

INTERPRETATION 1. IN THIS LEASE unless the contrary intention appears:

- (a) “Authority” means the Planning and Land Authority established by section 10 of the Planning and Development Act 2007;
- (b) “building” means any building or structure constructed or partially constructed or to be constructed, as the context permits or requires, on or under the land;
- (c) “dwelling” means a building or part of a building used as a self contained residence which must include:
 - (i) food preparation facilities;
 - (ii) a bath or shower; and
 - (iii) a closet pan and wash basin

and includes outbuildings and works normal to a dwelling;

- (d) “Lessee” shall:
 - (i) where the Lessee consists of one person be deemed to include the Lessee and the executors administrators and assigns of the Lessee;
 - (ii) where the Lessee consists of two or more persons be deemed to include in the case of a tenancy in common the said persons and each of them and their and each of their executors administrators and assigns and in the case of a joint tenancy be deemed to include the said persons and each of them and their and each of their assigns and the executors administrators and assigns of the survivor of them; and
 - (iii) where the Lessee is a corporation be deemed to include such corporation its successors and assigns;
- (e) “multi-unit housing” means the use of land for more than one dwelling and includes but is not limited to dual occupancy housing and triple occupancy housing;
- (f) “outbuilding” means a shed, garage or similar structure which is ancillary to the permitted use of the land as specified in Clause 3(e) of this lease;
- (g) “premises” means the land and any building or other improvements on the land;

(h) “Territory” means:

- (i) when used in a geographical sense the Australian Capital Territory; and
- (ii) when used in any other sense the body politic established by section 7 of the Australian Capital Territory (Self-Government) Act 1988 (C’th);

(i) words in the singular include the plural and vice versa;

(j) words importing one gender include the other genders;

(k) a reference in this lease to any statute or statutory provision shall include a reference to any statute or statutory provision that amends, extends, consolidates or replaces the statute or statutory provision and to any other regulation, instrument or other subordinate legislation made under the statute.

2. THE LESSEE COVENANTS WITH THE COMMONWEALTH as follows:

RENT

(a) That the Lessee shall pay to the Authority rent at the rate of five cents per annum if and when demanded payable within one month of the date of any demand made by the Authority relating thereto and served on the Lessee;

MANNER OF
PAYMENT OF
RENT

(b) That any rent or other moneys payable by the Lessee to the Authority under this lease shall be paid to such person as may be authorised by the Authority for that purpose at Canberra in the said Territory without any deduction whatsoever.

3. THE LESSEE FURTHER COVENANTS WITH THE COMMONWEALTH as follows:

COMMENCEMENT
OF DEVELOPMENT

(a) That the Lessee shall within twelve (12) months from the date of the commencement of the lease or within such further time as may be approved in writing by the Authority for that purpose commence to erect an approved development on the land in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;

- COMPLETION OF DEVELOPMENT
- (b) That the Lessee shall within thirty-six (36) months from the date of the commencement of the lease or within such further time as may be approved in writing by the Authority complete the erection of the said approved development on the land in accordance with the said plans and specifications and in accordance with every Statute Ordinance or Regulation applicable to such development;
- PURPOSE
- (c) To use the land for the purpose of multi-unit housing of not less than two dwellings and not more than ten dwellings;
- PROVISION OF HYDRAULIC MAINS STORMWATER DRAINS AND SEWER LINES
- (d) That the Lessee shall provide and thereafter maintain hydraulic mains stormwater drains sewer lines hydraulic fire mains and hydrants on the land in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;
- PROVISION OF STORAGE AREAS CARPARKING AND ILLUMINATION
- (e) That the Lessee shall provide and thereafter maintain storage areas covered carparking hardstanding carparking adequately illuminated vehicle access roads pedestrian pathways and vehicle access drives on the land to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;
- PROVISION OF FACILITIES FOR ELECTRICAL AND TELEPHONE CABLES
- (f) That the Lessee shall provide facilities on the land to a standard acceptable to the Authority to enable electrical and telephone cables and wires to be installed underground;
- LANDSCAPING
- (g) That the Lessee shall provide and thereafter maintain landscaping on the land to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;
- PRESERVATION OF TREES
- (h) That the Lessee shall not, without the previous consent in writing of the Territory, remove any tree:
- (i) that has been identified in a development approval for retention during the period allowed for construction of the building; or
- (ii) to which the Tree Protection Act 2005, applies;

- SERVICE AREAS (i) That the Lessee shall screen and keep screened all service areas to the satisfaction of the Authority and shall ensure that all plant and machinery contained within the premises is suitably screened from public view;
- BUILDING SUBJECT TO APPROVAL (j) That the Lessee shall not without the previous approval in writing of the Authority erect any building, or make any structural alterations to any building, on the land;
- REPAIR (k) That the Lessee shall at all times during the said term maintain repair and keep in repair the premises to the satisfaction of the Authority;
- FAILURE TO REPAIR (l) If and whenever the Lessee is in breach of the Lessee's obligations to maintain repair and keep in repair the premises the Authority may by notice in writing to the Lessee specifying the repairs and maintenance needed require the Lessee to effect the necessary work in accordance with the notice. If the Authority is of the opinion that a building or some other improvement on the land is beyond reasonable repair the Authority may by notice in writing to the Lessee require the Lessee to remove the building or improvement and may require the Lessee to construct a new building or improvement in place of that removed within the time specified in the notice. If the Lessee does not carry out the required work within the time specified by the Authority any person or persons duly authorised by the Authority with such equipment as is necessary may enter the premises and carry out the necessary work and all costs and expenses incurred by the Authority in carrying out the work shall be paid by the Lessee to the Authority on demand and from the date of such demand until paid shall for all purposes of this lease be a debt due and payable to the Authority by the Lessee;
- RIGHT OF INSPECTION (m) Subject to the provisions of the Planning and Development Act 2007 to permit any person or persons authorised by the Authority to enter and inspect the premises at all reasonable times and in any reasonable manner;
- RATES AND CHARGES (n) To pay all rates charges and other statutory outgoings assessed levied or payable in respect of the premises as and when they are due for payment.

4. THE COMMONWEALTH COVENANTS WITH THE LESSEE as follows:

QUIET
ENJOYMENT

That the Lessee paying the rent and all other money due and observing and performing the covenants and stipulations on the part of the Lessee to be observed and performed shall quietly enjoy the premises without interruption by the Authority or any person lawfully claiming from or under or in trust for the Authority.

5. IT IS MUTUALLY COVENANTED AND AGREED as follows:

TERMINATION

(a) That if:

- (i) any rent or other moneys payable under this lease shall remain unpaid for three months next after the date appointed for payment thereof (whether such rent shall have been formally demanded or not); or
- (ii) an approved development in accordance with Clause 3(a) of this lease is not commenced within the period specified in the said Clause; or
- (iii) an approved development in accordance with Clause 3(a) of this lease is not completed within the period specified in Clause 3(b); or
- (iv) after completion of an approved development as aforesaid the said land is at any time not used for a period of one year for the purpose for which this lease is granted; or
- (v) the Lessee shall fail to observe or perform any other of the covenants contained in this lease on the part of the Lessee to be observed or performed and shall have failed to remedy such breach within a period of six months from the date of service on the Lessee of a notice in writing from the Authority specifying the nature of such breach

the Authority on behalf of the Commonwealth may terminate this lease but without prejudice to any claim which the Authority or the Commonwealth may have against the Lessee in respect of any breach of the covenants on the part of the Lessee to be observed or performed;

- ACCEPTANCE OF RENT
- (b) That acceptance of rent or other moneys by the Authority during or after any period referred to in Clauses 5(a) (i), (ii), (iii), (iv) or (v) of this lease shall not prevent or impede the exercise by the Authority of the powers conferred upon it by the said Clauses;
- FURTHER LEASE
- (c) Subject to the Lessee paying all money required to be paid under the provisions of the Planning and Development Act 2007 the Lessee shall be entitled to a further lease of the land for such further term and at such rent and subject to such conditions as may then be provided or permitted by Statute Ordinance or Regulation;
- NOTICES
- (d) That any notice requirement demand consent or other communication to be given to or served upon the Lessee under this lease shall be deemed to have been duly given or served if signed by or on behalf of the Authority and delivered to or sent in a prepaid letter addressed to the Lessee at the registered office of the Lessee in the said Territory BUT if for any reason the Lessee does not have a registered office in the said Territory then at the usual or last-known address of the Lessee or affixed in a conspicuous position on the premises;
- EXERCISE OF POWERS
- (e) Any and every right, power or remedy conferred on the Commonwealth or Territory in this lease, by law or implied by law may be exercised on behalf of the Commonwealth or the Territory or as the case may be by:
- (i) the Authority;
 - (ii) an authority or person for the time being authorised by the Authority or by law to exercise those powers or functions of the Commonwealth or Territory; or
 - (iii) an authority or person to whom the Authority has delegated all its powers or functions under the Planning and Development Act 2007.

IN WITNESS whereof the Authority on behalf of the Commonwealth and the Lessee have executed this lease.

Signed by [name of signatory])
a delegate authorised to execute this lease)
on behalf of the Commonwealth in the)
presence of [name of witness])

.....
Delegate

.....
Witness

Signed by Hillcorp Developments Pty)
Limited (A.C.N. 093 493 924) by:)

.....
Signature

.....
Signature

.....
Name in full

.....
Name in full

.....
Director/Secretary

.....
Director/Secretary



CHECKLIST

Dispatch Advice Checklist

DA Number: 200812307

Block(s): 16 & 17 Section: 13 District/Division: MAWSON

Case Officer: ADA Contact Number: 71854 Decision Date: 8-Dec-08

Despatch Plans: **No** Dispatch by: **E-Mail**

Application Type

- Code Track
 Merit Track
 Impact Track
 S165 Condition Satisfied
 S198 Amendment to Development Approval

Type of Decision Approved With Conditions

Decision By Delegate of the Authority

Representations

- No Representations
 Representations

Appeal Rights

Applicant: **Yes**

Person who made Representation: **Yes**

Entities to be advised

Entity Referral Required: **Yes (Please Select Below)**
Required:

Leasing Referral

- | | | |
|---|--|---|
| <input type="checkbox"/> ACTION | <input type="checkbox"/> ACT HERITAGE COUNCIL | <input type="checkbox"/> CLIENT SERVICES |
| <input type="checkbox"/> ACT HEALTH | <input checked="" type="checkbox"/> ASSET ACCEPTANCE | <input type="checkbox"/> DEVELOPMENT SERVICES |
| <input type="checkbox"/> ACT FIRE BRIGADE | <input type="checkbox"/> CITY RANGERS | <input type="checkbox"/> PLANNING SERVICES |
| <input type="checkbox"/> ACTEWAGL | <input checked="" type="checkbox"/> ENVIRONMENT ACT | |
| <input checked="" type="checkbox"/> ACTEW CORPORATION | <input type="checkbox"/> PARKS & PLACES | |
| <input type="checkbox"/> ACT WORKCOVER | <input type="checkbox"/> ROADS ACT | |
| <input type="checkbox"/> HOUSING & COMMUNITY SERVICES | <input type="checkbox"/> STORMWATER | |
| <input type="checkbox"/> LAND DEVELOPMENT AGENCY | <input type="checkbox"/> TRANSPORT PLANNING | |
| <input type="checkbox"/> NATIONAL CAPITAL AUTHORITY | <input type="checkbox"/> Other: | |
| <input type="checkbox"/> REGISTRAR GENERAL'S OFFICE | <input type="checkbox"/> Other: | |
| <input type="checkbox"/> TELSTRA | | |
| <input type="checkbox"/> TRANSACT | | |

Comments

Please email the Notice of Decision to the lessee at joneshill@bigpond.com (there is no 'au' at the end)

thank you
ada

From: [Breitkopf, Katherine](#)
To: ["devapp@actewagl.com.au"](mailto:devapp@actewagl.com.au)
Subject: Notice of Decision to Referral Entities 200812307 16+17/13 Mawson
Date: Tuesday, 9 December 2008 11:07:00 AM
Attachments: [Attachment 1 - New Multi unit lease.doc](#)
[Dispatch Advice Checklist-200812307-01.doc](#)
[Notice of Decision \(signed\)-200812307-N-01.pdf](#)

Dear Sir/Madam,

Development Application 200812307 was approved with conditions on 08/December/2008.

In accordance with Section 174 of the Planning and Development Act 2007 please find attached a copy of the decision for your information.

If you require any further information please contact (02) 6207 1687.

Yours sincerely

Applications Secretariat

9/December/2008

From: [Breitkopf, Katherine](#)
To: [Edwards, Marc](#); [McKeown, Helen](#)
Subject: Notice of Decision to Referral Entities 200812307 16+17/13 Mawson
Date: Tuesday, 9 December 2008 11:07:00 AM
Attachments: [ObjRef.obr](#)

Dear Sir/Madam,

Development Application 200812307 was approved with conditions on 08/December/2008.

In accordance with Section 174 of the Planning and Development Act 2007 please find attached a copy of the decision for your information.

If you require any further information please contact (02) 6207 1687.

Yours sincerely

Applications Secretariat

9/December/2008

From: [Breitkopf, Katherine](#)
To: ["peter@pb-a.com.au"](mailto:peter@pb-a.com.au)
Cc: ["joneshill@bigpond.com"](mailto:joneshill@bigpond.com)
Subject: Notice of Decision and attachment for DA 200812307 16+17/13 Mawson
Date: Tuesday, 9 December 2008 11:10:00 AM
Attachments: [Attachment 1 - New Multi unit lease.doc](#)
[Notice of Decision \(signed\)-200812307-N-01.pdf](#)

Dear Sir/Madam,

Please find attached the Notice of Decision and attachment for DA 200812307.

If you have any further questions please contact the Applications Secretariat on (02) 6207 1687.

Kind Regards,

Applications Secretariat

Ph: 6207 1687

Fax: 6207 7762

app.sec@act.gov.au

From: [Breitkopf, Katherine](#)
To: [McCann, Miles](#)
Subject: Letter to Representor and the Notice of Decision for DA 200812307 16+17/13 Mawson
Date: Tuesday, 9 December 2008 11:05:00 AM
Attachments: [Attachment 1 - New Multi unit lease.doc](#)
[Letter to Representor - Department of Education.doc](#)
[Notice of Decision \(signed\)-200812307-N-01.pdf](#)

Dear Sir/Madam,

Please find attached the Letter to Representor and the Notice of Decision for DA 200812307.

If you have any further questions please contact the Applications Secretariat on (02) 6207 1687.

Kind Regards,

Applications Secretariat

Ph: 6207 1687

Fax: 6207 7762

app.sec@act.gov.au

From: [Breitkopf, Katherine](#)
To: [REDACTED]
Subject: Letter to Representor and the Notice of Decision for DA 200812307 16+17/13 Mawson
Date: Tuesday, 9 December 2008 11:04:00 AM
Attachments: [Attachment 1 - New Multi unit lease.doc](#)
[Letter to Representor - \[REDACTED\]](#)
[Notice of Decision \(signed\)-200812307-N-01.pdf](#)

Dear Sir/Madam,

Please find attached the Letter to Representor and the Notice of Decision for DA 200812307.

If you have any further questions please contact the Applications Secretariat on (02) 6207 1687.

Kind Regards,

Applications Secretariat

Ph: 6207 1687

Fax: 6207 7762

app.sec@act.gov.au

From: [ACTPLA DA Leasing](#)
To: ["canberra@avo.gov.au"](mailto:canberra@avo.gov.au)
Subject: RE: Blocks 16 & 17 Section 13 Mawson [SEC=IN-CONFIDENCE]
Date: Friday, 5 September 2008 10:28:00 AM
Attachments: [1224213 AVO CUC August 2008 gmc - Customer Copy.pdf](#)

To whom it may concern

I am writing with regards to the attached report - as a decision has not yet been made for the DA we ask that this report be withdrawn and a new report prepared once we have forwarded a Notice of Decision to your office. As per my discussion with Joan this morning, I will now delete and disregard this report.

Kind regards
Elise Gill

From: [REDACTED]
Sent: Friday, 29 August 2008 4:22 PM
To: ACTPLA DA Leasing
Subject: Blocks 16 & 17 Section 13 Mawson [SEC=IN-CONFIDENCE]

Please find attached the valuation for Blocks 16 & 17, Section 13, Mawson.

Regards

[REDACTED]
Business Support
Canberra Office
Australian Valuation Office

IMPORTANT

The information transmitted is for the use of the intended recipient only and may contain confidential and/or legally privileged material. Any review, re-transmission, disclosure, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited and may result in sever penalties. If you receive this e-mail in error please notify the sender immediately and delete all copies of this transmission together with any attachments.

