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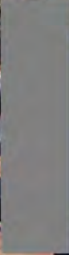
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6296 3111

**KAMBAH INN**  
JIM BEAM  
**CARLTON DRAUGHT**  
6296 3111

CARLTON DRAUGHT

BOTTLE SHOP

CARLTON DRAUGHT

ACCOMMODATION

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**ACT**  
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# Form for seeking advice from the Landscape Review Panel

<b>Block/s:</b>	23, 12,5,53,14,17 and 29	<b>Date:</b>	18/09/2019
<b>Section:</b>	346	<b>DA Number:</b>	201834203
<b>Suburb:</b>	Kambah	<b>Address:</b>	Premier Court, Kambah Village
<b>Zone:</b>	CZ1	<b>Assessment officer:</b>	Sheikh Lana
<b>Proposal :</b>	Demolition, extension of existing supermarket, construction of additional shops, reconfiguration and rearrangement of car parking areas, addition and alteration to existing building, Lease variation and consolidation of blocks.		
<b>Additional members required:</b>	<a href="#">Click here to enter text.</a>		
<b>Reason for seeking advice:</b>	Departure from Conservator's advice		

A copy of the development application for this proposal and assessment documents can be found in the Objective file DA 201834203.

## ENTITY ADVICE RELEVANT TO DISCUSSION

- **Conservator's advice**

### Advice

Trees 1 and 11 are rated as excellent quality and there are no arboriculture reasons for them to be removed.

The Tree Management Plan that accompanied this DA for the regulated Eucalypts on site is not sufficient for the protection of retained tree 14.

### Please note

That removing trees will diminish the ability to retain and recruit mature trees, especially trees 1 and 11.

This is also now recognised as a key threatening process under the Nature Conservation Act 2014

Tree 62 has been approved in the distant past, but is still present

All other Eucalypts are of medium quality are not supported for removal. The removal of these trees would need to be considered under the Planning and Development Act 2007.

The proposal is not supported. However the 5 trees were assessed as medium quality and could be considered for removal under the Planning and Development Act 2005.

## DESIGN OPTIONS

Have other design options been submitted by the proponent?	No
Are there any applicable guidelines?	No
Are there considered to be any realistic alternatives to the proposed development?	No



# Form for seeking advice from the Landscape Review Panel

## OPTIONS

The panel has the following options:

- Support the proposal
- Support the removal of trees as proposed
- Do not support the proposal
- Do not support the removal of trees as proposed.
- Other.

## PREFERRED OPTION

The assessing officer recommends that the LRP support the departure.

## LRP MINUTES

<b>Minutes taken by:</b>	Brad Maxwell	<b>Chair:</b>	George Cilliers
<b>Conflicts of Interest:</b>	None declared		
<b>Members present:</b>	George Cilliers, Richard Davies, Dominic Riches, Craig Weller, Michaela Watts, Irma Sare, Jeffery Albrecht		
<b>LRP advice:</b>	<p>The panel notes the Tree Protection Unit has not supported the removal of trees 1 and 11 on the site as they are excellent quality, remnant species. It is also noted that the TPU does not support the current Tree Management Plan as it does not present sufficient protection measures for tree 14.</p> <p>Although no alternative designs have been presented, the panel notes the site is heavily constrained due to the provisions of the Kambah Precinct Map and Code, specifically:</p> <ul style="list-style-type: none"> <li>- Any expansion to the north directly impacting the existing parking spaces is required to replace the displaced spaces as well as provide additional spaces generated by the future development.</li> <li>- Vehicular access on Primmer Court around the western side of the centre is to be maintained (mandatory rule).</li> </ul> <p>On this basis, without significantly altering/restricting the footprint of the extension, the only feasible design option is the proposed southern/western extension. Therefore, trees 1 and 11 can be supported for removal (subject to scar tree assessment by the ACT Heritage Council).</p> <p>Notwithstanding this, trees 1 and 11 are excellent quality, remnant trees. A condition should be added to the Decision requiring the fallen timber to be used as a habitat feature on a nearby site or to be relocated to a nearby nature reserve/conservation area (to the satisfaction of the Conservator/TPU/PCS). Additionally, the proponent should be required to provide offset planting at a volume and in a location specified by the Conservator/TPU/PCS.</p> <p>A condition should also be added requiring the proponent to provide an updated Tree Management Plan demonstrating tree 14 will be adequately protected during the works.</p>		

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**From:** Aster-Stater, Alek  
**Sent:** Friday, 20 September 2019 4:59 PM  
**To:** Lana, Sheikh  
**Cc:** Wyatt, Tim; EPD, Customer Services  
**Subject:** RE: DA 201834203, Kambah Village. [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Sheikh,

Please include the below condition in the NOD.

**TRAFFIC**

- 1. A Traffic Control Devices (TCD) plan must be submitted at Design Review stage and include the removal of the existing 'Park and Ride' facility. This will be checked in detail during Design Review. The works associated with this conversion must be undertaken at Developer's expense.**

Regards,  
Alek

---

**From:** Lana, Sheikh <[Sheikh.Lana@act.gov.au](mailto:Sheikh.Lana@act.gov.au)>  
**Sent:** Friday, 20 September 2019 2:45 PM  
**To:** Wyatt, Tim <[Tim.Wyatt@act.gov.au](mailto:Tim.Wyatt@act.gov.au)>  
**Cc:** Riches, Dominic <[Dominic.Riches@act.gov.au](mailto:Dominic.Riches@act.gov.au)>; Elhassan, Walid <[Walid.Elhassan@act.gov.au](mailto:Walid.Elhassan@act.gov.au)>; Aster-Stater, Alek <[Alek.Aster-Stater@act.gov.au](mailto:Alek.Aster-Stater@act.gov.au)>  
**Subject:** RE: DA 201834203, Kambah Village. [SEC=UNCLASSIFIED]

Hi Tim

Thank you for your response and advice. Highly appreciated.

