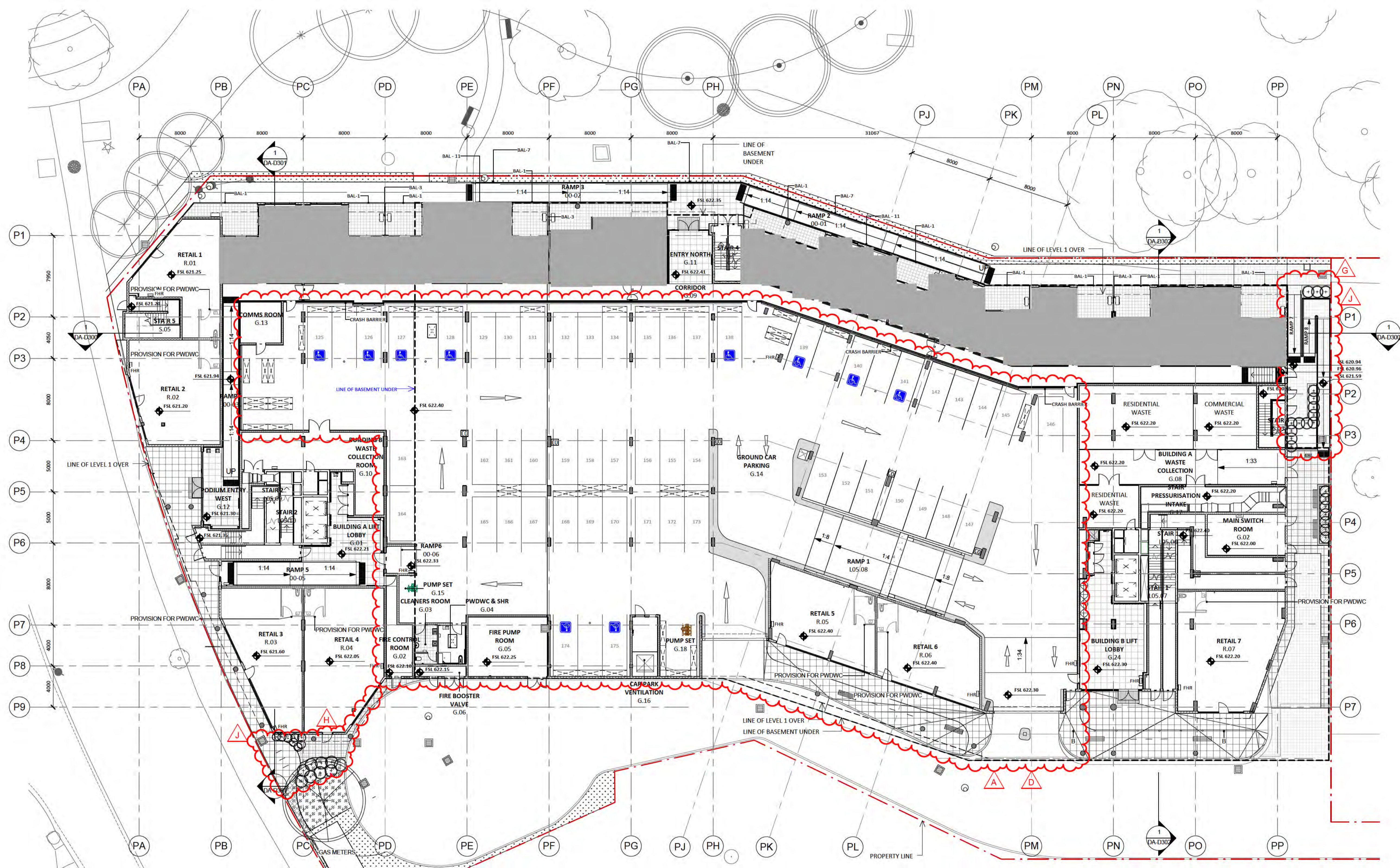


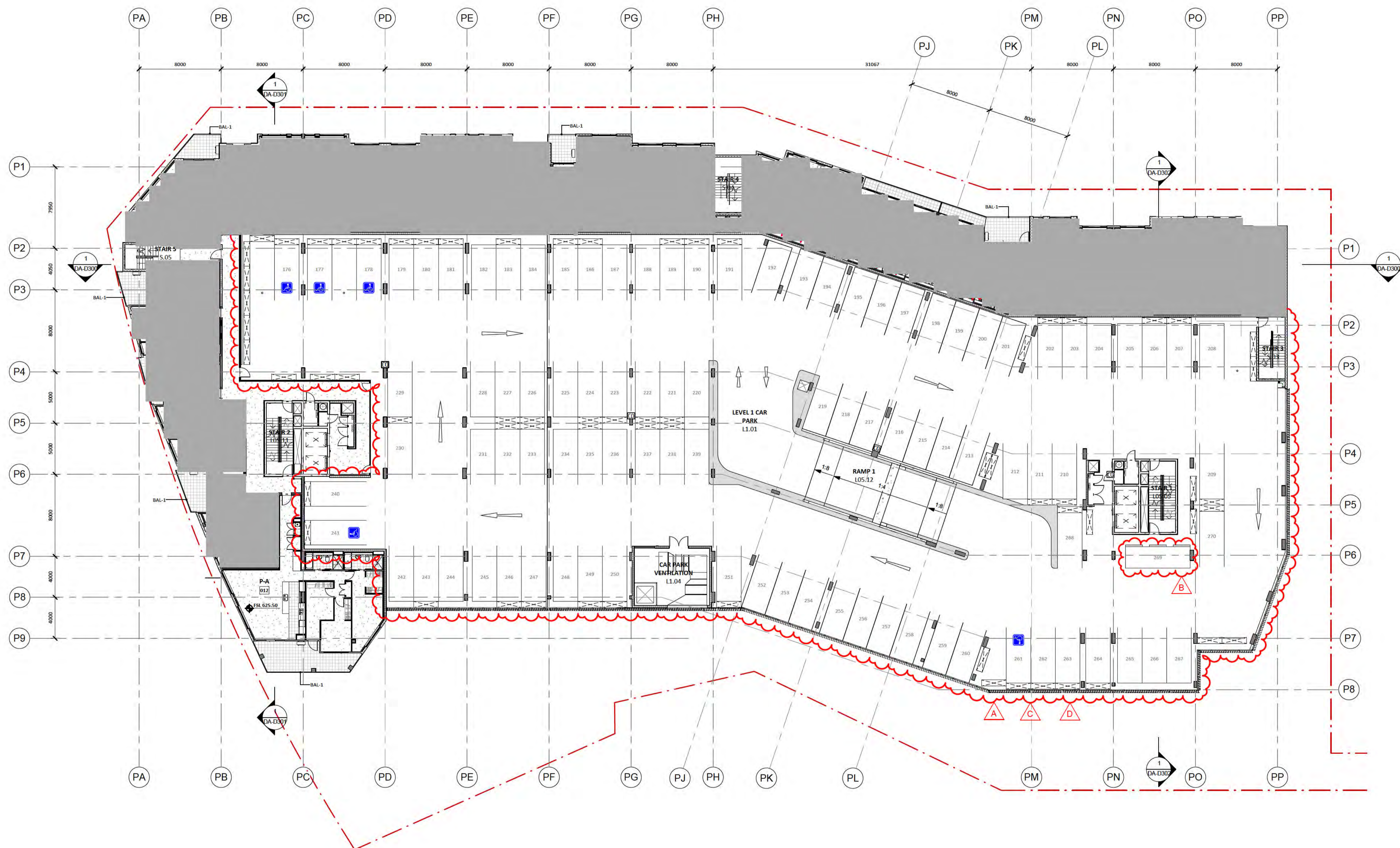
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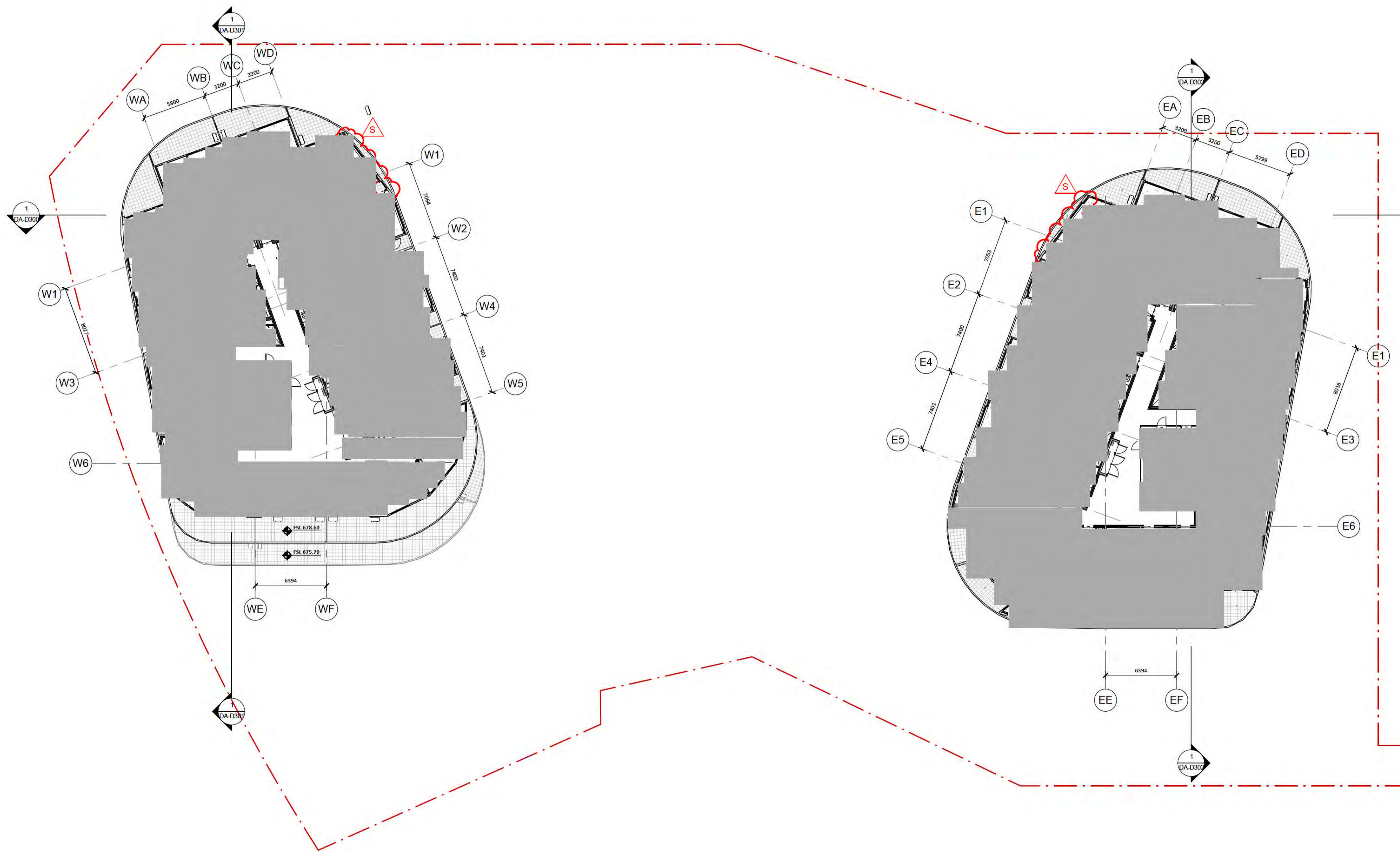
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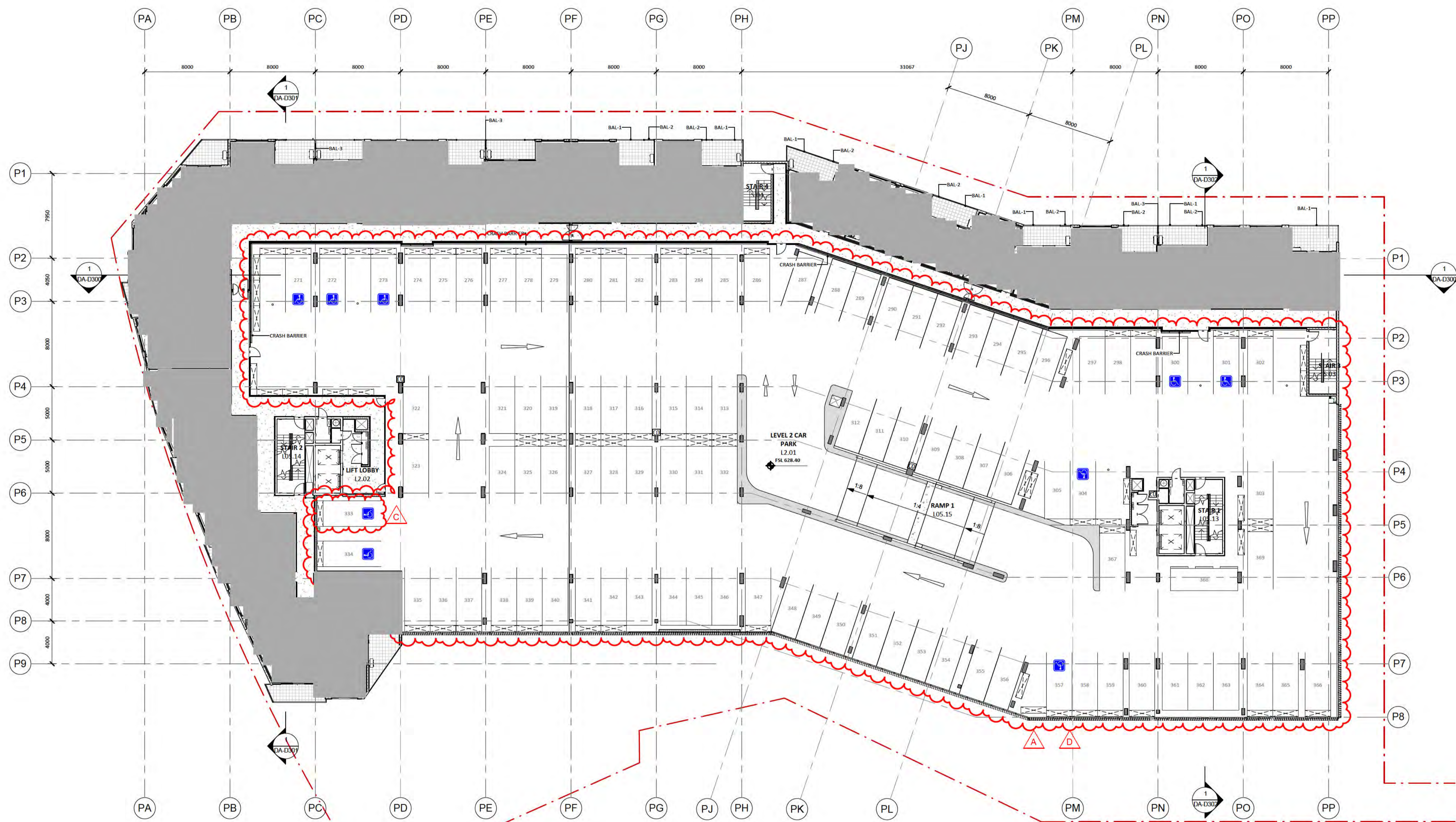
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DA AMENDMENT



**GEOCON**  
BUILDING CANBERRA

**INFINITY TOWERS GUNGAHLIN**  
BLOCK 2 & 3 SECTION 209 GUNGAHLIN

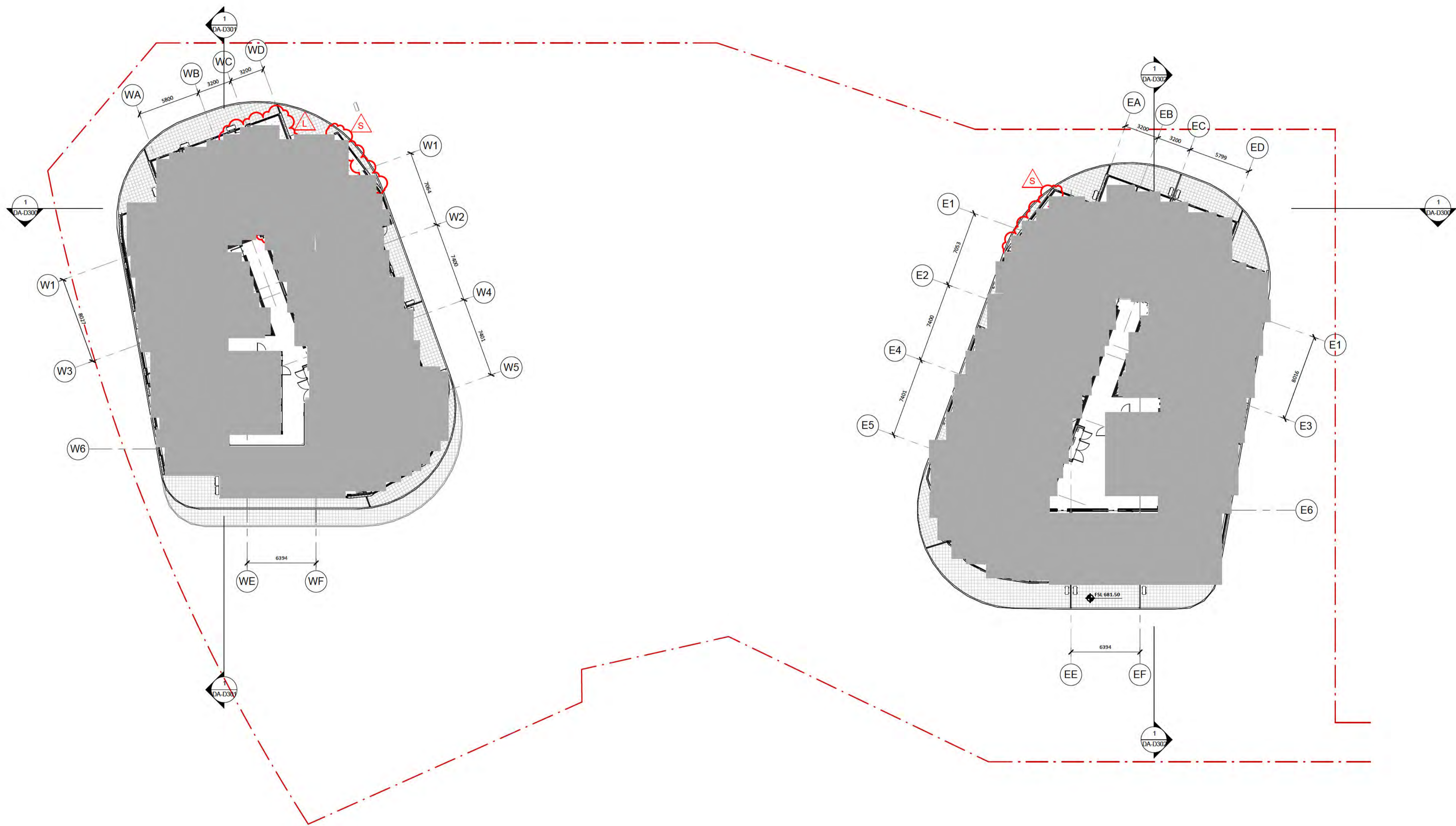
DA-D102

**BUILDING A & B COMBINED -**  
**LEVEL 2 PLAN**

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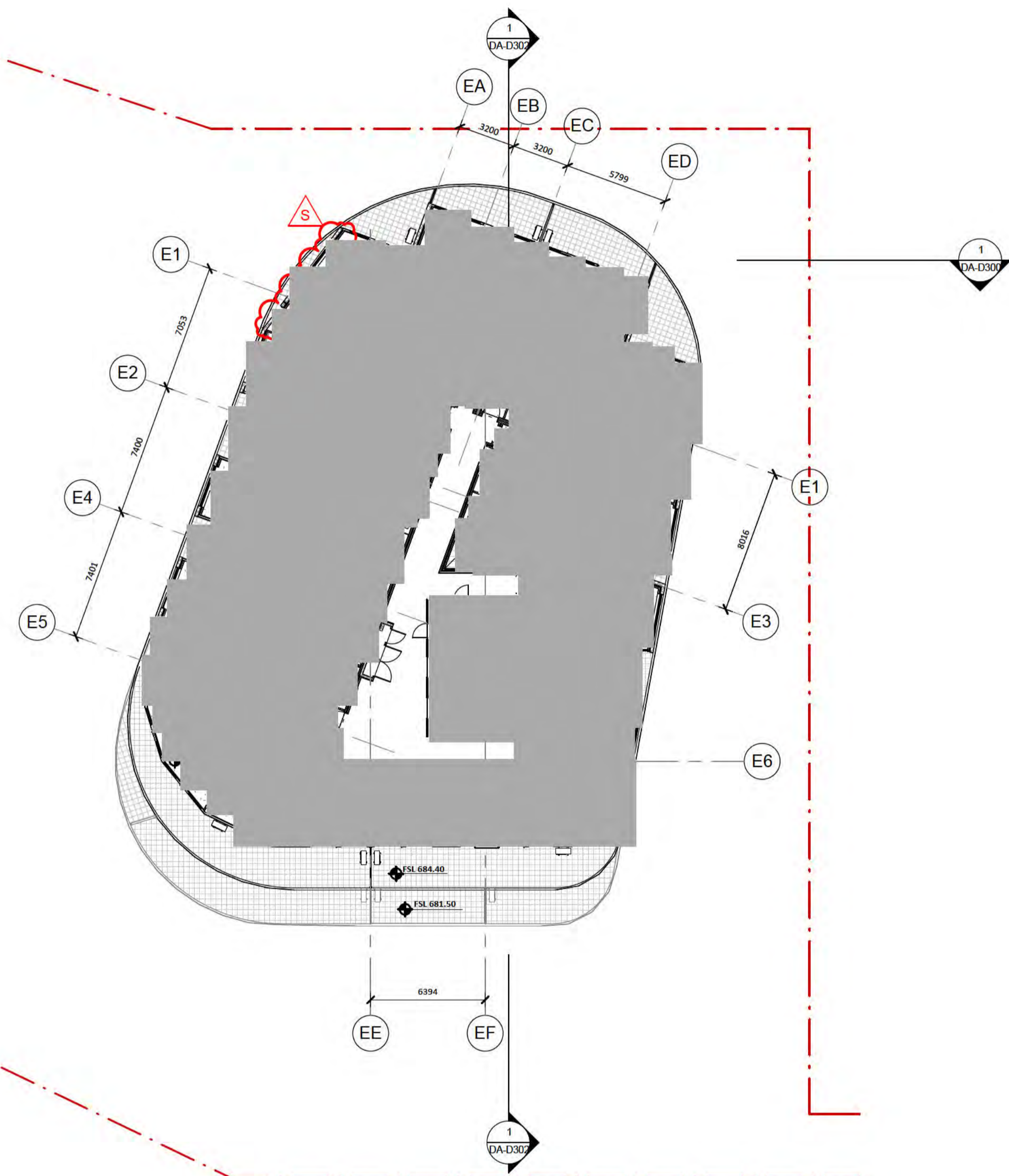
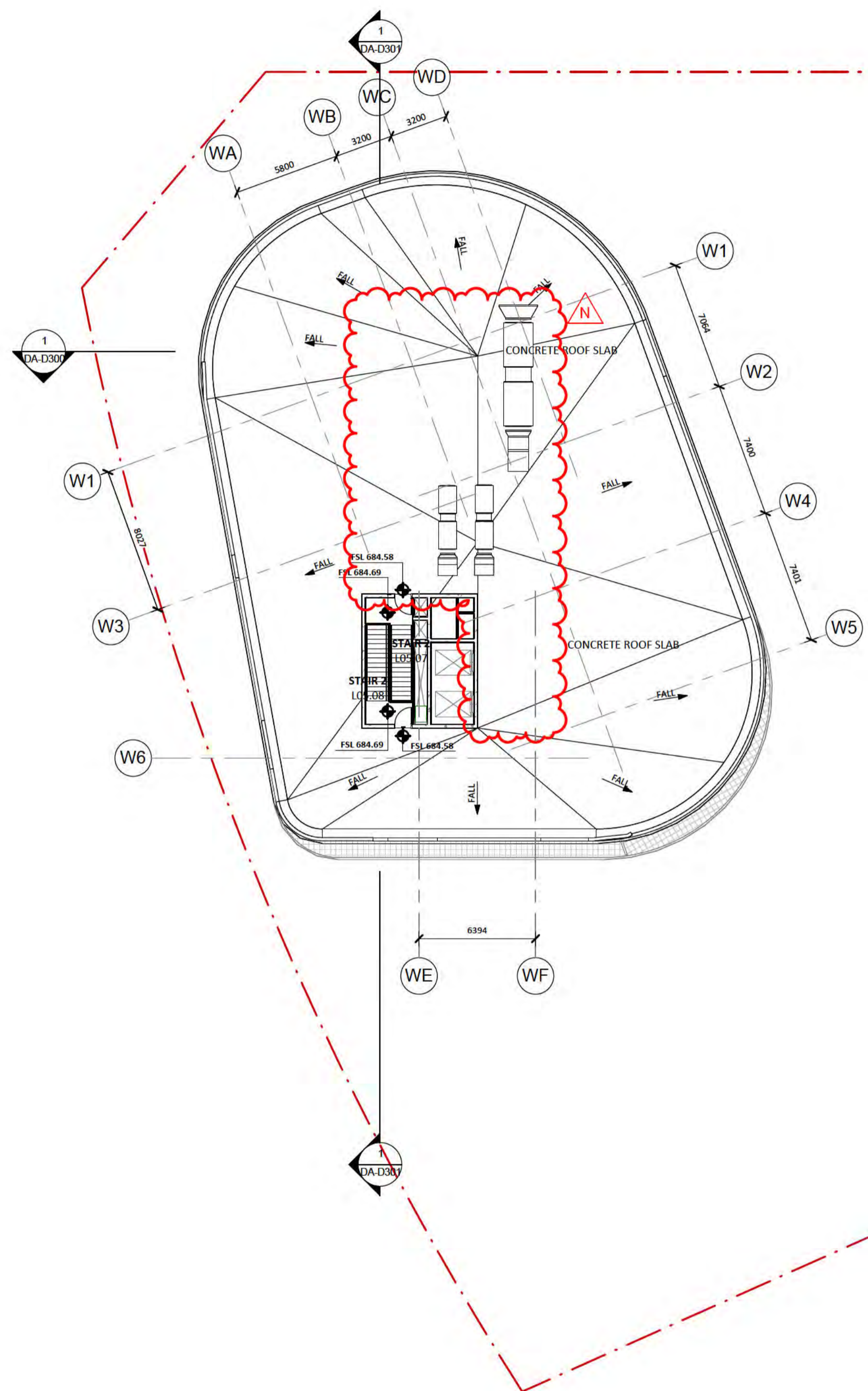
revision 2 date 10/02/2017

project 4188E



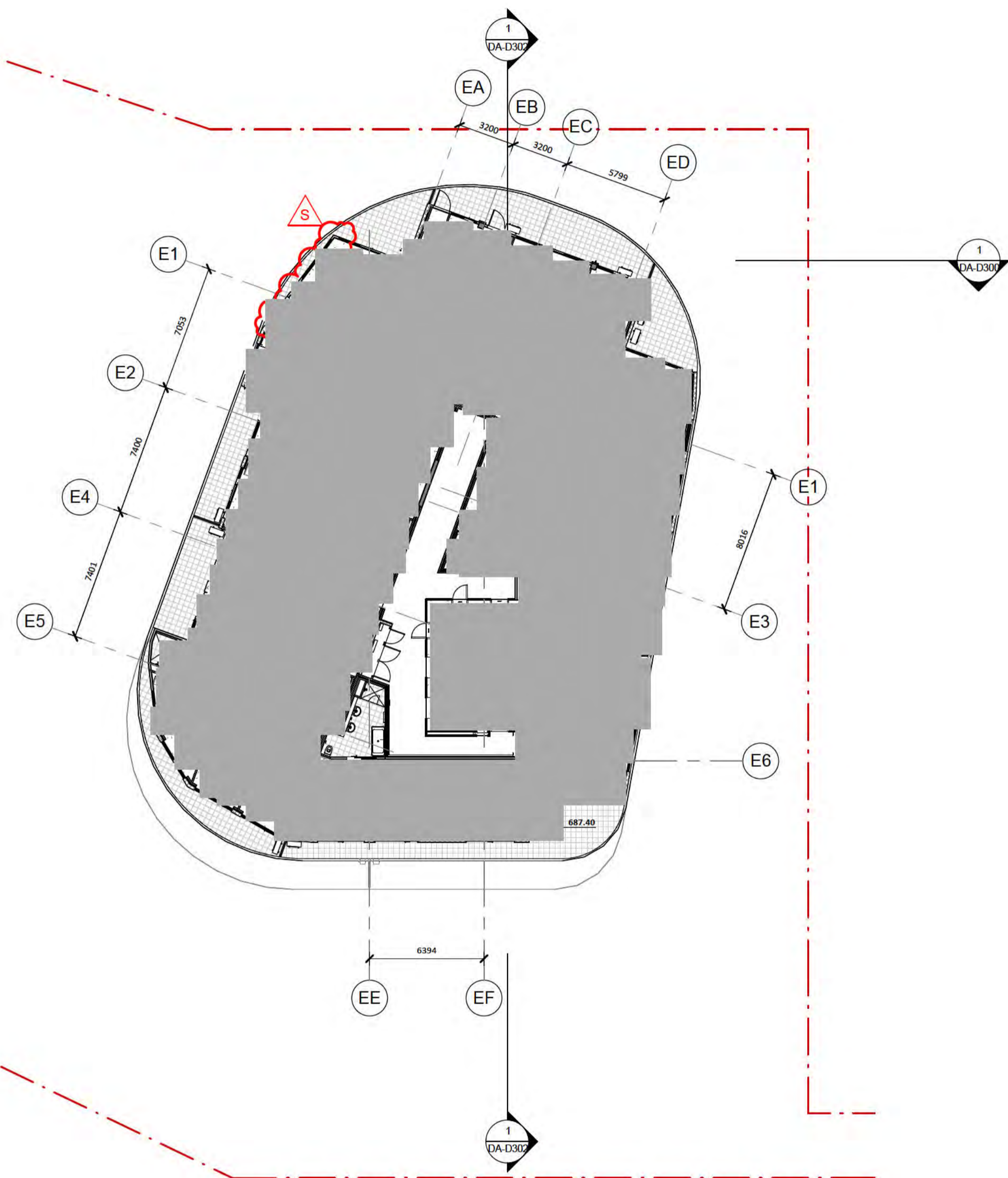
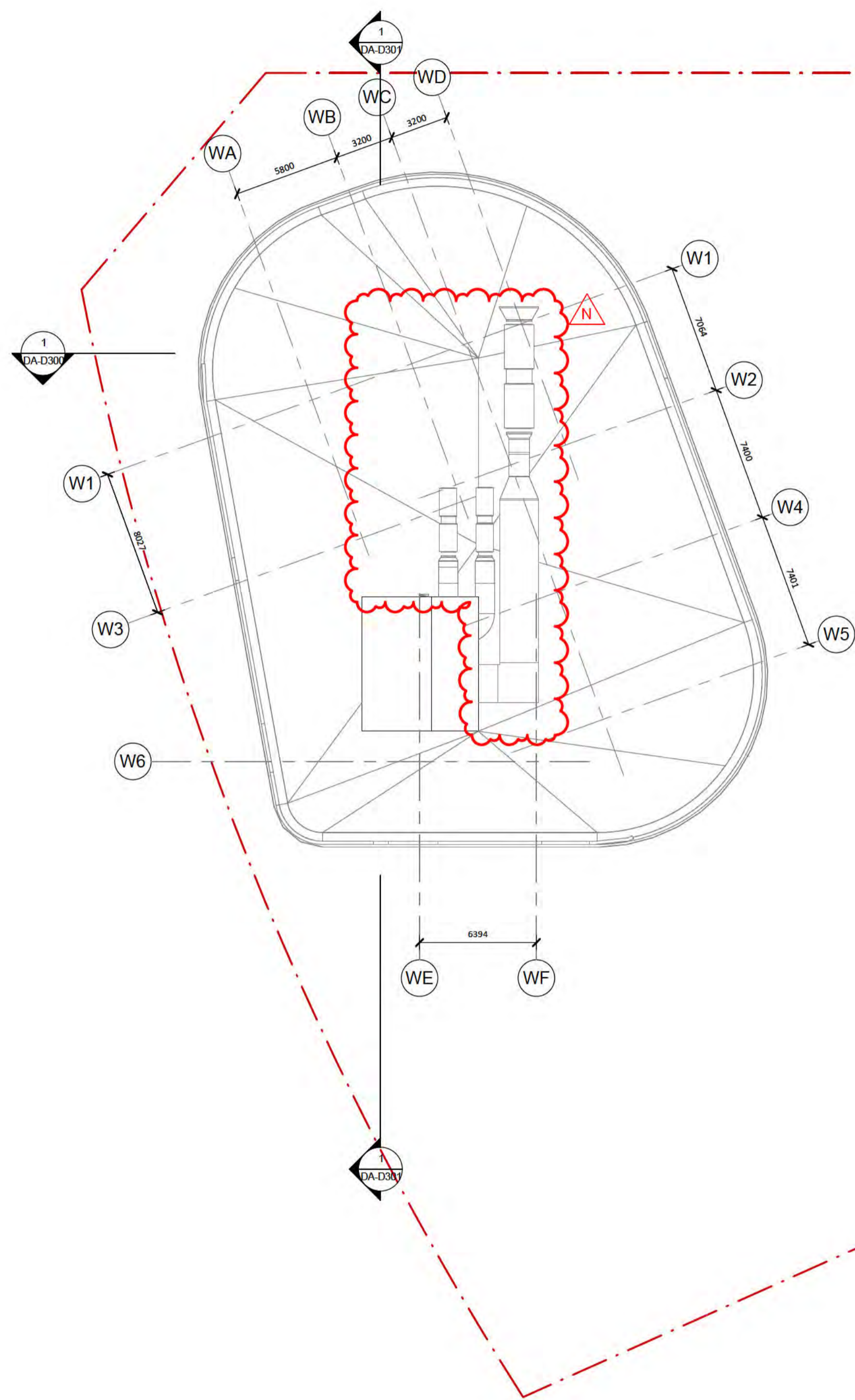
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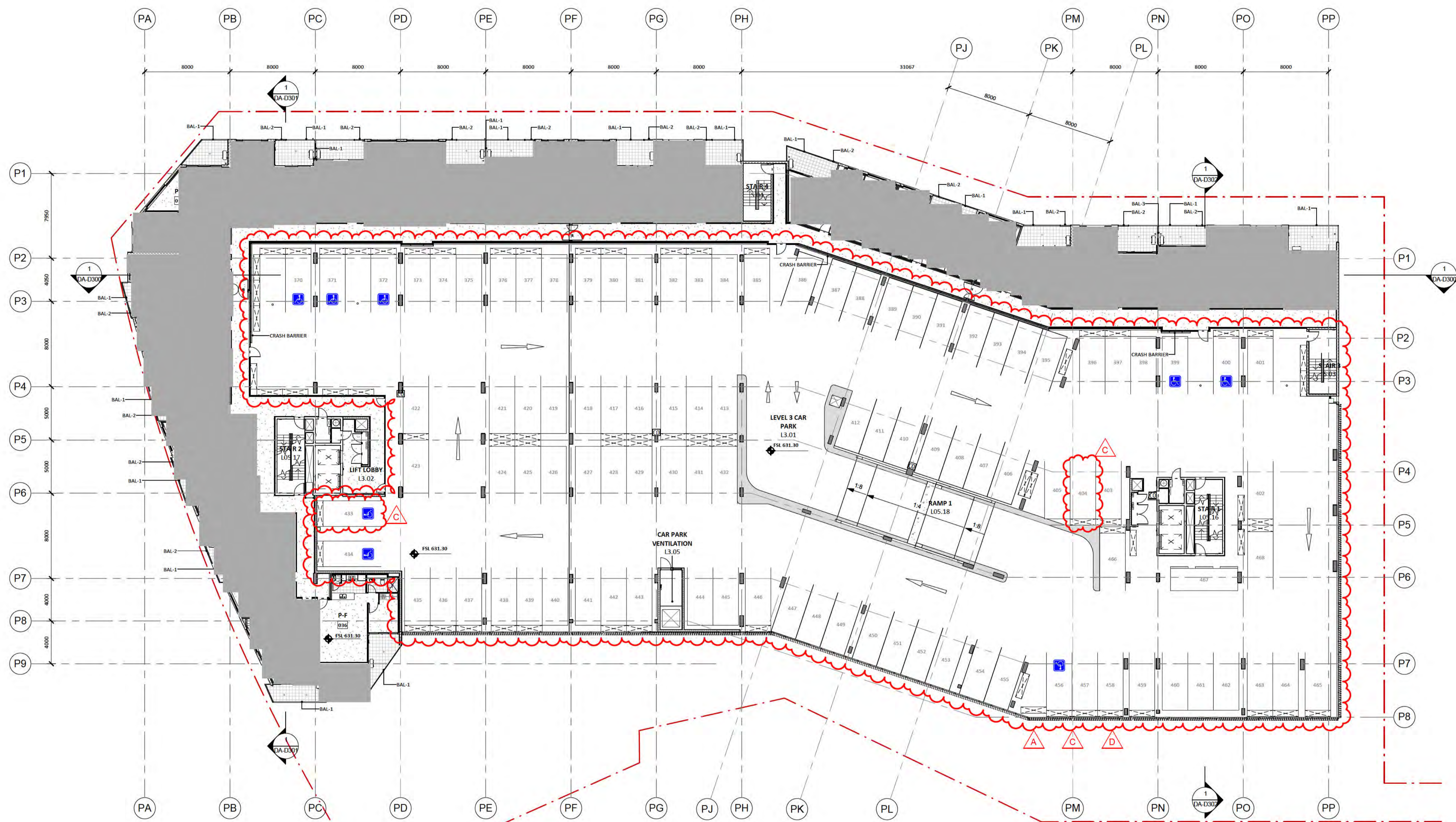
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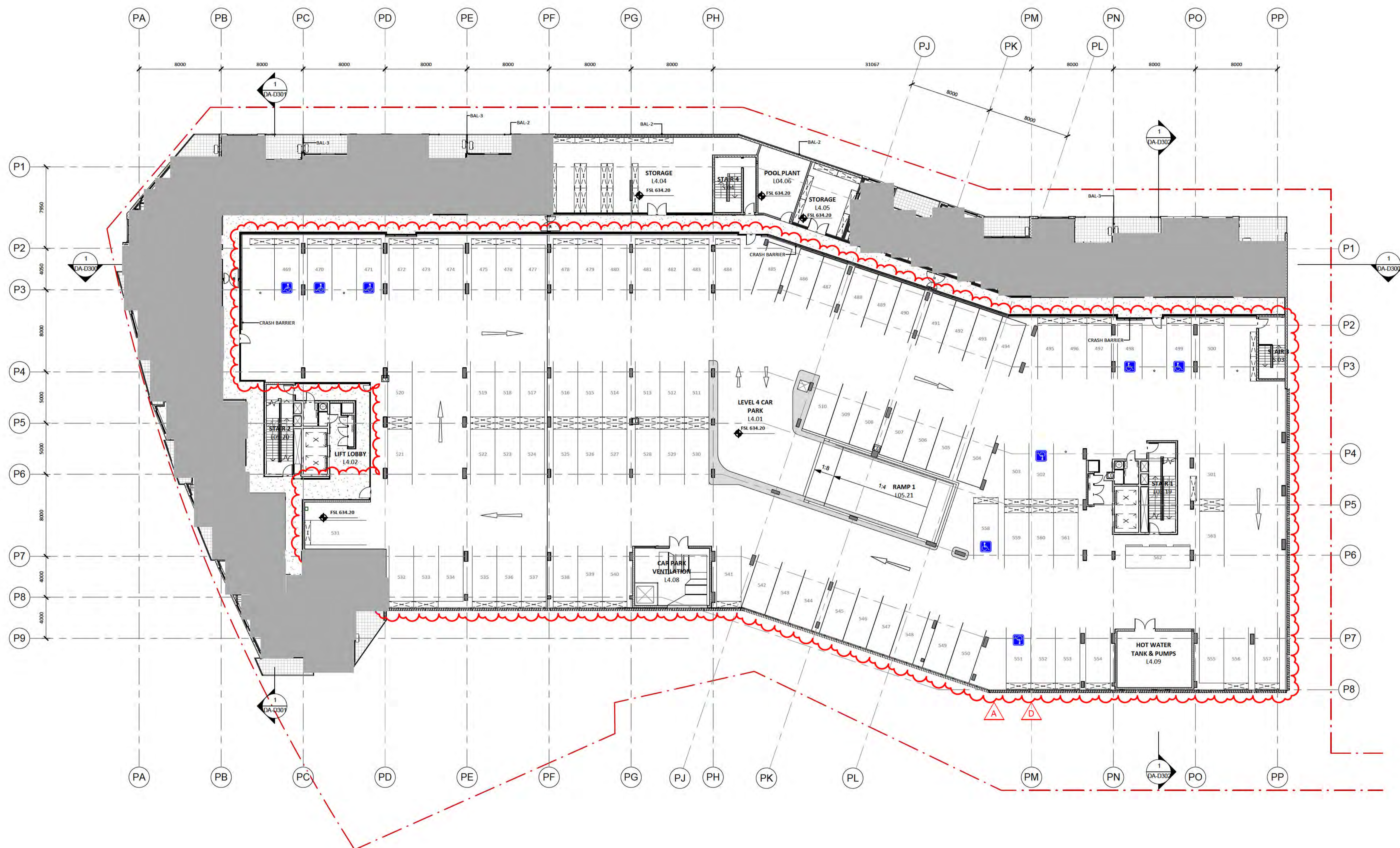
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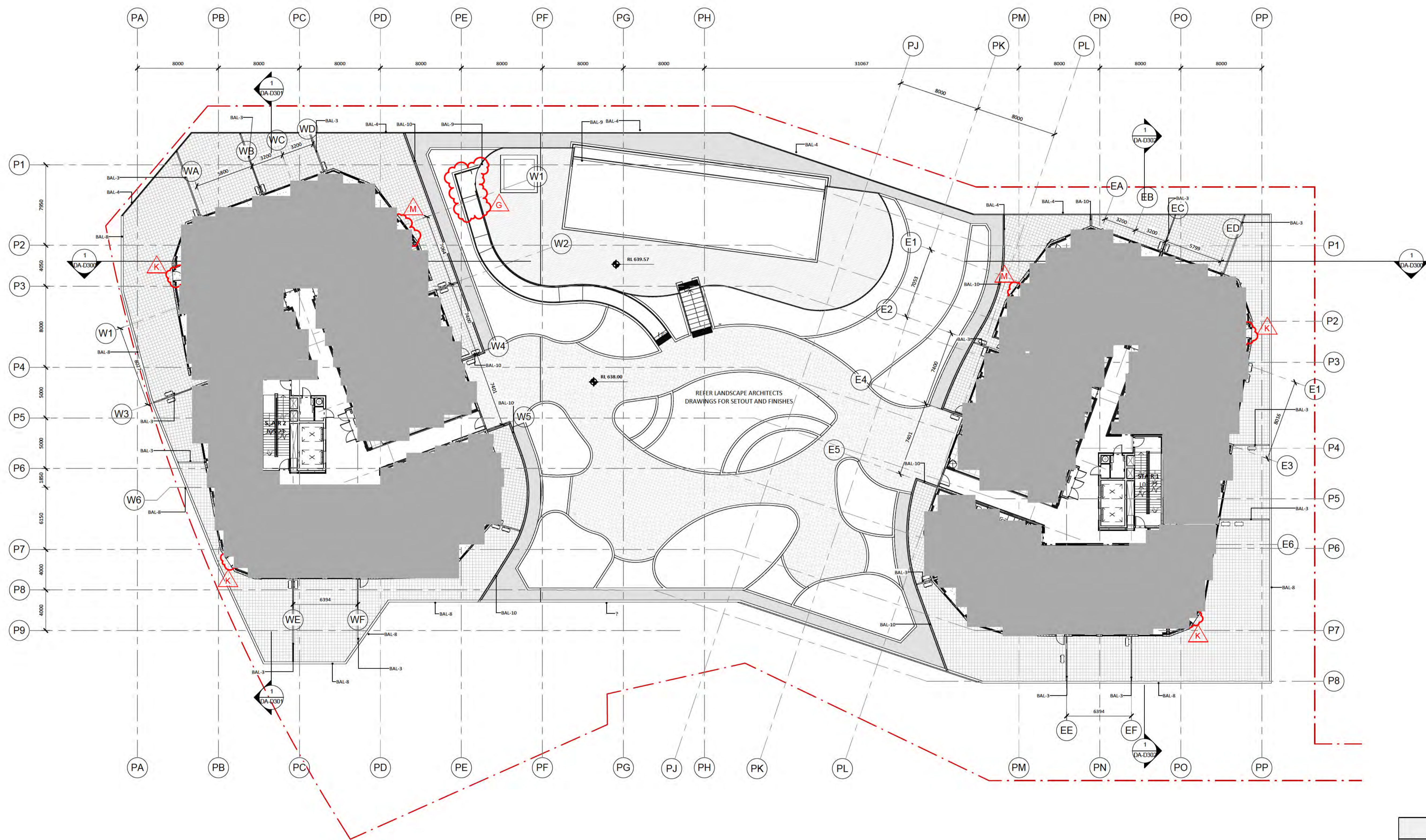
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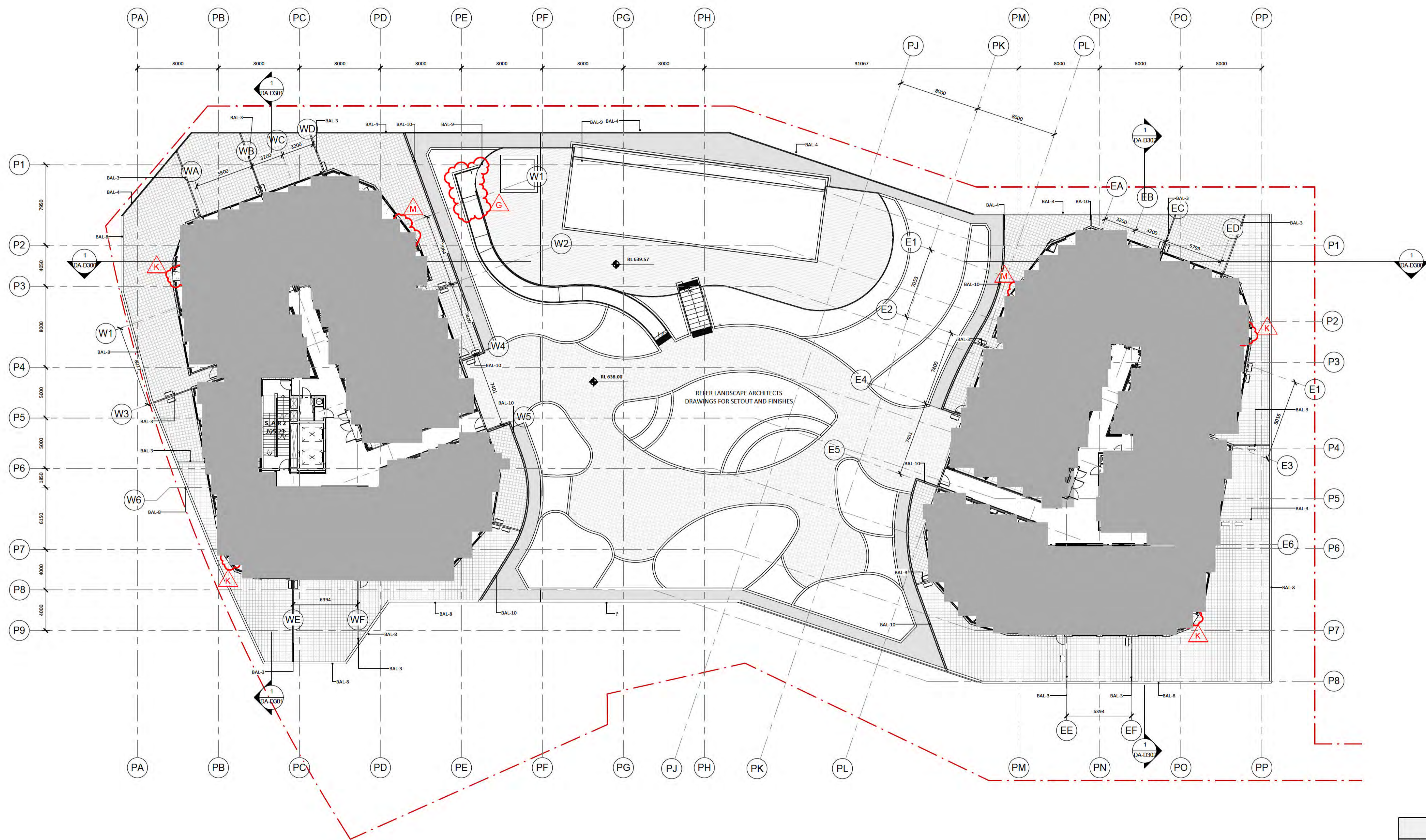
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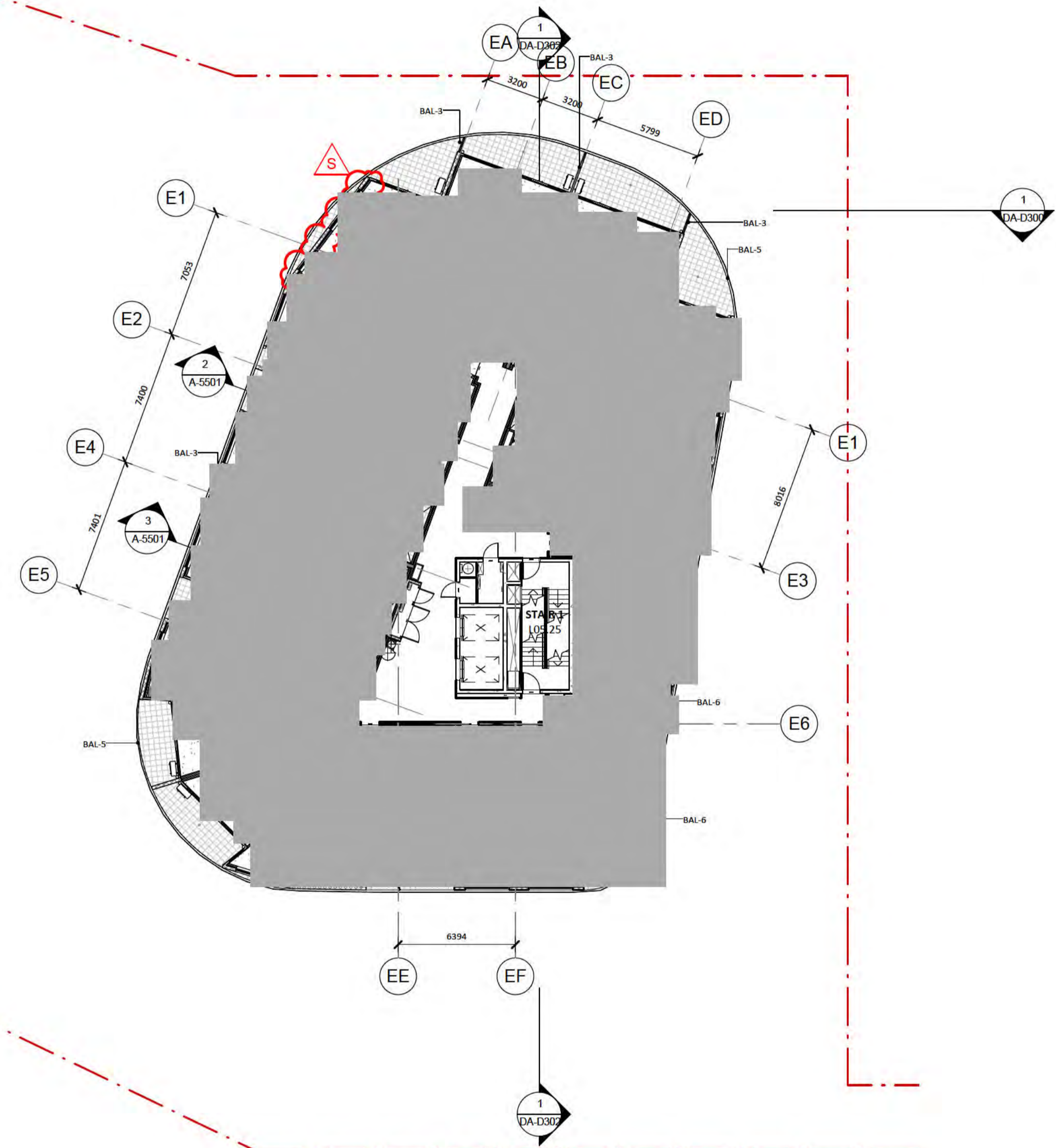
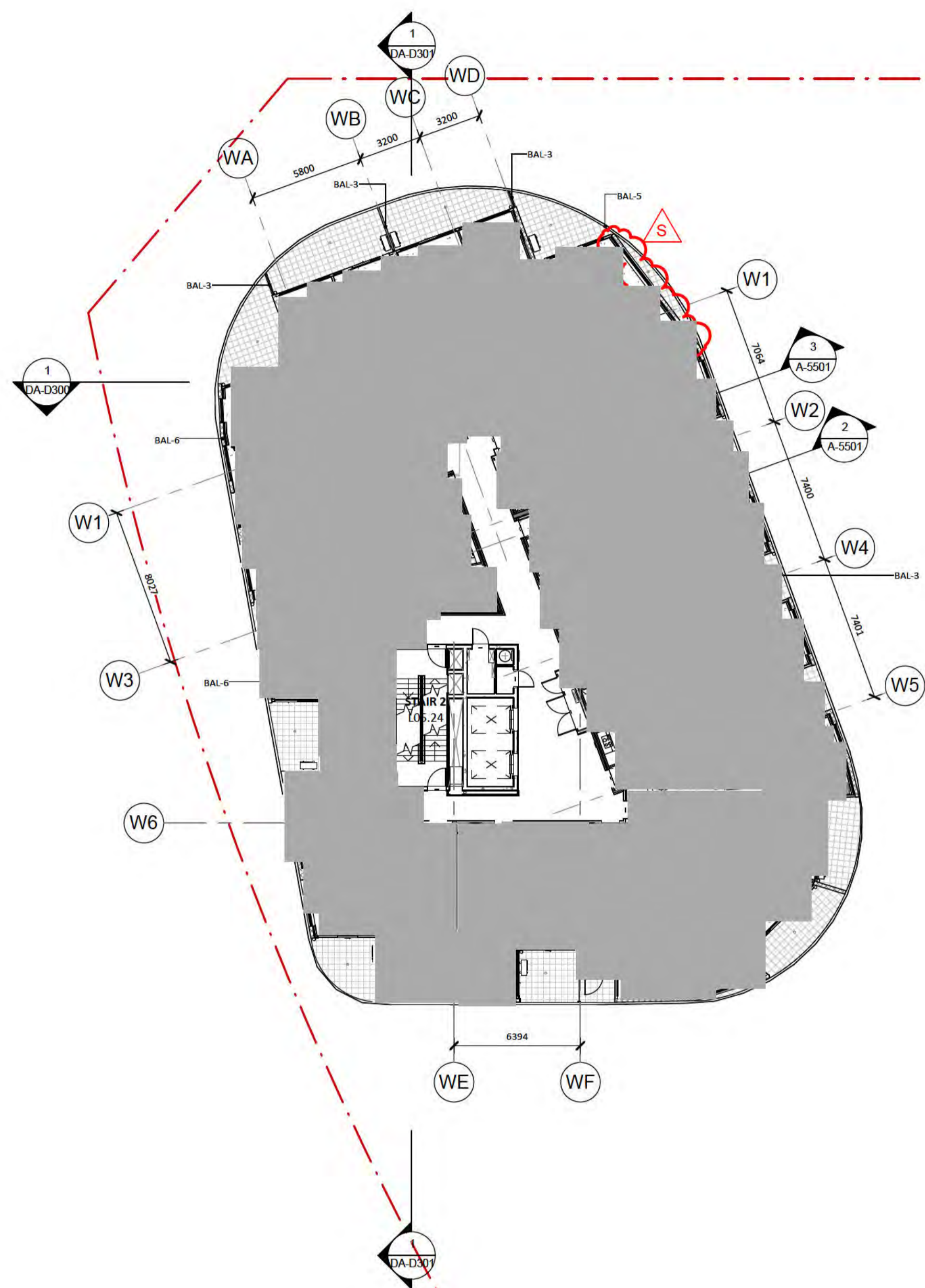
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LEGEND AMENDED

