

**ORIGINAL**

Entered in Register Book Vol. 897....Folio. 65....

**CANCELLED AND COMPUTER  
CERTIFICATE OF TITLE ISSUED**

..... J.D. McClure ..... Registrar of Titles  
J. D. McCLURE Deputy 4 Aug '83

THE COMMONWEALTH OF AUSTRALIA

AUSTRALIAN CAPITAL TERRITORY

CITY AREA LEASES ORDINANCE 1936

LEASE GRANTED pursuant to the City Area Leases Ordinance 1936-1973 and the Regulations thereunder on the *Twenty-ninth* day of *July* One thousand nine hundred and *eighty-three*. WHEREBY the Commonwealth of Australia (hereinafter called the "Commonwealth") grants to WILLIAM ALFRED DUNKLEY of 2 Fitzroy Street Forrest in the Australian Capital Territory Retired and FAY ANNE DUNKLEY of the same address Home Duties as joint tenants (hereinafter called the "Lessee") ALL THAT piece or parcel of land situate in the City Area in the Australian Capital Territory containing an area of 608 square metres or thereabouts and being Block 8 Section 35 Division of Forrest as delineated on the Deposited Plan Number 3425 in the office of the Registrar of Titles at Canberra in the said Territory and being the land shown by red edging on the plan annexed hereto (hereinafter called the "said plan") TOGETHER WITH and SUBJECT TO the easements respectively granted and reserved in Crown Lease Registered Volume 624 Folio 42 and Volume 583 Folio 34 (as broadly sketched on the said plan) RESERVING unto the Commonwealth all minerals TO HOLD unto the Lessee for the term of ninety-nine years commencing on the *twenty ninth* day of *July* One thousand nine hundred and *eighty three* to be used by the Lessee for residential purposes only YIELDING AND PAYING THEREFOR during the said term rent at the rate of five cents per annum if and when demanded.

1. THE Lessee covenants with the Commonwealth as follows:
  - (a) That the Lessee will pay to the Minister or to the person as may be authorized by the Minister for that purpose at Canberra in the said Territory the rent hereinbefore reserved within one month of the date of any demand made by the Minister relating thereto and served on the Lessee;
  - (b) That the Lessee will at all times during the said term maintain repair and keep in repair all buildings and erection on the said land all to the satisfaction of the Minister;



- (c) That the Lessee will not without the previous approval in writing of the Commonwealth or the Minister on behalf of the Commonwealth erect any building on the said land or make any structural alterations in any building erected on the said land;
- (d) To use the said land for residential purposes only;
- (e) That the building erected on the said land will be used only as a single unit private dwelling house and any outbuildings erected on the said land shall not be used as a habitation;
- (f) If and whenever the Lessee fails to repair or keep in repair any building or erection on the said land the Commonwealth or the Minister on behalf of the Commonwealth may by notice in writing to the Lessee specifying the wants of repairs require the Lessee to effect repairs in accordance with the said notice or to remove the building or erection and if after the expiration of one calendar month from the date of the said notice or such longer time as the Commonwealth or the Minister on behalf of the Commonwealth may in writing allow the Lessee has not effected the said repairs or removed the building or erection the Minister or any person or persons duly authorized by the Commonwealth or the Minister in that behalf with such equipment as is necessary may enter upon the said land and effect the said repairs or (if the Minister is of opinion the building or erection is beyond reasonable repair) may demolish and remove the building or erection and all expenses incurred by the Commonwealth or the Minister in effecting such repairs or in demolishing and removing the building or erection shall be paid by the Lessee to the Commonwealth 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 Commonwealth by the Lessee;
- (g) To permit any person or persons authorized by the Minister to enter upon the said land at all reasonable times and in any reasonable manner and inspect the said land and any buildings erections and improvements thereon.

2. THE Commonwealth covenants with the Lessee:

That the Lessee may at any time upon payment of all rent and other moneys due to and demanded by the Commonwealth under this lease surrender this lease to the Commonwealth but subject to any law of the Territory to the contrary the Lessee shall not be entitled to receive any compensation from the Commonwealth in respect of such surrender or in respect of any buildings erections or improvements upon the said land.

3. IT IS MUTUALLY COVENANTED AND AGREED as follows:

- (a) That if the said land is at any time not used for a period of one year for the purpose for which this lease is granted the Commonwealth or the Minister on behalf of the Commonwealth may determine this lease but without prejudice to any claim which the Commonwealth or the Minister on behalf of 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;
- (b) That acceptance of rent by the Commonwealth or the Minister or a person authorized by the Minister for that purpose during or after any period referred to in sub-clause (a) of this clause shall not prevent or impede the exercise by the Commonwealth or the Minister on behalf of the Commonwealth of the powers conferred upon it by sub-clause (a) of this clause;
- (c) If at the expiration of this lease the Minister shall have decided not to subdivide the said land and that it is not required for any Commonwealth purpose and shall have declared the said land to be available for lease the Lessee shall be entitled to a further lease of the said 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;



- (d) That in this lease the expression "Minister" shall mean the Minister of State of the Commonwealth for the time being administering the City Area Leases Ordinance 1936-1973 including any amendments thereof or any Statute or Ordinance substituted therefor or the member of the Executive Council of the Commonwealth for the time being performing the duties of such Minister and shall include the authority or person for the time being authorized by the Minister or by law to exercise those powers and functions of the Minister;
- (e) 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 Minister and delivered to or sent in a prepaid letter addressed to the Lessee at the said land or at the usual or last-known address of the Lessee or affixed in a conspicuous position on the said land;
- (f) That if the Lessee shall consist of one person the word "Lessee" shall where the context so admits or requires be deemed to include the Lessee and the executors administrators and assigns of the Lessee;
- (g) That if the Lessee shall consist of two or more persons the word "Lessee" shall where the context so admits or requires in the case of a tenancy in common be deemed to include 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 the executors administrators and assigns of the survivor of them;
- (h) That if the Lessee shall be a corporation the word "Lessee" shall where the context so admits or requires be deemed to include such corporation and its successors and assigns;

IN WITNESS whereof the Commonwealth and the Lessee have executed this lease.

SIGNED SEALED AND DELIVERED )  
 by **STUART WILLIAM SANKEY** )  
 Delegate of the Minister for )  
 and on behalf of the )  
 Commonwealth in the presence )  
 of - )



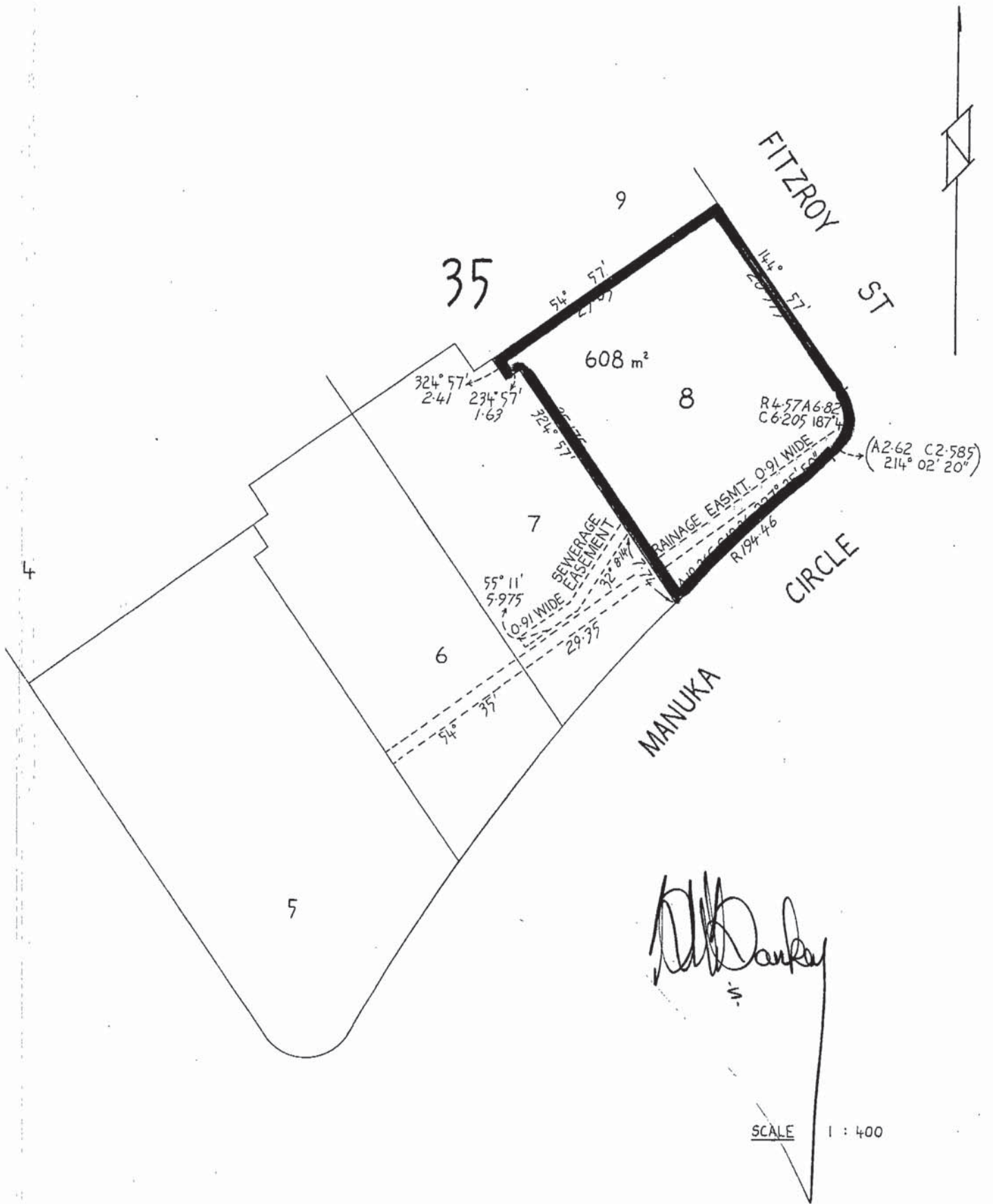
*Ed. McRedrup*  
 Public Servant  
 Caribarra

SIGNED SEALED AND DELIVERED )  
 by the Lessee in the presence )  
 of - )

*S. Buller*

*F. A. Dunley*  
*M. A. Dunley*

COMMISSIONER FOR DECLARATIONS



"This is the plan referred to in the lease of  
 Block 8 Section 35 Division of FORREST  
 granted on the 29<sup>th</sup> day of JULY 1983  
 as being annexed thereto."

W. A. Dunlop  
 W. A. Dunlop



No. 439356 MORTGAGE TO COMMONWEALTH OF AUSTRALIA

Entered 4<sup>th</sup> AUGUST 1983 at ten o'clock in the fore noon



*[Signature]*  
Registrar of Titles

No. 582824 DISCHARGE OF MORTGAGE No. 439356

Entered 7<sup>th</sup> September 1987 at TEN o'clock in the fore noon



*[Signature]*  
M. N. SAVY Deputy Registrar of Titles

No. 582825 TRANSFER TO Thu Bich

Baumann of the land within described

Entered 7<sup>th</sup> September 1987 at TEN o'clock in the fore Noon.



*[Signature]*  
M. N. SAVY Deputy Registrar of Titles

No. 582826 MORTGAGE TO NATIONAL AUSTRALIA SAVINGS BANK LIMITED

Entered 7<sup>th</sup> September 1987 at TEN o'clock in the fore noon



*[Signature]*  
M. N. SAVY Deputy Registrar of Titles

No. 628122 DISCHARGE OF MORTGAGE No. 582826

Entered 14<sup>th</sup> October 1988 at Ten o'clock in the fore Noon.



*[Signature]*  
Registrar of Titles  
J. F. MAHER Deputy

No. 628123 MORTGAGE TO ST. GEORGE PERMANENT CO-OPERATIVE BUILDING SOCIETY (A.C.T.) LTD.

Entered 14<sup>th</sup> October 1988 at ten o'clock in the fore noon



*[Signature]*  
Registrar of Titles  
J. F. MAHER Deputy

No. 701219 DISCHARGE OF MORTGAGE No. 628123

Entered 22<sup>nd</sup> August 1990 at ten o'clock in the fore Noon.



*[Signature]*  
Registrar of Titles  
L. RYAN

No. 701220 MORTGAGE TO WESTPAC BANKING CORPORATION.

Entered 22<sup>nd</sup> August 1990 at ten o'clock in the fore noon



*[Signature]*  
Registrar of Titles  
L. RYAN

CANCELLED  
CERTIFICATE



ACT Valuation Office

Our File No: 2014-00289  
Your File No: DA 201425608

Senior Manager  
Leasing Administration Section  
Environment and Planning Directorate  
GPO Box 158  
CANBERRA ACT 2601

ATTENTION: Ann Lefebvre

**CROWN LEASE:               BLOCK 8 SECTION 35 FORREST**  
**LESSEE:                       NATASIA ELENI GEORGE AND TOMISLAV IVAN KASUNIC**  
**DA No:                         DA 201425608**

Your request dated 18 November 2014

The ACT Valuation Office has completed a review of the Lease Variation Charge 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 Valuer, Mirek Pilat on 6205 4867 or [mirek.pilat@act.gov.au](mailto:mirek.pilat@act.gov.au).

A handwritten signature in black ink, appearing to be 'Carlo King'.

Carlo King  
Managing Valuer  
ACT Valuation Office

16 December 2014



## LEASE VARIATION CHARGE REVIEW

**CROWN LEASE:** BLOCK 8 SECTION 35 FORREST  
**LESSEE:** NATASIA ELENI GEORGE AND TOMISLAV IVAN KASUNIC  
**DA NO.** DA 201425608  
**SITE AREA:** 608 SQUARE METRES  
**LAND USE ZONE:** CZ5: MIXED USE

### Instructions

The ACT Planning and Land Authority (ACTPLA) have requested the ACT Valuation Office to provide relevant comments in regard to a Lease Variation Charge assessment for the abovementioned property.

The request from ACTPLA includes a copy of the Development Application and details of the proposed variation of the Crown Lease, and the valuation report prepared by Egan National Valuers (ACT) dated 26 May 2014.

The valuation review process has 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; and
- Quality assurance by the Senior Valuer.

### Development Application

The proposed development application seeks to vary the purpose clause as follows:

- Add non retail commercial use LIMITED TO office to already permitted single residential use.
- Amend Clause 1(e): that the building erected on the said land shall contain no more than one (1) dwelling, but the building may, partly or wholly, be used for office;

### Private Valuer's Assessment

After Value	V <sub>1</sub>	\$962,000
Before Value	V <sub>2</sub>	\$955,000

### Comment

The subject property is located at 2 Fitzroy Street, a corner block located on the west side of Fitzroy Street and north side of Manuka Circle. The subject property is situated within the Forrest Fire Station precinct. The land is approximately 5 kilometres south east of Canberra CBD and 1 kilometre south east of Manuka, Griffith.

Erected on the land is a 1938 built, heritage listed two storey detached brick dwelling with a flat metal roof.

Both of the private valuer 'before and after' assessed values are considered to be outside market parameters as the values do not reflect land values but the improved property values. The private valuer derived the site rate and the GFA rate from sale prices that included building improvements.

It is noted that the subject property was sold on 10 August 2012 for \$950,000.

The Notice of Decision dated 14 November 2014 has been taken into account in this review.

The property has been valued on the basis that the subject property is not subject to contamination. The ACTVO reserve the right to review and if necessary vary the valuation figure if any contamination or other environmental hazard is found to exist.

In analysing the market evidence referred in the report, it is noted that we have attempted to ascertain whether or not the sales transactions is inclusive or exclusive of GST. Where we have not been able to verify whether or not GST is included in the evidence, we have assumed that the record is exclusive of GST. Should this not be the case for any transaction considered in our assessment we reserve the right to reconsider our assessment. Additionally the evidence detailed here within does not represent the entirety of evidence considered in our assessment.

### Valuation Methodology

Direct comparison of Market Evidence Approach.

### Sales Evidence

#### 1. BLOCK 8 SECTION 35 FORREST – 2 FITZROY STREET (SUBJECT PROPERTY)

SALE PRICE:	\$950,000 (improved)
SALE DATE:	10 August 2012
SITE AREA:	608 m <sup>2</sup>
GROSS FLOOR AREA:	Not specified (actual approximately 140 m <sup>2</sup> )
PURPOSE:	To use the land for residential purposes only (single unit private dwelling)
ANALYSIS:	\$/site rate of \$1,184/m <sup>2</sup> ; \$/GFA rate \$5,143 (DLV)
COMMENT:	Before Value evidence. Subject property. CZ5: MIXED USE. 3 bedroom 2 bathroom dwelling with office. 1938 built, heritage listed dwelling.  Deduced land value \$720,000.  Comparable in Before Value scenario: the subject property.



**2. BLOCK 10 SECTION 35 CONDER – 6 FITZROY STREET**

SALE PRICE:	\$900,000 (Improved property)
SALE DATE:	20 August 2012
SITE AREA:	497m <sup>2</sup>
GROSS FLOOR AREA:	Not specified (actual approximately 140m <sup>2</sup> )
PURPOSE:	Residential purpose only
ANALYSIS:	\$/site rate of \$1,323/m <sup>2</sup> and \$/GFA rate of \$4,700/m <sup>2</sup>
COMMENT:	<p>Before Value evidence. Duplex –improved property, was rented as a dwelling at the time of sale. Located in Section 35 – the same as subject property. CZ5: MIXED USE. Deduced site value of \$658,000.</p> <p>Smaller sized block, similar purpose clause and improvements to the subject property.</p>

**3. BLOCK 3 SECTION 35 FORREST – 33 CANBERRA AVENUE**

SALE PRICE:	\$790,000 (improved)
SALE DATE:	19 April 2013
SITE AREA:	478m <sup>2</sup>
GROSS FLOOR AREA:	113m <sup>2</sup> - as per Crown lease.
PURPOSE:	<p>Residential and/or offices.</p> <p>PROVIDED ALWAYS THAT the building or buildings on the said land shall not exceed 113m<sup>2</sup> in gross floor area.</p>
ANALYSIS:	\$/site rate of \$1,224/m <sup>2</sup> ; \$/GFA rate of \$5,177/m <sup>2</sup> (DLV)
COMMENT:	<p>After Value evidence. Duplex –improved property, was used as an office at the time of sale. Located in Section 35 – the same as subject property. CZ5: MIXED USE. Deduced site value of \$585,000.</p> <p>Similar location and similar type of improvements (however smaller GFA) and purpose clause to the subject property.</p>

**4. BLOCK 31 SECTION 2 GRIFFITH – 37 MURRAY CRESCENT**

SALE PRICE:	\$930,000
SALE DATE:	13 February 2013
SITE AREA:	620 m <sup>2</sup>
GROSS FLOOR AREA:	285m <sup>2</sup> (actual 128m <sup>2</sup> )
PURPOSE:	To use the said land for residential purposes and small scale professional offices and/or consulting rooms.
ANALYSIS:	\$/site rate \$1,311/m <sup>2</sup> ; GFA rate \$6,354/m <sup>2</sup> (actual)
COMMENT:	After Value scenario. Duplex – improved property, mostly original condition. Inside regular shaped block, one block away from Manuka centre. CZ2: BUSINESS ZONE. Deduced site value of \$813,000.  Similar sized block to the subject property.

**Valuation Summary**

The sales evidence provided shows a slightly tighter and higher range of \$/GFA rate for sales with approved residential and/or office use (Sales 3 & 4) in comparison to sales with only permitted residential use (Sales 1 & 2).

Sale Number	Scenario	\$/site rate	\$/GFA rate	\$/site rate	\$/GFA rate
Sale 1 (Subject property)	Before Value	\$1,184	\$5,143	Comparable	Comparable
Sale 2	Before Value	\$1,323	\$4,700	Comparable	Inferior
Sale 3	After Value	\$1,224	\$5,177	Inferior	Inferior
Sale 4	After Value	\$1,311	\$6,351	Superior	Superior

The ACTVO agrees with the private valuer that adding office as a permitted use does not necessarily increase the market value of the subject property in a significant way. However, we consider a nominal value of \$7,000 adopted by the private valuer being too low as the variation increases flexibility in use of the subject property and its marketability both for subleasing and for sale. Therefore ACTVO has adopted a nominal value of \$15,000 (or \$25/m<sup>2</sup> of site area) as an added value in After Value scenario.



**Before Value**

The \$/site rate of \$1,184/m<sup>2</sup> has been adopted for the subject property in “Before” Value scenario calculation.

Site Value: \$1,184/m<sup>2</sup> x 608 m<sup>2</sup>-site = \$719,872  
 Adopted: \$720,000 (shows \$/GFA rate of \$5,143/m<sup>2</sup>)

**After Value**

A nominal value of \$15,000 was added in “After” Value scenario.

Site Value (Before): \$720,000  
 Added Value/Variation \$ 15,000  
 Adopt \$735,000

**ACT Valuation Office’s Assessment**

After Value	V <sub>1</sub>	\$735,000
Before Value	V <sub>2</sub>	\$720,000

For any further consultation regarding this matter please contact Valuer, Mirek Pilat on 6205 4867 or [mirek.pilat@act.gov.au](mailto:mirek.pilat@act.gov.au).



Mirek Pilat AAPI CPV  
 Valuer  
 ACT Valuation Office

9 December 2014

## DISCLAIMERS

- *This assessment is for the exclusive use of the Leasing Administration Section of the Environment and Planning Directorate to whom it is addressed and is undertaken in accordance with instructions provided in the request.*
- *This valuation is current at the date of valuation only. It is not to be used after 3 months from the date of the Report nor if there have been material or economic changes as a result of general market movements or factors specific to the subject property or factors that the Valuer could not have reasonably become aware as at the date of the Report. In any event it should be referred back to the ACT Valuation Office for review.*
- *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 ACT 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 assessment it shall also communicate to the third party the full terms as stated under this disclaimer and further agrees to indemnify the ACT Valuation Office in the event of any failure to do.*
- *This assessment has been prepared in accordance with the Australian Property Institute's (API) Professional Practice, which includes the Code of Ethics, Rules of Conduct and Practice Standards.*
- *A visual site inspection has not revealed any obvious pollution or contamination. Nevertheless, we are not experts in the detection or quantification of environmental problems and, accordingly, have not carried out a detailed environmental investigation. Therefore, the assessment is made on the assumption that there are no actual or potential issues affecting the site, value or marketability of the property. The right is reserved to review and if necessary, vary the assessment figures where any contamination or other environmental hazard is found to exist.*
- *All values are exclusive of GST.*



Lease Variation Charge Calculation Summary Sheet			
Block:		Section:	Suburb:
DA Number:		LVC Officer:	
Date of Approval:		Check Officer:	
Date of Calculation:		Date of Check:	
Section 277 Amount (If applicable)		\$	11,250.00
Section 276E Schedule 1 Amount (If applicable)		\$	-
Section 276E Schedule 2 Amount (If applicable)			\$0.00
section 276E Schedule 3 Amount (If applicable)		\$	-
<b>GRAND TOTAL - LVC Payable</b>			<b>\$11,250.00</b>

**SECTION 276E SCHEDULE 1 CALCULATION SHEET**

1. Variation to limit the maximum number of dwellings permitted on the land under a residential lease to 3 dwellings or less in a Residential Zone.

Number of Dwellings	Schedule Amount	Sub Totals
	\$ 7,500.00	\$ -
Is there a remission? If so what % rate.	0%	\$0.00

2. Variation to limit the maximum number of dwellings permitted on the land under a residential lease to a number greater than 3 dwellings in a Residential Zone. NOTE: \$7,500 for each of the first 3 Dwellings plus \$5,000 for each additional dwelling.

Number of Dwellings	Schedule Amount	Sub Total Payable
	\$ 7,500.00	\$ -
	\$5,000	\$ -
Total:	\$ -	\$ -
Is there a remission? If so what % rate.	0%	\$0.00

3. Variation to limit the maximum number of non-residential units permitted on the land under a non-residential lease to 3 non-residential units or less in an Industrial Zone.

Number of Units	Schedule Amount	Sub Total Payable
	\$ 7,500.00	\$ -
Is there a remission? If so what % rate.	0%	\$0.00

4. Variation to limit the maximum number of non-residential units permitted on the land under a non-residential lease to a number greater than 3 non-residential units in an Industrial Zone. NOTE: \$7,500 for each of the first 3 non-residential units plus \$5,000 for each non-residential unit.

Number of Units	Schedule Amount	Sub Total Payable
	\$ 7,500.00	\$ -
	\$5,000	\$ -
Sub-Total:	\$ -	\$ -
Is there a remission? If so what % rate.	0%	\$0.00

5. Variation to consolidate two or three leases.

Cosolidation Number	Schedule Amount	Sub Total Payable
	\$ 7,500.00	\$ -
Is there a remission? If so what % rate.	0%	\$0.00

6. Variation to consolidate four or more leases. NOTE: \$7,500 for the first 3 leases plus \$5,000 for each

Consolidation Number	Schedule Amount	Sub Total Payable
	\$ 7,500.00	\$ -
	\$5,000	\$ -
Sub-Total:	\$ -	\$ -
Is there a remission? If so what % rate.	0%	\$0.00

7. Variation to subdivide into two or three leases.

Subdivision Number	Schedule Amount	Sub Total Payable
	\$ 7,500.00	\$ -
Is there a remission? If so what % rate.	0%	\$0.00

8. Variation to subdivide a lease into four or more leases. NOTE: \$7,500 for the first 3 leases (noting

Subdivision Number	Schedule Amount	Sub Total Payable
	\$ 7,500.00	\$ -
	\$5,000	\$ -
Sub-Total:	\$ -	\$ -
Is there a remission? If so what % rate.	0%	\$0.00

**SECTION 276E SCHEDULE 1 CALCULATION SHEET**

9. Variation to increase the maximum gross floor area of service station.

Additional Gross Floor Area	Schedule Amount	Sub Total Payable
	\$ 500.00	\$ -
Is there a remission? If so what % rate.	0%	\$0.00

10. Variation to increase the maximum gross floor area of a club holding a licence under the *Liquor Act 2010*.

Additional Gross Floor Area	Schedule Amount	Sub Total Payable
	\$ 250.00	\$ -
Is there a remission? If so what % rate.	0%	\$0.00

11. Variation to increase the maximum number of self-care units in a retirement complex.

Number of Additional Self Care Units	Schedule Amount	Sub Total Payable
	\$ 40,000.00	\$ -
Is there a remission? If so what % rate.	0%	\$0.00

12. Variation to increase the maximum number of care beds in a retirement complex.

Number of Additional Care Beds	Schedule Amount	Sub Total Payable
	\$ 10,000.00	\$ -
Is there a remission? If so what % rate.		\$0.00

13. Variation to increase the maximum number of children provided care in the child care centre.

Number of Additional Children	Schedule Amount	Sub Total Payable
	\$ 10,000.00	\$ -
Is there a remission? If so what % rate.	0%	\$0.00

14. Variation of a lease that authorises an incorporated association to use the land in the lease for a

Removal of Association	Schedule Amount	Sub Total Payable
	\$ 7,500.00	\$ -
Is there a remission? If so what % rate.	0%	\$0.00

Sub Total of Section 276E Schedule 1 Calculation Amount:	\$0.00
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## SECTION 276E SCHEDULE 2 CALCULATION SHEET

Total Dwellings after Variation	Curent Dwellings Permitted	Proposed Additional Dwellings
		0
Schedule Amount		Sub Total Payable
		\$ -
Is there a remission? If so what % rate.		\$ -
<b>Sub Total of Section 276E Schedule 2 Calculation Amount:</b>		<b>\$0.00</b>



## SECTION 276E SCHEDULE 3 CALCULATION SHEET

Total Gross Floor Area (GFA) after Variation	Curent GFA Permitted	Proposed Additional GFA
		0
Schedule Amount		Sub Total Payable
		\$ -
Is there a remission? If so what % rate.		\$ -
Sub Total of Section 276E Schedule 3 Calculation Amount:		\$0.00

## SECTION 277 CALCULATION SHEET

Before Value	After Value	Added Value	75% added Value Amount
\$ 720,000.00	\$ 735,000.00	\$ 15,000.00	\$ 11,250.00
	Y/N	If Y what percentage?	
Is there a further remission?			\$ -
<b>Sub Total Remitted Amount</b>			<b>\$ 11,250.00</b>
	Y/N	If Y what percentage?	
Is there an increase?			\$ -
<b>Sub Total Increased Amount</b>			<b>\$ 11,250.00</b>
<b>Sub Total of Section 277 Calculation Amount:</b>			<b>\$11,250.00</b>



**ACT**

Government

Environment and Planning

## Lease Variation Charge

Mr Tomislav Kasunic  
Ms Natasha George  
2 Fitzroy Street  
FORREST ACT 2604

Dear Mr Kasunic and Ms George,

**BLOCK 8 SECTION 35 FORREST  
DEVELOPMENT APPLICATION NUMBER 201425608**

I refer to the Notice of Decision dated 14 November 2014 for the above development approval.