We can include an advice in the Notice of Decision regarding preparing of a TCD for TCCS approval.

Please let us know if you agree and whether TCCS has a standard wording/ advice for such matters to be included in the Decision.

Regards

Sheikh Lana

**Phone 02 62076387** | Fax 02 62071925

**Planning Delivery Division** | ACTPLA | Environment and Sustainable Development | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | [www.actpla.act.gov.au](http://www.actpla.act.gov.au)

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**From:** Wyatt, Tim  
**Sent:** Wednesday, 18 September 2019 6:34 PM  
**To:** Lana, Sheikh <[Sheikh.Lana@act.gov.au](mailto:Sheikh.Lana@act.gov.au)>  
**Cc:** Riches, Dominic <[Dominic.Riches@act.gov.au](mailto:Dominic.Riches@act.gov.au)>; Elhassan, Walid <[Walid.Elhassan@act.gov.au](mailto:Walid.Elhassan@act.gov.au)>; Aster-Stater, Alek <[Alek.Aster-Stater@act.gov.au](mailto:Alek.Aster-Stater@act.gov.au)>  
**Subject:** RE: DA 201834203, Kambah Village. [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Sheikh, yes discontinuation of the Park and Ride facility at Kambah Village and reallocation for other general parking purposes associated with the centre is consistent with the recommendations from the 2018 Park and Ride investigation undertaken by TCCS.

I recommend that the applicant be advised they will be responsible for preparing a TCD for TCCS approval to facilitate the change. It is important that TCCS know when the change will occur so that appropriate communications for the public can be put in place.

Apologies as I'm not sure why you never received this advice.

Wahild, Alek suggested that you should be copied also as this came up today at MPG.

Thanks and happy to discuss

Tim

Tim Wyatt | Director, Transport Coordination

Place Coordination and Planning Branch

Phone: 02 6205 4200 | Email: [tim.wyatt@act.gov.au](mailto:tim.wyatt@act.gov.au)

Transport Canberra and City Services | ACT Government

496 Northbourne Avenue Dickson | GPO Box 158 Canberra ACT 2601 | [www.transport.act.gov.au](http://www.transport.act.gov.au)

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**From:** Lana, Sheikh <[Sheikh.Lana@act.gov.au](mailto:Sheikh.Lana@act.gov.au)>  
**Sent:** Tuesday, 17 September 2019 11:29 AM  
**To:** Wyatt, Tim <[Tim.Wyatt@act.gov.au](mailto:Tim.Wyatt@act.gov.au)>  
**Cc:** Riches, Dominic <[Dominic.Riches@act.gov.au](mailto:Dominic.Riches@act.gov.au)>  
**Subject:** DA 201834203, Kambah Village. [SEC=UNCLASSIFIED]  
**Importance:** High

Hi Tim

I am referring to DA 201834203 for Blocks-5,12,14,17,23,29 and 53, Section-345, Kambah (Kambah Village). The proposal is for extension of existing Super market, reconfiguration and revised layout of parking areas and addition and alteration of the existing commercial building, lease variation and consolidation and other associated work including new road layout within Premier Court.

The Traffic Report submitted by the applicant mentions that as existing there are 18 spaces allocated for "Park and Ride" facilities which will be converted to standard car parking spaces following consultation with TCCS. It appears from the report that the total number of parking spaces i.e 277 nos. will include those 18 spaces. The DA was referred to TCCS and in the description, removal of "Park and Ride" facility item was included. TCCS did not have any comment on this particular item. This will be helpful to know that you are aware of this matter or if you have any comment on this matter, please advise.

A number of representations have been received and concern about number of parking spaces is raised.

We are in the process of finalising the assessment and your comment will be highly appreciated to complete it and make a decision on this DA soon.

Please contact me if you want to discuss further.

Regards

Sheikh Lana

Phone 02 62076387 | Fax 02 62071925

Planning Delivery Division | ACTPLA | Environment and Sustainable Development | ACT Government

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# NOTICE OF DECISION

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

I, Dominic Riches, delegate of the planning and land authority, pursuant to section 162 of the *Planning and Development Act 2007*, hereby **approve subject to conditions**, the proposed extension of the supermarket and shopping centre, redesign of the carpark and signage at Blocks 5,12,14,17, 23, 29 and 53 Section 346 Kambah, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number: 201834203  
 Blocks: 5,12,14,17, 23, 29 and 53  
 Section: 346  
 Suburb: Kambah  
 Address: Primmer Court Kambah Village  
 Application lodged: 5 October 2018  
 Assessment track: Merit

This decision contains the following information:

- Part A – conditions of approval
- Part B – reasons for the Decision
- Part C – entity advice
- Attachment 1 – administration information

*A copy of the development application and this approval may be inspected at the planning and land authority's office from 8.30 am to 4.30 pm, Monday to Friday at 16 Challis Street, Dickson, ACT 2602*

**Dominic Riches**  
 Delegate of the planning and  
 land authority  
 27/11/2019

## 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)

## NOTICE OF DECISION

DA 201834203

### PART A – CONDITIONS OF APPROVAL

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.

1. APPROVAL DOES NOT TAKE EFFECT - GRANT OF CROWN LEASE

This approval does not take effect until a Crown lease that permits the approved development is granted over Blocks 17, part 53 Section 346 Division of Kambah and any other contiguous land and registered at Access Canberra (Land Titles and Rental Bonds).

