

From: [EPSDD DLO](#)
To: [EPSD Government Services](#)
Cc: [EPSDD DLO](#)
Subject: Linda - Tabling of Call in powers Mckellar shops
Date: 11 August 2022 12:32:31

OFFICIAL: Sensitive

Hi Linda,
The tabling on 20 September please.
FYI - The proponent will be advised and a media release will also go out on Monday 15 Aug.
Kind regards
Christy

Christy Fox | Directorate Liaison Officer

Environment, Planning and Sustainable Development Directorate | ACT Government

From: EPSD Government Services <EPSDGovernmentServices@act.gov.au>
Sent: Thursday, 11 August 2022 11:40 AM
To: EPSDD DLO <EPSDDDLO@act.gov.au>
Cc: EPSD Government Services <EPSDGovernmentServices@act.gov.au>
Subject: CHRISTY - Tabling of Call in powers Mckellar shops

OFFICIAL: Sensitive

Hi Christy,
As discussed this morning, could you please check with the MO if they would like to table the Mckellar shops call in powers on the sitting day of Monday 15 August or Tuesday 20 September? I note the 20 September date is the last date we can table the item, pursuant to S161 of the Planning and Development act.
Thanks
Linda

Linda McCoy (she/her) | Assistant Director, Cabinet and Assembly, Government Services

Phone: (02) 6205 0457 or MS Teams | Email: linda.mccoy@act.gov.au | epsdgovernmentservices@act.gov.au
Environment, Planning and Sustainable Development Directorate | ACT Government

I acknowledge the traditional custodians of the land I live and work on, the Ngunnawal and Ngambri peoples, and pay respect to their Elders past and present

From: [EPSDD DLO](#)
To: [Varlow, Trent](#)
Cc: [Weller, Craig](#); [Cilliers, George](#); [Brady, Erin](#); [Ferson, Brodie](#); [EPSDD DLO](#)
Subject: DA 202139349 Block 1 Section 51 McKellar
Date: 15 August 2022 09:53:39
Attachments: [20220812 FROM MO TO APPLICANT -Correspondence from Minister Gentleman MLA.obr](#)

OFFICIAL: Sensitive - Legislative Secrecy

Good Morning Trent,

On Friday 12 August Minister Gentleman sent the attached correspondence to the applicant of DA 202139349 Block 1 Section 51 McKellar.

Kind regards

Christy

Christy Fox | Directorate Liaison Officer

Environment, Planning and Sustainable Development Directorate | ACT Government

From: [EPSDD DLO](#)
To: [EPSD Government Services](#)
Cc: [EPSDD DLO](#)
Subject: LINDA: Tabling Statement for McKellar Shops Call-in
Date: 19 September 2022 17:07:42
Attachments: [Tabling Statement - 202139349 - Mckellar Shops.docx](#)

OFFICIAL

Hi Linda,

As discussed here is the Tabling Statement which the Office has confirmed has been amended in track changes.

Please clean up/review and then arrange for embargo!

Thanks so much Linda!

Kind regards

Michelle

Michelle O'Donnell | A/g Directorate Liaison Officer

Office of Minister Gentleman MLA

Phone: (02) 6205 5591 or MS Teams | Email: michelle.o'donnell@act.gov.au

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 4 Snow Gum, 480 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au | www.planning.act.gov.au

I acknowledge the traditional custodians of the ACT, the Ngunnawal people.

I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

2022

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

EXERCISE OF CALL-IN POWERS
PLANNING AND DEVELOPMENT ACT 2007

DEVELOPMENT APPLICATION No. 202139349
BLOCK 1 SECTION 51 McKellar

TABLING STATEMENT

SEPTEMBER 2022

Mr Mick Gentleman MLA
Minister for Planning and Land Management

On 14 April 2022, in my capacity as the Minister for Planning and Land Management and using my powers under section 158 of the *Planning and Development Act 2007*, I directed the ACT Planning and Land Authority to refer Development Application No. 202139349 to me.

The development application sought approval for demolition of existing concrete pad, construction of one residential and commercial mixed use building and one commercial building, carparking and associated carport structure, internal driveway, landscaping, verge crossing, verge works and associated site and off-site works.

On 4 August 2022, I refused the application under section 162 of the *Planning and Development Act 2007* using my Ministerial call-in powers.

In making the decision, I gave careful consideration to the requirements of the Territory Plan, the advice of Transport Canberra and City Services; Icon Water; EvoEnergy; Environment Protection Authority and ACT Emergency Services Agency, as required by the legislation and the ACT Planning and Land Authority.

I also gave consideration to the representations received by the ACT Planning and Land Authority during the public notification period for the development application that occurred between 5 November 2021 to 26 November 2021.

I refused the development application due to the cumulative impact that several elements of the proposal will have on the site, its surrounds and the wider suburb of McKellar. These elements, among other items, include:

- failure to preserve the local centre;
- failure to preserve future opportunities for commercial development;
- failure to achieve the zone objectives of the local centres zone;

- inconsistencies with the desired character of the area;
- potential issues with parking;
- a shortfall in documentation;
- failure to provide a proposal that integrate properly with the existing local centre; and
- inconsistencies with the Territory Plan.

The *Planning and Development Act 2007* provides for specific criteria in relation to the exercise of my call-in powers.

I have used my call-in powers in this instance because I consider the proposal will have a substantial impact on the suburb of McKellar, particularly by limiting future opportunities for the local centre, particularly opportunities for commercial development.

The proposal fails to give consideration the wider needs of the McKellar community and the need for a commercial centre in the area. The development prioritises private residential use over the commercial potential and possible future opportunities provided by the subject site. Approval of the proposed development will directly impact the establishment of a commercially viable local centre in the suburb of McKellar.

When viewed in broader context the development also fails to consider the changing social and economic needs of the McKellar community.

Efforts should be made through the development of the site to appropriately address and integrate the development with the existing local centre. Local centres form an important part of our urban fabric - providing places where local communities can shop, meet and socialise.

It is important that local centres be carefully developed, taking into account the needs of the community, preserving future commercial potential and retail opportunities, and growing the community values of these sites. The desired future character and potential of local centres should not be compromised.

The McKellar local centre and the wider community would benefit from further commercial development that allows for a variety of uses that would complement the existing centre and the needs of current and future McKellar residents.

The use of my ability to 'call-in' this development application will safeguard future opportunities for commercial development and the betterment of the existing McKellar local centre whilst preserving the important facility.

Section 161(2) of the *Planning and Development Act 2007* specifies that, if I decide an application, I must table a statement in the Legislative Assembly not later than three sitting days after the day of the decision.

As required by the Act, and for the benefit of the members, I table a statement providing a description of the proposed development, details of the land on where the development is proposed to take place, the name of the applicant, details of my decision for the application and reasons for the decision. This statement includes a copy of the notice of decision.



ACT
Government

Environment, Planning and
Sustainable Development

TALKING POINTS
PROPOSED RESPONSE FOR
MINISTER GENTLEMAN'S OFFICE

ISSUE: MCKELLAR SHOPS DEVELOPMENT APPLICATION

Project background

- The development application for McKellar Shops was lodged on 28 October 2021.
- The development application sought approval for demolition of existing concrete pad, construction of one mixed use residential and commercial building and one commercial building, carparking and associated carport structure, internal driveway, landscaping, verge crossing, verge works and associated site and off-site works
- The development was supported subject to conditions by all referral entities except for Icon Water who provided advice stating the development fails to comply with Icon Water requirements and Transport Canberra and City Services who required further information regarding the proposed development.

Decision for Minister Call-In for DA202139349

- I have considered the development application and concluded that the proposal cannot be deemed suitable from both a planning and community perspective, given the cumulative impact several elements of the proposal will have on the suburb of McKellar and surrounds.
- Among other items the following refusal reasons in part lead to the decision; failure to preserve the local centre & opportunities for commercial development, inconsistencies for desired character, failure to achieve zone objectives, parking, waste management, insufficient documentation & inconsistencies with the Territory plan.
- After due consideration of all matters addressed through the assessment process, I have utilised my call-in powers under the *Planning and Development Act 2007* to refuse the development application and ensure that the proposed development does not proceed.

- Community consultation prior to the development application being lodged was not required pursuant to section s138AE of the Act.
- In making this decision, I considered comments provided by all referral entities and representations received during the public notification period.



To: Minister for Planning and Land Management

Tracking No.: 21/68311

Rec'd Minister's Office .../.../...

From: Executive Group Manager, Statutory Planning

Subject: Minister Call-in (DA202139349) – Block 1 Section 51 McKellar (McKellar Shops proposal)

Critical Date: 4 August 2022

Critical Reason: The applications should be considered by this date to meet the statutory timeframe for making a decision under the *Planning and Development Act 2007* (the Act). However, a decision can still be made after this date.

Purpose

1. To comply with your direction of 14 April 2022 to the planning and land authority (the authority) to refer Development Application (DA) 202139349 to you for your consideration.
2. To advise you on the requirements for you to exercise your call-in powers should you wish to determine DA202139349.

Recommendations

That you:

1. **note** that representatives of the authority will be available for a briefing meeting, if required, prior to you making a decision with respect to this matter;
Noted / Please Discuss
2. **note** the authority has complied with your direction of 14 April 2022, by providing you with the information and documents received by the authority in relation to the DA and all other relevant information;
Noted / Please Discuss
3. **note** that the authority will take no further action that would lead to a decision by the authority on the DA; and
Noted / Please Discuss
4. **note** the process for a call-in as outlined in this brief.
Noted / Please Discuss

In deciding whether to consider the application:

5. If you agree to the above, **agree** that the application meets the requirements of s 159

of the Act by raising a major policy issue and refusing the application would provide a substantial public benefit;

Agreed / Not Agreed / Please Discuss

If you have decided to exercise your call-in powers to decide the DA, that you consider and:

6. **sign** the letter to the applicant (**Attachment A02**) informing the development proponent of your decision;

Signed / Not Signed / Please Discuss

7. **sign** the Notifiable Instrument (**Attachment A03**);

Signed / Not Signed / Please Discuss

8. **note** the assessment documentation (**Attachments B**) and application documentation (**Attachments C**) for the application;

Noted / Please Discuss

9. **sign** the attached Notice of Decision to refuse the DA (**Attachment A04**);

Signed / Not Signed / Please Discuss

10. **sign** the attached Statement (**Attachment A05**) pursuant to section 159 (2) of the *Planning and Development Act 2007*, for tabling in the Legislative Assembly;

Signed / Not Signed / Please Discuss

11. **agree** to the attached Tabling Statement (**Attachment A06**) to support the tabling of the call-in decision documentation in the Legislative Assembly.

Agreed / Not Agreed / Please Discuss

Mick Gentleman MLA



3./8/2022

Minister's Office Feedback

Background

1. The proposal seeks approval for, demolition of existing concrete pad, construction of one mixed use and one commercial building, carparking and associated carport structure, internal driveway, landscaping, verge crossing and verge works and associated site and off-site works.
2. The project is located at Block 1 Section 51 McKellar.
3. The application was lodged by Kasperek Architects, on behalf of the lessee Bennetts Close Pty Limited.
4. On 14 April 2022, you directed the authority to refer the development application to you under section 158 of the Act.
5. On 14 June 2022, you wrote to the proponent to provide them with an opportunity to make a submission to you on sections 158A and 159 of the Act and how they might apply to the present application. (**Attachment D1**)
6. On 28 June 2022 the proponent responded with a letter to you (**Attachment D2**), a supporting letter from the lessee (**Attachment D3**) and a Statement of Criteria (**Attachment D4**).

Issues

7. To comply with your direction, the authority now provides you with the DA documentation, assessment reports and draft decision. A list of the documentation can be found in the Index of Documentation.

Call in Procedure

8. Under section 159 (2) of the Act, you may decide to consider the DA if, in your opinion:
 - (a) the application raises a major policy issue; or
 - (b) the application seeks approval for a development that may have a substantial effect on the achievement or development of the object of the Territory Plan as set out in the statement of strategic directions and objectives for each zone to which the application relates; or
 - (c) the approval or refusal of the application would provide a substantial public benefit.
9. An assessment under section 159 (2) of the Act is provided for your consideration at **Attachment A01** and it is recommended that sections 159 (2) (b) and (c) are applicable in this instance.
10. If you are satisfied that you should not consider the DA, under section 159 (3) of the Act, you must refer the DA back to the authority for decision.
11. Under section 160 (2) (a) of the Act, if you decide to consider the application, you must, by notifiable instrument, tell the authority about your decision. The notifiable instrument must

be notified to the ACT Legislation Register no later than 15 working days after the day it is given. In the event that you decide to consider the application, the proposed instrument to be made under section 160 (2) (a) is included at **Attachment A03** for your signature.

12. If you decide to consider the DA under the Act, you must also:
 - (a) tell the applicant in writing about your decision and the grounds on which the decision was made - a proposed letter to the applicant is included at (**Attachment A02**); and
 - (b) ensure that you have the comments of the authority on the application [The authority's comments are in this Brief, the proposed Notices of Decision (**Attachment A04**) and the assessment reports (**Attachments B**) in relation to the DA]; and
 - (c) approve or refuse the DA under section 162 of the Act.
13. If you decide to refuse the DA, the Notice of Decision with suggested reasons for your decision (see PART A) are included at **Attachment A04**.
14. For reasons of procedural fairness, before making your decision you should read and consider:
 - (a) the representations that have been made in response to the public notification process (**Attachment C12**); and
 - (b) the responses from the relevant Territory entities to the DA as amended (**Attachments C10 and C11**);
 - (c) the assessment documentation (**Attachments B01 and B02**); and
 - (d) the response received from the proponent on 28 June 2022 (**Attachment D2**), including the supporting letter from the lessee (**Attachment D3**) and the Statement of Criteria (**Attachment D4**).

The proposed Notice of Decision state that you have read and considered all of these documents before making your decision.

Decision

15. The authority has prepared assessment documentation relating to the DA including an assessment against legislative and Territory Plan requirements, which informed the decision of the DA (**Attachment A4**).
16. Suggested reasons for refusal in the decision are based on advice from entities and the authority's assessment of the application.
17. After assessing the DA, the authority advises that the DA does not sufficiently address the requirements of the Act and the Territory Plan.
18. In assessing the DA, the authority consulted referral entities who provided a submission which is incorporated as part of the decision. A copy of the entity advice for the DA can be found at **Attachments C10 and C11**.
19. Twelve representations were received for the DA and is addressed as part of the decision. A copy of the representations can be found at **Attachments C12**.
20. Section 122 of the Act provides that the DA must be determined within 45 working days after

the DA is lodged. The DA was lodged on 28 October 2021 and therefore the statutory due date for the decision was **30 December 2021**. However, section 163 of the Act allows for a decision to be made after this date despite the statutory timeframe ending.

21. After you have decided the DA (whether that be to refuse it or approve it), under section 161 of the Act you must, within three sitting days, present to the Legislative Assembly a statement containing:
- (a) a description of the development to which the application relates;
 - (b) details of the land where the development is proposed to take place;
 - (c) the applicant's name;
 - (d) details of your decision;
 - (e) the grounds for the decision; and
 - (f) a summary of community consultation.

