

## Johnston, HeatherG

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**From:** Gill, Elise  
**Sent:** Wednesday, 19 October 2011 9:31 AM  
**To:** Kos, Anita  
**Subject:** FW: AT11/53 &57 Consent Decisions  
**Attachments:** [REDACTED]

Hi Neets

Can you please refer these two appeal decisions to AVO and ask them for a full report?

Thanks  
Elise

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**From:** ACTPLA Customer Services  
**Sent:** Tuesday, 18 October 2011 4:25 PM  
**To:** Chapman, Maggie; Thew, Tony; Ponton, Ben; Green, Ben (ACTPLA); Gill, Elise; Boraiah, Thara; Cilliers, George; Oshyer, Aaron; Singh, Ravi  
**Subject:** AT11/53 &57 Consent Decisions

Good Afternoon,

Please disregard my earlier email regarding the consent decisions, the wrong reference was attached. Please find attached the correct references to the Consent Decisions on AT11/53 &57 (201017034 & 201017615).

Kind regards,

Leah Mokany | Customer Services Officer  
Phone 02 6207 1923 | Fax 02 6207 1925  
Client Services Branch | Environment and Sustainable Development | ACT Government  
Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601  
[www.actpla.act.gov.au](http://www.actpla.act.gov.au) | [actpla.customer.services@act.gov.au](mailto:actpla.customer.services@act.gov.au)

## Johnston, HeatherG

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**From:** Hurst, Jackie  
**Sent:** Thursday, 5 April 2012 1:37 PM  
**To:** 'Canberra Business Support'  
**Subject:** Notice of Decision-201017615-Reconsideration-signed  
**Attachments:** Notice of Decision-201017615-Reconsideration-signed.pdf

Dear AVO,

Further to our Notice of decision referral of 7 January 2011 , please find attached the notice of decision (NOD) Reconsideration for block 12 section 46 Turner DA 201017615.

Residential:

Please provide a comprehensive valuation report as per the Chief Planning Executive of ACT Planning and Land Authorities letter of 3 June 2010.

Non-residential:

Please provide your report as previously requested. If you do not agree with the valuation report provided by the applicant, would you please provide information on your recommended values and your calculation methodology. Please also provide sales evidence supporting your before and after values.

If you wish to discuss this matter further please phone me on 6207 5963.

Regards,

**Jackie Hurst**

Administrative Assistant | Lease Administration

Phone 02 6207 5963 | Fax 02 6207 1856

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

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 |

[jackie.hurst@act.gov.au](mailto:jackie.hurst@act.gov.au) | [www.actpla.act.gov.au](http://www.actpla.act.gov.au)

**Johnston, HeatherG**

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**From:** Gerard King [REDACTED]  
**Sent:** Tuesday, 10 April 2012 12:18 PM  
**To:** ACTPLA DA Leasing  
**Subject:** Block 12 Section 46 Turner [SEC=UNCLASSIFIED]  
**Attachments:** 1601924 AVO ACTPLA CUC April 2012 cko.pdf

Jackie

Please find attached the CUC for Block 12 Section 46 Turner as per your request of 5 April 2012.

Please do not hesitate to contact me if you require further assistance.

Regards

**Gerard King**  
A/g Regional Resource Coordinator | ACT Region  
Australian Valuation Office | ATO  
Ph: [REDACTED] | Fax: (02) 6216 1996

[www.avo.gov.au](http://www.avo.gov.au)

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**Australian Government**  
**Australian Taxation Office**  
**Australian Valuation Office**

CANBERRA OFFICE  
PO Box 707  
CIVIC SQUARE ACT 2608  
Phone: (02) 6216 4827  
Facsimile: (02) 6216 1996

The Manager  
Leasing and Building Services Branch  
ACT Planning & Land Authority  
GPO Box 1908  
CANBERRA, ACT 2601

ATTENTION: Jackie Hurst

**CROWN LEASE:**                    **BLOCK 12 SECTION 46 TURNER**  
**ADDRESS:**                        [REDACTED]  
**LESSEE:**                            [REDACTED]  
**DA No:**                              **DA 201017615**  
**SITE AREA:**                        [REDACTED]  
**ZONE:**                                **RZ4**

**Your Request of 5 April 2012**

We have completed a review of the change of use assessment for the above mentioned property. A brief report has been attached to this letter for your reference.

For any further consultation regarding this matter please contact Chandresh Kotecha on [REDACTED].



Geoff McInerney, AAPI CPV  
A/g Regional Manager  
Australian Valuation Office  
Canberra Region

10 April 2012

## CHANGE OF USE CHARGE

### REVIEW

**CROWN LEASE:** BLOCK 12 SECTION 46 TURNER  
**ADDRESS:** [REDACTED]  
**LESSEE:** [REDACTED]  
**DA No:** DA 201017615  
**SITE AREA:** [REDACTED]  
**ZONE:** RZ4

#### Instructions

The ACT Planning and Land Authority (ACTPLA) requested AVO to provide relevant comments in regard to a Change of Use Charge assessment for the abovementioned property.

The request from ACTPLA included:

- a copy of the Development Application and details of the proposed lease variation;
- a copy of the Crown lease; and
- a valuation report prepared by [REDACTED] of Colliers International dated 29 January 2010.
- Notice of Decision from ACTPLA refusing the Development Application; and
- A subsequent order by ACAT approving the Development Application subject to certain conditions.

AVO's valuation review process included the following:

- Perusal and consideration of the information provided in the request
- An inspection of the subject property (from the roadside)
- Research and analysis of additional market evidence
- Quality assurance by a Senior Valuer

#### Development Application

The proposed development application seeks to vary the purpose clause in the Crown lease to permit eight (8) residential units in a three storey building with basement car parking.

#### Private Valuer's Assessment

After Value	V <sub>1</sub>	\$ [REDACTED]
Before Value	V <sub>2</sub>	\$ [REDACTED]

## Comment

The AVO kerb side inspection of the subject property and the comparable market evidence indicates that the "After" value assessed by the private valuer is outside market parameters and is considered not suitable for use in the calculation of the Change of Use Charge.

AVO investigated sales of dual occupancy sites and multiple occupancy sites that sold in-one-line against individual unit-titled sales. It was identified that unit-titled dwellings are selling at firmer prices per dwelling than comparable non-unit-titled dwellings, which is evident in the sales information. This rate of increase in value, over and above a single dwelling site, was also identified in sales of dual occupancy sites. AVO-analysed sales are set out in the Market Evidence section of this report.

AVO notes that the Notice of Decision dated 24 December 2010 refused the proposed Development Application based on the reasons contained in the relevant document. The above mentioned decision was reviewed by the ACAT and a subsequent order approving the proposed Development Application was passed via AT11/53 dated 13 October 2011. ACAT's decision has been taken into account in this assessment.

## Market Commentary

The Canberra residential property market has remained firm over the past twelve months. Low supplies of housing stocks and high demand has seen the Canberra residential prices remain steady over the past two years.

## Valuation Methodology

Direct Comparison of Market Evidence Approach.

## Valuation Calculations

### "Before Value"

Based on the sales evidence listed in this report, AVO assessed the "Before Value" of the subject property as \$ [REDACTED]

### "After Value"

The proposed GFA on the subject block is [REDACTED]; equating to approximately [REDACTED] per unit GFA for a development of eight (8) units.

Sale 1 in the "After Value" evidence indicates a unit rate of [REDACTED] per unit for a unit size of [REDACTED]<sup>2</sup>. The sale occurred pre-DA approval in an inferior (less central) location compared to the subject property.

Sale 2 indicates [REDACTED] per unit site for a similar smaller unit size of [REDACTED] in a comparable locality. Allowing for the positive market movement in the residential sector since 2009, this sale readily supports AVO adopted rate of [REDACTED] per unit site for the subject development.

Sale 3 indicates a rate of [REDACTED] per unit site for a site density of [REDACTED] per unit GFA for a larger development of 20 units.

Sale 4 indicates [REDACTED] per unit site for a considerably smaller unit size of [REDACTED] in a comparable locality. Allowing for the market movement since 2010 and also allowing for the time for the DA approval, this sale supports the AVO assessed 'After Value' at [REDACTED].

All the "After Value" sales contained in this report support AVO adopted 'After' value unit rate of [REDACTED] per unit site after allowing professional charges for preparing drawings and planning approval.

Considering the sales evidence contained in this report and valuation rationale AVO assesses the "After Value" of the subject property as [REDACTED], equating to approximately [REDACTED] per unit site of 99 m<sup>2</sup> per unit GFA.

### AVO Market Evidence – "Before Value"

#### Sale 1

**Legal:** [REDACTED]  
**Address:** [REDACTED]  
**Sale Price:** [REDACTED]  
**Date sale:** 05/07/2011  
**Block size:** [REDACTED] [REDACTED]  
**Description:** A single level brick and tile dwelling, offering 3 bedrooms and 1 bathroom. Dwelling is in fairly original condition as advertised. Located within an RZ4 zone permitting a 65% plot ratio  
**Comment:** Larger allotment in less desirable location as compared to the subject

#### Sale 2

**Legal:** [REDACTED]  
**Address:** [REDACTED]  
**Sale Price:** [REDACTED]  
**Date sale:** 07/09/2011  
**Block size:** [REDACTED] [REDACTED]  
**Description:** A single level brick dwelling offering 3 bedrooms, 1 bathroom over a regular shaped corner block; Zoned RZ4 permitting 80% plot ratio.  
**Comment:** Inferior to subject

#### Sale 3

**Legal:** [REDACTED]  
**Address:** [REDACTED]  
**Sale Price:** [REDACTED]  
**Date sale:** 30/04/2011  
**Block size:** [REDACTED] [REDACTED]  
**Description:** A single level, brick & tile dwelling offering 3 bedrooms, 1 bathroom and single lock up garage over a slightly irregular shaped allotment.  
**Comment:** Comparable improvements over smaller allotment in comparable location. Overall less valuable than the subject property

**Market Evidence - "After Value"****Sale 1**

**Legal:** [REDACTED]  
**Address 1:** [REDACTED]  
**Sale Price:** [REDACTED]  
**Date sale:** 11/09/10  
**Block size:** [REDACTED] [REDACTED]

**Address 2:** [REDACTED]  
**Sale Price:** [REDACTED]  
**Date sale:** 25/02/10  
**Block size:** [REDACTED] [REDACTED]

**Comments:** Two adjacent blocks with existing detached dwellings over each block within RZ2 zone; exchanged via separate transactions for a total price of [REDACTED] with an intention to re-develop. DA lodged on 13 January 2011 for eight (8) residential townhouses; **pre-DA** sale indicates [REDACTED] **per unit** for [REDACTED] per unit GFA.

**Sale 2**

**Legal:** [REDACTED]  
**Address:** [REDACTED]  
**Sale Price:** [REDACTED]  
**Date sale:** 22 Jan 2009  
**Block size:** [REDACTED]

**Description:** Two adjoining consolidated blocks with DA approval for **11 units** sold together in one-line for [REDACTED]. The property is zoned 'RZ2' under the ACT *Territory Plan 2008*, as amended.

This sale equates to [REDACTED] **per unit site** for a unit GFA of [REDACTED] based on 65% plot ratio.

**Sale 3**

**Legal:** [REDACTED]  
**Address:** [REDACTED]  
**Sale Price:** [REDACTED]  
**Date sale:** 15 April 2009  
**Block size:** [REDACTED]

**Description:** Three adjoining detached dwellings, sold with building plans approval for **20 units** including basement car parking. The property is zoned 'RZ3' under the ACT *Territory Plan 2008*, as amended, permitting 65% plot ratio. The sale equates to [REDACTED] per unit GFA of [REDACTED]<sup>2</sup>.

**Sale 4**

**Legal:** [REDACTED]  
**Address:** [REDACTED]  
**Sale Price:** [REDACTED]  
**Date sale:** 14 August 2010  
**Block size:** [REDACTED]  
**Description:** Three dwellings sold in one-line at auction. These blocks are located within an RZ4 zone permitting 80% plot ratio; however development north of Macarthur Avenue is currently restricted to a plot ratio of 65%; permitting a GFA of [REDACTED]<sup>2</sup>; equating to approximately **88 m<sup>2</sup>** per unit GFA for a development of **20 units**. This sale equates to [REDACTED] per square metre of site area or [REDACTED] per unit site **pre-DA approval**.

**Australian Valuation Office's Assessment**

After Value	$V_1$	[REDACTED]
Before Value	$V_2$	[REDACTED]

**Proviso**

This valuation is not to be used after 3 months from the date of valuation, nor if there are any material or economic changes meanwhile. In either event it should be referred back to the Australian Valuation Office for review.

For any further consultation regarding this matter please contact Chandresh Kotecha on [REDACTED].



Chandresh Kotecha AAPI  
 Valuer  
 Australian Valuation Office  
 Canberra Region

10 April 2012

**Disclaimer**

This assessment is for the exclusive use of the Leasing and Compliance Section of the ACT Planning and Land Authority to whom it is addressed and is undertaken in accordance with instructions provided in the request.

This report is not to be used by any other party for any purpose. Neither the whole nor any part of this report or any reference thereto may be included in any published document, circular or statement, nor published in part nor in full in any way without written approval of the Australian Valuation Office of the form and context in which it will appear.

Notwithstanding the foregoing, the client agrees that in the event that it does communicate to a third party the whole or any part of this valuation it shall also communicate to the third party the full terms as stated under this disclaimer and further agrees to indemnify the Australian Valuation Office in the event of any failure to do so.

## Johnston, HeatherG

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**From:** Hurst, Jackie  
**Sent:** Monday, 30 April 2012 10:51 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Pre Determination letter - 12/46 TURNER - 201017615  
**Attachments:** 20120410 - AVO ACTPLA CUC April 2012.pdf, 20120430 - SIGNED - Predetermination Letter.pdf

Dear [REDACTED],

Please find attached the Pre-determination and the AVO CUC Report for Block 12 Section 46 Suburb of TURNER

DA 201017615

Please find attached a copy of the CUC report from AVO.

The original version of this determination was sent out today.

Please call me if I can be of further assistance on 6207 5963.

Regards

Jackie Hurst

Administrative Assistant | Lease Administration Phone 02 6207 5963 | Fax 02 6207 1856  
Planning Delivery Division | ACTPLA | Environment and Sustainable Development | ACT  
Government Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT  
2601 | [jackie.hurst@act.gov.au](mailto:jackie.hurst@act.gov.au) | [www.actpla.act.gov.au](http://www.actpla.act.gov.au)

**Johnston, HeatherG**

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**From:** Hurst, Jackie  
**Sent:** Monday, 30 April 2012 11:28 AM  
**To:** [REDACTED]  
**Subject:** FW: Pre Determination letter - 12/46 TURNER - 201017615  
**Attachments:** 20120410 - AVO ACTPLA CUC April 2012.pdf; 20120430 - SIGNED - Predetermination Letter.pdf

Dear [REDACTED]

Here is the Predetermination for 12/46 TURNER 201017615.

Please find attached the AVO report.

If I can be of any further assistance, please call me on 62075963

Regards,

Jackie Hurst  
Administrative Assistant | Lease Administration | Phone 02 6207 5963 | Fax 02 6207 1856 |  
Planning Delivery Division | ACTPLA | Environment and Sustainable Development | ACT  
Government | Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra  
ACT 2601 | [jackie.hurst@act.gov.au](mailto:jackie.hurst@act.gov.au) | [www.actpla.act.gov.au](http://www.actpla.act.gov.au)

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

**From:** Hurst, Jackie  
**Sent:** Monday, 30 April 2012 10:51 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Pre Determination letter - 12/46 TURNER - 201017615

Dear [REDACTED]

Please find attached the Pre-determination and the AVO CUC Report for Block 12 Section 46 Suburb of TURNER

DA 201017615

Please find attached a copy of the CUC report from AVO.

The original version of this determination was sent out today.

Please call me if I can be of further assistance on 6207 5963.

Regards

Jackie Hurst  
Administrative Assistant | Lease Administration Phone 02 6207 5963 | Fax 02 6207 1856  
Planning Delivery Division | ACTPLA | Environment and Sustainable Development | ACT  
Government Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT  
2601 | [jackie.hurst@act.gov.au](mailto:jackie.hurst@act.gov.au) | [www.actpla.act.gov.au](http://www.actpla.act.gov.au)







Dear 

**DA 201017615 Block 12 Section 46 TURNER – Valuation Report**

This letter is to advise you that on behalf of the ACT Planning and Land Authority (ACTPLA) the Australian Valuation Office (AVO) has reviewed the valuation report submitted with the above development application. The AVO does not agree with the values identified in the report.

The AVO has provided the following figures in relation to their assessed before and after values:

After Value:	\$ 
Before Value:	\$ 
<b>Added Value:</b>	<b>\$ </b>

It is noted that this is a difference of \$  between your calculated added value and that of the AVO. I have attached a copy of their findings for your information.

Should you wish to discuss this matter you must, within fifteen (15) working days from the date of this letter, make a written request for a meeting. At the time of your request you should also provide ACTPLA with the following information as is relevant:

- A list of items of difference within the valuation assessments including capitalisation rates, cost differences, value components, dollar rates etc.
- Reports not previously submitted with the original development application including building, architectural, town planning etc.
- New or additional sales or rental information not previously included in the valuation report provided in the submission of the development application.
- Rationalisation of how the new points introduced by you will affect your valuation assessment.

Meetings can be requested by email to [actpladaleasing@act.gov.au](mailto:actpladaleasing@act.gov.au) or mail to the Assistant Principal Officer, DA Leasing to the address below.

Failure to request a meeting and provide the required information within the time frame will result in the change of use charge being determined in accordance with the *Planning and Development Act 2007*.

Should you wish to discuss this matter further I can be contacted via email [actpladaleasing@act.gov.au](mailto:actpladaleasing@act.gov.au) or on telephone 6207 5963.

Yours sincerely



Jackie Hurst  
Leasing Section  
Planning Delivery Division

30 April 2012

## Johnston, HeatherG

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**From:** Zeller, Sam  
**Sent:** Tuesday, 31 July 2012 8:25 AM  
**To:** [REDACTED]  
**Subject:** Block 12 Section 46 Turner - DA 201017615

Hi [REDACTED]

I've looked into this matter and the last correspondence indicates that we have pre-determined the CUC, and I will need to arrange a meeting with yourself, Geoff and the applicant's valuer.

I will be in contact shortly to arrange this meeting.

Regards,

**Sam Zeller**

Leasing Officer | Lease Administration

Phone 02 6207 8797 | Fax 02 6207 1856

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

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 |

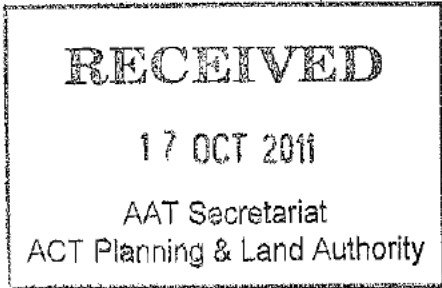
[sam.zeller@act.gov.au](mailto:sam.zeller@act.gov.au) | [www.actpla.act.gov.au](http://www.actpla.act.gov.au)

**ACAT Appeal Checklist – After Appeal Finalised**

<b>Block</b>	<b>12</b>	<b>Section</b>	<b>46</b>	<b>Suburb</b>	<b>Turner</b>
<b>ACAT Number</b>	<b>AT11/57</b>		<b>DA Number</b>		<b>201017615</b>
<b>Name of Applicant(s):</b>			<b>Application:</b>		
<b>Authority Case Officer: Thara Boraiah</b>					
<b>D A Y 1</b>	Decision received from ACAT (either via mail (hard copy) or e-mail (electronic)) <span style="float: right;">Date _____</span>				
	If only hard copy received (usually consent decisions) scan ( <b>File name AT0X-XX AAT applicant (eg AT08-12 Smith)</b> ) and save into decision folder in Objective: ACAT COORDINATION team\ACAT COORD DECISIONS\ATXX Decisions				
	Create copy of decision and save copy into relevant appeal folder in DA or TL file <span style="float: right;"><input type="checkbox"/></span>				
	"Send reference" via Objective of decision to:				
	Case Officer <input type="checkbox"/>				
	Supervisor <input type="checkbox"/>				
	Section Head <input type="checkbox"/>				
	Branch Head <input type="checkbox"/>				
	ACTPLA DA Leasing (if a DA/Leasing appeal) <input type="checkbox"/>				
	If the appeal has a decision with reasons, send reference of decision to the ACAT Decision Review Committee – Tony Thew, Ben Ponton, Bruce Frazer, Maggie Chapman, David Dunstan, Sherridan Steele, Karen Wilden, Aaron Oshyer.				
	Update ACAT decision details on Excel Database and Monthly Exec report: (Objective:\ACAT COORDINATION team\ACAT COORD Databases\ACAT Appeals current DATABASE) <span style="float: right;"><input type="checkbox"/></span>				
	(Objective:\ACAT COORDINATION team\ACAT COORD Reports Current\ACAT COORD Monthly Exec Reports\Monthly Exec Rpt on Appeals) <span style="float: right;"><input type="checkbox"/></span>				
	Update note on DA file, 6 - Decision folder with result of appeal. (DA appeals only) <span style="float: right;"><input type="checkbox"/></span>				
	Finalise Appeal details on DARTS – update status for <b>appeal activity only!</b> (Do not update any other activity) <span style="float: right;"><input type="checkbox"/></span>				
	If appeal finalised prior to hearing delete any Tasks/Hearing dates in case officers electronic diaries (only the officer who made the electronic bookings can delete it) <span style="float: right;"><input type="checkbox"/></span>				
Delete any Hearing dates from 'Current Appeal Dates' listing <span style="float: right;"><input type="checkbox"/></span>					
ACAT Decision Review form – complete top section then send to Case Officer (ACAT COORDINATION team\ACAT COORD Decision Review Committee\ACAT Summary Sheets\Decision Summary proforma) <span style="float: right;"><input type="checkbox"/></span>					
File the signed hard copy of Decision in Decision's Folder <span style="float: right;"><input type="checkbox"/></span>					
Destroy any surplus copies of the T-doc <span style="float: right;"><input type="checkbox"/></span>					
Media? (Check media over next week to see if any articles on the appeal and save into (ACAT COORDINATION team\ACAT COORD Media) with alias to relevant appeal folder) <span style="float: right;"><input type="checkbox"/></span>					

AUSTRALIAN CAPITAL TERRITORY )  
CIVIL AND ADMINISTRATIVE TRIBUNAL )

AT 11/57



[Redacted] Applicant

ACT PLANNING AND LAND AUTHORITY  
Respondent

[Redacted] Party Joined

**CONSENT DECISION PURSUANT TO SECTION 55 OF THE  
ACT CIVIL AND ADMINISTRATIVE TRIBUNAL ACT 2008 (ACT)**

**Tribunal** : Professor P Spender - Presidential Member

**Date** : 12 October 2011

Whereas –

- 1) the parties have reached an agreement as to the terms of a decision of the Tribunal that is acceptable to them;
- 2) the terms of the agreement have been reduced to writing, signed by or on behalf of the parties and lodged with the Tribunal;
- 3) the Tribunal is satisfied that a decision consistent with those terms would be within the powers of the Tribunal;

By consent, the Tribunal makes orders in the terms of the agreement signed by the parties and annexed hereto as Attachment A.

Professor P Spender  
Presidential Member

File Number **ACT CIVIL AND ADMINISTRATIVE TRIBUNAL**

AT 11/57



**APPLICATION FOR INTERIM OR OTHER ORDERS – GENERAL\***

*\*see attachment for when this application may be used*

**APPLICANTS**

Name



**RESPONDENT**

Name

ACT Planning and Land Authority

~~THIS APPLICATION is made by the: (Strike out what does not apply)~~

**Applicant**

**Respondent**

**All Parties**

~~Orders sought – interim or other orders: (use an attachment if insufficient space and number each order separately)~~

The parties have reached agreement in this matter, and request that the Tribunal make the following orders pursuant to section 55 of the *ACT Civil and Administrative Tribunal Act 2008 (ACAT Act)*:

That with reference to section 68(2) of the ACAT Act, the decision under review is varied so as to approve DA201017615 pursuant to section 162(1)(b) of the *Planning and Development Act 2007* subject to the conditions attached as marked Annexure 'A'.

**Legislation under which orders are sought:**

Section 55 of the *ACT Civil and Administrative Tribunal Act 2008*.



**Grounds relied on**

The parties have reached an agreement about the terms of a Tribunal decision in relation to the application. The terms of the agreement have been reduced to writing, signed by the parties and lodged with the Tribunal.

[Redacted]  
**Applicant**

**Date:**

**ACT Government Solicitor  
Per: Leszek Stawski  
Solicitor for the Respondent**

**Date:**

[Redacted]  
**Party Joined**

**Date:** 29/9/2011

[Redacted]  
**Party Joined**

**Date:** 29/9/2011

### Applications for Interim or Other Orders

This form may be used when an application has already commenced before the tribunal and a party or someone else wishes to apply for an interim or other order in relation to that application. It should be used only when no other specific form exists for the application. It may only be used when the ACT Civil and Administrative Act 2008 (the Act) or some other law authorises the application.

Examples of applications that may be made include:

1. for an interim order under section 53 of the Act or to vary, revoke or extend such an order
2. to join a person as a new party to an application
3. for an order under section 35 of the Act referring a matter for mediation and requiring the parties to attend a mediation
4. for an order under section 39(3) of the Act relating to hearings in private or partly in private
5. to set aside a subpoena completely or partly under section 41(6) of the Act
6. for a direction to permit a person to take part or give evidence other than in person under section 45 of the Act
7. to amend a document under section 47 of the Act
8. for the tribunal to make an order in accordance with agreed terms under section 55 of the Act
9. for an order to hear an application jointly with another application under section 56 (a) of the Act
10. for orders to be made by consent under section 56(b) of the Act
11. to amend or set aside a tribunal order under section 56(c)
12. to extend the period for compliance stated in a direction made under section 67 of the Act
13. to remove an application to the Supreme Court under section 83 of the Act or for the referral of a question of law to the Supreme Court under section 84 of the Act

**NOTE:** This is not an exhaustive list of the applications for interim or other orders that may be made using this form.

Unless it is inconsistent with a provision in the Act or in an authorising law or rule, a person may apply to the tribunal for an interim or other order in an application by:

- (a) lodging an application in writing using this form or
- (b) by writing a letter to the tribunal or
- (c) by making an oral application to the tribunal.

A person who wishes to apply for an interim or other order in an application should ensure that every party to the application is aware of what orders are sought and when the application is going to be made.

In making a decision about how an application for an interim or other order should be made in a matter the tribunal will consider:

- (a) the need to observe natural justice and procedural fairness, and;
- (b) the requirement for procedures to be as simple, quick, inexpensive and informal as is consistent with achieving justice and
- (c) the needs of the particular matter

## ANNEXURE A1

### CONDITIONS OF APPROVAL (BLOCK 4 SECTION 46 TURNER)

This application is approved subject to the following conditions being satisfied. Some conditions of approval may require attention before the approved drawings will be released by the Planning Authority, others before work commences or before the completion of building work.

#### A. ADMINISTRATIVE / PROCESS CONDITIONS

##### 1. FURTHER INFORMATION

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

- i. revised architectural drawings (including a revised landscape plan and lighting plan), based on the relevant drawings as attached hereto as Attachments A1-

Note 1: The revised drawings (referred to in A.1.i above) shall include a safety barrier on the retaining wall on the southern side of the driveway ramp up to the building line, and the area between the safety barrier and the adjacent boundary of the block shall be landscaped in a way to limit persons accessing this area.