As you are aware, prior to the registration of the lease variation the lessee is required to pay any assessed lease variation charge (LVC).

Please find attached to this letter a Notice of Assessment which outlines the LVC payable. A copy of the Notice of Assessment has also been sent by email to the applicant for the development application for their information.

Should you require any further information in relation to this matter, my contact details are 6207 5963 or via email [actpladaleasing@act.gov.au](mailto:actpladaleasing@act.gov.au).

Yours sincerely

Jackie Hurst  
DA Leasing  
Planning Delivery Division  
January 2015

CC: Ms Rebecca Stockley  
Blak Plan Pty Ltd/Trading as Knight Frank Town Planning  
PO Box 248  
CIVIC SQUARE ACT 2608





**NOTICE OF ASSESSMENT  
LEASE VARIATION CHARGE**  
*Planning and Development Act 2007*  
Section 276D

Mr Tomislav Kasunic  
Ms Natasha George  
2 Fitzroy Street  
FORREST ACT 2604

Unit	Block	Section	Suburb	Development Application No.
-	8	35	FORREST	201425608

Section 277 Chargeable Variation				
<i>Before Value</i>	<i>After Value</i>	<i>75% of Added Value</i>	<i>Remission or Increase (%)</i>	<i>Variation Amount</i>
\$720,000.00	\$735,000.00	\$11,250.00	-	\$11,250.00

<b>Total Lease Variation Charge Payable</b>	<b>\$11,250.00</b>
---------------------------------------------	--------------------

**Payment Options**



**In Person** (Cash, Cheque, EFTPOS, Bankcard, MasterCard and Visa)  
Environment and Sustainable Development Customer Service Centre –  
Office Hours 8.30am to 4.30pm Monday to Friday 16 Challis Street Dickson ACT 2602



**By Post** (Cheque made payable to ACT Government)  
Environment and Sustainable Development GPO Box 1908 Canberra ACT 2601



**By Phone** (Bankcard, MasterCard and Visa).  
Contact Environment and Sustainable Development during business hours on telephone (02) 6207 1923.

**CASHLINK CODE: 341010**

Maggie Chapman  
Delegate of Commissioner for Revenue  
January 2014

## **Information Note – Section 277 Chargeable Variation Only**

Please find attached to this notice a copy of the working out statement. If you do not agree with the calculation of the section 277 chargeable variation component of the LVC you may wish to make application for reconsideration. The reconsideration application must be in writing on the approved form and be signed by the lessee and if different, the applicant.

Applications for reconsideration must be made not later than the later of the following: eighty (80) working days after the day the notice of assessment under section 276D(1) is given and if a later day is prescribed by regulation, that day or any longer period as extended by the commissioner for revenue.

You should be aware that the application must set out the grounds on which reconsideration is sought. The application is subject to an application fee and an independent valuation must be provided with the application in accordance with Act. On payment of the assessed LVC and compliance with any other relevant conditions of development approval the documents giving effect to the lease variation approval will be prepared for registration at the Office of Regulatory Services.

Should you require any further information in relation to this process please contact the Development Assessment Leasing team on 6207 5963 or via email [actpladaleasing@act.gov.au](mailto:actpladaleasing@act.gov.au).



**ACT**  
Government

Environment and Planning

## Lease Variation Charge

Mr Tomislav Kasunic  
Ms Natasha George  
2 Fitzroy Street  
FORREST ACT 2604

Dear Mr Kasunic and Ms George,

**BLOCK 8 SECTION 35 FORREST  
DEVELOPMENT APPLICATION NUMBER 201425608**

I refer to the Notice of Decision dated 14 November 2014 for the above development approval.

As you are aware, prior to the registration of the lease variation the lessee is required to pay any assessed lease variation charge (LVC).

Please find attached to this letter a Notice of Assessment which outlines the LVC payable. A copy of the Notice of Assessment has also been sent by email to the applicant for the development application for their information.

Should you require any further information in relation to this matter, my contact details are 6207 5963 or via email [actpladaleasing@act.gov.au](mailto:actpladaleasing@act.gov.au).

Yours sincerely

Jackie Hurst  
DA Leasing  
Planning Delivery Division  
16 January 2015

CC: Ms Rebecca Stockley  
Blak Plan Pty Ltd/Trading as Knight Frank Town Planning  
PO Box 248  
CIVIC SQUARE ACT 2608



**NOTICE OF ASSESSMENT  
LEASE VARIATION CHARGE**  
*Planning and Development Act 2007*  
Section 276D

Mr Tomislav Kasunic  
Ms Natasha George  
2 Fitzroy Street  
FORREST ACT 2604

Unit	Block	Section	Suburb	Development Application No.
-	8	35	FORREST	201425608

Section 277 Chargeable Variation				
Before Value	After Value	75% of Added Value	Remission or Increase (%)	Variation Amount
\$720,000.00	\$735,000.00	\$11,250.00	-	\$11,250.00

<b>Total Lease Variation Charge Payable</b>	<b>\$11,250.00</b>
---------------------------------------------	--------------------

**Payment Options**



**In Person** (Cash, Cheque, EFTPOS, Bankcard, MasterCard and Visa)  
Environment and Sustainable Development Customer Service Centre –  
Office Hours 8.30am to 4.30pm Monday to Friday 16 Challis Street Dickson ACT 2602



**By Post** (Cheque made payable to ACT Government)  
Environment and Sustainable Development GPO Box 1908 Canberra ACT 2601



**By Phone** (Bankcard, MasterCard and Visa).  
Contact Environment and Sustainable Development during business hours on telephone (02) 6207 1923.

**CASHLINK CODE: 341010**

  
Maggie Chapman  
Delegate of Commissioner for Revenue  
15 January 2014



## **Information Note – Section 277 Chargeable Variation Only**

Please find attached to this notice a copy of the working out statement. If you do not agree with the calculation of the section 277 chargeable variation component of the LVC you may wish to make application for reconsideration. The reconsideration application must be in writing on the approved form and be signed by the lessee and if different, the applicant.

Applications for reconsideration must be made not later than the later of the following: eighty (80) working days after the day the notice of assessment under section 276D(1) is given and if a later day is prescribed by regulation, that day or any longer period as extended by the commissioner for revenue.

You should be aware that the application must set out the grounds on which reconsideration is sought. The application is subject to an application fee and an independent valuation must be provided with the application in accordance with Act. On payment of the assessed LVC and compliance with any other relevant conditions of development approval the documents giving effect to the lease variation approval will be prepared for registration at the Office of Regulatory Services.

Should you require any further information in relation to this process please contact the Development Assessment Leasing team on 6207 5963 or via email [actpladaleasing@act.gov.au](mailto:actpladaleasing@act.gov.au).







**From:** Hurst, Jackie  
**To:** [TreasuryLVC](#)  
**Subject:** ACT Commissioner REFERRAL - ACTVO Report - DA 201425608 - 8/35 FORREST  
**Date:** Thursday, 18 December 2014 11:14:00 AM

---

Dear ACT Commissioner for Revenue,

**Block 8 Section 35 Suburb of FORREST**  
**DA Number: 201425608**

The Environment and Planning Directorate (EPD) has conditionally approved the above development application and has now received the final report from the EPD's appointed valuer. Please find attached the EPD appointed valuer final report for your information.

Your comments are sought prior to the delegate determining the lease variation charge. Comments are to be submitted within ten (10) working days from the date of this email. Should you fail to provide a written response within the time frame you are taken to have no comments in relation to the matter and the delegate will proceed to determine the lease variation charge.

If you require any further information please contact Development Assessment Leasing on 6207 5963 or via email [actpladaleasing@act.gov.au](mailto:actpladaleasing@act.gov.au).

Yours Sincerely

DA Leasing  
Environment and Planning Directorate.

**From:** [BSubmission\\_watersewer@actewagl.com.au](mailto:BSubmission_watersewer@actewagl.com.au)  
**To:** [ACTPLA Customer Services](#)  
**Subject:** ActewAGL Application Decision. Application - 142692. Forrest - 8/35  
**Date:** Thursday, 24 July 2014 9:31:57 AM

---

## **ACTEWAGL - WATER DIVISION**

### **Approval ID : 142692, Forrest 8 /35**

Your application has been assessed by ActewAGL against ACTEW water and sewerage network access and asset protection requirements.

Please find attached an ActewAGL DECISION STATEMENT together with your stamped plans.

A failure to comply with decision statement conditions will invalidate the approval and will expose the land-holder to prosecution under the Utilities Act 2000.

Non-compliant submissions must be rectified and resubmitted to ActewAGL for approval prior to construction commencing. A decision to proceed with construction using unapproved drawings will expose the land-holder to prosecution under the Utilities Act 2000.

Please note: Separate decision statements are required from other utilities (eg: electricity, gas, stormwater and communications)

### **Future applications**

ActewAGL has introduced an online planning application process for obtaining utility clearances prior to submitting a development application or seeking building approval.

This revised application process consists of an electronic form available [here](#). By using the online form applicants will no longer need to complete the respective Water/Sewerage and Electricity/Gas application forms.

When an application is submitted it will be assessed against the water, sewerage, electricity and gas networks.

ActewAGL requests that organisations register their details if they regularly submit applications. Registration will reduce the time it takes to lodge an application. To register, send a return email including the organisation's name, a contact name, phone number and email address.

Regards

**Eddie Gonzalez**  
[Building Approvals and Network Protection](#)  
[ActewAGL Water Division](#)

**Telephone** 02 6248 3555 then press 2 for Water



**Facsimile 02 6242 1459**  
**Email [devapp@ActewAGL.com.au](mailto:devapp@ActewAGL.com.au)**  
**GPO Box 366 Canberra ACT 2601**  
**[www.ActewAGL.com.au](http://www.ActewAGL.com.au)**

Please consider our environment before printing this email.

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\*PLEASE NOTE\* This email and any attachments may be confidential. If received in error, please delete all copies and advise the sender. The reproduction or dissemination of this email or its attachments is prohibited without the consent of the sender.

WARNING RE VIRUSES: Our computer systems sweep outgoing email to guard against viruses, but no warranty is given that this email or its attachments are virus free. Before opening or using attachments, please check for viruses. Our liability is limited to the re-supply of any affected attachments.

Any views expressed in this message are those of the individual sender, except where the sender expressly, and with authority, states them to be the views of the organisation.

\*\*\*\*\*




























1: 644



## Legend

- Road Labels
-  ACT Border
-  Districts
-  Divisions
-  Registered Sections
-  Approved Sections
-  Proposed Sections
- Road Delimiter
- R Sections
-  Electrical Easements
-  Gas Easements
-  Right of Way Easements
-  Sewer Easements
-  Stormwater Easements
-  Telecommunications Easements
-  Water Easements
-  Urban Registered Blocks
-  Rural Registered Blocks
-  Stratum Registered Blocks
-  Urban Approved Blocks
-  Rural Approved Blocks
-  Stratum Approved Blocks
-  Urban Proposed Blocks
-  Rural Proposed Blocks
-  Rural Occupied Blocks
-  Class B Units

Planning and Development Act 2007

# Development Application

Application Number: 201425608

## Before Starting

**PLEASE NOTE:** This wizard will time out if left inactive for a period of more than two hours, after which time you will lose your application and be required to complete a new wizard. It is recommended you **save** this session if it is to be left inactive for an extended period of time.

Please ensure that your screen is set to the highest resolution (e.g. 1280 by 1024 pixels) to ensure all content in the wizard is visible.

## Type of Application

The type of application you are applying for is a **New Application**

Are you applying for a:

Development Application

Has a pre-application meeting been held in relation to this proposal?

No

## Lease/Site Details

Site Number: 1

If your rural property is identified by a Block/Section/Suburb, please select the "Urban" radio button.

Urban

Suburb

FORREST

Section

35

Block Number

8

Unit Number

Street Address

FORREST

## Applicant Details

What type of applicant are you:

Business

ACN or ABN

95159090294

Company Name

Blak Plan Pty Ltd/Trading as Knight Frank Town Planning

Position held / Title

Director

Salutation

None

First Name

Rebecca

Surname

Stockley

Postal Address 1

PO Box 248

Postal Address 2

Postal Address 3

Suburb

Civic Square

State/Territory

ACT

Postcode

2608

Country

Australia

Phone Number

62217887

Fax Number

Mobile Number

Email

planning.act@au.knightfrank.com

### Lessee (Property Owners) Details

#### Lessee Number: 1

Is the Lessee a:

Standard lessee

Salutation

None

First Name

Tomislav

Surname

Kasunic

Postal Address 1

2 Fitzroy Street

Postal Address 2

Postal Address 3

Suburb

Forrest

State/Territory

ACT

Postcode

2604

Country

Phone Number

0411052269

Fax Number

Mobile Number

0411052269

Email

#### Lessee Number: 2

Is the Lessee a:

Standard lessee



Salutation	First Name	Surname	
<input type="text" value="None"/>	<input type="text" value="Natashia"/>	<input type="text" value="George"/>	
Postal Address 1		Postal Address 2	
<input type="text" value="2 Fitzroy Street"/>		<input type="text"/>	
Postal Address 3			
<input type="text"/>			
Suburb	State/Territory	Postcode	Country
<input type="text" value="Forrest"/>	<input type="text" value="ACT"/>	<input type="text" value="2604"/>	<input type="text"/>
Phone Number	Fax Number	Mobile Number	
<input type="text" value="61623635"/>	<input type="text"/>	<input type="text"/>	
Email			
<input type="text"/>			

## Notice of Decision and Plans

Please specify the delivery method for the return of plans. Unless otherwise specified, your Notice of Decision and/or plans will be returned via email.

Email

Are you applying for an *Estate Development Plan* OR *Home Business*?

No

## Zone

Please specify which zone applies to this application (please select one zone only). Please click [here](#) to access ACTMAPi and locate the zone.

CZ5 Mixed use zone

If more than one zone is applicable to your application, please specify them below:

## Development/Precinct Code

Please specify which development code applies to this application.

Commercial Zones Development Code

Please specify all relevant precinct code/s applied to your proposal

Forrest Precinct Code

## Fully Describe Your Proposal

## Please provide a full description of your proposal

Lease variation to add home business and office to the lease purpose clause, and to remove Clause 1(e)

### Use of the Land

Describe the use of the land or the use of a building or structure on the land. **Example:** Office, restaurant, and business agency limited to 300m2 gross floor area

Residential dwelling

Is the use consistent with the current Crown lease?

Yes

### Assessment Track

Please indicate which assessment track applies to this Development Application:

Merit

For more information about which track your development application will be assessed in, please click [here](#). *Please note, the Environment and Sustainable Development Directorate may refuse to accept a development application made in an incorrect assessment track. If the Environment and Sustainable Development Directorate assesses an application made in the incorrect assessment track it must refuse the application (S.114 (3)).*

### Type of Development

Please indicate which type of development applies to this development application.

Lease Variation

Does this proposal involve a variation to a Units Plan?

No

Please select a [Lease Variation](#) sub type:

Clause Changes

### Heritage

#### Heritage

Is the [Heritage](#) item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for *referral* to Entity?

Yes

## Exclusion from Public Inspection

In accordance with the requirements of Sections 28 and 30 of the *Planning and Development Act 2007*, the ACT Planning and Land Authority must make the details and associated documents relevant to a development application available for public inspection.

*If you wish to apply to have all or part of this development application excluded from public inspection, you must meet the requirements of Section 411(5) or 412(1) of the Planning and Development Act 2007*

Are you requesting an exclusion from *Public Inspection*?

No

## Conflict of Interest Declaration

Does the applicant or the lessee have any association with the ACT Planning and Land Authority staff?

No

*NOTE: There are penalties for deliberately giving false and misleading information. The Planning and Land Authority or Minister may revoke an approval if satisfied that the approval was obtained by fraud or misrepresentation*

## Applicant/Lessee Declaration

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

I/we declare that this application is accompanied by all of the required information or documents that address the relevant rules and/or relevant criteria for it to be considered for approval;

I/we understand that the information submitted with this application form will undergo a documentation check prior to the payment of fees and formal lodgement of the application. Further information may be required prior to the acceptance of the development application by the Directorate;

I /we understand that this application will be considered lodged once the relevant application fees have been paid;

I/we understand that if during the assessment of this application it is found to have been submitted in the incorrect assessment track the application will be refused and I/we will not be entitled to a refund or transfer of fees;

I/we understand that the documentation provided on CD/DVD or via the electronic lodgment process will be considered to be the relevant documentation associated with this application. All development application documentation will be made available for *public inspection* including via the Internet unless exclusion has been approved;

If the time for deciding the application (prescribed period) has ended and a decision has not been reached I/we understand that the application will be deemed refused and the Environment and Sustainable Development Directorate will not provide written advice of this decision.

I/we also understand that the Environment and Sustainable Development Directorate is able to still consider the application and make a decision after the expiration of the prescribed period;

I/we hereby authorise the Environment and Sustainable Development Directorate its servants and agents to erect sign/s on the subject property(s) as required and authorise ACT Government officers to access the subject property(s) for the purpose of evaluating the proposal(including the inspection of driveways and trees);

I/we(lessee) appoint the applicant whose signature appears in the attached *letter of appointment* to act on my/our behalf in relation to this Development Application. This authorises the applicant to pay all application fees, bonds and securities, liaise with the Environment and Sustainable Development Directorate when required, alter, amend or provide further information as necessary and receive any communications relating to this Development Application;

I/we declare that information relating to utility standards, access provisions and asset clearance zones has been sought from the relevant utility providers and this development application has been prepared in accordance with their requirements;

I understand that costs associated with the relocation of any engineering services (light poles, storm water, sumps etc) will be at my expense and that I will indemnify the ACT Government, its servants and agents against any claims arising during the relocation of these services;

I understand that construction of any driveway associated with this application may not commence until the contractor has received endorsement by the relevant government entity;

I understand that a Certificate of Design Acceptance and a Road Opening Permit and Temporary Management Plan must be obtained from the relevant government agencies prior to the start of construction works;

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

**If lodging on behalf of a company, organisation or Government agency: -**

I/we declare I/we have the appropriate delegation or authority to sign on behalf of the company, organisation or Government agency;

I declare that I am the person shown in this eDA form as the Applicant, and by clicking the ACCEPT button below I understand that this replaces my requirement to sign a hard copy of this

application.

I accept the above declarations

Accept

Acceptance date

09 May 2014

## Before Submitting

You have almost completed the first stage of your Development Application/Pre-Application request. **PLEASE ENSURE YOUR WIZARD SESSION IS SAVED BEFORE PROCEEDING.** This will enable you to resume your session in the event of a system outage or other interruption.

When you click on Finish below, you will be navigated to a new page which will enable you to upload any associated plans/documents prior to submitting to ACTPLA for review.

Development applications (DAs) can be delayed unnecessarily because ACTPLA does not have all the information it needs to undertake an assessment and make a decision.

To avoid delays ensure all required sections of the wizard are answered correctly and all required documentation is uploaded. In particular:

1. A signed appointment letter from all lessee's must be provided if works are to be performed on the verge, a signed endorsement letter must be provided by the relevant Government Custodian;
2. Public register plans for residential applications are included;
3. You **MUST** include a statement against the criteria for development applications that will be assessed in the Merit track

If you are still not sure how to proceed or want to ensure you have everything you need for your application, you can visit the ACTPLA Customer Service Centre, 16 Challis Street, Dickson, or call us on 6207 1923 and ask to speak with a technical officer.

### Privacy Notice

The personal information on this form is being collected to enable processing of your application. Collection of personal information is authorised by Chapters 7, 8 and 9 of the Planning and Development Act 2007. The information that you provide may be disclosed to the ACT Revenue Office and the Registrar-General's Office. The information may be accessed by other government agencies, ACTEWAGL, ACTEW Corporation and other commercial organisations interested in development and building information. The Planning and Development Act 2007 requires the details of applications, decisions and orders to be kept on a register and made available for public inspection. Information and documentation relevant to a development application may be made available via the Internet.

### Does the Commonwealth Environment Protection and Biodiversity Conservation Act 1999

## **(EPBC) affect your proposal?**

The EPBC came into operation on 16 July 2000. It establishes an environmental assessment and approval system that is separate and distinct from the ACT system. It does not affect the validity of ACT development assessment and approval processes, but may affect the assessment track. The ACT cannot provide preliminary advice on whether a proposal falls within the definition of a controlled action, or requires referral to the Commonwealth. You should consult with the Commonwealth to determine if your proposal is a controlled action before seeking any approvals under the Planning and Development Act 2007. For information about the EPBC, including the referral process and when a referral should be made, contact: the Department of Sustainability, Environment, Water, Population and Communities, GPO Box 787, CANBERRA ACT 2601  
Telephone: 62741111

### **Contact Details:**

ACT Planning and Land Authority  
Customer Service Centre  
GPO Box 1908, Canberra City 2601  
16 Challis Street, Dickson ACT 2602  
Business Hours: 8.30am to 4.30pm weekdays (excluding Public Holidays)  
Phone: (02) 6207 1923  
Fax: (02) 6207 1925  
TTY: (02) 6207 2622  
Email: [actpla.customer.services@act.gov.au](mailto:actpla.customer.services@act.gov.au)  
Website: [www.actpla.act.gov.au](http://www.actpla.act.gov.au)



Planning and Development Act 2007

# Development Application

Application Number: **201425608**

## Before Starting

**PLEASE NOTE:** This wizard will time out if left inactive for a period of more than two hours, after which time you will lose your application and be required to complete a new wizard. It is recommended you **save** this session if it is to be left inactive for an extended period of time.

Please ensure that your screen is set to the highest resolution (e.g. 1280 by 1024 pixels) to ensure all content in the wizard is visible.

## Type of Application

The type of application you are applying for is a **New Application**

Are you applying for a:

Development Application

Has a pre-application meeting been held in relation to this proposal?

No

## Lease/Site Details

Site Number: 1

If your rural property is identified by a Block/Section/Suburb, please select the "Urban" radio button.

Urban

Suburb

FORREST

Section

35

Block Number

8

Unit Number

Street Address

FORREST

## Applicant Details

What type of applicant are you:

Business

ACN or ABN

95159090294

Company Name

Blak Plan Pty Ltd/Trading as Knight Frank Town Planning

Position held / Title

Director

Salutation

None

First Name

Rebecca

Surname

Stockley

Postal Address 1

PO Box 248

Postal Address 2

Postal Address 3

Suburb

Civic Square

State/Territory

ACT

Postcode

2608

Country

Australia

Phone Number

62217887

Fax Number

Mobile Number

Email

planning.act@au.knightfrank.com

## Lessee (Property Owners) Details

### Lessee Number: 1

Is the Lessee a:

Standard lessee

Salutation

None

First Name

Tomislav

Surname

Kasunic

Postal Address 1

2 Fitzroy Street

Postal Address 2

Postal Address 3

Suburb

Forrest

State/Territory

ACT

Postcode

2604

Country

Phone Number

0411052269

Fax Number

Mobile Number

0411052269

Email

### Lessee Number: 2

Is the Lessee a:

Standard lessee

Salutation	First Name	Surname	
<input type="text" value="None"/>	<input type="text" value="Natashia"/>	<input type="text" value="George"/>	
Postal Address 1	Postal Address 2		
<input type="text" value="2 Fitzroy Street"/>	<input type="text"/>		
Postal Address 3	<input type="text"/>		
Suburb	State/Territory	Postcode	Country
<input type="text" value="Forrest"/>	<input type="text" value="ACT"/>	<input type="text" value="2604"/>	<input type="text"/>
Phone Number	Fax Number	Mobile Number	
<input type="text" value="61623635"/>	<input type="text"/>	<input type="text"/>	
Email	<input type="text"/>		

## Notice of Decision and Plans

Please specify the delivery method for the return of plans. Unless otherwise specified, your Notice of Decision and/or plans will be returned via email.

Email

Are you applying for an *Estate Development Plan* OR *Home Business*?

No

## Zone

Please specify which zone applies to this application (please select one zone only). Please click [here](#) to access ACTMAPi and locate the zone.

CZ5 Mixed use zone

If more than one zone is applicable to your application, please specify them below:

## Development/Precinct Code

Please specify which development code applies to this application.

Commercial Zones Development Code

Please specify all relevant precinct code/s applied to your proposal

Forrest Precinct Code

## Fully Describe Your Proposal

## Please provide a full description of your proposal

Amend Clause 1(d) purpose clause by adding non retail commercial use limited to office and remove Clause 1(e)

### Use of the Land

Describe the use of the land or the use of a building or structure on the land. **Example:** Office, restaurant, and business agency limited to 300m2 gross floor area  
Residential dwelling

Is the use consistent with the current Crown lease?