2. COMPLIANCE WITH CONDITION – APPROVAL NOT TO TAKE EFFECT

In accordance with Section 184(2)(a) of the *Planning and Development Act 2007*, this approval will end if the lessee has not complied with Condition 1 and commenced the approved construction and/or demolition on the site within 24 months of the date of this decision.

3. CONDITIONS FOR LICENCING OF ENCROACHMENTS

a. COMMENCEMENT OF BUILDING WORK

No building work in relation to the encroachment (the works on unleased Territory land that are part of this development approval) is to commence on the site until the lessee has applied for and has been granted a licence in relation to the encroachments by the planning and land authority pursuant to section 303 of the *Planning and Development Act 2007* and in the form approved by the planning and land authority.

b. APPLICATION FOR A LICENCE (See attached application form)

Prior to the commencement of building work, the lessee (the proposed Licensee) must lodge with the Environment, Planning & Sustainable Development Directorate (EPSDD) an application for the grant of a licence to occupy and use unleased Territory land, pay the appropriate fee and undertake the following:

**(i) Encroachment plan**

the lessee (the proposed Licensee) must submit to EPSDD a plan detailing all dimensions of the proposed encroachment including area, block boundaries and location of encroachment in relation to the building, adjacent unleased Territory land and/or public road. Plan details must be enough to enable the preparation of a Spatial Data Mapping System (SDMS) plan and number.

**(ii) Public liability insurance**

the lessee (the proposed licensee) must obtain public liability insurance in respect of the encroachment by complying with the procedures outlined in the *Financial Management (Public Liability Insurance) Guidelines 2011*.

The procedures are specified below in summary form:

1. nominate each and all the proposed activities the proposed licensee wishes to undertake on Territory land or premises ("Premises");
2. take out a public liability insurance policy for the term of the licence;

## NOTICE OF DECISION

DA 201834203

3. submit a certificate of currency in respect of the public liability insurance, which clearly states that the encroachments are covered by the insurance policy; and
4. comply with obligations in respect of risk management plans if applicable.

For 2 party licence please contact EPSDD Leasing Services below

Licencing Officer  
Leasing Services  
Planning Delivery Division  
Environment, Planning & Sustainable Development Directorate  
GPO Box 158  
CANBERRA ACT 2601  
Ph: (02) 6207 1923

Please contact the Land Custodian, details below, to apply for a licence:

Darren Gerrard - Manager  
L&C Licensing  
City Services, Transport Canberra and City Services Directorate  
ACT Government  
Level 1, 255 Canberra Avenue, Fyshwick ACT 2609  
GPO Box 158 Canberra ACT 2601  
[www.act.gov.au](http://www.act.gov.au) | [www.tccs.act.gov.au](http://www.tccs.act.gov.au)  
Email: [Darren.Gerrard@act.gov.au](mailto:Darren.Gerrard@act.gov.au)  
Ph: (02) 6205 7245

*Note: The Activity Schedule will form part of the licence agreement*

### c. TRANSFER OF TITLE

The lessee must not transfer or assign its interest in the premises unless and until the proposed transferee or assignee is granted a licence by the planning and land authority pursuant to section 303 of the *Planning and Development Act 2007*, under the same terms and conditions as the licence granted in accordance with Conditions 4a and 4b and meets the insurance requirements in accordance with Condition 4b.

### 4. FURTHER INFORMATION

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

- a. an endorsement from Evoenergy for electricity.

*Note: Any amendment to the plan required by Evoenergy or relevant documents, including the endorsement from Evoenergy, needs to be submitted under S165 to planning and land authority by the applicant.*

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

- All off-site works must be designed and constructed in accordance with TCCS Design Standards.

## NOTICE OF DECISION

DA 201834203

- The proponent must engage a Landscape Architect or Consulting Arborist approved by TCCS to supervise and documentation of all works within tree protection zones. Notes must be included in all relevant plans for works requiring tree protection measures and superintendence by Landscape Architect or Consulting Arborist for all works in the tree protection zones.
- All excavation within the tree protection zones of the verge trees must be carried out by hand dig, hydro excavation or other recommended methods to ensure minimal damage to the tree roots.
- All trees planting must be carried out by a landscape contractor with horticultural expertise. A 12-month consolidation period is required prior to formal handover to TCCS.
- A Landscape Management and Protection Plan and a dilapidation report for all Govt. Assets adjacent to the site must be submitted to the Place Coordination – TCCS prior to commencement and on completion of the work.
- In line with public notification procedures the trees to be removed on unleased land must be signposted at least 14 days prior to removal.
- The applicant must ensure (as per attached drawings 2204 and 2205) that 12.5m Truck can safely get in and out of car park behind block 4 and 37 and (ii) 19.0 m truck can reverse in and forward out of the side road to block 4 and 37.
- A Road Safety Assessment must be submitted to TCCS during Design Review stage on proposed car park reconfiguration and vehicle (including heavy vehicle and pedestrian) movement within Kambah Group Centre.

### **Standard Conditions**

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

In accordance with the Public Unleased Land Act 2013 no work is to be undertaken on road verges and other unleased Territory Land without the approval of the Territory. Such approval must be obtained from the Senior Manager, Place Coordination and Planning, TCCS by the ways of:

- a. A Letter of Design Review 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.

### **Design Review and Operational Acceptance**

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

A Certificate of Operational Acceptance on completion of the works is required from the Senior Manager, Place Coordination and Planning, TCCS, prior to the issue of a Certificate of Occupancy.

