



STANDING COMMITTEE ON PLANNING, TRANSPORT, AND CITY SERVICES
JO CLAY MLA (CHAIR), SUZANNE ORR MLA (DEPUTY CHAIR), MARK PARTON MLA

Inquiry into Giralang shops
ANSWER TO QUESTION TAKEN ON NOTICE
Hearings of 17 June 2021

Asked by Ms Clay MLA:

THE CHAIR: Yes, okay. And if a developer is making private undertakings to the community, the government probably has no role in that. So, if the developer is out there saying, I will do the following things, does that have any legal status of any kind? It is not in the lease, it does not—

MS ORR: What—sorry, what are some of the things?

THE CHAIR: So we heard from the developer that—I know that there was concerns about repairing fencing, footpaths, these are not things that are set out in the lease and I just do not understand that—we heard from the community that the community does not feel that the developer has done the things the developer said the developer would do to maintain this site to the standards of the community. I do not know how those dealings occurred, I imagine they occurred between the developer and individual members of the community but we have heard evidence in public submissions that the community does not feel that the developer has done what he said he would do to maintain the site in an adequate way. Has any of that information come to you, does the government have any involvement in that?

Mr Lhuede: I think we would need to look at the specific provisions of the approval with regard to both leasehold and public realm, whether there was specific conditions. I will take that on notice, unless my colleague Mr Cilliers has anything to add.

Minister Gentleman MLA: The answer to the Member's question is as follows:—

Access Canberra has not been involved in any discussions, nor are we aware, of any undertakings the developer may have made to the community regarding the maintenance of the site.

Inspectors from Access Canberra conducted an inspection of the Giralang shops on 4 May 2021. The inspection found there was temporary fencing around the entire perimeter of the site, with the majority of the fencing having mesh on the fence to obscure viewing into the site. All access points into the site were chained and had a padlocked gate.



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

QTON No. 11

STANDING COMMITTEE ON PLANNING, TRANSPORT, AND CITY SERVICES
JO CLAY MLA (CHAIR), SUZANNE ORR MLA (DEPUTY CHAIR), MARK PARTON MLA

In addition to the supermarket, retail tenancies, 50 apartment units, and other associated works, the proponent for the development application (DA201833501) also applied for off-site works including: new driveway entry points off Canopus Crescent; on-street car parking to Menkar Close and a reconfigured carpark; new drop-off arrangement, new waste enclosure, bicycle enclosure and associated landscape to the existing Giralang Primary School.

The development approval provided by the Minister under his call-in powers on 24 July 2018 included approval for:

- *civil works including new driveway entry points off Canopus Crescent; new off-site/on-street car parking to Menkar Close; and a reconfigured carpark and new drop-off arrangement to existing Giralang Primary School car park on Block 4 Section 80;*

The development approval also included conditions in relation to the pedestrian network, verge trees, landscape treatment to the west of Menkar Close, sediment and erosion control, verge management and waste management. These conditions come into effect prior to construction or once construction has commenced. Some of these conditions require further approvals from TCCS (refer to conditions B2, B4, B6, C1, C4, C6 and C8 of the Notice of Decision at Attachment A).

Approved for circulation to the Standing Committee on Planning, Transport, and City Services

Signature: 

Date: 30/6/2021

By the Minister for Planning and Land Management, Mick Gentleman MLA



Manager of Government Business
Minister for Police and Emergency Services
Minister for the Environment and Heritage
Minister for Planning and Land Management
Minister for Urban Renewal

Notice of decision

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

DA NO: 201833501 & 201833501S144B		DATE LODGED: 7 March 2018
DATE OF DECISION: July 2018		
BLOCK: 6	SECTION: 79	SUBURB: GIRALANG
BLOCK: 3	SECTION: 79	SUBURB: GIRALANG
BLOCK: 4	SECTION: 80	SUBURB: GIRALANG
STREET NO AND NAME: 7 Menkar Close, Giralang		
APPLICANT: AMC Architecture		
LESSEE: Giralang Property Pty Limited		

THE DECISION

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

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

- **construction of a mixed use development comprising of the following: two basement levels; ground floor level commercial use consisting of a 1000m² supermarket and other commercial tenancies; four levels residential use containing 50 residential units; and landscaping and associated works;**
- **civil works including new driveway entry points off Canopus Crescent; new off-site/on-street car parking to Menkar Close; and a reconfigured carpark and new drop-off arrangement to existing Giralang Primary School car park on Block 4 Section 80;**
- **a lease variation to add multi unit housing of not more than 50 dwellings, community activity centre, community theatre, cultural facility, educational establishment, place of worship, and religious associated use; and increase the maximum gross floor area permitted to 11,000m²; and**
- **to subdivide Block 6 Section 79.**

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

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In accordance with the plans, drawings and other documents and items submitted with the application and forming part of this approval and substantially in accordance with the draft Crown leases at Attachments 1 and 2.

Note: In relation to the lease variation component of this development application, I have decided not to approve the following uses: child care, pre-school, primary school, high school, and secondary college.

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

PART 2 sets out the Reasons for the Decision.

PART 3 provides a summary of the issues arising from the public notification of the application and from referral of the application to relevant entities.

PART 4 contains administrative information relating to my decision.

