



Block/s:	2	DA number:	201630707-S1970
Section:	64	Date lodged:	4-Nov-22
Suburb:	Watson	Due date:	
Zone/s:	CZ6: LEISURE AND ACCOMMODATION	Unit Number (if applicable)	
Proposal:	AMENDMENT TO APPROVED DA201630707 (S1970). Amendment to the development application for <b>Mixed use development comprising</b> demolition of existing building, construction of residential units, childcare centre, retail, community facilities, landscaping and associated works & <b>lease variation – check original DA description</b> - the amendment includes change of unit layout in Block M and <b>increase in the number of dwellings from 11 to 15 such that the new layout in Block M consists of 11 three storey terrace units and four two storey townhouses</b> , addition of opaque glass to windows, addition of 1.7m high screens above finished floor level and associated works.		
Proposed Use:	Mixed Use		

Note – Reconsideration assessment is in blue

Appears block number has changed from 2/64 Watson to **Blocks 1-6 & 12-15 Section 122 Watson** (Block M is 12/122 Watson) – **check maybe multiple blocks now – NOD to reflect if correct**  
Original s1970 DA decision 13 April 2023 – partial refusal

Reconsideration proposal – seeks reconsideration of **partial** refusal of the DA for following amendments

2. Reconfiguration of Block M dwellings
3. Opaque glass added to windows

Proposed amendments

- Changes to the POS and PPOS design for Block 'M' building(s) - **improved**
- Changes to the setbacks for Block 'M' building(s) – **ok**
- Changes to the plan annotations for Block 'M' building(s) - **noted**
- Changes to the unit configuration for Block 'M' building(s) – **No adaptable units proposed in original application or in this reconsideration.**
- Changes to the internal road network for Block 'M' building(s) – **central road & garages replaced with basement parking**
- **Changes to total number of dwellings from 11 to 15 – To consider in overall context of proposed amendments**

Reasons for refusal

- R/C38 & 61 OF MUHDC – POS & PPOS size less than required -The 4 internal dwellings (M12 to M15) have limited POS and PPOS – **improved with PPOS + service courts – meets criterion, driveway ramp shown a communal open space which is not permitted under the TP** – adjacent community title block available

Applicant states - *\*It is noted that the NOD references Rule/Criteria 38 of the Multi-Unit Housing Development Code (MUHDC) in addressing Private Open Space comments, however Rule/Criteria 38 relates to Site Open Space specifically in RZ1 and RZ2 zones, and therefore the amendments made to the design are in addressing Rule/Criteria 39 (applicable to RZ3, RZ4, RZ5, and Commercial Zones) as the subject site falls within the CZ6 zone. - **check***

- R/C30 OF MUHDC – side & rear setbacks inconsistent with C30 a) consistency of desired character and C30 b) reasonable separation between adjoining developments. **6m setback proposed to upper level from eastern boundary - complies**

Assessment

- **Total redesign – this is more than an amendment should have been a new DA and/or notified** - Original S1970 DA was notified & no rep - less impact than original S1970 in terms of setbacks, building height significantly reduced, basement does not extend to boundary, etc.+ **referred to all entities - discuss with delegate**

- basement ramp + new footpath – just outside the Tree protection zone of existing regulated trees – see copy of previous approved TMP saved in assessment folder
- Basement ramp gradients – given? – **No basement gradient**
- NGL not shown in relation to rear boundary on Section A – retaining wall/rear area of section is existing and built
- Upper level bathroom & ensuite windows of Units 1-8 have obscure awning window for privacy - interface distance approx 4.3m – meets criterion
- Solar access – (not considered in original assessment) – **not demonstrated for units 9 -14**, north facing Units 1 & 15 have blank walls to north – Considered solar access would be achieved, albeit not significantly more so than the rule requirement. Angled walls allow for greater penetration of sunlight beyond what would be possible with straight walls/windows and the combination of solar access from front and rear of dwellings will result in atleast 3 hours of sunlight to day time living areas across the day based on provided shadow diagrams.
- **No revised landscape plan** has been provided to indicate planting details & surface finishes– **include condition**
- **Updated WSUD details not given** – **include condition**

**Dwelling Yield – Block M**

- Original approved yield for BLOCK M - 11 X 4 BR dwellings
- Original s1970 -BLOCK M yield — Increase from approved 11 to 15 dwellings -11 x 2bed & 4 x 3 bed
- Recon DA – no change in yield proposed in original s1970 i.e. increase from approved 11 to 15 i.e. 12 x 2bed & 3 x 3 bed - **unit types inconsistency between Traffic report & waste letter** - Waste letter states 13 x 2 bed & 2 x 3 bed but traffic report says 12 x 2bed & 3 x 3 bed – traffic report is correct
- Any adaptable units – access report & post adaptaed plans ? – **check**
- Storage units - complies

**Parking**

**Resident**

- Overall Resident parking provision numbers same as Original S1970 DA
- Recon DA for Block M based on 12 x 2bed & 3 x 3 bed – although inconsistent with waste letter, each unit has been allocated 2 spaces same as in S1970 - complies
- Applicant claims - 50 spaces in excess of the minimum PVAGC requirement – **check**
- Any adaptable units car parking – ceiling height - **check**

The following table presents final yield of the development (with amended yield to Block M highlighted in **YELLOW**):

STAGE	BLDG	1BR	2BR	3BR	4BR	TOT	CARS	SUP
1	G	18	9	15		42	62	62
	H		8	9	3	20	36	36
	J		4	6	2	12	22	22
	K		7	7		14	25	25
	L		3	5		8	15	16
2	A	54	22			76	95	121
3	B		10	12		22	39	39
	C		10	5		15	98	121
	D		16	8	8	30	36	36
	E		4	1	1	6	12	12
	F		8	2	2	12	20	20
	M		12	3		15	30	30
TOTAL		82	155	73	14	324	510	560

The total number of dwellings will be 324 and the proposed car parking supply will be 560 spaces on the site.

Additional 81 car parking spaces will be required for visitors within the development (at a rate of 1 space for every 4 dwellings) in accordance with the minimum requirements of PVAGC for the 324 dwellings.

Visitor car parking spaces have been identified as follows:

Stage 1	Negus Crescent	24 on-street spaces
Stage 1	Adjacent to Block G	14 spaces
Stage 2	Adjacent to central park	10 spaces
Stage 2	Block A	13 spaces
Stage 2	Adjacent to Block A	16 spaces
Stage 3	Block C	11 spaces

Total visitor spaces available 88 spaces  
This is in excess of the 81 spaces required by PVAGC.

**Visitor**

- Additional 81 car parking spaces required for visitors – on site – 64 & 17 on-street in Negus Street - **check plans**

**STAGE 1 – PRE-ASSESSMENT APPRAISAL**

Is the <b>notification</b> wording appropriate (if applicable):	Yes
	<div style="border: 1px solid black; width: 100%; height: 100%;"></div>
	N/A – no objections to original s1970 DA – so Recon DA not notified

Have all <b>Entities</b> been referred to (if applicable)?	Yes <a href="#">yes</a>  <input type="text"/>
Has a conflict of interest been declared?  If the conflict is with an officer in the Statutory Planning Division, has a Disclosure Form been completed?	No  Choose an item.
197 NOD outline saved into Objective	Yes  <input type="text"/>

**Notes for the assessment officers / Key issues identified:**

- [Click here to enter text.](#)

**OUTCOME**

- Can proceed to next stage  
 Issue identified that may result in a refusal, subject to further assessment and entity advice

Assessment officer:	Zebedee Mahoney <a href="#">Meena Ramesh 2/8/2023</a>	18/11/2022
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**STAGE 2 – INFORMATION COLLECTION (ENTITIES – including EPSDD DA Leasing) – due 29/7/2023 -**

**OVERDUE**

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

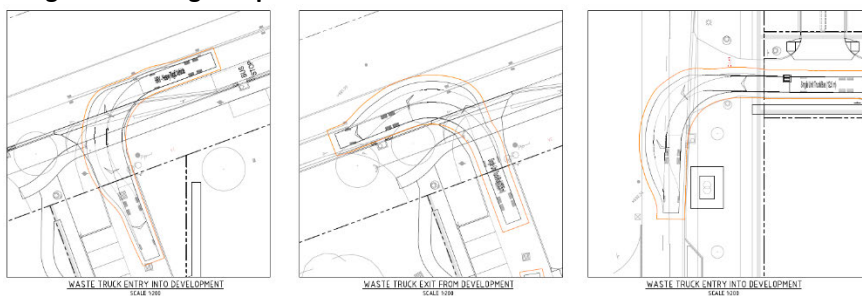
Entity	Did the entity support the application?	Assessment comments / Conditions required
Evo Energy - Electricity	Yes - with conditions	<p>Development is to comply with minimum 1.5m machinery access clear of obstacles and vegetation to assets within the block.                      Development is to comply with minimum clearances to overhead conductors and poles. Ref Evoenergy Drawing 3811-004                      Development is to comply with minimum separation requirements to underground assets. Ref Evoenergy Drawing 3832-018                      Proposed and existing development is to comply with minimum 1.5m machinery access clear of obstacles and vegetation to assets within or adjacent to the block. The development must maintain existing access arrangements to Evoenergy assets that located within or adjacent to the block at all time.</p> <p><input type="checkbox"/><input type="checkbox"/>No development activity shall be undertaken                      a) within an electricity easement or,                      b) that restricts access to Evoenergy asset/s</p> <p>The location of the proposed or existing Point of Entry/ Meter Box is to comply with Evoenergy's Service and Installation rules.                      The proponent is responsible for ensuring that Evoenergy's Design and Siting requirements for substations are met. This includes but not limited to meeting all the requirements of Evoenergy Drawing 3832-018, in particular that no underground uninsulated metal work, metal pipes, metal fencing or metal clad buildings are within 7 meters of any part of a padmount substation. Unhindered direct access to the substation will be required 24/7.</p> <p>Conditional support – <b>include standard condition</b></p> <p><b>No comments on file from Evoenergy – to check with Meena</b></p>
Evo Energy - Gas	Yes - without conditions	<p>Jemena have reviewed the proposed development and can confirm Evoenergy (gas) have no objections.                      Comments pending – reminder sent with request for response by noon 3/8/23</p> <p>Received – no objections</p>
ICON Water	No	<p>Please complete attached Icon Water Design Form Pack, Hydraulic servicing plans and email to hydraulicassetacceptance@iconwater.com.au. Icon Water will then identify whether your development falls into the capital contribution code scheme, and will write you a letter to confirm.                      On confirmation, please resubmit Development Application to Icon Water for Building                      Approval prior to any DA/BA approval by ACTPLA or certifiers.                      Due to proposed increase in number of dwellings, please provide amended design acceptance WSCC confirmation.</p> <p>Condition to obtain Icon endorsement prior to commencing works</p> <p><b>NOT supported</b> – <b>include standard Condition</b> to obtain Icon endorsement prior to commencing works</p>
TCCS	No	<p><b>Internal Communication to EPSDD:</b> For this proposed amendments to the Block (M) TCCS provide support to the parking requirements however the <b>Waste Recycle Management Plan submitted is not satisfy the requirement of the latest 2019 Waste Code.</b></p> <p><b>1. Waste Management:</b></p>

- a. With proposed amendments for Block (M) Waste and Recycle Management Plan(WRMP) submitted to satisfies the requirements of Waste Management Code 2016 which is not supported by the TCCS, and it is also consistency with the previous advice. TCCS previous advice was to keep the original approval or redesign the waste collection facilities to comply with the current waste code (2019).
- b. Submitted application is incomplete with sections, elevations and gradients of the waste enclosure(s) missing; Operational management Plan is missing etc.
- c. None of the turning templates (e.g., 2202-E, 2301-5) demonstrate how a waste collection would park adjacent to the waste enclosure, turn on site and exit in a forward direction (images 1 and 2). The applicant is to provide detailed turning templates of truck manoeuvring onsite, the truck parking to collect, obstructions and the 3m widening of the road as per AS2890.2 to allow vehicles to pass the collection vehicle.
- d. Organic green waste calculation not provided. Where will organic green waste MGBs be collected on the kerb for Block M ? The allocated location for kerb collection with satisfactory requirements of DCC waste code 2019 not submitted.
- e. For such a large development presenting in stages and breaking into individual component is making assessment process hard to understand the overall impact on the whole development and Waste Strategy. Please provide waste calculation for Blocks (e.g. block M for this DA) with amendments (number of dwellings and bedrooms).