## NOTICE OF DECISION

DA 201834203

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

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

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

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

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

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

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

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

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

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

### ***Notice of Commencement of Construction***

Notice of Commencement for the Works in Unleased Territory Land shall be submitted to the Senior Manager, Place Coordination and Planning, TCCS one week prior to the commencement of works. The Notice shall also include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of TTM.

## NOTICE OF DECISION

DA 201834203

### 6. TRAFFIC

A Traffic Control Devices (TCD) plan must be submitted at Design Review stage and include the removal of the existing 'Park and Ride' facility. This will be checked in detail during Design Review. The works associated with this conversion must be undertaken at Developer's expense.

### 7. ENVIRONMENT PROTECTION AUTHORITY

All soil subject to disposal from the site must be assessed in accordance with EPA Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT.

No soil is to be disposed from site without EPA approval.

Appropriately ACT licensed contractors and consultants able to perform the full range of licensable duties in the ACT must be engaged for the assessment, removal, transport and disposal of all hazardous materials present at the site.

All hazardous materials found on the site must be managed in accordance with Appendix D of the report titled "Hazardous Material and Management Plan 2 Primmer Court Block 5 Section 346 Kambah ACT 2902" dated August 2018 by Robson Environmental Pty Ltd.

All hazardous materials found on the site must be disposed of to a facility lawfully licenced/authorised to accept the waste.

All works must be carried out in accordance with *Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011*, available by calling 132281.

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

An erosion and sediment control plan must be submitted to and be endorsed by the EPA prior to works commencing.

### 8. REGAZZETING OF ROAD

Prior to a certificate of occupancy is issued, the applicant must undertake all the necessary process to re-gazette the relocation of Primmer Court. Details relating to this process can be obtained via [actpladaleasing@act.gov.au](mailto:actpladaleasing@act.gov.au).

### 9. TREE MANAGEMENT PLAN

Prior to construction, an updated Tree Management Plan must be endorsed by the Conservator demonstrating adequate tree protection measures for tree 14.

### 10. FALLEN TIMBER AND OFFSET PLANTING

The fallen timber for trees 1 and 11 must be used as a habitat feature on a nearby site or to be relocated to a nearby nature reserve/conservation area (to the satisfaction of the Conservator/TPU/Parks and Conservation Services).

## NOTICE OF DECISION

DA 201834203

The proponent shall provide offset planting at a volume and in a location specified by the Conservator/TPU/PCS.

### 11. COMPLIANCE WITH APPROVED PLANS

The plans endorsed as forming part of the approval, including any plans required to be submitted as a condition of the approval, form part of this approval. Any changes to these plans will require a further approval.

### 12. COMPLIANCE WITH ENTITY REQUIREMENTS

The development must comply with all of the conditions imposed by each of the relevant entities as stated in each of their advice.

### ADVISORY NOTES

Noise from equipment installed or used at the site, including air conditioning units and pool pumps etc, must always comply with the noise standard at the block boundary 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*. Noise from activities associated with unloading activities at the proposed loading dock location must always comply with the noise zone standard at the block boundary.

All rainwater that enters the site and pools in excavations during a rainstorm event would be considered as a sediment control pond, and must meet the following condition:

- No discharge from pond unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.

For further information please contact the Environment Protection Authority Planning Liaison on 02 6207 5642.

## NOTICE OF DECISION

DA 201834203

### PART B – REASONS FOR THE DECISION

The application was approved because it was found to meet the relevant rules and criteria of the Territory Plan and section 120 of the *Planning and Development Act 2007*.

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

Development Application:	201834203
Territory Plan Zones:	CZ1
Development Codes:	Commercial Zones Development Code
Precinct Code:	Kambah Precinct Map and Code
Crown Lease:	Volume 891 and Folio 60 and Volume 894 and Folio 36
Legislative requirements:	Sections 119 and 120 of the <i>Planning and Development Act 2007</i>
Entity advice:	As addressed in Part C of this Decision

The proposal is consistent with the requirements of the Territory Plan. The proposal was not supported by Evoenergy, however, a condition has been included in the decision to address this matter. The Conservator of Flora and Fauna did not support the removal of the Regulated trees 1 and 11, and therefore, the proposal was presented to Landscape Review Panel (LRP) for advice.

The panel noted the Tree Protection Unit (TPU) has not supported the removal of trees 1 and 11 on the site as they are excellent quality, remnant species. The TPU also did not support the current Tree Management Plan as it does not present sufficient tree protection measures to retain tree 14.

Although no alternative designs have been presented, the panel noted the site is heavily constrained due to the provisions of the Kambah Precinct Map and Code, specifically:

- Any expansion to the north directly impacting the existing parking spaces is required to replace the displaced spaces as well as provide additional spaces generated by the future development.
- Vehicular access on Primmer Court around the western side of the centre is to be maintained (mandatory rule).

On this basis, without significantly altering/restricting the footprint of the extension, the panel determined that the only feasible design option is the proposed southern/western extension. Therefore, trees 1 and 11 were supported for removal subject to an endorsement from ACT Heritage. ACT Heritage confirmed that the trees did not include any specific heritage value.

During the assessment process, trees 1 and 11 were identified as excellent quality, remnant trees. Therefore additional conditions have been incorporated into the Decision requiring the fallen timber to be used as a habitat feature on a nearby site or to be relocated to a nearby nature reserve/conservation area (to the satisfaction of the Conservator/TPU/Parks and Conservation Services) and that the proponent provide offset planting at a volume and in a location specified by the Conservator/TPU/ Parks and Conservation Services.

In addition, a condition has been imposed requiring the proponent to provide an updated Tree Management Plan demonstrating that tree 14 will be adequately protected during the works.

