

REFER TO BEN WALKER.

Land (Planning and Environment) Act 1991 - Form 1

Development Application



Type of Application (cross relevant box)

- New Application
Or
Amendment
Minor amendment (S247)
Conditional Approval (S245)
More Information (S233)
Alteration (S226(7))

2003 09814

Part 1: Lease/Site details

If more than one lease, attach the following details for each lease.

TECHNICAL CHECK COMPLETED

Block 1
Section 10
Unit (if applicable)
Suburb Gungahlin
District
Street Number
Street Name

OFFICE USE ONLY

Application number 200309814/A

Technical check [initials]

Public notification Yes No

Fees

REQUESTED INFO NO FEES.

Date received

2 12 04

Receipt number

Receiving officer

Part 2: Applicant details

Surname
First Name
Company name Section 10 Pty Ltd.
Australian Company Number (ACN)
If a company, Name of Contact Person James Komdrouz.
Postal Address
Suburb
State/Territory
Postcode
Phone Number (business hours)
Fax Number
Email

Do you want to collect the approved plans or do you want them mailed to you?

- Please hold the approved plans for collection
Please mail the approved plans to me

Did you know? Our application forms can be downloaded from our website at: www.actpla.act.gov.au

## Part 3: Applicant's declaration

I/we the undersigned, being the applicant(s) nominated in this application, hereby apply for approval to carry out the development described in this application in the land specified in this application;

I/we hereby direct and authorise the ACT Planning and Land Authority to erect sign/s on the subject property(s);

I/we hereby authorise ACT Planning and Land Authority Officers to access the subject property(s) for the purpose of evaluating the proposal;

I/we understand that this application may be scanned and made available for public inspection via the internet;

I/we declare that all the information given on this form and its attachments is true and complete; and

I/we understand that the requirements set out in this form are a minimum only and that additional information may be requested during processing.

**CONFLICT OF INTEREST DECLARATION:** Does the applicant have any association with ACTPLA staff?  
 No  yes

If yes, please provide details: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Signature(s)  Date

*All lessees must sign authorising the lodgement, and in doing so give authority to the applicant to negotiate any dealings with the application through to its determination by the relevant authority, or a Power of Attorney must be attached. If there are more than two lessees, please ensure that details and authorisation are attached to the application for each lessee.*

*If the lessee is a registered company, organisation or government agency you must execute this application in the proper manner for that company, organisation or government agency. For example, if the lessee is a community organisation, the full name of the community organisation must be stated and the signatory must identify what position of authority he/she holds in the organisation.*

## Part 4: Lessee (Property Owner) details

**1st Lessee's details**

Surname B

First Name

Company name SECTION 10 GUNGAHLIN PTY LTD

Australian Company Number (ACN)

If a company, Name of Contact Person JAMES KOUNDOURIS

Postal Address GPO BOX 77

Suburb CANB. CITY ACT 2601

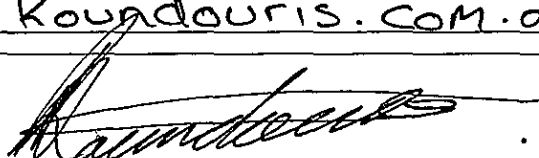
State/Territory ACT

Postcode 2601

Phone Number (business hours) 62571777.

Fax Number 62572996

Email james@koundouris.com.au

Signature(s) 

*To verify the signature of a lessee who is an organisation or government agency, a Letter of Authority must be supplied when lodging the application that empowers the signatory to sign on the behalf of that organisation or government agency.*

*Any application made over a site which has been Unit Titled will require Approval in accordance with the articles of association for that units plan.*

## Part 4: Lessee (Property Owner) details *(continued)*

### 2nd Lessee's details

Surname

First Name

Company name

Australian Company Number (ACN)

If a company, Name of Contact Person

Postal Address

Suburb

State/Territory

Postcode

Phone Number (business hours)

Fax Number

Email

Signature(s)

## Part 5: Briefly describe your proposal

- Please contact ACTPLA to confirm the wording for all lease variations to avoid possible delays.*

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## Part 6: Type of Development

- Please cross all boxes relevant to your proposal.*

- Applications involving a variation to the lease may be subject to a change of use charge. You should consider the cost of this charge prior to lodging a development application.*

- |  |  |
|--|--|
| <input type="checkbox"/> Single Dwelling   | <input type="checkbox"/> Lease Variation         |
| <input type="checkbox"/> Dual Occupancy    | <input type="checkbox"/> Consolidation           |
| <input type="checkbox"/> Multiple Dwelling | <input type="checkbox"/> Subdivision             |
| <input type="checkbox"/> Commercial        | <input type="checkbox"/> Home Business           |
| <input type="checkbox"/> Industrial        | <input type="checkbox"/> Estate Development Plan |
| <input type="checkbox"/> Rural             | <input type="checkbox"/> Public Works            |
| <input type="checkbox"/> Signage           | <input type="checkbox"/> Encroachment            |

## Part 6: Type of Development (continued)

HERITAGE: Is your property registered on a Interim or Heritage Places Register?  No  yes

TREES: Will there be any groundwork \* within 2m of the edge of the canopy of any significant tree on the block or any adjoining block  No  yes  
 (\* the ground work includes building, trenching, changing the soil level and compacting)

ENVIRONMENTAL IMPACT: Does the new *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* affect your proposal  No  yes  
 (Please refer to the back page)

What is the estimated cost of the development as calculated in accordance with the Building Cost Guide? \$  -

Building details in brief (if and as applicable)

Existing GFA  m<sup>2</sup>

Added GFA  m<sup>2</sup>

Number of units

Number of storeys

Other Class 10 structure  m<sup>2</sup>

For mixed commercial developments, please indicate GFA break-up

Restaurant/cafe  m<sup>2</sup>

Shop  m<sup>2</sup>

Office  m<sup>2</sup>

Residential  m<sup>2</sup>

Other  m<sup>2</sup>

Total  m<sup>2</sup>

More information on Tree protection (Interim Scheme) ACT 2001 is detailed on the back page of this application form.

Please note that the estimated cost to be stated here is to include the cost of all associated works such as landscaping, parking, etc. as well as off site works.

"GFA" means gross floor area

Class 10 structures include pergolas, sheds, carports & decks

## Part 7: Exempting parts of your application from Public Inspection

You may apply to exclude parts of your application from The Public Register (refer to section 228 *Land (Planning and Environment) Act 1991*), if you meet specific criteria.

I wish to apply for exemption  No  yes

### Information to be excluded

Please give reasons in support of your request for confidentiality



Australian Capital Territory Government

ACT Planning & Land Authority

ADDITIONAL INFORMATION IN RESPONSE TO THE CONDITION OF APPROVAL ATTENTION ANTON OSHER

Land (Planning and Environment) Act 1991 - Form 1

Development Application

Type of Application (cross relevant box)

- New Application
Amendment
Minor amendment (S247)
Conditional Approval (S245)
More Information (S233)
Alteration (S226(7))

200309814

Part 1: Lease/Site details

If more than one lease/site, attach the following details for each lease/site.

Block 1, Section 10, Suburb GUNGAHLIN, District, Street Number, Street Name

Part 2: Applicant details

Surname, First Name, Company name DEZIGNTEAM PTY. LTD., Australian Company Number (ACN) 33 085 578 061, Name of Contact Person STEVE PAYNE, Postal Address P.O. Box 3060, Suburb MANUKA, State/Territory ACT, Postcode 2603, Phone Number (business hours) 62607444, Fax Number 62607244, Email steve@dezignteam.com.au

- Do you want to collect the plans once a decision is made or do you want them mailed to you?
Please hold the plans for collection
Please mail the plans to me
Please EMail the plans to me

Did you know? Development applications can be lodged electronically. The steps involved are detailed on our website at: www.actpla.act.gov.au

OFFICE USE ONLY

Application number

200309814/18

Technical check

[Signature]

Public notification

Yes No

Fees

No fees

Date received

31/8/04

Receipt number

[Signature]

Receiving officer

[Signature]

### Part 3: Applicant's declaration

I/we the undersigned, being the applicant(s) nominated in this application, hereby apply for approval to carry out the development described in this application in the land specified in this application;

I/we hereby direct and authorise the ACT Planning and Land Authority to erect sign/s on the subject property(s);

I/we hereby authorise ACT Planning and Land Authority Officers to access the subject property(s) for the purpose of evaluating the proposal;

I/we understand that this application may be scanned and made available for public inspection via the internet;

I/we declare that all the information given on this form and its attachments is true and complete; and

I/we understand that the information submitted with this application form will undergo a validation process prior to the formal lodgement of the application (and payment of fees), and further information may be required prior to the acceptance of the development application.

*All lessees must sign authorising the lodgement, and in doing so give authority to the applicant to negotiate any dealings with the application through to its determination by the relevant authority, or a Power of Attorney must be attached. If there are more than two lessees, please ensure that details and authorisation are attached to the application for each lessee.*

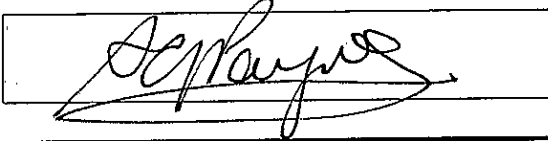
**CONFLICT OF INTEREST DECLARATION:** Does the applicant or lessee have any association with ACTPLA staff?

No  yes

If yes, please provide details: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature(s)



Date

31.08.04.

*If the lessee is a registered company, organisation or government agency you must execute this application in the proper manner for that company, organisation or government agency. For example, if the lessee is a community organisation, the full name of the community organisation must be stated and the signatory must identify what position of authority he/she holds in the organisation.*

### Part 4: Lessee (Property Owner) details

#### 1st Lessee's details

Surname

First Name

Company name

SECTION 10 PTY LTD.

Australian Company Number (ACN)

If a company, Name of Contact Person

ERIC KOUNDOURIS.

Postal Address

P.O. BOX 70

Suburb

CANBERRA CITY.

State/Territory

ACT

Postcode

2601.

Phone Number (business hours)

Fax Number

Email

Signature(s)

SEE ATTACHED AUTHORITY.

*To verify the signature of a lessee who is an organisation or government agency, a Letter of Authority must be supplied when lodging the application that empowers the signatory to sign on the behalf of that organisation or government agency.*

*Any application made over a site which has been Unit Titled will require Approval in accordance with the articles of association for that units plan.*

## Part 4: Lessee (Property Owner) details *(continued)*

### 2nd Lessee's details

Surname

First Name

Company name

Australian Company Number (ACN)

If a company, Name of Contact Person

Postal Address

Suburb

State/Territory

Postcode

Phone Number (business hours)

Fax Number

Email

Signature(s)

## Part 5: Briefly describe your proposal

*Please contact ACTPLA to confirm the wording for all lease variations to avoid possible delays.*

- ① SITE PLAN SHOWING REVISED STREET PARKING.
- ② ADDITIONAL LIFT ACCESS TO BASEMENT CARPARK.
- ③ REVISED GROUND FLOOR LEVELS, ON PLANS & ELEVATIONS
- ④ LOCATION OF AC. UNITS.      ⑧ CABLE RETICULATION PLAN
- ⑤ CLOTHES DRYER NOTES.      ⑨ CARPARK LIGHTING PLAN.
- ⑥ ACCESS + MOBILITY LETTER & UNIT PLAN.
- ⑦ ACOUSTIC REPORTS + DETAILS.

## Part 6: Type of Development

*Please cross all boxes relevant to your proposal.*

*Applications involving a variation to the lease may be subject to a change of use charge. You should consider the cost of this charge prior to lodging a development application.*

- |   |  |
|---|--|
| <input type="checkbox"/> Single Dwelling              | <input type="checkbox"/> Lease Variation         |
| <input type="checkbox"/> Dual Occupancy               | <input type="checkbox"/> Consolidation           |
| <input checked="" type="checkbox"/> Multiple Dwelling | <input type="checkbox"/> Subdivision             |
| <input checked="" type="checkbox"/> Commercial        | <input type="checkbox"/> Home Business           |
| <input type="checkbox"/> Industrial                   | <input type="checkbox"/> Estate Development Plan |
| <input type="checkbox"/> Rural                        | <input type="checkbox"/> Public Works            |
| <input type="checkbox"/> Signage                      | <input type="checkbox"/> Encroachment            |

## Part 6: Type of Development *(continued)*

HERITAGE: Is your property registered on a Interim or Heritage Places Register?  No  yes

TREES: Will there be any groundwork \* within 2m of the edge of the canopy of any significant tree on the block or any adjoining block?  No  yes  
 (\* the ground work includes building, trenching, changing the soil level and compacting)

ENVIRONMENTAL IMPACT: Does the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* affect your proposal?  
 (Please refer to the back page)  No  yes

What is the estimated cost of the development as calculated in accordance with the Building Cost Guide? \$  .

Building details in brief (if and as applicable)

Existing GFA  m<sup>2</sup>  
 Added GFA  m<sup>2</sup>  
 Number of units   
 Number of storeys   
 Other Class 10 structure  m<sup>2</sup>

For mixed commercial developments, please indicate GFA break-up

Restaurant/cafe  m<sup>2</sup>  
 Shop  m<sup>2</sup>  
 Office  m<sup>2</sup>  
 Residential  m<sup>2</sup>  
 Other  m<sup>2</sup>  
 Total  m<sup>2</sup>

*More information on tree protection (Interim Scheme) ACT 2001 is detailed on the back page of this application form.*

*Please note that the estimated cost to be stated here is to include the cost of all associated works such as landscaping, parking, etc. as well as off site works.*

*\*GFA means gross floor area*

*Class 10 structures include pergolas, sheds, carports & decks*

## Part 7: Exempting parts of your application from Public Inspection

You may apply to exclude parts of your application from The Public Register (refer to section 228 *Land (Planning and Environment) Act 1991*), if you meet specific criteria.