Note 2: The revised landscape plan (referred to in A.1.i above) shall indicate replacement planting (liquid amber or similar species) of advanced stock to replace the liquid amber tree previously removed at the front.

Note 3: The lighting plan (referred to in A.1.i above) shall comply with the requirements of the Crime Prevention through Environmental Design Code (and applicable Australian Standards), but shall be designed to limit light-spill to adjoining properties.

- ii. the relevant revised architectural drawings (referred to in A.1.i above) endorsed as compliant by ActewAGL (Electricity Networks) and ActewAGL (Water and Sewerage Networks).

#### B. CONDITIONS RELATING TO THE VARIATION OF A CROWN LEASE

##### 2. SURRENDER AND REGRANT

That the lessee surrender the existing Crown lease over Block 4 Section 46 Division of Turner - (Volume 44 : Folio 4321) and accept a new Crown lease substantially in accordance with the form of lease appearing at Attachment R1.

##### 3. LEASE VARIATION CHARGE

Prior to the registration of the new consolidated Crown lease, the lessee must, as is required under the *Planning and Development Act 2007*, pay any assessed Lease Variation Charge. Once advised of the lease variation charge, the charge should be paid not less than 3 months prior to the expiration of this approval. This will ensure that sufficient time remains to enable the new consolidated

[Redacted] 29/9/2011

[Redacted] 29/9/11

Crown lease to be registered at the Office of Regulatory Services prior to expiry of this approval.

Note: For approvals that involve a lease variation only, there is no provision under the *Planning and Development Act 2007* to extend the time frame for compliance with the approval beyond the 2 years after the date this approval takes effect.

4. LEASE REGISTRATION

That the lessee shall do all that is necessary to ensure that the new Crown lease giving effect to this approval is registered at the Office of Regulatory Services within 28 days of being notified that the Crown lease is available for registration or within such further time as may be approved by the Planning and Land Authority;

5. COMMENCEMENT OF BUILDING WORK

That no building work in relation to this Development Application is to commence on the site until the new consolidated Crown lease is registered at the Office of Regulatory Services.

### ADVISORY NOTES RELATING TO THE VARIATION OF A CROWN LEASE

i. FURTHER APPROVALS

Please note that the realisation of the approved lease variation to its fullest extent may not be achieved as design and siting is subject to the submission and approval of a further Development Application.

ii.

Prior to the registration of the new consolidated Crown lease, the lessee must, as is required under the *Planning and Development Act 2007*, pay any assessed Lease Variation Charge. Once advised of the lease variation charge, the charge should be paid not less than 3 months prior to the expiration of this approval. This will ensure that sufficient time remains to enable the new consolidated Crown lease to be registered at the Office of Regulatory Services prior to expiry of this approval.

Note: For approvals that involve a lease variation only, there is no provision under the *Planning and Development Act 2007* to extend the time frame for compliance with the approval beyond the 2 years after the date this approval takes effect.

### C. PRIOR TO CONSTRUCTION AND/OR DEMOLITION

1. SEDIMENT AND EROSION CONTROL

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

2. TREE PROTECTION

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

3. LANDSCAPE MANAGEMENT AND PROTECTION PLAN (LMPP)

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

#### 4. TRAFFIC MANAGEMENT

A Temporary Traffic Management (TTM) Plan shall be prepared by a suitably qualified person and approved by the Senior Manager, Asset Acceptance prior to commencement of any work on the site. This plan is to address, as a minimum, measures to be employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices;

#### 5. NOTICE OF COMMENCEMENT OF CONSTRUCTION

Notice of Commencement of Construction shall be submitted to the Manager Asset Acceptance one week prior to the commencement of works. The Notice shall also include the confirmation of any protective measures installed in accordance with the approved LMPP and programmed implementation of the TTM.

### D. DURING CONSTRUCTION AND/OR DEMOLITION

#### 1. SEDIMENT AND EROSION CONTROL

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

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

#### 2. TREE PROTECTION

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

#### 3. LANDSCAPE MANAGEMENT AND PROTECTION PLAN (LMPP)

During any work undertaken on the site, all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with a Landscape Management Plan approved by the Senior Manager Asset Acceptance, Land Management and Planning Division, Department of Territory and Municipal Services

4. TRAFFIC MANAGEMENT

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

5. UPGRADING OF BOUNDARY FENCES

Pursuant to sub paragraph 165(3)(n)(ii) of the *Planning and Development Act 2007*, at the lessee's expense and before the completion of building work, the existing fences on all the adjoining leased boundaries shall be upgraded to a 1.8m high timber lapped and capped fence, or to another standard acceptable to the ACT Planning and Land Authority. The lessee must take all reasonable steps to obtain the written agreement of the respective lessees before the erection of any new fencing. If there is no agreement, the fencing is to be to the satisfaction of the ACT Planning and Land Authority. New fencing shall not extend further forward than the new building line.

6. WASTE MANAGEMENT

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

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

1. WASTE

A fully detailed waste management plan must be provided at Design Acceptance including demolition, construction and operational waste.

2. DESIGN ACCEPTANCE

A Certificate of Design Acceptance and a Certificate of Operational Acceptance on completion of the works are required from the Senior Manager, Asset Acceptance, Land Management and Planning, TAMS, prior to the issue of a Certificate of Occupancy. The Certificate of Design acceptance will be issued for all off-site works or its updated version approved by ACTPLA.

In order to obtain the Certificate of Design Acceptance, fully detailed drawings (civil, landscape) prepared by suitably qualified persons for all off-site works including roads, driveways, footpaths, street lighting, storm water, landscaping (and any other issues that may be found by audit of the plans) and a design report in accordance with Ref No 06: "Requirements for Design Acceptance Submissions", must be certified by a Chartered Engineer/Landscape Architect and submitted to the Senior Manager, Asset Acceptance. Similarly a Chartered Engineer/Landscape Architect should certify compliance with TAMS Ref No 08: "Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance is made to the Senior Manager, Asset Acceptance on completion of all off-site works.

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

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

## APPENDIX 1

### CONTACT DETAILS OF RELEVANT AGENCIES

<b>ACT Health</b> - health protection	Website: <a href="http://www.health.act.gov.au">www.health.act.gov.au</a> Telephone: (02) 6205 1700
<b>ACT Planning and Land Authority</b> - list of certifiers for building approval - demolition information - asbestos information	Website: <a href="http://www.actpla.act.gov.au">www.actpla.act.gov.au</a> Telephone: (02) 6207 1923 or (02) 6207 1687
<b>Department of Territory and Municipal Services</b> - tree damaging activity approval - heritage - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets - threatened species/wildlife management	Website: <a href="http://www.tams.act.gov.au">www.tams.act.gov.au</a> Telephone: 132 281 Telephone for asset acceptance: (02) 6207 6594  Research and Planning (02) 62071911
<b>Department of Environment, Climate Change, Energy and Water</b> - environment protection - water resources	Website: <a href="http://www.environment.act.gov.au">www.environment.act.gov.au</a> Telephone: (02) 62076251 for Environment Protection Authority (EPA)
<b>Utilities</b> - Telstra (networks) - TransACT (networks) - ActewAGL - Electricity reticulation	Telephone: (02) 9397 2090 Telephone: (02) 6229 8000 Telephone: 1100 Telephone: (02) 6293 5738

### ADVICE TO APPLICANT

#### SUBMISSION OF REVISED DRAWINGS AND DOCUMENTATION

If a condition of approval requires the applicant to lodge revised drawings and/or documentation with the ACT Planning and Land Authority for approval under section 165 of the *Planning and Development Act 2007* the submission shall be made with a completed application Form 11 for Section 144 & 197 Amendments and Satisfying Conditions of Approval (S.165).

#### FURTHER APPROVALS FOR CONSTRUCTION

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

#### BUILDING APPROVAL

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

#### PERMITTED VARIATIONS TO APPROVED DEVELOPMENT

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

Schedule 1A of that regulation.

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

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

#### "TREE DAMAGING ACTIVITY" APPROVAL

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

#### USE OF VERGES OR OTHER UNLEASED TERRITORY LAND

In accordance with the *Roads and Public Places Act 1937*, road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. Approval can be obtained from the Department of Territory and Municipal Services.

#### WORKS ON UNLEASED TERRITORY LAND – DESIGN AND OPERATIONAL ACCEPTANCE

In accordance with the *Roads and Public Places Act 1937*, no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval must be obtained from the Manager Asset Acceptance, Asset Services Group, TAMS by way of:

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

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

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

#### **CONSTRUCTION REQUIREMENTS**

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

#### DEMOLITION AND ASBESTOS MANAGEMENT

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

#### ENVIRONMENT PROTECTION

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

information is available from the Department of Environment, Climate Change, Energy and Water.

#### REPAIR OF DAMAGE TO PUBLIC ASSETS

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

#### UTILITY ASSETS RETENTION

The lessee should obtain a plant location advice from ActewAGL to avoid conflict with existing plant or electrical easements. The lessee will be responsible for the costs associated with the relocation of assets, if necessary. The lessee is to ensure that the water service and water meter are retained in position and in good condition. 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.

#### ACCESS TO DOCUMENTS ABOUT THE DECISION

You may apply for access to any documents you consider relevant to this decision under the ACT Freedom of Information Act 1989. Information about Freedom of information requests is available on the ACT Planning and Land Authority's web site or by contacting us by phone on (02) 6207 1923.

#### TRANSLATION AND INTERPRETER SERVICES

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

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	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, seven days a week

**Attachment R1**

DRAFT CROWN LEASE – DA-201017615  
Entered in Register Book Vol

Folio

**This is a market value  
lease - s238(2)(a)(ii) Planning  
and Development Act 2007**

**AUSTRALIAN CAPITAL TERRITORY**

**PLANNING AND DEVELOPMENT ACT 2007**

**Australian Capital Territory (Planning and Land  
Management) Act 1988 (C'th) ss 29, 30 & 31**

LEASE GRANTED pursuant to the Planning and Development Act 2007 and the  
Regulations made under that Act on the                      day of                      Two  
thousand and                      WHEREBY THE PLANNING AND LAND

**LESSEE** AUTHORITY (“the Authority”) ON BEHALF OF THE COMMONWEALTH  
OF AUSTRALIA (“the Commonwealth”) in exercising its functions grants to  
a company having its registered office at  
in the Australian Capital Territory number of

**LAND** shares/tenants in common/joint tenants (“the Lessee”) ALL THAT piece or parcel  
of land situate in the Australian Capital Territory containing an area of [redacted]  
square metres or thereabouts and being **Block 12 Section 46 Division of  
Turner** as delineated on **Deposited Plan Number 324** in the Registrar-

**TERM** General’s Office at Canberra in the said Territory (“the land”) RESERVING unto  
the Territory all minerals and the right to the use, flow and control of ground water  
under the surface of the land TO HOLD unto the Lessee for the term commencing  
on the                      day of                      **Two thousand and**

(“the date of the commencement of the lease”) and terminating on the **twenty  
ninth day of July Two thousand and fifty** to be used by the Lessee for the  
purpose set out in Clause 3(a) of this lease only YIELDING AND PAYING  
THEREFOR rent in the amount and in the manner and at the times provided for in  
this lease and UPON AND SUBJECT TO the covenants conditions and  
agreements contained in this lease.

22/9/11

29/9/2011

DRAFT CROWN LEASE – DA-201017615

INTERPRETATION 1. IN THIS LEASE unless the contrary intention appears:

- (a) “Authority” means the Planning and Land Authority established by section 10 of the Planning and Development Act 2007;
- (b) “building” means any building or structure constructed or partially constructed or to be constructed, as the context permits or requires, on or under the land;
- (c) “class” for a building or structure, means the class of building or structure under the building code (refer to the Building Act 2004);
- (d) “dual occupancy housing” means the use of land that was originally used or leased for the purposes of single dwelling housing for two dwellings;
- (e) “dwelling”:
  - (i) means a class 1 building, or a self-contained part of a class 2 building, that:
    - (A) includes the following that are accessible from within the building, or the self-contained part of the building:
      - (1) not more than 2 kitchens;
      - (2) at least 1 bath or shower;
      - (3) at least 1 toilet pan; and
    - (B) does not have access from another building that is either a class 1 building or the self-contained part of a class 2 building; and
  - (ii) includes any ancillary parts of the building and any class 10a buildings associated with the building;

DRAFT CROWN LEASE -- DA-201017615

- (f) "Lessee" shall:
- (i) where the Lessee consists of one person be deemed to include the Lessee and the executors administrators and assigns of the Lessee;
  - (ii) where the Lessee consists of two or more persons be deemed to include in the case of a tenancy in common the said persons and each of them and their and each of their executors administrators and assigns and in the case of a joint tenancy be deemed to include the said persons and each of them and their and each of their assigns and the executors administrators and assigns of the survivor of them; and
  - (iii) where the Lessee is a corporation be deemed to include such corporation its successors and assigns;
- (g) "multi-unit housing" means the use of land for more than one dwelling and includes but is not limited to dual occupancy housing and triple occupancy housing;
- (h) "premises" means the land and any building or other improvements on the land;
- (i) "Territory" means:
- (i) when used in a geographical sense the Australian Capital Territory; and
  - (ii) when used in any other sense the body politic established by section 7 of the Australian Capital Territory (Self-Government) Act 1988 (C'th);
- (j) "triple occupancy housing" means the use of land that was originally used or leased for the purposes of single dwelling housing or dual occupancy housing for three dwellings;
- (k) words in the singular include the plural and vice versa;
- (l) words importing one gender include the other genders;
- (m) a reference in this lease to any statute or statutory provision shall include a reference to any statute or statutory provision that amends, extends, consolidates or replaces the statute or statutory provision and to any other regulation, instrument or other subordinate legislation made under the statute.

DRAFT CROWN LEASE – DA-201017615

2. THE LESSEE COVENANTS WITH THE COMMONWEALTH as follows:

RENT

(a) That the Lessee shall pay to the Authority rent at the rate of five cents per annum if and when demanded payable within one month of the date of any demand made by the Authority relating thereto and served on the Lessee;

MANNER OF PAYMENT OF RENT

(b) That any rent or other moneys payable by the Lessee to the Authority under this lease shall be paid to such person as may be authorised by the Authority for that purpose at Canberra in the said Territory without any deduction whatsoever.

3. THE LESSEE FURTHER COVENANTS WITH THE COMMONWEALTH as follows:

PURPOSE

(a) To use the land for the purpose of:  
(i) one dwelling; or  
(ii) multi-unit housing for not more than eight dwellings;

EASEMENT FOR SERVICES

(b) That:

(i) the Authority, on behalf of the Commonwealth, grants over that part of the land identified as a services easement on the Deposited Plan an easement (“Easement”) in favour of:

(A) ACTEW Corporation Limited A.C.N. 069 381 960 and its successors; and

(B) ActewAGL Distribution A.B.N. 76 670 568 688 a partnership of ACTEW Distribution Ltd A.C.N. 073 025 224 and Jemena Networks (ACT) Pty Ltd A.C.N. 008 552 663 and their successors;

(collectively or separately referred to as the “service provider”);

(ii) the service provider may:

(A) provide, maintain and replace services supplied by that service provider through the land within the site of the Easement; and

(B) do anything reasonably necessary for that purpose, including without limitation:

## DRAFT CROWN LEASE – DA-201017615

- (1) entering or passing through the land;
  - (2) taking anything on to the land; and
  - (3) carrying out work, including without limitation, constructing, placing, repairing or maintaining pipes, poles, wires, cables, conduits, structures and equipment;
- (iii) in exercising the powers in Clause 3(b)(ii), the service provider must take all reasonable steps to:
- (A) ensure that the work carried out on the land causes as little disruption, inconvenience and damage as is practicable; and
  - (B) ensure that the land is restored as soon as practicable to a condition that is similar to its condition before the work was carried out;
- (iv) Clause 3(b)(iii)(B), does not require the service provider to restore:
- (A) the land to a condition that would result in:
    - (1) an interference with:
      - (i) any service on or through the land; or
      - (ii) access to any service on or through the land; or
    - (2) a contravention of a law of the Territory; or
  - (B) any building or structure placed or constructed on any part of the land comprising the Easement;
- (v) the Lessee must not place or construct, nor permit to be placed or constructed, a building or structure or any part of a building or structure on any part of the land comprising the Easement;
- (vi) for the purposes of the Easement, “services”, includes, without limitation, the supply of water, gas, electricity and discharge or drainage of water, stormwater and sewerage; and

DRAFT CROWN LEASE – DA-201017615

- (vii) nothing in this clause diminishes or affects any rights or powers of a service provider conferred under any statute, regulation or law;
  
- PROVISION OF HYDRAULIC MAINS STORMWATER DRAINS AND SEWER LINES (c) That the Lessee shall provide and thereafter maintain hydraulic mains stormwater drains sewer lines hydraulic fire mains and hydrants on the land in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;
  
- PROVISION OF STORAGE AREAS CARPARKING AND ILLUMINATION (d) That the Lessee shall provide and thereafter maintain storage areas covered carparking hardstanding carparking adequately illuminated vehicle access roads pedestrian pathways and vehicle access drives on the land to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;
  
- PROVISION OF FACILITIES FOR ELECTRICAL AND TELEPHONE CABLES (e) That the Lessee shall provide facilities on the land to a standard acceptable to the Authority to enable electrical and telephone cables and wires to be installed underground;
  
- LANDSCAPING (f) That the Lessee shall provide and thereafter maintain landscaping on the land to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;
  
- PRESERVATION OF TREES (g) That the Lessee shall not, without the previous consent in writing of the Territory, remove any tree:
  - (i) that has been identified in a development approval for retention during the period allowed for construction of the building; or
  - (ii) to which the Tree Protection Act 2005, applies;
  
- SERVICE AREAS (h) That the Lessee shall screen and keep screened all service areas to the satisfaction of the Authority and shall ensure that all plant and machinery contained within the premises is suitably screened from public view;
  
- BUILDING SUBJECT TO APPROVAL (i) That the Lessee shall not without the previous approval in writing of the Authority, except where exempt by law, erect any building, or make any structural alterations to any building, on the land;

## DRAFT CROWN LEASE – DA-201017615

## REPAIR

- (j) That the Lessee shall at all times during the said term maintain repair and keep in repair the premises to the satisfaction of the Authority;

## FAILURE TO REPAIR

- (k) If and whenever the Lessee is in breach of the Lessee's obligations to maintain repair and keep in repair the premises the Authority may by notice in writing to the Lessee specifying the repairs and maintenance needed require the Lessee to effect the necessary work in accordance with the notice. If the Authority is of the opinion that a building or some other improvement on the land is beyond reasonable repair the Authority may by notice in writing to the Lessee require the Lessee to remove the building or improvement and may require the Lessee to construct a new building or improvement in place of that removed within the time specified in the notice. If the Lessee does not carry out the required work within the time specified by the Authority any person or persons duly authorised by the Authority with such equipment as is necessary may enter the premises and carry out the necessary work and all costs and expenses incurred by the Authority in carrying out the work shall be paid by the Lessee to the Authority on demand and from the date of such demand until paid shall for all purposes of this lease be a debt due and payable to the Authority by the Lessee;

## RIGHT OF INSPECTION

- (l) Subject to the provisions of the Planning and Development Act 2007 to permit any person or persons authorised by the Authority to enter and inspect the premises at all reasonable times and in any reasonable manner;

## RATES AND CHARGES

- (m) To pay all rates charges and other statutory outgoings assessed levied or payable in respect of the premises as and when they are due for payment.

4. THE COMMONWEALTH COVENANTS WITH THE LESSEE as follows:

## QUIET ENJOYMENT

That the Lessee paying the rent and all other money due and observing and performing the covenants and stipulations on the part of the Lessee to be observed and performed shall quietly enjoy the premises without interruption by the Authority or any person lawfully claiming from or under or in trust for the Authority.

5. IT IS MUTUALLY COVENANTED AND AGREED as follows:

## TERMINATION

- (a) That if:

## DRAFT CROWN LEASE – DA-201017615

- (i) any rent or other moneys payable under this lease shall remain unpaid for three months next after the date appointed for payment thereof (whether such rent shall have been formally demanded or not); or
- (ii) the said land is at any time not used for a period of one year for the purpose for which this lease is granted; or
- (iii) the Lessee shall fail to observe or perform any other of the covenants contained in this lease on the part of the Lessee to be observed or performed and shall have failed to remedy such breach within a period of six months from the date of service on the Lessee of a notice in writing from the Authority specifying the nature of such breach

the Authority on behalf of the Commonwealth may terminate this lease but without prejudice to any claim which the Authority or the Commonwealth may have against the Lessee in respect of any breach of the covenants on the part of the Lessee to be observed or performed;

ACCEPTANCE  
OF RENT

- (b) That acceptance of rent or other moneys by the Authority during or after any period referred to in Clauses 5(a) (i), (ii) or (iii) of this lease shall not prevent or impede the exercise by the Authority of the powers conferred upon it by the said Clauses;

## FURTHER LEASE

- (c) subject to the Lessee paying all money required to be paid under the provisions of the Planning and Development Act 2007 the Lessee shall be entitled to a further lease of the land for such further term and at such rent and subject to such conditions as may then be provided or permitted by Statute Ordinance or Regulation;

## NOTICES

- (d) That any notice requirement demand consent or other communication to be given to or served upon the Lessee under this lease shall be deemed to have been duly given or served if signed by or on behalf of the Authority and delivered to or sent in a prepaid letter addressed to the Lessee at the registered office of the Lessee in the said Territory BUT if for any reason the Lessee does not have a registered office in the said Territory then at the usual or last-known address of the Lessee or affixed in a conspicuous position on the premises;

EXERCISE OF  
POWERS

- (e) Any and every right, power or remedy conferred on the Commonwealth or Territory in this lease, by law or implied by law may be exercised on behalf of the Commonwealth or the Territory or as the case may be by:

- (i) the Authority;



20/10/2011

- G Sep 2011 ACAT Revisions III
- F Sep 2011 ACAT Revisions II
- E Aug 2011 ACAT Revisions
- D Feb 2011 Application for re-consideration submission
- C July 2010 Adjoining dwellings shown on site plans & elevations
- B April 2010 DA Submission
- A Feb. 2010 Client Check

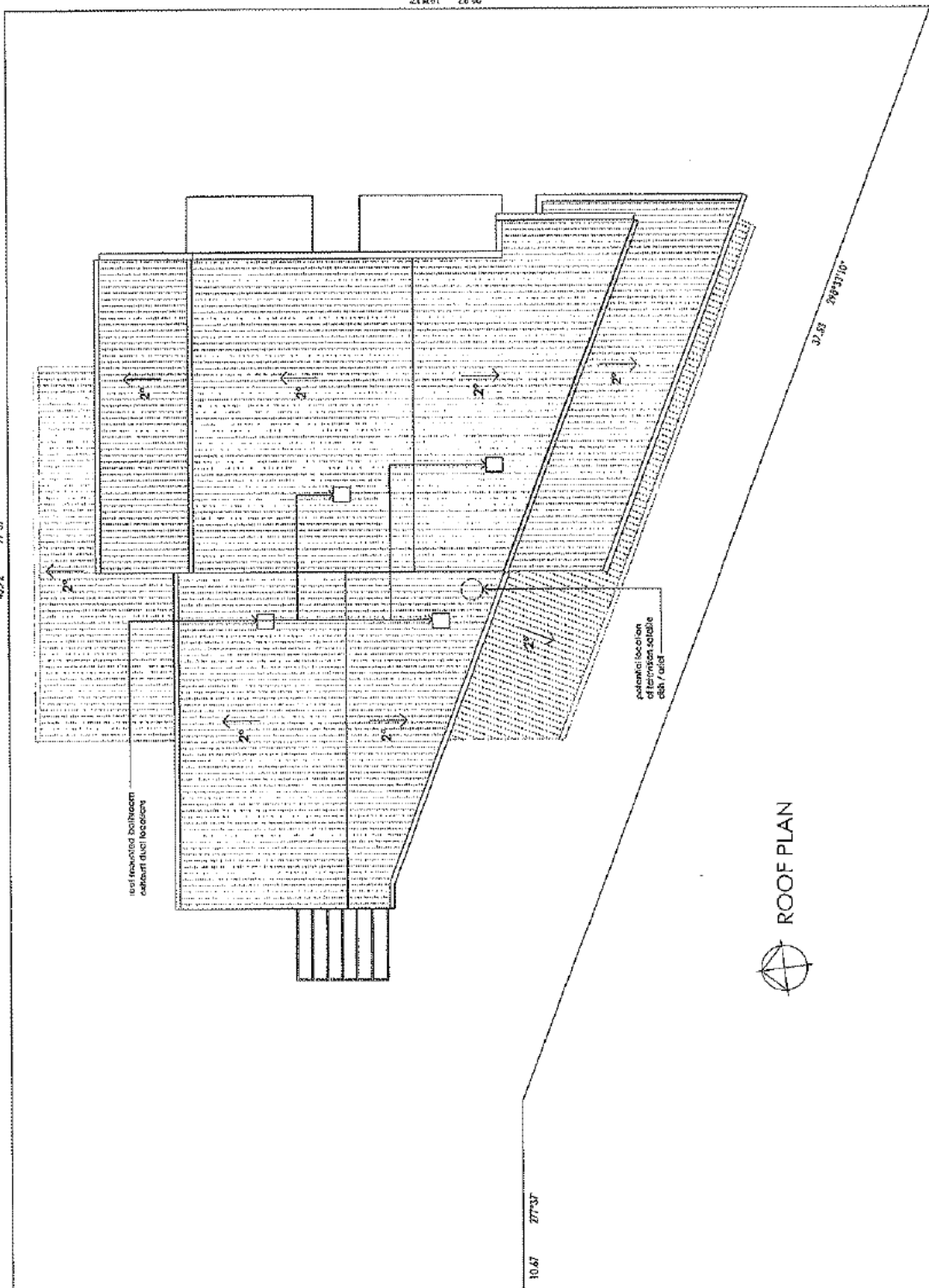
Issue Date Event

Project  
Proposed Apartments for  
Pavilion Homes

Title  
Roof Plan

Scale 1:100 @ A2  
Date Dec. 2009  
Drawing No. 1324 - G

Drawn By BP  
Peter Byfield + Associates  
Suite A, 34 Taylor Street, Annandale NSW 2038  
Phone 02 9559 2255 Fax 02 9559 2254  
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2011/01/2011

- G Sep 2011 ACAT Revisions III
- F Sep 2011 ACAT Revisions II
- E Aug 2011 ACAT Revisions
- D Feb 2011 Application for re-consideration submission
- C July 2010 Adjuncting dwellings shown on site plans & shadows
- B April 2010 DA Submission
- A Feb, 2010 Client Check

Issue Date Event

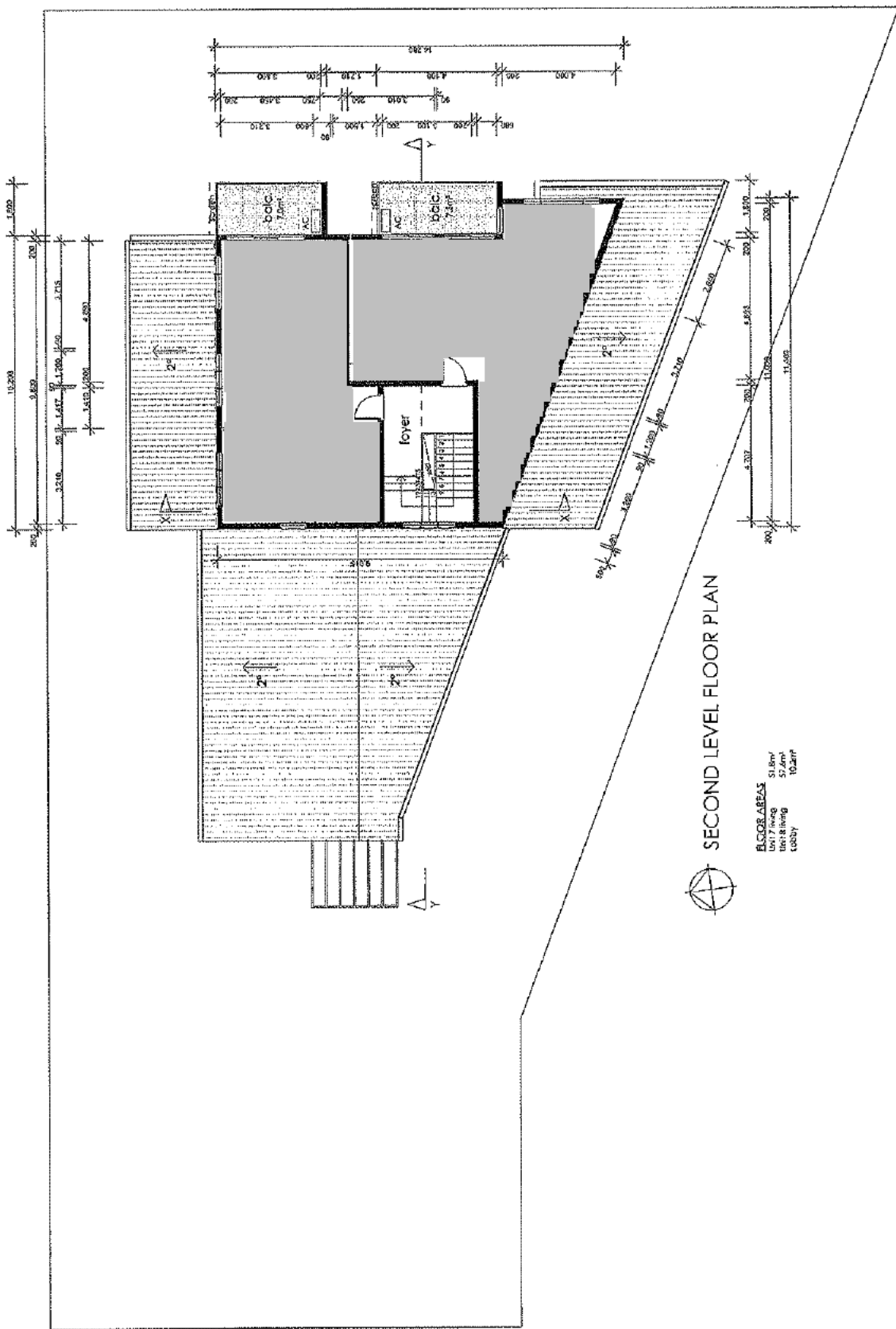
Project  
Proposed Apartments for  
Pavilion Homes

Site  
block 12  
section 46,  
Turner, ACT.

