

URen, Rachel

From: Davies, Richard
Sent: Thursday, 13 October 2022 3:27 PM
To: Walker, Karen
Cc: Varlow, Trent; Teasdale, Jonathan; Sandeman, Graham
Subject: NOD-202139248-02 - Decision after ACAT remitted DA back to Authority (A38871097)
Attachments: NOD-202139248-02 - Decision after ACAT remitted DA back to Authority.obr

Hi Karen,

Thanks for the chat and update in regards to this DA. As mentioned, I will be discussing this matter with GSO (Susan Lane) shortly but if you could action the following over the next week or so, that would be appreciated:

1. Update the DA Leasing conditions in regards to access and consolidation so the decision accurately reflects the TP requirements etc (in particular the 2000m2 limitation).

Note this will be a new NOD but based on the existing decision. When adding or deleting, please use a new colour (red please) for new text and use strike through (rather than deleting) for text no longer needed.

2. Update the assessment template adding commentary in regards to the Lease Variation Code (noting this isn't actually for that purpose at this time). Please use the same colour and strike through as needed.

I will probably set up a follow up meeting for late next week. Thanks very much for the help.

Regards
Richard

URen, Rachel

From: Walker, Karen
Sent: Monday, 7 November 2022 6:40 PM
To: Oshyer, Aaron
Subject: FW: NOD-202139248-02 - Decision after ACAT remitted DA back to Authority (A38871097)
Attachments: NOD-202139248-02 - Decision after ACAT remitted DA back to Authority.obr

Follow Up Flag: Follow up
Flag Status: Completed

Hi Aaron,

Happy to hear your thoughts and/or additions.

Karen.

Hi Richard,

The proposal under assessment is:

- the construction of a four storey commercial building with basement parking,
- the removal of a verge crossing;
- modified vehicle laneway to the south of block 22; and
- the relocation of services to the east boundary of block 13.

Both blocks 13 and 22 section 22 Kingston lie within the CZ2 business zone. The sites also forms part of the Kingston group centre.

The laneway referred to, being at the south of block 22, is identified as block 33 section 22 Kingston. This is currently unleased land under the custodianship of TCCS.

The verge crossing being removed is the legal access for block 13. It is understood both blocks are to access their respective sites through the vehicle crossing to the west of block 22, to enter the shared basement. The floor plans suggest that the occupiers of block 13 will need to access block 22 to fully utilise all floors of the proposed building.

The design of the building proposed lends itself to consolidation of blocks however on this occasion the commercial zones development code limits the GFA of office to 2000sqm per lease. Consolidation of blocks would result in an approval inconsistent with the territory plan.

The existing crown leases permit various commercial uses. The proposed uses are consistent with these. Neither lease contains any reservation of services.

The Planning and Development Act 2007, at s248, requires the authority to be satisfied that a lease has access to a road or road related area for the life of that lease. In this case the direct access is to be removed from block 13. Satisfying s248 can be achieved through the variation of each lease to include these rights. Due to the nature and design of the basement and building, reciprocal rights should be required in each lease. **If this proposal is to be approved it must be conditional on the leases being varied to include these reciprocal access arrangements.** This will require a new development application for the variation of the leases.

While an assessment against the lease variation general code is not required in this instance, as no lease variation has been proposed, a further development application to vary the crown leases would be subject to assessment against this general code. If a proposal to vary the lease in this manner was submitted under the current legislation the authority would be able to consider the variation. While a thorough assessment would be undertaken at that

time, there appears to be no impediment to a successful outcome. There are no territory plan requirements strictly prohibiting this arrangement.

TCCS have commented that they require an easement, both for the relocated services and for access to those services. While not a leasing matter this can be achieved by the registration of a transfer and grant of easement or easement in gross between the lessee and TCCS. **If the proposal is to be approved conditions requiring this should be included in the decision.**

Happy to discuss further or clarify if needed.

Thanks,
karen.

Karen Walker | Leasing DA

Phone 02 6207 7257 | Fax 02 6207 1856

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URen, Rachel

From: Oshyer, Aaron
Sent: Tuesday, 8 November 2022 9:25 AM
To: Walker, Karen
Subject: RE: NOD-202139248-02 - Decision after ACAT remitted DA back to Authority (A38871097)

OFFICIAL

Hi Karen,

Great work. Please see my minor suggestions in **red text** below.
Happy to discuss further if required.

Cheers,
Aaron

From: Walker, Karen <Karen.Walker@act.gov.au>
Sent: Monday, 7 November 2022 6:40 PM
To: Oshyer, Aaron <Aaron.Oshyer@act.gov.au>
Subject: FW: NOD-202139248-02 - Decision after ACAT remitted DA back to Authority (A38871097)

Hi Aaron,

Happy to hear your thoughts and/or additions.

Karen.

Hi Richard,

The proposal **as per DA202139248 seeks approval for the following:**

- the construction of a four storey commercial building with basement **car** parking,
- the removal of a verge crossing;
- modified vehicle laneway to the south of block 22; and
- the relocation of services to the east **along the** boundary of block 13.

Both blocks 13 and 22 section 22 Kingston lie within the **Commercial** CZ2 business zone. The sites are also **located within** the Kingston Group Centre.

The **vehicle** laneway referred to, being at the south of block 22, is identified as block 33 section 22 Kingston. **Block 33** is currently unleased land under the custodianship of **Transport Canberra and City Services (TCCS)**.

The verge crossing being removed is the legal access for block 13. It is understood both blocks are to access their respective sites through the vehicle crossing to the west of block 22, to enter the shared basement. The floor plans suggest that the occupiers of block 13 will need to access block 22 to fully utilise all floors of the proposed building.

The design of the building proposed lends itself to consolidation of blocks however on this occasion the commercial zones development code limits the GFA of office to 2000sqm per lease. Consolidation of blocks would result in an approval inconsistent with the Territory Plan, **being mandatory Rule R43 of the Commercial Zones Development Code**.

The existing Crown leases permit various commercial uses. The proposed uses are consistent with these. Neither lease contains any reservation of services.

The *Planning and Development Act 2007*, at s248, requires the authority to be satisfied that a lease has access to a road or road related area for the life of that lease. In this case the direct access is to be removed from block 13. Satisfying s248 can be achieved through the variation of each lease to include these rights. Due to the nature and design of the basement and building, reciprocal rights should be required in each lease. **If this proposal is to be approved it must be conditional on the leases being varied to include these reciprocal access arrangements.** This will require a new development application for the variation of the leases.

While an assessment against the lease variation general code is not required in this instance, as no lease variation has been proposed, a further development application to vary the Crown leases would be subject to assessment against this general code. If a proposal to vary the lease in this manner was submitted under the current legislation the authority would be able to consider the variation. While a thorough assessment would be undertaken at that time, there appears to be no impediment to a **supportable** outcome. There are no **apparent** Territory Plan requirements **that would prohibit** this arrangement.

TCCS have commented that they require an easement, both for the relocated services and for access to those services. **This** can be achieved by the registration of a transfer and grant of easement or easement in gross between the lessee and TCCS. **If the proposal is to be approved conditions requiring this should be included in the decision.**

[If the TGE conditions are required for this DA then I recommend we include the wording for the conditions here so they can be inserted into the notice of decision].

Happy to discuss further or clarify if needed.

Thanks,
karen.