I wish to apply for exemption  No  yes

Information to be excluded

Please give reasons in support of your request for confidentiality



Land (Planning and Environment) Act 1991 - Form 1

# Development Application

Type of Application (cross relevant box)

- New Application *If you attended a Pre-application meeting, please provide the Proposal Number - (eg. 20021234)*
- Amendment Original application Number - (eg. 20021234) } 200309814
- Minor amendment (S247) - to an application already approved where a Certificate of Occupancy has not been issued
- Conditional Approval (S245) - satisfying conditions of approval
- More Information (S233) - providing additional information to a current application which is in response to a written request from the Authority, or the Administrative Appeals Tribunal
- Alteration (S226(7)) - to a current application not yet approved

## Part 1: Lease/Site details

If more than one lease/site, attach the following details for each lease/site.

Block

Section

Unit (if applicable)

Suburb

District

Street Number  Street Name

## Part 2: Applicant details

Surname

First Name

Company name

Australian Company Number (ACN)

If a company, Name of Contact Person

Postal Address

Suburb

State/Territory  Postcode

Phone Number (business hours)

Fax Number

Email

Do you want to collect the plans once a decision is made or do you want them mailed to you?

- Please hold the plans for collection
- Please mail the plans to me
- Please EMail the plans to me

Did you know? Development applications can be lodged electronically. The steps involved are detailed on our website at: [www.actpla.act.gov.au](http://www.actpla.act.gov.au)



Australian Capital Territory Government

ACT Planning & Land Authority

ADDITIONAL INFORMATION IN RESPONSE TO CONDITIONS OF APPROVAL

OFFICE USE ONLY

Application number

Technical check

Public notification

Yes  No

Fees

Date received

Receipt number

Receiving officer

### Part 3: Applicant's declaration

I/we the undersigned, being the applicant(s) nominated in this application, hereby apply for approval to carry out the development described in this application in the land specified in this application;

I/we hereby direct and authorise the ACT Planning and Land Authority to erect sign/s on the subject property(s);

I/we hereby authorise ACT Planning and Land Authority Officers to access the subject property(s) for the purpose of evaluating the proposal;

I/we understand that this application may be scanned and made available for public inspection via the internet;

I/we declare that all the information given on this form and its attachments is true and complete; and

I/we understand that the information submitted with this application form will undergo a validation process prior to the formal lodgement of the application (and payment of fees), and further information may be required prior to the acceptance of the development application.

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**CONFLICT OF INTEREST DECLARATION:** Does the applicant or lessee have any association with ACTPLA staff?

No  yes

If yes, please provide details:



*If the lessee is a registered company, organisation or government agency you must execute this application in the proper manner for that company, organisation or government agency. For example, if the lessee is a community organisation, the full name of the community organisation must be stated and the signatory must identify what position of authority he/she holds in the organisation.*

Signature(s)

*W DUNSTONS*  
 PO Box 9090 Manuka ACT 2603  
 Tel: 02 6280 7444 || Fax: 02 6280 7244  
 www.dunston.com.au

Date

*24-9-04*

### Part 4: Lessee (Property Owner) details

**1st Lessee's details**

Surname *SECTION 10 PTY LTD*

First Name

Company name

Australian Company Number (ACN)

If a company, Name of Contact Person *ERIC KOUNDOURIS*

Postal Address *PO BOX 70*

Suburb *CANBERRA CITY*

State/Territory *ACT*

Postcode *2601*

Phone Number (business hours) *62571777*

Fax Number *62572996*

Email

Signature(s) *W DUNSTONS (refer authority)*

*To verify the signature of a lessee who is an organisation or government agency, a Letter of Authority must be supplied when lodging the application that empowers the signatory to sign on the behalf of that organisation or government agency.*

*Any application made over a site which has been Unit Titled will require Approval in accordance with the articles of association for that units plan.*

## Part 4: Lessee (Property Owner) details *(continued)*

### 2nd Lessee's details

Surname

First Name

Company name

Australian Company Number (ACN)

If a company, Name of Contact Person

Postal Address

Suburb

State/Territory

Postcode

Phone Number (business hours)

Fax Number

Email

Signature(s)

## Part 5: Briefly describe your proposal

*Please contact ACTPLA to confirm the wording for all lease variations to avoid possible delays.*

additional information in response to conditional approval including:

- Acoustic reports relating to traffic noise
- A4 encroachment plans
- drawing indicating tree species on Verge

## Part 6: Type of Development

*Please cross all boxes relevant to your proposal.*

*Applications involving a variation to the lease may be subject to a change of use charge. You should consider the cost of this charge prior to lodging a development application.*

- Single Dwelling
- Dual Occupancy
- Multiple Dwelling
- Commercial
- Industrial
- Rural
- Signage

- Lease Variation
- Consolidation
- Subdivision
- Home Business
- Estate Development Plan
- Public Works
- Encroachment

## Part 6: Type of Development (continued)

HERITAGE: Is your property registered on a Interim or Heritage Places Register?  No  yes

TREES: Will there be any groundwork \* within 2m of the edge of the canopy of any significant tree on the block or any adjoining block?  No  yes  
 (\* the ground work includes building, trenching, changing the soil level and compacting)

ENVIRONMENTAL IMPACT: Does the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 affect your proposal?  
 (Please refer to the back page)  No  yes

What is the estimated cost of the development as calculated in accordance with the Building Cost Guide? \$  -

Building details in brief (if and as applicable)

Existing GFA  m<sup>2</sup>  
 Added GFA  m<sup>2</sup>  
 Number of units   
 Number of storeys   
 Other Class 10 structure  m<sup>2</sup>

For mixed commercial developments, please indicate GFA break-up

Restaurant/cafe  m<sup>2</sup>  
 Shop  m<sup>2</sup>  
 Office  m<sup>2</sup>  
 Residential  m<sup>2</sup>  
 Other  m<sup>2</sup>  
 Total  m<sup>2</sup>

N/A

• More information on Tree protection (Interim Scheme) ACT 2001 is detailed on the back page of this application form.

• Please note that the estimated cost to be stated here is to include the cost of all associated works such as landscaping, parking, etc. as well as off site works.

• "GFA" means gross floor area

• Class 10 structures include pergolas, sheds, carports & decks

## Part 7: Exempting parts of your application from Public Inspection

You may apply to exclude parts of your application from The Public Register (refer to section 228 Land (Planning and Environment) Act 1991), if you meet specific criteria.

I wish to apply for exemption  No  yes

Information to be excluded

Please give reasons in support of your request for confidentiality

Section 10 Pty Ltd  
PO Box 70  
CANBERRA CITY ACT 2601

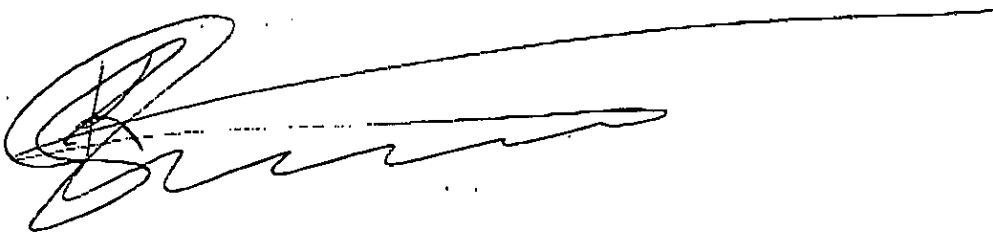
26 August 2004

To whom it may concern:

**RE: Section 10, Gungahlin**

This letter is to confirm that Warwick Dunstone of Dezignteam Pty Ltd or any other agent of Dezignteam Pty Ltd is authorised to deal directly with ACT Planning and Land Authority and BEPCON and to act on our behalf in relation to the above property.

Yours sincerely,



Eric Koundouris  
Director



Australian Capital Territory Government



# Land (Planning and Environment) Act 1991 - Form 1

## Development Application

### Type of Application (cross relevant box)

- New Application** *If you attended a Pre-application meeting, please provide the Proposal Number - (eg. 20021234)*
- Or Amendment** Original application Number - (eg. 20021234) }
- Minor amendment (S247)**
  - to an application already approved where a Certificate of Occupancy has not been issued.
- Has development commenced on the property?
  - No  yes
  - If yes, what date did development commence.
- Conditional Approval (S245)** - satisfying conditions of approval
- More Information (S233)** - providing additional information to a current application which is in response to a written request from the Authority, or the Administrative Appeals Tribunal
- Alteration (S226(7))** - to a current application not yet approved

### Part 1: Lease/Site details

If more than one lease/site, attach the following details for each lease/site.

Block

Section

Unit (if applicable)

Suburb

District

Street Number  Postcode

Street Name

### Part 2: Applicant details

Surname

First Name

Australian Company Number (ACN)

Company Name

If a company, position held within the company

Postal Address

Suburb

State/Territory  Postcode

Phone Number (business hours)

Fax Number

Email

#### OFFICE USE ONLY

Application number

Technical check

Public notification

 Yes  No

Neighbour notification

 Yes  No

Fees

Date received

Receipt number

Receiving officer

Unless otherwise specified your plan will be returned via email  Mail  Pick Up

Did you know? Development applications can be lodged electronically. The steps involved are detailed on our website at: [www.actpla.act.gov.au](http://www.actpla.act.gov.au)

### Part 3: Lessee (Property Owner) details

#### 1st Lessee's details

Surname

First Name

Company name

Australian Company Number (ACN)

If a company, position held within the company

Postal Address

Suburb

State/Territory

Postcode

Phone Number (business hours)

Fax Number

Email

\* Lessee must sign Part 7 of the application form.

### Part 3: Lessee (Property Owner) details

#### 2nd Lessee's details

Surname

First Name

Company name

Australian Company Number (ACN)

If a company, position held within the company

Postal Address

Suburb

State/Territory

Postcode

Phone Number (business hours)

Fax Number

Email

\* Lessee must sign Part 7 of the application form.

\* All lessees must sign authorising the lodgement, and in doing so give authority to the applicant to negotiate any dealings with the application through to its determination by the relevant authority, or a Power of Attorney must be attached. If there are more than two lessees, please ensure that details and authorisation are attached to the application for each lessee.

\* If the lessee is a registered company, organisation or government agency you must execute this application in the proper manner for that company, organisation or government agency. For example, if the lessee is a community organisation, the full name of the community organisation must be stated and the signatory must identify what position of authority he/she holds in the organisation.

\* To verify the signature of a lessee who is other than a registered company, i.e. a community, an organisation or government agency, a Letter of Authority must be supplied when lodging the application that empowers the signatory to sign on the behalf of that organisation or government agency.

\* Any application made over a site which has been Unit Titled will require Approval in accordance with the articles of association for that units plan.

**Part 4: Briefly describe your proposal**

Please contact The Authority to confirm the wording for all lease variations to avoid possible delays.

TO - PROVIDE FURTHER INFORMATION RELATING TO QUERIES FROM ACTPA IN RELATION TO DRABS, DOOR, PLANTROOM AND AMENDMENT RELATING TO DRABS DOOR PLANTROOMS  
 TO - REDUCE THE AREA OF UNITS BY 192m<sup>2</sup>  
 TO - INCREASE GFA OF OTHER DRABS BY 30m<sup>2</sup>

**Part 5: Type of Development**

Please cross all boxes relevant to your proposal.

Applications involving a variation to the lease may be subject to a change of use charge. You should consider the cost of this charge prior to lodging a development application.

More information on Tree protection (Interim Scheme) ACT 2001 is detailed on the back page of this application form.

Please note that the estimated cost to be stated here is to include the cost of all associated works such as landscaping, parking, etc. as well as off site works.

"GFA" means gross floor area

Class 10 structures include pergolas, sheds, carports & decks

- Single Dwelling
- Dual Occupancy
- Multiple Dwelling
- Commercial
- Industrial
- Rural
- Signage
- Lease Variation
- Consolidation
- Subdivision
- Home Business
- Estate Development Plan
- Public Works
- Encroachment

**HERITAGE:** Is your property registered on a Interim or Heritage Places Register?  No  yes

**TREES:** Will there be any groundwork \* within 2m of the edge of the canopy of any significant tree on the block or any adjoining block?  No  yes  
 (\* the ground work includes building, trenching, changing the soil level and compacting)

**ENVIRONMENTAL IMPACT:** Does the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 affect your proposal?  
 (Please refer to the back page)  No  yes

**VERGE DRIVEWAY:** Are you proposing to modify, construct or reconstruct the verge driveway crossing as part of this application?  No  yes (if yes, you will need to complete a verge driveway application form).

What is the estimated cost of the development as calculated in accordance with the Building Cost Guide? \$  .

Building details in brief (if and as applicable)

For mixed commercial developments, please indicate GFA break-up

Existing GFA	<input type="text"/>	m <sup>2</sup>	Restaurant/cafe	<input type="text"/>	m <sup>2</sup>
or					
Added GFA	-162.6	m <sup>2</sup>	Shop	<input type="text"/>	m <sup>2</sup>
Number of units	<input type="text"/>		Office	<input type="text"/>	m <sup>2</sup>
Number of storeys	<input type="text"/>		Residential	<input type="text"/>	m <sup>2</sup>
Other Class 10 structure	<input type="text"/>	m <sup>2</sup>	Other	<input type="text"/>	m <sup>2</sup>
			Total	<input type="text"/>	m <sup>2</sup>



**Part 6: Exempting parts of your application from Public Inspection**

The Land (Planning and Environment) Act 1991 requires all applications to be placed on a public register.

You may apply to exclude parts of your application from The Public Register (refer to section 228 Land (Planning and Environment) Act 1991), if you meet specific criteria.

I wish to apply for exemption  No  yes

**Information to be excluded**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Please give reasons in support of your request for confidentiality**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Part 7: Applicant's & Lessee's declaration**

I/we the undersigned, hereby apply for approval to carry out the development described in this application in the land specified in this application;

I/we hereby direct and authorise the ACT Planning and Land Authority to erect sign/s on the subject property(s);

I/we hereby authorise ACT Planning and Land Authority Officers to access the subject property(s) for the purpose of evaluating the proposal;

I/we understand that this application may be scanned and made available for public inspection via the internet;

I/we declare that all the information given on this form and its attachments is true and complete; and

I/we understand that the information submitted with this application form will undergo a validation process prior to the formal lodgement of the application (and payment of fees), and further information may be required prior to the acceptance of the development application.

**CONFLICT OF INTEREST DECLARATION:** Does the applicant or lessee have any association with ACT Planning and Land Authority staff?