## NOTICE OF DECISION

DA 201834203

During the assessment process, the applicant submitted revised drawings pursuant to s 144 of the *Planning and Development Act 2007* showing amended location for loading and unloading for the addition to the existing supermarket. The waste management and the new location for loading and unloading was supported by TCCS. The proposal and the extent of the footprint of the building proposed is consistent with the Master Plan for Kambah Shops.

Other conditions for degazetting the existing Road and re-gazetting the proposed road layout within Kambah shops have been included in the Notice of Decision.

TCCS have required a traffic management plan which will need to be endorsed prior to commencement works and implemented throughout the construction period. A traffic report was provided as part of the application. TCCS reviewed and endorsed the report as it was demonstrated that there will be sufficient parking spaces available within the existing area.

Overall, the proposal includes features that will improve pedestrian circulation as well as the amenity of the area and will enhance the overall purpose of the local shopping centre.

## PART C – PUBLIC NOTIFICATION AND ENTITY ADVICE

### PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 15 October 2019 to 2 November 2019. Five (5) written representations were received during public notification period. S144 application was publicly notified from 20 May 2019 to 3 June 2019. Three (3) written representation received during notification period. Issues raised in the representation were considered in the assessment of the proposal.

### 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 supports the proposal with conditions.
2. Icon Water  
Icon Water supports the proposal with conditions.
3. Evoenergy  
Evoenergy does not support the proposal. A condition has been included in the decision to address the issue. Refer to Part A for the condition.
4. Jemena  
Jemena supports the proposal with conditions.
5. Environment Protection Authority (EPA)  
EPA supports the proposal with conditions and advice.
6. Conservator of Flora and Fauna  
Conservator does not support removal of the regulated trees, however, the Landscape Review Panel supported the departure from the conservator's advice.
7. Emergency Services (ESA)  
Emergency services supports the proposal.

## NOTICE OF DECISION

DA 201834203

### Translation and interpretation services

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ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
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GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjnuna t'interpretu, oġmpel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodioca telefoniрајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

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## ATTACHMENT 1

### ADMINISTRATIVE INFORMATION RELATING TO NOTICE OF DECISION

#### DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise this approval takes effect 20 working days after the day this notice of decision is given to every person who made a representation on the application. The effective date for development applications approved subject conditions could also be adjusted if the approval is reconsidered by the planning and land authority or if an application is made to the ACT Civil and Administrative Tribunal.

Pursuant to section 184 of the *Planning and Development Act 2007* (Act), this approval will expire if:

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

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

A development approval, to which section 184 of the Act applies, continues unless the approval ends under sections 184, 185, 186 or 187 of the Act.

#### 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 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.

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

1. Decisions that are reviewable by the ACAT are identified in Schedule 1 of the Act, except for matters that are exempted under Schedule 3 of the *Planning and Development Regulations 2008* (matters exempt from third party review).
2. The notice of decision and this advice has been sent to all people who made a representation in relation to the application.
3. The ACAT is an independent body. It can review a large number of decisions made by ACT Government ministers, officials and statutory authorities on their merits. The ACAT can agree with, change or reject the original decision, substitute its own

decision or send the matter back to the decision maker for reconsideration in accordance with ACAT recommendations.

4. If you think you have a right of appeal, you may apply for a review. Application forms can be obtained from the ACAT. You can also download the form from the ACT Legislation Register.
5. If you are applying on behalf of an organisation or association of persons, whether incorporated or not, the Tribunal in deciding whether to support this application will consider the effect of the decision being reviewed on the interests of the organisation or association in terms of its objects or purposes. A copy of the relevant documents will be required to be lodged with the Tribunal.
6. The time limit to make a request for a review is 28 days from the date of this notice of decision. The time limit can be extended in some circumstances (refer to sections 10(2), 10(3), 25(1)(e) and 25(2) of the *ACT Civil & Administrative Tribunal Act 2008*; section 7 of the *ACT Civil and Administrative Tribunal Procedure Rules 2009 (No 2)*; and section 409 of the *Planning and Development Act 2007*).
7. Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: the Director General, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. Ask the ACAT for more details.
8. 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.
9. The following organisations may be able provide you with advice and assistance if you are eligible:
  - ACT Attorney-General, write to the Director General, Justice and Community Safety Directorate, GPO Box 158, CANBERRA, ACT, 2601
  - the ACT 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.
10. You will have to pay any costs involved in preparing or presenting your case. The ACAT also has the power to award costs against a party if the party contravenes a direction of the ACAT and the ACAT considers it in the interests of justice to make such an order. This power is in addition to the power of the ACAT to strike out a party and to dismiss an application for failure to comply with the ACAT's directions.
11. You may apply for access to any documents you consider relevant to this decision under the ACT Freedom of Information Act 1989. Information about Freedom of Information requests is available on the planning and land authority's web site or by contacting us by phone on 02 6207 1923.
12. 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.

### Other approvals

A notice of decision grants development approval only. Other approvals may be required, including:

1. Building Approval

Most building work requires building approval 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.

