLOCKS: 54 & 84	SECTION: 8	SUBURB: PHILLIP
STREET NO AND NAME: Furzer Street		
APPLICANT: Young-Wright Architects		
LESSEE: Borrowdale House Pty Ltd		

#### THE DECISION

This application was lodged in the merit track. Pursuant to section 113(2) of the *Planning and Development Act 2007*, the application must be assessed according to the provisions relevant to merit track applications.

I, Rumana Jamaly, delegate of the ACT Planning and Land Authority (Authority), pursuant to section 162 of the Act, hereby **approve subject to conditions** the proposal for:

- the consolidation of Blocks 54 and 84 Section 8 Phillip;
- variation to the Crown lease to permit residential use; commercial accommodation use limited to serviced apartments, hotel and motel; community use excluding childcare; restaurant; and an increase in the maximum gross floor area to 35,091 square metres;
- demolition of the existing structures on the blocks; and
- the construction of a new multi-storey mixed use development [commercial and car parking at ground level, car parking at podium level 1, residential and car parking at podium levels 2 to 4, residential (including serviced apartments) from levels 6 to 24] in three tower buildings of 14, 20 and 24 storeys in height, with two levels of basement parking; and associated landscaping, site facilities, site works and off site works;

in accordance with the plans, drawings and other documents and items submitted with the application and endorsed as forming part of this approval.

This decision is subject to the conditions of approval at **PART 1** being satisfied.

**PART 2** sets out the Reasons for the Decision

**PART 3** is the Consultation and Entity Referral Report.

**PART 4** contains administrative information relating to the determination.

#### DELEGATE

  
 Rumana Jamaly  
 Delegate of the ACT Planning and Land Authority  
 15 December 2010

**PART 1**  
**CONDITIONS OF APPROVAL**

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

**A. ADMINISTRATIVE / PROCESS CONDITIONS****A1. APPROVAL NOT TO TAKE EFFECT**

This approval does not take effect until the Lessee has provided evidence that:

- a) all hazardous materials present at the site have been removed to the satisfaction of the Department of Environment, Climate Change, Energy and Water (DECCEW) or its successors; and
- b) written advice is obtained from the Environment Protection Unit, DECCEW, that the site is suitable for the residential development;

**A2. TIMEFRAME TO COMPLY WITH CONDITION A1**

- c) The Lessee shall provide written advice of compliance with Condition A1 to the Authority within 24 months of the date of this Decision;

**A3. COMPLIANCE WITH CONDITION A1**

- d) This Decision will cease to have effect if the Lessee has not provided written advice in accordance with Condition A1 to the Authority within 24 months of the date of this Decision;
- e) If the Lessee provides written advice of commencement of the development within 24 months of the date of this Decision, the Lessee may apply to the Authority in writing for an extension to the approved timeframe to complete.

**A4. FURTHER INFORMATION**

Within 28 days from the date of this decision, or within such further time as may be approved in writing by the Authority, the applicant shall lodge with the Authority for approval:

- (a) Revised relevant drawings showing:
  - (i) Privacy screens to the balconies of dwellings located at the south-west & south-east corners of the towers, which are overlooking into each other's balconies;
- (b) Revised colour schedule to add greater vibrancy to the external façade of the building;
- (c) A revised outdoor lighting plan addressing the issues raised by the Department of Territory and Municipal Services (TaMS) and endorsed by TaMS (see ENTITY ADVICE).