No  yes

If yes, please provide details: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Applicant's Signature(s) WOUNSTONB Date 29-7-05

1st Lessee's Signature(s) Refer authority Date 29-7-05

2nd Lessee's Signature(s) \_\_\_\_\_ Date \_\_\_\_\_

Section 10 Pty Ltd  
PO Box 70  
CANBERRA CITY ACT 2601

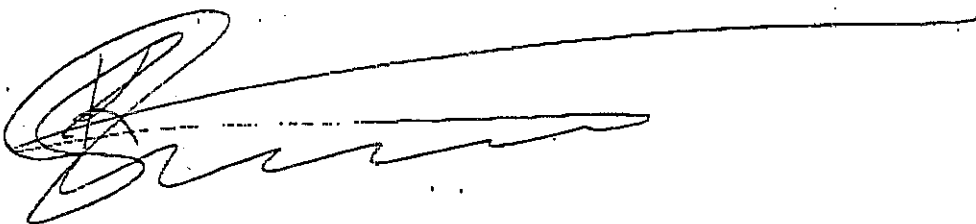
26 August 2004

To whom it may concern:

**RE: Section 10, Gungahlin**

This letter is to confirm that Warwick Dunstone of Dezignteam Pty Ltd or any other agent of Dezignteam Pty Ltd is authorised to deal directly with ACT Planning and Land Authority and BEPCON and to act on our behalf in relation to the above property.

Yours sincerely,



Eric Koundouris  
Director

27 July 2005

Ms Ravindra Singh  
Assessing Officer  
Development Assessment Unit  
PO Box 1908  
CANBERRA CITY ACT 2601

Dear Ravi,

RE: BLOCK 1, SECTION 10, GUNGAHLIN

Further to your email correspondence dated 22 July 2005, we wish to clarify the following points.

*Is there an increase in the overall GFA as a result of the proposed amendments?*

Several small areas have had GFA alterations, in particular:

1. Block A Tenancy 102 where the internal arrangement has altered and the area has increased by 9m<sup>2</sup>. This is a consequence of relocating the letterboxes and absorbing the recess into the internal floor area.
2. Block B Upper Level West has increased by 26m<sup>2</sup> in nett lettable area. It should be noted that the corridor width has increased due to a reconfiguration, to improve the amenity of the area.
3. Block B Upper Level East has increased by 40m<sup>2</sup>. This increase is for toilets only which are provided to service the area.
4. Block C Tenancy 128 has some internal corridor reconfiguration without additional GFA.
5. Block D Ground Level has had a decrease in area by 45m<sup>2</sup>. This is due to the addition of a pedestrian link being added to improve pedestrian amenity.
6. The residential units on the upper floors in Blocks A, C, and D have been reduced in area by a total of 192.6m<sup>2</sup> (Block A 99.5m<sup>2</sup>, Block C 78.7m<sup>2</sup>, Block D 14.4m<sup>2</sup>).

In summary the overall GFA of the site has been reduced by 162.6m<sup>2</sup> with a breakdown of 30m<sup>2</sup> increase to commercial and 192.6 m<sup>2</sup> decrease in residential.

*Car parking spaces seem to be reduced by 10 (3 in the basement and 7 on the ground floor). Please confirm and justify.*

It should be noted that subsequent to Development Application approval, the Department of Urban Services requested that kerbside parking be provided to Ernest Cavanagh Street, East Street and Hibberson Street. This has resulted in the addition of 36 spaces being provided to service the site. This additional car parking should be considered in the site car parking calculation.

1. In the letter of approval ACTPLA requested an additional 2 lifts to service the basement. This has reduced car parking spaces by 2 in the basement.
2. Reconfiguration and implementation of columns in the basement of the area to the south east has caused a reduction of 1 car parking spaces.
3. The disabled code requires that 2% of all spaces servicing retail areas, be disabled spaces. An oversight on the original design has resulted in a shortfall of 2 disabled spaces (7 required – 5 previously provided). These disabled spaces require additional movement areas around the perimeter. This has resulted in a reduction of 2 car spaces.
4. Department of Urban Services, Waste Management have insisted that residential waste and commercial waste be separated. This has resulted in the increase of the waste collection area and the loss of 2 spaces in Block B, north west corner.
5. Reconfiguration of parking layout to prevent congestion has resulted in a loss of 4 spaces. It is possible to provide these spaces; however, our Civil Engineer advises that the amenity, congestion and useability in the area will be greatly improved without these spaces.

Overall, and considering the addition of the 36 kerbside car spaces, the site has lost 10 spaces internally; however, there is still a total increase of 26 car spaces servicing the site.

*What are the overall height increases? Block D on south elevation seems to be considerably higher than what was approved.*

The height of Block D has increased by 1080mm from the original Development Application (DA) approval. This is because the original DA for Block D had a 3.6m ground floor to first floor height. This is inadequate for commercial occupancy considering provision required for structure, air conditioning and electrical services, and a 3m ceiling.

It should be noted that all other commercial areas on site have upwards of 4m floor to floor and more commonly 4.3m floor to floor - which is generally accepted as sufficient to provide services.

*Fire hydrant booster is not indicated on north elevation.*

Noted. Attached is the amended drawing indicating this fire hydrant booster.

*Some of the changes are not nominated eg. Changes to grid dimensions, location of foyer WRT the grid, some of the tenancy accesses in Block A etc;*

1. It should be noted that no changes to the buildings have been made unless indicated by an amendment. This was altered for construction purposes only and for ease of construction setout.
2. It is noted that 4 sets of double doors were not indicated as amendments on Block A. Please refer to attached amended drawing indicating this change.

*Encroachments will not be approved eg. The awning for the foyer.*

Noted. It is understood that the awning and signs will be approved for construction once the unit title has been registered.

*Do the kitchen/toilet exhaust risers project above the roof? Not indicated in elevations.*

Yes, the exhaust risers do project above the roof. Please refer to the amended drawings. Although the risers protrude, they will not be visible from the street nearby, due to the actual building height.

Do the AC units added on the roof plan in Block B project above the roofline? Not indicated in elevations?

Yes, the AC units do project above the roof. Please refer to the amended drawing. Although the AC units protrude, they will not be visible from the street nearby, due to the actual building height.

We look forward to a prompt response to our application and, in the meantime, should you have any queries please do not hesitate to contact me on 6260 7444.

Yours sincerely,

A handwritten signature in black ink that reads "WARWICK DUNSTONE". The letters are stylized and somewhat cursive, with the first letter 'W' being particularly large and prominent.

Warwick Dunstone

**Land (Planning and Environment) Act 1991 - Form 1**

**Development Application**



Australian  
 Capital Territory  
 Government

ACT Planning &  
 Land Authority

**Type of Application** (cross relevant box)

**New Application** If you attended a Pre-application meeting, please provide the Proposal Number - (eg. 20021234)

**Or Amendment** Original application Number - (eg. 20021234) } **2003 9814**

**Minor amendment (S247)**

- to an application already approved where a Certificate of Occupancy has not been issued. }  No  yes If yes, what date did development commence.

**Conditional Approval (S245)** - satisfying conditions of approval

**More Information (S233)** - providing additional information to a current application which is in response to a written request from the Authority, or the Administrative Appeals Tribunal

**Alteration (S226(7))** - to a current application not yet approved

**Part 1: Lease/Site details**

If more than one lease/site, attach the following details for each lease/site.

Block **1**

Section **10**

Unit (if applicable)

Suburb **GUNBAMUN**

District

Street Number

Postcode

Street Name **ERNST CAVANAGH STREET**

**Part 2: Applicant details**

Surname **DUNSTONE**

First Name **WARWICK**

Australian Company Number (ACN)

Company Name **DEZIGNTEAM PTY LTD**

If a company, position held within the company

Postal Address **PO BOX 3060**

Suburb **MANUKA ACT**

State/Territory **ACT** Postcode **2603**

Phone Number (business hours) **62607444**

Fax Number **62607244**

Email **warwick@dezignteam.com.au**

ATT: RAVI SINGH

OFFICE USE ONLY

Application number

**200309814E**

Technical check

*[Signature]*

Public notification

Yes  No

Neighbour notification

Yes  No

Fees

**101.00**

Date received

**29/7/05**

Receipt number

**255/5/13**

Receiving officer

*[Signature]*

### Part 3: Lessee (Property Owner) details

#### 1st Lessee's details

Surname

First Name

Company name

Australian Company Number (ACN)

If a company, position held within the company

Postal Address

Suburb

State/Territory

Postcode

Phone Number (business hours)

Fax Number

Email

\* Lessee must sign Part 7 of the application form.

All lessees must sign authorising the lodgement, and in doing so give authority to the applicant to negotiate any dealings with the application through to its determination by the relevant authority, or a Power of Attorney must be attached. If there are more than two lessees, please ensure that details and authorisation are attached to the application for each lessee.

If the lessee is a registered company, organisation or government agency you must execute this application in the proper manner for that company, organisation or government agency. For example, if the lessee is a community organisation, the full name of the community organisation must be stated and the signatory must identify what position of authority he/she holds in the organisation.

### Part 3: Lessee (Property Owner) details

#### 2nd Lessee's details

Surname

First Name

Company name

Australian Company Number (ACN)

If a company, position held within the company

Postal Address

Suburb

State/Territory

Postcode

Phone Number (business hours)

Fax Number

Email

\* Lessee must sign Part 7 of the application form.

To verify the signature of a lessee who is other than a registered company, i.e. a community, an organisation or government agency, a Letter of Authority must be supplied when lodging the application that empowers the signatory to sign on the behalf of that organisation or government agency.

Any application made over a site which has been Unit Titled will require Approval in accordance with the articles of association for that units plan.

## Part 4: Briefly describe your proposal

Please contact The Authority to confirm the wording for all lease variations to avoid possible delays.

TO - PROVIDE FURTHER INFORMATION RELATING TO QUERIES FROM ACTPLA IN RELATION TO DREDS, DOOR, PLANTROOM AND AMENDMENT RELATING TO DREDS DOOR PLANTROOMS  
 TO - REDUCE THE AREA OF UNITS BY 192m<sup>2</sup>  
 TO - INCREASE GFA OF OTHER DREDS BY 30m<sup>2</sup>

## Part 5: Type of Development

Please cross all boxes relevant to your proposal.

Applications involving a variation to the lease may be subject to a change of use charge. You should consider the cost of this charge prior to lodging a development application.

More information on Tree protection (Interim Scheme) ACT 2001 is detailed on the back page of this application form.

Please note that the estimated cost to be stated here is to include the cost of all associated works such as landscaping, parking, etc. as well as off site works.

"GFA" means gross floor area

Class 10 structures include pergolas, sheds, carports & decks

- |   |  |
|---|--|
| <input type="checkbox"/> Single Dwelling              | <input type="checkbox"/> Lease Variation         |
| <input type="checkbox"/> Dual Occupancy               | <input type="checkbox"/> Consolidation           |
| <input checked="" type="checkbox"/> Multiple Dwelling | <input type="checkbox"/> Subdivision             |
| <input checked="" type="checkbox"/> Commercial        | <input type="checkbox"/> Home Business           |
| <input type="checkbox"/> Industrial                   | <input type="checkbox"/> Estate Development Plan |
| <input type="checkbox"/> Rural                        | <input type="checkbox"/> Public Works            |
| <input type="checkbox"/> Signage                      | <input type="checkbox"/> Encroachment            |

**HERITAGE:** Is your property registered on a Interim or Heritage Places Register?  No  yes

**TREES:** Will there be any groundwork \* within 2m of the edge of the canopy of any significant tree on the block or any adjoining block?  No  yes  
 (\* the ground work includes building, trenching, changing the soil level and compacting)

**ENVIRONMENTAL IMPACT:** Does the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 affect your proposal?  
 (Please refer to the back page)  No  yes

**VERGE DRIVEWAY:** Are you proposing to modify, construct or reconstruct the verge driveway crossing as part of this application?  No  yes (If yes, you will need to complete a verge driveway application form).

What is the estimated cost of the development as calculated in accordance with the Building Cost Guide? \$ 2 - 275.00 . 0 0

Building details in brief (if and as applicable)

For mixed commercial developments, please indicate GFA break-up

Existing GFA	<input type="text"/> m <sup>2</sup>	Restaurant/cafe	<input type="text"/> m <sup>2</sup>
or		Shop	<input type="text"/> m <sup>2</sup>
Added GFA	<u>-162.6</u> m <sup>2</sup>	Office	<input type="text"/> m <sup>2</sup>
Number of units	<input type="text"/>	Residential	<input type="text"/> m <sup>2</sup>
Number of storeys	<input type="text"/>	Other	<input type="text"/> m <sup>2</sup>
Other Class 10 structure	<input type="text"/> m <sup>2</sup>	Total	<input type="text"/> m <sup>2</sup>



## Part 6: Exempting parts of your application from Public Inspection

The Land (Planning and Environment) Act 1991 requires all applications to be placed on a public register.

You may apply to exclude parts of your application from The Public Register (refer to section 228 Land (Planning and Environment) Act 1991), if you meet specific criteria.

I wish to apply for exemption  No  yes

### Information to be excluded

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### Please give reasons in support of your request for confidentiality

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## Part 7: Applicant's & Lessee's declaration

I/we the undersigned, hereby apply for approval to carry out the development described in this application in the land specified in this application;

I/we hereby direct and authorise the ACT Planning and Land Authority to erect sign/s on the subject property(s);

I/we hereby authorise ACT Planning and Land Authority Officers to access the subject property(s) for the purpose of evaluating the proposal;

I/we understand that this application may be scanned and made available for public inspection via the internet;

I/we declare that all the information given on this form and its attachments is true and complete; and

I/we understand that the information submitted with this application form will undergo a validation process prior to the formal lodgement of the application (and payment of fees), and further information may be required prior to the acceptance of the development application.

**CONFLICT OF INTEREST DECLARATION:** Does the applicant or lessee have any association with ACT Planning and Land Authority staff?  
 No  yes

If yes, please provide details: \_\_\_\_\_

---

---

Applicant's Signature(s)

WOUNSTONS

Date

29-7-05

1st Lessee's Signature(s)

Refer authority

Date

29-7-05

2nd Lessee's Signature(s)

Date

# Development Application

## Type of Application (cross relevant box)

New Application

If you attended a Pre-lodgement meeting please provide the Proposal Number

Minor Amendment (S247)

An amendment to an application with an approval already in force where a Certificate of Occupancy has not been issued.