Yes

### Assessment Track

Please indicate which assessment track applies to this Development Application:

Merit

For more information about which track your development application will be assessed in, please click [here](#). *Please note, the Environment and Sustainable Development Directorate may refuse to accept a development application made in an incorrect assessment track. If the Environment and Sustainable Development Directorate assesses an application made in the incorrect assessment track it must refuse the application (S.114 (3)).*

### Type of Development

Please indicate which type of development applies to this development application.

Lease Variation

Does this proposal involve a variation to a Units Plan?

No

Please select a [Lease Variation](#) sub type:

Clause Changes

### Heritage

#### Heritage

Is the [Heritage](#) item relevant to your proposal?

Yes

Have you provided Entity Endorsement?

No

Have you provided required documentation for *referral* to Entity?

Yes

## Exclusion from Public Inspection

In accordance with the requirements of Sections 28 and 30 of the *Planning and Development Act 2007*, the ACT Planning and Land Authority must make the details and associated documents relevant to a development application available for public inspection.

*If you wish to apply to have all or part of this development application excluded from public inspection, you must meet the requirements of Section 411(5) or 412(1) of the Planning and Development Act 2007*

Are you requesting an exclusion from *Public Inspection*?

No

## Conflict of Interest Declaration

Does the applicant or the lessee have any association with the ACT Planning and Land Authority staff?

No

*NOTE: There are penalties for deliberately giving false and misleading information. The Planning and Land Authority or Minister may revoke an approval if satisfied that the approval was obtained by fraud or misrepresentation*

## Applicant/Lessee Declaration

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

I/we declare that this application is accompanied by all of the required information or documents that address the relevant rules and/or relevant criteria for it to be considered for approval;

I/we understand that the information submitted with this application form will undergo a documentation check prior to the payment of fees and formal lodgement of the application. Further information may be required prior to the acceptance of the development application by the Directorate;

I /we understand that this application will be considered lodged once the relevant application fees have been paid;

I/we understand that if during the assessment of this application it is found to have been submitted in the incorrect assessment track the application will be refused and I/we will not be entitled to a refund or transfer of fees;

I/we understand that the documentation provided on CD/DVD or via the electronic lodgment process will be considered to be the relevant documentation associated with this application. All development application documentation will be made available for *public inspection* including via the Internet unless exclusion has been approved;

If the time for deciding the application (prescribed period) has ended and a decision has not been reached I/we understand that the application will be deemed refused and the Environment and Sustainable Development Directorate will not provide written advice of this decision.

I/we also understand that the Environment and Sustainable Development Directorate is able to still consider the application and make a decision after the expiration of the prescribed period;

I/we hereby authorise the Environment and Sustainable Development Directorate its servants and agents to erect sign/s on the subject property(s) as required and authorise ACT Government officers to access the subject property(s) for the purpose of evaluating the proposal(including the inspection of driveways and trees);

I/we(lessee) appoint the applicant whose signature appears in the attached *letter of appointment* to act on my/our behalf in relation to this Development Application. This authorises the applicant to pay all application fees, bonds and securities, liaise with the Environment and Sustainable Development Directorate when required, alter, amend or provide further information as necessary and receive any communications relating to this Development Application;

I/we declare that information relating to utility standards, access provisions and asset clearance zones has been sought from the relevant utility providers and this development application has been prepared in accordance with their requirements;

I understand that costs associated with the relocation of any engineering services (light poles, storm water, sumps etc) will be at my expense and that I will indemnify the ACT Government, its servants and agents against any claims arising during the relocation of these services;

I understand that construction of any driveway associated with this application may not commence until the contractor has received endorsement by the relevant government entity;

I understand that a Certificate of Design Acceptance and a Road Opening Permit and Temporary Management Plan must be obtained from the relevant government agencies prior to the start of construction works;

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

**If lodging on behalf of a company, organisation or Government agency: -**

I/we declare I/we have the appropriate delegation or authority to sign on behalf of the company, organisation or Government agency;

I declare that I am the person shown in this eDA form as the Applicant, and by clicking the ACCEPT button below I understand that this replaces my requirement to sign a hard copy of this



application.

I accept the above declarations

Accept

Acceptance date

30 May 2014

## Before Submitting

You have almost completed the first stage of your Development Application/Pre-Application request. **PLEASE ENSURE YOUR WIZARD SESSION IS SAVED BEFORE PROCEEDING.** This will enable you to resume your session in the event of a system outage or other interruption.

When you click on Finish below, you will be navigated to a new page which will enable you to upload any associated plans/documents prior to submitting to ACTPLA for review.

Development applications (DAs) can be delayed unnecessarily because ACTPLA does not have all the information it needs to undertake an assessment and make a decision.

To avoid delays ensure all required sections of the wizard are answered correctly and all required documentation is uploaded. In particular:

1. A signed appointment letter from all lessee's must be provided if works are to be performed on the verge, a signed endorsement letter must be provided by the relevant Government Custodian;
2. Public register plans for residential applications are included;
3. You **MUST** include a statement against the criteria for development applications that will be assessed in the Merit track

If you are still not sure how to proceed or want to ensure you have everything you need for your application, you can visit the ACTPLA Customer Service Centre, 16 Challis Street, Dickson, or call us on 6207 1923 and ask to speak with a technical officer.

### Privacy Notice

The personal information on this form is being collected to enable processing of your application. Collection of personal information is authorised by Chapters 7, 8 and 9 of the Planning and Development Act 2007. The information that you provide may be disclosed to the ACT Revenue Office and the Registrar-General's Office. The information may be accessed by other government agencies, ACTEWAGL, ACTEW Corporation and other commercial organisations interested in development and building information. The Planning and Development Act 2007 requires the details of applications, decisions and orders to be kept on a register and made available for public inspection. Information and documentation relevant to a development application may be made available via the Internet.

### Does the Commonwealth Environment Protection and Biodiversity Conservation Act 1999

## **(EPBC) affect your proposal?**

The EPBC came into operation on 16 July 2000. It establishes an environmental assessment and approval system that is separate and distinct from the ACT system. It does not affect the validity of ACT development assessment and approval processes, but may affect the assessment track. The ACT cannot provide preliminary advice on whether a proposal falls within the definition of a controlled action, or requires referral to the Commonwealth. You should consult with the Commonwealth to determine if your proposal is a controlled action before seeking any approvals under the Planning and Development Act 2007. For information about the EPBC, including the referral process and when a referral should be made, contact: the Department of Sustainability, Environment, Water, Population and Communities, GPO Box 787, CANBERRA ACT 2601  
Telephone: 62741111

### **Contact Details:**

ACT Planning and Land Authority  
Customer Service Centre  
GPO Box 1908, Canberra City 2601  
16 Challis Street, Dickson ACT 2602  
Business Hours: 8.30am to 4.30pm weekdays (excluding Public Holidays)  
Phone: (02) 6207 1923  
Fax: (02) 6207 1925  
TTY: (02) 6207 2622  
Email: [actpla.customer.services@act.gov.au](mailto:actpla.customer.services@act.gov.au)  
Website: [www.actpla.act.gov.au](http://www.actpla.act.gov.au)



**Form 4 - LETTER OF AUTHORISATION**

PRE APPLICATION MEETINGS DEVELOPMENT APPLICATION  
APPLICATION FOR RECONSIDERATION

**LEASE/SITE DETAILS (Please Print)**

If more than two leases/sites please attach the following details for each additional lease/site on a separate sheet

Block  Section  Suburb

Unit No.  Street Address

Block  Section  Suburb

Unit No.  Street Address

Describe location where no block and section details are available (e.g. for outdoor dining area location)

**LESSEE(S) DETAILS - if more than two lessees please provide details of each additional lessee (Please Print)**

1st Lessee Name  2<sup>nd</sup> Lessee Name

**LESSEE AUTHORISATION**

This appointment is made under the *Planning and Development Act 2007* and relates to: (please tick)

- Pre - application meeting       Development Application       Application for Reconsideration

I/we the lessee(s) authorise the person/company (to be known as *the Applicant*) detailed below:

- to obtain information in relation to this site through the pre-application process
- to act on my/our behalf in relation to a development application for the abovementioned site/s
- to act on my/our behalf in relation to an application for a reconsideration of a development application for the abovementioned site/s
- to pay all application fees, bonds and securities, liaise with the Planning and Land Authority when required, alter, amend or provide further information as necessary and receive any communications relating to the DA or Application for Reconsideration.

**APPLICANT DETAILS (Please Print)**

Applicant Name  Email address

OR

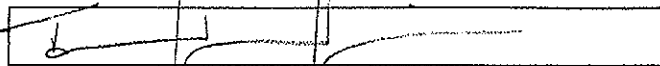
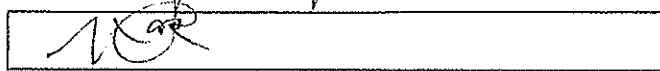
Company Name  Email address

Company Nominees – a Company can list up to three nominees. The first nominee must be authorised to sign on behalf of the Company

Nominee 1  Nominee 2  Nominee 3


**LESSEE(S) DECLARATION** if more than two lessees please provide details of each additional lessee on a separate sheet

- I/we declare that I am/we are the lessee(s) of the land described above;
- I/we have been made aware of the declaration clauses in the Development Application or Application for Reconsideration form; and
- I/we declare that all the information given on this form is true and complete.

1 <sup>st</sup> Lessee's Signature		Date	<input type="text" value="8/5/2014"/>
2 <sup>nd</sup> Lessee's Signature		Date	<input type="text" value="8/5/14"/>

**APPLICANT DECLARATION**

- I declare that I am the person authorised to sign/sign on behalf of the company described in this form
- I declare that all the information given on this form and its attachments are true and complete;

Applicant Name	<input type="text"/>	Company Name	<input type="text" value="Knight Frank Town Planning (ACT &amp; NSW)"/>
Signature		Date	<input type="text" value="8/5/2014"/>

**LAND CUSTODIAN AUTHORISATION**

- I/we declare that I am/we are the land custodian(s) of the public land or unleased land as described above;
- I/we authorise the applicant to obtain information in relation to this site through the pre-application process and make an application for development approval.

Delegate Name	<input type="text"/>	Agency Name	<input type="text"/>
Signature	<input type="text"/>	Date	<input type="text"/>
Delegate Name	<input type="text"/>	Agency Name	<input type="text"/>
Signature	<input type="text"/>	Date	<input type="text"/>

THIS AUTHORISATION DOES NOT CONSTITUTE AN APPROVAL IN PRINCIPLE OR OTHERWISE BY THE LAND CUSTODIAN IN RELATION TO THE PROPOSED DEVELOPMENT.

**Privacy Notice**

The personal information on this form is being collected to enable processing of your application. Collection of personal information is authorised by Chapters 7, 8 and 9 of the *Planning and Development Act 2007*. The information that you provide may be disclosed to the ACT Revenue Office and the Registrar-General's Office. The information may be accessed by other government agencies, ActewAGL, ACTEW Corporation and other commercial organisations interested in development and building information. The *Planning and Development Act 2007* requires the details of applications, decisions and orders to be kept on a register and made available for public inspection. Information and documentation relevant to a development application may be made available via the Internet.

**Contact Details:**

Environment and Sustainable Development Directorate  
Customer Service Centre  
GPO Box 158, Canberra City 2601  
16 Challis Street Dickson ACT 2602

Business Hours: 8.30am - 4.30pm weekdays (excluding Public Holidays)  
Email: [esddcustomerservices@act.gov.au](mailto:esddcustomerservices@act.gov.au)  
Website: [www.environment.act.gov.au](http://www.environment.act.gov.au)  
Telephone: (02) 6207 1923 TTY: (02) 6207 2622



## APPLICATION TO VARY A CROWN LEASE

Form 044 - AVCL

Land Titles Act 1925

### IMPORTANT INFORMATION

This form is to be used to lodge an application to vary a crown lease under the *Land Titles Act 1925* (the Act). You can access the Act at [www.legislation.act.gov.au](http://www.legislation.act.gov.au). You may also obtain further information and forms at [www.ors.act.gov.au](http://www.ors.act.gov.au).

### PRIVACY INFORMATION

The Act authorises the Registrar-General to collect the information required by this form. The Registrar-General provides identifiable information to various agencies including, but not limited to, the ACT Environment and Sustainable Development Directorate, ACT Treasury Directorate, Canberra Connect and ACTEWAGL for conveyancing, municipal account administrative, statistical and valuation purposes. These agencies may also use this information to prepare and sell property sales reports to commercial organisations concerned with the development, sale or marketing of land.

### CONTACT INFORMATION

Lodge in person at the **Office of Regulatory Services:** 255 Canberra Avenue, Fyshwick ACT 2609  
Office Hours: 9:00am to 4:30pm Monday to Friday  
General enquiries telephone number: (02) 6207 0491  
Website address: [www.ors.act.gov.au](http://www.ors.act.gov.au)

### INSTRUCTIONS FOR COMPLETION

- The certificate of title or production of title consenting to the registration of this document is required for lodgement.
- All information should be typed or clearly printed. If completing this form by hand please use a solid black pen only.
- This office will not accept lodgement of this form if it is not completed in full.
- Any alteration to information provided on this form must be struck through with a black pen. Substitute information must be clear and all parties must sign in the margin. Do not use correction fluid or tape.
- Ensure all required documents are attached. If there is insufficient space in any panel, please use an Annexure Sheet.
- Execution by:
  - a) **A Natural Person** – Should be witnessed by an adult person who is not a party to the document.
  - b) **Attorney** – if this document is executed by an Attorney pursuant to a registered power of attorney, it must set out the full name of the attorney and the form of execution must indicate the source of his/her authority e.g. “AB by his/her attorney XY pursuant to Power of Attorney ACT Registration No..... of which he/she has no notice of revocation”. (This execution requires a witness).
  - c) **Corporation** – Section 127 of the *Corporations Act* provides that a company may now validly execute a document with or without using a Common Seal if the document is signed by:
    - i. Two directors of the company;
    - ii. A director and a secretary of the company; or
    - iii. Where the company is a proprietary company and has a sole director who is also the sole company secretary, that director. (This execution does not require a witness).
- The following forms of execution are suggested –
  - a) **With A Common Seal**  
The common seal of ABC Pty Ltd/Ltd ACN.....  
was affixed in the presence of-  
.....(signature)  
.....(director/secretary)\*  
(\*repeat if necessary i.e. if two directors signing. If signing as sole director and sole secretary, state ‘director/secretary’ – (This execution does not require a witness).
  - b) **Without A Common Seal**  
Signed by ABC Pty Ltd/Ltd ACN.....  
.....(signature)  
.....(director/secretary)\*  
(\*repeat if necessary i.e. if two directors signing. If signing as sole director and sole secretary, state ‘director/secretary’ – (This execution does not require a witness).



**ACT**  
Government

Justice and Community Safety

LAND TITLES  
OFFICE OF REGULATORY SERVICES  
ACT Justice and Community Safety Directorate

## APPLICATION TO VARY A CROWN LEASE

Form 044 - AVCL

Land Titles Act 1925

The Minister or the Delegate of the ACT Planning and Land Authority (the Authority) has agreed to vary the lease as described below, subject to the mortgages, encumbrances and other instruments affecting the land including any created by dealings lodged for registration prior to the lodging of this document. (Note – This form cannot be used to vary a Unit within a Registered Units Plan)

LODGING PARTY DETAILS			
Name	Postal Address	Contact Telephone Number	
TITLE AND LAND DETAILS			
Volume & Folio	District/Division	Section	Block
897:65	FORREST	35	8
FULL NAME OF REGISTERED PROPRIETOR/S (Surname Last) (ACN required for all companies)		FULL POSTAL ADDRESS	
Tomislav Ivan Kasunic and Natasia Eleni George		28 Tyson Street Ainslie ACT 2602	
LEGISLATIVE PROVISION TO VARY CROWN LEASE			
I, <b>INSERT NAME</b> , being a delegate of the Planning and Land Authority, APPLY to you to register the variation which has been made to the Crown lease of the land described. An approval of the Variation of Lease is submitted herewith in accordance with Section 72A of the <u>Land Titles Act 1925</u> .			
DETAILS OF DELETED CLAUSES (no longer applicable after registration)			
None			



DETAILS OF VARIATION

Australian Capital Territory  
Planning and Development Act 2007  
Variation of a lease

Under the Planning and Development Act 2007 I, **INSERT NAME**, approve the variation of the schedule of provisions, covenants and conditions subject of which leases of units are held and specified here under:

**FORMER PROVISIONS**

Clause 1(d): To use the said land for residential purposes only;

Clause 1(e): That the building erected on the said land will be used only as a single unit private dwelling house and any outbuildings erected on the said land shall not be used as a habitation;

**AMENDED PROVISIONS**

Clause 1(d): To use the said land for one or more of the following purposes:

- (i) residential purposes; and/or
- (ii) non retail commercial use LIMITED TO office;

Clause 1(e) That the building erected on the said land shall contain no more than one (1) dwelling, but the building may, partly or wholly, be used for office;

**INSERTED PROVISIONS**

Replace the full stop/period (".") at the end of clause 3(h) with a semi-colon (";") and insert the following clauses:

- (i) "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;
- (j) "non retail commercial use" means business agency, financial establishment, office, and public agency;
- (k) "office" means the use of land for the purpose of administration, clerical, technical, professional or like business activities, including a government office, which does not include dealing with members of the public on a direct and regular basis except where this is ancillary to the main purpose of the office.

**EXECUTION BY ACT PLANNING AND LAND AUTHORITY**

Signed by the person duly authorised by ACT Planning and Land Authority  
(Please print full name of authorised signatory)

Print full name and address of witness

Signature of witness

Dated -

Dated -

**OFFICE USE ONLY**

Lodged by		Certificate of title lodged	
Data entered by		Certificates attached to title	
Registered by		Attachments / Annexures	
Registration date		Production number	

**From:** [tomislav](#)  
**To:** [Pankhurst, Owen](#)  
**Subject:** Block 8 Section 35 Forrest Lease variation  
**Date:** Wednesday, 7 January 2015 2:02:58 PM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[8.35 Forrest Comments on Pages from Notice of Decision - Signed 150107.pdf](#)

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Hi Owen,

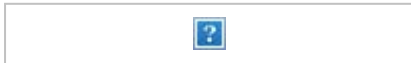
Please see attached comments to proposed lease variation.

When would I be able to come in and discuss further in attempt to finalise the lease variation.

Regards,

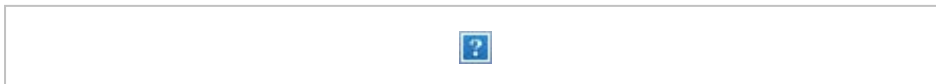
**Tomislav Kasunic |**

Project Manager



**a** PO BOX 3218 Manuka ACT 2603  
**t** 02 6232 7633 **f** 02 6295 1331  
**e** [tomislav@kascon.com.au](mailto:tomislav@kascon.com.au)  
**w** [www.kascon.com.au](http://www.kascon.com.au)

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**From:** [Bobolas, Matina](#)  
**To:** [ACTPLA DA Leasing](#)  
**Cc:** [Lefebvre, Ann](#); [Sare, Irma](#)  
**Subject:** Block 8 Section 35 Forrest  
**Date:** Tuesday, 16 December 2014 9:47:44 AM

---

Good Morning Ann / Irma,

Please find attached the Lease Variation Charge assessment for Block 8, Section 35, Forrest, which you requested on 18 November 2014.

Please contact me if I can be of further assistance.

Kind Regards,

Matina Bobolas

Business Administration

**ACT Valuation Office** | Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

Tel: (02) 620 54825 Fax: (02) 620 75886



DATE: 18-7-14
**ACT**  
 Government

 Environment and  
 Sustainable Development

THE Planning and Land Authority has received the following development applications:

**DA 201425892CT: MULTI RESIDENTIAL - CONSOLIDATION - LEASE VARIATION - DEMOLITION - 37 NEW UNITS.**

**Location:** Block: 17, 18, 19, 20, 21  
 Section: 63  
 Suburb: **TURNER**

**12, 14, 16, 18, 20 HARTLEY STREET**  
 Consolidation of Blocks 17 to 21 Section 63 Turner; demolition of existing structures on the block and removal of several existing trees; construction of new building/s with 37 residential units, basement car park; and other associated works. Please see plans for details of proposed work/s, and the application form for details of the lease variation.

**DA 201425880CT: MULTI RESIDENTIAL - DEMOLITION.**

**Location:** Block: 40, 41 Section: 6  
 Suburb: **DICKSON**  
**352, 354, 356 NORTHBOURNE AVENUE**

Proposed demolition of existing structures on the block/s; removal of several trees, and associated works.

**DA 201425836CT: COMMUNITY FACILITY - DEMOLITION.**

**Location:** Block: 1 Section: 239  
 Suburb: **KAMBAH**  
**21 SNODGRASS CRESCENT**

The demolition of existing buildings (former Urambi Primary School and Preschool) and removal of regulated trees; associated landscaping; paving and other site works.

**DA 201425608CT: LEASE VARIATION.**

**Location:** Block: 8 Section: 35  
 Suburb: **FORREST**  
**2 FITZROY STREET**

Please see application form for description of the lease variation.

**DA 201425901CT: COMMERCIAL - ADDITIONS.**

**Location:** Block: 49 Section: 34  
 Suburb: **FYSHWICK**  
**101 TENNANT STREET**

Proposed addition of a new (concrete) external accessible ramp and steps to the existing building and building entry point.

**DA 201425928CT: INDUSTRIAL - RETAINING WALL - SHED.**

**Location:** Block: 13 Section: 8  
 Suburb: **FYSHWICK**  
**15 LITHGOW STREET**

Proposed construction of a new retaining wall to site entry and reconstruct a relocated warehouse shed.

**DA 201425648CT: MULTI DWELLING - ADDITIONS.**

**Location:** Block: 25 Section: 7  
 Suburb: **CHIFLEY**  
**33 EGGLESTON CRESCENT**

Proposed extension of UFL of Bedroom 2 and bedroom 3 to under roof line for units 4 to 7.

Written representations **MUST** be received by **COB 8 August 2014** to be considered.

Full DA details are at [www.environment.act.gov.au](http://www.environment.act.gov.au) or at the ESDD Customer Service Centre, 16 Challis Street, DICKSON from 8:30am-4:30pm weekdays.

Representations can be submitted by post to ESDD Representations, PO Box 365, Mitchell ACT 2911 or emailed to [esddcustomerservices@act.gov.au](mailto:esddcustomerservices@act.gov.au)

Representations will be provided to the applicant and made available on the public register unless exc:ision is granted.

**From:** [EPD, Customer Services](#)  
**To:** [planning.act@au.knightfrank.com](mailto:planning.act@au.knightfrank.com)  
**Subject:** CLOSE OF PUBLIC CONSULTATION PERIOD-8/35 FORREST  
**Date:** Wednesday, 13 August 2014 10:37:00 AM

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Dear Sir/Madam,

**CLOSE OF PUBLIC CONSULTATION PERIOD  
BLOCK 8 SECTION 35 SUBURB FORREST  
DEVELOPMENT APPLICATION NUMBER 201425608**

The public consultation period for DA **201425608** has now closed.

Attached for your information is a copy of all representations received by the ACT Planning and Land Authority during the public consultation period.

The assessment of your application will now be finalised taking into consideration the representations that have been received. You will be advised in writing of the decision as soon as the DA has been determined.

If you require any further information please contact (02) 6207 1923.

Kind Regards

Customer Services

Client Services Branch | Environment and Planning | 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) | [ESDDcustomerservices@act.gov.au](mailto:ESDDcustomerservices@act.gov.au)

**From:** [Hubert, Pamela](#)  
**To:** [ESDD, Customer Services](#)  
**Subject:** COMM-HERITAGE-201425608-BLOCK 8 SECTION 35 FORREST-01  
**Date:** Wednesday, 16 July 2014 2:01:04 PM

---

Please find Heritage Council advice attached.

Regards

Pamela Hubert | Acting Assistant Manager

**Phone 02 6205 3195**

**ACT Heritage** | Environment and Planning | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | [www.environment.act.gov.au](http://www.environment.act.gov.au)

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**From:** ESDD, Customer Services  
**Sent:** Wednesday, 16 July 2014 8:39 AM  
**To:** Heritage Referrals  
**Subject:** REFERRAL-HERITAGE-201425608-8/35-FORREST-01

**DEVELOPMENT APPLICATION NO: 201425608**

**BLOCK: 8 SECTION: 35 DIVISION: FORREST**

**Description - LEASE VARIATION - Please see application form for description of the lease variation.**

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than 15 working days after the date of this notice (**6/8/14**).

In accordance with Section 150 of the Planning and Development Act 2007 If advice is not received within the prescribed time it will be taken that you have supported the application.

Please forward any written advice via email to Customer Services – [ESDDcustomerservices@act.gov.au](mailto:ESDDcustomerservices@act.gov.au)

Please use the following format in the subject line of the email when providing advice:

COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards

Customer Services

Phone 02 6207 1923

Client Services Branch | Environment and Planning Directorate | 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) | [ESDDcustomerservices@act.gov.au](mailto:ESDDcustomerservices@act.gov.au)

**From:** [Chowdhury, Abu Sayem](#)  
**To:** [EPD, Customer Services](#)  
**Cc:** [EPD Transport Advice.](#); [Blume, Kristin](#); [Wyatt, Timothy](#); [Markus, Imogen](#)  
**Subject:** COMM-TRANSPORT ADVICE-201425608-8/35-FORREST-01  
**Date:** Wednesday, 6 August 2014 12:24:29 PM

---

Dear Customer Services

We have reviewed this development application for lease variation to add office as an allowable use. This DA is supported based on the information provided in parking plan and parking assessment in section 3.4 of the Planning Report.

Regards

Abu Sayem Chowdhury | Transport Engineer / Planner

**Major Projects & Transport** | Environment and Planning Directorate | **ACT Government**

Phone: 02 62059091 Email: [abusayem.chowdhury@act.gov.au](mailto:abusayem.chowdhury@act.gov.au)

Dame Pattie Menzies House 16 Challis St Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601

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**From:** ESDD, Customer Services  
**Sent:** Wednesday, 16 July 2014 8:41 AM  
**To:** ESDD Transport Advice  
**Subject:** REFERRAL-TRANSPORT ADVICE-201425608-8/35-FORREST-01

[Note for Referral: Availability of car parking.](#)

**DEVELOPMENT APPLICATION NO: 201425608**

**BLOCK: 8 SECTION: 35 DIVISION: FORREST**

**Description - LEASE VARIATION - Please see application form for description of the lease variation.**

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than 15 working days after the date of this notice (**6/8/14**).

