

|                                                                                                                                               |          |
|-----------------------------------------------------------------------------------------------------------------------------------------------|----------|
|  <b>A.C.T. LEGISLATIVE<br/>ASSEMBLY<br/>COMMITTEE OFFICE</b> |          |
| SUBMISSION<br>NUMBER                                                                                                                          | 1        |
| DATE AUTH'D<br>FOR<br>PUBLICATION                                                                                                             | 8 Feb 06 |

**STRYVER PTY LIMITED**  
CANBERRA



21 December 2005

Ms Andrea Cullen  
Secretary  
Standing Committee on Public Accounts  
ACT Legislative Assembly  
GPO Box 1020  
CANBERRA ACT 2601

Dear Ms Cullen

**BLOCK 22 SECTION 22 KINGSTON – 84 GILES STREET, KINGSTON**

Thank you for the opportunity for being able to lodge supporting information to the Standing Committee on Public Accounts Committee into Land Valuation and related issues, at Mr Richard J Mulcahy MLA, Shadow Treasurer's request (attached), documenting the dissatisfaction that has taken place initially with ACTPLA and now the ACT Revenue Office.

We have provided the supporting information into three groups:

1. Letter of 12 December to Mr Richard J Mulcahy MLA, Shadow Treasurer outlining the issues encountered with ACTPLA and the ACT Revenue Office. Mr Richard J Mulcahy MLA, Shadow Treasurer response to our letter of 12 December 2005.
2. ACTPLA Development Application matters.
3. ACT Revenue matters.

The following serves as a summary:

**ACTPLA matters**

- Development Application ("DA") application was lodged on 23 February 2004 with ACTPLA to expand the purpose clause in the Crown Lease to allow a wider range of uses permissible in the Territory Plan as the Commonwealth Bank relinquished space and consequently part of the building was vacant. The only permissible use in the Crown Lease at that time was for banking institutions.
- Letter of 24 August 2004 to the Chief Executive Officer, ACTPLA by our consultant McCann Property Planning documenting the issues that had taken place and failure to deliver its services despite the assurances provided by ACTPLA officers in the Development Application process.
- Decision of 13 December 2004 made by the ACT Administrative Appeals Tribunal. Please note in the reasons for decision:
  - paragraph 3 that provides evidence of ACTPLA failure to make a decision within the prescribed time under *the Land (Planning and Environment) Act 1991*.

---

**NATIONAL CAPITAL  
OFFICE**

9 STORY PLACE  
ISAACS ACT 2607  
AUSTRALIA

POSTAL ADDRESS  
9 STORY PLACE  
ISAACS ACT 2607  
AUSTRALIA

TELEPHONE  
(61 2) 0418 434 967

FAX  
(61 2) 6286 2376  
EMAIL  
[Stryver@Tpg.com.au](mailto:Stryver@Tpg.com.au)

ACN: 080 142 534

ABN: 76 556 193 870

---

- paragraph 19 ruling that a Noise Management Plan for the restaurant use insisted by ACTPLA in the DA process was unnecessary. The Noise Management Plan also required a restaurant fitout design to enable that assessment to take place. The cost for undertaking this would have been \$16,000. We considered this to be an unreasonable request as there was not a prospective tenant for the part of the building and the significant cost for the plan could not be justified. Needless to say on 1 July 2005 Blockbuster Video leased that part of the building rather than a restaurant.
- Copy of the application to vary our crown lease. The protracted delay of over 2 months to execute this document on 18 February 2005 since the AAT decision on 13 December 2004 was made.

#### **ACT Revenue matters**

- Letter of 15 November 2005 objecting to the Commissioner for ACT Revenue unreasonable notice of redetermination to unimproved land valued of 25 October 2005.
- Letter of 7 December 2005 from the ACT Revenue Office refusing to consider the objection despite its duty to do so under the *Taxation Administration Act 1999*.
- Letter of 12 December 2005 to the Commissioner for ACT Revenue insisting that he fully considers our objection in accordance with its duty under the *Taxation Administration Act 1999*.
- Letter of 12 December 2005 to the Treasurer seeking his intervention to direct the Commissioner of ACT Revenue to fully consider our objection in accordance with its duty under the *Taxation Administration Act 1999*.
- Letter of 19 December 2005 to Commissioner for ACT Revenue noting that the payments settled were on a "without prejudice" basis and asking for the second instalment notices for rates/land tax to be issued.

If you require any further information I can be contacted on 0418434967.

Yours sincerely



Andrew Rudnicki  
Managing Director