**2. General comments**

- a. The applicant must submit a letter of response with reference to the updated drawings / documents. If the applicant requires any clarification on above comments, TCCS recommends that the applicant must submit a response to all items together to [TCCS.DCDevelopmentCoordination@act.gov.au](mailto:TCCS.DCDevelopmentCoordination@act.gov.au)

**Image 1 – Turning Template**





List of additional items		
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Has the further information request been reviewed by the manager? Yes

**Note: must be reviewed prior to being requested**

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

**Final**

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

**Completion**

<input type="radio"/> Stage 2 assessment has been completed with no issues identified.		
<input checked="" type="radio"/> Stage 2 assessment has been completed with the following issues noted:		
Other - discuss <a href="#">Conditions as recommended by Entities entered into draft NoD</a>		
<input type="radio"/> Stage 2 has identified issues that prevent further assessment, specifically (insert below)		
<div style="border: 1px solid #ccc; height: 20px;"></div>		
<b>Assessment officer:</b>	Name Matthew Forman Name <a href="#">Finnian Malmberg</a>	Date: 03/03/2023 Date: <a href="#">08/08/2023</a>

### STAGE 3 – ISSUES CONSIDERATION (REPRESENTATIONS)

No representations were made in respect of the application under section 156 of the Planning and Development Act 2007.

Notification waived

#### Completion

<input checked="" type="radio"/> Stage 3 has been completed with no issues identified.
<input type="radio"/> Stage 3 has been completed with the following issues noted:
Choose an item.
<input type="radio"/> Stage 3 has identified issues that prevent further assessment, specifically (insert below)

## STAGE 4 – ASSESSMENT

Proposed Use	Is the proposed use allowable in the applicable zone/s? Yes
Does the proposal trigger referral to the MPRG at this phase:	<b>MPRG:</b> No
Does the proposal trigger referral to the LRP at this stage:	<b>LRP:</b> No
S198 (5)(a) &(b)  The planning and land authority must refuse to amend the development approval if the changed development proposal and the original development proposal would be in different tracks	The amended approval will not result in the track being changed.
S198(5)(c)(i) The planning and land authority must refuse to amend the development approval if the changed development proposal would be in breach of a condition on the approval-  Imposed (rather than confirmed or varied) by a court or tribunal.	The approval is not subject to a condition/s imposed by a court or tribunal.
S198(5)(c)(ii) The planning and land authority must refuse to amend the development approval if the changed development proposal would be in breach of a condition on the approval-  Relating to a conditional environmental significance opinion.	The original application was not subject to an Environmental Significance Opinion (ESO).
S198 (6)  Also, the planning and land authority must refuse to amend the development approval unless satisfied that, after the amendment, the development approved will be substantially the same as the development for which approval was originally given	The approval when amended is determined to be substantially the same as the original approval.

Territory Plan assessment		
Codes of the Territory Plan considered include:  <b>Please only assess what has been amended</b>	SUBURB Precinct Map & Code: <input type="checkbox"/> Multi Unit Housing Development Code <input type="checkbox"/> Parking & Vehicular Access General Code <input type="checkbox"/> Waterways Water Sensitive Urban Design General Code	
Does the amended application meet all relevant mandatory rules:	Yes	
<b>The assessing officer undertook an assessment of the proposal and found that the following KEY rules and criteria warrant further discussion.</b> <i>Note: Further issues may have been identified in a plan based assessment that have not necessarily been included in this or is of a significance that did not warrant particular discussion.</i>		
Code	Rule / Criteria	Assessment/Discussion
Multi Unit Housing Development Code	R25/C25	The amendment to Block Mb will significantly reduce the setback to eastern boundaries and increase the shadowing into neighbouring PPOS. There have not been shadow diagrams provided to demonstrate the impacts of the amendments.

		<p><b>Second assessment</b></p> <p>There is opportunity to refuse and delete Block Ma which will allow Block Mb to be moved further away from the side boundary to have a setback of at least 6m. This will allow the impacts of the development on neighbours to be reduced to a reasonable level.</p> <p>Suggested condition of approval/refusal for Block Ma to be refused and for Block Mb to be relocated to have an increased to 6m side boundary setback</p>
	R30/C30	<p>The reduced setback and redesign for Block Mb as a result of the amendment will cause issues for overlooking into neighbouring POS/PPOS. The dining room window is an upper floor window with a setback of 3.025m and has no measures of obscuring sightlines.</p> <p>There is opportunity to refuse and delete Block Ma which will allow Block Mb to be moved further away from the side boundary to have a setback of roughly 6m. This will allow the impacts of the development on neighbours to be reduced to a reasonable level. Additionally, the development should present as a 2 storey development when viewed from the eastern boundary.</p> <p>See suggested condition under R25/C25</p> <p>Suggested condition that development should present as a 2 storey development when viewed from the eastern boundary</p>
	R38/C38	<p>Development has reduced open space for residences.</p> <p>See suggested condition under R25/C25</p>
	C40	<p>The changes in the landscape design with proposed new layout have not been demonstrated</p> <p>See suggested condition under R25/C25 (when asking for revised plans, include request for landscape plan)</p>
	R50/C50	<p>The roof of Block Mb has no articulation</p> <p>advisory note for further articulation to be explored</p>
	R59/C59	<p>Overlooking – development is 3.025m from side boundary and could have direct line of sight to neighbouring windows</p> <p>Note: this does not include installing high sill windows, obscured glass, and/or angled louvres</p> <p>Suggested condition to ensure there is no direct line of sight to primary windows</p>
	R60/C60	<p>Overlooking – development is 3.025m from side boundary and will have direct line of sight to neighbouring PPOS</p> <p>Note: this does not include installing high sill windows, obscured glass, and/or angled louvres</p> <p>Suggested condition to ensure there is no direct line of sight to 50% of neighbouring PPOS</p>
	R61/C61	<p>Block MA has PPOS that will be directly accessible from the residence and receive sufficient sunlight but there no demonstration of privacy and it is not a sufficient size for domestic services or recreation.</p> <p>MB has PPOS that will receive adequate sun and privacy but is not directly accessible from the residence, being accessed through the garage and it will not provide sufficient space for activities, recreation and domestic services</p> <p>See suggested condition under R25/C25</p>
Parking & Vehicular Access General Code	All	Meets parking code

**Reconsideration Assessment Below (Considered that as the reconsideration proposes significant changes such that every item has been altered from the original S1970 application it warrants full assessment against the relevant Codes)**

CZDC	C3	Consistent – proposed buildings are considered to meet the criterion items raised in that they achieve an articulated built form that contributes positively to the streetscape and adjacent public spaces, provides permeability through and around the site and has physically open or visually permeable stairwells to facilitate natural surveillance.
	C5	<b>Include condition (Conditioned)</b> – Plant and service structures are not integrated with the building design and there is insufficient detail as to the proposed screening from public areas. Water Meter and Fire Brigade Booster Valve proposed on the boundary line towards Buninyong Street with no detail as to screening and as demonstrated in Composite Streetscape plan, fairly dominates the visual aspect of the dwellings.
	C7	Consistent – building materials and finishes are consistent with the criterion elements as they use low-tone and brick that will reduce reflectivity, with adequate transparency and articulation to produce shadow profiles and other design elements meeting item d).
	C14	<b>Include condition (Conditioned)</b> – No revised landscape plan provided that identifies finishes, planting types or species. Only 1 plan (PPOS) that identifies proposed trees but makes no reference to type or size.
	R16 & 17	<b>Include condition (Conditioned)</b> – External lighting to comply with the relevant Australian Standards raised in these rules
	C19	Consistent – pedestrian, cyclist and driveway entrances to the site are considered to meet the criterion items raised as they are clearly visible from the front boundary, are permeable through the site and priority is provided or pedestrians and cyclists.
	C21	Consistent – Traffic and road network considered under the original EDP for the overall site and in the context of this reconsideration amendment it is not considered to unreasonably increase the expect impact from this site and therefore be accommodated by the road network.
	R57	Complies – Proposed dwellings don't exceed 2 storeys.
	R/C58	<b>Consistent (TO CONFIRM)</b> – Proposal does not comply with the rule setback of 6m for all boundaries, however, given the proposal is for residential purposes the more appropriate setback requirement would be within the MUHDC.
	R60	Complies – based on the conditions imposed, it is considered that the development in the form modified by these conditions will meet the requirement of the MUHDC.
	R64	<b>Include condition (Conditioned)</b> – TCCS have not supported the proposal and in particular the post occupancy waste management.
	R67	<b>Include condition (Conditioned)</b> – Icon Water have not supported the proposal.
MUHDC	R/C29	Consistent – the proposal does not comply with the rule for the lower floor and upper floor levels. Lower floor level is predominantly compliant with the 4m setback, however, angled walls/windows to facilitate greater solar access encroach into this setback at varying distances with the shortest being between 2.5-2.6m. Considered that this meets the criterion items raised.  Upper floor level is proposed at 4m setback, whereas requiring 6m setback under the rule. Considered that the setback is still sufficient with the criterion elements and ensure reasonable amenity for residents, sufficient space for street trees to grow to maturity and consistent with the desired character.
	R/C30	LFL PBZ Setbacks – Complies with rule. LFL RZ Setbacks – Consistent with the criteria, 5m length of wall of Unit 1 in RZ is 1.5m setback where requiring 3m under the rule. Considered it meets the criterion items as it does not impact upon privacy for dwellings, their PPOS or solar access to dwellings or their PPOS, includes a path around the dwellings thereby ensuring reasonable separation to the adjacent developments and is consistent with the desired character. Have reviewed adjacent development on this boundary (Block A) and there is footpaths, stairs and open space for this portion of the boundary and will therefore ensure reasonable separation.

		<p>UFL PBZ Setbacks – Complies with rule.</p> <p>UFL RZ Setbacks – Consistent with the criteria. Same portion of wall as raised in LFL RZ Setback above is proposed for UFL with same setback requirement. Considered to meet the criterion elements raised for the same reasons.</p> <p>Rear setbacks, LFL – complies with the rule.</p> <p>Rear setbacks, UFL – complies with the rule</p>
	R32	Complies – eaves extend into front setbacks, however, do not exceed 600mm to the horizontal.
	C39	<p>Consistent – the proposal does not comply with the rule as the applicant has include the basement driveway ramp as communal open space, although other areas which would constitute this have not been included. Rough calculations indicate that the proposal would have a shortfall of approximately 20m<sup>2</sup> of communal open space. Proposal also does not comply with the private open space requirements in relation to minimum dimensions, but achieves the required percentage and association with lower floor level. Proposal meets total site area identified as planting area.</p> <p>Although not meeting the rule, the proposal is considered to be consistent with the associated criteria, particularly noting as raised by C39 (ii) that a public open space immediately adjoins and is connected to this block via pedestrian and cyclist pathing.</p>
	R40A	<b>Include condition (Conditioned)</b> – the proposal does not sufficient demonstrate that the development will include appropriate tree planting with the rule or sufficient information to determine if it will be consistent with the associated criteria.
	R41	<b>Include condition to amend to CYW compliant/consistent with R/C42A - Does not comply with rule or criteria (Conditioned)</b> – proposal indicates aluminium slat fencing at nil setback towards the street and forward of the building line. Does not meet the rule and is not consistent with the associated criteria.
	C43	<b>Include condition (Conditioned)</b> – Plans do not indicate the location of services (clothes drying areas, mechanical services, waste storage, water tanks, external storage) and further does not demonstrate that these are/would adequately screened from public areas.
	R47	Complies – building facades facing a public street have at least one window to a habitable room and a door with a roofed element.
	R49	Complies – no lengths of unarticulated walls exceed 15m.
	R/C50	Consistent – The proposal does not comply with the rule as roof lines exceed 15m without articulation. Considered that the proposal is consistent with the criteria as the overall design ensures an appropriate scale and visual interest that allows for differentiation between dwellings when viewed from adjoining public spaces and adjoining residential blocks.
	R54	<b>Include condition – The proposal does not comply with the mandatory rule. (Conditioned)</b> – As the proposal exceeds 10 dwellings, it is required by the rule to have 2 dwellings designed to meet AS4299 Class C. No access report or plans provided demonstrating that any of the dwellings are adapted or adaptable.
	R55	Complies – dwelling sizes exceed the minimum floor area as per the rule.
	R57	Complies – based on the shadow diagrams provided and the orientation of the dwellings with angled walls, it is considered that the development will achieve at least the minimum required direct sunlight to the daytime living areas between 9m and 3pm on winter solstice. The design of dwellings with daytime living areas on ground floor adjacent to front and rear glazing will ensure across the day that the area will achieve this.
	R59	Complies – Windows facing the into the site and at other dwellings windows are either opaque, opaque high sill or with louvres, thereby ensuring sufficient privacy screening between windows such that no unscreened elements will see into the primary window of another dwelling.
	R/C61	<b>TO CONFIRM (CONCERNED WITH OVERALL PPOS AREAS, AND PARTICULARLY UNIT 14)</b> Consistent – The proposal does not comply with the rule as the minimum PPOS dimensions (4m) are not met for the majority of the dwellings. Additionally, the PPOS only achieves the minimum area when including all elements within the courtyard up to the doorway which is not a continuous