In accordance with Section 150 of the Planning and Development Act 2007 If advice is not received within the prescribed time it will be taken that you have supported the application.

Please forward any written advice via email to Customer Services – [ESDDcustomerservices@act.gov.au](mailto:ESDDcustomerservices@act.gov.au)

Please use the following format in the subject line of the email when providing advice:

COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards

Customer Services

Phone 02 6207 1923



Client Services Branch | Environment and Planning Directorate | 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) | [ESDDcustomerservices@act.gov.au](mailto:ESDDcustomerservices@act.gov.au)

Dear Mr/s Stockley

You have successfully completed the first step in the electronic development application (eDA) process.

**NEXT STEP: UPLOAD DOCUMENTS**

DA Number: 201425608

Block: 8, Section: 35

Suburb: FORREST, District: CANBERRA CENTRAL

Applicant Name: Rebecca Stockley

Please note that ESDD will not begin reviewing your application until all required attachments have been submitted.

This email was automatically generated please do not respond. If you need to contact the Environment and Sustainable Development Directorate in relation to this proposal please contact Customer Services on (02) 6207 1923 or click on the following link [esddcustomerservices@act.gov.au](mailto:esddcustomerservices@act.gov.au) to send an email.

Environment and Sustainable Development Directorate

<http://www.environment.act.gov.au>

Dear Mr/s Stockley

An initial check of your Development Application has been undertaken and the following issues require your attention before the submission can be formally accepted.

**DA Number:** 201425608

**Site Details:** Block: 8, Section: 35  
Suburb: FORREST, District: CANBERRA CENTRAL

**Applicant Name:** Rebecca Stockley

The following information is required prior to the application being accepted for lodgement: 1) a revised development application form and supporting documents addressing the following: A) An amended application removing the component of the application for a variation to permit home business. By definition a home business is permitted on a residential lease without the lease being varied. If the applicant/Lessee wishes approval for a particular home business, a separate development application for a home business is required. This should be accompanied by the information required under the Act/Territory Plan. Please contact ESDD Customer Services on (02)6207 1923 for advice on the submission of an application for a home business. B) the description of the application notes the inclusion of 'office'. If this lease variation is not part of the home business, further documentation is required to demonstrate that this use is suitable for the site with reference to the relevant rules/criteria of the Territory Plan. 2) a revised Letter of Appointment fully completed for the proposal. Please fill in the correct section for what the applicant is being appointed to do. 3) If the addition of 'office' to the purpose clause is proposed, the application needs to identify whether the site will be used for the primary use of 'office', or if it is to be used within a limited area of the premises along with a residential use, if the latter is the case the proposed area for office needs to be specified. The following information is also required: a- a parking plan demonstrating that vehicular access and parking for the current and proposed uses are available in accordance with the Parking and Vehicular Access General Code, b - contamination assessment in accordance with Rule R71 of the Commercial Zones Development Code and endorsement of the Environment Protection Authority (a delegate of the EPA) is required. The report mentioned in the email submitted has not been provided. c - plans/drawings/information supporting the proposed use as suitable for the site and demonstrating it is not inconsistent with the Territory Plan and heritage citation for this area. This should include details of the existing/proposed use of the building, the current Gross Floor Area, proposed parking and waste arrangements for the proposed/existing uses.

**Rejection Reasons:**

### **Fees for Completeness Check Failure Notices from July 1, 2013**

The following fees are based on how many failure notices are issued during the completeness check process. Any fees payable will be added to the payment advice once the DA is accepted for lodgement.

- Initial lodgement Nil
- One failure notice issued \$166.20\*
- Two failure notices issued \$497.70\*
- Three failure notices issued \$1,161.60\*
- Four failure notices issued \$2,488.30\*

PLUS a further \$1,320.60 for each additional failure notice

**Note:** If a DA is withdrawn and the same or substantially the same proposal is submitted within 3 months, any completeness check failure fees for the original DA submission are payable before the DA will be accepted for lodgement.

This email was automatically generated - please do not respond. If you need to contact the Environment and Sustainable Development Directorate in relation to this proposal please contact Customer Services on (02) 6207 1923 or email [esddcustomerservices@act.gov.au](mailto:esddcustomerservices@act.gov.au)

Customer Services  
Regulation Services Branch  
Environment and Sustainable  
Development Directorate



Dear Mr/s Stockley

An initial check of your Development Application has been undertaken and the following issues require your attention before the submission can be formally accepted.

**DA Number:** 201425608

**Site Details:** Block: 8, Section: 35  
Suburb: FORREST, District: CANBERRA CENTRAL

**Applicant Name:** Rebecca Stockley

**Rejection Reasons:**

The following information remains outstanding from the previous failure reasons: - the documentation provided in accordance with Rule R71 of the Commercial Zones Development Code need to be accompanied by endorsement of the Environment Protection Authority (a delegate of the EPA needs to endorse these requirements are met).

**PLEASE NOTE:** Fees and charges will increase from **1 July 2014**. If you do not pay the completeness check fee applicable by **30 June 2014** please contact the Customer Service Centre on (02) 6207 1923 or [esddcustomerservices@act.gov.au](mailto:esddcustomerservices@act.gov.au) for a revised fee advice.

#### **Fees for Completeness Check Failure Notices from July 1, 2013**

The following fees are based on how many failure notices are issued during the completeness check process. Any fees payable will be added to the payment advice once the DA is accepted for lodgement.

- Initial lodgement Nil
- One failure notice issued \$166.20\*
- Two failure notices issued \$497.70\*
- Three failure notices issued \$1,161.60\*
- Four failure notices issued \$2,488.30\*

PLUS a further \$1,320.60 for each additional failure notice

**Note:** If a DA is withdrawn and the same or substantially the same proposal is submitted within 3 months, any completeness check failure fees for the original DA submission are payable before the DA will be accepted for lodgement.

This email was automatically generated - please do not respond. If you need to contact the Environment and Sustainable Development Directorate in relation to this proposal please contact Customer Services on (02) 6207 1923 or email [esddcustomerservices@act.gov.au](mailto:esddcustomerservices@act.gov.au)

Customer Services  
Regulation Services Branch  
Environment and Sustainable  
Development Directorate

Dear Mr/s Stockley

An initial check of your Development Application has been undertaken and it is now ready to proceed to the next stage in the process. Please note, if your application has a \$0 total fee, no action is required and you are advised to keep this notice for your records.

Please visit the payment website as detailed below to pay the total fees payable. Once payment has been received your DA will be formally lodged.

**DA Number:** 201425608  
Block: 8, Section: 35

**Site Details:** Suburb: FORREST, District: CANBERRA  
CENTRAL

**Applicant Name:** Rebecca Stockley

Completeness Check Fee	\$166.2 (includes GST)
Development Fee	\$0
Crown Lease Variation	\$1864.7

**Fees Payable:**

Public Notification	\$1025.3
Lease Search	\$34.4 (includes GST)
Home Business Fee	\$0
<b>TOTAL FEES</b>	<b>\$3090.6</b>

**Payments Site:** <https://forms.act.gov.au/smartform/public/FormServer?formId=1007>

Alternatively, fees can also be paid by credit card on **(02) 62071923** or by coming to the Environment and Sustainable Development Customer Services Centre at **16 Challis Street Dickson**. The Customer Services Centre is open from 8.30am to 4.30pm Monday to Friday (excluding public holidays).

### **IMPORTANT CHANGE TO DA LODGEMENT REQUIREMENTS**

From **Monday 3 January 2012** the lodgement of development applications and associated processes (amendments, further information, satisfying conditions of approval etc) will no longer be accepted over the counter at the Dickson Customer Service Centre or via post or email. **Applications will only be accepted via the eDevelopment (eDA) portal.**

For more information about eDA please log onto the ESDD website at <http://www.environment.act.gov.au>, go to the *ACT Planning and Land Authority* link, then follow the link to the eDevelopment page.

This email was automatically generated - **please do not respond**. If you need to contact the Environment and Sustainable Development Directorate in relation to

this proposal please contact Customer Services on (02) 6207 1923 or email [esddcustomerservices@act.gov.au](mailto:esddcustomerservices@act.gov.au)

Customer Services  
Regulation Services Branch  
Environment and Sustainable Development Directorate

Dear Mr/s Stockley

Payment for your development application has been received. Your application will now proceed to the assessment stage.

**DA Number:** 201425608  
**Block:8, Section:35**  
**Site Details:** **Suburb:FORREST, District:CANBERRA**  
CENTRAL  
**Applicant Name:** Rebecca Stockley

This email was automatically generated please do not respond. If you need to contact the Environment and Sustainable Development Directorate in relation to this development application please contact Customer Services on (02) 6207 1923 or email [esddcustomerservices@act.gov.au](mailto:esddcustomerservices@act.gov.au)

Customer Services  
Regulation Services Branch  
Environment and Sustainable  
Development Directorate



Notifications closed for application id 201425608

**From:** [Pankhurst, Owen](#)  
**To:** [Rebecca.Stockley@au.knightfrank.com](mailto:Rebecca.Stockley@au.knightfrank.com)  
**Cc:** [ESDD, Customer Services](#)  
**Subject:** Corrected Fees - Communication-201425608-Initial Check Passed for -01.htm  
**Date:** Wednesday, 2 July 2014 9:11:34 AM  
**Importance:** High

---

Dear Rebecca

Please be advised that the fees provided in the pass notice are not correct for this financial year.

You will be required to pay the following updated fees prior to the lodgement of the DA:

Completeness Check Fee	\$173.00 (includes GST)
Development Fee	\$0
Crown Lease Variation	\$1,940.00
Public Notification	\$1,066.00
Lease Search	\$35.80 (includes GST)
Home Business Fee	\$0
<b>TOTAL FEES</b>	<b>\$3,214.8</b>

Sincerely

**Owen Pankhurst**

Assistant Manager - DA Leasing

Lease Administration– Planning Delivery Division

Environment & Sustainable Development Directorate

Phone: (02) 6207 9055 - Fax: (02) 6207 1856 - Email: [owen.pankhurst@act.gov.au](mailto:owen.pankhurst@act.gov.au)

**From:** [REDACTED]  
**To:** [EPD\\_Customer\\_Services](#)  
**Subject:** DA 201425608  
**Date:** Friday, 8 August 2014 5:33:20 PM

---

I wish to object to this proposed lease variation which involves a residential property in the heritage listed precinct of Fitzroy Street Forrest, block 8 Section 35 Forrest.

1. The lease variation is for Office accommodation as opposed to "Home Office". Office accommodation in a residential precinct would appear to be unacceptable.
2. In fact, it appears that the whole ground floor of the premises has already been converted to Office use (without permission?). Consequently,
3. the garden area has been converted to parking, and,
4. the first floor appears to be undergoing a major change.....  
original windows are already removed, demolition of original fabric has obviously occurred, and heavy equipment is on-site.
5. All this before the lease variation has even been considered.
6. There is no evidence of consultation with the Heritage Unit, therefore, no demolition work is even approved.

This precinct is unique and the Heritage Register is clear about what is to be preserved. It is not appropriate to allow lessees to damage the heritage values by incrementally removing the original fabric and applying for a lease variation after the event. This change would have a negative impact on each of the neighbouring properties, and on the precinct as a whole.

[REDACTED]  
[REDACTED]

**From:** [Halimah Jobling](#)  
**To:** [EPD, Customer Services](#)  
**Cc:** [Pankhurst, Owen](#)  
**Subject:** DA201425608 - Block 8 Section 35 Forrest  
**Date:** Tuesday, 19 August 2014 12:04:01 PM  
**Attachments:** [imageccef6.PNG](#)  
[imagef4e11c.JPG](#)  
[image8c0d16.JPG](#)  
[image728534.JPG](#)  
[image72ec23.JPG](#)  
[image91ad34.JPG](#)  
[20140819 B8S35Forrest\\_RSub.pdf](#)

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Dear Sir/Madam,

Please find attached our response to the representations received for the above DA.

Should you have any queries please do not hesitate to contact our office on 6230 7855.

Regards

Hali



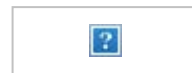
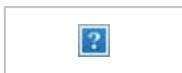
**Halimah Jobling**

Crown Leasing & Planning Assistant  
Knight Frank Town Planning (ACT/NSW)  
Level 12  
221 London Circuit  
Canberra ACT 2608  
Australia

T: +61 2 6221 7886

[Halimah.Jobling@au.knightfrank.com](mailto:Halimah.Jobling@au.knightfrank.com)  
[KnightFrank.com.au](http://KnightFrank.com.au)

Save a tree - we only print emails we need to.



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**From:** EPD, Customer Services [mailto:EPDCustomerServices@act.gov.au]  
**Sent:** Wednesday, 13 August 2014 10:38 AM  
**To:** Planning ACT  
**Subject:** CLOSE OF PUBLIC CONSULTATION PERIOD-8/35 FORREST

Dear Sir/Madam,

**CLOSE OF PUBLIC CONSULTATION PERIOD  
BLOCK 8 SECTION 35 SUBURB FORREST  
DEVELOPMENT APPLICATION NUMBER 201425608**

The public consultation period for DA 201425608 has now closed.

Attached for your information is a copy of all representations received by the ACT Planning and Land Authority during the public consultation period.

The assessment of your application will now be finalised taking into consideration the representations that have been received. You will be advised in writing of the decision as soon as the DA has been determined.

If you require any further information please contact (02) 6207 1923.

Kind Regards

Customer Services

Client Services Branch | Environment and Planning | 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) | [ESDDcustomerservices@act.gov.au](mailto:ESDDcustomerservices@act.gov.au)

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<http://www.knightfrank.com>

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Any views expressed in the email are those of the individual sender, except where the sender specifically states them to be the views of Knight Frank.

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### ASSESSMENT REPORT

ASSESSMENT OFFICER: Owen Pankhurst

APPLICATION NUMBER: 201425608

BLOCK: 8 SECTION: 35

DIVISION: FORREST

**Zone: CZ5 Mixed Use Zone**

### The Planning and Development Act 2007

This document provides analysis of a development proposal in the Merit Track in relation to the legislated requirements of the Planning and Development Act 2007 (the Act), specifically Section 119 and Section 120.

### Planning and Development Act 2007 - Section 119

In deciding a Merit Track development application, the decision maker must ensure the application meets the following four items numbered S119 (1)(a) to (c) and S119 (2). Approval of an application in the Merit Track must not be given unless the application meets the Section 119 requirements.

<p>S119 (1)(a) The relevant code</p> <p><b>NB:</b> Refer to form Territory Plan Code Requirements Merit Track to complete this question</p>	The relevant code(s) for the development proposal are:	
	Precinct Code:	<b>Forrest Precinct Map and Code</b>
	General Code:	<b>Parking and Vehicular Access General Code</b>
	General Code	<b>Lease Variation General Code</b>
<p>The proposal <b>is</b> consistent with the above code(s) for reasons identified in <a href="#">Form – Territory Plan Code Requirements – Merit Track</a>.</p>		

<p>S119 (1)(b) Any land management agreement for the land (for proposed development relating to land comprised in a rural lease)</p>	<p>The proposal <b>is not</b> for a proposed development relating to land comprised in a rural lease.</p>
<p>S119 (1)(c) the advice of the Conservator of Flora and Fauna in relation to the proposal (if the proposed development will affect a registered tree or declared site)</p> <p><b>NB:</b> In accordance with Section 119(3)(a), the application must not be approved unless the approval is consistent with the advice of the Conservator of Flora and Fauna in relation to a proposal that will affect a registered tree or declared site.</p>	<p>The proposal <b>is not</b> for a proposed development that will affect a registered tree or declared site.</p>
<p>S119 (2) Consistency with advice given by an entity to which the application was referred under division 7.3.3 of the Act.</p> <p><b>NB:</b> Under Section 119 (2) of the Act, development approval must not be given for a development proposal in the merit track if approval would be inconsistent with any advice given by an entity to which the application was referred under division 7.3.3 unless the person deciding the application is satisfied that –</p> <p>(a) the following have been considered:</p> <ul style="list-style-type: none"> <li>(i) any applicable guidelines;</li> <li>(ii) any realistic alternative to the proposed development, or relevant aspects of it; and</li> </ul> <p>(b) the decision is consistent with the objects of the Territory Plan</p>	<p>The decision <b>is not</b> inconsistent with any advice given by an entity to which the application was referred under division 7.3.3 of the Act.</p>

**Planning and Development Act 2007 - Section 120**

In deciding a Merit Track development application, a decision maker must consider the following six items numbered S120 (a) to S120 (f).

S120 (a) Zone Objectives	<p>The development is proposed to take place in the CZ5 zone.</p> <p>The application meets all objectives of the zone</p>
S120 (b) Suitability of the Land	<p>The proposed development seeks approval to use the land or a building or structure of the land for the purpose(s) of Office and residential purposes</p> <p>The proposed use is listed as an assessable development in the CZ5 zone development table, and is therefore determined to be a permissible use for the land.</p> <p>The proposed development seeks to vary the provisions of the Crown Lease.</p> <p>Due to the requirements for the location and design of car parking and private open space of the residential codes, the use of part of the building for office whilst used for residential use at the upper floor level, as outlined in the application, is not suitable for the premises with reference to the Territory Plan. Consequently, the existing residential use has been restricted to caretaker's residence whilst the land is used for office.</p> <p>The land is suitable for the development approved.</p>
S120 (c) Representations	Representations received are addressed in the Notice of Decision.
<p>S120 (d) advice given by an entity in accordance with section 149 of the Act</p> <p><b>NB:</b> Under Section 150 of the Act, if entity advice is not received within 15 working days, the entity is taken to have given advice in support of the application</p>	Entity advice received is addressed in the Notice of Decision.

S120 (e) the plan of management for the land (if the proposed development relates to land that is Public Land)	The proposal <b>is not</b> for a proposed development relating to land that is public land.
<p>Proposal for development on land reserved under S315 for the purpose of wilderness area, national park, nature reserve, or special purpose reserve.</p> <p><b>NB:</b> If NO ESO has been submitted, request this as further information, or REFUSE the application. It CANNOT be a condition of the approval as the opinion may reject the findings of the applicant and the development will be IMPACT track.</p>	The proposal <b>does not</b> occur on land that is reserved under S315 of the Act for the purpose of wilderness area, national park, nature reserve, or special purpose reserve.
S120 (f) the probable impact of the proposed development, including the nature, extent and significance of probable environmental impacts.	Based on the matters to be considered by the relevant Code there are no probable environmental impacts of significance associated with the proposed development.
<p>Site Inspection (Although not a legislative requirement as such, a site inspection may assist with the assessment of the proposal against the provisions of S120)</p>	<p>A site inspection was conducted on 2 October 2014 for the purpose of determining the available long-stay car parking in the area Accompanied by: Rhonda Myers</p> <p>Inspection of the area surrounding the site was completed. There were a number of car spaces available within 400m of the site that are not time limited. The proposed use of the site at worst case scenario may require 2 spaces for long-stay operation al car parking off-site. There were +4 spaces in long-stay car parking within 400m of the site available.</p>

# Form

## Territory Plan Code Requirements Merit Track

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**ASSESSMENT REPORT**  
**CZ5 mixed Use Zone**

ASSESSMENT OFFICER: Owen Pankhurst  
APPLICATION NUMBER: 201425608  
BLOCK: 8                      SECTION: 35  
DIVISION: FORREST

### Territory Plan Code Requirements

This document provides analysis of a development proposal in relation to the relevant codes contained in the Territory Plan. The proposal meets all rules of the code(s) that are relevant to the development with the exception of those either identified in the statement against relevant criteria submitted for the proposal or, listed in the tables below. The statement against relevant criteria demonstrates the proposal meets all relevant criteria that are, either:

- the applicable criterion to a relevant rule that is not met; or,
- the criterion is relevant and there is no applicable rule,

with the exception of those listed in the tables below.

#### 1. Assessment of Compliance with Commercial Zones Development Code

The Commercial Zones Development Code is a Code relevant to this proposal. The comments for the criterion or rule identified in the tables below are provided where it is considered warranted to clarify why a particular criterion or rule is either met or not met.

##### Part A

<b>Sub-Element: 5.2 Traffic generation</b>	
Rule: N/A	Applicable Criterion: C21
The proposal meets the criterion because the existing road network can accommodate the amount of traffic likely to be generated by the development.	

<b>Sub-Element: 10.1 Consideration</b>	
Rule: N/A	Applicable Criterion: C36
Neighbourhood Plan exists, development demonstrates a response to the key strategies of the relevant Neighbourhood Plan.	

##### Part F

<b>Sub-Element: 19.2 Multi unit housing</b>	
Rule: R60	Applicable Criterion: N/A
The proposal meets the rule because	
The proposal meets the following relevant rules/criteria of the <i>3.4 Residential Zones – Multi Unit Housing Development Code</i> :	
C97 the buildings affords the opportunity to accommodate office use at the ground floor.	
C52 The site is suitable for the proposed development.	



Compliance with this criterion is demonstrated by reference to all of the following that are relevant to the proposal:

a) any effect that the development may have on the environment, including social and economic effects

The addition of a small office in this location is unlikely to have any adverse impact from social or economic effects

b) the *desired character*

Act Heritage unit have not identified any issues with an impact to the heritage values and character of the site/surrounding area

c) the availability of public transport

There is sufficient access to public transport

d) links to the shared path network

There is sufficient access to the shared path network

e) accessibility to and within the site for those with a disability

Adaptation of the building for accessibility for those with a disability for an office is not subject of this DA.

f) the availability of adequate reticulated services including water, electricity, drainage and sewerage

The relevant service providers have not identified any service limitations for this use

g) the provision of car parking

There is sufficient car parking for the current proposed uses

h) the provision of loading and unloading facilities

office use requires limited delivery and unloading spaces. There is sufficient space forward of the existing car spaces.

i) the adequacy of post occupancy waste management.

TAMSD has not identified any issue with waste collection

## Part G

### Sub-Element: 21.2 Post occupancy waste management

Rule: R64

Applicable Criterion: N/A

Rule: R65

Applicable Criterion: C65

The proposal meets the rule because the application was referred to TAMSD and ActewAGL

regarding waste management and they are taken to have supported the proposal.
-------------------------------------------------------------------------------

Sub-Element: <b>22.1 Utilities</b>	
Rule: R67	Applicable Criterion: N/A
The proposal meets the criterion because the application was referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i> .	

Sub-Element: <b>23.2 Contamination</b>	
Rule: R71	Applicable Criterion: Not Applicable
The proposal meets the rule because the EPA were referred the application the EPA and made on comment. They are taken to have supported the proposal.	

## 2. Assessment of Compliance with Forrest Precinct Map and Code

The **Forrest Precinct Map and Code** is a Code relevant to this proposal. The comments for the criterion or rule identified in the tables below are provided where it is considered warranted to clarify why a particular criterion or rule is either met or not met.

### Assessment Officer comments against Rules

The comments for the rules identified in the tables below are provided where it is considered warranted to clarify why a particular rule is either not relevant or it is met.

Sub-Element: <b>5.2 Office</b>	
Rule: <b>Not Applicable</b>	Applicable Criterion: C12
The <b>rule is not relevant for the proposal</b> because the block is <b>not</b> within area b shown in figure 2.	

## 3. Assessment of Compliance with Lease Variation General Code

The **Lease Variation General Code** is a Code relevant to this proposal. The proposal meets all rules of this Code that are relevant to the development, with the exception of those listed in the tables below. The criterion identified in the tables below is, either the applicable criterion to a relevant rule that is not met or the criterion is relevant and there is no applicable rule.

### Part A

Sub-Element: <b>1.1 Varying leases – general</b>	
Rule: N/A	Applicable Criterion: C1
<p>The proposal meets the criterion or rule because:</p> <p><i>i) the varied lease is consistent with the Territory Plan including all relevant codes</i> Complies- See assessment of other codes</p> <p><i>ii) the land to which the lease applies is suitable for the development or use authorised by the varied lease.</i></p> <p>The use of the current building and land is suitable for office use in the current situation. Future redevelopment of the site for a larger office would require further assessment of the suitability of that development.</p>	

<b>Sub-Element: 3.1 Adding uses generally</b>	
Rule: N/A	Applicable Criterion: C3
<p>The proposal meets the criterion or rule because:</p> <p><i>i) sufficient car parking is provided on site or is available off site in accordance with the Parking and Vehicular Access General Code</i></p> <p>Complies - see PVAGC Assessment</p> <p><i>ii) any increase in traffic flow is within the capacity of the surrounding road network</i></p> <p>With a maximum of 2 -3 additional cars visiting the site daily the likely daily number of vehicle movements will be within the capacity of the street.</p> <p><i>iii) adequate post occupancy waste management and disposal can be provided to the relevant Territory standard</i></p> <p>TAMSD did not comment and are taken to support the proposal</p> <p><i>iv) no unreasonable increase in level of noise for the occupants of dwellings on the block or on adjoining land</i></p> <p>Office use has no particular impact regarding noise on adjoining land</p> <p><i>v) no unreasonable risk to occupants of the block through any contamination of the block or on adjoining land</i></p> <p>The EPA was referred the application regarding assessment of potential contamination. The EPA made no comment.</p> <p><i>vi) no unreasonable level of odour for the occupants of dwellings on the block or on adjoining land</i></p> <p>Indoor recreation is not a particularly odoriferous use.</p> <p><i>vii) no unreasonable level of light emission for the occupants of dwellings on the block or on adjoining land.</i></p> <p>Office use has no particular impact regarding light emission on adjoining dwellings.</p>	

#### 4. Assessment of Compliance with the Parking and Vehicular Access General Code

The Parking and Vehicular Access General Code is a Code relevant to this proposal. The proposal meets all requirements of this Code that are relevant to the development, with the exception of those listed in the tables below.

##### Section Section 3 - Minimum Parking Provision

###### Parking and Vehicular Access General Code

Existing development used only as office:

<u>Requirement</u>	
140m <sup>2</sup> @ 2.5 spaces/100m <sup>2</sup>	4 spaces

Existing development used as office at ground floor and dwelling at upper floor:

<u>Requirement</u>	
80m <sup>2</sup> @ 2.5 spaces/100m <sup>2</sup>	2 spaces
2 bed dwelling	2 spaces

###### Provision

On-site – at grade	5 spaces
2hrs on Manuka Circuit within 400m of the site	10-13 spaces
unlimited time limit within 400m of the site	+5 spaces

There is sufficient space on the site for car parking for an office development of 140m<sup>2</sup>. This is because the car parking forward of the dwelling can be shared and managed by the business.

The hybrid of office and residential use indicated in the documents accompanying the application could be executed via the use of the 2 car spaces to the driveway off Manuka Circuit for office and the use of the remaining car space beside and forward of the original garage for residential use.

Any other short-stay visitor car parking is available during business hours in the 10 or more 2hr parking spaces on Manuka Circuit.