CHANGE OF USE CHARGE

REVIEW

CROWN LEASE: **BLOCKS 16 & 17 SECTION 13 MAWSON**
LESSEE: **Hilltop Developments Pty Limited**
DA No: **DA 200812307**

Instructions

The ACT Planning and Land Authority (ACTPLA) have requested AVO to provide relevant comments in regard to a change of use charge assessment for the abovementioned property.

The request from ACTPLA includes a copy of the Development Application and details of the proposed lease variation, copy of the Crown lease and a valuation report prepared by Colliers International dated 20 June 2008.

The valuation review process has included the following:

- Perusal and consideration of the information provided in the request
- An inspection of the subject property (from the roadside)
- Research and analysis of additional market evidence
- Quality assurance by the Senior Valuer

Development Application

The proposed development application seeks to vary the purpose clause as follows:

- amalgamate two existing residential purpose use sites (1,925.4m²) to permit no more than ten (10) townhouses.

Private Valuer's Assessment

After Value	V ₁	\$1,255,000
Before Value	V ₂	\$1,230,000

Comment

The valuation report submitted by Colliers International has been reviewed and checked in relation to market evidence. The private valuers assessment is considered to be within market parameters and regarded as a fair and reasonable assessment.

Australian Valuation Office's Assessment

After Value	V_1	\$1,255,000
Before Value	V_2	\$1,230,000

Proviso

This valuation is not to be used after 6 months from the date of valuation, nor if there are any material or economic changes meanwhile. In either event it should be referred back to the Australian Valuation Office for review.

For any further consultation regarding this matter please contact [REDACTED] or [REDACTED]



[REDACTED]
Senior Valuer
Australian Valuation Office
Canberra Region

27 August 2008

Disclaimer

This assessment is for the exclusive use of the Leasing and Compliance Section of the ACT Planning and Land Authority to whom it is addressed and is undertaken in accordance with instructions provided in the request.

This report is not to be used by any other party for any purpose. Neither the whole nor any part of this report or any reference thereto may be included in any published document, circular or statement, nor published in part nor in full in any way without written approval of the Australian Valuation Office of the form and context in which it will appear.

Notwithstanding the foregoing, the client agrees that in the event that it does communicate to a third party the whole or any part of this valuation it shall also communicate to the third party the full terms as stated under this disclaimer and further agrees to indemnify the Australian Valuation Office in the event of any failure to do so.



ADVICE TO REPRESENTOR AFTER DECISION

Dear [REDACTED]

**BLOCK: 16 SECTION: 13 SUBURB: MAWSON
DEVELOPMENT APPLICATION NUMBER: 200812307**

Development Application Number 200812307 has been approved subject to conditions.

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

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

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

The Registrar
ACT Administrative Appeals Tribunal (AAT)
Land and Planning Division
GPO Box 370
CANBERRA, ACT, 2601

An application form can be obtained from either the AAT at the ACT Magistrates Court, 4 Knowles Place Canberra City or from the ACT Planning and Land Authority Customer Service Centre, 16 Challis Street, Dickson. If you require further information about the AAT's requirements or the review process, their office can be contacted on (02) 6217 4261.

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

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

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

As this application has been approved subject to conditions, the applicant may also apply to the AAT for a review of the decision. If this occurs you will be advised, and have a right to the Tribunal to be made a party to the proceedings (i.e. you can apply to the Tribunal to attend the review hearings where you will have the opportunity to present your case).

If you require any further information please contact (02) 6207 1687.

Yours sincerely

Applications Secretariat

09 December 2008



Department Of Education
Po Box 158
CANBERRA CITY ACT 2602

ADVICE TO REPRESENTOR AFTER DECISION

Dear Department Of Education

**BLOCK: 16 SECTION: 13 SUBURB: MAWSON
DEVELOPMENT APPLICATION NUMBER: 200812307**

Development Application Number 200812307 has been approved subject to conditions.

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

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If you require any further information please contact (02) 6207 1687.

Yours sincerely

Applications Secretariat

09 December 2008



ADVICE TO REPRESENTOR AFTER DECISION

Dear [REDACTED]

**BLOCK: 16 SECTION: 13 SUBURB: MAWSON
DEVELOPMENT APPLICATION NUMBER: 200812307**

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- They are entitled to apply to be made a party to the proceedings for the review.

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If you require any further information please contact (02) 6207 1687.

Yours sincerely

Applications Secretariat

09 December 2008



DA NO: 200812307		DATE LODGED: 15 August 2008	
DATE OF DECISION: 8 December 2008			
BLOCKS: 16 and 17	SECTION: 13	SUBURB: MAWSON	
STREET NO AND NAME: 51 Ainsworth Street Mawson			
APPLICANT: Peter Byfield			
LESSEE: Hillcorp Developments Pty Limited			

THE DECISION

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

I, Ada Schuurmans-Stekhoven, delegate of the ACT Planning and Land Authority, pursuant to section 162 of the Act, hereby **approve subject to conditions** the proposal for:

- the consolidation of Blocks 16 and 17 and variation of the Crown lease to allow for a minimum of two (2) and maximum of ten (10) dwellings;
- the demolition of the detached dwellings and associated structures;
- the erection of ten (10) dwelling in the form of two two-storey building including garages; and
- car parking and associated landscaping, paving and other site works

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

Subject to the following conditions being satisfied, this decision permits the use of the land or a building or structure on the land for the purposes of a multi-unit development.

CONDITIONS RELATING TO THE CONSOLIDATION OF CROWN LEASES

Commencement of Building Work

1. that no building work in relation to this Development Application is to commence on the site until the new consolidated Crown lease is registered at the Registrar-General's Office;

Change of Use Charge

2. that if a "Change of Use Charge" is payable, the lessee shall pay it within 28 days of being notified of the amount or within such further time as may be approved by the Planning and Land Authority;

New Block Survey

3. that the lessee shall arrange for a survey of the consolidated block and lodge the survey plan with the Planning and Land Authority Customer Service Centre for examination and clearance by the ACT Government Survey Office, ACT Land Information Centre, Planning and Land Authority and pay the appropriate examination fee;

Surrender and Regrant

4. that the lessee surrender the existing Crown leases over Block 16 Section 13 Division of Mawson (Volume 918 : Folio 11) and Block 17 Section 13 Division of Mawson (Volume 986 : Folio 78) and accept a new Crown lease substantially in accordance with the form of lease appearing at Attachment 1;

Commencement and Termination of Lease

5. that the new Crown lease shall commence on the date of surrender of the existing leases and will terminate on 23 October 2068 or on such further date as may be approved by the Planning and Land Authority under section 254 of the *Planning and Development Act 2007*;

Lease Registration

6. that the lessee shall do all that is necessary to ensure that the new Crown lease giving effect to this approval is registered at the Registrar-General's Office within 14 days of being notified that the Crown lease is available for registration or within such further time as may be approved by the Planning and Land Authority;

Development Covenants

7. that if the lessee wishes to extend the period of time allowable for completion of building work as set out in clause 3(c) of the draft lease they shall be required to submit a development timeframe proposal to demonstrate that the time requested will reasonably be required to complete proposed development on the site;

CONDITIONS OF APPROVAL FOR BUILDING WORKS

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

1. Within 28 days from the date of this decision, or within such further time as may be approved in writing by the ACT Planning and Land Authority, the applicant shall lodge with the ACT Planning and Land Authority for approval:
 - (a) revised drawings, based on the relevant drawings submitted as part of the application, showing:
 - (i) the removal of a visitor car park space in front of Unit 9; and
 - (ii) the removal of Unit 10 and in its place provide a visitor car park space and common landscape open space.

Note: *The proposal must provide a minimum of 3 visitor car park spaces on site. Further, all parking facilities shall comply fully with AS/NZS 2890.1 - 2004*
 - (b) details of plans and statements showing the proposed development achieves the mandatory rules regarding the Water Sensitive Urban Design requirements. The applicant/lessee is to refer to Sub-Elements 6.7 and 6.8, General Development Controls of the Multi Unit Housing Development Code.

2. A cable reticulation plan, prepared by a suitably qualified person and endorsed by the relevant service providers, showing:
 - (i) underground reticulation of all cables (including electricity, telephone and data);
 - (ii) relevant points of connection (no new poles should be erected);
 - (iii) size and location of associated items (including electrical sub-stations) within the site; and
 - (iv) screening of any electrical sub-station that may be required;
3. The maximum height of all proposed buildings shall be 8.5m from the natural ground level.
4. The rear units (Units 6 to 9) shall be 2.7m setback from overhead power lines that run along the western boundary (adjacent to open public space) in accordance with ActewAGL's requirements;
5. that 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 at 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 –2004).

Note: *The proposed mailbox location must also comply with AS 2890.1-2004.*

6. The applicant/lessee shall protect and maintain all existing trees and shrubs located on the subject site, on adjoining blocks overhanging the subject site, on the verge and unleased Territory land immediately adjacent, except for those specifically identified for removal in the approved drawings and a Tree Management Plan. Tree protection fencing, if required, shall be erected prior to the commencement of any work on the site.
7. During building work (including demolition) for both stages:
 - (a) all unsurfaced entry and exit points must be consolidated with crushed aggregate or similar extending from the road kerb to the building line;
 - (b) temporary sediment controls – comprising, as a minimum, geotextile silt fencing along the lowest points of the site and hay bale filters as required – are to be installed and maintained at least daily to prevent sediment from reaching the stormwater mains system;
 - (c) all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with a Landscape Management Plan approved by the Asset Acceptance Manager, Asset Management Services Group, Department of Territory and Municipal Services. This plan is to be approved and implemented before the commencement of works, including demolition, on the site and is to be in accordance with the *City Management Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04*; and
 - (d) 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.

- (e) all times during construction the site and surrounds shall be managed in accordance with a Temporary Traffic Management Plan, prepared by a suitably qualified person and approved by the Manager, Asset Use. This plan is to address, as a minimum, measures to be employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices;
- (f) the Notice of Commencement of Construction shall be submitted to the Manager Asset Acceptance one week prior to the commencement of works. The Notice shall also include the confirmation of any protective measures installed in accordance with the approved LMP and programmed implementation of the TTM.

Note: see Appendix 1 for more information in relation to other approvals required for work on unleased Territory land.

8. Pursuant to sub paragraph 165(3)(n)(ii) of the *Planning and Development Act 2007*, at the lessee's expense and before the completion of building work, the existing fences on both the side boundaries and on the boundary adjacent to the public open space shall be upgraded to a 1.8m high timber lapped and capped fence, or to another standard acceptable to the ACT Planning and Land Authority. The lessee must take all reasonable steps to obtain the written agreement of the respective lessees before the erection of any new fencing. If there is no agreement, the fencing is to be to the satisfaction of the ACT Planning and Land Authority. New fencing shall not extend further forward than the new building line, facing Ainsworth Street.

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

DATE THAT THIS APPROVAL TAKES EFFECT

This approval takes effect 20 working days after the day this notice of decision is given to every person who made a representation on the application. The effective date for development applications approved subject to conditions could be adjusted if the approval is reconsidered by the ACT Planning and Land Authority or if an application is made to the ACT Administrative Appeals Tribunal.

Pursuant to section 184 of the Act, this approval will expire if:

- the development or any stage of the development is not started within two years after the day the approval takes effect;
- the development is not finished two 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 under section 189 of the Act.

Under section 184 of the Act, the applicant may apply to the ACT 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.

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 21 August 2008 to 15 September 2008. Three (3) written representations were received during the public consultation.

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

(a) Overshadowing from the proposed development on both Unit 1 and Unit 2

The proposed height of the development fully complies with the building envelope requirement to ensure the amenity of surrounding properties is maintained, particularly in relation to privacy, overshadowing and solar access. Unit 1 and Unit 2 on Block 18 would have a minimum of 3 hours of direct sunlight onto the internal primary living space and the private open space between the hours of 9am and 3pm on 21 June (winter solstice).

(b) The terraces of Units 1 to 5 will overlook the main living areas and outdoor area of Unit 2

The proposal fully complies with the relevant rules and the criteria of the Multi-Unit Housing Development Code. It is considered that no further improvement is warranted in regard to overlooking.

(c) The structure will have an overbearing appearance due to the bulky nature of the design

The proposed architectural design of the building is different from those of existing and newly constructed development (and a newly approved development on Blocks 1 and 2 Section 15). However the proposed development does show appropriate consideration for the streetscape and adjoining development. The proposed development has provided adequate setback from the street frontage to allow adequate space for landscaping. The proposal also provided adequate setback from all other boundaries to allow landscaping and minimise any significant impact on the neighbouring development.

The proposed front elevation is considered to have good articulation and it provides visual interest, with entry doors, different fenestration design and sizes, and differentiating the roof design to each unit.

Notwithstanding this, there is no planning control over architectural style of a building for the suburb of Mawson. The Authority recognises that the proposal is an innovative design and that does not imitate the existing single dwellings and the recently approved multi unit development in the area. It is considered that the difference in architectural style of the proposal in relation to the adjoining residential development is not disrespecting the existing streetscape character. It is considered that the proposal compliments the diversity of architectural styles common to a residential area. The style of residential buildings both single and multi unit development does not stay constant. The changes to the style could be for many reasons, to name a few; innovative and more sustainable materials, change in consumers' taste and demographic changes and infill consistent with the Suburban Core Zone's objectives.

(d) The provision for visitor parking on site is inadequate... could cause a safety issue

The proposal has provided adequate car park spaces for both residents and visitors. However, the location of one visitor space was not considered satisfactory and conditions have been imposed to rectify this situation.

(e) traffic noise impact on Block 18 due to the location of the proposed driveway

The proposed location of the driveway is in accordance with the Multi-Unit Housing Development Code, where it is separated from the side boundary, common with Block 18, by 1.5m. This space between the side boundary and the driveway is to be landscaped which will provide screening and thus provide protection to the residents on Block 18 and the future residents of the proposed development.

Further, the driveway gradient is in accordance with Part 1: Off-Street Car Parking, Parking Facilities of Australian/New Zealand Standard 2890.1:2004.

The location of the proposed driveway is similar to the dual occupancy development on Block 18 and the recently approved 18 residential units on Blocks 1 and 2 Section 15 Mawson. That is, the proposed driveway is located on the southern side of the block.

The noise from the proposed driveway would be of residential scale and would not significantly affect the amenity of adjoining residents. The proposal was referred to the TAMS and no concerns were raised in this regard.

The location and extent of the Suburban Core Zone – RZ2 (previously known as A10 Core Area, Territory Plan 2002) was established as part of an extensive public consultation process. The Suburban Core Areas provide a greater certainty to where multi-unit redevelopment is likely to occur. The type of development that is envisaged for RZ2 is the type of residential development that could have occurred previously throughout all the suburbs, prior to the introduction of RZ2.

On 31 March 2008, the new Territory Plan was introduced and became effective. Among other changes, the new Territory Plan provides new rules and criteria in relation to multi-unit development proposals in RZ2 areas to further improve the amenity of the residents within the development and the adjoining residents.

- (f) Inconsistent with the required 4m boundary setback from the public open space and the visitor car park in front of Unit 9 seems to be an add-on, and will have a cluttering effect on the main thoroughfare

The majority of the proposed rear building is located 4m from other front boundary. Only Unit 10 is setback 3.05m from the other front boundary, this is less than 19% width of the other front boundary. It is considered that this minor encroachment would not significantly affect the outlook from the public open reserve. However, a condition has been imposed to remove Unit 10 from the development to provide a better visitor car park location.

- (g) The safety of school children due to increase in traffic volume

All vehicles will exit in forward direction on to the road from the subject site. All vehicles during school hours must comply with the 40km speed limit along Ainsworth Street.

Notwithstanding this, the proposal was referred to the Department of Territory and Municipal Services for comment and no concerns regarding increased traffic volume were raised. However, a condition has been imposed to ensure sightline from the subject site to the street is compliant with the relevant Australian Standards.

- (h) The safety of school children during the construction work

All construction works must be carried in accordance with Condition 9 and Appendix 1 'FURTHER APPROVALS FOR CONSTRUCTION' of this document. The compliance of Appendix 1 would ensure the safety of all pedestrians in the area.

ENTITY ADVICE

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

Department of Territory and Municipal Services

On 27 November 2008 advice was received from Territory and Municipal Services in relation to the proposal. The advice states that the proposal is fully supported. However, the standard conditions must be imposed.

Matters raised have been incorporated as either conditions of approval or advice.

ActewAGL

On 22 August 2008 and 6 September advice were received from Actew Corporation in relation to the proposal.