3. Use of verges or other unleased Territory Land

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

4. Works on unleased Territory Land

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

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

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

### Contact details for relevant agencies

<b>ACT Civil and Administrative Tribunal</b> Level 4, 1 Moore Street CANBERRA CITY ACT 2601 GPO Box 370, CANBERRA, ACT, 2601	<a href="http://www.aocat.act.gov.au">www.aocat.act.gov.au</a> <a href="mailto:tribunal@act.gov.au">tribunal@act.gov.au</a> 02 6207 1740 02 6205 4855
<b>Health Directorate</b>	<a href="http://www.health.act.gov.au">www.health.act.gov.au</a> 02 6205 1700
<b>Environment, Planning and Sustainable Development Directorate</b> <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>	<a href="http://www.planning.act.gov.au">www.planning.act.gov.au</a> 02 6207 1923

<i>Environment Protection Authority</i> - environment protection - water resources - asbestos information	www.environment.act.gov.au 02 6207 6251
<i>Conservation, Planning and Research</i> - threatened species/wildlife management	www.environment.act.gov.au 02 6207 1911
<b>Transport Canberra and City Services</b> - tree damaging activity approval - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets	www.tccs.gov.au 132 281 02 6207 0019 (place coordination)
<b>Utilities</b> - Telstra (networks) - TransACT (networks) - Icon Water - Electricity reticulation	02 8576 9799 02 6229 8000 02 6248 3111 02 6293 5738

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GREEK	Αν χρειάζεστε διερμηνέο, τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, ttempel:
PERSIAN	اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
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TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
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<b>TRANSLATING AND INTERPRETING SERVICE</b>	
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**From:** Lana, Sheikh  
**Sent:** Thursday, 5 December 2019 10:10 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED] EPD, Customer Services  
**Subject:** FW: BLOCK: 5 SECTION: 346 SUBURB: KAMBAH DEVELOPMENT APPLICATION NUMBER: 201834203 [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear [REDACTED]

Thank you for your email and call. I have looked into your questions and provide the following:

Page 8 and 9 of the Notice of Decision outlines the reasons for the decision mainly covering the key requirements of the Territory Plan and Planning and Development Act 2007.

The applicant submitted a Traffic report as a supporting document with the Development Application (DA). During the assessment stage the Authority considered the proposed parking arrangement and available parking within proximity of the centre. It was determined that the proposed development would not adversely impact on parking or access to the centre.

In addition, the proposal was referred to Transport Canberra and City Services (TCCS) for comments who supported the DA with conditions. The conditions related to matters such as waste truck turning, waste management, temporary traffic management and the management of works on unleased land.

The following conditions relate to TCCS advice:

- Condition 5 of the Notice of Decision (Pages 3 to 5 of the decision)
- Condition 6 of the decision (refer page 6 of the decision)

I hope this information is helpful.

Regards

Sheikh Lana

Phone 02 62076387 | Fax 02 62071925

Planning Delivery Division | ACTPLA | Environment and Sustainable Development | ACT Government Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | [www.actpla.act.gov.au](http://www.actpla.act.gov.au)

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Monday, 2 December 2019 10:07 AM  
**To:** EPD, Customer Services <EPDCustomerServices@act.gov.au>  
**Cc:** [REDACTED]  
**Subject:** BLOCK: 5 SECTION: 346 SUBURB: KAMBAH DEVELOPMENT APPLICATION NUMBER: 201834203

Customer services

As a representor on behalf of 12 property owners in the area affected by the development application, I raised a number of issues for the decision maker's consideration.

I cannot see how they have been addressed in the terms of the decision provided to us for this DA, and would appreciate it if the decision maker could explain the process and substance of this decision to me. Otherwise I will not understand what we should, or should not, appeal within the very short period allowed for this purpose.



Sent from my iPad

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**From:** Gell, Chris  
**Sent:** Wednesday, 11 December 2019 4:22 PM  
**To:** [REDACTED]  
**Subject:** FW: Development Application 201834203 - blocks 5,12,14,17,23,29,53 Section 346 Kambah - amendments to DA - Submission in response by owners of Blocks 4 and 12, Section 346 Kambah

**UNOFFICIAL**

Good afternoon [REDACTED]

Thank you for raising your concerns relating to DA201834203. I am replying on behalf of Dominic as he is currently working in a different area.

The development application was assessed against the requirements of the Territory Plan and *Planning and Development Act 2007* (PD Act). In the assessment, the planning and land authority (the authority) considered the proposal, in accordance with these requirements, and any temporary disruptions during the construction stage. In doing so, the authority referred the application to a number of entities who administer other legislation relating to matters on unleased land and use of public areas, utilities and environment protection. The authority determined that the proposal was consistent with the Territory Plan and that matters raised during the process were not considered so adverse as to refuse the application. Therefore, conditions were imposed to reduce the temporary impacts of the proposal and ensure compliance with other legislative requirements not regulated under the PD Act.

Further information relating to each matter raised is provided as follows.

**PARKING**

DA201834203 was for the addition to an existing shop. A traffic engineering assessment (TEA) was provided as part of the application which outlined that, with the proposed addition, there would be a shortfall of 81 spaces. The TEA concluded that this shortfall could be catered for within 200-400m of the site along Primmer Court and Kett Street.

The application was referred internally within Environment, Planning and Sustainable Development Directorate (EPSDD) and Transport Canberra and City Services (TCCS). The internal areas and TCCS were generally supportive of the shortfall as there were available parking within the vicinity of the development, along with other available modes of transport to and from the shopping centre.

In response to other matters raised and public submissions, an amendment was submitted by the proponent under s 144 of the PD Act. The application, amongst other things, reduced the footprint of the addition and provided additional parking spaces on the southern side of the development. As part of the amended application, a revised TEA was submitted which identified a shortfall of now 34 spaces.

The amended application was considered, taking into account the location of available parking within the vicinity of the development and parking restrictions within the centre. It was determined that the surrounding area provided sufficient parking for the proposed development as well as still provided areas for future development within the centre. It should be noted that TCCS did not raise any concerns relating to the proposed parking restrictions.

**PEDESTRIAN ACCESS BETWEEN BLOCKS 4 AND 5 TO THE SOUTH CARPARKS**

The pedestrian access between Blocks 4 and 5 Section 346 is located wholly within Block 4. The proposed application did not include Block 4 and does not restrict this access.