Has development commenced on the property?  No  Yes If yes, date of commencement DEC. 2004.

**TECHNICAL CHECK COMPLETED**  Additional Information (S247) In support of current S247 application

Conditional Approval (S245) - satisfying conditions of approval

Additional Information (S245)

More Information (S233) - providing additional information to a current application which is in response to a written request from the Authority.

Alteration (S226(7)) - to a current application not yet approved

### Part 1: Lease/Site details

If more than one lease/site, attach the following details for each lease/site.

Block 1

Section 10

Unit (if applicable)

Suburb GUNGAHLIN

District

Street Number 54

Postcode

Street Name Ernest Cavanagh

### Part 2: Applicant details

Surname PAYNE

First Name STEPHEN

Australian Company Number (ACN) 33 085 578 061

Company Name DESIGNTEAM PTY. LTD.

If a company, position held within the company

Postal Address P. O. Box 3000

Suburb MANUKA.

State/Territory ACT.

Postcode 2603

Phone Number (business hours) 62607444

Fax Number 62607244

Email Steve@designteam.com.au.

Unless otherwise specified your plan will be returned via email Mail  Pick Up

Did you know? Development applications can be lodged electronically. The steps involved are detailed on our website at: [www.actpla.act.gov.au](http://www.actpla.act.gov.au)



ACT Government

#### OFFICE USE ONLY

Application number

200309814 F

Technical check

[Signature]

Public notification

Yes  No

Neighbour notification

Yes  No

Yes No

Holding Lease  Yes  No

Unleased  Yes  No

EER  Yes  No

Heritage  Yes  No

NCA  Yes  No

Compliance  Yes  No

Pub Reg Exempt  Yes  No

Fees

D&S 101.00

P/Not

L/Var

Dia/S

Date received

23/2/06

Receipt number

248/30/12

Receiving officer

Kathleen

### Part 3: Lessee (Property Owner) details

#### 1st Lessee's details

Office Use

Init  *LT*

Surname **SEE LETTER OF AUTHORITY.**  
KOUNDORUKIS

First Name ERIC

Company name SECTION 10 PTY LTD.

Australian Company Number (ACN)

If a company, position held within the company DIRECTOR.

Postal Address P.O. BOX 70

Suburb CANBERRA CITY

State/Territory ACT.

Postcode 2601.

Phone Number (business hours) 6257 1777

Fax Number 6257 2996.

Email

\* Lessee must sign Part 7 of the application form

### Part 3: Lessee (Property Owner) details

#### 2nd Lessee's details

Office Use

Init

Surname

First Name

Company name

Australian Company Number (ACN)

If a company, position held within the company

Postal Address

Suburb

State/Territory

Postcode

Phone Number (business hours)

Fax Number

Email

\* Lessee must sign Part 7 of the application form

All lessees must sign authorising the lodgement and in doing so give authority to the applicant to negotiate any dealings with the application through to its determination by the relevant authority, or a Power of Attorney must be attached. If there are more than two lessees, please ensure that details and authorisation are attached to the application for each lessee.

If the lessee is a registered company, organisation or government agency you must execute this application in the proper manner for that company, organisation or government agency. For example, if the lessee is a community organisation, the full name of the community organisation must be stated and the signatory must identify what position of authority he/she holds in the organisation.

To verify the signature of a lessee who is other than a registered company, i.e. a community, organisation or government agency, a Letter of Authority must be supplied when lodging the application that empowers the signatory to sign on the behalf of that organisation or government agency.

Any application made over a site which has been Unit Titled will require approval in accordance with the articles of association for that units plan.

## Part 4: Fully describe your proposal or list amendments

### LIST OF AMENDMENTS

- |   |   |   |
|---|---|---|
| <ol style="list-style-type: none"> <li>1. WALL COLOUR HBP2 REPLACED WITH HBP1</li> <li>2. NEW SLIDING ENTRY DOORS ADDED</li> <li>3. NEW ROLLER DOOR ADDED</li> <li>4. NEW WINDOW TO REPLACE DOORS</li> <li>5. DELETE DIVIDING WALL</li> <li>6. DELETE TOILETS</li> <li>7. GLAZING REPLACED WITH BRICKWORK</li> <li>8. T117 DOORS ADDED &amp; LOCATION REVISED</li> <li>9. T118 WALL LOCATION &amp; AREA REVISED</li> <li>10. T118 NEW DOOR ADDED</li> <li>11. T119 AREA REVISED</li> <li>12. T119 DOOR LOCATION REVISED</li> <li>13. ENTRY DOOR DELETED</li> <li>14. SLIDING DOOR &amp; AIR LOCK REVISED</li> </ol> | <ol style="list-style-type: none"> <li>15. NEW SLIDING ENTRY DOOR IN LIEU OF SWING DOOR</li> <li>16. INTERNAL WALL LOCATION REVISED</li> <li>17. PERGOLA DELETED</li> <li>18. WINDOWS SETOUT REVISED</li> <li>19. EXIT GATE ADDED</li> <li>20. LOCATION OF LETTER BOXES REVISED</li> <li>21. DOOR &amp; AWNING RELOCATED</li> <li>22. POROUS PAVING REPLACED WITH CONCRETE PAVERS</li> <li>23. PLANTER BOX REVISED</li> <li>24. AIR GRILLE HEIGHTS REVISED</li> <li>25. SCREEN WALL TO BE BLOCKWORK</li> <li>26. GRAVEL NOMINATED AS 8mm PEACH GRAVEL</li> <li>27. MULCH TYPE REVISED TO COTTAGE MULCH</li> </ol> | <ol style="list-style-type: none"> <li>28. BASEMENT STAIR ROOF ADDED</li> <li>29. GARBAGE DOOR RELOCATED</li> <li>30. JANITORS STORE ADDED</li> <li>31. ROOF OVER TROLLEY RAMP REVISED</li> </ol> |
|---|---|---|

Examples: • New 2 storey residence & garage • Addition of bedroom & ensuite to rear of residence

## Part 5: Type of Development

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> <b>Single Dwelling</b>  | <input type="checkbox"/> New residence<br><input type="checkbox"/> Addition/alteration to existing<br><input type="checkbox"/> Demolition/rebuild<br><input type="checkbox"/> Outbuildings (Such as carports, garages & pergolas) |   |
| <input checked="" type="checkbox"/> <b>Multiple Dwelling</b><br>(Incl Dual Occupancy)  | <input type="checkbox"/> New development  | _____ No. of new Dwellings to be constructed<br>_____ Total No. of Dwellings                                |
| <input type="checkbox"/> A10 Core Area or<br><input type="checkbox"/> Suburban Area  | <input type="checkbox"/> Addition/alteration to existing<br><input type="checkbox"/> Outbuildings (Such as carports, garages & pergolas)  |   |
| <input checked="" type="checkbox"/> <b>Non-Residential</b><br>(incl Commercial, industrial, Rural, Community, Institutional)                           | <input type="checkbox"/> New building<br><input type="checkbox"/> Addition/alteration to existing   |   |
| <input type="checkbox"/> <b>Mixed Use</b><br>(combined Non-Residential & Residential Developments)   | <input type="checkbox"/> New building<br><input type="checkbox"/> Addition/alteration to existing   | _____ No. of Non-Residential Units<br>_____ No. of Residential Dwellings<br>_____ Total number of Dwellings |
| <input type="checkbox"/> <b>Signage</b>  |   |   |
| <input type="checkbox"/> <b>Lease Variation</b>  | <input type="checkbox"/> Clause changes<br><input type="checkbox"/> Consolidation<br><input type="checkbox"/> Subdivision<br><input type="checkbox"/> Encroachment<br><input type="checkbox"/> Land Rent Payout                   |   |
| <input type="checkbox"/> <b>Home Business</b> (Please complete Form 2 Home Business Checklist in addition to this form)                                |   |   |
| <input type="checkbox"/> <b>Estate Development Plan</b> (Please complete Form 3 Estate Development Plan Checklist in addition to this form)            |   |   |
| <input type="checkbox"/> <b>Public Works</b> (incl Roads, Stormwater Drainage, Parks, Electricity, Gas, Telecommunications, Water, Sewerage, Services) |   |   |

Please note that the estimated cost to be stated here is to include the cost of all associated works such as landscaping, parking, etc. as well as off site works.

What is the estimated cost of the development as calculated in accordance with the Building Cost Guide?

\$ NIV . 00  
 AMENDMENTS

Exsting GFA \_\_\_\_\_ m<sup>2</sup>  
 and/or  
 Added GFA \_\_\_\_\_ m<sup>2</sup>  
 and/or  
 GFA to be demolished \_\_\_\_\_  
 Total GFA \_\_\_\_\_

"GFA" means gross floor area

**Part 5: Type of Development (continued)**

**ENERGY RATING:** Was the original dwelling first approved after 30 June 1995?  No  Yes Date (MM/YY) \_\_\_\_\_

**TREES:** Will there be any groundwork\* within 2m of the edge of the canopy of any significant tree on the block or any adjoining block?  No  Yes  
 Will there be any groundwork\* within 2m of the edge of the canopy of any tree on public land?  No  Yes  
 (\*ground work includes building, trenching, changing the soil level and compacting)

**ENVIRONMENTAL IMPACT:** Does the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 affect your proposal? (Please refer to page 16 for further information)  No  Yes

**WORKS ON PUBLIC LAND:** Are you proposing works or modifications on public land?  No  Yes (if yes please specify)

New or Existing Services  No  Yes Road Works  No  Yes \*Driveway  No  Yes  
 Footpaths  No  Yes Landscaping  No  Yes \*(if yes, you will need to complete a verge driveway application form).

**Part 6: Exempting Parts of Your Application From the Public Register**

The Land (Planning and Environment) Act 1991 requires all applications to be placed on a Public Register.  
 If you meet specific criteria you may apply to exclude parts of your application from the Public Register (refer to section 228 Land (Planning and Environment) Act 1991).  
 I wish to apply for exemption from the Public Register.  No  Yes

**Information to be excluded from the register**




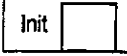
**Please give reasons in support of your request for exemption**

**Part 7: Applicant & Lessee Declaration**

I/we the undersigned, hereby apply for approval to carry out the development described on the land specified in this application;  
 I/we hereby direct and authorise the ACT Planning and Land Authority to erect sign/s on the subject property(s);  
 I/we hereby authorise ACT Planning and Land Authority officers to access the subject property(s) for the purpose of evaluating the proposal;  
 I/we understand that this application may be electronically scanned and made available for public inspection via the internet;  
 I/we declare that all the information given on this form and its attachments is true and complete; and  
 I/we understand that the information submitted with this application form will undergo a documentation check prior to the formal lodgement of the application (and payment of fees), and further information may be required prior to the acceptance of the development application by the Authority.

**CONFLICT OF INTEREST DECLARATION:** Does the applicant or lessee have any association with ACT Planning and Land Authority staff?  No  Yes

If yes, please provide details: \_\_\_\_\_

Applicant's Signature(s)		Date	23.02.06	Office Use Init  Init  Init 
1st Lessee's Signature(s)	SEE LETTER OF AUTHORITY.	Date	23.02.06	
2nd Lessee's Signature(s)		Date		

# Development Application

Type of Application (cross relevant box)

New Application

If you attended a Pre-lodgement meeting please provide the Proposal Number

Minor Amendment (S247)

An amendment to an application with an approval already in force where a Certificate of Occupancy has not been issued.

Has development commenced on the property?  No  Yes If yes, date of commencement Dec 2004

Additional information (S247) In support of current S247 application

Conditional Approval (S245) - satisfying conditions of approval

Additional information (S245)

More Information (S233) - providing additional information to a current application which is in response to a written request from the Authority.

Alteration (S226(7)) - to a current application not yet approved

## Part 1: Lease/Site details

If more than one lease/site, attach the following details for each lease/site.

Block 1

Section 10

Unit (if applicable)

Suburb Gungahlin

District

Street Number Postcode 2913

Street Name Cavanagh Street

## Part 2: Applicant details

Surname Payne

First Name Stephen

Australian Company Number (ACN) 33 085 578 061

Company Name Dezign team Pty Ltd

If a company, position held within the company

Postal Address PO Box 3060

Suburb Manuka

State/Territory ACT Postcode 2603

Phone Number (business hours) 6260 7444

Email Fax Number 6260 7244

steve@dezignteam.com.au

Unless otherwise specified your plan will be returned via email Mail  Pick Up

Did you know? Development applications can be lodged electronically. The steps involved are detailed on our website at: [www.actpla.act.gov.au](http://www.actpla.act.gov.au)



ACT Government

TECHNICAL CHECK COMPLETED

OFFICE USE ONLY

Application number

2003098146

Technical check

[Signature]

Public notification

Yes  No

Neighbour notification

Yes  No

Yes No

Holding Lease

Unleased

EER

Heritage

NCA

Compliance

Pub Reg Exempt

Fees

D&S 101-00

P/Not

L/Var

Dia/S

Date received

5/5/06

Receipt number

243/64/1

Receiving officer

[Signature]

### Part 3: Lessee (Property Owner) details

#### 1st Lessee's details

Office Use	Surname	<input type="text" value="Koundouris"/>
Init <input checked="" type="checkbox"/>	First Name	<input type="text" value="Eric"/>
	Company name	<input type="text" value="Section 10 Pty Ltd"/>
	Australian Company Number (ACN)	<input type="text"/>
	If a company, position held within the company	<input type="text" value="Director"/>
	Postal Address	<input type="text" value="PO Box 70"/>
	Suburb	<input type="text" value="CANBERRA CITY"/>
	State/Territory	<input type="text" value="ACT"/>
	Postcode	<input type="text" value="2601"/>
	Phone Number (business hours)	<input type="text" value="0257 1777"/>
	Fax Number	<input type="text" value="6257 2996"/>
	Email	<input type="text"/>

\* Lessee must sign Part 7 of the application form

### Part 3: Lessee (Property Owner) details

#### 2nd Lessee's details

Office Use	Surname	<input type="text"/>
Init	First Name	<input type="text"/>
	Company name	<input type="text"/>
	Australian Company Number (ACN)	<input type="text"/>
	If a company, position held within the company	<input type="text"/>
	Postal Address	<input type="text"/>
	Suburb	<input type="text"/>
	State/Territory	<input type="text"/>
	Postcode	<input type="text"/>
	Phone Number (business hours)	<input type="text"/>
	Fax Number	<input type="text"/>
	Email	<input type="text"/>

\* Lessee must sign Part 7 of the application form

All lessees must sign authorising the lodgement, and in doing so give authority to the applicant to negotiate any dealings with the application through to its determination by the relevant authority, or a Power of Attorney must be attached. If there are more than two lessees, please ensure that details and authorisation are attached to the application for each lessee.