- ACTEW's Water and Sewerage Section approved the proposed development with standard conditions.
- ACTEW's Electricity Networks approved with conditions that rear units be setback 2.7m from the existing overhead powerlines that run along rear boundary in accordance with the ActewAGL's requirements.

Matters raised have been incorporated as either conditions of approval or advice.

REASONS FOR THE DECISION

The application satisfactorily meets the requirements for approval. The application was approved because, based on the documentation and in the form modified by the imposed conditions, it was considered to meet:

- the relevant code, being the Multi Unit Housing Development Code; and
- the advice of the Conservator of Flora and Fauna in relation to the proposal (if the proposed development will affect a registered tree or declared site).

The key issues identified in the assessment are:

- the payment of the change of use charge, the new block survey and the registration of the consolidated lease. Conditions have been imposed to address the key issues and ensure that the proposal is consistent with the Territory Plan and the *Planning and Development Act 2007*;
- the inappropriate location for a visitor car park space on site. A condition has been imposed to remove a unit from the development to provide a more appropriate location for visitor car park space to address this issue.
- the proposed landscaping and mailbox may obscure driver's visibility of the footpath. A condition has been imposed to address this issue.

In reaching the decision, the application has been assessed in accordance with section 120 of the Act – Merit track considerations when deciding development approval.

INSPECTION OF THE APPLICATION AND DECISION

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

RECONSIDERATION OF THE DECISION

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

Application forms and further information about reconsideration are available from the ACT Planning and Land Authority's website and Customer Service Centres. The delegate of the Authority reconsidering the decision must be different from, and senior to, the original decision maker. An application for reconsideration does not prevent an application for a review of the same decision being made to the ACT Administrative Appeals Tribunal.

REVIEW BY THE ACT ADMINISTRATIVE APPEALS TRIBUNAL (AAT)

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

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

EVIDENCE

Application No. 200812307

File No. 200812307

The Territory Plan zone – Suburban Core Zone

The Development Codes – Multi Unit Housing Development Code

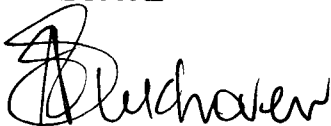
Current Crown Leases – Block 16: Volume 918 : Folio 11

Block 17: Volume 986 : Folio 78

Representations

Entity advice

DELEGATE



Ada Schuurmans-Stekhoven

Delegate of the ACT Planning and Land Authority

8 December 2008

CONTACT OFFICER

Ada Schuurmans-Stekhoven

Phone: 62072435

Email: ada.stekhoven@act.gov.au

APPENDIX 1

CONTACT DETAILS OF RELEVANT AGENCIES

ACT Health - health protection	Website: www.health.act.gov.au Telephone: (02) 6205 1700
ACT Planning and Land Authority - list of certifiers for building approval - demolition information - asbestos information	Website: www.actpla.act.gov.au Telephone: (02) 6207 1923 or (02) 6207 1687
Department of Territory and Municipal Services - tree damaging activity approval - environment protection - water resources - heritage - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets	Website: www.tams.act.gov.au Telephone: 132 281 Telephone for asset acceptance: (02) 6207 6594
Utilities - Telstra (networks) - TransACT (networks) - ActewAGL - Electricity reticulation	Telephone: (02) 6219 1213 Telephone: (02) 6229 8000 Telephone: 1100 Telephone: (02) 6293 5738

ADVICE TO APPLICANT

SUBMISSION OF REVISED DRAWINGS AND DOCUMENTATION

If a condition of approval requires the applicant to lodge revised drawings and/or documentation with the ACT Planning and Land Authority for approval under section 165 of the *Planning and Development Act 2007* the submission shall be made with a completed application Form 11 for Section 144 & 197 Amendments and Satisfying Conditions of Approval (S.165).

FURTHER APPROVALS FOR CONSTRUCTION

The Notice of Decision grants development approval, but does not cover building approval or approvals which may be required during construction, which commonly include the following.

BUILDING APPROVAL

Most building work requires building approval to ensure it complies with building laws such as the Building Code of Australia. If this applies to this proposal, the lessee should engage a private building certifier to assess and approve the building plans before construction begins. A list of licensed certifiers and information about building approval is available from the ACT Planning and Land Authority's website and Customer Service Centres.

PERMITTED VARIATIONS TO APPROVED DEVELOPMENT

Under section 35 of the Planning and Development Regulation 2008 the development as built may vary from the approved development in accordance with section 35 and the permitted construction tolerances and other permitted variations identified in Schedule 1A of that regulation.

Note 1 The development may still need building approval, or further building approval, under the *Building Act 2004*

Note 2 The development must also comply with the lease for the land on which it is carried out.

“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 Department of Territory and Municipal Services.

USE OF VERGES OR OTHER UNLEASED TERRITORY LAND

In accordance with the *Roads and Public Places Act 1937*, road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. Approval can be obtained from the Department of Territory and Municipal Services.

WORKS ON UNLEASED TERRITORY LAND – DESIGN ACCEPTANCE

In accordance with the *Roads and Public Places Act 1937*, no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval is only given by way of a certificate of design acceptance from Asset Acceptance, Asset Management Services Group, TAMS. Unless a certificate of design acceptance is obtained, and the respective work completed in accordance with this certificate, a certificate of compliance under s296 of the Planning and Development Act 2007, may not be issued. This applies to works such as the construction or upgrading of driveway verge crossings, the replacement of public footpaths, street lighting and verge landscaping.

CONSTRUCTION REQUIREMENTS

The following information are some key requirements that apply to building work in the Territory. Other requirements may apply to this development.

DEMOLITION AND ASBESTOS MANAGEMENT

Demolition and asbestos management must be undertaken in accordance with the *Building Act 2004* (including the Building Code of Australia) and the *Dangerous Substances Act 2004*. Information about demolition and asbestos management is available from the ACT Planning and Land Authority's web site and Customer Service Centres.

ENVIRONMENT PROTECTION

All building work must be undertaken in accordance with the *Environment Protection Act 1997*, particularly but not exclusively in relation to noise and pollution control. More information is available from the Department of Territory and Municipal Services.

REPAIR OF DAMAGE TO PUBLIC ASSETS

The applicant/lessee is held responsible for all damage to ACT Government assets (including footpaths) caused by the development and they must properly repair any damage to those assets. Before work commences, they should notify the Department of Territory and Municipal Services of any existing damage to public facilities.

UTILITY ASSETS RETENTION

The lessee should obtain a plant location advice from ActewAGL to avoid conflict with existing plant or electrical easements. The lessee will be responsible for the costs associated with the relocation of assets, if necessary. The lessee is to ensure that the water service and water meter are retained in position and in good condition. ActewAGL water meters are accountable items and must not be removed from the site or otherwise disposed of.

WATER RESTRICTIONS AND FILLING OF NEW POOLS, PONDS AND FOUNTAINS

Water restrictions or permanent water conservation measures may be in force in the ACT and may prohibit or affect the filling of new pools, ponds and fountains using potable (tap) water

drawn from ACTEW Corporation Limited's potable water supply system. Applicants wishing to use water drawn from the potable water supply system to fill a new pool, pond or fountain are advised to first contact ACTEW's Water conservation office on (02) 62483131. Where water restrictions or permanent water conservation measures would otherwise prevent or affect the filling of a new pool, pond or fountain, it might be possible to obtain an exemption to fill the pool, pond or fountain using potable water.

DRAINAGE

The Building Code of Australia contains provisions affecting surface drainage and the height of finished floor levels. These may apply to this proposal.

BUSHFIRE MITIGATION MEASURES

This residential dwelling is located in an area where a bushfire risk assessment has identified that mitigation measures are required to reduce the impact of bushfires. The mitigation measures in this approval are to be maintained for the life of the residence. Special care needs to be exercised by the lessee to ensure that any future building works and modifications to the dwelling and additional landscaping does not compromise the mitigation measures imposed.

REVIEW OF THE DECISION

The following notes are provided in accordance with the ACT Administrative Appeals Tribunal (AAT) *Code of Practice for Notification of Reviewable Decisions and Rights of Review*. Refer to the Review by the ACT Administrative Appeals Tribunal (AAT) section of the Notice of decision for information about its relevance to this development application.

CONTACT DETAILS

The review authority is the Administrative Appeals Tribunal (AAT).

Location	Contact details
Tribunals Branch Magistrates Court 4 Knowles Place CANBERRA ACT 2601	Website: www.courts.act.gov.au Email: tribunals@act.gov.au Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601 Document exchange: DX 5691

POWERS OF THE AAT

The AAT is an independent body. It can review on their merits a large number of decisions made by ACT Government ministers, officials and statutory authorities. The AAT 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 AAT recommendations.

APPLICATIONS TO THE AAT

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

TIME LIMITS FOR APPLICATIONS

The time limit to make a request for a review is 28 days from receiving this Notice of decision. The time limit can be extended in some circumstances. Check with the AAT for more details.

FEES

Applications to the AAT, including an application to be joined as a party to a proceeding, require payment of a fee of not less than \$165 (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 62 of the *Administrative Appeals Tribunal Act 1989*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Chief Executive, ACT Department of Justice and Community Safety, GPO Box 158, CANBERRA ACT 2601. Ask the AAT for more details.

TIME LIMITS FOR REVIEWS OF DECISIONS

The AAT 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 AAT upon it being satisfied that it is in the interests of justice to do so.

FORMS OF LEGAL, FINANCIAL AND OTHER ADVICE AND ASSISTANCE

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

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

AWARDING OF COSTS

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

ACCESS TO DOCUMENTS ABOUT THE DECISION

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

PROCEDURES OF THE AAT

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

TRANSLATION AND INTERPRETER SERVICES

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

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnunja 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 ihtiyacımız 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



DA NO: 200812307	DATE LODGED: 15 August 2008	
DATE OF DECISION: 8 December 2008		
BLOCKS: 16 and 17	SECTION: 13	SUBURB: MAWSON
STREET NO AND NAME: 51 Ainsworth Street Mawson		
APPLICANT: Peter Byfield		
LESSEE: Hillcorp Developments Pty Limited		

THE DECISION

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

I, Ada Schuurmans-Stekhoven, delegate of the ACT Planning and Land Authority, pursuant to section 162 of the Act, hereby **approve subject to conditions** the proposal for:

- **the consolidation of Blocks 16 and 17 and variation of the Crown lease to allow for a minimum of two (2) and maximum of ten (10) dwellings;**
- **the demolition of the detached dwellings and associated structures;**
- **the erection of ten (10) dwelling in the form of two two-storey building including garages; and**
- **car parking and associated landscaping, paving and other site works**

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

Subject to the following conditions being satisfied, this decision permits the use of the land or a building or structure on the land for the purposes of a multi-unit development.

CONDITIONS RELATING TO THE CONSOLIDATION OF CROWN LEASES

Commencement of Building Work

1. that no building work in relation to this Development Application is to commence on the site until the new consolidated Crown lease is registered at the Registrar-General's Office;

Change of Use Charge

2. that if a "Change of Use Charge" is payable, the lessee shall pay it within 28 days of being notified of the amount or within such further time as may be approved by the Planning and Land Authority;

New Block Survey

3. that the lessee shall arrange for a survey of the consolidated block and lodge the survey plan with the Planning and Land Authority Customer Service Centre for examination and clearance by the ACT Government Survey Office, ACT Land Information Centre, Planning and Land Authority and pay the appropriate examination fee;

Surrender and Regrant

4. that the lessee surrender the existing Crown leases over Block 16 Section 13 Division of Mawson (Volume 918 : Folio 11) and Block 17 Section 13 Division of Mawson (Volume 986 : Folio 78) and accept a new Crown lease substantially in accordance with the form of lease appearing at Attachment 1;

Commencement and Termination of Lease

5. that the new Crown lease shall commence on the date of surrender of the existing leases and will terminate on 23 October 2068 or on such further date as may be approved by the Planning and Land Authority under section 254 of the *Planning and Development Act 2007*;

Lease Registration

6. that the lessee shall do all that is necessary to ensure that the new Crown lease giving effect to this approval is registered at the Registrar-General's Office within 14 days of being notified that the Crown lease is available for registration or within such further time as may be approved by the Planning and Land Authority;

Development Covenants

7. that if the lessee wishes to extend the period of time allowable for completion of building work as set out in clause 3(c) of the draft lease they shall be required to submit a development timeframe proposal to demonstrate that the time requested will reasonably be required to complete proposed development on the site;

CONDITIONS OF APPROVAL FOR BUILDING WORKS

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

1. Within 28 days from the date of this decision, or within such further time as may be approved in writing by the ACT Planning and Land Authority, the applicant shall lodge with the ACT Planning and Land Authority for approval:
 - (a) revised drawings, based on the relevant drawings submitted as part of the application, showing:
 - (i) the removal of a visitor car park space in front of Unit 9; and
 - (ii) the removal of Unit 10 and in its place provide a visitor car park space and common landscape open space.

Note: *The proposal must provide a minimum of 3 visitor car park spaces on site. Further, all parking facilities shall comply fully with AS/NZS 2890.1 - 2004*
 - (b) details of plans and statements showing the proposed development achieves the mandatory rules regarding the Water Sensitive Urban Design requirements. The applicant/lessee is to refer to Sub-Elements 6.7 and 6.8, General Development Controls of the Multi Unit Housing Development Code.

2. A cable reticulation plan, prepared by a suitably qualified person and endorsed by the relevant service providers, showing:
 - (i) underground reticulation of all cables (including electricity, telephone and data);
 - (ii) relevant points of connection (no new poles should be erected);
 - (iii) size and location of associated items (including electrical sub-stations) within the site; and
 - (iv) screening of any electrical sub-station that may be required;
3. The maximum height of all proposed buildings shall be 8.5m from the natural ground level.
4. The rear units (Units 6 to 9) shall be 2.7m setback from overhead power lines that run along the western boundary (adjacent to open public space) in accordance with ActewAGL's requirements;
5. that 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 at 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 –2004).

Note: *The proposed mailbox location must also comply with AS 2890.1-2004.*

6. The applicant/lessee shall protect and maintain all existing trees and shrubs located on the subject site, on adjoining blocks overhanging the subject site, on the verge and unleased Territory land immediately adjacent, except for those specifically identified for removal in the approved drawings and a Tree Management Plan. Tree protection fencing, if required, shall be erected prior to the commencement of any work on the site.
7. During building work (including demolition) for both stages:
 - (a) all unsurfaced entry and exit points must be consolidated with crushed aggregate or similar extending from the road kerb to the building line;
 - (b) temporary sediment controls – comprising, as a minimum, geotextile silt fencing along the lowest points of the site and hay bale filters as required – are to be installed and maintained at least daily to prevent sediment from reaching the stormwater mains system;
 - (c) all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with a Landscape Management Plan approved by the Asset Acceptance Manager, Asset Management Services Group, Department of Territory and Municipal Services. This plan is to be approved and implemented before the commencement of works, including demolition, on the site and is to be in accordance with the *City Management Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04*; and
 - (d) 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.

- (e) all times during construction the site and surrounds shall be managed in accordance with a Temporary Traffic Management Plan, prepared by a suitably qualified person and approved by the Manager, Asset Use. This plan is to address, as a minimum, measures to be employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices;
- (f) the Notice of Commencement of Construction shall be submitted to the Manager Asset Acceptance one week prior to the commencement of works. The Notice shall also include the confirmation of any protective measures installed in accordance with the approved LMP and programmed implementation of the TTM.

Note: see Appendix 1 for more information in relation to other approvals required for work on unleased Territory land.

8. Pursuant to sub paragraph 165(3)(n)(ii) of the *Planning and Development Act 2007*, at the lessee's expense and before the completion of building work, the existing fences on both the side boundaries and on the boundary adjacent to the public open space shall be upgraded to a 1.8m high timber lapped and capped fence, or to another standard acceptable to the ACT Planning and Land Authority. The lessee must take all reasonable steps to obtain the written agreement of the respective lessees before the erection of any new fencing. If there is no agreement, the fencing is to be to the satisfaction of the ACT Planning and Land Authority. New fencing shall not extend further forward than the new building line, facing Ainsworth Street.

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

DATE THAT THIS APPROVAL TAKES EFFECT

This approval is takes effect 20 working days after the day this notice of decision is given to every person who made a representation on the application. The effective date for development applications approved subject to conditions could be adjusted if the approval is reconsidered by the ACT Planning and Land Authority or if an application is made to the ACT Administrative Appeals Tribunal.

Pursuant to section 184 of the Act, this approval will expire if:

- the development or any stage of the development is not started within two years after the day the approval takes effect;
- the development is not finished two 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 under section 189 of the Act.

Under section 184 of the Act, the applicant may apply to the ACT 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.