The removal of the pram ramp, within this area, is referring to the small ramp at the kerb/guttering. This is being replaced with an on-grade kerb. The new configuration will still ensure sufficient access to the carpark from the shopping centre.

**LOCATION OF INGRESS/EGRESS TO SUPERMARKET**

The main ingress/egress arrangements to the supermarket have been maintained and face towards the existing town square area.

**DEMOLITION AND CONSTRUCTION**

The development application process identifies potential impacts during the construction period and endeavours to minimise these impacts as much as possible. However, impacts on unleased land, such as, management of traffic, safe pedestrian movement, the provision of parking for construction workers, and associated traffic control devices are managed by TCCS through a Temporary Traffic Management Plan (TTMP).

A condition of the approval for DA201834203 requires the proponent to prepare a TTMP, have it endorsed by TCCS and implemented during construction. The TTMP is a standard requirement for all developments that will impact on unleased land and must be prepared in accordance with TCCS guidelines. TCCS guidelines are outlined on the TCCS website (<https://www.tccs.act.gov.au/roads-paths/traffic/temporary-traffic-management>).

During construction, if there are any concerns relating to the management of unleased land, these should be raised with TCCS.

**WASTE STORAGE**

The proposed waste areas have been considered by TCCS in terms of location, size and access. TCCS supported the waste arrangement and suggested conditions to ensure truck movements are achieved. The concerns raised by TCCS have been incorporated as part of the notice of decision (DA201834203).

**SUPERMARKET TROLLIES**

Management of trollies on site is a commercial decision relating to convenience for their customers. The Territory Plan does not include provisions relating to trolley management.

**STYLE AND DESIGN ISSUES**

The materials, colour and design of the proposal is subject to provisions under the Territory Plan to the extent that the development is consistent with the desired character of the area. As such, the Territory Plan does not mandate a particular design or material/colour as an exact replica of the surrounding buildings.

All development applications are considered on a case by case basis against the relevant requirements of the Territory Plan.

Hopefully this satisfies your concerns. Please contact me if you require further assistance.

Regards

Chris Gell  
 Director Merit Development Assessment  
 Planning Delivery Division - Environment Planning and Sustainable Development Directorate  
 P. 02 62072642 e. [chris.gell@act.gov.au](mailto:chris.gell@act.gov.au)

---

**From:** [REDACTED]  
**Sent:** Tuesday, 10 December 2019 11:09 AM  
**To:** Riches, Dominic <[Domonic.Riches@act.gov.au](mailto:Domonic.Riches@act.gov.au)>  
**Subject:** Fw: Development Application 201834203 - blocks 5,12,14,17,23,29,53 Section 346 Kambah - amendments to DA - Submission in response by owners of Blocks 4 and 12, Section 346 Kambah

10 December 2019

Mr D Riches  
 Delegate, planning and land authority

Mr Riches

Will it be possible for you to take me systematically through the objections raised by the owners at the Kambah Village Centre, as set out in our submission below, and advise me as to how/what the impact of your decision is on each item? We realise that the development application has been approved subject to conditions, and wish to know how those conditions affect the issues we raised for the decision makers consideration.

As an appeal option is running until 26 December, and we wish to properly understand where we stand in relation to the objections we raised.

Thank you

Secretary, Proprietors of Units Plan 356 Kambah

----- Forwarded message -----

**From:** [REDACTED]  
**To:** "epdcustomerservices@act.gov.au" <epdcustomerservices@act.gov.au>  
**Cc:** [REDACTED]

**Sent:** Monday, 3 June 2019, 2:29:24 pm AEST

**Subject:** Development Application 201834203 - blocks 5,12,14,17,23,29,53 Section 346 Kambah - amendments to DA - Submission in response by owners of Blocks 4 and 12, Section 346 Kambah

**To:** Planning and Land Authority, Environment, Planning and Sustainable Development Directorate, ACT Government  
 By email - [epdcustomerservices@act.gov.au](mailto:epdcustomerservices@act.gov.au)

**From:** Owners of Strata Units, Blocks 4 and 12, Section 346 Kambah, as listed at the end of this submission

**Subject:** Development Application 201834203 - amendment to development application

We refer to the above application for commercial development of blocks 5,12,14,17,23,29,53, Section 346 Kambah, and your notification that amendments to the original application have been lodged. We are property owners affected by the application, and we submit as follows for your consideration concerning the impacts upon us.

#### **GENERAL**

By these amendments to his original DA, the developer proposes to reduce the building form overall from gross floor area of 4970 square metres to 4487 square metres. The supermarket is presently 1700 square metres, and will be expanded to 3409 square metres. There will be a reduction of 353 square metres to the proposed new retail spaces, from 853 square metres to 500 square metres. The developer proposes thereby to increase the number of parking spaces, move the Woolworths loading dock from the south side to the west side of the site, and allow for access to the rear of Blocks 4 and 37 by large delivery vehicles.

We refer you to our submission of 2 November 2018, in response to this DA, and and to the issues and concerns raised therein. We reiterate those issues and concerns to the extent that the amendments presented now do not satisfy them.

#### **PARKING**

There are presently 255 car parking spaces in the Centre. The original DA provided for 252 car parking spaces, down 3, and representing a shortfall of 81 spaces based on the developers own calculations of requirements (333 spaces) based on their GFA expansion. Their amendments result in a reduced requirement, 308 spaces, and an increased number of spaces on the south side, 25. By this means the shortfall is reduced from 81 to 31.

It is still a shortfall, albeit a smaller one. It is a matter for the regulatory and planning authorities to determine the appropriate level of car parking having regard to the interests and concerns of all parties, including the community we serve, and we object to anything that might represent a lesser standard. The availability of 'park and ride' parking spaces is a matter for government policy, as is the provision of sufficient parking generally in community facilities.