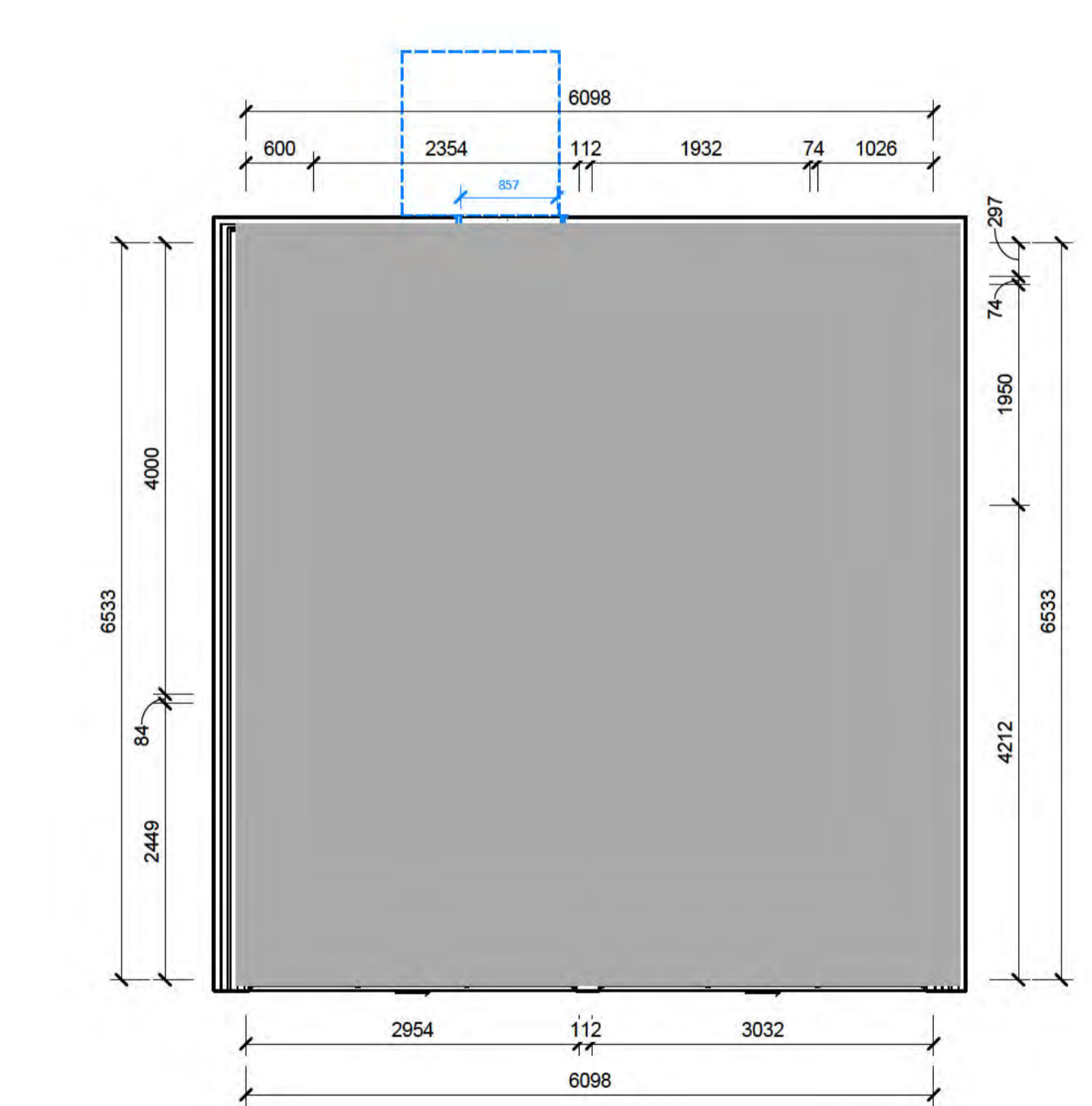
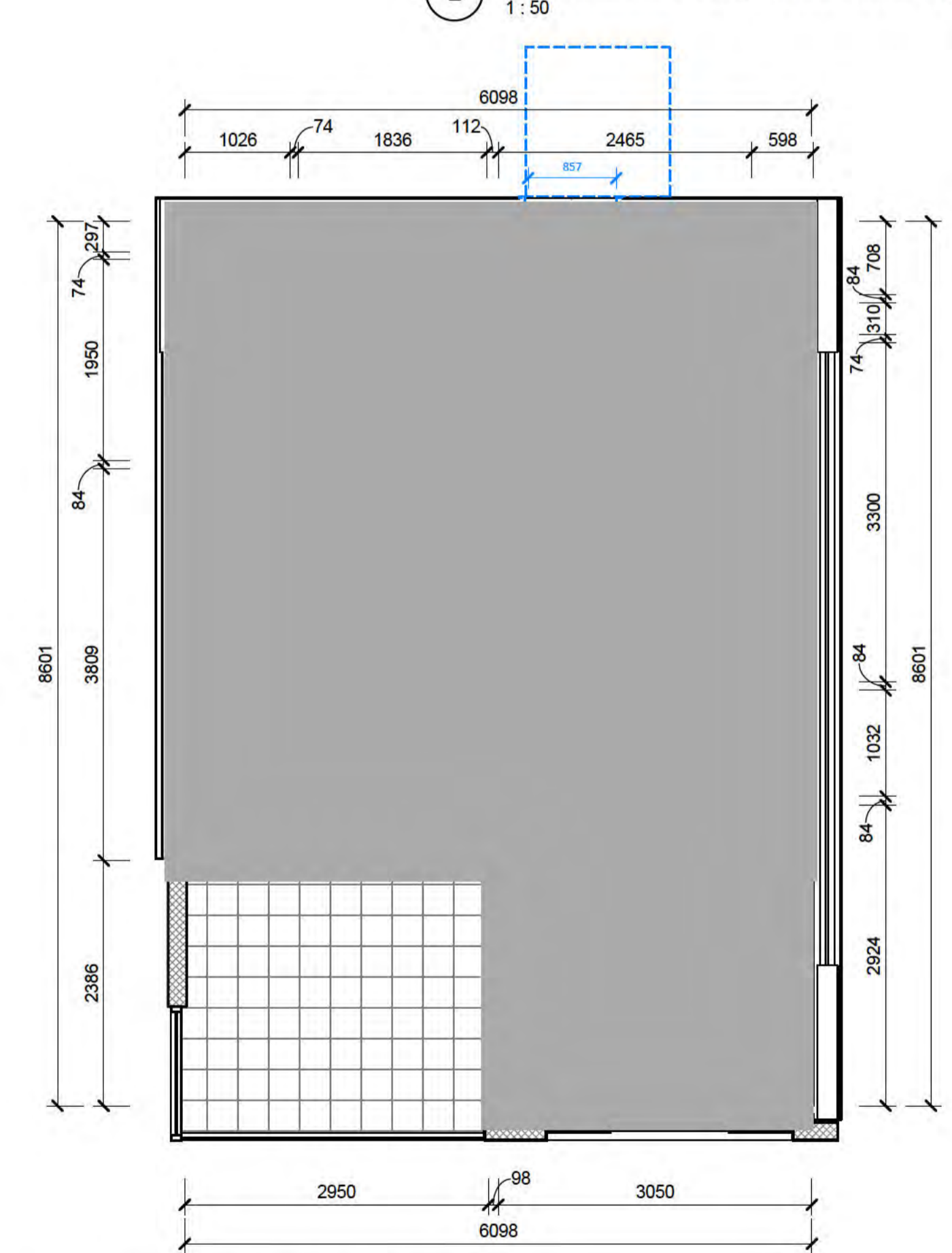
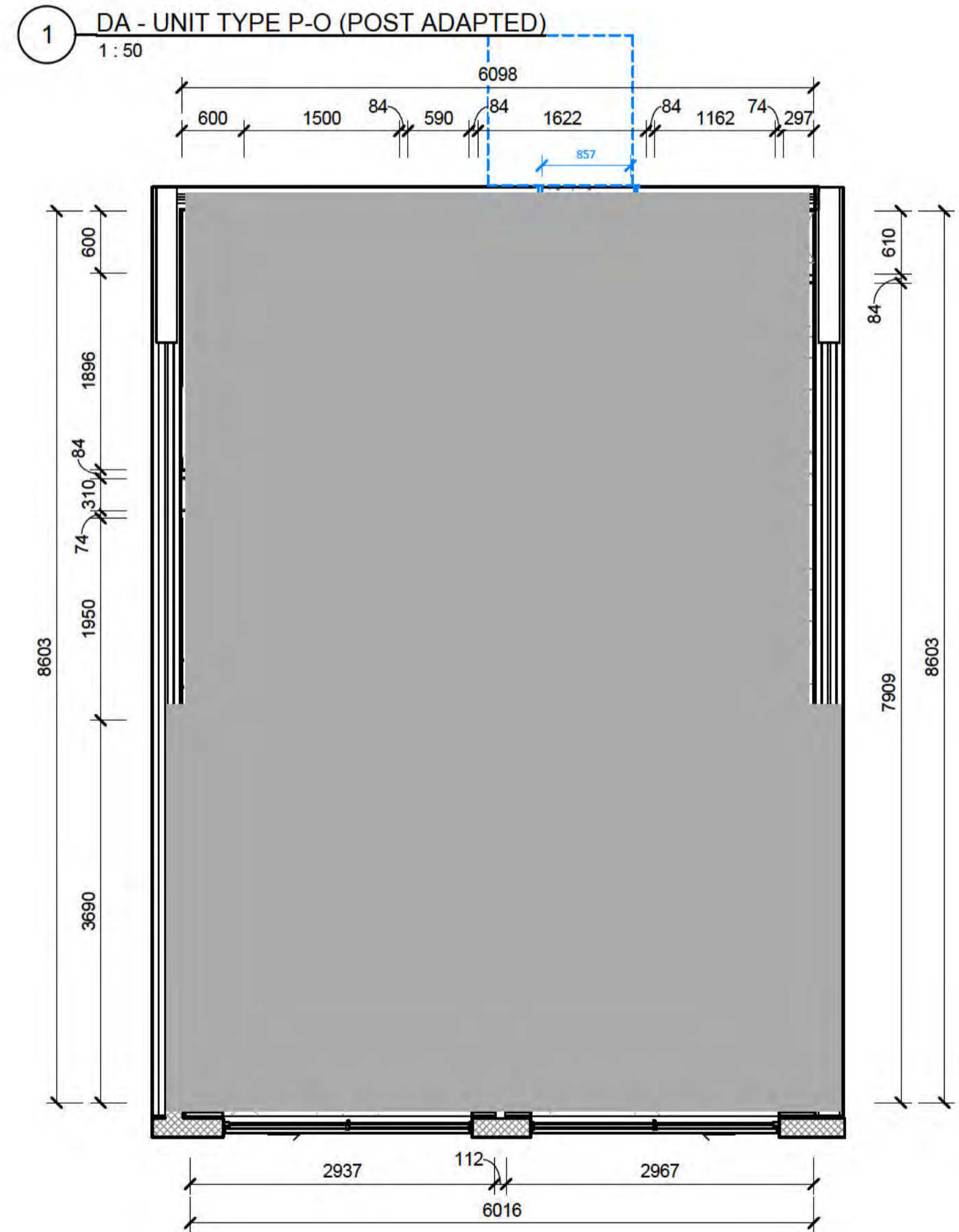
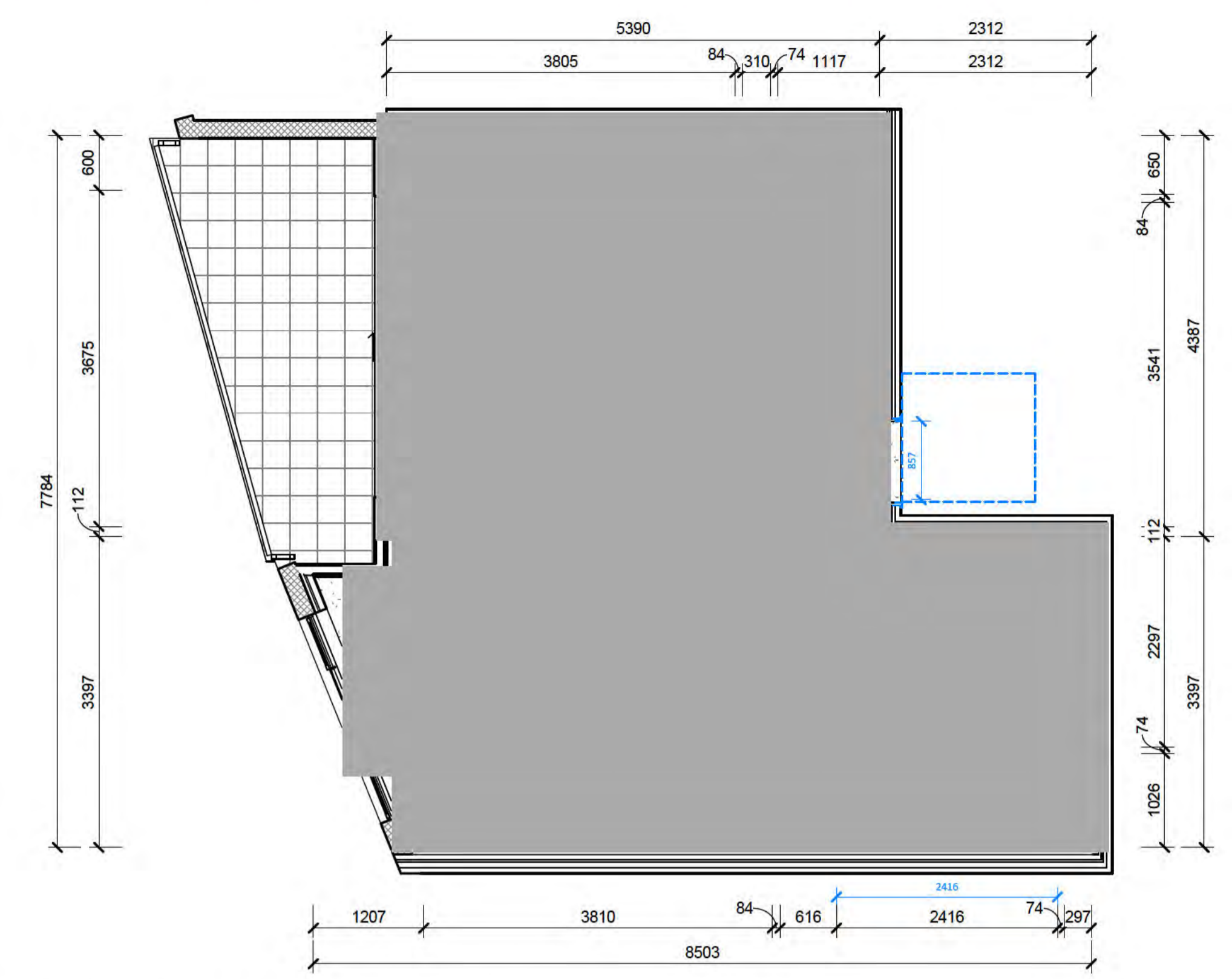
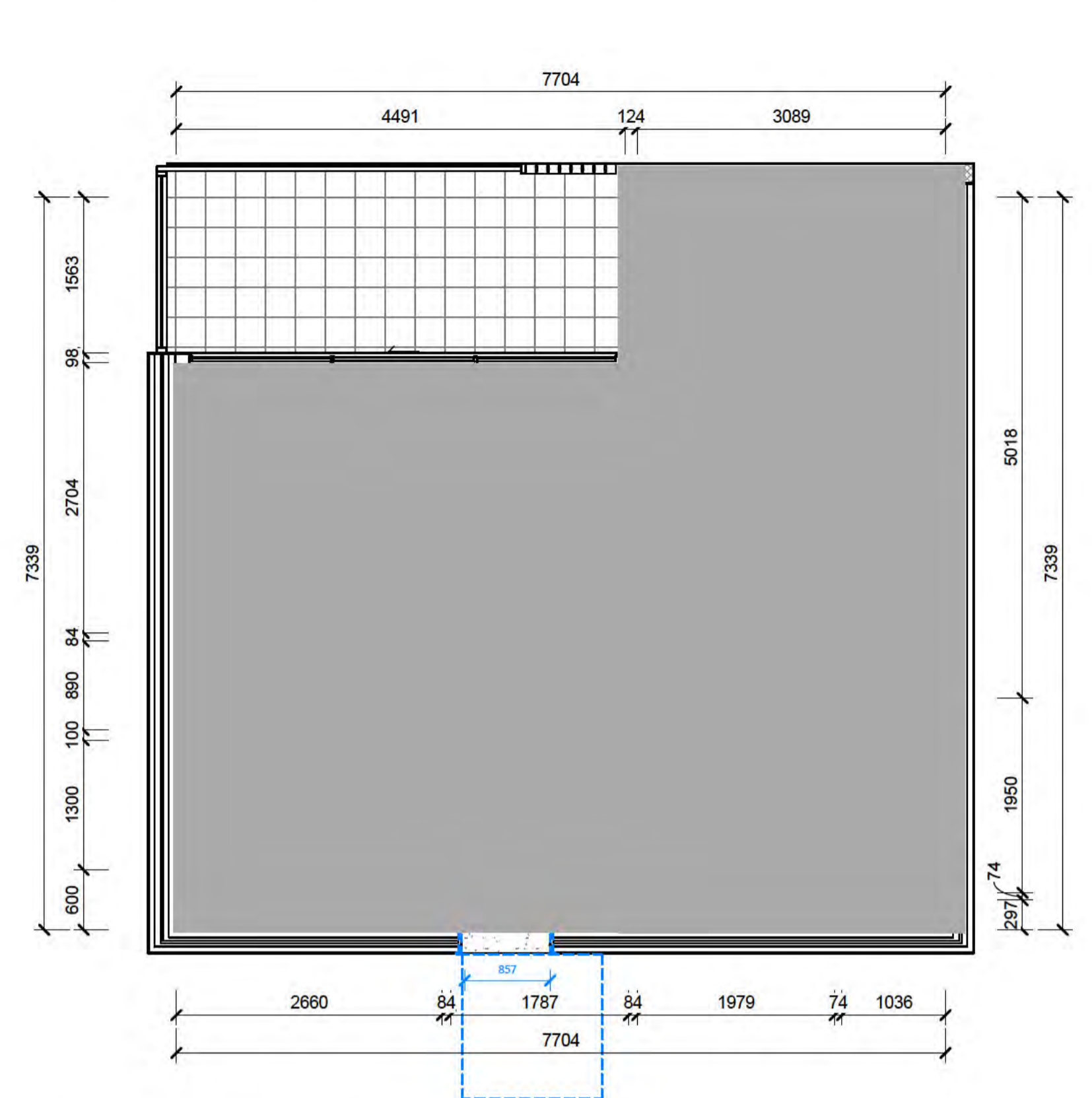
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DA AMENDMENT

- Post-Adapted**
- Generally
- All internal doors to be a minimum 850mm clear
  - All internal corridors to have a minimum 1000mm clear width
  - Doors provided along an accessible path of travel to comply with AS 1428.1 (2009) for door approaches
  - Door hardware to be operable with one hand
- Kitchen**
- Provide minimum 1550mm clear between benches
  - Provision for benches planned to include at least one work surface of 800mm length, adjustable in height from 750 – 850mm or replaceable
  - Refrigerator located adjacent to work surface
  - Cooktop located adjacent to work surface
  - Oven located adjacent to work surface
  - Kitchen sink adjustable to heights between 750 - 850 mm or replaceable
  - Lever mixer located within 300mm of front of sink Laundry
  - Provide adequate circulation space in front of, or beside appliances 1550mm depth
- Bathroom**
- Provide compliant circulation to AS 1428.1 (2009)
  - No hob to shower recess
  - Provide shower curtain and rail
  - Install an adjustable, detachable hand held shower rose
  - Tap sets to be lever handles with single outlet
  - Basin, w/c, grabrails and folding shower seat to AS 1428.1 (2009)
  - Provide an extended lever mixer to basin
  - Potential illumination level 300 lux generally with 600 lux task lighting
- Bedroom**
- Bedroom to accommodate a queen size bed and robe and circulation space requirements of AS 1428.2 & AS 1428.1