DECISION MAKER



Mick Gentleman MLA
Minister for Planning and Land Management

24 July 2018

CONTACT OFFICER

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PART 1 CONDITIONS OF APPROVAL

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

This application is approved subject to the following conditions:

A. ADMINISTRATIVE / PROCESS CONDITIONS

A1. FURTHER INFORMATION

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

- (a) a revised site plan, floor plans, elevations, sections, landscape plans, architectural drawings, and any other plans, based on the relevant drawings submitted as part of the application, to the satisfaction of the planning and land authority, showing:
 - (i) the floor plan, section(s), and elevations of the proposed bicycle enclosure;
 - (ii) evidence of screening measures that clearly delineate the loading dock from the school boundary, such as landscaping or low fencing;
Note: Any proposed measures are to be endorsed by Giralang Primary School prior to submission for consideration of the planning and land authority.
 - (iii) revised plans that show storage cages provided to all apartments;
 - (iv) additional bicycle parking spaces (6 more) to be provided throughout the site;
 - (v) two additional accessible parking spaces provided within a reasonable distance to the shared pedestrian zone providing access to the primary entry of the development, preferably next to the already proposed accessible parking spaces;
 - (vi) a revised pedestrian link, that may include line-marking, traffic warning signs, lighting or other traffic calming measures, between Block 6 Section 79 and Block 4 Section 79, further away from Canopus Crescent; preferably located within close proximity to the stairs that provide access to the entrance of the Giralang Shopping Centre;
Note: This may require adjustments to the off-site parking proposed along Menkar Close such as losing a car space for the pedestrian link to be formed. Endorsement must be obtained from Transport Canberra and City Services for the revised pedestrian link prior to submission to the planning and land authority.
 - (vii) locate the bike storage enclosure further from the existing buildings to facilitate continued appreciation of the sculptural form of the assembly hall, and retain the landscape setting of the school. It is recommended that options for co-locating the bike storage and bin enclosure be considered; and

- (viii) a revised site plan be provided that illustrates the relationship between the existing school buildings, the existing ancillary structures and the proposed bike storage and waste enclosures.

Note: The ACT Heritage Council noted that 'future' fencing is illustrated on site plan A105 and landscape plan 002A(A). Fencing in close proximity to, or abutting the existing school buildings, has potential to diminish the open park-like character of the grounds and requires further consideration. The ACT Heritage Council did not endorse the construction of new fencing in the proposed location as part of this decision.

A2. APPROVAL DOES NOT TAKE EFFECT – STRATUM SUBDIVISION

The approval for the subdivision of the Crown lease **does not take effect**, and execution and registration of the new Crown leases for the blocks resulting from the subdivision **must not be completed**, until the applicant/lessee has:

- (i) lodged with the planning and land authority written evidence of endorsement from each of the relevant service providers that each of the new blocks are separately serviced in accordance with all of the relevant service providers' requirements.

A3. TRANSFER AND GRANT OF EASEMENTS

That the applicant/lessee must prepare an Instrument granting an encumbering Transfer and Grant of Easements (TGE) for registration at Access Canberra (Land Titles and Rental Bonds) against the Crown leases of the proposed new blocks.

Note: the registration of the TGE's are to occur at the same time as the new Crown leases (see condition A6).

At a minimum, the TGE's shall address the following:

- (i) the reticulation of services for the approved development, and other building services and systems, that pass through one parcel to the other;
- (ii) pedestrian access for fire egress, waste collection, maintenance, and repair required for the development on the subdivided parcels;
- (iii) vehicular and pedestrian access for the lessees, their employees, contractors, sublessees or occupiers, and visitors and invitees for the purposes of car parking, maintenance, and repair, between the subdivided parcels; and
- (iv) any arrangements required pursuant to other Territory or Commonwealth legislation and any requirements necessary for the normal operation of the buildings.

A4. NEW BLOCK SURVEY

That the applicant/lessee shall arrange for a survey of the subdivided blocks. When advised of the new block numbers, the applicant/lessee shall lodge the survey plan with the Environment, Planning and Sustainable Development Directorate for examination and clearance by the Surveyor-General, Surveying and Spatial Data Section and pay the appropriate examination fee.

The new block survey must show:

- (i) the dimensioned location of the proposed boundaries for each of the new blocks generally in accordance with the approved subdivision plan (including the centreline of any party wall as constructed);

- (ii) the surveyed block size; and
- (iii) the location of all service easements in accordance with the requirements of the relevant service providers.

A5. SURRENDER AND REGRANT

That the lessee surrender the existing Crown lease over Block 6 Section 79 Division of Giralang - (Volume 2066 : Folio 91) and accept the new Crown leases for the subdivided blocks substantially in accordance with the draft leases appearing at **Attachments 1 and 2**.

Note: Draft stratum Crown leases are subject to change as required by the approved development.

A6. LEASE REGISTRATION

That the lessee shall do all that is necessary to ensure that the new Crown leases are registered at Access Canberra (Land Titles and Rental Bonds) prior to the end of this approval.

Please also see the Advisory Notes for additional information on the lease variation.

A7. TREE PROTECTION UNIT

The proposed protective fencing around the regulated trees to be retained on the block must be installed in accordance with the drawing titled: Tree Management Plan sheets 1-5, Project No. 6664, date: 17.04.2018 prior to any stage of the development and must remain in place until construction works are completed, unless otherwise agreed to in writing by the Conservator of Flora and Fauna or a delegate of the Conservator.