Title  
Second Level Floor Plans

Scale 1:100 @ A2  
Drawn By BP  
Date Dec. 2009  
Drawing No. 1324 - F

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SECOND LEVEL FLOOR PLAN

FLOOR AREAS  
Unit 7 living 51.6m<sup>2</sup>  
Unit 8 living 57.4m<sup>2</sup>  
lobby 10.2m<sup>2</sup>

24/9/2011

- G Sep 2011 ACAT Revisions III
- F Sep 2011 ACAT Revisions II
- E Aug 2011 ACAT Revisions
- D Feb 2011 Application for re-consideration submission
- C July 2010 Agreeing elevations shown on site plans & shadows
- B April 2010 DA Submission
- A Feb. 2010 Client Check

Project  
Proposed Apartments for Pavilion Homes

Site  
block 12  
section 46,  
Turner, ACT.

Title  
First Level Floor Plan

Scale  
1:100 @ A2

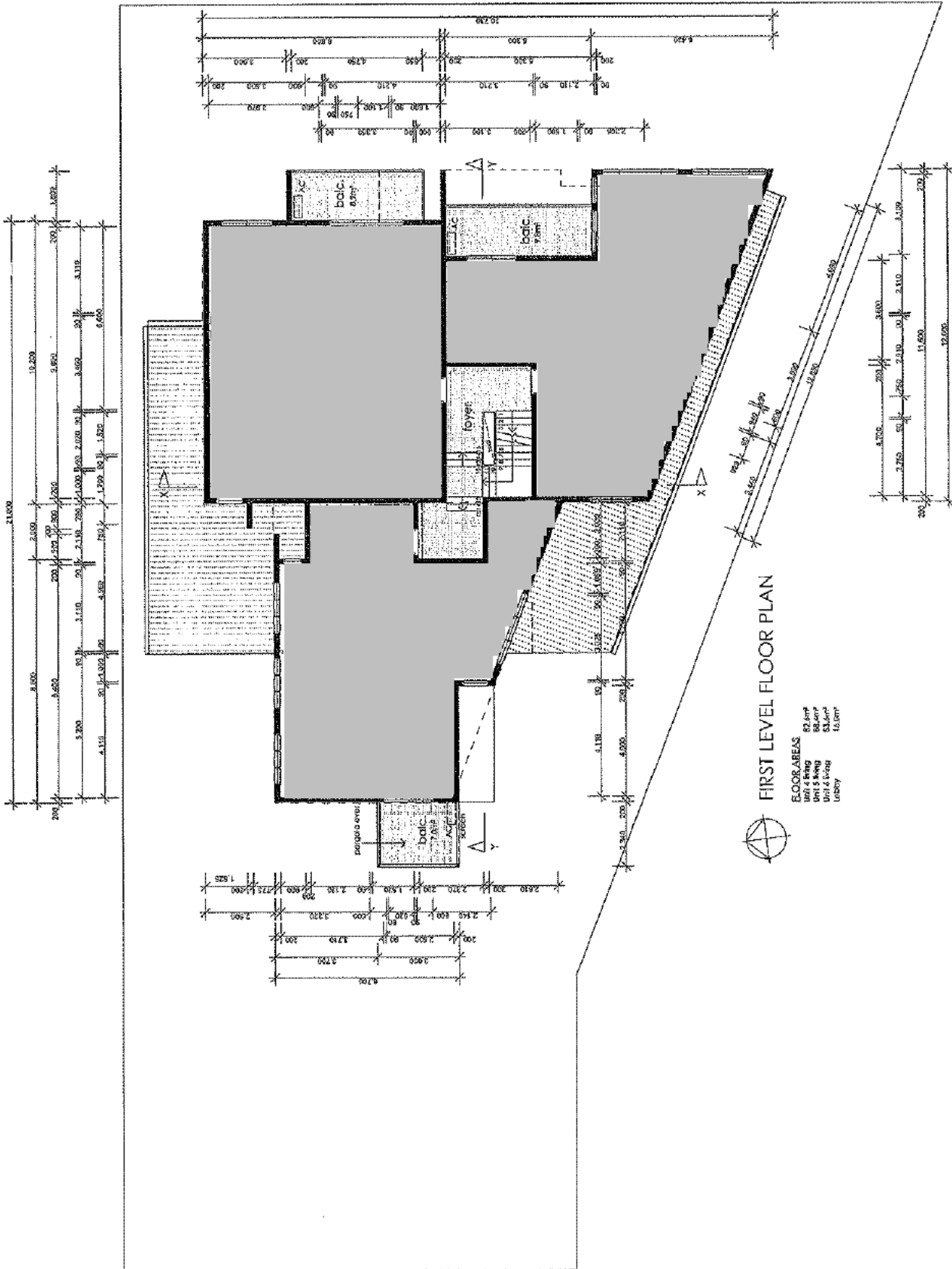
Drawn By  
BP

Date  
Dec. 2009

Drawing No.  
1324 - E

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Phone 02 8660 2255 Fax 02 8660 2254

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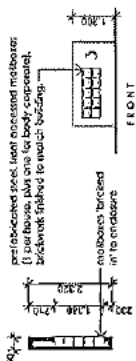


**NET RATIO CALCULATIONS**

- Living Areas 503.7m<sup>2</sup>
- Storage 47.0m<sup>2</sup>
- Kitchen 47.0m<sup>2</sup>
- Bathroom 10.0m<sup>2</sup>
- Floor Area 212.2m<sup>2</sup>
- Site Area 957.6m<sup>2</sup>
- Proposed Plot Ratio 0.72:1

AREA BEYOND P.B.Z. = 512.12m<sup>2</sup>  
 AREA OF DEEP ROOF LANDSCAPE POTENTIAL = 388.74m<sup>2</sup>  
 [70% % OF AREA BEYOND P.B.Z.]

SUBT AREA IN R.Z. = 152.1m<sup>2</sup> (29.7%)



Mailbox Enclosure Detail

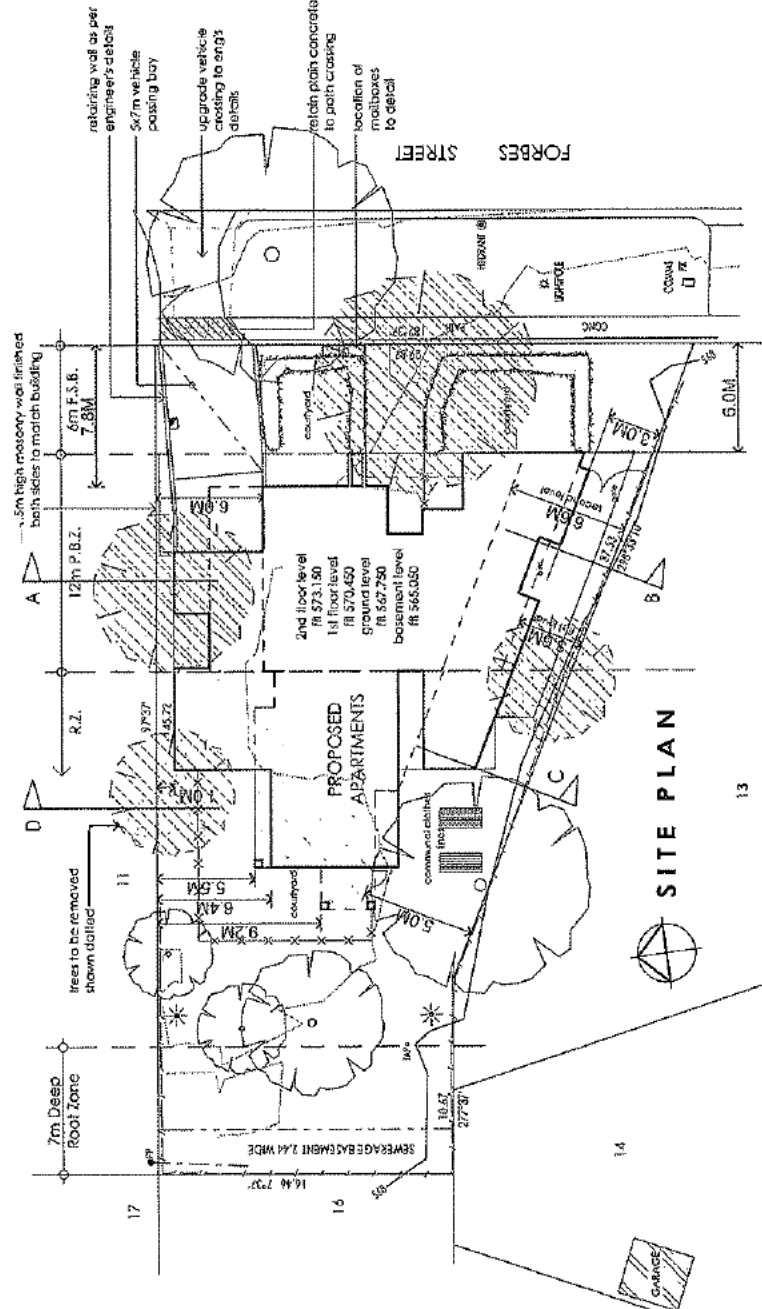
**LEGEND**

- existing tree to be retained & protected in accordance with Tree Management Plan
- existing tree to be removed
- existing wall - 230mm brickwork to match existing 750mm above NGL with 750mm precast spacer fence to top (C/A 1.5m max. height)
- existing boundary fence to be retained
- 1.8m high precast 'spare' fence
- pedestrian gate to match adjoining fence
- hedge planting with 1.2m tall black chainwire fence to define / secure front courtyard
- dark grey broom finished concrete driveway
- brick mailbox enclosure to detail
- 1.2m tall brick light fixture subject to lighting plan
- visitor vehicle call buzzer in callion

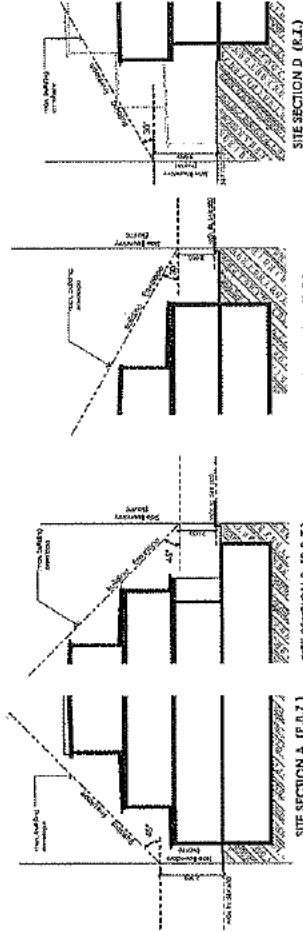
**NOTES**

- All directional signage will comply with the requirements of AS1742.10 (1991) Manual of Uniform Traffic Control Devices - Pedestrian Control and Protection.
- All pedestrian paths are designed in accordance with AS3045.1 (2008) Guide to Traffic Engineering Practice Part 13 Pedestrians.

20/1/2011



**SITE PLAN**

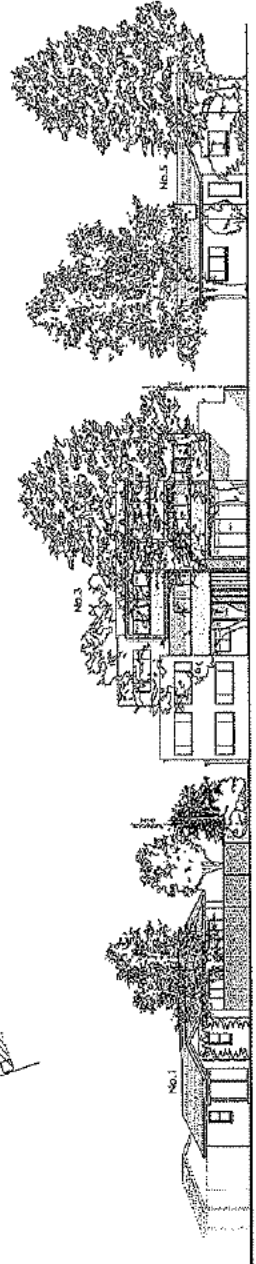


SITE SECTION D (P.L.)

SITE SECTION C (P.L.)

SITE SECTION B (P.B.Z.)

SITE SECTION A (P.B.Z.)



PROPOSED STREETScape ELEVATION ALONG FORBES STREET

Title  
 Site Plan

Scale	1:200 @ A2
Drawn By	BP
Date	Dec. 2009
Drawing No.	1324-A

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 Suite A, 24 Taylor Street, Adelaide 5151 2036  
 Phone 02 9860 2255 Fax 02 9860 2256  
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Project  
 Proposed Apartments for  
 Pavilion Homes

Site  
 block 12  
 section 46,  
 Turner, ACT.

Issue	Date	Event
G	Sep 2011	ACAT Revisions #1
F	Sep 2011	ACAT Revisions #2
E	Aug 2011	ACAT Revisions
D	Feb 2011	Application for re-consideration submission
C	July 2010	Adjoining dwellings shown on site plans & shadows
B	April 2010	DA Submission
A	Feb. 2010	Client Check

29/9/2011

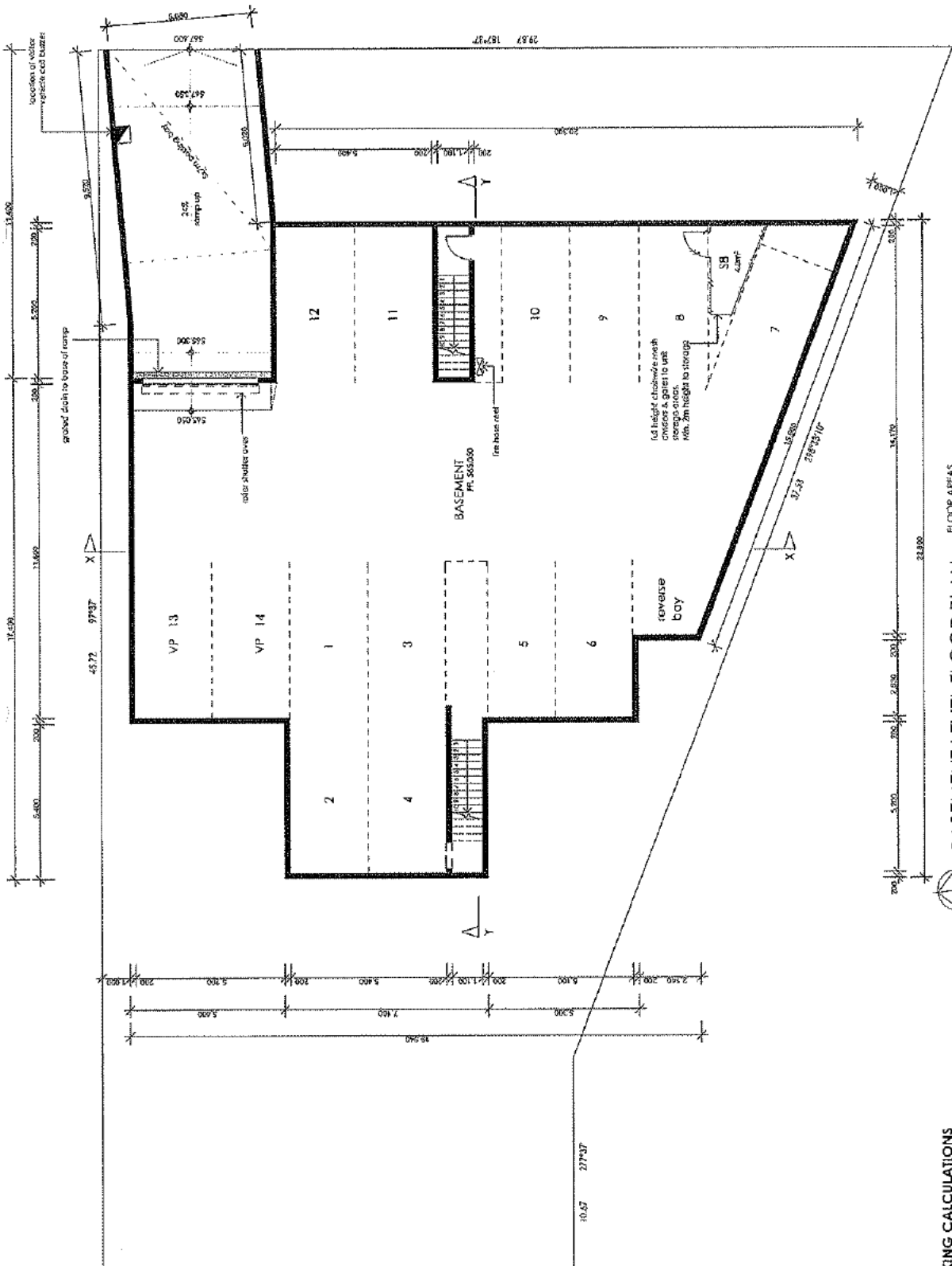
- G Sep 2011 ACAT Revisions III
- F Sep 2011 ACAT Revisions II
- E Aug 2011 ACAT Revisions
- D Feb 2011 Application for re-consideration submission
- C July 2010 Assembling drawings shown on site plans & shadows
- B April 2010 DA Submission
- A Feb. 2010 Client Check

Project  
**Proposed Apartments for Pavilion Homes**  
 58c  
 block 12  
 section 46,  
 Turner, ACT.

Title  
**Basement Level Floor Plan**

Scale 1:100, 1:200 @ A2 BP  
 Date Dec. 2009  
 Drawing No. 1324 - C

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 Suite A, 24 Taylor Street, Ararat NSW 2034  
 Phone 02 9560 2265 Fax 02 9560 2264  
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**FLOOR AREAS**  
 Carparking area 378.77m<sup>2</sup>  
 Enclosure for escape stairs 10.0m<sup>2</sup>  
 storage 5.9m<sup>2</sup>

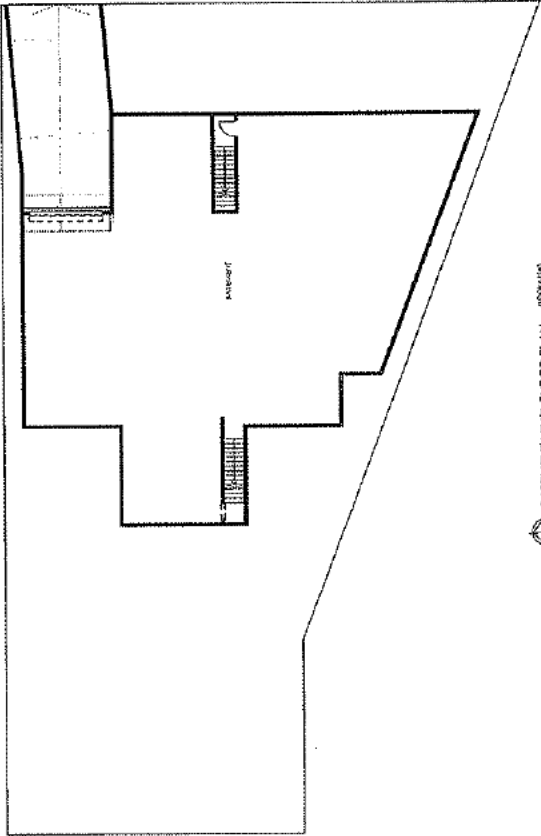
**BASEMENT LEVEL FLOOR PLAN**



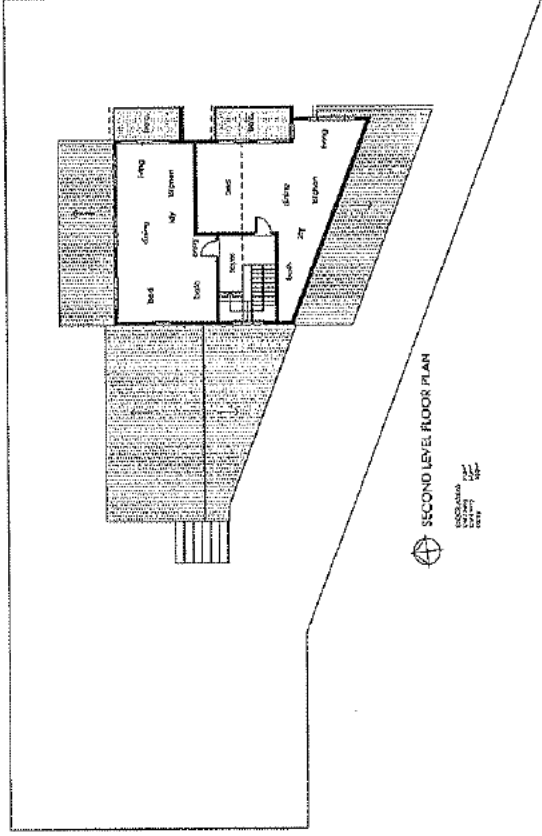
**PARKING CALCULATIONS**  
 4 x 2 Bedroom Units with 2 spaces each = 4  
 3 x 2 Bedroom Units with 1.5 spaces each = 5 (4.5)  
 3 x 1 Bedroom Units with 1 space each = 3  
 8 x 0.25 visitor spaces = 2  
 Total number of spaces required = 14  
 Total number provided = 14

**LEGEND**  
 S - storage area  
 Cap - communal residents parking  
 VP - visitor parking

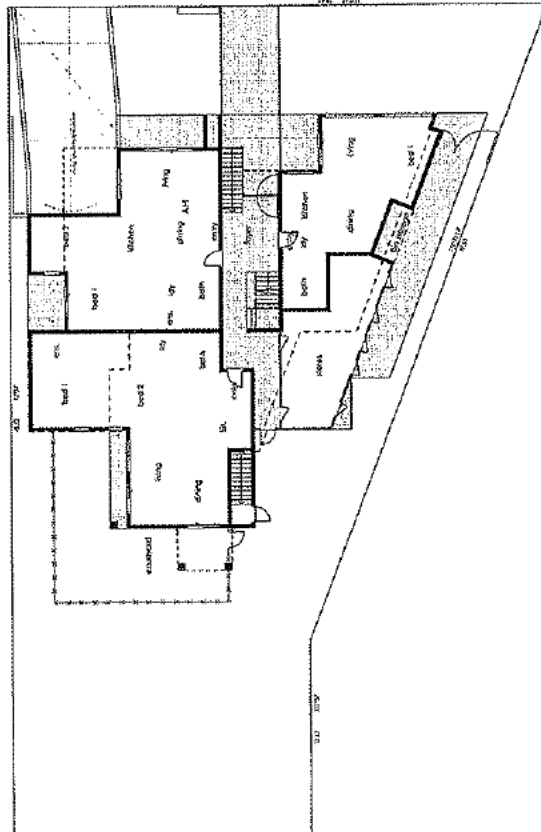




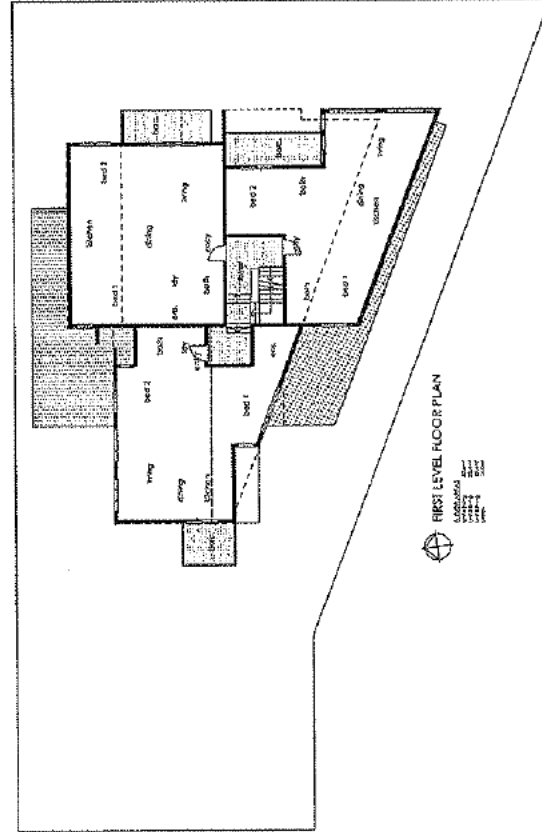
**BASEMENT LEVEL FLOOR PLAN**  
 08/24/2010  
 1:200 @ A2  
 PETER BYFIELD + ASSOCIATES



**SECOND LEVEL FLOOR PLAN**  
 08/24/2010  
 1:200 @ A2  
 PETER BYFIELD + ASSOCIATES



**GROUND LEVEL FLOOR PLAN**  
 08/24/2010  
 1:200 @ A2  
 PETER BYFIELD + ASSOCIATES



**FIRST LEVEL FLOOR PLAN**  
 08/24/2010  
 1:200 @ A2  
 PETER BYFIELD + ASSOCIATES

- G Sep 2011 ACAT Revisions III
- F Sep 2011 ACAT Revisions II
- E Aug 2011 ACAT Revisions
- D Feb 2011 Application for re-consideration submission
- C July 2010 Adjoining dwellings shown on site plans & shadows
- B April 2010 DA Submission
- A Feb. 2010 Client Check

Issue	Date	Event
-------	------	-------

**Project**  
Proposed Apartments for Pavilion Homes

**Site**  
block 12 section 46, Turner, ACT.

**Title**  
Notification Floor Plans

**Scale**  
1:200 @ A2

**Drawn By**  
BP

**Date**  
Dec. 2009

**Drawing No.**  
1324-L

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 Phone 02 6960 2255 Fax 02 6960 2254  
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*Peter Byfield*  
20/10/2010

**PLOT RATIO CALCULATIONS**

-Living Areas 603.9m<sup>2</sup>  
 -Storage 10.0m<sup>2</sup>  
 -Stairs + Lobbies 40.5m<sup>2</sup>  
 -Statement for escape stairs 10.8m<sup>2</sup>  
 -Total Area 712.2m<sup>2</sup>  
 -Site Area 987.6m<sup>2</sup>  
 -Proposed Plot Ratio 0.72:1

- G Sep 2011 ACAT Revisions III
- F Sep 2011 ACAT Revisions II
- E Aug 2011 ACAT Revisions
- D Feb 2011 Application for re-consideration submission
- C July 2010 Aginching cwellings shown on site plans & sitecave
- B April 2010 DA Submission
- A Feb. 2010 Client Check

Issue	Date	Event

Project  
**Proposed Apartments for Pavilion Homes**

Site  
 block 12  
 section 46,  
 Turner, ACT.

