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

Dear Sir/Madam,

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

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

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

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

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

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

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

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

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

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

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

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

Please contact Andrew Stedman, Public Health Officer on (02) 5124 9087 or email [\[REDACTED\]@at.gov.au](mailto: [REDACTED]@at.gov.au) you require any further information.

Yours Sincerely

[REDACTED]  
Conrad Barr  
Executive Branch Manager  
Health Protection Service

11 December 2018

**From:** [LeLievre, Maddie \(Health\)](#)  
**To:** [Myers, Rhonda](#); [EPD, Customer Services](#)  
**Subject:** RE: REFERRAL-ACT HEALTH-201528763-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]  
**Date:** Wednesday, 24 February 2016 16:19:07  
**Attachments:** [image001.jpg](#)  
[24022016161802.pdf](#)

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Hi Rhonda,

I am so sorry for how late our reply is – please see attached letter from Mr John Woollard.

Thank you,

*Maddie LeLievre*

Phone: 6205 4402 | Fax: 6205 1705 |

Personal Assistant | Executive Director, **John Woollard** |

**Health Protection Service** | Population Health | **ACT Health** |

25 Mulley St, Holder ACT 2611 | Locked Bag No.5 Weston Creek ACT 2611 |

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**From:** Myers, Rhonda  
**Sent:** Wednesday, 24 February 2016 2:05 PM  
**To:** LeLievre, Maddie (Health); EPD, Customer Services  
**Subject:** RE: REFERRAL-ACT HEALTH-201528763-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]

Hi Maddie,

I was expecting an email from you over a week ago about this development application. Would you please advise if you will be forwarding comments and when you are likely to be forwarding them.

Please contact me by reply email or on 6207 1794 if your wish to discuss this matter further.

Kind regards

Rhonda Myers

Assistant Manager | DA Leasing | Lease Administration

Planning Delivery | Environment and Planning | **ACT Government**

Dame Pattie Menzies House, 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

P **02 6207 1794** | e [rhonda.myers@act.gov.au](mailto:rhonda.myers@act.gov.au) | web [www.environment.act.gov.au](http://www.environment.act.gov.au)

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**From:** LeLievre, Maddie (Health)  
**Sent:** Wednesday, 3 February 2016 10:06 AM  
**To:** EPD, Customer Services  
**Subject:** RE: REFERRAL-ACT HEALTH-201528763-18/11 MITCHELL-01

Hi,

So sorry our comments are late - we need to double check our advice.  
Hopefully our comments will be with you this afternoon or tomorrow.

Thank you,

*Maddie LeLievre*

Phone: 6205 4402 | Fax: 6205 1705 |

Personal Assistant | Executive Director, **John Woollard** |

**Health Protection Service** | Population Health | **ACT Health** |

25 Mulley St, Holder ACT 2611 | Locked Bag No.5 Weston Creek ACT 2611 |

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**From:** EPD, Customer Services

**Sent:** Monday, 11 January 2016 3:03 PM

**To:** Woollard, John (Health)

**Subject:** REFERRAL-ACT HEALTH-201528763-18/11 MITCHELL-01

**PLANS AND DOCUMENTS SENT ON DISC 11/01/2016**

NOTE FOR REFERRAL: Childcare in industrial zone

MANDATORY REFERRAL

**DEVELOPMENT APPLICATION NO: 201528763**

**BLOCK: 18 SECTION: 11 DIVISION: MITCHELL**

**Description: LEASE VARIATION - Please see application form for description.**

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than **15 working days** after the date of this notice (**02/02/2016**).

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

Please forward any written advice via email to [Customer Services - EPDcustomerservices@act.gov.au](mailto:Customer Services - EPDcustomerservices@act.gov.au)

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

COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards

Customer Services

**Phone 02 6207 1923**

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Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601

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[EPDcustomerservices@act.gov.au](mailto:EPDcustomerservices@act.gov.au)

## Referral-Health-Development Application - 201528763-18-11-Mitchell-01

Dear Sir/Madam,

Thank you for the documentation received on 11 January 2016 regarding the proposed Lease Variation of Block 18 Section 11 Mitchell.

The Health Protection Service (HPS) notes that the application is to add 'Community Use LIMITED to child care centre' to the lease. The HPS also notes that the application is for variation to the lease and does not include any physical development.

The HPS supports the recommendation of the Environment Protection Authority that further site investigation is undertaken by a suitably qualified environmental consultant prior to the variation of the lease.

The HPS is concerned at the proposal to alter the lease to allow a child care centre within an industrial zone. The proposed changes appear to offer potential for incompatible industries to be established within close proximity to a child care centre. The HPS is concerned that such industries adjacent to a future child care centre may pose health risks to vulnerable populations, including developing children.

Please contact Jonathan Chen on (02) 6205 2873 if you require any further information.

Yours Sincerely

  
John Woollard  
Executive Director  
Health Protection Service

*JA* February 2016

**From:** [Donohoe, Brigid](#)  
**To:** [EPD, Customer Services](#)  
**Subject:** FW: CECA review of proposed education and care services development applications. [SEC=UNCLASSIFIED]  
**Date:** Thursday, 28 July 2016 13:30:01  
**Attachments:** [Letter re Block 18 Section 11, Mitchell, ACT.doc.pdf](#)  
[Letter re Block 22 Section 112, Symonston, ACT.doc.pdf](#)  
[Letter re Block 4 Section 79, Phillip, ACT.doc.pdf](#)

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Apologies that I had not attached the letters to the previous email.

*Regards*  
*Brigid*

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**From:** Donohoe, Brigid  
**Sent:** Thursday, 28 July 2016 1:28 PM  
**To:** EPD, Customer Services  
**Subject:** CECA review of proposed education and care services development applications.  
[SEC=UNCLASSIFIED]

Please find letters attached confirming that Children's Education and Care Assurance (CECA) has reviewed the following Development Applications

- 201629809 for Block 22 Section 112 Symonston
- 201629691 for Block 4 Section 79 Phillip
- 201528763 for Block 18 Section 11 Mitchell.

The letters confirm that, as far as we can tell from the attached documentation, the proposed design of the education and care centres meet the requirements of the Education and Care Services National Law (ACT) Act 2011 (National Law).

However I am concerned about aspects of the assessment and recommendations made in the noise assessment reports in respect of the Symonston and Mitchell buildings and not sure how to address this as it does not come under the National Law.