In the event that you decide to refuse the Application, a proposed Statement of Decision and Tabling Statement (speech) are provided at **Attachment A05 and A06**.

Financial Implications

22. There are no financial implications associated with the recommendations of this brief.

Consultation

23. The authority advises that community consultation for this proposal was not required pursuant to section 138AE of the Act.
24. The DA was notified for public comment from 5 November 2021 to 26 November 2021, as per the public notification provisions of the Act.

Cross Directorate and referral entities

25. In accordance with section 148 of the Act, the authority referred the DA to the following entities:
- Emergency Services Agency (ESA)
 - Environment Protection Authority (EPA)
 - Evoenergy (Electricity)
 - Evoenergy (Gas)
 - Icon Water
 - Transport Canberra and City Services Directorate (TCCS)

26. Advice received from the above entities is included at **Attachment C10 and C11**.

External

27. The DA was publicly notified in accordance with the statutory requirements of the Act. The authority received twelve representations for the DA in response to the notification process.
28. Copies of the representations received are provided at **Attachment C12**.

Benefits/Sensitivities

29. Use of call-in powers often attract significant media and community attention.
30. In refusing the proposal for the McKellar Shops future opportunities for the local centre and commercial development within the area are preserved. Ultimately, the decision ensures a commercially viable and sustainable commercial hub capable of servicing the wider needs of the McKellar community can exist in the future.
31. The subject site has been vacant for several years, largely to the dismay of the community.

Media Implications

32. The development application process has not attracted any media attention to date.
33. There is likely to be significant media interest in this proposal and the use of your call-in power to determine the applications.
34. It is recommended that a proactive media approach be considered, either by briefing a media outlet and/or issuing a media release about the decision.
35. A draft media release is provided at **Attachment A07**.
36. Talking points are provided at **Attachment A08**.

Signatory Name: George Cilliers

Phone: 76804

Action Officer: Trent Varlow

Phone: 79997

From: [Cilliers, George](#)
To: [EPSD Government Services](#)
Cc: [EPSDD Ministerials and Corro Executive Office](#); [EPSDD Media](#); [Varlow, Trent](#); [Weller, Craig](#); [Ferson, Brodie](#); [Magee, Alexandra](#)
Subject: Call-in package DA202139349 (McKellar)
Date: 28 July 2022 16:55:49
Attachments: [22_92271 Ministerial Information Brief - Gentleman - Minister Call-in DA202139349 - McKellar Shops.obr](#)
Importance: High

OFFICIAL: Sensitive

Colleagues

The attached package is cleared for progressing to Minister Gentleman's office.

Grateful if a drop copy of the package could be provided to DDG Brady.

Many thanks

George Cilliers | Executive Group Manager

Phone: 02 620 76804 | Email: George.Cilliers@act.gov.au

Statutory Planning | Environment, Planning and Sustainable Development Directorate | **ACT Government**
480 Northbourne Avenue, Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 | www.planning.act.gov.au

**DA ASSESSMENT – Merit Track**

Block/s:	1	DA number:	202139349
Section:	51	Date lodged:	28-Nov-21
Suburb:	McKellar	Due date:	16/06/2022
Zone/s:	CZ4: LOCAL CENTRE	Unit Number (if applicable)	N/A
Proposal:	<p>PROPOSAL FOR 2-4 STOREY MIXED USE COMMERCIAL AND RESIDENTIAL DEVELOPMENT. demolition of the existing concrete pad, construction of one 3-4 storey building containing 14 mixed use residential and commercial units and one two storey commercial unit, car parking, landscaping, internal driveway and associated works.</p> <p>It is noted that the applicants proposal was detailed as follows:</p> <p>The proposed development application is for design and siting of 14 commercially adaptable residential units and 1 commercial unit on Block 1 Section 51 McKellar. Access to the site is proposed from Bennetts Close. Of the proposed units, 14 units front onto Dumas Street presenting a commercial (residential adaptable) interface at ground level with living areas at upper levels and access to the individual garages for parking via the laneway from Bennetts Close. One Commercial unit fronts eastwards onto the adjacent (existing) public parking area that is located at the end of Bennetts Close lot. Parking for the commercial unit is provided within the structure for the commercial units. Visitor parking is provided onsite on site next to the commercial unit to the east of the driveway and further visitor parking is available in the existing public carpark adjacent to the site to the east. Kindly refer to Section 2.7 of the Statement Against Criteria for a full description of the proposed development.</p> <p>The proposal description from the applicant is inconsistent with the plans and provides inconsistencies within the description. The 14 units fronting Dumas Street are described as commercially adaptable residential units first and then describes it as; 14 units front onto Dumas Street presenting a commercial (residential adaptable) interface at ground level. As per the plans the design indicates these units to be commercial spaces at the ground floor, not commercially adaptable residential units.</p> <p>Therefore, the description of proposal provided at the top of this box is considered to be an accurate detailing of the plans.</p> <p>The description of works provided is not clear due to the inconsistencies with the wording and the plans provided, as such the description within the Notice of Decision should only outline the proposal generally as the specifics are not clear.</p>		
Proposed Use:	Mixed Use residential & commercial		
Is the proposed use permissible under the zone development table or Crown Lease	<input checked="" type="checkbox"/> Yes - under development table <input type="checkbox"/> No - under development table <input checked="" type="checkbox"/> Yes - in Crown Lease <input type="checkbox"/> No - in Crown Lease <input type="checkbox"/> Other – specify:		

STAGE 1 – APPRAISAL AND PRELIMINARY ASSESSMENT

Did the proposal have a pre-application meeting:	No
Is the notification wording appropriate:	Yes
Have all Entities been referred to?	Yes
NOD outline saved into Objective	Yes
AAP Triggers: Click to view Triggers	Does the proposal trigger referral to the Assessment Advisory Panel (AAP): No

Has a conflict of interest been declared?	No
Do representors have the right to review in ACAT? (See Schedule 1 of the Act and Schedule 3 of the Regulation)	Yes

Is a public land management plan in force over the land, (s.120(f))	NO
Is an environmental significance opinion in force & relevant: (s.120(c))	<input checked="" type="checkbox"/> No known ESO applies

Have any issues been identified that would result in a refusal:	No
Conditions required from initial review of application or Territory Plan assessment:	No special conditions required

Initial appraisal – likely assessment task: NOTE: Categories (Green, Amber, Red) should reflect potential complexities. This is a guide only based on the initial check and can change throughout assessment if required.	<input type="checkbox"/> GREEN <input checked="" type="checkbox"/> AMBER <input type="checkbox"/> RED – Note: Further Information should not be requested at this stage if the DA is to be refused
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Completion

Stage 1 assessment has been completed.

- The application is suitable for advancement (to the next assessment Stage).
- The DA is recommended for refusal – Reasons for refusal has been added to the Draft NoD.
- Other. To discuss

Assessment officer:

Trent Varlow/ Lincoln Rixon-Petty

18/07/2022

STAGE 2 – INFORMATION COLLECTION (ENTITIES – including EPSDD DA Leasing)

☛ The DA was referred to the following Entities (or internal Sections) with the following response(s):

Original Referral:

Entity	Did the entity support the application?	Assessment comments / Conditions required						
Evo Energy - Electricity	Yes - with conditions	Conditional Acceptance letter will be provided as an attachment to the NoD						
Evo Energy - Gas	Yes - with conditions	Conditional Acceptance letter will be provided as an attachment to the NoD						
ICON Water	No	<p>Reasons for Failure to Comply</p> <p>Design Acceptance for External Services or off site works must be in principle design approved by Icon Water Hydraulic Assets. Phone Icon Water Asset Acceptance on ph.: 02 6248 3111 or email to hydraulicassetacceptance@iconwater.com.au. This needs to be referred back to Icon Water Building Approvals area for approval prior to any DA/BA Approval by ACTPLA or certifiers. Other: See comments Please complete attached Icon Water Design Form Pack, Hydraulic servicing plans and email to hydraulicassetacceptance@iconwater.com.au. Icon Water will then identify whether your development falls into the capital contribution code scheme, and will write you a letter to confirm. On confirmation, please resubmit Development Application to Icon Water for Building Approval prior to any DA/BA approval by ACTPLA or certifiers. Proposed commercial unit 1 is in close proximity to existing pressure mains. Detailed onsite network identification and minimum clearances must be provided with resubmission.</p>						
TCCS	No	<p>TCCS' position is that the proposal is:</p> <table border="1" data-bbox="852 1249 1506 1406"> <tr> <td data-bbox="852 1249 1458 1294">'Supported'</td> <td data-bbox="1458 1249 1506 1294"></td> </tr> <tr> <td data-bbox="852 1294 1458 1361">'Supported' subject to compliance with the following 'Conditions'</td> <td data-bbox="1458 1294 1506 1361"></td> </tr> <tr> <td data-bbox="852 1361 1458 1406">Requires further information</td> <td data-bbox="1458 1361 1506 1406">X</td> </tr> </table> <p>Comments:</p> <p>Applicant needs to come back with solutions for below issues and provide new update plan with response statement to TCCS</p> <p>Traffic and Parking :</p> <p>The proponent is seeking to utilise the adjacent carpark at Bennetts Close for all visitor parking and commercial parking required for the proposed development at 1/51 McKellar.</p> <p>It is also unclear what the commercial GFA of this site is and what type of commercial land use is proposed (e.g. office, retail).</p> <p>The proponent must calculate the parking requirement for the commercial component of the development as per the ACT Parking and Vehicular Access General Code.</p> <p>The proponent must also undertake a parking utilisation survey using past aerial images and justify the adequacy of the parking available off-site.</p>	'Supported'		'Supported' subject to compliance with the following 'Conditions'		Requires further information	X
'Supported'								
'Supported' subject to compliance with the following 'Conditions'								
Requires further information	X							

		<p>Waste :</p> <p>The submission for the waste management is incomplet. Please provide the documents as per the DCC Waste Code 2019 or later. TCCS does not collect the commercial and industrial waste.</p> <p>The waste collection for the two units located on South West corner are close to the bus stop. The Territory has a requirement that vehicles must be 7m or 15m from a bus stop or something like that. It is not a Waste Code requirement as such, but we will still not collect from or near a bus stop.</p> <p>Apart from being incomplete, the Applicant should consider shared MGBs to reduce the number of MGBs on the kerb or onsite collection.</p>
ESA (Emergency Services Authority)	Yes - with conditions	Conditional Acceptance letter will be provided as an attachment to the NoD
EPA (Environment Protection Authority)	Yes - with conditions	<p>Conditions:</p> <p>All spoil identified at the site must be managed in accordance with EPA Information Sheet - Spoil Management in the ACT.</p> <p>No soil is to be disposed from site without approval from the Office of the Environment Protection Authority.</p> <p>All works must be carried out in accordance with "Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011", available at www.environment.act.gov.au or by calling 132281.</p> <p>Advice:</p> <p>Noise from equipment which may be installed or used at the site, including air conditioning units etc, must comply with the noise standard at the block boundary at all times as per the Environment Protection Regulation 2005. Please consider the type and location of noise generating equipment prior to installation. Written assurance should be sought from the supplier/installer of the equipment that it complies with the Noise Zone Standard as per the Environment Protection Regulation, 2005.</p> <p>All excavations that collect rain water during a rain storm event would be considered as a sediment control pond, and must meet the following condition: No discharge from pond unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the pond must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.</p> <p>For further information please contact the Environment Protection Authority Planning Liaison at EPAPanningLiaison@act.gov.au or on 02 6207 5642.</p>

S144C Referral:

Entity	Did the entity support the application?	Assessment comments / Conditions required						
Evo Energy - Electricity	Yes - with conditions	Conditional Acceptance letter will be provided as an attachment to the NoD						
Evo Energy - Gas	Yes - with conditions	Conditional Acceptance letter will be provided as an attachment to the NoD						
ICON Water	No	<p>Reasons for Failure to Comply Details of Icon Waters sewer and/or water networks need to be shown on the plan/s Proposed commercial unit 1 is in close proximity to existing pressure mains. Detailed onsite network identification and minimum clearances maintained must be provided with resubmission. Additional requirements may apply once detailed survey is provided.</p>						
TCCS	No	<p>TCCS' position is that the proposal is:</p> <table border="1" data-bbox="852 622 1509 784"> <tr> <td data-bbox="852 622 1461 667">'Supported'</td> <td data-bbox="1461 622 1509 667"></td> </tr> <tr> <td data-bbox="852 667 1461 745">'Supported' subject to compliance with the following 'Conditions'</td> <td data-bbox="1461 667 1509 745"></td> </tr> <tr> <td data-bbox="852 745 1461 784">Requires further information</td> <td data-bbox="1461 745 1509 784">X</td> </tr> </table> <p>Comments:</p> <p>TCCS's previous comments (dated 24/11/2021) on this DA have not been addressed yet:</p> <ol style="list-style-type: none"> 1. Parking Assessment: TCCS appreciates Canberra Town Planning's response dated 29 March 2022. The aerial images show that the offsite parking at Bennett's Close can be used by the site. However, to understand the adequacy of the parking, TCCS still needs information on what the commercial GFA of this site is and what type of commercial land use is proposed (e.g. office, retail), as requested. This is not clear in the response as there is an estimated parking requirement of "60+" spaces for the commercial land use in Canberra Town Planning's response. It should also be noted that the requirement for accessible parking spaces as per the ACT Parking and Vehicular Access General Code for the commercial and visitor aspect need to be considered. If additional accessible parking is required, this would need to be funded by the proponent and not TCCS. 2. Waste Collection: Waste and Recycling Management Plan (WRMP) must be submitted as per Waste and Recycling Management Code 2019. None of the collection area considered to be safe for all road users. Collection on Dumas Street will hold traffic left turning from Bennets Close. Similarly collection on Bennets Close will hold traffic in / out of the driveways. TCCS would recommend onsite collection for the development or shared kerb side collection so that impacts on road network would be minimised. <p>Please provide a letter of response along with updated drawings in the next submission.</p>	'Supported'		'Supported' subject to compliance with the following 'Conditions'		Requires further information	X
'Supported'								
'Supported' subject to compliance with the following 'Conditions'								
Requires further information	X							

LRP/MPRG

Does any Entity advice received trigger referral to either the LRP or AAP:	No
	AAP/LRP not required as the proposal is recommended for refusal. Discussions with executive confirm.