B. PRIOR TO CONSTRUCTION AND/OR DEMOLITION

B1. EVOENERGY

- a) Prior to construction the lessee or land custodian must obtain a Statement of Acceptance from Evoenergy in relation to electricity networks and submits 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*.
- b) The land custodian must comply with any conditions imposed on a Statement of Acceptance by Evoenergy.

Note: any substantial changes to the development required for the Evoenergy Statement of Acceptance will 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.

B2. TRANSPORT CANBERRA & CITY SERVICES

Prior to construction the lessee/applicant must obtain a Statement of Acceptance from Transport Canberra and City Services and submit the Statement of Acceptance to the planning and land authority as satisfying the following conditions of approval under s165 of the *Planning and Development Act 2007*.

Pedestrian Network

- a) The landscape plan 001 (Rev B) and civil works plan C301 (Rev F) must be updated

to reflect a consistent design. For example the mid-block pedestrian crossing along Menkar Place is not shown on the civil works plan.

- b) The pedestrian path, and associated pram crossings, fronting Canopus Crescent must be upgraded to a 2.0m wide path in accordance with MIS05 and the Active Travel Infrastructure Practitioner Tool for local community routes.
- c) The hardstand area at the pedestrian refuge, adjacent to the substation, must be increased for the full verge width to improve connectivity to the paved pedestrian crossing through the carpark and to accommodate the likely pedestrian desire line through the verge.
- d) A path connection must be provided near the southern end of Menkar Close to complete the connectivity between Canopus Crescent and the primary school.

Verge/Verge Tree

- e) The proposed verge trees fronting Canopus Crescent must be planted centrally between the parking bay kerb (on-site) and the widened footpath/hardstand area.
- f) The landscaped treatment to the west of Menkar Close (3/79 GIRALANG) must be coordinated with TCCS Capital Works and is subject to review at Design Acceptance.

Streetlight

- g) The street lighting columns along Menkar Place must be coordinated with the proposed base plan and designed in accordance with MIS14.

The lessee/applicant must comply with any conditions imposed on a Statement of Acceptance by Transport Canberra and City Services.

Note: Any substantial changes to the development required for Transport Canberra and City Services Statement of Acceptance will 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.

B3. ENVIRONMENT PROTECTION AUTHORITY

- a) Prior to construction the lessee/applicant must obtain written endorsement from the Environment Protection Authority and submit such endorsement to the planning and land authority as satisfying this condition of approval under s165 of the *Planning and Development Act 2007*.
- b) The lessee/applicant must comply with any conditions imposed by the Environment Protection Authority.

Note: Any substantial changes to the development required for the Environment Protection Authority endorsement will 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.

B4. SEDIMENT AND EROSION CONTROL

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

B5. TREE PROTECTION

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

B6. VERGE MANAGEMENT

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

B7. TRAFFIC MANAGEMENT

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

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

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

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

C2. TREE PROTECTION

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

C3. DRIVEWAYS

All redundant driveways are to be removed and the verge/kerb reinstated.

C4. VERGE MANAGEMENT

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

C5. TRAFFIC MANAGEMENT

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

C6. WASTE MANAGEMENT

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

C7. NOISE

The development must comply with all requirements of the Noise Management Plan prepared by Acoustic Logic for the purpose of this development application.

C8. PEDSTRIAN PATHS

All proposed pedestrian paths are to be constructed in accordance with AUSTRROADS Guide to Traffic Engineering Practise Part 13. – Pedestrians.

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

D1. COMMERCIAL USES

Food retailers and restaurants that may take up any of the commercial tenancies must comply with *Australian Standard 1688.1 – The use of ventilation and air conditioning in buildings*.

E. **ADVISORY NOTES**

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

E1. LEASE VARIATION CHARGE

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

E2. BLOCK NUMBERS

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

E3. EXPIRY OF APPROVAL

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

E4. 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 3 PUBLIC NOTIFICATION AND ENTITY ADVICE** of this Notice of Decision throughout the process of development (prior to, during & post construction) as applicable.

E5. EVOENERGY ELECTRICITY NETWORKS

Refer to statement(s) from Evoenergy Electricity Networks at **Attachment A**.

E6. JEMENA

Refer to statement(s) from Jemena at **Attachment B**.

E7. ICON WATER

Refer to statement(s) from Icon Water at **Attachment C**.

E8. ACT EMERGENCY SERVICE AGENCY

Refer to statement(s) from ACT Emergency Service Agency at **Attachment D**.

E9. ACT HERITAGE COUNCIL

Refer to statement(s) from ACT Heritage Council at ***Attachment E***.

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

PART 2 REASONS FOR THE DECISION

Section 119 of the *Planning and Development Act 2007*

In deciding to approve the application with conditions, I firstly considered under section 119(1)(a) of the Act, whether the application meets the relevant codes, including the Giralang Precinct Map, the Commercial Zones Development Code, the Community Facility Zone Development Code and the Parks and Recreation Zone Development Code, as well as the relevant general codes.

From reading the Assessment Report in relation to compliance with the Territory Plan code requirements, I am satisfied that the application, with the conditions of approval meets the relevant codes for the reasons set out in the Report.