Title  
**Plot Ratio Calculations**

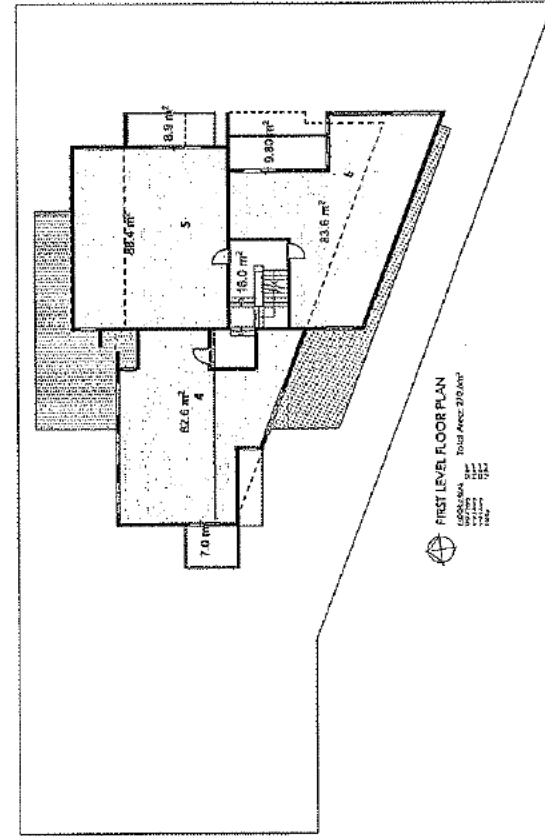
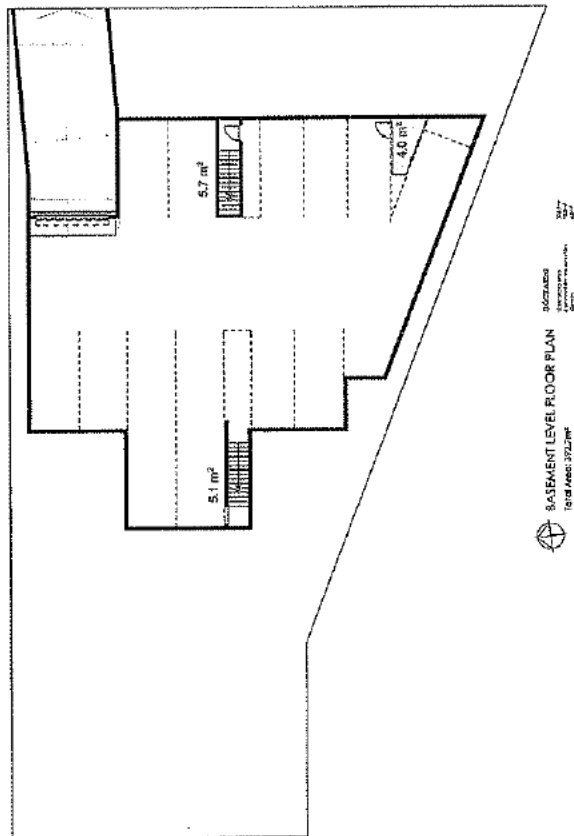
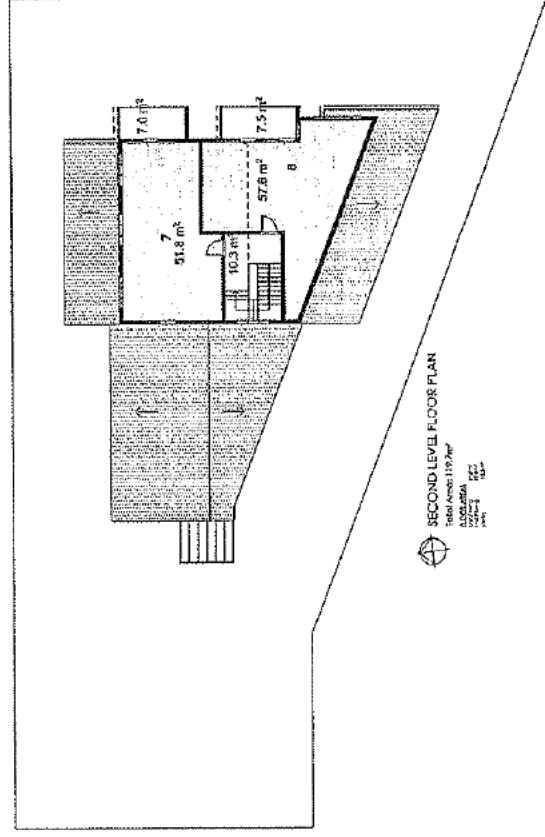
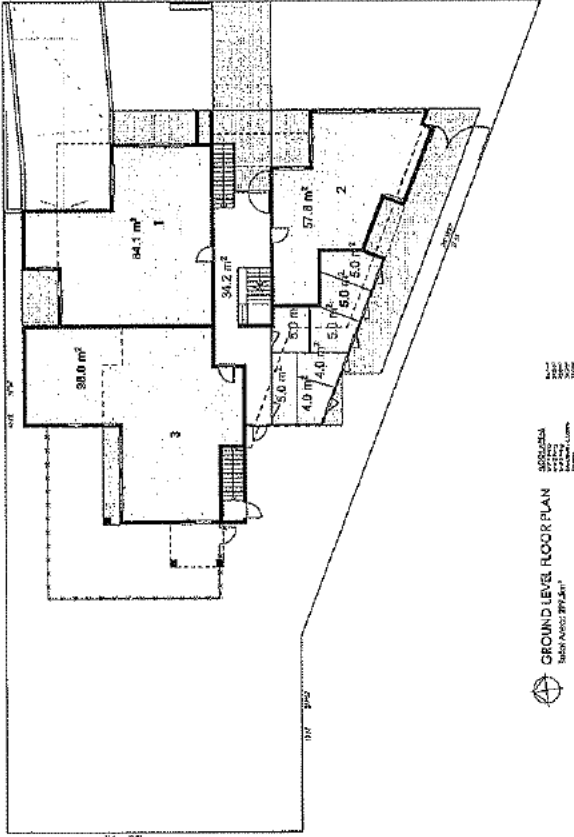
Scale  
 1:200 @ A2

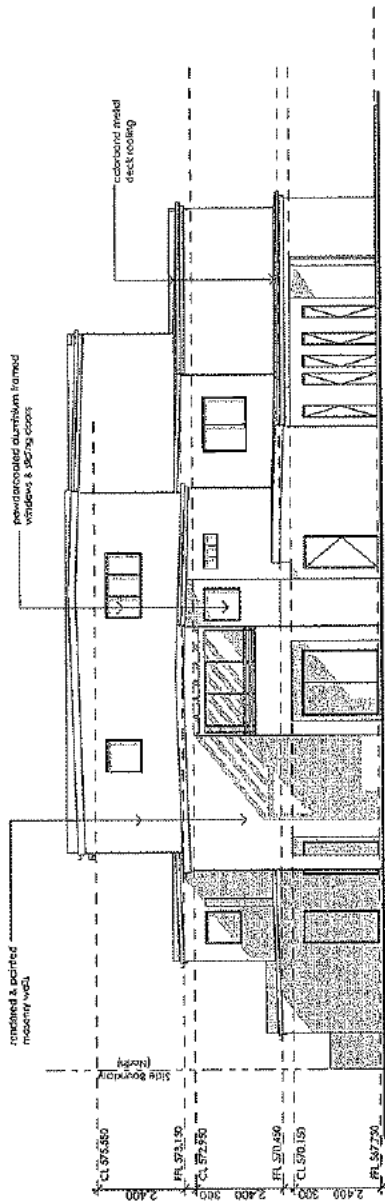
Drawn By  
 BP

Date  
 Dec. 2009

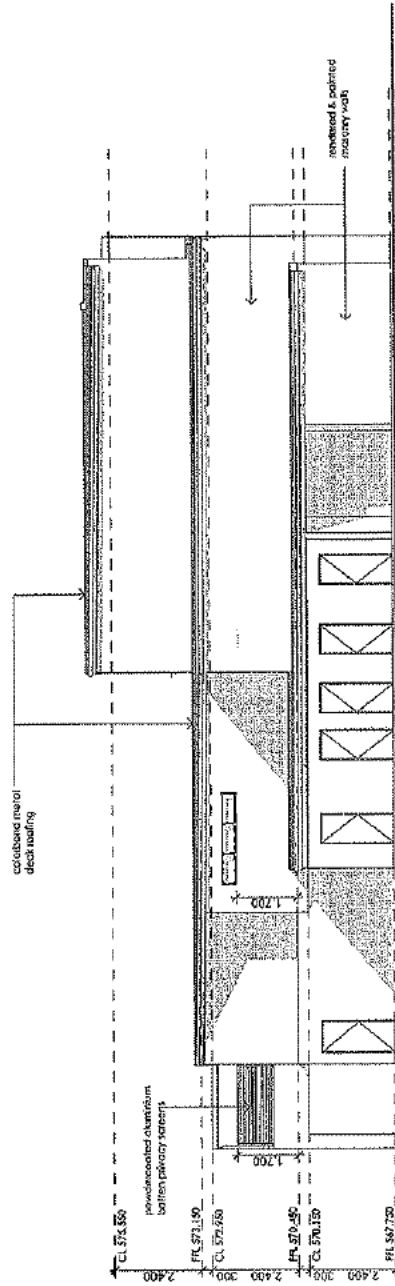
Drawing No.  
 1324 - M

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WEST ELEVATION



SOUTH ELEVATION

- G Sep 2011 ACAT Revisions III
- F Sep 2011 ACAT Revisions II
- E Aug 2011 ACAT Revisions
- D Feb 2011 Application for reconsideration submission
- C July 2010 Adjoining dwellings shown on site plans & shadows
- B April 2010 DA Submission
- A Feb. 2010 Client Check

Issue Date Event

Project  
Proposed Apartments for Pavilion Homes

Site  
block 12  
section 46,  
Turner, ACT.

Title  
Elevations

Scale  
1:100 @ A2

Drawn By  
BP

Date  
Dec. 2009

Drawing No.  
1324-1

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Suite A, 34 Taylor Street, Annandale NSW 2038  
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File Number

ACT CIVIL AND ADMINISTRATIVE TRIBUNAL



AT 11/57

# APPLICATION FOR INTERIM OR OTHER ORDERS – GENERAL\*

*\*see attachment for when this application may be used*

## APPLICANTS

Name

[Redacted]

## RESPONDENT

Name

ACT Planning and Land Authority

THIS APPLICATION is made by the: (strike out what does not apply)

**Applicant**

~~Respondent~~

**All Parties**

Orders sought – interim or other orders (use an attachment if insufficient space and number each order separately)

The parties have reached agreement in this matter, and request that the Tribunal make the following orders pursuant to section 55 of the *ACT Civil and Administrative Tribunal Act 2008* (ACAT Act):

That with reference to section 68(2) of the ACAT Act, the decision under review is varied so as to approve DA201017615 pursuant to section 162(1)(b) of the *Planning and Development Act 2007* subject to the conditions attached as marked Annexure 'A'.

Legislation under which orders are sought:

Section 55 of the *ACT Civil and Administrative Tribunal Act 2008*.

**Grounds relied on**

The parties have reached an agreement about the terms of a Tribunal decision in relation to the application. The terms of the agreement have been reduced to writing, signed by the parties and lodged with the Tribunal.

[Redacted]

**Applicant**

**Date:** [Redacted]

**ACT-Government Solicitor  
Per: Leszek Stawski  
Solicitor for the Respondent**

**Date:** 29.09.11

[Redacted]

**Party Joined**

**Date:**

[Redacted]

**Party Joined**

**Date:**

## Applications for Interim or Other Orders

This form may be used when an application has already commenced before the tribunal and a party or someone else wishes to apply for an interim or other order in relation to that application. It should be used only when no other specific form exists for the application. It may only be used when the ACT Civil and Administrative Act 2008 (the Act) or some other law authorises the application.

Examples of applications that may be made include:

1. for an interim order under section 53 of the Act or to vary, revoke or extend such an order
2. to join a person as a new party to an application
3. for an order under section 35 of the Act referring a matter for mediation and requiring the parties to attend a mediation
4. for an order under section 39(3) of the Act relating to hearings in private or partly in private
5. to set aside a subpoena completely or partly under section 41(6) of the Act
6. for a direction to permit a person to take part or give evidence other than in person under section 45 of the Act
7. to amend a document under section 47 of the Act
8. for the tribunal to make an order in accordance with agreed terms under section 55 of the Act
9. for an order to hear an application jointly with another application under section 56 (a) of the Act
10. for orders to be made by consent under section 56(b) of the Act
11. to amend or set aside a tribunal order under section 56(c)
12. to extend the period for compliance stated in a direction made under section 67 of the Act
13. to remove an application to the Supreme Court under section 83 of the Act or for the referral of a question of law to the Supreme Court under section 84 of the Act

**NOTE:** This is not an exhaustive list of the applications for interim or other orders that may be made using this form.

Unless it is inconsistent with a provision in the Act or in an authorising law or rule, a person may apply to the tribunal for an interim or other order in an application by:

- (a) lodging an application in writing using this form or
- (b) by writing a letter to the tribunal or
- (c) by making an oral application to the tribunal.

A person who wishes to apply for an interim or other order in an application should ensure that every party to the application is aware of what orders are sought and when the application is going to be made.

In making a decision about how an application for an interim or other order should be made in a matter the tribunal will consider:

- (a) the need to observe natural justice and procedural fairness, and;
- (b) the requirement for procedures to be as simple, quick, inexpensive and informal as is consistent with achieving justice and
- (c) the needs of the particular matter

## ANNEXURE A1

### CONDITIONS OF APPROVAL (BLOCK 4 SECTION 46 TURNER)

This application is approved subject to the following conditions being satisfied. Some conditions of approval may require attention before the approved drawings will be released by the Planning Authority, others before work commences or before the completion of building work.

#### A. ADMINISTRATIVE / PROCESS CONDITIONS

##### 1. FURTHER INFORMATION

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

- i. revised architectural drawings (including a revised landscape plan and lighting plan), based on the relevant drawings as attached hereto as Attachments A1-

Note 1: The revised drawings (referred to in A.1.i above) shall include a safety barrier on the retaining wall on the southern side of the driveway ramp up to the building line, and the area between the safety barrier and the adjacent boundary of the block shall be landscaped in a way to limit persons accessing this area.

Note 2: The revised landscape plan (referred to in A.1.i above) shall indicate replacement planting (liquid amber or similar species) of advanced stock to replace the liquid amber tree previously removed at the front.

Note 3: The lighting plan (referred to in A.1.i above) shall comply with the requirements of the Crime Prevention through Environmental Design Code (and applicable Australian Standards), but shall be designed to limit light-spill to adjoining properties.

- ii. the relevant revised architectural drawings (referred to in A.1.i above) endorsed as compliant by ActewAGL (Electricity Networks) and ActewAGL (Water and Sewerage Networks).

#### B. CONDITIONS RELATING TO THE VARIATION OF A CROWN LEASE

##### 2. SURRENDER AND REGRANT

That the lessee surrender the existing Crown lease over Block 4 Section 46 Division of Turner - (Volume 44 : Folio 4321) and accept a new Crown lease substantially in accordance with the form of lease appearing at Attachment R1.

##### 3. LEASE VARIATION CHARGE

Prior to the registration of the new consolidated Crown lease, the lessee must, as is required under the *Planning and Development Act 2007*, pay any assessed Lease Variation Charge. Once advised of the lease variation charge, the charge should be paid not less than 3 months prior to the expiration of this approval. This will ensure that sufficient time remains to [redacted] consolidated

LESEK SYRUSKI  
SOLICITOR FOR THE  
RESPONDENT 29.09.11

Crown lease to be registered at the Office of Regulatory Services prior to expiry of this approval.

Note: For approvals that involve a lease variation only, there is no provision under the *Planning and Development Act 2007* to extend the time frame for compliance with the approval beyond the 2 years after the date this approval takes effect.

4. LEASE REGISTRATION

That the lessee shall do all that is necessary to ensure that the new Crown lease giving effect to this approval is registered at the Office of Regulatory Services within 28 days of being notified that the Crown lease is available for registration or within such further time as may be approved by the Planning and Land Authority;

5. COMMENCEMENT OF BUILDING WORK

That no building work in relation to this Development Application is to commence on the site until the new consolidated Crown lease is registered at the Office of Regulatory Services.

### **ADVISORY NOTES RELATING TO THE VARIATION OF A CROWN LEASE**

i. FURTHER APPROVALS

Please note that the realisation of the approved lease variation to its fullest extent may not be achieved as design and siting is subject to the submission and approval of a further Development Application.

ii.

Prior to the registration of the new consolidated Crown lease, the lessee must, as is required under the *Planning and Development Act 2007*, pay any assessed Lease Variation Charge. Once advised of the lease variation charge, the charge should be paid not less than 3 months prior to the expiration of this approval. This will ensure that sufficient time remains to enable the new consolidated Crown lease to be registered at the Office of Regulatory Services prior to expiry of this approval.

Note: For approvals that involve a lease variation only, there is no provision under the *Planning and Development Act 2007* to extend the time frame for compliance with the approval beyond the 2 years after the date this approval takes effect.

### **C. PRIOR TO CONSTRUCTION AND/OR DEMOLITION**

1. SEDIMENT AND EROSION CONTROL

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

2. TREE PROTECTION

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

3. LANDSCAPE MANAGEMENT AND PROTECTION PLAN (LMPP)

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

#### 4. TRAFFIC MANAGEMENT

A Temporary Traffic Management (TTM) Plan shall be prepared by a suitably qualified person and approved by the Senior Manager, Asset Acceptance prior to commencement of any work on the site. This plan is to address, as a minimum, measures to be employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices;

#### 5. NOTICE OF COMMENCEMENT OF CONSTRUCTION

Notice of Commencement of Construction shall be submitted to the Manager Asset Acceptance one week prior to the commencement of works. The Notice shall also include the confirmation of any protective measures installed in accordance with the approved LMPP and programmed implementation of the TTM.

### D. DURING CONSTRUCTION AND/OR DEMOLITION

#### 1. SEDIMENT AND EROSION CONTROL

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

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

#### 2. TREE PROTECTION

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

#### 3. LANDSCAPE MANAGEMENT AND PROTECTION PLAN (LMPP)

During any work undertaken on the site, all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with a Landscape Management Plan approved by the Senior Manager Asset Acceptance, Land Management and Planning Division, Department of Territory and Municipal Services

4. TRAFFIC MANAGEMENT

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

5. UPGRADING OF BOUNDARY FENCES

Pursuant to sub paragraph 165(3)(n)(ii) of the *Planning and Development Act 2007*, at the lessee's expense and before the completion of building work, the existing fences on all the adjoining leased boundaries shall be upgraded to a 1.8m high timber lapped and capped fence, or to another standard acceptable to the ACT Planning and Land Authority. The lessee must take all reasonable steps to obtain the written agreement of the respective lessees before the erection of any new fencing. If there is no agreement, the fencing is to be to the satisfaction of the ACT Planning and Land Authority. New fencing shall not extend further forward than the new building line.

6. WASTE MANAGEMENT

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

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

1. WASTE

A fully detailed waste management plan must be provided at Design Acceptance including demolition, construction and operational waste.

2. DESIGN ACCEPTANCE

A Certificate of Design Acceptance and a Certificate of Operational Acceptance on completion of the works are required from the Senior Manager, Asset Acceptance, Land Management and Planning, TAMS, prior to the issue of a Certificate of Occupancy. The Certificate of Design acceptance will be issued for all off-site works or its updated version approved by ACTPLA.

In order to obtain the Certificate of Design Acceptance, fully detailed drawings (civil, landscape) prepared by suitably qualified persons for all off-site works including roads, driveways, footpaths, street lighting, storm water, landscaping (and any other issues that may be found by audit of the plans) and a design report in accordance with Ref No 06: "Requirements for Design Acceptance Submissions", must be certified by a Chartered Engineer/Landscape Architect and submitted to the Senior Manager, Asset Acceptance. Similarly a Chartered Engineer/Landscape Architect should certify compliance with TAMS Ref No 08: "Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance is made to the Senior Manager, Asset Acceptance on completion of all off-site works.

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

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

# APPENDIX 1

## CONTACT DETAILS OF RELEVANT AGENCIES

<b>ACT Health</b> - health protection	Website: <a href="http://www.health.act.gov.au">www.health.act.gov.au</a> Telephone: (02) 6205 1700
<b>ACT Planning and Land Authority</b> - list of certifiers for building approval - demolition information - asbestos information	Website: <a href="http://www.actpla.act.gov.au">www.actpla.act.gov.au</a> Telephone: (02) 6207 1923 or (02) 6207 1687
<b>Department of Territory and Municipal Services</b> - tree damaging activity approval - heritage - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets - threatened species/wildlife management	Website: <a href="http://www.tams.act.gov.au">www.tams.act.gov.au</a> Telephone: 132 281 Telephone for asset acceptance: (02) 6207 6594  Research and Planning (02) 62071911
<b>Department of Environment, Climate Change, Energy and Water</b> - environment protection - water resources	Website: <a href="http://www.environment.act.gov.au">www.environment.act.gov.au</a> Telephone: (02) 62076251 for Environment Protection Authority (EPA)
<b>Utilities</b> - Telstra (networks) - TransACT (networks) - ActewAGL - Electricity reticulation	Telephone: (02) 9397 2090 Telephone: (02) 6229 8000 Telephone: 1100 Telephone: (02) 6293 5738

## ADVICE TO APPLICANT

### SUBMISSION OF REVISED DRAWINGS AND DOCUMENTATION

If a condition of approval requires the applicant to lodge revised drawings and/or documentation with the ACT Planning and Land Authority for approval under section 165 of the *Planning and Development Act 2007* the submission shall be made with a completed application Form 11 for Section 144 & 197 Amendments and Satisfying Conditions of Approval (S.165).

### FURTHER APPROVALS FOR CONSTRUCTION

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

#### BUILDING APPROVAL

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

#### PERMITTED VARIATIONS TO APPROVED DEVELOPMENT

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

Schedule 1A of that regulation.

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

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

#### "TREE DAMAGING ACTIVITY" APPROVAL

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

#### USE OF VERGES OR OTHER UNLEASED TERRITORY LAND

In accordance with the *Roads and Public Places Act 1937*, road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. Approval can be obtained from the Department of Territory and Municipal Services.

#### WORKS ON UNLEASED TERRITORY LAND – DESIGN AND OPERATIONAL ACCEPTANCE

In accordance with the *Roads and Public Places Act 1937*, no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval must be obtained from the Manager Asset Acceptance, Asset Services Group, TAMS by way of:

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

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

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

#### **CONSTRUCTION REQUIREMENTS**

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

#### DEMOLITION AND ASBESTOS MANAGEMENT

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

#### ENVIRONMENT PROTECTION

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

information is available from the Department of Environment, Climate Change, Energy and Water.

#### REPAIR OF DAMAGE TO PUBLIC ASSETS

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

#### UTILITY ASSETS RETENTION

The lessee should obtain a plant location advice from ActewAGL to avoid conflict with existing plant or electrical easements. The lessee will be responsible for the costs associated with the relocation of assets, if necessary. The lessee is to ensure that the water service and water meter are retained in position and in good condition. 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.

#### ACCESS TO DOCUMENTS ABOUT THE DECISION

You may apply for access to any documents you consider relevant to this decision under the ACT Freedom of Information Act 1989. Information about Freedom of information requests is available on the ACT Planning and Land Authority's web site or by contacting us by phone on (02) 6207 1923.

#### TRANSLATION AND INTERPRETER SERVICES

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

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

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

# **131 450**

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

DRAFT CROWN LEASE – DA-201017615  
Entered in Register Book Vol

Folio

**This is a market value  
lease - s238(2)(a)(ii) Planning  
and Development Act 2007**

**AUSTRALIAN CAPITAL TERRITORY**

**PLANNING AND DEVELOPMENT ACT 2007**

**Australian Capital Territory (Planning and Land  
Management) Act 1988 (C'th) ss 29, 30 & 31**

LEASE GRANTED pursuant to the Planning and Development Act 2007 and the  
Regulations made under that Act on the                      day of                      Two

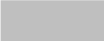
thousand and                      WHEREBY THE PLANNING AND LAND  
AUTHORITY (“the Authority”) ON BEHALF OF THE COMMONWEALTH

**LESSEE** OF AUSTRALIA (“the Commonwealth”) in exercising its functions grants to

a company having its registered office at

in the Australian Capital Territory number of

shares/tenants in common/joint tenants (“the Lessee”) ALL THAT piece or parcel

**LAND** of land situate in the Australian Capital Territory containing an area of 

**square metres** or thereabouts and being **Block 12 Section 46 Division of**

**Turner** as delineated on **Deposited Plan Number 324** in the Registrar-

General’s Office at Canberra in the said Territory (“the land”) RESERVING unto

the Territory all minerals and the right to the use, flow and control of ground water

**TERM** under the surface of the land TO HOLD unto the Lessee for the term commencing

on the                      day of                      **Two thousand and**

(“the date of the commencement of the lease”) and terminating on the **twenty**

**ninth day of July Two thousand and fifty** to be used by the Lessee for the

purpose set out in Clause 3(a) of this lease only YIELDING AND PAYING

THEREFOR rent in the amount and in the manner and at the times provided for in

this lease and UPON AND SUBJECT TO the covenants conditions and

agreements contained in this lease 

## DRAFT CROWN LEASE – DA-201017615

INTERPRETATION 1. IN THIS LEASE unless the contrary intention appears:

- (a) “Authority” means the Planning and Land Authority established by section 10 of the Planning and Development Act 2007;
- (b) “building” means any building or structure constructed or partially constructed or to be constructed, as the context permits or requires, on or under the land;
- (c) “class” for a building or structure, means the class of building or structure under the building code (refer to the Building Act 2004);
- (d) “dual occupancy housing” means the use of land that was originally used or leased for the purposes of single dwelling housing for two dwellings;
- (e) “dwelling”:
  - (i) means a class 1 building, or a self-contained part of a class 2 building, that:
    - (A) includes the following that are accessible from within the building, or the self-contained part of the building:
      - (1) not more than 2 kitchens;
      - (2) at least 1 bath or shower;
      - (3) at least 1 toilet pan; and
    - (B) does not have access from another building that is either a class 1 building or the self-contained part of a class 2 building; and
  - (ii) includes any ancillary parts of the building and any class 10a buildings associated with the building;

DRAFT CROWN LEASE – DA-201017615

- (f) “Lessee” shall:
- (i) where the Lessee consists of one person be deemed to include the Lessee and the executors administrators and assigns of the Lessee;
  - (ii) where the Lessee consists of two or more persons be deemed to include in the case of a tenancy in common the said persons and each of them and their and each of their executors administrators and assigns and in the case of a joint tenancy be deemed to include the said persons and each of them and their and each of their assigns and the executors administrators and assigns of the survivor of them; and
  - (iii) where the Lessee is a corporation be deemed to include such corporation its successors and assigns;
- (g) “multi-unit housing” means the use of land for more than one dwelling and includes but is not limited to dual occupancy housing and triple occupancy housing;
- (h) “premises” means the land and any building or other improvements on the land;
- (i) “Territory” means:
- (i) when used in a geographical sense the Australian Capital Territory; and
  - (ii) when used in any other sense the body politic established by section 7 of the Australian Capital Territory (Self-Government) Act 1988 (C’th);
- (j) “triple occupancy housing” means the use of land that was originally used or leased for the purposes of single dwelling housing or dual occupancy housing for three dwellings;
- (k) words in the singular include the plural and vice versa;
- (l) words importing one gender include the other genders;
- (m) a reference in this lease to any statute or statutory provision shall include a reference to any statute or statutory provision that amends, extends, consolidates or replaces the statute or statutory provision and to any other regulation, instrument or other subordinate legislation made under the statute.