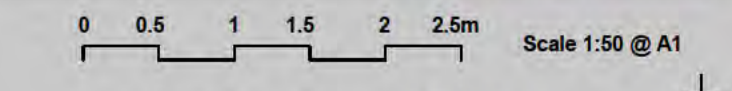


ADAPTABLE UNIT LAYOUTS MODIFIED

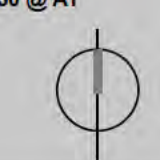
DA - UNIT SCHEDULE - ADAPTABLE

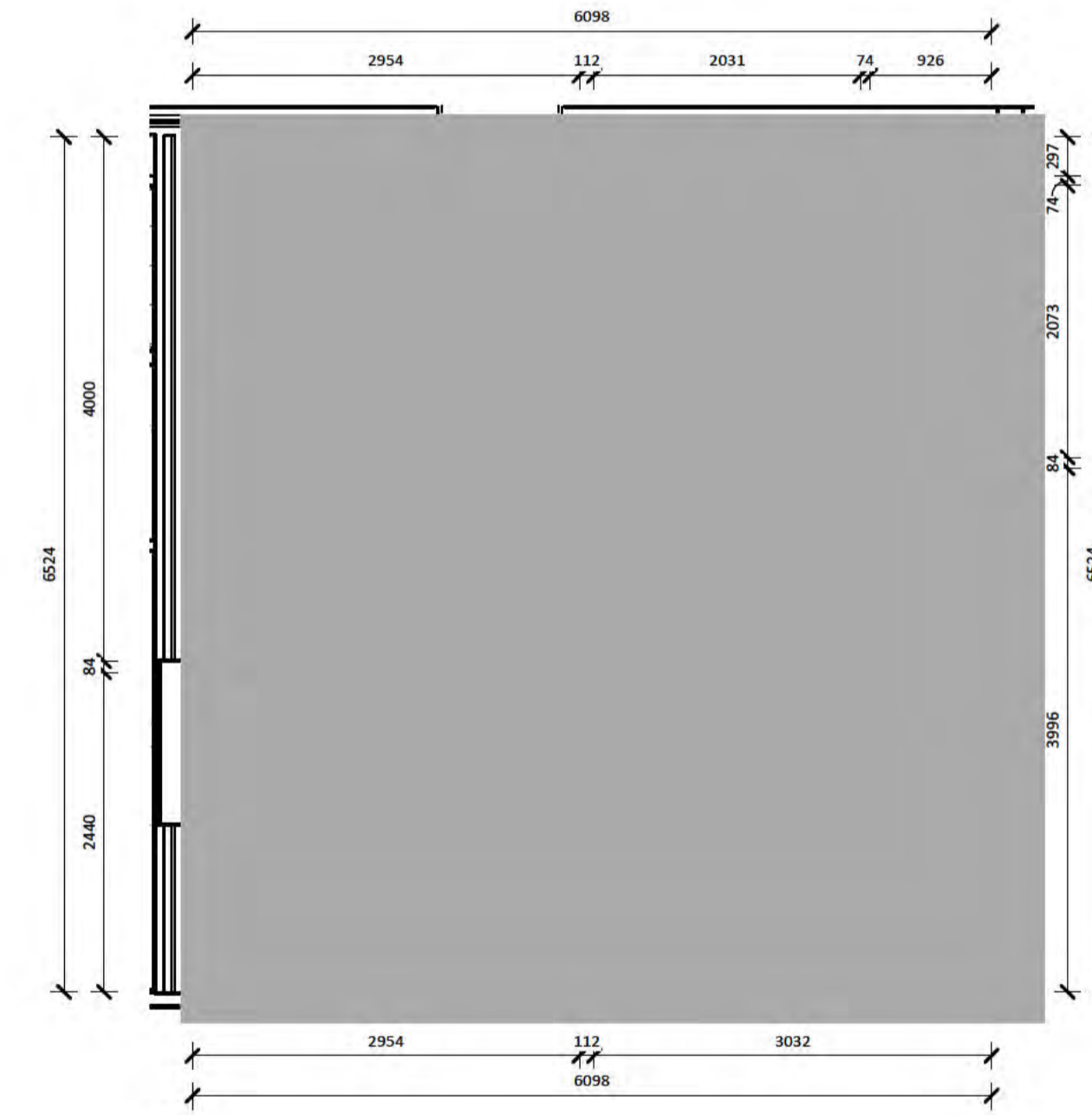
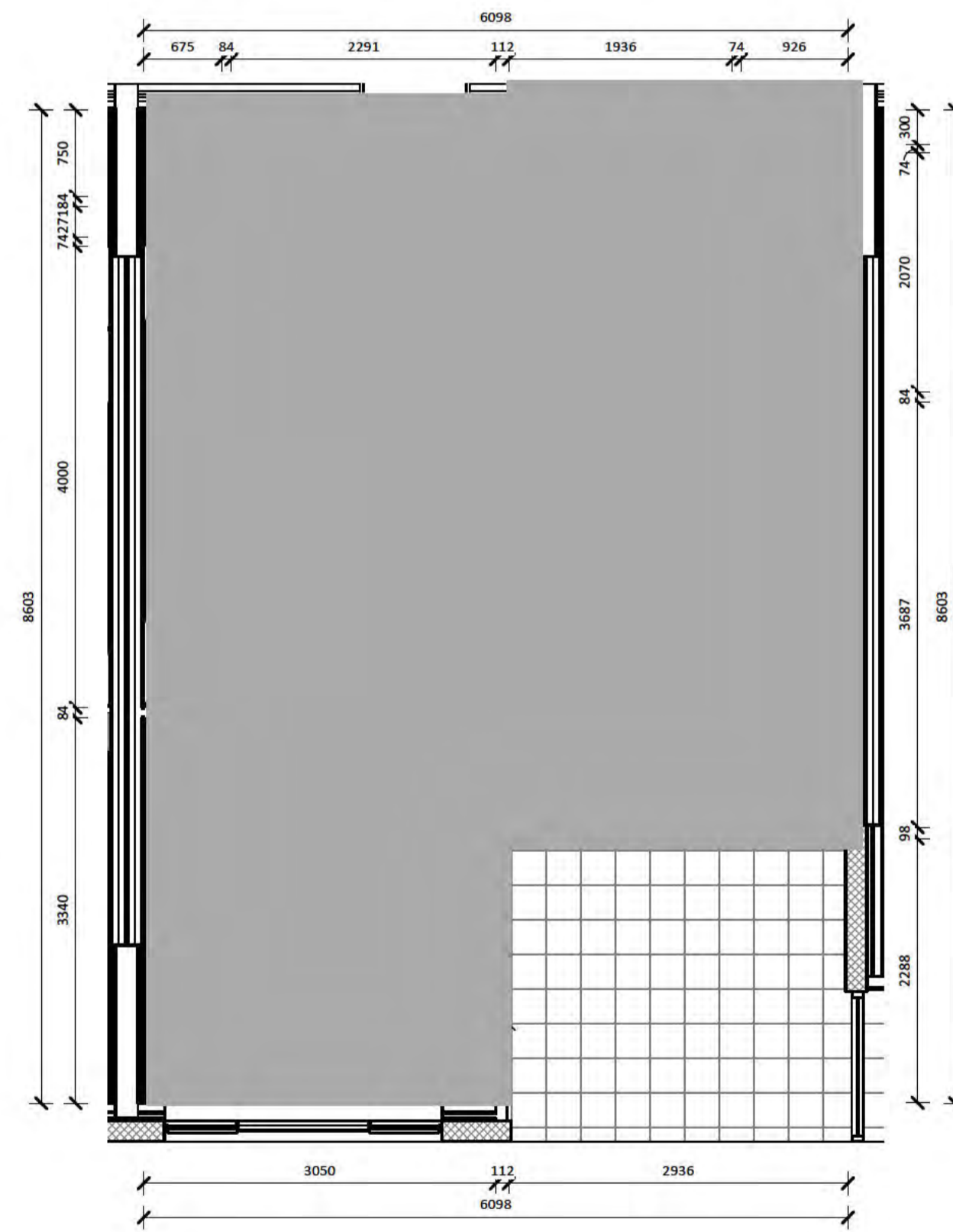
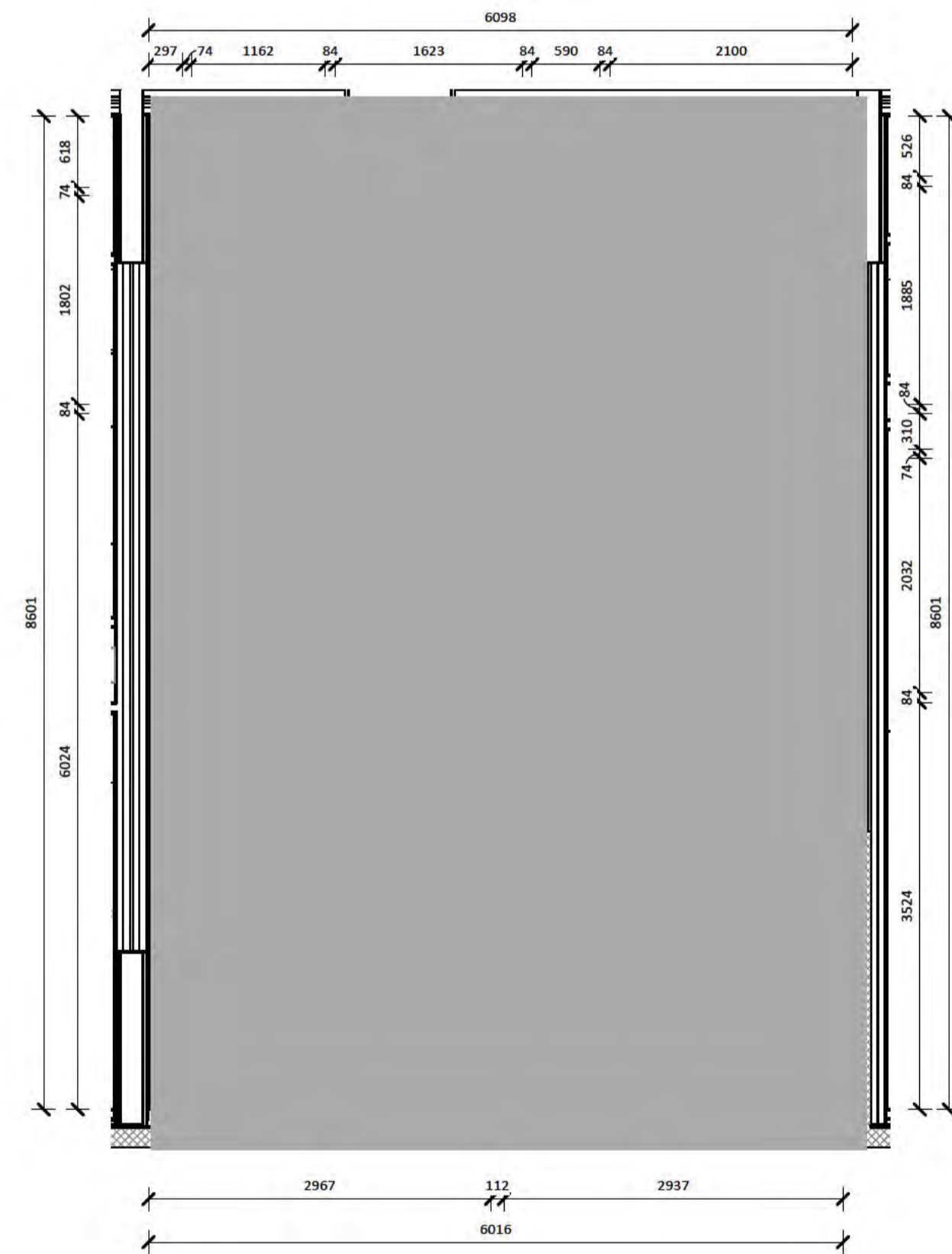
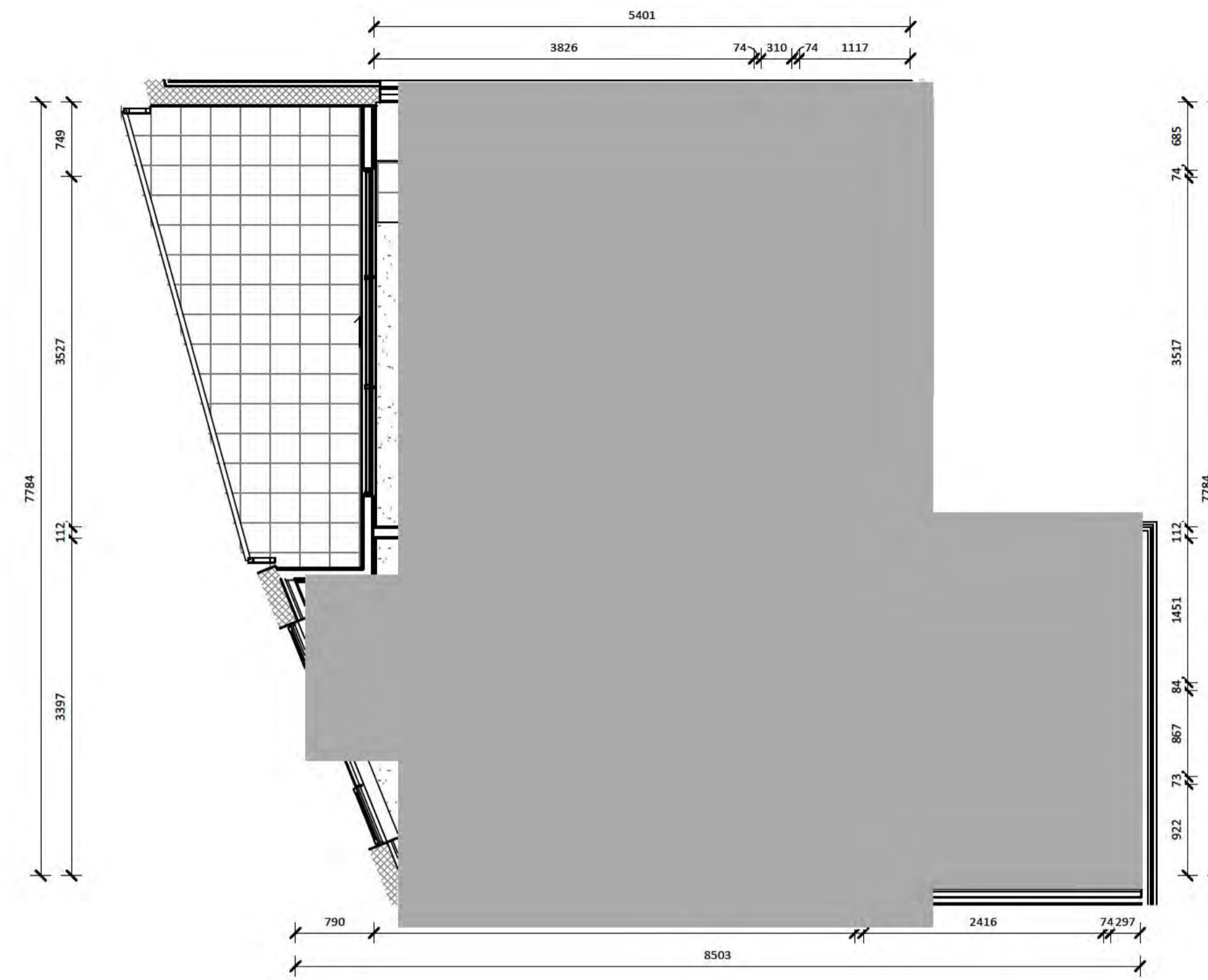
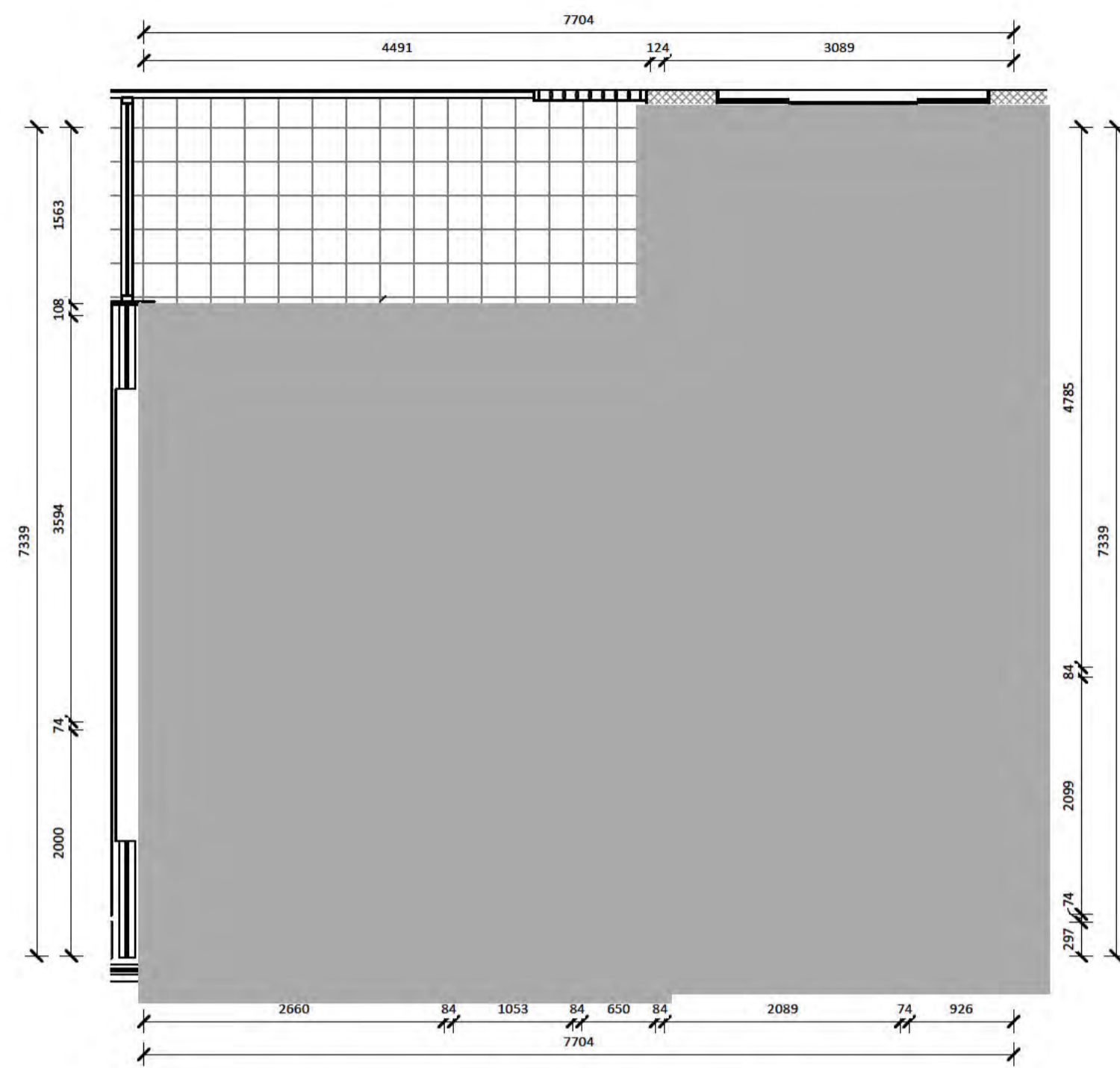
UNIT TYPE	COUNT
NT-C	2
P-C	4
P-O	9
SP-G	2
T-H	26
TOTAL	43

DA AMENDMENT  
NOT TO BE USED FOR CONSTRUCTION



revision 1 date 10/02/2017  
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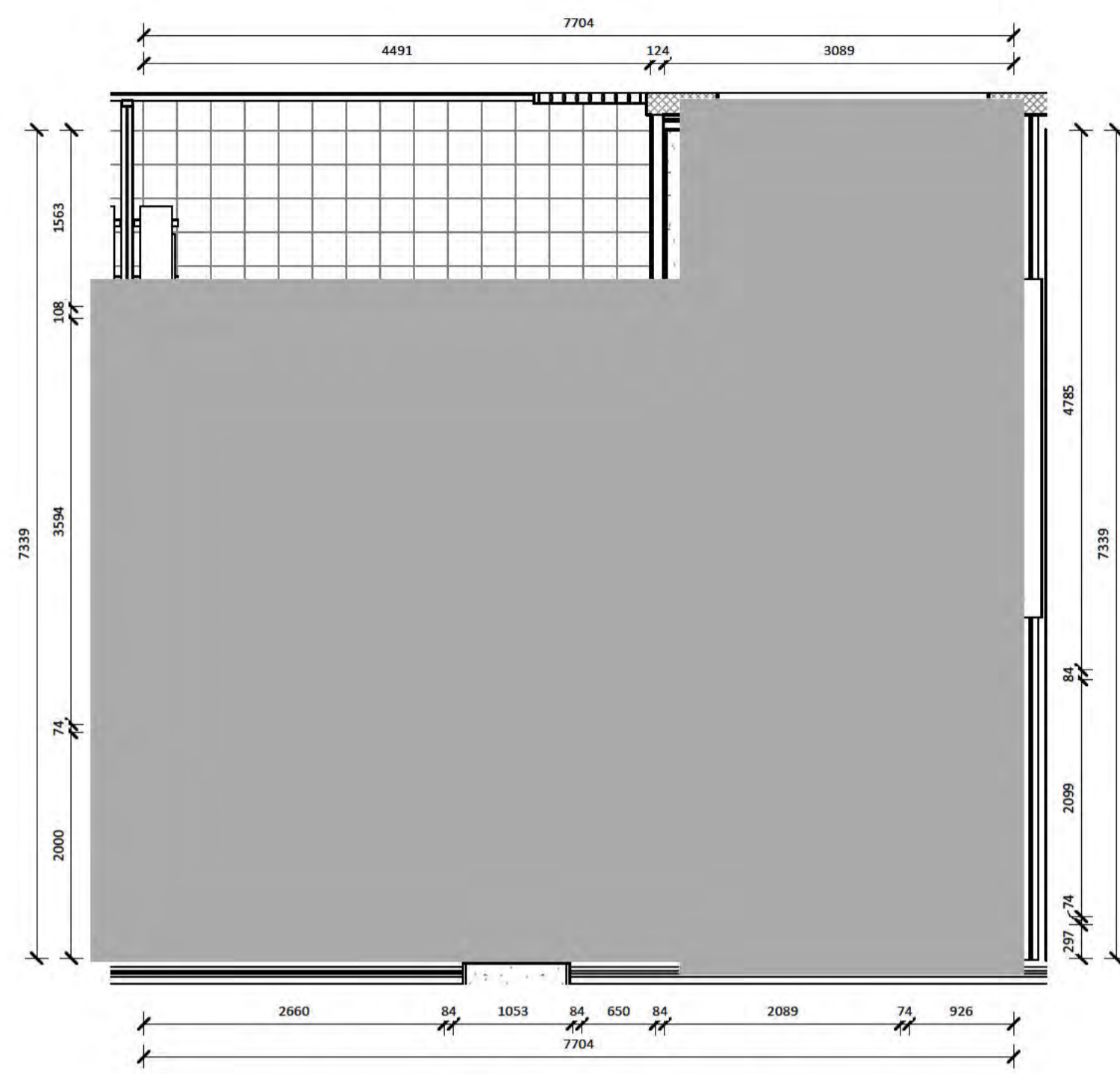


- Pre-Adapted**
- Generally
- Entry door to comply with AS 1428.1 (2009)
  - Entry door to have a minimum 850mm clearance
  - Entry door handles and hardware to AS 1428.1 (2009) and located between 900 - 1100mm above the finished floor level
  - Light switches to be located adjacent to door handles (where possible) and at a height between 900 - 1100mm
  - GPOs to be located at 600mm above the finished floor level (where possible)
- Living
- Potential illumination to be minimum 300 lux
  - Provision for circulation space of minimum 2250mm (diameter)
  - Minimum of 4 double GPOs
  - Telephone provided adjacent to GPO
- Kitchen
- Slip resistant floor to AS/ NZS 3661.1
  - 1 GPO within 300mm of the front edge of the work surface
  - GPO to refrigerator to be easily reachable when refrigerator is in its operating position
  - Cooktop to include either front or side controls with raised cross bars
  - Cooktops to include isolating switch
  - 150mm maximum sink bowl depth Laundry
  - Slip resistant floor to AS/ NZS 3661.1
  - Provision for washing machine
  - Provide double GPO
- Bedroom
- Provide 2 double GPOs on wall where bedhead is likely to be
  - Provide minimum 1 GPO on opposite wall
  - Provide telephone outlet next to bed
- Bathroom
- Shower waterproofed to AS 3730 with fall to waste to AS 1428.1 (2009)
  - Slip resistant floor to AS/ NZS 3661.1
  - Provide a recessed soap holder
  - Position taps for easy reach to side of access
  - Provide reinforcing to walls for adapted installation of grabrails to shower and w/c as per AS1428.1 (2009)
  - Provide 1 double GPO beside the mirror
  - Shower waste minimum 80mm diameter
  - Secondary plumbing to be installed and capped for future reconfiguration of bathrooms and laundries

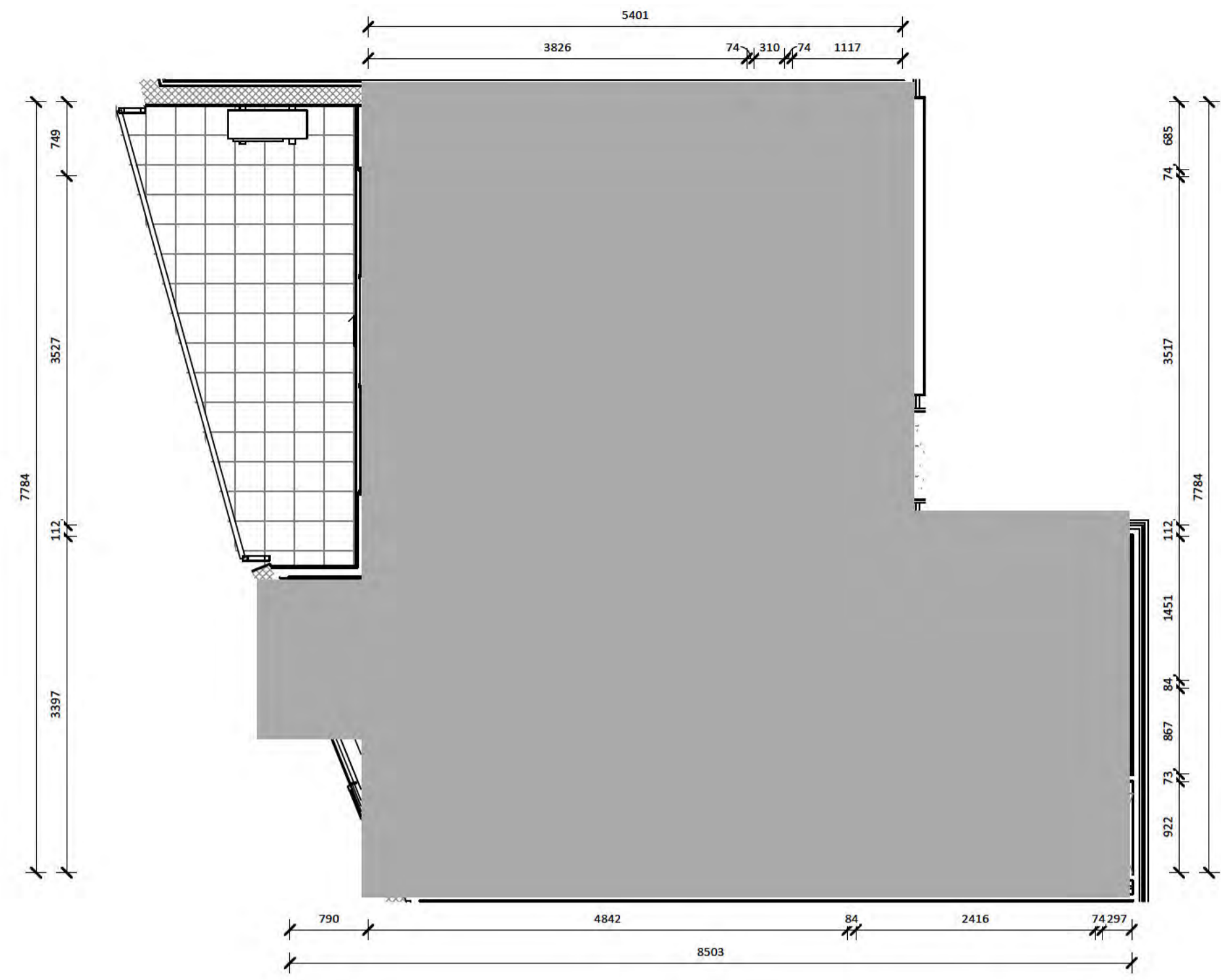
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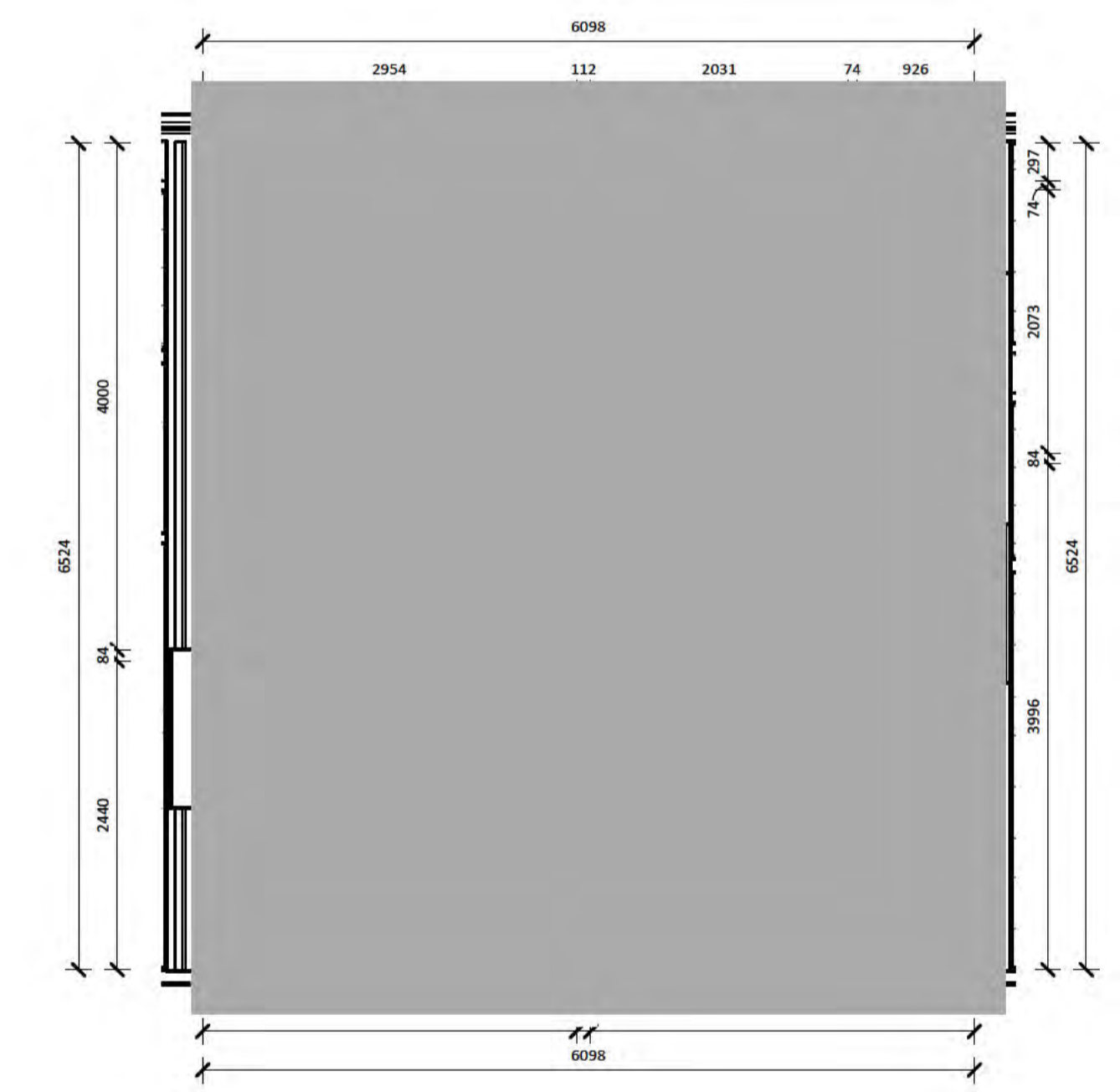
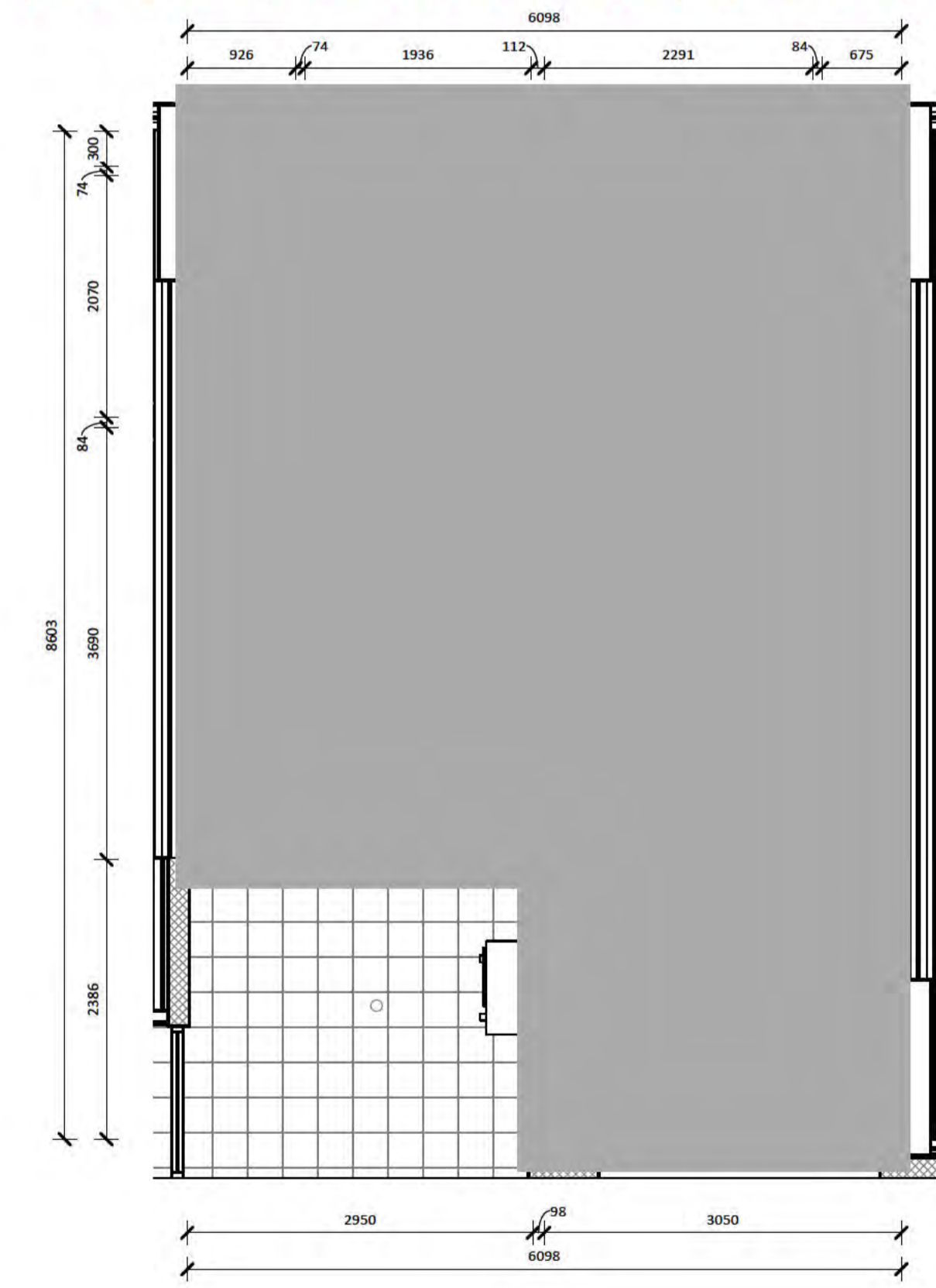
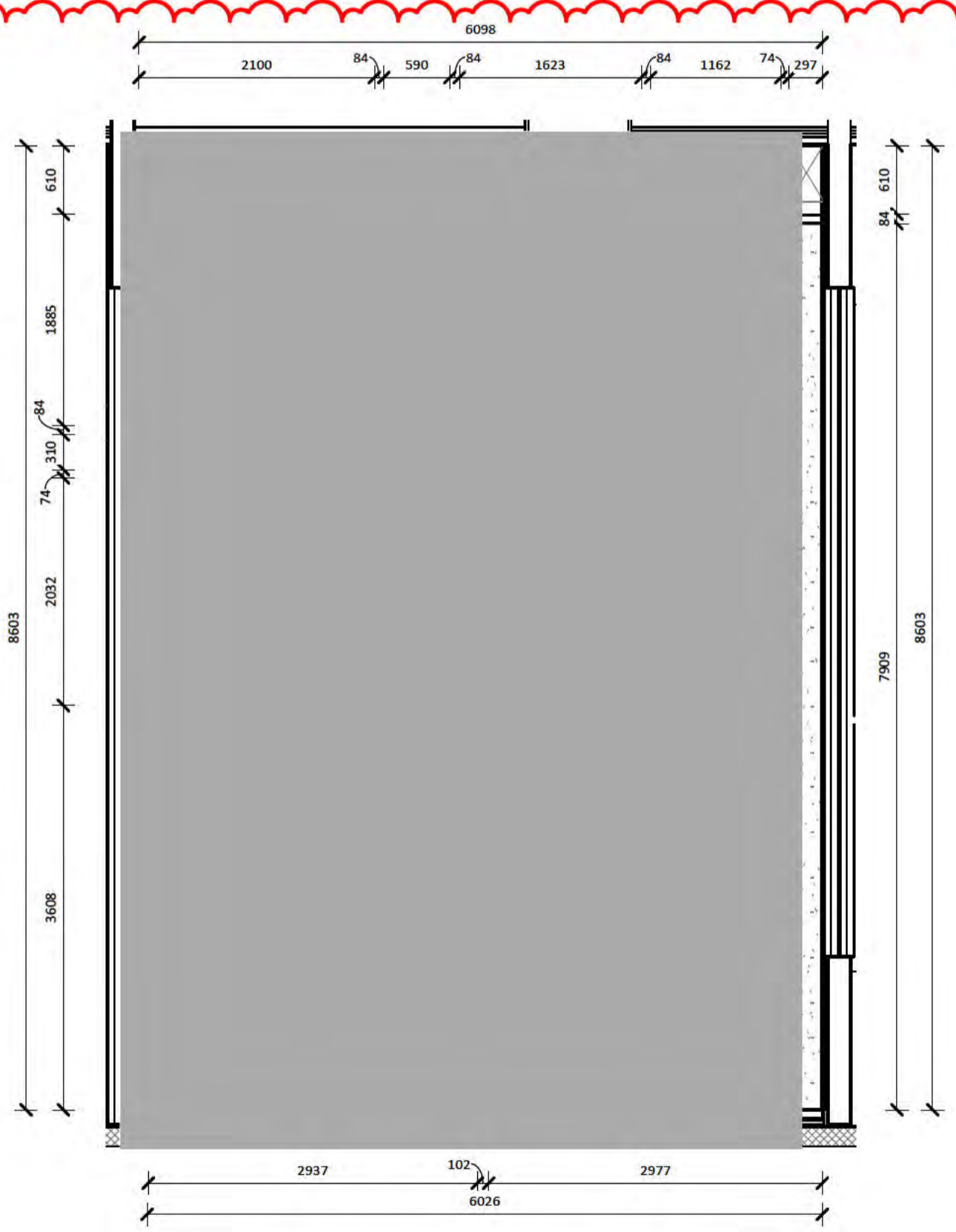




2 DA - UNIT TYPE P-C (PRE-ADAPTED)  
1 : 50



1 DA - UNIT TYPE P-O (PRE-ADAPTED)  
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  - Slip resistant floor to AS/ NZS 3661.1
  - Provide a recessed soap holder
  - Position taps for easy reach to side of access
  - Provide reinforcing to walls for adapted installation of grabrails to shower and w/c as per AS1428.1 (2009)
  - Provide 1 double GPO beside the mirror
  - Shower waste minimum 80mm diameter
  - Secondary plumbing to be installed and capped for future reconfiguration of bathrooms and laundries

ADAPTABLE UNIT LAYOUTS MODIFIED

DA - UNIT SCHEDULE - ADAPTABLE	
UNIT TYPE	COUNT
NT-C	2
P-C	4
P-O	9
SP-G	2
T-H	26
TOTAL	43

LEGEND	
CON-1	- OFF FORM CONCRETE - LIGHT GREY TINT
RRW-1	- PAINTED & RENDERED REDWALL - LIGHT GREY
MC-1	- Z-PURLIN METAL SECTION SCREEN
BAL-1	- CLEAR GLASS BALUSTRADE
BAL-2	- SLATTED VERTICAL SCREEN
BAL-3	- FROSTED GRASS BALCONY SCREEN
BAL-4	- CLEAR GLASS BALUSTRADE
BAL-5&6	- REFLECTIVE GLASS TOWER BALUSTRADE
BAL-7	- CONTINUOUS VERTICALS STEEL BALUSTRADE
BAL-8	- CONCRETE BALUSTRADE
BAL-9	- POOL FENCE TO AS 1926.1
BAL-10	- COURTYARD SCREEN

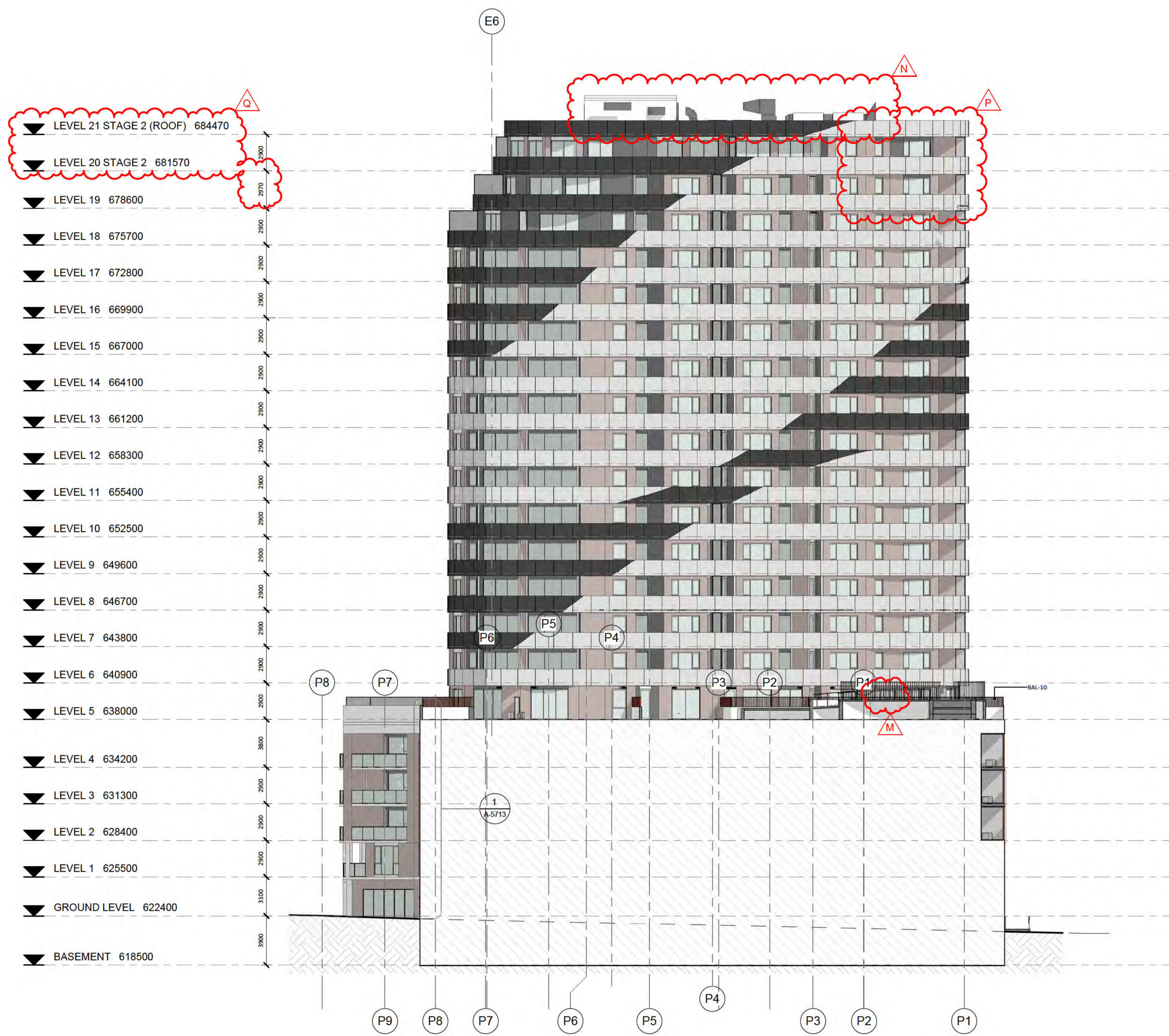


1 East Elevation  
1:200

LEGEND - DA AMENDMENTS	
A	CAR PARKING LAYOUT AMENDED
B	CAR PARKING LOT ADDED (TOTAL OF 3 LOTS ADDED)
C	DISABLED PARKING LOT RELOCATED
D	MODIFICATION TO STORAGE CAGES LAYOUT AND RE-ALLOCATION
E	STORAGE CAGE ADDED (TOTAL OF 1 LOT ADDED)
F	DRAWING SHEETS ADDED
G	DISABLED RAMP AMENDED
H	RELOCATION OF DOOR AT RETAIL 04
J	LANDSCAPE LAYOUT AMENDED
K	WINDOW CHANGED TO SWING DOOR
L	LAYOUT REVISED FOR UNIT 237
M	SLIDING DOOR / WINDOW ADDED
N	MECHANICAL VERTICAL FINS SCREENING DELETED
P	GLASS BALUSTRADE FACADE PATTERN UPDATED
Q	PENTHOUSE RAISED BY 70MM AS PER STRUCTURAL DESIGN
R	MINOR ADJUSTMENT TO WINDOW HEIGHT ELEVATION
S	CONCRETE PRECAST WALL AMENDED

DA AMENDMENT

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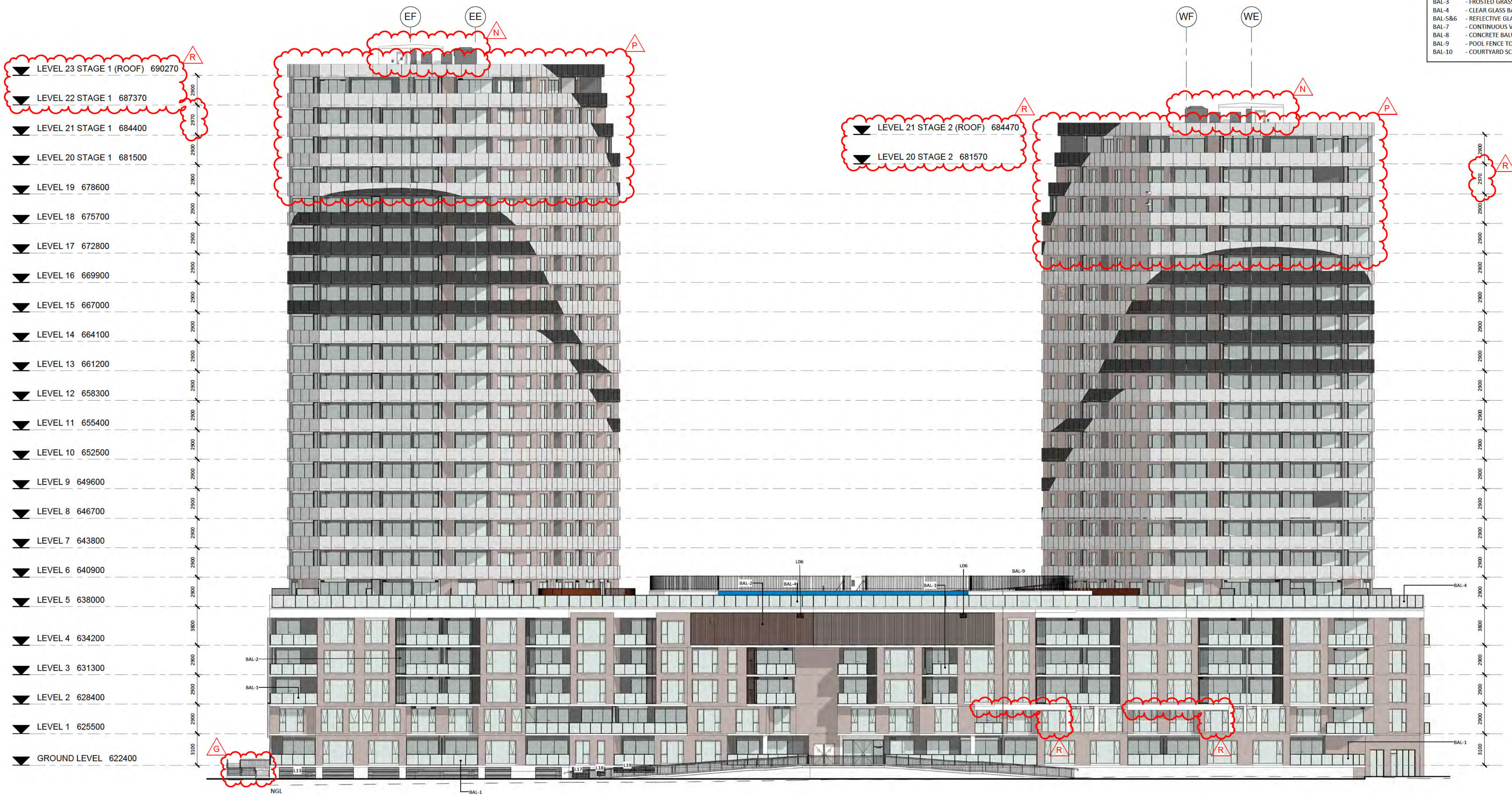