In relation to regulated trees located on the land, I also considered the advice received from the Conservator of Flora and Fauna under Section 119(1)(c) of the Act. The Conservator of Flora and Fauna did not support the removal of regulated trees located on the subject block on the basis that they do not meet any criteria for removal under the *Tree Protection Act 2005*.

Consequently the removal of these regulated trees were considered and the removal thereof is supported subject to conditions.

In relation to section 119(2)(a), I considered the advice given by each other entity to which the application was referred, and am satisfied that, with the conditions set out in Part 1, approval of the application would not be inconsistent with the advice received from those entities.

In relation to section 119(2)(b), I am satisfied that my decision is consistent with the objects of the Territory Plan as in section 48 of the Act in that it is *not inconsistent with the National Capital Plan*.

Section 120 of the *Planning and Development Act 2007*

In deciding to approve the application with conditions, I also considered each of the matters or issues set out in section 120(a) – (g) of the Act.

In relation to section 120(a), I am satisfied that the proposed development meets all objectives (a) – (h) of the *CZ4 - Local Centre* zone and relevant objectives of the *Community Facility* zone (b) & (h) and *Urban Open Space* zone (a), (b), (d), (e) & (g), regarding the off-site works proposed for Giralang Primary School and Block 3 Section 79.

CZ4 - Local Centre zone objectives:

- (a) *Provide for convenience retailing and other accessible, convenient shopping and community and business services to meet the daily needs of local residents, particularly those with mobility issues.*

The development proposal will provide for, through the inclusion of new retail/commercial tenancies (including a supermarket), convenience retailing and other accessible convenient shopping and community and business services that will meet the daily needs of local residents, particularly those with mobility issues - an access and mobility report was submitted with the application confirming that the proposal complies with the relevant Australian Standards in regards to accessibility.

- (b) *Provide opportunities for business investment and local employment.*

The inclusion of new commercial tenancies in the development proposal will provide opportunities for business investment and local employment.

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

As part of the development application, the applicant has requested to vary the lease to include a mix of uses, which will enable the tenancies to adapt to changing social and economic circumstances.

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

The development proposal with its residential component, will provide new housing choices for the local community with a range of apartment types and sizes in a suburb where this is currently limited.

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

The architectural and landscape design of the development, which includes articulated and stepped building forms as well as a mix of interesting façade treatments, creates for a development that is unique to Giralang. As such, the proposed development contributes to the identity of the Suburb and the adjacent Giralang Primary School.

- (f) *Promote active living and active travel; and*

- (g) *Provide a high quality public realm by facilitating active uses on ground floor level that connects with the wider open space, pedestrian and cycle networks to promote active travel and active living.*

The development promotes a high quality public realm by facilitating active uses at ground level. The site is located near playing fields, a future community park, and is well integrated with pedestrian and bike networks. The site also fronts Canopus Crescent, where access to public transport is provided via a local bus network. Therefore, the development is well-positioned to promote active living and active travel.

- (h) *Encourage an attractive, safe, well-lit and connected pedestrian environment with convenient access to public transport.*

The development proposal will contribute to a high quality public-realm environment both on the subject site and with the proposed adjacent works to the Giralang Primary School and future Giralang Community Park. The development proposal will promote passive surveillance to all street frontages throughout the day and evening and includes extensive new lighting to ensure crime prevention is achieved.

Community Facility zone objectives:

- (b) *To provide accessible sites for civic life and allow community organisations to meet the needs of the Territory's various forms of community.*

The proposed works on Block 4, Section 80 will meet the needs of Giralang Primary School by ensuring the safe travel of students to and from the school by facilitating a drop-off, pick-up area that was not previously available.

- (h) *Provide safe pedestrian and cycling access to community facilities to promote active living.*

A bicycle storage area is also included as part of the site works which will allow the safe parking of bicycles for students, and as such, promotes the use of alternative travel methods to and from the school.

Urban Open Space zone objectives:

- (a) *Provide an appropriate quality, quantity and distribution of parks and open spaces that will contribute to the recreational and social needs of the community*

The development proposal includes works to Block 3 Section 79, which is zoned urban open space. The works include additional off-site parking, landscaping, pedestrian paths and a play space. The works are located along the North Eastern boundary of the 2347m² block. The space used will provide a pedestrian link between Canopus Crescent and Giralang Primary School, ensuring safe pedestrian travel through the space.

- (b) *Establish a variety of settings that will support a range of recreational and leisure activities as well as protect flora and fauna habitats and corridors, natural and cultural features and landscape character.*

The works to Block 3 Section 79 will support a range of activities and uses for the Giralang community, such as further parking for any overflow from the development of Block 6 Section 79 or Giralang Primary School, a play space, and safe pedestrian access for the public. Because the works are only proposed for a portion of the block, the flora and fauna habitats associated with the urban space will not be adversely affected.

- (d) *Allow for ancillary uses that support the care, management and enjoyment of these open spaces including park maintenance depots, small-scale community activity centres*

Works to Block 3, Section 79 will further promote the use and maintenance of the urban open space zoned land.

- (e) *Ensure that development does not unacceptably affect the landscape or scenic quality of the area, adequacy of open space for other purposes, or users, access to open space, or amenity of adjoining residents*

The proposed works to Block 3, Section 79 will add to the scenic quality of the area. The development will promote the use of the space for a range of purposes such as pedestrian movement and recreational activity.