Does any entity advice received mean the application must be refused:	No
Conditions required from entity advice:	Entered in draft NoD: Yes

Final

Has the entity advice received on this application been considered: (s.120(e))	Yes, see summary above.
An <i>alias</i> of advice from the Utility service providers and other relevant entities has been moved into the approved plans folder.	Yes

STAGE 3 – ISSUES CONSIDERATION (REPRESENTATIONS)

- Representation/s were made in respect of the application under section 156 of the Planning and Development Act 2007. All Representation have been read and considered, and a summary of key concerns / issues can be found below:

Specify number of Representation/s received: <input type="text" value="12"/>	NOTE: If 30 or more Reprs – refer to AAP
Area of concern / issue	Representation comment - Territory Plan response
1x rep in support	Not a planning concern
Removal of Trees <ul style="list-style-type: none"> - Site is a concrete jungle 	TREE REMOVAL The proposal does not propose the removal of any regulated trees on site as displayed on the tree survey plans lodged with the application. The two trees that are proposed for removal are on the verge with the Composite Landscape Verge Plan showing the planting of new verge trees to offset the removal. Urban Treescapes a branch within TCCS administer the management of verge trees and did not raise concern with proposed tree removals or plantings.
Low quality materiality	MATERIALITY The external materials and finishes were deemed suitable and of an appropriate quality. However, it is noted the proposal as whole requires further refinement.
Inconsistent with desired character <ul style="list-style-type: none"> - Negative impact on streetscape - Development is poor from a visual perspective 	DESIRED CHARACTER The proposal was assessed against all relevant aspects of the Territory Plan, assessment found that proposed mixed use residential building is not compatible with the desired character of the area. The current local centre consists of buildings heights that at maximum are two storeys whereas this proposed building for mixed use servicing- both residential and commercial tenancies is 3 storeys and in part 4 storeys. This 4-storey component is not a desirable outcome as it is two storeys more than any other development in the existing centre and does not provide a soft approach to incorporate the 4 storeys. It is noted that 3 storeys may be considered reasonable if further setback treatments and landscaping is incorporated to reduce the bulk and scale of the development this would additionally provide for improved amenity for all users. Further to this, the proposed mixed-use building makes little effort to show sympathies regarding setbacks in terms of both the requirements of the Territory Plan and the established character of McKellar. The building encroaches into the setback of every boundary it fronts, proposing a boundary-to-boundary presentation (North to South). This in conjunction with the scale and bulk of the building cannot be deemed consistent with desired character. The implications of these encroachments directly impact streetscape, pedestrian scale and the amenity of the local centre of a whole. The inconsistencies with desired character in part informed the decision to refuse the application.
Density to high	DENSITY

	The application has been refused. The bulk and scale of the development which add to the densification of the site in part informed the decision to refuse the application.
Traffic & Insufficient parking for commercial spaces	<p>TRAFFIC & PARKING</p> <p>The proposal was assessed against the Parking and Vehicular Access General Code (PVAGC) it was found that parking requirements that the proposal generates is too large to be managed through existing infrastructure (adjacent car park) as proposed. The overspill of cars parking in surrounding street and infrastructure in order to use the proposed development and existing local centre has the potential to generate traffic hazards. Insufficient documentation was provided to support how traffic will be managed. Additionally, it is noted that application was referred to TCCS who administer traffic and road network issues. TCCS raised concerns surrounding the impactions of the proposed waste collection on both Bennetts close and Dumas St. TCCS provided advice that the development as proposed will negatively impact traffic in the area, with the proposed collection areas being considered by TCCS as not safe for all road users. The implications the proposed development will have on traffic in part informed the decision to refuse the application.</p>
Provide traffic signage to nearby field	This field is not the subject of this DA
<p>Insufficient commercial space to meet community needs</p> <ul style="list-style-type: none"> - McKellar needs a commercial/ community hub not more residential property - Commercial space provided is not large enough to support any reasonable retail service - Design centres around residential - Not likely to provide convenient retail/ shopping area - Inconsistent with town plan - Proposal contradictory to community needs / wants 	<p>INSUFFICIENT COMMERCIAL SPACE & FAILURE TO ADDRESS THE NEEDS OF THE COMMUNITY.</p> <p>The amount of commercial GFA proposed in terms of the Commercial Zones Development Code is compliant. However, the Authority notes that the provided commercial spaces are limited in terms of ability to meet the needs of McKellar community. The development offers a proposal that lacks integration with the surrounding local centre and chooses to place residential use over commercial. This decision has the potential to limit commercial viability for tenants and opportunity for these tenancies to be used by businesses. The development should better utilize the opportunities the site provides to enhance the current commercial local centre fronting Bennetts Close. Further commercial aspects should be considered fronting Bennetts close to allow for a variety of uses that would complement the centre and better service the needs of McKellar. The development as a result of the above points conflicts with the zone objectives of the commercial zone (CZ4) in which it is proposed. In order to preserve the local centre and opportunities for commercial development the application has been refused.</p>
Insufficient outdoor space for the proposed residences	<p>LACK OF OUTDOOR AMENITY</p> <p>Regarding the provision of outdoor amenity and more specifically Principle Private Open Space areas assessment found that the proposed development falls short of meeting the relevant provisions of the Territory Plan. With it being concluded that the balconies provided to each residential dwelling do not provide proportionate outdoor space or reasonable extension of function for residents given the size of the proposed dwellings. Factors informing this conclusion among others were; there being no provision of private open space provided at ground level, the communal spaces proposed on site being insufficient in offsetting the notable</p>

	shortfall in PPOS area and the proposed areas for services both A/C units and clothes drying proposed in the PPOS areas providing further reductions to the already limited useable space. The proposed development being inconsistent with the provisions of Territory Plan in place to provide sufficient outdoor amenity for residents in part informed the decision to refuse the application.
Insufficient spaces for services - Clothesline	SERVICES The development provides appropriate spaces that can provide for services associated with the development. These areas are appropriately separated/ screened from public view. In regard to space for services the development is consistent with the requirements of the territory plan.
Privacy - Implication of a 3-storey building on privacy of surrounding blocks - Overlooking	PRIVACY While not explicitly addressed by the Territory Plan regarding developments of this nature in this zone the residential amenity and privacy of neighbouring properties was considered in the assessment of this development. The implications the proposed development has on the amenity of surrounding residential blocks was noted. If approved further considerations/ action would have been taken to address privacy concerns and maintain the amenity of the surrounding residential blocks. The requirement for privacy to be maintained could have potentially been achieved through conditions requiring privacy screens or frosted glass. However, given the proposal is to be refused no such measures are required. Privacy will be a considered in any further applications that may be lodged regarding the subject site.
Does not meet zone objectives (CZ4) - Inconsistent with the zone I which it is proposed	ZONE OBJECTIVES Please see the response to the CZ4 local centre zone objective in part A of this decision.
Though it is not required community consultation/ comment should have been sought	COMMUNITY CONSULTATION Community consultation is not required for such developments under the Territory Plan or legislation. The representor may approach the proponent or lessee directly for further information regarding developments. Public notification of this development application was undertaken in accordance with the Planning and Development Act 2007 and representations considered in the making of this decision.
Developer has already started work violating EPA guidelines.	WORKS COMMENCING ON SITE No works have commenced on site, this was confirmed through a site visit. Construction fencing erected on site is likely in place to reduce the hazards the current site condition proposes.

Was a site inspection undertaken in this stage:	Yes - photos and any additional documentation has been saved in objective file
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All representations made about this application been considered in the assessment of this proposal: (s.120(d))	Yes, see assessment above
Does the STAGE 3 assessment require further assessment from STAGE 4?	Yes

Completion

Stages 2 and 3 has been completed with no issues identified.

Stages 2 and 3 has been completed with the following issues noted:

Issues listed in the template above

Stages 2 and 3 has identified issues that prevent further assessment, specifically (insert below)

Assessment officer: Trent Varlow/Lincoln Rixon-Petty

Date: 21/07/2022

STAGE 4 – TERRITORY PLAN ASSESSMENT

Proposed Use	Q1. Is the proposed use allowable in the applicable zone/s? Yes Q2. Is the proposal permitted under the Crown Lease? Yes	
Territory Plan assessment		
Select relevant code:	Specify relevant Precinct Code/s: <div style="border: 1px solid black; padding: 2px;">McKellar Precinct Map</div> Specify relevant Development Code/s: <div style="border: 1px solid black; padding: 2px;">Commercial Zones Development Code & Multi-Unit Housing Development Code</div> Specify relevant General Code/s: <div style="border: 1px solid black; padding: 2px;">Parking and Vehicular Access General Code, Access and Mobility General Code, Crime Prevention Through Environmental Design General Code, Bicycle Parking General Code, Wa Sensitive Design General Code</div>	
The assessing officer undertook an assessment of the proposal and found that the following KEY rules and criteria warrant further discussion. <i>Note: Further issues may have been identified in a plan based assessment that have not necessarily been included in this or is of a significance that did not warrant particular discussion.</i> NOTE: Assessment Officers to pay particular attention to all mandatory rules		
Code	Rule / Criteria	Assessment/Discussion
McKellar Precinct Map	All	The site does not sit within the area shown as PD1 and therefore is not applicable.
Commercial Zones Development Code	All	<p>R1 – N/A, No lease and development conditions as per register R2 – N/A, the site is not an existing community and recreation site C3 – does not meet criteria</p> <ul style="list-style-type: none"> a) The proposal contributes to the amenity as there has previously been no development on the site and the townhouses and shop would enhance the area. The local character would be improved if the development included more shopping tenancies to enhance the function of the area including other existing shops, parking and open space walkways that connects to the site. Overall the development does add character but can be improved. Reduced setbacks to northern and southern elevations of the residential component have not adequately addressed the amenity and bulk and scale component as there is little landscaping, buffering or articulation provided on these frontages to open space and a street. It is recommended that the development provide a more sufficient setback with the use of stepped retaining walls and feature planting as well as potential courtyard walls to provide a setback from the public space and the development to ensure access to the façade is minimised and the bulk and scale factor is reduced. b) The development provides interesting and functional facades consistent with the criterion as demonstrated on the elevations and colours and finishes, however it does not contribute to a positive streetscape due to the setbacks as mentioned above. c) Complies as demonstrated on the colours and finishes lodged with the application. d) Articulation is present on the upper levels of the development and fronting Dumas Street, however further articulation treatment should be considered on the North and South as per above. e) Complies existing footpath network allows for permeability of the site from Dumas Street to Bennetts Close f) Complies 2 & 3 storey walk ups. g) Complies <p>C4 – complies, the building will be of permanent construction C5 - Complies Plant installations and service structures are integrated with the building design, so they are set back from the building facade and screened from public areas C6 – does not meet criteria. The parking proposed as hardstand with carport does</p>

integrate with the built form and avoids blank walls. All other garages achieve the criteria as well.

C7 - Complies as demonstrated on the elevations, colours and finishes lodged with the application

C8 - Storage for residential units is within garages and the commercial unit includes adequate space for internal storage. Unit 14 does not have storage for the residential component as the garage only has access to the commercial unit and not the residential.

C9 – N/A as the building is not taller than 19m

R10 – N/A as the building is not larger than 28m

R11 – N/A as these uses are not proposed

R12 – N/A as the site is zoned CZ4

R13 – N/A as these uses are not proposed

C14 –

- a) The landscaped areas contribute to the hard pedestrian areas surrounding the site and improve the existing site and previous site by way of including hard and soft landscaping features.
- b) The landscaping provided for the communal area is appropriate to the scale of the site and the landscaping provided outside the ground floor commercial fronting Dumas street will provide reasonable amenity.
- c) The streetscape fronting Dumas street and the parking area for the shops will complement the area and the development through use of trees, shrubs and other landscaped features. The north and south frontages require further landscaping buffer and potentially hedge planting to give a separation to the 3 storey bulk.
- d) There are no parks or reserves connecting to the development, however there are two public transport routes adjacent to the development. The public path connected to the south frontage needs further investigation. The public transport corridor on Dumas Street is integrated well for the most part as there is good scale courtyard walls and landscaping within the development. A setback of the walls should be considered to provide a softness to the wall and the location of the bus stop.
- e) The landscaping will have no adverse impact of the proposed buildings
- f) The communal area is shaded by the use of trees and the parking is proposed to be shaded by a carport. The windows of the ground floor commercial will be shaded by the trees in the courtyards.
- g) There is no overlooking between the building on the block.
- h) The landscaping will not create utility maintenance issues
- i) Icon water and TCCS have not endorsed the application and endorsement would be required as part of this application to adhere to this criteria.
- j) There are proposed water meters on north of the site that will not be adequately screened by landscaping or other use of screens.
- k) The landscaping will not interfere with sightlines to any corner fronting the street.
- l) The landscaping does not obscure or obstruct building entries, paths and driveways to reduce the actual or perceived personal safety and security

C15 – There is tree planting between the carport and the frontage which provides amenity and a separation. There is good planting between all vehicle areas and the associated frontages.

R16 – Rule met as per the Statement Against Relevant Criteria, however, if approving a condition should be imposed to meet the requirement.

R17 - Rule met as per the Statement Against Relevant Criteria, however, if approving a condition should be imposed to meet the requirement.

R18 – Rule met no easements are applicable on this site

C19 – All pedestrian and cycle entrances to both residential and commercial tenancies are clearly marked. Each frontage connects to the pedestrian path network and is easily visible from each entry and exit. There are clear paths of travel around the site and no dead ends.

R20 - Loading docks are not located on the street frontage. Vehicular entries do not dominate the street frontage.

C21 – TCCS have not supported the development at this stage, however it is deemed from a planning perspective that the existing road network will accommodate the

addition of the development and associated traffic. The site is well connected to main roads with multiple exit points from the suburb. There is currently road upgrades being undertaken on one of the arterial roads connecting to Dumas street which will assist in the flow of traffic into the future.

R22 – There is sufficient area for loading and unloading within the parking of Bennet's close and on site for small deliveries to most units and the standalone commercial building. The access to all commercial spaces fronting Dumas street has not been considered for large deliveries or moving trucks for furniture once occupied. Unit 14 of the residential is also impacted by this as the access is only from Dumas Street. The loading and unloading cannot be performed on Dumas Street as this is a main road for the suburb and directly in front of the development is a bus stop.

R23 – N/A as uses not proposed

C24 – there is already significant earthworks undertaken on the site (refer to site photos) and any further earthworks are minimised.

R30 – No regulated trees on site. Refer to site photos

R31 – N/A as no regulated trees on site, refer to site photos

R32 – N/A the block is not Heritage listed

R33 – N/A Subdivision is not proposed

R34 – N/A demolition is not proposed as site is clear

R35 – N/A demolition is not proposed as site is clear

C36 – N/A there is no neighbourhood plans for McKellar

R37 – N/A – not a town centre

R37A – N/A – not a town centre

C38 – N/A – not a town centre

C39 – N/A – not a town centre

R40 – N/A – not a town centre

R41 – N/A not a group centre

R42 – N/A not a group centre

R43 – N/A not a group centre

R44 – N/A not a group centre

R45 – N/A not a group centre

R46 – N/A not a group centre

C48 – N/A these uses are not proposed

C49 – It is deemed that the development is compliant with this criteria. The site had previously less than 600m² of commercial use and the proposal seeks to increase the commercial uses on site to over 900m². If the commercial tenancies fronting Dumas street were not appropriate, the development would be less than the 50%, however with the current proposal it is over the 50%.

R50 – The proposed uses to commercial on site is shop and non retail commercial. This rule is met.

R51 – the proposal only provides commercial use fronting the street and is consistent with this rule

R51A – Rule met as the total is less than 1500m²

C52 – The development proposed is 3 storeys for the most part and 4 storeys for unit 14 on the southern frontage to the development. It is deemed that the 4 storey component is not consistent with the desired character of the area or the local centre for McKellar. The 3 storey development can be considered consistent due to its location to the main roads and no adjoining residential block. As per the above assessment, further setback treatment to the north and south should be provided to reduce bulk and scale. There are no adjoining residential developments in regards to solar.