*Best Regards*  
*Brigid*

Brigid Donohoe | Team Leader Quality Assurance | Email:[brigid.donohoe@act.gov.au](mailto:brigid.donohoe@act.gov.au)

Phone + 61 2 6205 4648 | Fax 02 6207 1128 |

Children's Education and Care Assurance | Education | ACT Government

Hedley Beare Centre for Teaching and Learning, 51 Freemantle Drive, Stirling | GPO Box 158 Canberra ACT 2601

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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 reviewed the sketch design proposal for the development of an education and care centre at Block 18 Section 11, Mitchell, ACT.

The planning design provided is considered to meet the current regulatory requirements under the Education and Care Services National Law (ACT) Act 2011 and the proposed design 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 6207 7838.

Yours sincerely

  
Jacqui Warden  
Manager  
Children's Education and Care Assurance  
ACT Education Directorate

28 July 2016



Re: Development of an education and care centre at Block 4, Section 79, Phillip, ACT.

To whom it may concern


This letter is to advise that Children's Education and Care Assurance has reviewed the sketch design proposal for the development of an education and care centre at Block 4, Section 79, Phillip, ACT.

The planning design provided is considered to meet the current regulatory requirements under the Education and Care Services National Law (ACT) Act 2011 and the proposed design 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 6207 7838.

Yours sincerely

  
Jacqui Warden  
Manager  
Children's Education and Care Assurance  
ACT Education Directorate

28 July 2016



Re: Development of an education and care centre at Block 22, Section 112, Symonston, ACT.

To whom it may concern

This letter is to advise that Children's Education and Care Assurance has reviewed the sketch design proposal for the development of an education and care centre at Block 22, Section 112, Symonston, ACT.

The planning design provided is considered to meet the current regulatory requirements under the Education and Care Services National Law (ACT) Act 2011 and the proposed design 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 6207 7838.

Yours sincerely



Jacqui Warden  
Manager  
Children's Education and Care Assurance  
ACT Education Directorate

28 July 2016

**From:** [Sullivan, Susan](#)  
**To:** [Myers, Rhonda](#)  
**Subject:** RE: URGENT REQUEST FOR RESPONSE - REFERRAL-DET-CHILDCARE-SOCIAL INFRASTRUCTURE PLANNING-201528763-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]  
**Date:** Thursday, 3 March 2016 11:31:35  
**Attachments:** [image001.jpg](#)

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Hi Rhonda,

I conducted a site visit to this block in October 2015 and provided in principle support for an education and care service being located on the site.

However, in my correspondence with the applicant i did express concern about the location of the site being a busy street corner. We did discuss the site location being in an industrial area but that the adjacent businesses were currently low intensity with some green zones.

Our legislation is not very prescriptive about where services can be located, as long as children's health and safety needs are met.

Regards,

Susan

Susan Sullivan | Manager, Quality Assurance and Audit | [susan.sullivan@act.gov.au](mailto:susan.sullivan@act.gov.au)  
Phone 02 62071093 | Fax 02 62071128 | [REDACTED]  
Children's Education and Care Assurance |  
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Level 3, Hedley Beare Centre for Teaching and Learning, Fremantle Drive, Stirling  
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**From:** Hastir, Chris  
**Sent:** Thursday, 3 March 2016 11:09 AM  
**To:** Sullivan, Susan  
**Subject:** FW: URGENT REQUEST FOR RESPONSE - REFERRAL-DET-CHILDCARE-SOCIAL INFRASTRUCTURE PLANNING-201528763-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]  
**Importance:** High

From CECA Mailbox

*Chris Hastir*

Chris Hastir | Administration Officer/Scholarships Coordinator  
**Phone 02 62071114** | Fax 02 62071128 | Email : [chris.hastir@act.gov.au](mailto:chris.hastir@act.gov.au)  
Children's Education & Care Assurance | Education | **ACT Government**  
51 Fremantle Drive, Stirling ACT 2611 | GPO Box 158 Canberra ACT 2601 [www.act.gov.au](http://www.act.gov.au)

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**From:** Myers, Rhonda  
**Sent:** Wednesday, 2 March 2016 4:51 PM  
**To:** CECA; Edwards, Sarah (School Planning); Chadwick, Graham  
**Cc:** Messer, Sue  
**Subject:** URGENT REQUEST FOR RESPONSE - REFERRAL-DET-CHILDCARE-SOCIAL INFRASTRUCTURE PLANNING-201528763-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]  
**Importance:** High

Dear DET (Sarah and Graham),

I was wondering if you have any opinion or comments to make on the DA sent to you for comments in January 2016 (see below). The applicant suggested that you gave agreement in principle to the proposal for a childcare facility on the site.

Would you please provide me comments as soon as possible (this week if possible) as the extended assessment period is due to expire on 8 March 2016 and so I will need to complete the assessment on Friday of this week (4 March 2016).

I will be out of the office tomorrow, however, please contact Ms Sue Messer, Manager DA Leasing, if you wish to discuss this email in my absence.

Please contact me by reply email or on 6207 1794 if your wish to discuss this matter further.

Kind regards

Rhonda Myers

Assistant Manager | DA Leasing | Lease Administration  
Planning Delivery | Environment and Planning | **ACT Government**  
Dame Pattie Menzies House, 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601  
P **02 6207 1794** | e [rhonda.myers@act.gov.au](mailto:rhonda.myers@act.gov.au) | web [www.environment.act.gov.au](http://www.environment.act.gov.au)

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**From:** EPD, Customer Services  
**Sent:** Monday, 11 January 2016 3:06 PM  
**To:** CECA; Edwards, Sarah (School Planning); Chadwick, Graham; EPD Strategic Planning Referrals  
**Subject:** REFERRAL-DET-CHILDCARE-SOCIAL INFRASTRUCTURE PLANNING-201528763-18/11 MITCHELL-01

**PLANS AND DOCUMENTS SENT ON DISC 11/01/2016**

NOTE FOR REFERRAL: Childcare in industrial zone

MANDATORY REFERRAL

**DEVELOPMENT APPLICATION NO: 201528763**  
**BLOCK: 18 SECTION: 11 DIVISION: MITCHELL**

**Description: LEASE VARIATION - Please see application form for description.**

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than **15**

**working days** after the date of this notice (**02/02/2016**).

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

Please forward any written advice via email to [Customer Services – EPDcustomerservices@act.gov.au](mailto:Customer Services – EPDcustomerservices@act.gov.au)

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

COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards

Customer Services

**Phone 02 6207 1923**

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**From:** [Sargent, Narelle](#)  
**To:** [EPD, Customer Services](#)  
**Cc:** [Ponton, Ben](#); [EPAPlanningLiaison](#)  
**Subject:** EPA RESPONSE: REFERRAL-EPA-NOISE-201733198-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]  
**Date:** Thursday, 15 March 2018 13:39:26  
**Attachments:** [image001.jpg](#)  
[image002.png](#)

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Dear Ben

Thank you for the referral of Development Application No: 201733198, a proposal for a childcare centre on the industrially zoned Block 18, Section 11, Mitchell.