Adequacy of parking in local shopping centres is a lively political issue, as the planning authority is undoubtedly aware.

#### **ACCESS TO THE REAR OF BLOCK 4** by large delivery vehicles and waste collection vehicles

The amendments have substantially revised the original Woolworths loading dock proposal. It has been relocated from the congested space between Blocks 4 and 37 (the south side) to the west side of the site.

This is appropriate, and we accept this amendment designed to ensure that large delivery vehicles and waste collection vehicles can continue to service Blocks 4 and 37 and their businesses.

#### **PEDESTRIAN ACCESS BETWEEN BLOCKS 4 AND 5 TO THE SOUTH CARPARKS**

There is currently pedestrian access on the property of Block 4 owners between Blocks 4 and 5 through Block 24 to the carparks on the south of the site.

We object to any part of the DA and its amendments that seek to curtail this. We object to the demolition of pram ramps.

#### **LOCATION OF INGRESS/EGRESS TO SUPERMARKET PREMISES**

We object to the amendment whereby the supermarket ingress/egress arrangements are relocated away from the centre courtyard space Block 15 (referred to as the Town Square on the applicant's plans).

#### **DEMOLITION AND CONSTRUCTION PLAN**

The applicant's demolition and construction plan shows 3 phases, marked:

Stage 1 - modified northern carparks Block 14 and part of Block 23;

Stage 2 - construction of the whole development site incorporating Blocks 5, 2, 12, 17, 29, 53

Stage 3 - modified northern carparks, balance of Block 23.

We object to this demolition and construction plan on the basis that it fails to develop and modify the parking spaces to be provided on Blocks 53, 23 and 14 to the maximum possible in advance of the re-development of blocks 17, 2, and 53, which will churn parking space into privately owned commercial space. We refer to the issues we raised in our submission of 2 November 2018 concerning parking during the demolition and construction phases, noting that this development will exchange 2787 square metres or more of public parking for private commercial property.

We require that the carpark modifications proposed for blocks 53, 23 and 14 should comprise the first, second and third stages of the demolition and construction plan; and that they should and be completed before the private property construction and development commences. We require that the public amenity and public property modifications should precede the private property development.

Further, we object to the scale of Stage 2 as shown in the applicant's plans. We note that the property boundaries of Blocks 12, 5 and 4 are contiguous, and that they are contiguous with Block 15, which is the public centre space of the Centre. Undertaking demolition and construction on blocks 5, 12, 2, 17, 29 and 53 in one stage will unduly impact the operations of the Centre, its property owners, businesses, service providers, medical services, and the public it serves. We refer you again to our submission of 2 November 2018 in this regard, where we made this same statement. We contend that government regulatory and planning authorities have a responsibility to ensure that we and the community are not exposed to any more detriment than might be absolutely unavoidable. The developer also has this responsibility.

We require that each stage should be properly completed and free of all obstructions and obstacles before the commencement of a new stage. Also, that proper provision should be made away from the active Centre (possibly on the western side of the site) for construction workers' parking and construction materials.

#### **WASTE STORAGE**

Proper and adequate provision should be made by the developer for waste storage for the new shops, offices and expanded supermarket. We are not able to judge this factor from the plans and amendments as presented. Failure to do so will result in detriment to other businesses and the Centre. Refer to the paragraph below, SUPERMARKET TROLRIES.

#### **SUPERMARKET TROLRIES**

Failure to provide for the proper management of the trollies supplied by the supermarket to its customers for the past 4 decades or more, has resulted in continuous infringement of the common property of Block 4 unit owners, and damage to their common property. Proper and adequate provision should be made by the developer for the on-site holding, storage and management of the supermarket's trollies. A greatly expanded supermarket will exacerbate this problem. While Block 4 owners can, and will, seek restitution from the Block 5 owner and its tenant for this damage, it is an example of how the failure to properly provide for a tenant's on site requirements impact upon and disadvantage other owners/ratepayers. Refer also to WASTE STORAGE, above.

**STYLE AND DESIGN ISSUES**

The Kambah Village Centre was designed over 4 decades ago by government planners. The centre was designated a style, materials and colour scheme which have remained consistent until now. The publicly owned parts of the Centre have recently been enhanced by the Government in keeping with its original style.

We note that the applicant's plans introduce a departure from the architecture and style of the centre, which was set by government planners 40+ years ago. We note further that the development is to be substantial by reference to what will remain as the original part of the centre. The development will comprise more than 65% of the centre once completed.

The planning authority has not indicated if a departure from the original building and design covenants for section 346 Kambah, and architectural style generally, will be permitted. We do not object if it is, but the developer has not addressed the issue of consistency of style and design across the rest of the centre in his plans, and the owners of the other blocks in the section have not been given any indication of what co operation and assistance they can expect to ensure the overall integrity of style and appearance of the centre as part of this major development proposal.

If the planning authority permits the developer to depart from the centre's style and design, we require a condition that the developer takes responsibility for consistency of the style and appearance elements of the centre as a whole.

**IMPROVE ACCESS TO CENTRE SPACE FROM NORTHERN CARPARKS**

The Planning Authority may be able to improve the public's convenience during the demolition and construction period by making the space between the rear of Block 12 and the western side of Block 1 function better as a pedestrian pathway from the modified north carparks to the centre space.

We reserve the right to comment further should relevant information, not currently available to us, become available.

This is the submission of us, as listed below:

The Owners, Units Plan 356, Block 4 Section 346 Kambah



The Owners, Units Plan 362, Block 12, Section 346, Kambah



Contact