Karen Walker | Leasing DA

Phone 02 6207 7257 | Fax 02 6207 1856

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From: [Davies, Richard](#)
To: [Walker, Karen](#)
Cc: [Oshyer, Aaron](#)
Subject: RE: NOD-202139248-02 - Decision after ACAT remitted DA back to Authority (A38871097)
Date: Friday, 11 November 2022 12:25:00 PM

Thanks Karen, I will try to move to a new decision next week. I'll be in touch if needed.
Appreciate your work on this

Richard

From: Walker, Karen <Karen.Walker@act.gov.au>
Sent: Friday, 11 November 2022 12:12 PM
To: Davies, Richard <Richard.Davies@act.gov.au>
Cc: Oshyer, Aaron <Aaron.Oshyer@act.gov.au>
Subject: FW: NOD-202139248-02 - Decision after ACAT remitted DA back to Authority (A38871097)

Hi Richard,

The proposal as per DA202139248 seeks approval for the following:

- the construction of a four storey commercial building with basement car parking,
- the removal of a verge crossing;
- modified vehicle laneway to the south of block 22; and
- the relocation of services to the east along the boundary of block 13.

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The vehicle laneway referred to, being at the south of block 22, is identified as block 33 section 22 Kingston. Block 33 is currently unleased land under the custodianship of Transport Canberra and City Services (TCCS).

The verge crossing being removed is the legal access for block 13. It is understood both blocks are to access their respective sites through the vehicle crossing to the west of block 22, to enter the shared basement. The floor plans suggest that the occupiers of block 13 will need to access block 22 to fully utilise all floors of the proposed building.

The design of the building proposed lends itself to consolidation of blocks however on this occasion the commercial zones development code limits the GFA of office to 2000sqm per lease. Consolidation of blocks would result in an approval inconsistent with the Territory Plan, being mandatory Rule R43 of the Commercial Zones Development Code.

The existing Crown leases permit various commercial uses. The proposed uses are consistent with these. Neither lease contains any reservation of services.

The *Planning and Development Act 2007*, at s248, requires the authority to be satisfied that a lease has access to a road or road related area for the life of that lease. In this case the direct

access is to be removed from block 13. Satisfying s248 can be achieved through the variation of each lease to include these rights. Due to the nature and design of the basement and building, reciprocal rights should be required in each lease. **If this proposal is to be approved it must be conditional on the leases being varied to include these reciprocal access arrangements.** This will require a new development application for the variation of the leases.

While an assessment against the lease variation general code is not required in this instance, as no lease variation has been proposed, a further development application to vary the Crown leases would be subject to assessment against this general code. If a proposal to vary the lease in this manner was submitted under the current legislation the authority would be able to consider the variation. While a thorough assessment would be undertaken at that time, there appears to be no impediment to a supportable outcome. There are no apparent Territory Plan requirements that would prohibit this arrangement.

TCCS have commented that they require an easement, both for the relocated services and for access to those services. This can be achieved by the registration of a transfer and grant of easement or easement in gross between the lessee and TCCS. **If the proposal is to be approved conditions requiring this should be included in the decision.**

Leasing conditions to be included if proposal is to be approved:

1. APPROVAL DOES NOT TO TAKE EFFECT

This approval **does not take effect** until the provisions of the Crown leases for Blocks 13 and 22 Section 22 Division of Kingston are varied to permit the approved development.

Note: The proposed development does not accord with the Planning and Development Act 2007 access requirements for Crown leases, a variation to each lease is required to include reciprocal access arrangements .

2. COMPLIANCE WITH CONDITION – APPROVAL NOT TO TAKE EFFECT

In accordance with Section 184(2)(a) of the *Planning and Development Act 2007*, this approval will end if the lessee has not varied the Crown lease and commenced the approved construction and/or demolition on the site within 24 months of the date of this decision.

TGE conditions to be included if required:

APPROVAL NOT TO TAKE EFFECT - EASEMENTS

1. That the approval does not take effect, except demolition and relocation of services, until the applicant/lessee has prepared and registered, with Access Canberra Land Titles, an Instrument granting an encumbering Transfer and Grant of Easements (TGE) against the Crown lease of block 13 in coordination with Transport Canberra City Services, for the relocated services.

At a minimum, the TGEs shall address the location and access requirements for services on the site.

Happy to discuss further or clarify if needed.

Thanks,
Karen.

Karen Walker | Leasing DA

Phone 02 6207 7257 | Fax 02 6207 1856

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From: [Walker, Karen](#)
To: [Davies, Richard](#)
Cc: [Oshyer, Aaron](#)
Subject: FW: NOD-202139248-02 - Decision after ACAT remitted DA back to Authority (A38871097)
Date: Friday, 11 November 2022 12:11:37 PM

Hi Richard,

The proposal as per DA202139248 seeks approval for the following:

- the construction of a four storey commercial building with basement car parking,
- the removal of a verge crossing;
- modified vehicle laneway to the south of block 22; and
- the relocation of services to the east along the boundary of block 13.

Both blocks 13 and 22 section 22 Kingston lie within the Commercial CZ2 business zone. The sites are also located within the Kingston Group Centre.

The vehicle laneway referred to, being at the south of block 22, is identified as block 33 section 22 Kingston. Block 33 is currently unleased land under the custodianship of Transport Canberra and City Services (TCCS).

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that would prohibit this arrangement.

TCCS have commented that they require an easement, both for the relocated services and for access to those services. This can be achieved by the registration of a transfer and grant of easement or easement in gross between the lessee and TCCS. **If the proposal is to be approved conditions requiring this should be included in the decision.**

Leasing conditions to be included if proposal is to be approved:

1. **APPROVAL DOES NOT TO TAKE EFFECT**

This approval **does not take effect** until the provisions of the Crown leases for Blocks 13 and 22 Section 22 Division of Kingston are varied to permit the approved development.

Note: The proposed development does not accord with the Planning and Development Act 2007 access requirements for Crown leases, a variation to each lease is required to include reciprocal access arrangements .

2. **COMPLIANCE WITH CONDITION – APPROVAL NOT TO TAKE EFFECT**

In accordance with Section 184(2)(a) of the *Planning and Development Act 2007*, this approval will end if the lessee has not varied the Crown lease and commenced the approved construction and/or demolition on the site within 24 months of the date of this decision.

TGE conditions to be included if required:

APPROVAL NOT TO TAKE EFFECT - EASEMENTS

1. That the approval does not take effect, except demolition and relocation of services, until the applicant/lessee has prepared and registered, with Access Canberra Land Titles, an Instrument granting an encumbering Transfer and Grant of Easements (TGE) against the Crown lease of block 13 in coordination with Transport Canberra City Services, for the relocated services.

At a minimum, the TGEs shall address the location and access requirements for services on the site.

Happy to discuss further or clarify if needed.

Thanks,
Karen.

Karen Walker | Leasing DA

Phone 02 6207 7257 | Fax 02 6207 1856

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480 Northbourne Ave, Dickson | GPO Box 158 Canberra ACT 2602 | www.planning.act.gov.au

URen, Rachel

From: Davies, Richard
Sent: Tuesday, 29 November 2022 10:00 AM
To: Walker, Karen
Cc: Oshyer, Aaron
Subject: NOD-202139248-02 - Decision after ACAT remitted DA back to Authority (A38871097)
Attachments: NOD-202139248-02 - Decision after ACAT remitted DA back to Authority.obr

Follow Up Flag: Follow up
Flag Status: Completed

Hi Karen & Aaron

Thanks for sending through the advice and recommended conditions for this ongoing DA. I have slightly adjusted the recommended conditions as attached. Could we discuss before I move towards final review and completion/decision.