The Environment Protection Authority (EPA) does not support the Development Application and recommends the application be refused.

The Environment Planning & Sustainable Development Directorate (EPSDD) specified in the circulation of the Draft Variation to the Territory Plan Number 352 (DV352), which proposed to remove child care centres from the list of Merit Track assessable uses in industrial zones and was supported by the EPA, that the Territory Plan does not currently specify health and safety considerations for an application for a child care centre in an industrial zone.

The EPA also notes EPSDDs position stated in DV352 that:

*“The location of a childcare centre within an Industrial Zone could have the following impacts:*

- *Potential risks to children’s health and safety being exposed to industrial air, soil and noise pollutants from neighbouring industrial uses.*
- *Potential risks to children’s health and safety being placed in a location in close proximity to hazardous industries (e.g. potential risks from chemical and gas storage facilities).*
- *Potential future impact on land uses and new industrial opportunities that may want to locate around child care centres in industrial zones*
- *Potential to limit potential future industrial development on adjacent and surrounding parcels.*
- *Potential to limit the ability of existing lessees to activate uses (currently included in their leases) which may have a negative impact on the health and wellbeing of children located in a nearby child care centre.*
- *Potential to affect the price of industrial land surrounding a child care centre.*
- *Potential risk for compensation claims if a child care centre is allowed to establish in this zone and a neighbouring business decides to undertake a development that is included in its lease purpose.”*

Based on similar concerns to those listed above, the EPA supports EPSDD’s stated position *“that certain areas within industrial zones are not suitable for child care centres”*, and notes the Directorate has committed to complete *“Further policy work and investigation into this matter.”*

The EPA agrees that the proposed activity of a childcare centre is incompatible with the surrounding land use zoning and that the zone is not suitable for a childcare centre. Further, the EPA recommends the Territory Plan be amended to restrict "Childcare Centres" in industrial zones.

Please do not hesitate to contact me if you need to discuss this matter further.

Regards  
Narelle

**Narelle Sargent | Environment Protection Authority**

Phone: 02 6207 5782 | Mobile [REDACTED] | Email: [narelle.sargent@act.gov.au](mailto:narelle.sargent@act.gov.au)

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

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cid:image007.png@01D3AFF2.FEECBAF0



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**From:** Evatt, Ebony **On Behalf Of** EPD, Customer Services

**Sent:** Thursday, 22 February 2018 9:28 AM

**To:** EPAPlanningLiaison <[EPAPlanningLiaison@act.gov.au](mailto:EPAPlanningLiaison@act.gov.au)>; McKeown, Helen  
<[Helen.McKeown@act.gov.au](mailto:Helen.McKeown@act.gov.au)>

**Subject:** REFERRAL-EPA-NOISE-201733198-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]

**NOTE: CHILD CARE IN INDUSTRIAL ZONE.**

**DEVELOPMENT APPLICATION NO:** 201733198

**BLOCK:** 18 **SECTION:** 11 **DIVISION:** MITCHELL

**Description: PROPOSAL FOR CHILDCARE CENTRE - construction of a new 3 storey childcare centre, new driveways, car park and dropoff area, landscaping and associated site works.**

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than **15 working days** after the date of this notice **(15/03/2018)**.

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

Please forward any written advice via email to Customer Services –  
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Please use the following format in the subject line of the email when providing advice:

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Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards,  
Ebony Evatt  
Customer Services

**Phone 02 6207 1923**

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cid:image001.jpg@01D39906.DF4B3DA0



**From:** [EPAPanningLiaison](#)  
**To:** [EPD\\_Customer\\_Services](#)  
**Cc:** [Cilliers\\_George](#); [Pini\\_Hayden](#); [Sargent\\_Narelle](#)  
**Subject:** RE: REFERRAL-EPA-NOISE-201733198-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]  
**Date:** Wednesday, 18 April 2018 12:57:47  
**Attachments:** [image001.jpg](#)

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Environment Planning & Sustainable Development Directorate,

It has come to our attention this DA has not been referred to the Health Protection Service who previously provided advice in response to the lease variation to add the childcare as a use. Following discussions with the Health Protection Service in relation to concerns about Legionella Pneumophila bacteria (the bacterium that causes Legionnaires Disease) potentially impacting the site from the adjacent landscape supply facility, it is strongly recommended this DA be referred to the HPS for comment due to the potential for a large cohort of at risk population being introduced to the immediate area should the development proceed.

It should be noted further comments will be provided by the EPA in relation to this and other matters. I will endeavour to provide these further comments as soon as possible.

Regards,

Robin Brown | Environment Protection Authority Planning Liaison

**Phone 02 6207 5642**

**Environmental Quality** | Construction Environment & Workplace Protection | Access Canberra | **ACT Government**  
GPO Box 158 Canberra ACT 2601 | [www.environment.act.gov.au](http://www.environment.act.gov.au)

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**From:** Evatt, Ebony **On Behalf Of** EPD, Customer Services  
**Sent:** Thursday, 22 February 2018 9:28 AM  
**To:** EPAPanningLiaison <EPAPanningLiaison@act.gov.au>; McKeown, Helen <Helen.McKeown@act.gov.au>  
**Subject:** REFERRAL-EPA-NOISE-201733198-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]

**NOTE: CHILD CARE IN INDUSTRIAL ZONE.**

**DEVELOPMENT APPLICATION NO:** 201733198

**BLOCK:** 18 **SECTION:** 11 **DIVISION:** MITCHELL

**Description: PROPOSAL FOR CHILDCARE CENTRE - construction of a new 3 storey childcare centre, new driveways, car park and dropoff area, landscaping and associated site works.**

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than **15 working days** after the date of this notice **(15/03/2018)**.

