

**From:** [Walker, Karen](#)  
**To:** ["Purdons Reception"](#)  
**Subject:** Block 9 Section 3 Hawker Section 165 [SEC=UNCLASSIFIED]  
**Date:** Wednesday, 14 December 2016 11:09:00 AM  
**Attachments:** [S165 Fails to satisfy letter.pdf](#)

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Hi Sue,

Please find attached a letter in response to the S165 documents submitted for block 9 Section 3 Hawker.

Thanks,  
Karen.

Karen Walker | Leasing DA  
Phone 02 6207 7257 | Fax 02 6207 1856  
Planning and Delivery Division | Environment, Planning and Sustainable Development | ACT Government  
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2602 |  
[www.planning.act.gov.au](http://www.planning.act.gov.au)  
Mon - Fri, 9:30 - 14:30

**From:** [Walker, Karen](#)  
**To:** ["Rob Purdon"](#)  
**Subject:** 9/3 Hawker [SEC=UNCLASSIFIED]  
**Date:** Monday, 19 December 2016 1:49:00 PM

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Hi Rob,

I have spoken to the manager of DA leasing regarding any amendment to the Lease variation DA over block 9 section 3 Hawker.

If you were to lodge an amendment which proposed to restrict the use of childcare to a portion of the land, which is consistent with the indicative plans lodged with the original application, it would not need to be publicly notified. However, we would refer it to EPA for comment.

Happy to discuss.

Karen.

Karen Walker | Leasing DA

**Phone 02 6207 7257** | Fax 02 6207 1856

Planning and Delivery Division | Environment, Planning and Sustainable Development | **ACT Government**  
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Mon - Fri, 9:30 - 14:30

**From:** [EPD, Customer Services](#)  
**To:** ["bbc.admin@grapevine.com.au"](mailto:bbc.admin@grapevine.com.au)  
**Subject:** NOTICE OF DECISION-201629661-SIGNED [SEC=UNCLASSIFIED]  
**Date:** Friday, 30 September 2016 10:22:00 AM  
**Attachments:** [LETTER TO REPRESENTOR-BELCONNEN BOWLING CLUB.pdf](#)  
[NOTICE OF DECISION-201629661-SIGNED.pdf](#)

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## ADVICE TO REPRESENTOR AFTER DECISION

**BLOCK: 9 SECTION: 3 SUBURB: HAWKER  
DEVELOPMENT APPLICATION NUMBER: 201629661**

Development Application Number 201629661 has been subject to conditions.

As you lodged a representation in relation to this Development Application please find attached a copy of the Notice of Decision in accordance with the requirements of Section 170 of the *Planning and Development Act 2007*.

A copy of the application and the decision are also available for inspection on the Public Register. The register can be inspected between 8:30am and 4:30pm weekdays at the ACT Planning and Land Authority Customer Service Centre, 16 Challis Street, Dickson, ACT.

If you wish to seek a review of the decision with the ACT Civil and Administrative Appeals Tribunal (ACAT), you must lodge an application form together with the required fee within 28 days from the date of this letter to:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore Street (the Health Building)  
CANBERRA CITY, ACT, 2601

An application form can be obtained from either the ACAT at Level 4, 1 Moore Street, Canberra City or from the ACT Planning and Land Authority Customer Service Centre, 16 Challis Street, Dickson. If you require further information about the ACAT's requirements or the review process, their office can be contacted on (02) 6207 1740.

If you apply for a review of the decision, the Authority will at the direction of the ACAT, give written notice to the applicant, and any interested parties that:

- You have applied to the ACAT for a review of the decision; and
- They are entitled to apply to be made a party to the proceedings for the review.

The applicant's name and postal address can be obtained from the Public Register.

As this application has been approved subject to conditions, the applicant may also apply to the ACAT for a review of the decision. If this occurs you will be advised,

and have a right to the Tribunal to be made a party to the proceedings (i.e. you can apply to the Tribunal to attend the review hearings where you will have the opportunity to present your case).