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 21 August 2008 to 15 September 2008. Three (3) written representations were received during the public consultation.

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

- (a) Overshadowing from the proposed development on both Unit 1 and Unit 2

The proposed height of the development fully complies with the building envelope requirement to ensure the amenity of surrounding properties is maintained, particularly in relation to privacy, overshadowing and solar access. Unit 1 and Unit 2 on Block 18 would have a minimum of 3 hours of direct sunlight onto the internal primary living space and the private open space between the hours of 9am and 3pm on 21 June (winter solstice).

- (b) The terraces of Units 1 to 5 will overlook the main living areas and outdoor area of Unit 2

The proposal fully complies with the relevant rules and the criteria of the Multi-Unit Housing Development Code. It is considered that no further improvement is warranted in regard to overlooking.

- (c) The structure will have an overbearing appearance due to the bulky nature of the design

The proposed architectural design of the building is different from those of existing and newly constructed development (and a newly approved development on Blocks 1 and 2 Section 15). However the proposed development does show appropriate consideration for the streetscape and adjoining development. The proposed development has provided adequate setback from the street frontage to allow adequate space for landscaping. The proposal also provided adequate setback from all other boundaries to allow landscaping and minimise any significant impact on the neighbouring development.

The proposed front elevation is considered to have good articulation and it provides visual interest, with entry doors, different fenestration design and sizes, and differentiating the roof design to each unit.

Notwithstanding this, there is no planning control over architectural style of a building for the suburb of Mawson. The Authority recognises that the proposal is an innovative design and that does not imitate the existing single dwellings and the recently approved multi unit development in the area. It is considered that the difference in architectural style of the proposal in relation to the adjoining residential development is not disrespecting the existing streetscape character. It is considered that the proposal compliments the diversity of architectural styles common to a residential area. The style of residential buildings both single and multi unit development does not stay constant. The changes to the style could be for many reasons, to name a few; innovative and more sustainable materials, change in consumers' taste and demographic changes and infill consistent with the Suburban Core Zone's objectives.

- (d) The provision for visitor parking on site is inadequate... could cause a safety issue

The proposal has provided adequate car park spaces for both residents and visitors. However, the location of one visitor space was not considered satisfactory and conditions have been imposed to rectify this situation.

- (e) traffic noise impact on Block 18 due to the location of the proposed driveway

The proposed location of the driveway is in accordance with the Multi-Unit Housing Development Code, where it is separated from the side boundary, common with Block 18, by 1.5m. This space between the side boundary and the driveway is to be landscaped which will provide screening and thus provide protection to the residents on Block 18 and the future residents of the proposed development.

Further, the driveway gradient is in accordance with Part 1: Off-Street Car Parking, Parking Facilities of Australian/New Zealand Standard 2890.1:2004.

The location of the proposed driveway is similar to the dual occupancy development on Block 18 and the recently approved 18 residential units on Blocks 1 and 2 Section 15 Mawson. That is, the proposed driveway is located on the southern side of the block.

The noise from the proposed driveway would be of residential scale and would not significantly affect the amenity of adjoining residents. The proposal was referred to the TAMS and no concerns were raised in this regard.

The location and extent of the Suburban Core Zone – RZ2 (previously known as A10 Core Area, Territory Plan 2002) was established as part of an extensive public consultation process. The Suburban Core Areas provide a greater certainty to where multi-unit redevelopment is likely to occur. The type of development that is envisaged for RZ2 is the type of residential development that could have occurred previously throughout all the suburbs, prior to the introduction of RZ2.

On 31 March 2008, the new Territory Plan was introduced and became effective. Among other changes, the new Territory Plan provides new rules and criteria in relation to multi-unit development proposals in RZ2 areas to further improve the amenity of the residents within the development and the adjoining residents.

- (f) Inconsistent with the required 4m boundary setback from the public open space and the visitor car park in front of Unit 9 seems to be an add-on, and will have a cluttering effect on the main thoroughfare

The majority of the proposed rear building is located 4m from other front boundary. Only Unit 10 is setback 3.05m from the other front boundary, this is less than 19% width of the other front boundary. It is considered that this minor encroachment would not significantly affect the outlook from the public open reserve. However, a condition has been imposed to remove Unit 10 from the development to provide a better visitor car park location.

- (g) The safety of school children due to increase in traffic volume

All vehicles will exit in forward direction on to the road from the subject site. All vehicles during school hours must comply with the 40km speed limit along Ainsworth Street.

Notwithstanding this, the proposal was referred to the Department of Territory and Municipal Services for comment and no concerns regarding increased traffic volume were raised. However, a condition has been imposed to ensure sightline from the subject site to the street is compliant with the relevant Australian Standards.

(h) The safety of school children during the construction work

All construction works must be carried in accordance with Condition 9 and Appendix 1 'FURTHER APPROVALS FOR CONSTRUCTION' of this document. The compliance of Appendix 1 would ensure the safety of all pedestrians in the area.

ENTITY ADVICE

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

Department of Territory and Municipal Services

On 27 November 2008 advice was received from Territory and Municipal Services in relation to the proposal. The advice states that the proposal is fully supported. However, the standard conditions must be imposed.

Matters raised have been incorporated as either conditions of approval or advice.

ActewAGL

On 22 August 2008 and 6 September advice were received from Actew Corporation in relation to the proposal.

- ACTEW's Water and Sewerage Section approved the proposed development with standard conditions.
- ACTEW's Electricity Networks approved with conditions that rear units be setback 2.7m from the existing overhead powerlines that run along rear boundary in accordance with the ActewAGL's requirements.

Matters raised have been incorporated as either conditions of approval or advice.

REASONS FOR THE DECISION

The application satisfactorily meets the requirements for approval. The application was approved because, based on the documentation and in the form modified by the imposed conditions, it was considered to meet:

- the relevant code, being the Multi Unit Housing Development Code; and
- the advice of the Conservator of Flora and Fauna in relation to the proposal (if the proposed development will affect a registered tree or declared site).

The key issues identified in the assessment are:

- the payment of the change of use charge, the new block survey and the registration of the consolidated lease. Conditions have been imposed to address the key issues and ensure that the proposal is consistent with the Territory Plan and the *Planning and Development Act 2007*;
- the inappropriate location for a visitor car park space on site. A condition has been imposed to remove a unit from the development to provide a more appropriate location for visitor car park space to address this issue.
- the proposed landscaping and mailbox may obscure driver's visibility of the footpath. A condition has been imposed to address this issue.

In reaching the decision, the application has been assessed in accordance with section 120 of the Act – Merit track considerations when deciding development approval.

INSPECTION OF THE APPLICATION AND DECISION

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

RECONSIDERATION OF THE DECISION

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

Application forms and further information about reconsideration are available from the ACT Planning and Land Authority's website and Customer Service Centres. The delegate of the Authority reconsidering the decision must be different from, and senior to, the original decision maker. An application for reconsideration does not prevent an application for a review of the same decision being made to the ACT Administrative Appeals Tribunal.

REVIEW BY THE ACT ADMINISTRATIVE APPEALS TRIBUNAL (AAT)

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

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

EVIDENCE

Application No. 200812307

File No. 200812307

The Territory Plan zone – Suburban Core Zone

The Development Codes – Multi Unit Housing Development Code

Current Crown Leases – **Block 16: Volume 918 : Folio 11**

Block 17: Volume 986 : Folio 78

Representations

Entity advice

DELEGATE

Ada Schuurmans-Stekhoven
Delegate of the ACT Planning and Land Authority
8 December 2008

CONTACT OFFICER

Ada Schuurmans-Stekhoven
Phone: 62072435
Email: ada.stekhoven@act.gov.au

APPENDIX 1

CONTACT DETAILS OF RELEVANT AGENCIES

ACT Health - health protection	Website: www.health.act.gov.au Telephone: (02) 6205 1700
ACT Planning and Land Authority <ul style="list-style-type: none"> - list of certifiers for building approval - demolition information - asbestos information 	Website: www.actpla.act.gov.au Telephone: (02) 6207 1923 or (02) 6207 1687
Department of Territory and Municipal Services <ul style="list-style-type: none"> - tree damaging activity approval - environment protection - water resources - heritage - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets 	Website: www.tams.act.gov.au Telephone: 132 281 Telephone for asset acceptance: (02) 6207 6594
Utilities <ul style="list-style-type: none"> - Telstra (networks) - TransACT (networks) - ActewAGL - Electricity reticulation 	Telephone: (02) 6219 1213 Telephone: (02) 6229 8000 Telephone: 1100 Telephone: (02) 6293 5738

ADVICE TO APPLICANT

SUBMISSION OF REVISED DRAWINGS AND DOCUMENTATION

If a condition of approval requires the applicant to lodge revised drawings and/or documentation with the ACT Planning and Land Authority for approval under section 165 of the *Planning and Development Act 2007* the submission shall be made with a completed application Form 11 for Section 144 & 197 Amendments and Satisfying Conditions of Approval (S.165).

FURTHER APPROVALS FOR CONSTRUCTION

The Notice of Decision grants development approval, but does not cover building approval or approvals which may be required during construction, which commonly include the following.

BUILDING APPROVAL

Most building work requires building approval to ensure it complies with building laws such as the Building Code of Australia. If this applies to this proposal, the lessee should engage a private building certifier to assess and approve the building plans before construction begins. A list of licensed certifiers and information about building approval is available from the ACT Planning and Land Authority's website and Customer Service Centres.

PERMITTED VARIATIONS TO APPROVED DEVELOPMENT

Under section 35 of the Planning and Development Regulation 2008 the development as built may vary from the approved development in accordance with section 35 and the permitted construction tolerances and other permitted variations identified in Schedule 1A of that regulation.

Note 1 The development may still need building approval, or further building approval, under the *Building Act 2004*

Note 2 The development must also comply with the lease for the land on which it is carried out.

“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 Department of Territory and Municipal Services.

USE OF VERGES OR OTHER UNLEASED TERRITORY LAND

In accordance with the *Roads and Public Places Act 1937*, road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. Approval can be obtained from the Department of Territory and Municipal Services.

WORKS ON UNLEASED TERRITORY LAND – DESIGN ACCEPTANCE

In accordance with the *Roads and Public Places Act 1937*, no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval is only given by way of a certificate of design acceptance from Asset Acceptance, Asset Management Services Group, TAMS. Unless a certificate of design acceptance is obtained, and the respective work completed in accordance with this certificate, a certificate of compliance under s296 of the Planning and Development Act 2007, may not be issued. This applies to works such as the construction or upgrading of driveway verge crossings, the replacement of public footpaths, street lighting and verge landscaping.

CONSTRUCTION REQUIREMENTS

The following information are some key requirements that apply to building work in the Territory. Other requirements may apply to this development.

DEMOLITION AND ASBESTOS MANAGEMENT

Demolition and asbestos management must be undertaken in accordance with the *Building Act 2004* (including the Building Code of Australia) and the *Dangerous Substances Act 2004*. Information about demolition and asbestos management is available from the ACT Planning and Land Authority’s web site and Customer Service Centres.

ENVIRONMENT PROTECTION

All building work must be undertaken in accordance with the *Environment Protection Act 1997*, particularly but not exclusively in relation to noise and pollution control. More information is available from the Department of Territory and Municipal Services.

REPAIR OF DAMAGE TO PUBLIC ASSETS

The applicant/lessee is held responsible for all damage to ACT Government assets (including footpaths) caused by the development and they must properly repair any damage to those assets. Before work commences, they should notify the Department of Territory and Municipal Services of any existing damage to public facilities.

UTILITY ASSETS RETENTION

The lessee should obtain a plant location advice from ActewAGL to avoid conflict with existing plant or electrical easements. The lessee will be responsible for the costs associated with the relocation of assets, if necessary. The lessee is to ensure that the water service and water meter are retained in position and in good condition. ActewAGL water meters are accountable items and must not be removed from the site or otherwise disposed of.

WATER RESTRICTIONS AND FILLING OF NEW POOLS, PONDS AND FOUNTAINS

Water restrictions or permanent water conservation measures may be in force in the ACT and may prohibit or affect the filling of new pools, ponds and fountains using potable (tap) water

drawn from ACTEW Corporation Limited's potable water supply system. Applicants wishing to use water drawn from the potable water supply system to fill a new pool, pond or fountain are advised to first contact ACTEW's Water conservation office on (02) 62483131. Where water restrictions or permanent water conservation measures would otherwise prevent or affect the filling of a new pool, pond or fountain, it might be possible to obtain an exemption to fill the pool, pond or fountain using potable water.

DRAINAGE

The Building Code of Australia contains provisions affecting surface drainage and the height of finished floor levels. These may apply to this proposal.

BUSHFIRE MITIGATION MEASURES

This residential dwelling is located in an area where a bushfire risk assessment has identified that mitigation measures are required to reduce the impact of bushfires. The mitigation measures in this approval are to be maintained for the life of the residence. Special care needs to be exercised by the lessee to ensure that any future building works and modifications to the dwelling and additional landscaping does not compromise the mitigation measures imposed.

REVIEW OF THE DECISION

The following notes are provided in accordance with the ACT Administrative Appeals Tribunal (AAT) *Code of Practice for Notification of Reviewable Decisions and Rights of Review*. Refer to the Review by the ACT Administrative Appeals Tribunal (AAT) section of the Notice of decision for information about its relevance to this development application.

CONTACT DETAILS

The review authority is the Administrative Appeals Tribunal (AAT).

Location	Contact details
Tribunals Branch Magistrates Court 4 Knowles Place CANBERRA ACT 2601	Website: www.courts.act.gov.au Email: tribunals@act.gov.au Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601 Document exchange: DX 5691

POWERS OF THE AAT

The AAT is an independent body. It can review on their merits a large number of decisions made by ACT Government ministers, officials and statutory authorities. The AAT 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 AAT recommendations.

APPLICATIONS TO THE AAT

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

TIME LIMITS FOR APPLICATIONS

The time limit to make a request for a review is 28 days from receiving this Notice of decision. The time limit can be extended in some circumstances. Check with the AAT for more details.

FEES

Applications to the AAT, including an application to be joined as a party to a proceeding, require payment of a fee of not less than \$165 (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 62 of the *Administrative Appeals Tribunal Act 1989*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Chief Executive, ACT Department of Justice and Community Safety, GPO Box 158, CANBERRA ACT 2601. Ask the AAT for more details.

TIME LIMITS FOR REVIEWS OF DECISIONS

The AAT 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 AAT upon it being satisfied that it is in the interests of justice to do so.

FORMS OF LEGAL, FINANCIAL AND OTHER ADVICE AND ASSISTANCE

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

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

AWARDING OF COSTS

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

ACCESS TO DOCUMENTS ABOUT THE DECISION

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

PROCEDURES OF THE AAT

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

TRANSLATION AND INTERPRETER SERVICES

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

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjuna 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



ACT Planning &
Land Authority

Notice of decision on Reconsideration

51

Division 7.3.10 of the *Planning and Development Act 2007*

DA NO: 200812307

DATE RECONSIDERATION LODGED: XX month 200X

DATE OF DECISION: **XX month 200X**

BLOCK: 16 and 17

SECTION: 13

SUBURB: MAWSON

STREET NO AND NAME: 51 Ainsworth Street

APPLICANT: Peter Byfield

LESSEE: Hillcorp Developments Pty Limited

THE APPLICATION

This application seeks reconsideration of the decision by the Authority of **8 December 2008** to **impose the conditions of approval set out in the Notice of Decision**.

THE DECISION

I, **Jyoti Pradhan**, delegate of the ACT Planning and Land Authority, pursuant to section 193 of the *Planning and Development Act 2007*, hereby ~~confirm the original decision of the Planning and Land Authority~~ **substitute the decision at Attachment A** for the original decision of the Planning and Land Authority dated **8 December 2008**.

PUBLIC NOTIFICATION

Pursuant to Division 7.3.10 of the Act, written notice of the reconsideration application was given to anyone who made representation under section 156 about the original application on **XX month 200X to XX month 200X**. (**Written number, e.g. Twenty-two**) written representations were received during the time allowed.

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

(a) *Issue title*

Comment on each issue. Respond to issue. Try to imagine whether the comment given would satisfy you if it were your objection. Outline any condition imposed in response to a particular issue. Conditions of approval have been imposed to address these concerns.

(b) *Issue title*

As above

REASONS FOR THE DECISION

approved with conditions

The original decision is substituted by the decision at **Attachment A** because further information provided by the applicant for reconsideration demonstrated that the proposal is not inconsistent with the *Territory Plan*.

The decision has been revised as a result of an application for reconsideration in accordance with Section 191 of the *Planning and Development Act 2007*.