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

Please forward any written advice via email to Customer Services –  
[EPDcustomerservices@act.gov.au](mailto:EPDcustomerservices@act.gov.au)

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COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards,  
Ebony Evatt  
Customer Services

**Phone 02 6207 1923**

**Access Canberra | ACT Government**

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**From:** [Sargent, Narelle](#)  
**To:** [EPD, Customer Services](#)  
**Cc:** [Cilliers, George](#); [Pini, Hayden](#); [EPPlanningLiaison](#)  
**Subject:** CLARIFICATION: EPA ADVICE: REFERRAL-EPA-NOISE-201733198-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]  
**Date:** Wednesday, 16 May 2018 15:36:48  
**Attachments:** [image003.jpg](#)  
[image001.png](#)

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Dear Customer Services

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

**Description: PROPOSAL FOR CHILDCARE CENTRE - construction of a new 3 storey childcare centre, new driveways, car park and dropoff area, landscaping and associated site works.**

DA 201733198

BLOCK: 18	SECTION: 11	DIVISION: MITCHELL
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And EPA provide the following:

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

To clarify, the Environment Protection Authority does not support the Development Application and recommends the application be refused. Should the Planning Authority choose to approve the application, the applicant should first be required to complete an Environmental Assessment that includes an Air Quality Impact Assessment (AQIA) that assesses permitted uses in the zone and potential sources of pollution impacting the subject site. The report should refer to activities and potential pollutants and odours from neighbouring sites such as the landscape supply business to the north on block 44 section 7 Mitchell and demonstrate that the site is suitable for the proposed activity to ensure human health is not put at unnecessary risk.

The report should also demonstrate that the proposed use will not jeopardise the use of surrounding land for any industrial purposes.

Your sincerely  
Narelle Sargent

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

cid:image007.png@01D3AFF2.FEECBAF0

---

**From:** Sargent, Narelle  
**Sent:** Friday, 27 April 2018 5:13 PM  
**To:** Ponton, Ben <Ben.Ponton@act.gov.au>  
**Cc:** EPAPanningLiaison <EPAPanningLiaison@act.gov.au>; Stedman, Andrew (Health) <Andrew.Stedman@act.gov.au>; Cilliers, George <George.Cilliers@act.gov.au>  
**Subject:** EPA ADVICE: REFERRAL-EPA-NOISE-201733198-18/11 MITCHELL-01  
[SEC=UNCLASSIFIED]

Dear Ben

Following is the EPA's advice in response to **DEVELOPMENT APPLICATION NO: 201733198**  
**BLOCK: 18 SECTION: 11 DIVISION: MITCHELL**

**Description: PROPOSAL FOR CHILDCARE CENTRE - construction of a new 3 storey childcare centre, new driveways, car park and dropoff area, landscaping and associated site works.**

DA 201733198

BLOCK: 18	SECTION: 11	DIVISION: MITCHELL
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And EPA provide the following:

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

The air quality monitoring report titled "Ambient Air Quality Monitoring Report – Mitchell, ACT", dated 9 February 2018, is not sufficient to demonstrate the site is suitable for the proposed use from an air quality perspective. The Report provides limited commentary on the surrounding activities, does not assess uses permitted by the zoning and failed to identify existing risks in the immediate area that have the potential to adversely impact the health of occupants including children at the centre.

An Air Quality Impact Assessment (AQIA) report should be prepared that includes an assessment of the permitted uses in the zone and potential sources of pollution impacting the subject site. The air quality monitoring report does not adequately refer to activities and potential pollutants and odours from neighbouring sites such as the landscape supply business to the north on block 44 section 7 Mitchell. The business supplies potting mix and other landscape supplies which are likely at times to emit odours and human pathogens such as *Legionella Longbeachae* which could be present in dust that can be released into the surrounding environment when handling these

products is carried out on a scale that utilises large loaders and dump trucks. The landscape supply block is 17 metres from the subject site.

The DA and AQIA report should be referred to the Health Protection Service for their consideration.

Further, it is recommended that a Hazard Analysis be required to be completed by a suitably qualified consultant in accordance with the [NSW Planning and Environment's Hazardous Industry Planning Advisory Papers](#). As the introduction of this sensitive use to the industrially zoned area may have consequences for land use in the area in the future. The applicant should be required to prepare a planning report, informed by the Hazard Analysis and AQIA, to assess and discuss the potential planning land use impacts to the surrounding land should the proposal be approved.

Please do not hesitate to be in contact if you have any questions.

Yours sincerely

Narelle Sargent  
Environment Protection Authority

**Narelle Sargent | Deputy Environment Protection Authority**

Phone: 02 6207 5782 | Mobile [REDACTED] | Email: [narelle.sargent@act.gov.au](mailto:narelle.sargent@act.gov.au)

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cid:image007.png@01D3AFF2.FEECBAF0



---

**From:** Evatt, Ebony **On Behalf Of** EPD, Customer Services

**Sent:** Thursday, 22 February 2018 9:28 AM

**To:** EPAPlanningLiaison <[EPAPlanningLiaison@act.gov.au](mailto:EPAPlanningLiaison@act.gov.au)>; McKeown, Helen  
<[Helen.McKeown@act.gov.au](mailto:Helen.McKeown@act.gov.au)>

**Subject:** REFERRAL-EPA-NOISE-201733198-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]

**NOTE: CHILD CARE IN INDUSTRIAL ZONE.**

**DEVELOPMENT APPLICATION NO:** 201733198

**BLOCK:** 18 **SECTION:** 11 **DIVISION:** MITCHELL

**Description:** PROPOSAL FOR CHILDCARE CENTRE - construction of a new 3 storey childcare centre, new driveways, car park and dropoff area, landscaping and associated site works.

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the abovementioned development application and

provide any written advice no later than **15 working days** after the date of this notice **(15/03/2018)**.

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

Please forward any written advice via email to Customer Services – [EPDcustomerservices@act.gov.au](mailto:EPDcustomerservices@act.gov.au)

Please use the following format in the subject line of the email when providing advice:  
COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01  
Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards,  
Ebony Evatt  
Customer Services

**Phone 02 6207 1923**

**Access Canberra | ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601

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cid:image001.jpg@01D39906.DF4B3DA0



**From:** [EPAPanningLiaison](#)  
**To:** [EPD\\_Customer\\_Services](#)  
**Cc:** [Jones\\_Greg](#)  
**Subject:** RE: REFERRAL-EPA-NOISE-EROSION & SEDIMENT-201528763-18/11 MITCHELL-01  
**Date:** Thursday, 21 January 2016 16:23:40  
**Attachments:** [image001.jpg](#)

---

Environment & Planning Directorate,

Please see below revised comments:

DA 201528763

BLOCK: 18	SECTION: 11	DIVISION: MITCHELL
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This DA has been assessed by the following:

Contaminated Lands	X
Hazardous Materials	X
Sediment and Erosion Control	X
Noise	X
Air quality	X
Water Regulation	X

And EPA provide the following:

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

The proposed lease variation is not supported. The site is located in an industrial zone. The proposed activity has not been demonstrated to be compatible with activities permitted in the surrounding zoning.