Thanks
Richard



ACT

Government

Environment, Planning and
Sustainable Development

NOTICE OF DECISION

Made under part 7 of the *Planning and Development Act 2007*

I, Richard Davies, delegate of the planning and land authority, pursuant to section 162 of the *Planning and Development Act 2007*, **approve subject to conditions** the proposal for

- demolition of on-site buildings, pavements and structures;
- construction of a new four-storey commercial building with basement carparking, end of trip facilities,
- landscaping, surface car parking and off-site works for verge crossing removal and new vehicle access to the rear (southern) laneway; and
- associated works,

in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number: 202139248
Block: 13 and 22
Section: 22
Suburb: KINGSTON
Assessment track: Merit

This decision contains the following information:

PART A – conditions of approval
PART B – reasons for the Decision
PART C – public notification & entity advice
Attachment 1 – administrative information
Copies of Entity advice – as attached

A copy of the development application and this approval may be inspected at the planning and land authority's office from 9:00 am to 4.00 pm, Monday to Friday at 480 Northbourne Avenue, Dickson, ACT 2602

CONTACT / ENQUIRIES

Phone: (02) 620 52888

Online Form:

https://www.accesscanberra.act.gov.au/app/forms/epd_feedback

Richard Davies

Delegate of the ACT
planning and land authority
2 December 2022

This Notice of Decision of the planning and land authority substitutes the previous 22 June 2022 decision.

NOTICE OF DECISION

DA 202139248

PART A – CONDITIONS OF APPROVAL

Please note that this approval includes leasing requirements.

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

GENERAL CONDITIONS

1. APPROVAL DOES NOT TO TAKE EFFECT

This approval **does not take effect** until the provisions of the Crown leases for Blocks 13 and 22 Section 22 Division of Kingston are varied to permit the approved development.

Note: The proposed development does not accord with the Planning and Development Act 2007 access requirements for Crown leases, a variation to each lease is required to include reciprocal access arrangements.

2. APPROVAL NOT TO TAKE EFFECT - EASEMENTS

That the approval does not take effect, until the applicant/lessee has prepared and registered, with Access Canberra Land Titles, an Instrument granting an encumbering Transfer and Grant of Easements (TGE) against the Crown lease of block 13 Section 22 Division of Kingston in coordination with Transport Canberra City Services, for the relocated services.

At a minimum, the TGEs shall address the location and access requirements for services on the site.

3. TIME TO COMPLY WITH CONDITION 1 AND 2 AND TO COMMENCE CONSTRUCTION

In accordance with Section 184(2)(a) of the *Planning and Development Act 2007*, this approval will end if the lessee has not varied the Crown leases and commenced the approved construction and/or demolition on the site within 36 months of the date of this decision.

Note: The date of the decision and therefore the date the approval will end, may change if reviewed by the ACAT.

*Prior to commencement, including any demolition, the some conditions below must be satisfied:
Eg. Compliance with EPA and ACT Heritage requirements,*

4. COMPLETION OF DEVELOPMENT

This development must be finished (completed) within **three years** from the date when it started, or within such further time as approved in writing by the planning and land authority.

Note: The planning and land authority may only extend the time to finish the development if an application, to extend the time to finish the development, is made prior to when the development has to be finished – refer to section 184(3) of the Planning and Development Act 2007.

NOTICE OF DECISION

DA 202139248

CONDITIONS RELATING TO DESIGN AND SITING and ENTITY REQUIREMENTS

5. ENVIRONMENT PROTECTION AUTHORITY (EPA)

The development shall comply with the following conditions to the satisfaction of the EPA:

- a) The building at Block 13 Section 22 Kingston was built in May 1951. The building is zoned for commercial use. In line with the EPP there is a requirement that a Hazardous Materials Survey and report accompany any demolition of such a building constructed before 1985.
- b) PRIOR TO COMMENCEMENT OF ANY WORKS under this approval, a Hazardous Materials Survey and Report conducted by a suitably qualified consultant must be submitted to and approved/endorsed by the EPA.
- c) All works must be carried out in accordance with *Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011*, available by calling 13 22 81. This includes restrictions on building times, site management and certain activities associated with development works. Note: as the site is larger than 0.3h, an environmental agreement must be obtained for the works.

6. EVOENERGY (Electricity) – WORKS NOT TO COMMENCE

- a) No construction works, with the exception of demolition and excavation, in relation to this development approval is to commence until the lessee/applicant has obtained a Statement of Acceptance from EvoEnergy (Electricity) in relation to networks and submit the Statement of Acceptance to the planning and land authority as satisfying this condition of approval under s165 of the Planning and Development Act 2007.
- b) The lessee/applicant must address and comply with any additional conditions imposed by EvoEnergy (Electricity).

Note: Any substantial changes to the development required for utility services compliance will need to be submitted for the consideration of the planning and land authority with an application to amend the approval under Section 197 of the Planning and Development Act 2007.

7. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

The development shall comply with the following conditions to the satisfaction of TCCS:

VERGE CROSSING

- a) The new industrial verge crossing must be constructed in accordance with TCCS Design Standards.
- b) The levels on the verge must not be altered as a result of the new constructed verge crossing.
- c) Stormwater sumps must be a minimum distance must be 1.2m.
- d) Any infrastructure assets such as street signage, lighting, mini-pillars, etc must be a minimum of 1.5m away from the closest edge of the verge crossing.

VERGE

- e) A Landscape Management and Protection Plan and a dilapidation report for all Government Assets adjacent to the site must be submitted to the Development Review and Coordination, TCCS, prior to commencement and on completion of the work.

NOTICE OF DECISION

DA 202139248

URBAN TREESCAPES

The following items still need to be addressed at the Design Review stage:

- f) Notation for the removal of the Water Tie in front of B13, should read make redundant/grout/close off and not 'remove'.
- g) Also, the heavily shaded canopy is in excess of an allowable amount of pruning, however, I believe that these trees don't in fact overhang to the extent that they appear to in this plan.

PEDESTRIAN NETWORK

- h) The pedestrian footpath must take precedence over the verge crossing.
- i) Since pedestrian access will not be provided in front of the site pedestrians will need to be redirected to get around as shown by the TTM and resubmitted at the Design Review stage.

STORMWATER

The proposal is supported in principle; however, the following conditions will still need to be addressed/considered:

- j) All new stormwater assets including SW manholes and pipes must be designed and constructed in accordance with TCCS requirements and resubmitted at the Design Review stage.
- k) As per our previous comments attached the depth of the ground cover over to the existing stormwater pipe within the easement must not be less than 600mm.
- l) The 4.3m access corridor to the stormwater easement and pipes is accessible from both the front and the rear of the block.
- m) The four storey commercial building in close proximity to the stormwater easement must be constructed in accordance with TCCS Guidelines for Construction in the Vicinity of a Stormwater Easement.
- n) Structural certification signed by a chartered structural engineer must be provided, stating that building foundations will not impose adverse loads on the stormwater pipe and that possible future trench excavations required to expose the pipes will not adversely affect the stability of the structure and/or other utilities but especially TCCS' stormwater pipe.