C53 – does not comply

- a) The development provides interesting and functional facades consistent with the criterion as demonstrated on the elevations and colours and finishes, however it does not contribute to a positive streetscape due to the setbacks as mentioned above.
- b) The materials used will have minimal impact on reflective sunlight
- c) There is sufficient articulation at the upper floor levels, however on the ground floor of the north and south frontage there is limited articulation and the façade presentation to the streetscape has bulk and scale implications.
- d) Complies existing footpath network allows for permeability of the site from Dumas Street to Bennetts Close

C54 – does not comply

		<p>a) The building that is mixed use residential and commercial is not compatible with the desired character. The current local centre has a maximum of two storey buildings whereas the proposed building that is mixed use residential and commercial is 3 storeys and in part 4 storeys. The 4 storey component is not a desirable outcome as it is two storeys more than the existing centre and does not provide a soft approach to incorporate the 4 storeys. It is considered that 3 storeys may be considered reasonable if further setback treatment and landscaping be investigated to reduce bulk and scale and provide better amenity.</p> <p>b) 3 storeys is considered appropriate to the use and function proposed development as it incorporates ground floor commercial with residential above. Although the current local centre is 2 storeys and the suburb maintains two storeys throughout, the site sits alone with 4 frontages so it will have no solar impact to adjoining blocks. The 4 storey component is not considered appropriate to the scale of the development.</p> <p>c) There are no adjoining developments to the south, however there will be a shadow impact to the blocks to the south that adjoin the public path. These blocks will be shadowed for at least 3 hours of the day by the proposed development. The scale of the development should be reduced on the southern frontage by the way of further setbacks or reduction in height.</p> <p>R54A – N/A block is not CZ5 R55 – N/A block is not CZ6 R56 – N/A block is not CZ6 R57 – N/A block is not CZ6 R58 – N/A block is not CZ6 R59 – N/A, single dwelling isn't proposed R60 – an assessment against the Multi Unit Housing Development Code has been provided within this assessment. R61 – N/A residential care accommodation is not proposed R62 – good unloading and loading/waste has not been supported by TCCS R63 – Waste management has not been supported by TCCS R64 – Post occupancy waste management has not been supported by TCCS R65 – TCCS have not provided support R66 – there is no encroachment into a registered easement R67 – support has been provided by Evoenergy but Icon Water does not support the proposal R68 – Evoenergy has supported the proposal and the documentation provided complied with the rule. R69 – Icon Water has not supported the proposal R70 – N/A – the site is less than 3000m2. R71 – N/A as the site is not listed as a contaminated site. EPA has also provided conditional support for the proposal.</p>
Multi-Unit Development Code	All	R1; N/A not in RZ1/ not proposed for dual occupancy R2; N/A not in RZ1/ not proposed for dual occupancy R3; N/A not in RZ1/ no apartments proposed R4; No leasing and development conditions as per register R5; N/A not a residential block R6; N/A not in RZ1 R7; N/A not in RZ1or RZ2 R8; N/A not in RZ2, RZ3 or RZ4 R9; N/A not in RZ1, RZ2, RZ3 or RZ4 R10; N/A not in RZ1 R11; N/A not in RZ1/ not intended for supportive housing R12; N/A not in RZ2 R13; N/A not in RZ2 R14; N/A not in RZ2 R15; N/A not in RZ2 R16; N/A not in RZ1 R17; N/A not in RZ1/ not proposed for dual occupancy R18; N/A not in RZ1 R19; N/A not in RZ2 R20; N/A not in RZ3

R21; N/A not in RZ4
R22; N/A not in RZ5
R23; N/A not in RZ1 or RZ2
R24; N/A not in RZ3, RZ4 or RZ5
R25; N/A the subject block does not have side or rear boundaries
R26; N/A the subject block is not adjoined to a residential block
R29; Rule not met as the residential element of this proposal encroaches the front setbacks of 6m and 4m (to secondary street frontages) outlined in table A5 of the Multi-Unit Housing Development Code. As such these front setbacks will be assessed against criteria 29 (see below). Please note commercial Unit 1 building is subject to assessment against the Commercial Zones Development Code.
C29; Three front boundaries are encroached by residential mixed-use building. North & South – Both the Northern boundary and southern boundaries are built well within the required setback zone. The northern boundary to nil at its closest point and the southern boundary to 200mm at its closet point (on upper floors). Although attempts have been made through the S144C amendment application to address these setbacks, through the provision of additional planting/ planting space intended to soften the impact of these encroachments, Criteria 29 is still not satisfied. In part, through the almost boundary to boundary presentation these encroachments cause, the development does not meet consistency with the desired character due to bulk and scale. It is additionally noted no other buildings in the area offer this approach to setbacks.

West – The encroachment to the west (fronting Dumas Street) varies along the boundary with it noted that the majority of this front boundary is encroached. This encroachment is not inconsistent with Criteria 29;
a) This frontage meets consistent with the desired character as sufficient planting is provided between the proposed buildings and the street. Additionally, it is noted surrounding developments in the area encroach in a similar nature.
b) Reasonable amenity is provided; this frontage assists in offering additional access to the commercial/ residential dwellings.
c) The encroachment still allows for street trees to grow to maturity.

R30; N/A the subject block does not have side or rear boundaries
R31; N/A the subject block does not have side or rear boundaries
R32; Encroachments into front setback are addressed above see Rule/ Criteria 29
R33; N/A the subject block does not have a building envelope due to not having side or rear boundaries.
R36; N/A not in RZ2
R37; N/A 40 or more dwellings not proposed
R38; N/A not in RZ1 or RZ2
R39; The site provides open space and permeable surfacing across the site meeting the planting requirements of 10%. However, in some instances the development falls short of dimensional requirements and the provided POS areas are not associated at ground level. As such the proposal needs to be assessed against Criteria 39.
C39; Criteria met.
a) POS space is provided through balconies, with communal open space being offered to the South Commercial Unit 1. These spaces provide sufficient space for a range of recreational active and support the residents in active living.
b) As noted above sufficient planting space is provided (rule compliant)
c) A contribution to on-site infiltration of stormwater run-off is provided through the provision of deep root planting.
d) Reasonable accessibility is achieved, with the development designed to be inclusive of all residents. See provided access report which supports this.
e) Reasonable connectivity to surround pedestrian/ cyclist networks (roads & paths) is provided.
Additionally, it is noted public open space is provided nearby (within 200m) in the form of an oval (end of Bennetts close).
C40; Criteria met.
a) Planting of semi mature stock trees proposed
b) Planting of trees with a mature height of 4m proposed (prunus x blireana 4m mature height – 5 proposed)

	<p>c) Can be deemed as contributing to energy efficiency, tree planting to the west provides shading to western façade</p> <p>d) Planting provides reasonable residential amenity</p> <p>e) Reasonable visibility along paths maintained</p> <p>f) Visual interest provided in paving materials. Driveways, pathing and unit entrance paving differentiated from one another.</p> <p>g) Appropriate planting selections proposed in relation to site conditions</p> <p>R41; N/A No fencing proposed forward of the building line. Courtyard walls proposed.</p> <p>R42; N/A not in RZ1 or RZ2</p> <p>R42A; Rule not met. It is noted there is a courtyard wall along the front boundary to dumas street as well as a small section of courtyard wall by way of fencing on a block work retaining wall forward of the building line to the south of unit 14 (shown on far right of units' south view elevation). Courtyard walls are not setback half of the nominated front setback. Additionally, the wall to the south of unit 14 does not have the required planting required by the rule. Subject to criteria.</p> <p>C42A; Criteria met.</p> <p>a) Dumas St Courtyard walls are not inconsistent with desired character; planting is provided to visually mitigate them from the street with the overall presentation to the street maintaining pedestrian scale and the streetscape. The small section to the south of Unit 14 has no impact on the desired character of the area.</p> <p>b) Courtyard walls are not inconsistent with item b)</p> <p>c) sightlines for vehicles and pedestrians are not obstructed.</p> <p>C43; Criteria met. External facilities/ equipment is adequately screened and/ or separated from public areas. Privacy screens for residential units (AC/ Clothesline) shown in elevation and on floor assess.</p> <p>C44; Criteria met. Mailboxes are located for convenient access by residences and delivers. Mailboxes facilitate passive surveillance from the street and active users. Location shown on site plan, details shown on PLAN-202139349-S144C-DETAILS-01. Regarding delivery and access there is no intercom system in place, therefore people accessing the commercial tenancies can access the communal hallway and then potentially the garage. It is not detailed if the garage sliding-door is lockable. In terms of drop off there is no response as to how this works and how the mail for the residence is secured. It is noted on the letter box pillar details only one letter box is proposed per unit despite each offering two tenancies.</p> <p>R45; Rule met. Electrical and telecommunication rearticulation is proposed underground.</p> <p>C46; Criteria met. Ground level electrical/ telecommunication facilities proposed at ground level are screened from public view and provide reasonable access to service providers.</p> <p>R47; Rule met. First floor living room windows provide the façade with a window to a habitable room facing the public street not screened by a courtyard wall. Each mixed-use unit has a door with a roofed element facing the street at ground level.</p> <p>R48; Rule met. An external sheltered area is provided outside the communal door for each dual tenancy. With these same communal doors offering a direct line of site to the public footpath/ road. Separate access is provided to residential and non-residential uses internally. As outlined above there is no intercom system in place, therefore people accessing the commercial tenancies can access the communal hallway and then potentially the garage. It is not detailed if the garage sliding-door is lockable.</p> <p>R49; Rule not met. Walls facing the internal driveway are in some instances greater than 15m in length with out the articulation required in Rule 49. As such the development is subject to Criteria 49.</p> <p>C49; Criteria met. The use of overhangs building material selection and changes in the wall planes are present providing appropriate scale and offering visual interest to the sections of wall non rule compliant. It is noted these internal sections of wall are somewhat visually mitigated from public view due to setback, landscaping and other built elements on site, it can be deemed visual differentiation between dwellings is enabled when viewed from the adjoining public spaces.</p> <p>R50; Rule not met. Roof facing the internal driveway are in some instances greater than 15m in length without the articulation required in Rule 50. As such the development is subject to Criteria 50.</p> <p>C50; Criteria met. The use of overhangs and changes in the roof planes are present providing appropriate scale and offering visual interest to the sections of roof non rule</p>
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compliant. It can be deemed the provided articulation offers visual differentiation between dwellings is enabled when viewed from the adjoining public spaces.

R51; Garages within 15m of the front boundary are constructed with the same materiality as the corresponding elements of the development and are integrated.

However, there is insufficient detail provided regarding the proposed carports to the north of commercial unit 1. Only detail offered is on roof plan.

R52; N/A not in RZ2

R53; N/A no basement or under croft parking proposed.

R54; Rule met. As per table A8 two adaptable dwellings are required as 14 dwellings are proposed. 2 adaptable dwellings are proposed unit 1 & 14.

R55; Complies. All residential dwellings are 3 bedroom and exceed the 105m²

R56; N/A 40 or more dwellings not proposed

C56A; N/A not in RZ1/ not proposed for dual occupancy

R57; Rule met. Given the orientation of each dwelling (all dwellings have a west north-western aspect) and the internal layout in conjunction with the provided shadow plan it can be deemed direct sunlight to UFL daytime living areas for a minimum of 3 hours will be achieved.

R57A; N/A block was approved before 5 July 2013.

R58; N/A no apartments proposed

R59; Rule Met. Direct line of sight is not provided into the primary window of any dwelling from any other dwelling. The party wall arrangement helps facilitate privacy between dwellings. Additionally nib walls are provided to separate the balconies and maintain privacy between dwellings.

R60; Rule Met. Direct line of sight is not provided to more than 50% of any dwellings PPOS as viewed from any other dwelling. The party wall arrangement helps facilitate privacy between dwellings, nib walls are provided (also party walls) to separate the balconies which serve as the PPOS for each dwelling. Privacy is maintained between dwellings.

R61; Dwelling 1 and 14 are compliant with Rule 61 as these dwellings are located entirely on the UFL. These dwellings are located on site, meet table A9 (Greater than 8m² & dimension exceeding 1.8m). Is screened from public streets/open spaces (materiality of balustrade was not provided) is directly accessible from living area and is not located to the south, south-east or southwest. Units 2-13 do not meet area requirements of Table A9 and as such are subject to the criteria.

R61; It is noted dwellings 1 and 14 are rule compliant meeting all required aspects of rule 61 this is due the fact that they are located entirely on the UFL making them subject to different area/ dimensional requirements to unit 2-13 which are partially located at the LFL (due to the laundry element). Additionally, the unit 1 & 14 dwellings are located on site, meet table A9 (Greater than 8m² & dimension exceeding 1.8m). Is screened from public streets/open spaces (if approved an appropriate balustrade material would need to be provided through a condition) are directly accessible from a living area and is not located to the south, south-east or southwest. Units 2-13 do not meet area requirements of Table A9 and as such are subject to the criteria.

C61; Units 2-13 balconies do not meet the criteria;

a) The proposed balconies (PPOS) is not proportionate in size to the dwellings proposed. 12-13m² of balcony which is half of the rule requirement is insufficient in servicing the needs of a three-bedroom dwelling. With it being noted there is no provision of private open space being provided at ground level and that the communal open space at ground level is insufficient in servicing the shortfall in PPOS area. The services of A/C units and clothes drying in the provided PPOS areas further reduce the useable space these areas provide. These spaces cannot be deemed sufficient.

b) Due to the size restrictions outlined above it cannot be deemed the PPOS areas provide sufficient extension of function for relaxation, dining & entertainment for residents especially with the size of the dwelling (3 bedroom) considered.

Note – Unit 1 & 14 also would not meet the criteria if they were subject to it. However, they are rule compliant.

c) Are directly accessible from living areas

d) Provide for service function (A/C & clothesline)

e) Privacy is maintained through the PPOS areas being above ground level (balustrade material condition) and having nib party walls between adjoining dwellings PPOS areas.

f) Receive reasonable solar, see provided shadow diagram. Not located to the south.

R62; Rule met. Separation between an unscreened element and external wall on the

same block or adjoining block is 3m or more.

R63; Rule met. The separation between external walls at the LFL on the same block or an adjoining block is not less than 1m.

R64; (if approved an appropriate balustrade material would need to be provided through a condition)R65; All dwellings bar Unit 14 have a clearly identifiable associated garage. Unit 14 dwelling does not have a garage in the same building, with the lower garage associated with Unit 14 being dedicated to the commercial use. **It is unclear if another garage on site is allocated to the residential dwellings of Unit 14.**

C66; Criteria met. It can be deemed each dwelling provides for natural cross ventilation, through openable windows/ doors at the alternate ends of the dwellings.

R67; Rule met. Noise report has been provided with EPA supporting the development. If approving a condition should be included that the recommendation of the noise report should be implemented in addition to the following Australian standards being met; AS/NZS 2107:2000 & AS/NZS 3671.

R68; N/A not in RZ1 or RZ2/ ramps to basement parking not proposed

R69; N/A the block was previously developed

R70; Rule met. No additional verge crossing proposed 1 existing, 1 proposed in development. It is noted the location has been moved.