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

Yours sincerely

Customer Services

30 September 2016

Belconnen Bowling Club Inc  
Po Box 4103  
HAWKER ACT 2614

### **ADVICE TO REPRESENTOR AFTER DECISION**

Dear Belconnen Bowling Club Inc

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Yours sincerely

Customer Services

30 September 2016

**From:** [EPD, Customer Services](#)  
**To:** [REDACTED]  
**Subject:** NOTICE OF DECISION-201629661-SIGNED [SEC=UNCLASSIFIED]  
**Date:** Friday, 30 September 2016 10:23:00 AM  
**Attachments:** [NOTICE OF DECISION-201629661-SIGNED.pdf](#)  
[LETTER TO \[REDACTED\].pdf](#)

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## ADVICE TO REPRESENTOR AFTER DECISION

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Yours sincerely

Customer Services

30 September 2016

**ADVICE TO REPRESENTOR AFTER DECISION**

Dear [REDACTED]

**BLOCK: 9 SECTION: 3 SUBURB: HAWKER  
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If you require any further information please contact (02) 6207 1923.

Yours sincerely

Customer Services

30 September 2016



# Notice of decision

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

## Merit track

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DA NO: 201629661	DATE LODGED: 30 June 2016	
DATE OF DECISION: 30 September 2016		
BLOCK: 9	SECTION: 3	SUBURB: HAWKER
STREET NO AND NAME: 19 Walhallow Street Hawker		
APPLICANT: Purdon Planning Pty Ltd		
LESSEE: Pelle Projects Pty Limited Regional Investments Pty Limited		

### 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, Karen Walker, delegate of the planning and land authority, pursuant to section 162 of the Act, hereby **approve subject to conditions** the proposal for a variation to the Crown lease to include child care centre as a permissible use substantially in accordance with the draft Instrument of Variation at Attachment 1.

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 Public Notification and Entity Advice.

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

### DELEGATE

Karen Walker  
Delegate of the planning and land authority  
Environment and Planning Directorate  
30 September 2016

### CONTACT OFFICER

Karen Walker  
Phone: (02) 6207 7257  
Email: karen.walker@act.gov.au

## PART 1 CONDITIONS OF APPROVAL

Please note that this approval includes leasing requirements. **THE APPROVAL WILL EXPIRE 2 YEARS AFTER THE APPROVAL TAKES EFFECT or otherwise in accordance with the conditions of approval.** In addition, there are legislative requirements that must be met prior to the registration of the instrument of variation. See Advisory Notes for further information about those legislative requirements.

This application is approved subject to the following conditions.

### A. ADMINISTRATIVE / PROCESS CONDITIONS

#### A1. APPROVAL DOES NOT TAKE EFFECT

This approval, except for decontamination, **does not take effect**, until the applicant/lessee has lodged with the planning and land authority written evidence that:

- (a) the site has been assessed for possible contamination to the satisfaction of the Environment Protection Authority (EPA) or its successors; and
- (b) applicant/lessee has obtained written advice from EPA that the site is suitable for the proposed development.

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

- (a) The applicant/lessee shall commence assessment of possible contamination within 24 months of the date of this Decision; and
- (b) the applicant/lessee shall lodge with the planning and land authority written advice of compliance with condition A2(a) within 24 months of the date of this Decision.

#### A3. COMPLIANCE WITH CONDITION A2

- (a) This approval will end if the applicant/lessee has not lodged the written evidence in accordance with Condition A2 within 24 months of the date of this Decision; **and**
- (b) if the applicant/lessee has lodged with the planning and land authority written advice of the commencement, the applicant/lessee may apply to the planning and land authority in writing for an extension of time to the approved timeframe.

#### A4. INSTRUMENT OF VARIATION

That the lessee accepts the variation substantially in accordance with the draft Instrument of Variation at **Attachment 1** and shall do all that is necessary to ensure that the Instrument of Variation is registered at Access Canberra (Land Titles and Rental Bonds) prior to the end of the approval for the variation of the Crown lease.

Please also see the Advisory Notes for additional information on the lease variation.