		accessible space from the general PPOS area. Whilst not meeting these, they are not drastic reduction from the rule requirement and otherwise meet the criterion items raised.
	R62	Complies – no unscreened elements are within 3m of an external wall on the block or an adjoining block.
	R63	Complies – no external walls on the LFL are within 1m of another on the block or an adjoining block.
	R/C65	Include condition (Conditioned) – insufficient information and details regarding proposed storage areas under the rule to make an assessment against the rule or criteria.
	C66	Consistent – considered that the layout and design of dwellings/habitable rooms facilitates appropriate natural ventilation by maximising separation between opening windows.
	R82/R83	Include condition (Not conditioned – Visitor Parking condition included in reference to PVAGC) – Insufficient information to determine if the proposal complies with visitor parking requirements under PVAGC and these rules/criteria. Traffic/parking report notes visitor parking within Block A/adjacent to Block A but most recent plans of this block (S197M) do not indicate adjacent parking and visitor parking is within the basement that may not be immediately known/recognised by these residents.
	C94	Include condition (as raised in R64 of CZDC assessment) (Not conditioned – TCCS endorsement of waste management condition) – TCCS do not currently support proposed post occupancy waste management
	R98	Include condition (not conditioned) – given the scope of the reconsideration amendment, the development will require a waste and recycling management plan demonstrating how the demolition, construction and excavation waste is to be managed.
PVAGC	All	The proposal complies with the parking requirements for dwellings, however, does not include sufficient detail regarding visitor parking either on site or within 200m. As per commentary of R82/83 – further information is required regarding proposed visitor parking. (Conditioned)
End of Trip Facilities General Code	All	Include condition (Conditioned) – the proposal makes no reference or indication on the plans or supporting documentation that this code and the associated requirements have been considered.
Access and Mobility General Code	All	Include condition (Conditioned) – the proposal does not indicate any adapted or adaptable dwellings as required by the MUHDC and subsequently this code. Further information is required demonstrating that the proposal meets the relevant requirements of this Code.
CPTED General Code	All	The proposal is considered to meet the relevant rules and criteria that apply to the development type, or have otherwise been addressed by other rules/criteria in other codes (e.g. lighting meeting AS standards from CZDC assessment).
WSUD General Code	All	Include condition (Conditioned) – the proposal does not provide sufficient evidence or information to demonstrate that the development will comply with the relevant rules and criteria of this Code. Further information is required in order to assess the requirements of this code.
Watson Precinct Map and Code	All	No additional rules/criteria apply to the development type. Only additional provisions within the code is the allowance for residential use on this block as CZ6 zoning otherwise prohibits.

Further assessment documents, if any, can be found in the assessment file in Objective. Choose an item.

<p>Is the proposal consistent with the relevant zone objectives: (s.120(a))</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> Yes</p> <div style="border: 1px solid black; height: 30px; width: 100%;"></div> <p><input type="radio"/> No - Note: Please discuss with Senior Manager</p> <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
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Is the proposal considered suitable for the land on which it is to take place: (s.120(b))	Yes – Based on relevant legislation and the Territory Plan assessment, the proposal is considered suitable for the land  Yes – Based on relevant legislation and the Territory Plan assessment, the proposal is considered suitable for the land
Is an environmental significance opinion in force & relevant: (s.120(c))	No known ESO applies  No known ESO applies
What is the probable impact of the proposed development (including nature, extent and significance of probable environmental impacts): (s.120(g))	<input type="radio"/> No probable impacts identified that require amendment or refusal of the proposed development OR <input type="radio"/> Condition(s) of approval have been imposed to address probable impacts OR <input type="radio"/> Impacts identified require amendment of the proposal OR <input type="radio"/> Impacts identified require refusal of the proposal  Comments for discuss: <div style="border: 1px solid black; height: 50px; width: 100%;"></div> Reconsideration decision <input checked="" type="radio"/> Condition(s) of approval have been imposed to address probable impacts
Is a <b>public land</b> management plan is in force over the land, (s.120(f))	NO  NO

#### Additional Information

Is <b>further information</b> required at this phase: (s.141 or s.144)	Yes - Enter details below of what is required (wording to be sufficient to be copied into edevelopment & an additional info request) <div style="border: 1px solid black; padding: 5px; min-height: 40px;"> issues noted above sent to applicant </div> <b>Note: Further Information should not be requested if the DA is to be refused</b>  No further information required as this stage, conditions of approval to be imposed addressing assessment items raised.
List of additional items	

Has the further information request been reviewed by the team lead and/or manager? Yes

**Note: must be reviewed prior to being requested**

**Date email request sent:** 15/12/2022

Officer to complete Has further information been requested	Yes If yes, DATE - 15/12/2022
Officer to complete Has further information been received	No
Was a site inspection undertaken in the assessment stage:	No No

Have any issues been identified that would result in a refusal:	Yes, discuss further action with a Senior Officer or Manager <a href="#">No</a>
Conditions required from initial review of application or Territory Plan assessment:	<p>Conditions have been added to draft NoD</p> <p>Other/Discuss/Advice:</p> <div style="border: 1px solid black; padding: 5px;"> <p>Suggested partial approval/partial. refusal of Block Ma and conditions to make amendments to Block Mb to ensure it satisfies requirements under MUHDC</p> </div> <p><a href="#">Conditions have been added to draft NoD</a></p>

**Completion**

<input type="radio"/> Stage 4 has been completed with no issues identified.		
<input checked="" type="radio"/> Stage 4 has been completed with the following issues noted:		
Choose an item.		
<input type="radio"/> Stage 4 has identified issues that prevent further assessment, specifically (insert below)		
<b>Assessment officer:</b>	Name Matthew Forman <a href="#">Name Finnian Malmberg</a>	03/03/2023 <a href="#">08/08/2023</a>

## STAGE 5 – PRELIMINARY DECISION MAKING Including MPRG / LRP

Have all previous Stages (1-4) been completed?	Choose an item. Yes
Is a site inspection required to make a decision?	Choose an item. No If yes; photos and details have been put in the objective folder: Choose an item.
Are there any Stage 1-4 reasons for referral to LRP, MPRG, Other?	Choose an item. No If yes, what date is the proposal booked into MPRG/LRP: Click or tap to enter a date.

### LRP / MPRG

- Consideration by LRP/MPRG was not necessary  
 Consideration by LRP/MPRG was not necessary  
 The DA was presented to Choose an item. on Click or tap to enter a date. and is summarised as follows:

LRP/MPRG resolved that the development application can be:	<input type="radio"/> Supported as recommended <input type="radio"/> Supported subject to further information being received. Details below: <input type="text"/> <input type="radio"/> Supported noting a departure from entity advice pursuant to s119 (2) of the Act. Details below: <input type="text"/> <input type="radio"/> Not supported <input type="radio"/> For further consideration at a future meeting <input type="radio"/> Additional notes/advice: <input type="text"/> <b>The NOD has been updated to reflect the MPRG/LRP outcome:</b> Choose an item.	<b>LRP/MPRG Officer</b> DATE: Click or tap to enter a date.
Are minutes from LRP / MPRG saved in Objective	Choose an item. <input type="text"/>	

Is further information required at this stage. (s.141 or s.144)	Choose an item. No	
List items if required		

Has the further information request been reviewed by the manager? Choose an item.

**Note: must be reviewed prior to being requested**

The findings of Stages 1-4 have been reviewed and the application should be:	<input type="radio"/> Approved <input checked="" type="radio"/> Approved with Conditions <input type="radio"/> Partially approved/refused (provide details below): <input type="text"/> <input type="radio"/> Refused
--	---

Assessment officer: Name Finnian Malmberg	Date: 08/08/2023
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## STAGE 6 – RECOMMENDED DETERMINATION OF PROPOSAL

Have all previous Stages (1-4) been signed off recommending approval?	Yes	
Was the DA referred to LRP or MPRG	No	
Has the leasing manager requested to be referred during the decision stage (see stage 3 assessment)	No If yes, an email was sent to the DA Coordinator for DA Leasing referral: Date: Click or tap to enter a date.	
Has leasing advice been incorporated into the decision:	No	
Is a site inspection required to make a decision:	No If yes; photos and details have been put in the objective folder	
Has the Notice of Decision been finalised:	Recommended reasons for decision:	Yes
	Recommended conditions:	Yes
	Entity advice:	Yes
	Representations:	Yes
	Do third party appeal rights apply:	No
The application is to be:	<input type="radio"/> Approved <input checked="" type="radio"/> Approved with conditions <input type="radio"/> Partially Approved/Refused. Details below: <div style="border: 1px solid black; height: 30px; width: 100%;"></div> <input type="radio"/> Refused	

Has a conflict of interest been declared? <i>If Yes:</i>	No
<ul style="list-style-type: none"> <li>the proposal must be Peer Reviewed by Stage 6 officer (without potential conflict) and Signed/determined by a Senior manager</li> <li>If the officer is within Statutory Planning, they must complete a Conflict of Interest Disclosure Form</li> </ul>	
Does the determining officer have the correct classification to make the decision? <i>Refer to Classification Matrix</i>	Yes

<b>Peer review</b> <i>To be completed ONLY IF the delegate (determining officer) undertook another stage in the assessment.</i>					
Reviewing officer name:		Classification:		Date:	Click or tap to enter a date.
Has the Notice of Decision been scanned and sent to customer services? PLEASE NOTE: THE SUBJECT OF THE SCANNED DOCUMENT TO CS SHOULD INCLUDE THE DA NUMBER				Choose an item.	

### Sign Off

Determination:	In my findings, I have considered the advice and recommendations received by the officers who undertook stages 1-5 in this assessment document and determine that the application is to be: <input checked="" type="radio"/> Approved <input type="radio"/> Approved subject to conditions consistent with the above assessment <input type="radio"/> Refused consistent with the above assessment OTHER/COMMENTS:	Date: Click or tap to enter a date.
Determining officer & Delegate:	Name:	Date Click or tap to enter a date.

### Post Determination

Can stamped plans be released with decision?

Yes - Stage 6 officer to Stamp Plans and email Customer Services to Dispatch

**No - select below:**

S165 Conditions required to be satisfied - Stage 6 to organise Stamped Plans once endorsed

Leasing conditions to be satisfied - Once satisfied Plans to be Stamped and dispatched by Stage 6

3rd party appeals - Set reminder date in calendar when plans can be Stamped and promptly dispatched

Other (specify below)



**ACT**  
Government

Environment, Planning and  
Sustainable Development

# NOTICE OF DECISION

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

*S197 Amendment*

Pursuant to section 197 of the *Planning and Development Act 2007*, approval is sought to amend development approval No. 201630707 dated 31 October 2017 as per the proposed amendments listed on Page 2 of this Notice of Decision.