Activation of the site for the proposed use would potentially sterilise the surrounding area from future industrial activities.

Furthermore, the report titled "Preliminary Site Investigation, Block 18, Section 11, Mitchell, ACT" dated 6 November 2015 by SMEC Australia Pty Ltd attached to this application has not indicated the site is fit for the proposed use and has identified areas of environmental concern recommending further assessment and possible remediation.

Regards,

Robin Brown | Environment Protection Authority Planning Liaison

**Phone 02 6207 5642**

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

---

**From:** EPD, Customer Services  
**Sent:** Monday, 11 January 2016 2:57 PM  
**To:** EPAPlanningLiaison; McKeown, Helen  
**Subject:** REFERRAL-EPA-NOISE-EROSION & SEDIMENT-201528763-18/11 MITCHELL-01

NOTE FOR REFERRAL: Childcare in industrial zone & psi does not support childcare use

MANDATORY REFERRAL

**DEVELOPMENT APPLICATION NO: 201528763**  
**BLOCK: 18 SECTION: 11 DIVISION: MITCHELL**

**Description: LEASE VARIATION - Please see application form for description.**

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than **15 working days** after the date of this notice (**02/02/2016**).

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

Please forward any written advice via email to [Customer Services - EPDcustomerservices@act.gov.au](mailto:Customer Services - EPDcustomerservices@act.gov.au)

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

COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01  
Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards

Customer Services

**Phone 02 6207 1923**

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**From:** [Mills, David \(Health\)](#) on behalf of [HPS](#)  
**To:** [EPD, Customer Services](#)  
**Subject:** URGENT - Referral-Health-DEVELOPMENT APPLICATION -201733198- Block 18 Section 11 MITCHELL  
**Date:** Tuesday, 1 May 2018 09:42:11  
**Attachments:** [Referral-Health-DEVELOPMENT APPLICATION -201733198- Block 18 Section 11 MITCHELL.pdf](#)

---

Please see attached response from the Health Protection Service.

Regards

Health Protection Service



[EPDcustomerservices@act.gov.au](mailto:EPDcustomerservices@act.gov.au)

## **Referral-Health - DEVELOPMENT APPLICATION - 201733198- Block 18 Section 11 MITCHELL**

Dear Sir/Madam,

Thank you for the documentation received on 23 April 2018 regarding the proposed construction of a 130 place childcare centre within an IZ2 industrial zone in Mitchell ACT.

The Health Protection Service (HPS) notes that the development application will comprise:

- 3 storey building with total floor area of 1,087m<sup>2</sup>
- Large undercover ground floor carpark with 29 spaces
- 2 Baby activity rooms (12 places each room), 4 toddler rooms (10 places each room) and 3 pre-schooler rooms (22 places each room).
- Outdoor play area of 923m<sup>2</sup> shared over levels 1 and 2.

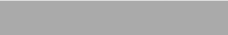
The HPS has reviewed the application and provided documents and has the following comments:

- The provided Report 'Ambient Air Quality Monitoring Report – Mitchell, ACT (Pacific Environment, 2018)' references a report undertaken on behalf of the Government Solicitors Office in relation to the refusal of DA 201528763 titled '*Review of Health Issues – Proposed Childcare Centre, Block 18 Section 11 Mitchell ACT (EnRisks, 2017)*'. The Pacific Environment, 2018 report specifies the EnRisks, 2017 report as the basis for its investigation. The HPS was not provided the report and is unable to assess whether cumulatively a comprehensive air quality assessment has been undertaken. The HPS requests the EnRisk, 2017 report be provided to the HPS for assessment.
- The HPS considers that the provided 'Ambient Air Quality Monitoring Report – Mitchell, ACT (Pacific Environment, 2018)' report does not adequately discuss the potential expansion of permitted activities by surrounding businesses, and future land uses in the surrounding area, which may pose a health risk to vulnerable populations such as children. The HPS requests this report be amended to discuss the above.

The HPS considers that the protection of vulnerable populations from known and unknown pollutants from current and future neighbouring industrial uses cannot be assured whilst the development is proposed within an industrial zone. Therefore the HPS does not support the proposed development on this basis.

Where the development proceeds, despite the objection of the HPS, the applicant is advised:

- The development details that a 24KL rainwater tank will be installed, with retained water being used to flush toilets and urinals. The applicant is advised that any outlets supplied by rainwater are clearly labelled as being provided with non-potable water and should be located in an area inaccessible to children or provided with tamperproof fittings.
- The development details a kitchen within the ground floor of the childcare facility. If the kitchen is used to produce food to be sold, or is used to prepare food provided to the children, the kitchen will require a food business license. The applicant is advised to submit a food business registration and fitout application (with suitably details plans) to the HPS prior to construction.

Please contact Andrew Stedman, Public Health Officer on (02) 6205 4404 or email @at.gov.au you require any further information.

Yours Sincerely, 

  
Conrad Barr  
Executive Director  
Health Protection Service

 April 2018

**From:** [Sargent, Narelle](#)  
**To:** [EPD, Customer Services](#)  
**Cc:** [Ponton, Ben](#); [EPAPlanningLiaison](#)  
**Subject:** EPA RESPONSE: REFERRAL-EPA-NOISE-201733198-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]  
**Date:** Thursday, 15 March 2018 1:39:26 PM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)

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Dear Ben

Thank you for the referral of Development Application No: 201733198, a proposal for a childcare centre on the industrially zoned Block 18, Section 11, Mitchell.

The Environment Protection Authority (EPA) does not support the Development Application and recommends the application be refused.

The Environment Planning & Sustainable Development Directorate (EPSDD) specified in the circulation of the Draft Variation to the Territory Plan Number 352 (DV352), which proposed to remove child care centres from the list of Merit Track assessable uses in industrial zones and was supported by the EPA, that the Territory Plan does not currently specify health and safety considerations for an application for a child care centre in an industrial zone.