## B. ADVISORY NOTES

*This application is approved with the following advisory notes.*

### B1. FUTURE COMPLIANCE WITH TCCS REQUIREMENTS

Any future development application for the design and siting of a child care centre must address the following:

1. They demonstrate that a two way internal driveway and verge crossing will be constructed from the Walhallow Street access point to the west of the public carpark (10/3 Hawker);
2. A traffic report justifying that the access from Walhallow Street will not have an adverse effect on the Walhallow & Jinka Street intersection;
3. A pedestrian footpath parallel to the double width driveway is provided; and
4. Truck turning templates with 600mm clearances for waste collection and truck deliveries must be provided showing that all turning movements can be managed and trucks can leave in a forward direction.

### B2. LEASE VARIATION CHARGE

This lease variation is identified as not a chargeable variation under Section 276(a) of the *Planning and Development Act 2007*.

### B3. FURTHER APPROVALS

Please note that the realisation of the approved lease variation to its fullest extent may not be achieved as design and siting is subject to the submission and approval of a further Development Application.

### B4. EXPIRY OF APPROVAL

For approvals that include a lease variation, there is no provision under the *Planning and Development Act 2007* to extend the timeframe for compliance with the lease variation conditions of the approval beyond 2 years after the date this approval takes effect.

Refer to Appendix 1 for information about approvals that may be required for construction.

## PART 2 REASONS FOR THE DECISION

The application satisfactorily meets the requirements for approval. The application was approved because, based on the documentation and in the form modified by the imposed conditions, it was considered to meet the relevant codes, being the Parks and Recreation Zone Development Code and the Lease Variation General Code.

The key issues identified in the assessment are the suitability of the site for the proposed development and the registration of the Instrument of Variation. Conditions have been imposed to address the key issues and ensure that the proposal is consistent with the Territory Plan and the *Planning and Development Act 2007*.

## EVIDENCE

**Application No.** 201629661

**File No.** 1-2016/09304

**The Territory Plan zone** – PRZ2 Restricted Access Recreation Zone

**The Development Codes** – Parks and Recreation Zone Development Code

**The Precinct Codes** – Hawker Precinct Map and Code

**The General Codes** – Lease Variation General Code

**Current Crown Lease** – Volume 996 Folio 82

**Representations**

**Entity advice**

## PART 3

### PUBLIC NOTIFICATION AND ENTITY ADVICE

#### PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 8 July 2016 to 29 July 2016. Two (2) written representations were received during public notification.

The main issues raised were as follows. Comments are provided as appropriate.

- (a) *The Parks and Recreation Zone Development Code provides a rule and criteria for non sporting uses – although child care is not specifically listed, this rule and criteria should be considered in the assessment.*

Rule R7 and Criteria C7 of the Parks and Recreation Zone Development Code applies only to the uses club, educational establishment, guest house, hotel and motel. It does not apply to the use child care centre. However, it is considered that the addition of child care centre would comply with C7. The lease (as varied) requires that the tennis centre use remains. The indicative plans provided with the application demonstrate it is possible to develop a child care centre on the site of an appropriate scale and compatible with the recreational purposes of the zone.

- (b) *The vicinity to the bowling club. The indicative plans show the proposed child care immediately adjacent to the Belconnen Bowling Club.*

The indicative plans provided with the application do show the child care centre adjacent to a bowling club. However the application has demonstrated compliance with the relevant codes of the Territory Plan including the requirements of the Community and Recreation Facilities Location Guidelines General Code for social separation between the two uses. The site is of a size that a child care centre may be proposed in another suitable location.

- (c) *The tennis facilities should be protected for possible future use.*

The requirement for a tennis centre has not been removed from the Crown lease. The use child care centre has been added as an additional use only.

- (d) *The application does not provide any reason for the need of a lease variation.*

The *Planning and Development Act 2007* provides that a lessee may apply for a lease variation for any purpose that is not inconsistent with the Territory Plan and suitable for the site.

The Lessees' reasons for requiring that use are not a concern for the assessment of a development application.

## ENTITY ADVICE

Pursuant to Division 7.3.3 of the Act, the application was referred to entities and advice was received. The referral entities' comments are as follows. A response to the advice is provided as appropriate.