Part approval, part refusal.

## Partial Approval

I, Richard Davies, delegate of the planning and land authority, pursuant to section 198 of the *Planning and Development Act 2007* (Act), **approve subject to conditions**, to amend the development approval only for the **nominated amendments** (as listed on Page 2) **with the exception of the refused elements** identified in the following section, in accordance with the application made under section 197 of the Act, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

## Partial Refusal

I, Richard Davies, delegate of the planning and land authority, pursuant to section 198 of the *Planning and Development Act 2007*, **refuse** to amend the development approval, in accordance with the application made under section 197 of the Act in respect to the items as listed on Page 2 of this Decision.

DA Number:	201630707 / S197O
Block:	2
Section:	64
Suburb:	Watson
Application lodged:	13 December 2016 / S197O 15 November 2022
Assessment track:	Merit

This decision contains the following information:

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

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

## CONTACT / ENQUIRIES

Phone: (02) 6207 6383

Online Form:

[https://www.accesscanberra.act.gov.au/app/forms/epd\\_feedback](https://www.accesscanberra.act.gov.au/app/forms/epd_feedback)

**Richard Davies**

Delegate of the Planning  
and Land Authority

13 April 2023

## NOTICE OF DECISION

DA 201630707 / S1970

### LIST OF PROPOSED AMENDMENTS – APPROVED

1. Add privacy screens to 1.7m above finished floor level for Block Gb

### LIST OF PROPOSED AMENDMENTS REFUSED

2. Reconfiguration of Block M dwellings
3. Opaque glass added to windows

## PART A – CONDITIONS OF APPROVAL

### PARTIAL APPROVAL

This application is **partially approved** subject to condition 1 being satisfied.

All original approval conditions continue to apply unless superseded by the following conditions.

### GENERAL CONDITIONS

#### 1. ORIGINAL DECISION

The amended approval is to be read in conjunction with the original decision and its associated conditions and advisory notes. Existing conditions of approval continue to apply to the Block Gb elements of the approved development other than as amended by the privacy screens approved by this decision.

## PART B – REASONS FOR THE DECISION

Under S198, the Authority formed the view that:

- The original proposal was in the merit track and the amendment would not change tracks;
- There was no offset requirement within the original development approval;
- The development was substantially the same development as originally approved;
- The objectives of the CZ6: Leisure and Accommodation Zone have been considered.

The adding of the privacy screens to block Gb existing building is supported. This element will reduce potential for privacy impacts between the development and the adjacent existing residential developments. This part of the proposed amendment is supported and approved.

However the Authority also formed the view that the balance of the proposed amendments were not consistent with:

- the relevant codes, the *Multi Unit Housing Development Code (MUHDC)*;
- the advice given by entities, the entities being ICON Water, Transport Canberra and City Services Directorate (TCCS).

Accordingly, the amendments to Block M are refused.

These and other assessment items are discussed further below.

## NOTICE OF DECISION

DA 201630707 / S1970

### Multi-Unit Housing Development Code (MUHDC)

#### *4.2 Site open space; Rule & Criteria 38*

#### *6.4 Principal private open space; Rule & Criteria 61*

The proposed amendment 1 (b) are not supported as it does not meet compliance with Rule / Criteria 38 and 61 of the MUHDC. As a result of the amendments, the private open space and principle private open space provided to the residences is not sufficient.

These areas are not considered proportionate to the size of the residences, will not sufficiently provide for outdoor recreation, domestic function and services and there is no demonstration as to how the areas will be provided with sufficient levels of privacy. These will cause the amendment to unreasonably reduce residential amenity and result in non-compliances with the Territory Plan and as such are refused.

#### 3.23 Side and rear boundary setbacks; Rule and Criteria 30

R30 and Table A7 require a setback of 3 and 6m. The proposed development departs from this for the upper storeys. While there are design elements in regards to limiting privacy impacts, the scale and nature of the development are not considered to address C30 elements in particular C30 a) consistency of desired character and C30 b) reasonable separation between adjoining developments.

In combination with the POS to the rear of the development and uncertain finished and existing ground levels, the rear of the development (adjacent to the existing Shewcroft Street dwellings is not supported as proposed. Zone objectives were considered.

The 4 internal dwellings (M12 to M15) have limited POS and PPOS as proposed are also not supported with their limited PPOS and POS.

For any future amendments or application to pursue a similar proposal, an increased setback to the side boundary is recommended and improved interaction of the dwelling to the 'rear' yard area be incorporated into the new configuration. Upper storey elements should still recognise privacy elements to the rear PPOS of the existing dwellings (Shewcroft Street).

By increasing the side boundary setback, it may be necessary to substantially amend the internal (M12-M15) dwellings by substantial reduction or removal. Internal road network amendments should be addressed to provide a logical and safe vehicle access to the new configuration. Any new proposal should also address entity requirements. A copy of all entity advice received for this amendment

Entity advice:

The amendments within this application were not supported by Icon Water and TCCS. See below. Any subsequent application should endeavour to seek clarification and to address such entity advice. It is noted that this relates substantially to the Block M configuration. The privacy screens to Block Gb are approved.

### **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.

- Opportunity for an increased level of roof articulation is recommended to be explored in responding to the changes required to address the above conditions.
- Natural Ground Level and Finished Ground Level should be shown consistently across all elevation and section plans.

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- Final stamped plans may not be released until all relevant conditions of the decision (including Leasing, s165 further Information, Entity non-compliance) are complied with to the satisfaction of the planning authority.

### SIGNAGE

- a) This development application does not include an assessment of any proposed signage.

Any proposed signage at the site must be the subject of a separate DA for approval by planning and land authority, unless exempt in accordance with the *Planning and Development Regulations 2008*.

- b) All signage installed at the site, including advertising signage and hoarding, should comply with the Australian Association of National Advertisers (AANA) Code of Ethics and the ACT Government's Hoarding Signage Advertising Guidelines available online at <https://www.planning.act.gov.au/build-buy-renovate/for-industry/industry-resources/hoarding-signage-guidelines>

### ENVIRONMENT PROTECTION – NOISE

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

### **EVIDENCE**

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

Development Application:	201630707 / S1970
Territory Plan Zones:	CZ6: Leisure and Accommodation
Development Codes:	Multi Unit Housing Development Code
Precinct Code:	Watson Precinct Map and Code
General Codes:	Parking and Vehicular Access General Code491
Crown Lease:	Volume 491 & 2412 and Folio 3 & 43
Legislative requirements:	the <i>Planning and Development Act 2007</i> in particular Sections 119 and 120
Representations and Entity advice:	As addressed in <b>PART B</b> and <b>PART C</b> of this Decision

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

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### PART C – PUBLIC NOTIFICATION AND ENTITY ADVICE

#### PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the *Planning and Development Act 2007* (the Act), the application was publicly notified from 18 November 2022 to 9 December 2022. No written representations were received during public notification period.

#### ENTITY ADVICE and REQUIREMENTS

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

A summary of entity comments can be found below.

1. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

TCCS provided advice stating that the proposal is not supported

A condition has been imposed in **Part A** of this decision that stamped plans will not be released until such time that written endorsement is provided by TCCS.

2. ICON WATER

Icon Water provided advice stating that the proposal is not supported

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

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

3. EVOENERGY (ELECTRICITY)

EvoEnergy (Electricity) provided advice stating that the amendments are supported subject to conditions.

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

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

4. EVOENERGY (GAS)

EvoEnergy (Gas) provided advice stating that the amendments are supported

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

This decision is considered consistent with the entity advice. While approval of parts of the development have been provided, it is considered that the entity advice relates to the refused elements of this decision. As above, the proponent is recommended to engage with the entities prior to further application.

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## ATTACHMENT 1

### ADMINISTRATIVE INFORMATION RELATING TO NOTICE OF DECISION

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

Unless a condition of approval provides for otherwise, this approval does not impact on the date the original decision and approval takes effect.

#### **Inspection of the Application and Decision**

A copy of the application and the decision can be inspected between 9:00am and 4:00pm weekdays at the Environment, Planning and Sustainable Development Directorate Dickson Customer Service Centre at 480 Northbourne Avenue, Dickson, ACT.

#### **Submission of revised drawings or documentation**

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

#### **Reconsideration of the Decision**

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

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

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

#### **Review by the ACT Civil and Administrative Tribunal (ACAT)**

1. Decisions that are reviewable (sometimes referred to as appeals) by the ACAT are identified in Schedule 1 of the [Act](#), except for matters that are exempted under Schedule 3 of the [Planning and Development Regulation 2008](#) (matters exempt from third party review).
2. The notice of decision and this advice have been sent to all people who made a representation in relation to the application.
3. The ACAT is an independent body. It can review a large number of decisions made by ACT Government ministers, officials and statutory authorities on their merits. The ACAT can agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with ACAT recommendations.
4. More information on appeal rights is available online at [https://www.planning.act.gov.au/build-buy-  
renovate/build-buy-or-renovate/approvals/development-applications/appeal-a-da-decision](https://www.planning.act.gov.au/build-buy-renovate/build-buy-or-renovate/approvals/development-applications/appeal-a-da-decision).
5. The ability to review the Authority's decision is a matter of law. **If** you think you have a right of review, you may apply to the ACAT for a review of the decision. Application forms can be obtained from the ACAT at the website listed below. You can also

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download the form from the ACT Legislation Register. It is recommended you seek independent advice in regards to such reviews eg a legal practitioner.

6. If you are applying on behalf of an organisation or association, whether incorporated or not, the Tribunal in deciding whether to support this application will consider the effect of the decision being reviewed on the interests of the organisation or association in terms of its objects or purposes. A copy of the relevant documents will be required to be lodged with the Tribunal.
7. The time limit to make a request for a review is 28 days from the date of this notice of decision. The time limit can be extended in some circumstances (refer to sections 10 (2), 10(3), 25(1)(e) and 25(2) of the *ACT Civil & Administrative Tribunal Act 2008*; and rule 38 of the *ACT Civil and Administrative Tribunal Procedures Rules 2020*).
8. Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Applications should be made in writing to: the Director General, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. You can ask the ACAT for more details.
9. The ACAT is required to decide appeals in land and planning and tree protection cases within 120 days after the lodging of the appeal, unless that period is extended by the ACAT upon it being satisfied that it is in the interests of justice to do so.
10. The following organisations may be able to provide you with advice and assistance if you are eligible:
  - ACT Law Society, telephone 6274 0300ACT
  - Legal Aid Office, telephone 1300 654 314
  - ACT Council of the Ageing, telephone 02 6154 9740
  - Welfare Rights Centre, telephone 1800 226 028
  - Environmental Defender's Office (ACT), telephone 02 6243 3460.
11. You will have to pay any costs involved in preparing or presenting your case. The ACAT also has the power to award costs against a party in the circumstances specified in s 48 of the *ACT Civil and Administrative Tribunal Act 2008*. This power is in addition to the power of the ACAT to strike out a party and to dismiss an application for failure to comply with the ACAT's directions.
12. You may apply for access to any documents you consider relevant to this decision under the *ACT Freedom of Information Act 2016*. Information about Freedom of information requests is available on the planning and land authority's web site at <https://www.environment.act.gov.au/about/access-government-information> or by contacting us by phone on 02 6207 1923.
13. The procedures of the ACAT are outlined on the ACAT's website, including in the Guide to the Land and Planning Division and the Guide to the Hearing. Contact the ACAT for alternative ways to access information about the ACAT's procedures.

### **Review by the ACT Supreme Court**

1. The Authority's decision may also be subject to judicial review by the ACT Supreme Court under the *Administrative Decisions (Judicial Review) Act 1989* (ADJR Act).

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

### **Other approvals**

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

1. **Building Approval**

Most building work requires building approval under the *Building Act 2004* to ensure it complies with building laws such as the *Building Code of Australia*. The lessee should engage a private building certifier to determine whether building approval is required and assess and approve the building plans before construction commences. A list of certifiers can be obtained from the [Environment, Planning and Sustainable Development Directorate](#).