This reconsideration sought to... The Authority supports the revisions to the previous Notice of Decision because the application for reconsideration demonstrated that... (e.g. the proposed development would comply with the Territory Plan). In particular the supporting documentation demonstrates that the proposal would be not inconsistent with the requirements of... (e.g. Territory

Plan, CZ2 Business Zone Objectives; the Group Centres Precinct Code; requirements of the Parking and Vehicular Access General Code; and not inconsistent with the advice of the Department of Territory and Municipal Services). In remaking the decision the following matters were addressed as part of revisions to the original decision...

If decision confirmed

The original decision was confirmed because:

- a) A review of the information available when the original decision was made disclosed no grounds that would support an approval of the proposal;
- b) The information provided by the applicant in the application for reconsideration provided no grounds for the approval of the proposal;
- c) **Other relevant information... (e.g. information from representations)**

INSPECTION OF THE APPLICATION AND DECISION

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

REVIEW BY THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL (ACAT)

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

If people made representations in relation to the application

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

EVIDENCE

Application No. 200812307

File No. 200812307

The Territory Plan zone – Suburban Core Zone

The Development Codes – Multi Unit Housing Development Code

Current Crown Leases – Block 16: Volume 918 : Folio 11

Block 17: Volume 986 : Folio 78

Representations

Entity advice

DELEGATE

Jyoti Pradhan

Delegate of the ACT Planning and Land Authority

XX month 200X

CONTACT OFFICER

Full name

Phone: (02) 620X XXXX

Email: insert email address

If the application has been refused, delete the following information under and the headings, 'Further approvals for construction' and 'Construction requirements'.

APPENDIX 1

REVIEW OF THE DECISION

The following notes are provided in accordance with regulation 7 of the *ACT Civil and Administrative Tribunal Regulation 2008*. Refer to the Review by the ACT Civil and Administrative Tribunal (ACAT) section of the Notice of decision for information about its relevance to this development application.

CONTACT DETAILS

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

Location	Contact details
ACT Civil and Administrative Tribunal ACT Magistrates Court Building Knowles Place CANBERRA CITY ACT 2601	Website: www.courts.act.gov.au Email: tribunal@act.gov.au Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601 Document exchange: DX 5691

POWERS OF THE ACAT

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

APPLICATIONS TO THE ACAT

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

TIME LIMITS FOR APPLICATIONS

The time limit to make a request for a review is 28 days from receiving this Notice of decision. The time limit can be extended in some circumstances. Check with the ACAT for more details.

FEES

Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee of not less than \$172 (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Chief Executive, ACT Department of Justice and Community Safety, GPO Box 158, CANBERRA ACT 2601. Ask the ACAT for more details.

TIME LIMITS FOR REVIEWS OF DECISIONS

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

FORMS OF LEGAL, FINANCIAL AND OTHER ADVICE AND ASSISTANCE

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

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

AWARDING OF COSTS

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

ACCESS TO DOCUMENTS ABOUT THE DECISION

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

PROCEDURES OF THE ACAT

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

TRANSLATION AND INTERPRETER SERVICES

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

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna 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	Ako vam je potrebna pomoć prevodioca telefoniрајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız 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



OFFICER : MARILYN ROSS
PHONE : 62055328
FAX : 6207 5548

**The Manager
Australian Valuation Office
PO Box 707
CIVIC SQUARE ACT 2608**

Dear Sir/Madam

**BLOCKS 16 & 17 SECTION 13 SUBURB OF MAWSON
DEVELOPMENT APPLICATION NO: 200812307
LESSEE: HILLCORP DEVELOPMENTS PTY LIMITED**

The Lessees of the above block made application under the *Planning and Development Act 2007* to consolidate Blocks 16 and 17 Section 13 Mawson into a single lease and variation to the consolidated lease to permit ten dwellings.

The application was approved on 8 December 2008 with conditions.

That no building work in relation to this Development Application is to commence on the site until the new consolidated Crown lease is registered at the Registrar-General's Office.

Would you please provide me with before and after values in accordance with the provisions as set out in the *Planning and Development Act 2007* that may be applicable, within ten working days time from the date of this letter. Please let me know within 5 days if you envisage any problems in providing this information within the time frame requested.

I have attached a copy of the Notice of Decision for your information.

If you require any further information, please contact me on 6205 5328.

Yours sincerely

Marilyn Ross
Leasing Section

17 December 2008

From: [Ross, Marilyn](#)
To: ["canberra@avo.gov.au"](mailto:canberra@avo.gov.au)
Subject: CUC request with Notice of Decision Signed Block 16 & 17 Section 13 Mawson
Date: Wednesday, 17 December 2008 10:24:00 AM

Dear AVO

I refer to our email dated 18 August 2008 concerning the above Development Application. I have attached a copy of the Notice of Decision signed on 8 December 2008.

This is for a consolidation and lease variation with conditions that the consolidation has to be registered with the Land Titles Office before the lease variation can be done.

Please provide your valuation advice.

Yours sincerely

Marilyn Ross
Leasing Section

From: [Gill, Elise](#)
To: ["peter@pb-a.com.au"](mailto:peter@pb-a.com.au)
Cc: ["joneshill@bigpond.com.au"](mailto:joneshill@bigpond.com.au)
Subject: Change of Use Charge Determination - Blocks 16 and 17 Section 13 Mawson
Date: Wednesday, 14 January 2009 5:09:00 PM
Attachments: [CUC Determination letter signed by S Messer 5-1-09.pdf](#)

Dear Mr Byfield

Please find attached the letter advising that the change of use charge is now payable for development application 200812307. The hard copy of this letter has been forwarded to you today.

If you have any questions regarding this letter please do not hesitate to contact me.

Elise Gill
Leasing/Development Assessment
ACT Planning and Land Authority

☎ 02 6205 5328 | 📠 02 6207 1856

✉ elise.gill@act.gov.au

🌐 <http://www.actpla.act.gov.au>

🌱 Please consider the environment before printing this e-mail notice.



OFFICER : ELISE GILL
 PHONE : 6205 5328
 FAX : 6207 1856

Mr Peter Byfield
 34A Taylor St
 Annandale NSW 2038

Dear Mr Byfield

**BLOCKS 16 AND 17 SECTION 13 SUBURB OF MAWSON
 DEVELOPMENT APPLICATION NUMBER 200812307
 LESSEE: HILLCORP DEVELOPMENTS PTY LIMITED**

I refer to the notice of decision dated 8 December 2008 concerning the above application.

As you are aware, a variation may be subject to payment of a "Change of Use Charge" (CUC) as it may add value to the lease. The CUC has been determined in accordance with the formula $CUC = (V_1 - V_2) \times 75\%$ as provided by in the Planning and Development Act 2007 as follows:

After Value (V_1)	:	\$1,255,000
Before Value (V_2)	:	\$1,230,000
Added Value	:	\$ 25,000
75 % of Added Value:	:	\$ 18,750
CUC PAYABLE	:	\$ 18,750

The *Planning and Development Act 2007* also provides that the variation of a lease cannot proceed unless the Lessee has paid the CUC determined. Therefore you are required to pay the above amount within 28 days from the date of this letter at the ACT Planning and Land Authority Customer Service Centre, 16 Challis Street, Dickson.

If you do not agree with this determination you may appeal against the determined amount in accordance with the *Planning and Development Act 2007*. You must lodge your appeal with ACT Administrative Appeal Tribunal (AAT) within 28 days of the date of this letter, at the following address:

**The Registrar
 ACT Administrative Appeal Tribunal
 Land and Planning Division
 GPO Box 370
 CANBERRA ACT 2601**

Once any period for lodging appeals against your approval, or against the determined amount, has expired, and all relevant conditions of approval met, the Instrument of Variation giving effect to the approval should be lodged for registration at the Office of Regulatory Services.

Please telephone Elise Gill on 6205 5328 for further information regarding this matter.

Yours sincerely



Sue Messer
Delegate of the Planning and Land Authority

✓ January 2009

From: [Gill, Elise](#)
To: [REDACTED]
Subject: Extension of time to pay CUC
Date: Monday, 9 February 2009 1:49:00 PM

Dear [REDACTED]

Further to our telephone conversation, please be advised that an extension of time to pay the change of use charge for Development Application 200812307 has been granted. The new due date for payment will be 28 days from the date of this email, being the **9th March 2009**. If you require a further extension of time please forward a written request to actpladaleasing@act.gov.au

Kind regards

Elise

Elise Gill

**Leasing/Development Assessment
ACT Planning and Land Authority**

☎ 02 6205 5328 | 📠 02 6207 1856

✉ elise.gill@act.gov.au

🌐 <http://www.actpla.act.gov.au>

🌱 Please consider the environment before printing this e-mail notice.

From: [REDACTED]
To: [Gill, Elise](#)
Subject: Blocks 16 and 17 Section 13 Suburb of Mawson
Date: Monday, 9 February 2009 1:49:21 PM

Hi Elise

Just thought I would drop you and email with my email address [REDACTED]. If you could extend the CUC payment for the above for 28 days it would be appreciated.

Thank you

[REDACTED]
Hill Corp Developments
[REDACTED]

From: [REDACTED]
To: [Gill, Elise](mailto:Elise.Gill@act.gov.au)
Subject: Re: Extension of time to pay CUC
Date: Thursday, 12 March 2009 9:04:34 AM

Here my email

2009/2/9 Gill, Elise <Elise.Gill@act.gov.au>

Dear [REDACTED]

Further to our telephone conversation, please be advised that an extension of time to pay the change of use charge for Development Application 200812307 has been granted. The new due date for payment will be 28 days from the date of this email, being the **9th March 2009**. If you require a further extension of time please forward a written request to actpladaleasing@act.gov.au

Kind regards

Elise

Elise Gill

**Leasing/Development Assessment
ACT Planning and Land Authority**

☎ 02 6205 5328 | 📠 02 6207 1856

✉ elise.gill@act.gov.au

🌐 <http://www.actpla.act.gov.au>

🌱 Please consider the environment before printing this e-mail notice.

This email, and any attachments, may be confidential and also privileged.
If you are not the intended recipient, please notify the sender and
delete all copies of this transmission along with any attachments
immediately. You should not copy or use it for any purpose, nor disclose
its contents to any other person.

From: [Gill, Elise](#)
To: ["joneshill@bigpond.com.au"](mailto:joneshill@bigpond.com.au)
Subject: Consolidation of Blocks 16 & 17 Section 13 Mawson
Date: Friday, 3 July 2009 1:15:00 PM

Hi David

We have received notification that the X-Plan is now ready to go for DA 200812307 and we are able to proceed to registration, can you please phone our office to arrange a mutually convenient time to meet at the Land Titles Office? I will be out of the office for the next 7 weeks but if you phone my number someone from my section will be happy to assist you.

Kind regards

Elise

Elise Gill
Leasing/Development Assessment
ACT Planning and Land Authority

☎ 02 6205 5328 | 📠 02 6207 1856

✉ elise.gill@act.gov.au

🌐 <http://www.actpla.act.gov.au>

🌱 Please consider the environment before printing this e-mail notice.

Duty Only



ACL

Form 031

**APPLICATION TO REGISTER A
CROWN LEASE**

Lodging Party

Box Number

PRIVACY COLLECTION STATEMENT (PRIVACY ACT 1988 (C'WLTH)) OVERLEAF

I hereby apply for the registration of the attached Crown Lease: Please note only **ONE** Crown Lease per application.

IS THIS LEASE GRANTED AS CONSIDERATION FOR THE SURRENDER OF AN EXISTING LEASE/S? Yes No

1. LIST ALL PARCELS IN NEW LEASE

District/Division	Section	Block
MAWSON	13	35

2. LESSEE/S

Full name (Surname Last)

HILLCORP DEVELOPMENTS PTY LIMITED A.C.N. 093 493 924

3. LIST ALL PARCELS IN SURRENDERED LEASE/S

Vol:Fol	District/Division	Section	Block
918:11	MAWSON	13	16
896:78	MAWSON	13	17

4. DATE

--

5. OFFICE USE ONLY

Lodged by		Certificates Lodged	
Data Entered by		Attachments Lodged	
Examined by		Deposited Plan Noted	
Requisitions		Volume : Folio	
Registered by		Registration Date	

6. OFFICE USE ONLY

CROWN LEASE WITHDRAWN	
------------------------------	--

S.43 of the *Land Titles Act 1925 (LTA)* authorises the Registrar-General to collect the information required by this form for the establishment and maintenance of the Land Titles Register. S.65-67 LTA requires that the Register be made available to any person for search, upon payment of a fee. The information is regularly provided to various ACT Government agencies, including the ACT Department of Urban Services, ACT Planning and Land Authority (ACTPLA), ACT Treasury, Canberra Connect and ActewAGL for conveyancing, municipal account, administrative, statistical and valuation purposes. ACTPLA and agencies within the ACT Department of Urban Services may also use the information supplied to prepare and sell property sales reports to commercial organisations concerned with the development, sale or marketing of land.

SCHEDULE OF NOTES

1. This form is to be used only to apply to register a new Crown Lease.
2. Documents must be typed, or completed in black ink or biro.
3. Alterations to information entered on the form should be made by crossing out (not erasing or obliterating by painting over) and should be initialled by all parties.
4. If there is insufficient space in any panel, please use an annexure sheet.
5. Volume and Folio references must be given.
6. Provide full name/s of the lessee/s.
7. Acknowledgement and imprint of the ACT Revenue Office.



OFFICER : ELISE GILL
PHONE : 6205 5328
FAX : 6207 1856
FILE : 200812307

**The Commissioner
ACT Revenue Office**

**New Crown Lease
Block 35 Section 13 Suburb of Mawson**

A Development Application for the above block, which included the consolidation of Blocks 16 and 17 Section 13 Suburb of Mawson into one lease was approved by the ACT Planning and Land Authority on 9 April 2009.

As a condition of this approval, the Lessee must surrender the existing Crown lease in favour of a new Crown lease.

A Change of Use Charge of \$18,750 has been paid by the Lessee.

There are no off-site works associated with this development.

If you require any further details, I can be contacted on 6205 5328.

Elise Gill

ACT Planning and Land Authority

28th May 2009

ACT GOVERNMENT
Land Titles Act 1925
Registrar-General's Office



ADP
Form 054

Lodging Party

Box Number

APPLICATION TO REGISTER A DEPOSITED PLAN

PRIVACY COLLECTION STATEMENT (PRIVACY ACT 1988 (C'WLTH)) OVERLEAF

I hereby apply for the registration of the attached plan.

1. X - PLAN NUMBER

X19326

2. DEPOSITED PLAN NUMBER

--

3. AMENDED PLANS (List the DP or X Plan numbers amended by this plan. Please indicate whether DP or X Plan)

Plan No	X Plan or Deposited Plan	Plan No	X Plan or Deposited Plan
1848	DEPOSITED PLAN		

3. PARCEL(S) AFFECTED BY THE AMENDMENT(S)

DP or X Plan No	District/Division	Section	Block	DP or X Plan No	District/Division	Section	Block
DP1848	MAWSON	13	16				
DP1848	MAWSON	13	17				

4. PARCELS ON NEW PLAN

District/Division	Section	Block	To Block
MAWSON	13	35	

6. DATE

2 July 2009

7. OFFICE USE ONLY

Lodged by			
Data Entered by		Attachments Lodged	
Examined by			
Registered by		Registration Date	

PRIVACY STATEMENT

S.43 of the *Land Titles Act 1925 (LTA)* authorises the Registrar-General to collect the information required by this form for the establishment and maintenance of the Land Titles Register. S.65-67 LTA requires that the Register be made available to any person for search, upon payment of a fee. The information is regularly provided to various ACT Government agencies, including the ACT Department of Urban Services, ACT Planning and Land Authority (ACTPLA), ACT Treasury, Canberra Connect and ActewAGL for conveyancing, municipal account, administrative, statistical and valuation purposes. ACTPLA and agencies within the ACT Department of Urban Services may also use the information supplied to prepare and sell property sales reports to commercial organisations concerned with the development, sale or marketing of land.

SCHEDULE OF NOTES

1. This application should be used apply to register a Deposited Plan.
2. Documents must be typed, or completed in black ink or biro.
3. Alterations to information entered on the form should be made by crossing out (not erasing or obliterating by painting over) and should be initialled by the parties.
4. If there is insufficient space in any panel use an annexure sheet.
5. Provide the X Plan Number. A space is left to provide the new DP number after registration.
6. Provide details of the plans being amended.
7. Provide details of the parcels to be amended.
8. Provide details of the parcels on the new plan.