### EDUCATION AND TRAINING DIRECTORATE

On 28 July 2016 advice was received from the Education and Training Directorate in relation to the proposal. The advice did not raise any issues.

Matters raised have been incorporated here as advice.

### ENVIRONMENT PROTECTION AUTHORITY (EPA)

On 15 August 2016 advice was received from the EPA in relation to the proposal. The advice states that:

*"The site is currently occupied by a commercial complex. Commercial complexes, prior to the introduction of natural gas to the ACT in the 1980's, utilised boiler heating or similar systems. These systems were generally fuelled by diesel or heating oil which was mainly stored in underground fuel storage tanks.*

*Tennis courts have in the past been associated with site contamination due to the application of and storage of certain chemicals for the control of weeds and pests and may have been subject to uncontrolled filling during the establishment of the site.*

*Other potentially contaminating activities may have also been undertaken at the site associated with current and past uses.*

*The ANZECC 1992, Guidelines for the Assessment and Management of Contaminated Sites and the Contaminated Sites Environment Protection Policy 2009 list fuel and chemical storage as past activities associated with land contamination which may pose a risk to human health and the environment.*

*The Environment Protection Authority (EPA) would support the lease variation subject to the following conditions:*

*Prior to the site being used for other purposes an environmental assessment (and remediation as required) in accordance EPA endorsed guidelines must be undertaken by a suitably qualified environmental consultant to determine whether past activities have impacted the site from a contamination perspective and to determine whether the site is suitable for the proposed uses.*

*The assessment report must be reviewed and endorsed by the EPA prior to the site being used for other purposes."*

Matters raised have been incorporated as conditions of approval and here as advice.

### TRANSPORT CANBERRA AND CITY SERVICES DIRECTORATE (TCCS)

On 27 July 2016 TCCS provided advice not supporting the proposal. Further information was submitted and referred to TCCS. Further comments were received on 23 September 2016 supporting the proposal.

Matters raised have been incorporated as advice.

### ACTEWAGL

On 14 July 2016 advice was received from Actew Corporation in relation to the proposal. The advice states that:

“ActewAGL Distribution do support the proposed lease variation for above mentioned block however by considering the type of development (Childcare centre) proponent to organise detail earthing assessment as there are few substations located within 100m.

Proponent is required to submit the Request for “Preliminary Network Advice’ form to [enworks@actewagl.com.au](mailto:enworks@actewagl.com.au) (available on ActewAGL Website) prior to commencement of any development activity to negotiate the connection of new and /or alteration if/as required.”

Matters raised have been incorporated here as advice.

### ICON WATER (FORMERLY ACTEWAGL WATER)

On 12 July 2016 advice was received from Icon Water in relation to the proposal. The advice states that:

“Changes to the lease for use of the land and further development of the block may require augmentation to the utilities water or sewer networks. Augmentation of the networks associated with further development of the block are to be funded by the developer. If multiple blocks are created, separate ties to sewer and water are required for each block. This may require changes to the network/s, Separate access to Icon's networks will be required through each block containing the asset.”

Matters raised have been incorporated here as advice.

## **PART 4 ADMINISTRATIVE INFORMATION**

### DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise, this approval takes effect 20 working days after the day this notice of decision is given to every person who made a representation on the application. The effective date for development applications approved subject to conditions could be adjusted if the approval is reconsidered by the planning and land authority or if an application is made to the ACT Civil and Administrative Tribunal.

Pursuant to section 185 of the Act, this approval will expire if:

- the lease variation is not completed two years after the day the approval takes effect; or
- the approval is revoked under section 189 of the Act.

### INSPECTION OF THE APPLICATION AND DECISION

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

### RECONSIDERATION OF THE DECISION

If the applicant is not satisfied with the decision to approve the application subject to conditions, they are entitled to apply to the planning and land authority for reconsideration within 20 working days of being told of this decision or within any longer period allowed by the planning and land authority.