**From:** Lefebvre, Ann  
**To:** ["tomislay@kascon.com.au"](mailto:tomislay@kascon.com.au)  
**Subject:** Decision + Entity Advice 8/35 Forrest 201425608  
**Date:** Tuesday, 25 November 2014 11:10:00 AM

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Ann Lefebvre has sent you copies of the following 4 documents from Objective:

"Notice of Decision - Signed" (A10130165) v1.0

"COMM-ACTEWAGL-LIQUID TRADE WASTE-201425608-8/35-FORREST-01" (A9781354) v1.0

"COMM-ACTEWAGL-WATER-201425608-8/35 FORREST-01" (A9756984) v1.0

"COMM-HERITAGE-201425608-BLOCK 8 SECTION 35 FORREST-01" (A9735545) v1.0



**From:** Lefebvre, Ann  
**To:** [REDACTED]  
**Subject:** Decision 8/35 Forrest 201425608  
**Date:** Monday, 17 November 2014 3:35:00 PM  
**Attachments:** [Notice of Decision - Signed#2.pdf](#)  
[REDACTED]

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**From:** Lefebvre, Ann  
**To:** [REDACTED]  
**Subject:** Decision 8/35 Forrest 201425608  
**Date:** Monday, 17 November 2014 3:34:00 PM

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**From:** Lefebvre, Ann  
**To:** [Valuations](#)  
**Subject:** Decision 8/35 Forrest 201425608  
**Date:** Monday, 17 November 2014 3:16:00 PM

---

Dear AVO,

The Environment and Planning Directorate has now conditionally approved the above development application. Please find attached the Notice of Decision for your information.

Please finalise your valuation report in accordance with the requirements of section 277 of the Planning and Development Act 2007 and return your report to Leasing DA via email to [actpladaleasing@act.gov.au](mailto:actpladaleasing@act.gov.au)

If you require any further information please contact Leasing DA on telephone 6207 5963 or via email [actpladaleasing@act.gov.au](mailto:actpladaleasing@act.gov.au)

Yours sincerely

Customer Services  
Environment and Planning Directorate

**From:** Lefebvre, Ann  
**To:** [ACTPLA DA Leasing](#); [ACTPLA LRU](#); [EPAPanningLiaison](#); [TAMS CIS ASG DA COORD](#)  
**Subject:** Decision 8/35 Forrest 201425608  
**Date:** Monday, 17 November 2014 3:12:00 PM  
**Attachments:** [ObjRef.obr](#)

---

**From:** Lefebvre, Ann  
**To:** [TreasuryLVC](#)  
**Subject:** Decision 8/35 Forrest 201425608  
**Date:** Monday, 17 November 2014 3:14:00 PM

---

Dear Treasury,

The Environment and Planning Directorate has now conditionally approved the above development application. Please find attached the Notice of Decision and for your information.

The ESDD's appointed valuer report will be forwarded to you when received.

If you require any further information please contact Leasing DA on telephone 6207 5963 or via email [actpladaleasing@act.gov.au](mailto:actpladaleasing@act.gov.au)

Yours sincerely

Customer Services  
Environment and Planning Directorate



# CHECKLIST

## Dispatch Advice Checklist

DA Number: Block(s): 8 Section: 35 District/Division: FORREST

Case Officer: OWEN Contact Number: 79055 Decision Date: 14-Nov-14

Application Type: **MERIT TRACK DA**

Dispatch Plans: **NOT APPLICABLE** 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: **YES**

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 WITH CONDITIONS** Decision By:  
**DELEGATE OF THE AUTHORITY**

Representations: **YES**

Appeal Rights

Applicant: **YES**

Person who made Representation: **NO**

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)*

Draft crown leases/Instruments of Variations

Does the NOD require the draft crown leases or Instruments of Variation put with the NOD?

**YES added to NOD**

*(If yes, DA officer to include any attachments with the NOD where the DA includes a Lease Variation)*



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: **YES**

Leasing Referral Required: **YES**

Deed Mgt. Referral Required: **NO**

Land Reg. Referral Required: **YES**

<input type="checkbox"/>	Action Buses (refer to Asset Acceptance)
<input checked="" type="checkbox"/>	ActewAGL
<input checked="" type="checkbox"/>	Actew Corporation
<input type="checkbox"/>	ACT Health
<input checked="" type="checkbox"/>	ACT Heritage Council
<input checked="" type="checkbox"/>	Asset Acceptance
<input type="checkbox"/>	Australian Communications and Media Authority
<input type="checkbox"/>	Australian National University
<input checked="" 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 checked="" type="checkbox"/>	Environment Protection Agency
<input type="checkbox"/>	Gambling and Racing Commission
<input checked="" 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 - <i>All Multi-Dwelling decisions and any that relate to permanent structures, on unleased Territory land, associated with permits for outdoor eating.</i>
<input type="checkbox"/>	Owners Corporation <i>Lease variation for single units – please use relevant letter template</i>
<input type="checkbox"/>	National Capital Authority
<input type="checkbox"/>	Police
<input type="checkbox"/>	Queanbeyan City Council
<input checked="" type="checkbox"/>	Register General's Office
<input type="checkbox"/>	Surveying and Spatial Data
<input type="checkbox"/>	Territory Plan Variation Unit
<input type="checkbox"/>	Transport Planning
<input checked="" type="checkbox"/>	Treasury
<input type="checkbox"/>	Tree Protection
<input type="checkbox"/>	WorkCover
<input type="checkbox"/>	Yass City Council
<input type="checkbox"/>	Other -

Comments

schedule 3 - exemptions from 3<sup>rd</sup> party appeal checked 3.2 item 6 applies. Therefore no 3<sup>rd</sup> party appeal rights. RM.17/11/14



**From:** Lefebvre, Ann  
**To:** ["Halimah Jobling"](#)  
**Subject:** Entity Advice 8/35 Forrest 201425608  
**Date:** Tuesday, 25 November 2014 11:19:00 AM

---

I do not think I resent you this entity advice when I resent you the NOD

Regards

Ann

Ann Lefebvre has sent you copies of the following 3 documents from Objective:

"COMM-ACTEWAGL-LIQUID TRADE WASTE-201425608-8/35-FORREST-01" (A9781354) v1.0

"COMM-ACTEWAGL-WATER-201425608-8/35 FORREST-01" (A9756984) v1.0

"COMM-HERITAGE-201425608-BLOCK 8 SECTION 35 FORREST-01" (A9735545) v1.0

**From:** [Brown, Robin](#)  
**To:** [Rebecca Stockley](#)  
**Subject:** FW: Block 8 Section 35 Forrest  
**Date:** Wednesday, 7 May 2014 4:43:02 PM  
**Attachments:** [image001.jpg](#)

---

Hi Rebecca,

As discussed.

Regards,

Robin Brown | Environment Protection Authority Planning Liaison

**Phone 02 6207 5642**

**Environment Protection and Water Regulation** | Environment and Sustainable Development | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

[www.environment.act.gov.au](http://www.environment.act.gov.au)



---

**From:** Brown, Robin  
**Sent:** Wednesday, 7 May 2014 1:49 PM  
**To:** 'Halimah Jobling'  
**Subject:** RE: Block 8 Section 35 Forrest

Hi Halimah,

Based on the information provided, the block is proposed to include less sensitive uses. From the contamination perspective, we don't have any issues.

Regards,

Robin Brown | Environment Protection Authority Planning Liaison

**Phone 02 6207 5642**

**Environment Protection and Water Regulation** | Environment and Sustainable Development | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

[www.environment.act.gov.au](http://www.environment.act.gov.au)



---

**From:** Halimah Jobling [<mailto:Halimah.Jobling@au.knightfrank.com>]  
**Sent:** Wednesday, 23 April 2014 8:45 AM  
**To:** Brown, Robin  
**Subject:** Block 8 Section 35 Forrest

Hi Robin,

Hope you had a relaxing Easter.

Just wondering if you could please provide an update on this matter.

Thanks

Hali

---

**From:** Halimah Jobling  
**Sent:** Tuesday, 25 March 2014 12:20 PM  
**To:** Robin Brown  
**Subject:** Block 8 Section 35 Forrest

Hi Robin,

Please find attached a historic use report for the above property.

I thought I had posted the letter to you but not 100% certain. In case I did post the original I apologise for sending it again.

Regards

Hali

For the latest market trends, property listings and an integrated mix of property, financial, management and consulting services, see our website.

<http://www.knightfrank.com>

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**From:** [Sare, Irma](#) on behalf of [ACTPLA DA Leasing](#)  
**To:** [Valuations](#)  
**Subject:** FW: Decision 8/35 Forrest 201425608  
**Date:** Tuesday, 18 November 2014 1:16:00 PM

---

Hi Matina,

Hope the above is what is needed.

Thanks

Irma Sare  
Assistant Manager - DA Leasing - Lease Administration | Phone 02 6207 1896  
Planning Delivery Division | Environment and Planning Directorate | ACT Government  
Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601  
[www.planning.act.gov.au](http://www.planning.act.gov.au)

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

From: Valuations  
Sent: Monday, 17 November 2014 3:57 PM  
To: ACTPLA DA Leasing  
Subject: FW: Decision 8/35 Forrest 201425608

Good Afternoon Customer Services,

Thank you for your email below, however, we have not received any documentation relating to Block 8, Section 35, Forrest.

Could you please email all the relevant documentation to enable us to proceed with the valuation.

Please contact me if I can be of further assistance.

Kind Regards,

Matina Bobolas  
Business Administration  
ACT Valuation Office | Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Tel: (02) 620 54825 Fax: (02) 620 75886

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

From: Lefebvre, Ann  
Sent: Monday, 17 November 2014 3:17 PM  
To: Valuations  
Subject: Decision 8/35 Forrest 201425608



Dear AVO,

The Environment and Planning Directorate has now conditionally approved the above development application. Please find attached the Notice of Decision for your information.

Please finalise your valuation report in accordance with the requirements of section 277 of the Planning and Development Act 2007 and return your report to Leasing DA via email to [actpladaleasing@act.gov.au](mailto:actpladaleasing@act.gov.au)

If you require any further information please contact Leasing DA on telephone 6207 5963 or via email [actpladaleasing@act.gov.au](mailto:actpladaleasing@act.gov.au)

Yours sincerely

Customer Services  
Environment and Planning Directorate

**INITIAL ADMINISTRATION CHECKLIST – eDevelopment**  
**(All failure reasons to go to the lodgement checklist)**

---

**Block: 8      Section: 35                      Suburb: FORREST**

**CODE**

**MERIT**

**IMPACT**

Check that the uploaded documents can be opened  \_\_\_\_\_

Check lessee details are correct – **TARQUIN**  \_\_\_\_\_

Check all Lessees & the Applicant signed **Letter of Appointment**  \_\_\_\_\_

Check public register exemption section of **DA wizard**, Has YES has been selected? refer to the team leader

**YES**                       **NO**  
**Exemption**                      **Exemption**  
**Requested**                      **Not Requested**

Check that the **street address** matches the **block & section** on **DA wizard - ACTMAPI**  \_\_\_\_\_

Is a Land Custodian signature required? (works on unleased land – not required for driveways for the suburb of Beard, alterations to any existing driveway, or single residential) - **ACTMAPI**

**YES**                       **NO**  
**Required**                      **Not required**

If a signature from **Land Custodian** is required has the correct Land Custodian signed form or provided letter of Authority? – **ACTMAPI**

**YES**                       **NO**  
 **N/A**

Is there a completed Environmental Significance Opinion with this application? (If yes, allocate to Impact team and add to the description in edevelopment)

**YES**                       **NO**

Check the correct zone and development code has been identified – **ACTMAPI**  \_\_\_\_\_

Check if there are any special overlays NCP – **ACTMAPI**  
**NOTE - If the block is in a Designated Area consult a duty planner before processing application**

**YES**                       **N/A**

Is the proposal in a **HERITAGE** area?  **YES**                       **NO**

Is the proposal on a **BUSHFIRE** affected block?  **YES**                       **NO**

Is there **COMPLIANCE** action on the block?  **YES**                       **NO**

Is the block **UNLEASED**?  **YES**                       **NO**

Is the block subject to a **HOLDING LEASE**?  **YES**                       **NO**

Is the block **UNIT TITLED**?  **YES**                       **NO**

**edevelopment**

Allocate to relevant Technical Coordinator

**Processed by: Jacob Treloggen**

**Date: 12/05/2014**

**List of Interested Parties**

Commonwealth Bank of Australia  
Cnr London Circuit & Ainslie Ave, Canberra  
ACT 2600

T +61 2 6230 7855 F +61 2 6230 7844

PO Box 248, Civic Square ACT 2608

[KnightFrank.com.au](http://KnightFrank.com.au)

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**From:** [ESDD, Customer Services](#)  
**To:** [ACTPLA DA Leasing](#)  
**Subject:** LEASING CHECK FOR DA-201425608-8/35 FORREST-01  
**Date:** Tuesday, 13 May 2014 11:35:00 AM

---

**A leasing check is required for the following.**

**BLOCK/S:** 8  
**SECTION:** 35  
**SUBURB:** FORREST

**DESCRIPTION:** Lease variation to add home business and office to the lease purpose clause, and to remove Clause 1(e).

**Regards**

---

Jacob Treloggen | Customer Service

**Phone 02 6205 7391** | Fax 02 6207 7393 |

**Customer Service** | Environment and Sustainable Development | **ACT Government**

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

[www.actpla.act.gov.au](http://www.actpla.act.gov.au)



# CHECKLIST

## DA Lodgement Checklist Lease Variation only

---

<b>UNIT/S</b>		<b>BLOCK/S</b>	<b>8</b>	<b>SECTION</b>	<b>35</b>
<b>SUBURB</b>	<b>FORREST</b>	<b>DA NUMBER</b>	<b>201425608</b>		
<b>VOLUME</b>	<b>897</b>	<b>FOLIO</b>	<b>65</b>	<b>UNITS PLAN Number</b>	

*CUSTOMER SERVICES OFFICER TO COMPLETE PART A & B*

**Part A: Further information requests**

**INITIAL CHECK BY CUSTOMER SERVICES OFFICER JACOB TRELOGGEN**       **Pass**       **Fail**  
**DATE 12/05/2014**

**Initial Check Failure Reasons**

Resubmission

Accepted?      List each failure reason separately

- 1. Letter of appointment is not filled in completely. Please fill in the correct section for what the applicant is being appointed to do.      **DATE 12/05/2014**
- 2.                      **DATE**
- 3.                      **DATE**
- 4.                      **DATE**
- 5.                      **DATE**

**Comments**

**Do any of the following apply to the block?**

- Heritage listed
- Bushfire affected
- Compliance action
- Unleased
- Subject to holding lease
- Unit titled

Is a Lease Search fee (Dial-a-search) applicable for this application?

Yes ▾

If a Lease Search fee is applicable, number of **additional** leased blocks?

0 ▾

Is a scanning fee required for this application?

No

**Part B (i): Public Notification Requirements**

The development application requires:

Major - S155

**IF MAJOR NOTIFICATION:** Number of **additional small** signs required is

0

Number of **additional large** signs required is

0

Number of Days for Notification 15

If other, how many days?

**NB:** Section 155 is subject to the restrictions outlined at Section 411 and 412 of the Act. Limited public notifications for certain Merit Track applications are prescribed in Schedule 2 of the Regulations.

**Note (i) – Large signs are used for DA’s that meet any one or more of the following. DA’s that are in the Impact Track, a building or structure intended to be higher than 25m, a building where the total floor space is intended to be more than 7000m<sup>2</sup>, and a residential building intended to be higher than 3 storeys AND consisting of 50 or more units.**



-----  
*DA LEASING OFFICER TO COMPLETE FROM THIS POINT FORWARD*

**Part B (ii) Public Notification Wording**

**LEASE VARIATION PUBLIC NOTIFICATION WORDING COMPONENT**

DA Leasing to complete – Insert Lease Variation public notification wording component:

**LEASE VARIATION - Please see application form for description of the lease variation.**

**Part C: Leasing Check**

**LEASING OFFICER** rhonda

**DATE:** 15/5/14

**INITIAL CHECK BY DA LEASING**

**Pass**     **Fail**

**DA Leasing Failure reasons**

Resubmission

Accepted? List each failure reason separately

1. details of the existing building gfa, parking and waste to use an unlimited amount of the premises for assessment of office use are required. **DATE 6/6/14**

2. contamination report and other things identified by assessment case officer below **DATE**

3. **DATE**

**Comments**

*Please include Customer Services failure reasons to edevelopment if applicable.*

Is the application to vary the lease to remove the concessional status? **NO**

If yes, has a Social Impact Assessment report been provided? **NOT APPLICABLE**

Is a Lease Variation fee applicable? \$ Yes

If yes, how many additional Lease Variation components?

Type of Lease: **Residential >5 years** Proposal is Consistent with all clauses in the Lease: **No**

Type of Lease Variation: **Lease Purpose Clause Change** Initial referral to AVO:

Most Recent Variation Date:

<b>Building and Development Provisions -</b>	
Commencement of development by:	Completion of development by:
Commencement of associated works by:	Completion of associated works by:
<b>LVC</b>	
LVC is s276E <input type="checkbox"/> OR LVC is s277 <input checked="" type="checkbox"/> :	
Valuation Report Supplied: <input checked="" type="checkbox"/>	
Valuation Certificate Supplied: <input checked="" type="checkbox"/>	
If LVC is s277 – Leasing Officer to tick entity referral boxes for AVO and Treasury	
<b>Relevant Clauses</b>	
Purpose: residential purposes only	
Gross Floor Area:	
Car Parking:	
Other: clause 1(e) reads that the building erected on the said land will be used only as a single unit private dwelling house and any outbuildings erected on the said land shall not be used as a habitation	
<b>Units Plan</b>	
Endorsement by Owners Corporation: na	
New Schedule of Unit Entitlement required: na	
<b>Consolidation</b>	
Existing Lease Details: na	Issues to be noted: na
<b>Subdivision</b>	
Existing Lease Details: na	Issues to be noted: na
<b>Land Use</b>	
Details: CZ5 Mixed Use	
<b>Other Comments:</b> Lease variation to add home business and office to the lease purpose clause, and to remove Clause 1(e)	
<p>Section 247 of the P&amp;D Act advises that a home business need not be specified in a residential lease. Therefore a variation to add is not necessary if this lease were to remain as residential only. However, by adding a commercial component of offices, the lease is no longer a residential lease - it will become a commercial lease with mixed use in which case the lease will no longer be residential and so home business is no longer possible (reference to word "home"). Additional clauses for lighting etc should also be added to lease where making it commercial.</p> <p>lease should still contain requirement at clause 1(e) that outbuildings shall not be used as a habitation.</p>	

-----  
*DA OFFICER TO COMPLETE FROM THIS POINT FORWARD*

**Part D: DA Officer Completeness Check**

**DA OFFICER** Owen

**DATE:** 13/5/14

**INITIAL CHECK BY DA OFFICER**

**Pass**       **Fail**

**DA Leasing Failure reasons**

Resubmission

Accepted? List each failure reason separately

1. The following information is required prior to the application being accepted for lodgement:

1) a revised development application form and supporting documents addressing the following:

A) An amended application removing the component of the application for a variation to permit home business.

By definition a home business is permitted on a residential lease without the lease being varied.

If the applicant/Lessee wishes approval for a particular home business, a separate development application for a home business is required. This should be accompanied by the information required under the Act/Territory Plan.

Please contact ESDD Customer Services on (02)6207 1923 for advice on the submission of an application for a home business.

B) the description of the application notes the inclusion of 'office'. If this lease variation is not part of the home business, further documentation is required to demonstrate that this use is suitable for the site with reference to the relevant rules/criteria of the Territory Plan.

**DATE 6/6/14**

2. 2) a revised Letter of Appointment fully completed for the proposal. Please fill in the correct section for what the applicant is being appointed to do.

3) If the addition of 'office' to the purpose clause is proposed, the application needs to identify whether the site will be used for the primary use of 'office', or if it is to be used within a limited area of the premises along with a residential use, if the latter is the case the proposed area for office needs to be specified.

The following information is also required:

a- a parking plan demonstrating that vehicular access and parking for the current and proposed uses are available in accordance with the Parking and Vehicular Access General Code,

c - plans/drawings/information supporting the proposed use as suitable for the site and demonstrating it is not

inconsistent with the Territory Plan and heritage citation for this area.

This should include details of the existing/proposed use of the building, the current Gross Floor Area, proposed parking and waste arrangements for the

**DATE 6/6/14**

3. Still outstanding needs to be endorsed by delegate of EPA

b - contamination assessment in accordance with Rule R71 of the Commercial Zones Development Code and endorsement of the Environment Protection Authority (a delegate of the EPA) is required. The report mentioned in the email submitted has not been provided.

**DATE 1/7/14**

**Comments**

>10m from MAAR zone & No DCP = no NCA referral required

*Please include Customer Services failure reasons to edevelopment if applicable.*

**Part E: General and requirements under Section 139 of the Act**

Is the proposed development assessable (i.e. not exempt or prohibited development)? **Assessable Development**

**Comment:**

Does the application state the intended land use? **YES**

Which is the chosen assessment track? **MERIT**

Is the application accompanied by a survey certificate as specified at Section 139 (2)(i) (unless exempt – see Section 25 of Regulations)? **NO**

Does Section 205 (DAs for developments undertaken without approval) apply and if so, is the application accompanied with a plan/s endorsed by a registered surveyor that sets out the dimensions of the development as specified at Section 139(2)(j)? **NOT APPLICABLE**

Has this application been subject to an Environmental Significance Opinion? **NO**

Are any blocks impacted by the development a Reserved Area - public land under S315 of the Planning and Development Act 2007 for any one of the following purposes: **NO**

- a wilderness area,
- a national park,
- a nature reserve,
- a special purpose reserve.

**NO**

Is this application subject to pre-lodgement community consultation?  
(if yes, select the relevant number of days for notification in part B(i))

**Part F: Track Specific requirements**

Is the application accompanied by information and documents in line with the DA form, including entity endorsements and/or required documentation? **NO-See Comments Part**

Also if Merit Track and relevant, does the application include an assessment of the possible environmental effects of the development? **NO**

Also if Impact Track has a completed Environmental Impact Statement for the proposal been submitted (unless Section 211 applies)? **NO**

Also if Impact Track has a signed letter from a delegate of the Minister for an exemption from requiring an EIS been submitted (under Section 211)? **NO**

Public notification requirements and wording checked and amended?  
*See Notification Requirements (Page 2, Part B)* **YES**

*Review Development Application Form to ensure the description of the proposal is accurate; and corresponds with terminology in the Territory Plan.*

**Part G: GFA and Cost of Works – Not Required**

**Part H: Entity Referrals**

For guidance please refer to [Work Instruction – Entity Referrals](#)

If no entity referrals are required check box

Refer to Work Instruction – Entity Referrals for guidance.  
Indicate referral requirements by checking appropriate box/es:

<b>Asset Acceptance</b> (Territory and Municipal Services)	<input checked="" type="checkbox"/> Referral to TAMS is required  Check if referral should additionally highlight any of the following: <input type="checkbox"/> Stormwater – where there is a stormwater easement – demolition works <input type="checkbox"/> Single Residential Driveways Only <input checked="" type="checkbox"/> Waste Management <input type="checkbox"/> Verge crossovers or modifications in RZ3 & RZ4 zones <input type="checkbox"/> Traffic Management <input type="checkbox"/> Urban Treescapes <input type="checkbox"/> Action Buses  <b>Notes for referral:</b>
<b>ActewAGL/ACTEW Corporation</b>	<input type="checkbox"/> Demolition works – utilities <input type="checkbox"/> Utilities – electricity, water & sewer and gas <input checked="" type="checkbox"/> Liquid Trade Waste  <b>Notes for referral:</b>
<b>Conservator of Flora and Fauna</b>	<input type="checkbox"/> Declared site only <input type="checkbox"/> Plan of Management (works on public land)  <b>Notes for referral:</b>
<b>Custodian of the Land (unleased)</b>	<input type="checkbox"/> <b>Identify Custodian:</b>  <b>Notes for referral:</b>
<b>Environment Protection Agency</b>	<input type="checkbox"/> Noise <input type="checkbox"/> Erosion and Sediment Control (if site > 0.3 of a hectare) <input type="checkbox"/> Hazardous Material – Pre 1985 Multi-unit Housing or Pre 2005 commercial / industrial premises <input checked="" type="checkbox"/> Other – please specify <b>Contamination</b>

<b>Notes for referral:</b>	
<b>Heritage</b>	<input checked="" type="checkbox"/> Heritage – Registered Land or Building
<b>Notes for referral:</b>	
<b>Tree Protection</b>	<input type="checkbox"/> Where the development proposal requires groundwork within the tree protection zone of a protected tree, or is likely to cause damage to or removal of, any protected trees
<b>Notes for referral:</b>	
<input type="checkbox"/> ACT Health	
<input type="checkbox"/> Australian National University	
<input type="checkbox"/> Australian Valuation Office	
<input type="checkbox"/> Breach Management (Kevin Rochford)	
Any development applications that relate to rectification of Service Station sites.	
<input type="checkbox"/> Emergency Services (Fire or Ambulance)	
<input type="checkbox"/> Gambling and Racing Commission	
<input type="checkbox"/> Housing and Community Services	
<input type="checkbox"/> National Capital Authority	
<input type="checkbox"/> Office of Regulatory Services	
Any development applications that relate to permanent structures, on unleased Territory land, associated with permits for outdoor eating.	
<input type="checkbox"/> Office of Regulatory Services (Liquor compliance)	
<input type="checkbox"/> Police	
<input type="checkbox"/> Queanbeyan City Council	
<input checked="" type="checkbox"/> ESDD Transport Planning	Availability of car parking
Proposals that have (a) no parking provision requirement; and (b) do not have any effect on trip generation and thus traffic, don't warrant referral.	
<input type="checkbox"/> Treasury Directorate	
<input type="checkbox"/> Workcover	
<input type="checkbox"/> Yass Valley Council	
<input type="checkbox"/> Other (please specify)	
<b>Internal</b>	<b>Provide Reason for Referral</b>
<input type="checkbox"/> Rural Leasing	
Proposals on all agricultural rural blocks or in Pialligo	
<input type="checkbox"/> DA Merit Assessment team – North	
<input checked="" type="checkbox"/> DA Merit Assessment team – South	
<input type="checkbox"/> DA Merit Assessment team – West/Rural	
<input type="checkbox"/> DA Impact Assessment team	
<input type="checkbox"/> Design Policy	
<input type="checkbox"/> Infrastructure Policy	
Applications for public or civil works over \$1M or involving flood mitigation.	