- (g) *Provide safe pedestrian and cycling access to urban open space to promote active living.*

Safe pedestrian access is provided to the urban open space via Giralang Primary School, the development proposed for Block 6, Section 79 and the existing pedestrian networks from Canopus Crescent and the surrounding area.

In relation to section 120(b), I am satisfied that the subject land is suitable for the proposed development, provided each of the conditions that I have imposed as part of my decision to approve the application is met.

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

In relation to section 120(d), I was mindful of the representations received by the planning and land authority in relation to the application. In Part 3 of my decision, I have provided a list of key concerns raised in the representations. I have nevertheless read them and considered all representations that were made.

In relation to section 120(e), I noted that the relevant entities provided support for the proposal, although most did so on the basis that conditions were imposed to protect or address different kinds of matters. In accordance with the advice received from other entities, where necessary, I have imposed conditions of approval to my decision pursuant to section 162(1)(b) of the Act that reflect that advice.

In relation to section 120(f), I note that the subject land is not public land.

In relation to section 120(g), I considered the probable impacts, including potential social and environmental impacts that the proposed development may have. In this regard, I have read and considered the representations received by the planning and land authority in relation to the application. I have also read and considered the advice and responses from relevant entities to which the application was referred, which propose conditions to address some of the impacts that might otherwise occur.

With the conditions imposed, and after weighing the competing interests as to whether the application should be approved. I am satisfied that the probable social, environmental and other impacts that might arise from the development are adequately addressed by the conditions imposed. I am satisfied that any remaining probable impacts do not warrant a refusal of the development.

In relation to the lease variation component of this development application, and following the assessment and advice from the proponent, I have decided not to approve the following uses:

- Child care;
- Pre-school;
- Primary school;
- High School; and
- Secondary College.

EVIDENCE

Application No. 201833501 & 201833501/S144B

File No. 1-2018/06088

The Territory Plan zone – CZ4 – Local Centre Zone;

Community Facility Zone; and

PRZ1 – Urban Open Space Zone.

The Development Codes – Commercial Zones Development Code;

Community Facility Zone Development Code; and

Parks and Recreation Zone Development Code.

The Precinct Codes – Giralang Precinct Map

Current Crown Lease – Volume 2137 Folio 37

Representations – 42 (including 1 late representation)

Entity advice – Transport Canberra and City Services;

Evoenergy;

Jemena;

Icon Water;

ACT Emergency Services Agency;

Environment ACT;

ACT Heritage; and

Tree Protection Unit.

Assessment Report in relation to compliance with Legislated requirements and Territory Plan Code requirements.

PART 3 PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 27 April 2018 to 18 May 2018. 42 written representations (including one late representation) were received during public notification.

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

a) *Building height/ bulk and scale*

Comment: The development proposes two levels of undercroft/basement, ground level comprising of six commercial tenancies and residential access, as well as four storeys comprising of fifty 1, 2 and 3 bedroom apartments.

The subject block is situated in a *CZ4 Local Centre* zone. Part D of the Commercial Zone Development Code specifies additional controls for local centres, where Rule 52 states the maximum number of storeys as being two storeys. However, Rule 52 has a corresponding criterion. Therefore if the building achieves all of the following, additional storeys may be considered:

- a) *consistency with the desired character; and*
- b) *reasonable solar access to dwellings on adjoining residential blocks and their associated private open space.*

In regards to **criterion a)**, desired character is defined in the Territory Plan as *'the form of development in terms of siting, building bulk and scale, and the nature of the resulting streetscape that is consistent with the relevant zone objectives, and any statement of desired character in a relevant precinct code.'*

The zone objectives for the *CZ4 Local Centre* zone are as follows:

- a) *Provide for convenience retailing and other accessible, convenient shopping and community and business services to meet the daily needs of local residents, particularly those with mobility issues.*
- b) *Provide opportunities for business investment and local employment*
- c) *Ensure the mix of uses is appropriate to this level of the commercial hierarchy and enable centres to adapt to changing social and economic circumstances*
- d) *Maintain and enhance local residential and environmental amenity through appropriate and sustainable urban design*
- e) *Promote the establishment of a cultural and community identity that is representative of, and appropriate to, the place*
- f) *Promote active living and active travel*
- g) *Provide a high quality public realm by facilitating active uses on ground floor level that connects with the wider open space, pedestrian and cycle networks to promote active travel and active living.*
- h) *Encourage an attractive, safe, well-lit and connected pedestrian environment with convenient access to public transport.*

The development proposal has been assessed against the *CZ4 Local Centre* zone objectives and meets all the objectives.

The development proposal will provide for, through the inclusion of new retail/commercial tenancies (including a supermarket), convenience retailing and other accessible convenient shopping and community and business services that will meet the daily needs of local residents, particularly those with mobility issues - an access and mobility report was submitted with the application confirming that the proposal complies with the relevant Australian Standards in regards to accessibility. The inclusion of new commercial tenancies will also provide opportunities for business investment and local employment.

As part of the development application, the applicant has requested to vary the lease to include a mix of uses, which will enable the tenancies to adapt to changing social and economic circumstances.

Proposed uses are limited to:

- community activity centre;
- community theatre;
- cultural facility;
- educational establishment;
- place of worship;
- religious associated use;
- shop;
- health facility;
- restaurant;
- office;
- public agency;
- bus agency; and
- financial establishment.