Australian Government
Australian Valuation Office

CANBERRA OFFICE
PO Box 707
CIVIC SQUARE ACT 2608
Phone: (02) 6216 4827
Facsimile: (02) 6216 1996

The Manager
Leasing and Building Services Branch
ACT Planning & Land Authority
GPO Box 1908
CANBERRA ACT 2601

ATTENTION: Elise Gill

CROWN LEASE: BLOCKS 16 & 17 SECTION 13 MAWSON
LESSEE: Hillcorp Developments Pty Limited
DA No: DA 200812307

Your Request of 18 August 2008

We have completed a review of the change of use assessment for the above mentioned property. A brief report has been attached to this letter for your reference.

For any further consultation regarding this matter please contact [REDACTED] or [REDACTED]

[REDACTED]
Managing Valuer
Australian Valuation Office
Canberra Region

17 December 2008

CHANGE OF USE CHARGE

REVIEW

CROWN LEASE: **BLOCKS 16 & 17 SECTION 13 MAWSON**
LESSEE: **Hilltop Developments Pty Limited**
DA No: **DA 200812307**

Instructions

The ACT Planning and Land Authority (ACTPLA) have requested AVO to provide relevant comments in regard to a Change of Use charge assessment for the abovementioned property.

The request from ACTPLA includes a copy of the Development Application and details of the proposed lease variation, copy of the Crown lease and a valuation report prepared by Colliers International dated 20 June 2008.

The valuation review process has included the following:

- Perusal and consideration of the information provided in the request
- An inspection of the subject property (from the roadside)
- Research and analysis of additional market evidence
- Quality assurance by the Senior Valuer

Development Application

The proposed development application seeks to vary the provisions of the existing Crown Lease as follows:

- amalgamate two existing residential purpose use sites (1,925.4m²) to permit no more than ten (10) townhouses.

Private Valuer's Assessment

After Value	V ₁	\$1,255,000
Before Value	V ₂	\$1,230,000

Comment

The valuation report submitted by Colliers International has been reviewed and checked in relation to market evidence. The private valuers assessment in both the “before and after” values is considered to be within market parameters and regarded as a fair and reasonable assessment.

The Notice of Decision dated 8 December 2008 has been taken into consideration in this assessment.



Australian Valuation Office’s Assessment

After Value	V ₁	\$1,255,000
Before Value	V ₂	\$1,230,000

Proviso

This valuation is not to be used after 6 months from the date of valuation, nor if there are any material or economic changes meanwhile. In either event it should be referred back to the Australian Valuation Office for review.

For any further consultation regarding this matter please contact Geoff McInerney on 6216 4987 or geoff.mcinerney@avo.gov.au .



 Senior Valuer
 Australian Valuation Office
 Canberra Region

17 December 2008

Disclaimer

This assessment is for the exclusive use of the Leasing and Compliance Section of the ACT Planning and Land Authority to whom it is addressed and is undertaken in accordance with instructions provided in the request.

This report is not to be used by any other party for any purpose. Neither the whole nor any part of this report or any reference thereto may be included in any published document, circular or statement, nor published in part nor in full in any way without written approval of the Australian Valuation Office of the form and context in which it will appear.

Notwithstanding the foregoing, the client agrees that in the event that it does communicate to a third party the whole or any part of this valuation it shall also communicate to the third party the full terms as stated under this disclaimer and further agrees to indemnify the Australian Valuation Office in the event of any failure to do so.



OFFICER : ELISE GILL
 PHONE : 6205 5328
 FAX : 6207 1856

Mr Peter Byfield
 34A Taylor St
 Annandale NSW 2038

Dear Mr Byfield

**BLOCKS 16 AND 17 SECTION 13 SUBURB OF MAWSON
 DEVELOPMENT APPLICATION NUMBER 200812307
 LESSEE: HILLCORP DEVELOPMENTS PTY LIMITED**

I refer to the notice of decision dated 8 December 2008 concerning the above application.

As you are aware, a variation may be subject to payment of a "Change of Use Charge" (CUC) as it may add value to the lease. The CUC has been determined in accordance with the formula $CUC = (V_1 - V_2) \times 75\%$ as provided by in the Planning and Development Act 2007 as follows:

After Value (V ₁)	:	\$1,255,000
Before Value (V ₂)	:	\$1,230,000
Added Value	:	\$ 25,000
75 % of Added Value:	:	\$ 18,750
CUC PAYABLE	:	\$ 18,750

The *Planning and Development Act 2007* also provides that the variation of a lease cannot proceed unless the Lessee has paid the CUC determined. Therefore you are required to pay the above amount within 28 days from the date of this letter at the ACT Planning and Land Authority Customer Service Centre, 16 Challis Street, Dickson.

If you do not agree with this determination you may appeal against the determined amount in accordance with the *Planning and Development Act 2007*. You must lodge your appeal with ACT Administrative Appeal Tribunal (AAT) within 28 days of the date of this letter, at the following address:

**The Registrar
 ACT Administrative Appeal Tribunal
 Land and Planning Division
 GPO Box 370
 CANBERRA ACT 2601**

Once any period for lodging appeals against your approval, or against the determined amount, has expired, and all relevant conditions of approval met, the Instrument of Variation giving effect to the approval should be lodged for registration at the Office of Regulatory Services.

Please telephone Elise Gill on 6205 5328 for further information regarding this matter.

Yours sincerely

Sue Messer
Delegate of the Planning and Land Authority

January 2008



OFFICER : ELISE GILL
 PHONE : 6205 5328
 FAX : 6207 1856

Mr Peter Byfield
 34A Taylor St
 Annandale NSW 2038

Dear Mr Byfield

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 DEVELOPMENT APPLICATION NUMBER 200812307
 LESSEE: HILLCORP DEVELOPMENTS PTY LIMITED**

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Please telephone Elise Gill on 6205 5328 for further information regarding this matter.

Yours sincerely



Sue Messer
Delegate of the Planning and Land Authority

✓ January 2009



OFFICER : ELISE GILL
 PHONE : 6205 5328
 FAX : 6207 1856

Mr Peter Byfield
 34A Taylor St
 Annandale NSW 2038

Dear Mr Byfield

**BLOCKS 16 AND 17 SECTION 13 SUBURB OF MAWSON
 DEVELOPMENT APPLICATION NUMBER 200812307
 LESSEE: HILLCORP DEVELOPMENTS PTY LIMITED**

I refer to the notice of decision dated 8 December 2008 concerning the above application.

As you are aware, a variation may be subject to payment of a "Change of Use Charge" (CUC) as it may add value to the lease. The CUC has been determined in accordance with the formula $CUC = (V_1 - V_2) \times 75\%$ as provided by in the Planning and Development Act 2007 as follows:

After Value (V_1)	:	\$1,255,000
Before Value (V_2)	:	\$1,230,000
Added Value	:	\$ 25,000
75 % of Added Value:	:	\$ 18,750
CUC PAYABLE	:	\$ 18,750

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 GPO Box 370
 CANBERRA ACT 2601**

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Please telephone Elise Gill on 6205 5328 for further information regarding this matter.

Yours sincerely



Sue Messer
Delegate of the Planning and Land Authority

5 January 2009



ACT Planning &
Land Authority

ACT Planning and Land Authority

Tax Invoice/Receipt

ABN 46 346 672 655
16 Challis Street Dickson
GPO Box 1908 Canberra ACT 2601
ACTPLA Homepage: www.actpla.act.gov.au

Telephone Enquiries:
-Customer Service Centre (02) 6207 1923
-Plan Room (02) 6207 1939
-Mitchell Office (02) 6207 6262

Receipt No: 784/0081/000001 Date: 04/05/2009 Time: 10:45:01
KIERAN JONES
2/157 LA PEROSE STREET RED HILL ACT 2603

	Cash	Cheque	Card	EFTPOS	Total
Payment Totals----->	0.00	0.00	18,750.00	0.00	18,750.00

Item	Block/Section	Remarks	Debtor	Invoice Qty	Amount	GST Incl	Total
Change of use Charge - CHUC	000-0016-0013-MAWS	AND BLOCK 17		0 0	18,750.00	0.00	18,750.00

Total Payments					18,750.00	0.00	18,750.00

Cashier Signature. 



DCL
Form 057

Lodging Party

Box Number

DETERMINATION / SURRENDER OF A CROWN LEASE

PRIVACY COLLECTION STATEMENT (PRIVACY ACT 1988 (C'WLTH)) OVERLEAF

The lessee surrenders to the lessor all the estate and interest described in item 1 or referred to in the attached annexure.

1. LAND

Vol:Fol	District/Division	Section	Block	Instrument No/ Associated Dealing No
918:11	MAWSON	13	16	
986:78	MAWSON	13	17	

2. LESSEE/S

Full Name (Surname Last)

HILLCORP DEVELOPMENTS PTY LIMITED A.C.N. 093 493 924

3. CONSENTING PARTY/PARTIES/LESSOR/S

I / We consent to the following:

4. CONSIDERATION

THE GRANT OF A NEW CROWN LEASE

5. DATE

6. EXECUTION

Signed by the Lessee/s

Signature of the Lessee/s

Full Name of Witness

Signed in my presence

Signature of Witness

Signed by the person duly authorised by the ACT Planning and Land Authority

Full name of signatory

Full Name of Witness

Signed in my presence

Signature of the delegate of the ACT Planning and Land Authority

Signature of Witness

7. OFFICE USE ONLY

Lodged by		Certificates Lodged	
Data Entered by		Attachments Lodged	
Examined by		Certificate of Title Lodged	
Registered by		Registration Date	

PRIVACY STATEMENT

S.43 of the *Land Titles Act 1925 (LTA)* authorises the Registrar-General to collect the information required by this form for the establishment and maintenance of the Land Titles Register. S.65-67 LTA requires that the Register be made available to any person for search, upon payment of a fee. The information is regularly provided to various ACT Government agencies, including the ACT Department of Urban Services, ACT Planning and Land Authority (ACTPLA), ACT Treasury, Canberra Connect and ActewAGL for conveyancing, municipal account, administrative, statistical and valuation purposes. ACTPLA and agencies within the ACT Department of Urban Services may also use the information supplied to prepare and sell property sales reports to commercial organisations concerned with the development, sale or marketing of land.

SCHEDULE OF NOTES

1. This form is to be used only for the determination of a Crown Lease.
2. There are two types of determinations:
 - a. where the lease is to be determined and no further lease is to be issued to the lessee; or
 - b. where the lease is to be determined with a view to the acceptance of a new lease(s) to the same lessee.
3. Where the lease subject to a registered mortgage is surrendered, the Registrar-General will not register the determination unless satisfied that the mortgage has been discharged; or that the mortgagee has consented to the surrender.
4. Documents must be typed, or completed in black ink or biro.
5. Alterations to information entered on the form should be made by crossing out (not erasing or obliterating by painting over) and should be initialled by all parties.
6. If there is insufficient space in any pane use an annexure sheet.
7. Volume and Folio references must be given.
8. Provide full name/s of the lessee/s.
9. Provide the consideration.
10. Production of certificate of title. If the crown lease is being surrendered, please produce the current certificate of title.
11. Execution by
 - **A Natural Person** – should be witnessed by an adult person who is not a party to the document.
 - **Attorney** – if this document is executed by an Attorney pursuant to a registered power of attorney, it must set out the full name of the attorney and the form of execution must indicate the source of his/her authority eg. “AB by his/her attorney XY pursuant to Power of Attorney ACT Registration No..... of which he/she has no notice of revocation”.
 - **Corporation** – Section 127 of the *Corporations Act* provides that a company may validly execute a document with or without using a Common Seal if the document is signed by:
 - a. Two directors of the company;
 - b. A director and a secretary of the company; or
 - c. Where the company is a proprietary company and has a sole director who is also the sole company secretary, that director. Please identify that the director is a sole director on the form.

The following forms of execution are suggested –

With A Common Seal

The Common Seal of ABC Pty Ltd/Ltd ACN.....

was affixed in the presence of-

.....(signature)

.....(director/secretary)*

(*repeat if necessary ie if two directors signing. If signing as sole director and sole secretary, state 'director/secretary')

Without A Common Seal

Signed by.....Pty Ltd/Ltd ACN.....

.....(signature)

.....(director/secretary)*

(*repeat if necessary ie if two directors signing. If signing as sole director and sole secretary, state 'director/secretary')

NB **The normal witnessing provisions in the *Land Titles Act 1925* do not apply to execution by a corporation as above, but do apply to execution by the attorney of a corporation.**



OFFICER : ELISE GILL
PHONE : 6205 5328
FAX : 6207 1856

Mr Peter Byfield
34A Taylor St
Annandale NSW 2038

Dear Mr Byfield

**BLOCK 35 (FORMERLY BLOCKS 16 AND 17) SECTION 13 SUBURB OF MAWSON
DEVELOPMENT APPLICATION NUMBER 200812307
LESSEE: HILLCORP DEVELOPMENTS PTY LIMITED**

I refer to the above application. Since the Change of Use Charge has been paid, the new Crown lease giving effect to the approval has now been prepared.

Please find enclosed an Instrument of Surrender for the existing Crown lease and duplicate copies of the new Crown lease. Once registered these documents will give effect to the approval, however prior to registration, the following steps need to be completed:

1. The attached documents should be signed in **black ink** (where indicated in pencil) by the Lessee and a witness (where applicable) and returned to this office for execution by the Authority's Delegate.
2. A Survey Examination Fee of \$977.70 should be paid when the documents are returned to us.

The documents will then be executed by the Authority's Delegate and returned to you along with a letter to the Commissioner of ACT Revenue, which will assist them in the assessment of stamp duty. If you require any further information please contact me on 6205 5328.

Yours sincerely

Elise Gill

ACT Planning and Land Authority

27th May 2009



Australian Government
Australian Valuation Office

CANBERRA OFFICE
PO Box 707
CIVIC SQUARE ACT 2608
Phone: (02) 6216 4827
Facsimile: (02) 6216 1996

The Manager
Leasing and Building Services Branch
ACT Planning & Land Authority
GPO Box 1908
CANBERRA ACT 2601

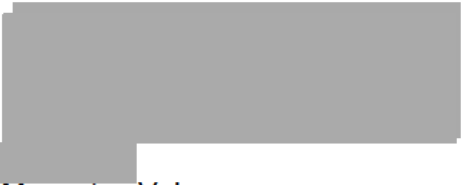
ATTENTION: Elise Gill

CROWN LEASE: BLOCKS 16 & 17 SECTION 13 MAWSON
LESSEE: Hillcorp Developments Pty Limited
DA No: DA 200812307

Your Request of 18th August 2008

We have completed a review of the change of use assessment for the above mentioned property. A brief report has been attached to this letter for your reference.

For any further consultation regarding this matter please contact Geoff McInerney on 6216 1945 or geoff.mcinerney@avo.gov.au.



Managing Valuer
Australian Valuation Office
Canberra Region

27 August 2008

CHANGE OF USE CHARGE

REVIEW

CROWN LEASE: **BLOCKS 16 & 17 SECTION 13 MAWSON**
LESSEE: **Hilltop Developments Pty Limited**
DA No: **DA 200812307**

Instructions

The ACT Planning and Land Authority (ACTPLA) have requested AVO to provide relevant comments in regard to a change of use charge assessment for the abovementioned property.

The request from ACTPLA includes a copy of the Development Application and details of the proposed lease variation, copy of the Crown lease and a valuation report prepared by Colliers International dated 20 June 2008.

The valuation review process has included the following:

- Perusal and consideration of the information provided in the request
- An inspection of the subject property (from the roadside)
- Research and analysis of additional market evidence
- Quality assurance by the Senior Valuer

Development Application

The proposed development application seeks to vary the purpose clause as follows:

- amalgamate two existing residential purpose use sites (1,925.4m²) to permit no more than ten (10) townhouses.

Private Valuer's Assessment

After Value	V ₁	\$1,255,000
Before Value	V ₂	\$1,230,000

Comment

The valuation report submitted by Colliers International has been reviewed and checked in relation to market evidence. The private valuers assessment is considered to be within market parameters and regarded as a fair and reasonable assessment.

Australian Valuation Office's Assessment

After Value	V_1	\$1,255,000
Before Value	V_2	\$1,230,000

Proviso

This valuation is not to be used after 6 months from the date of valuation, nor if there are any material or economic changes meanwhile. In either event it should be referred back to the Australian Valuation Office for review.

For any further consultation regarding this matter please contact Geoff McInerney on 6216 1945 or geoff.mcinerney@avo.gov.au .



Senior Valuer
Australian Valuation Office
Canberra Region

27 August 2008

Disclaimer

This assessment is for the exclusive use of the Leasing and Compliance Section of the ACT Planning and Land Authority to whom it is addressed and is undertaken in accordance with instructions provided in the request.