2. **Tree damaging activity approval**

A Tree Management Plan under the *Tree Protection Act 2005* is required for approval where it is proposed to undertake groundwork within the tree protection zone of a protected tree or likely to cause damage to, or remove, any trees defined as protected trees by that Act. More information is available from the Transport Canberra and City Services Directorate at <https://www.tccs.act.gov.au/city-living/trees>.

3. **Use of verges or other unleased Territory Land**

In accordance with the *Public Unleased Land Act 2013*, road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. More information is available from the Transport Canberra and City Services Directorate at [https://www.tccs.act.gov.au/city-living/public\\_land\\_use](https://www.tccs.act.gov.au/city-living/public_land_use).

4. **Works on unleased Territory Land**

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

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

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

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### Contact details for relevant agencies

<p><b>ACT Civil and Administrative Tribunal</b> Level 4, 1 Moore Street CANBERRA CITY ACT 2601 GPO Box 370, CANBERRA, ACT 2601</p>	<p><a href="http://www.acat.act.gov.au">www.acat.act.gov.au</a> <a href="mailto:tribunal@act.gov.au">tribunal@act.gov.au</a> 02 6207 1740 02 6205 4855 (Fax)</p>
<p><b>ACT Supreme Court</b> 4-6 Knowles Place, CANBERRA CITY ACT 2601 GPO Box 1548, CANBERRA CITY, ACT 2601</p>	<p><a href="http://www.courts.act.gov.au">www.courts.act.gov.au</a> 02 6205 0000</p>
<p><b>Environment, Planning and Sustainable Development Directorate</b> 480 Northbourne Avenue DICKSON ACT 2602 GPO Box 158, CANBERRA 2601</p> <ul style="list-style-type: none"> <li>• <i>Planning and land authority</i> <ul style="list-style-type: none"> <li>- list of certifiers for building approval</li> <li>- demolition information</li> <li>- asbestos information</li> </ul> </li> <li>• <i>Environment Protection Authority</i> <ul style="list-style-type: none"> <li>- environment protection</li> <li>- water resources</li> <li>- Conservation, Planning and Research</li> <li>- threatened species/wildlife management</li> </ul> </li> <li>• <i>WorkSafe ACT</i> <ul style="list-style-type: none"> <li>- asbestos information</li> </ul> </li> <li>• <i>ACT Heritage Council</i> <ul style="list-style-type: none"> <li>- Aboriginal, historic and natural heritage management</li> </ul> </li> <li>• <i>Tree Protection Unit</i> <ul style="list-style-type: none"> <li>- <i>Development Applications (DA) issue:</i></li> <li>- <i>Tree Damaging Activity Applications (TDAA) issue:</i></li> </ul> </li> </ul>	<p><a href="http://www.planning.act.gov.au">www.planning.act.gov.au</a> 02 6207 1923</p> <p><a href="mailto:EPAPanningLiaison@act.gov.au">EPAPanningLiaison@act.gov.au</a> 6207 5642</p> <p><a href="mailto:worksafe@worksafe.act.gov.au">worksafe@worksafe.act.gov.au</a> 132 281</p> <p><a href="http://www.environment.act.gov.au">www.environment.act.gov.au</a> 132 281</p> <p><a href="mailto:TCCS.TreeProtectionACTPLARef@act.gov.au">TCCS.TreeProtectionACTPLARef@act.gov.au</a></p> <p><a href="mailto:TCCS.TreeProtection@Act.gov.au">TCCS.TreeProtection@Act.gov.au</a></p>
<p><b>Transport Canberra and City Services</b></p> <ul style="list-style-type: none"> <li>• landscape management and protection plan approval</li> <li>• use of verges or other unleased Territory land</li> <li>• works on unleased Territory land - design acceptance</li> <li>• driveway inspections or building applications</li> <li>• damage to public assets</li> </ul>	<p><a href="http://www.tccs.act.gov.au">www.tccs.act.gov.au</a> 132 281</p> <p>02 6207 0019 (development coordination)</p> <p><a href="mailto:tccs.dcdevelopmentcoordination@act.gov.au">tccs.dcdevelopmentcoordination@act.gov.au</a></p>
<p><b>Health Directorate</b></p>	<p><a href="http://www.health.act.gov.au">www.health.act.gov.au</a> <a href="mailto:hps@act.gov.au">hps@act.gov.au</a> 02 5124 9700</p>
<p><b>Education Directorate</b></p>	<p><a href="http://www.education.act.gov.au">www.education.act.gov.au</a> 02 6205 5429</p>

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Utilities	
• Telstra (networks)	02 8576 9799
• TransACT (networks)	02 6229 8000
• Icon Water	02 6248 3111
• Electricity reticulation	02 6293 5749

### Translation and interpretation services

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

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

**TRANSLATING AND INTERPRETING SERVICE**  
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# NOTICE OF DECISION

Made under part 7 of the *Planning and Development Act 2007*  
*S197 Amendment*

Pursuant to section 197 of the *Planning and Development Act 2007*, approval is sought to amend development approval No. 201630707 dated 31 October 2017 as follows:

1. Deletion of internal road and inclusion of basement parking;
2. Reconfiguration of units and building design;
3. Additional annotations on plans to clarify ground and floor levels;
4. Amendment to building setbacks; and
5. Amended private open space and principal private open space areas.

I, Chris Gell, delegate of the planning and land authority, pursuant to section 198 of the *Planning and Development Act 2007* (Act), **approve subject to conditions** the development approval only for the **amendments nominated above**, in accordance with the application made under section 197 of the Act and the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number: 201630707 / S197O  
Block: 12 (Previously 2)  
Section: 122 (Previously 64)  
Suburb: WATSON  
Application lodged: 15 November 2022  
Assessment track: Merit

This decision contains the following information:

PART A – conditions of approval

PART B – entity advice

Attachment 1 – administrative information

Copies of entity advice – as attached

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

## CONTACT / ENQUIRIES

Phone: (02) 6207 6383

Online Form:

[https://www.accesscanberra.act.gov.au/app/forms/epd\\_feedback](https://www.accesscanberra.act.gov.au/app/forms/epd_feedback)

**Chris Gell**

Delegate of the Planning  
and Land Authority

14 August 2023

# NOTICE OF DECISION

DA 201630707 / S1970

## PART A – CONDITIONS OF APPROVAL

**All original approval conditions in the Notice of decision dated 31 October 2017 in relation to the original DA and the Notice of Decision dated 13 April 2023 in relation to the S1970 DA, continue to apply unless superseded by the following conditions.**

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

### GENERAL CONDITIONS

#### 1. ORIGINAL DECISION

The amended approval is to be read in conjunction with the decision dated 31 October 2017 in relation to the original DA and the decision dated 13 April 2023 in relation to the S1970 DA and its associated conditions and advisory notes.

#### 2. CONDITIONS IN THE ORIGINAL DA201630707 TO CONTINUE

- a) Conditions in the existing approvals i.e. the Notice of Decisions dated 31 October 2017 and 13 April 2023 remain in place and are to be complied with unless in conflict with the following additional conditions.
- b) In the event of any conflict between conditions, the following conditions shall prevail for the extent of the inconsistency.

### CONDITIONS RELATING TO DEVELOPMENT and ENTITY REQUIREMENTS

#### 3. ICON WATER

Construction may not commence until the lessee/applicant has obtained a Statement of Acceptance from Icon Water in relation to water and sewer networks and submit the Statement of Acceptance to the planning and land authority as satisfying this condition of approval under s165 of the *Planning and Development Act 2007*.

The lessee/applicant must comply with any conditions imposed by Icon Water.

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

#### 4. FURTHER INFORMATION

The applicant shall lodge with the planning and land authority, an application under section 165 of the *Planning and Development Act 2007* (the Act) seeking approval to address the following conditions:

- a) Revised site plan, area plan, demolition plan, floor plans, landscape plan and elevations and sections and other associated plans and documents, based on the relevant drawings submitted as part of the application, showing:
  - i) Plant and service structures (Water Meter & Fire Brigade Booster Valve) integrated with the building design such that they are setback from the development façade and screened from public areas;

## NOTICE OF DECISION

DA 201630707 / S1970

- ii) Revised landscape plan identifying proposed planting locations and details including plant species, common name, total number of each species and planting (pot) size. Additionally, inclusion of a climbing species or similar for the pergola structure in the breezeway area;
- iii) Identification of external lighting between carpark stairs and the entry gate of each unit in addition to general lighting to building frontages, pathways, and car parking areas in accordance with Australian Standard *AS1158.3.1 Pedestrian Lighting* and Australian Standard *AS4282 – Control of the Obtrusive Effects of Outdoor Lighting*;  
*Note: external lighting should be vandal proof and low level to avoid shining into existing neighbouring houses to the east.*
- iv) Evidence of tree planting consistent with Rule / Criteria 40A of the Multi Unit Housing Development Code (MUHDC);
- v) Amendment of F2 Fencing for Units 9 – 15 to courtyard walls consistent with Rule / Criteria 42A and details of changes e.g. elevation plan;
- vi) Identification of domestic facilities (clothes drying areas, mechanical services, waste storage, water tanks, external storage) and evidence that these are adequately separated from public areas;  
*Note: clothes drying facilities should be located in an appropriate location of each service yard.*
- vii) Amendment to rear service yards of each dwelling to include a raised garden bed to enable residents to grow plants and provide amenity;
- viii) An indication on the plan that the car ramp gradient complies with the requirements of Australian Standard *AS2890.1 – Off-street carparking*.
- ix) Inclusion of a roller shutter door to the entrance of the carpark with appropriate vandal proof lighting and indication that ground level doors to the basement car park are lockable and only accessed by residents;  
*Note: Lack of security for these entrances poses a risk to residents' vehicles and storage areas.*
- x) Alteration of dwellings, or further evidence of existing dwellings, demonstrating that 2 dwellings are designed to meet Australian Standard *AS4299 – Adaptable Housing (Class C)* as required by mandatory rule 54 of the MUHDC;
- xi) Provision of adaptable carparking spaces in a suitable location, together with an acceptable path of travel to the post-adapted dwellings.  
*Note: For example, indicate a cut out in the slab to accommodate a future lift from the basement carpark to the adaptable dwelling.*
- xii) Further information regarding proposed enclosed storage areas on basement level demonstrating compliance with Rule 65 of the MUHDC or otherwise consistent with the associated criteria;
- xiii) Alteration of upper floor level east facing windows of Units 1 – 8 (Front elevation, Dwg No. A200) to include privacy screens for the full width of the windows with details as to the improved privacy for the existing dwellings;  
*Note: Privacy concerns for these dwellings was a key concern of the original partial refusal of the S1970 application and needs to be adequately addressed.*
- xiv) Alteration of 'Monument' colour for west metal clad walls and roofs to be a lighter colour for reduced heat gain and absorption;

## NOTICE OF DECISION

DA 201630707 / S1970

- xv) Inclusion of relevant End-of-Trip facilities as required by the End-of-Trip Facilities General Code and a response against the relevant items raised therein;
- xvi) Inclusion and evidence of Water Sensitive Urban Design facilities as required by the Waterways: Water Sensitive Urban Design General Code and a response against the relevant items raised therein;
- b) Access and mobility plans, and an access and mobility report demonstrating a post adapted site plan of the development and post adapted floor plans of the adaptable dwellings as required by the MUHDC and the Access and Mobility General Code;  
*Note: The access and mobility report should include a response against the Access and Mobility General Code if not included in an updated Statement Against Relevant Criteria.*
- c) Further details and evidence that sufficient visitor car parking is proposed consistent with the provision and locational requirements of the Parking and Vehicular Access General Code;  
*Note: When considering off-site visitor parking it will need to be demonstrated that any available visitor parking is not already intended to be used by another development for the same purpose.*
- d) Revised plans and documentation to address TCCS requirements in relation to traffic, parking and waste management as per TCCS comments in Part B below;
- e) Icon Water endorsement as required by Condition 3 above.