DRAFT CROWN LEASE – DA-201017615

2. THE LESSEE COVENANTS WITH THE COMMONWEALTH as follows:

RENT

- (a) That the Lessee shall pay to the Authority rent at the rate of five cents per annum if and when demanded payable within one month of the date of any demand made by the Authority relating thereto and served on the Lessee;

MANNER OF PAYMENT OF RENT

- (b) That any rent or other moneys payable by the Lessee to the Authority under this lease shall be paid to such person as may be authorised by the Authority for that purpose at Canberra in the said Territory without any deduction whatsoever.

3. THE LESSEE FURTHER COVENANTS WITH THE COMMONWEALTH as follows:

PURPOSE

- (a) To use the land for the purpose of:
  - (i) one dwelling; or
  - (ii) multi-unit housing for not more than eight dwellings;

EASEMENT FOR SERVICES

- (b) That:
  - (i) the Authority, on behalf of the Commonwealth, grants over that part of the land identified as a services easement on the Deposited Plan an easement (“Easement”) in favour of:
    - (A) ACTEW Corporation Limited A.C.N. 069 381 960 and its successors; and
    - (B) ActewAGL Distribution A.B.N. 76 670 568 688 a partnership of ACTEW Distribution Ltd A.C.N. 073 025 224 and Jemena Networks (ACT) Pty Ltd A.C.N. 008 552 663 and their successors;(collectively or separately referred to as the “service provider”);
  - (ii) the service provider may:
    - (A) provide, maintain and replace services supplied by that service provider through the land within the site of the Easement; and
    - (B) do anything reasonably necessary for that purpose, including without limitation:

## DRAFT CROWN LEASE – DA-201017615

- (1) entering or passing through the land;
  - (2) taking anything on to the land; and
  - (3) carrying out work, including without limitation, constructing, placing, repairing or maintaining pipes, poles, wires, cables, conduits, structures and equipment;
- (iii) in exercising the powers in Clause 3(b)(ii), the service provider must take all reasonable steps to:
- (A) ensure that the work carried out on the land causes as little disruption, inconvenience and damage as is practicable; and
  - (B) ensure that the land is restored as soon as practicable to a condition that is similar to its condition before the work was carried out;
- (iv) Clause 3(b)(iii)(B), does not require the service provider to restore:
- (A) the land to a condition that would result in:
    - (1) an interference with:
      - (i) any service on or through the land; or
      - (ii) access to any service on or through the land; or
    - (2) a contravention of a law of the Territory; or
  - (B) any building or structure placed or constructed on any part of the land comprising the Easement;
- (v) the Lessee must not place or construct, nor permit to be placed or constructed, a building or structure or any part of a building or structure on any part of the land comprising the Easement;
- (vi) for the purposes of the Easement, “services”, includes, without limitation, the supply of water, gas, electricity and discharge or drainage of water, stormwater and sewerage; and

## DRAFT CROWN LEASE – DA-201017615

- (vii) nothing in this clause diminishes or affects any rights or powers of a service provider conferred under any statute, regulation or law;
- PROVISION OF HYDRAULIC MAINS STORMWATER DRAINS AND SEWER LINES
- (c) That the Lessee shall provide and thereafter maintain hydraulic mains stormwater drains sewer lines hydraulic fire mains and hydrants on the land in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;
- PROVISION OF STORAGE AREAS CARPARKING AND ILLUMINATION
- (d) That the Lessee shall provide and thereafter maintain storage areas covered carparking hardstanding carparking adequately illuminated vehicle access roads pedestrian pathways and vehicle access drives on the land to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;
- PROVISION OF FACILITIES FOR ELECTRICAL AND TELEPHONE CABLES
- (e) That the Lessee shall provide facilities on the land to a standard acceptable to the Authority to enable electrical and telephone cables and wires to be installed underground;
- LANDSCAPING
- (f) That the Lessee shall provide and thereafter maintain landscaping on the land to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;
- PRESERVATION OF TREES
- (g) That the Lessee shall not, without the previous consent in writing of the Territory, remove any tree:
- (i) that has been identified in a development approval for retention during the period allowed for construction of the building; or
- (ii) to which the Tree Protection Act 2005, applies;
- SERVICE AREAS
- (h) That the Lessee shall screen and keep screened all service areas to the satisfaction of the Authority and shall ensure that all plant and machinery contained within the premises is suitably screened from public view;
- BUILDING SUBJECT TO APPROVAL
- (i) That the Lessee shall not without the previous approval in writing of the Authority, except where exempt by law, erect any building, or make any structural alterations to any building, on the land;

## DRAFT CROWN LEASE – DA-201017615

- REPAIR (j) That the Lessee shall at all times during the said term maintain repair and keep in repair the premises to the satisfaction of the Authority;
- FAILURE TO REPAIR (k) If and whenever the Lessee is in breach of the Lessee's obligations to maintain repair and keep in repair the premises the Authority may by notice in writing to the Lessee specifying the repairs and maintenance needed require the Lessee to effect the necessary work in accordance with the notice. If the Authority is of the opinion that a building or some other improvement on the land is beyond reasonable repair the Authority may by notice in writing to the Lessee require the Lessee to remove the building or improvement and may require the Lessee to construct a new building or improvement in place of that removed within the time specified in the notice. If the Lessee does not carry out the required work within the time specified by the Authority any person or persons duly authorised by the Authority with such equipment as is necessary may enter the premises and carry out the necessary work and all costs and expenses incurred by the Authority in carrying out the work shall be paid by the Lessee to the Authority on demand and from the date of such demand until paid shall for all purposes of this lease be a debt due and payable to the Authority by the Lessee;
- RIGHT OF INSPECTION (l) Subject to the provisions of the Planning and Development Act 2007 to permit any person or persons authorised by the Authority to enter and inspect the premises at all reasonable times and in any reasonable manner;
- RATES AND CHARGES (m) To pay all rates charges and other statutory outgoings assessed levied or payable in respect of the premises as and when they are due for payment.
4. THE COMMONWEALTH COVENANTS WITH THE LESSEE as follows:
- QUIET ENJOYMENT That the Lessee paying the rent and all other money due and observing and performing the covenants and stipulations on the part of the Lessee to be observed and performed shall quietly enjoy the premises without interruption by the Authority or any person lawfully claiming from or under or in trust for the Authority.
5. IT IS MUTUALLY COVENANTED AND AGREED as follows:
- TERMINATION (a) That if:

## DRAFT CROWN LEASE – DA-201017615

- (i) any rent or other moneys payable under this lease shall remain unpaid for three months next after the date appointed for payment thereof (whether such rent shall have been formally demanded or not); or
- (ii) the said land is at any time not used for a period of one year for the purpose for which this lease is granted; or
- (iii) the Lessee shall fail to observe or perform any other of the covenants contained in this lease on the part of the Lessee to be observed or performed and shall have failed to remedy such breach within a period of six months from the date of service on the Lessee of a notice in writing from the Authority specifying the nature of such breach

the Authority on behalf of the Commonwealth may terminate this lease but without prejudice to any claim which the Authority or the Commonwealth may have against the Lessee in respect of any breach of the covenants on the part of the Lessee to be observed or performed;

ACCEPTANCE  
OF RENT

- (b) That acceptance of rent or other moneys by the Authority during or after any period referred to in Clauses 5(a) (i), (ii) or (iii) of this lease shall not prevent or impede the exercise by the Authority of the powers conferred upon it by the said Clauses;

## FURTHER LEASE

- (c) subject to the Lessee paying all money required to be paid under the provisions of the Planning and Development Act 2007 the Lessee shall be entitled to a further lease of the land for such further term and at such rent and subject to such conditions as may then be provided or permitted by Statute Ordinance or Regulation;

## NOTICES

- (d) That any notice requirement demand consent or other communication to be given to or served upon the Lessee under this lease shall be deemed to have been duly given or served if signed by or on behalf of the Authority and delivered to or sent in a prepaid letter addressed to the Lessee at the registered office of the Lessee in the said Territory BUT if for any reason the Lessee does not have a registered office in the said Territory then at the usual or last-known address of the Lessee or affixed in a conspicuous position on the premises;

EXERCISE OF  
POWERS

- (e) Any and every right, power or remedy conferred on the Commonwealth or Territory in this lease, by law or implied by law may be exercised on behalf of the Commonwealth or the Territory or as the case may be by:
  - (i) the Authority;

DRAFT CROWN LEASE – DA-201017615

- (ii) an authority or person for the time being authorised by the Authority or by law to exercise those powers or functions of the Commonwealth or Territory; or
- (iii) an authority or person to whom the Authority has delegated all its powers or functions under the Planning and Development Act 2007.

IN WITNESS whereof the Authority on behalf of the Commonwealth and the Lessee have executed this lease.

Signed by [name of signatory]	)	
a delegate authorised to execute this lease	)	.....
on behalf of the Commonwealth in the	)	Delegate
presence of [name of witness]	)	
		.....
		Witness

Signed by	)
(A.C.N. ) by:	)

.....  
Signature

.....  
Signature

.....  
Name in full

.....  
Name in full

.....  
Director/Secretary

.....  
Director/Secretary

**PLOT RATIO CALCULATIONS**

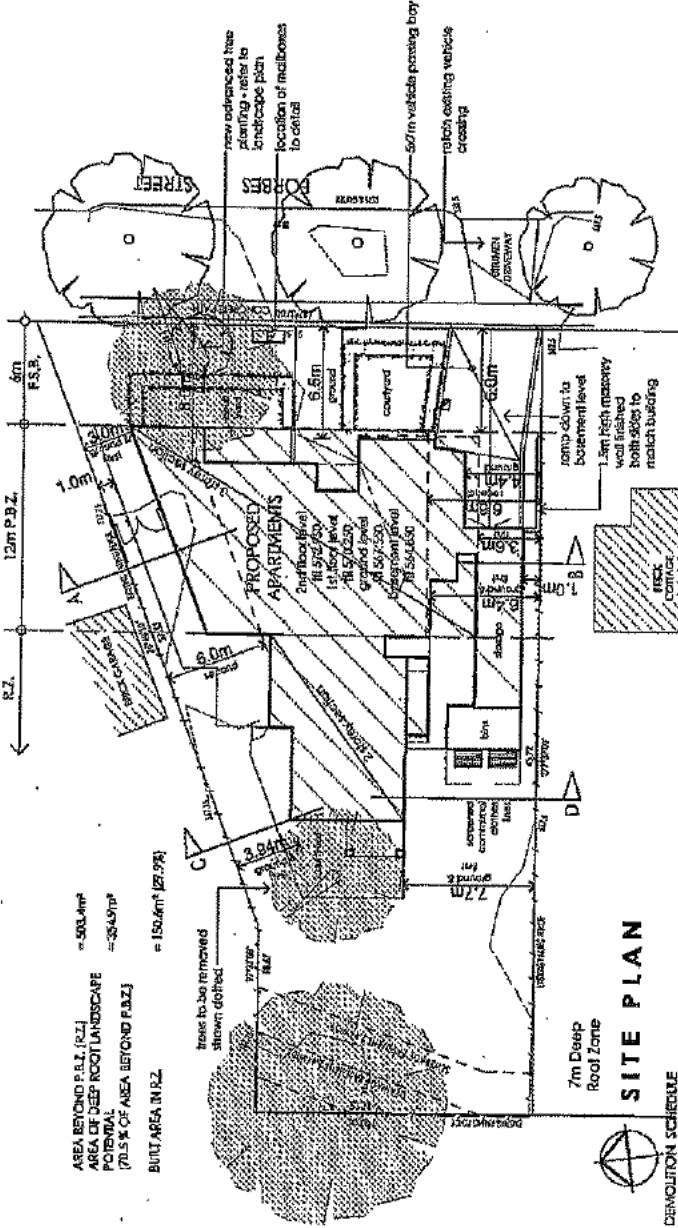
-Units Living Areas	586.5m <sup>2</sup>
-Storage Areas	350m <sup>2</sup>
-Lobby	4.5m <sup>2</sup>
-Escalator	2.0m <sup>2</sup>
-Lift	2.0m <sup>2</sup>
-Stair Area	67.0m <sup>2</sup>
-Proposed Plot Ratio	0.59:1

**NOTES**

- All directional signage will comply with the requirements of AS1742.10 (1991) Manual of Uniform Traffic Control Devices - Pedestrian Control and Protection.
- All pedestrian paths are designed in accordance with AUSTRALAS Guide to Traffic Engineering Practice Part 13 - Pedestrians.

**LEGEND**

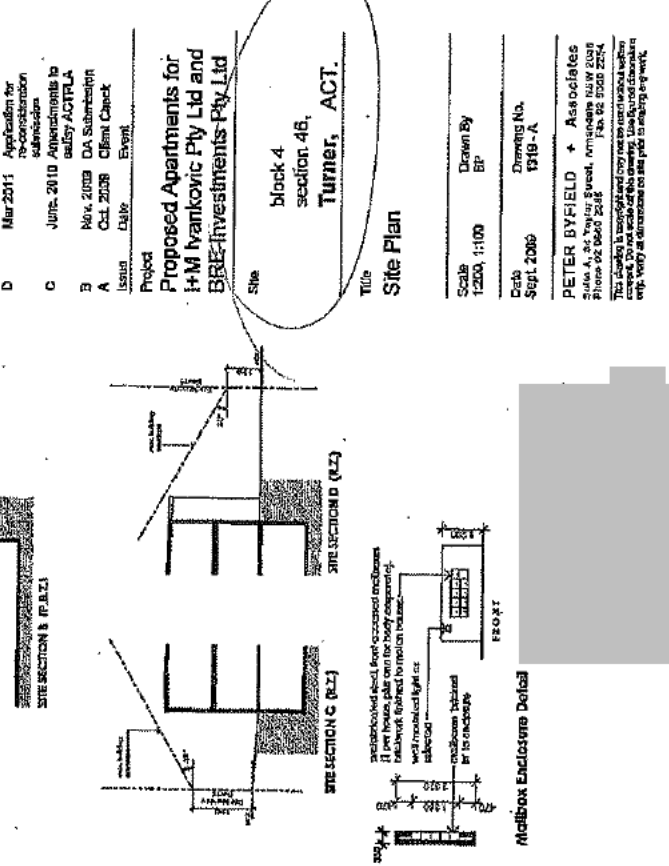
- existing fence to be retained
- existing fence to be removed
- courtyard wall - 220 brickwork to match building
- 'pear fence' to top (O/A 1.5m max height)
- existing boundary fence to be retained
- precastion gate to match adjoining fence
- hedge planting with 1.2m tall black chainwire fence to define / secure front courtyards
- dark grey broom finished concrete driveway
- brick mailbox enclosure to detail
- 1.2m tall bollard light fixture subject to lighting plan
- visitor vehicle coil buzzer to detail



**SITE PLAN**

- DEMOLITION SCHEDULE**
- Within ACHER ACE, of the proposed duration and include them to remove tanks and elements of oil service system.
  - Break water meter on site for use during construction, site and people of with demolition during demolition process.
  - Demolish the site and top off.
  - Demolish sewer for existing any demolition works to proceed public access.
  - Fence off site prior to starting any demolition works to prevent public access.
  - Fence off areas surrounding trees to be retained to protect them during the demolition and construction.
  - Salvage roof tiles and other materials required and store off site.
  - Remove any other materials required and dispose of in accordance with the local council.
  - Monitor site during demolition, including bookings and removal of rubble from site to be transferred to the waste per form.

**DEMOLITION PLAN**



**Site Plan**

Project  
**Proposed Apartments for**  
**M Ivanovic Pty Ltd and**  
**BRE Investments Pty Ltd**

Site  
 block 4  
 section 46,  
**Turner, ACT.**

Title  
**Site Plan**

Scale  
 1:200, 1:100

Drawn By  
 BT

Date  
 Sept 2006

Drawing No.  
 1919 - A

**PETER BYFIELD + Associates**  
 Suite A, 24 Tully Street, Terrigalla NSW 2264  
 Phone 66 660 2488 Fax 66 660 2294  
 This drawing is prepared and may be used without liability to the client. Do not scale off this drawing. Use the grid dimension only. Verify all dimensions on the job to satisfy a project.

29.09.11

File Number ACT CIVIL AND ADMINISTRATIVE TRIBUNAL



AT 11/57

## APPLICATION FOR INTERIM OR OTHER ORDERS – GENERAL\*

\*see attachment for when this application may be used

### APPLICANTS

Name

### RESPONDENT

Name

ACT Planning and Land Authority

THIS APPLICATION is made by the: (strike out what does not apply)

Applicant

Respondent

All Parties

Orders sought – interim or other orders (use an attachment if insufficient space and number each order separately)

The parties have reached agreement in this matter, and request that the Tribunal make the following orders pursuant to section 55 of the *ACT Civil and Administrative Tribunal Act 2008 (ACAT Act)*:

That with reference to section 68(2) of the ACAT Act, the decision under review is varied so as to approve DA201017615 pursuant to section 162(1)(b) of the *Planning and Development Act 2007* subject to the conditions attached as marked Annexure 'A'.

Legislation under which orders are sought:

Section 55 of the *ACT Civil and Administrative Tribunal Act 2008*.

**Grounds relied on**

The parties have reached an agreement about the terms of a Tribunal decision in relation to the application. The terms of the agreement have been reduced to writing, signed by the parties and lodged with the Tribunal.



**Applicant**

**Date:** 28/09/2011

**ACT Government Solicitor  
Per: Leszek Stawski  
Solicitor for the Respondent**

**Date:**



**Party Joined**

**Date:**



**Party Joined**

**Date:**

### Applications for Interim or Other Orders

This form may be used when an application has already commenced before the tribunal and a party or someone else wishes to apply for an interim or other order in relation to that application. It should be used only when no other specific form exists for the application. It may only be used when the ACT Civil and Administrative Act 2008 (the Act) or some other law authorises the application.

Examples of applications that may be made include:

1. for an interim order under section 53 of the Act or to vary, revoke or extend such an order
2. to join a person as a new party to an application
3. for an order under section 35 of the Act referring a matter for mediation and requiring the parties to attend a mediation
4. for an order under section 39(3) of the Act relating to hearings in private or partly in private
5. to set aside a subpoena completely or partly under section 41(6) of the Act
6. for a direction to permit a person to take part or give evidence other than in person under section 45 of the Act
7. to amend a document under section 47 of the Act
8. for the tribunal to make an order in accordance with agreed terms under section 55 of the Act
9. for an order to hear an application jointly with another application under section 56 (a) of the Act
10. for orders to be made by consent under section 56(b) of the Act
11. to amend or set aside a tribunal order under section 56(c)
12. to extend the period for compliance stated in a direction made under section 67 of the Act
13. to remove an application to the Supreme Court under section 83 of the Act or for the referral of a question of law to the Supreme Court under section 84 of the Act

**NOTE:** This is not an exhaustive list of the applications for interim or other orders that may be made using this form.

Unless it is inconsistent with a provision in the Act or in an authorising law or rule, a person may apply to the tribunal for an interim or other order in an application by:

- (a) lodging an application in writing using this form or
- (b) by writing a letter to the tribunal or
- (c) by making an oral application to the tribunal.

A person who wishes to apply for an interim or other order in an application should ensure that every party to the application is aware of what orders are sought and when the application is going to be made.

In making a decision about how an application for an interim or other order should be made in a matter the tribunal will consider:

- (a) the need to observe natural justice and procedural fairness, and;
- (b) the requirement for procedures to be as simple, quick, inexpensive and informal as is consistent with achieving justice and
- (c) the needs of the particular matter

DRAFT CROWN LEASE – DA-201017615

Entered in Register Book Vol

Folio

This is a market value  
lease - s238(2)(a)(ii) Planning  
and Development Act 2007

**AUSTRALIAN CAPITAL TERRITORY**

**PLANNING AND DEVELOPMENT ACT 2007**

**Australian Capital Territory (Planning and Land  
Management) Act 1988 (C'th) ss 29, 30 & 31**

LEASE GRANTED pursuant to the Planning and Development Act 2007 and the  
Regulations made under that Act on the                      day of                      Two


thousand and                      WHEREBY THE PLANNING AND LAND  
AUTHORITY (“the Authority”) ON BEHALF OF THE COMMONWEALTH

**LESSEE** OF AUSTRALIA (“the Commonwealth”) in exercising its functions grants to

a company having its registered office at

in the Australian Capital Territory number of

shares/tenants in common/joint tenants (“the Lessee”) ALL THAT piece or parcel

**LAND** of land situate in the Australian Capital Territory containing an area of 

**square metres** or thereabouts and being **Block 12 Section 46 Division of**

**Turner** as delineated on **Deposited Plan Number 324** in the Registrar-

General’s Office at Canberra in the said Territory (“the land”) RESERVING unto

the Territory all minerals and the right to the use, flow and control of ground water

**TERM** under the surface of the land TO HOLD unto the Lessee for the term commencing

on the                      day of                      **Two thousand and**

(“the date of the commencement of the lease”) and terminating on the **twenty**

**ninth day of July Two thousand and fifty** to be used by the Lessee for the

purpose set out in Clause 3(a) of this lease only YIELDING AND PAYING

THEREFOR rent in the amount and in the manner and at the times provided for in

this lease and UPON AND SUBJECT TO the covenants conditions and

agreements contained in this lease.



## DRAFT CROWN LEASE – DA-201017615

INTERPRETATION 1. IN THIS LEASE unless the contrary intention appears:

- (a) “Authority” means the Planning and Land Authority established by section 10 of the Planning and Development Act 2007;
- (b) “building” means any building or structure constructed or partially constructed or to be constructed, as the context permits or requires, on or under the land;
- (c) “class” for a building or structure, means the class of building or structure under the building code (refer to the Building Act 2004);
- (d) “dual occupancy housing” means the use of land that was originally used or leased for the purposes of single dwelling housing for two dwellings;
- (e) “dwelling”:
  - (i) means a class 1 building, or a self-contained part of a class 2 building, that:
    - (A) includes the following that are accessible from within the building, or the self-contained part of the building:
      - (1) not more than 2 kitchens;
      - (2) at least 1 bath or shower;
      - (3) at least 1 toilet pan; and
    - (B) does not have access from another building that is either a class 1 building or the self-contained part of a class 2 building; and
  - (ii) includes any ancillary parts of the building and any class 10a buildings associated with the building;

DRAFT CROWN LEASE – DA-201017615

- (f) “Lessee” shall:
- (i) where the Lessee consists of one person be deemed to include the Lessee and the executors administrators and assigns of the Lessee;
  - (ii) where the Lessee consists of two or more persons be deemed to include in the case of a tenancy in common the said persons and each of them and their and each of their executors administrators and assigns and in the case of a joint tenancy be deemed to include the said persons and each of them and their and each of their assigns and the executors administrators and assigns of the survivor of them; and
  - (iii) where the Lessee is a corporation be deemed to include such corporation its successors and assigns;
- (g) “multi-unit housing” means the use of land for more than one dwelling and includes but is not limited to dual occupancy housing and triple occupancy housing;
- (h) “premises” means the land and any building or other improvements on the land;
- (i) “Territory” means:
- (i) when used in a geographical sense the Australian Capital Territory; and
  - (ii) when used in any other sense the body politic established by section 7 of the Australian Capital Territory (Self-Government) Act 1988 (C’th);
- (j) “triple occupancy housing” means the use of land that was originally used or leased for the purposes of single dwelling housing or dual occupancy housing for three dwellings;
- (k) words in the singular include the plural and vice versa;
- (l) words importing one gender include the other genders;
- (m) a reference in this lease to any statute or statutory provision shall include a reference to any statute or statutory provision that amends, extends, consolidates or replaces the statute or statutory provision and to any other regulation, instrument or other subordinate legislation made under the statute.

DRAFT CROWN LEASE – DA-201017615

2. THE LESSEE COVENANTS WITH THE COMMONWEALTH as follows:

RENT

(a) That the Lessee shall pay to the Authority rent at the rate of five cents per annum if and when demanded payable within one month of the date of any demand made by the Authority relating thereto and served on the Lessee;

MANNER OF PAYMENT OF RENT

(b) That any rent or other moneys payable by the Lessee to the Authority under this lease shall be paid to such person as may be authorised by the Authority for that purpose at Canberra in the said Territory without any deduction whatsoever.