If the lessee is a registered company, organisation or government agency you must execute this application in the proper manner for that company, organisation or government agency. For example, if the lessee is a community organisation the full name of the community organisation must be stated and the signatory must identify what position of authority he/she holds in the organisation.

To verify the signature of a lessee who is other than a registered company, i.e. a community, organisation or government agency, a Letter of Authority must be supplied when lodging the application that empowers the signatory to sign on the behalf of that organisation or government agency.

Any application made over a site which has been Unit Titled will require approval in accordance with the articles of association for that units plan.

**Part 4: Fully describe your proposal or list amendments**

1. PLANT SPECIES LOCATION SHOWN. & CENTRES SHOWN

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Examples: • New 2 storey residence & garage • Addition of bedroom & ensuite to rear of residence

**Part 5: Type of Development**

- Single Dwelling**
  - New residence
  - Addition/alteration to existing
  - Demolition/rebuild
  - Outbuildings (Such as carports, garages & pergolas)
  
- Multiple Dwelling**  
(incl Dual Occupancy)
  - A10 Core Area or
  - Suburban Area
  - New development \_\_\_\_\_ No. of new Dwellings to be constructed  
\_\_\_\_\_ Total No. of Dwellings
  - Addition/alteration to existing
  - Outbuildings (Such as carports, garages & pergolas)
  
- Non-Residential**  
(incl Commercial, Industrial, Rural, Community, Institutional)
  - New building
  - Addition/alteration to existing
  
- Mixed Use**  
(combined Non-Residential & Residential Developments)
  - New building \_\_\_\_\_ No. of Non-Residential Units  
\_\_\_\_\_ No. of Residential Dwellings  
\_\_\_\_\_ Total number of Dwellings
  - Addition/alteration to existing
  
- Signage**
- Lease Variation**
  - Clause changes
  - Consolidation
  - Subdivision
  - Encroachment
  - Land Rent Payout
  
- Home Business** (Please complete Form 2 Home Business Checklist in addition to this form)
- Estate Development Plan** (Please complete Form 3 Estate Development Plan Checklist in addition to this form)
- Public Works** (incl Roads, Stormwater Drainage, Parks, Electricity, Gas, Telecommunications, Water, Sewerage, Services)

Please note that the estimated cost to be stated here is to include the cost of all associated works such as landscaping, parking, etc. as well as off site works.

What is the estimated cost of the development as calculated in accordance with the Building Cost Guide?  
 \$ Nil . 00  
*Amendments*

Existing GFA \_\_\_\_\_ m<sup>2</sup>  
 and/or  
 Added GFA \_\_\_\_\_ m<sup>2</sup>  
 and/or  
 GFA to be demolished \_\_\_\_\_  
 Total GFA \_\_\_\_\_

"GFA" means gross floor area



**Part 5: Type of Development (continued)**

**ENERGY RATING:** Was the original dwelling first approved after 30 June 1995?  No  Yes Date (MM/YY) \_\_\_\_\_

**TREES:** Will there be any groundwork\* within 2m of the edge of the canopy of any significant tree on the block or any adjoining block?  No  Yes  
 Will there be any groundwork\* within 2m of the edge of the canopy of any tree on public land?  No  Yes  
 (\*ground work includes building, trenching, changing the soil level and compacting)

**ENVIRONMENTAL IMPACT:** Does the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 affect your proposal?  
 (Please refer to page 16 for further information)  No  Yes

**WORKS ON PUBLIC LAND:** Are you proposing works or modifications on public land?  No  Yes (if yes please specify)

New or Existing Services  No  Yes  
 Footpaths  No  Yes

Road Works  No  Yes  
 Landscaping  No  Yes

\*Driveway  No  Yes  
 \*(if yes, you will need to complete a verge driveway application form).

**Part 6: Exempting Parts of Your Application From the Public Register**

The Land (Planning and Environment) Act 1991 requires all applications to be placed on a Public Register.

If you meet specific criteria you may apply to exclude parts of your application from the Public Register (refer to section 228 Land (Planning and Environment) Act 1991).

I wish to apply for exemption from the Public Register.  No  Yes

**Information to be excluded from the register**


**Please give reasons in support of your request for exemption**

**Part 7: Applicant & Lessee Declaration**

- I/we the undersigned, hereby apply for approval to carry out the development described on the land specified in this application;
- I/we hereby direct and authorise the ACT Planning and Land Authority to erect sign/s on the subject property(s);
- I/we hereby authorise ACT Planning and Land Authority officers to access the subject property(s) for the purpose of evaluating the proposal;
- I/we understand that this application may be electronically scanned and made available for public inspection via the internet;
- I/we declare that all the information given on this form and its attachments is true and complete; and
- I/we understand that the information submitted with this application form will undergo a documentation check prior to the formal lodgement of the application (and payment of fees), and further information may be required prior to the acceptance of the development application by the Authority.

**CONFLICT OF INTEREST DECLARATION:** Does the applicant or lessee have any association with ACT Planning and Land Authority staff?  No  Yes

If yes, please provide details: \_\_\_\_\_

Applicant's Signature(s)		Date	3-5-2006	Office Use
1st Lessee's Signature(s)	refer letter of authority	Date	3-5-2006	Init <input checked="" type="checkbox"/>
2nd Lessee's Signature(s)		Date		Init <input type="checkbox"/>



employees, servants or agents against all actions and claims that might result from the existence of the awning encroachment over the lease boundary over the Hibberson Street, Gungahlin Place, Ernest Cavanagh Street and East Street road reservations; and

- (b) the lessee submits a copy of the Public Liability and Insurance Policy and Schedule for examination and approval by an insurance consultant nominated by the Planning and Land Authority;

**Note:** *The lessee is required to lodge an application for the grant of a licence to occupy and use unleased Territory land with the ACT Planning and Land Authority and pay the appropriate fee (Application enclosed).*

### **Encroachment Plan**

2. that within 28 days from the date of approval, or within such further time as may be approved in writing by the Planning and Land Authority, but before the grant of the licence, the lessee shall submit to the Planning and Land Authority a plan (in A4 format) 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;

**Note:** *This plan will form part of the licence agreement and will detail the size and extent of the encroachment.*

### **Insurance**

3. that the lessee insures the land and all improvements thereon including the encroachment against public liability for an amount of \$20,000,000 or greater;

### **Transfer of Title**

4. that the lessee shall not transfer or assign its interest in the premises unless and until the proposed transferee or assignee:
  - (a) is granted a licence by the Planning and Land Authority pursuant to section 217 of the Land Act under the same terms and conditions as the licence granted in accordance with condition 1.
  - (b) insures the land and all improvements thereon including the encroachment against public liability for an amount of \$20,000,000 or greater; and
  - (c) submits to an insurance consultant nominated by the Planning and Land Authority a copy of the Public Liability and Insurance Policy and Schedule for examination and approval;

**Note:** *refer to advice in Appendix 1 under the heading Public Liability Insurance.*

Block B – Roof Level Plan; Dwg No. DA-B-D03, Date: Aug 2003, Issue 1;

Block B Elevations, Dwg No. DA-B-E01, Date: Aug 2003, Issue 3;

Block B Sections, Dwg No. DA-B-F01, Date: Aug 2003, Issue 1;

Block B Sections – Sheet 2 of 2, Dwg No. DA-B-F02, Date: Aug 2003, Issue 1;

Block C Ground Level Plan, Dwg No. DA--D01, Date: Aug 2003, Issue 1;

Block C Levels 1 & 2, Dwg No. DA-C-D02, Date: Aug 2003, Issue 2;

Block C Levels 3 & Roof, Dwg No. DA-C-D03, Date: Aug 2003, Issue 2;

Block C Elevations, Dwg No. DA-C-E01, Date: Aug 2003, Issue 3;

Block C Sections, Dwg No. DA-C-F01, Date: Aug 2003, Issue 1;

Block D Ground Level Plan, Dwg No. DA--D01, Date: Aug 2003, Issue 1;

Block D Levels 1 & 2, Dwg No. DA-C-D02, Date: Aug 2003, Issue 2;

Block D Levels 3 & Roof, Dwg No. DA-C-D03, Date: Aug 2003, Issue 2;

Block D Elevations, Dwg No. DA-C-E01, Date: Aug 2003, Issue 3;

Block D Sections, Dwg No. DA-C-F01, Date: Aug 2003, Issue 1;

Unit Plan – Block Layout, Dwg No. DA-A06, Date: Aug 2003;

Street Elevations – Sheet No 1 of 2, Dwg No. DA-E01, Date: Sept 2003, Issue 2;

Street Elevation – Sheet No 2 of 2, Dwg No. DA-E02, Date: Sept 2003, Issue 2;

Waste Management Plan, Dwg No. DA-A04, Date: Aug 2003, Issue 1;

(b) drawings by Cia Landscapes & Colour Pty Ltd, Project No: C030403

Landscape Plan, Dwg No. DA Landscape 01, Date: Aug 2003;

Landscape Details & Notes, Drawing No. LP02, Date: 29 Oct 2003;

- (c) exterior finishes sample board lodged with the application; and
- (d) any amendments to those drawings or other items and additional drawings or other items approved or accepted in accordance with the following conditions;

Where there is an inconsistency between the drawings and items listed above and the following conditions, the conditions shall firstly prevail, then the amended or additional drawings or items, to the extent of that inconsistency;

- 7. that 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 integrated site plan, architectural details and landscaping plan, based on the relevant drawings referred to in condition No. 6, showing:
    - (i) revised hard and soft landscaping and indented parallel parking space details for the adjacent street verges to the satisfaction of CUPP and ACTPLA;
    - (ii) an additional lift access from the basement car park to the ground floor level generally within proximity of the stairwells to the south-east and north-west corners of the ground floor level retail building in 'Block D';
    - (iii) revised streetscape elevations showing correct ground lines and building entry levels;
    - (iv) the location of appropriate visual and acoustic screening for one air conditioning unit for each apartment;
    - (v) details of clothes drying facilities for each apartment;
    - (vi) any changes required to meet the recommendations of the access and mobility report referred to in item (b) below;
    - (vii) design details and specifications showing how the walls and floors between dwellings will comply with the recommendations of the report referred to in item (c) below;
    - (viii) details of lighting to pedestrian areas, common open space and other common areas, parking areas and building entries;

- (b) an access and mobility report prepared and endorsed by a suitably qualified person addressing how the proposal will comply with *ACT Planning Guidelines for Access and Mobility*, and provide reasons for any departures;
- (c) a report prepared and endorsed by a suitably qualified person addressing how the buildings shall -
- (i) achieve a Weighted Sound Reduction Index (Rw) of not less than 55; ✓
  - (ii) comply with the provisions of AS 3671-1989: Acoustics – Road Traffic Noise – Building Siting and Construction; ✓
  - (iii) comply with the provisions of Australian Standard AS2107 – 1987: Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors;
  - (iv) comply with the relevant standard in the *Building Code of Australia*; or
  - (v) comply with the relevant noise transmission standards in the *Environment Protection Act 1997*;

whichever is the higher standard (ie achieves a greater noise attenuation).

- (d) a cable reticulation plan, prepared by a suitably qualified person and endorsed by each relevant service provider, showing:
- (i) underground reticulation of all cables (including electricity, telephone and data);
  - (ii) relevant points of connection (no new poles should be erected);
  - (iii) size and location of associated items (including electrical sub-stations) within the site; and
  - (iv) screening of any electrical sub-station that may be required;

**Note:** new electrical sub-stations are to be located on leased land and screened from public view.

### **Completion**

8. that the approved development shall be completed within 24 months from the date of this approval or within such further time as may be approved in writing by the Planning and Land Authority;

**Notes:**

1. Under section 251 of the Land Act this approval will expire if the development is not commenced within two years after the date of approval.
2. Under section 252 the applicant may apply to the Planning and Land Authority for any extension to the period specified for completion.

**Traffic Management**

9. that at all times during construction the site and surrounds shall be managed in accordance with a Temporary Traffic Management Plan, prepared by the applicant and approved by the Manager, Quality Co-ordination, City Management, Department of Urban Services ("DUS"), and, for the installation of traffic control devices, the approval of the Manager, Asset Use, Roads ACT, City Management, DUS, under the *Road Transport (Safety and Traffic Management) Act 1999*. 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;

**Unleased Territory Land**

10. that the applicant/lessee is to submit details of all off-site works to the Manager, Quality Coordination for design acceptance. Design acceptance is to be issued prior to the commencement of works;

*Note: see Appendix 1 for more information in relation to other approvals required for work on unleased Territory land.*

**Environment Protection**

11. that the contractor/builder is to hold an Environmental Authorisation or enter into an Environment Protection Agreement with the Environment Protection Authority (EPA) prior to the commencement of works. (Contact 6207 977 for details);
12. that the applicant/lessee is to ensure that works are undertaken in accordance with Environment ACT's 1998 guidelines 'Erosion and Sediment Control During Land Development';
13. that the applicant/lessee shall protect and maintain in accordance with *Canberra Landscape Guidelines* all existing trees and shrubs on the block and located on the verge immediately adjacent, except for those specifically identified for removal in the approved drawings or related documents.

*Note: No approval is hereby given for any tree damaging activity as defined by the Tree Protection (Interim Scheme) Act 2001. Appendix 1 contains relevant advice.*


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

Unless a condition of approval provides for otherwise this approval is effective four weeks from the date of this notice. The effective date could be adjusted if the approval is reconsidered by the Planning and Land Authority or if an application for a review of the decision is made to the Administrative Appeals Tribunal.