To submit an application for reconsideration, documents must be provided electronically by email to [epdcustomerservices@act.gov.au](mailto:epdcustomerservices@act.gov.au) or provided at the customer service centre on a CD/DVD. The delegate of the Authority reconsidering the decision must be different from, and senior to, the original decision maker. An application for reconsideration does not prevent an application for a review of the same decision being made to the ACT Civil and Administrative Tribunal. Application forms and further information about reconsideration are available from the planning and land authority's website and Customer Service Centres.

### REVIEW BY THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL (ACAT)

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

This Notice of decision has also been sent to all people who made representations in relation to the proposal.

# APPENDIX 1

## CONTACT DETAILS OF RELEVANT AGENCIES

<b>Health Directorate</b> - health protection	Website: <a href="http://www.health.act.gov.au">www.health.act.gov.au</a> Telephone: (02) 6205 1700
<b>Environment and Planning Directorate</b>  <i>Planning and land authority</i>  - list of certifiers for building approval - demolition information - asbestos information  <i>Environment Protection Authority</i>  - environment protection - water resources - asbestos information  <i>Conservation, Planning and Research</i>  - threatened species/wildlife management	Website: <a href="http://www.actpla.act.gov.au">www.actpla.act.gov.au</a> Telephone: (02) 6207 1923  Website: <a href="http://www.environment.act.gov.au">www.environment.act.gov.au</a> Telephone: (02) 6207 6251  Website: <a href="http://www.environment.act.gov.au">www.environment.act.gov.au</a> Telephone: (02) 6207 1911
<b>Territory and Municipal Services Directorate</b> - tree damaging activity approval - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets	Website: <a href="http://www.tams.act.gov.au">www.tams.act.gov.au</a> Telephone: 132 281 Telephone for asset acceptance: (02) 6207 7480
<b>Utilities</b> - Telstra (networks) - TransACT (networks) - Icon Water - Electricity reticulation	Telephone: (02) 8576 9799 Telephone: (02) 6229 8000 Telephone: (02) 6248 3111 Telephone: (02) 6293 5738

## ADVICE TO APPLICANT

### SUBMISSION OF REVISED DRAWINGS AND DOCUMENTATION

If a condition of approval requires the applicant to lodge revised drawings and/or documentation with the planning and land authority for approval under section 165 of the *Planning and Development Act 2007* the submission shall be made by:

- Completing an application for S165 Satisfying Conditions of Approval and submitting the documentation online using edevelopment. More information on edevelopment can be found at [http://www.actpla.act.gov.au/tools\\_resources/e-services/edevelopment](http://www.actpla.act.gov.au/tools_resources/e-services/edevelopment)

For further information regarding the lodgement of this information please contact Customer Service Centre by Phone: (02) 6207 1923, Email: [esddcustomerservices@act.gov.au](mailto:esddcustomerservices@act.gov.au) or on the planning and land authority website at [www.actpla.act.gov.au](http://www.actpla.act.gov.au).

## REVIEW OF THE DECISION

The following notes are provided in accordance with regulation 7 of the *ACT Civil and Administrative Tribunal Regulation 2009*. Refer to the Review by the ACT Civil and Administrative Tribunal (ACAT) section of the Notice of Decision for information about its relevance to this development application.

### CONTACT DETAILS

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

Location	Contact details
ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601	Website: <a href="http://www.acat.act.gov.au">www.acat.act.gov.au</a> Email: <a href="mailto:tribunal@act.gov.au">tribunal@act.gov.au</a> Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601

### POWERS OF THE ACAT

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

### APPLICATIONS TO THE ACAT

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

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

### TIME LIMITS FOR APPLICATIONS

The time limit to make a request for a review is 28 days from the date of this Notice of decision. The time limit can be extended in some circumstances (refer to sections 10 (2), 10(3), 25(1)(e) and 25(2) of the *ACT Civil & Administrative Tribunal Act 2008*; section 7 of the *ACT Civil and Administrative Tribunal Procedure Rules 2009 (No 2)*; and section 409 of the *Planning and Development Act 2007*).

### FEES

Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Chief Executive, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. Ask the ACAT for more details.