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1 North Elevation  
1:200

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DA AMENDMENT



**GEOCON**  
BUILDING CANBERRA

INFINITY TOWERS GUNGAHLIN  
BLOCK 2 & 3 SECTION 209 GUNGAHLIN

DA-D200

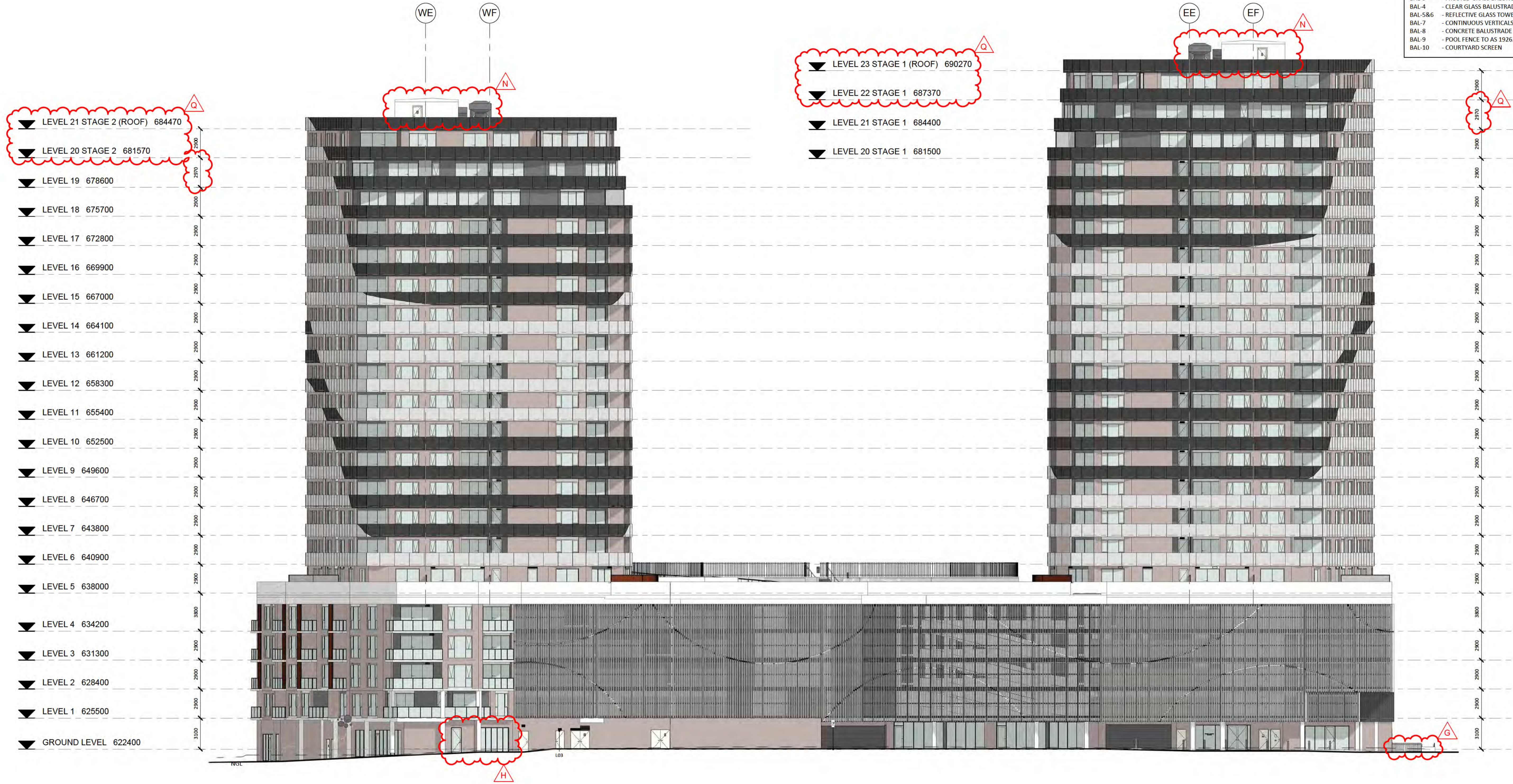
BUILDING A & B COMBINED -  
NORTH ELEVATION

0 2 4 6 8 10m Scale 1:200 @ A1

revision 2 date 10/02/2017

project 4188E

LEGEND	
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REW-1	- PAINTED & RENDERED REDIWALL - LIGHT GREY
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- ▼ LEVEL 21 STAGE 2 (ROOF) 684470
- ▼ LEVEL 20 STAGE 2 681570
- ▼ LEVEL 19 678600
- ▼ LEVEL 18 675700
- ▼ LEVEL 17 672800
- ▼ LEVEL 16 669900
- ▼ LEVEL 15 667000
- ▼ LEVEL 14 664100
- ▼ LEVEL 13 661200
- ▼ LEVEL 12 658300
- ▼ LEVEL 11 655400
- ▼ LEVEL 10 652500
- ▼ LEVEL 9 649600
- ▼ LEVEL 8 646700
- ▼ LEVEL 7 643800
- ▼ LEVEL 6 640900
- ▼ LEVEL 5 638000
- ▼ LEVEL 4 634200
- ▼ LEVEL 3 631300
- ▼ LEVEL 2 628400
- ▼ LEVEL 1 625500
- ▼ GROUND LEVEL 622400

- ▼ LEVEL 23 STAGE 1 (ROOF) 690270
- ▼ LEVEL 22 STAGE 1 687370
- ▼ LEVEL 21 STAGE 1 684400
- ▼ LEVEL 20 STAGE 1 681500

1 South Elevation  
1 : 200

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H	RELOCATION OF DOOR AT RETAIL 04
J	LANDSCAPE LAYOUT AMENDED
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L	LAYOUT REVISED FOR UNIT 237
M	SLIDING DOOR / WINDOW ADDED
N	MECHANICAL VERTICAL FIN SCREENING DELETED
P	GLASS BALUSTRADE FACADE PATTERN UPDATED
Q	PENTHOUSE RAISED BY 70MM AS PER STRUCTURAL DESIGN
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S	CONCRETE PRECAST WALL AMENDED

DA AMENDMENT

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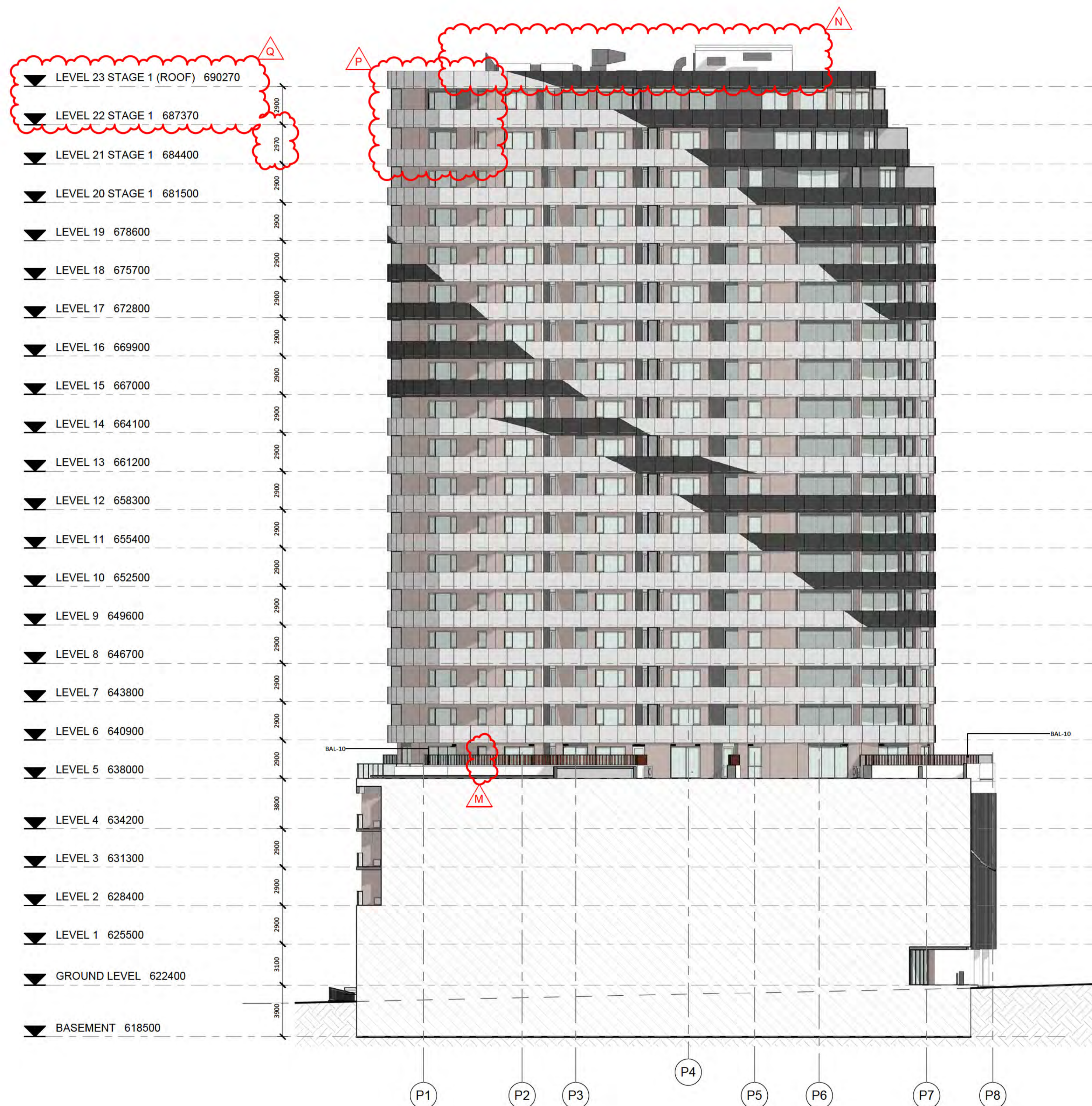


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1:200

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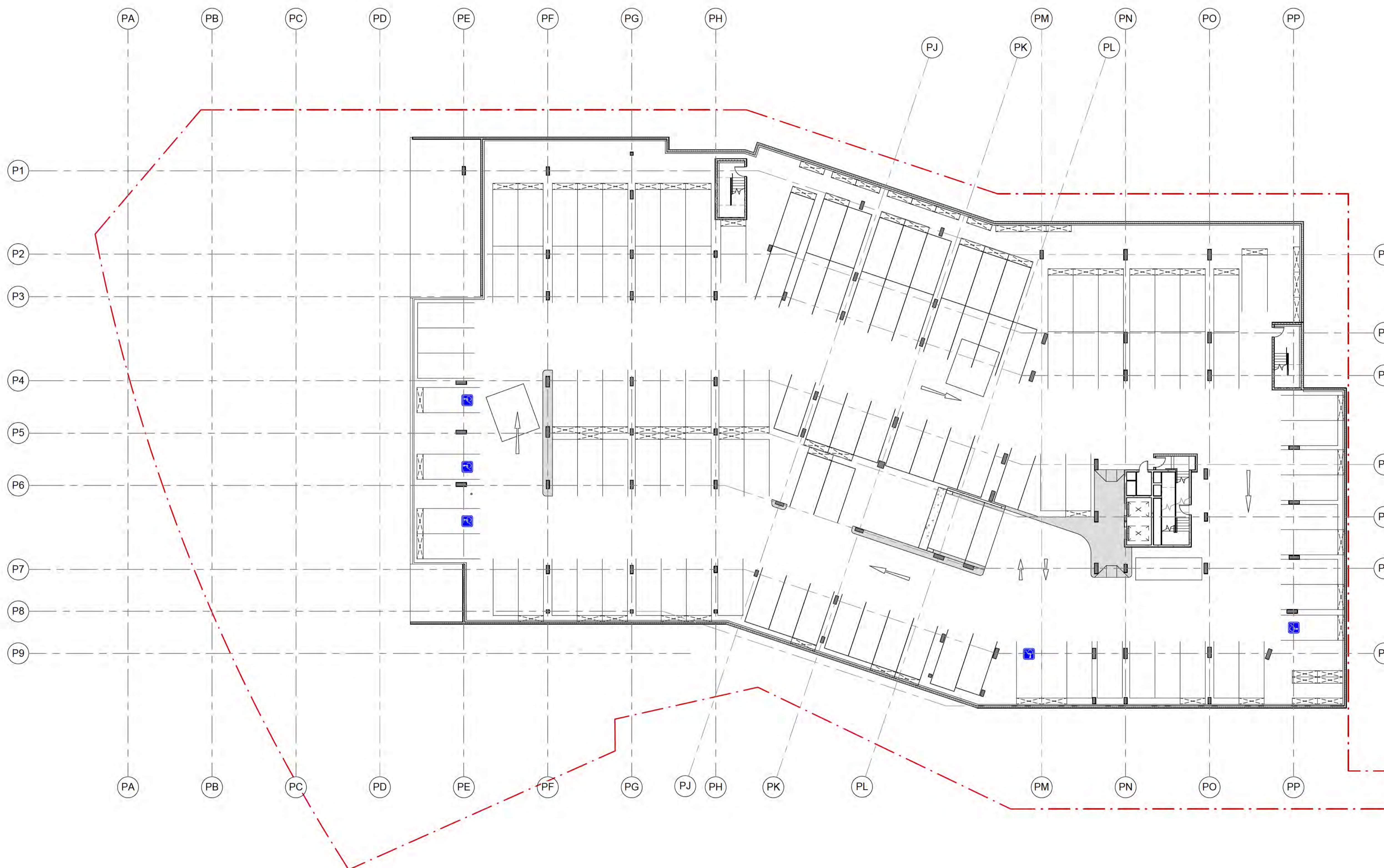
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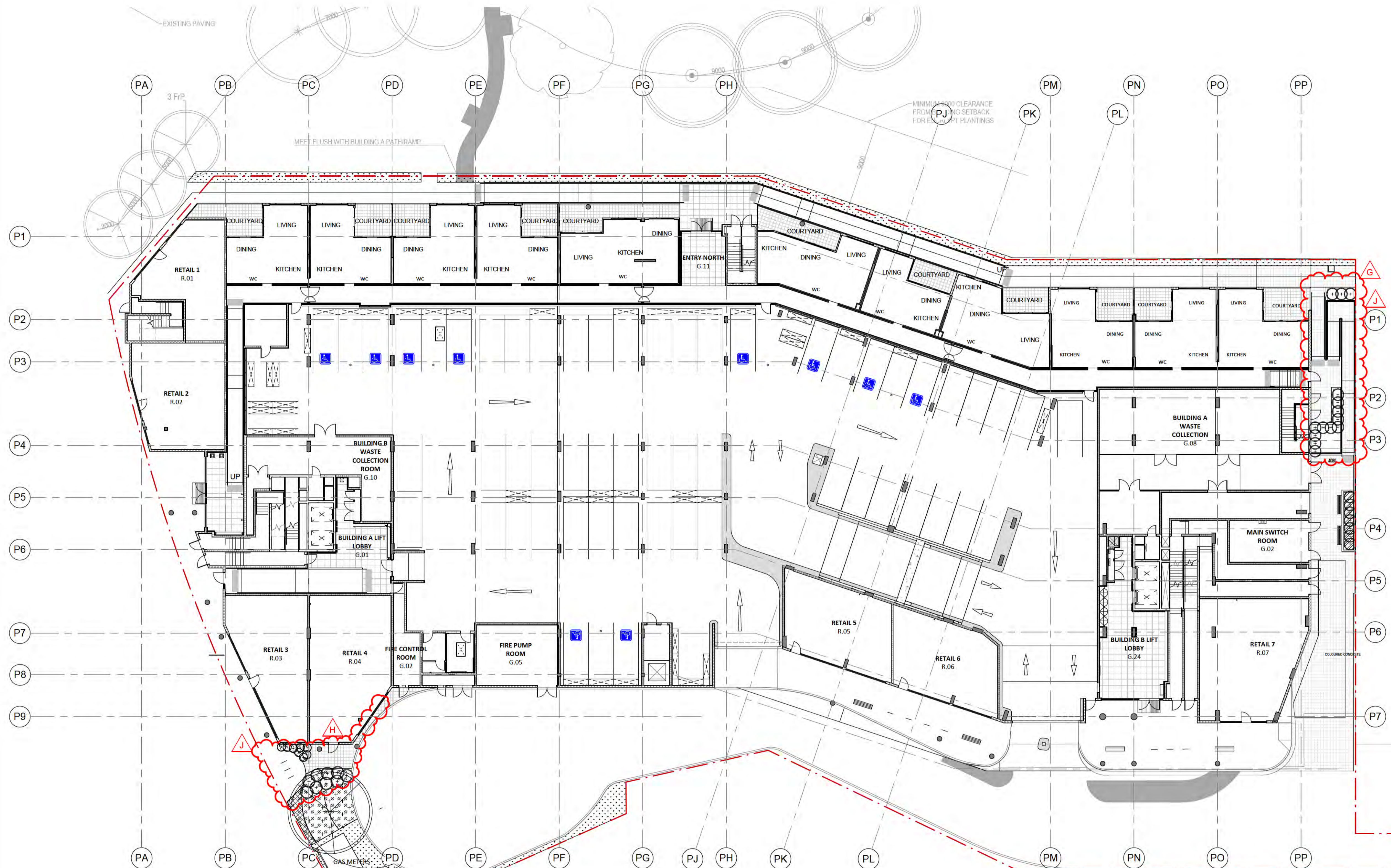
DA AMENDMENT



INTERNAL MODIFICATION TO CAR PARKING AND STORAGE CAGE LAYOUT

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S	CONCRETE PRECAST WALL AMENDED

DA AMENDMENT  
NOT TO BE USED FOR CONSTRUCTION

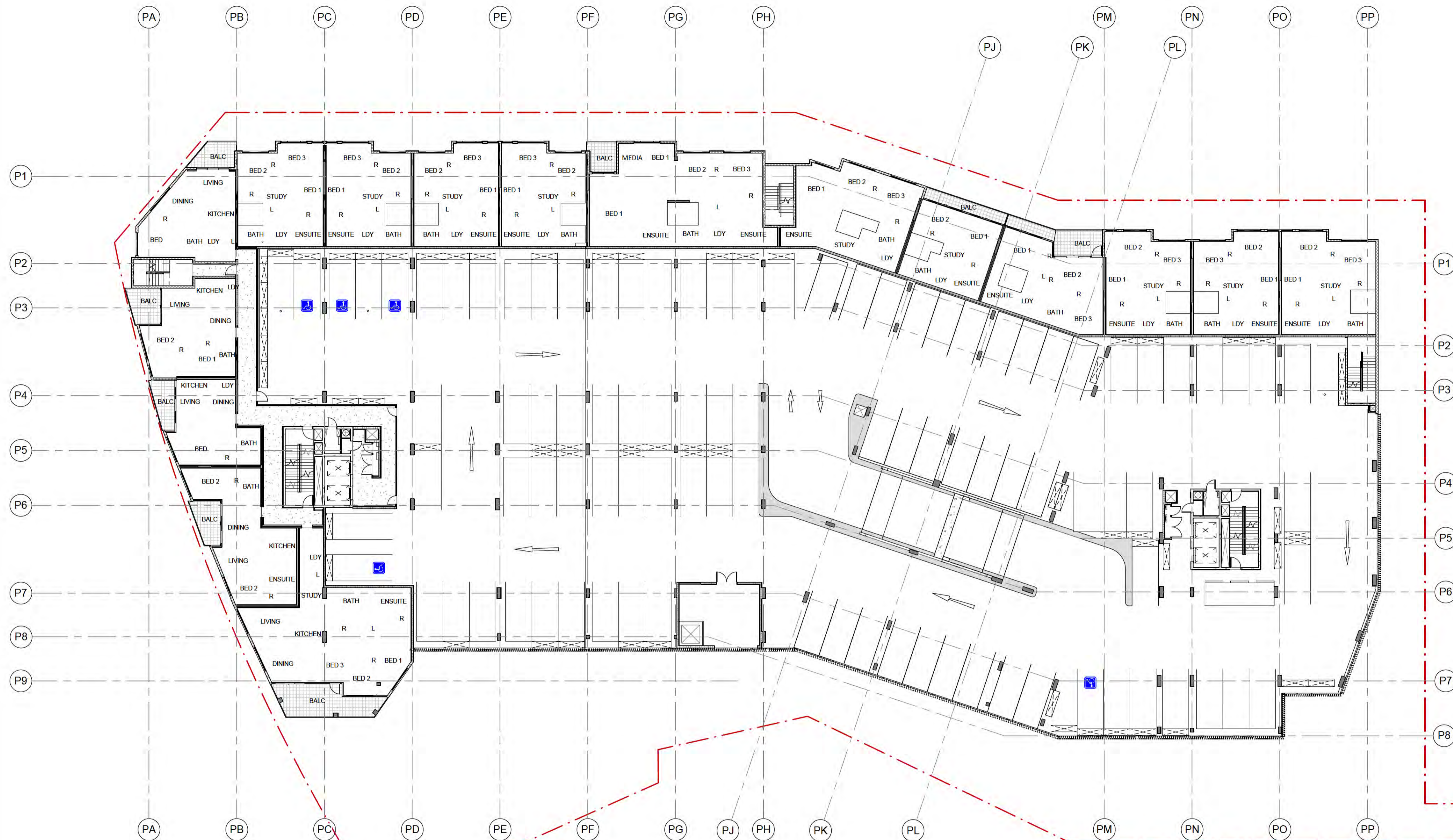


- NOTES**
- HEAD HEIGHT OVER ACCESSIBLE CAR PARKING SPACES TO BE IN ACCORDANCE WITH AS 2890.6
  - PASSENGER LIFTS TO AS 1735.12 & BCA E3.6
  - ACCESSIBLE PATH OF TRAVEL PROVIDED TO ALL SOLE OCCUPANCY UNITS SERVED BY A LIFT
  - TACTILE INDICATORS TO ROAD CROSSINGS AS PER AS 1428.4
  - ENTRANCE TO ALL BUILDINGS ALONG ACCESSIBLE PATH OF TRAVEL ARE ACCESSIBLE TO AS 128.1
  - ALL DOORS SINGLE LEAF 920mm OR ACTIVE LEAF OF DOUBLE DOORS MIN 920mm
  - ACCESS TO WASTE ROOM NOT PROVIDED TO TENANTS
  - ALL FLOOR SURFACES TO BE SLIP RESISTANT, BROOM FINISHED CONCRETE EXTERNAL (OR SIMILAR), SLIP RESISTANT FLOOR FINISH INTERNALLY (TO BE SELECTED BY COMMERCIAL TENANT)
  - HANDRAIL TO AS 1428.1
  - EXTERNAL LIGHTING DESIGNED IN ACCORDANCE WITH AS 1158.3 - LIGHTING OF ROADS & PUBLIC SPACES & TO THE ACT CRIME PREVENTION & URBAN DESIGN RESOURCES MANUAL
  - TO BE READ IN CONJUNCTION WITH LANDSCAPE DRAWINGS
  - ALL ADAPTABLE UNITS TO COMPLY WITH AS 4299-1995 & THE ACCESS MOBILITY CODE
  - REFER TO ACOUSTIC REPORT
  - REFER TO WIND REPORT
  - TENANCY LAYOUT, RETAIL CONFIGURATION & ACCESS OFF STREET TENANCIES TO BE CONFIRMED WITH SUBSEQUENT INDIVIDUAL DEVELOPMENT APPLICATIONS
  - MINIMUM SIGHTLINES FOR PEDESTRIAN SAFETY WILL OCCUR IN ACCORDANCE WITH AS 2890.1

**INTERNAL MODIFICATION TO CAR PARKING AND STORAGE CAGE LAYOUT**

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  - ALL TOWER UNITS HAVE DIRECT ACCESS TO WASTE CHUTE THAT FEED TO WASTE ROOM BELOW
  - ACCESSIBLE PATH OF TRAVEL PROVIDED TO SOLE OCCUPANCY UNITS SERVED BY A LIFT
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- ALL FLOOR SURFACES TO BE SLIP RESISTANT, BROOM FINISHED CONCRETE EXTERNAL (OR SIMILAR), SLIP RESISTANT FLOOR FINISH INTERNALLY (TO BE SELECTED BY COMMERCIAL TENANT)**
- HANDRAIL TO AS 1428.1**
- LEGEND**
- A ACCESSIBLE APARTMENT
  - PS 1.8 NOM. HIGH PRIVACY SCREENING
- ADAPTABLE PARKING**
- BICYCLE PARKING
  - STORAGE AREA 2400mm x 600mm
  - V VISITOR PARKING
  - CAR PARK MIRRORS
  - DRYING AREA
  - CONDENSOR UNITS
  - SITE BOUNDARY

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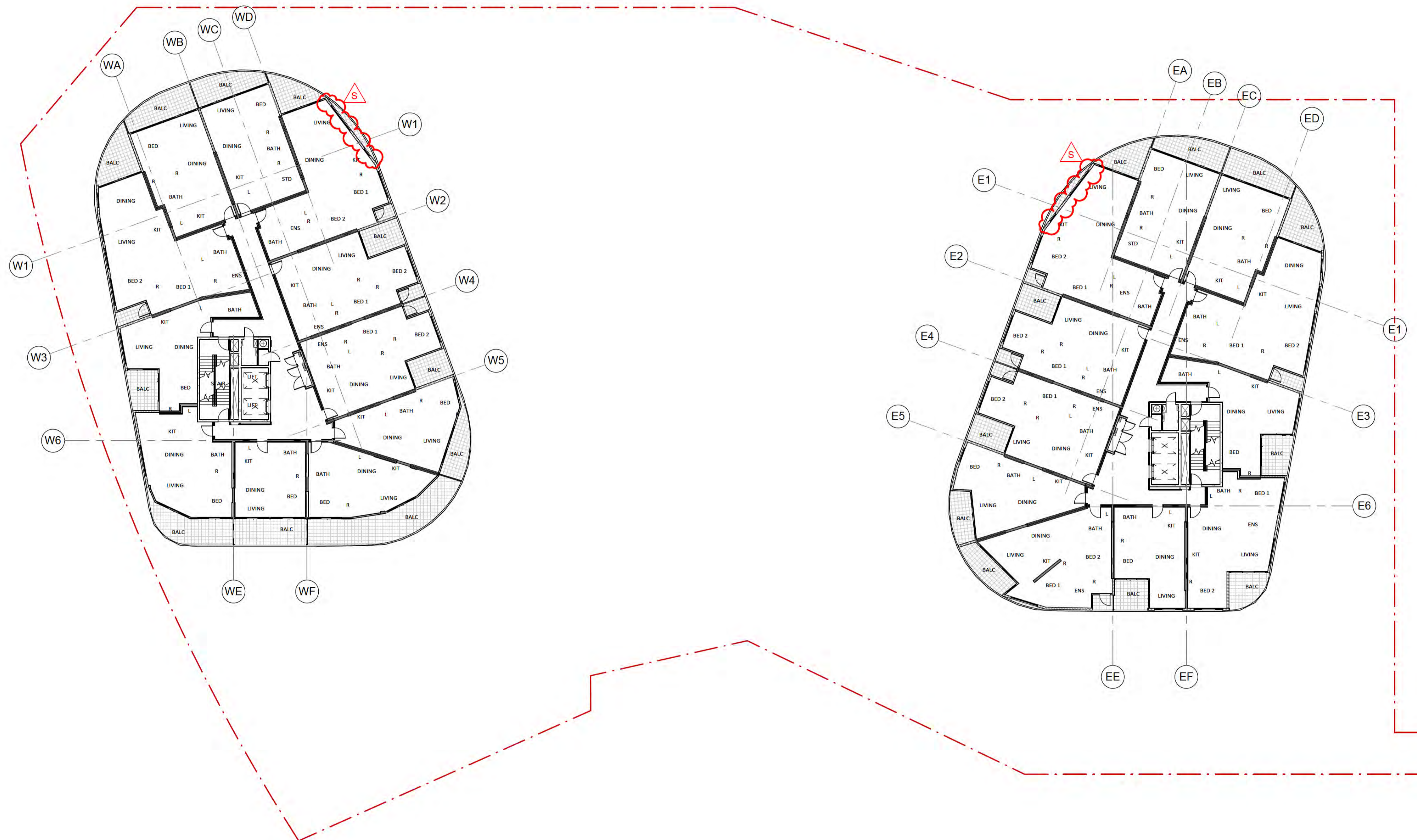


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**INTERNAL MODIFICATION TO CAR PARKING AND STORAGE CAGE LAYOUT**

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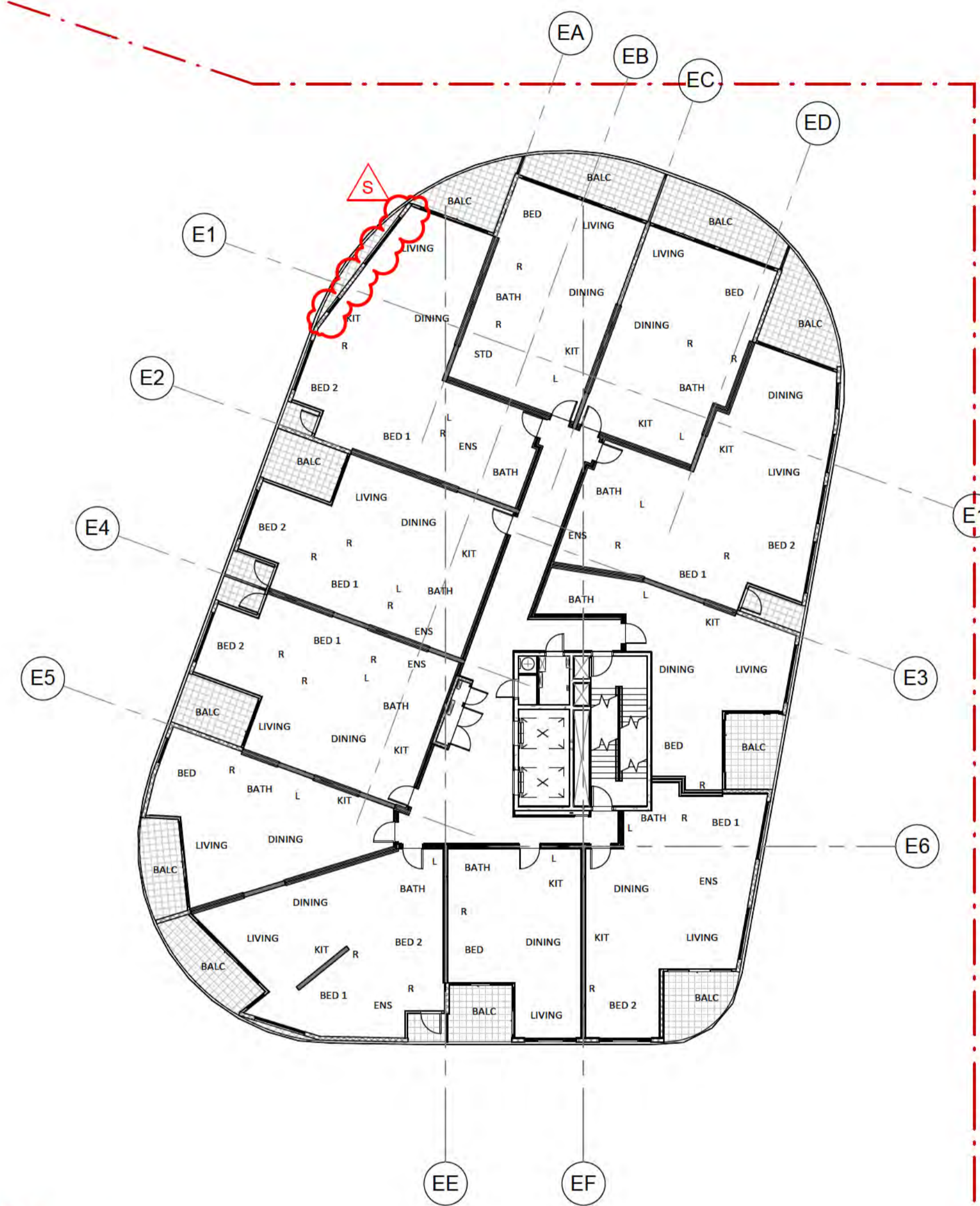
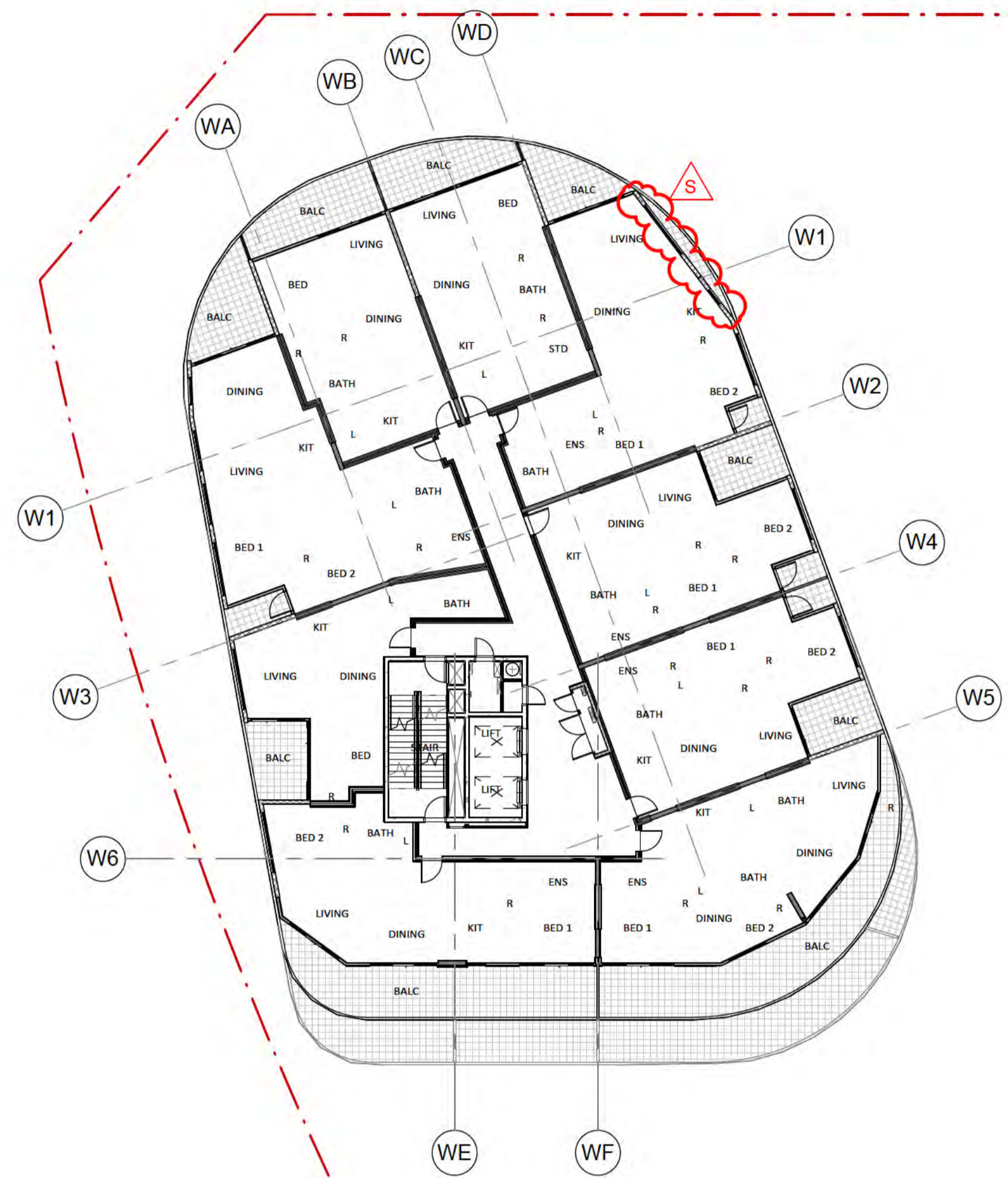


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- ALL FLOOR SURFACES TO BE SLIP RESISTANT, BROOM FINISHED CONCRETE EXTERNAL (OR SIMILAR), SLIP RESISTANT FLOOR FINISH INTERNALLY (TO BE SELECTED BY COMMERCIAL TENANT)
- HANDRAIL TO AS 1428.1**
- LEGEND**
- A ACCESSIBLE APARTMENT
  - PS 1.8 NOM. HIGH PRIVACY SCREENING
- ADAPTABLE PARKING
- BICYCLE PARKING
- STORAGE AREA 2400mm x 600mm
- V VISITOR PARKING
- CAR PARK MIRRORS
- DRYING AREA
- CONDENSOR UNITS
- SITE BOUNDARY

LEGEND - DA AMENDMENTS	
A	CAR PARKING LAYOUT AMENDED
B	CAR PARKING LOT ADDED (TOTAL OF 3 LOTS ADDED)
C	DISABLED PARKING LOT RELOCATED
D	MODIFICATION TO STORAGE CAGES LAYOUT AND RE-ALLOCATION
E	STORAGE CAGE ADDED (TOTAL OF 1 LOT ADDED)
F	DRAWING SHEETS ADDED
G	DISABLED RAMP AMENDED
H	RELOCATION OF DOOR AT RETAIL 04
J	LANDSCAPE LAYOUT AMENDED
K	WINDOW CHANGED TO SWING DOOR
L	LAYOUT REVISED FOR UNIT 237
M	SLIDING DOOR / WINDOW ADDED
N	MECHANICAL VERTICAL FINS SCREENING DELETED
P	GLASS BALUSTER FACADE PATTERN UPDATED
Q	PENTHOUSE RAISED BY 70MM AS PER STRUCTURAL DESIGN
R	MINOR ADJUSTMENT TO WINDOW HEIGHT ELEVATION
S	CONCRETE PRECAST WALL AMENDED