### **4.0 REASONS FOR THE DECISION**

The application was approved because, in the form modified by the imposed conditions, it was considered to be consistent with the Territory Plan. An assessment against the Territory Plan, a list of the evidence relied upon in reaching the decision and other information related to the proposal, and an assessment of the pertinent issues raised in public submissions are included in the Findings on Material Questions of Fact attached to this document.

The key issues identified in the assessment are related to land uses, off-site landscaping and traffic management. Conditions have been imposed to address the key issues and ensure that the proposal is consistent with the Territory Plan and the requirements of other agencies.



Aaron Oshyer  
Delegate of the Planning and Land Authority  
17 March 2004



## **FINDINGS ON MATERIAL QUESTIONS OF FACT**

**APPLICATION NO.: 200309814**

**BLOCK 1 SECTION 10 SUBURB Gungahlin**

### **1.0 FINDINGS**

#### **1.1 Statutory Requirements**

The proposal involves:

- (a) the erection, alteration or demolition of a building or structure on or under the land; and
- (b) the carrying out of earthworks or other construction work on or under the land;

which constitutes "development" as defined by section 222 of the Land Act and which is subject to the provisions of Part 6 of that Act.

Under section 8 of the Land Act, the relevant authority cannot "do any act, or approve the doing of any act" that is inconsistent with the Territory Plan. The Land Act also specifies certain matters that are to be taken into account in an assessment of an application, most of which are contained in the Territory Plan. The relevant provisions of the Territory Plan are addressed in Section 1.6 below.

#### **1.2 Time Frames for Decision**

The application was lodged on 7 November 2003. Under the Land (Planning and Environment) Regulations the prescribed time for a decision is 45 working days, i.e. by 19 January 2003.

Under subsection 230(3) of the Land Act the relevant authority is taken to have refused to approve an application if he or she fails to make a decision in relation to the application before the expiration of the prescribed period.

However, pursuant to subsection 230(3) of the Act the relevant authority may approve an application at any time after the expiration of the prescribed period until the ACT Administrative Appeals Tribunal has finally dealt with an application for review of the "deemed refusal" or until 6 months has elapsed from the date of lodgement.

#### **1.3 Description of Proposal**

The application seeks approval for:

- (a) the erection of a mixed use building incorporating commercial, retail and residential uses;

- (b) the erection of a supermarket; and
- (c) associated landscaping, basement and on grade car parking, paving and other site works.

The applicant lodged an amendment to the original application on 2 February 2004. These amendments included revised verge landscaping details to address CUPP concerns, and revised façade treatments to respond to ACTPLA comments.

The proposal is described in drawings and supporting documents submitted as part of Development Application Number 200309814 and 200309814A.

#### **1.4 Site and Surrounds**

The subject site has an area of 17,180 m<sup>2</sup> and frontages of approximately 160 metres to Hibberson Street and Ernest Cavanagh Street, and 91 metres to New Street and Gungahlin Place.

The land falls approximately 5.2 metres from the north-east down to the south-west. There are no existing trees on the block.

Existing surrounding development comprises the Gungahlin Market Place development on Section 9 to the west, and numerous commercial and community facility buildings within the Town Centre generally. These buildings range in size and scale but are generally of a contemporary form and are characterised by cantilevered awnings, masonry, steel and glass materials and feature entry points.

#### **1.5 Crown Lease**

The Land Development Agency (LDA) have authorised the lodgement of the development application by the applicant. The LDA have stated that the holding lease is currently being issued, and will be for the purposes outlined in the deed of agreement.

The proposal is considered to be not inconsistent with the uses outlined within the deed and the lease and development conditions applicable to the proposal.

#### **1.6 Assessment Against the Territory Plan**

##### **1.6.1 Land Use Policies – Part B**

Clause 9.1(a) of Part A3 provides that the proposal cannot be approved if it is inconsistent with the B2B Town Centres Land Use Policies. These policies comprise "objectives" and "controls", as follows.

### *Objectives*

- a) to provide the main focus for the district population for shopping, community and cultural facilities, entertainment and recreation;
- b) to provide opportunities for business investment and employment whilst facilitating the decentralisation of employment from the Central National Area;
- c) to encourage a mix of land uses, including residential uses, which contribute to an active and diverse character;
- d) to provide an urban structure which is simple, legible and flexible;
- e) to maintain and enhance environmental amenity and encourage a standard of urban design consistent with the function of the centre; and
- f) to encourage activities particularly at street frontage level which contribute to pedestrian activity and social interaction.

It is considered that the proposal meets these objectives.

### *Controls*

The relevant controls are 2.1, 2.3, 2.4, 2.5, 2.7, 2.8, and 2.10

The proposal is considered to be not inconsistent with these controls. Of note are Controls 2.4, 2.5 and 2.10 which deal with consistency of design throughout the Town Centre. In this regard, the proposal incorporates feature entry awnings, strong urban form, high quality steel and masonry finishes and a range of colours to ensure compatibility with the Town Centre urban design guidelines and the surrounding existing buildings. The buildings have strong corner elements with cantilevered blade walls in the corners to identify and mark the important street intersections.

### **1.6.2 Area Specific Land Use Policies – Precinct “a” – Retail Core.**

Clause 9.1(a) of Part A3 provides that the proposal cannot be approved if it is inconsistent with the Area Specific Policies for Area B2B, namely Precinct “a” Retail Core. These policies comprise “objectives” and “controls”, as follows.

### *Objectives*

The relevant objectives are:

- a) to make provision for a range of retail and service outlets accessible to consumers;
- b) to make provision for an efficient distribution of retail functions;
- c) to promote evening and weekend activity;

d) to encourage the provision of an attractive pedestrian environment; and

e) to provide safe access to shops for pedestrians and for consumers by public and private transport.

It is considered that the proposal meets these objectives.

### *Controls*

The relevant controls are:

#### 4.1 b)

This control deals with acceptable uses at the ground, first and other floor levels. The control encourages active retail type uses at the ground floor level. In this regard the proposal incorporates retail uses along all of the street frontages, including commercial spaces at the ground floor and a combination of commercial, office and residential spaces in the units above. These uses are consistent with permitted uses within the precinct 'a' controls.

In this regard, the proposal is considered to be not inconsistent with the relevant objectives and controls of the B2B Town Centres Land Use Policies, Precinct 'a' Objectives and Controls.

### **1.6.3 ACT Parking and Vehicular Access Guidelines**

Clause 9.2(b) of Part A3 provides that the relevant authority must carefully consider any relevant planning guideline or interim guideline contained in the Register of Planning Guidelines. *ACT Parking and Vehicular Access Guidelines* is such a guideline.

#### Requirement under the Guidelines

##### **Commercial component**

753 m <sup>2</sup> @ 1 spaces/100m <sup>2</sup> (shop)	7.5
2366 m <sup>2</sup> @ 2 spaces/100m <sup>2</sup> (shop)	47.3
440 m <sup>2</sup> @ 2.5 spaces/100m <sup>2</sup> (office)	11
719 m <sup>2</sup> @ 3.5 spaces/100m <sup>2</sup> (shop)	33
2856 m <sup>2</sup> @ 4 spaces/100m <sup>2</sup> (office)	171.7
1055 m <sup>2</sup> @ 5 spaces/100m <sup>2</sup> (office)	52.8
Residential Visitors @.25/unit	25
<b>Total Required Spaces</b>	<b>301</b>
<b>Total Provided</b>	<b>366</b>

**Residential Component**

75 x 1 bedroom Units @ 1/unit	75
26 x 2 bedroom Units @ 1.5/unit	39
<b>Total required</b>	<b>114</b>
<b>Total Provided</b>	<b>122</b>

In this regard, the provision of parking is met.

**1.6.4 Designing for High Quality and Sustainability**

Clause 9.2(b) of Part A3 provides that the relevant authority must carefully consider any relevant planning guideline or interim guideline contained in the Register of Planning Guidelines. *Designing for High Quality and Sustainability*, ACTPLA, June 2001, is such a guideline.

The applicant's High Quality Sustainable Design Response Report was endorsed on 14 October 2003, and is sufficient evidence of the proposal achieving a high quality of design in accordance with the guidelines.

**1.6.5 Lease and Development Conditions**

Clause 9.3(x) of Part A3 provides that the relevant authority must carefully consider the provisions of any Lease and Development Conditions applying to the area.

It is considered that the proposal is consistent with the Objectives and performance criterion of the Lease and Development Conditions, and each of the relevant Performance measures, including the overall height control which prescribes a maximum height of 14 metres, the proposed uses at ground floor and the required movement networks and passages.

It is considered that the proposal satisfies the relevant requirements of the lease and development conditions.

**1.6.6 Draft Planning Guidelines & Codes – Gungahlin Town Centre and Central Area**

Clause 9.2(b) of Part A3 provides that the relevant authority must carefully consider any relevant planning guideline or interim guideline contained in the Register of Planning Guidelines. *Draft Planning Guidelines & Codes – Gungahlin Town Centre and Central Area* is such a guideline.

The proposal complies with all relevant provisions.

### **1.6.7 Public Submissions**

Clause 9.2(e) of Part A3 provides that the relevant authority must carefully consider "each objection or other submission received in relation to the application which has not been withdrawn". Submissions received in relation to this proposal are examined in Section 2.0 below.

### **1.6.8 Additional Matters for Consideration**

Clause 9.3 of Part A3 provides that the relevant authority must carefully consider further relevant matters in addition to those considered under Clause 9.2.

All relevant matters have been adequately addressed in the assessment of the relevant provisions of the Territory Plan and associated guidelines.

## **2.0 PUBLIC NOTIFICATION**

Pursuant to section 229 of the Land Act, the application was publicly notified from 17 November 2003 to 5 December 2003. 1 written submission was received during this period.

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

#### *(a) Lack of on-site car parking*

The car parking spaces provided within the development proposal are considered to be consistent with the requirements of the *ACT Vehicular Access and Parking Guidelines*. Section 2.5.3 of this document includes an evaluation of car parking requirements. In this regard, it should be noted that the provision of car parking for both the commercial and residential components of the development are in excess of the numerical requirements of the guidelines.

In this regard, it is considered that the proposal satisfies all relevant car parking requirements.

#### *(b) Possible noise impacts on residential units*

The conditions of approval imposed on the development includes a requirement for the applicant to submit a noise attenuation report demonstrating how the detailed design of the units will satisfy the relevant noise attenuation standards including AS3671, AS2107 and all relevant BCA and EPA requirements. With this condition of approval imposed, it is considered that the proposal will satisfactorily respond to potential noise issues resulting from the mixed use development.

*(c) Provision of Affordable Housing*

Whilst there is no specific requirement for the applicant to address issues of affordable housing provision within this development, it should be noted that the proposal will need to satisfy the *ACT Planning Guidelines for Access and Mobility* which includes requirements for Adaptable Housing and access for people with disabilities.

**3.0 GOVERNMENT AGENCIES COMMENTS**

3.1 Department of Urban Services

3.2 ActewAGL

3.3 Conservator of Flora and Fauna

3.4 Heritage Council

**4.0 EVIDENCE**

Application No – 200309814 & 200309814A

File No – DA200309814

The Territory Plan Part A – General Principles and Policies

The Territory Plan Part B2B – Town Centre Land Use Policies

Agency comments

Public submissions



Aaron Oshyer

Delegate of the Planning and Land Authority

17 March 2004

## APPENDIX 1

**ADVICE TO APPLICANT****1. Contact Telephone Numbers – Relevant Government Agencies****ACT PLANNING AND LAND AUTHORITY****Development Assessment**

DA Enquiries, Ben Walker	6207 1861
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Applications Secretariat	6207 1687
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**DEPARTMENT OF URBAN SERVICES****City Management**

Quality Co-ordination	6207 6594
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Roads ACT	6207 6677
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ACT NOWaste	6207 6323
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Canberra Urban Parks and Places Open Space and Built Assets	6207 2500
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**Environment ACT**

Environment Protection Unit	6207 9777
Significant trees helpline	6207 9777

**DEPARTMENT OF HEALTH AND COMMUNITY CARE**

Health Protection Service	6205 1700
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**OTHERS****Telstra**

Network Planning Engineer (Ted Murray)	6219 1213
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**ActewAGL**

Location of assets (Dial Before You Dig)	1100
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Electricity reticulation (Doug Malcolm)	6293 5738
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**TransACT**

Networks (Craig Seaton)

6229 8000

**2. Further Approvals**

The attached notice of decision grants approval for those items listed at section 1.0. Further approvals from the Territory may be required, as follows:

**Works on Unleased Territory Land - Design Acceptance**

In accordance with the *Roads and Public Places Act 1937* no work is to be undertaken on road verges and other unleased Territory Land without the approval of the Territory. Such approval is only given by way of a certificate of design acceptance from Quality Co-ordination, City Management, DUS. Unless a certificate of design acceptance is obtained, and the respective work completed in accordance with this certificate, a certificate of compliance under s179 of the Land Act, may not be issued. This applies to works such as the construction or upgrading of driveway verge crossings and the replacement of public foot paths.

***Use of Verges and other Unleased Territory Land***

In accordance with the *Roads and Public Places Act 1937* road verges and other unleased Territory land shall not be used for the carrying out of works, including storage of materials or waste, without the prior approval of the Territory through Canberra Urban Parks and Places;

***Approval required for "Tree Damaging Activity"***

Under the *Tree Protection (Interim Scheme) Act 2001* a tree is a *Significant Tree* and protected if it is growing on urban leased land and it has:

- a height of 12 m or more; or
- a circumference of 1.5 m (approx. 0.5 m in diameter) or more at 1 m above ground level; or
- two or more trunks and the total circumference of all the trunks, 1m above ground level, is 1.5m or more, or
- a minimum crown width of 12 m or more.

*Tree Damaging Activity* is defined as felling, removing, ringbarking, lopping and topping, poisoning or any ground work under the canopy of a *Significant Tree* or within a 2m wide area out from the canopy, that is likely to harm the health of the tree. Ground work includes building, trenching, changing the soil level and compacting or contaminating the soil.