This report is not to be used by any other party for any purpose. Neither the whole nor any part of this report or any reference thereto may be included in any published document, circular or statement, nor published in part nor in full in any way without written approval of the Australian Valuation Office of the form and context in which it will appear.

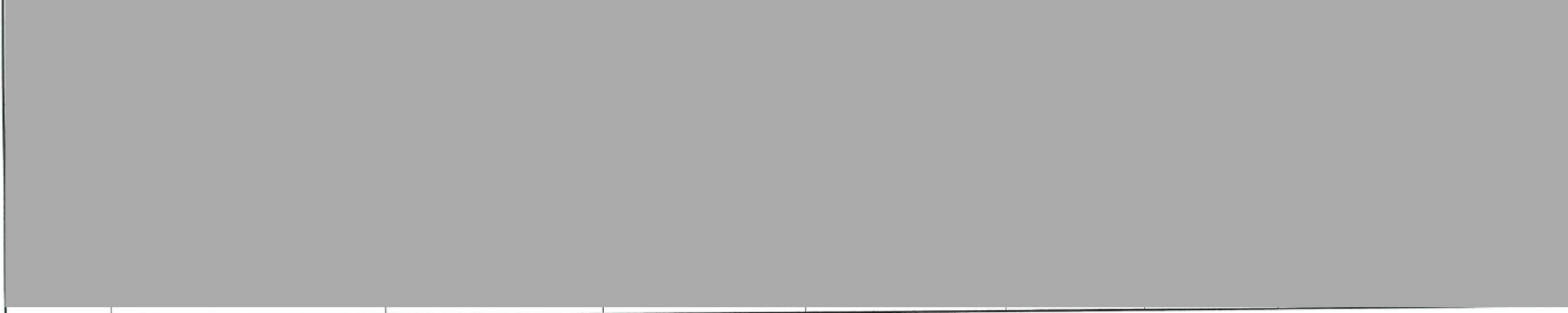
Notwithstanding the foregoing, the client agrees that in the event that it does communicate to a third party the whole or any part of this valuation it shall also communicate to the third party the full terms as stated under this disclaimer and further agrees to indemnify the Australian Valuation Office in the event of any failure to do so.

ACT PLANNING AND LAND AUTHORITY - Leasing
 AUGUST

JOB NR AVO REF CUST_REF APPLICANT'S NAME JOB DESCRIPTION DATE_FWD VAL_FEES MARKET VALUE No of v



1224213	333-013-016 & 017	DA 200812307	Elise Gill	CUC	18-Aug-08	\$540	\$2,485,000	2
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INTERPRETATION 1. IN THIS LEASE unless the contrary intention appears:

- (a) “Authority” means the Planning and Land Authority established by section 10 of the Planning and Development Act 2007;
- (b) “building” means any building or structure constructed or partially constructed or to be constructed, as the context permits or requires, on or under the land;
- (c) “dwelling” means a building or part of a building used as a self contained residence which must include:
 - (i) food preparation facilities;
 - (ii) a bath or shower; and
 - (iii) a closet pan and wash basin

and includes outbuildings and works normal to a dwelling;

- (d) “Lessee” shall:
 - (i) where the Lessee consists of one person be deemed to include the Lessee and the executors administrators and assigns of the Lessee;
 - (ii) where the Lessee consists of two or more persons be deemed to include in the case of a tenancy in common the said persons and each of them and their and each of their executors administrators and assigns and in the case of a joint tenancy be deemed to include the said persons and each of them and their and each of their assigns and the executors administrators and assigns of the survivor of them; and
 - (iii) where the Lessee is a corporation be deemed to include such corporation its successors and assigns;
- (e) “multi-unit housing” means the use of land for more than one dwelling and includes but is not limited to dual occupancy housing and triple occupancy housing;
- (f) “outbuilding” means a shed, garage or similar structure which is ancillary to the permitted use of the land as specified in Clause 3(c) of this lease;
- (g) “premises” means the land and any building or other improvements on the land;

(h) "Territory" means:

- (i) when used in a geographical sense the Australian Capital Territory; and
- (ii) when used in any other sense the body politic established by section 7 of the Australian Capital Territory (Self-Government) Act 1988 (C'th);

(i) words in the singular include the plural and vice versa;

(j) words importing one gender include the other genders;

(k) a reference in this lease to any statute or statutory provision shall include a reference to any statute or statutory provision that amends, extends, consolidates or replaces the statute or statutory provision and to any other regulation, instrument or other subordinate legislation made under the statute.

2. THE LESSEE COVENANTS WITH THE COMMONWEALTH as follows:

RENT

(a) That the Lessee shall pay to the Authority rent at the rate of five cents per annum if and when demanded payable within one month of the date of any demand made by the Authority relating thereto and served on the Lessee;

MANNER OF
PAYMENT OF
RENT

(b) That any rent or other moneys payable by the Lessee to the Authority under this lease shall be paid to such person as may be authorised by the Authority for that purpose at Canberra in the said Territory without any deduction whatsoever.

3. THE LESSEE FURTHER COVENANTS WITH THE COMMONWEALTH as follows:

COMMENCEMENT
OF DEVELOPMENT

(a) That the Lessee shall within twelve (12) months from the date of the commencement of the lease or within such further time as may be approved in writing by the Authority for that purpose commence to erect an approved development on the land in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;

COMPLETION
OF DEVELOPMENT

- (b) That the Lessee shall within thirty-six (36) months from the date of the commencement of the lease or within such further time as may be approved in writing by the Authority complete the erection of the said approved development on the land in accordance with the said plans and specifications and in accordance with every Statute Ordinance or Regulation applicable to such development;

PURPOSE

- (c) To use the land for the purpose of multi-unit housing of not less than two (2) dwellings and not more than ten (10) dwellings;

EASEMENT FOR
SERVICES

- (d) That:
- (i) the Authority, on behalf of the Commonwealth, grants over that part of the land identified as a services easement on the Deposited Plan an easement (“Easement”) in favour of:
- (A) the Territory and its successors;
- (B) ACTEW Distribution Limited A.C.N. 073 025 224 and its successors; and
- (C) ActewAGL Distribution A.B.N. 76 670 568 688 a partnership of ACTEW Distribution Ltd A.C.N. 073 025 224 and Jemena Networks (ACT) Pty Ltd A.C.N. 008 552 663 and their successors;
- (collectively or separately referred to as the “service provider”);
- (ii) the service provider may:
- (A) provide, maintain and replace services supplied by that service provider through the land within the site of the Easement; and
- (B) do anything reasonably necessary for that purpose, including without limitation:
- (1) entering or passing through the land;
- (2) taking anything on to the land; and
- (3) carrying out work, including without limitation, constructing, placing, repairing or

maintaining pipes, poles, wires, cables, conduits, structures and equipment;

- (iii) in exercising the powers in Clause 3(d)(ii), the service provider must take all reasonable steps to:
 - (A) ensure that the work carried out on the land causes as little disruption, inconvenience and damage as is practicable; and
 - (B) ensure that the land is restored as soon as practicable to a condition that is similar to its condition before the work was carried out;
- (iv) Clause 3(d)(iii)(B), does not require the service provider to restore:
 - (A) the land to a condition that would result in:
 - (1) an interference with:
 - (i) any service on or through the land; or
 - (ii) access to any service on or through the land; or
 - (2) a contravention of a law of the Territory; or
 - (B) any building or structure placed or constructed on any part of the land comprising the Easement;
- (v) the Lessee must not place or construct, nor permit to be placed or constructed, a building or structure or any part of a building or structure on any part of the land comprising the Easement;
- (vi) for the purposes of the Easement, “services”, includes, without limitation, the supply of water, gas, electricity and discharge or drainage of water, stormwater and sewerage; and
- (vii) nothing in this clause diminishes or affects any rights or powers of a service provider conferred under any statute, regulation or law;

- PROVISION OF
HYDRAULIC MAINS
STORMWATER
DRAINS AND
SEWER LINES
- (e) That the Lessee shall provide and thereafter maintain hydraulic mains stormwater drains sewer lines hydraulic fire mains and hydrants on the land in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;
- PROVISION OF
STORAGE AREAS
CARPARKING
AND ILLUMINATION
- (f) That the Lessee shall provide and thereafter maintain storage areas covered carparking hardstanding carparking adequately illuminated vehicle access roads pedestrian pathways and vehicle access drives on the land to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;
- PROVISION OF
FACILITIES FOR
ELECTRICAL AND
TELEPHONE CABLES
- (g) That the Lessee shall provide facilities on the land to a standard acceptable to the Authority to enable electrical and telephone cables and wires to be installed underground;
- LANDSCAPING
- (h) That the Lessee shall provide and thereafter maintain landscaping on the land to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;
- PRESERVATION
OF TREES
- (i) That the Lessee shall not, without the previous consent in writing of the Territory, remove any tree:
- (i) that has been identified in a development approval for retention during the period allowed for construction of the building; or
- (ii) to which the Tree Protection Act 2005 applies;
- SERVICE AREAS
- (j) That the Lessee shall screen and keep screened all service areas to the satisfaction of the Authority and shall ensure that all plant and machinery contained within the premises is suitably screened from public view;
- BUILDING
SUBJECT TO
APPROVAL
- (k) That the Lessee shall not without the previous approval in writing of the Authority erect any building, or make any structural alterations to any building, on the land;
- REPAIR
- (l) That the Lessee shall at all times during the said term maintain repair and keep in repair the premises to the satisfaction of the Authority;

FAILURE TO
REPAIR

(m) If and whenever the Lessee is in breach of the Lessee's obligations to maintain repair and keep in repair the premises the Authority may by notice in writing to the Lessee specifying the repairs and maintenance needed require the Lessee to effect the necessary work in accordance with the notice. If the Authority is of the opinion that a building or some other improvement on the land is beyond reasonable repair the Authority may by notice in writing to the Lessee require the Lessee to remove the building or improvement and may require the Lessee to construct a new building or improvement in place of that removed within the time specified in the notice. If the Lessee does not carry out the required work within the time specified by the Authority any person or persons duly authorised by the Authority with such equipment as is necessary may enter the premises and carry out the necessary work and all costs and expenses incurred by the Authority in carrying out the work shall be paid by the Lessee to the Authority on demand and from the date of such demand until paid shall for all purposes of this lease be a debt due and payable to the Authority by the Lessee;

RIGHT OF
INSPECTION

(n) Subject to the provisions of the Planning and Development Act 2007 to permit any person or persons authorised by the Authority to enter and inspect the premises at all reasonable times and in any reasonable manner;

RATES AND
CHARGES

(o) To pay all rates charges and other statutory outgoings assessed levied or payable in respect of the premises as and when they are due for payment.

4. THE COMMONWEALTH COVENANTS WITH THE LESSEE as follows:

QUIET
ENJOYMENT

That the Lessee paying the rent and all other money due and observing and performing the covenants and stipulations on the part of the Lessee to be observed and performed shall quietly enjoy the premises without interruption by the Authority or any person lawfully claiming from or under or in trust for the Authority.

5. IT IS MUTUALLY COVENANTED AND AGREED as follows:

TERMINATION

(a) That if:

(i) any rent or other moneys payable under this lease shall remain unpaid for three months next after the date

appointed for payment thereof (whether such rent shall have been formally demanded or not); or

- (ii) an approved development in accordance with Clause 3(a) of this lease is not commenced within the period specified in the said Clause; or
- (iii) an approved development in accordance with Clause 3(a) of this lease is not completed within the period specified in Clause 3(b); or
- (iv) after completion of an approved development as aforesaid the said land is at any time not used for a period of one year for the purpose for which this lease is granted; or
- (v) the Lessee shall fail to observe or perform any other of the covenants contained in this lease on the part of the Lessee to be observed or performed and shall have failed to remedy such breach within a period of six months from the date of service on the Lessee of a notice in writing from the Authority specifying the nature of such breach

the Authority on behalf of the Commonwealth may terminate this lease but without prejudice to any claim which the Authority or the Commonwealth may have against the Lessee in respect of any breach of the covenants on the part of the Lessee to be observed or performed;

ACCEPTANCE OF RENT

- (b) That acceptance of rent or other moneys by the Authority during or after any period referred to in Clauses 5(a) (i), (ii), (iii), (iv) or (v) of this lease shall not prevent or impede the exercise by the Authority of the powers conferred upon it by the said Clauses;

FURTHER LEASE

- (c) Subject to the Lessee paying all money required to be paid under the provisions of the Planning and Development Act 2007 the Lessee shall be entitled to a further lease of the land for such further term and at such rent and subject to such conditions as may then be provided or permitted by Statute Ordinance or Regulation;

NOTICES

- (d) That any notice requirement demand consent or other communication to be given to or served upon the Lessee under this lease shall be deemed to have been duly given or served if signed by or on behalf of the Authority and delivered to or sent in a prepaid letter addressed to the Lessee at the registered office of the Lessee in the said Territory BUT if for any reason the Lessee does not have a registered office in the said Territory then at the

usual or last-known address of the Lessee or affixed in a conspicuous position on the premises;

EXERCISE OF POWERS

- (e) Any and every right, power or remedy conferred on the Commonwealth or Territory in this lease, by law or implied by law may be exercised on behalf of the Commonwealth or the Territory or as the case may be by:
 - (i) the Authority;
 - (ii) an authority or person for the time being authorised by the Authority or by law to exercise those powers or functions of the Commonwealth or Territory; or
 - (iii) an authority or person to whom the Authority has delegated all its powers or functions under the Planning and Development Act 2007.

IN WITNESS whereof the Authority on behalf of the Commonwealth and the Lessee have executed this lease.

Signed by)	
a delegate authorised to execute this lease)
on behalf of the Commonwealth in the)	Delegate
presence of)	
	
		Witness

Signed by Hillcorp Developments Pty)	
Limited (A.C.N. 093 493 924) by:)	
.....	
Signature		Signature
.....	
Name in full		Name in full
.....	
Director/Secretary		Witness

From: [Gill, Elise](#)
To: [Johnson, Rosemary](#)
Subject: Request for Minor Amendment (Implementation) Plan
Date: Monday, 4 May 2009 4:47:00 PM
Attachments: [Request for minor amendment plan.pdf](#)

Hi Rosemary

Please find attached a letter requesting a Minor Amendment (Implementation) Plan for the consolidation of Blocks 16 and 17 Section 13 Mawson

Thanks

Elise

Elise Gill
Leasing/Development Assessment
ACT Planning and Land Authority

☎ 02 6205 5328 | 📠 02 6207 1856

✉ elise.gill@act.gov.au

🌐 <http://www.actpla.act.gov.au>

🌱 Please consider the environment before printing this e-mail notice.

From: [Johnson, Rosemary](#)
To: [Gill, Elise](#)
Subject: Mawson S013 B0016 & 0017
Date: Tuesday, 5 May 2009 1:06:23 PM
Attachments: [ObjRef.obr](#)

Here is the Minor Amendment for approval. Can you also do a covering minute (Alteration to a Block Boundary) as well.

Thanks

From: [Dekiefte, Rene](#)
To: [Gill, Elise](#)
Subject: Mawson Section 13 AP
Date: Tuesday, 5 May 2009 3:28:23 PM

Elise,

I will be away the next 3 days - and now that Irma has signed off on this AP I'll issue you a new block number.

Consolidating block 16 & 17 into **Block 35 Section 13 Mawson**

Regards

Rene de Kieft
ACTMAP Data Co-ordinator
Surveying and Spatial Data
ACT Planning & Land Authority
02 62071607 (ph)
02 62071615 (fax)
<mailto:rene.dekiefte@act.gov.au>

From: [Dekieffe, Rene](#)
To: [Gill, Elise](#); [App Sec](#); [Clarkson, Sonja](#); [REDACTED] [Derigo, Albert](#); [REDACTED]
[Edwards, Marc](#); [Gilchrist, Mamke](#); [Guillen, Jorge](#); [Heritage Referrals](#); [Irving, Karl](#); [REDACTED] [Jarman, Ron](#); [REDACTED]
[REDACTED] [King, Neil](#); [REDACTED] [Lynette London](#); [REDACTED]; [McDonald, Helen](#);
[REDACTED] [Street, Melissa](#); [REDACTED] [Whittem, Margaret](#)
Subject: Mawson Sec 13 - AP6516
Date: Wednesday, 13 May 2009 4:31:19 PM
Attachments: [AP6516 Completion Report.doc](#)
[AP6516 Diagram.pdf](#)

Dear all,

See attached AP showing the consolidation of Blks 16 & 17

Regards

Rene de Kieffe
ACTMAP Data Co-ordinator
Surveying and Spatial Data
ACT Planning & Land Authority
02 62071607 (ph)
02 62071615 (fax)
<mailto:rene.dekieffe@act.gov.au>

M I N U T E

SUBJECT: CREATION OF NEW BLOCKS -

OFFICER : RENE DE KIEFTE
 PHONE : 02 6207 1607
 FAX : 02 6207 1615

To all interested parties

The following blocks have been created under the Authorised Plan (AP6516) indicated and added to the ACTMAP and PALM databases.