The EPA also notes EPSDDs position stated in DV352 that:

*“The location of a childcare centre within an Industrial Zone could have the following impacts:*

- *Potential risks to children’s health and safety being exposed to industrial air, soil and noise pollutants from neighbouring industrial uses.*
- *Potential risks to children’s health and safety being placed in a location in close proximity to hazardous industries (e.g. potential risks from chemical and gas storage facilities).*
- *Potential future impact on land uses and new industrial opportunities that may want to locate around child care centres in industrial zones*
- *Potential to limit potential future industrial development on adjacent and surrounding parcels.*
- *Potential to limit the ability of existing lessees to activate uses (currently included in their leases) which may have a negative impact on the health and wellbeing of children located in a nearby child care centre.*
- *Potential to affect the price of industrial land surrounding a child care centre.*
- *Potential risk for compensation claims if a child care centre is allowed to establish in this zone and a neighbouring business decides to undertake a development that is included in its lease purpose.”*

Based on similar concerns to those listed above, the EPA supports EPSDD’s stated position *“that certain areas within industrial zones are not suitable for child care centres”*, and notes the Directorate has committed to complete *“Further policy work and investigation into this matter.”*

The EPA agrees that the proposed activity of a childcare centre is incompatible with the surrounding land use zoning and that the zone is not suitable for a childcare centre. Further, the EPA recommends the Territory Plan be amended to restrict "Childcare Centres" in industrial zones.

Please do not hesitate to contact me if you need to discuss this matter further.

Regards  
Narelle

**Narelle Sargent | Environment Protection Authority**

Phone: 02 6207 5782 | Mobile [REDACTED] | Email: [narelle.sargent@act.gov.au](mailto:narelle.sargent@act.gov.au)

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

470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)

cid:image007.png@01D3AFF2.FEECBAF0



---

**From:** Evatt, Ebony **On Behalf Of** EPD, Customer Services

**Sent:** Thursday, 22 February 2018 9:28 AM

**To:** EPAPanningLiaison <[EPAPanningLiaison@act.gov.au](mailto:EPAPanningLiaison@act.gov.au)>; McKeown, Helen <[Helen.McKeown@act.gov.au](mailto:Helen.McKeown@act.gov.au)>

**Subject:** REFERRAL-EPA-NOISE-201733198-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]

**NOTE: CHILD CARE IN INDUSTRIAL ZONE.**

**DEVELOPMENT APPLICATION NO:** 201733198

**BLOCK:** 18 **SECTION:** 11 **DIVISION:** MITCHELL

**Description: PROPOSAL FOR CHILDCARE CENTRE - construction of a new 3 storey childcare centre, new driveways, car park and dropoff area, landscaping and associated site works.**

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than **15 working days** after the date of this notice **(15/03/2018)**.

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

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COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards,  
Ebony Evatt  
Customer Services

**Phone 02 6207 1923**

**Access Canberra | ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601

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cid:image001.jpg@01D39906.DF4B3DA0



**From:** [EPAPanningLiaison](#)  
**To:** [EPD\\_Customer\\_Services](#)  
**Cc:** [Cilliers\\_George](#); [Pini\\_Hayden](#); [Sargent\\_Narelle](#)  
**Subject:** RE: REFERRAL-EPA-NOISE-201733198-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]  
**Date:** Wednesday, 18 April 2018 12:57:47 PM  
**Attachments:** [image001.jpg](#)

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Environment Planning & Sustainable Development Directorate,

It has come to our attention this DA has not been referred to the Health Protection Service who previously provided advice in response to the lease variation to add the childcare as a use. Following discussions with the Health Protection Service in relation to concerns about Legionella Pneumophila bacteria (the bacterium that causes Legionnaires Disease) potentially impacting the site from the adjacent landscape supply facility, it is strongly recommended this DA be referred to the HPS for comment due to the potential for a large cohort of at risk population being introduced to the immediate area should the development proceed.

It should be noted further comments will be provided by the EPA in relation to this and other matters. I will endeavour to provide these further comments as soon as possible.

Regards,

Robin Brown | Environment Protection Authority Planning Liaison

**Phone 02 6207 5642**

**Environmental Quality** | Construction Environment & Workplace Protection | Access Canberra | **ACT Government**  
GPO Box 158 Canberra ACT 2601 | [www.environment.act.gov.au](http://www.environment.act.gov.au)

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**From:** Evatt, Ebony **On Behalf Of** EPD, Customer Services  
**Sent:** Thursday, 22 February 2018 9:28 AM  
**To:** EPAPanningLiaison <EPAPanningLiaison@act.gov.au>; McKeown, Helen <Helen.McKeown@act.gov.au>  
**Subject:** REFERRAL-EPA-NOISE-201733198-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]

**NOTE: CHILD CARE IN INDUSTRIAL ZONE.**

**DEVELOPMENT APPLICATION NO:** 201733198

**BLOCK:** 18 **SECTION:** 11 **DIVISION:** MITCHELL

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Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards,  
Ebony Evatt  
Customer Services

**Phone 02 6207 1923**

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**From:** Sargent, Narelle  
**Sent:** Friday, 27 April 2018 5:13 PM  
**To:** Ponton, Ben <[Ben.Ponton@act.gov.au](mailto:Ben.Ponton@act.gov.au)>  
**Cc:** EPAPanningLiaison <[EPAPanningLiaison@act.gov.au](mailto:EPAPanningLiaison@act.gov.au)>; Stedman, Andrew (Health) <[Andrew.Stedman@act.gov.au](mailto:Andrew.Stedman@act.gov.au)>; Cilliers, George <[George.Cilliers@act.gov.au](mailto:George.Cilliers@act.gov.au)>  
**Subject:** EPA ADVICE: REFERRAL-EPA-NOISE-201733198-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]

Dear Ben

Following is the EPA’s advice in response to **DEVELOPMENT APPLICATION NO: 201733198**

**BLOCK: 18 SECTION: 11 DIVISION: MITCHELL**

**Description: PROPOSAL FOR CHILDCARE CENTRE - construction of a new 3 storey childcare centre, new driveways, car park and dropoff area, landscaping and associated site works.**

DA 201733198

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

And EPA provide the following:

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

The air quality monitoring report titled "Ambient Air Quality Monitoring Report – Mitchell, ACT", dated 9 February 2018, is not sufficient to demonstrate the site is suitable for the proposed use from an air quality perspective. The Report provides limited commentary on the surrounding activities, does not assess uses permitted by the zoning and failed to identify existing risks in the immediate area that have the potential to adversely impact the health of occupants including children at the centre.

An Air Quality Impact Assessment (AQIA) report should be prepared that includes an assessment of the permitted uses in the zone and potential sources of pollution impacting the subject site. The air quality monitoring report does not adequately refer to activities and potential pollutants and odours from neighbouring sites such as the landscape supply business to the north on block 44 section 7 Mitchell. The business supplies potting mix and other landscape supplies which are likely at times to emit odours and human pathogens such as *Legionella Longbeachae* which could be present in dust that can be released into the surrounding environment when handling these products is carried out on a scale that utilises large loaders and dump trucks. The landscape supply block is 17 metres from the subject site.