Maintenance pruning that does not affect the overall appearance of the tree or pruning required for power line clearing is not considered as 'damage' and does not require approval.

These controls are administered by Environment ACT and the decision maker for such applications is the Conservator of Flora and Fauna. An application form for Approval to Undertake a Tree Damaging Activity may be obtained by contacting the Environment ACT.

### **3. Public Liability and Insurance**

Before the release of the approved plans, the following information must be provided and accepted by an Insurance Consultant nominated by the Authority:

- (a) a copy of the Lessee's Public Liability and Insurance Policy and Schedule:
- (i) the public liability and insurance policy must contain policy wording including details of the proposed encroachment;
  - (ii) the sum insured must be in the amount of \$20,000,000.00 (twenty million dollars) or greater;
  - (iii) the public liability and insurance policy must name all interested parties;
  - (iv) the public liability and insurance policy shall contain the following two endorsements:

"It is agreed and declared that in respect of Block 1 Section 10 Suburb of Gungahlin the Commonwealth of Australia and/or the Australian Capital Territory is/are joint insured in respect of awning encroachments only."

"It is also agreed and declared that the insurer will not allow cover to lapse or to be cancelled without the insurer first notifying the Australian Capital Territory via the Development and Building Administration Branch, ACT Planning and Land Authority, GPO Box 1908, CANBERRA ACT 2601."

*Note: A Certificate of Currency, Statement of Cover or policy booklet is not sufficient.*

**This information is to be forwarded to:**

Manager  
Leasing and Compliance Section  
Development and Building Administration Branch  
ACT Planning and Land Authority  
GPO Box 1908  
CANBERRA ACT 2601

Ph: (02) 6207 1814

Fax: (02) 6207 5548

**4. Other Advice*****Reconsideration of the Decision***

If you are not satisfied with this decision, you are entitled to apply to the Planning and Land Authority for reconsideration within four weeks of the date of this notice.

Applications forms are available from the Planning and Land Authority Customer Service Centre, 16 Challis Street, Dickson. The completed application, including grounds for the application and the lodgement fee may be lodged at the Customer Service Centre.

Within four weeks of receiving your application, or within such further time as agreed to by you, the Planning and Land Authority will either make a new decision or confirm the original decision.

An application for reconsideration does not prevent an application for a review of the same decision being made to the ACT Administrative Appeals Tribunal (AAT). You should be aware, however, that a reconsideration of the approval by the Planning and Land Authority will be suspended on the day an application for a review of the same decision is made to the AAT.

***Conditions of Approval***

Please read the conditions of your approval carefully. Some will require attention before the approved drawings will be released by the Authority, others before work commences and still others before the completion of building work.

***Building Approval***

Most building work requires Building Approval. If this applies to your proposal you should engage the services of a private building certifier to assess and approve the building plans. A list of private certifiers is available at the ACT Planning and Land Authority Customer Service Centre, 16 Challis Street

Dickson. Office hours are 8.30am to 4.30pm, Monday to Friday. The list is also available on the Authority's website at <http://www.actpia.act.gov.au/bepcon>.

### ***Review by the ACT Administrative Appeals Tribunal***

You are entitled to apply for a review of (appeal) the decision to the AAT. An application, together with the required fee, should be lodged with the AAT within four weeks after the notification of this approval.

An application form can be obtained from either the AAT at the ACT Magistrates Court, 4 Knowles Place Canberra City, or from the Planning and Land Authority Customer Service Centre, 16 Challis Street Dickson. If you require further information about the review process, contact the AAT office on (02) 6217 4261.

This Notice of Decision has been sent to all objectors to the proposal. In the Authority's view, objecting parties are not entitled to seek a review of (appeal) the decision under the Land Act Regulations.

If you decide to seek a review of (appeal) the decision, all objectors will be advised. They may apply to the AAT to become a party to the proceedings.

### ***Damage to Public Assets***

It is the responsibility of the applicant/lessee to properly repair any damage to ACT Government assets (including footpaths) caused by the development. The applicant is urged to notify Roads ACT of any existing damage to public facilities before work commences, otherwise the applicant/lessee will be held responsible for all damage.

### ***ActewAGL***

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. ActewAGL water meters are accountable items and must not be removed from the site or otherwise disposed of.

### ***Drainage***

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

### ***Demolition and Asbestos Management***

Asbestos management and demolition must be undertaken in accordance with PALM Note 1 and PALM Note 2, respectively. Both documents are available from the Planning and Land Authority Customer Service Centre, 16 Challis Street Dickson (Office hours: 8.30am to 4.30pm, Monday to Friday), or from the Authority's website  
[www.actpla.act.gov.au/bepcon/build/bindex.HTM](http://www.actpla.act.gov.au/bepcon/build/bindex.HTM)

### ***Environment Protection***

All work shall be carried out in accordance with the *Environment Protection Act 1997*, particularly but not exclusively in relation to noise and pollution control. More Information may be obtained from Environment ACT.

### ***Translation and Interpretation Service***

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، اتصل 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:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تکلن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodnoća telefoniрајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn.hãy gọi điện-thoại:

#### **TRANSLATING AND INTERPRETING SERVICE**

**131 450**

Canberra and District - 24 hours a day, 7 days a week



# ACT Planning & Land Authority

OFFICER : R SINGH  
PHONE : 6207 1861  
FAX : 6206 1795  
FILE : DA200309814B-C

Warwick Dunstone  
P O Box 3060  
Manuka ACT 2603

Dear Mr Dunstone

## **Block 1 Section 10 - Suburb of Gungahlin Development Application Number: 200309814B-C**

I refer to the plans submitted for endorsement pursuant to condition 7 of the decision with respect to the above application.

The plans now satisfy condition 7 of the decision and have been endorsed to form part of the above Development Application (DA) with the following conditions:

1. "Assessment of Traffic Noise Report", 23 September 2004 shall refer to the "Environment Protection Act 1997" and its Regulations;
2. The above mentioned report shall be amended as following:
  - Section 4.1.1.2 "Night Sleep Arousal Impacts from Intermittent Events" is based on EPA (NSW) Guidelines. The last paragraph under this clause shall be amended to include "To comply with the recommended noise levels when the centre is not trading, heavy vehicle access shall be restricted between the hours of:  
7.00am to 10.00pm - Mondays to Saturdays and  
8.00am to 10.00pm - Sundays and public holidays";
  - Section 4.2 "Noise from Heavy Vehicle Moment". Amend as stipulated above;
  - Section 6 "Assessment of Noise Emission from the Proposed Development". Amend this section to include " All plants (air conditioning units, exhaust systems etc.) must be acoustically treated to comply with the noise zone standard at the nearest boundary of the development. The permitted time period and noise levels for residential areas is set out below:

Mondays – Saturdays	7.00am – 10.00pm 45dB(A)
	10.00pm – 7.00am 35dB(A)
Sundays and public holidays	8.00am – 10.00pm 45dB(A)
	10.00pm – 8.00am 35dB(A)

The awnings, which are referred to as encroachments, were included in the plans for this DA and subsequent conditions form part of the decision, are not approved as part of the plans. As you are aware, the Unit Titles Act does not allow for the registration of any parts of a building that are outside the boundary.

It has been identified that an amendment to that act is required. In an effort to address this situation in the interim, it will be necessary for you to submit a further amendment to this DA that refers solely to the required awnings. Although the amendment can then be approved, no awnings would be constructed at this stage. This will allow the construction of the main building, the approval of that building (minus awnings) and the survey of that building without any encroachments. It will then be possible to apply for the unit titling of this block. Once the Units Plan has been registered the construction of the awnings can proceed.

Please note that you may need to attend to other conditions included in the decision before you commence development on the site.

Enclosed are copies of the endorsed plans.

If you would like to discuss this matter further please telephone me on Tel: 6207 1861.

Yours sincerely



Ravindra Singh  
Assessing Officer  
Development Assessment Unit  
Development and Building Administration Branch

26 October 2004



**ACT Planning &  
Land Authority**

**NOTICE OF DECISION TO AMENDMENT AN APPROVAL  
PURSUANT TO SECTION 247 OF THE *LAND (PLANNING AND ENVIRONMENT) ACT 1991***

**APPLICATION NO:** 200309814 D & E  
**DATES LODGED:** 8 June 2005 & 29 July 2005

**BLOCK: 1**            **SECTION: 10**            **SUBURB: Gungahlin**  
**ADDRESS:** Ernest Cavanagh Street  
**LESSEE:** Section 10 Pty Ltd (Eric Koundouris)

**1.0 THE PROPOSAL**

Pursuant to section 247 of the *Land (Planning and Environment) Act 1991* ("the Land Act") approval is sought to amend development approval No. 200309814 dated 17 March 2004 by:

1. Revised floor levels
2. Revised lift & stair arrangement
3. Revised tenancy access
4. Revised tenancy set out
5. provision for exit revised
6. Locker set out revised
7. Revised bicycle stores set out
8. Revised letterbox set out
9. Revised landscape podium & materials
10. Revised balustrade setback from boundary
11. Revised unit internal wall set out
12. Revised foyer wall setback
13. Brick fins deleted
14. Service risers added
15. Plant rooms added
16. Revised carpark layout
17. Revised No. of public carpark
18. Revised waste enclosures
19. Fire hydrant booster added
20. Pergola removed
21. Brick banding added
22. Colour sample board
23. Extent of wall revised
24. Foyer windows & doors revised
25. Unit windows Revised



- 26. Change facilities
- 27. Ramp & stairs provided
- 28. Revised roof set out
- 29. Ac units provided
- 30. Lift overrun
- 31. Fascia Height
- 32. Ventilation Grills

## 2.0 THE DECISION

The "relevant authority" in relation to this application as defined in section 222 of the Land Act is the Planning and Land Authority.

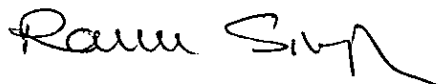
I, Ravi Singh, delegate of the Planning and Land Authority, pursuant to section 247 of the Act hereby **amend** the approval.

Please note that encroachments are not included in this approval.

## 3.0 REASONS FOR THE DECISION

The development approval was amended in the manner described in Section 2.0 because, pursuant to section 247 of the Act, it:

- (a) does not change the effect of a condition subject to which the approval was given;
- (b) will not cause a significant increase in detriment to any person; and
- (c) does not change the kind of development approved but only the activity permitted.



Ravi Singh  
Delegate of the Planning and Land Authority

16 August 2005



**ACT Planning &  
Land Authority**

**NOTICE OF DECISION TO AMEND AN APPROVAL**  
PURSUANT TO SECTION 247 OF THE *LAND (PLANNING AND ENVIRONMENT) ACT 1991*

**APPLICATION NO: 200309814F**

**DATE LODGED: 23/2/06**

**BLOCK: 1            SECTION: 10            SUBURB: Gungahlin**  
**ADDRESS:            54 Ernest Cavanagh Street**  
**LESSEE:              Section 10 Pty Limited**

**1.0 THE PROPOSAL**

Pursuant to section 247 of the *Land (Planning and Environment) Act 1991* ("the Land Act") approval is sought to amend development approval No. 200309814 dated 17 March 2004 by:

1. replacing wall colour HBP2 with HBP1;
2. adding new sliding entry doors;
3. adding new roller door;
4. replacing new window to doors;
5. deleting dividing wall;
6. deleting toilets;
7. replacing glazing with brickwork;
8. adding t117doors and revising location;
9. revising t118 wall location and area;
10. adding T118 new door;
11. revising T119 area;
12. revising T119 door location;
13. deleting entry door;
14. revising sliding door and air lock;
15. providing new sliding entry door in lieu of swing door;
16. revising internal wall location;
17. deleting pergola ;
18. revising windows;
19. adding exit gate;
20. revising location of letter boxes;
21. relocating door and awning;
22. replacing porous paving with concrete pavers;
23. revising planter box;
24. revising air grille heights;
25. providing screen wall to be block work;
26. providing gravel nominated as 8mm peach gravel;

- 27. revising mulch type to cottage mulch;
- 28. adding basement stair roof;
- 29. relocating garbage door;
- 30. adding janitors store; and
- 31. revising roof over trolley ramp;

## 2.0 THE DECISION

I, Thara Boraiah, delegate of the Planning and Land Authority, pursuant to section 247 of the Act hereby **amend** the approval.

## 3.0 REASONS FOR THE DECISION

The development approval was amended in the manner described in Section 2.0 because, pursuant to section 247 of the Act, it:

- (a) does not change the effect of a condition subject to which the approval was given;
- (b) will not cause a significant increase in detriment to any person; and
- (c) does not change the kind of development approved but only the activity permitted.



Thara Boraiah  
Delegate of the Planning and Land Authority

12 May 2006

**ADVICE TO APPLICANT*****Review by the ACT Administrative Appeals Tribunal (AAT)***

If your interests are adversely affected by this decision you may apply to the Tribunal for a review.

Decisions that are reviewable by the AAT are identified in Schedule 4 of the *Land (Planning and Environment) Act 1991*.

Contact details for the Tribunal are as follows:

**Location:**

Tribunals Branch  
Magistrates Court  
4 Knowles Place  
CANBERRA ACT 2601

**Postal Address:**

GPO Box 370  
CANBERRA ACT 2601

Telephone: 02 6217 4261

Facsimile: 02 6217 4505

Document Exchange: DX 5691

Web Address: [www.courts.act.gov.au](http://www.courts.act.gov.au)

***Powers of the AAT***

The Tribunal is an independent body. It can review on their merits a large number of decisions made by ACT Government ministers, officials and statutory authorities.

The Tribunal 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 Tribunal recommendations.

***How to Apply to the AAT***

To apply for a review, simply obtain an application form from the Tribunal or from the web address above. It outlines all the information needed by the Tribunal to process a review promptly.

Generally you should make your request for a review within 28 days of receiving this notice of the decision, but there are some variations to this time

limit. The time limit can be extended in some circumstances. Check with the Tribunal Registry for more details.

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.

### *Fees*

When lodging an application with the Tribunal you will be required to pay an application fee of not less than \$153 (the Tribunal Registry will advise of the current fee). However, no fee is payable if you are receiving legal or financial assistance from the Attorney-General (see below). If you are unable to pay the application fee you can apply to have the fee waived on the grounds of hardship, subject to approval. Ask at the Tribunal Registry for more details.