WASTE

- o) The waste is supported as per Pre-DA Endorsement through the use of rear loading trucks for both waste and recycling.
- p) All waste must be stored, transferred and collected onsite for all commercial developments by a private contractor.
- q) All waste vehicles must enter and exit the site in a forward direction as shown by the Truck Turning Templates (TTT) and resubmitted at the Design Review stage.
- r) The waste must be collected outside peak times and business hours as much as possible so that the entry and egress of the truck is not conflicting with other vehicles coming to work or going home.
- s) As this is a commercial development smaller (than the standard 10.5m for waste and 10.4m for recycling) rear loading trucks may be used if considered more convenient.

TRAFFIC & PARKING

- t) TCCS conditionally supports this development given that the proponent provides a desktop review of parking utilisation within 400m of the site based aerial images. This is noting that

NOTICE OF DECISION

DA 202139248

there are 99 spaces provided onsite (94 in the basement levels and 5 on the ground floor) and 140 spaces are required as per the ACT Parking and Vehicular Access General Code.

- u) TCCS also supports the entry/egress arrangements from a traffic perspective and is also satisfied with the SIDRA traffic analysis undertaken.

TRAFFIC CONTROL DEVICE PLAN

- v) A Traffic Control Device (TCD) Plan must be prepared incorporating the line marking and parking sign changes as the first front parking bay needs to be removed in order to accommodate the new verge crossing off Giles Street and it must be submitted at the Design Review stage.
- w) Furthermore, if the removed parking bay can be replaced elsewhere in the vicinity this must be explored.

TCCS Standard Conditions also are also attached to this Notice of Decision and as applicable are to be complied with. See attached.

8. ACT HERITAGE COUNCIL (THE COUNCIL)

The development shall comply with the following conditions to the satisfaction of the Council:

- a) An engineering assessment of proposed excavation works within Blocks 13 and 22 Section 22 Kingston, and their potential effects on the Kingston Post Office, is to be submitted to the Council. This assessment must also set out:
 - i. Engineering controls to be adopted during excavation works to ensure the structural stability of the Kingston Post Office; and
 - ii. The appropriate vibration monitoring regime to be implemented during excavation and construction works.
- b) The above report is to be endorsed by the Council prior to the commencement of any Blocks 13 and 22 Section 22 Kingston.

A copy of the Heritage advice is attached for assistance.

9. COMPLIANCE WITH ENTITY REQUIREMENTS

The development must satisfy the requirements of the following entities as stated in each of their advice.

- Icon Water;
- Jemena (Gas);
- Emergency Services Authority (ESA);

Copies of advice from the relevant entities are attached to the Notice of Decision and are relevant to this condition.

Note: Other entity advice have specific conditions imposed in this Notice of Decision.

10. ACCESSIBILITY

The recommendations and commitments made within the Access report prepared by "Accessed." dated 06/09/21 shall be implemented during the building approval and construction stages unless updated through subsequent detailed approvals.

NOTICE OF DECISION

DA 202139248

11. PRIVACY

Privacy screening shall proceed as per the "Privacy Detail Section" plan, DA310 dated September 2021 or as otherwise approved by the planning and land authority. The screen dimensions shall be the minimum measurement for the screen as measured from the finished floor level. The vertical distance shall be provided to ensure sight lines minimising privacy impacts (to adjacent residential uses) are achieved as per this approved plan.

12. SIGHTLINE

The mature height of plants and any structures within a right triangle formed on each side of the driveway, with dimensions of 2m along the front boundary and 2.5m from the front boundary along the edge of the driveway, shall not exceed 700mm (to comply with AS 2890.1).

13. WASTE MANAGEMENT – DURING CONSTRUCTION PHASE

All building waste is to be stored on the site in suitable receptacles and collected regularly. The lessee is to take all reasonable steps to ensure that waste, particularly wind-borne litter, does not affect adjoining or adjacent properties.

ADVISORY NOTES

1. SIGNAGE

- a) This development application does not include an assessment of any proposed signage. Any proposed signage (that does not meet the DA exemption requirements – refer to Schedule 1 of the *Planning & Development Regulations 2008*) at the site must be the subject of a separate DA for approval by planning and land authority.
- b) Any temporary (and exempt) signage installed at the site, including advertising signage and hoarding, should comply with the Australian Association of National Advertisers (AANA) Code of Ethics and the ACT Government's Hoarding Signage Advertising Guidelines available online at <https://www.planning.act.gov.au/build-buy-renovate/for-industry/industry-resources/hoarding-signage-guidelines>

2. ENVIRONMENT PROTECTION AUTHORITY ADVICE

Noise from equipment which may be installed or used at the site, including air conditioning units, must comply with the noise standard at the block boundary at all times as per the *Environment Protection Regulation 2005*. Please consider the type and location of noise generating equipment prior to installation. Written assurance should be sought from the supplier/installer of the equipment that it complies with the Noise Zone Standard as per the *Environment Protection Regulation, 2005*.

For further information please contact the Environment Protection Authority Planning Liaison at EPAPLanningLiaison@act.gov.au or on 02 6207 5642.

NOTICE OF DECISION

DA 202139248

PART B – REASONS FOR THE DECISION

EVIDENCE

The following evidence formed part of the assessment of this application:

Development Application:	202139248 incorporating S144B/C.
Territory Plan Zones:	CZ2 Business zone
Development Codes:	Commercial Zones Development Code
Precinct Code:	Kingston Precinct Map and Code
General Codes:	Parking and Vehicle Access, Bicycle Parking, Access and Mobility, Crime Prevention through Environmental Design, Access and Mobility General Codes.
Crown Lease:	Block 13 Section 22 Kingston Vol 2426 : Fol 14 Block 22 Section 22 Kingston Vol 1734: Fol 83
Legislative requirements:	the <i>Planning and Development Act 2007</i> in particular sections 119 and 120
Representations and Entity advice:	As addressed in PART C of this Decision

PART A and PART C provide further details and considerations informing the reasons for the decision.

REASONS

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 rules and criteria of the Territory Plan and section 120 of the *Planning and Development Act 2007 (Act)*.

The main issues identified during the assessment were:

- The development meeting the Territory Plan requirements, in particular the *Kingston Precinct Map and Code*, the *Commercial Zones Development Code* and relevant *General Codes*;
- Entity advice. Conditions have been imposed generally consistent with the advice from Entities who provided advice in response to referrals from the Authority. See conditions and further commentary in regard to entity advice below in Part C.
- Issue raised in representations – Refer to further comments below in PART C.

A request for further information was sent to the applicant requesting further details for Territory Plan requirements in particular the *Kingston Precinct Map and Code*, the *Commercial Zones Development Code*, the *Parking and Vehicle Access General Code* as well as entity advice. The applicant provided an application under section 144 of the Act in response, amending the proposed development. This decision is based on the amended proposal. Note further commentary below in PART C.

The objectives of the *CZ2 Business* zone have been considered. In general, the assessment found the development was not inconsistent with the zone objectives and the proposed commercial development and use is considered an anticipated development for the site.

Significantly, this development occurs at the zone boundary ie the site is zoned CZ2 and in part, the site adjoins the *RZ5 High Density Residential* zone. While the adjacent residential land and its objectives have been considered, the zone objectives of the *CZ2 Business* zone are considered to be given more weight as the relevant zone for the subject development site.

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While a thorough Territory Plan assessment was undertaken, the issues of bulk and scale, building height, overshadowing, use and impacts to the development's surrounds in particular were considered against the Territory Plan and Section 120 of the Act. Impacts will occur to the surrounds but are of a scale and nature reasonably expected for the zone, the site and the locality.