### Notes:

- i) *Consider providing all requested information under a single s165 application. This will assist the Authority in providing you a response in the most efficient manner.*
- ii) *Information shall be submitted in the eDevelopment portal addressing the above conditions. Please ensure plans and supporting information are suitably named as per the Authority's naming convention, are clouded for any amendments, such clouding are labelled consistently with items listed on the s165 application form.*
- iii) *Any substantial changes to the development required to comply with the above conditions may need to be submitted for the approval of the planning and land authority with an application to amend the approval under s197 of the Planning and Development Act 2007.*

## 5. COMPLIANCE WITH ENTITY REQUIREMENTS

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

- ICON Water;
- Evoenergy (Electricity); and
- Evoenergy (Gas);

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

## 6. ENVIRONMENT PROTECTION

All works must be carried out in accordance with the *Environment Protection Guidelines for Construction and Land Development in the ACT, August 2022*.

## 7. WASTE MANAGEMENT

- (a) Waste enclosures and areas shall be constructed and managed in accordance with the *Development Control Code for Best Practice Waste Management in the ACT*

## NOTICE OF DECISION

DA 201630707 / S1970

2019. Please contact TCCS to ensure appropriate measures are undertaken to ensure compliance with the code.

(b) All building and construction 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 or leases.

### 8. SIGHTLINE

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

## 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.

### 1. ENTITY COMMENTS

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 B** ENTITY ADVICE of this Notice of Decision throughout the process of development (prior to, during & post construction) as applicable.

### 2. RELEASE OF APPROVED PLANS

Final stamped plans may not be released till all relevant conditions of the decision (including s165 further Information, Entity non-compliance) are complied with to the satisfaction of the planning authority.

### 3. ENVIRONMENT AND SUSTAINABLE DEVELOPMENT DIRECTORATE – CLIMATE CHANGE AND ENERGY

In August 2022, the ACT Government announced it is phasing out all new fossil fuel network gas connections in the ACT. A Regulation preventing new fossil fuel gas network connections is expected to come into effect by late 2023. To avoid the possibility of your development not being able to connect to the fossil fuel gas network upon completion, the development should be designed to be all-electric or constructed as 'electric ready'. Further information can be found at

<https://www.planning.act.gov.au/build-buy-renovate/for-industry/industry-resources/electric-ready-buildings-information-for-developers> and [www.energy.act.gov.au](http://www.energy.act.gov.au).

## PART B – ENTITY ADVICE

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

A summary of entity comments can be found below.

### 1. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

TCCS provided advice stating that the DA is not supported, and that further information is required in relation to traffic, parking, and waste management:

# NOTICE OF DECISION

DA 201630707 / S1970

## A. Traffic and Parking

- 1) The proponent is to clarify how the allocation of visitor parking differs from the previous 1970 submissions where 74 visitor parking spaces were identified. Whilst the most recent submission identifies 88 visitor parking spaces.
- 2) A parking plan outlining the location of the proposed visitor parking would help better clarify if the locations identified are appropriate.

## B. Waste Management:

Applicant need to provide more detail justification how this amendment will affect the overall Waste Management Strategy of the development and set of documents/plans need to submitted and statement need to provide whether the this new amendment meet the requirements of the DCC Waste Code 2019.

BLOCK M	1 BEDROOM UNITS	1+ BEDROOM UNITS	2 BEDROOM UNITS	3 BEDROOM UNITS	4 BEDROOM UNITS	TOTAL
Current	0	0	11	4	0	15
Proposed	0	0	13	2	0	15

## C. General comments

- 1) The applicant must submit a letter of response with reference to the updated drawings / documents.
- 2) If the applicant requires any clarification on above comments, TCCS recommends that the applicant must submit a response to all items together to [TCCS.DCDevelopmentCoordination@act.gov.au](mailto:TCCS.DCDevelopmentCoordination@act.gov.au)

Conditions requiring the development to satisfy TCCS requirements have been imposed in **PART A** above consistent with this entity advice. Refer to Conditions A4(d).

### 2. ICON WATER

Icon Water provided advice stating that the amendments are not supported.

A condition requiring the development to satisfy relevant entity requirements and provide a Statement of Acceptance has been imposed in **PART A**.

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

### 3. EVOENERGY (ELECTRICITY)

EvoEnergy (Electricity) provided advice stating that the amendments are supported subject to conditions.

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

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

### 4. EVOENERGY (GAS)

EvoEnergy (Gas) provided advice stating that the entity had no objections to the proposed amendments.

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

# NOTICE OF DECISION

DA 201630707 / S1970

## ATTACHMENT 1

### ADMINISTRATIVE INFORMATION RELATING TO NOTICE OF DECISION

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

Unless a condition of approval provides for otherwise, this approval does not impact on the date the original decision and approval takes effect.

#### **Inspection of the Application and Decision**

A copy of the application and the decision can be inspected between 9:00am and 4:00pm weekdays at the Environment, Planning and Sustainable Development Directorate Dickson Customer Service Centre at 480 Northbourne Avenue, Dickson, ACT.

#### **Submission of revised drawings or documentation**

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

#### **Review by the ACT Civil and Administrative Tribunal (ACAT)**

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

## NOTICE OF DECISION

DA 201630707 / S1970

General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Applications should be made in writing to: the Director General, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. You can ask the ACAT for more details.

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

### **Review by the ACT Supreme Court**

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

## NOTICE OF DECISION

DA 201630707 / S1970

### Other approvals

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

1. Building Approval

Most building work requires building approval under the *Building Act 2004* to ensure it complies with building laws such as the *Building Code of Australia*. The lessee should engage a private building certifier to determine whether building approval is required and assess and approve the building plans before construction commences. A list of certifiers can be obtained from the [Environment, Planning and Sustainable Development Directorate](#).

2. Tree damaging activity approval

A Tree Management Plan under the *Tree Protection Act 2005* is required for approval where it is proposed to undertake groundwork within the tree protection zone of a protected tree or likely to cause damage to, or remove, any trees defined as protected trees by that Act. More information is available from the Transport Canberra and City Services Directorate at <https://www.tccs.act.gov.au/city-living/trees>.

3. Use of verges or other unleased Territory Land

In accordance with the *Public Unleased Land Act 2013*, road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. More information is available from the Transport Canberra and City Services Directorate at [https://www.tccs.act.gov.au/city-living/public\\_land\\_use](https://www.tccs.act.gov.au/city-living/public_land_use).

4. Works on unleased Territory Land

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

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

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

## NOTICE OF DECISION

DA 201630707 / S1970

### Contact details for relevant agencies

<p><b>ACT Civil and Administrative Tribunal</b> Level 4, 1 Moore Street CANBERRA CITY ACT 2601 GPO Box 370, CANBERRA, ACT 2601</p>	<p><a href="http://www.acat.act.gov.au">www.acat.act.gov.au</a> <a href="mailto:tribunal@act.gov.au">tribunal@act.gov.au</a> 02 6207 1740 02 6205 4855 (Fax)</p>
<p><b>ACT Supreme Court</b> 4-6 Knowles Place, CANBERRA CITY ACT 2601 GPO Box 1548, CANBERRA CITY, ACT 2601</p>	<p><a href="http://www.courts.act.gov.au">www.courts.act.gov.au</a> 02 6205 0000</p>
<p><b>Environment, Planning and Sustainable Development Directorate</b> 480 Northbourne Avenue DICKSON ACT 2602 GPO Box 158, CANBERRA 2601</p> <ul style="list-style-type: none"> <li>• <i>Planning and land authority</i> <ul style="list-style-type: none"> <li>- list of certifiers for building approval</li> <li>- demolition information</li> <li>- asbestos information</li> </ul> </li> <li>• <i>Environment Protection Authority</i> <ul style="list-style-type: none"> <li>- environment protection</li> <li>- water resources</li> <li>- Conservation, Planning and Research</li> <li>- threatened species/wildlife management</li> </ul> </li> <li>• <i>WorkSafe ACT</i> <ul style="list-style-type: none"> <li>- asbestos information</li> </ul> </li> <li>• <i>ACT Heritage Council</i> <ul style="list-style-type: none"> <li>- Aboriginal, historic and natural heritage management</li> </ul> </li> <li>• <i>Tree Protection Unit</i> <ul style="list-style-type: none"> <li>- <i>Development Applications (DA) issue:</i></li> <li>- <i>Tree Damaging Activity Applications (TDAA) issue:</i></li> </ul> </li> </ul>	<p><a href="http://www.planning.act.gov.au">www.planning.act.gov.au</a> 02 6207 1923</p> <p><a href="mailto:EPAPanningLiaison@act.gov.au">EPAPanningLiaison@act.gov.au</a> 6207 5642</p> <p><a href="mailto:worksafe@worksafe.act.gov.au">worksafe@worksafe.act.gov.au</a> 132 281</p> <p><a href="http://www.environment.act.gov.au">www.environment.act.gov.au</a> 132 281</p> <p><a href="mailto:TCCS.TreeProtectionACTPLARef@act.gov.au">TCCS.TreeProtectionACTPLARef@act.gov.au</a></p> <p><a href="mailto:TCCS.TreeProtection@Act.gov.au">TCCS.TreeProtection@Act.gov.au</a></p>
<p><b>Transport Canberra and City Services</b></p> <ul style="list-style-type: none"> <li>• landscape management and protection plan approval</li> <li>• use of verges or other unleased Territory land</li> <li>• works on unleased Territory land - design acceptance</li> <li>• driveway inspections or building applications</li> <li>• damage to public assets</li> </ul>	<p><a href="http://www.tccs.act.gov.au">www.tccs.act.gov.au</a> 132 281</p> <p>02 6207 0019 (development coordination)</p> <p><a href="mailto:tccs.dcdevelopmentcoordination@act.gov.au">tccs.dcdevelopmentcoordination@act.gov.au</a></p>
<p><b>Health Directorate</b></p>	<p><a href="http://www.health.act.gov.au">www.health.act.gov.au</a> <a href="mailto:hps@act.gov.au">hps@act.gov.au</a> 02 5124 9700</p>
<p><b>Education Directorate</b></p>	<p><a href="http://www.education.act.gov.au">www.education.act.gov.au</a> 02 6205 5429</p>

## NOTICE OF DECISION

DA 201630707 / S1970

Utilities	
• Telstra (networks)	02 8576 9799
• TransACT (networks)	02 6229 8000
• Icon Water	02 6248 3111
• Electricity reticulation	02 6293 5749

### Translation and interpretation services

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

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε 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	Ако вам је потребна помоћ преводиоца телефонирајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

**TRANSLATING AND INTERPRETING SERVICE**  
**131 450**  
Canberra and District - 24 hours a day, seven days a week



## NOTICE OF DECISION on RECONSIDERATION

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

### *S191 Application for Reconsideration*

DA Number: 201630707 / S197O  
Block: 12 (Previously 2)  
Section: 122 (Previously 64)  
Suburb: WATSON  
Application lodged: S197O 15 November 2022 / Reconsideration  
13 July 2023  
Assessment track: Merit

This decision contains the following information:

Part 1 – Reasons for the Decision  
Attachment A - S197 Notice of decision  
Attachment 1 – Administrative information

### **THE APPLICATION**

This application seeks reconsideration of the partial refusal of S197O – DA201630707 dated 13 April 2023 with respect to Amendments 1 and 2 (given below) to the development approval No. 201630707 dated 31 October 2017.

1. Reconfiguration of Block M dwellings; and
2. Opaque glass added to windows.

The Reconsideration proposal also sought approval for an additional amendment for changes to internal road network and parking, unit configuration, plan annotations, changes to setbacks and changes to private open space and principal private open space. The revised reconsideration proposal is as below.

### **The Reconsideration proposal**

The Reconsideration DA seeks approval for the following amendments.

1. Deletion of internal road and inclusion of basement parking;
2. Reconfiguration of units and building design;
3. Additional annotations on plans to clarify ground and floor levels;
4. Amendment to building setbacks; and
5. Amended private open space and principal private open space areas.

## NOTICE OF DECISION on RECONSIDERATION

DA 201630707 / S1970

### THE DECISION

I, Chris Gell, delegate of the planning and land authority, pursuant to sections 193 and 198 of the *Planning and Development Act 2007*, **approve subject to conditions** the proposed Amendments 1, 2, 3, 4 & 5 (listed above under Reconsideration proposal) as per **Attachment A**.