R71; Applicant has stated in 144C response that the existing driveway crossover will be demolished, and the verge will be reinstated with landscaping. If approving a condition is to be included stating that all redundant driveway verge crossing are to be removed, and the verge and kerb restored.

R72; The application was referred to TCCS refer to Criteria 72.

C72; Criteria met. TCCS provided comment raising no issue with the driveway verge crossing.

R73; Rule not met. The proposed internal driveway is not setback 1m from the south block boundary or the buildings proposed on site. Required planting not provided. The surface carparking as it is noted on the site plan is not separated from the driveway via surface treatment. Subject to criteria.

C73; Criteria not met;

a) **Sufficient space for planting along the properties boundary that adjoins the internal driveway the South is not provided. The driveway goes to a nil setback and offers zero space for planting.**

b) It can be deemed that separation to the buildings is not plausible as all building area adjoining the internal driveway at ground level is to service the proposed garages. This area cannot be planted, as these garages allow for reasonable amenity for residents, it is noted all living areas are above ground level that reasonable separation is maintained.

c) Reasonable residential amenity is maintained, particularly in regard to light and noise intrusion as all residential living areas are above ground level and reasonably separated.

d) Clear differentiation between the driveway and parking spaces is provided via the carport structure. **It is again noted not enough detail is provided on this structure for assessment.**

R74; Rule not met. It cannot be deemed that sufficient space for turning is proposed on the site, this is due to the provided turning templates largely being B85 (except Unit 14 which is B99). The B85 turning templates as proposed appear tight with minor conflicts with the built structure. B99 templates are preferred, and it does not appear the site can facilitate prominently B99 vehicles. Turning spaces insufficient rule not met.

C75; Criteria not met. With the above minor B85 turning conflicts and B99 vehicle movement appearing largely not facilitated across the site in conjunction with no details of safety measures being provided compliance with the criteria cannot be deemed.

C76; Criteria met. Can be deemed that the internal driveway is designed to be safely used.

R77; Rule not met. Due to all boundaries being front boundaries the following residential parking encroaches the front zone; Unit 1 & 14 garages, carport structure & residential garaging in the commercial unit 1 building. Refer to criteria.

C77; For the carport structure and residential garaging compliance with the criteria can be deemed.

a) These areas provide for reasonable residential amenity in terms of providing reasonable on-site parking.

b) Is consistent with the desired character of the area, as these structures are compatible with the existing interface of the surrounds (notably the carpark), maintain pedestrian scale and are reasonably setback with visual mitigation provided via planting.

c) These structures do not impact public safety

d) offer reasonable opportunity for surveillance, UFL windows and surrounding public

		<p>spaces.</p> <p>e) these structures provide for reasonable parking to satisfy the requirements of residents</p> <p>f) Structures achieve reasonable privacy</p> <p>In terms of the Unit 1 & 14 garages these garages are built to a nil setback on their relevant front boundary. This is encroaching the front zone to the greatest possible extent. This cannot be deemed as consistent with desired character, as this built form and the associated building above does not maintain pedestrian scale, provide for reasonable separation and negatively impacts the streetscape / adjoining public space. It is also noted no other parking structures in this locality are built to a nil setback within the front zone. As such this criteria is not satisfied.</p> <p>R78; Rule met. Shared spaces are located within 50m of all dwellings.</p> <p>R79; Rule not met. The carport structure faces the street as there is more than 3 dwelling proposed as such must be 50% or less (in length) of the total building facade that faces this street. This would be the façade of commercial unit 1. This structure is larger (in length) than building faced of commercial unit 1 hence the rule is not met.</p> <p>C79; Criteria met. The carport structure is consistent with the desired character of the area, this structure is compatible with the existing interface of the surrounds (notably the carpark), maintain pedestrian scale and are reasonably setback with visual mitigation provided via planting.</p> <p>R80; N/A no basement carparking proposed</p> <p>R81; N/A no basement carparking proposed</p> <p>R82; N/A visitor car parking not proposed on site</p> <p>R83; Rule met. Visitor carparking is located outside of any security barriers</p> <p>R84; N/A not in RZ2</p> <p>R85; N/A 40 or more dwellings are not proposed</p> <p>R90; N/A the proposed site is not identified as heritage</p> <p>R91; N/A no regulated/ protected trees on site.</p> <p>R92; N/A site is not located in a bushfire prone area</p> <p>R93; Rule met. EPA have provided advice stating the proposal is supported subject to condition C94; Criteria not met.</p> <p>a) Waste enclosure is proposed for the commercial tenancy, this enclosure is adequately screened and separated from public spaces. This waste enclosure is additionally visually mitigated through planting. Waste is managed through commercial tenants utilising this enclosure. The residential dwellings waste is managed via kerb-side pickup. This is not inconsistent with desired character.</p> <p>b) Reasonable residential amenity is not provided. The location of the kerb side pick-up collection areas negatively impacts residential amenity, with residents not being able to take their bins out (to Dumas Street collection point) through the shared communal space, it is expected they take the bins around to the front of the site. Several of the proposed hauling distances are unreasonable and are not desirable to residents. Additionally, it is noted as per the provided waste collection plan the bins for unit 14 are in the communal space shared with the commercial tenancy this is not supported.</p> <p><u>TCCS</u></p> <p>Kerb side collection on dumas street is not supported by TCCS collection on both Bennets close and Dumas St will negatively impact traffic in the area, with the proposed collection areas being considered by TCCS as not safe for all road users.</p> <p>c) N/A there are no adjoining residential blocks to the site.</p> <p>R95; N/A development does not propose 4 or more storeys</p> <p>R96; N/A development does not propose 4 or more storeys</p> <p>C96A; N/A development does not propose 4 or more storeys</p> <p>R97; Rule not met. The Ground FFL to FCL is less than 3.6m. Subject to criteria.</p> <p>C97; The commercial use tenancies at ground level in the mixed-use building can be deemed as facilitating office use. However insufficient detail/ justification is provided regarding how retail use would be facilitated as it is unlikely this use will be facilitated by the provided spaces. With the criteria requiring both uses be facilitated it cannot be deemed sufficient detail is provided to satisfy this criterion.</p> <p>R98; TCCS has not provided support for this development.</p> <p>R99; TCCS has not provided support for this development. Kerb side collection on dumas street is not supported by TCCS collection on both Bennets close and Dumas St will negatively impact traffic in the area, with the proposed collection areas being considered by TCCS as not safe for all road users.</p> <p>R100; N/A there are no proposed encroachments into a registered easement.</p> <p>R101; Evo electricity / Gas have provided conditional support. ICON Water do not support the development.</p> <p>R102; N/A site is not located adjacent to a potentially polluting source. Additionally EPA</p>
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		<p>conditional support is provided. R103; N/A site is less than 3000m²</p>
<p>Crime prevention Through Environmental Design General Code</p>		<p>C1; Rule met. It can be deemed the design is in accordance with the ACT Crime Prevention and Urban Design Resource Manual. Most specifically in regard to pages 18-19 which address mixed land-use, the development; -Promotes surveillance -land use mix is compatible with surrounds, provides appropriate scale in relation to crime and is consistent with the intent of this recommendation. It is bulk and scale issues have been flagged in the Multi-Unit Housing assessment. -Development does not propose pubs or liquor serving venues. C2; The development is described in table 1. See below assessment for compliance with the Crime Prevention Through Environmental Design General Code. C3; Criteria met. a) the development and associated open space is located adjacent to centres for activity, public streets, bus stop, pedestrian routes, the carpark and existing commercial tenancies. b) Pedestrian movement through the site is encouraged through various pedestrian access points across the site. Pathing for pedestrian is proposed in the communal open space to the south of commercial unit 1 and in the yards of all the Dumas Street commercial tenancies. c) Clear sightlines are provided from the commercial tenancies' front doors & windows on Dumas with it noted the 1.2m high courtyard wall does not affect line of sight (taken from 1.5m in height). The commercial unit 1 offers passive surveillance to the carpark and associated public space through the front façade windows and door. Additionally pedestrian pathing and UFL windows of the residential dwellings provides additional passive surveillance of the onsite open space. d) Entrapment spaces are designed out. C4; Criteria met. Clear entry and exit points are provided as required across site. With accessible routes through spaces being provided. C5; Criteria met. Proposed planting is appropriate for the site/ proposal and does not obscure views along paths and streets. Hiding and entrapment spaces are not created by any proposed planting. C6; Criteria met. It is unlikely Mckellar is an area of high crime however It can be deemed that appropriate planting selections are made. C7; Criteria met. It can be deemed planting has been utilised across the site the limit the opportunity for graffiti. C8; N/A no hard landscape features of the nature outlined proposed. C9; N/A no children's play areas proposed. C10; Criteria met. A lighting schedule was provided (in original submission) stating compliance with all the relevant Australian Standards outlined in Criteria 10. C11; Criteria met. Areas intended for night-time use encourage legitimate users and activities by lighting spaces evenly and consistently, lighting inset spaces and entries/exits. Refer to lighting plan. It is noted the commercial tenancies facing dumas street are not intended for night time use. C12; Criteria met. Areas not intended for night time use are not lit and closed off. This would be the Dumas St entrances. They are closed off via a courtyard wall (gated) and no external lighting is provided as per lighting plan. C13; Lighting schedule commits to the provided lighting meeting all requirements of this code. However insufficient detail is provided regarding lighting fixtures to deem if they are vandal resistant. If approving this could be conditioned. R14; N/A no signing is included in this proposal C15; N/A no signing is included in this proposal C16; N/A no signing is included in this proposal C17; Criteria met. Entrances to both building are easily identified and provide easy access to all users. Visibility is afforded to the street via direct lines of sight and the potential for hiding is minimised. C18; Criteria met. Each foyer for the units along Dumas Street and the entry/foyer of commercial unit 1 are provided with a clear line of sight to the nearest pedestrian area. Car park. C19; Criteria met. The buildings on site offer few recessed sections, those that are proposed provide an opportunity for natural surveillance with the lighting proposed</p>

		<p>offering additional opportunity for light spill. The potential for hiding is minimised.</p> <p>C20; Criteria met. The buildings are detailed in a way that deters scaling. It is noted the separation nib walls/ balustrades between balconies located on the Dumas St building assist in deterring scaling.</p> <p>C21; Criteria met. It is noted that commercial unit 1 is not setback from the street/ block boundary and the Dumas St building is not setback a great deal. The yards along Dumas St are development to minimise hiding and entrapment.</p> <p>C22; Criteria met. Building materials and finishes;</p> <ul style="list-style-type: none"> a) reduce opportunities for graffiti & vandalism b) facilitate cleaning and replacement c) avoid facilitating illegal access to the building and services <p>C23; Criteria met. No bicycle paths are proposed. Pedestrian paths on site;</p> <ul style="list-style-type: none"> a) maintain sightlines along the paths and between destination points b) allow for overlooking from adjacent areas (carpark, streets, existing paths around the site) <p>C24; Criteria met. Direct access routes are provided to buildings.</p> <p>C25; Criteria met.</p> <ul style="list-style-type: none"> a) Pedestrian routes around commercial unit 1 can be deemed 'safe routes' with the lighting provided (see lighting schedule) ensuring these paths become the focus of legitimate movement after dark. b) no laneways are proposed on site. It is noted dead ends are avoided across site. <p>C26; Criteria met.</p> <ul style="list-style-type: none"> a) Adjacent planting to pedestrian routes ensures open sight lines are maintained. b) Tall bushes, dense shrubbery and dense tree clusters adjacent to pedestrian routes are avoided. <p>R27; No Statement is provided that pedestrian paths are designed in accordance with AUSTRROADS Guide to Traffic Engineering Practice Part 13. – Pedestrians</p> <p>R28; N/A no internal bicycle paths are proposed.</p> <p>C29; N/A no pedestrian overpasses or underpasses proposed.</p> <p>C30; N/A no pedestrian overpasses or underpasses proposed.</p> <p>C31; N/A no bus interchanges, bus stops or taxi ranks proposed.</p> <p>C32; N/A no bus interchanges, bus stops or taxi ranks proposed.</p> <p>C33; N/A no bus interchanges, bus stops or taxi ranks proposed.</p> <p>C34; N/A no bus interchanges, bus stops or taxi ranks proposed.</p> <p>C35; N/A no Automatic Teller Machines proposed</p> <p>C36; N/A no Automatic Teller Machines proposed</p> <p>C37; N/A no Automatic Teller Machines proposed</p> <p>C38; N/A no Automatic Teller Machines proposed</p> <p>C39; There appears to be no detail of lighting treatment to waste storage areas, however there is no screening that would create entrapment spaces.</p> <p>C40; Criteria met. Air conditioning units are provided on balconies above ground level, meter boxes and other service points on site are secure and enclosed for protection.</p> <p>C41; N/A no delivery or storage facilities proposed</p> <p>C42; N/A no public toilets proposed</p> <p>C43; N/A no public telephones proposed</p>
<p>Waterway's water sensitive urban design general code</p>		<p>R1; Rule met. SWMASTER-202139349-S144C-01 prepared by ACT consulting engineers (suitably qualified person) displays through Multi-Unit WSUD spreadsheet that a 40% reduction in mains water consumption compared to an equivalent development constructed in 2003 will be achieved.</p> <p>R2; Rule met. Impervious area proposed 1715m² as site is currently blank this is a 1715m² increase in impervious area. Therefore, on site water retention required is 24.01kL (1715/ 100 x1.4). Report for ACT consulting engineers states 24.01kL is to be provided.</p> <p>R3; Rule met. Detention required (1715/ 100) = 17.15, 50% of rainwater tank capacity can be subtracted (12.005) = 5.145. Report for ACT consulting engineers states 5.145kL is to be provided.</p> <p>R4; N/A major road not proposed</p> <p>C5; N/A this application is not for an estate development plan</p> <p>R6; Complies. The average annual stormwater pollutant export is reduced as required by the rule. See MUSIC model on SWMASTER-202139349-S144C-01.</p> <p>R7; N/A major road not proposed</p> <p>C8; Provided plan/ report does not address criteria 8</p>