**Impact Track – Mandatory Referrals required for all of the following entities  
(unless the entity is the applicant):**

- |                                                                                                                                                                                                                  |                                                                                                                                                                                                 |                                                                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• ACTEW Corporation Limited</li> <li>• Chief Executive of the Administrative Unit Responsible for Municipal Services</li> <li>• Conservator of Flora and Fauna</li> </ul> | <ul style="list-style-type: none"> <li>• ACTEW / AGL</li> <li>• Chief Executive of the Administrative Unit Responsible for Health Policy</li> <li>• Environment Protection Authority</li> </ul> | <ul style="list-style-type: none"> <li>• Heritage Council</li> <li>• Emergency Services Commissioner</li> <li>• Land Custodian</li> </ul> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|

**Part I: Calculation of fees for the development application (Merit Track)**

<b>Completeness Check:</b>	<b>166.2</b>
<b>Lease Variation:</b>	<b>1864.7</b>
<b>Public Notification:</b>	<b>1025.3</b>
<b>Lease Search:</b>	<b>34.4</b>
<b>Scanning Fee:</b>	<b>0</b>

*Scanning fee to be added to completeness check fee in edevelopment*

*Note: Please see fees and charges schedule 2013-2014 for a variation of a unit title lease in which to vary a lease by single application which affects more than one unit in the same units plan for one unit.*

**I (i) Home Business Fee**

Refer fee schedule if applicable.

**I (ii) Impact Track Fees** (To be added as development fee)

- |                                                                      |                    |
|----------------------------------------------------------------------|--------------------|
| • Matters specified in Schedule 4, Part 4.2                          | <b>\$31517.00</b>  |
| • Matters specified in Schedule 4, Part 4.3, Column 1, Items 1 to 6  | <b>\$11,848.00</b> |
| • Matters specified in Schedule 4, Part 4.3, Column 1, Items 7 to 11 | <b>\$2,370.00</b>  |

*Note: Other fee components are still applicable*

**Part J: Resubmissions** (if application to be failed)

- Resubmission to be checked by Customer Services  
 Resubmission to be checked by DA Leasing

Numbers of Completeness check failures:



LEASE VARIATION CHECK LIST - DA 201429608; LODGED 9/7/14; DUE 20/8/14  
 BLOCK/S 8 SECTION 36 SUBURB/DISTRICT Fernest DA ACTION OFFICER: Duke  
 STRIKE OUT INAPPLICABLE - INITIAL WHERE NOTED

**PRE-LODGEMENT**

Initial here

**ASSESSMENT**

Initial here

TYPE: LEASE VARIATION BY: INSTRUMENT  
 SURRENDER/REGRAV (SURVEY PLANS?)

ISSUES:

*office*

*Addine ~~stop~~  
to residential  
Leasee*

COMMERCIAL/RESIDENTIAL/INDUSTRIAL/  
 OTHER Mixed use

*refused remove 1 block 11 m<sup>2</sup>  
Car parking*

APPLICANT ~~CBRT E. Emerson~~  
Rebecca Frank

APP PHONE \_\_\_\_\_

APP EMAIL \_\_\_\_\_

AGENCY COMMENTS RECEIVED  YES  NO

ZONE & OVERLAYS C25

TP ASSESSMENT COMMENCED DATE 22/8/14 *of*

INITIAL SUBMISSION DATE \_\_\_\_\_

TP ASSESSMENT COMPLETED DATE 13/11/14 *of*

LEASING CHECK COMPLETED DATE \_\_\_\_\_

LEGISLATIVE REQUIREMENTS COMMENCED  
 DATE 22/8/14

ENTERED ON SPREADSHEET DATE \_\_\_\_\_

LEGISLATIVE REQUIREMENTS COMPLETED  
 DATE 13/11/14

COMPLETION CHECK RECEIVED DATE \_\_\_\_\_

COMPLETION CHECK DONE DATE \_\_\_\_\_

MPRG YES  NO

AGENCY REFERRAL: REG GEN;  NCA; TAMS; EPA;  
 HERITAGE; ACTEW; AVO; TREASURY; OTHER  
No.

(all lease variations to be referred to REG GEN)

MPRG SCHEDULED DATE \_\_\_\_\_

AGENCY REFERRALS COMPLETED DATE \_\_\_\_\_

MPRG CLEARED PRE-PRESENTATION \_\_\_\_\_

FAILURE OF LODGEMENT  YES  NO  
 (See lodgement checklist for reasons if yes)

MPRG OUTCOME SUPPORTED/NOT  
 SUPPORTED/EPC \_\_\_\_\_

RESUB COMPLETION CHECK DATE \_\_\_\_\_

EPC YES  NO

PRE-LODGEMENT COMPLETED DATE \_\_\_\_\_

EPC SCHEDULED DATE \_\_\_\_\_

**LODGEMENT**

EPC CLEARED PRE-PRESENTATION DATE \_\_\_\_\_

LVC: s276  s277 - AVO & TREASURY INITIAL  
 REFERRAL DATE No.

EPC OUTCOME SUPPORTED/NOT SUPPORTED \_\_\_\_\_

AGENCY COMMENTS DUE DATE \_\_\_\_\_

TARQUIN CHECKED 16/10/14 *of*

SEC 141 REQUIRED YES  NO

DECISION COMMENCED DATE 1/8/14 *of*

SEC 141 REQUEST SENT DATE \_\_\_\_\_

DECISION COMPLETED DATE ~~15/10/14~~  
13/11/14 *of*

NOTIFICATION COMMENCE DATE \_\_\_\_\_

DECISION CHECKED AND CLEARED \_\_\_\_\_

NOTIF' COMPLETE DATE \_\_\_\_\_ OBJ  YES  NO

OBJS REFERRED TO APPLICANT DATE No

DATE \_\_\_\_\_ NAME \_\_\_\_\_

CONDITION DELAYING EFFECT YES  NO

LEASE VARIATION CHECK LIST - DA 201429608; LODGED \_\_\_\_\_; DUE \_\_\_\_\_  
BLOCK/S 8 SECTION 35 SUBURB/DISTRICT Fornest DA ACTION OFFICER: Oue  
STRIKE OUT INAPPLICABLE - INITIAL WHERE NOTED

Initial  
here

DISPATCH CHECKLIST COMPLETED - NOTE

REFERRALS DATE \_\_\_\_\_ SIGN \_\_\_\_\_

AGENCY REFERRALS REG GEN; NCA; TAMS; EPA;  
HERITAGE; ACTEW; OTHER; AVO; TREASURY

EDEVELOPMENT UPDATED DATE 14/11/14

CONDITION DELAYING EFFECT YES/NO NO

EMAIL REFERENCE TO LVC TEAM DATE 14/11/14

SPREAD SHEET UPDATED DATE 14/11/14

**POST APPROVAL**

LVC ASSESSMENT TEAM NOTIFIED DATE \_\_\_\_\_

POST APPROVAL TEAM NOTIFIED DATE \_\_\_\_\_

ACAT APPEAL ON DECISION YES/NO \_\_\_\_\_

IF APPEAL - NOTIFY LVC AND POST APPROVAL \_\_\_\_\_

PRE AND POST APPROVAL TEAM  
ACKNOWLEDGMENT OF HANDOVER

DATE 14.11.14 NAME Jackie H

SCANNED TO DA FILE - POST APPROVAL LEASING  
FOLDER

DATE \_\_\_\_\_ NAME \_\_\_\_\_

Name,Address1,Address2,Address3,Address4

Commonwealth Bank of Australia,Cnr London Circuit & Ainslie Avenue,CANBERRA ACT 2600,

Natasia Eleni George, Tomislav Ivan Kasunic [REDACTED]

Rebecca Blak Plan Pty Ltd/Trading as Knight Frank Town Planning (NSW,PO Box 248,Civic Square,City ACT 2608

The Resident,14 MANUKA CIRCLE,GRIFFITH ACT 2603,

The Resident,27 MANUKA CIRCLE,FORREST ACT 2603,

CANBERRA SERVICES CLUB,PO BOX 3041,MANUKA ACT 2603,

the Resident, MANUKA CIRCUIT,GRIFFITH ACT 2603,

AUSTRALIAN CAPITAL TERRITORY,PO BOX 1584,TUGGERANONG ACT 2900,

the Resident,0 NEW SOUTH WALES CRESCENT,FORREST ACT 2603,

[REDACTED]  
[REDACTED]  
the Resident,27 MANUKA CIRCUIT,FORREST ACT 2603,

30 May 2014

Customer Services  
Regulation Services Branch  
Planning and Land Authority  
Environmental & Sustainable Development Directorate  
GPO Box 1908  
CANBERRA ACT 2601

Dear Sir/Madam

**RE: INITIAL CHECK FAILURE  
DA201425608 – BLOCK 8 SECTION 35 FORREST**

This response has been prepared in relation to the notice of failure dated 21 May 2014 for the abovementioned DA.

We have addressed the points of the notice below. Please note we have reproduced each point below.

1. *A revised DA form and supporting documents addressing the following:*
  - a. *An amended application removing the component of the application for a variation to permit home business.*

The application has been amended to remove the home business component.

- b. *The description of the application notes the inclusion of office. If this lease variation is not part of the home business, further documentation is required to demonstrate that this use is suitable for the site with reference to the relevant rules/criteria of the Territory Plan*

This proposal is for a lease variation to add non retail commercial use (permissible use under the Territory Plan) with a limitation that only office will be utilised.

An assessment against the Forrest Precinct Code, Commercial Zones Development Code and Lease Variation General Code addressing the suitability of both home business and non retail commercial use limited to office was uploaded on eDevelopment as part of the DA package.

We have submitted a revised assessment for non retail commercial use limited to office only (home business has been removed as per ESDD's advice).

T +61 2 6230 7855 F +61 2 6230 7844

PO Box 248, Civic Square ACT 2608

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2. *A revised Letter of Appointment fully completed for the proposal.*

An amended Letter of Appointment has been uploaded.

3. *If the addition of office to the purpose clause is proposed, the application needs to identify whether the site will be used for the primary use of office, or if it is to be used within a limited area of the premises along with a residential use, if the latter is the case the proposed area for office needs to be specified.*

As detailed in our planning report, submitted as part of the DA package, the Crown Lessee wishes to utilise part of the dwelling as a home business (office purposes) however, the Crown Lessee is mindful that the business may expand in the future and consequently wishes to future proof redevelopment options for the site by enabling office use (not related to a home business). The Crown Lessee will continue to reside on the upper level of the dwelling.

*The following information is also required:*

- a. *A parking plan demonstrating that vehicular access and parking for the current and proposed uses are available in accordance with the Parking and Vehicular Access General Code.*

The site has two verge crossings which provide access to two areas of at grade car parking, capable of accommodating five vehicles. A parking plan has been submitted.

- b. *R71 of the Commercial Zones Development Code – contamination assessment and endorsement of the EPA is required. The report mentioned in the email submitted has not been provided.*

The "historic uses report" referred to in the EPA email has now been submitted.

- c. *Plans/drawings/information supporting the proposed use as suitable for the site and demonstrating it is not inconsistent with the Territory Plan and heritage citation for this area. This should include details of the existing/proposed use of the building, the current GFA, proposed parking and waste arrangements for the proposed/existing uses.*

This proposal is for a lease variation only. No external, physical or building works are contemplated as part of this proposal. The office use will only be activated in the future, should the home business activity expand. The home business activity does not require modification to the existing floorplate. A development application will be submitted if and when internal alterations are required to accommodate the office use.

An assessment against the relevant rules and/or criteria indicating that the proposed lease variation is not inconsistent with the Territory Plan has been submitted as part of the DA. We have resubmitted this assessment for your convenience.

In accordance with R32 of the Commercial Zones Development Code, this lease variation will be referred to the Heritage Council.

A site plan has been submitted.

We trust that the above information responds to the issues raised and that the DA can now proceed to lodgement.

Should you have any queries regarding this matter please do not hesitate to contact this office 6230 7855.

Yours sincerely,

**Knight Frank Town Planning (ACT & NSW)**



**HALIMAH JOBLING** MPIA

Crown Leasing Section

**From:** [Ramesh Meena](#)  
**To:** [Pankhurst Owen](#)  
**Subject:** MISC-201425608-CC RESPONSE-01  
**Date:** Thursday, 30 October 2014 2:11:17 PM  
**Attachments:** [ObjRef.obr](#)

---

Hi Owen

I have reconsidered my advice below. Please see my response annotated in red in your email below. Happy to discuss.

Meena

---

**From:** Jamaly, Rumana  
**Sent:** Thursday, 30 October 2014 12:19 PM  
**To:** Pankhurst, Owen  
**Cc:** Ramesh, Meena; Vetsavong, Phab  
**Subject:** RE: MERIT SOUTH Comments DA201425608-8/35-FORREST

Hi Owen,

I agree with Phab. Meena has already provided detailed comments on this lease variation DA. If you have any specific queries over and above what she has advised, please discuss with her.

Regards,  
Rumana.

---

**Rumana Jamaly** | Technical Coordinator  
**Phone 02 6207 1830** |  
**Merit Assessment South** | Environment and Planning | **ACT Government**  
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | [www.environment.act.gov.au](http://www.environment.act.gov.au)

---

**From:** Vetsavong, Phab  
**Sent:** Thursday, 30 October 2014 11:12 AM  
**To:** Pankhurst, Owen  
**Cc:** Jamaly, Rumana; Ramesh, Meena  
**Subject:** RE: MERIT SOUTH Comments DA201425608-8/35-FORREST

Hello Owen

Since Meena has previously provided extensive comments to you, I will stay out of this and let Meena continue with providing you with comments.

Please also note that there have been previous pre-application (201400037) advice given to the lessee.

Regards

---

Phab Vetsavong | Senior Assessment Officer  
Merit Assessment-South  
**Phone 02 6207 4588** | Fax 02 6207 1856  
Planning Delivery | Environment and Planning | **ACT Government**  
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 |  
[www.actpla.act.gov.au](http://www.actpla.act.gov.au)

---

**From:** Pankhurst, Owen  
**Sent:** Thursday, 30 October 2014 10:59 AM  
**To:** Vetsavong, Phab  
**Cc:** Jamaly, Rumana; Ramesh, Meena  
**Subject:** FW: MERIT SOUTH Comments DA201425608-8/35-FORREST

Phab reference attached.

Regarding Meena's previous advice below:

Once office is added to the Crown lease, the current business would not need approval as a home business, and could not



be approved as one because the [lease is no longer a residential lease](#). – agreed, my mistake. When the lease is varied to include office, any current Home business approval is invalid. So please ignore my comments in blue in my earlier email below.

However, because it is not a home business, would they need development approval for the works for the change of class of building? Should we provide advice regarding the requirement for works for an office to be approved in the NOD? - I assumed you will restrict office use by GFA (since it has parking implications) [and](#) to the ground floor. In any case, the class of the building changes and therefore, it is not exempt from development approval. Use of office also triggers other requirements regarding access and mobility (parking, toilet facilities, accessible entry), waste management, parking requirements, etc. Also see dot point 7 & 9 below in my earlier email. Therefore, advice needs to be included in NOD.

Also if the office and dwelling exist together, the office would only have around 80m<sup>2</sup> of GFA so each use would only require 2 car spaces. – See dot point 5 below – GFA for office appears to be more than 80sqm. Once office use is approved as a 'standalone' use, we cannot control who uses it. If it is rented out and co-exists with the dwelling there would be a requirement to provide 2 resident parking spaces in addition to that generated by the office.

Sincerely

**Owen Pankhurst**

Assistant Manager - DA Leasing  
Lease Administration– Planning Delivery Division  
Environment & Sustainable Development Directorate  
Phone: (02) 6207 9055 - Fax: (02) 6207 1856 - Email: [owen.pankhurst@act.gov.au](mailto:owen.pankhurst@act.gov.au)

---

**From:** Ramesh, Meena  
**Sent:** Friday, 15 August 2014 10:50 AM  
**To:** Pankhurst, Owen  
**Cc:** Jamaly, Rumana  
**Subject:** MERIT SOUTH Comments DA201425608-8/35-FORREST

Owen

Thank you for referring this DA to Merit Assessment South for comment. I apologise for the delay in getting back to you.

The proposal is for a Lease variation only to amend Clause 1(d) purpose clause by adding non retail commercial use limited to office and remove Clause 1(e).

**Comments**

1. The subject site is located in the CZ5 Mixed use Zone. The development table for the CZ6 Leisure and Accommodation Zone indicates that the proposed use of office (non-retail commercial use) is a development assessable in the Merit Track.
2. The Territory Plan Commercial Zones Development Code and the Forrest Precinct Code applies to development on this block. The subject block is also heritage listed.
3. The current purpose clause permits Residential use only.
4. The existing development on the subject block appears to be a two storey building with a store and two driveways. The applicant has stated that:

*currently the premises is being used for a construction management consultancy (Kascon) as a home business. At present the home business employs three people, including the two crown lessees. The Crown lessees wish to utilise part of the ground floor level of the dwelling as a home business (office) for Kascon. The Crown lessees are mindful that the business may expand in the future and consequently wish to future proof the site by enabling 'office' use (not related to a home business) on the ground floor level. The Crown lessees intend to continue to reside on the upper level of the dwelling.*

Please confirm with the applicant to see if the scale of the business is a home 'occupation' or home business. If it is a home business, please ensure there is a 'current' home business approval to operate from this premises. If not, they will need to lodge a design & siting application to seek approval for the current home business operation.

5. Existing GFA from the Valuation report is 143sqm (includes store?). Proposed GFA for office use (on the ground floor) is 124.94sqm from the Site Plan. The upper level is more or less identical to the ground floor. So it appears either the GFA of existing or proposed office use is wrong.
6. Office use generates 2.5 spaces/100m<sup>2</sup> GFA of parking requirement which indicates 3 car spaces are required. It is demonstrated that 3 spaces for office use in addition to 2 spaces for any residential use can be accommodated on site. [However, if the lessee continues to use the upper floor as a dwelling and operates a home business in addition to an office on the ground floor, there could be a shortfall in parking. Therefore, it is critical to ensure the home business \(if](#)

confirmed) is approved.

7. It appears the Site Plan has been provided just to demonstrate how parking can be accommodated on site? It is noted that some design and siting changes would be required (new surface parking and extension/resurfacing driveway?) to achieve the parking arrangement shown on this plan. This work would require approval particularly from the Conservator since it appears some work may be under regulated trees (?).
8. Office use would require post occupancy waste management and consideration of access and mobility issues.
9. To address items 6, 7 & 8 above, before the premises is used for an office, a design & siting DA may need to be lodged which will need to be referred to relevant agencies including TAMS, Heritage & Conservator.
10. Forrest Precinct Code - It appears only Criterion C15 of this code is relevant to this block which restricts the maximum height of buildings to the existing building height.
11. Commercial Zones Development Code – Since the proposal is for lease variation only, the proposal appears to be consistent with the Code. However, the matters identified above needs to be addressed.

Subject to the consideration of the matters identified above, Merit Assessment South has no objections to this proposal.

Regards

Meena Ramesh  
(Mon- Fri - 9am -3pm)  
Senior Assessment Officer | Merit Assessment - South  
Phone 02 62076174 | Fax 02 62071856 |  
Planning Delivery Division | ACTPLA | Environment and Planning Directorate | ACT Government  
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | [www.environment.act.gov.au](http://www.environment.act.gov.au)

---

**From:** ACTPLA DA South  
**Sent:** Wednesday, 16 July 2014 10:37 AM  
**To:** Ramesh, Meena  
**Subject:** FW: REFERRAL-MERIT SOUTH-201425608-8/35-FORREST-01

Meena,  
For your review and comment please.

Thanks,  
Rumana.

**From:** ESDD, Customer Services  
**Sent:** Wednesday, 16 July 2014 8:43 AM  
**To:** ACTPLA DA South  
**Subject:** REFERRAL-MERIT SOUTH-201425608-8/35-FORREST-01

**DEVELOPMENT APPLICATION NO: 201425608**  
**BLOCK: 8 SECTION: 35 DIVISION: FORREST**  
**Description - LEASE VARIATION - Please see application form for description of the lease variation.**

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than 15 working days after the date of this notice (6/8/14).

In accordance with Section 150 of the Planning and Development Act 2007 If advice is not received within the prescribed time it will be taken that you have supported the application.

Please forward any written advice via email to Customer Services – [ESDDcustomerservices@act.gov.au](mailto:ESDDcustomerservices@act.gov.au)

Please use the following format in the subject line of the email when providing advice:  
COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01  
Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards

Customer Services

Phone 02 6207 1923

Client Services Branch | Environment and Planning Directorate | 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) | [ESDDcustomerservices@act.gov.au](mailto:ESDDcustomerservices@act.gov.au)

6 March 2014

Mr R Brown  
Environment Protection Authority Planning Liaison  
Environment Protection & Water Regulation  
Environmental & Sustainable Development Directorate  
GPO Box 158  
CANBERRA ACT 2601

Dear Robin

**RE: BLOCK 8 SECTION 35 - 2 FITZROY STREET, FORREST, ACT**

Knight Frank Town Planning have been appointed by the Crown Lessee of Block 8 Section 35 Forrest to prepare a Crown Lease purpose clause variation. It is proposed to add home business and non retail commercial use limited to office.

We are seeking written advice from the EPA that the site is suitable for the additional proposed uses without the need for further assessment.

Block 8 Section 35 Forrest is a 608m<sup>2</sup> site located on the corner of Fitzroy Street and Manuka Circle in a CZ5 Mixed Use Zone. The site forms part of the heritage listed Forrest Fire Station Precinct (Blocks 2 – 10 & 12 Section 35).

The existing two storey brick residence was developed in 1938 and has been used as a residence since this time. The property also comprises outdoor storage and a hardiplank clad storage facility with adjoining timber deck and pergola. These structures have been used in association with the residential use.

The Crown Lessee has advised that, to their knowledge, there have never been any below ground storage tanks or facilities. The original heating was via an open fire place. This fire place is no longer utilised and has been replaced with reverse cycle air conditioning.

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PO Box 248, Civic Square ACT 2608

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The DA proposes varying the Crown Lease by amending the purpose Clause 3(a), to add home business and non retail commercial use limited to office, both of which are “less” sensitive uses than the current use of residential. Further, the proposed application is for a lease variation only and does not contemplate any building works or ground breaking works; the proposed uses occur within the existing building. Should any physical building or ground works be undertaken, this will be subject to further development approval.

We look forward to EPA’s response. Should you have any queries regarding this matter please do not hesitate to contact Hali Jobling on 02 6230 7855.

Yours sincerely,

**Knight Frank Town Planning (ACT & NSW)**



**HALIMAH JOBLING** MPIA

Crown Leasing Section

**From:** Lefebvre, Ann  
**To:** ["Halimah Jobling"](#)  
**Subject:** Notice of Decision - 8/35 Forrest 201425608  
**Date:** Monday, 24 November 2014 11:24:00 AM

---

Ann Lefebvre has sent you a copy of "Notice of Decision - Signed" (A10130165) v1.0 from Objective.

# Notice of decision

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

## Merit track

---

DA NO: 201425608		DATE LODGED: 9 July 2014
DATE OF DECISION: 14 November 2014		
BLOCK: 8	SECTION: 35	SUBURB: FORREST
STREET NO AND NAME: 29 Manuka Circle		
APPLICANT: Blak Plan Pty Ltd/trading as Knight Frank Town Planning (NSW)		
LESSEE: Natasia Eleni George and Tomislav Ivan Kasunic		

### THE DECISION

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

I, Owen Pankhurst, delegate of the planning and land authority, pursuant to section 162 of the Act, hereby **refuse** the proposal for **a lease variation to delete Clause 1(e) that requires the building be only used for a single unit private dwelling house.**

I, Owen Pankhurst, delegate of the planning and land authority, pursuant to section 162 of the Act, hereby **approve subject to conditions** the proposal for **a lease variation to:**

- **amend the purpose clause by adding non retail commercial use limited to office as a permitted use; and**
- **amend Clause 1(e) to permit the building erected on the land to contain no more than one (1) dwelling, without precluding the building also being used for the purpose of office,**

substantially in accordance with the draft Instrument of Variation at Attachment 1.

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

**PART 2** sets out the Reasons for the Decision

**PART 3** is Public Notification and Entity Advice.

**PART 4** contains administrative information relating to the determination.

### DELEGATE

Owen Pankhurst  
Delegate of the planning and land authority  
Environment and Planning Directorate  
14 November 2014

### CONTACT OFFICER

Owen Pankhurst  
Phone: (02) 6207 9055  
Email: owen.pankhurst@act.gov.au



## PART 1

### CONDITIONS OF APPROVAL

Please note that this approval includes leasing requirements.

**THE APPROVAL WILL EXPIRE 2 YEARS AFTER THE APPROVAL TAKES EFFECT or otherwise in accordance with the conditions of approval.** In addition, there are legislative requirements that must be met prior to the registration of the instrument of variation. See Advisory Notes for further information about those legislative requirements.

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

This application is approved subject to the following conditions.

##### A1. INSTRUMENT OF VARIATION

That the lessee accepts the variation substantially in accordance with the draft Instrument of Variation at **Attachment 1** and shall do all that is necessary to ensure that the Instrument of Variation giving effect to this approval is registered at the Office of Regulatory Services prior to the end of this approval.

#### B. ADVISORY NOTES

##### B1. LEASE VARIATION CHARGE

Prior to the registration of the Instrument of Variation, 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 6 months prior to the expiration of this approval. This will ensure that sufficient time remains to enable the Instrument of Variation to be registered at the Office of Regulatory Services prior to expiry of this approval.

##### B2. 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.

##### B3. EXPIRY OF APPROVAL

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 2 years after the date this approval takes effect.

## **PART 2 REASONS FOR THE DECISION**

The application satisfactorily meets the requirements for approval. The application was approved because, based on the documentation and in the form modified by the imposed conditions, it was considered to meet the relevant codes, being the:

- **Commercial Zones Development Code;**
- **Forrest Precinct Map and Code;**
- **Parking and Vehicular Access General Code; and**
- **Lease Variation General Code.**

The key issues identified in the assessment are the suitability of the site for the proposed development, the payment of Lease Variation Charge, and the registration of the Instrument of Variation. Conditions have been imposed to address the key issues and ensure that the proposal is consistent with the Territory Plan and the *Planning and Development Act 2007*.

The application proposed the deletion of Clause 1(e) which restricts the use of the current building to “a single unit private dwelling house” and prevents outbuildings from being used for habitation. The deletion of the restriction on the number of dwellings permitted in the building has been refused because the application did not demonstrate that the current building was suitable for use for more than one dwelling in accordance with the provisions of the Territory Plan. In particular, it was not demonstrated that the building could contain two or more dwellings and that the block could contain sufficient car parking, vehicular access, private open space for more than one dwelling, in accordance with the relevant rules and criteria of the Territory Plan. However, the use of office was considered a suitable use in conjunction with one residential dwelling. Consequently, clause 3(e) of the Crown lease has been amended to permit the use of the land for office whilst still limiting the building to contain only one dwelling.