Consideration was given to a condition to reduce the 'rear' and upper floors which would have minimised the overshadowing from the development, however noting the zonings and Territory Plan provisions, this was not considered required.

Where required, conditions have been imposed in regards the issues identified during assessment to ensure the development satisfies the Territory Plan, addresses assessment issues including relevant entity advice and generally follows standard process and practices.

In summary, the development is a permissible development with impacts at a scale commensurate for the zone, site and surrounds.

DA 202139248 & ACAT

Development application 202139248 was approved by the Authority on 22 June 2022. The Authority's decision was subject of 'third party' applications (AT 51, 52, 53, 54, 56 and 57/2022) for review. On 21 September 2022, the ACT Civil and Administrative Tribunal (ACAT) set aside the Authority's 22 June 2022 decision and remitted the application to the Authority for reconsideration according to law.

The DA was not amended, nor was a S141 information application received by the Authority since the Authority's 22 June 2022 decision. The DA was reassessed in particular how the previous conditions and development would be consistent with the Commercial Zones Development Code. New conditions in regards to the Crown Lease and easements have been imposed compared to the 22 June 2022 decision. Consideration against the and Lease Variation General Code was included in making this new decision. No Territory Plan provisions have been identified which would prohibit this development of being capable of achieving compliance with the LVGC in a future application as required in conditions of this decision.

As advised on the front page, this Notice of Decision is the Authority's decision of DA 202139248 and substitutes the previous Authority's 22 June 2022 decision.

PART C – PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was initially publicly notified from 14 October 2021 to 3 November 2022. This was changed to commence from 25 October 2021 to 12 November 2021. 105 written representations were received during combined public notification period. It is noted an additional 4 late representations were also received. One representation was subsequently withdrawn.

The issues raised in the representations were considered in the assessment and making of the decision for this development application. In summary, the main issues raised were as follows:

- Building height, desired character, suitability, appearance/visual impacts, building setbacks;
- Impacts on the surrounding residential developments and occupants;
- Noise;
- Overshadowing and solar access;
- Privacy impacts;
- Heritage issues;
- Compliance with zoning, objectives and Territory Plan requirements;

NOTICE OF DECISION

DA 202139248

- Overdevelopment, Plot ratio, setting future development precedent,
- Ministerial interest;
- Easements;
- Landscaping;
- Environmental impact; trees; Air pollution;
- Smoking impacts;
- Encroachment
- DA information errors/misrepresentation;
- Traffic impacts and parking issues;
- Contribution to community/social amenity;
- Wind assessments/issues;
- Waste and delivery access issues;
- Commercial need;
- Consultation insufficient; and
- DA process including conflict of interest issues.

The nature of the representations can be summarised further into three main groups and commented as follows:

DA process.

The DA has been lodged and assessed consistent with the *Planning and Development Act 2007*. There have not been any procedural issues or deficiencies identified to prevent this DA proceeding to decision.

Zoning/permissibility and general concern for the new use.

The subject site is zoned *CZ2 Business Zone* and many of the issues raised are considered potential forward planning issues which may eventuate with any permissible commercial activity or with the re-development of the site and more generally for such uses.

While the zoning does not provide unlimited development opportunities of such uses, the specifics of this DA/development have been assessed as capable of approval. Objection to the impacts for a permissible use (separate to that of scale or similar) are broader planning issues which for the most part have been established through the zones and permissible uses of the Territory Plan.

Territory Plan and assessment elements.

As noted above, the DA has been assessed as meeting the Territory Plan requirements. Similarly other legislative assessment requirements have been undertaken and concluded the development can be approved (subject to conditions).

Note in particular the paragraph of Part B above in regard to the representations. Entity advice has also been carefully considered in regard to some of the representation issues.

S144A Further Information / Amendment:

In response to the Authority's request for further information, an amendment to the proposal was lodged with the authority on 20 April 2022. The S144 included clarification of the uses, some internal amendments and further information including responses to Territory Plan assessment items and entity advice. The amended application was not publicly notified.

Pursuant to section 146(3) of the Act, the planning and land authority considered that no-one other than the applicant will be adversely affected by the amendments and the revised proposal would not increase the environmental impact. Consequently, the Authority waived the requirement to publicly notify the amended application.

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DA 202139248

ENTITY ADVICE and REQUIREMENTS

Pursuant to Division 7.3.3 of the *Planning and Development Act*, the application was referred to the entities below. Where an entity requested conditions to be imposed on this development, those conditions have been incorporated into **PART A** of this Decision.

A summary of entity comments can be found below.

1. ENVIRONMENTAL PROTECTION AUTHORITY (EPA)

EPA provided advice stating that the proposal was not supported but also advised the development could be supported with recommended conditions. The recommended conditions and advice have been imposed in this decision consistent with the EPA advice.

Please refer to PART A for conditions and advisory notes consistent with the EPA advice.

2. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

TCCS provided advice stating that the proposal is supported subject to conditions.

Please refer to Part A for conditions consistent with the TCCS advice.

3. CONSERVATOR OF FLORA AND FAUNA (TREE PROTECTION UNIT) (the Conservator)

The Conservator provided advice stating that the development was not supported. The advice further advised:

*The development application is not supported as the proposal stipulates the removal of a Regulated Tree (**Quercus robur**) that is located in the carpark of a neighbouring block – Block 33 Section 22 Kingston. This tree has a proposed basement cut to the base of the trunk. This tree is a tree of medium/high quality and meets no removal criteria under the Tree Protection ACT 2005. This tree's future will need to be considered by the Design Review Panel on developmental grounds. Tree Protection preference would be basement reconfiguration to allow for the retainment of this tree.*

*There is also a Regulated (**Eucalyptus elata**) located on Block 19 Section 22 Kingston however this tree does not appear to be affected by the proposal. The remainder of this proposal poses no tree issue.*

The advice of the Conservator has been considered. In particular it is noted that the tree causing the non-support is located on unleased land (Block 33, Section 22) with TCCS as the land custodian. As such the subject tree is not considered to be subject to the provisions of the *Tree Protection Act 2005*. Rather TCCS is considered to be the appropriate entity to advise on the particular tree. It would therefore appear the above advice in relation to Block 33 Section 22 is made in error. It is also noted this has not been raised by TCCS as an issue.

While noting the above, this decision could be considered inconsistent with advice from an entity and therefore Section 119 of the *Planning and Development Act 2007* has been considered for departing from the Conservator's advice for the tree removal on 'developmental grounds'. This includes that the tree is located in the middle of the block's connection point to the rear lane and a likely vehicle path for any re-development connecting to the rear lane, and also required for service access, including for waste removal for services access. The tree removal is considered reasonable and is supported noting the Conservator's advice.

This development approval has been given having regard to the relevant considerations under Section 119(2) of the *Planning and Development Act 2007*.

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4. ACT HERITAGE COUNCIL (the Council)

The Council provided advice stating that the proposal is supported. A condition has been imposed consistent with the advice from the Council.

A copy of the Council's advice is attached to this Notice of Decision.

Refer to PART A for conditions regarding compliance with entity advice.

5. ACT EMERGENCY SERVICES AGENCY (ACTESA)

The ACTESA provided advice stating that the proposal is supported subject to conditions / advice.

A condition requiring the development to satisfy relevant entity requirements has been imposed in PART A.

A copy of the ESA advice is attached to this Notice of Decision.