3. THE LESSEE FURTHER COVENANTS WITH THE COMMONWEALTH as follows:

PURPOSE

(a) To use the land for the purpose of:  
(i) one dwelling; or  
(ii) multi-unit housing for not more than eight dwellings;

EASEMENT FOR SERVICES

(b) That:

(i) the Authority, on behalf of the Commonwealth, grants over that part of the land identified as a services easement on the Deposited Plan an easement (“Easement”) in favour of:

(A) ACTEW Corporation Limited A.C.N. 069 381 960 and its successors; and

(B) ActewAGL Distribution A.B.N. 76 670 568 688 a partnership of ACTEW Distribution Ltd A.C.N. 073 025 224 and Jemena Networks (ACT) Pty Ltd A.C.N. 008 552 663 and their successors;

(collectively or separately referred to as the “service provider”);

(ii) the service provider may:

(A) provide, maintain and replace services supplied by that service provider through the land within the site of the Easement; and

(B) do anything reasonably necessary for that purpose, including without limitation:

## DRAFT CROWN LEASE – DA-201017615

- (1) entering or passing through the land;
  - (2) taking anything on to the land; and
  - (3) carrying out work, including without limitation, constructing, placing, repairing or maintaining pipes, poles, wires, cables, conduits, structures and equipment;
- (iii) in exercising the powers in Clause 3(b)(ii), the service provider must take all reasonable steps to:
- (A) ensure that the work carried out on the land causes as little disruption, inconvenience and damage as is practicable; and
  - (B) ensure that the land is restored as soon as practicable to a condition that is similar to its condition before the work was carried out;
- (iv) Clause 3(b)(iii)(B), does not require the service provider to restore:
- (A) the land to a condition that would result in:
    - (1) an interference with:
      - (i) any service on or through the land; or
      - (ii) access to any service on or through the land; or
    - (2) a contravention of a law of the Territory; or
  - (B) any building or structure placed or constructed on any part of the land comprising the Easement;
- (v) the Lessee must not place or construct, nor permit to be placed or constructed, a building or structure or any part of a building or structure on any part of the land comprising the Easement;
- (vi) for the purposes of the Easement, “services”, includes, without limitation, the supply of water, gas, electricity and discharge or drainage of water, stormwater and sewerage; and

## DRAFT CROWN LEASE – DA-201017615

- (vii) nothing in this clause diminishes or affects any rights or powers of a service provider conferred under any statute, regulation or law;
- PROVISION OF HYDRAULIC MAINS STORMWATER DRAINS AND SEWER LINES (c) That the Lessee shall provide and thereafter maintain hydraulic mains stormwater drains sewer lines hydraulic fire mains and hydrants on the land in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;
- PROVISION OF STORAGE AREAS CARPARKING AND ILLUMINATION (d) That the Lessee shall provide and thereafter maintain storage areas covered carparking hardstanding carparking adequately illuminated vehicle access roads pedestrian pathways and vehicle access drives on the land to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;
- PROVISION OF FACILITIES FOR ELECTRICAL AND TELEPHONE CABLES (e) That the Lessee shall provide facilities on the land to a standard acceptable to the Authority to enable electrical and telephone cables and wires to be installed underground;
- LANDSCAPING (f) That the Lessee shall provide and thereafter maintain landscaping on the land to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;
- PRESERVATION OF TREES (g) That the Lessee shall not, without the previous consent in writing of the Territory, remove any tree:
- (i) that has been identified in a development approval for retention during the period allowed for construction of the building; or
- (ii) to which the Tree Protection Act 2005, applies;
- SERVICE AREAS (h) That the Lessee shall screen and keep screened all service areas to the satisfaction of the Authority and shall ensure that all plant and machinery contained within the premises is suitably screened from public view;
- BUILDING SUBJECT TO APPROVAL (i) That the Lessee shall not without the previous approval in writing of the Authority, except where exempt by law, erect any building, or make any structural alterations to any building, on the land;

## DRAFT CROWN LEASE – DA-201017615

## REPAIR

- (j) That the Lessee shall at all times during the said term maintain repair and keep in repair the premises to the satisfaction of the Authority;

## FAILURE TO REPAIR

- (k) If and whenever the Lessee is in breach of the Lessee's obligations to maintain repair and keep in repair the premises the Authority may by notice in writing to the Lessee specifying the repairs and maintenance needed require the Lessee to effect the necessary work in accordance with the notice. If the Authority is of the opinion that a building or some other improvement on the land is beyond reasonable repair the Authority may by notice in writing to the Lessee require the Lessee to remove the building or improvement and may require the Lessee to construct a new building or improvement in place of that removed within the time specified in the notice. If the Lessee does not carry out the required work within the time specified by the Authority any person or persons duly authorised by the Authority with such equipment as is necessary may enter the premises and carry out the necessary work and all costs and expenses incurred by the Authority in carrying out the work shall be paid by the Lessee to the Authority on demand and from the date of such demand until paid shall for all purposes of this lease be a debt due and payable to the Authority by the Lessee;

## RIGHT OF INSPECTION

- (l) Subject to the provisions of the Planning and Development Act 2007 to permit any person or persons authorised by the Authority to enter and inspect the premises at all reasonable times and in any reasonable manner;

## RATES AND CHARGES

- (m) To pay all rates charges and other statutory outgoings assessed levied or payable in respect of the premises as and when they are due for payment.

## 4. THE COMMONWEALTH COVENANTS WITH THE LESSEE as follows:

## QUIET ENJOYMENT

That the Lessee paying the rent and all other money due and observing and performing the covenants and stipulations on the part of the Lessee to be observed and performed shall quietly enjoy the premises without interruption by the Authority or any person lawfully claiming from or under or in trust for the Authority.

## 5. IT IS MUTUALLY COVENANTED AND AGREED as follows:

## TERMINATION

- (a) That if:

## DRAFT CROWN LEASE – DA-201017615

- (i) any rent or other moneys payable under this lease shall remain unpaid for three months next after the date appointed for payment thereof (whether such rent shall have been formally demanded or not); or
- (ii) the said land is at any time not used for a period of one year for the purpose for which this lease is granted; or
- (iii) the Lessee shall fail to observe or perform any other of the covenants contained in this lease on the part of the Lessee to be observed or performed and shall have failed to remedy such breach within a period of six months from the date of service on the Lessee of a notice in writing from the Authority specifying the nature of such breach

the Authority on behalf of the Commonwealth may terminate this lease but without prejudice to any claim which the Authority or the Commonwealth may have against the Lessee in respect of any breach of the covenants on the part of the Lessee to be observed or performed;

ACCEPTANCE  
OF RENT

- (b) That acceptance of rent or other moneys by the Authority during or after any period referred to in Clauses 5(a) (i), (ii) or (iii) of this lease shall not prevent or impede the exercise by the Authority of the powers conferred upon it by the said Clauses;

## FURTHER LEASE

- (c) subject to the Lessee paying all money required to be paid under the provisions of the Planning and Development Act 2007 the Lessee shall be entitled to a further lease of the land for such further term and at such rent and subject to such conditions as may then be provided or permitted by Statute Ordinance or Regulation;

## NOTICES

- (d) That any notice requirement demand consent or other communication to be given to or served upon the Lessee under this lease shall be deemed to have been duly given or served if signed by or on behalf of the Authority and delivered to or sent in a prepaid letter addressed to the Lessee at the registered office of the Lessee in the said Territory BUT if for any reason the Lessee does not have a registered office in the said Territory then at the usual or last-known address of the Lessee or affixed in a conspicuous position on the premises;

EXERCISE OF  
POWERS

- (e) Any and every right, power or remedy conferred on the Commonwealth or Territory in this lease, by law or implied by law may be exercised on behalf of the Commonwealth or the Territory or as the case may be by:

- (i) the Authority;



## ANNEXURE A

### CONDITIONS OF APPROVAL (BLOCK 12 SECTION 46 TURNER)

This application is approved subject to the following conditions being satisfied. Some conditions of approval may require attention before the approved drawings will be released by the Planning Authority, others before work commences or before the completion of building work.

#### A. ADMINISTRATIVE / PROCESS CONDITIONS

##### 1. FURTHER INFORMATION

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

- i. revised architectural drawings (including a revised landscape plan and lighting plan), based on the relevant drawings as attached hereto as Attachments A1-

Note 1: The revised drawings (referred to in A.1.i above) shall include a safety barrier on the retaining wall on the northern side of the driveway ramp up to the building line, and the area between the safety barrier and the adjacent boundary of the block shall be landscaped in a way to limit persons accessing this area.

Note 2: The lighting plan (referred to in A.1.i above) shall comply with the requirements of the Crime Prevention through Environmental Design Code (and applicable Australian Standards), but shall be designed to limit light-spill to adjoining properties.

- ii. the relevant revised architectural drawings (referred to in A.1.i above) endorsed as compliant by ActewAGL (Electricity Networks) and ActewAGL ((Water and Sewerage Networks).

#### B. CONDITIONS RELATING TO THE VARIATION OF A CROWN LEASE

##### 2. SURRENDER AND REGRANT

That the lessee surrender the existing Crown lease over Block 12 Section 46 Division of Turner - (Volume 23 : Folio 2298) and accept a new Crown lease substantially in accordance with the form of lease appearing at **Attachment R1**.

##### 3. LEASE VARIATION CHARGE

Prior to the registration of the new consolidated Crown lease, the lessee must, as is required under the *Planning and Development Act 2007*, pay any assessed Lease Variation Charge. Once advised of the lease variation charge, the charge should be paid not less than 3 months prior to the expiration of this approval. This will ensure that sufficient time remains to enable the new consolidated Crown lease to be registered at the Office of Regulatory Services prior to expiry of this approval.



*Note:* For approvals that involve a lease variation only, there is no provision under the *Planning and Development Act 2007* to extend the time frame for compliance with the approval beyond the 2 years after the date this approval takes effect.

4. LEASE REGISTRATION

That the lessee shall do all that is necessary to ensure that the new Crown lease giving effect to this approval is registered at the Office of Regulatory Services within 28 days of being notified that the Crown lease is available for registration or within such further time as may be approved by the Planning and Land Authority; and

5. COMMENCEMENT OF BUILDING WORK

That no building work in relation to this Development Application is to commence on the site until the new consolidated Crown lease is registered at the Office of Regulatory Services.

**ADVISORY NOTES RELATING TO THE VARIATION OF A CROWN LEASE**

i. FURTHER APPROVALS

Please note that the realisation of the approved lease variation to its fullest extent may not be achieved as design and siting is subject to the submission and approval of a further Development Application.

**C. PRIOR TO CONSTRUCTION AND/OR DEMOLITION**

1. SEDIMENT AND EROSION CONTROL

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

2. TREE PROTECTION

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

No works are to occur within the Tree Protection Zone of the gum and *Grevillea robusta* in the backyard.

[Note: Approval for removal of the *Fraximus oxycarpa* "Raywood" in the front yard was granted by the Conservator of Flora and Fauna on 23 September 2011.]

3. LANDSCAPE MANAGEMENT AND PROTECTION PLAN (LMPP)

LMPP approval from the Manager, Asset Acceptance, Land Management and Planning, TAMS. During construction, all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with the Landscape Management Protection Plan (LMPP) approved by the Manager, Asset Acceptance. This plan is to be implemented before the commencement of works, including demolition on the site and is to be in

accordance with City Management Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04.

4. TRAFFIC MANAGEMENT

A Temporary Traffic Management (TTM) Plan shall be prepared by a suitably qualified person and approved by the Senior Manager, Asset Acceptance prior to commencement of any work on the site. This plan is to address, as a minimum, measures to be employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices;

5. NOTICE OF COMMENCEMENT OF CONSTRUCTION

Notice of Commencement of Construction shall be submitted to the Manager Asset Acceptance one week prior to the commencement of works. The Notice shall also include the confirmation of any protective measures installed in accordance with the approved LMPP and programmed implementation of the TTM.

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

1. SEDIMENT AND EROSION CONTROL

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

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

2. TREE PROTECTION

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

3. LANDSCAPE MANAGEMENT AND PROTECTION PLAN (LMPP)

During any work undertaken on the site, all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with a Landscape Management Plan approved by the Senior Manager Asset Acceptance, Land Management and Planning Division, Department of Territory and Municipal Services

4. TRAFFIC MANAGEMENT

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

5. UPGRADING OF BOUNDARY FENCES

Pursuant to sub paragraph 165(3)(n)(ii) of the *Planning and Development Act 2007*, at the lessee's expense and before the completion of building work, the

existing fences on all the adjoining leased boundaries shall be upgraded to a 1.8m high timber lapped and capped fence, or to another standard acceptable to the ACT Planning and Land Authority. The lessee must take all reasonable steps to obtain the written agreement of the respective lessees before the erection of any new fencing. If there is no agreement, the fencing is to be to the satisfaction of the ACT Planning and Land Authority. New fencing shall not extend further forward than the new building line.

6. WASTE MANAGEMENT

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

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

1. WASTE

A fully detailed waste management plan must be provided at Design Acceptance including demolition, construction and operational waste.

2. DESIGN ACCEPTANCE

A Certificate of Design Acceptance and a Certificate of Operational Acceptance on completion of the works are required from the Senior Manager, Asset Acceptance, Land Management and Planning, TAMS, prior to the issue of a Certificate of Occupancy. The Certificate of Design acceptance will be issued for all off-site works or its updated version approved by ACTPLA.

In order to obtain the Certificate of Design Acceptance, fully detailed drawings (civil, landscape) prepared by suitably qualified persons for all off-site works including roads, driveways, footpaths, street lighting, storm water, landscaping (and any other issues that may be found by audit of the plans) and a design report in accordance with Ref No 06: "Requirements for Design Acceptance Submissions", must be certified by a Chartered Engineer/Landscape Architect and submitted to the Senior Manager, Asset Acceptance. Similarly a Chartered Engineer/Landscape Architect should certify compliance with TAMS Ref No 08: "Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance is made to the Senior Manager, Asset Acceptance on completion of all off-site works.

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

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

# APPENDIX 1

## CONTACT DETAILS OF RELEVANT AGENCIES

<b>ACT Health</b> - health protection	Website: <a href="http://www.health.act.gov.au">www.health.act.gov.au</a> Telephone: (02) 6205 1700
<b>ACT Planning and Land Authority</b> - list of certifiers for building approval - demolition information - asbestos information	Website: <a href="http://www.actpla.act.gov.au">www.actpla.act.gov.au</a> Telephone: (02) 6207 1923 or (02) 6207 1687
<b>Department of Territory and Municipal Services</b> - tree damaging activity approval - heritage - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets - threatened species/wildlife management	Website: <a href="http://www.tams.act.gov.au">www.tams.act.gov.au</a> Telephone: 132 281 Telephone for asset acceptance: (02) 6207 6594  Research and Planning (02) 62071911
<b>Department of Environment, Climate Change, Energy and Water</b> - environment protection - water resources	Website: <a href="http://www.environment.act.gov.au">www.environment.act.gov.au</a> Telephone: (02) 62076251 for Environment Protection Authority (EPA)
<b>Utilities</b> - Telstra (networks) - TransACT (networks) - ActewAGL - Electricity reticulation	Telephone: (02) 9397 2090 Telephone: (02) 6229 8000 Telephone: 1100 Telephone: (02) 6293 5738

## ADVICE TO APPLICANT

### SUBMISSION OF REVISED DRAWINGS AND DOCUMENTATION

If a condition of approval requires the applicant to lodge revised drawings and/or documentation with the ACT Planning and Land Authority for approval under section 165 of the *Planning and Development Act 2007* the submission shall be made with a completed application Form 11 for Section 144 & 197 Amendments and Satisfying Conditions of Approval (S.165).

### FURTHER APPROVALS FOR CONSTRUCTION

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

#### BUILDING APPROVAL

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

#### PERMITTED VARIATIONS TO APPROVED DEVELOPMENT

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

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

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

#### "TREE DAMAGING ACTIVITY" APPROVAL

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

#### USE OF VERGES OR OTHER UNLEASED TERRITORY LAND

In accordance with the *Roads and Public Places Act 1937*, road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. Approval can be obtained from the Department of Territory and Municipal Services.

#### WORKS ON UNLEASED TERRITORY LAND – DESIGN AND OPERATIONAL ACCEPTANCE

In accordance with the *Roads and Public Places Act 1937*, no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval must be obtained from the Manager Asset Acceptance, Asset Services Group, TAMS by way of:

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

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

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

#### **CONSTRUCTION REQUIREMENTS**

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

#### DEMOLITION AND ASBESTOS MANAGEMENT

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

Centres.

#### ENVIRONMENT PROTECTION

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

#### REPAIR OF DAMAGE TO PUBLIC ASSETS

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

#### UTILITY ASSETS RETENTION

The lessee should obtain a plant location advice from ActewAGL to avoid conflict with existing plant or electrical easements. The lessee will be responsible for the costs associated with the relocation of assets, if necessary. The lessee is to ensure that the water service and water meter are retained in position and in good condition. 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.

#### ACCESS TO DOCUMENTS ABOUT THE DECISION

You may apply for access to any documents you consider relevant to this decision under the ACT Freedom of Information Act 1989. Information about Freedom of information requests is available on the ACT Planning and Land Authority's web site or by contacting us by phone on (02) 6207 1923.

#### TRANSLATION AND INTERPRETER SERVICES

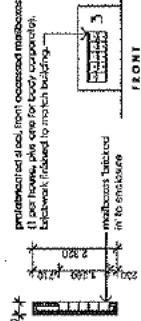
The ACT Government's translation and interpreter service runs 24 hours a day, every day of the week. Telephone 131 450.

ENGLISH	If you need interpreting help, telephone:
ARABIC	إذا احتجت لمساعدة في الترجمة الشفوية، إتصل برقم الهاتف:
CHINESE	如果你需要传译员的帮助，请打电话:
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, ċempel:
PERSIAN	اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodioca 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, seven days a week



Mailbox Enclosure Detail

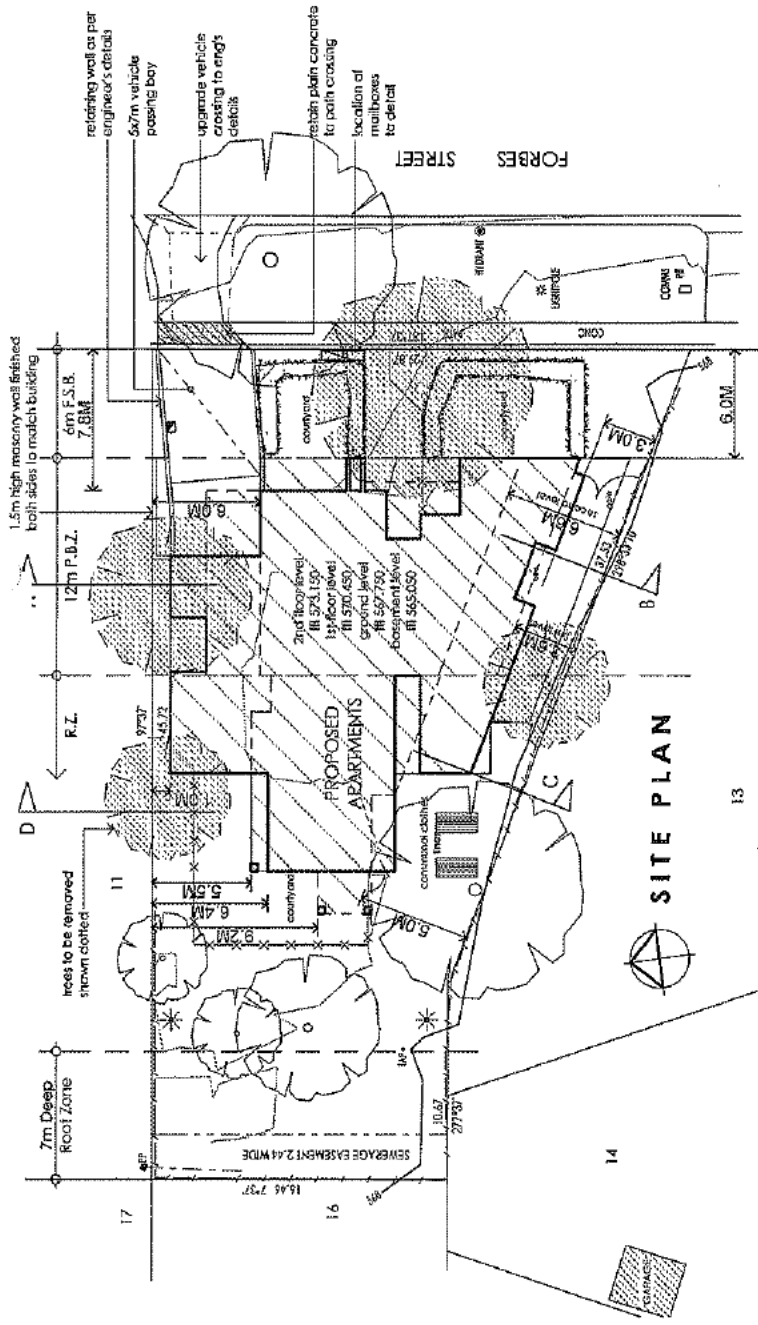
**PILOT RATIO CALCULATIONS**

- Living Areas 403.9m<sup>2</sup>
- Garage 40.5m<sup>2</sup>
- Front Porch 40.5m<sup>2</sup>
- Basement fire escape stairs 10.8m<sup>2</sup>
- Total Area 495.7m<sup>2</sup>
- Site Area 997.6m<sup>2</sup>
- Proposed Plot Ratio 0.72:1

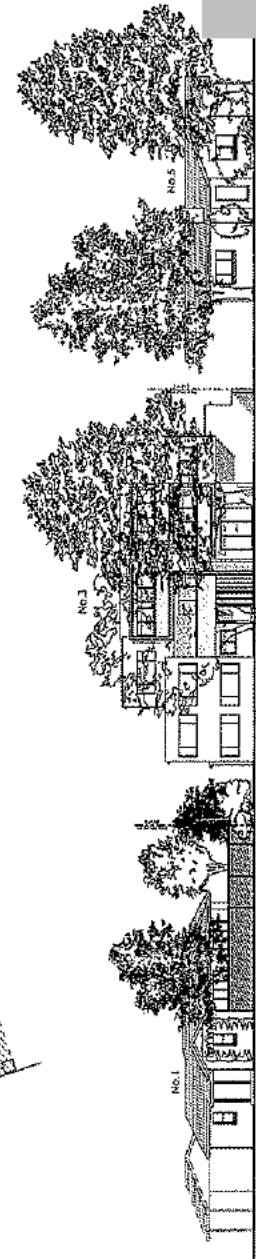
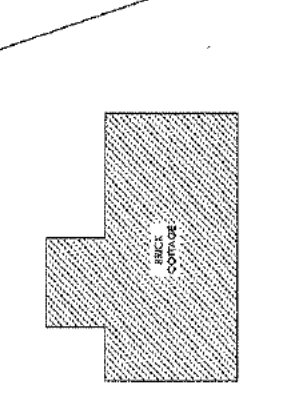
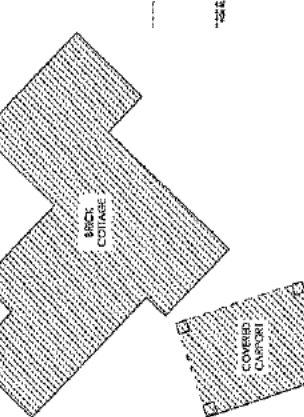
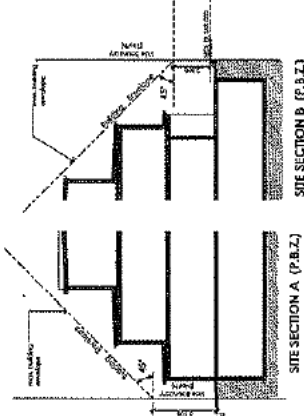
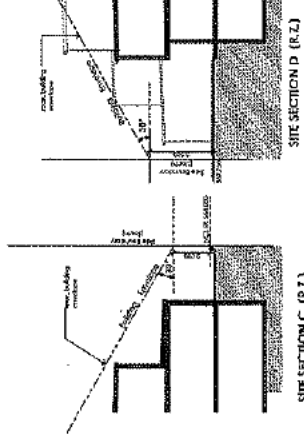
AREA BEYOND P.B.Z. = 512.1m<sup>2</sup>  
 AREA OF DEEP ROOT LANDSCAPE POTENTIAL (70.1% OF AREA BEYOND P.B.Z.) = 358.7m<sup>2</sup>  
 BUILT AREA IN R.Z. = 152.1m<sup>2</sup> (30.7%)

**LEGEND**

- existing tree to be retained & protected in accordance with Tree Management Plan
- existing tree to be removed
- concrete wall - 230mm brickwork to match existing 230mm concrete NEU with 250mm precast 'pear fence' to top (O/A 1.5m max. height)
- existing boundary fence to be retained
- 1.8m high precast 'pear fence'
- pedestrian gate to match adjoining fence
- hedge planting with 1.2m tall block chainwire fence to define / secure front courtyards
- dark grey broom finished concrete driveway
- brick mailbox enclosures to detail
- 1.2m tall bollard light fixture subject to lighting plan
- visitor vehicle coil turner location



**SITE PLAN**



PROPOSED STREETSCAPE ELEVATION ALONG FORBES STREET

**NOTES**

- All directional signage will comply with the requirements of AS 1742.10 (1991) Manual of Uniform Traffic Control Devices - Pedestrian Control and Protection.
- All pedestrian paths are designed in accordance with AUSTRALAS Guide to Traffic Engineering Practice Part 13 - Pedestrians.

- G Sep 2011 ACAT Revisions III
- F Sep 2011 ACAT Revisions II
- E Aug 2011 ACAT Revisions
- D Feb 2011 Application for re-consideration submission
- C July 2010 Adjoining dwellings shown on site plans & shadows
- B April 2010 DA Submission
- A Feb. 2010 Client Check

Project  
**Proposed Apartments for Pavilion Homes**

Site  
 block 12  
 section 46,  
**Turner, ACT.**

**Title**  
 Site Plan

Scale	1:200 @ A2	Drawn By	BP
Date	Dec. 2005	Drawing No.	1324 - A

**PETER BYFIELD + Associates**  
 Suite A, 34 Taylor Street, Annandale NSW 2038  
 Phone 02 9660 2255 Fax 02 9660 2251  
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DA Number: 201017615 S165B Block(s): 12 Section: 46 District/Division: TURNER

Case Officer: AJITH Contact Number: 51550 Decision Date: 9-Mar-12

Application Type: **S165 CONDITIONS SATISFIED**

Dispatch Plans: **NO** Dispatch by: **NOT APPLICABLE**

Plans have been moved to the sub-folder in the approved plans folder however have not been stamped as relevant conditions are yet to be satisfied. The plans are not to be dispatched.

Dispatch Entity Referral Advice: **NOT APPLICABLE**

An Objective alias for the relevant mandatory entity referral advice received from ActewAGL, Actew Corporation, Environment Protection Agency and/or Asset Acceptance, as per S149 of the *Planning and Development Act 2007*, has been moved to the approved plans folder.

Type of Decision: **APPROVED** Decision By: **DELEGATE OF THE AUTHORITY**

Representations: **YES**

Appeal Rights

Applicant: **NOT APPLICABLE** Person who made Representation: **NOT APPLICABLE**

Encroachment

Is an application for encroachment (minor) to be dispatched to the applicant? **NOT APPLICABLE**  
*(If yes, create application for encroachment (minor) document from Intelledox and attach to Notice of decision)*

Entities to be advised

**NB: Section 174 of the Act states that "The planning and land authority must give a copy of the decision on the development application to each entity to which the application was referred".**

Entity Referral Required: **NO**

Leasing Referral Required: **NO**

Deed Mgt. Referral Required: **NO**

Land Reg. Referral Required: **NO**

<input type="checkbox"/>	Action Buses
<input type="checkbox"/>	ActewAGL
<input type="checkbox"/>	Actew Corporation
<input type="checkbox"/>	ACT Health
<input type="checkbox"/>	ACT Heritage Council
<input type="checkbox"/>	Asset Acceptance
<input type="checkbox"/>	Australian Communications and Media Authority
<input type="checkbox"/>	Australian National University
<input type="checkbox"/>	Australian Valuation Office
<input type="checkbox"/>	Conservator of Flora and Fauna
<input type="checkbox"/>	Custodian of the land -
<input type="checkbox"/>	Emergency Services (Fire or Ambulance)
<input type="checkbox"/>	Environment Protection Agency
<input type="checkbox"/>	Gambling and Racing Commission
<input type="checkbox"/>	Heritage
<input type="checkbox"/>	Housing and Community Services
<input type="checkbox"/>	Land Development Agency
<input type="checkbox"/>	Land and Property Services
<input type="checkbox"/>	Office of Regulatory Services - <a href="#">All Multi-Dwelling decisions and any that relate to permanent structures, on unleased Territory land, associated with permits for outdoor eating.</a>
<input type="checkbox"/>	Owners Corporation (each member)
<input type="checkbox"/>	National Capital Authority
<input type="checkbox"/>	Police
<input type="checkbox"/>	Queanbeyan City Council
<input type="checkbox"/>	Register General's Office
<input type="checkbox"/>	Surveying and Spatial Data
<input type="checkbox"/>	Territory Plan Variation Unit
<input type="checkbox"/>	Treasury
<input type="checkbox"/>	Tree Protection
<input type="checkbox"/>	WorkCover
<input type="checkbox"/>	Yass City Council
<input type="checkbox"/>	Other -

Comments

Drawings submitted for consideration to ACAT

Assessment against Inner North Precinct Code (INPC)-

R13- Rear Site coverage: - consistent.