You will have to pay any costs involved in preparing or presenting your case.

The ACT Planning and Land Authority will be the Respondent to your case.

### *Legal Assistance*

You may be able to get advice or legal aid from the ACT Legal Aid Office. They can be contacted on 02 6243 3411. You may also apply to the ACT Attorney General for legal or financial assistance. Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Chief Executive, ACT Department of Justice and Community Safety, GPO Box 158, CANBERRA ACT 2601.

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

- Aboriginal Legal Service: phone 02 6249 8488
- Legal Advice Bureau: phone 02 6247 5700
- ACT Council of the Ageing: phone 02 6282 3777
- Welfare Rights and Legal Centre: phone 02 6247 177

### *Access To Documents*

You may apply for access to any documents you consider relevant to this decision under the ACT *Freedom of Information Act 1989*. For more information on how you can obtain these documents please send your request to: The Manager, Government and Assembly Relations, ACT Planning and Land Authority, PO Box 1908, Canberra ACT 2601 or phone the Customer Services Centre 02 6207 1923.

### *What The AAT Will Do*

After an appeal has been lodged, the Tribunal will notify the decision-maker (respondent) and request that he/she provide a statement setting out his/her findings on material questions of fact, referring to the evidence or material on which those findings were based and giving the reasons for the decision. Also he/she will be required to provide copies of all the documents that were considered relevant to the review of the decision. If you are a party to the appeal (AAT applicant or party joined) the Tribunal will provide you with the decision-maker's statement and related documents (Tribunal Documents or 'T-docs') when they have been received.

#### *Party To A Proceeding*

The decision-maker, under direction from the Tribunal, may be required to give notice of the appeal to certain persons who will then be given an opportunity to apply to be joined as a party to the proceedings. When lodging an application to be joined as a party to a proceeding you will be required to pay an application fee of not less than \$153 (the Tribunal Registry will advise of the current fee). Check with the Tribunal Registry for more information on whether your interests would be best served by becoming a party to a proceeding or lodging a separate appeal.

If a person whose interests are affected by the decision applies to be joined as a party, the tribunal may, **in its discretion**, by order, make that person a party to the proceeding.

#### *Directions Hearing*

Each party to the appeal will be given notice of a directions hearing which they are required to attend personally or to be represented by another person. At the directions hearing, the Tribunal may refer the appeal to a registered mediator. The Tribunal will also give directions to the parties, which are to be followed by them if the matter is not referred to mediation or in the event that mediation is not successful in resolving the appeal. You should be in a position at the directions hearing to inform the Tribunal of any problem with your availability or that of your witnesses to attend the hearing of the appeal. Time limits will be fixed for compliance with the Tribunal's directions. In the event that any party other than the decision-maker fails to comply with the Tribunal's directions that party may be struck out as a party or, in the case of the applicant, the appeal may be dismissed.

#### *Mediation*

It is now a requirement that before an appeal is heard the Tribunal must consider whether it is a suitable case for mediation and, if so, refer the appeal to a registered mediator and direct the parties to attend the mediation. You will be requested to indicate on a form provided to you by the Tribunal whether or not you wish to participate in mediation and to provide your reasons.

Mediation is a process by which an independent and neutral person helps you and other parties to identify concerns, evaluate options and reach agreement. The mediator will not make any judgement about who is right or wrong and if

the mediation fails will not participate in the Tribunal hearing. If the Tribunal decides to refer your case to a mediator you will be informed of the place and time at which the mediation will be held.

### *Hearing*

The hearing will take place in a hearing room at the Magistrates Court Building.

Prior to the Hearing, a direction will have been issued requiring each party to provide to the Tribunal and the other parties a statement of facts and contentions, a copy of the statement of any witness proposed to be called to give evidence and any other material, such as plans and photographs, proposed to be presented to the Tribunal.

The statement of facts and contentions should set out the facts upon which each party relies, the evidence proposed to be presented to support those facts, the issues in the case to be resolved by the Tribunal and the submissions which each party wishes to make in support of the decision which they ask the Tribunal to make.

Ordinarily the person who lodged the appeal ("the applicant") will be asked to present his/her evidence first; then any other party supporting the applicant's case; then any party opposing the applicant's case ("the parties joined"); then the decision-maker ("the respondent". Witnesses should be present, or by application to the Tribunal, available to give evidence by phone hook up. If they are not present their evidence cannot be tested by cross-examination and may therefore be excluded.

For more detailed information on the hearing process please refer to the "*Guide to the Hearing*" on the Tribunal's web site.

### *Time For Deciding Cases*

The Tribunal 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 Tribunal upon it being satisfied that it is in the interests of justice to do so.

The following table will give some guidance to the timeframes for an appeal (days are approximate):

<b>Day 1</b>	Application for review lodged at the AAT
<b>Day 16</b>	T-docs lodged and applications for Parties Joined processed
<b>Day 26</b>	Directions Hearing
<b>Day 33</b>	Mediation session
<b>Day 36</b>	Mediation result
<b>Day 50</b>	Mediation successful – consent agreement lodged, case finalised
	Mediation unsuccessful

<b>Day 57</b>	AAT Applicant, and Parties Joined supporting Applicant, Facts and Contentions to be lodged
<b>Day 78</b>	Respondent, and Parties Joined opposing Applicant, Facts and Contentions to be lodged
<b>Day 85</b>	Parties to lodge material in reply
<b>Day 95</b>	Hearing
<b>Day 120</b>	Delivery of Decision

### *Costs*

The Tribunal also has the power to award costs against a party if the party contravenes a direction of the Tribunal and the Tribunal considers it in the interests of justice to make such an order. This power is in addition to the power of the Tribunal to strike out a party and to dismiss an application for failure to comply with the Tribunal's directions as outlined above.



## Translation and Interpretation Service

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:
PERSIAN	اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodioca telefonirajte:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana 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, 7 days a week



**ACT Planning &  
Land Authority**

**NOTICE OF DECISION TO AMEND AN APPROVAL**  
PURSUANT TO SECTION 247 OF THE LAND (PLANNING AND ENVIRONMENT) ACT 1991

**APPLICATION NO: 200309814 G**

**DATE LODGED: 5 May 2006**

**BLOCK: 1      SECTION: 10      SUBURB: Gungahlin**  
**ADDRESS: Cavanagh Street**  
**LESSEE: Section 10 Gungahlin Pty Limited**

**1.0 THE PROPOSAL**

Pursuant to section 247 of the *Land (Planning and Environment) Act 1991* ("the Land Act") approval is sought to amend development approval No. 200309814 dated 17 March 2004 by revising plant type locations and centres.

**2.0 THE DECISION**

I, MICHAELA WATTS, delegate of the Planning and Land Authority, pursuant to section 247 of the Act hereby **amend** the approval.

**3.0 REASONS FOR THE DECISION**

The development approval was amended in the manner described in Section 2.0 because, pursuant to section 247 of the Act, it:

- (a) does not change the effect of a condition subject to which the approval was given;
- (b) will not cause a significant increase in detriment to any person; and
- (c) does not change the kind of development approved but only the activity permitted.

Michaela Watts  
Delegate of the Planning and Land Authority  
29 May 2006

## ADVICE TO APPLICANT

### ***Review by the ACT Administrative Appeals Tribunal (AAT)***

If your interests are adversely affected by this decision you may apply to the Tribunal for a review.

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Location:

Tribunals Branch  
Magistrates Court  
4 Knowles Place  
CANBERRA ACT 2601

Postal Address:

GPO Box 370  
CANBERRA ACT 2601

Telephone: 02 6217 4261

Facsimile: 02 6217 4505

Document Exchange: DX 5691

Web Address: [www.courts.act.gov.au](http://www.courts.act.gov.au)

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To apply for a review, simply obtain an application form from the Tribunal or from the web address above. It outlines all the information needed by the Tribunal to process a review promptly.

Generally you should make your request for a review within 28 days of receiving this notice of the decision, but there are some variations to this time limit. The time limit can be extended in some circumstances. Check with the Tribunal Registry for more details.

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.

#### *Fees*

When lodging an application with the Tribunal you will be required to pay an application fee of not less than \$153 (the Tribunal Registry will advise of the current fee). However, no fee is payable if you are receiving legal or financial assistance from the Attorney-General (see below). If you are unable to pay the application fee you can apply to have the fee waived on the grounds of hardship, subject to approval. Ask at the Tribunal Registry for more details.

You will have to pay any costs involved in preparing or presenting your case.

The ACT Planning and Land Authority will be the Respondent to your case.

#### *Legal Assistance*

You may be able to get advice or legal aid from the ACT Legal Aid Office. They can be contacted on 02 6243 3411. You may also apply to the ACT Attorney General for legal or financial assistance. Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Chief Executive, ACT Department of Justice and Community Safety, GPO Box 158, CANBERRA ACT 2601.

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

- Aboriginal Legal Service: phone 02 6249 8488
- Legal Advice Bureau: phone 02 6247 5700
- ACT Council of the Ageing: phone 02 6282 3777
- Welfare Rights and Legal Centre: phone 02 6247 177

#### *Access To Documents*

You may apply for access to any documents you consider relevant to this decision under the ACT *Freedom of Information Act 1989*. For more information on how you can obtain these documents please send your request to: The Manager, Government and Assembly Relations, ACT Planning and Land Authority, PO Box 1908, Canberra ACT 2601 or phone the Customer Services Centre 02 6207 1923.

#### *What The AAT Will Do*

After an appeal has been lodged, the Tribunal will notify the decision-maker (respondent) and request that he/she provide a statement setting out his/her findings on material questions of fact, referring to the evidence or material on which those findings were based and giving the reasons for the decision. Also

he/she will be required to provide copies of all the documents that were considered relevant to the review of the decision. If you are a party to the appeal (AAT applicant or party joined) the Tribunal will provide you with the decision-maker's statement and related documents (Tribunal Documents or 'T-docs') when they have been received.

#### *Party To A Proceeding*

The decision-maker, under direction from the Tribunal, may be required to give notice of the appeal to certain persons who will then be given an opportunity to apply to be joined as a party to the proceedings. When lodging an application to be joined as a party to a proceeding you will be required to pay an application fee of not less than \$153 (the Tribunal Registry will advise of the current fee). Check with the Tribunal Registry for more information on whether your interests would be best served by becoming a party to a proceeding or lodging a separate appeal.

If a person whose interests are affected by the decision applies to be joined as a party, the tribunal may, **in its discretion**, by order, make that person a party to the proceeding.

#### *Directions Hearing*

Each party to the appeal will be given notice of a directions hearing which they are required to attend personally or to be represented by another person. At the directions hearing, the Tribunal may refer the appeal to a registered mediator. The Tribunal will also give directions to the parties, which are to be followed by them if the matter is not referred to mediation or in the event that mediation is not successful in resolving the appeal. You should be in a position at the directions hearing to inform the Tribunal of any problem with your availability or that of your witnesses to attend the hearing of the appeal. Time limits will be fixed for compliance with the Tribunal's directions. In the event that any party other than the decision-maker fails to comply with the Tribunal's directions that party may be struck out as a party or, in the case of the applicant, the appeal may be dismissed.

#### *Mediation*

It is now a requirement that before an appeal is heard the Tribunal must consider whether it is a suitable case for mediation and, if so, refer the appeal to a registered mediator and direct the parties to attend the mediation. You will be requested to indicate on a form provided to you by the Tribunal whether or not you wish to participate in mediation and to provide your reasons:

Mediation is a process by which an independent and neutral person helps you and other parties to identify concerns, evaluate options and reach agreement. The mediator will not make any judgement about who is right or wrong and if the mediation fails will not participate in the Tribunal hearing. If the Tribunal decides to refer your case to a mediator you will be informed of the place and time at which the mediation will be held.

### *Hearing*

The hearing will take place in a hearing room at the Magistrates Court Building.

Prior to the Hearing, a direction will have been issued requiring each party to provide to the Tribunal and the other parties a statement of facts and contentions, a copy of the statement of any witness proposed to be called to give evidence and any other material, such as plans and photographs, proposed to be presented to the Tribunal.

The statement of facts and contentions should set out the facts upon which each party relies, the evidence proposed to be presented to support those facts, the issues in the case to be resolved by the Tribunal and the submissions which each party wishes to make in support of the decision which they ask the Tribunal to make.

Ordinarily the person who lodged the appeal ("the applicant") will be asked to present his/her evidence first; then any other party supporting the applicant's case; then any party opposing the applicant's case ("the parties joined"); then the decision-maker ("the respondent". Witnesses should be present, or by application to the Tribunal, available to give evidence by phone hook up. If they are not present their evidence cannot be tested by cross-examination and may therefore be excluded.

For more detailed information on the hearing process please refer to the "*Guide to the Hearing*" on the Tribunal's web site.

### *Time For Deciding Cases*

The Tribunal 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 Tribunal upon it being satisfied that it is in the interests of justice to do so.

The following table will give some guidance to the timeframes for an appeal (days are approximate):

<b>Day 1</b>	Application for review lodged at the AAT
<b>Day 16</b>	T-docs lodged and applications for Parties Joined processed
<b>Day 26</b>	Directions Hearing
<b>Day 33</b>	Mediation session
<b>Day 36</b>	Mediation result
<b>Day 50</b>	Mediation successful – consent agreement lodged, case finalised
	Mediation unsuccessful
<b>Day 57</b>	AAT Applicant, and Parties Joined supporting Applicant, Facts and Contentions to be lodged
<b>Day 78</b>	Respondent, and Parties Joined opposing Applicant, Facts and Contentions to

	be lodged
<b>Day 85</b>	Parties to lodge material in reply
<b>Day 95</b>	Hearing
<b>Day 120</b>	Delivery of Decision

### *Costs*

The Tribunal also has the power to award costs against a party if the party contravenes a direction of the Tribunal and the Tribunal considers it in the interests of justice to make such an order. This power is in addition to the power of the Tribunal to strike out a party and to dismiss an application for failure to comply with the Tribunal's directions as outlined above.

## Translation and Interpretation Service

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:
PERSIAN	اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodioca telefonirajte:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana 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, 7 days a week