6. ICON WATER

Icon Water provided advice for the DA stating that the proposal is not supported. The applicant's S144 application was also referred to Icon Water who advised the amended DA information was supported.

A condition requiring the development to satisfy relevant entity requirements has been imposed in PART A.

A copy of the Icon Water advice is attached to this Notice of Decision.

7. EVOENERGY (ELECTRICITY)

EvoEnergy (Electricity) provided advice stating that the proposal is not supported. A condition requiring the developer to obtain endorsement from EvoEnergy prior to commencement of construction works has been imposed in this decision. The development will therefore proceed consistent with the Evoenergy (Electricity) requirements as conditioned.

A copy of the Evoenergy advice is attached to this Notice of Decision.

8. EVOENERGY (GAS)

EvoEnergy (Gas) provided advice stating that the proposal is supported subject to conditions.

A condition requiring the development to satisfy relevant entity requirements has been imposed in PART A.

A copy of the EvoEnergy (Gas) advice is attached to this Notice of Decision.

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ATTACHMENT 1

ADMINISTRATIVE INFORMATION RELATING TO NOTICE OF DECISION

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 may also 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 184 of the *Planning and Development Act 2007* ([Act](#)), this approval will expire if:

- the development or any stage of the development is not started within three years after the day the approval takes effect;
- the development is not finished three years after the day the development begins; or
- the development approval relates to land comprised in a lease that requires the development to be completed on a stated date – the date stated in the lease for completion of the development, or the approval is revoked pursuant to section 189 of the Act.

Under section 184 of the Act, the applicant may apply to the planning and land authority to extend the prescribed period to finish the development, but such an application must be made within the original period specified for completion.

A development approval, to which section 184 of the Act applies, continues unless the approval ends under sections 184, 185, 186 or 187 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, Planning and Sustainable Development Directorate Dickson Customer Service Centre at 480 Northbourne Avenue, Dickson, ACT.

Submission of revised drawings or documentation

If a condition of approval requires the applicant to lodge revised drawings and / or documentation with the planning and land authority for approval pursuant to section 165 of the Act, the submission must be made by completing an application in e-development.

Reconsideration of the Decision

If the DA applicant is not satisfied with the decision made by the planning and land authority, they are entitled to apply to the planning and land authority for reconsideration within 20 working days of being told of this decision pursuant to section 191 of the Act. A longer timeframe may apply only if granted in writing by the planning and land authority pursuant to section 184 of the Act.

More information is available online at <https://www.planning.act.gov.au/build-buy-renovate/build-buy-or-renovate/approvals/development-applications/appeal-a-da-decision>.

Please contact Access Canberra Customer Services if you wish to lodge a reconsideration application.

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Review by the ACT Civil and Administrative Tribunal (ACAT)

1. Decisions that are reviewable (sometimes referred to as appeals) by the ACAT are identified in Schedule 1 of the [Act](#), except for matters that are exempted under Schedule 3 of the [Planning and Development Regulation 2008](#) (matters exempt from third party review).
2. The notice of decision and this advice have been sent to all people who made a representation in relation to the application.
3. The ACAT is an independent body. It can review a large number of decisions made by ACT Government ministers, officials and statutory authorities on their merits. 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.
4. More information on appeal rights is available online at <https://www.planning.act.gov.au/build-buy-renovate/build-buy-or-renovate/approvals/development-applications/appeal-a-da-decision>.
5. The ability to review the Authority's decision is a matter of law. **If** you think you have a right of review, you may apply to the ACAT for a review of the decision. Application forms can be obtained from the ACAT at the website listed below. You can also download the form from the ACT Legislation Register. It is recommended you seek independent advice in regards to such reviews eg a legal practitioner.
6. If you are applying on behalf of an organisation or association, 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.
7. 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*; and rule 38 of the *ACT Civil and Administrative Tribunal Procedures Rules 2020*).
8. 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. Applications should be made in writing to: the Director General, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. You can ask the ACAT for more details.
9. 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.
10. The following organisations may be able to provide you with advice and assistance if you are eligible:
 - ACT Law Society, telephone 6274 0300ACT
 - Legal Aid Office, telephone 1300 654 314
 - ACT Council of the Ageing, telephone 02 6154 9740
 - Welfare Rights Centre, telephone 1800 226 028
 - Environmental Defender's Office (ACT), telephone 02 6243 3460.
11. 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 in the circumstances specified in s 48 of the *ACT Civil and Administrative Tribunal Act 2008*. 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.

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12. You may apply for access to any documents you consider relevant to this decision under the *ACT Freedom of Information Act 2016*. Information about Freedom of information requests is available on the planning and land authority's web site at <https://www.environment.act.gov.au/about/access-government-information> or by contacting us by phone on 02 6207 1923.
13. 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.
14. AT 51, 52, 53, 54, 56 and 57/2022 for review of the Authority's previous decision dated 22 June 2022 are considered by the Authority to have been concluded with the ACAT's orders dated 21 September 2022. Whilst a matter for the ACAT, it appears that any review of this decision dated 30 November 2022 will require a new application for review to be made to the ACAT.

Review by the ACT Supreme Court

1. The Authority's decision may also be subject to judicial review by the ACT Supreme Court under the *Administrative Decisions (Judicial Review) Act 1989* (ADJR Act).
2. Under the ADJR Act, an *eligible person* may make an application for review of a decision.
3. An *eligible person* must demonstrate that their interests are adversely affected by the decision and that the application raises a significant issue of public importance.
4. Section 5 of the ADJR Act sets out the grounds on which a decision can be reviewed.
5. The time limit to make an application for review is 28 days from the date the Notice of Decision is provided to the applicant and those people who made a representation.
6. The ACT Supreme Court is a costs jurisdiction where costs generally follow the event. This means that the unsuccessful party is required to pay the costs of the successful party.
7. For more information on ACT Supreme Court processes and fees, please visit <https://courts.act.gov.au/home>.

Other approvals

A notice of decision under the *Planning and Development Act 2007* grants development approval only. Other approvals may be required, including:

1. **Building Approval**
Most building work requires building approval under the *Building Act 2004* to ensure it complies with building laws such as the *Building Code of Australia*. The lessee should engage a private building certifier to determine whether building approval is required and assess and approve the building plans before construction commences. A list of certifiers can be obtained from the [Environment, Planning and Sustainable Development Directorate](#).
2. **Tree damaging activity approval**
A Tree Management Plan under the *Tree Protection Act 2005* is required for approval where it is proposed to undertake groundwork within the tree protection zone of a protected tree or likely to cause damage to, or remove, any trees defined as protected trees by that Act. More information is available from the Transport Canberra and City Services Directorate at <https://www.tccs.act.gov.au/city-living/trees>.
3. **Use of verges or other unleased Territory Land**
In accordance with the *Public Unleased Land Act 2013*, road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials

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or waste, without prior approval of the Territory. More information is available from the Transport Canberra and City Services Directorate at https://www.tccs.act.gov.au/city-living/public_land_use.

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4. Works on unleased Territory Land

In accordance with the *Public Unleased Land Act 2013*, no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval must be obtained from the Senior Manager, Place Coordination and Planning, Transport Canberra and City Services Directorate by way of:

- (a) a certificate of design acceptance prior to the commencement of any work; and
- (b) a certificate of operational acceptance on completion of all works to be handed over to TCCS.

Works on unleased Territory land may include the construction or upgrading of driveway verge crossings, public footpaths, roads, street lighting, stormwater works, waste collection amenities, street signs and line marking, road furniture and landscaping.