Rear site area= 509.70

Rear building area = 146 sqm. Approximately 28%.

R19- and C19 – Vehicle access-Consistent

The block is a single block and measures approximately 30 metres in width facing towards the street. The proposal is one drive cross over across the verge. No additional crossovers are proposed. TAMS support the development.

Car parking – C20-consistent

2 x One bedroom units @ 1 space /unit----- Required 2 spaces

2 x 2 bedroom units @ 2 spaces /unit----- Required 4 spaces

4 x 2 bedroom units @ 1.5 spaces/ unit-----Required -6 spaces

Visitor parking spaces—0.25 spaces--- Required 2 spaces.

Required total--- 14 spaces

Total 14 spaces provided.

Multi Unit Housing Development Code Part A(4)

R23-Building Envelope

Compliance with building envelope requirements is not demonstrated for west elevation (rear zone). The proposal is compliant with building envelope requirements on all other sides. The proposal needs to further demonstrate the building envelope requirements at west elevation on the right hand side with a section through the rear zone.

2.4 Plot ratio:- Complies-74%

Balconies not included

**R128:- Over looking**

The upper floor level balconies overlook the private open space of ground floor units.

R146 Solar access

Unit 5 at first floor level does not receive a3 hours of sunlight to their main daytime living areas.

**R150 Private open space**

Units 2 and 7 do not have minimum 6 plus 2sqm of private open space

**C154- Evaluation of trees**

The Elm tree adjacent to the driveway is not supported for removal (by TPU) . However, TPU states that the tree is not of good quality.

Removal of this tree is to be considered under Planning and Development Act.

**R163 Storage areas**

Storage areas are less than 5 sqm

The proposal meets the all rules and criteria except

R23 -Demonstration of building envelope clearance to the rear zone;

R128-Over looking;

R150- Private open space requirement;

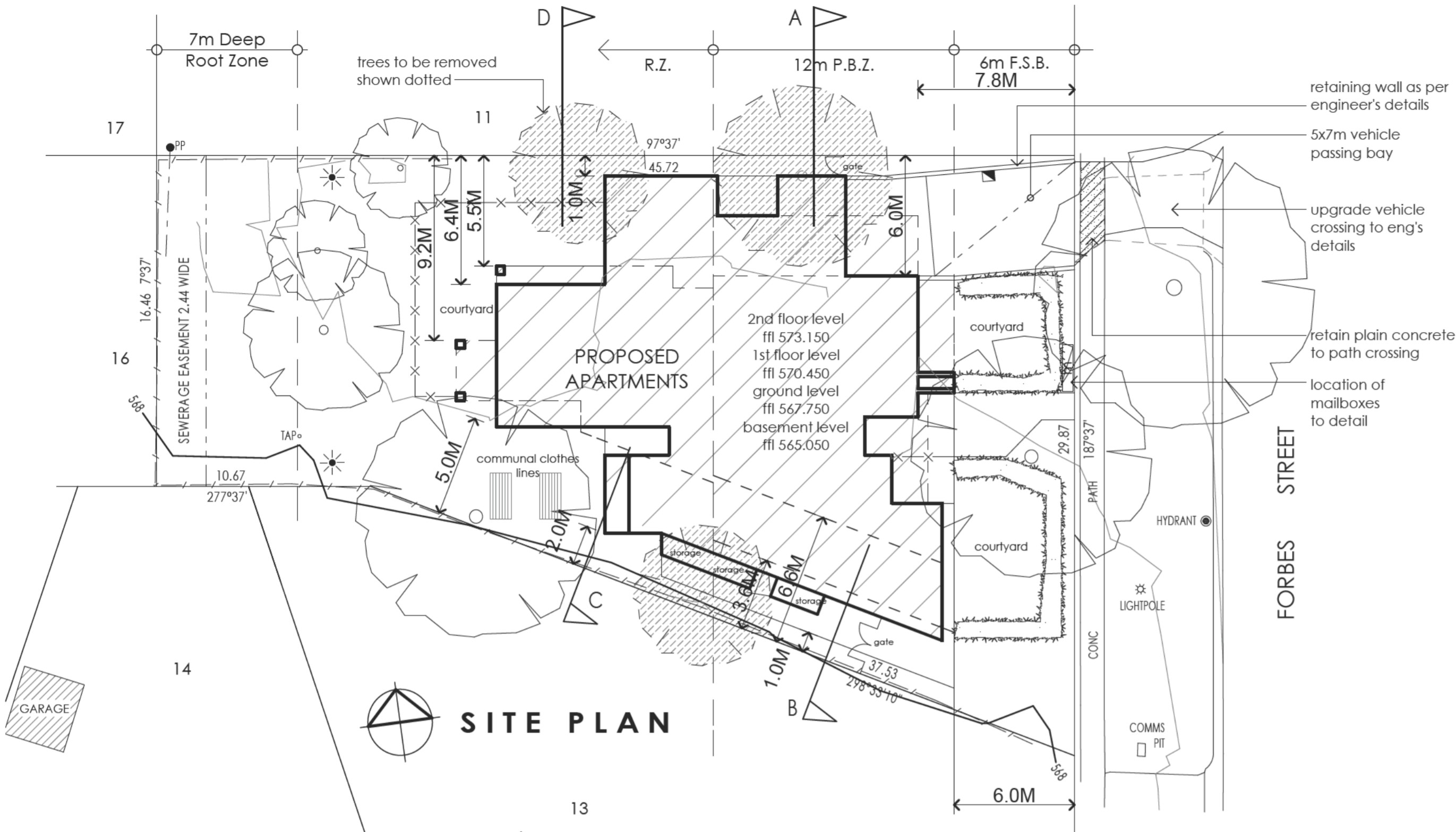
Support for tree removal; and

R163 -Storage area requirement.

No comments were received from the representors.

## Turner Neighbourhood plan

The proposed development is not inconsistent with the key strategies of the Turner Neighbourhood plan for this precinct. In particular, the proposed development retains the existing trees on site where possible and provides additional landscaping to the front and rear of the development. The development is within the landscape setting whilst providing a variety of housing choices near the transport corridor. The development retains the existing streetscape character of the area by retaining street trees and the driveway. The development also responds to the existing neighbourhood character in terms of building height and scale without adversely affecting the surrounding area.



**PLOT RATIO CALCULATIONS**

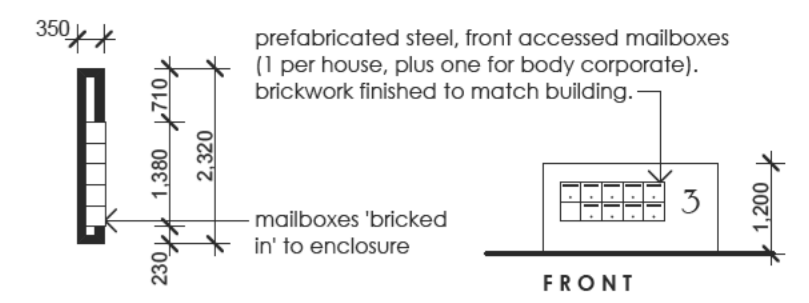
-Living Areas	640.5m <sup>2</sup>
-Storage	18.3m <sup>2</sup>
-Entrance + Lobbies	56.0m <sup>2</sup>
-Basement fire escape stairs	10.8m <sup>2</sup>
-Total Area	725.6m <sup>2</sup>
-Site Area	987.6m <sup>2</sup>
-Proposed Plot Ratio	0.74 : 1

AREA BEYOND P.B.Z. = 512.12m<sup>2</sup>  
 AREA OF DEEP ROOT LANDSCAPE POTENTIAL = 358.74m<sup>2</sup>  
 (70.1 % OF AREA BEYOND P.B.Z.)

BUILT AREA IN R.Z. = 152.1m<sup>2</sup> (29.7%)

**LEGEND**

- existing tree to be retained & protected in accordance with Tree Management Plan
- existing tree to be removed
- courtyard wall - 230mm brickwork to match building 750mm above NGL with 750mm p'coated 'spear fence' to top (O/A 1.5m max. height).
- existing boundary fence to be retained
- 1.8 high p'coated 'spear fence'
- pedestrian gate to match adjoining fence
- dark grey broom finished concrete driveway
- brick mailbox enclosure to detail
- 1.2m tall bollard light fixture subject to lighting plan
- visitor vehicle call buzzer location



**Mailbox Enclosure Detail**

**NOTES**

- All directional signage will comply with the requirements of AS1742.10 (1991) Manual of Uniform Traffic Control Devices - Pedestrian Control and Protection.
- All pedestrian paths are designed in accordance with AUSROADS Guide to Traffic Engineering Practice Part 13 - Pedestrians.

**PRELIMINARY**

Issue Date	Event
E Aug 2011	ACAT Revisions
D Feb 2011	Application for re-consideration submission
C July 2010	Adjoining dwellings shown on site plans & shadows
B April 2010	DA Submission
A Feb. 2010	Client Check

Project  
**Proposed Apartments for Pavilion Homes**

Site  
**block 12 section 46, Turner, ACT.**

Title  
**Site Plan**

Scale  
 1:200, 1:100, 1:231.18

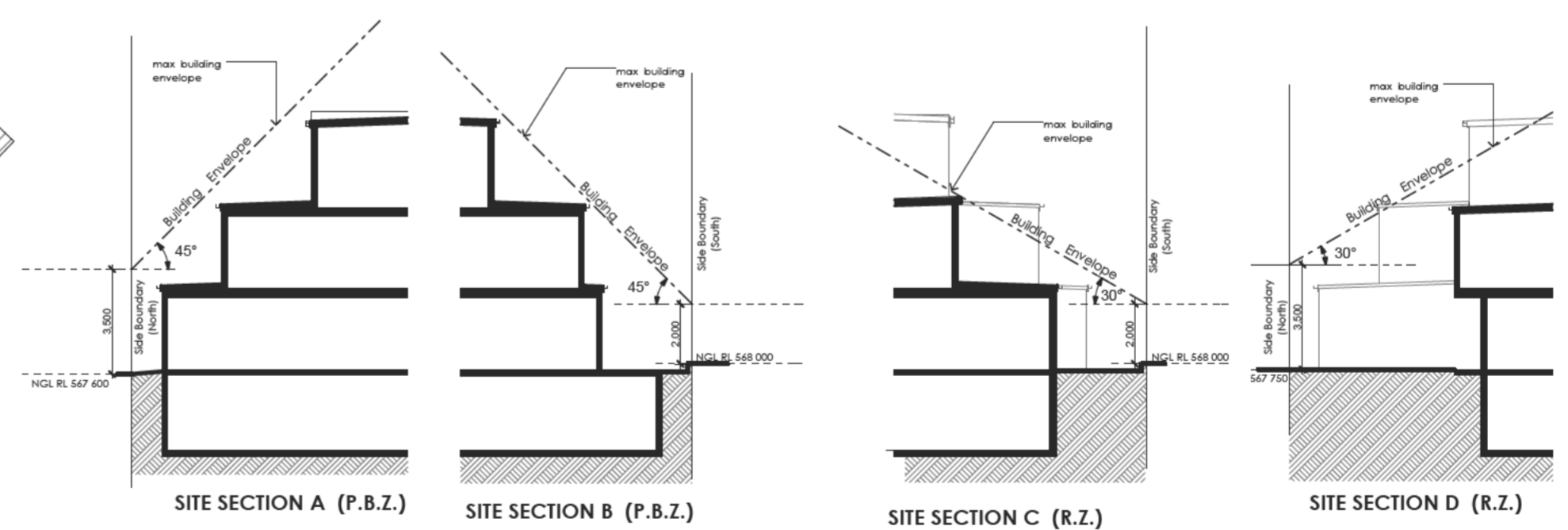
Drawn By  
 SP@A2

Date  
 Dec. 2009

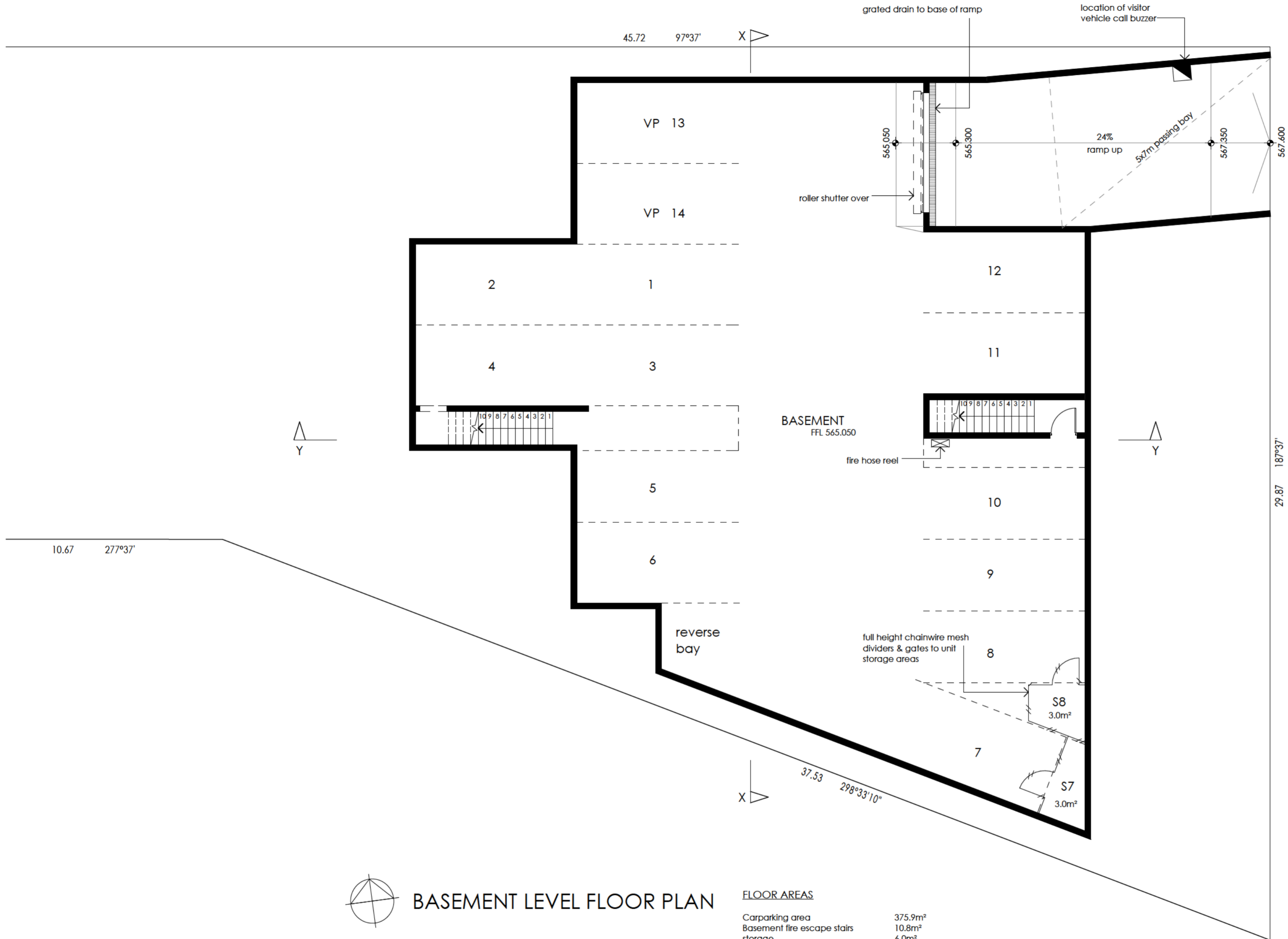
Drawing No.  
 1324 - A

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 Phone 02 9660 2255 Fax 02 9660 2254

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**PROPOSED STREETScape ELEVATION ALONG FORBES STREET**



**PRELIMINARY**

Issue	Date	Event
E	Aug 2011	ACAT Revisions
D	Feb 2011	Application for re-consideration submission
C	July 2010	Adjoining dwellings shown on site plans & shadows
B	April 2010	DA Submission
A	Feb. 2010	Client Check

Project  
**Proposed Apartments for Pavilion Homes**

Site  
 block 12  
 section 46,  
**Turner, ACT.**

Title  
**Basement Level Floor Plan**

Scale 1:100, 1:200 @ A2	Drawn By BP
Date Dec. 2009	Drawing No. 1324 - C

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**BASEMENT LEVEL FLOOR PLAN**

FLOOR AREAS

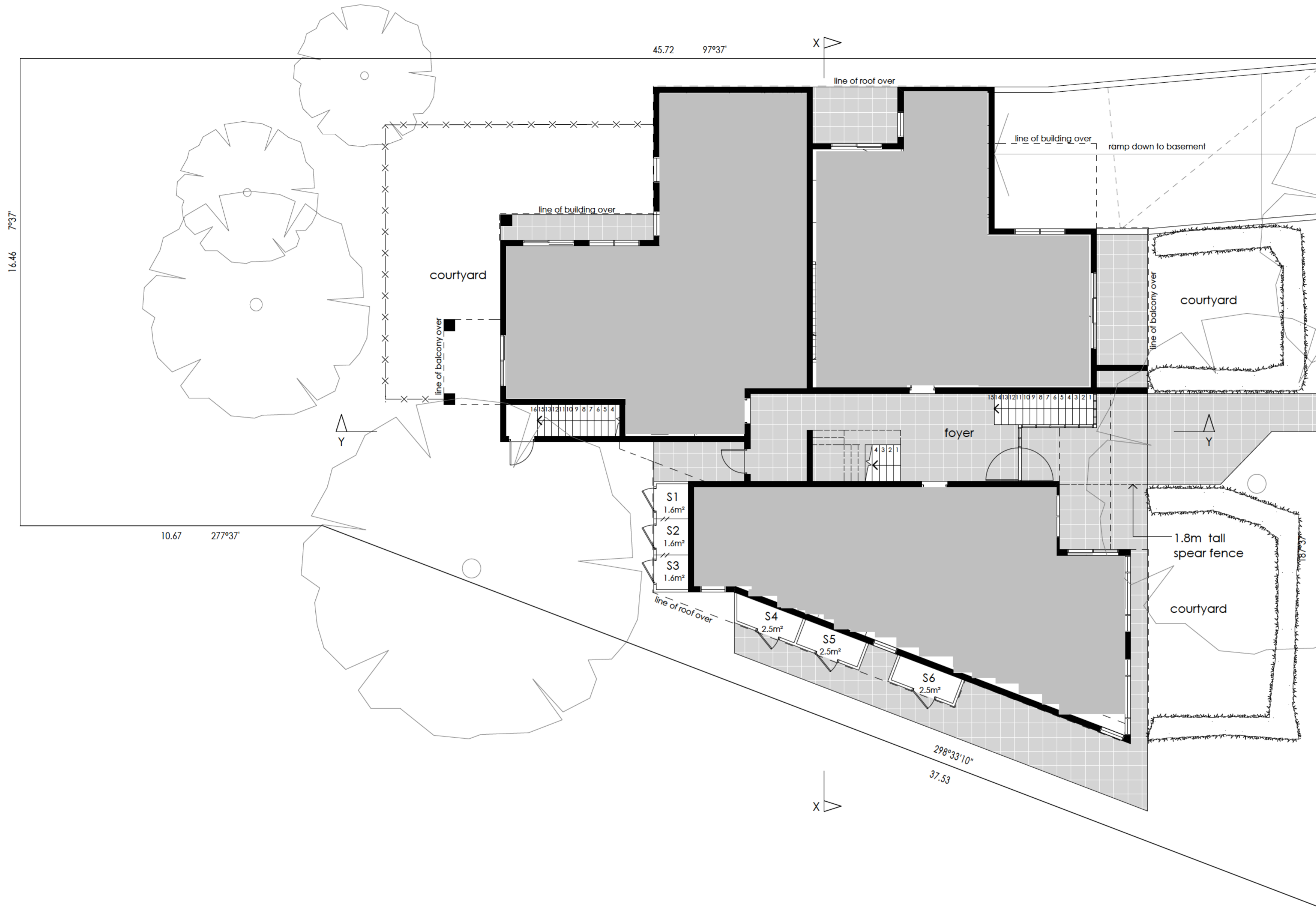
Carparking area	375.9m <sup>2</sup>
Basement fire escape stairs	10.8m <sup>2</sup>
storage	6.0m <sup>2</sup>

**PARKING CALCULATIONS**

2 x 2 Bedroom Units with 2 spaces each	= 4
4 x 2 Bedroom Units with 1.5 spaces each	= 6
2 x 1 Bedroom Units with 1 space each	= 2
8 x 0.25 visitor spaces	= 2
Total number of spaces required	= 14
Total number provided	= 14

**LEGEND**

- S - storage area
- CRP - communal residents parking
- VP - visitor parking



**PRELIMINARY**

Issue	Date	Event
E	Aug 2011	ACAT Revisions
D	Feb 2011	Application for re-consideration submission
C	July 2010	Adjoining dwellings shown on site plans & shadows
B	April 2010	DA Submission
A	Feb. 2010	Client Check

Project  
**Proposed Apartments for Pavilion Homes**

Site  
 block 12  
 section 46,  
**Turner, ACT.**

Title  
**Ground Level Floor Plan**

Scale  
 1:100, 1:200 @ A2

Drawn By  
 BP

Date  
 Dec. 2009

Drawing No.  
 1324 - D

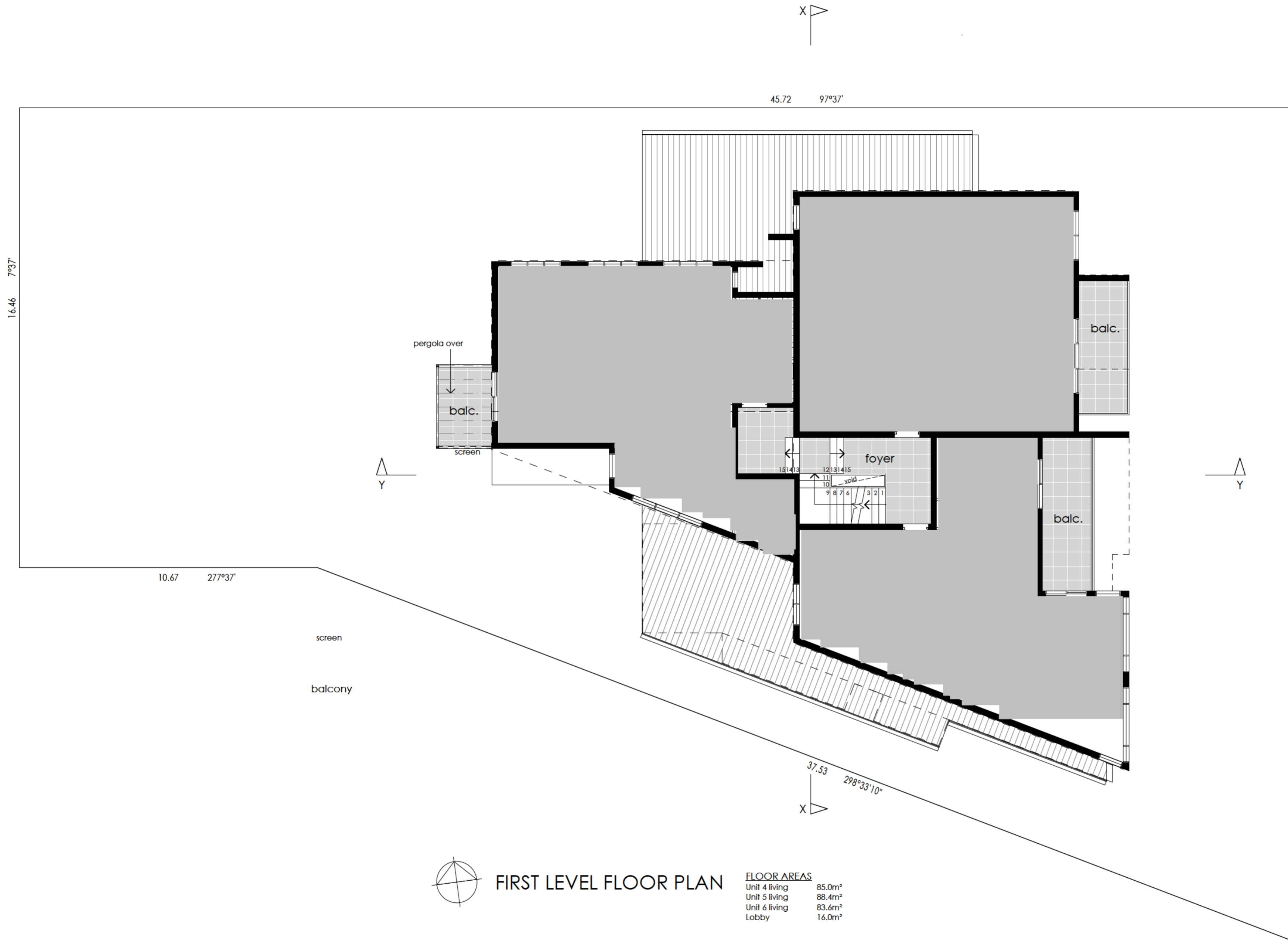
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**GROUND LEVEL FLOOR PLAN**

FLOOR AREAS	
Unit 1 living	84.1m <sup>2</sup>
Unit 2 living	92.0m <sup>2</sup>
Unit 3 living	98.0m <sup>2</sup>
Breezeway & Lobby	29.7m <sup>2</sup>
Storage	12.3m <sup>2</sup>



**PRELIMINARY**

Issue	Date	Event
E	Aug 2011	ACAT Revisions
D	Feb 2011	Application for re-consideration submission
C	July 2010	Adjoining dwellings shown on site plans & shadows
B	April 2010	DA Submission
A	Feb. 2010	Client Check