**DA AMENDMENT**  
NOT TO BE USED FOR CONSTRUCTION



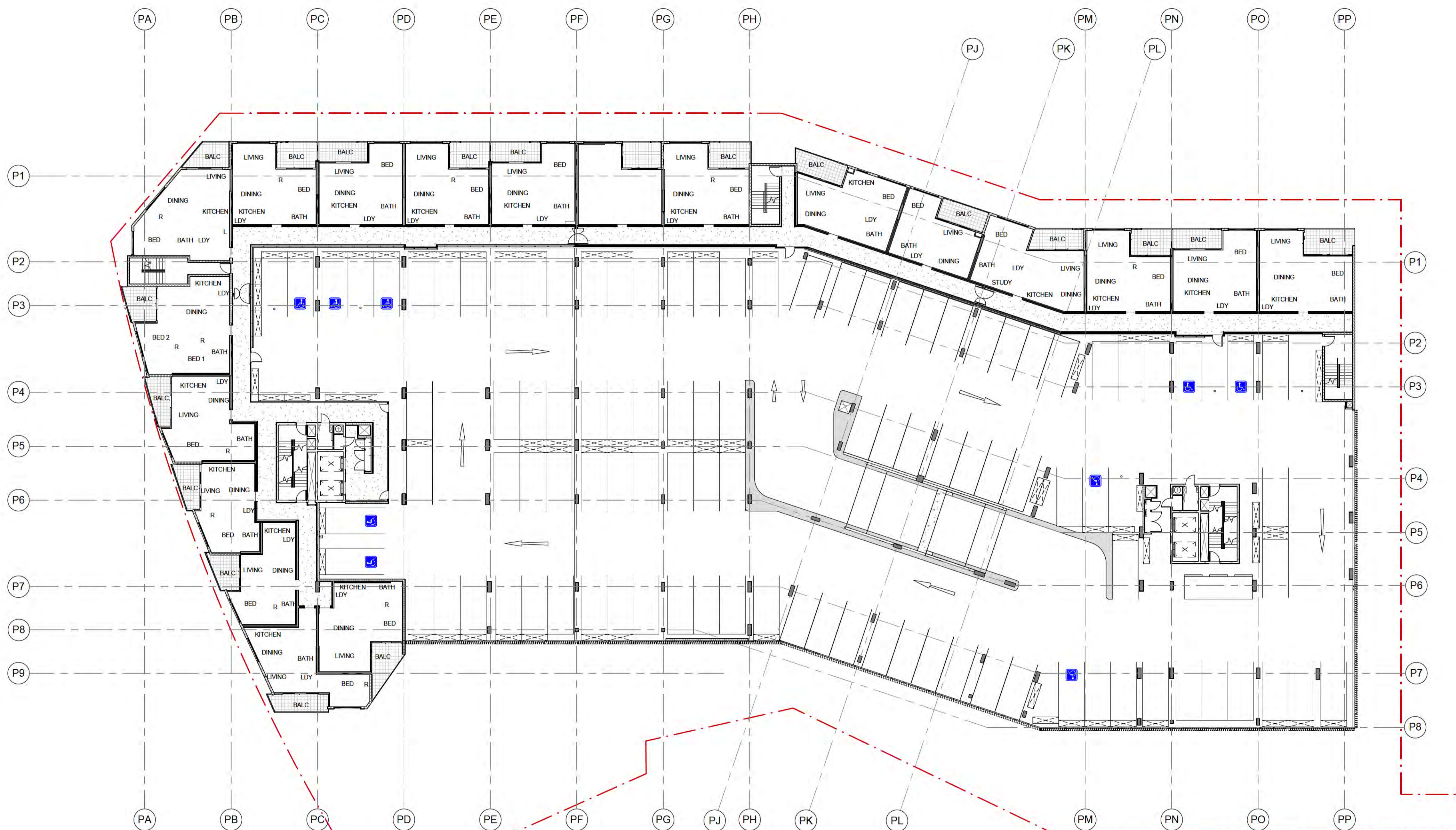
- NOTES**
- HEAD HEIGHT OVER ACCESSIBLE CAR PARKING SPACES TO BE IN ACCORDANCE WITH AS 2890.6
  - PASSENGER LIFTS TO AS 1735.12 & BCA E3.6
  - ACCESSIBLE PATH OF TRAVEL PROVIDED TO ALL SOLE OCCUPANCY UNITS SERVED BY A LIFT
  - TACTILE INDICATORS TO ROAD CROSSINGS AS PER AS 1428.4
  - ENTRANCE TO ALL BUILDINGS ALONG ACCESSIBLE PATH OF TRAVEL ARE ACCESSIBLE TO AS 128.1
  - ALL DOORS SINGLE LEAF 920mm OR ACTIVE LEAF OF DOUBLE DOORS MIN 920mm
  - ACCESS TO WASTE ROOM NOT PROVIDED TO TENANTS
  - ALL FLOOR SURFACES TO BE SLIP RESISTANT, BROOM FINISHED CONCRETE EXTERNAL (OR SIMILAR), SLIP RESISTANT FLOOR FINISH INTERNALLY (TO BE SELECTED BY COMMERCIAL TENANT)
  - HANDRAIL TO AS 1428.1
  - EXTERNAL LIGHTING DESIGNED IN ACCORDANCE WITH AS 1158.3 - LIGHTING OF ROADS & PUBLIC SPACES & TO THE ACT CRIME PREVENTION & URBAN DESIGN RESOURCES MANUAL
  - TO BE READ IN CONJUNCTION WITH LANDSCAPE DRAWINGS
  - ALL ADAPTABLE UNITS TO COMPLY WITH AS 4299-1995 & THE ACCESS MOBILITY CODE
  - REFER TO ACOUSTIC REPORT
  - REFER TO WIND REPORT
  - TENANCY LAYOUT, RETAIL CONFIGURATION & ACCESS OFF STREET TENANCIES TO BE CONFIRMED WITH SUBSEQUENT INDIVIDUAL DEVELOPMENT APPLICATIONS
  - MINIMUM SIGHTLINES FOR PEDESTRIAN SAFETY WILL OCCUR IN ACCORDANCE WITH AS 2890.1

- NOTES**
- PASSENGER LIFTS TO AS 1735.12 & BCA E3.6
  - ALL ADAPTABLE UNITS TO COMPLY WITH AS 4299-1995 & THE ACCESS MOBILITY CODE
  - ALL UNITS TO COMPLY WITH RELEVANT SECTIONS OF THE BCA & AUST STANDARDS
  - ALL TOWER UNITS HAVE DIRECT ACCESS TO WASTE CHUTE THAT FEED TO WASTE ROOM BELOW
  - ACCESSIBLE PATH OF TRAVEL PROVIDED TO SOLE OCCUPANCY UNITS SERVED BY A LIFT
- TACTILE INDICATORS TO ROAD CROSSINGS AS PER AS 1428.4**
- ENTRANCE TO ALL BUILDINGS ALONG ACCESSIBLE PATH OF TRAVEL ARE ACCESSIBLE TO AS 128.1
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- HANDRAIL TO AS 1428.1**
- LEGEND**
- A ACCESSIBLE APARTMENT
  - PS 1.8 NOM. HIGH PRIVACY SCREENING

- ADAPTABLE PARKING
- BICYCLE PARKING
- STORAGE AREA 2400mm x 600mm
- V VISITOR PARKING
- CAR PARK MIRRORS
- DRYING AREA
- CONDENSOR UNITS
- SITE BOUNDARY

LEGEND - DA AMENDMENTS	
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B	CAR PARKING LOT ADDED (TOTAL OF 3 LOTS ADDED)
C	DISABLED PARKING LOT RELOCATED
D	MODIFICATION TO STORAGE CAGES LAYOUT AND RE-ALLOCATION
E	STORAGE CAGE ADDED (TOTAL OF 1 LOT ADDED)
F	DRAWING SHEETS ADDED
G	DISABLED RAMP AMENDED
H	RELOCATION OF DOOR AT RETAIL 04
J	LANDSCAPE LAYOUT AMENDED
K	WINDOW CHANGED TO SWING DOOR
L	LAYOUT REVISED FOR UNIT 237
M	SLIDING DOOR / WINDOW ADDED
N	MECHANICAL VERTICAL FINS SCREENING DELETED
P	GLASS BALUSTER FACADE PATTERN UPDATED
Q	PENTHOUSE RAISED BY 70MM AS PER STRUCTURAL DESIGN
R	MINOR ADJUSTMENT TO WINDOW HEIGHT ELEVATION
S	CONCRETE PRECAST WALL AMENDED

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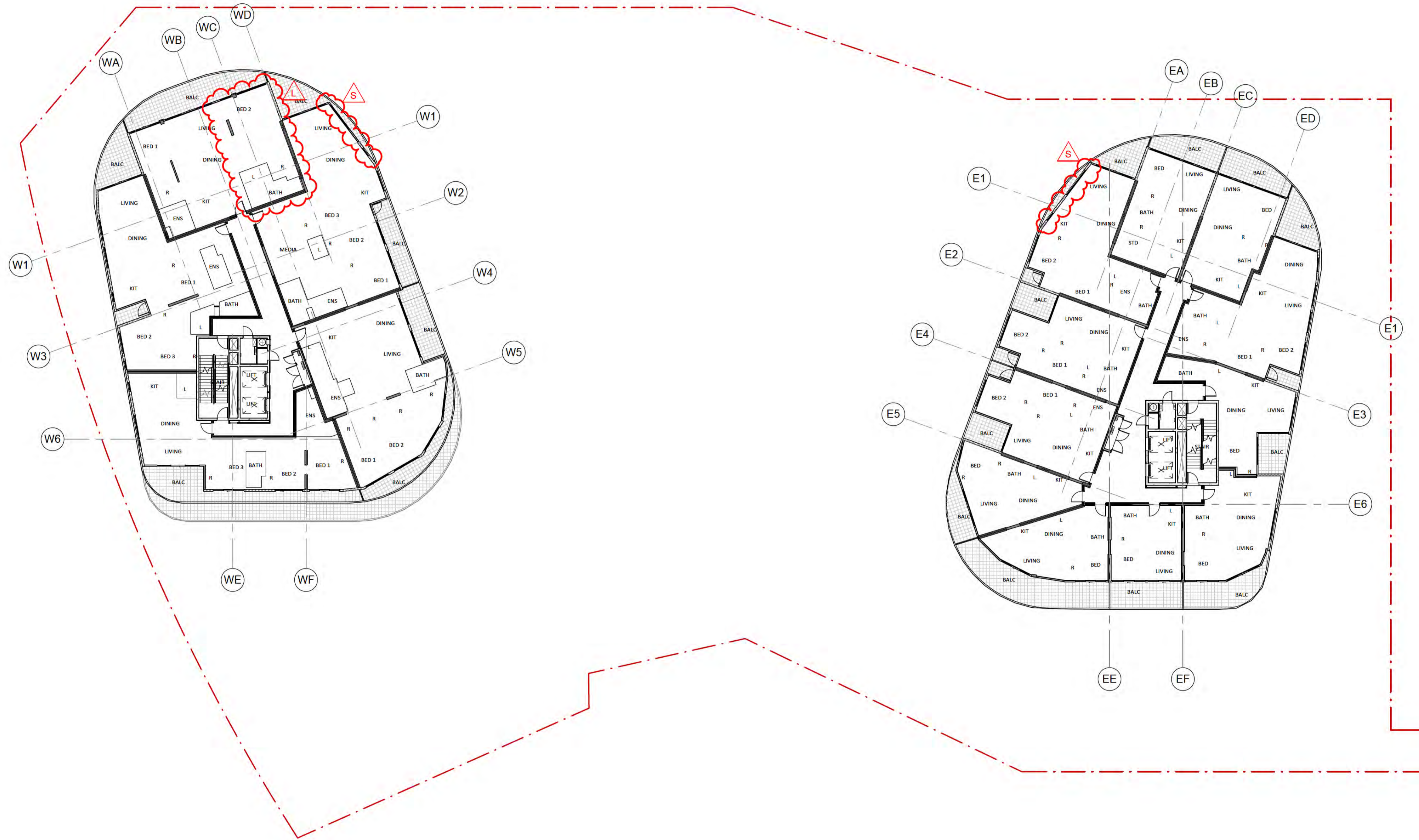
- NOTES**
- HEAD HEIGHT OVER ACCESSIBLE CAR PARKING SPACES TO BE IN ACCORDANCE WITH AS 2890.6
  - PASSENGER LIFTS TO AS 1735.12 & BCA E3.6
  - ACCESSIBLE PATH OF TRAVEL PROVIDED TO ALL SOLE OCCUPANCY UNITS SERVED BY A LIFT
  - TACTILE INDICATORS TO ROAD CROSSINGS AS PER AS 1428.4
  - ENTRANCE TO ALL BUILDINGS ALONG ACCESSIBLE PATH OF TRAVEL ARE ACCESSIBLE TO AS 128.1
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  - ALL FLOOR SURFACES TO BE SLIP RESISTANT, BROOM FINISHED CONCRETE EXTERNAL (OR SIMILAR), SLIP RESISTANT FLOOR FINISH INTERNALLY (TO BE SELECTED BY COMMERCIAL TENANT)
  - HANDRAIL TO AS 1428.1
  - EXTERNAL LIGHTING DESIGNED IN ACCORDANCE WITH AS 1588.3 - LIGHTING OF ROADS & PUBLIC SPACES & TO THE ACT CRIME PREVENTION & URBAN DESIGN RESOURCES MANUAL
  - TO BE READ IN CONJUNCTION WITH LANDSCAPE DRAWINGS
  - ALL ADAPTABLE UNITS TO COMPLY WITH AS 4299-1995 & THE ACCESS MOBILITY CODE
  - REFER TO ACOUSTIC REPORT
  - REFER TO WIND REPORT
  - TENANCY LAYOUT, RETAIL CONFIGURATION & ACCESS OFF STREET TENANCIES TO BE CONFIRMED WITH SUBSEQUENT INDIVIDUAL DEVELOPMENT APPLICATIONS
  - MINIMUM SIGHTLINES FOR PEDESTRIAN SAFETY WILL OCCUR IN ACCORDANCE WITH AS 2890.1

**INTERNAL MODIFICATION TO CAR PARKING AND STORAGE CAGE LAYOUT**

- NOTES**
- PASSENGER LIFTS TO AS1735.12 & BCA E3.6
  - ALL ADAPTABLE UNITS TO COMPLY WITH AS 4299-1995 & THE ACCESS MOBILITY CODE
  - ALL UNITS TO COMPLY WITH RELEVANT SECTIONS OF THE BCA & AJUST STANDARDS
  - ALL TOWER UNITS HAVE DIRECT ACCESS TO WASTE CHUTE THAT FEED TO WASTE ROOM BELOW
  - ACCESSIBLE PATH OF TRAVEL PROVIDED TO SOLE OCCUPANCY UNITS SERVED BY A LIFT
- TACTILE INDICATORS TO ROAD CROSSINGS AS PER AS 1428.4**
- ENTRANCE TO ALL BUILDINGS ALONG ACCESSIBLE PATH OF TRAVEL ARE ACCESSIBLE TO AS 128.1
  - ALL DOORS SINGLE LEAF 920mm OR ACTIVE LEAF OF DOUBLE DOORS MIN 920mm
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  - ALL FLOOR SURFACES TO BE SLIP RESISTANT, BROOM FINISHED CONCRETE EXTERNAL (OR SIMILAR), SLIP RESISTANT FLOOR FINISH INTERNALLY (TO BE SELECTED BY COMMERCIAL TENANT)
- HANDRAIL TO AS 1428.1**
- LEGEND**
- A ACCESSIBLE APARTMENT
  - PS 1.8 NOM. HIGH PRIVACY SCREENING
  - ADAPTABLE PARKING
  - BICYCLE PARKING
  - STORAGE AREA 2400mm x 600mm
  - V VISITOR PARKING
  - CAR PARK MIRRORS
  - DRYING AREA
  - CONDENSOR UNITS
  - SITE BOUNDARY

LEGEND - DA AMENDMENTS	
A	CAR PARKING LAYOUT AMENDED
B	CAR PARKING LOT ADDED (TOTAL OF 3 LOTS ADDED)
C	DISABLED PARKING LOT RELOCATED
D	MODIFICATION TO STORAGE CAGES LAYOUT AND RE-ALLOCATION
E	STORAGE CAGE ADDED (TOTAL OF 1 LOT ADDED)
F	DRAWING SHEETS ADDED
G	DISABLED RAMP AMENDED
H	RELOCATION OF DOOR AT RETAIL 04
J	LANDSCAPE LAYOUT AMENDED
K	WINDOW CHANGED TO SWING DOOR
L	LAYOUT REVISED FOR UNIT 237
M	SLIDING DOOR / WINDOW ADDED
N	MECHANICAL VERTICAL FINS SCREENING DELETED
P	GLASS BALUSTER FACADE PATTERN UPDATED
Q	PENTHOUSE DASHED BY TOMBAS PER STRUCTURAL DESIGN
R	MINOR ADJUSTMENT TO WINDOW HEIGHT ELEVATION
S	CONCRETE PRECAST WALL AMENDED

**DA AMENDMENT**  
NOT TO BE USED FOR CONSTRUCTION

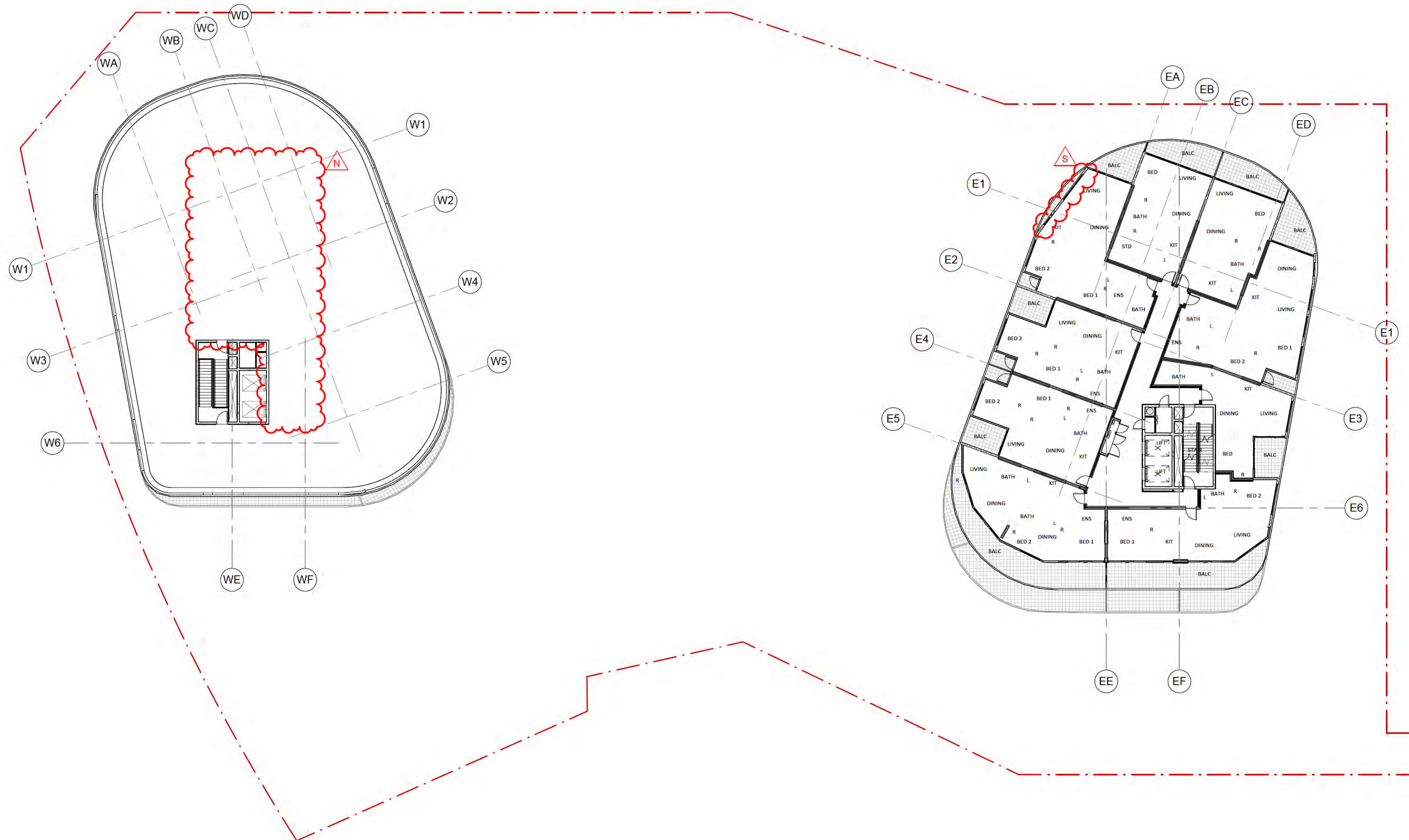


- NOTES**
- HEAD HEIGHT OVER ACCESSIBLE CAR PARKING SPACES TO BE IN ACCORDANCE WITH AS 2899.6
  - PASSENGER LIFTS TO AS 1735.12 & BCA E3.6
  - ACCESSIBLE PATH OF TRAVEL PROVIDED TO ALL SOLE OCCUPANCY UNITS SERVED BY A LIFT
  - TACTILE INDICATORS TO ROAD CROSSINGS AS PER AS 1428.4
  - ENTRANCE TO ALL BUILDINGS ALONG ACCESSIBLE PATH OF TRAVEL ARE ACCESSIBLE TO AS 128.1
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  - ALL FLOOR SURFACES TO BE SLIP RESISTANT, BROOM FINISHED CONCRETE EXTERNAL (OR SIMILAR), SLIP RESISTANT FLOOR FINISH INTERNALLY (TO BE SELECTED BY COMMERCIAL TENANT)
  - HANDRAIL TO AS 1428.1
  - EXTERNAL LIGHTING DESIGNED IN ACCORDANCE WITH AS 1158.3 - LIGHTING OF ROADS & PUBLIC SPACES & TO THE ACT CRIME PREVENTION & URBAN DESIGN RESOURCES MANUAL
  - TO BE READ IN CONJUNCTION WITH LANDSCAPE DRAWINGS
  - ALL ADAPTABLE UNITS TO COMPLY WITH AS 4299-1995 & THE ACCESS MOBILITY CODE
  - REFER TO ACOUSTIC REPORT
  - REFER TO WIND REPORT
  - TENANCY LAYOUT, RETAIL CONFIGURATION & ACCESS OFF STREET TENANCIES TO BE CONFIRMED WITH SUBSEQUENT INDIVIDUAL DEVELOPMENT APPLICATIONS
  - MINIMUM SIGHTLINES FOR PEDESTRIAN SAFETY WILL OCCUR IN ACCORDANCE WITH AS 2899.1

- NOTES**
- PASSENGER LIFTS TO AS1735.12 & BCA E3.6
  - ALL ADAPTABLE UNITS TO COMPLY WITH AS 4299-1995 & THE ACCESS MOBILITY CODE
  - ALL UNITS TO COMPLY WITH RELEVANT SECTIONS OF THE BCA & AUST STANDARDS
  - ALL TOWER UNITS HAVE DIRECT ACCESS TO WASTE CHUTE THAT FEED TO WASTE ROOM BELOW
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- HANDRAIL TO AS 1428.1**
- LEGEND**
- A ACCESSIBLE APARTMENT
  - PS 1.8 NOM. HIGH PRIVACY SCREENING
  - ADAPTABLE PARKING
  - BICYCLE PARKING
  - STORAGE AREA 2400mm x 600mm
  - V VISITOR PARKING
  - CAR PARK MIRRORS
  - DRYING AREA
  - CONDENSOR UNITS
  - SITE BOUNDARY

LEGEND - DA AMENDMENTS	
A	CAR PARKING LAYOUT AMENDED
B	CAR PARKING LOT ADDED (TOTAL OF 3 LOTS ADDED)
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D	MODIFICATION TO STORAGE CAGES LAYOUT AND RE-ALLOCATION
E	STORAGE CAGE ADDED (TOTAL OF 1 LOT ADDED)
F	DRAWING SHEETS ADDED
G	DISABLED RAMP AMENDED
H	RELOCATION OF DOOR AT RETAIL 04
J	LANDSCAPE LAYOUT AMENDED
K	WINDOW CHANGED TO SWING DOOR
L	LAYOUT REVISED FOR UNIT 237
M	SLIDING DOOR / WINDOW ADDED
N	MECHANICAL VERTICAL FINS SCREENING DELETED
P	GLASS BALUSTER FACADE PATTERN UPDATED
Q	PENTHOUSE RAISED BY 70MM AS PER STRUCTURAL DESIGN
R	MINOR ADJUSTMENT TO WINDOW HEIGHT ELEVATION
S	CONCRETE PRECAST WALL AMENDED

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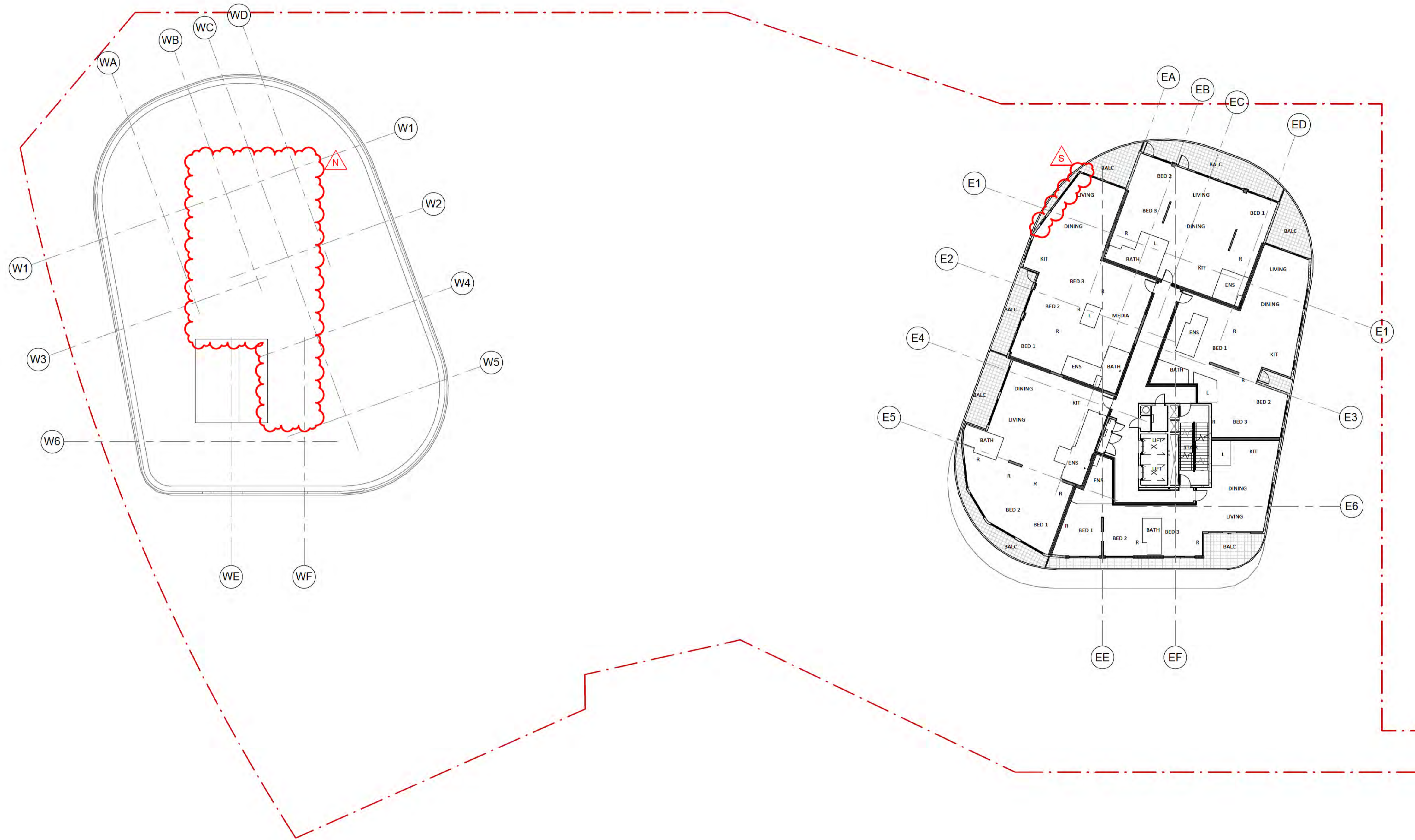


- NOTES**
- HEAD HEIGHT OVER ACCESSIBLE CAR PARKING SPACES TO BE IN ACCORDANCE WITH AS 2890.6
  - PASSENGER LIFTS TO AS 1735.12 & BCA E3.6
  - ACCESSIBLE PATH OF TRAVEL PROVIDED TO ALL SOLE OCCUPANCY UNITS SERVED BY A LIFT
  - TACTILE INDICATORS TO ROAD CROSSINGS AS PER AS 1428.4
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  - HANDRAIL TO AS 1428.1
  - EXTERNAL LIGHTING DESIGNED IN ACCORDANCE WITH AS 158.9 - LIGHTING OF ROADS & PUBLIC SPACES & TO THE ACT CRIME PREVENTION & URBAN DESIGN RESOURCES MANUAL
  - TO BE READ IN CONJUNCTION WITH LANDSCAPE DRAWINGS
  - ALL ADAPTABLE UNITS TO COMPLY WITH AS 4299-1995 & THE ACCESS MOBILITY CODE
  - REFER TO ACOUSTIC REPORT
  - REFER TO WIND REPORT
  - TENANCY LAYOUT, RETAIL CONFIGURATION & ACCESS OFF STREET TENANCES TO BE CONFIRMED WITH SUBSEQUENT INDIVIDUAL DEVELOPMENT APPLICATIONS
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  - PS 1.8 NOM. HIGH PRIVACY SCREENING
- ADAPTABLE PARKING**
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  - STORAGE AREA 2400mm x 600mm
  - V VISITOR PARKING
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- DRYING AREA**
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E	STORAGE CAGE ADDED (TOTAL OF 1 LOT ADDED)
F	DRAWING SHEETS ADDED
G	DISABLED RAMP AMENDED
H	RELOCATION OF DOOR AT RETAIL 04
J	LANDSCAPE LAYOUT AMENDED
K	WINDOW CHANGED TO SWING DOOR
L	LAYOUT REVISED FOR UNIT 237
M	SLIDING DOOR / WINDOW ADDED
N	MECHANICAL VERTICAL FINS SCREENING DELETED
P	GLASS BALUSTER FACADE PATTERN UPDATED
Q	PENTHOUSE RAISED BY 70MM AS PER STRUCTURAL DESIGN
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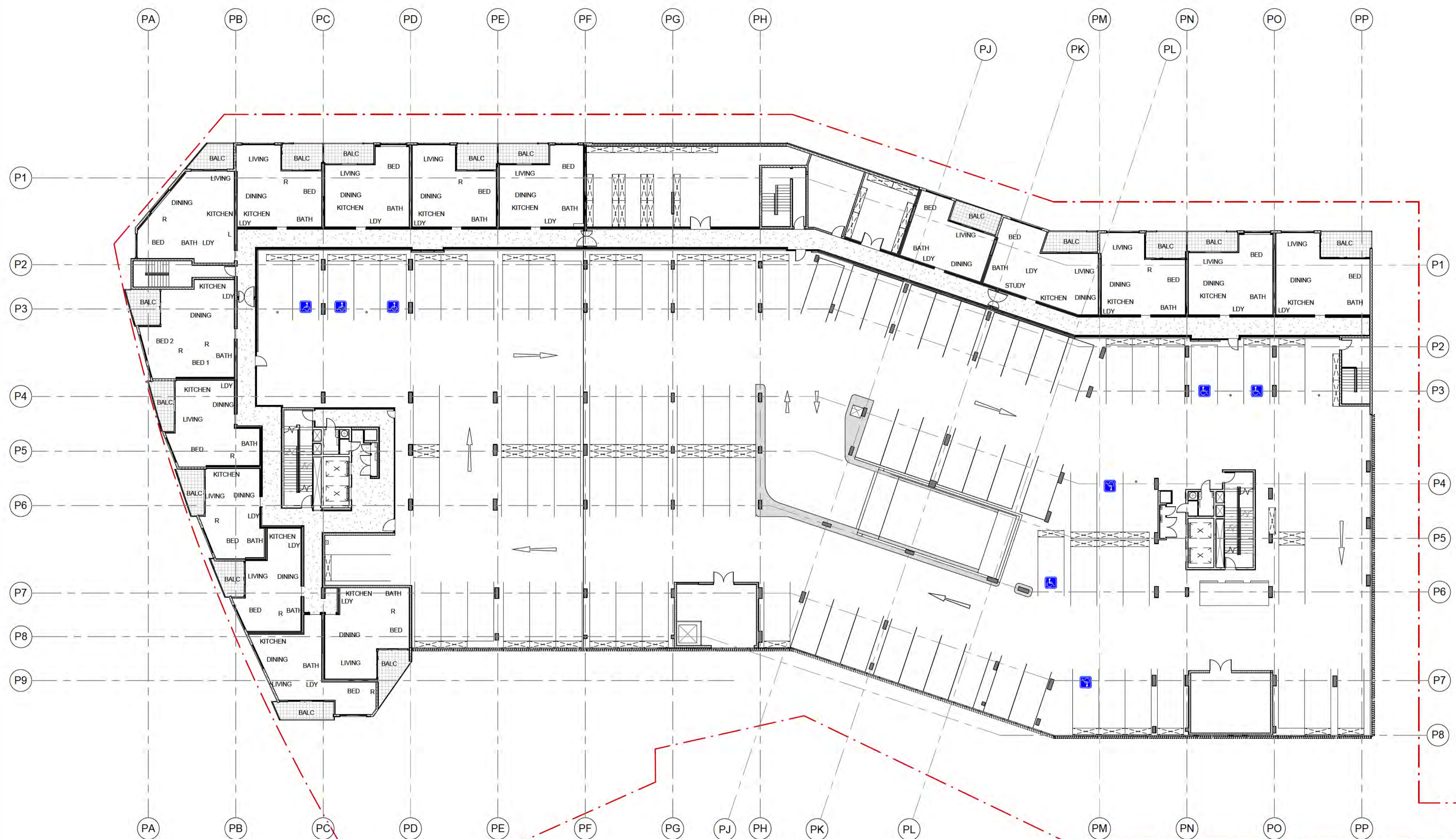


- NOTES**
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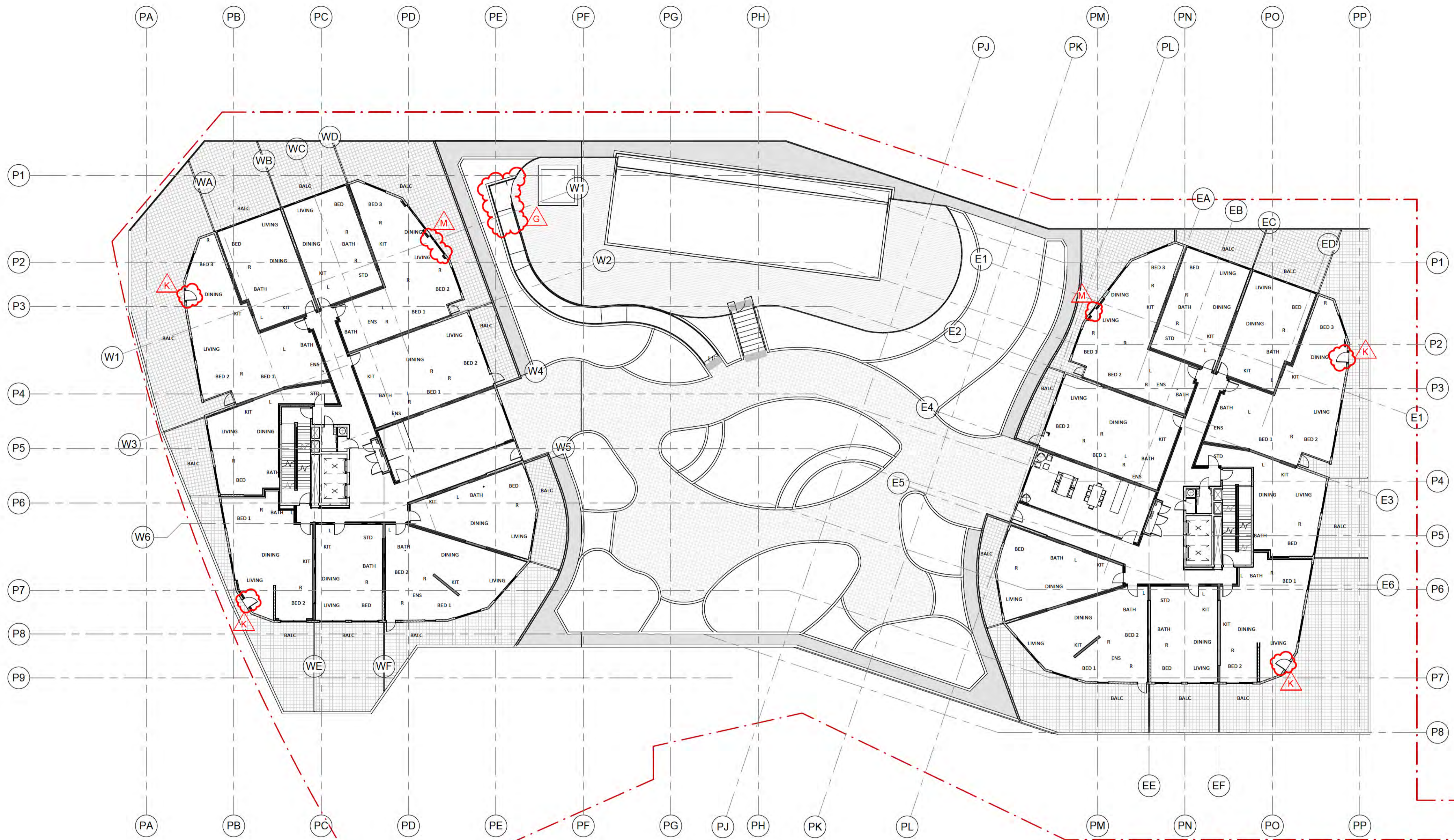
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  - MINIMUM SIGHTLINES FOR PEDESTRIAN SAFETY WILL OCCUR IN ACCORDANCE WITH AS 2890.1

**INTERNAL MODIFICATION TO CAR PARKING AND STORAGE CAGE LAYOUT**

- NOTES**
- PASSENGER LIFTS TO AS1735.12 & BCA E3.6
  - ALL ADAPTABLE UNITS TO COMPLY WITH AS 4299-1995 & THE ACCESS MOBILITY CODE
  - ALL UNITS TO COMPLY WITH RELEVANT SECTIONS OF THE BCA & AJUST STANDARDS
  - ALL TOWER UNITS HAVE DIRECT ACCESS TO WASTE CHUTE THAT FEED TO WASTE ROOM BELOW
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- A ACCESSIBLE APARTMENT
  - PS 1.8 NOM. HIGH PRIVACY SCREENING
  - ADAPTABLE PARKING
  - BICYCLE PARKING
  - STORAGE AREA 2400mm x 600mm
  - V VISITOR PARKING
  - CAR PARK MIRRORS
  - DRYING AREA
  - CONDENSOR UNITS
  - SITE BOUNDARY

LEGEND - DA AMENDMENTS	
A	CAR PARKING LAYOUT AMENDED
B	CAR PARKING LOT ADDED (TOTAL OF 3 LOTS ADDED)
C	DISABLED PARKING LOT RELOCATED
D	MODIFICATION TO STORAGE CAGES LAYOUT AND RE-ALLOCATION
E	STORAGE CAGE ADDED (TOTAL OF 1 LOT ADDED)
F	DRAWING SHEETS ADDED
G	DISABLED RAMP AMENDED
H	RELOCATION OF DOOR AT RETAIL 04
J	LANDSCAPE LAYOUT AMENDED
K	WINDOW CHANGED TO SWING DOOR
L	LAYOUT REVISED FOR UNIT 237
M	SLIDING DOOR / WINDOW ADDED
N	MECHANICAL VERTICAL FINS SCREENING DELETED
P	GLASS BALUSTER FACADE PATTERN UPDATED
Q	PENTHOUSE DASHED BY TOMBAS PER STRUCTURAL DESIGN
R	MINOR ADJUSTMENT TO WINDOW HEIGHT ELEVATION
S	CONCRETE PRECAST WALL AMENDED

**DA AMENDMENT**  
NOT TO BE USED FOR CONSTRUCTION



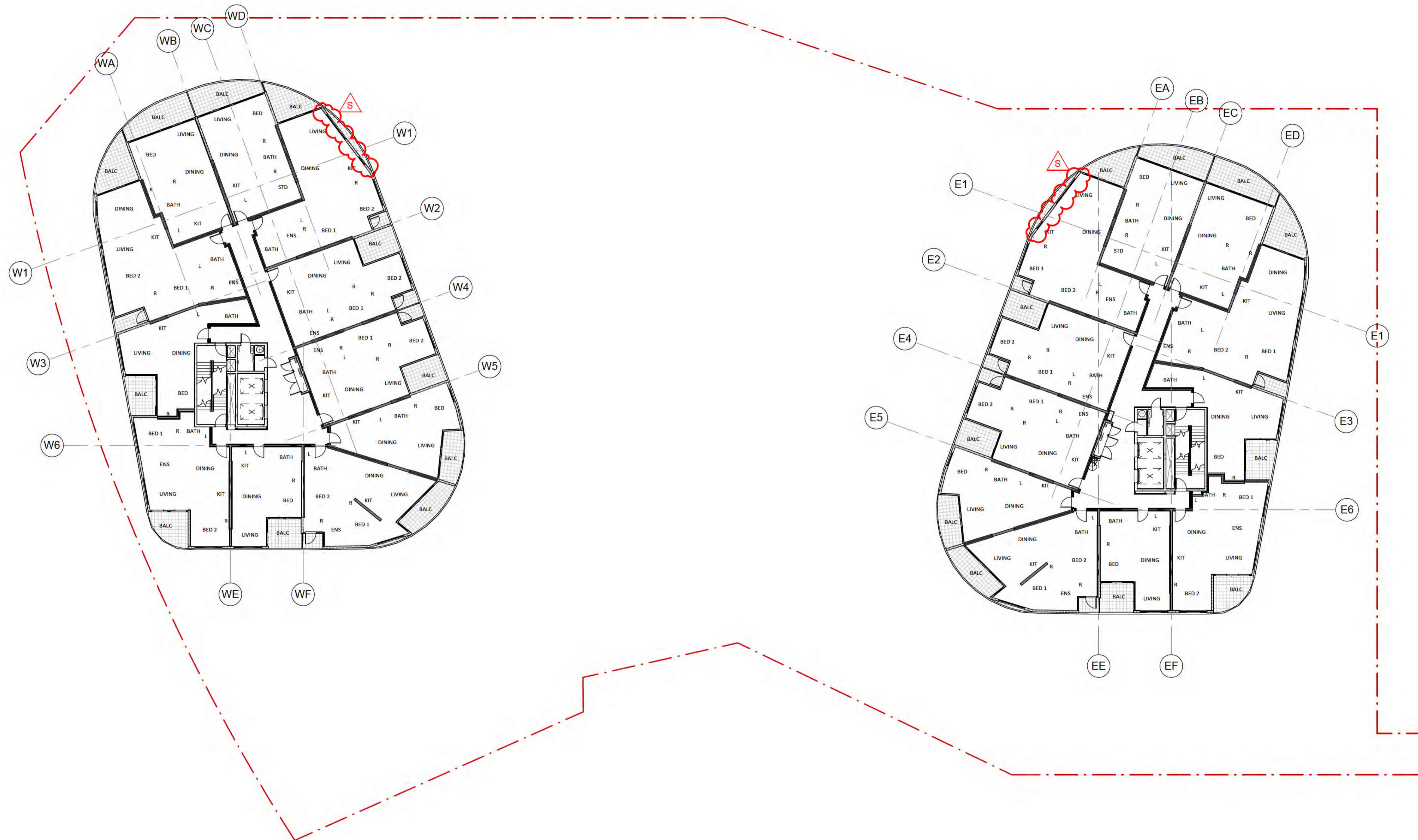
- NOTES**
- HEAD HEIGHT OVER ACCESSIBLE CAR PARKING SPACES TO BE IN ACCORDANCE WITH AS 2890.6
  - PASSENGER LIFTS TO AS 1735.12 & BCA E3.6
  - ACCESSIBLE PATH OF TRAVEL PROVIDED TO ALL SOLE OCCUPANCY UNITS SERVED BY A LIFT
  - TACTILE INDICATORS TO ROAD CROSSINGS AS PER AS 1428.4
  - ENTRANCE TO ALL BUILDINGS ALONG ACCESSIBLE PATH OF TRAVEL ARE ACCESSIBLE TO AS 128.1
  - ALL DOORS SINGLE LEAF 920mm OR ACTIVE LEAF OF DOUBLE DOORS MIN 920mm
  - ACCESS TO WASTE ROOM NOT PROVIDED TO TENANTS
  - ALL FLOOR SURFACES TO BE SLIP RESISTANT, BROOM FINISHED CONCRETE EXTERNAL (OR SIMILAR), SLIP RESISTANT FLOOR FINISH INTERNALLY (TO BE SELECTED BY COMMERCIAL TENANT)
  - HANDRAIL TO AS 1428.1
  - EXTERNAL LIGHTING DESIGNED IN ACCORDANCE WITH AS 1158.3 - LIGHTING OF ROADS & PUBLIC SPACES & TO THE ACT CRIME PREVENTION & URBAN DESIGN RESOURCES MANUAL
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- LEGEND**
- A ACCESSIBLE APARTMENT
  - PS 1.8 NOM. HIGH PRIVACY SCREENING