Contact details for relevant agencies

<p>ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601 GPO Box 370, CANBERRA, ACT 2601</p>	<p>www.acat.act.gov.au tribunal@act.gov.au 02 6207 1740 02 6205 4855 (Fax)</p>
<p>ACT Supreme Court 4-6 Knowles Place, CANBERRA CITY ACT 2601 GPO Box 1548, CANBERRA CITY, ACT 2601</p>	<p>www.courts.act.gov.au 02 6205 0000</p>
<p>Environment, Planning and Sustainable Development Directorate 480 Northbourne Avenue DICKSON ACT 2602 GPO Box 158, CANBERRA 2601</p> <ul style="list-style-type: none"> • <i>Planning and land authority</i> <ul style="list-style-type: none"> - list of certifiers for building approval - demolition information - asbestos information • <i>Environment Protection Authority</i> <ul style="list-style-type: none"> - environment protection - water resources - Conservation, Planning and Research - threatened species/wildlife management • <i>WorkSafe ACT</i> <ul style="list-style-type: none"> - asbestos information • <i>ACT Heritage Council</i> <ul style="list-style-type: none"> - Aboriginal, historic and natural heritage management • <i>Tree Protection Unit</i> <ul style="list-style-type: none"> - <i>Development Applications (DA) issue:</i> - <i>Tree Damaging Activity Applications (TDAA) issue:</i> 	<p>www.planning.act.gov.au 02 6207 1923</p> <p>EPAPanningLiaison@act.gov.au 6207 5642</p> <p>worksafe@worksafe.act.gov.au 132 281</p> <p>www.environment.act.gov.au 132 281</p> <p>TCCS.TreeProtectionACTPLARef@act.gov.au</p> <p>TCCS.TreeProtection@Act.gov.au</p>
<p>Transport Canberra and City Services</p> <ul style="list-style-type: none"> • landscape management and protection plan 	<p>www.tccs.act.gov.au 132 281</p>

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DA 202139248

approval • use of verges or other unleased Territory land • works on unleased Territory land - design acceptance • driveway inspections or building applications • damage to public assets	02 6207 0019 (development coordination) tccs.dcdevelopmentcoordination@act.gov.au
Health Directorate	www.health.act.gov.au hps@act.gov.au 02 5124 9700
Education Directorate	www.education.act.gov.au 02 6205 5429
Utilities • Telstra (networks) • TransACT (networks) • Icon Water • Electricity reticulation	02 8576 9799 02 6229 8000 02 6248 3111 02 6293 5749

Translation and interpretation services

The ACT Government's translation and interpreter service runs 24 hours a day, every day of the week by calling 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-għajjnuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	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

URen, Rachel

From: Weller, Craig
Sent: Tuesday, 29 November 2022 2:24 PM
To: Teasdale, Jonathan
Cc: McDonald, Anika; Oshyer, Aaron
Subject: RE: ESPDD / Geocon Meeting

OFFICIAL

Thanks Jonathan, Aaron – that was helpful.

Cheers
Craig

From: Teasdale, Jonathan <Jonathan.Teasdale@act.gov.au>
Sent: Tuesday, 29 November 2022 1:30 PM
To: Weller, Craig <Craig.Weller@act.gov.au>
Cc: McDonald, Anika <Anika.McDonald@act.gov.au>; Oshyer, Aaron <Aaron.Oshyer@act.gov.au>
Subject: FW: ESPDD / Geocon Meeting

OFFICIAL

Here you go Craig

Aaron, thanks for the update.

JT

From: Oshyer, Aaron <Aaron.Oshyer@act.gov.au>
Sent: Tuesday, 29 November 2022 1:27 PM
To: Teasdale, Jonathan <Jonathan.Teasdale@act.gov.au>
Cc: Walker, Karen <Karen.Walker@act.gov.au>; Tankey, Lyn <Lyn.Tankey@act.gov.au>
Subject: RE: ESPDD / Geocon Meeting


OFFICIAL

Hi Jonathan,

The following is our input:

- Giles Street - DA 202139248
- ACAT (Update NOD)
 - **Provided our final comments on the updated NOD condition today to Richard Davies.**





Kind regards,

Aaron Oshyer | Director Leasing Administration

Phone 02 6205 8394 | Email: aaron.oshyer@act.gov.au

Statutory Planning | Environment, Planning and Sustainable Development Directorate | ACT Government

Level 1, 480 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: Teasdale, Jonathan <Jonathan.Teasdale@act.gov.au>

Sent: Tuesday, 29 November 2022 11:15 AM

To: Oshyer, Aaron <Aaron.Oshyer@act.gov.au>; Walker, Karen <Karen.Walker@act.gov.au>; Tankey, Lyn <Lyn.Tankey@act.gov.au>

Subject: FW: ESPDD / Geocon Meeting

Importance: High

OFFICIAL

Sorry, here's the agenda that I need an update on please, thanks

From: McDonald, Anika <Anika.McDonald@act.gov.au>

Sent: Tuesday, 29 November 2022 11:13 AM

To: Weller, Craig <Craig.Weller@act.gov.au>; Teasdale, Jonathan <Jonathan.Teasdale@act.gov.au>; Davies, Richard <Richard.Davies@act.gov.au>

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

Subject: FW: ESPDD / Geocon Meeting

Importance: High

OFFICIAL

Hi Team,

I missed this one – slight agenda update for today's afternoon meeting.

Thanks.

Kind regards,

Anika McDonald

Executive Assistant | Statutory Planning | ACTPLA | Environment, Planning and Sustainable Development Directorate | ACT Government 480 Northbourne Avenue Dickson | GPO Box 158 Canberra ACT 2601 | 02 6207 8549 | planning.act.gov.au

I acknowledge and pay my respects to Elders and Traditional Custodians of this land - past and present, and acknowledge their continuing cultures and connection to Country and community.

From: Andrew Clark <Andrew.Clark@geocon.com.au>
Sent: Monday, 28 November 2022 6:30 PM
To: McDonald, Anika <Anika.McDonald@act.gov.au>
Subject: RE: ESPDD / Geocon Meeting

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Hi Anika,



Just a slight amendment to tomorrow's meeting agenda. [REDACTED] Items have been removed. Remaining list to stay as is.

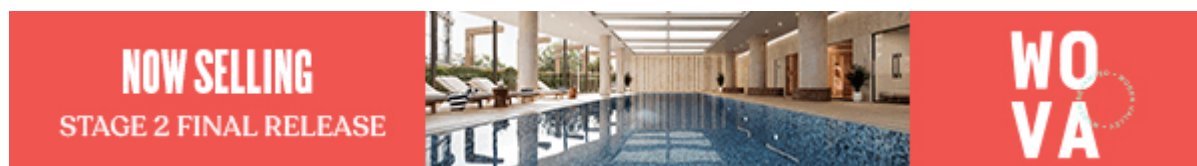
Giles Street - DA 202139248
- ACAT (Update NOD)



Can I please hassle you to update the meeting invite.

Thank you in advance.

Andrew Clark | Director of Development
Level 4, 16-18 Mort Street, Canberra, ACT 2601 | PO Box 5425, Kingston ACT 2604
P: 02 6255 0430 | M: 0433 639 328 | E: Andrew.Clark@geocon.com.au
GEOCON.COM.AU  



From: Andrew Clark
Sent: Monday, 21 November 2022 5:04 PM
To: McDonald, Anika <Anika.McDonald@act.gov.au>
Subject: RE: ESPDD / Geocon Meeting

All good. Meeting time works for me

Thank you.