The availability of car parking in the area for the proposed office use was considered as part of the assessment. *The Parking and Vehicular Access General Code* requires that sufficient operational car parking is provided on-site and visitor car parking is available off-site within 400m of the block. It was found that space for four (4) car spaces exists on-site. That number of car spaces meets the requirements of the above Code if an office, and/or one dwelling were to occupy the current building.

Car parking for the use of office may be located within 400m of the block. It was found that, within 400m of the site, there was sufficient available short-stay car parking for visitors to the office, and a small number of long-stay car spaces available for additional office staff. Any further additions to the building for office use would require development approval, as part of which the demand for car parking would then be further assessed.

### **EVIDENCE**

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**The Territory Plan zone – CZ5 Mixed Use Zone**

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**Current Crown Lease – Volume 897 Folio 65**

**Representations**

**Entity advice**

**Lease Variation General Code**

**Parking and Vehicular Access General Code**

## **PART 3 PUBLIC NOTIFICATION AND ENTITY ADVICE**

### **PUBLIC NOTIFICATION**

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 18 July 2014 to 8 August 2014. Two (2) written representations were received during public notification.

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

*(a) Current use home office or home business?*

This application does not approve a home office or home business. Neither of these uses can be approved by varying a Crown lease. The lease variation approved will however permit the premises to be used as a dwelling, an office, or an office and a dwelling.

*(b) Office accommodation in a residential precinct would appear to be unacceptable.*

This area is within the CZ5 Mixed Use Zone under the Territory Plan 2008 which permits both residential and commercial development. The proposed office use is not a prohibited use in this zone and is consistent with the objectives of the zone and the relevant codes of the Territory Plan 2008.

The addition of office as a permitted use in the Crown lease is suitable for this block the inclusion of this use in the current building on the land is unlikely to have any adverse impact on the residential dwellings in the area. Any change to the buildings on this land to increase the scale of any office on the block would be subject to approval as part of a further development application.

*(c) Impact from an increase in commercial activity.*

Office as defined in the Territory Plan 2008 does permits 'administration, clerical, technical, professional or like business activities'. Office use does not imply a change to permit noisy activities or a substantial number of visitors to the site creating a substantially greater traffic flow in the area.

Offices generally have a low number of car movements per day, similar to residential use. Also, vehicular movements for an office are mostly outside the hours during which residential properties are occupied. Any development to increase the floor area for office and so increase the potential car movements would be subject to a further development approval.

*(d) Works to the building and impact to heritage values.*

This application does not approve any works on the premises. Any development for changes to the building/structures on the premises, that is not exempt from approval, would be subject to approval as part of separate development application. Any adverse impact to the heritage values of the area or building/structures on the block would be addressed as part of such a development application. The ACT Heritage Council has supported this application and noted that there are no perceived heritage issues with the proposal.

## ENTITY ADVICE

Pursuant to Division 7.3.3 of the Act, the application was referred to entities and advice was received. The referral entities' comments are as follows. A response to the advice is provided as appropriate.

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On 24 July 2014 advice was received from ActewAGL Water Division in relation to the proposal. The advice states that:

*The application has been assessed by ActewAGL against ACTEW water and sewerage network access and asset protection requirements. Please find attached an ActewAGL DECISION STATEMENT together with the stamped plans.*

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Matters raised have been incorporated here as advice.

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On date 18 July 2014 advice was received from Environment Protection Authority (EPA) in relation to the proposal. The advice states that the EPA has no comments.

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*There are no perceived heritage issues with this application and a detailed assessment is not required.*

#### NOTES:

*The application proposes a lease variation to include non retail commercial use limited to office in the purpose clause of the lease. No changes to the existing buildings on the site are proposed in relation to this application.*

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### DATE THAT THIS APPROVAL TAKES EFFECT

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

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- the approval is revoked under section 189 of the Act.

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### RECONSIDERATION OF THE DECISION

If the applicant is not satisfied with the decision to [approve the application subject to conditions](#), they are entitled to apply to the planning and land authority for reconsideration within 20 working days of being told of this decision or within any longer period allowed by the planning and land authority.

To submit an application for reconsideration, documents must be provided electrically by email to [esddcustomerservices@act.gov.au](mailto:esddcustomerservices@act.gov.au) or provided at the customer service centre on a CD/DVD. The delegate of the Authority reconsidering the decision must be different from, and senior to, the original decision maker. An application for reconsideration does not prevent an application for a review of the same decision being made to the ACT Civil and Administrative Tribunal. Application forms and further information about reconsideration are available from the planning and land authority's website and Customer Service Centres.

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Decisions that are reviewable by the ACAT are identified in Schedule 1 of the *Planning and Development Act 2007*, except for those precluded under Schedule 3 of the *Planning and Development Regulation 2008* – Matters exempt from third-party ACAT review.

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# APPENDIX 1

## CONTACT DETAILS OF RELEVANT AGENCIES

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<b>Territory and Municipal Services Directorate</b> <ul style="list-style-type: none"> <li>- tree damaging activity approval</li> <li>- use of verges or other unleased Territory land</li> <li>- works on unleased Territory land - design acceptance</li> <li>- damage to public assets</li> </ul>	Website: <a href="http://www.tams.act.gov.au">www.tams.act.gov.au</a> Telephone: 132 281 Telephone for asset acceptance: (02) 6207 7480
<b>Utilities</b> <ul style="list-style-type: none"> <li>- Telstra (networks)</li> <li>- TransACT (networks)</li> <li>- ActewAGL</li> <li>- Electricity reticulation</li> </ul>	Telephone: (02) 8576 9799 Telephone: (02) 6229 8000 Telephone: 1100 Telephone: (02) 6293 5738

## REVIEW OF THE DECISION

The following notes are provided in accordance with regulation 7 of the *ACT Civil and Administrative Tribunal Regulation 2009*. Refer to the Review by the ACT Civil and Administrative Tribunal (ACAT) section of the Notice of Decision for information about its relevance to this development application.

## CONTACT DETAILS

The review authority is the ACT Civil and Administrative Tribunal (ACAT).

Location	Contact details
ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601	Website: <a href="http://www.acat.act.gov.au">www.acat.act.gov.au</a> Email: <a href="mailto:tribunal@act.gov.au">tribunal@act.gov.au</a> Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601

## POWERS OF THE ACAT

The ACAT is an independent body. It can review on their merits a large number of decisions made by ACT Government ministers, officials and statutory authorities. The ACAT can agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with ACAT recommendations.

## APPLICATIONS TO THE ACAT

To apply for a review, obtain an application form from the ACAT. You can also download the form from the ACT Legislation Register <http://www.legislation.act.gov.au/af/2009-278/current/pdf/2009-278.pdf>.

If you are applying on behalf of an organisation or association of persons, whether incorporated or not, the Tribunal in deciding whether to support this application will consider the effect of the decision being reviewed on the interests of the organisation or association in terms of its objects or purposes. A copy of the relevant documents will be required to be lodged with the Tribunal.

## TIME LIMITS FOR APPLICATIONS

The time limit to make a request for a review is 28 days from the date of this Notice of decision. The time limit can be extended in some circumstances (refer to sections 10 (2), 10(3), 25(1)(e) and 25(2) of the *ACT Civil & Administrative Tribunal Act 2008*; section 7 of the *ACT Civil and Administrative Tribunal Procedure Rules 2009 (No 2)*; and section 409 of the *Planning and Development Act 2007*).

## FEES

Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Chief Executive, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. Ask the ACAT for more details.



### TIME LIMITS FOR REVIEWS OF DECISIONS

The ACAT is required to decide appeals in land and planning and tree protection cases within 120 days after the lodging of the appeal, unless that period is extended by the ACAT upon it being satisfied that it is in the interests of justice to do so.

### FORMS OF LEGAL, FINANCIAL AND OTHER ADVICE AND ASSISTANCE

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

- ACT Attorney-General, write to The Chief Executive, Justice and Community Safety Directorate, GPO Box 158, CANBERRA, ACT, 2601;
- the ACT Legal Aid Office, telephone 1300 654314;
- Legal Advice Bureau, telephone (02) 6247 5700;
- ACT Council of the Ageing, telephone (02) 6282 3777;
- Welfare Rights and Legal Centre, telephone (02) 6247 2177; and
- Environmental Defender's Office (ACT), telephone (02) 6247 9420.

### AWARDING OF COSTS

You will have to pay any costs involved in preparing or presenting your case. The ACAT also has the power to award costs against a party if the party contravenes a direction of the ACAT and the ACAT considers it in the interests of justice to make such an order. This power is in addition to the power of the ACAT to strike out a party and to dismiss an application for failure to comply with the ACAT's directions.

### 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 planning and land authority's web site or by contacting us by phone on (02) 6207 1923.

### PROCEDURES OF THE ACAT

The procedures of the ACAT are outlined on the ACAT's website, including in the Guide to the Land and Planning Division and the Guide to the Hearing. Contact the ACAT for alternative ways to access information about the ACAT's procedures.

**TRANSLATION AND INTERPRETER SERVICES**

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

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

**TRANSLATING AND INTERPRETING SERVICE****131 450**

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



**ACT**  
Government

Environment and Planning

# Notice of decision

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

## Merit track

DA NO: 201425608	DATE LODGED: 9 July 2014	
DATE OF DECISION: 14 November 2014		
BLOCK: 8	SECTION: 35	SUBURB: FORREST
STREET NO AND NAME: 29 Manuka Circle		
APPLICANT: Blak Plan Pty Ltd/trading as Knight Frank Town Planning (NSW)		
LESSEE: Natasia Eleni George and Tomislav Ivan Kasunic		

### THE DECISION

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

I, Owen Pankhurst, delegate of the planning and land authority, pursuant to section 162 of the Act, hereby **refuse** the proposal for **a lease variation to delete Clause 1(e) that requires the building be only used for a single unit private dwelling house.**

I, Owen Pankhurst, delegate of the planning and land authority, pursuant to section 162 of the Act, hereby **approve subject to conditions** the proposal for **a lease variation to:**

- **amend the purpose clause by adding non retail commercial use limited to office as a permitted use; and**
- **amend Clause 1(e) to permit the building erected on the land to contain no more than one (1) dwelling, without precluding the building also being used for the purpose of office,**

substantially in accordance with the draft Instrument of Variation at Attachment 1.

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

**PART 2** sets out the Reasons for the Decision

**PART 3** is Public Notification and Entity Advice.

**PART 4** contains administrative information relating to the determination.

### DELEGATE

Owen Pankhurst  
Delegate of the planning and land authority  
Environment and Planning Directorate  
14 November 2014

### CONTACT OFFICER

Owen Pankhurst  
Phone: (02) 6207 9055  
Email: owen.pankhurst@act.gov.au

## PART 1

### CONDITIONS OF APPROVAL

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

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

This application is approved subject to the following conditions.

##### A1. INSTRUMENT OF VARIATION

That the lessee accepts the variation substantially in accordance with the draft Instrument of Variation at **Attachment 1** and shall do all that is necessary to ensure that the Instrument of Variation giving effect to this approval is registered at the Office of Regulatory Services prior to the end of this approval.

#### B. ADVISORY NOTES

##### B1. LEASE VARIATION CHARGE

Prior to the registration of the Instrument of Variation, 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 6 months prior to the expiration of this approval. This will ensure that sufficient time remains to enable the Instrument of Variation to be registered at the Office of Regulatory Services prior to expiry of this approval.

##### B2. 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.

##### B3. EXPIRY OF APPROVAL

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 2 years after the date this approval takes effect.

## **PART 2 REASONS FOR THE DECISION**

The application satisfactorily meets the requirements for approval. The application was approved because, based on the documentation and in the form modified by the imposed conditions, it was considered to meet the relevant codes, being the:

- **Commercial Zones Development Code;**
- **Forrest Precinct Map and Code;**
- **Parking and Vehicular Access General Code; and**
- **Lease Variation General Code.**

The key issues identified in the assessment are the suitability of the site for the proposed development, the payment of Lease Variation Charge, and the registration of the Instrument of Variation. Conditions have been imposed to address the key issues and ensure that the proposal is consistent with the Territory Plan and the *Planning and Development Act 2007*.

The application proposed the deletion of Clause 1(e) which restricts the use of the current building to "a single unit private dwelling house" and prevents outbuildings from being used for habitation. The deletion of the restriction on the number of dwellings permitted in the building has been refused because the application did not demonstrate that the current building was suitable for use for more than one dwelling in accordance with the provisions of the Territory Plan. In particular, it was not demonstrated that the building could contain two or more dwellings and that the block could contain sufficient car parking, vehicular access, private open space for more than one dwelling, in accordance with the relevant rules and criteria of the Territory Plan. However, the use of office was considered a suitable use in conjunction with one residential dwelling. Consequently, clause 3(e) of the Crown lease has been amended to permit the use of the land for office whilst still limiting the building to contain only one dwelling.

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#### **PUBLIC NOTIFICATION**

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<b>Environment and Sustainable Development Directorate</b>  <i>Planning and land authority</i>  <ul style="list-style-type: none"> <li>- list of certifiers for building approval</li> <li>- demolition information</li> <li>- asbestos information</li> </ul> <i>Environment Protection Authority</i>  <ul style="list-style-type: none"> <li>- environment protection</li> <li>- water resources</li> <li>- asbestos information</li> </ul> <i>Conservation, Planning and Research</i>  <ul style="list-style-type: none"> <li>- threatened species/wildlife management</li> </ul>	Website: <a href="http://www.actpla.act.gov.au">www.actpla.act.gov.au</a> Telephone: (02) 6207 1923   Website: <a href="http://www.environment.act.gov.au">www.environment.act.gov.au</a> Telephone: (02) 6207 6251   Website: <a href="http://www.environment.act.gov.au">www.environment.act.gov.au</a> Telephone: (02) 6207 1911
<b>Territory and Municipal Services Directorate</b> <ul style="list-style-type: none"> <li>- tree damaging activity approval</li> <li>- use of verges or other unleased Territory land</li> <li>- works on unleased Territory land - design acceptance</li> <li>- damage to public assets</li> </ul>	Website: <a href="http://www.tams.act.gov.au">www.tams.act.gov.au</a> Telephone: 132 281 Telephone for asset acceptance: (02) 6207 7480
<b>Utilities</b> <ul style="list-style-type: none"> <li>- Telstra (networks)</li> <li>- TransACT (networks)</li> <li>- ActewAGL</li> <li>- Electricity reticulation</li> </ul>	Telephone: (02) 8576 9799 Telephone: (02) 6229 8000 Telephone: 1100 Telephone: (02) 6293 5738

## REVIEW OF THE DECISION

The following notes are provided in accordance with regulation 7 of the *ACT Civil and Administrative Tribunal Regulation 2009*. Refer to the Review by the ACT Civil and Administrative Tribunal (ACAT) section of the Notice of Decision for information about its relevance to this development application.

CONTACT DETAILS

The review authority is the ACT Civil and Administrative Tribunal (ACAT).

Location	Contact details
ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601	Website: <a href="http://www.acat.act.gov.au">www.acat.act.gov.au</a> Email: <a href="mailto:tribunal@act.gov.au">tribunal@act.gov.au</a> Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601

POWERS OF THE ACAT

The ACAT is an independent body. It can review on their merits a large number of decisions made by ACT Government ministers, officials and statutory authorities. The ACAT can agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with ACAT recommendations.

APPLICATIONS TO THE ACAT

To apply for a review, obtain an application form from the ACAT. You can also download the form from the ACT Legislation Register <http://www.legislation.act.gov.au/af/2009-278/current/pdf/2009-278.pdf>.

If you are applying on behalf of an organisation or association of persons, whether incorporated or not, the Tribunal in deciding whether to support this application will consider the effect of the decision being reviewed on the interests of the organisation or association in terms of its objects or purposes. A copy of the relevant documents will be required to be lodged with the Tribunal.

TIME LIMITS FOR APPLICATIONS

The time limit to make a request for a review is 28 days from the date of this Notice of decision. The time limit can be extended in some circumstances (refer to sections 10 (2), 10(3), 25(1)(e) and 25(2) of the *ACT Civil & Administrative Tribunal Act 2008*; section 7 of the *ACT Civil and Administrative Tribunal Procedure Rules 2009 (No 2)*; and section 409 of the *Planning and Development Act 2007*).

FEES

Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Chief Executive, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. Ask the ACAT for more details.

### TIME LIMITS FOR REVIEWS OF DECISIONS

The ACAT is required to decide appeals in land and planning and tree protection cases within 120 days after the lodging of the appeal, unless that period is extended by the ACAT upon it being satisfied that it is in the interests of justice to do so.

### FORMS OF LEGAL, FINANCIAL AND OTHER ADVICE AND ASSISTANCE

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

- ACT Attorney-General, write to The Chief Executive, Justice and Community Safety Directorate, GPO Box 158, CANBERRA, ACT, 2601;
- the ACT Legal Aid Office, telephone 1300 654314;
- Legal Advice Bureau, telephone (02) 6247 5700;
- ACT Council of the Ageing, telephone (02) 6282 3777;
- Welfare Rights and Legal Centre, telephone (02) 6247 2177; and
- Environmental Defender's Office (ACT), telephone (02) 6247 9420.

### AWARDING OF COSTS

You will have to pay any costs involved in preparing or presenting your case. The ACAT also has the power to award costs against a party if the party contravenes a direction of the ACAT and the ACAT considers it in the interests of justice to make such an order. This power is in addition to the power of the ACAT to strike out a party and to dismiss an application for failure to comply with the ACAT's directions.

### 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 planning and land authority's web site or by contacting us by phone on (02) 6207 1923.

### PROCEDURES OF THE ACAT

The procedures of the ACAT are outlined on the ACAT's website, including in the Guide to the Land and Planning Division and the Guide to the Hearing. Contact the ACAT for alternative ways to access information about the ACAT's procedures.

**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-għajnuna t'interpretu, çempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ако вам је потребна помоћ преводиоца телефонирајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana 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

**APPLICATION TO  
VARY A CROWN LEASE**

Form 044 - AVCL

Land Titles Act 1925

**IMPORTANT INFORMATION**

This form is to be used to lodge an application to vary a crown lease under the *Land Titles Act 1925* (the Act). You can access the Act at [www.legislation.act.gov.au](http://www.legislation.act.gov.au). You may also obtain further information and forms at [www.ors.act.gov.au](http://www.ors.act.gov.au).

**PRIVACY INFORMATION**

The Act authorises the Registrar-General to collect the information required by this form. The Registrar-General provides identifiable information to various agencies including, but not limited to, the ACT Environment and Sustainable Development Directorate, ACT Treasury Directorate, Canberra Connect and ACTEWAGL for conveyancing, municipal account administrative, statistical and valuation purposes. These agencies may also use this information to prepare and sell property sales reports to commercial organisations concerned with the development, sale or marketing of land.

**CONTACT INFORMATION**

Lodge in person at the **Office of Regulatory Services:** 255 Canberra Avenue, Fyshwick ACT 2609  
Office Hours: 9:00am to 4:30pm Monday to Friday  
General enquiries telephone number: (02) 6207 0491  
Website address: [www.ors.act.gov.au](http://www.ors.act.gov.au)

**INSTRUCTIONS FOR COMPLETION**

- The certificate of title or production of title consenting to the registration of this document is required for lodgement.
- All information should be typed or clearly printed. If completing this form by hand please use a solid black pen only.
- This office will not accept lodgement of this form if it is not completed in full.
- Any alteration to information provided on this form must be struck through with a black pen. Substitute information must be clear and all parties must sign in the margin. Do not use correction fluid or tape.
- Ensure all required documents are attached. If there is insufficient space in any panel, please use an Annexure Sheet.
- Execution by:
  - a) **A Natural Person** – Should be witnessed by an adult person who is not a party to the document.
  - b) **Attorney** – if this document is executed by an Attorney pursuant to a registered power of attorney, it must set out the full name of the attorney and the form of execution must indicate the source of his/her authority e.g. "AB by his/her attorney XY pursuant to Power of Attorney ACT Registration No..... of which he/she has no notice of revocation". (This execution requires a witness).
  - c) **Corporation** – Section 127 of the *Corporations Act* provides that a company may now validly execute a document with or without using a Common Seal if the document is signed by:
    - i. Two directors of the company;
    - ii. A director and a secretary of the company; or
    - iii. Where the company is a proprietary company and has a sole director who is also the sole company secretary, that director. (This execution does not require a witness).
- The following forms of execution are suggested –
  - a) **With A Common Seal**  
The common seal of ABC Pty Ltd/Ltd ACN.....  
was affixed in the presence of-  
.....(signature)  
.....(director/secretary)\*  
(\*repeat if necessary i.e. if two directors signing. If signing as sole director and sole secretary, state 'director/secretary') – (This execution does not require a witness).
  - b) **Without A Common Seal**  
Signed by ABC Pty Ltd/Ltd ACN.....  
.....(signature)  
.....(director/secretary)\*  
(\*repeat if necessary i.e. if two directors signing. If signing as sole director and sole secretary, state 'director/secretary') – (This execution does not require a witness).



**ACT**  
Government

Justice and Community Safety

LAND TITLES  
OFFICE OF REGULATORY SERVICES  
ACT Justice and Community Safety Directorate

## APPLICATION TO VARY A CROWN LEASE

Form 044 - AVCL

Land Titles Act 1925

The Minister or the Delegate of the ACT Planning and Land Authority (the Authority) has agreed to vary the lease as described below, subject to the mortgages, encumbrances and other instruments affecting the land including any created by dealings lodged for registration prior to the lodging of this document. (Note – This form cannot be used to vary a Unit within a Registered Units Plan)

LODGING PARTY DETAILS		
Name	Postal Address	Contact Telephone Number

TITLE AND LAND DETAILS			
Volume & Folio	District/Division	Section	Block
897:65	FORREST	35	8

FULL NAME OF REGISTERED PROPRIETOR/S (Surname Last) (ACN required for all companies)	FULL POSTAL ADDRESS
Tomislav Ivan Kasunic and Natasia Eleni George	28 Tyson Street Ainslie ACT 2602

LEGISLATIVE PROVISION TO VARY CROWN LEASE
I, INSERT NAME, being a delegate of the Planning and Land Authority, APPLY to you to register the variation which has been made to the Crown lease of the land described. An approval of the Variation of Lease is submitted herewith in accordance with Section 72A of the Land Titles Act 1925.

DETAILS OF DELETED CLAUSES (no longer applicable after registration)
None

**DETAILS OF VARIATION**

**Australian Capital Territory  
Planning and Development Act 2007  
Variation of a lease**

Under the Planning and Development Act 2007 I, **INSERT NAME**, approve the variation of the schedule of provisions, covenants and conditions subject of which leases of units are held and specified here under:

**FORMER PROVISIONS**

- Clause 1(d): To use the said land for residential purposes only;
- Clause 1(e): That the building erected on the said land will be used only as a single unit private dwelling house and any outbuildings erected on the said land shall not be used as a habitation;

**AMENDED PROVISIONS**

- Clause 1(d): To use the said land for one or more of the following purposes:
- (i) residential purposes; and/or
  - (ii) non retail commercial use LIMITED TO office;
- Clause 1(e) That the building erected on the said land shall contain no more than one (1) dwelling, but the building may, partly or wholly, be used for office;

**INSERTED PROVISIONS**

Replace the full stop/period (".") at the end of clause 3(h) with a semi-colon (";") and insert the following clauses:

- (i) "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;
- (j) "non retail commercial use" means business agency, financial establishment, office, and public agency;
- (k) "office" means the use of land for the purpose of administration, clerical, technical, professional or like business activities, including a government office, which does not include dealing with members of the public on a direct and regular basis except where this is ancillary to the main purpose of the office.