Implementation - Minor Amendment

Authorised Plan No. 6516
 Division: Mawson
 Section: 13
 Old Blocks: 16 17
 New Blocks: 35
 Area: 1,925m²
 Completed: 13 May 2009

If you require any further information please contact me on the number shown above.

Rene de Kiefte
 ACTMAP Data Co-ordinator

DIVISION: MAWSON

DATE: 11/05/09

SECTION NUMBER: 13

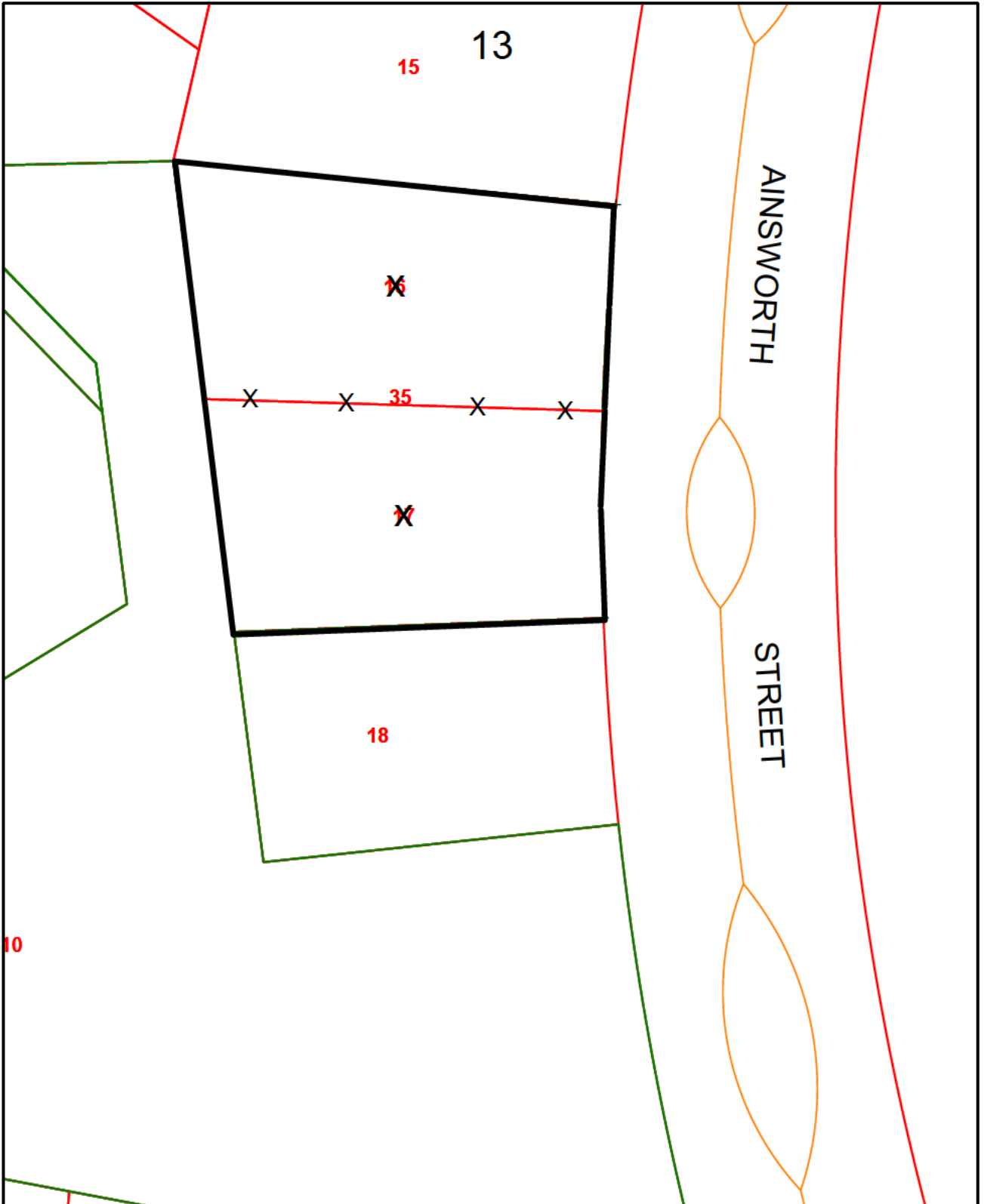
BLOCK NUMBER: 35

BLOCK NUMBER: 35

SECTION NUMBER: 13

DIVISION: MAWSON

AP 6516



From: [Priestly, Sharon](#)
To: [Gill, Elise](#)
Subject: FW: New Xplan Notification
Date: Wednesday, 27 May 2009 10:46:52 AM
Attachments: [X19326.DOC](#)
[X19326.pdf](#)

Thanks Elise

From: Gagliardi, Gerry
Sent: Wednesday, 27 May 2009 10:43 AM
To: Priestly, Sharon
Subject: New Xplan Notification

See attached.



SUBJECT: Plans Received for Examination

DATE: 27 May 2009

REF: New X Plan
OFFICER: Gerry Gagliardi
PHONE: 6207 1601

Attention: **Sharon Priestly**

The Examination Section has received the following survey plan for examination prior to the certification by the Chief Surveyor.

X19326 – Block 35 Section 13 Mawson

Attached is a copy of the plan for your information.

We will notify you when the plan is ready to be lodged with the Office of Regulatory Services and provide you with a copy of the signed plan.

If you have any enquires relating to this plan, please contact me on 6207 1601.

G. Gagliardi
Surveying and Spatial Data Section
Client Services
ACT Planning and Land Authority



MINUTE

SUBJECT: Collection of Completed X plan

DATE: 2 July 2009

REF: Plan Completed
OFFICER: Craig Atkins
PHONE: 6205 0073
FAX: 6207 1615

Attention: **Sharon Priestly**

The examination of the following survey plan is complete, and the plan has been certified by the Chief Surveyor.

X19326
Blocks 35 Section 13 Mawson

A copy of the plan is attached. The plan is now ready to be lodged with the Office of Regulatory Services and held by the Examination Section for your collection.

C. Atkins
Surveying and Spatial Data Section
Client Services
ACT Planning and Land Authority



**SUBJECT: REQUEST FOR MINOR AMENDMENT
(IMPLEMENTATION) PLAN**

OFFICER : SHARON PRIESTLY
PHONE : 6205 2137
FAX : 6207 1856

Rosemary Johnson
Commissioner for Surveys
ACT Land Information Centre

**BLOCKS 16 AND 17 SECTION 13 DIVISION OF MAWSON
APPLICANT: HILLCORP INVESTMENTS PTY LIMITED**

Could you please prepare a Minor Amendment plan for the consolidation of the above two blocks into one block. Please refer to the attached plan for an indication of the block layout. If you wish to discuss this matter further, please contact me on the above number.

Regards

Elise Gill
Leasing Section
Development Services Branch

4 May 2009



**SUBJECT: REQUEST FOR MINOR AMENDMENT
(IMPLEMENTATION) PLAN**

OFFICER : SHARON PRIESTLY
PHONE : 6205 2137
FAX : 6207 1856

Rosemary Johnson
Commissioner for Surveys
ACT Land Information Centre

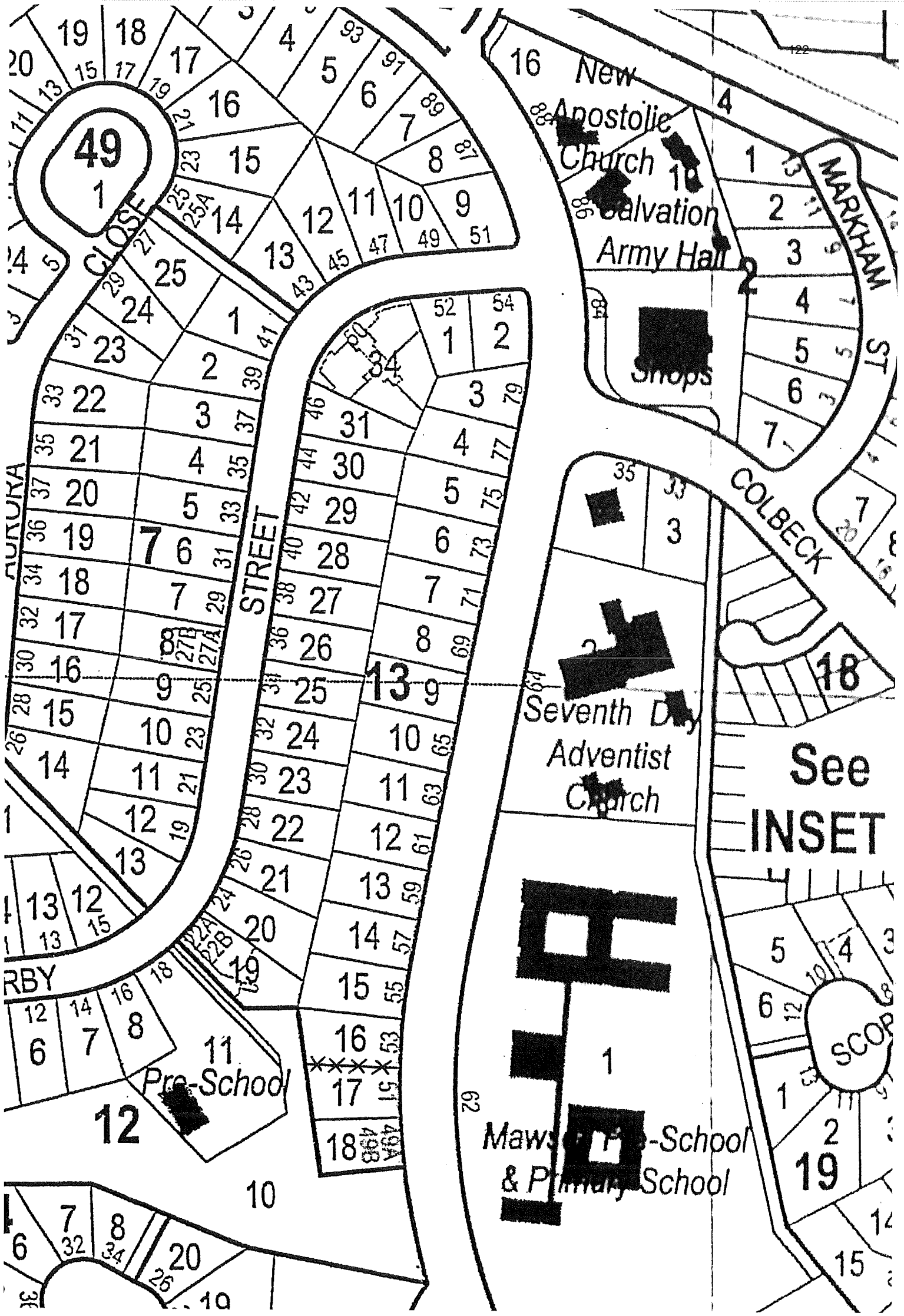
**BLOCKS 16 AND 17 SECTION 13 DIVISION OF MAWSON
APPLICANT: HILLCORP INVESTMENTS PTY LIMITED**

Could you please prepare a Minor Amendment plan for the consolidation of the above two blocks into one block. Please refer to the attached plan for an indication of the block layout. If you wish to discuss this matter further, please contact me on the above number.

Regards

Elise Gill
Leasing Section
Development Services Branch

4 May 2009



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Notice of decision on Reconsideration

123

Division 7.3.10 of the *Planning and Development Act 2007*

DA NO: 200812307

DATE RECONSIDERATION LODGED: XX month 200X

DATE OF DECISION: XX month 200X

BLOCK: 16 and 17

SECTION: 13

SUBURB: MAWSON

STREET NO AND NAME: 51 Ainsworth Street

APPLICANT: Peter Byfield

LESSEE: Hillcorp Developments Pty Limited

THE APPLICATION

This application seeks reconsideration of the decision by the Authority of 8 December 2008 to impose the conditions of approval set out in the Notice of Decision.

THE DECISION

I, **Jyoti Pradhan**, delegate of the ACT Planning and Land Authority, pursuant to section 193 of the *Planning and Development Act 2007*, hereby ~~confirm the original decision of the Planning and Land Authority~~ **substitute the decision at Attachment A** for the original decision of the Planning and Land Authority dated 8 December 2008.

PUBLIC NOTIFICATION

Pursuant to Division 7.3.10 of the Act, written notice of the reconsideration application was given to anyone who made representation under section 156 about the original application on XX month 200X to XX month 200X. (Written number, e.g. Twenty-two) written representations were received during the time allowed.

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

(a) *Issue title*

Comment on each issue. Respond to issue. Try to imagine whether the comment given would satisfy you if it were your objection. Outline any condition imposed in response to a particular issue. Conditions of approval have been imposed to address these concerns.

(b) *Issue title*

As above

REASONS FOR THE DECISION

approved with conditions

The original decision is substituted by the decision at **Attachment A** because further information provided by the applicant for reconsideration demonstrated that the proposal is not inconsistent with the *Territory Plan*.

The decision has been revised as a result of an application for reconsideration in accordance with Section 191 of the *Planning and Development Act 2007*.

This reconsideration sought to... The Authority supports the revisions to the previous Notice of Decision because the application for reconsideration demonstrated that... (e.g. the proposed development would comply with the Territory Plan). In particular the supporting documentation demonstrates that the proposal would be not inconsistent with the requirements of... (e.g. Territory

Plan, CZ2 Business Zone Objectives; the Group Centres Precinct Code; requirements of the Parking and Vehicular Access General Code; and not inconsistent with the advice of the Department of Territory and Municipal Services). In remaking the decision the following matters were addressed as part of revisions to the original decision...

If decision confirmed

The original decision was confirmed because:

- a) A review of the information available when the original decision was made disclosed no grounds that would support an approval of the proposal;
- b) The information provided by the applicant in the application for reconsideration provided no grounds for the approval of the proposal;
- c) **Other relevant information... (e.g. information from representations)**

INSPECTION OF THE APPLICATION AND DECISION

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

REVIEW BY THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL (ACAT)

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

If people made representations in relation to the application

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

EVIDENCE

Application No. 200812307

File No. 200812307

The Territory Plan zone – Suburban Core Zone

The Development Codes – Multi Unit Housing Development Code

Current Crown Leases – Block 16: Volume 918 : Folio 11

Block 17: Volume 986 : Folio 78

Representations

Entity advice

DELEGATE

Jyoti Pradhan

Delegate of the ACT Planning and Land Authority

XX month 200X

CONTACT OFFICER

Full name

Phone: (02) 620X XXXX

Email: insert email address

If the application has been refused, delete the following information under and the headings, 'Further approvals for construction' and 'Construction requirements'.

APPENDIX 1

REVIEW OF THE DECISION

The following notes are provided in accordance with regulation 7 of the *ACT Civil and Administrative Tribunal Regulation 2008*. Refer to the Review by the ACT Civil and Administrative Tribunal (ACAT) section of the Notice of decision for information about its relevance to this development application.

CONTACT DETAILS

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

Location	Contact details
ACT Civil and Administrative Tribunal ACT Magistrates Court Building Knowles Place CANBERRA CITY ACT 2601	Website: www.courts.act.gov.au Email: tribunal@act.gov.au Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601 Document exchange: DX 5691

POWERS OF THE ACAT

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

APPLICATIONS TO THE ACAT

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

TIME LIMITS FOR APPLICATIONS

The time limit to make a request for a review is 28 days from receiving this Notice of decision. The time limit can be extended in some circumstances. Check with the ACAT for more details.

FEES

Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee of not less than \$172 (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Chief Executive, ACT Department of Justice and Community Safety, GPO Box 158, CANBERRA ACT 2601. Ask the ACAT for more details.

TIME LIMITS FOR REVIEWS OF DECISIONS

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

FORMS OF LEGAL, FINANCIAL AND OTHER ADVICE AND ASSISTANCE

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

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

AWARDING OF COSTS

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

ACCESS TO DOCUMENTS ABOUT THE DECISION

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

PROCEDURES OF THE ACAT

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

TRANSLATION AND INTERPRETER SERVICES

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

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna 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	Ako vam je potrebna pomoć prevodioca telefoniрајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız 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