### CONTACT / ENQUIRIES

Phone: (02) 6207 6383

Online Form:

[https://www.accesscanberra.act.gov.au/app/forms/epd\\_feedback](https://www.accesscanberra.act.gov.au/app/forms/epd_feedback)

**Chris Gell**

Delegate of the planning  
and land authority

14 August 2023

## NOTICE OF DECISION on RECONSIDERATION

DA 201630707 / S1970

### PART A – REASONS FOR THE DECISION

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

Pursuant to section 193(6), in reconsidering the original decision the planning and land authority considered: any information available to the authority when it made the original decision and information given in the reconsideration application; and any other relevant information.

The application is approved because it was considered to meet the relevant requirements of the Territory Plan and section 120 of the *Planning and Development Act 2007*.

The relevant objectives of the CZ6 Leisure and Accommodation Zone have been considered. In general, the assessment found the development was not inconsistent with the relevant zone objectives.

The key issues identified during the assessment were as below.

- The development meeting the Territory Plan requirements- including amenity for future residents of Block M, consistency with mandatory rules relating to fencing and adaptable dwellings, and additional information regarding general codes.
- Entity advice - The proposal was referred to relevant entities and the Entity advice is discussed at **PART B** in **Attachment A**.

Where entities have not supported, or conditionally supported the proposal, their issues have been addressed by relevant conditions at **PART A** in **Attachment A**. Refer to ENTITY ADVICE at **PART B** in **Attachment A**.

Conditions have been imposed with respect to the key issues identified during the assessment to ensure the development satisfies the Territory Plan, addresses assessment issues including relevant entity advice and generally follows standard processes and practices. Subject to the conditions imposed, the proposal is considered to meet the relevant requirements of the Territory Plan and the *Planning and Development Act 2007* and, is unlikely to have any significant adverse impacts.

**PART B** in **Attachment A** provides further details and considerations informing the reasons for the decision.

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

Development Application:	201630707, S1970 & Reconsideration DAs
Territory Plan Zones:	CZ6 Leisure and Accommodation Zone
Development Codes:	Commercial Zones Development Code, Multi Unit Housing Development Code, Parking and Vehicular Access General Code, End-of-Trip Facilities General Code, Crime Prevention Through Environmental Design General Code, Access and Mobility General Code and Waterways: Water Sensitive Urban Design General Code
Precinct Code:	Watson Precinct Map and Code
Crown Lease:	Volume 3017 and Folio 95
Legislative requirements:	<i>Planning and Development Act 2007</i> in particular s119 & s120
Entity advice:	As addressed in <b>PART B</b> of <b>Attachment A</b>



Block/s:	2	DA number:	201630707-S1970
Section:	64	Date lodged:	4-Nov-22
Suburb:	Watson	Due date:	
Zone/s:	CZ6: LEISURE AND ACCOMMODATION	Unit Number (if applicable)	
Proposal:	AMENDMENT TO APPROVED DA201630707 (S1970). Amendment to the development application for demolition of existing building, construction of residential units, childcare centre, retail, community facilities, landscaping and associated works - the amendment includes change of unit layout in Block M and increase in the number of dwellings from 11 to 15 such that the new layout in Block M consists of 11 three storey terrace units and two storey townhouses, addition of opaque glass to windows, addition of 1.7m high screens above finished floor level and associated works.		
Proposed Use:	Mixed Use		

**STAGE 1 – PRE-ASSESSMENT APPRAISAL**

Is the <b>notification</b> wording appropriate (if applicable):	Yes  <input type="text"/>
Have all <b>Entities</b> been referred to (if applicable)?	Yes  <input type="text"/>
Has a conflict of interest been declared?  If the conflict is with an officer in the Statutory Planning Division, has a Disclosure Form been completed?	No  Choose an item.
197 NOD outline saved into Objective	Yes  <input type="text"/>

**Notes for the assessment officers / Key issues identified:**

- [Click here to enter text.](#)

**OUTCOME**

- Can proceed to next stage
- Issue identified that may result in a refusal, subject to further assessment and entity advice

Assessment officer:	Zebedee Mahoney	18/11/2022
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## STAGE 2 – INFORMATION COLLECTION (ENTITIES – including EPSDD DA Leasing)

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

Entity	Did the entity support the application?	Assessment comments / Conditions required
Evo Energy - Electricity	Yes - with conditions	<p>Development is to comply with minimum 1.5m machinery access clear of obstacles and vegetation to assets within the block.</p> <p>Development is to comply with minimum clearances to overhead conductors and poles. Ref Evoenergy Drawing 3811-004</p> <p>Development is to comply with minimum separation requirements to underground assets. Ref Evoenergy Drawing 3832-018</p> <p>Proposed and existing development is to comply with minimum 1.5m machinery access clear of obstacles and vegetation to assets within or adjacent to the block. The development must maintain existing access arrangements to Evoenergy assets that located within or adjacent to the block at all time.</p> <p><input type="checkbox"/> <input type="checkbox"/> No development activity shall be undertaken</p> <p>a) within an electricity easement or,</p> <p>b) that restricts access to Evoenergy asset/s</p> <p>The location of the proposed or existing Point of Entry/ Meter Box is to comply with Evoenergy's Service and Installation rules.</p> <p>The proponent is responsible for ensuring that Evoenergy's Design and Siting requirements for substations are met. This includes but not limited to meeting all the requirements of Evoenergy Drawing 3832-018, in particular that no underground uninsulated metal work, metal pipes, metal fencing or metal clad buildings are within 7 meters of any part of a padmount substation. Unhindered direct access to the substation will be required 24/7.</p>
Evo Energy - Gas	Yes - without conditions	Jemena have reviewed the proposed development and can confirm Evoenergy (gas) have no objections.
ICON Water	No	<p>Please complete attached Icon Water Design Form Pack, Hydraulic servicing plans and email to <a href="mailto:hydraulicassetacceptance@iconwater.com.au">hydraulicassetacceptance@iconwater.com.au</a>. Icon Water will then identify whether your development falls into the capital contribution code scheme, and will write you a letter to confirm.</p> <p>On confirmation, please resubmit Development Application to Icon Water for Building</p> <p>Approval prior to any DA/BA approval by ACTPLA or certifiers.</p> <p>Due to proposed increase in number of dwellings, please provide amended design acceptance WSCC confirmation.</p> <p><b>Condition to obtain Icon endorsement prior to commencing works</b></p>
TCCS	No	<p><b>Internal Communication to EPSDD:</b> For this proposed amendments to the Block (M) TCCS provide support to the parking requirements however the Waste Recycle Management Plan submitted is not satisfy the requirement of the latest 2019 Waste Code.</p> <p><b>1. Waste Management:</b></p> <ol style="list-style-type: none"> <li>a. With proposed amendments for Block (M) Waste and Recycle Management Plan(WRMP) submitted to satisfies the requirements of Waste Management Code 2016 which is not supported by the TCCS, and it is also consistence with the previous advice. TCCS previous advice was to keep the original approval or redesign the waste collection facilities to comply with the current waste code (2019).</li> <li>b. Submitted application is incomplete with sections, elevations and gradients of the waste enclosure(s) missing; Operational management Plan is missing etc.</li> <li>c. None of the turning templates (e.g., 2202-E, 2301-5) demonstrate how a waste collection would park adjacent to the waste enclosure, turn on site and exit in a forward direction</li> </ol>

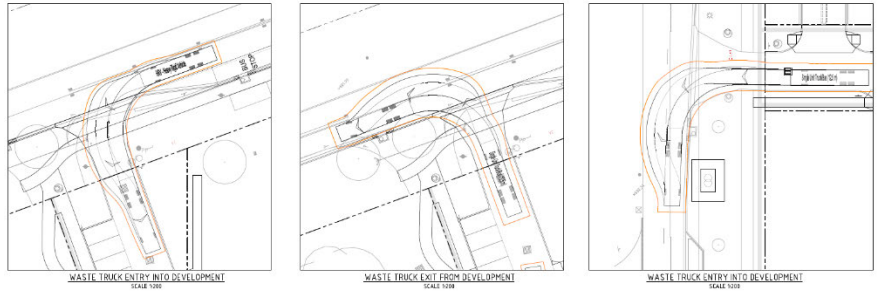
(images 1 and 2). The applicant is to provide detailed turning templates of truck manoeuvring onsite, the truck parking to collect, obstructions and the 3m widening of the road as per AS2890.2 to allow vehicles to pass the collection vehicle.

- d. Organic green waste calculation not provided. Where will organic green waste MGBs be collected on the kerb for Block M ? The allocated location for kerb collection with satisfactory requirements of DCC waste code 2019 not submitted.
- e. For such a large development presenting in stages and breaking into individual component is making assessment process hard to understand the overall impact on the whole development and Waste Strategy. Please provide waste calculation for Blocks (e.g. block M for this DA) with amendments (number of dwellings and bedrooms).

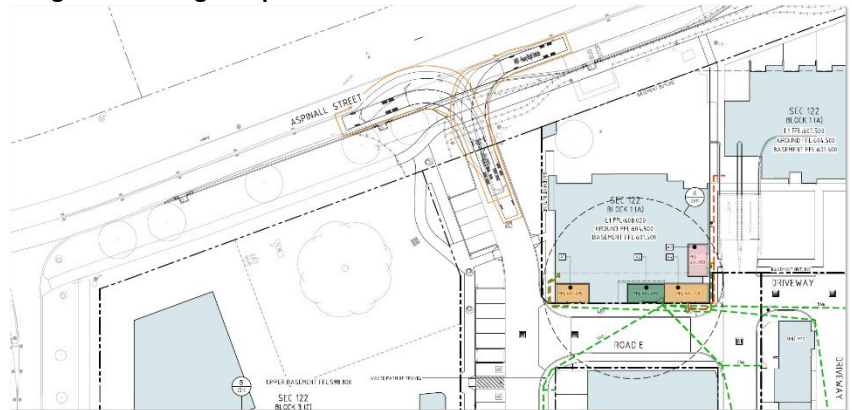
**2. General comments**

- a. The applicant must submit a letter of response with reference to the updated drawings / documents. If the applicant requires any clarification on above comments, TCCS recommends that the applicant must submit a response to all items together to [TCCS.DCDevelopmentCoordination@act.gov.au](mailto:TCCS.DCDevelopmentCoordination@act.gov.au)

**Image 1 – Turning Template**



**Image 2 – Turning Template**



		<b>Image 3 – History of the DA</b>				
		<b>Revision</b>	<b>Issue</b>	<b>Prepared By</b>	<b>Approved By</b>	<b>Date</b>
		A	Development Application	Paul Williams	Bernie Cusack	9/9/2016
		B	Stage 1 - Development Application Amendment	Paul Williams	Bernie Cusack	16/04/2019
		C	Stage 1 - Development Application Amendment	Paul Williams	Bernie Cusack	18/04/2019
		D	Stage 2 - Design Review	Ross Costello	Bernie Cusack	02/10/2020
		E	Stage 2 – Block M Development Application Amendment	Ross Costello	Bernie Cusack	03/08/2021
		F	Stage 2 – Block M Development Application Amendment	Ross Costello	Bernie Cusack	14/09/2021
		G	Stage 2 – Development Application Amendment	Ross Costello	Bernie Cusack	30/09/2021
		H	Stage 2 - Block A Development Application Amendment	Ross Costello	Bernie Cusack	21/02/2022
		I	Stage 2 - Block A & M Development Application Amendment	Bernie Cusack	Bernie Cusack	12/10/2022
		<b>Suggested condition to obtain tccs endorsement prior to commencing any works.</b>				
EPSDD DA Leasing		Advice not received				

### LRP/MPRG

Does any Entity advice received trigger referral to either the LRP or MPRG:	No

### Additional information requests:

Is further information required at this phase: (s.141 or s.144)	Yes - Enter details below of what is required (wording to be sufficient to be copied into edevelopment & an additional info request) tccs comment sent to applicant	Summarise response to issue raised here Officer to identify themselves and date assessed.
List of additional items		

Has the further information request been reviewed by the manager? Yes

**Note: must be reviewed prior to being requested**

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

### Final

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

### Completion

<input type="radio"/> Stage 2 assessment has been completed with no issues identified.	
<input checked="" type="radio"/> Stage 2 assessment has been completed with the following issues noted:	
Other - discuss	
<input type="radio"/> Stage 2 has identified issues that prevent further assessment, specifically (insert below)	
<div style="border: 1px solid black; height: 20px;"></div>	
Assessment officer:	Name Matthew Forman
	Date: 03/03/2023





## STAGE 4 – ASSESSMENT

Proposed Use	Is the proposed use allowable in the applicable zone/s? Yes
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Does the proposal trigger referral to the MPRG at this phase:	<b>MPRG:</b> No
Does the proposal trigger referral to the LRP at this stage:	<b>LRP:</b> No

S198 (5)(a) &(b)  The planning and land authority must refuse to amend the development approval if the changed development proposal and the original development proposal would be in different tracks	The amended approval will not result in the track being changed.
S198(5)(c)(i) The planning and land authority must refuse to amend the development approval if the changed development proposal would be in breach of a condition on the approval-  Imposed (rather than confirmed or varied) by a court or tribunal.	The approval is not subject to a condition/s imposed by a court or tribunal.
S198(5)(c)(ii) The planning and land authority must refuse to amend the development approval if the changed development proposal would be in breach of a condition on the approval-  Relating to a conditional environmental significance opinion.	The original application was not subject to an Environmental Significance Opinion (ESO).
S198 (6)  Also, the planning and land authority must refuse to amend the development approval unless satisfied that, after the amendment, the development approved will be substantially the same as the development for which approval was originally given	The approval when amended is determined to be substantially the same as the original approval.