The development proposal with its residential component, will provide new housing choices for the local community with a range of apartment types and sizes in a suburb where this is currently limited.

The architectural and landscape design of the development, which includes articulated and stepped building forms as well as a mix of interesting façade treatments, creates for a development that is unique to Giralang. As such, the proposed development contributes to the identity of the suburb and the adjacent Giralang Primary School.

The development is located near playing fields, a future community park, and is well integrated with pedestrian and bike networks. The site also fronts Canopus Crescent, where access to public transport is provided via a local bus network. Therefore, the development is well-positioned to promote active living and active travel.

The development proposal will contribute to a high quality public-realm environment both on the subject site and with the proposed adjacent works to the Giralang Primary School and future Giralang Community Park. The development proposal will promote passive surveillance to all street frontages throughout the day and evening and includes extensive new lighting to ensure crime prevention is achieved through considered design.

In regards to **criterion b)**, the development proposal does not impact on the solar access provided to adjoining residential blocks and their private open space, as residential blocks are located to the North of the development, on the opposite side of Canopus Crescent. The development will however overshadow the area between the subject block and Giralang Primary School, to the South of the development, between 9.00am-10.00am on 21 June winter solstice.

In an attempt to minimise overshadowing the applicant has stepped the building down to a 2-storey height towards the school. The applicant responding to representations in this regard provided the following clarification:

'we confirm that the development proposal has been carefully designed to minimise any overshadowing impacts by incorporating a gradation in building height from its northern façade at 4 storeys + loft down to 2 storeys at its southern façade. Indeed the Southern Façade is arguably no higher than the original Giralang Supermarket before demolition.'

This ensures that:

- *Any overshadowing of the school occurs only up to 9am in the winter solstice.*
- *Any overshadowing of the adjacent former Barnado's building occurs between 9am and 12pm in the winter solstice noting the northern façade of this building has limited fenestration.*
- *There is no overshadowing of any adjacent residential dwellings at any time throughout the year.'*

The development complies with the requirements of criteria 52 of the Commercial Zones Development Code.

b) *Residential density*

Comment: The number of dwellings proposed for the development is suitable for the proposed use of the site. The development proposal is consistent with CZ4 Local Centre zone objectives and is therefore consistent with the desired character. With the conditions imposed in Part 1 of this decision, the development complies with the requirements of the Territory Plan.

c) *Overshadowing of the school*

Comment: The proposed development does overshadow the school for part of the day. Shadow diagrams were submitted by the applicant that demonstrate that parts of the school and school grounds will be partially overshadowed on the Winter Solstice (21 June) between the hours of 8.00am – 10.00am. However, the school still receives reasonable solar access for the majority of the school day.

Appropriate design measures have been taken to help mitigate the issue of overshadowing to the school, which is demonstrated through the gradation in the building height from the Northern façade where the building is four storeys to the Southern façade, where the building is two storeys.

d) *Traffic and parking impacts*

Comment: The traffic engineering report (prepared by Graeme Shoobridge Advisory Services dated 4th March 2018) concludes there is sufficient parking on and off site for the proposed mixed-use development. The proponent has provided additional on-street parking on Menkar Close as a response to issues raised during the community engagement period and also developed a strategy to increase the number of carparks associated with Giralang Primary School.

An assessment against the relevant development codes and the Parking and Vehicular Access General Code was found to be consistent with that of the submitted Traffic Report.

Conditions have been imposed through this decision that relate to parking, including a condition requiring written endorsement from TCCS for the relevant arrangements prior to commencement of construction.

e) *Overlooking/privacy concerns to the school from balconies*

Comment: In response to concerns raised in relation to the privacy of school children being compromised, diagrams submitted by the applicant demonstrate the nearest apartment balcony is approximately 76 metres from the school building. In addition, it is important to note, all of the school playground areas are located to the southern (opposite) side of the school, which ensures further separation is provided.

There are also a number of mature evergreen trees between the proposed development and the school which will filter any overlooking of the school operation. All of these trees are proposed to be retained.

ENTITY ADVICE

Pursuant to Division 7.3.3 of the Act, the application was referred to entities and advice was received. The referral entities' comments include the following: (a response to the advice is provided as appropriate.)

TRANSPORT CANBERRA AND CITY SERVICES

On 23 May 2018 advice was received from Transport Canberra and City Services in relation to the proposal. The advice states that further information was required.

Comments:

Pedestrian Network:

- *The landscape plan 001 (Rev B) and civil works plan C301 (Rev F) are not consistent. For example the mid-block pedestrian crossing along Menkar Place is not shown on the civil works plan. Please confirm the intended design.*
- *The pedestrian path fronting the site onto Canopus Cr should be upgraded to a 2.0m wide path to accordance with MIS05 and the Active Travel Infrastructure Practitioner Tool for local community routes. The pram crossings at Menkar Close should also be upgraded to accommodate this widened path.*
- *The hardstand area at the pedestrian refuge adjacent to the substation should be increased (potentially for the full verge width) to improve connectivity to the paved pedestrian crossing through the carpark and to accommodate the likely pedestrian desire line through the verge.*
- *A path connection should be provided near the southern end of Menkar Close to complete the connectivity between Canopus Crescent and the primary school.*

Verge/Verge Tree

- *The proposed verge trees fronting Canopus Cr must be planted centrally between the parking bay kerb and the widened footpath (see above comments on pedestrian network).*
- *Consider additional tree and/or shrub planting on the northern verge of the park to replace the dryland grass which would achieve better cooling of the hard surface areas.*

Streetlight

- *The proposed street lighting along Menkar PI must be updated with the consistent base plan.*

On 28 June 2018 the applicant provided further information addressing the concerns raised by Transport Canberra and City Services, however this has not yet been assessed by the relevant entity.