		<p>R9; Complies. 20% permeable are required) report for ACT consulting engineers states this is provided.</p> <p>C10; N/A this development will not result in municipal water sensitive urban design infrastructure being handed to the ACT Government.</p>
<p>Access and Mobility General Code</p>		<p>R1; The Access Report nor the plans provided display sufficient detail as to whether AS2890.1 is met. Hence compliance with this rule cannot be deemed. Subject to criteria.</p> <p>C1; As per the access report prepared by purely access, unit 1 & 14 the adaptable units are provided with garages of a size capable of providing an adaptable space consistent with AS4299 (adaptable class C) however it is noted that the unit 14 garage is dedicated to the commercial space and not the residence, therefore the unit does not and is not capable of providing an adaptable car space with its current layout and is not supported. Unit 1 meets the Criteria. Commercial unit one is provided with an existing assessable space located within the adjacent car park, which satisfies the criteria.</p> <p>R2; Rule met. Commercial Unit 1 has existing assessable carparking located in the adjacent carpark. Section details as outlined in the access report show ceiling heights that can meet the requirements of the rule. Consideration required at BA in regarding services located at ceiling level to ensure required clearances are maintained.</p> <p>R3; Plausible accessible paths of travel seem to be provided from the property boundary of Bennetts Close, this boundary is considered to be the principal entrance. Access to adaptable unit 1 would be through the garage. Access to adaptable unit 14 is not possible through the garage/ rear door as these entrances are associated with the commercial tenancy. However, a potential suitable accessible path of travel could be provided from Dumas Street. However insufficient detail is provided on accessible paths of travel for commercial unit 1 and insufficient plans are provided to properly demonstrate the provided paths on travel for all relevant units. The access report does not support compliance only that compliance is possible.</p> <p>R4; The provided access report does not state compliance with the rule/ criteria only that the development is capable of compliant. The provided plans do not provide sufficient detail to deem compliance with the rule or criteria.</p> <p>R5; Rule met. The development is not inconsistent with the lighting requirements of the crime through environmental design general code, with the lighting plan provided also stating compliance with AS1158.3.1.</p> <p>R6; The provided access report does not state compliance with the rule/ criteria only that the development is capable of compliant. The provided plans do not provide sufficient detail to deem compliance with the rule or criteria.</p> <p>C7; N/A no signs proposed in this application</p> <p>R8; The provided access report does not state compliance with the rule/ criteria only that the development is capable of compliant. The provided plans do not provide sufficient detail to deem compliance with the rule or criteria. No door schedule provided.</p> <p>R9; N/A development is not a high use building as such automatic door are not required.</p> <p>Element 4 – Circulation - The provided access report does not state compliance only that the development is capable of compliant. The provided plans do not provide sufficient detail to deem compliance with this element.</p> <p>Element 5 – Toilets N/A no public toilets are proposed.</p> <p>Element 6 – N/A no street furniture or alike are proposed.</p> <p>R10; It is noted similar to above the access report does not state compliance with all the relevant aspects of AS4299 Class C (Adaptable Housing) denoting some as capable of compliance. Given the compliance that is made and recognising some elements are required to be detailed at BA if approving it would be possible to condition Unit 1 to comply with AS4299 Class C (Adaptable Housing). Unit 14 however is not supported as adaptable as the garage is dedicated to the commercial space and not the residence, therefore the unit does not and is not capable of providing an adaptable car space with its current layout and the development then falls short of providing 2 adaptable units as required in the Multi-Unit Housing Development Code.</p> <p>C11; Criteria met. There are only two dwelling sizes provided in the development, unit 1 with a double garage and all the other units with singles. The adaptable dwellings represent both sizes and are distributed throughout the development.</p> <p>R12; The Access Report nor the plans provided display sufficient detail as to whether</p>

		<p>AS2890.6 is met. Hence compliance with this rule cannot be deemed. Subject to criteria.</p> <p>C12; Unit 1 satisfies the criteria as the provided car space is located in close proximity to the entrance of the adaptable dwelling and the proposed post adapted elevator.</p> <p>Unit 14 does not meet the criteria, as detailed above the Unit 14 residential dwelling does not have a car space in the same building. The garage for Unit 14 is for the commercial space as the internal door opens into commercial space. As such the unit 14 park must be located elsewhere on site it is not clear where and if this park is accessible. This park will not be in close proximity to the entrance of the dwelling. It is also noted when adapted the elevator for the dwelling opens out into the commercial tenancy this is not supported.</p> <p>C13; Unit 1 meets the criteria as a lift is provided with a secure space that belongs to the residential dwelling (detail required if sliding door from communal foyer fronting Dumas Street is lockable). Unit 14 does not meet the criteria as when adapted the elevator for the dwelling opens out into the commercial tenancy this is not supported.</p> <p>R14; The provided access report does not state compliance with the rule/ criteria only that the development is capable of compliant. The provided plans do not provide sufficient detail to deem compliance with the rule or criteria.</p> <p>R15; The provided access report does not state compliance with the rule/ criteria only that the development is capable of compliant. The provided plans do not provide sufficient detail to deem compliance with the rule or criteria.</p> <p>R16; N/A not a special purpose development</p> <p>R17; N/A not a special purpose development</p> <p>Fixed seating venue – N/A the development does not include a fixed seating venue</p>
<p>Parking and Vehicular Access General Code</p>		<p>Commercial zones objectives</p> <p><i>a) Amenity</i></p> <p><i>i) no regular overspill of parking occurs in neighbouring residential areas which detracts from the amenity of these areas.</i></p> <p>Given the overall offsite parking required to be serviced by the adjacent carpark would at minimum 58 carparks (commercial spaces and residential visitor spaces) and this carpark has a capacity of 50 it is likely overspill will occur into the surrounding residential zone (R22).</p> <p><i>ii) the provision of parking does not detract from creating vibrant, interesting and lively centres</i></p> <p>The new onsite parking provided does not detract from the centre. It is noted the current site is a pit that detracts from the centre's appearance.</p> <p><i>b) Safety</i></p> <p><i>i) no traffic hazards are created by the provision of access and parking facilities for a development.</i></p> <p>No traffic hazards will be created by the proposed on-site parking. The potential overspill from the use the adjacent car park has the potential to create traffic hazards, insufficient documentation is provided to support hazards will not be created.</p> <p><i>ii) the safety of all users, especially pedestrians and cyclists, is considered</i></p> <p>In terms of the proposed parking arrangements the safety of all users is maintained.</p> <p><i>iii) the creation of community surveillance of car parking areas by people using neighbouring areas.</i></p> <p>Sufficient surveillance is provided to proposed parking areas.</p> <p><i>c) Efficiency</i></p>

i) the efficient use of existing and future public parking provision by the consideration of sharing of facilities, wherever possible

Existing public parking facilities are proposed to be shared.

ii) the effectiveness of travel demand management measures to reduce the overall demand for long stay, commuter parking of private vehicles in the city and town centres.

N/A development not located in city or town centre

iii) commercial vehicles delivering or collecting goods are accommodated

There is sufficient area for loading and unloading within the parking of benet's close and on site for small deliveries to most units and the standalone commercial building. The access to all commercial spaces fronting Dumas Street has not been considered for large deliveries or moving trucks for furniture once occupied. Unit 14 of the residential is also impacted by this as the access is only from Dumas Street. The loading and unloading cannot be performed on Dumas Street as this is a main road for the suburb and directly in front of the development is a bus stop.

d) Access

i) safe and efficient access to commercial centres by all users of the centre, including business, workers, residents, shoppers and visitors as well as by operational and commercial vehicles

Safe access is provided from the adjacent car park to the site. However, it cannot be deemed that efficient access for commercial occupants and visitors for the Dumas St residences is achieved. Given direct access is not provided and that visitors would have to walk around the perimeter of the site.

e) Equity

i) the maintenance of an adequate supply of public parking for the level of development and activity approved in a centre

Overall offsite adjacent carpark would have to service at minimum 58 carparks (commercial spaces and residential visitor spaces) this car park has a capacity of 50. The carpark is not sufficient to service the needs of the development. Noting that this carpark is still required to service the surrounding developments in the local centre, there is a large shortfall in required parking. Adequate supply of public parking will not be maintained.

f) Commercial viability

i) the commercial viability of a centre is not adversely affected by the inappropriate provision of parking.

The proposed parking will not adversely affect the viability of the centre.

g) Non-commercial use

i) the successful operation of non-commercial uses in centres, especially community uses which will require adequate set-down and pick-up facilities

The residential non-commercial use proposed will not require set down and drop off areas to be provided.

Locational requirements

Local centres

Residential use long stay on site – Provided **shortfall of 1 outlined below**

		<p>Non-residential use on site or within 200m – provided Short-stay parking within 100m – provided Visitor parking within 100m – Provided The proposed parking both on and off site meets the locational requirements of the parking and vehicular access general code.</p> <p>Parking provisions</p> <p>For residential elements are subject to residential zones schedule as per Schedule 2 parking provisions rates for commercial zones.</p> <p>2 spaces are required per dwellings with 3 or more beds as all dwellings have three or more beds 28 residential spaces are required on site. Only 27 are provided as the unit 14 garage is designed to be used for the commercial tenancy.</p> <p>Visitor spaces for residential @ 1 per 4 dwellings. (3.5) 4 required. Proposed in adjacent car park.</p> <p>It is noted that the use is non-residential as no use is proposed the calculation is taken from the largest possible use.</p> <p>Commercial unit 1/ Dumas St tenancies – Shop 6 spaces per 100m² GFA – GFA = 909.6m² therefore 54 spaces required.</p> <p>Overall offsite adjacent carpark would have to service at minimum 58 carparks (commercial spaces and residential visitor spaces) this car park has a capacity of 50. The carpark is not sufficient to service the needs of the development. Noting that this carpark is still required to service the surrounding developments in the local centre, there is a large shortfall in required parking.</p>
Bicycle parking		<p>Shop – requires 1 per 300m² of GFA commercial unit 1 given 909.6m² of shop space is proposed on site 3 bike spaces would be required.</p> <p>A bike rack is proposed to the south of commercial unit 1 that would service this requirement.</p> <p>Though the residential type / use on site does not trigger this code it is noted that It is reasonable to conclude that residents could house bikes inside their provided garages.</p>
Zone Objectives		<p>CZ4 – Local Centre Zone Zone Objectives</p> <p><i>a) Provide for convenience retailing and other accessible, convenient shopping and community and business services to meet the daily needs of local residents, particularly those with mobility issues.</i></p> <p>The development offers convenience for local residents through providing strong connectivity to the existing pedestrian networks. Insufficient detail is provided to deem whether the site provides the same convenience for those with mobility issues. The Dumas Street commercial tenancies are noted as posing some issues in terms of convenience with there being no opportunity for parking on Dumas Street and no direct route to these tenancies from the proposed visitor parking. Further issues are noted in terms of convenience with the parking demand being placed on the adjacent carpark exceeding its capabilities (50 space car park development requires it to service 58 parks). It is noted this carpark must also service the wider local centre not just the development, this carpark being filled and the potential impact of overflow parking fails to service the access needs of the local residents.</p> <p><i>b) Provide opportunities for business investment and local employment.</i></p>

The development provides a degree of opportunity for business investment and local employment. However, given the amount of residential use proposed it can be concluded that the proposed development limits the potential for these opportunities given the capabilities of the site. The size of site allows for a greater amount of commercial use. Though it is noted the amount of commercial GFA proposed in terms of the Commercial Zones Development Code is compliant this could be largely improved and refined. The entry points and how the Dumas St frontage is utilised conflicts with the existing nature of the local centre. With it noted efficiency and capability for business investment is limited by not addressing the adjacent local centre, through removing a large portion of commercial use away from this local centre (to Dumas St).

c) Ensure the mix of uses is appropriate to this level of the commercial hierarchy and enable centres to adapt to changing social and economic circumstances.

It can be deemed that the proposal is insensitive to changing social and economic needs of McKellar. The suburb and wider community of McKellar require a commercial hub for the expanding population and needs of the residents of McKellar. The subject site offers the best opportunity to provide this commercial Hub. However, the site offers a proposal that lacks integration with the surrounding local centre and chooses to place residential use over commercial. Although pedestrian connectivity is well maintained in and around the site the use of commercial tenancies on Dumas St takes away the opportunity to enhance the current commercial local centre fronting Bennetts Close. Further commercial aspects should be considered fronting Bennetts close to allow for a variety of uses that would complement the centre and better service the needs of McKellar.

d) Maintain and enhance local residential and environmental amenity through appropriate and sustainable urban design

It is noted that any development or rejuvenation of the site would enhance residential and environmental amenity given the current state of the site. This does not excuse developments from being held to fair and reasonable standards of planning and design. The development does not provide an appropriate and sustainable approach to urban design. Given the wider needs of the McKellar community and requirement for a commercial centre in suburb the development cannot be deemed as appropriate in terms of urban design. The design prioritises residential use over commercial use despite being in a commercial zone with a boundary frontage to an existing local centre. This frontage is under utilised with the bulk of the development turning its back to the local centre, choosing to ignore the opportunities it provides for regarding commercial use. This impacts residential amenity through usurping the last remaining site that has potential to establish a commercial hub in McKellar. Through proposing commercial tenancies without direct/ efficient access along Dumas St the sustainability of the development is also brought into question. This decision limits commercial viability for tenants and willingness for these tenancies to be used by businesses. Further to this amenity is further impacted by the site and surrounding infrastructures inability to service the parking requirements generated by this development.

e) Promote the establishment of a cultural and community identity that is representative of, and appropriate to, the place

It is noted given the current state of the site any efforts to development the site would further promote and establish cultural and community identity. However, the development does not provide for the establishment and promotion of community and cultural identity that is appropriate and representative of the local centre in which the development is proposed. The opportunity for a cultural and community identity to be established is limited through privatising a large portion of the site for residential use. The decision to underutilise the site in terms of commercial use limits the opportunity for the provision of a commercial hub. The proposal limits its interface with the existing local centre by choosing to separate the majority of commercial spaces from this local

		<p>centre. Enhancing and appropriately addressing the existing local centre would largely provide for the establishment & promotion of a cultural and community identity. Whereas the current proposal restricts the potential for these identities.</p> <p><i>f) Promote active living and active travel</i></p> <p>Pedestrian connectivity is well maintained in and around the site, promoting active travel and utilisation of pedestrian infrastructure by residents, occupants and visitors.</p> <p><i>g) Provide a high-quality public realm by facilitating active uses on ground floor level that connects with the wider open space, pedestrian and cycle networks to promote active travel and active living.</i></p> <p>Connectivity to the existing public realm/ pedestrian networks is well maintained in and around the site, active travel is promoted and utilisation of pedestrian infrastructure by residents, occupants and visitors is facilitated. Further, Ground level pathing open space and pedestrian routes assist in facilitating a high-quality public realm.</p> <p><i>h) Encourage an attractive, safe, well-lit and connected pedestrian environment with convenient access to public transport.</i></p> <p>Pedestrian connectivity is well maintained in and around the site, promoting active travel and utilisation of pedestrian infrastructure by residents, occupants and visitors. This is done in a way that is convenient and safe for users and creates an attractive pedestrian environment. This pedestrian environment is well lit and complies with the Crime Prevention Through Environmental Design General Code.</p>
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Is the proposal consistent with the relevant zone objectives: (s.120(a))	<input checked="" type="radio"/> No - Note: Please discuss with Senior Manager <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
Is the proposal considered suitable for the land on which it is to take place: (s.120(b)) Note: The assessment officer may also have regard to any DRP and Pre-DA community consultation	No - Based on relevant legislation and the TP assessment, the proposal is considered not suitable for the land
What is the probable impact of the proposed development (including nature, extent and significance of probable environmental impacts): (s.120(g))	There are no impacts proposed to the environmental aspect for nature or wildlife. There are probably impacts regarding residential amenity, the preservation of the local centre for commercial opportunity and bulk and scale impacts. The overall impacts have been outlined in the above assessment.
Was a site inspection undertaken in the assessment stage:	Yes - photos and any additional documentation has been saved in objective file
Have any issues been identified that would result in a refusal:	Yes, discuss further action with a Senior Officer or Manager
Conditions required from initial review of application Stage 1 or Territory Plan Stage 4 assessment:	Other/Discuss/Advice: Please specify below <div style="border: 1px solid black; padding: 5px;">Refusal</div>

Completion

Stage 4 assessment has been completed.