The DA and AQIA report should be referred to the Health Protection Service for their consideration.

Further, it is recommended that a Hazard Analysis be required to be completed by a suitably qualified consultant in accordance with the [NSW Planning and Environment’s Hazardous Industry Planning Advisory Papers](#). As the introduction of this sensitive use to the industrially zoned area may have consequences for land use in the area in the future. The applicant should be required to prepare a planning report, informed by the Hazard Analysis and AQIA, to assess and discuss the potential planning land use impacts to the surrounding land should the proposal be approved.

Please do not hesitate to be in contact if you have any questions.

Yours sincerely

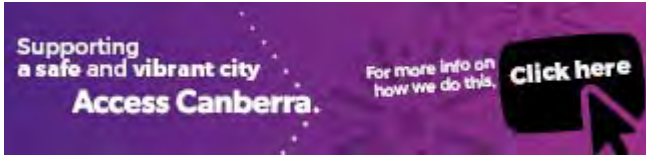
Narelle Sargent  
Environment Protection Authority

**Narelle Sargent | Deputy Environment Protection Authority**

Phone: 02 6207 5782 | Mobile [REDACTED] | Email: [narelle.sargent@act.gov.au](mailto:narelle.sargent@act.gov.au)

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

470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)



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**From:** Evatt, Ebony **On Behalf Of** EPD, Customer Services

**Sent:** Thursday, 22 February 2018 9:28 AM

**To:** EPAPanningLiaison <[EPAPanningLiaison@act.gov.au](mailto:EPAPanningLiaison@act.gov.au)>; McKeown, Helen <[Helen.McKeown@act.gov.au](mailto:Helen.McKeown@act.gov.au)>

**Subject:** REFERRAL-EPA-NOISE-201733198-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]

**NOTE: CHILD CARE IN INDUSTRIAL ZONE.**

**DEVELOPMENT APPLICATION NO:** 201733198

**BLOCK:** 18 **SECTION:** 11 **DIVISION:** MITCHELL

**Description:** PROPOSAL FOR CHILDCARE CENTRE - construction of a new 3 storey childcare centre, new driveways, car park and dropoff area, landscaping and associated site works.

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than **15 working days** after the date of this notice (**15/03/2018**).

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

Please forward any written advice via email to Customer Services – [EPDcustomerservices@act.gov.au](mailto:EPDcustomerservices@act.gov.au)

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

COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards,  
Ebony Evatt  
Customer Services

**Phone 02 6207 1923**

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Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601

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



**From:** [Sullivan, Susan](#)  
**To:** [Myers, Rhonda](#)  
**Subject:** RE: URGENT REQUEST FOR RESPONSE - REFERRAL-DET-CHILDCARE-SOCIAL INFRASTRUCTURE PLANNING-201528763-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]  
**Date:** Thursday, 3 March 2016 11:31:35 AM  
**Attachments:** [image001.jpg](#)

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Hi Rhonda,

I conducted a site visit to this block in October 2015 and provided in principle support for an education and care service being located on the site.

However, in my correspondence with the applicant i did express concern about the location of the site being a busy street corner. We did discuss the site location being in an industrial area but that the adjacent businesses were currently low intensity with some green zones.

Our legislation is not very prescriptive about where services can be located, as long as children's health and safety needs are met.

Regards,

Susan

Susan Sullivan | Manager, Quality Assurance and Audit | [susan.sullivan@act.gov.au](mailto:susan.sullivan@act.gov.au)  
Phone 02 62071093 | Fax 02 62071128 | [REDACTED]  
Children's Education and Care Assurance |  
Regulation and Compliance | Education | ACT Government  
Level 3, Hedley Beare Centre for Teaching and Learning, Fremantle Drive, Stirling  
GPO Box 158 Canberra ACT 2601 |  
[www.det.act.gov.au](http://www.det.act.gov.au) | [Facebook](#) | [Twitter](#) | [Pinterest](#) | [LinkedIn](#) | [Google+](#)

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**From:** Hastir, Chris  
**Sent:** Thursday, 3 March 2016 11:09 AM  
**To:** Sullivan, Susan  
**Subject:** FW: URGENT REQUEST FOR RESPONSE - REFERRAL-DET-CHILDCARE-SOCIAL INFRASTRUCTURE PLANNING-201528763-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]  
**Importance:** High

From CECA Mailbox

*Chris Hastir*

Chris Hastir | Administration Officer/Scholarships Coordinator  
**Phone 02 62071114** | Fax 02 62071128 | Email : [chris.hastir@act.gov.au](mailto:chris.hastir@act.gov.au)  
Children's Education & Care Assurance | Education | **ACT Government**  
51 Fremantle Drive, Stirling ACT 2611 | GPO Box 158 Canberra ACT 2601 [www.act.gov.au](http://www.act.gov.au)

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**From:** Myers, Rhonda  
**Sent:** Wednesday, 2 March 2016 4:51 PM  
**To:** CECA; Edwards, Sarah (School Planning); Chadwick, Graham  
**Cc:** Messer, Sue  
**Subject:** URGENT REQUEST FOR RESPONSE - REFERRAL-DET-CHILDCARE-SOCIAL INFRASTRUCTURE PLANNING-201528763-18/11 MITCHELL-01 [SEC=UNCLASSIFIED]  
**Importance:** High

Dear DET (Sarah and Graham),

I was wondering if you have any opinion or comments to make on the DA sent to you for comments in January 2016 (see below). The applicant suggested that you gave agreement in principle to the proposal for a childcare facility on the site.

Would you please provide me comments as soon as possible (this week if possible) as the extended assessment period is due to expire on 8 March 2016 and so I will need to complete the assessment on Friday of this week (4 March 2016).

I will be out of the office tomorrow, however, please contact Ms Sue Messer, Manager DA Leasing, if you wish to discuss this email in my absence.

Please contact me by reply email or on 6207 1794 if your wish to discuss this matter further.