Project  
**Proposed Apartments for Pavilion Homes**

Site  
 block 12  
 section 46,  
**Turner, ACT.**

Title  
**First Level Floor Plan**

Scale  
 1:100, 1:52.457 @ A2BP

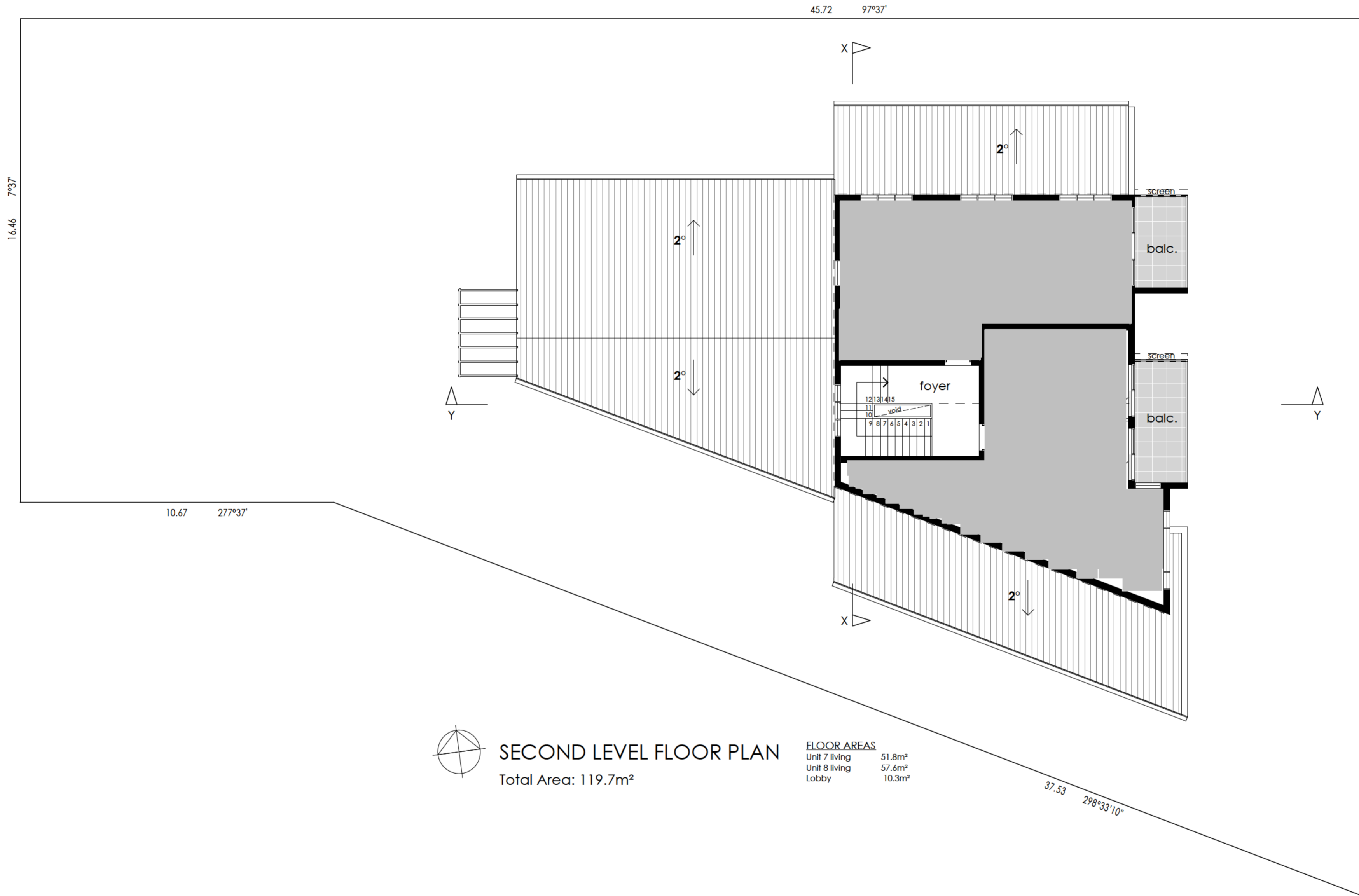
Date  
 Dec. 2009

Drawn By  
 1324 - E

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**courtyard screening section**  
 units 5 & 6



**SECOND LEVEL FLOOR PLAN**  
Total Area: 119.7m<sup>2</sup>

FLOOR AREAS	
Unit 7 living	51.8m <sup>2</sup>
Unit 8 living	57.6m <sup>2</sup>
Lobby	10.3m <sup>2</sup>

**PRELIMINARY**

Issue	Date	Event
E	Aug 2011	ACAT Revisions
D	Feb 2011	Application for re-consideration submission
C	July 2010	Adjoining dwellings shown on site plans & shadows
B	April 2010	DA Submission
A	Feb. 2010	Client Check

Project  
**Proposed Apartments for Pavilion Homes**

Site  
**block 12  
section 46,  
Turner, ACT.**

Title  
**Second Level Floor Plans**

Scale  
1:100 @ A2

Drawn By  
BP

Date  
Dec. 2009

Drawing No.  
1324 - F

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 ROOF PLAN

**PRELIMINARY**

E	Aug 2011	ACAT Revisions
D	Feb 2011	Application for re-consideration submission
C	July 2010	Adjoining dwellings shown on site plans & shadows
B	April 2010	DA Submission
A	Feb. 2010	Client Check
Issue	Date	Event

Project  
**Proposed Apartments for Pavilion Homes**

Site  
 block 12  
 section 46,  
**Turner, ACT.**

Title  
**Roof Plan**

Scale  
 1:100 @ A2

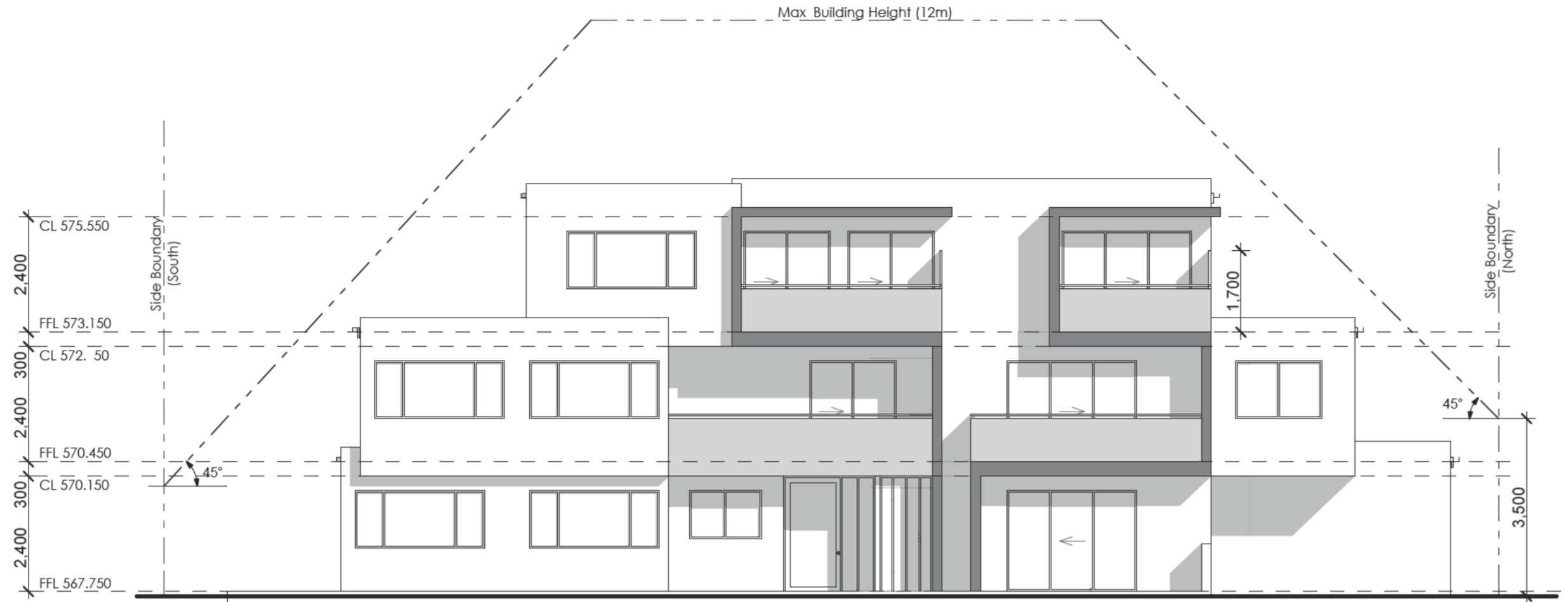
Drawn By  
 BP

Date  
 Dec. 2009

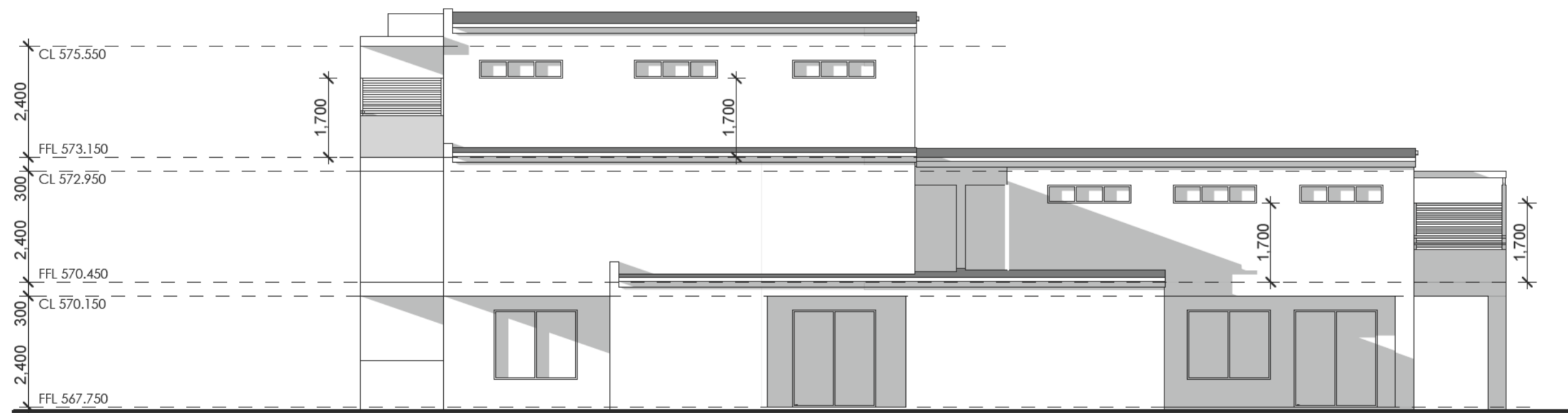
Drawing No.  
 1324 - G

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**EAST ELEVATION**



**NORTH ELEVATION**

**PRELIMINARY**

E	Aug 2011	ACAT Revisions
D	Feb 2011	Application for re-consideration submission
C	July 2010	Adjoining dwellings shown on site plans & shadows
B	April 2010	DA Submission
A	Feb. 2010	Client Check
Issue	Date	Event

Project  
**Proposed Apartments for Pavilion Homes**

Site  
 block 12  
 section 46,  
**Turner, ACT.**

Title  
**Elevations**

Scale  
 1:100 @ A2

Drawn By  
 BP

Date  
 Dec. 2009

Drawing No.  
 1324 - H

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**WEST ELEVATION**



**SOUTH ELEVATION**

**PRELIMINARY**

E	Aug 2011	ACAT Revisions
D	Feb 2011	Application for re-consideration submission
C	July 2010	Adjoining dwellings shown on site plans & shadows
B	April 2010	DA Submission
A	Feb. 2010	Client Check
Issue	Date	Event

Project  
**Proposed Apartments for Pavilion Homes**

Site  
 block 12  
 section 46,  
**Turner, ACT.**

Title  
**Elevations**

Scale  
 1:100 @ A2

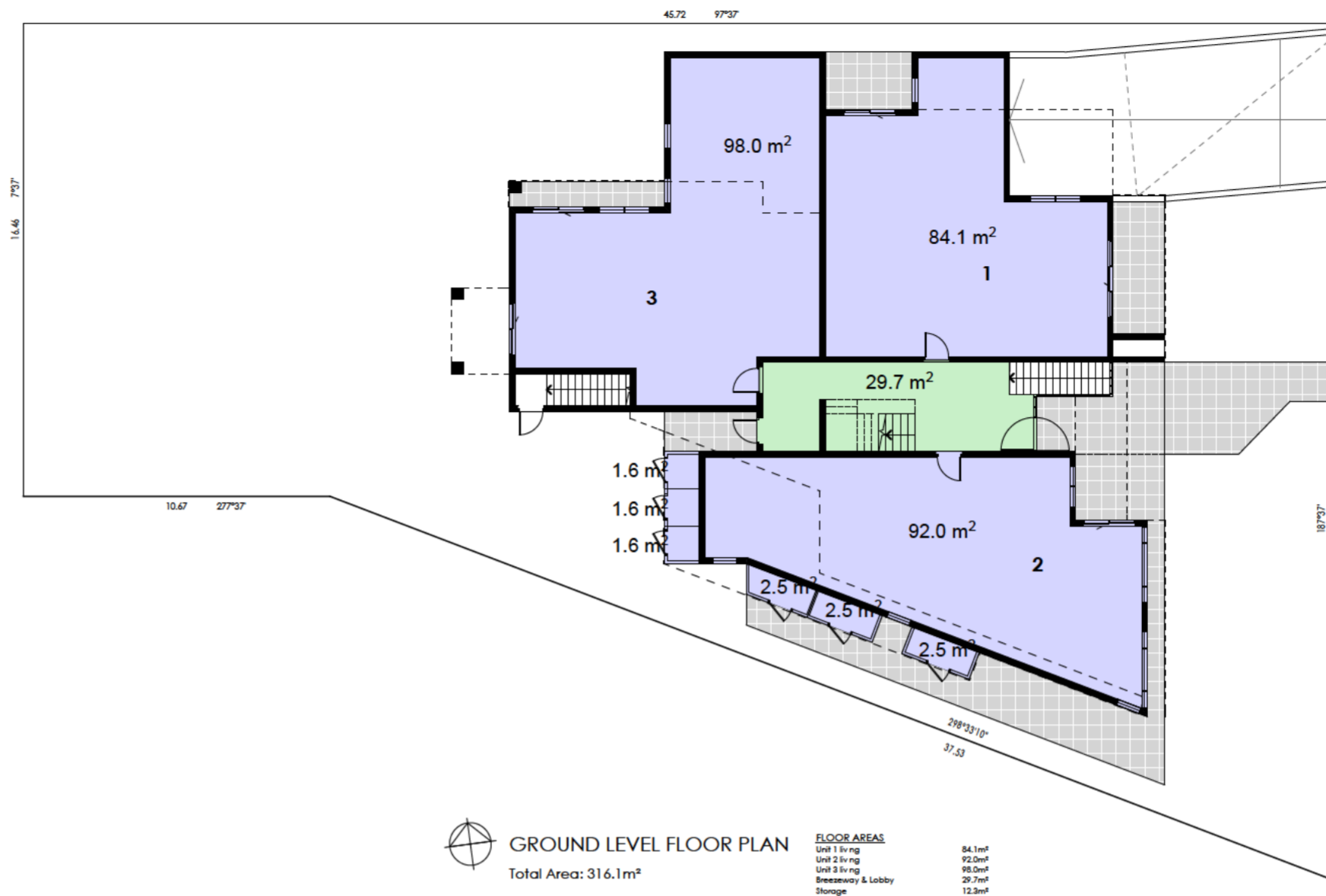
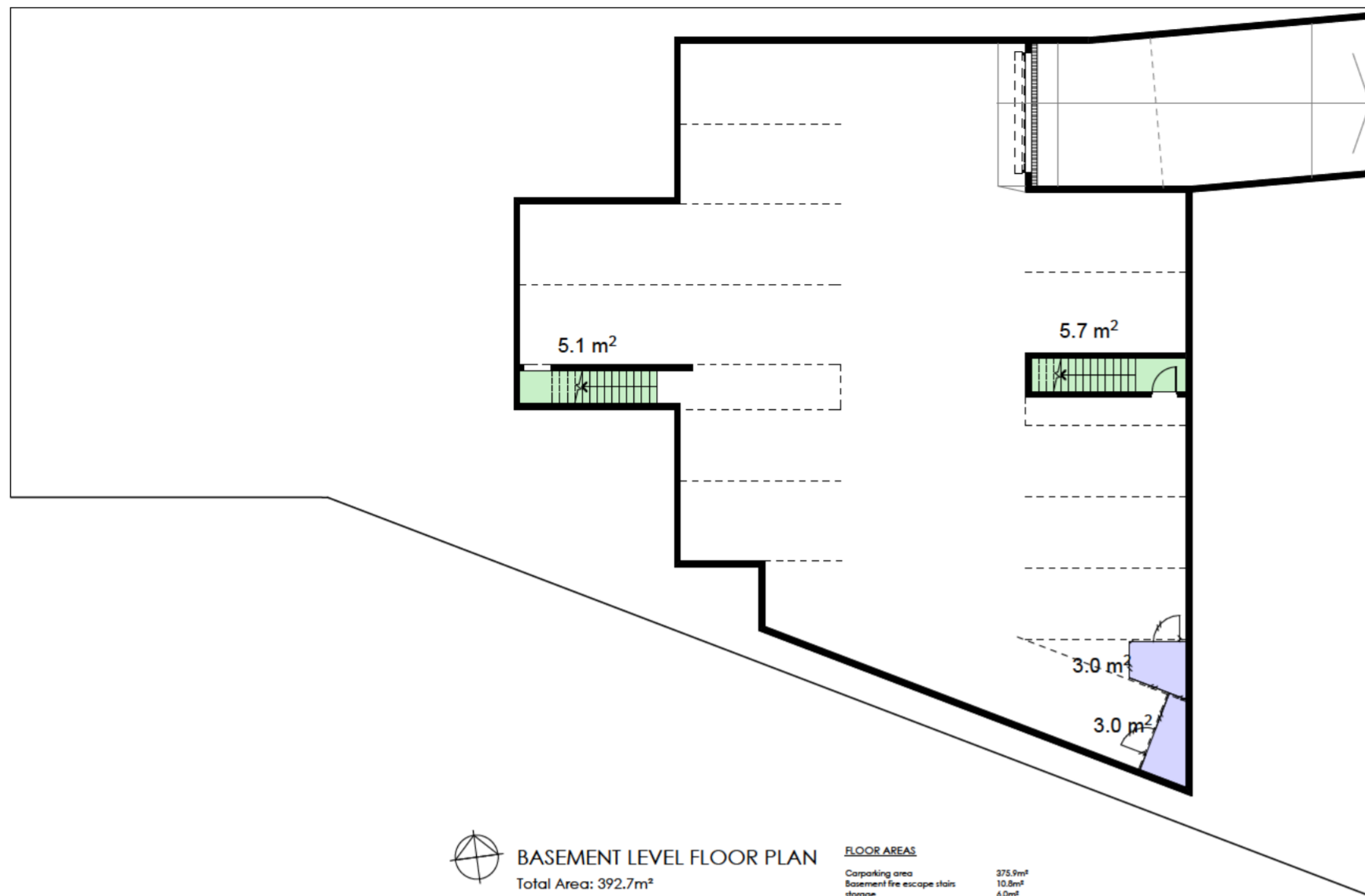
Drawn By  
 BP

Date  
 Dec. 2009

Drawing No.  
 1324 - I

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**PLOT RATIO CALCULATIONS**

-Living Areas	640.5m <sup>2</sup>
-Storage	18.3m <sup>2</sup>
-Entrance + Lobbies	56.0m <sup>2</sup>
-Basement fire escape stairs	10.8m <sup>2</sup>
-Total Area	725.6m <sup>2</sup>
-Site Area	987.6m <sup>2</sup>
-Proposed Plot Ratio	0.74 : 1

**PRELIMINARY**

- E Aug 2011 ACAT Revisions
- D Feb 2011 Application for re-consideration submission
- C July 2010 Adjoining dwellings shown on site plans & shadows
- B April 2010 DA Submission
- A Feb. 2010 Client Check

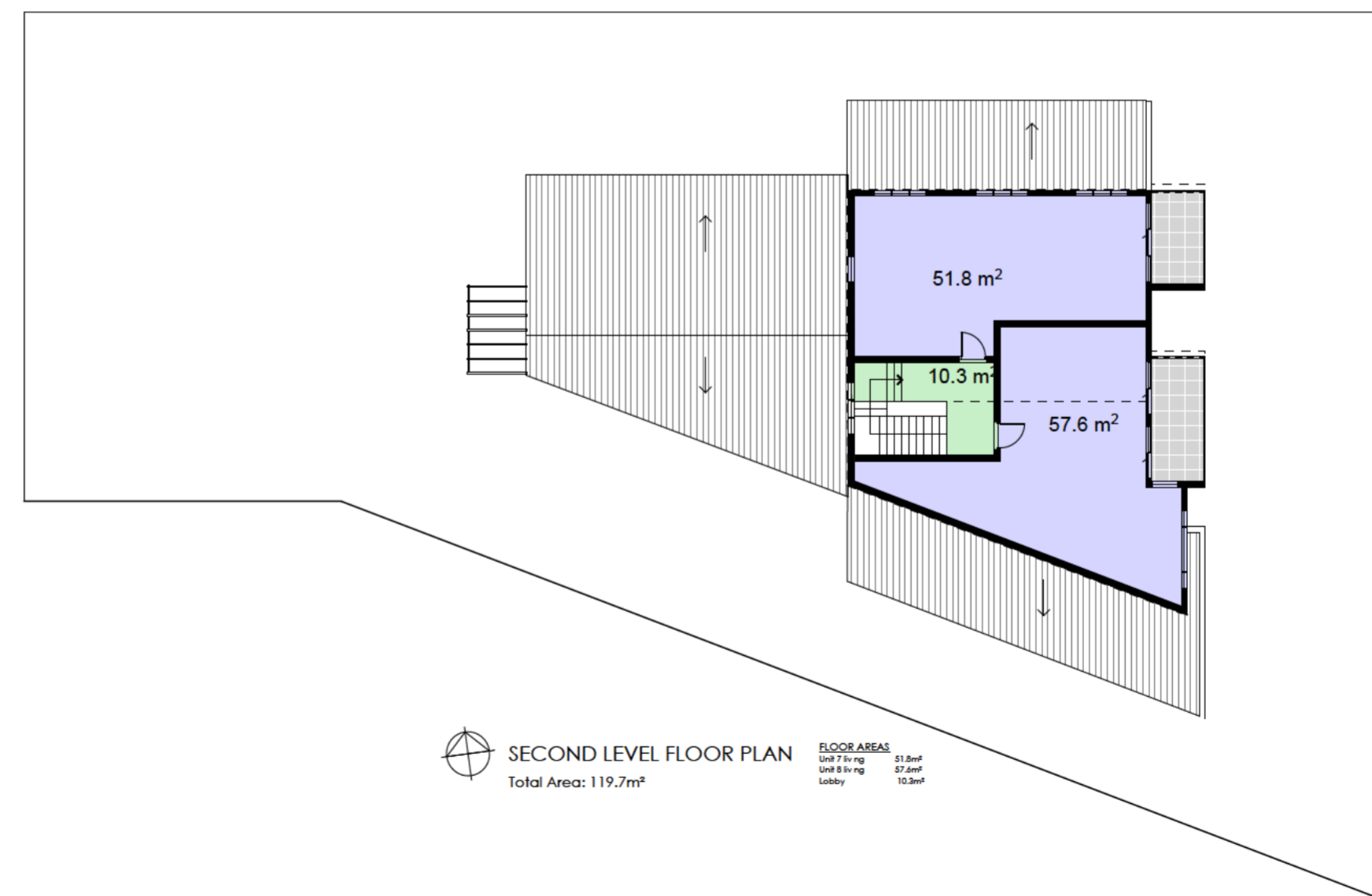
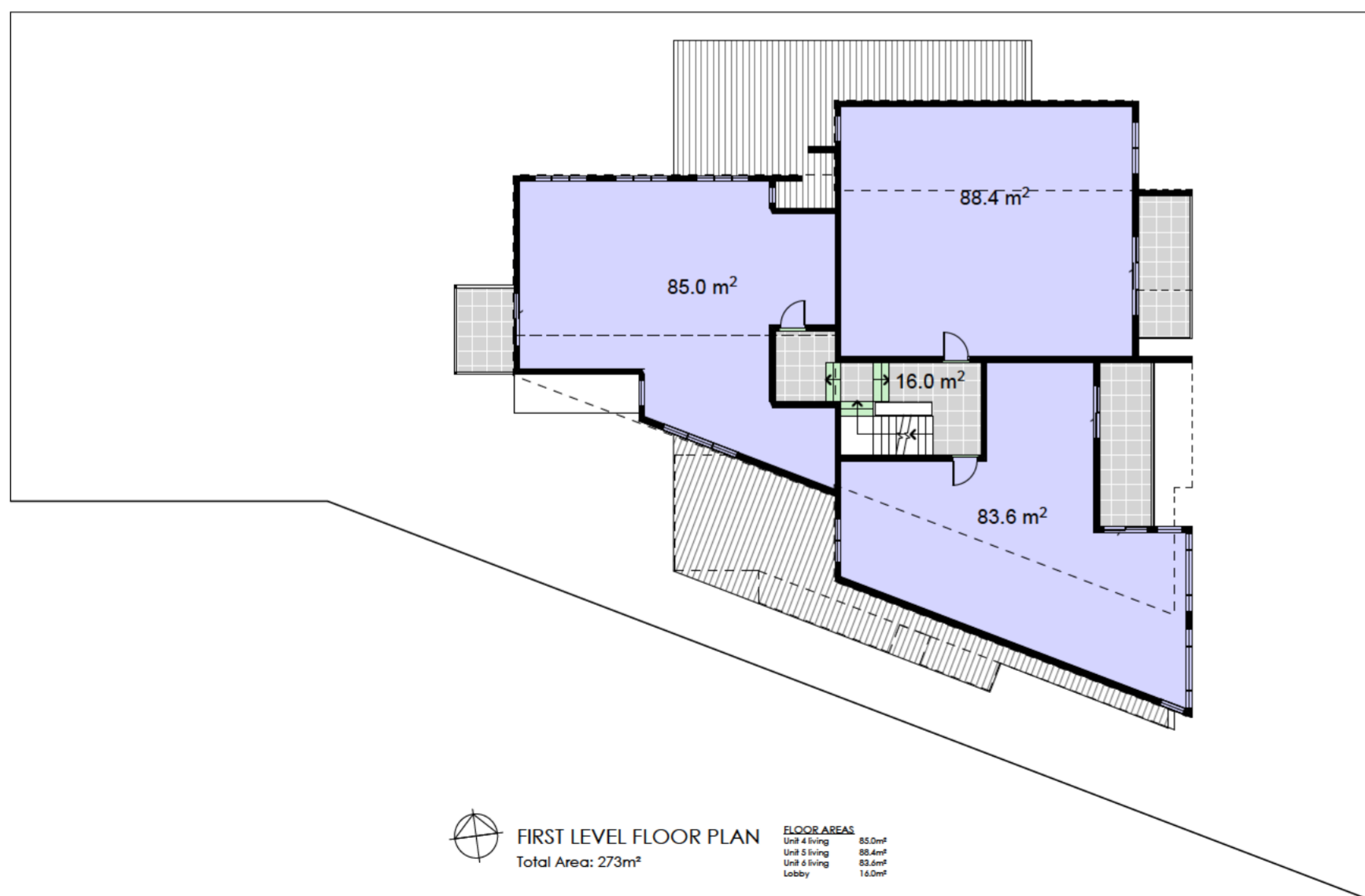
Issue Date Event

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Project  
**Proposed Apartments for Pavilion Homes**

---

Site  
 block 12  
 section 46,  
**Turner, ACT.**



**Plot Ratio Calculations**

Scale 1:200 @ A2	Drawn By BP
Date Dec. 2009	Drawing No. 1324 - M

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**ACT**  
GovernmentEnvironment and  
Sustainable DevelopmentDear 

**BLOCK 12 SECTION 46 - TURNER**  
**Application Number: 201017615**  
**Lessee: **

I refer to the plans/information you submitted in response to condition A1 of the ACT Civil and Administrative Tribunal (ACAT) Consent Decision dated 12 October 2011 with respect to the above Development Application.

The plans/information now satisfies condition A1 of the decision and has been endorsed to form part of the above Development Approval.

ESDD noted that still you have not taken measures to satisfy the condition B4 of the decision therefore the approved plans cannot be released at this stage.

Please note that any other outstanding conditions of approval in the Notice of Decision may need to be addressed prior to development commencing on the site.

If you would like to discuss this matter further please telephone me on 02 62051550.

Yours sincerely



Mr Ajith Buddhadasa  
Senior Officer

09 March 2012