- ADAPTABLE PARKING
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LEGEND - DA AMENDMENTS	
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E	STORAGE CAGE ADDED (TOTAL OF 1 LOT ADDED)
F	DRAWING SHEETS ADDED
G	DISABLED RAMP AMENDED
H	RELOCATION OF DOOR AT RETAIL 04
J	LANDSCAPE LAYOUT AMENDED
K	WINDOW CHANGED TO SWING DOOR
L	LAYOUT REVISED FOR UNIT 237
M	SLIDING DOOR / WINDOW ADDED
N	MECHANICAL VERTICAL FINS SCREENING DELETED
P	GLASS BALUSTER FACADE PATTERN UPDATED
Q	PENTHOUSE RAISED BY 70MM AS PER STRUCTURAL DESIGN
R	MINOR ADJUSTMENT TO WINDOW HEIGHT ELEVATION
S	CONCRETE PRECAST WALL AMENDED

**DA AMENDMENT**  
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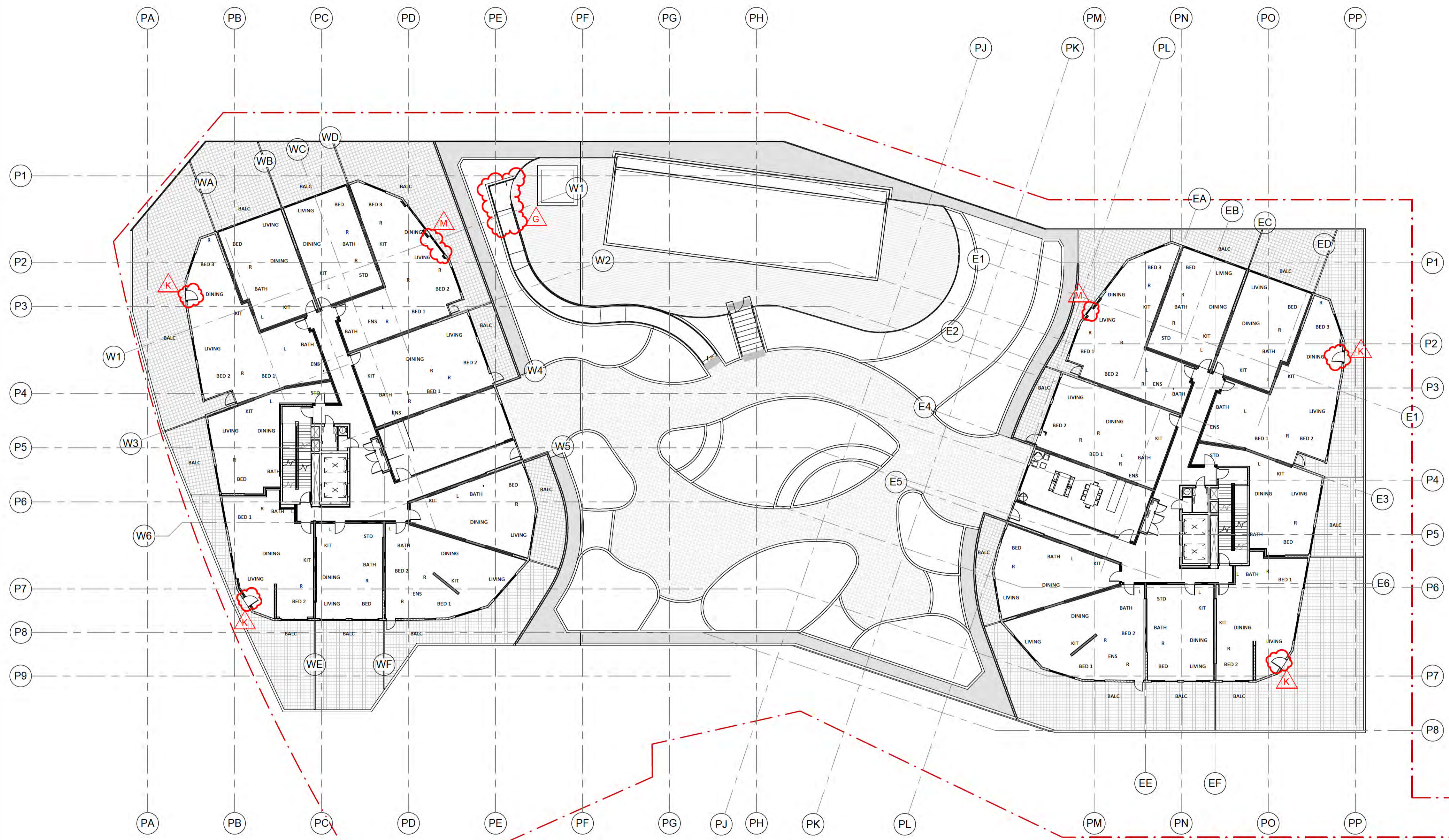
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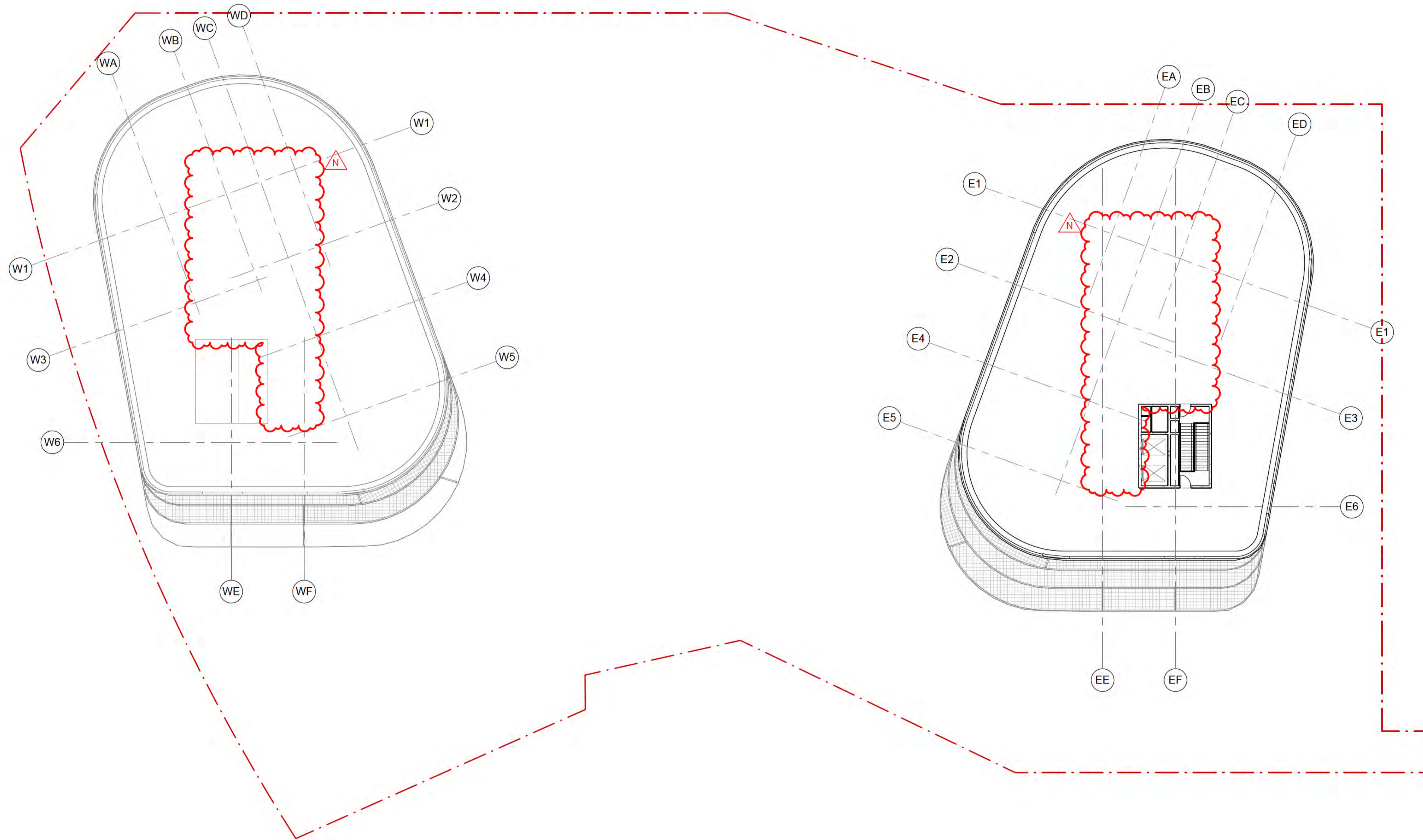
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H	RELOCATION OF DOOR AT RETAIL 04
J	LANDSCAPE LAYOUT AMENDED
K	WINDOW CHANGED TO SWING DOOR
L	WINDOW CHANGED TO SLIDING DOOR
M	CONCRETE PRECAST WALL AMENDED PLUS SLIDING DOOR / WINDOW ADDED
N	CONCRETE PRECAST WALL AMENDED PLUS SLIDING DOOR / WINDOW ADDED
P	GLASS BALUSTER FACADE PATTERN UPDATED
Q	PENTHOUSE RAISED BY 70MM AS PER STRUCTURAL DESIGN
R	MINOR ADJUSTMENT TO WINDOW HEIGHT ELEVATION
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LEGEND AMENDED

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revision 3 date 10/02/2017  
project 4188E

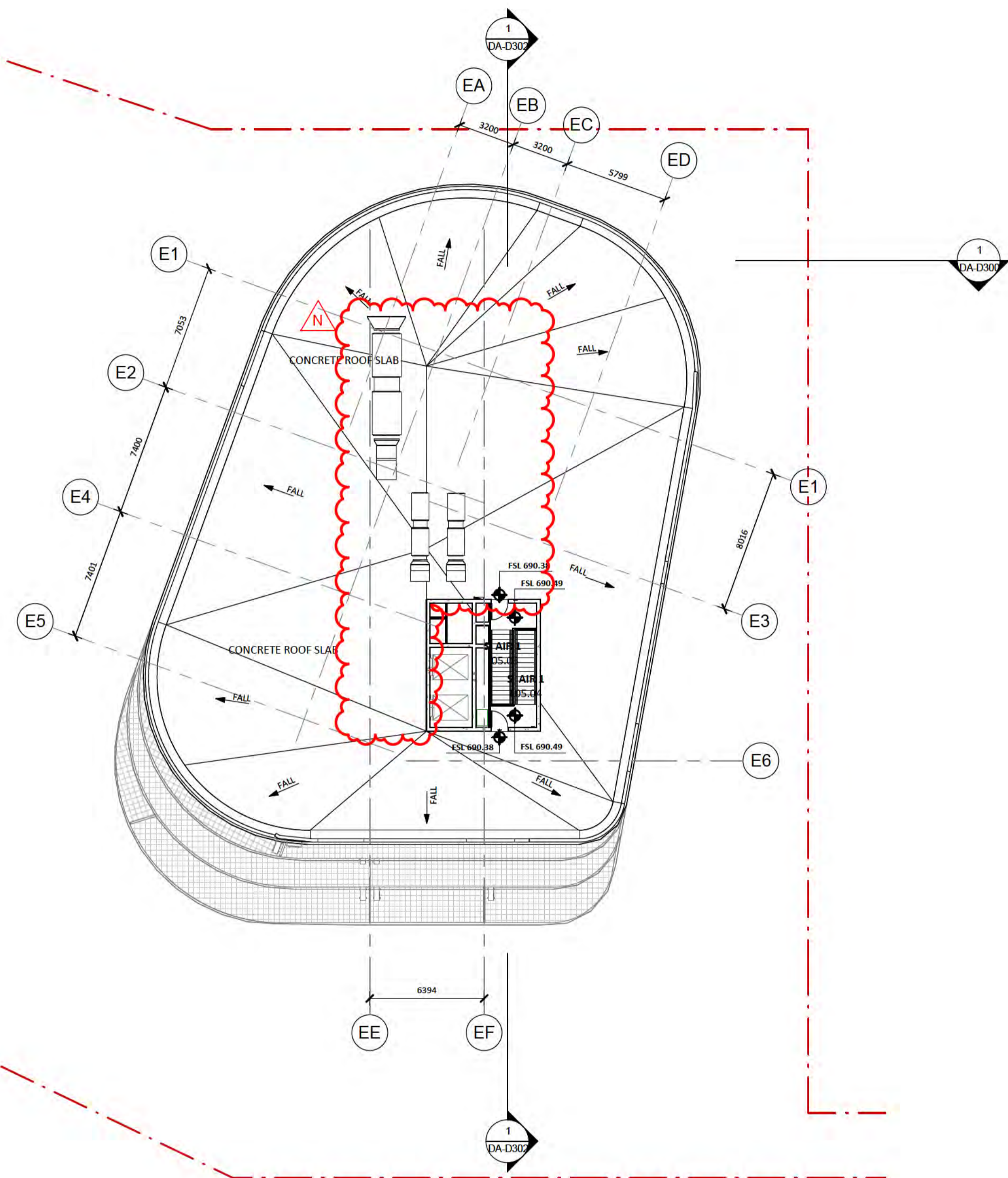
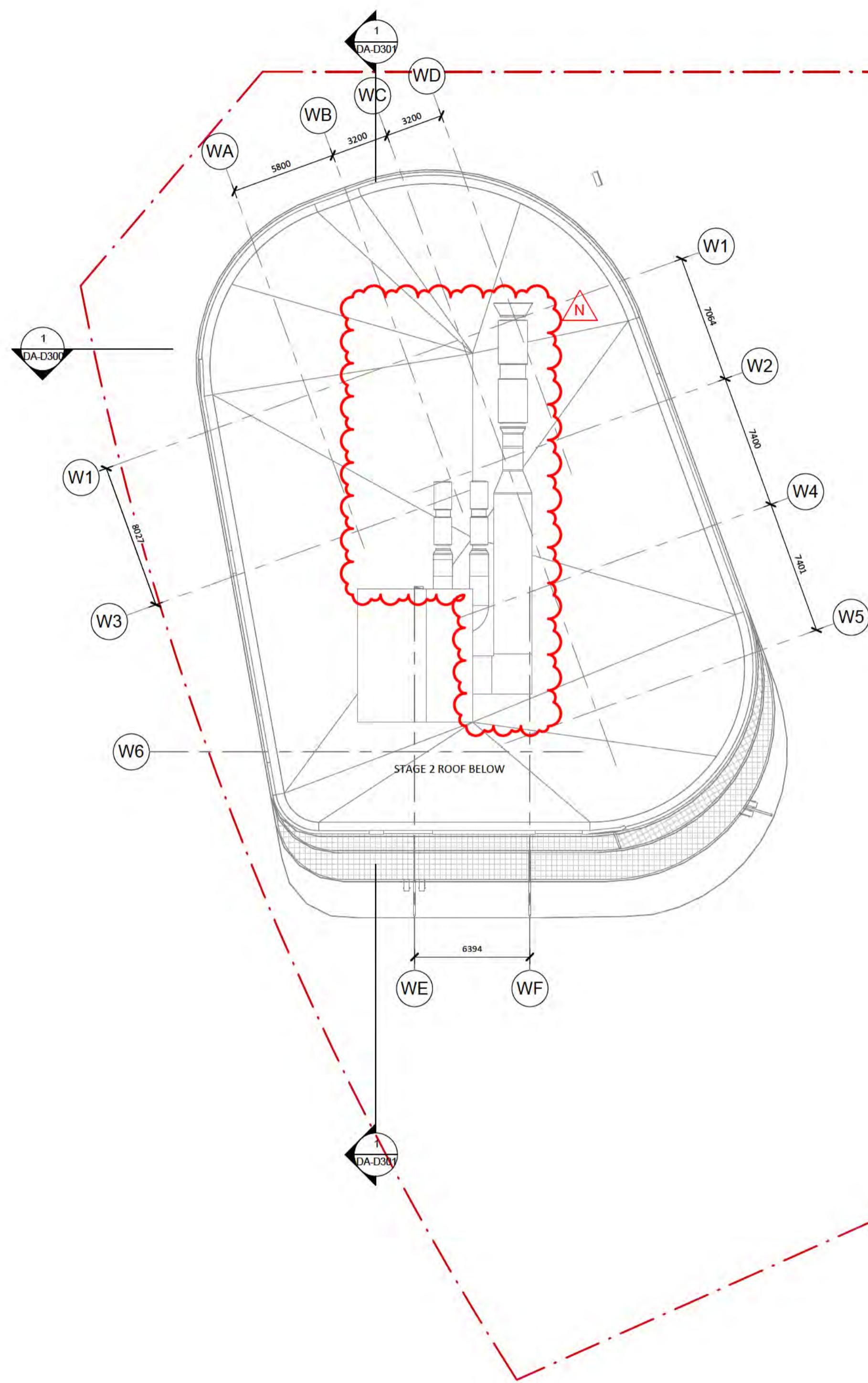


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H	RELOCATION OF DOOR AT RETAIL 04
J	LANDSCAPE LAYOUT AMENDED
K	WINDOW CHANGED TO SWING DOOR
L	LAYOUT REVISED FOR UNIT 237
M	SLIDING DOOR / WINDOW ADDED
N	MECHANICAL VERTICAL FINS SCREENING DELETED
P	GLASS BALUSTER FACADE PATTERN UPDATED
Q	PENTHOUSE RAISED BY 70MM AS PER STRUCTURAL DESIGN
R	MINOR ADJUSTMENT TO WINDOW HEIGHT ELEVATION
S	CONCRETE PRECAST WALL AMENDED

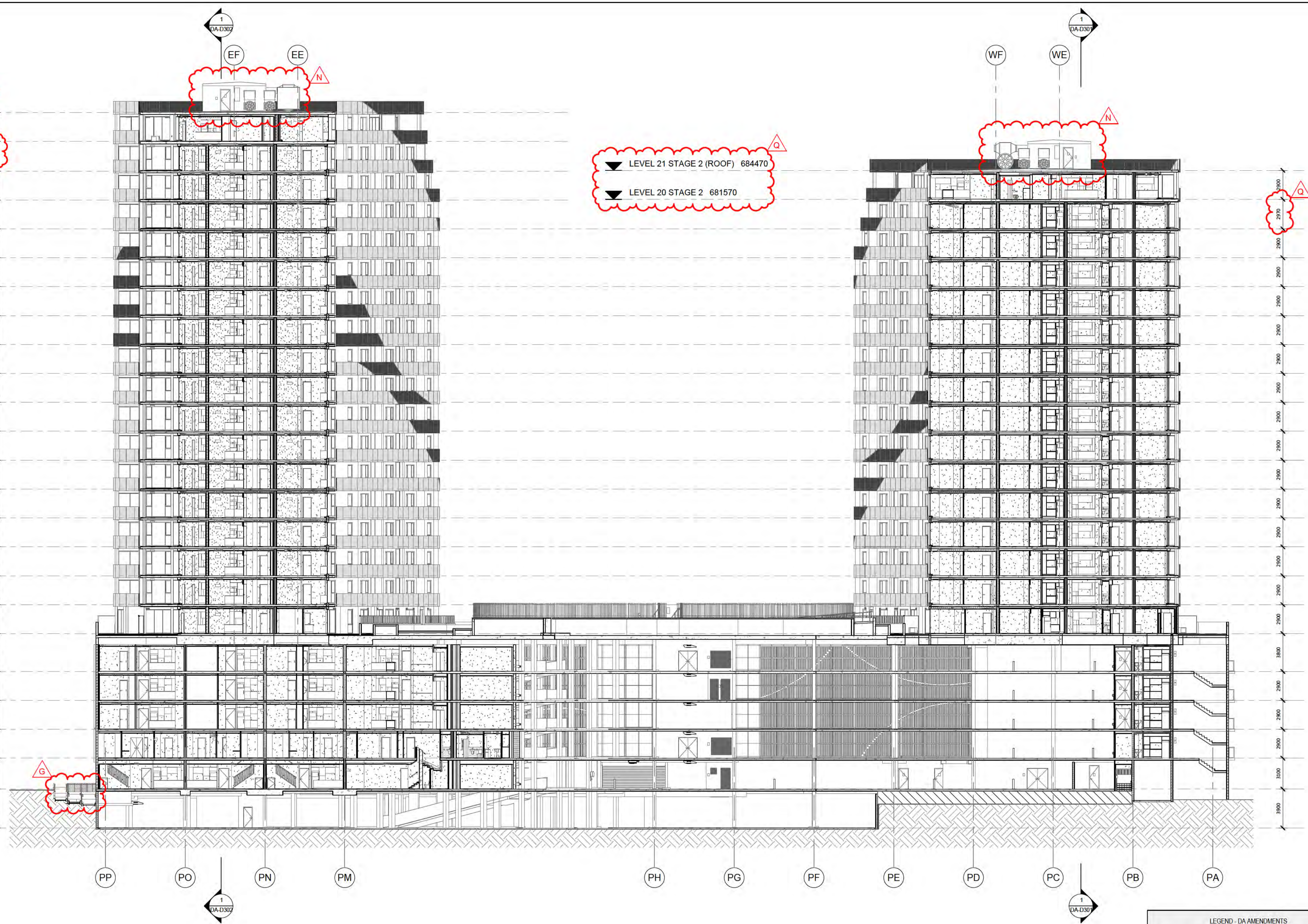


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DA AMENDMENT

- ▼ LEVEL 23 STAGE 1 (ROOF) 690270
- ▼ LEVEL 22 STAGE 1 687370
- ▼ LEVEL 21 STAGE 1 684400
- ▼ LEVEL 20 STAGE 1 681500
- ▼ LEVEL 19 678600
- ▼ LEVEL 18 675700
- ▼ LEVEL 17 672800
- ▼ LEVEL 16 669900
- ▼ LEVEL 15 667000
- ▼ LEVEL 14 664100
- ▼ LEVEL 13 661200
- ▼ LEVEL 12 658300
- ▼ LEVEL 11 655400
- ▼ LEVEL 10 652500
- ▼ LEVEL 9 649600
- ▼ LEVEL 8 646700
- ▼ LEVEL 7 643800
- ▼ LEVEL 6 640900
- ▼ LEVEL 5 638000
- ▼ LEVEL 4 634200
- ▼ LEVEL 3 631300
- ▼ LEVEL 2 628400
- ▼ LEVEL 1 625500
- ▼ GROUND LEVEL 622400
- ▼ BASEMENT 618500

- ▼ LEVEL 21 STAGE 2 (ROOF) 684470
- ▼ LEVEL 20 STAGE 2 681570

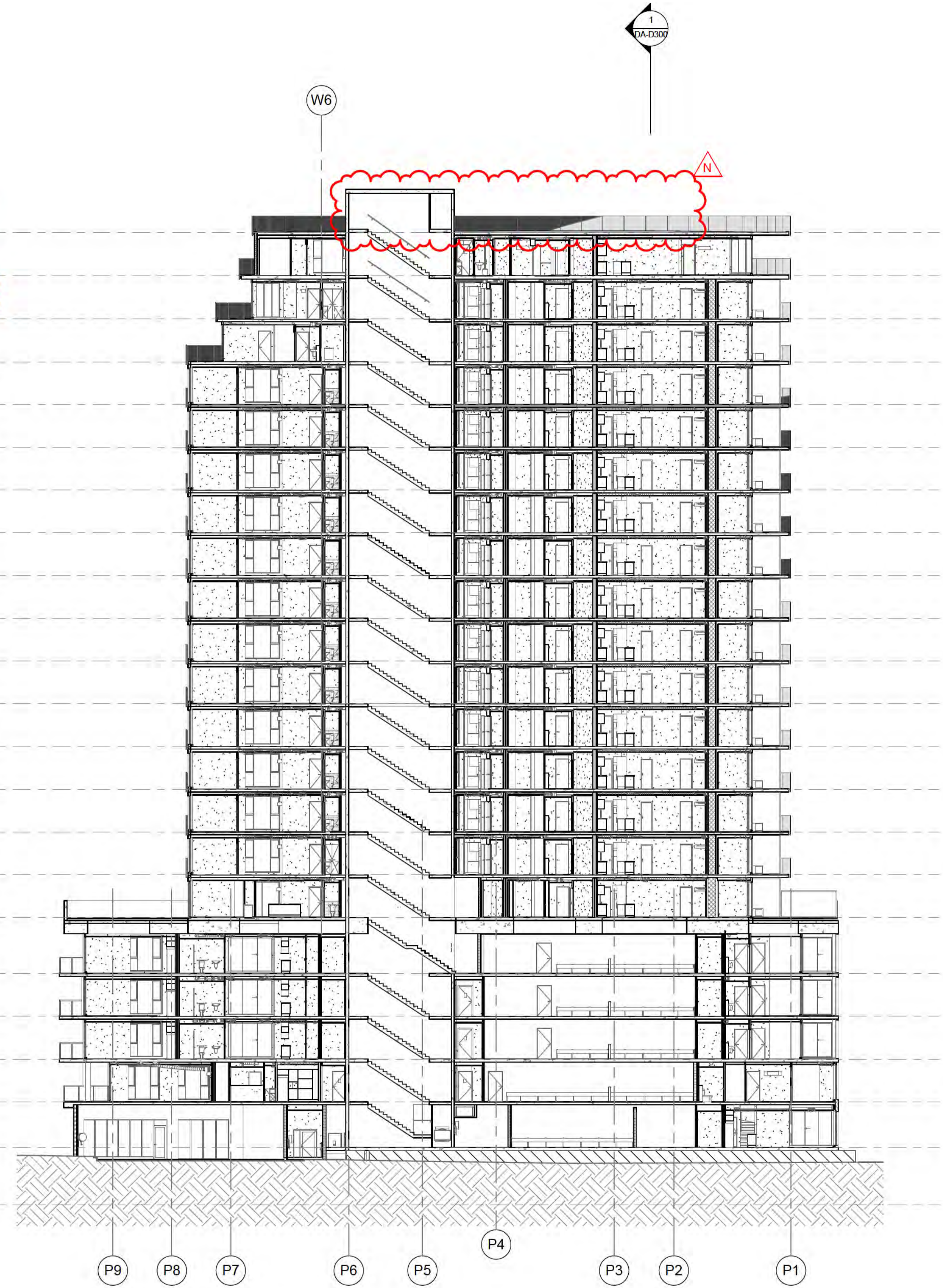


1 DA - SECTION AA  
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DA AMENDMENT

LEVEL 21 STAGE 2 (ROOF)	684470
LEVEL 20 STAGE 2	681570
LEVEL 19	678600
LEVEL 18	675700
LEVEL 17	672800
LEVEL 16	669900
LEVEL 15	667000
LEVEL 14	664100
LEVEL 13	661200
LEVEL 12	658300
LEVEL 11	655400
LEVEL 10	652500
LEVEL 9	649600
LEVEL 8	646700
LEVEL 7	643800
LEVEL 6	640900
LEVEL 5	638000
LEVEL 4	634200
LEVEL 3	631300
LEVEL 2	628400
LEVEL 1	625500
GROUND LEVEL	622400
BASEMENT	618500



1 DA - SECTION BB  
1:200

LEGEND - DA AMENDMENTS	
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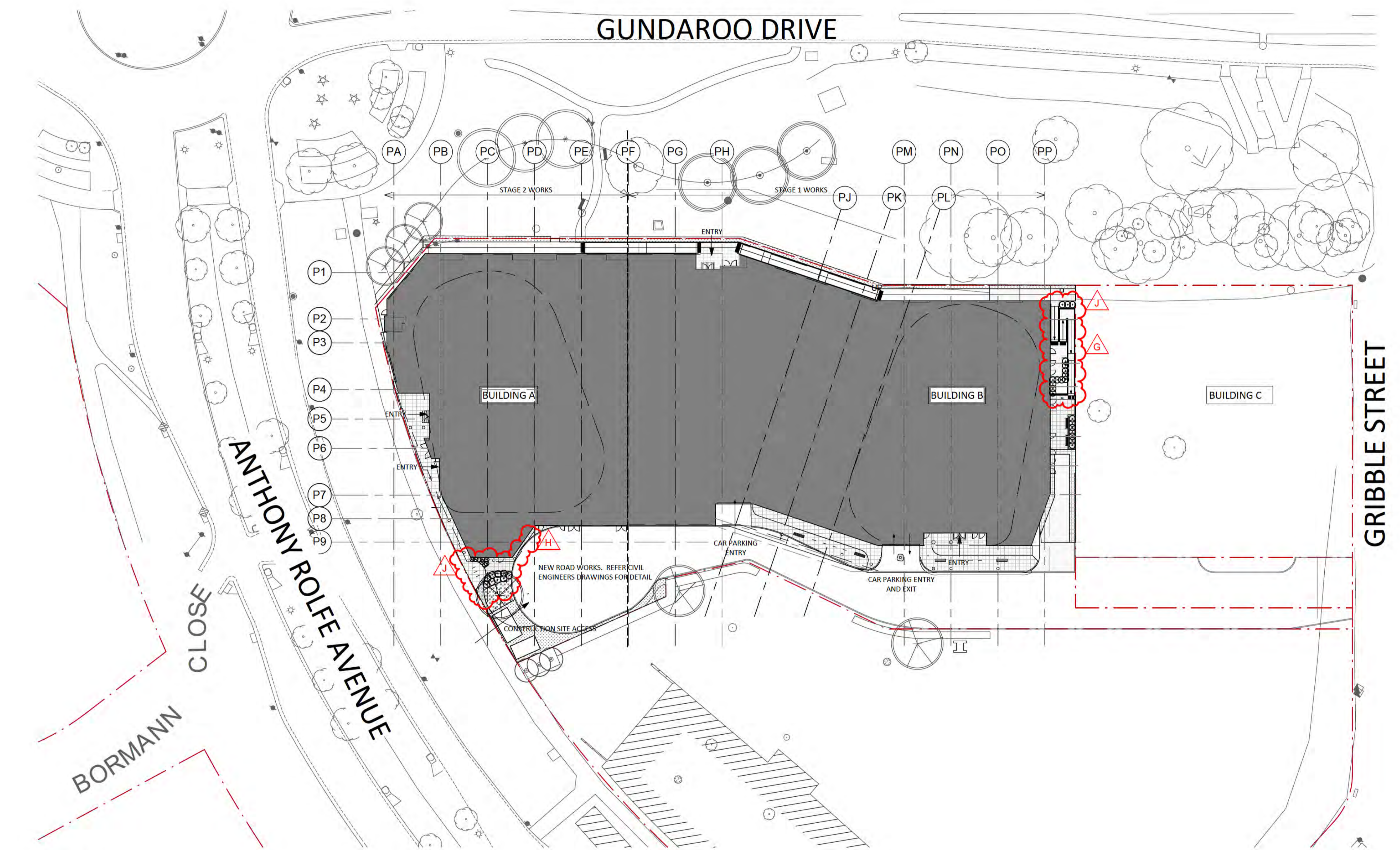


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1 DA - SECTION CC  
1:200

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DA AMENDMENT



1 DA - SITE  
1:400

LEGEND - DA AMENDMENTS	
A	CAR PARKING LAYOUT AMENDED
B	CAR PARKING LOT ADDED (TOTAL OF 3 LOTS ADDED)
C	DISABLED PARKING LOT RELOCATED
D	MODIFICATION TO STORAGE CAGES LAYOUT AND RE-ALLOCATION
E	STORAGE CAGE ADDED (TOTAL OF 1 LOT ADDED)
F	DRAWING SHEETS ADDED
G	DISABLED RAMP AMENDED
H	RELOCATION OF DOOR AT RETAIL 04
J	LANDSCAPE LAYOUT AMENDED
K	WINDOW CHANGED TO SWING DOOR
L	LAYOUT REVISED FOR UNIT 237
M	SLIDING DOOR / WINDOW ADDED
N	MECHANICAL VERTICAL FINS SCREENING DELETED
P	GLASS BALUSTER FACADE PATTERN UPDATED
Q	PENTHOUSE RAISED BY 70MM AS PER STRUCTURAL DESIGN
R	MINOR ADJUSTMENT TO WINDOW HEIGHT ELEVATION
S	CONCRETE PRECAST WALL AMENDED

DA AMENDMENT



**ACT**  
Government

Environment and Planning

# Notice of decision

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

## Merit track

DA NO: 201527109/A/B/C/D		DATE LODGED: 8/05/2015
DATE OF DECISION: 05/11/2015		
BLOCK: 3	SECTION: 209	SUBURB: GUNGAHLIN
STREET NO AND NAME: Gribble Street; Gundaroo Drive; Anthony Rolfe Avenue		
APPLICANT: Purdon Planning Pty Ltd		
LESSEE: Geocon Commercial Holdings Pty Ltd		

### 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, Ray Brown, delegate of the planning and land authority, pursuant to section 162 of the Act, hereby **approve subject to conditions** the proposal [the height of the building as depicted on revised plans submitted pursuant to Section 144 (s144D) of the Act] for:

- Construction of a 23 storey residential development comprising 230 dwelling units at ground and upper levels; car parking at basement level, ground level & at podium Levels 1 to 4; and associated site and off-site works;
- Variation of the Crown lease to delete the uses of drink establishment and non-retail commercial use;
- Variation of the Crown lease to add residential use and commercial accommodation use limited to serviced apartments;
- Realignment of the boundary between Block 2 and Block 3 to create a stratum parcel under the road access;

in accordance with the plans, drawings and other documents and items submitted with the application the variation to Block 3 being substantially in accordance with the draft Crown lease at Attachment 1.

This decision is subject to the conditions of approval at **PART 1** being satisfied.

**PART 2** sets out the Reasons for the Decision

**PART 3** is Public Notification and Entity Advice.

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

DELEGATE



Ray Brown

Delegate of the planning and land authority

Environment and Planning Directorate

05/11/2015

### CONTACT OFFICER

Mr Ajith Buddhadasa

Phone: 02 62051550

Email: [ajith.buddhadasa@act.gov.au](mailto:ajith.buddhadasa@act.gov.au)

## **PART 1**

### **CONDITIONS OF APPROVAL**

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

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

#### **A. ADMINISTRATIVE / PROCESS CONDITIONS**

##### **A1. LEASING COMPONENT (BOUNDARY REALIGNMENT)**

The boundary realignment of Blocks 2 and 3 forming part of this approval, does not take effect, and execution and registration of the new crown leases including the additional uses) for the block resulting from the boundary realignment must not be completed until:

- (a) the construction of the carpark located below ground level on the block is completed;
- (b) the boundary of the two blocks resulting from the boundary realignment are surveyed and the survey is lodge for examination by the Surveyor General, Surveying and spatial Data Section, Environment and Planning Directorate; and
- (c) that all fees and charges related to the examination of the survey plan are paid by the applicant;

##### **A2. FURTHER INFORMATION**

Within 28 days from the date of this decision, or within such further time as may be approved in writing by the planning and land authority, the applicant shall lodge with the planning and land authority for approval:

- (a) Revised relevant plans, showing that the proposed study rooms meet the criteria at Section 3.1.5 of the Parking and Vehicular Access General Code (PVAGC):
- (b) Revised relevant plans showing capacity of the storm water tank/s is a minimum of 47.1kl.

##### **A3. LEASING**

###### **Surrender and Regrant**

That the Lessee shall surrender the existing Crown leases over Blocks 2 and 3 Section 209 Division of Gungahlin (Volume 2150 Folio 66 and Volume 2150 Folio 65) and accept new Crown leases for the blocks resulting for the boundary realignment substantially in accordance with the draft Crown lease for Block 3 appearing at Attachment 1.

Note: the Crown lease for Block 2 is attached to the Notice of Decision for DA No 201527105.

### Crown Lease Registration

That the lessee shall do all that is necessary to ensure that the new Crown leases giving effect to this approval are registered at the Land Titles Office, Access Canberra, prior to the end of this approval.

## **B. PRIOR TO CONSTRUCTION AND/OR DEMOLITION**

### **B1. CONSTRUCTION NOT TO COMMENCE**

- (a) Construction must not commence on site until Icon Water endorses the details for the upgrading of existing sewer infrastructure to accommodate the subject development (see ENTITY ADVICE); and
- (b) Construction of the building above ground for residential and commercial accommodation uses approved under this development must not commence until the lessee had satisfied Condition A3 of this decision..

### **B2. SEDIMENT AND EROSION CONTROL**

That prior to any work on the site commencing, the applicant/lessee must submit two copies of the sediment and erosion control plan to Environment Protection Authority for approval.

### **B3. TREE PROTECTION**

Tree protection fencing, if required, shall be erected prior to the commencement of any work on the site.

### **B4. VERGE MANAGEMENT**

This plan is to be approved and implemented before the commencement of any work on the site, and is to be in accordance with the *City Management Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04*.

### **B5. TRAFFIC MANAGEMENT**

A Temporary Traffic Management (TTM) Plan shall be prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety, Roads ACT, Roads and Public Transport Division, Territory and Municipal Services Directorate (TAMSD) prior to commencement of any work on the site. This plan is to address, as a minimum, measures to be employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices.

### **B6. WATERPROOFING**

Full details of the proposed method of waterproofing the landscaped and exposed common areas of upper floor levels which are directly above lower level residential units, including the specifications of the materials to be applied and installation methods are to be submitted to the Building Certifier for building approval. These details are to be in accordance with the requirements of Part F1 'Damp and weatherproofing' of the Building Code of Australia.

### **B7. COMPLIANCE WITH ENTITY REQUIREMENTS**

The development must comply with all the relevant conditions imposed by each of the relevant entities which states in each of their advice that need to be addressed prior to construction commencing (Refer Part 3 of this decision).

**B8. CONSTRUCTION MANAGEMENT PLAN**

A Construction Management Plan must be approved by the Territory and Municipal Services Directorate (TAMSD) and the Environment Protection Authority (EPA).

**C. DURING CONSTRUCTION AND/OR DEMOLITION****C1. SEDIMENT AND EROSION CONTROL**

All unsurfaced entry and exit points must be consolidated with crushed aggregate or similar extending from the road kerb to the building line.

Temporary sediment controls – comprising, as a minimum, geotextile silt fencing along the lowest points of the site and hay bale filters as required – are to be installed and maintained at least daily to prevent sediment from reaching the stormwater mains system.

**C2. TREE PROTECTION**

The applicant/lessee shall protect and maintain all existing trees and shrubs located on the subject site, on adjoining blocks overhanging the subject site, on the verge and unleased Territory land immediately adjacent, except for those specifically identified for removal in the approved drawings and a Tree Management Plan.

All works must be in accordance with DRAWING: LANDSCAPE MANAGEMENT AND PROTECTION PLAN, PROJECT No. 14/1075, DRAWING No. L506.1, Issue: DA, REVISION: D, DATE: 22/01/2015, TREE PROTECTION CONDITIONS and LANDSCAPE MANAGEMENT NOTES.

No parts of the basement structure shall encroached into the existing tree canopies of the trees located along Gundaroo Drive and no alteration or pruning of these trees must be carried out unless agreed to in writing by an Urban Treescaping-TAMSD officer.

**C3. VERGE MANAGEMENT**

During any work undertaken on the site, all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with a Landscape Management Plan approved by the Manager, Asset Acceptance, Operational Support, Directorate Services, Territory and Municipal Services Directorate, TAMSD.

**C4. TRAFFIC MANAGEMENT**

At all times, the site and surrounds shall be managed in accordance with the approved Temporary Traffic Management (TTM) Plan.

**C5. WASTE MANAGEMENT**

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

**C6. COMPLIANCE WITH ENTITY REQUIREMENTS**

The development must comply with all the relevant conditions imposed by each of the relevant entities which states in each of their advice that need to be addressed during the construction (Refer Part 3 of this decision).

**C7. ELEVATION TREATMENTS/ SIGNIFICANT DESIGN CHARACTER**

The following design elements including elevations and facade treatment of the proposed development as depicted in the submitted/approved plans must not be altered without further approvals from the planning and land authority (the Authority). Such elements shall include, but are not limited to, building form and shape, the arrangement of external materials including profile materials; finishes; colours; and the like.

**C8. WASTE MANAGEMENT**

All building waste is to be stored on the site in suitable receptacles and collected regularly.