- The application is suitable for advancement (to the next assessment Stage). Any recommended conditions and/or advisory notes have been added to the Draft NoD
- The DA is recommended for refusal – Reasons for refusal has been added to the Draft NoD.
- Other. To discuss e.g. partial approval/refusal

Assessment officer:

Trent Varlow/ Lincoln Rixon-Petty

21/07/2022

STAGE 5 – PRELIMINARY DECISION MAKING Including AAP / LRP

Have all previous Stages (1-4) been completed?	Yes			
Is a site inspection required to make a decision?	Yes If yes; photos and details have been put in the objective folder: Yes			
Are there any Stage 1-4 reasons for referral to LRP, AAP, Other?	No - Delete all cells below in this stage other than sign off			
Comments/Addition issues	Referral not required			
The findings of Stages 1-4 have been reviewed and the application should be:	<input type="radio"/> Approved <input type="radio"/> Approved with Conditions <input type="radio"/> Partially approved/refused (provide details below): <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <input checked="" type="radio"/> Refused			
<table border="1" style="width: 100%;"> <tr> <td style="width: 20%;">Assessment officer:</td> <td style="width: 40%;">Trent Varlow/ Lincoln Rixon-Petty</td> <td style="width: 40%;">Date: 21/07/2022</td> </tr> </table>		Assessment officer:	Trent Varlow/ Lincoln Rixon-Petty	Date: 21/07/2022
Assessment officer:	Trent Varlow/ Lincoln Rixon-Petty	Date: 21/07/2022		

STAGE 6 – RECOMMENDED DETERMINATION OF PROPOSAL

Was the DA referred to LRP or MPRG	No	
Has the leasing manager requested to be referred during the decision stage (see stage 2 assessment)	No	
Has leasing advice been incorporated into the decision:	N/A	
Has the Notice of Decision been finalised:	Recommended reasons for decision:	Yes
	Recommended conditions:	No
	Entity advice:	Yes
	Representations:	Yes
	Do third party appeal rights apply:	No
Has a conflict of interest been declared? - <i>If Yes, the proposal must be Peer Reviewed by Stage 6 officer (without potential conflict) and Signed/determined by a Senior manager</i>	No	
Does the determining officer have the correct classification to make the decision? <i>Refer to Classification Matrix</i>	Yes	

Peer review To be completed ONLY IF the delegate (determining officer) undertook another stage in the assessment.

Reviewing officer name:	George Cilliers	Classification:	EGM	Date:	28/07/2022
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Sign Off

Determination:	In my findings, I have considered the advice and recommendations stages 1-5 in this assessment document and determine that the application is to be: <input type="radio"/> Approved <input type="radio"/> Approved subject to conditions consistent with the above assessment <input checked="" type="radio"/> Refused consistent with the above assessment	Date: Click or tap to enter a date.
Determining officer	Name:	Date Click or tap to enter a date.
Delegate:	Name: for Minister's determination as per direction	Date: Click or tap to enter a date.

Southern boundary of site (facing west)



South eastern corner of site next to existing local centre (facing west)



Frontage to Bennetts Close (facing south)



North frontage (facing west to Dumas Street)



North frontage (facing south to the site)



North frontage (facing east)



North frontage (facing south)



North west corner (facing east)



North west corner (facing south)



Frontage from Dumas Street (facing the site)



West boundary fronting Dumas Street (facing south)



Carpark within Bennetts Close (east of site)



Bus stop on Dumas Street, west boundary (facing south)



Existing site, west boundary (facing east)



South west corner of site on overpass (facing east)



South boundary pedestrian path (facing north east)



South boundary (facing north)



NOTICE OF DECISION

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

THE DECISION

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

I, **Mick Gentleman MLA, Minister for Planning and Land Management**, pursuant to section 162 of the Act, **refuse**, the proposal for:

- demolition of existing concrete pad;
- construction of a commercial building;
- construction of a mixed-use residential and commercial building
- construction of carparking and associated carport structure;
- construction of internal driveway and verge crossing
- associated landscaping, verge works, site and off-site works.

The proposed works are located at Block 1 Section 51 McKellar, in accordance with the plans, drawings and other documentation forming part of this refusal.

DA Number: 202139349
202139349 S141A
202139349 S141B
202139349 S144C

Block: 1
Section: 51
Suburb: McKellar

Application lodged: 28 October 2021
Assessment track: Merit

My decision contains the following information:

Part A– sets out the Reasons for the Decision

Part B – provides a summary of issues arising from the public notification of the application and from referral of the application to relevant entities

Attachment 1 – contains administrative information relating to my decision

NOTICE OF DECISION

DA 202139349

A copy of the development application and this refusal may be inspected at the planning and land authority's office from 8.30 am to 4.30 pm, Monday to Friday at 480 Northbourne Avenue, Dickson, ACT 2602

DECISION MAKER



Mick Gentleman MLA

Minister for Planning and Land Management

4/15/2022

CONTACT OFFICER

Trent Varlow

Phone: (02) 6205 2888

Email: Trent.Varlow@act.gov.au

NOTICE OF DECISION

DA 202139349

PART A – REASONS FOR THE DECISION

The application was refused because it was found to be inconsistent with the relevant rules, criteria and objectives of the Territory Plan and section 119 and 120 of the Act.

In deciding to refuse the application, I considered each of the matters or issues set out in sections 119(1) - (4) and 120(a) - (h) of the Act and provide a summary of findings below.

In relation to section 120(a), the proposed development does not meet all the relevant objectives of the *CZ4 Local Centres Zone*; having considered all objectives as relevant.

CZ4 Local Centres Zone Objectives:

- a) *Provide for convenience retailing and other accessible, convenient shopping and community and business services to meet the daily needs of local residents, particularly those with mobility issues.*
- The proposal provides for limited convenience retail, convenient shopping, community and business services as the vast majority of the development is for residential units. Although the development offers convenience for local residents by providing strong connectivity to the existing pedestrian networks, insufficient detail is provided to deem whether the site provides the same convenience for those with mobility issues. The Dumas Street commercial tenancies are noted as posing some issues in terms of convenience with there being no opportunity for parking on Dumas Street and no direct route to these tenancies from the proposed visitor parking. Further issues are noted in terms of convenience with the parking demand for this development being proposed on the adjacent carpark and exceeding its capabilities, i.e. a 50 space car park needing to service 58 space car parking requirement. It is noted this carpark must also service the wider local centre, not just this development. This proposal fails to demonstrate how it will adequately service the access needs of the local residents.
- b) *Provide opportunities for business investment and local employment.*
- The development provides a degree of opportunity for business investment and local employment by providing some commercial spaces. However, given the amount of residential use proposed, it can be concluded that the proposed development limits the potential for these opportunities given the capabilities of the site. The orientation of the site allows for an opportunity to utilise the frontage to Bennetts Close and establish a sole or predominant commercial façade. The proposed commercial entry points to Dumas Street conflict with the existing configuration of the local centre and are restricted by the limited access provided along Dumas Street. The amount of commercial GFA proposed could be largely improved and refined.
- c) *Ensure the mix of uses is appropriate to this level of the commercial hierarchy and enable centres to adapt to changing social and economic circumstances.*
- It is not evident from the submitted documentation how the proposal will respond to any changing social and economic circumstances. The suburb and wider community of McKellar require a commercial hub for the resident population to respond to the needs of the residents of McKellar. The subject site, a local centre, offers the best opportunity to provide such services; however, the proposal lacks integration with the surrounding local centre and

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appears to prioritise residential use over commercial use. Although pedestrian connectivity is well maintained in and around the site, the use of commercial tenancies on Dumas Street takes away the opportunity to enhance the current commercial local centre fronting Bennetts Close. Further commercial aspects should be considered fronting Bennetts Close to allow for a variety of uses that would complement the centre and better service the needs of McKellar.

d) *Maintain and enhance local residential and environmental amenity through appropriate and sustainable urban design*

- It is noted that any development or rejuvenation of the site would enhance residential and environmental amenity given the site has been unutilised for a long period of time. However, appropriate and sustainable standards must be applied to the design. Given the wider needs of the McKellar community and requirement for a commercial centre in the suburb, the development cannot be deemed as appropriate in terms of urban design. The design prioritises residential use over commercial use despite being in a commercial zone with a boundary frontage to an existing local centre. This frontage is underutilised with the bulk of the development not presenting to the local centre, which misses the opportunities for commercial use and to enhance the local centre. This impacts residential amenity for the potential to establish a local centre / commercial hub in McKellar in association with the local centre's existing tenancies. By proposing commercial tenancies without direct/ efficient access along Dumas Street, the existing and proposed commercial development are less likely to be sustained. This decision limits commercial viability for tenants and willingness for these tenancies to be used by businesses. Further to this, amenity is impacted by the inability to service the parking requirements generated by this development.
- The proposed multi-storey development encloses the local centre further by blocking most of the visual connection with the existing local centre from Dumas Street. It is noted that the proposed development also lacks commercial activation on the corner of Dumas Street and Bennett's Close. Any proposed development on the subject site should encourage design permeability and allow a visual connection with the existing local centre.

e) *Promote the establishment of a cultural and community identity that is representative of, and appropriate to, the place.*

- Given the current state of the site, any efforts to develop the site would increase a level of cultural and community identity. However, the development does not provide for the establishment and promotion of community and cultural identity that is appropriate and representative of the local centre in which the development is proposed. The opportunity for further cultural and community identity to be established is limited through availing a large portion of the site for potential exclusive residential use. The proposal limits its interface with the existing local centre by being separated from the majority of commercial spaces within this local centre. Enhancing and connecting with the existing local centre would largely provide for the promotion of a cultural and community identity.

f) *Promote active living and active travel*

- Pedestrian connectivity is well maintained in and around the site, promoting active travel and utilisation of pedestrian infrastructure by residents, occupants and visitors.

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- g) *Provide a high-quality public realm by facilitating active uses on ground floor level that connects with the wider open space, pedestrian and cycle networks to promote active travel and active living.*
- Although the connectivity to the existing public realm and pedestrian networks are well maintained in and around the site, the proposed development in itself does not provide a high-quality public realm. The dominance of the internal driveway paving area does not facilitate a high quality public realm. However, it is acknowledged that linkages to existing active travel opportunities (e.g. footpaths) are available for future residents, occupants and visitors of the proposed residential component.
- h) *Encourage an attractive, safe, well-lit and connected pedestrian environment with convenient access to public transport.*
- Pedestrian connectivity is well maintained in and around the site, promoting active travel and utilisation of pedestrian infrastructure by residents, occupants and visitors. This is done in a way that is convenient and safe for users and creates an attractive pedestrian environment. This proposed pedestrian environment is well lit and continues existing connectivity to local bus stops.

In relation to section 120(b), I am not satisfied that the subject land is suitable for the proposed development. The above response to the *CZ4 Local Centre Zone* objectives outline reasons why this proposal is not considered suitable for the land. Further justification is provided below, outlining the inconsistencies with the development codes and general codes within the Territory Plan. The subject site is capable of providing both commercial and residential uses, but further investigation into providing a development that addresses the concerns outlined in the Territory Plan assessment and the inconsistencies with the zone objectives is required.

In relation to section 120(c), I note that there is no environmental significance opinion in force for the development proposal.

In relation to section 120(d), I have considered all of the representations received by the planning and land authority (the authority) in relation to the application. In Part C of my decision, I have provided a list of key concerns raised in the representations.

In relation to section 120(e), I note that the proposal was not required to be presented to the National Capital Design Review Panel (NCDRP).

In relation to section 120(f), I note that most of the entities that gave advice on the application provided support for the proposal on the basis that conditions were imposed to protect or address different kinds of matters. Icon Water issued a “failed to comply” statement and Transport Canberra and City Services provided advice stating that further information was required to support the proposal. I have considered the advice received from all the relevant entities and included the advice received in Part C of this Decision.

In relation to section 120(g), I note that no public land management plan has been identified for the land.

In relation to section 120(h), I considered the probable impacts, including potential social and environmental impacts that the proposed development may have. In this regard, I have read and considered the supporting documentation provided by the proponent with the development

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application, and representations received by the authority in relation to the application. I have also read and considered the advice and responses from relevant entities to which the application was referred. I have determined that the probable social, environmental and other impacts that might arise from the development have not been adequately address and warrants a refusal of the development application.

Territory Plan Issues

Following assessment against the relevant aspects of the Territory Plan, the view was formed the proposal could not be considered consistent with all applicable development and general codes. The key inconsistencies include, but are not limited to:

- The proposed mixed use residential and commercial building not being compatible with the desired character of the area in which it is proposed.
- The building offers several undesirable planning outcomes that potentially affects the amenity of future occupants, existing residents and users of the locality.
- The bulk and scale of development caused by the proposed encroachments into the required setbacks result in an unsatisfactory presentation to the street and impacts pedestrian scale.
- Additional elements of the development result in additional non-compliances by way of bulk and scale, building setbacks, outdoor amenity, parking, vehicle manoeuvring, waste management and access.

Documentation Issues

The documentation had significant shortfalls in detail with required components missing from the submission. In addition to this, the outline of the proposed works provided by the applicant was unclear and inconsistent. The description of the proposal was inconsistent with the set of plans provided and no further clarity was provided through any of the supporting documentation to help understand the proposal. Noting this, it is considered that an approval cannot be issued when the description of the proposal is unclear and contradictory. Having regard to inconsistencies in the details in the submitted documentation, for the purpose of this Notice of Decision, the description of works has been generalised to best outline the proposal as a whole.

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

Development Application:	<i>202139349, 202139349 (S141A), 202139349 (S141B) & 202139349 (S144C)</i>
Territory Plan Zones:	<i>CZ4 – Local Centres Zone</i>
Development Codes:	<i>Commercial Zones Development Code & Multi-Unit Housing Development Code</i>
Precinct Code:	<i>McKellar Precinct Map</i>
Crown Lease:	<i>Volume 2082 and Folio 7</i>
Legislative requirements:	<i>Sections 119 and 120 of the Planning and Development Act 2007</i>
Representations Entity advice:	<i>Addressed in Part B of this Decision</i>

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PART B – PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 5 November 2021 until 26 November 2021.

Twelve written representations were received during public notification period.

Key issues raised in representations are listed below. Comments are provided as appropriate.

- Tree Removal

Comment: The proposal does not propose the removal of any regulated trees on the site as displayed on the tree survey plans lodged with the application. The two trees that are proposed for removal are on the verge with the Composite Landscape Verge Plan showing the planting of new verge trees to offset the removal. Urban Treescapes - a branch within Transport Canberra and City Services (TCCS), administer the management of verge trees and did not raise concern with proposed tree removals or plantings.

- Materiality

Comment: The external materials and finishes were deemed suitable and of an appropriate quality. However, it is noted the proposal as whole requires further refinement.