Territory Plan assessment		
Codes of the Territory Plan considered include:  <b>Please only assess what has been amended</b>	SUBURB Precinct Map & Code: <input type="checkbox"/> Multi Unit Housing Development Code <input type="checkbox"/> Parking & Vehicular Access General Code <input type="checkbox"/> Waterways Water Sensitive Urban Design General Code	
Does the amended application meet all relevant mandatory rules:	Yes	
<b>The assessing officer undertook an assessment of the proposal and found that the following KEY rules and criteria warrant further discussion.</b> <i>Note: Further issues may have been identified in a plan based assessment that have not necessarily been included in this or is of a significance that did not warrant particular discussion.</i>		
Code	Rule / Criteria	Assessment/Discussion
Multi Unit Housing Development Code	R25/C25	The amendment to Block Mb will significantly reduce the setback to eastern boundaries and increase the shadowing into neighbouring PPOS. There have not been shadow diagrams provided to demonstrate the impacts of the amendments.

		<p><b>Second assessment</b></p> <p>There is opportunity to refuse and delete Block Ma which will allow Block Mb to be moved further away from the side boundary to have a setback of at least 6m. This will allow the impacts of the development on neighbours to be reduced to a reasonable level.</p> <p>Suggested condition of approval/refusal for Block Ma to be refused and for Block Mb to be relocated to have an increased to 6m side boundary setback</p>
	R30/C30	<p>The reduced setback and redesign for Block Mb as a result of the amendment will cause issues for overlooking into neighbouring POS/PPOS. The dining room window is an upper floor window with a setback of 3.025m and has no measures of obscuring sightlines.</p> <p>There is opportunity to refuse and delete Block Ma which will allow Block Mb to be moved further away from the side boundary to have a setback of roughly 6m. This will allow the impacts of the development on neighbours to be reduced to a reasonable level. Additionally, the development should present as a 2 storey development when viewed from the eastern boundary.</p> <p>See suggested condition under R25/C25</p> <p>Suggested condition that development should present as a 2 storey development when viewed from the eastern boundary</p>
	R38/C38	<p>Development has reduced open space for residences.</p> <p>See suggested condition under R25/C25</p>
	C40	<p>The changes in the landscape design with proposed new layout have not been demonstrated</p> <p>See suggested condition under R25/C25 (when asking for revised plans, include request for landscape plan)</p>
	R50/C50	<p>The roof of Block Mb has no articulation</p> <p>advisory note for further articulation to be explored</p>
	R59/C59	<p>Overlooking – development is 3.025m from side boundary and could have direct line of sight to neighbouring windows</p> <p>Note: this does not include installing high sill windows, obscured glass, and/or angled louvres</p> <p>Suggested condition to ensure there is no direct line of sight to primary windows</p>
	R60/C60	<p>Overlooking – development is 3.025m from side boundary and will have direct line of sight to neighbouring PPOS</p> <p>Note: this does not include installing high sill windows, obscured glass, and/or angled louvres</p> <p>Suggested condition to ensure there is no direct line of sight to 50% of neighbouring PPOS</p>
	R61/C61	<p>Block MA has PPOS that will be directly accessible from the residence and receive sufficient sunlight but there no demonstration of privacy and it is not a sufficient size for domestic services or recreation.</p> <p>MB has PPOS that will receive adequate sun and privacy but is not directly accessible from the residence, being accessed through the garage and it will not provide sufficient space for activities, recreation and domestic services</p> <p>See suggested condition under R25/C25</p>
Parking & Vehicular Access General Code	All	Meets parking code

Further assessment documents, if any, can be found in the assessment file in Objective. Choose an item.

Is the proposal consistent with the relevant zone objectives: (s.120(a))	<input checked="" type="radio"/> Yes <input type="radio"/> No - Note: Please discuss with Senior Manager
Is the proposal considered suitable for the land on which it is to take place: (s.120(b))	Yes – Based on relevant legislation and the Territory Plan assessment, the proposal is considered suitable for the land
Is an environmental significance opinion in force & relevant: (s.120(c))	No known ESO applies
What is the probable impact of the proposed development (including nature, extent and significance of probable environmental impacts): (s.120(g))	<input checked="" type="radio"/> No probable impacts identified that require amendment or refusal of the proposed development OR <input type="radio"/> Condition(s) of approval have been imposed to address probable impacts OR <input type="radio"/> Impacts identified require amendment of the proposal OR <input type="radio"/> Impacts identified require refusal of the proposal <b>Comments for discuss:</b>
Is a <b>public land</b> management plan in force over the land, (s.120(f))	NO

**Additional Information**

Is <b>further information</b> required at this phase: (s.141 or s.144)	Yes - Enter details below of what is required (wording to be sufficient to be copied into edevelopment & an additional info request) issues noted above sent to applicant <b>Note: Further Information should not be requested if the DA is to be refused</b>
List of additional items	

Has the further information request been reviewed by the team lead and/or manager? Yes

**Note: must be reviewed prior to being requested**

**Date email request sent:** 15/12/2022

Officer to complete Has further information been requested	Yes If yes, DATE - 15/12/2022
Officer to complete Has further information been received	No
Was a site inspection undertaken in the assessment stage:	No

Have any issues been identified that would result in a refusal:	Yes, discuss further action with a Senior Officer or Manager
Conditions required from initial review of application or Territory Plan assessment:	Conditions have been added to draft NoD  Other/Discuss/Advice: <div style="border: 1px solid black; padding: 5px;">           Suggested partial approval/partial. refusal of Block Ma and conditions to make amendments to Block Mb to ensure it satisfies requirements under MUHDC         </div>

**Completion**

Stage 4 has been completed with no issues identified.

Stage 4 has been completed with the following issues noted:

Choose an item.

Stage 4 has identified issues that prevent further assessment, specifically (insert below)

<b>Assessment officer:</b>	Name Matthew Forman	03/03/2023
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**STAGE 5 – PRELIMINARY DECISION MAKING Including MPRG / LRP**

Have all previous Stages (1-4) been completed?	Choose an item.
Is a site inspection required to make a decision?	Choose an item. If yes; photos and details have been put in the objective folder: Choose an item.
Are there any Stage 1-4 reasons for referral to LRP, MPRG, Other?	Choose an item. If yes, what date is the proposal booked into MPRG/LRP: Click or tap to enter a date.

**LRP / MPRG**

- Consideration by LRP/MPRG was not necessary
- The DA was presented to Choose an item. on Click or tap to enter a date. and is summarised as follows:

LRP/MPRG resolved that the development application can be:	<input type="radio"/> Supported as recommended <input type="radio"/> Supported subject to further information being received. Details below: <input type="text"/> <input type="radio"/> Supported noting a departure from entity advice pursuant to s119 (2) of the Act. Details below: <input type="text"/> <input type="radio"/> Not supported <input type="radio"/> For further consideration at a future meeting <input type="radio"/> Additional notes/advice: <input type="text"/> <b>The NOD has been updated to reflect the MPRG/LRP outcome:</b> Choose an item.	<b>LRP/MPRG Officer</b> <b>DATE:</b> Click or tap to enter a date.
Are minutes from LRP / MPRG saved in Objective	Choose an item. <input type="text"/>	

Is further information required at this stage. (s.141 or s.144)	Choose an item.	
List items if required		

Has the further information request been reviewed by the manager? Choose an item.

**Note: must be reviewed prior to being requested**

The findings of Stages 1-4 have been reviewed and the application should be:	<input type="radio"/> Approved <input type="radio"/> Approved with Conditions <input type="radio"/> Partially approved/refused (provide details below): <input type="text"/> <input type="radio"/> Refused
<b>Assessment officer:</b> Name	Date: Click or tap to enter a date.

**STAGE 6 – RECOMMENDED DETERMINATION OF PROPOSAL**

Have all previous Stages (1-4) been signed off recommending approval?	Choose an item. <input type="text"/>
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Was the DA referred to LRP or MPRG	Choose an item.	
Has the leasing manager requested to be referred during the decision stage (see stage 3 assessment)	Choose an item. If yes, an email was sent to the DA Coordinator for DA Leasing referral: Date: Click or tap to enter a date.	
Has leasing advice been incorporated into the decision:	Choose an item.	
Is a site inspection required to make a decision:	Choose an item. If yes; photos and details have been put in the objective folder	
Has the Notice of Decision been finalised:	Recommended reasons for decision:	Choose an item.
	Recommended conditions:	Choose an item.
	Entity advice:	Choose an item.
	Representations:	Choose an item.
	Do third party appeal rights apply:	Choose an item.
The application is to be:	<input type="radio"/> Approved <input type="radio"/> Approved with conditions <input type="radio"/> Partially Approved/Refused. Details below: <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <input type="radio"/> Refused	

Has a conflict of interest been declared? <i>If Yes:</i>	Choose an item.
<ul style="list-style-type: none"> <li>the proposal must be Peer Reviewed by Stage 6 officer (without potential conflict) and Signed/determined by a Senior manager</li> <li>If the officer is within Statutory Planning, they must complete a Conflict of Interest Disclosure Form</li> </ul>	
Does the determining officer have the correct classification to make the decision? <i>Refer to Classification Matrix</i>	Choose an item.

<b>Peer review</b> <i>To be completed ONLY IF the delegate (determining officer) undertook another stage in the assessment.</i>					
Reviewing officer name:		Classification:		Date:	Click or tap to enter a date.
Has the Notice of Decision been scanned and sent to customer services? PLEASE NOTE: THE SUBJECT OF THE SCANNED DOCUMENT TO CS SHOULD INCLUDE THE DA NUMBER				Choose an item.	

**Sign Off**

Determination:	In my findings, I have considered the advice and recommendations received by the officers who undertook stages 1-5 in this assessment document and determine that the application is to be: <input checked="" type="radio"/> Approved <input type="radio"/> Approved subject to conditions consistent with the above assessment <input type="radio"/> Refused consistent with the above assessment OTHER/COMMENTS:	Date: Click or tap to enter a date.
Determining officer & Delegate:	Name:	Date: Click or tap to enter a date.

**Post Determination**

Can stamped plans be released with decision?

Yes - Stage 6 officer to Stamp Plans and email Customer Services to Dispatch

**No - select below:**

S165 Conditions required to be satisfied - Stage 6 to organise Stamped Plans once endorsed

- Leasing conditions to be satisfied - Once satisfied Plans to be Stamped and dispatched by Stage 6
- 3rd party appeals - Set reminder date in calendar when plans can be Stamped and promptly dispatched
- Other (specify below)