### TIME LIMITS FOR REVIEWS OF DECISIONS

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

### FORMS OF LEGAL, FINANCIAL AND OTHER ADVICE AND ASSISTANCE

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

- ACT Attorney-General, write to The Chief Executive, Justice and Community Safety Directorate, GPO Box 158, CANBERRA, ACT, 2601;
- the ACT Legal Aid Office, telephone 1300 654314;
- Legal Advice Bureau, telephone (02) 6247 5700;
- ACT Council of the Ageing, telephone (02) 6282 3777;
- Welfare Rights and Legal Centre, telephone (02) 6247 2177; and
- Environmental Defender's Office (ACT), telephone (02) 6247 9420.

### AWARDING OF COSTS

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

### ACCESS TO DOCUMENTS ABOUT THE DECISION

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

### PROCEDURES OF THE ACAT

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

**TRANSLATION AND INTERPRETER SERVICES**

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

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

**TRANSLATING AND INTERPRETING SERVICE****131 450**

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



# APPLICATION TO VARY A CROWN LEASE

Form 044 - AVCL

Land Titles Act 1925

### IMPORTANT INFORMATION

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

### PRIVACY INFORMATION

The Act authorises the Registrar-General to collect the information required by this form. The Registrar-General provides identifiable information to various agencies including, but not limited to, the ACT Environment and Sustainable Development Directorate, ACT Treasury Directorate, Canberra Connect and ACTEWAGL for conveyancing, municipal account administrative, statistical and valuation purposes. These agencies may also use this information to prepare and sell property sales reports to commercial organisations concerned with the development, sale or marketing of land.

### CONTACT INFORMATION

Lodge in person at the <b>Office of Regulatory Services:</b>	<b>255 Canberra Avenue, Fyshwick ACT 2609</b>
Office Hours:	<b>9:00am to 4:30pm Monday to Friday</b>
General enquiries telephone number:	<b>(02) 6207 0491</b>
Website address:	<b><a href="http://www.ors.act.gov.au">www.ors.act.gov.au</a></b>

### INSTRUCTIONS FOR COMPLETION

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



**ACT**  
Government

Justice and Community Safety

LAND TITLES

OFFICE OF REGULATORY SERVICES

ACT Justice and Community Safety Directorate

## APPLICATION TO VARY A CROWN LEASE

Form 044 - AVCL

*Land Titles Act 1925*

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

LODGING PARTY DETAILS		
Name	Postal Address	Contact Telephone Number

TITLE AND LAND DETAILS			
Volume & Folio	District/Division	Section	Block
996:82	HAWKER	3	9

FULL NAME OF REGISTERED PROPRIETOR/S (Surname Last) <small>(ACN required for all companies)</small>	FULL POSTAL ADDRESS
PELLE PROJECTS PTY LIMITED A.C.N. 124 775 211 REGIONAL INVESTMENTS PTY LIMITED A.C.N. 166 091 229	3 SARGOOD STREET O'CONNOR ACT 2602

**LEGISLATIVE PROVISION TO VARY CROWN LEASE**

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

**DETAILS OF DELETED CLAUSES** (no longer applicable after registration)

N/A

**DETAILS OF VARIATION**

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

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

**PARTICULARS OF VARIATION****FORMER PROVISION**

3(c) To use the premises only for the purpose of a tennis centre the sale and hire of tennis equipment and subsidiary thereto a single unit private dwelling house;

**AMENDED PROVISION**

3(c) To use the premises for the purpose of a tennis centre the sale and hire of tennis equipment and subsidiary thereto a single unit private dwelling house AND IN ADDITION the premises may also be used for the purpose of child care centre;

**INSERTED PROVISIONS**

replace the full stop (".") at the end of clause 1(d) with a semi-colon (";") and insert the following clauses:

1(e) "child care centre" means the use of land for the purpose of educating, supervising or caring for children of any age throughout a specified period of time in any one day, which is registered under the Children and Young People Act 2008 or authorised pursuant to the Education and Care Services National Law (ACT) Act 2011 and which does not include residential care.