From: McDonald, Anika <Anika.McDonald@act.gov.au>
Sent: Monday, 21 November 2022 11:54 AM
To: Andrew Clark <Andrew.Clark@geocon.com.au>
Subject: RE: ESPDD / Geocon Meeting

OFFICIAL

Good morning Andrew,

I just sent out a teams invite for a meeting with the mentioned individuals.

Please advise if you require me to reschedule the meeting?

Many thanks 😊

Kind regards,

Anika McDonald

Executive Assistant | Statutory Planning | ACTPLA | Environment, Planning and Sustainable Development Directorate | ACT Government 480 Northbourne Avenue Dickson | GPO Box 158 Canberra ACT 2601 | 02 6207 8549 | planning.act.gov.au

I acknowledge and pay my respects to Elders and Traditional Custodians of this land - past and present, and acknowledge their continuing cultures and connection to Country and community.

From: Andrew Clark <Andrew.Clark@geocon.com.au>
Sent: Monday, 21 November 2022 10:10 AM
To: McDonald, Anika <Anika.McDonald@act.gov.au>
Subject: ESPDD / Geocon Meeting

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Morning Anika,

Just touching base to see if I can arrange a meeting with Craig Weller, Trent Varlow and Johnathan Teasdale for the end of this week or early next week to discuss the following items;

Agenda Items;






[Redacted]

Giles Street - DA 202139248
- ACAT (Update NOD)

[Redacted]



Please call if you have any questions.

Andrew Clark | Director of Development
Level 4, 16-18 Mort Street, Canberra, ACT 2601 | PO Box 5425, Kingston ACT 2604
P: 02 6255 0430 | M: 0433 639 328 | E: Andrew.Clark@geocon.com.au
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From: [Davies, Richard](#)
To: [Andrew Clark](#)
Subject: RE: Giles Street Notice of Decision
Date: Friday, 2 December 2022 2:41:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hi Andrew, yes, I touched base with Richard N earlier today. It should be finalised shortly and sent for dispatch before knock off today.
As discussed with Richard, the official advice may be delayed a little as we are chronically short staffed in the Admin team at the moment [REDACTED]
[REDACTED] but I should be able to provide an advanced copy shortly. The 20 days 'clock' in regards to review will only start with the official dispatch/advice though.

Regards
Richard







From: Andrew Clark <Andrew.Clark@geocon.com.au>
Sent: Friday, 2 December 2022 12:12 PM
To: Davies, Richard <Richard.Davies@act.gov.au>
Cc: Weller, Craig <Craig.Weller@act.gov.au>
Subject: Giles Street Notice of Decision

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Afternoon Richard,

Just touching base regarding the updated notice of decision for Giles Street - DA 202139248. Is there any update re the ETA ?

Regards,

Andrew Clark | Director of Development
Level 4, 16-18 Mort Street, Canberra, ACT 2601 | PO Box 5425, Kingston ACT 2604
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ACT
Government

Environment, Planning and
Sustainable Development

CHECKLIST

Dispatch Advice Checklist

DA Number: 202139248 Block(s): 13,22 Section: 22 District/Division: KINGSTON

Case Officer: RICHARD Contact Number: 74557 Decision Date: 2/12/22

Application Type: **MERIT TRACK DA**

Dispatch Plans: **NO** Dispatch by: **AS PER DA FORM**

Plans have been moved to the sub-folder in the approved plans folder however have not been stamped as relevant conditions are yet to be satisfied. The plans are not to be dispatched.

Dispatch Entity Referral Advice: **YES**

An Objective alias for the relevant mandatory entity referral advice received from ActewAGL, Actew Corporation, Environment Protection Agency and/or Asset Acceptance, as per S149 of the *Planning and Development Act 2007*, has been moved to the approved plans folder.

Type of Decision: **APPROVED WITH CONDITIONS** Decision By:
DELEGATE OF THE AUTHORITY

Representations: **YES**

Appeal Rights

Applicant: **YES**

Person who made Representation: **YES**

Encroachment

Is an application for encroachment (minor) to be dispatched to the applicant? **NOT APPLICABLE**
(If yes, create application for encroachment (minor) document from Intelledox and attach to Notice of decision)

Draft crown leases/Instruments of Variations

Does the NOD require the draft crown leases or Instruments of Variation put with the NOD?

NOT APPLICABLE

(If yes, DA officer to include any attachments with the NOD where the DA includes a Lease Variation)

Entities to be advised

Referral Required: **YES**

NB: Section 174 of the Act states that "The planning and land authority must give a copy of the decision on the development application to each entity to which the application was referred".

<input checked="" type="checkbox"/>	DA Leasing Referral Required – ACTPLADALeasing@act.gov.au
<input type="checkbox"/>	Deed Mgt. Referral Required
<input type="checkbox"/>	Land Reg. Referral Required
<input type="checkbox"/>	Action Buses (refer to Asset Acceptance)
<input checked="" type="checkbox"/>	ICON Water (formerly ActewAGL Water)
<input checked="" type="checkbox"/>	ActewAGL (All other entities)
<input type="checkbox"/>	ACT Health
<input type="checkbox"/>	ACT Heritage Council
<input type="checkbox"/>	ACT Valuation Office
<input checked="" type="checkbox"/>	Asset Acceptance
<input type="checkbox"/>	Australian Communications and Media Authority
<input type="checkbox"/>	Australian National University
<input type="checkbox"/>	City Renewal Authority
<input checked="" type="checkbox"/>	Conservator of Flora and Fauna (Referred under S147A or S148)
<input type="checkbox"/>	Commonwealth Department of the Environment (Only Applicable to Impact Track Applications Referred Under S127A.
<input type="checkbox"/>	Custodian of the land -
<input checked="" type="checkbox"/>	Emergency Services (Fire or Ambulance)
<input checked="" type="checkbox"/>	Environment Protection Agency
<input type="checkbox"/>	Gambling and Racing Commission
<input type="checkbox"/>	Gateway Team
<input checked="" type="checkbox"/>	Heritage
<input type="checkbox"/>	Housing and Community Services
<input type="checkbox"/>	Land Development Agency
<input type="checkbox"/>	Land and Property Services
<input type="checkbox"/>	Leasing – General Leasing Encroachments and Licences
<input type="checkbox"/>	Megan Corrigan-Access Canberra All Multi-Dwelling decisions and any that relate to permanent structures, on unleased Territory land, associated with permits for outdoor eating.
<input type="checkbox"/>	Owners Corporation Lease variation for single units – please use relevant letter template
<input type="checkbox"/>	National Capital Authority
<input type="checkbox"/>	Police
<input type="checkbox"/>	Queanbeyan City Council
<input type="checkbox"/>	Register General's Office
<input type="checkbox"/>	Surveying and Spatial Data
<input type="checkbox"/>	Territory Plan Variation Unit
<input type="checkbox"/>	Transport Planning
<input type="checkbox"/>	Tree Protection
<input type="checkbox"/>	WorkCover
<input type="checkbox"/>	Yass City Council
<input type="checkbox"/>	ACT Place Names - Placenames@act.gov.au
<input type="checkbox"/>	Other -

Comments

Note: This is actually the second time this decision has been made by the Authority.
Please dispatch this second decision as per the first one as above.

Thanks
Ricahrd