On 2 July 2018 confirmation was provided by Transport Canberra and City Services that their comments, with some revisions, could be included in the decision as conditions of approval. Revised comments are provided below.

Conditions:

Pedestrian Network

- *The landscape plan 001 (Rev B) and civil works plan C301 (Rev F) must be updated to reflect a consistent design. For example the mid-block pedestrian crossing along Menkar Place is not shown on the civil works plan. Please confirm the intended design.*
- *The pedestrian path, and associated pram crossings, fronting Canopus Crescent must be upgraded to a 2.0m wide path in accordance with MIS05 and the Active Travel Infrastructure Practitioner Tool for local community routes.*
- *The hardstand area at the pedestrian refuge, adjacent to the substation, must be increased for the full verge width to improve connectivity to the paved pedestrian crossing through the carpark and to accommodate the likely pedestrian desire line through the verge.*
- *A path connection must be provided near the southern end of Menkar Close to complete the connectivity between Canopus Crescent and the primary school.*

Verge/Verge Tree

- *The proposed verge trees fronting Canopus Crescent must be planted centrally between the parking bay kerb (on-site) and the widened footpath/hardstand area (refer Items 2 and 3).*
- *The landscaped treatment to the west of Menkar Close (3/79 GIRALANG) must be coordinated with TCCS Capital Works and is subject to review at Design Acceptance.*

Streetlight

- *The street lighting columns along Menkar Place must be coordinated with the proposed base plan and designed in accordance with MIS14.*

A condition is included in Part 1 of this decision which stipulates that this approval requires further design acceptance from TCCS prior to taking effect.

EVOENERGY

On 7 May 2018 advice was received from Evoenergy in relation to the proposal. The advice states that the proposal does not comply with Evoenergy's electricity network requirements.

Comments:

An area for a Substation needs to be allowed for on the block/s. This area will be determined by Evoenergy when the proponent submits the electrical load of the development. The area will be 7.0m x 5.0m for loads within 1MVA. If the load exceeds 1MVA a Chamber Substation will be required. Evoenergy may determine that twin padmount substations with an area of 9.0m x 7.0m will be installed if the load does not exceed 2MVA.

Proponent is required to submit the Request for "Preliminary Network Advice" form to network.connectionapplication@evoenergy.com.au (available on Evoenergy website) prior to commencement of any development activity to negotiate the connection of new and/or relocation of existing electricity assets.

The proponent is responsible for ensuring that ActewAGL'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.

Matters raised have been incorporated as conditions of approval. The relevant advice is attached to this Notice of Decision (**Attachment A**).

JEMENA

On 27 April 2018 advice was received from Jemena in relation to the proposal. The advice states that the proposal has been assessed by Evoenergy and conditionally complies with Jemena Gas Networks requirements.

Conditions:

- *The location and area allocated for gas regulating and metering equipment is to comply with Evoenergy Gas Service and installation rules. The latest version of these rules can be downloaded from: <http://www.actewagl.com.au/About-us/The-ActewAGLnetwork/Natural-gas-network.aspx>*
- *Development is to comply with minimum separation requirements to underground assets:*
 - *300mm minimum clearance from major plastic and steel gas mains and steel gas services*
 - *150mm minimum clearance from other plastic gas mains and services*
- *If a meter relocation or service relocation is required in order to comply with Evoenergy standards, please contact your gas retailer and book a meter relocation. Only people accredited by Evoenergy can carry out this work.*

The statement of conditional compliance dated 27 April 2018 is attached to this Notice of Decision for information purposes (**Attachment B**).

ICON WATER

On 2 May 2018 advice was received from Icon Water in relation to the proposal. The advice states that the proposal does not comply with Icon Water's water and sewerage network access and asset protection requirements.

Comments:

- *Design Acceptance for External Services and Off Site Works must be in principle design approved by Icon Water Hydraulic Assets. Phone Icon Water Asset Acceptance on ph. 02 6248 3111. This needs to be referred back to Icon Water Building Approvals area for approval prior to any DA/BA Approval by ACTPLA or certifiers.*
- *Structural engineer's details for retaining wall relative to sewer main parallel to south boundary is required.*

On 28 June 2018, the applicant provided evidence of Icon Water's design acceptance of the development application.

The relevant advice dated 2 May 2018 and statement of design acceptance dated 28 June 2018 is attached to this Notice of Decision for information purposes (**Attachment C**).

ACT EMERGENCY SERVICES AGENCY

On 15 May 2018 advice was received from ACT Emergency Services Agency in relation to the proposal. The advice states that the proposal is supported.

The relevant advice is attached to this Notice of Decision (**Attachment D**).