Kind regards

Rhonda Myers

Assistant Manager | DA Leasing | Lease Administration  
Planning Delivery | Environment and Planning | **ACT Government**  
Dame Pattie Menzies House, 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601  
P **02 6207 1794** | e [rhonda.myers@act.gov.au](mailto:rhonda.myers@act.gov.au) | web [www.environment.act.gov.au](http://www.environment.act.gov.au)

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**From:** EPD, Customer Services  
**Sent:** Monday, 11 January 2016 3:06 PM  
**To:** CECA; Edwards, Sarah (School Planning); Chadwick, Graham; EPD Strategic Planning Referrals  
**Subject:** REFERRAL-DET-CHILDCARE-SOCIAL INFRASTRUCTURE PLANNING-201528763-18/11 MITCHELL-01

**PLANS AND DOCUMENTS SENT ON DISC 11/01/2016**

NOTE FOR REFERRAL: Childcare in industrial zone

MANDATORY REFERRAL

**DEVELOPMENT APPLICATION NO: 201528763**  
**BLOCK: 18 SECTION: 11 DIVISION: MITCHELL**

**Description: LEASE VARIATION - Please see application form for description.**

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than **15**

**working days** after the date of this notice (**02/02/2016**).

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

Please forward any written advice via email to [Customer Services – EPDcustomerservices@act.gov.au](mailto:Customer Services – EPDcustomerservices@act.gov.au)

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

COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards

Customer Services

**Phone 02 6207 1923**

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**From:** [EPAPlanningLiaison](#)  
**To:** [EPD, Customer Services](#)  
**Cc:** [Jones, Greg](#)  
**Subject:** RE: REFERRAL-EPA-NOISE-EROSION & SEDIMENT-201528763-18/11 MITCHELL-01  
**Date:** Thursday, 21 January 2016 4:23:40 PM  
**Attachments:** [image001.jpg](#)

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Environment & Planning Directorate,

Please see below revised comments:

DA 201528763

BLOCK: 18	SECTION: 11	DIVISION: MITCHELL
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This DA has been assessed by the following:

Contaminated Lands	X
Hazardous Materials	X
Sediment and Erosion Control	X
Noise	X
Air quality	X
Water Regulation	X

And EPA provide the following:

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

The proposed lease variation is not supported. The site is located in an industrial zone. The proposed activity has not been demonstrated to be compatible with activities permitted in the surrounding zoning.

Activation of the site for the proposed use would potentially sterilise the surrounding area from future industrial activities.

Furthermore, the report titled "Preliminary Site Investigation, Block 18, Section 11, Mitchell, ACT" dated 6 November 2015 by SMEC Australia Pty Ltd attached to this application has not indicated the site is fit for the proposed use and has identified areas of environmental concern recommending further assessment and possible remediation.

Regards,

Robin Brown | Environment Protection Authority Planning Liaison

**Phone 02 6207 5642**

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

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**From:** EPD, Customer Services  
**Sent:** Monday, 11 January 2016 2:57 PM  
**To:** EPAPlanningLiaison; McKeown, Helen  
**Subject:** REFERRAL-EPA-NOISE-EROSION & SEDIMENT-201528763-18/11 MITCHELL-01

NOTE FOR REFERRAL: Childcare in industrial zone & psi does not support childcare use

MANDATORY REFERRAL

**DEVELOPMENT APPLICATION NO: 201528763**  
**BLOCK: 18 SECTION: 11 DIVISION: MITCHELL**

**Description: LEASE VARIATION - Please see application form for description.**

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than **15 working days** after the date of this notice (**02/02/2016**).

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

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

COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards

Customer Services

**Phone 02 6207 1923**

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[EPDcustomerservices@act.gov.au](mailto:EPDcustomerservices@act.gov.au)

## **Referral-Health-Development Application - 201528763-18-11-Mitchell-01**

Dear Sir/Madam,

Thank you for the documentation received on 11 January 2016 regarding the proposed Lease Variation of Block 18 Section 11 Mitchell.

The Health Protection Service (HPS) notes that the application is to add 'Community Use LIMITED to child care centre' to the lease. The HPS also notes that the application is for variation to the lease and does not include any physical development.

The HPS supports the recommendation of the Environment Protection Authority that further site investigation is undertaken by a suitably qualified environmental consultant prior to the variation of the lease.

The HPS is concerned at the proposal to alter the lease to allow a child care centre within an industrial zone. The proposed changes appear to offer potential for incompatible industries to be established within close proximity to a child care centre. The HPS is concerned that such industries adjacent to a future child care centre may pose health risks to vulnerable populations, including developing children.

Please contact Jonathan Chen on (02) 6205 2873 if you require any further information.

Yours Sincerely

  
John Woollard  
Executive Director  
Health Protection Service

*JA* February 2016



**ACT**  
Government  
Education

Re: Mitchell Childcare Centre  
Block 18, Section 11  
Corner Darling & Heffernan Street, MITCHELL, ACT

To whom it may concern

This letter is to advise that Children's Education and Care Assurance (CECA) has made an assessment of the design proposal for the development of an education and care centre at Block 18 Section 11, MITCHELL, ACT.

An officer from CECA has also visited the site at Mitchell for the purpose of assessing the suitability of the location for an education and care centre.

The planning arrangements proposed in the drawings are considered to have met the current regulatory requirements and the proposed arrangement is endorsed in principle.

CECA considers the site to be suitable for the development of an education and care service.

This endorsement is provided for the design as documented on the plans provided, and for the suitability of the location, but 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 6207 1093.

Yours sincerely



Susan Sullivan  
Manager  
Children's Education and Care Assurance  
ACT Education Directorate

3 November 2017



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development



File Ref: 2015/27987

Mr Ryan O'Leary  
SMEC Australia Pty Ltd  
Suite 2, Level 1 243 Northbourne Ave  
Lyneham ACT 2602

Dear Mr O'Leary

**ENDORSEMENT OF CONTAMINATION ASSESSMENT REPORT -  
BLOCK 18 SECTION 11 MITCHELL GUNGAHLIN**

The Environment Protection Authority (EPA) has reviewed the report titled "Block 18 Section 11 Mitchell, ACT Lead Paint Assessment" dated 30 May 2016 by SMEC Australia Pty Ltd.

The EPA has assessed the report and supports the consultant's findings that the soils assessed "do not pose a risk to human receptors" from a contamination perspective and the results of analysis indicate that the paint on the shipping container is considered 'lead free'. The EPA would therefore support the use of the site as a childcare facility.

The works have been generally undertaken to the satisfaction of the EPA in accordance with the Contaminated Sites Environment Protection Policy November 2009 and associated guidelines.

This letter of endorsement must be read in conjunction with the above report.

This should not be taken as a warranty by the Environment Protection Authority or the Territory that the land is fit for any particular purpose.

Yours sincerely



Leesha Pitt  
Delegate, Environment Protection Authority

2 June 2016