**D. POST CONSTRUCTION AND/OR DEMOLITION**

N/A

**E. ADVISORY NOTES**

*This application is approved with the following advisory notes. It is recommended that careful consideration be given to advisory notes prior to commencing work.*

**E1. ENTITY ADVICE**

The applicant is advised to carefully consider all the relevant advice (in addition to the conditions imposed) from each of the entities stated in Part 3 of this decision throughout the process of development (prior to, during and post construction) as applicable

**E2. LEASE VARIATION CHARGE**

Prior to the registration of the new Crown leases, the lessee must, as is required under the *Planning and Development Act 2007*, pay any assessed Lease Variation Charge. Once advised of the lease variation charge, the charge should be paid not less than 6 months prior to the expiration of this approval. This will ensure that sufficient time remains to enable the new Crown leases and new survey plan to be registered at Access Canberra (Land Titles and Rental Bonds) prior to expiry of this approval.

**E3. BLOCK NUMBERS**

The new block numbers will not be provided until the Lease Variation Charge is paid. The new survey plan must be cleared by the Surveyor-General prior to the execution of the new Crown leases.

**E4. REGISTRATION OF CROWN LEASES**

The Crown leases resulting from the approvals of DA Nos 201527105, 201527109 and 201527119 must be registered at the same time if possible.

**Note:** If the surrender/regrants cannot happen simultaneously, the Crown lease for Block 2 will have to be surrendered twice to facilitate the outcomes for 201527109 and 201527119.

**E5. EXPIRY OF APPROVAL**

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

**E6. ELEVATION TREATMENTS/ SIGNIFICANT DESIGN CHARACTER**

The applicant is advised that the decision to approve this development also considered all the approved developments on Block 2 (DA 201527105), Block 3 (DA 201527109) & Block 4 (DA 201527119) of Section 209 Gungahlin, on the basis of them having a character that has integrated all of the above developments. Therefore any future amendments to the development or subsequent development applications relating to characteristics outlined in Condition C7 will be considered based on their overall impacts upon the said integrated character of the above mentioned developments.

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

**PART 2  
REASONS FOR THE DECISION**

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

- the relevant codes, being the **Gungahlin Precinct Map and Code; Commercial Zones Development Code; Multi Unit Housing Development Code.**

The key issues identified in the assessment are the comments received from entities and the representations received in relation to the proposal; and the design and siting issues identified (namely the height of the building) during the assessment; suitability of the land for the proposed use, payment of lease variation charge and registration of the new Crown lease and survey plan.

Conditions have been imposed to address the key issues raised by the entities and ensure that the proposal is consistent with the Territory Plan and the *Planning and Development Act 2007*.

The representations received have been addressed as appropriate in the PUBLIC NOTIFICATION section of this decision.

The original development proposals lodged across Section 209 proposed a 21 storey (62.35m) building on Block 2; 23 storey (68.15m) building on Block 3; and a 20 storey (59.45m) building on Block 4.

Comments were received from EPD-Strategic Planning Division (see ENTITY ADVICE) in relation to the original proposal which states that the proposed height/s of the buildings do not meet Criteria 45 of the Gungahlin Precinct Map and Code (GPMAC).

While acknowledging that it is appropriate to place a marker building at the Cnr Anthony Rolfe Avenue and Gundaroo Drive, Strategic Planning was of the view that the heights proposed in the original proposal are excessive and dominant (especially the height of the building on Block 4) considering the topography of the Gungahlin Town Centre area and its built form. Comments were also received in relation to lack of transition in heights of the three buildings proposed, lack of pedestrian paths/shared pathways along northern boundary of the blocks and lack of architectural detailing in terminating top ends of the buildings.

The applicant submitted revised details in response to above comments from Strategic Planning. However, Strategic Planning was of the view that the revised details have failed to fully address the issues raised. The issues were further discussed at a meeting between EPD and the applicant and further comments were sent to the applicant to consider.

The applicant provided further revised details addressing the concerns of Strategic Planning. Strategic Planning supported the latest revisions to the proposal (see ENTITY ADVICE).

The revised proposal was also referred to the Major Projects Review Group (MPRG) within the planning and land authority for further advice.

The MPRG considered all three developments proposed across Section 209 Gungahlin as an integrated design and considered the advice received from the Strategic Planning Division on the proposals as amended.

After extensive deliberation, the MPRG formed the view that the proposals, as amended responds well to concerns that the planning and land authority originally had about building design, height and pedestrian connectivity to public land.

The MPRG advised that the development should be approved, with conditions that ensured that the external materials and form of the buildings could not be change without further approval of the authority. It also advised that in its decision to support the proposal, it had considered all three developments as an integrated design appropriate and well suited to the location.

The approved building height for the buildings on this block is 23 storeys.

The decision is inconsistent with advice from Icon Water dated 08/10/2015. However, pursuant to section 119 (2) of the Act, the advice received has been considered, as well as the relevant guidelines and any realistic alternative to the development proposed or aspects of it. A decision to approve this application with the Condition B1 is consistent with the objectives of the Territory Plan.

## **EVIDENCE**

**Application No. 201527109**

**The Territory Plan zone – GZ2 Business Zone**

**The Development Codes – Commercial Zones Development Code;  
Multi Unit Housing Development Code**

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

**Current Crown Lease – Volume 2150 Folio 55**

**Representations**

**Entity advice**

## **PART 3 PUBLIC NOTIFICATION AND ENTITY ADVICE**

### **PUBLIC NOTIFICATION**

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 15/05/2015 to 05/06/2015. Seventy nine (79) [sixty six (66) representations supporting the proposal and thirteen (13) representations objecting to the proposal] written representations were received during public notification.

The main issues raised by the representors objecting the proposal were as follows. Comments are provided as appropriate.

- (a) *Height of the building/bulk and scale/compatible with adjacent developments/appropriateness to the scale and function of use/detrimental impacts upon surroundings/not contributing to the desired planning outcomes*

Response:

See under REASONS FOR THE DECISION in this decision.

- (b) *Increased traffic generation on surrounding road network due to the proposed development/impact of the development upon existing car parking in the Gungahlin Town Centre and surroundings*

Response:

The proposal was referred to EPD-Major Projects and Transport (MPAT) and to the TAMSD-Roads ACT. Both the MPAT and Roads ACT supported the proposed development.

- (c) *Suitability of residential use on the block/inconsistency of the proposed development with the current Crown lease for the block*

Response:

The block is zoned C22-Business Zone. Residential use is a permitted use in the C22-Business Zone. A variation to the purpose clause of the current Crown lease for the block permitting residential use on the block has been approved as a part of this development approval.

- (d) *Overshadowing of nearby properties*

Response:

It is noted that the shadow cast by the amended proposal is smaller, due to the proposed reduced height of the building, and the development will cast a reasonably narrow shadow and therefore minimises detrimental overshadowing impacts on surrounding sites. Shadow diagrams provided in support of the amended proposal shows that although the buildings cast some shadowing over existing childcare centre to the south, the proposal still allows a reasonable amount of solar access to the childcare centre throughout the year.

The proposal does not cast any shadows over nearby residential developments. There are no residential developments currently located to the south, south-east or south-west. The existing childcare centre to the south of proposed development/s was approved as part of a large development within Section 209 Gungahlin which also included 3 tall buildings to the north of the childcare centre.

(e) *Inadequate community facilities within Gungahlin area to support the proposed development*

Response:

Gungahlin Town Centre is in the process of developing and will continue to develop with recreational, community, commercial and other social infrastructure facilities in parallel to the developments taking place within and around the Town Centre. Some of these facilities have already started on ground within the Town Centre. In addition to the various commercial and other developments currently taking place and proposed; the proposed light rail and inter-town transport networks will link the Town Centre to the City and other town centres and will expect to reduce the travel time between the City and Town Centres facilitating increased business and other activities.

(f) *Inadequate car parking provided for the development*

Response:

The Parking and Vehicular Access General Access Code does not require providing car parking for residential use within the Town Centre. However, the proposal provides adequate of car parking for the proposed dwellings. The proposal was referred to MPAT for comments and the MPAT supported the proposal.

(g) *The block is within Precinct 2b-Office park in the Gungahlin Precinct Map and Code (GPMAC) and therefore residential use is not appropriate*

Response:

The residential use is a permitted use within the CZ2-Business Zone Development Table. While encouraging a business park on the block, the GPMAC does not prohibit residential use on the block.

(h) *Impacts upon local property markets*

Response:

A detailed assessment has been undertaken to ensure that the development is of high quality in respect to design and siting, and that it meets the performance controls and measures outlined in the Code. As such the application has been approved and deemed not to adversely impact on the amenity of neighbouring properties.

(i) *Pre-lodgement community consultation of the development*

Response:

Evidence of pre-lodgement community consultation of the development undertaken by the applicant (in the form of letter box drop and a meeting with the Gungahlin Community Council at the Gungahlin Public Library) pursuant to Section 138AE of the Act was submitted in support of the development application. The application was also notified to the general public pursuant to Section 155 (major public notification) of the Act.

(j) *Privacy*

Response:

The proposal maintains a reasonable distance between the outdoor play areas of the adjacent childcare centre and the dwellings of the proposed dwellings. Although there can be some overlooking impacts from the proposal upon the childcare centre, it was considered that these impacts will not be so detrimental so as to refuse or redesign the proposal.

*(k) Safety in the public domain*

**Response:**

The proposal was referred to the Territory and Municipal Services Directorate (TAMSD) for comments. TAMSD supported the proposal with conditions (see ENTITY ADVICE).

*(l) Site open space*

**Response:**

The proposal provides reasonable amount of site open space within the block. The applicable development codes do not mandate any minimum site open space requirements.

*(m) Construction management plan (CMP)*

**Response:**

A condition of approval is included in this decision requiring an approved CMP in place prior to start construction at site.

*(n) Construction traffic/pollution/safety/noise/parking/timing*

**Response:**

The developer must undertake all construction activities in accordance with the acceptable standards within the ACT. Any related issues may be brought to the attention of the relevant agency (Access Canberra) for investigation if it occurs.

*(o) Solar access to apartments*

**Response:**

Sub-element 6.2 of the Multi Unit Housing Development Code (MUHDC) does not mandate 3 hours of solar access on winter solstice to 70% of the apartments. The assessment revealed more than 60% of the apartments will gain 3 hours of solar access on the winter solstice and overall the dwellings will achieve a reasonable amount of solar access to their daytime living areas throughout the year, thus the development is not inconsistent with Criterion 58 of the MUHDC.

*(p) Wind impacts*

**Response:**

Wind impact assessment report prepared by Norman Disney & Young consultants and submitted with the application concludes that the prevailing wind conditions will not cause pedestrian discomfort around the proposed development.

*(q) Operational noise*

**Response:**

Noise generated from standard residential/commercial land uses is considered in the assessment process. However, any excessive noise complaints can be referred to Environment Protection Authority for investigation if it occurs.

*(r) Study rooms in dwellings*

**Response:**

Study rooms meeting the criteria at Section 3.1.5 of the PVAGC do not consider as bedrooms for the purpose of assessment against car parking provisions required for a development.

A condition of approval [Condition A2(a)] is included in this decision to strengthen these requirements in the PVAGC.

*(s) Insufficient existing utility services to cater to the proposed development*

Response:

The proposal was referred to the relevant utility providers for comments. Except for Icon Water, the development was supported by other utility providers. Icon Water requires upgrading the existing sewer network to accommodate the development which was included in this decision as conditions of approval (Condition B1).

*(t) Re-notification of amendments to the original proposal*

Response:

The proposed amendments to the original proposal mainly focused on reducing the height of the buildings thus reducing the bulk and scale of the development. The Authority considered that these amendments meet the criteria at Section 146(3) of the Act therefore public notification of the amendments was not required.

*(u) Architectural appearance of the development*

Response:

Although the aesthetic aspects of a development do not fall within Territory Plan assessment, the proposal was referred to the Strategic Planning Division within EPD for comments. The Strategic Planning Division advised that the development in its amended form is of appropriate visual appearance for the location (see also REASONS FOR THE DECISION).

*(v) Incorrect/inadequate valuation report submitted with the application*

Response:

The Private Valuation provided by the applicant in accordance with section 277 of the *Planning and Development Act 2007* is subject to review by the ACT Valuation Office. The private valuation may not reflect the Lease Variation amount to be paid for the Development Application after a review is undertaken. This review will take into consideration the market parameters, comparable sales, valuation methodology, and will be used by the Government to determine the amount of Lease Variation Charge (LVC) to be paid.

## ENTITY ADVICE

Pursuant to Division 7.3.3 of the Act, the application [**revised proposal/s submitted pursuant to s144 of the Act (S144C & D)**] was referred to entities and advice was received. The referral entities' comments are as follows. A response to the advice is provided as appropriate.

### CONSERVATOR OF FLORA AND FAUNA

On 13/10/2015 advice was received from the Conservator of Flora and Fauna (the Conservator) in relation to the proposal. The advice states that "*the proposed amendments do not impact on any regulated trees on or adjacent to this block, therefore the previous advice still applies*".

On 02/06/2015 advice was received from the Conservator in relation to the original application which states that the proposal is supported with conditions:

*The development application can be supported with conditions as the proposed development will have little or no adverse affect on the health and/or stability of the trees around the edge of the block. It must be a condition of approval that all works are in accordance with DRAWING: LANDSCAPE MANAGEMENT AND PROTECTION PLAN, PROJECT No. 14/1075, DRAWING No. L506.1, Issue: DA, REVISION: D, DATE: 22/01/2015, TREE PROTECTION CONDITIONS and LANDSCAPE MANAGEMENT NOTES.*

*Urban Treescapes Condition: No basement is supported within the existing tree canopies of the trees located along Gundaroo Drive and no alteration or pruning of these trees is supported unless agreed to in writing by an Urban Treescapes officer.*

Matters raised have been incorporated as either conditions of approval or advice (Conditions B7, C2, C6 and Advisory Note E1).

### ENVIRONMENT PROTECTION AUTHORITY (EPA)

On 01/10/2015 advice was received from EPA in relation to the proposal. The advice states that "*previously submitted comments stand. No further comments*".

On 22/07/2015 advice was received from EPA in relation to the original application which states that the proposal is supported with conditions:

#### *Conditions:*

*All recommendations made in the noise management plan endorsed for DA 201527105 must be incorporated into the final design and construction of the building.*

*As the site is greater than 0.3 hectares the construction is an activity listed in Schedule 1 as a Class B activity under the Environment Protection Act 1997. The contractor/builder proposing to develop the site must hold an Environmental Authorisation or enter into an Environment Protection Agreement with the Environment Protection Authority (EPA) in respect of that activity PRIOR TO WORKS COMMENCING.*

*A pollution control plan is to be endorsed by the EPA prior to works commencing.*

#### *Advice:*

*Pollution control plans must comply with the minimum standards, which is available from our website*

*[http://www.environment.act.gov.au/data/assets/pdf\\_file/0010/574876/Business\\_and\\_Industry\\_Minimum\\_standards\\_for\\_submission\\_of\\_pollution\\_-\\_Dec2013.pdf](http://www.environment.act.gov.au/data/assets/pdf_file/0010/574876/Business_and_Industry_Minimum_standards_for_submission_of_pollution_-_Dec2013.pdf)*

*Plans can be emailed to [Environment\\_Protection@act.gov.au](mailto:Environment_Protection@act.gov.au)*

*All rain water that enters the site and pools in excavations during a rain storm event would be considered as a sediment control pond, and must meet the following conditions.*

1. No discharge from dam all stormwater must be pumped out and disposed in at an approved location.
2. No discharge from pond unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.

Matters raised have been incorporated as either conditions of approval or advice (Conditions B7, C6 and Advisory Note E1).

### TERRITORY AND MUNICIPAL SERVICES DIRECTORATE

On 16/10/2015 advice was received from Territory and Municipal Services in relation to the proposal. The advice states that the proposal is supported with conditions:

#### Conditions

##### SITE ACCESS

1. The site access driveway off the Gribble Street should be designed and constructed as the fourth leg of the existing intersection with Give-way controls. The detail control arrangement will be checked during Design Acceptance
2. The site access driveway must be designed and constructed in accordance with applicable Australian and TAMS Design Standards.
3. The Right of Way Easement must be designed and constructed as a shared facility for cars, pedestrian, cyclist, waste truck and all other service vehicles.

##### VERGE / TERRITORY LAND

4. There are to be no encroachments on Territory Land.
5. All trees / shrubs proposed within the lease boundary are to be set back adequately and planted so as not to encroach at any time beyond the lease boundary of the property into unleased Territory land known as public open space.
6. The location of the bench seat proposed approximately 3m from the existing eucalypt on the Gundaroo Drive road reserve must be revised. This tree has grown in a low use area and has not been maintained as an amenity tree. To minimise risk to users the seat should be strategically placed in a location that is outside possible target zones. Please note the tree has not undergone an arboricultural inspection by TAMS and therefore a site inspection to determine an appropriate location for seating adjacent to the tree is required.
7. Planting detail must be amended to indicate that planting stakes will be placed a minimum of 300mm from the tree trunk and that the tree pit sides and base will be loosened or broken up to a minimum of 100mm.
8. Connection to services on public land is to be achieved without disturbance to tree root systems. If connections are proposed to encroach within tree canopies the services are to be installed by hydro-boring at a depth greater than 600mm. No access pits or ties into service mains are to be located beneath tree canopies.

##### PEDESTRIAN NETWORK

9. The pedestrian walkway / footpath must take precedence over the driveway.
10. Minimum width of the proposed footpath must be 1.5m in accordance with the TAMS Standard.
11. All verge protective fencing must be placed in a way so that the verge is protected but access to the pedestrian network is provided at all times.

##### WASTE

12. A 12.5m truck turning template must be provided during Design Acceptance to show the waste vehicle's manoeuvrability at the site entry off the Gribble Street.

##### Standard Conditions

Following general conditions will apply as appropriate for Works on and Use of Territory Land in addition to the above:

In accordance with the Public Unleased Land Act 2013 no work is to be undertaken on road verges and other unleased Territory Land without the approval of the Territory. Such approval must be

obtained from the Senior Manager, Asset Acceptance, TAMS by the ways of:

1. A certificate of design acceptance prior to the commencement of any work; and
2. A certificate of Operational Acceptance on completion of all works to be handed over to TAMS.

#### *Design Acceptance and Operational Acceptance*

A Certificate of Design Acceptance is required for all off-site works from the Senior Manager, Asset Acceptance, TAMS, prior to the construction.

In order to obtain the Certificate of Design Acceptance, fully detailed drawings (civil, landscape) prepared by suitably qualified persons for all off-site works including roads, driveways, footpaths, street lighting, storm water, landscaping (and any other issues that may be found by audit of the plans) and a design report in accordance with Ref No 06: "Requirements for Design Acceptance Submissions", must be certified by a Chartered Engineer/Landscape Architect and submitted to the Senior Manager, Asset Acceptance, TAMS.

A Certificate of Operational Acceptance on completion of the works is required from the Senior Manager, Asset Acceptance, TAMS, prior to the issue of a Certificate of Occupancy.

Similarly a Chartered Engineer/Landscape Architect should certify compliance with TAMS Ref No 08: "Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance is made to the Senior Manager, Asset Acceptance, TAMS on completion of all off-site works

A Waste Management Plan in accordance with the Development Control Code for Best Practice Waste Management in the ACT should also be included if not approved at the Development Application stage.

#### *Temporary Traffic Management (TTM)*

A TTM plan approval from the Manager, Traffic Management & Safety, Roads ACT, Transport and Infrastructure Division, TAMS. All times during construction the site and surrounds shall be managed in accordance with a Temporary Traffic Management Plan, prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety. This plan is to address, as a minimum, measures to be employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices.

#### *Landscape Management & Protection Plan (LMPP)*

LMPP approval from the Senior Manager, Asset Acceptance, TAMS. During construction, all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with the Landscape Management Protection Plan (LMPP) approved by the Senior Manager, Asset Acceptance, TAMS. This plan is to be implemented before the commencement of works, including demolition on the site and is to be in accordance with TAMS Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04.

#### *Use of Verges or other Unleased Territory land*

In accordance with the Public Unleased Land Act 2013, road verges and other unleased Territory land must not be used for carrying out of works, including storage of materials or waste, without prior approval of the Territory. Such approval can be obtained from Licensing and Compliance, City Services, Parks and City Services, TAMS.

#### *Repair of Damage to Public Assets*

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

#### *Notice of Commencement of Construction*

Notice of Commencement for the Works in Unleased Territory Land shall be submitted to the Senior Manager, Asset Acceptance, TAMS one week prior to the commencement of works. The Notice shall

*also include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of TTM.*

Matters raised have been incorporated as either conditions of approval or advice (Conditions B7, C6 and Advisory Note E1).

#### ActewAGL Electrical Division

On 02/10/2015 advice was received from Actew Electrical Division in relation to the proposal. The advice states that the proposal is supported with conditions (attached).

Matters raised have been incorporated as either conditions of approval or advice (Conditions B7, C6 and Advisory Note E1).

#### ActewAGL Gas networks

On 25/09/2015 advice was received from Jemena in relation to the proposal. The advice states that the proposal is supported with conditions (attached).

Matters raised have been incorporated as either conditions of approval or advice (Conditions B7, C6 and Advisory Note E1).

#### Icon Water

On 08/10/2015 advice was received from Icon Water in relation to the proposal. The advice states that the proposal is not supported (attached). A condition of approval (Condition B1) is included in this decision to address the issues in concern.

#### Emergency Services

On 25/05/2015 and on 07/10/2015 advice was received from ACT Fire and Rescue in relation to the proposal. The advice states that the proposal is supported with conditions (attached).

Matters raised have been incorporated as either conditions of approval or advice (Conditions B7, C6 and Advisory Note E1).

### **INTERNAL REFERRALS**

#### Strategic Planning Division

The proposal was referred to the Strategic Planning Division (SPD), within EPD, for comments and on 15/06/2015 advice was received from SPD which states:

Strategic Planning have the following comments:

- Strategic Planning have considered all three DA's together to provide a combined set of comments.
- Strategic Planning do not support the development in its current form and consider the development not to meet the criteria as described in the Gungahlin Precinct Code, particularly Criterion C45 in terms of compatibility to adjacent development, excessive scale and contribution towards desired planning outcomes. The proponent will need to reduce the height and scale of the proposed buildings to meet the requirements in the Gungahlin Precinct Code.
- The Gungahlin Business Park is mostly undeveloped. The Gungahlin Precinct Code's Rule R45 will require a 23m building height limit from 30 November 2015, which includes the current criterion C45. This will result in a much lower buildings in this precinct, than what is proposed in the three DA's.
- The site is prominent both at the entry of the town centre from the north and as it is topographically at a high point within the town centre. Development up to 22 storeys will dominate the landscape and town centre built form.
- Strategic Planning support the inclusion of a marker building at the corner of Anthony Rolfe Avenue and Gundaroo Drive (Block 2). However, the current building height of 20 storeys is not considered

*to meet Criterion C45 in terms of compatibility to adjacent development, excessive scale and contribution towards desired planning outcomes.*

- *Strategic Planning do not support the development in its current form for Blocks 3 and 4. These sites should provide an appropriate transition in scale to the lower built form at the eastern end of the Gungahlin Business Park precinct.*
- *The inclusion of screened podiums and use of apartments to screen the podium parking is supported.*

In response to above comments, the applicant had submitted revised details showing reduced building heights, increased pedestrian connectivity through shared paths and more defined main building elements such as the base, podiums and top of the buildings. On 22/10/2015 following advice was received from SPD supporting the amended proposal:

*Strategic Planning have reviewed the amended S144D plans for Block 2, 3 and 4 Section 209 Gungahlin and have the following comments:*

- *Strategic Planning have discussed the off-site footpath with TAMS Asset Acceptance. While the off-site path does not achieve what was originally requested in early comments, it is appreciated that the on-site path is now increased to 2m wide. The off-site path should also be increased to 1.5m to 2m wide to cater for the anticipated population of the development. There should also be a direct, off-site connection, between the 2m wide on-site path to the pavement on the intersection of Anthony Rolfe Ave and Gundaroo Drive.*
- *Strategic Planning's previous comment on the treatment to the towers aimed to reduce the visual bulk and scale of the development, and ensure there is a distinct base, middle and top to the development. The podium levels are considered to successfully define the base. The variation in materials on the tower, together with the 'stepped' arrangement at the top of the tower has addressed Strategic Planning's previous comments in an unexpected way. While the revised design is not precisely what was requested, it is considered that the revised design does provide a more appropriate conclusion to each tower. The lowering of the eastern tower also contributes to the overall reduction in the bulk and scale of the development.*
- *The white perforated screen is considered to be an appropriate resolution to screen the lift over run.*

See also REASONS FOR THE DECISION section in this decision.

Comments were also received in relation to Water Sensitive Urban Design requirements:

*Comments on the WSUD requirements for this development are provided below.*

- *R24 is satisfied. The site is less than 5000m<sup>2</sup>.*
- *The need to provide 37.5kL OSD is questioned. It is expected that R25 (a) is satisfied in the new development. Please verify.*
- *R26 is not compliant. A total of 47.1kL is to be provided. Block 4 cannot be treated as a redevelopment site. It is a Greenfields site with a recently constructed stormwater network to facilitate development. Therefore the 50% reduction in impervious area cannot be applied.*
- *R27 is compliant.*

Following assessment, it was established that a minimum storm water tank of 47.1kl is required. A condition [Condition A2(b)] of approval is included in this decision to effect the above mentioned requirements.

### Major Projects and Transport

The proposal was referred to the Major Projects and Transport Section (MPAT) within EPD for comments and the comments were received from MPAT supporting the proposal with conditions [Condition A2(a)].

## **PART 4 ADMINISTRATIVE INFORMATION**

### **DATE THAT THIS APPROVAL TAKES EFFECT**

Unless a condition of approval provides for otherwise this approval is effective from the day after the date of this notice. The effective date for development applications approved subject conditions could also be adjusted if the approval is reconsidered by the planning and land authority or if an application is made to the ACT Civil and Administrative Tribunal.

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

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

Pursuant to section 185 of the Act, this approval will expire if the lease variation is not completed two years after the day the approval takes effect. A development approval, to which section 184 of the Act applies, continues unless the approval ends under sections 184, 185, 186 or 187 of the Act.

### **INSPECTION OF THE APPLICATION AND DECISION**

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

### **RECONSIDERATION OF THE DECISION**

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

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

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

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

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

# APPENDIX 1

## CONTACT DETAILS OF RELEVANT AGENCIES

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

## ADVICE TO APPLICANT

### SUBMISSION OF REVISED DRAWINGS AND DOCUMENTATION

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

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

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

## **FURTHER APPROVALS FOR CONSTRUCTION**

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

### **BUILDING APPROVAL**

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

### **PERMITTED VARIATIONS TO APPROVED DEVELOPMENT**

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

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

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

### **"TREE DAMAGING ACTIVITY" APPROVAL**

A Tree Management Plan under the *Tree Protection Act 2005* is required for approval where it is proposed to undertake groundwork within the tree protection zone of a protected tree or likely to cause damage to, or remove, any trees defined as protected trees by that Act. More information is available from the Territory and Municipal Services Directorate.

### **USE OF VERGES OR OTHER UNLEASED TERRITORY LAND**

In accordance with the *Public Unleased Land Act of 2013*, road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. Approval can be obtained from the Territory and Municipal Services Directorate.

### **WORKS ON UNLEASED TERRITORY LAND – DESIGN AND OPERATIONAL ACCEPTANCE**

In accordance with the *Public Unleased Land Act of 2013*, no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval must be obtained from the Manager Asset Acceptance, Asset Services Group, TAMSD by way of:

1. a certificate of design acceptance prior to the commencement of any work and
2. a certificate of operational acceptance on completion of all works to be handed over to TAMSD

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

A certificate of compliance under s296 of the *Planning and Development Act 2007* may not be issued unless a certificate of design acceptance **AND** a certificate of operational acceptance has both been obtained from TAMSD.

## **CONSTRUCTION REQUIREMENTS**

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

### **DEMOLITION AND ASBESTOS MANAGEMENT**

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

### **ENVIRONMENT PROTECTION**

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

### **REPAIR OF DAMAGE TO PUBLIC ASSETS**

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

### **UTILITY ASSETS RETENTION**

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

### **WATER RESTRICTIONS AND FILLING OF NEW POOLS, PONDS AND FOUNTAINS**

Water restrictions or permanent water conservation measures may be in force in the ACT and may prohibit or affect the filling of new pools, ponds and fountains using potable (tap) water drawn from Icon Water's potable water supply system. Applicants wishing to use water drawn from the potable water supply system to fill a new pool, pond or fountain are advised to first contact Icon Water's conservation office on (02) 62483131. Where water restrictions or permanent water conservation measures would otherwise prevent or affect the filling of a new pool, pond or fountain, it might be possible to obtain an exemption to fill the pool, pond or fountain using potable water.

### **DRAINAGE**

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

## **REVIEW OF THE DECISION**

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

CONTACT DETAILS

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

Location	Contact details
ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601	Website: <a href="http://www.acat.act.gov.au">www.acat.act.gov.au</a> Email: <a href="mailto:tribunal@act.gov.au">tribunal@act.gov.au</a> Telephone: (02) 6207 1740 Facsimile: (02) 6206 4855 Post: GPO Box 370, CANBERRA, ACT, 2601

POWERS OF THE ACAT

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

APPLICATIONS TO THE ACAT

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

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

TIME LIMITS FOR APPLICATIONS

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

FEES

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

TIME LIMITS FOR REVIEWS OF DECISIONS

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

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

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

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

### AWARDING OF COSTS

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

### ACCESS TO DOCUMENTS ABOUT THE DECISION

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

### PROCEDURES OF THE ACAT

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

**TRANSLATION AND INTERPRETER SERVICES**

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

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

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

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

This is a market value  
lease - s238(2)(a)(ii) Planning  
and Development Act 2007

**AUSTRALIAN CAPITAL TERRITORY**

**PLANNING AND DEVELOPMENT ACT 2007**

**Australian Capital Territory (Planning and Land  
Management) Act 1988 (C'th) (ss 29, 30 & 31)**

LEASE GRANTED pursuant to the Planning and Development Act 2007 and the  
Regulations made under that Act on the      day of      Two thousand and

WHEREBY THE PLANNING AND LAND AUTHORITY

LESSEE (“the Authority”) ON BEHALF OF THE COMMONWEALTH OF AUSTRALIA

(“the Commonwealth”) in exercising its functions grants to **GEOCON  
COMMERCIAL HOLDINGS PTY LIMITED A.C.N. 143 149 053** a company  
having its registered office at Unit 3, 23-30 Grimwade Street Mitchell

LAND in the Australian Capital Territory (“the Lessee”) ALL THAT piece or parcel of  
land situate in the Australian Capital Territory containing an area of **XXX square  
metres** or thereabouts and being **Block (formerly blk 3) Section 209**

**Division of Gungahlin** as delineated on **Deposited Plan Number**      in the  
Registrar-General's Office at Canberra in the said Territory (“the land”)

RESERVING unto the Territory all minerals and the right to the use, flow and  
control of ground water under the surface of the land TO HOLD unto the Lessee

TERM for the term commencing on the      day of      Two thousand

and      (“the date of the commencement of the lease”) and terminating on

the first day of **November Two thousand one hundred and nine** to be used by

the Lessee for the purpose set out in Clause 3(b) of this lease only **YIELDING**

**AND PAYING THEREFOR** rent in the amount and in the manner and at the times

provided for in this lease and **UPON AND SUBJECT TO** the covenants conditions

and agreements contained in this lease.

INTERPRETATION

1. IN THIS LEASE unless the contrary intention appears:

- (a) “Authority” means the Planning and Land Authority established by section 10 of the Planning and Development Act 2007;
- (b) “building” means any building or structure, constructed or partially constructed or to be constructed, as the context permits or requires, on or under the land;
- (c) “bulky goods retailing” means a shop which includes a loading dock within the building, and where the goods or materials sold or displayed are of such a size, shape or weight as to require:
  - (i) a large area for handling, storage or display; and/or
  - (ii) direct vehicular access to the site by members of the public, for the purpose of loading goods or materials into their vehicles after purchase, but does not include any shop used primarily for the sale of food or clothing;
- (d) “car park” means the use of land specifically allocated for the parking of motor vehicles;
- (e) “caretaker’s residence” means any dwelling used for the residence of a caretaker, in connection with another land use, including industry and commercial activity;
- (f) “child care centre” means the use of land for the purpose of educating, supervising or caring for children of any age throughout a specified period of time in any one day, which is registered under the Children and Young People Act 2008 or authorised pursuant to the Education and Care Services National Law (ACT) Act 2011 and which does not include residential care;
- (g) “commercial use” means commercial accommodation unit, guest house, hotel, serviced apartment, and tourist resort but does not include a caravan park/camping ground or a group or organised camp;
- (h) “community use” means child care centre, community activity centre, community theatre, cultural facility, educational establishment, health facility, hospital, place of worship, and religious associated use;

- (i) “department store” means a shop in which goods are sold by separate departments within the shop and from which a significant amount or proportion of retail sales occur from at least four of the following types of goods: furniture and floor coverings; fabrics and household textiles; clothing; footwear; household appliances; china, glassware and domestic hardware;
- (j) “gross floor area” means the sum of the area of all floors of the building measured from the external faces of the exterior walls or from the centre lines of walls separating the building from any other building excluding any area used solely for rooftop fixed mechanical plant and/or basement carparking;
- (k) “health facility” means the use of land for providing health care services (including diagnosis, preventative care or counselling) or medical or surgical treatment to outpatients only;
- (l) “indoor recreation facility” means the use of land for sporting activities where such use is primarily indoors;
- (m) “Lessee” shall:
- (i) where the Lessee consists of one person be deemed to include the Lessee and the executors administrators and assigns of the Lessee;
  - (ii) where the Lessee consists of two or more persons be deemed to include in the case of a tenancy in common the persons and each of them and their and each of their executors administrators and assigns and in the case of a joint tenancy be deemed to include the said persons and each of them and their and each of their assigns and the executors administrators and assigns of the survivor of them; and
  - (iii) where the Lessee is a corporation be deemed to include such corporation its successors and assigns;
- (n) “multi-unit housing” means the use of and for more than one dwelling and includes but is not limited to dual occupancy housing;
- (o) “personal services” means a shop used primarily for selling services and in which the sale of goods is ancillary to the service provided;
- (p) “premises” means the land and any building or other improvements on the land;

- (q) “residential care accommodation” means the use of the land by an agency or organisation that existing for the purpose of providing accommodation and services such as the provision of meals, domestic services and personal care for persons requiring support. Although services must be delivered on site, management and preparation may be carried out on site or elsewhere;
- (r) “residential use” means caretaker’s residence, multi-unit housing, residential care accommodation, retirement village, secondary residence, single dwelling housing and supportive housing;
- (s) “restaurant” means the use of land for the primary purpose of providing food for consumption on the premises whether or not the premises are licensed premises under the Liquor Act 2010 and whether or not entertainment is provided;
- (t) “retail plant nursery” means a shop used for the propagation and sale of plants, shrubs, trees and garden supplies;
- (u) “retirement village” means premises where older members of the community or retired people live in independent living units or serviced units, under a retirement village scheme;
- (v) “retirement village scheme” for a retirement village, means a scheme under which a person may –
- (a) enter into a residence contract with the scheme operator for the retirement village; and
  - (b) on payment of an ingoing contribution, acquire personally or for someone else a right to live in the retirement village, however, the right accrues; and
  - (c) on payment of the relevant charge, acquires personally or for someone else a right to receive on (1) or more services in relation to the retirement village;
- (w) “secondary residence” means a second dwelling on the block;
- (x) “serviced apartment” means an apartment that is used as a commercial accommodation unit;
- (y) “shop” means the use of land for the purpose of selling, exposing or offering the sale by retail or hire, goods and personal services and includes bulky goods retailing, department store, personal service, retail plant nursery, supermarket, and take-away food shop;

- (z) “single dwelling housing” means the use of land for residential purposes for a single dwelling only;
- (aa) “supermarket” means a large shop selling food and other household items where the selection of goods is organised on a selfservice basis;
- (bb) “supportive housing” means the use of land for residential accommodation for persons in need of support, which is managed by a Territory approved organisation that provides a range of support services such as counselling, domestic assistance and person care for residents as required. Although such services must be able to be delivered on site, management and preparation may be carried out on site or elsewhere. Housing may be provided in the form of self-contained dwellings. The term does not include a retirement village or student accommodation;
- (cc) “take-away food shop” means a shop, which is predominantly for the preparation of food and refreshments for consumption elsewhere;
- (dd) “Territory” means:
- (i) when used in a geographical sense the Australian Capital Territory; and
  - (ii) when used in any other sense the body politic established by section 7 of the Australian Capital Territory (Self-Government) Act 1988 (C’th);
- (ee) words in the singular include the plural and vice versa;
- (ff) words importing one gender include the other genders;
- (gg) a reference in this lease to any statute or statutory provision shall include a reference to any statute or statutory provision that amends, extends, consolidates or replaces the statute or statutory provision and to any other regulation, instrument or other subordinate legislation made under the statute.

2. THE LESSEE COVENANTS WITH THE COMMONWEALTH as follows:

RENT

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

MANNER OF  
PAYMENT  
OF RENT

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

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

COMPLETION  
OF DEVELOPMENT

- (a) That prior to the **first** day of **November Two thousand and seventeen** or within such further time as may be approved in writing by the Authority for that purpose, the Lessee shall complete the erection of an approved development including building works, carpentering and landscaping on the land in accordance with the said plans and specifications and in accordance with every Statute Ordinance or Regulation applicable to such development;

PURPOSE

- (b) To use the premises only for one or more of the following purposes:
- (i) car park;
  - (ii) commercial accommodation use LIMITED TO serviced apartments;
  - (iii) community use LIMITED TO child care centre and health facility;
  - (iv) indoor recreation facility;
  - (v) residential use;
  - (vi) restaurant; and
  - (vii) shop LIMITED TO a maximum of 200 square metres per shop;

GROSS FLOOR  
AREA

- (c) That the combined gross floor area of all buildings erected on the land shall not be less than 4,000 square metres;

EASEMENT FOR  
SERVICES

- (d) That:
- (i) the Authority, on behalf of the Commonwealth, grants over that part of the land identified as a services easement on the Deposited Plan an easement ("Easement") in favour of the relevant provider (referred to as the "service provider");
  - (ii) the service provider may:

- (A) provide, maintain and replace services supplied by that service provider through the land within the site of the Easement; and
- (B) do anything reasonably necessary for that purpose, including without limitation:
  - (1) entering or passing through the land;
  - (2) taking anything on to the land; and
  - (3) carrying out work, including without limitation, constructing, placing, repairing or maintaining pipes, poles, wires, cables, conduits, structures and equipment;
- (iii) in exercising the powers in Clause 3(d)(ii), the service provider must take all reasonable steps to:
  - (A) ensure that the work carried out on the land causes as little disruption, inconvenience and damage as is practicable; and
  - (B) ensure that the land is restored as soon as practicable to a condition that is similar to its condition before the work was carried out;
- (iv) Clause 3(d)(iii)(B), does not require the service provider to restore:
  - (A) the land to a condition that would result in:
    - (1) an interference with:
      - (i) any service on or through the land; or
      - (ii) access to any service on or through the land; or
    - (2) a contravention of a law of the Territory; or
  - (B) any building or structure placed or constructed on any part of the land comprising the Easement;
- (v) the Lessee must not place or construct, nor permit to be placed or constructed, a building or structure or any part of a building or structure on any part of the land comprising the Easement UNLESS written advice from the service provider is obtained;

- (vi) for the purposes of the Easement, “services”, includes, without limitation, the supply of water, gas, electricity and discharge or drainage of water, stormwater and sewerage; and
- (vii) nothing in this clause diminishes or affects any rights or powers of a service provider conferred under any statute, regulation or law;

CARPARKING

- (e) That the Lessee shall provide and maintain an approved drained and sealed car, truck, motorcycle, scooter and bicycle parking and associated facilities on the land to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;

ACCESS

- (f) That the Lessee shall provide and at all times maintain an approved pedestrian path and vehicular access driveway on the land for use by the Lessees of Block X Section 209 Division of Gungahlin, Block X Section 209 Division of Gungahlin, Block X Section 209 Division of Gungahlin, Block X Section 209 Division of Gungahlin in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority and in that part of the premises identified as “easement for access” on the plan annexed to this lease;

ACCESS EASEMENT

- (g) The Lessee shall permit the Lessees of Block X Section 209 Division of Gungahlin, Block X Section 209 Division of Gungahlin, Blocks X Section 209 Division of Gungahlin, Block X Section 209 Division of Gungahlin, their employees, contractors, sublessees or other occupiers and visitors to pass and repass, with or without vehicles, across, over and along that part of the premises identified as “easement for access” on the plan annexed to this lease;

LANDSCAPING

- (h) That the Lessee shall provide and maintain landscaping on the land to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;

LIGHTING

- (i) That the Lessee shall illuminate and keep illuminated all public access areas, carparks and driveways on the land at the Lessee’s cost during the evening hours of operation to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;

LOADING AND  
UNLOADING OF  
VEHICLES

- (j) That the Lessee shall provide and maintain an area for the loading and unloading of vehicles on the land to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;

PRESERVATION  
OF TREES

- (k) That the Lessee shall not, without the previous consent in writing of the Territory, remove any tree:
- (i) that has been identified in a development approval for retention during the period allowed for construction of the building; or
  - (ii) to which the Tree Protection Act 2005, applies;

FACILITIES AND  
ACCESS FOR PERSONS  
WITH A DISABILITY

- (l) That the Lessee shall provide and maintain facilities and access on the land for persons with a disability in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;

SERVICE AREAS

- (m) That the Lessee shall screen and keep screened all service areas to the satisfaction of the Authority and shall ensure that all plant and machinery contained within the premises is suitably screened from public view;

BUILDING  
SUBJECT TO  
APPROVAL

- (n) That the Lessee shall not without the previous approval in writing of the Authority, except where exempt by law, erect any building or make any structural alterations to any building, on the land;

REPAIR

- (o) That the Lessee shall at all times during the said term maintain repair and keep in repair the premises to the satisfaction of the Authority;

FAILURE TO  
REPAIR

- (p) If and whenever the Lessee is in breach of the Lessee's obligations to maintain repair and keep in repair the premises the Authority may by notice in writing to the Lessee specifying the repairs and maintenance needed require the Lessee to effect the necessary work in accordance with the notice. If the Authority is of the opinion that a building or some other improvement on the land is beyond reasonable repair the Authority may by notice in writing to the Lessee require the Lessee to remove the building or improvement and may require the Lessee to construct a new building or improvement in place of that removed within the time specified in the notice. If the Lessee does not carry out the required work within the time specified by the Authority any person or persons duly authorised by the Authority with such equipment as is necessary may enter the premises and carry out the necessary work and all costs and

expenses incurred by the Authority in carrying out the work shall be paid by the Lessee to the Authority on demand and from the date of such demand until paid shall for all purposes of this lease be a debt due and payable to the Authority by the Lessee;

RIGHT OF INSPECTION

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

RATES AND CHARGES

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

4. THE COMMONWEALTH COVENANTS WITH THE LESSEE as follows:

QUIET ENJOYMENT

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

5. IT IS MUTUALLY COVENANTED AND AGREED as follows:

TERMINATION

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

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

ACCEPTANCE  
OF RENT

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

FURTHER LEASE

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

NOTICES

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

EXERCISE OF  
POWERS

- (e) Any and every right, power or remedy conferred on the Commonwealth or Territory in this lease, by law or implied by law may be exercised on behalf of the Commonwealth or the Territory or as the case may be by:

- (i) the Authority;
- (ii) an authority or person for the time being authorised by the Authority or by law to exercise those powers or functions of the Commonwealth or Territory; or
- (iii) an authority or person to whom the Authority has delegated all its powers or functions under the Planning and Development Act 2007.