ENVIRONMENT ACT

On 1 May 2018 advice was received from Environment ACT in relation to the proposal. The advice states that there are no issues of concern to the Conservator of Flora and Fauna with the proposed development.

Matters raised have been incorporated as advice.

ACT HERITAGE COUNCIL

On 15 May 2018 advice was received from ACT Heritage Council in relation to the proposal. The advice states that the proposed development may diminish the heritage significance of a place or object.

Further clarification was provided by the ACT Heritage Council on 28 June 2018, which states the development proposal would not diminish the heritage significance of the Giralang Primary School if conditions were imposed regarding their advice.

Conditions:

- *Locate the bike storage enclosure further from the existing buildings to facilitate continued appreciation of the sculptural form of the assembly hall, and retain the landscape setting of the school. It is recommended that options for co-locating the bike storage and bin enclosure be considered.*
- *A revised site plan be provided that illustrates the relationship between the existing school buildings, the existing ancillary structures and the proposed bike storage and waste enclosures.*
- *The Council also notes that 'future' fencing is illustrated on site plan A105 and landscape plan 002A(A). Fencing in close proximity to, or abutting the existing school buildings, has potential to diminish the open park-like character of the grounds and requires further consideration. Council does not endorse the construction of new fencing in the proposed location as part of this Development Application.*

Matters raised have been incorporated as conditions of approval. The relevant advice is attached to this Notice of Decision (**Attachment E**).

TREE PROTECTION UNIT

On 11 May 2018 advice was received from the Tree Protection Unit in relation to the proposal. The advice states that the proposal is not supported for the following reasons:

Comments:

- *The development application is not supported as the proposed activity removes 4 regulated trees from the block and it has not been established that criteria for removal*

have been satisfied in clause (2) of Schedule 1 of Disallowable Instrument DI2006-60, Tree Protection (Approval Criteria) Determination 2006 (No2) to support the removal of these trees under the provisions of the Tree Protection Act 2005. However these trees were assessed as medium quality and could be considered for removal under the Planning and Development Act 2005.

Conditions:

- If the development is approved then it must be a condition of approval that the proposed protective fencing around the regulated trees to be retained on the block must be installed in accordance with Drawing Title: Tree Management Plan sheets 1-5, Project No. 6664, date: 17.04.2018 prior to any stage of the development and remain in place until construction works are completed, unless agreed to in writing by the Conservator of Flora and Fauna or a delegate of the Conservator.*

Matters raised have been incorporated as conditions of approval.

ENVIRONMENT PROTECTION AUTHORITY

On 24 April 2018 the development application was referred to the Environment Protection Authority. The Environment Protection Authority have not made comment.

In accordance with Section 150 of the *Planning and Development Act 2007*, if advice is not received within the prescribed time it will be taken that the entity has supported the application.

A condition is included in Part 1 of this decision which stipulates that this approval requires design acceptance from the Environment Protection Authority prior to taking effect.

EDUCATION

On 24 April 2018 the development application was referred to the ACT Education directorate. ACT Education have not made comment.

In accordance with Section 150 of the *Planning and Development Act 2007*, if advice is not received within the prescribed time it is taken that the entity has supported the application.

PART 4 ADMINISTRATIVE INFORMATION

DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise, this approval is effective from the day after the date of this notice.

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

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

Pursuant to section 185 of the Act, this approval will expire if:

- the lease variation is not completed two years after the day the approval takes effect.

CONDITIONAL APPROVAL

This approval will expire if, in accordance with Section 165(3)(d) of the Act, a condition has deferred the effect of the development approval **and** imposed a time frame during which another approval must be revoked, amended or given, and the time frame has expired.

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.

INSPECTION OF THE APPLICATION AND DECISION

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

RECONSIDERATION OF THE DECISION

As the decision was made by the Minister, there is no right under section 191 of the Act for the applicant to apply to the planning and land authority for reconsideration of the decision.

REVIEW BY THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL (ACAT)

As the decision was made by the Minister, there is no right under section 407 of the Act for review of the decision by the ACAT.

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

APPENDIX 1

CONTACT DETAILS OF RELEVANT AGENCIES

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

ADVICE TO APPLICANT

SUBMISSION OF REVISED DRAWINGS AND DOCUMENTATION

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

- Completing an application for S165 Satisfying Conditions of Approval and submitting the documentation online using edevelopment. More information on edevelopment can be found at http://www.planning.act.gov.au/tools_resources/e-services/edevelopment

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

FURTHER APPROVALS FOR CONSTRUCTION

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

BUILDING APPROVAL

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

PERMITTED VARIATIONS TO APPROVED DEVELOPMENT

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

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

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

"TREE DAMAGING ACTIVITY" APPROVAL

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

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 Transport Canberra and City Services.

WORKS ON UNLEASED TERRITORY LAND – DESIGN AND OPERATIONAL ACCEPTANCE

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

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

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

CONSTRUCTION REQUIREMENTS

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

DEMOLITION AND ASBESTOS MANAGEMENT

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

ENVIRONMENT PROTECTION

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

REPAIR OF DAMAGE TO PUBLIC ASSETS

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

UTILITY ASSETS RETENTION

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

WATER RESTRICTIONS AND FILLING OF NEW POOLS, PONDS AND FOUNTAINS

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

DRAINAGE

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

TRANSLATION AND INTERPRETER SERVICES

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

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