- Desired character

Comment: The proposal was assessed against all relevant aspects of the Territory Plan. The assessment found that proposed mixed use residential building is not compatible with the desired character of the area. The current local centre consists of building heights that, at maximum, are two storeys whereas this proposed building for mixed use servicing both residential and commercial tenancies is 3 storeys and in part 4 storeys. This 4-storey component is not a desirable outcome as it is two storeys more than any other development in the existing centre and is not sympathetic to the existing building heights. Further consideration must be given to the proposed height, setback treatments and landscaping to reduce the bulk and scale of the development, this would additionally provide for improved amenity for all users. The proposed mixed-use building encroaches into the setback of every boundary it fronts, proposing a boundary-to-boundary presentation (North to South). This, in conjunction with the scale and bulk of the building, cannot be deemed consistent with desired character. The implications of these encroachments directly impact the streetscape, pedestrian scale and the amenity of the local centre. The inconsistencies with the desired character in part informed the decision to refuse the application.

- Density

Comment: The application has been refused. The bulk and scale of the development, which adds to the densification of the site, in part informed the decision to refuse the application.

- Traffic and parking:

Comment: The proposal was assessed against the Parking and Vehicular Access General Code (PVAGC), it was determined that the parking requirements that the proposal generates is too

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large to be managed through existing infrastructure (adjacent car park) as proposed. The overspill of cars parking in surrounding streets and infrastructure, in order to use the proposed development and the existing local centre, has the potential to generate traffic hazards. Insufficient documentation was provided to support how traffic will be managed. Additionally, it is noted that application was referred to TCCS who administer traffic and road network issues. TCCS raised concerns surrounding the impacts of the proposed waste collection on both Bennetts close and Dumas Street. TCCS provided advice that the development as proposed will negatively impact traffic in the area, with the proposed collection areas being considered by TCCS as not safe for all road users. The implications the proposed development will have on traffic in part informed the decision to refuse the application.

- Insufficient commercial space and failure to address the needs of the community

Comment: The authority notes that the commercial spaces are limited in terms of ability to meet the needs of the McKellar community. The development offers a proposal that lacks integration with the surrounding local centre and places residential use over commercial. This proposal has the potential to limit commercial viability for tenants and opportunity for these tenancies to be used by businesses. The development did not utilise the opportunities the site provides to enhance the current commercial local centre fronting Bennetts Close. Further commercial aspects should be considered fronting Bennetts close to allow for a variety of uses that would complement the centre and better service the needs of McKellar. The development, as described above, conflicts with the zone objectives of the commercial zone (CZ4) in which it is proposed. In order to preserve the local centre and opportunities for commercial development the application has been refused.

- Lack of outdoor amenity

Comment: The assessment of the requirement of outdoor amenity and more specifically Principle Private Open Space, found that the proposed development falls short of meeting the relevant provisions of the Territory Plan. With it being concluded that the balconies provided for each residential dwelling do not provide proportionate outdoor space or reasonable extension of function for residents given the size of the proposed dwellings. Factors informing this conclusion, amongst others were; there being no provision of private open space provided at ground level, the communal spaces proposed on site being insufficient in offsetting the notable shortfall in PPOS area and the proposed areas for services both A/C units and clothes drying proposed in the nominated PPOS areas, providing further reductions to the already limited useable space. The proposed development being inconsistent with the provisions of Territory Plan in place to provide sufficient outdoor amenity for residents in part informed the decision to refuse the application.

- Services

Comment: The development provides appropriate spaces for services associated with the development and have been screened from view where provided.

- Privacy

Comment: Whilst not explicitly addressed by the Territory Plan regarding developments of this nature in this zone, the residential amenity and privacy of neighbouring properties was considered in the assessment of this development. The implications the proposed development has on the amenity of surrounding residential blocks was noted. If approved further considerations/ action would have been taken to address privacy concerns and maintain the amenity of the surrounding residential blocks. The requirement for privacy to be maintained could

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have potentially been achieved through conditions requiring privacy screens or frosted glass. However, given the proposal is to be refused no such measures are required. Privacy will be considered in any further applications that may be lodged regarding the subject site.

- Zone objectives

Comment: Please see the response to the CZ4 local centre zone objective in part A of this decision.

- Community consultation

Comment: Pre-DA Community consultation is not required for such developments under the Territory Plan or legislation. Public notification of this development application was undertaken in accordance with the *Planning and Development Act 2007* and representations have been considered in the making of this decision.

- Works commencing on site

Comment: No works have commenced on site. This was confirmed through a site inspection. Construction fencing erected on site is likely in place to reduce the hazards the current site condition proposes.

ENTITY ADVICE

Pursuant to Division 7.3.3 of the *Planning and Development Act*, the application was referred to the below entities. A summary of entity comments can be found below.

- Transport Canberra and City Services (TCCS)

TCCS provided advice stating that the proposal requires further information. The further information required by TCCS is as follows:

Comments:

Applicant needs to come back with solutions for below issues and provide new update plan with response statement to TCCS

Traffic and Parking:

The proponent is seeking to utilise the adjacent carpark at Bennetts Close for all visitor parking and commercial parking required for the proposed development at 1/51 McKellar. It is also unclear what the commercial GFA of this site is and what type of commercial land use is proposed (e.g. office, retail).

The proponent must calculate the parking requirement for the commercial component of the development as per the ACT Parking and Vehicular Access General Code.

The proponent must also undertake a parking utilisation survey using past aerial images and justify the adequacy of the parking available off-site.

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Waste:

The submission for the waste management is incomplete. Please provide the documents as per the DCC Waste Code 2019 or later. TCCS does not collect the commercial and industrial waste.

The waste collection for the two units located on southwest corner are close to the bus stop. The Territory has a requirement that vehicles must be 7m or 15m from a bus stop or something like that. It is not a Waste Code requirement as such, but we will still not collect from or near a bus stop.

Apart from being incomplete, the Applicant should consider shared MGBs to reduce the number of MGBs on the kerb or onsite collection.

- Evoenergy Electricity

Evoenergy Electricity provided advice stating that the proposal is supported subject to conditions. The advice has been included as an attachment to this Decision.

- Icon Water

Icon Water issued a “failed to comply” statement. The statement has been provided as an attachment to this decision.

- Environment Protection Authority (EPA)

The EPA provided advice stating that the proposal is supported subject to conditions. A copy of the advice provided by EPA has been included as an attachment to this decision.

- Evoenergy Gas

Evoenergy Gas provided advice stating that the proposal is supported subject to conditions. The advice has been included as an attachment to this Decision.

- Emergency Services Agency (ESA)

The ESA provided advice stating that the proposal is supported subject to conditions. A copy of the advice provided by ESA has been included as an attachment to this decision.

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ATTACHMENT 1

ADMINISTRATIVE INFORMATION RELATING TO NOTICE OF DECISION

Inspection of the Application and Decision

A copy of the application and the decision can be inspected between 8:30am and 4:30pm weekdays at the Environment, Planning and Sustainable Development Directorate Dickson Customer Service Centre at 480 Northbourne Avenue, Dickson, ACT.

Reconsideration of the Decision

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

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

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

Review by the ACT Civil and Administrative Tribunal (ACAT)

1. Decisions that are reviewable by the ACAT are identified in Schedule 1 of the Act, except for matters that are exempted under Schedule 3 of the *Planning and Development Regulation 2008* (matters exempt from third party review).
2. The notice of decision and this advice have been sent to all people who made a representation in relation to the application.
3. The ACAT is an independent body. It can review a large number of decisions made by ACT Government ministers, officials and statutory authorities on their merits. The ACAT can agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with ACAT recommendations.
4. **If** you think you have a right of appeal, you may apply to the ACAT for a review of the decision. Application forms can be obtained from the ACAT at the website listed below. You can also download the form from the ACT Legislation Register.
5. More information on appeal rights is available online at <https://www.planning.act.gov.au/build-buy-renovate/build-buy-or-renovate/approvals/development-applications/appeal-a-da-decision>.
6. If you are applying on behalf of an organisation or association, whether incorporated or not, the Tribunal in deciding whether to support this application will consider the effect of the decision being reviewed on the interests of the organisation or association in terms of its objects or purposes. A copy of the relevant documents will be required to be lodged with the Tribunal.
7. The time limit to make a request for a review is 28 days from the date of this notice of decision. The time limit can be extended in some circumstances (refer to sections 10 (2), 10(3), 25(1)(e) and 25(2) of the *ACT Civil & Administrative Tribunal Act 2008*; and rule 38 of the *ACT Civil and Administrative Tribunal Procedures Rules 2020*).
8. Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Applications should be made in writing to: the Director General, Justice and

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Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. You can ask the ACAT for more details.

9. The ACAT is required to decide appeals in land and planning and tree protection cases within 120 days after the lodging of the appeal, unless that period is extended by the ACAT upon it being satisfied that it is in the interests of justice to do so.
10. The following organisations may be able to provide you with advice and assistance if you are eligible:
 - ACT Law Society, telephone 6274 0300ACT
 - Legal Aid Office, telephone 1300 654 314
 - ACT Council of the Ageing, telephone 02 6154 9740
 - Welfare Rights Centre, telephone 1800 226 028
 - Environmental Defender's Office (ACT), telephone 02 6243 3460.
11. You will have to pay any costs involved in preparing or presenting your case. The ACAT also has the power to award costs against a party in the circumstances specified in s 48 of the *ACT Civil and Administrative Tribunal Act 2008*. This power is in addition to the power of the ACAT to strike out a party and to dismiss an application for failure to comply with the ACAT's directions.
12. You may apply for access to any documents you consider relevant to this decision under the *ACT Freedom of Information Act 2016*. Information about Freedom of information requests is available on the planning and land authority's web site at <https://www.environment.act.gov.au/about/access-government-information> or by contacting us by phone on 02 6207 1923.
13. The procedures of the ACAT are outlined on the ACAT's website, including in the Guide to the Land and Planning Division and the Guide to the Hearing. Contact the ACAT for alternative ways to access information about the ACAT's procedures.

Review by the ACT Supreme Court

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

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Contact details for relevant agencies

<p>ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601 GPO Box 370, CANBERRA, ACT 2601</p>	<p>www.acat.act.gov.au tribunal@act.gov.au 02 6207 1740 02 6205 4855</p>
<p>ACT Supreme Court 4-6 Knowles Place, CANBERRA CITY ACT 2601 GPO Box 1548, CANBERRA CITY, ACT 2601</p>	<p>www.courts.act.gov.au 02 6205 0000</p>
<p>Environment, Planning and Sustainable Development Directorate 480 Northbourne Avenue DICKSON ACT 2602 GPO Box 158, CANBERRA 2601</p> <ul style="list-style-type: none"> • <i>Planning and land authority</i> <ul style="list-style-type: none"> - list of certifiers for building approval - demolition information - asbestos information • <i>Environment Protection Authority</i> <ul style="list-style-type: none"> - environment protection - water resources - asbestos information • <i>Conservation, Planning and Research</i> <ul style="list-style-type: none"> - threatened species/wildlife management 	<p>www.planning.act.gov.au 02 6207 1923</p> <p>www.environment.act.gov.au 132 281</p> <p>www.environment.act.gov.au 132 281</p>
<p>Transport Canberra and City Services</p> <ul style="list-style-type: none"> - tree damaging activity approval - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets 	<p>www.tccs.act.gov.au</p> <p>132 281 02 6207 0019 (place coordination)</p>
<p>Health Directorate</p>	<p>www.health.act.gov.au 02 6205 1700</p>
<p>Utilities</p> <ul style="list-style-type: none"> - Telstra (networks) - TransACT (networks) - Icon Water - Electricity reticulation 	<p>02 8576 9799 02 6229 8000 02 6248 3111 02 6293 5738</p>

Translation and interpretation services

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

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ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjuna t'interpretu, 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

From: [EPSD Government Services](#)
To: [EPSDD DLO](#); [Ponton, Ben](#); [Brady, Erin](#)
Cc: [EPSDD Ministerials and Corro Executive Office](#)
Subject: CHRISTY: Call-in package DA202139349 (McKellar)
Date: 28 July 2022 17:27:00
Attachments: [22_92271 Ministerial Information Brief - Gentleman - Minister Call-in DA202139349 - McKellar Shops.obr](#)
Importance: High

OFFICIAL: Sensitive

Hi Christy

Please find attached Call-in package for ministerial consideration.

[@Ponton, Ben](#) and [@Brady, Erin](#) – a drop copy is provided for your information.

With many thanks

Dorena

Dorena Morris (she/her) | Senior Director, Government Services

Email: dorena.morris@act.gov.au | Telephone: 02 62075989 | Environment, Planning and Sustainable Development Directorate | ACT Government | www.environment.act.gov.au

Level 4 (Snow Gum), 480 Northbourne Ave, DICKSON | GPO Box 158 Canberra ACT 2601

Managing work flexibly – I may send and respond to emails out of hours – there is no expectation on you to do the same.

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

Sent: Thursday, 28 July 2022 4:56 PM

To: EPSD Government Services <EPSDGovernmentServices@act.gov.au>

Cc: EPSDD Ministerials and Corro Executive Office

<EPSDDMinisterialsandCorroExecutiveOffice@act.gov.au>; EPSDD Media

<EPSDDMedia@act.gov.au>; Varlow, Trent <Trent.Varlow@act.gov.au>; Weller, Craig

<Craig.Weller@act.gov.au>; Ferson, Brodie <Brodie.Ferson@act.gov.au>; Magee, Alexandra

<Alexandra.Magee@act.gov.au>

Subject: Call-in package DA202139349 (McKellar)

Importance: High

OFFICIAL: Sensitive

Colleagues

The attached package is cleared for progressing to Minister Gentleman's office.

Grateful if a drop copy of the package could be provided to DDG Brady.

Many thanks

George Cilliers | Executive Group Manager

Phone: 02 620 76804 | Email: George.Cilliers@act.gov.au

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

480 Northbourne Avenue, Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 | www.planning.act.gov.au



Mick Gentleman MLA

Manager of Government Business
Minister for Planning and Land Management
Minister for Police and Emergency Services
Minister for Corrections
Minister for Industrial Relations and Workplace Safety

Member for Brindabella

Mr Ben Ponton
Chief Planning Executive
480 Northbourne Avenue
DICKSON ACT 2602

Dear Mr Ponton *Ben*

I refer to development application no 202139349 for a proposed development at Block 1 Section 51 McKellar, lodged with the planning and land authority on 28 October 2021.

The development application seek approval for demolition of the existing concrete pad and removal of trees; and construction of a two-storey mixed-use (commercial /residential) development comprised of 14 commercially adaptable residential units and one commercial unit, car parking, landscaping, and internal driveway and associated landscaping.


In accordance with Section 158 of the *Planning and Development Act 2007*, I direct the planning and land authority to refer to me the abovementioned development application.

When complying with this direction, the planning and land authority must provide:

- the information and documents received by the Authority in relation to the application; and
- any other relevant information and documents held by the Authority.

As a consequence of this direction, the planning and land authority must take no further action that would lead to a decision by the authority on the application.

Yours sincerely


Mick Gentleman MLA
Minister for Planning and Land Management

14/11/2022

ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601

 +61 2 6205 0218  gentleman@act.gov.au

 @GENTLEMANMick

 MickGentleman

 mick.gentleman