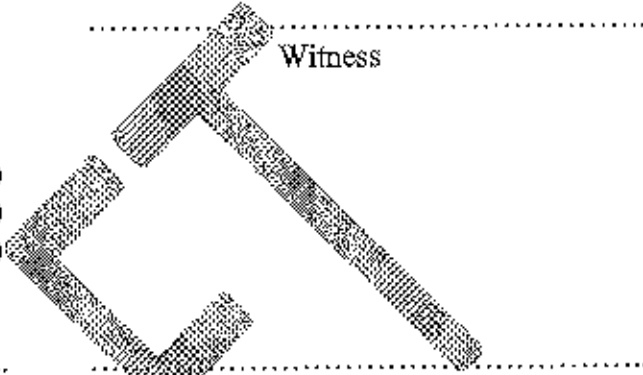
IN WITNESS whereof the Authority on behalf of the Commonwealth and the Lessee have executed this lease.

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

.....  
Delegate

.....  
Witness

Signed by **GEOCON COMMERCIAL** )  
**HOLDINGS PTY LIMITED** )  
(A.C.N. 143 149 053) by: )



.....  
Signature

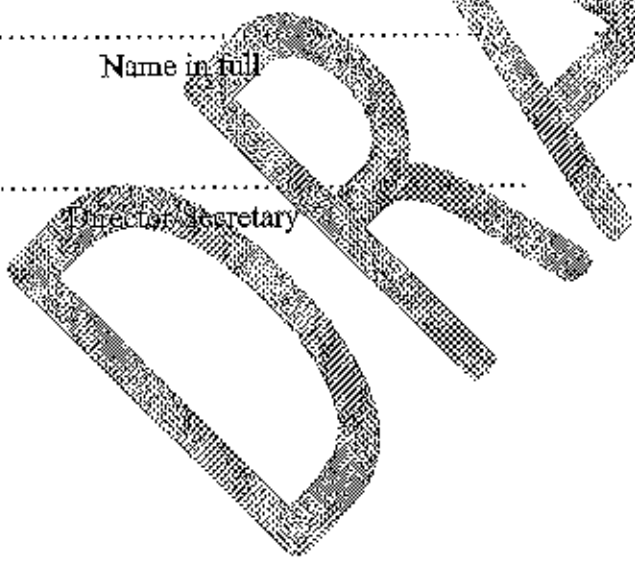
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Name in full

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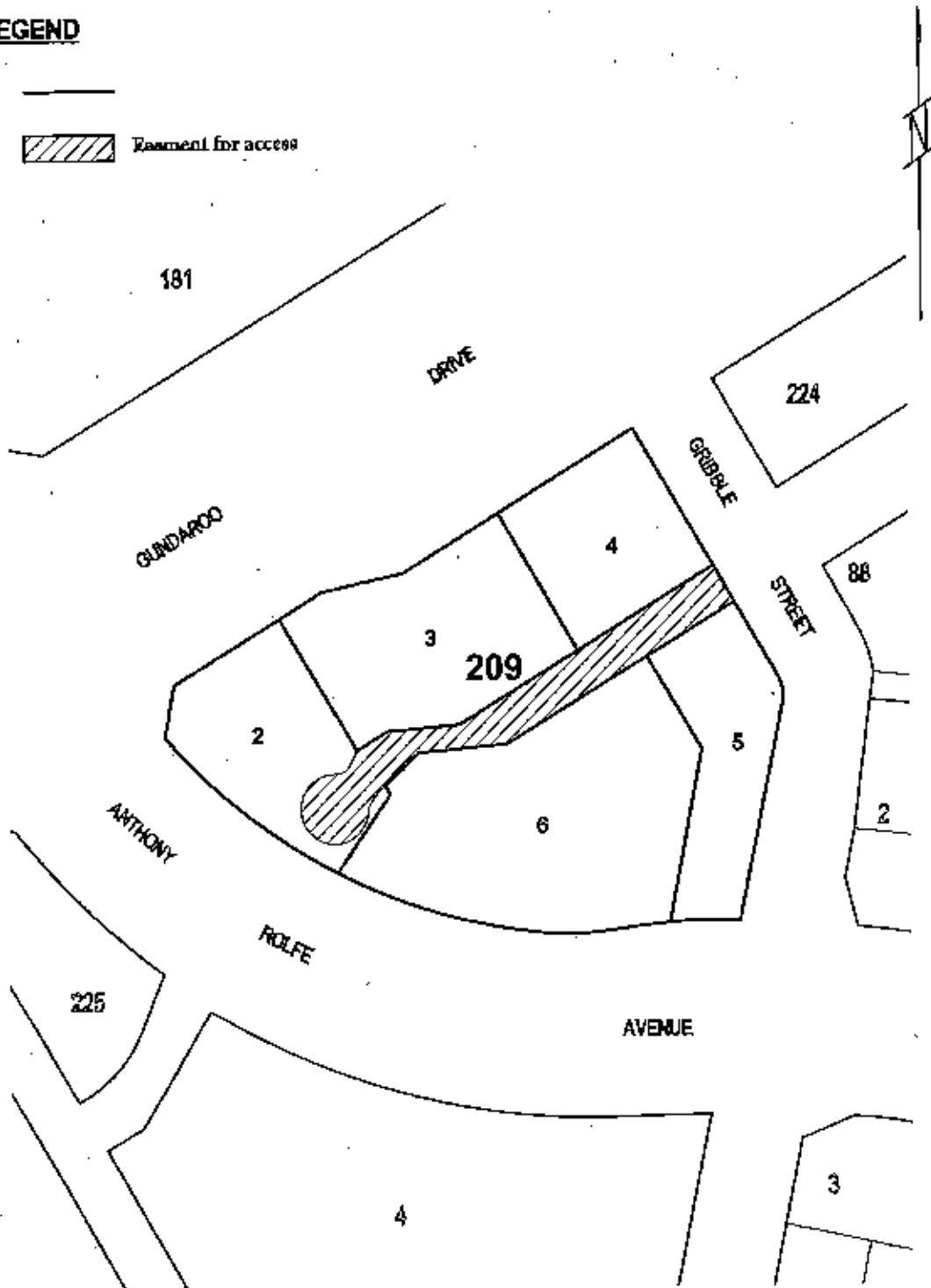
.....  
Director/Secretary

.....  
Director/Secretary



**LEGEND**

- A ———
- B  Easement for access



Scale 1:1500

This is the plan referred to in the lease of  
Blocks 2-6 Section 209 Division of GUNGAHLIN  
granted on the 2 day of October 2014  
as being annexed thereto.



# Notice of decision

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

## Section 197 Amendment

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DA NO: 201527109/F

DATE LODGED: 09-Mar-16

DATE OF DECISION: 18/04/2016

BLOCK: 3

SECTION: 209

SUBURB: GUNGAHLIN

STREET NO AND NAME: Gribble Street; Gundaroo Drive; Anthony Rolfe Avenue

APPLICANT: Purdon Planning Pty Ltd

LESSEE: Geocon Commercial Holdings Pty Ltd

### THE PROPOSAL

Pursuant to section 197 of the *Planning and Development Act 2007*, approval is sought to amend development approval No. 201527105 dated 5/11/2015 by:

- Building B (on Block 3 Section 209 Gungahlin) podium level extended to combined with Building A (on Block 2 Section 209 Gungahlin) podium level; accordingly revised landscaping;
- Revised residential, retail, amenities and parking on ground floor;
- Parking layout changed with an overall increase of 10 spaces on-site;
- Building B tower unit modified with a minor increase in GFA but no increase in unit numbers;
- Revised elevation treatments for Building B podium;
- Building B basement revised layout;
- Revised composition of residential units in Building B;
- Adaptable unit plans revised for Building B;
- Revised podium Landscape Plan; and
- Revised ground floor landscape plan.

### THE DECISION

I, Ajith Buddhadasa, delegate of the planning and land authority, pursuant to section 198 of the Act, hereby **approve** to amend the development approval, in accordance the application made under section 197 of the Act, in accordance with the plans, drawings and other documents and items submitted with the application and endorsed as forming part of this approval.

### THIS APPROVAL DOES NOT TAKE EFFECT

The work above ground level approved in this decision does not take effect until a new Crown lease consolidating Blocks 2 & 3 Section 209 Gungahlin has registered; and until:

- (a) the construction of the carpark located below ground level on the block is completed;

## **PUBLIC NOTIFICATION**

Pursuant to S198B of the *Planning and Development Act 2007*, the authority waived the requirement to publicly notify the amendment of the development approval.

The authority is satisfied that:

- (a) no-one other than the applicant will be adversely affected by the amendment; and
- (b) the environmental impact caused by the amendment will do no more than minimally increase the environmental impact of the development.

## **ENTITY ADVICE**

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

### **Territory and Municipal Services Directorate**

On 06/04/2016 advice was received from Territory and Municipal Services in relation to the proposal. The advice states that the proposal is supported with conditions:

*Conditions  
Block 2 & 3 (Section 209) must be consolidated as a single block.*

Matters raised have been incorporated as advice.

### **ActewAGL Electrical Division**

On 29/03/2016 advice was received from Actew Electrical Division in relation to the proposal. The advice states that the proposal is supported with conditions (attached).

Matters raised have been incorporated as advice.

### **ActewAGL Gas networks**

On 07/04/2016 advice was received from Jemena in relation to the proposal. The advice states that the proposal is supported with conditions (attached).

Matters raised have been incorporated as advice.

### **Icon Water**

On 24/03/2016 advice was received from Icon Water in relation to the proposal. The advice states that the proposal is supported with conditions (attached).

Matters raised have been incorporated as advice.

## **REASONS FOR THE DECISION**

In deciding whether to amend the development approval in accordance with the application under section 197 of the Act, I have considered the application and taken action in relation to the application as if the development originally approved had been completed, and the application for the amendment was an application for approval of a development proposal to change the completed development to give effect to the amendment.

The application to amend the development approval satisfactorily meets the requirements for approval. The application was approved because, pursuant to section 198 of the Act, the changed development proposal and the original development proposal would not be in different assessment tracks, and the development after the amendment will be substantially the same as the development for which approval was originally given.

### **ADVICE TO THE APPLICANT**

The applicant is advised to carefully consider all the relevant advice from each of the entities stated under ENTITY ADVICE section of this decision throughout the process of development (prior to, during & post construction) as applicable.

### **INSPECTION OF THE APPLICATION AND DECISION**

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

### **RECONSIDERATION OF THE DECISION**

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

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

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

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

### **EVIDENCE**

**Application No. 201527109/F**

**The Territory Plan zone – C22 Business Zone**

**The Development Codes – Commercial Zones Development Code;  
Multi Unit Housing Development Code**

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

**Current Crown Lease – Volume 2150 Folio 65**

**Entity advice**

### **DELEGATE**



Ajith Buddhadasa

Delegate of the planning and land authority

Environment and Planning Directorate

18/04/2016

### **CONTACT OFFICER**

Mr Ajith Buddhadasa

Phone: 02 62051550

Email: [ajith.buddhadasa@act.gov.au](mailto:ajith.buddhadasa@act.gov.au)

# APPENDIX 1

## REVIEW OF THE DECISION

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

## CONTACT DETAILS

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

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

## POWERS OF THE ACAT

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

## APPLICATIONS TO THE ACAT

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

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

## TIME LIMITS FOR APPLICATIONS

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

## FEES

Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee of not less than \$178 (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Chief Executive, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. Ask the ACAT for more details.

## TIME LIMITS FOR REVIEWS OF DECISIONS

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

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

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

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

**AWARDING OF COSTS**

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

**ACCESS TO DOCUMENTS ABOUT THE DECISION**

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

**PROCEDURES OF THE ACAT**

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

**TRANSLATION AND INTERPRETER SERVICES**

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

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

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

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



Ms Sue Cutler  
Purdon Planning Pty Ltd  
Unit 2, Cooyong Centre  
Braddon ACT 2612

Dear Sue Cutler

**BLOCK 3 SECTION 209 - GUNGAHLIN**  
**Application Number: 201527109**  
**Lessee: Geocon Commercial Holdings Pty Limited**

I refer to the plans/information you submitted in response to Conditions A2(a), A2(b) & B1(a) of the Notice of Decision with respect to the above Development Application.

The plans/information now satisfies the above conditions of the decision and have been endorsed to form part of the above Development Approval.

Enclosed are copies of the approved plans (**plans for the approved work up to ground level**).

Please note that any other outstanding conditions of approval in the Notice of Decision may need to be addressed prior to development commencing on the site.

If you would like to discuss this matter further please telephone me on 02 62051550.

Yours sincerely

Mr Ajith Buddhadasa  
Senior Assessment Officer

14 December 2015



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Ms Sue Cutler  
Purdon Planning Pty Ltd  
Unit 2, 1-3 Torrens Street  
Braddon ACT 2612

Dear Ms Cutler

**BLOCK 3 SECTION 209 - GUNGAHLIN**  
**Application Number: 201527109/165E**  
**Lessee: NG Landholdings No 1 Pty Limited**

I refer to the above mentioned Development Application. Enclosed are copies of the approved plans.

Please note that development works must comply with all the conditions of approval set out in the Notice of Decision which continue to apply to this proposal.

If you would like to discuss this matter further, please contact me on 6205 2944 or Lisa Johnson on 6205 5187.

Yours sincerely



Syed Ali

Delegate of the planning and land authority  
Environment Planning and Sustainable Development Directorate

Email: [syed.ali@act.gov.au](mailto:syed.ali@act.gov.au)

24 January 2017



**ACT**  
Government

Environment, Planning and  
Sustainable Development

# Notice of decision

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

## Section 197 Amendment

DA NO: 201527109/G

DATE LODGED: 24 November 2016

DATE OF DECISION: 12 December 2016

BLOCK: 3

SECTION: 209

SUBURB: GUNGAHLIN

STREET NO AND NAME: Gribble Street; Gundaroo Drive; Anthony Rolfe Avenue

APPLICANT: Purdon Planning Pty Ltd

LESSEE: NG Landholdings No 1 Pty Limited

### THE PROPOSAL

Pursuant to section 197 of the *Planning and Development Act 2007*, approval is sought to amend development approval No. 201527109 dated 5 November 2015 by removing the boundary realignment between blocks 2 and 3 section 209 Gungahlin.

### THE DECISION

I, Karen Walker, delegate of the planning and land authority, pursuant to section 198 of the Act, hereby **approve** to amend the development approval, in accordance the application made under section 197 of the Act, in accordance with the documents and items submitted with the application and endorsed as forming part of this approval and substantially in accordance with the draft Crown lease at Attachment 1.

As a result of this amended approval:

- Condition A1 has been deleted.
- Condition A3 has been amended as follows:

#### A3 LEASING

That the lessee surrender the existing Crown lease over Block 3 Section 209 Division of Gungahlin - (Volume 2150 : Folio 65) and accept a new Crown lease substantially in accordance with the draft lease appearing at **Attachment 1**.

- Attachment 1 to the Notice of Decision has been replaced with the Attachment 1 to this amendment.

### PUBLIC NOTIFICATION

Pursuant to S198B of the *Planning and Development Act 2007*, the authority waived the requirement to publicly notify the amendment of the development approval.

The authority is satisfied that:

- (a) no-one other than the applicant will be adversely affected by the amendment; and
- (b) the environmental impact caused by the amendment will do no more than minimally increase the environmental impact of the development.

**ENTITY ADVICE**

Pursuant to S198A of the *Planning and Development Act 2007*, the authority waived the requirement to refer the amendment of the development approval to agencies.

The authority is satisfied that the application for amendment does not affect any part of the development approval in relation to which the entity made a comment.

**REASONS FOR THE DECISION**

In deciding whether to amend the development approval in accordance with the application under section 197 of the Act, I have considered the application and taken action in relation to the application as if the development originally approved had been completed, and the application for the amendment was an application for approval of a development proposal to change the completed development to give effect to the amendment.

The application to amend the development approval satisfactorily meets the requirements for approval. The application was approved because, pursuant to section 198 of the Act, the changed development proposal and the original development proposal would not be in different assessment tracks, and the development after the amendment will be substantially the same as the development for which approval was originally given.

**ADVISORY NOTES (delete if not necessary)**

*This application is approved with the following advisory notes. It is recommended that careful consideration be given to advisory notes prior to commencing work.*

The remainder of the conditions and advice contained in the original decision and associated amendments continues to apply.

**INSPECTION OF THE APPLICATION AND DECISION**

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

**RECONSIDERATION OF THE DECISION**

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

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

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

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

**EVIDENCE**

**Application No.** 201527109/G

**File No.** 1-2015/02530

**The Territory Plan zone** – CZ2 Business zone

**The Development Codes** – Commercial Zones Development Code

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

**Current Crown Lease** – Volume 2150 Folio 65

**DELEGATE**



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

12 December 2016

**CONTACT OFFICER**

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

# APPENDIX 1

## REVIEW OF THE DECISION

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

## CONTACT DETAILS

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

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

## POWERS OF THE ACAT

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

## APPLICATIONS TO THE ACAT

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

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

## TIME LIMITS FOR APPLICATIONS

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

## FEES

Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee of not less than \$178 (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Chief Executive, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. Ask the ACAT for more details.

## TIME LIMITS FOR REVIEWS OF DECISIONS

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

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

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

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

**AWARDING OF COSTS**

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

**ACCESS TO DOCUMENTS ABOUT THE DECISION**

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

**PROCEDURES OF THE ACAT**

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

**TRANSLATION AND INTERPRETER SERVICES**

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

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

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

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



**This is a market value  
lease - s238(2)(a)(ii) Planning  
and Development Act 2007**

**AUSTRALIAN CAPITAL TERRITORY**

**PLANNING AND DEVELOPMENT ACT 2007**

**Australian Capital Territory (Planning and Land  
Management) Act 1988 (C'th) (ss 29, 30 & 31)**

LEASE GRANTED pursuant to the Planning and Development Act 2007 and the  
Regulations made under that Act on the                      day of                      Two thousand and

WHEREBY THE PLANNING AND LAND AUTHORITY

LESSEE                      (“the Authority”) ON BEHALF OF THE COMMONWEALTH OF AUSTRALIA  
   (“the Commonwealth”) in exercising its functions grants to

LAND

**NG LANDHOLDINGS NO 1 PTY LTD A.C.N. 601 913 839** a company having  
its registered office at Unit 18, Level 1 24 Iron Knob Street Fyshwick in the  
Australian Capital Territory (“the Lessee”) ALL THAT piece or parcel of land  
situate in the Australian Capital Territory containing **an area of 3362 square  
metres** or thereabouts and being **Block 3 Section 209 Division of Gungahlin**  
as delineated on **Deposited Plan Number 11246** in the Registrar-General’s Office  
at Canberra in the said Territory (“the land”) RESERVING unto the Territory all  
minerals and the right to the use, flow and control of ground water under the  
surface of the land TO HOLD unto the Lessee for the term commencing on the

**day of                      Two thousand and                      (“the date of the  
commencement of the lease”)** and terminating on the **first day of November Two  
thousand one hundred and nine** to be used by the Lessee for the purpose set out  
in Clause 3(b) of this lease only YIELDING AND PAYING THEREFOR rent in  
the amount and in the manner and at the times provided for in this lease and UPON  
AND SUBJECT TO the covenants conditions and agreements contained in this

TERM

lease.

INTERPRETATION

1. IN THIS LEASE unless the contrary intention appears:

- (a) “Authority” means the Planning and Land Authority established by section 10 of the Planning and Development Act 2007;
- (b) “building” means any building or structure, constructed or partially constructed or to be constructed, as the context permits or requires, on or under the land;
- (c) “bulky goods retailing” means a shop which includes a loading dock within the building, and where the goods or materials sold or displayed are of such a size, shape or weight as to require:
  - (i) a large area for handling, storage or display; and/or
  - (ii) direct vehicular access to the site by members of the public, for the purpose of loading goods or materials into their vehicles after purchase, but does not include any shop used primarily for the sale of food or clothing;
- (d) “car park” means the use of land specifically allocated for the parking of motor vehicles;
- (e) “caretaker’s residence” means any dwelling used for the residence of a caretaker, in connection with another land use, including industry and commercial activity;
- (f) “child care centre” means the use of land for the purpose of educating, supervising or caring for children of any age throughout a specified period of time in any one day, which is registered under the Children and Young People Act 2008 or authorised pursuant to the Education and Care Services National Law (ACT) Act 2011 and which does not include residential care;
- (g) “commercial use” means commercial accommodation unit, guest house, hotel, serviced apartment, and tourist resort but does not include a caravan park/camping ground or a group or organised camp;
- (h) “community use” means child care centre, community activity centre, community theatre, cultural facility, educational establishment, health facility, hospital, place of worship, and religious associated use;

- (i) “department store” means a shop in which goods are sold by separate departments within the shop and from which a significant amount or proportion of retail sales occur from at least four of the following types of goods: furniture and floor coverings; fabrics and household textiles; clothing; footwear; household appliances; china, glassware and domestic hardware;
- (j) “gross floor area” means the sum of the area of all floors of the building measured from the external faces of the exterior walls or from the centre lines of walls separating the building from any other building excluding any area used solely for rooftop fixed mechanical plant and/or basement carparking;
- (k) “health facility” means the use of land for providing health care services (including diagnosis, preventative care or counselling) or medical or surgical treatment to outpatients only;
- (l) “indoor recreation facility” means the use of land for sporting activities where such use is primarily indoors;
- (m) “Lessee” shall:
  - (i) where the Lessee consists of one person be deemed to include the Lessee and the executors administrators and assigns of the Lessee;
  - (ii) where the Lessee consists of two or more persons be deemed to include in the case of a tenancy in common the persons and each of them and their and each of their executors administrators and assigns and in the case of a joint tenancy be deemed to include the said persons and each of them and their and each of their assigns and the executors administrators and assigns of the survivor of them; and
  - (iii) where the Lessee is a corporation be deemed to include such corporation its successors and assigns;
- (n) “multi-unit housing” means the use of and for more than one dwelling and includes but is not limited to dual occupancy housing;
- (o) “personal services” means a shop used primarily for selling services and in which the sale of goods is ancillary to the service provided;
- (p) “premises” means the land and any building or other improvements on the land;

- (q) “residential care accommodation” means the use of the land by an agency or organisation that existing for the purpose of providing accommodation and services such as the provision of meals, domestic services and personal care for persons requiring support. Although services must be delivered on site, management and preparation may be carried out on site or elsewhere;
- (r) “residential use” means caretaker’s residence, multi-unit housing, residential care accommodation, retirement village, secondary residence, single dwelling housing and supportive housing;
- (s) “restaurant” means the use of land for the primary purpose of providing food for consumption on the premises whether or not the premises are licensed premises under the Liquor Act 2010 and whether or not entertainment is provided;
- (t) “retail plant nursery” means a shop used for the propagation and sale of plants, shrubs, trees and garden supplies;
- (u) ‘retirement village’ means premises where older members of the community or retired people live, in independent living units or serviced units, under a retirement village scheme;
- (v) “retirement village scheme” for a retirement village, means a scheme under which a person may –
- (a) enter into a residence contract with the scheme operator for the retirement village; and
  - (b) on payment of an ingoing contribution, acquire personally or for someone else a right to live in the retirement village, however, the right accrues; and
  - (c) on payment of the relevant charge, acquires personally or for someone else a right to receive on (1) or more services in relation tot he retirement village;
- (w) “secondary residence” means a second dwelling on the block;
- (x) ‘serviced apartment’ means an apartment that is used as a commercial accommodation unit;
- (y) “shop” means the use of land for the purpose of selling, exposing or offering the sale by retail or hire, goods and personal services and includes bulky goods retailing, department store, personal service, retail plant nursery, supermarket, and take-away food shop;

- (z) “single dwelling housing” means the use of land for residential purposes for a single dwelling only;
- (aa) “supermarket” means a large shop selling food and other household items where the selection of goods is organised on a selfservice basis;
- (bb) “supportive housing” means the use of land for residential accommodation for persons in need of support, which is managed by a Territory approved organisation that provides a range of support services such as counselling, domestic assistance and person care for residents as required. Although such services must be able to be delivered on site, management and preparation may be carried out on site or elsewhere. Housing may be provided in the form of self-contained dwellings. The term does not include a retirement village or student accommodation;
- (cc) “take-away food shop” means a shop, which is predominantly for the preparation of food and refreshments for consumption elsewhere;
- (dd) “Territory” means:
  - (i) when used in a geographical sense the Australian Capital Territory; and
  - (ii) when used in any other sense the body politic established by section 7 of the Australian Capital Territory (Self-Government) Act 1988 (C'th);
- (ee) words in the singular include the plural and vice versa;
- (ff) words importing one gender include the other genders;
- (gg) a reference in this lease to any statute or statutory provision shall include a reference to any statute or statutory provision that amends, extends, consolidates or replaces the statute or statutory provision and to any other regulation, instrument or other subordinate legislation made under the statute.

2. THE LESSEE COVENANTS WITH THE COMMONWEALTH as follows:

RENT

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

MANNER OF  
PAYMENT  
OF RENT

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

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

COMPLETION  
OF DEVELOPMENT

- (a) That prior to the **first** day of **November Two thousand and seventeen** or within such further time as may be approved in writing by the Authority for that purpose, the Lessee shall complete the erection of an approved development including building works, carparking and landscaping on the land in accordance with the said plans and specifications and in accordance with every Statute Ordinance or Regulation applicable to such development;

PURPOSE

- (b) To use the premises only for one or more of the following purposes:
- (i) car park;
  - (ii) commercial accommodation use LIMITED TO serviced apartments;
  - (iii) community use LIMITED TO child care centre and health facility;
  - (iv) indoor recreation facility;
  - (v) residential use;
  - (vi) restaurant; and
  - (vii) shop LIMITED TO a maximum of 200 square metres per shop;

GROSS FLOOR  
AREA

- (c) That the combined gross floor area of all buildings erected on the land shall not be less than 4,000 square metres;

EASEMENT FOR  
SERVICES

- (d) That:
- (i) the Authority, on behalf of the Commonwealth, grants over that part of the land identified as a services easement on the Deposited Plan an easement (“Easement”) in favour of the relevant provider (referred to as the “service provider”);
  - (ii) the service provider may:

- (A) provide, maintain and replace services supplied by that service provider through the land within the site of the Easement; and
- (B) do anything reasonably necessary for that purpose, including without limitation:
  - (1) entering or passing through the land;
  - (2) taking anything on to the land; and
  - (3) carrying out work, including without limitation, constructing, placing, repairing or maintaining pipes, poles, wires, cables, conduits, structures and equipment;
- (iii) in exercising the powers in Clause 3(d)(ii), the service provider must take all reasonable steps to:
  - (A) ensure that the work carried out on the land causes as little disruption, inconvenience and damage as is practicable; and
  - (B) ensure that the land is restored as soon as practicable to a condition that is similar to its condition before the work was carried out;
- (iv) Clause 3(d)(iii)(B), does not require the service provider to restore:
  - (A) the land to a condition that would result in:
    - (1) an interference with:
      - (i) any service on or through the land; or
      - (ii) access to any service on or through the land; or
    - (2) a contravention of a law of the Territory; or
  - (B) any building or structure placed or constructed on any part of the land comprising the Easement;
- (v) the Lessee must not place or construct, nor permit to be placed or constructed, a building or structure or any part of a building or structure on any part of the land comprising the Easement UNLESS written advice from the service provider is obtained;

- (vi) for the purposes of the Easement, “services”, includes, without limitation, the supply of water, gas, electricity and discharge or drainage of water, stormwater and sewerage; and
  - (vii) nothing in this clause diminishes or affects any rights or powers of a service provider conferred under any statute, regulation or law;
- CARPARKING (e) That the Lessee shall provide and maintain an approved drained and sealed car, truck, motorcycle, scooter and bicycle parking and associated facilities on the land to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;
- ACCESS EASEMENT (f) The Lessee, their employees, contractors, sublessees or other occupiers and visitors are permitted to pass and repass, with or without vehicles, across over and along the part of the premises on Block 2 Section 209 Division of Gungahlin identified as an “easement for access” on the plan annexed to this lease;
- LANDSCAPING (g) That the Lessee shall provide and maintain landscaping on the land to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;
- LIGHTING (h) That the Lessee shall illuminate and keep illuminated all public access areas, carparks and driveways on the land at the Lessee’s cost during the evening hours of operation to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;
- LOADING AND UNLOADING OF VEHICLES (i) That the Lessee shall provide and maintain an area for the loading and unloading of vehicles on the land to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;
- PRESERVATION OF TREES (j) That the Lessee shall not, without the previous consent in writing of the Territory, remove any tree:
- (i) that has been identified in a development approval for retention during the period allowed for construction of the building; or
  - (ii) to which the Tree Protection Act 2005, applies;

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

4. THE COMMONWEALTH COVENANTS WITH THE LESSEE as follows:

QUIET  
ENJOYMENT

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

5. IT IS MUTUALLY COVENANTED AND AGREED as follows:

TERMINATION

(a) That if:

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

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

ACCEPTANCE  
OF RENT

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

FURTHER LEASE

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

NOTICES

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

EXERCISE OF  
POWERS

(e) Any and every right, power or remedy conferred on the Commonwealth or Territory in this lease, by law or implied by law may be exercised on behalf of the Commonwealth or the Territory or as the case may be by:

(i) the Authority;

(ii) an authority or person for the time being authorised by the Authority or by law to exercise those powers or functions of the Commonwealth or Territory; or

(iii) an authority or person to whom the Authority has delegated all its powers or functions under the Planning and Development Act 2007.

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

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

.....  
Witness

Signed by **NG LANDHOLDINGS NO 1** )  
**PTY LTD (A.C.N. 601 913 839) by:** )

.....  
Signature

.....  
Signature

.....  
Name in full

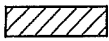
.....  
Name in full

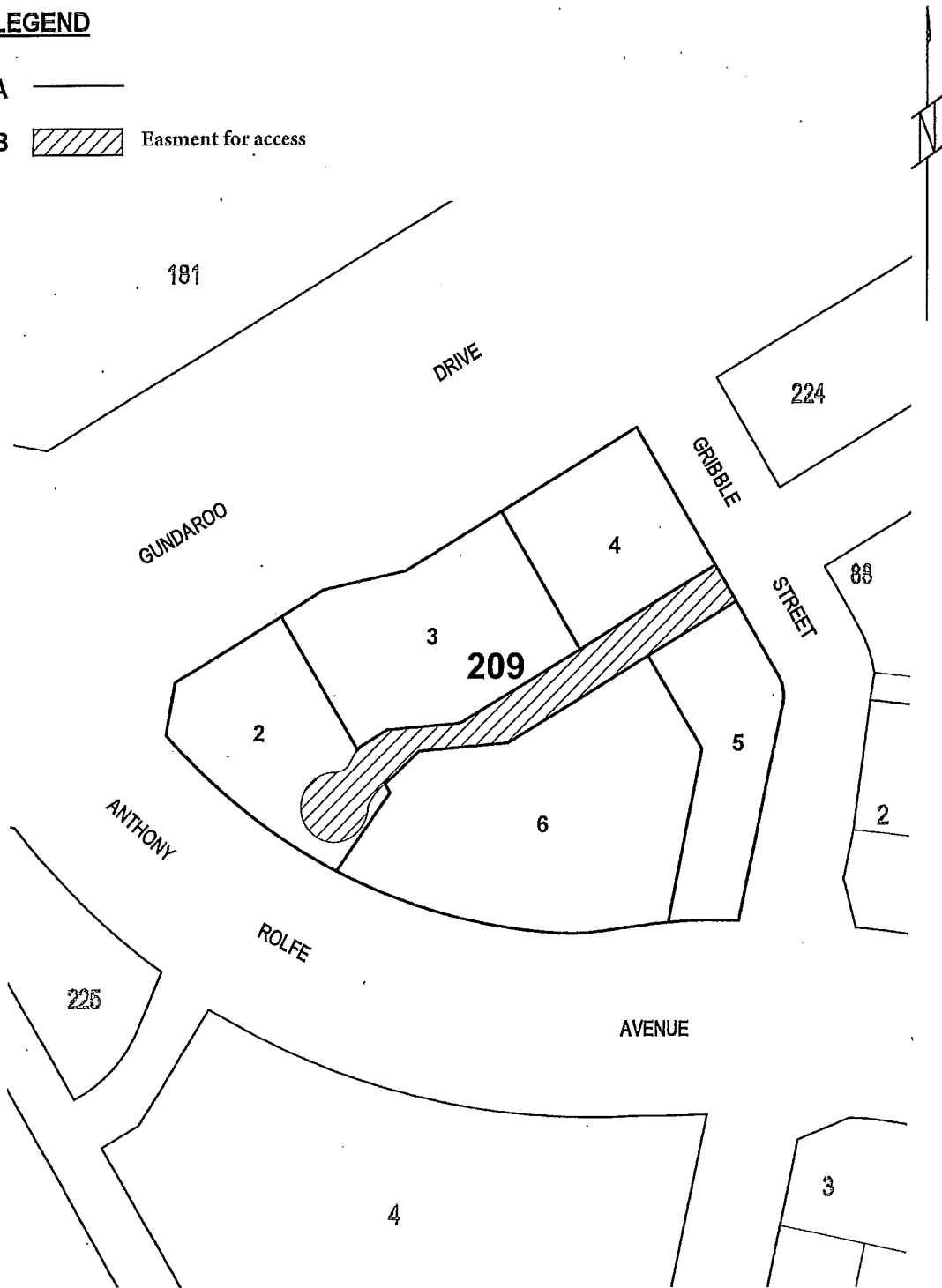
.....  
Director/Secretary

.....  
Director/Secretary

**LEGEND**

A ———

B  Easement for access



Scale 1 : 1500

This is the plan referred to in the lease of  
Blocks 2-6 Section 209 Division of GUNGAHLIN  
granted on the 2 day of October 2014  
as being annexed thereto.



# Notice of decision

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

## Section 197 Amendment

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DA NO: 201527109/H

DATE LODGED: 16/02/2017

DATE OF DECISION: 20/02/2017

BLOCK: 3

SECTION: 209

SUBURB: GUNGAHLIN

STREET NO AND NAME: Gribble Street; Gundaroo Drive; Anthony Rolfe Avenue

APPLICANT: Purdon Planning Pty Ltd

LESSEE: Geocon Commercial Holdings Pty Ltd

### THE PROPOSAL

Pursuant to section 197 of the *Planning and Development Act 2007*, approval is sought to amend development approval No. 201527109 dated 5/11/2015 by:

#### List of Proposed Amendments

1. Basement RL was lowered by 600mm to accommodate services
2. GF was raised overall 400mm for grading compliance with stormwater overflow requirements
3. Level 1 was raised by overall 600mm to accommodate soffit installed services
4. Level 5 was raised by overall 1000mm to accommodate the level 5 transfer slab.
5. Modification of unit type names
6. Layout and number of storage cages and car parking spaced changed
7. Revision of footpaths, landscaping and external ramps
8. Basement layout enlarged and revised
9. Ground floor layout revised
10. Vehicle ramp and driveways modified
11. AMD levels updated and overall building height revised
12. Layout and core area updated to suit services and construction requirements
13. Balustrades and screens refined
14. External cladding on balconies changed
15. Service areas added and revised
16. Roof plant screen changed as per mechanical requirements
17. Building infills on towers changed
18. External columns changed from square to round
19. Shared path design changed
20. Podium pool area raised.

### THE DECISION

I, Ajith Buddhadasa, delegate of the planning and land authority, pursuant to section 198 of the Act, hereby **approve** to amend the development approval, in accordance the application made under section 197 of the Act, in accordance with the plans, drawings and other documents and items submitted with the application.

**THIS APPROVAL DOES NOT TAKE EFFECT**

The work above ground level approved in this decision does not take effect until a new Crown lease consolidating Blocks 2 & 3 Section 209 Gungahlin has registered; and until:

- (a) the construction of the carpark located below ground level on the block is completed;

**PUBLIC NOTIFICATION**

Pursuant to S198B of the *Planning and Development Act 2007*, the authority waived the requirement to publicly notify the amendment of the development approval.

The authority is satisfied that:

- (a) no-one other than the applicant will be adversely affected by the amendment; and
- (b) the environmental impact caused by the amendment will do no more than minimally increase the environmental impact of the development.

**ENTITY ADVICE**

Pursuant to S198A of the *Planning and Development Act 2007*, the authority waived the requirement to refer the amendment of the development approval to agencies.

The authority is satisfied that the application for amendment does not affect any part of the development approval in relation to which the entity made a comment.

**REASONS FOR THE DECISION**

In deciding whether to amend the development approval in accordance with the application under section 197 of the Act, I have considered the application and taken action in relation to the application as if the development originally approved had been completed, and the application for the amendment was an application for approval of a development proposal to change the completed development to give effect to the amendment.

The application to amend the development approval satisfactorily meets the requirements for approval. The application was approved because, pursuant to section 198 of the Act, the changed development proposal and the original development proposal would not be in different assessment tracks, and the development after the amendment will be substantially the same as the development for which approval was originally given.

**INSPECTION OF THE APPLICATION AND DECISION**

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

**RECONSIDERATION OF THE DECISION**

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

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

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

**EVIDENCE**

**Application No. 201527109/H**

**The Territory Plan zone – CZ2 Business Zone**

**The Development Codes – Commercial Zones Development Code;  
Multi Unit Housing Development Code**

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

**Current Crown Lease – Volume 2150 Folio 65**

**Entity advice**

**DELEGATE**



Ajith Buddhadasa

Delegate of the planning and land authority  
Environment and Planning Directorate

20/02/2017

**CONTACT OFFICER**

Mr Ajith Buddhadasa

Phone: 02 62051550

Email: [ajith.buddhadasa@act.gov.au](mailto:ajith.buddhadasa@act.gov.au)

# APPENDIX 1

## REVIEW OF THE DECISION

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

## CONTACT DETAILS

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

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## APPLICATIONS TO THE ACAT

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

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

## TIME LIMITS FOR APPLICATIONS

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

## FEES

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

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**ACCESS TO DOCUMENTS ABOUT THE DECISION**

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

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



# Notice of decision

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

## Section 197 Amendment

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**DA NO:** 201527109/I

**DATE LODGED:** 20 December 2017

**DATE OF DECISION:** 12 January 2018

**BLOCK:** 7 (retired blocks 2 & 3) **SECTION:** 209

**SUBURB:** GUNGAHLIN

**STREET NO AND NAME:** Gribble Street; Gundaroo Drive; Anthony Rolfe Avenue

**APPLICANT:** Purdon Planning Pty Ltd

**LESSEE:** Geocon Commercial Holdings Pty Ltd

### THE PROPOSAL

Pursuant to section 197 of the *Planning and Development Act 2007*, approval is sought to amend development approval No. 201527109 dated 5/11/2015 by:

#### List of Proposed Amendments

1. Car parking layout amended
2. Car parking lots added (total of 3 lots added)
3. Disabled car park space relocated
4. Modification to storage cages layout and re-allocation
5. Storage cage added
6. Disabled ramp amended
7. Relocation of door at retail 04
8. Landscape layout amended
9. Window changed to swing door
10. Layout revised for unit 237
11. Sliding door/ window added
12. Mechanical vertical fins screening deleted
13. Glass baluster façade pattern updated
14. Penthouse raised by 70mm
15. Adjustment to window height elevation
16. Concrete precast wall amended
17. Drawing sheets added

### THE DECISION

I, Trent Varlow, delegate of the planning and land authority, pursuant to section 198 of the Act, hereby **approve** to amend the development approval, in accordance the application made under section 197 of the Act, in accordance with the plans, drawings and other documents and items submitted with the application.

## **PUBLIC NOTIFICATION**

Pursuant to S198B of the *Planning and Development Act 2007*, the authority waived the requirement to publicly notify the amendment of the development approval.

The authority is satisfied that:

- (a) no-one other than the applicant will be adversely affected by the amendment; and
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**The Precinct Codes** – Gungahlin Precinct Map and Code

**Current Crown Lease** – Volume 2267 Folio 74

**Entity advice** – N/A

**DELEGATE**



Trent Varlow

Delegate of the planning and land authority

Environment and Planning Directorate

12 January 2018

**CONTACT OFFICER**

Mr Trent Varlow

Phone: 02 6207 6632

Email: [trent.varlow@act.gov.au](mailto:trent.varlow@act.gov.au)

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