**EXECUTION BY ACT PLANNING AND LAND AUTHORITY**

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

Print full name and address of witness

Signature of witness

Dated -

Dated -

**OFFICE USE ONLY**

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

**From:** [EPD, Customer Services](#)  
**To:** [ACTPLA DA Leasing](#); "[devapp@actewagl.com.au](#)"; "[developmentapplications@iconwater.com.au](#)"; "[stephen.donnely@jemena.com.au](#)"; [TCCS SPATAS DA](#); [EPAPanningLiaison](#); [ORSRCS](#); "[esddstrategicplanningreferrals@act.gov.au](#)"; [DET School Planning](#); [Sullivan, Susan](#); [Chadwick, Graham](#); [CECA](#)  
**Subject:** NOTICE OF DECISION -201629661-9/3 HAWKER [SEC=UNCLASSIFIED]  
**Date:** Friday, 30 September 2016 10:29:00 AM  
**Attachments:** [DISPATCHADVICECHECKLIST-201629661-01.obr](#)  
[NOTICE OF DECISION-201629661-SIGNED.obr](#)

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Good Morning,

Please see attached Notice of Decision for 9/3 HAWKER  
Development Application No: 201629661

Kind regards,

Customer Services

Phone: 02 6207 1923

**Access Canberra** | Environment & Planning | **ACT Government**

Dame Pattie Menzies House 16 Challis Street Dickson ACT | GPO Box 1908 Canberra ACT 2601

*Please consider the environment before printing this e-mail*



**From:** [EPD, Customer Services](#)  
**To:** ["purdons@purdon.com.au"](mailto:purdons@purdon.com.au)  
**Cc:** ["dominicpelle@bigpond.com"](mailto:dominicpelle@bigpond.com); ["John.Krnc@krncgroup.com.au"](mailto:John.Krnc@krncgroup.com.au)  
**Subject:** NOTICE OF DECISION & ENTITY ADVICE-201629661-9/3 HAWKER [SEC=UNCLASSIFIED]  
**Date:** Friday, 30 September 2016 10:26:00 AM  
**Attachments:** [NOTICE OF DECISION-201629661-SIGNED#2.pdf](#)  
[Icon Water Application Decision, Application - 156107, Hawker - 93 \(Email 1 of 2\).msg](#)  
[image001.png](#)

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Good Morning,

Please see attached Notice of Decision & Entity Advice for 9/3 HAWKER  
Development Application No: 201629661

Kind regards,

Customer Services

Phone: 02 6207 1923

**Access Canberra** | Environment & Planning | **ACT Government**

Dame Pattie Menzies House 16 Challis Street Dickson ACT | GPO Box 1908 Canberra ACT 2601

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**ACT**  
Government

Environment, Planning and  
Sustainable Development

Ms Sue Cutler  
Purdon Planning Pty Ltd  
Unit 4 1-3 Torrens Street  
BRADDON ACT 2612

Dear Ms Cutler

**Endorsement for meeting conditions of approval for  
BLOCK 9 SECTION 3 - Hawker  
Application Number: 201629661  
Lessee: Pelle Projects Pty Limited, Regional Investments Pty Limited**

I refer to the information submitted under Section 165 of the *Planning and Development Act 2007* in response to Condition A1 of the Notice of Decision for the above Development Application (DA).

The information contained in the Detailed Site Investigation Report together with the endorsement of this report by Environment Protection Authority (EPA) dated 25 November 2016 **fail to satisfy** Condition A1 of the Notice of Decision. These documents do not indicate that the site is suitable for the proposed development.

The Detailed Site Investigation Report refers to the site as being Part Block 9 Section 3 Hawker, however the lease variation approval to permit child care centre as an additional use does not restrict that use to any particular part of the block.

Please note that unless information satisfying Condition A1 is lodged with the planning and land authority on or before close of business on **30 September 2018**, the approval for the lease variation will end.

If you would like to discuss this matter further please telephone me on 6207 7257

Yours sincerely

Karen Walker  
Delegate of the planning and land authority  
14 December 2016