**EXECUTION BY ACT PLANNING AND LAND AUTHORITY**Signed by the person duly authorised by ACT Planning and Land Authority  
(Please print full name of authorised signatory)

Print full name and address of witness

Signature of witness

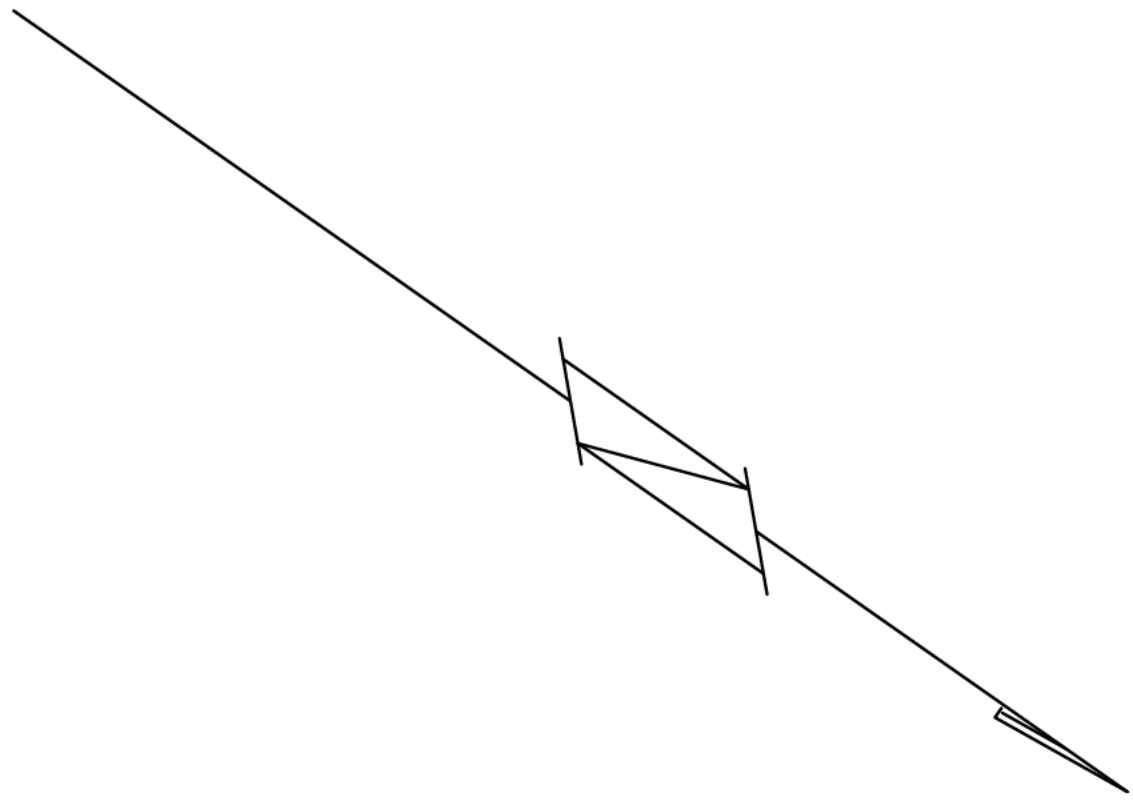
Dated -

Dated -

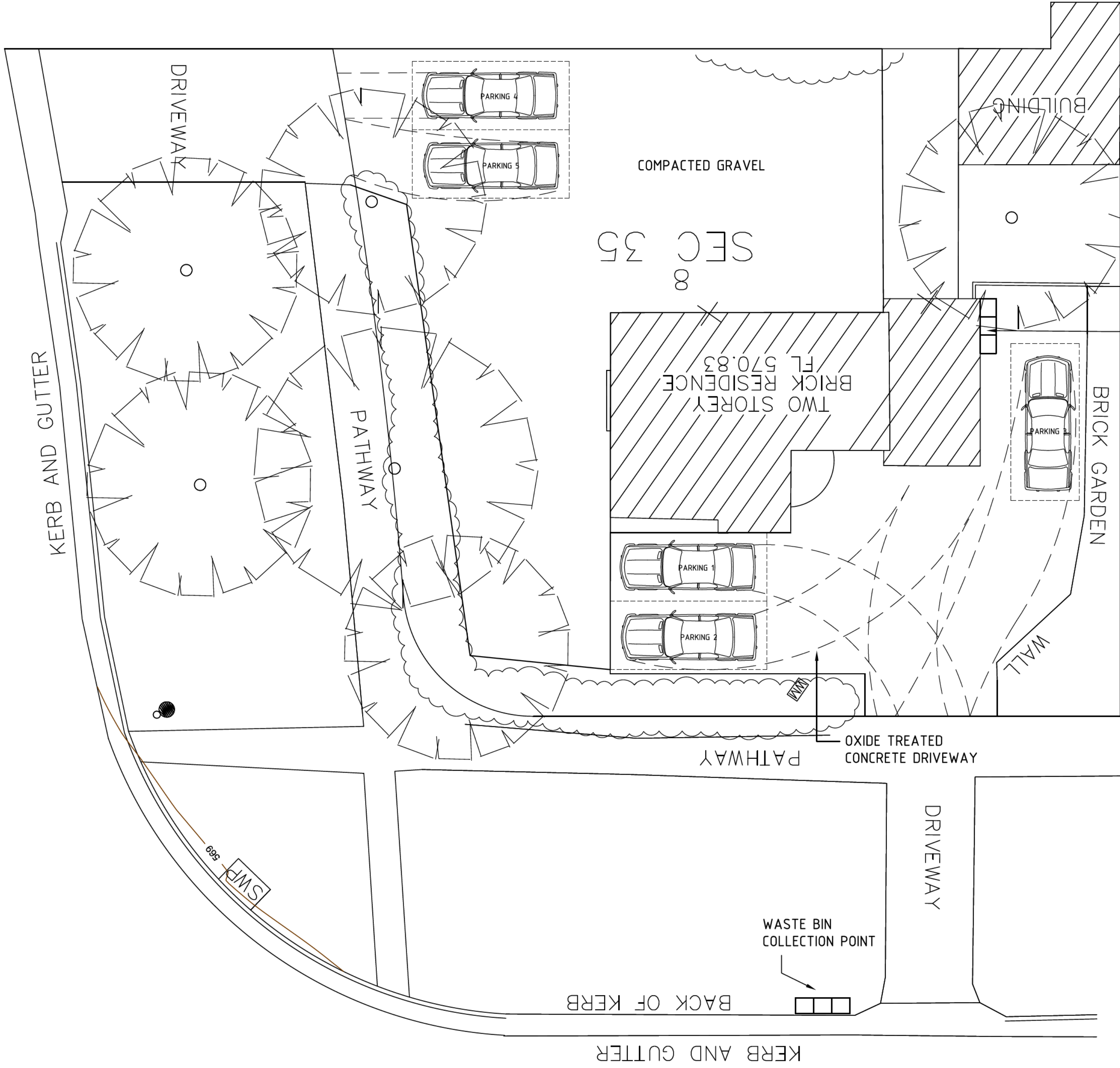
**OFFICE USE ONLY**

Lodged by		Certificate of title lodged	
Data entered by		Certificates attached to title	
Registered by		Attachments / Annexures	
Registration date		Production number	





MANUKA CIRCLE



FITZROY STREET

BACK OF KERB

WASTE BIN  
COLLECTION POINT

DRIVEWAY

PATHWAY

OXIDE TREATED  
CONCRETE DRIVEWAY

BRICK GARDEN

PARKING 3

TWO STOREY  
BRICK RESIDENCE  
FL 570.83

PARKING 1

PARKING 2

SEC 8  
35

COMPACTED GRAVEL

PARKING 4

PARKING 5

BUILDING

WASTE BIN STORAGE.  
TAKEN TO KERB FOR  
COLLECTION

DRIVEWAY

PATHWAY

KORB AND GUTTER



**ACT**  
Government

Environment and  
Sustainable Development

# Checklist

## DA Assessment and Decision Peer Review

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ASSESSMENT OFFICER: Owen Pankhurst

REVIEWING OFFICER:

APPLICATION NUMBER: 201425608

BLOCK:8

SECTION:35

DIVISION: Forrest

### 1 Purpose

The purpose of this checklist is to assist an Environmental and Sustainable Development Directorate (ESDD) Officer to undertake the correct process for undertaking a peer review for a DA assessment and Notice of Decision. The peer review is not a re-assessment of the development application.

### 2 Checklist

Item	Completed (Yes / No / Not Applicable)	Comment
Conflict of Interest declared	No	
Legislated requirements Assessment	Yes	
Territory Plan Assessment (justification provided were necessary against relevant Rules and Criterion)	Yes	

Item	Completed (Yes / No / Not Applicable)	Comment
Internal Referral to MPRG, EPC, DAP	No	
Entity advice recorded and addressed in NoD	Yes	
Written Representations recorded and addressed in NoD	Yes	
Leasing input provided for NoD	/	
Key assessment issues have been addressed in the NoD	Yes	
Correct classification to make the decision	Yes	
Is there any suggestion of an improper influence on the assessment or decision making for the DA	No	



Reviewing Officer

[Insert date]

14/11/14

### 3 Record of Peer Review

When completed, the Case Officer shall scan and save this checklist in the Objective assessment folder for the Development Application.

**From:** [REDACTED]  
**To:** [EPD, Customer Services](#)  
**Cc:** [REDACTED]  
**Subject:** Public comment on DA 201425608 Forrest  
**Date:** Friday, 8 August 2014 4:11:32 PM  
**Attachments:** [DA201425608\\_public comment.pdf](#)

---

To whom it may concern

Please accept this email with attachment DA201425608 public comment as my formal submission on DA201425608 29 Manuka Circle Forrest.

My primary concern is the definition of 'home office' vs. the use of this property as a commercial residence.

It would be appreciated if receipt of this email can be acknowledged.

This submission has been copied to the Kingston and Barton Resident Group, Mark Sawa - The Chronicle, Gary Kent - the ISCCC, Erin Taylor - Office of Mr Gentleman, and Duncan Marshall.

Thank you

[REDACTED]

**From:** Pankhurst, Owen  
**To:** ["tomislav"](#)  
**Subject:** RE: Block 8 Section 35 Forrest Lease variation  
**Date:** Tuesday, 20 January 2015 11:19:00 AM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)

---

Dear Tomislav

I trust you understand that I can only advise with certainty on the process and documentation requirements, I can't determine whether any proposal could be approved until it is formally lodged and the application is determined.

As discussed you may apply for a review of the Decision through an Application for Reconsideration under Section 191 of the Act. Although, you would first need to apply and obtain an extension for the timeframe in which to do so.

Other than completing the correct form, the documentation required for a reconsideration is not specified other than it must set out the grounds on which reconsideration of the original decision is sought. This may include documents supporting the proposed reconsideration proposal.

As I noted on the phone, the original application did not demonstrate that the site was suitable for a development of multi-unit housing and office that is consistent with the Territory Plan. When assessed, there was concern that the site could not contain an office and more than one dwelling.

You may wish to prepare a realistic sketch plan of an indicative redevelopment of the site that is Rule/Criteria compliant to demonstrate how the proposed uses is suitable for this block. This would need to address the requirements of the relevant codes for both office use and residential use, in particular, for: vehicular access and parking, setbacks, building envelope, privacy, and private open space. The site is on the ACT Heritage Register, the redevelopment would be subject to advice by the ACT Heritage Council. The indicative development should also be consistent with any Heritage requirements.

I will note that lease variation proposed as part of the reconsideration would need to be substantially the same. This can only be determined once the application is submitted, so at this stage I can only advise that I believe you would need to ensure that the proposed purpose clause does not result in a substantial change from the original proposal.

The alternate application to the above would be to surrender the current approval and lodge a further DA for the desired lease variation. This would not be required to be "substantially the same". However, it would require further fees, major notification and assessment as a new DA.

If you choose to go down the path of seeking a reconsideration, please send me an email requesting an extension to lodge a reconsideration, once I have it I will need to confirm the grant of an extension with my manager.

Sincerely

**Owen Pankhurst**

Assistant Manager - DA Leasing

Lease Administration– Planning Delivery Division

Environment & Planning Directorate

Phone: (02) 6207 9055 - Fax: (02) 6207 1856 - Email: [owen.pankhurst@act.gov.au](mailto:owen.pankhurst@act.gov.au)

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**From:** tomlav [mailto:[tomislav@kascon.com.au](mailto:tomislav@kascon.com.au)]  
**Sent:** Tuesday, 20 January 2015 9:14 AM  
**To:** Pankhurst, Owen  
**Subject:** RE: Block 8 Section 35 Forrest Lease variation

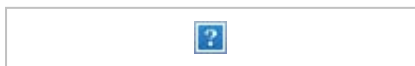
Hi Owen,

As discussed last week on the phone could you please outline the process and or required documentation to successfully alter this current variation to permit more than one dwelling on the site.

Regards,

**Tomislav Kasunic** |

Project Manager



**a** PO BOX 3218 Manuka ACT 2603

**t** 02 6232 7633 **f** 02 6295 1331

**e** [tomislav@kascon.com.au](mailto:tomislav@kascon.com.au)

**w** [www.kascon.com.au](http://www.kascon.com.au)

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**From:** Pankhurst, Owen [mailto:[Owen.Pankhurst@act.gov.au](mailto:Owen.Pankhurst@act.gov.au)]  
**Sent:** Wednesday, 14 January 2015 11:55 AM  
**To:** tomlav  
**Subject:** RE: Block 8 Section 35 Forrest Lease variation

Dear Tomislav

Sorry for the delay in responding, I've had to spend a bit of time carefully reviewing your suggestion.

The proposed wording of Clause 1(e) would not be possible. As a use of the land or building, "office" is distinct from the permitted residential use. The restriction "only as a single private dwelling house" prevents an office or any type of other multiple tenancies in the building, adding to that would be contradictory. The current wording for the lease variation was devised so that the current building could be partly or wholly used for an office and/or one dwelling without preventing separate titling or tenancing.

Regarding the use of “dwelling”, the *Planning and Development Act 2007* requires us to only approve the lease variation consistent with the Territory Plan. The Territory Plan does not provide for a limit on residential use without using the term “dwelling”. Clause 1(e) had to be changed to facilitate office use with a limit on residential use and so therefore the term “dwelling” and its Territory Plan definition must be used in the varied clause.

The class of a building under the BCA is subject to Building Approval and so is not determined as part of a DA for lease variation. The residential dwelling is defined as Class 1 under the Territory Plan.

I will note that a dwelling “within” an office building would be considered a “caretaker’s residence” under the Territory Plan. The current and approved residential use does not permit a caretaker’s residence. I understand that such a caretaker’s residence could not be separately titled and could not be occupied by someone who was not a bona-fide caretaker for the premises.

I don’t believe we could alter the approval as proposed, however you have the right to apply for a review of the Decision through an Application for Reconsideration under Section 191 of the Act. Although, you would first need to apply and obtain an extension for the timeframe in which to do so.

I don’t think a meeting is necessary. However, if you feel strongly, we can meet to clarify any of the issues above.

Sincerely

**Owen Pankhurst**

Assistant Manager - DA Leasing

Lease Administration– Planning Delivery Division

Environment & Planning Directorate

Phone: (02) 6207 9055 - Fax: (02) 6207 1856 - Email: [owen.pankhurst@act.gov.au](mailto:owen.pankhurst@act.gov.au)

---

**From:** tomislav [<mailto:tomislav@kascon.com.au>]

**Sent:** Wednesday, 7 January 2015 2:03 PM

**To:** Pankhurst, Owen

**Subject:** Block 8 Section 35 Forrest Lease variation

Hi Owen,

Please see attached comments to proposed lease variation.

When would I be able to come in and discuss further in attempt to finalise the lease variation.

Regards,

## Tomislav Kasunic |

Project Manager



**a** PO BOX 3218 Manuka ACT 2603  
**t** 02 6232 7633 **f** 02 6295 1331  
**e** [tomislav@kascon.com.au](mailto:tomislav@kascon.com.au)  
**w** [www.kascon.com.au](http://www.kascon.com.au)

This e-mail and any attachment is intended only for the exclusive and confidential use of the addressee(s). If you are not the intended recipient, any use, interference with, disclosure or copying of this material is unauthorised and prohibited. If you have received this message in error, please notify the sender by return e-mail immediately and delete the message from your computer without making any copies.



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**This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.**  
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**From:** [ACTPLA DA Leasing](#)  
**To:** [Redden, Sarah](#)  
**Subject:** RE: DA 201425608 - FORREST  
**Date:** Thursday, 18 December 2014 1:17:00 PM  
**Attachments:** [%ASSESSMENTCUC-201425608-01.pdf](#)  
[%LEASE-201425608-01.pdf](#)  
[APP-201425608-02.pdf](#)  
[VALUE-201425608-01.pdf](#)  
[image002.gif](#)  
[image003.png](#)

---

Dear Ms Redden,

Please find attached the documents requested.

Kind Regards,

**Jackie Hurst** | Administrative Assistant - Lease Administration |  
**Phone 02 6207 5963** | [jackie.hurst@act.gov.au](mailto:jackie.hurst@act.gov.au) |  
**Planning Delivery Division** | Environment and Planning | **ACT Government** |  
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | [www.environment.act.gov.au](http://www.environment.act.gov.au) |

ACTGov\_EPD\_inline\_black



 *Please consider the environment before printing this e-mail*

Please Cc all emails/replies through [actpladleasing@act.gov.au](mailto:actpladleasing@act.gov.au). This will ensure that matters are dealt with promptly in the event of any particular officer's absence.

---

**From:** Redden, Sarah  
**Sent:** Thursday, 18 December 2014 12:36 PM  
**To:** ACTPLA DA Leasing  
**Subject:** DA 201425608 - FORREST

Good afternoon,

ACT Revenue have been advised that EPD has conditionally approved DA 201425608, however we don't seem to have received an email providing the development application, valuation report, valuation certificate and Crown Lease. (We do have copies of the notice of decision and the ACTVO report.)


If the four documents required could be forwarded to myself or the LVC inbox that would greatly appreciated.

Thanks for your time and assistance,  
Sarah.

Sarah Redden | Assistant Manager | Policy, Legislation & Objections  
**Phone: 02 6205 5419** | Fax: 02 6207 0108 |  
**Revenue Management Division** | Chief Minister, Treasury and Economic Development Directorate |

**ACT Government**

Level 3, Canberra Nara Centre | PO Box 293 Civic Square 2608 | [www.revenue.act.gov.au](http://www.revenue.act.gov.au)

 *Please consider the environment before printing this email. If printing is necessary, print double-sided and black and white.*

Date: Monday, 11 August 2014 2:07:00 PM

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Dear Sir/Madam,

ACKNOWLEDGEMENT OF RECEIPT OF REPRESENTATION  
DEVELOPMENT APPLICATION NO: **201425608**  
BLOCK: **8** SECTION: **35** DIVISION: **FORREST**

Thank you for your representation made **08/08/2014** regarding development application number:  
**201425608**.

The issues raised in your submission will be taken into consideration during the assessment of the development application and you will be notified in writing once a decision has been made.  
**Please Note - A copy of your representation will be forwarded to the development application applicant and placed on the public register.**

If you require any further information please contact Customer Services on (02) 6207 1923.

Regards  
Customer Services

Phone 02 6207 1923  
Client Services Branch | Environment and Planning Directorate | 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) | [ESDDcustomerservices@act.gov.au](mailto:ESDDcustomerservices@act.gov.au)

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**Sent:** Friday, 8 August 2014 5:34 PM  
**To:** EPD, Customer Services  
**Subject:** DA 201425608

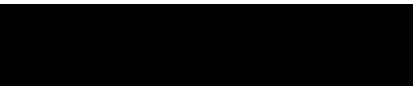
I wish to object to this proposed lease variation which involves a residential property in the heritage listed precinct of Fitzroy Street Forrest, block 8 Section 35 Forrest.

1. The lease variation is for Office accommodation as opposed to "Home Office". Office accommodation in a residential precinct would appear to be unacceptable.
2. In fact, it appears that the whole ground floor of the premises has already been converted to Office use (without permission?). Consequently,
3. the garden area has been converted to parking, and,
4. the first floor appears to be undergoing a major change.....

original windows are already removed, demolition of original fabric has obviously occurred, and heavy equipment is on-site.

5. All this before the lease variation has even been considered.
6. There is no evidence of consultation with the Heritage Unit, therefore, no demolition work is even approved.

This precinct is unique and the Heritage Register is clear about what is to be preserved. It is not appropriate to allow lessees to damage the heritage values by incrementally removing the original fabric and applying for a lease variation after the event. This change would have a negative impact on each of the neighbouring properties, and on the precinct as a whole.



**From:** [EPD, Customer Services](#)  
**To:** [REDACTED]  
**Subject:** RE: Public comment on DA 201425608 Forrest  
**Date:** Monday, 11 August 2014 1:46:00 PM

---

Dear Sir/Madam,

ACKNOWLEDGEMENT OF RECEIPT OF REPRESENTATION  
**DEVELOPMENT APPLICATION NO: 201425608**  
**BLOCK: 8 SECTION: 35 DIVISION: FORREST**

Thank you for your representation made **08/08/2014** regarding development application number: **201425608**.

The issues raised in your submission will be taken into consideration during the assessment of the development application and you will be notified in writing once a decision has been made.

**Please Note - A copy of your representation will be forwarded to the development application applicant and placed on the public register.**

If you require any further information please contact Customer Services on (02) 6207 1923.

Regards  
Customer Services

Phone 02 6207 1923

Client Services Branch | Environment and Planning Directorate | 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) | [ESDDcustomerservices@act.gov.au](mailto:ESDDcustomerservices@act.gov.au)

---

**From:** [REDACTED]  
**Sent:** Friday, 8 August 2014 4:11 PM  
**To:** EPD, Customer Services  
**Cc:** [REDACTED]  
**Subject:** Public comment on DA 201425608 Forrest

To whom it may concern

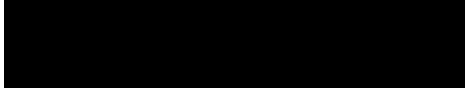
Please accept this email with attachment DA201425608 public comment as my formal submission on DA201425608 29 Manuka Circle Forrest.

My primary concern is the definition of 'home office' vs. the use of this property as a commercial residence.

It would be appreciated if receipt of this email can be acknowledged.

This submission has been copied to the Kingston and Barton Resident Group, Mark Sawa - The Chronicle, Gary Kent - the ISCCC, Erin Taylor - Office of Mr Gentleman, and Duncan Marshall.

Thank you



**From:** [Azizi, Nadeem](#)  
**To:** [EPD, Customer Services](#)  
**Cc:** [BASubmission\\_Electricity](#)  
**Subject:** RE: REFERRAL-ACTEWAGL-LIQUID TRADE WASTE-201425608-8/35-FORREST-01  
**Date:** Thursday, 31 July 2014 2:00:00 PM

---

Hi

ActewAGL Electrical Network Division has no objection on subjected lease variation for consolidation will following constraints.

- . Development is to comply with minimum clearance to O/H assets and minimum separation to underground assets.
- . Proponent is required to contact ActewAGL Prior to the commencement of any development activity to negotiate the connection of new/upgrade and /or relocation of existing electricity assets.
- . Proponent may be required to provide the space for substation if the existing supply doesn't meets requirement.
- . Proponent may be required to install special earthing (if the substation is found to be within 100 meters of any special location e.g child care, public pool, lake etc) to less than 1 ohm.

Thank you.

**Kind Regards**  
**Nadeem Azizi**

---

Senior Customer Project Engineer  
Supply Connection Services,  
Customer Connections Branch.

***ActewAGL Distribution***

**T:** 02 6293 5714 | **F:** 02 6293 5851 | **M:** 0420 524 484

[www.actewagl.com.au](http://www.actewagl.com.au)

Please consider our environment before printing this email.

---

**From:** BASubmission\_Electricity  
**Sent:** Wednesday, 16 July 2014 10:42 AM  
**To:** Azizi, Nadeem; 'Steve Donnelly' (Steve.Donnelly@jemena.com.au)  
**Subject:** FW: REFERRAL-ACTEWAGL-LIQUID TRADE WASTE-201425608-8/35-FORREST-01

Dear Stephen and Nadeem,

Please find attached a lease variation request at Block 8 Section 35 Forrest.

Comments are due directly to [ESDDcustomerservices@act.gov.au](mailto:ESDDcustomerservices@act.gov.au) by 6/8/2014.

**Regards,**

**Denise Thurtell**

Customer Service Support Officer  
ActewAGL Electricity Networks

T: 02 6293 5770 | F: 02 6293 5762

[www.actewagl.com.au](http://www.actewagl.com.au)

Please consider our environment before printing this email

---

**From:** ESDD, Customer Services [<mailto:ESDDCustomerServices@act.gov.au>]  
**Sent:** Wednesday, 16 July 2014 8:38 AM  
**To:** Development Applications  
**Subject:** REFERRAL-ACTEWAGL-LIQUID TRADE WASTE-201425608-8/35-FORREST-01

**DEVELOPMENT APPLICATION NO: 201425608**

**BLOCK: 8 SECTION: 35 DIVISION: FORREST**

**Description - LEASE VARIATION - Please see application form for description of the lease variation.**

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than 15 working days after the date of this notice (**6/8/14**).

In accordance with Section 150 of the Planning and Development Act 2007 If advice is not received within the prescribed time it will be taken that you have supported the application.

Please forward any written advice via email to [Customer Services - ESDDcustomerservices@act.gov.au](mailto:Customer Services - ESDDcustomerservices@act.gov.au)

Please use the following format in the subject line of the email when providing advice:

COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards

Customer Services

Phone 02 6207 1923

Client Services Branch | Environment and Planning Directorate | ACT Government

Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601

-----  
**This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.**  
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\*\*\*\*\*  
\*PLEASE NOTE\* This email and any attachments may be confidential. If received in error, please delete all copies and advise the sender. The reproduction or dissemination of this email or its attachments is prohibited without the consent of the sender.

WARNING RE VIRUSES: Our computer systems sweep outgoing email to guard against viruses, but no warranty is given that this email or its attachments are virus free. Before opening or using attachments, please check for viruses. Our liability is limited to the re-supply of any affected attachments.

Any views expressed in this message are those of the individual sender, except where the sender expressly, and with authority, states them to be the views of the organisation.  
\*\*\*\*\*



**From:** [EPAPanningLiaison](#)  
**To:** [ESDD, Customer Services](#)  
**Subject:** RE: REFERRAL-EPA-CONTAMINATION-201425608-8/35-FORREST-01  
**Date:** Friday, 18 July 2014 2:54:23 PM  
**Attachments:** [image001.jpg](#)

---

ESDD Customer Services,

DA 201425608

BLOCK: 8	SECTION: 35	DIVISION: FORREST
----------	-------------	-------------------

This DA has been assessed by the following:

Contaminated Lands	X
Hazardous Materials	X
Sediment and Erosion Control	X
Noise	X
Air quality	X
Water Resources	

And EPA provide the following:

No comments	X
Recommend Conditions of Approval	
Advice for the applicant	
Recommend Lease Conditions	
Recommend Not Supported	
Further Information/amendments Required	

Regards,

Robin Brown | Environment Protection Authority Planning Liaison

**Phone 02 6207 5642**

**Environment Protection and Water Regulation** | Environment and Planning | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | [www.environment.act.gov.au](http://www.environment.act.gov.au)



---

**From:** ESDD, Customer Services  
**Sent:** Wednesday, 16 July 2014 8:39 AM  
**To:** EPAPanningLiaison; McKeown, Helen  
**Subject:** REFERRAL-EPA-CONTAMINATION-201425608-8/35-FORREST-01

**DEVELOPMENT APPLICATION NO: 201425608**

**BLOCK: 8 SECTION: 35 DIVISION: FORREST**

**Description - LEASE VARIATION - Please see application form for description of the lease**

**variation.**

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than 15 working days after the date of this notice (**6/8/14**).

In accordance with Section 150 of the Planning and Development Act 2007 If advice is not received within the prescribed time it will be taken that you have supported the application.

Please forward any written advice via email to [Customer Services - ESDDcustomerservices@act.gov.au](mailto:Customer Services - ESDDcustomerservices@act.gov.au)

Please use the following format in the subject line of the email when providing advice:

COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards

Customer Services

Phone 02 6207 1923

Client Services Branch | Environment and Planning Directorate | 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) | [ESDDcustomerservices@act.gov.au](mailto:ESDDcustomerservices@act.gov.au)



## About this form

Use this form to pay the fees associated with a Development Application to the ACT Planning and Land Authority.

For more information click this button. 

Items marked with an asterisk (\*) must be completed.

## How to complete this form

- Step 1: Enter the DA details.
- Step 2: Enter the payer contact details.
- Step 3: Enter the property details.
- Step 4: Enter the amounts to pay in the appropriate fields.
- Step 5: Click on the 'Pay Now' button to pay the total amount by credit card.



Maximum \$10,000

### Step 1: - Development Application Details

\* Proposal number

### Step 2: Payer Contact Details

Organisation name

Name title

\* Given name

\* Family name

\* Address

\* Suburb

\* State/Territory

\* Contact phone number

## Steps 3 & 4: Property Details

\* Suburb/District      \* Section      \* Block      Unit

FORREST      35      8     

If you require help with suburb/district, section or block details click this information button



Completeness check fee \$ 166.20

Development fee \$ 0.00

Crown lease variation fee \$ 1864.70

Public notification fee \$ 1025.30

Lease search fee \$ 34.40

Home business fee \$ 0.00

## Step 5: 'Pay Now'

\* Total fee \$ 3090.60

## Receipt / Tax invoice

Your payment has been successful. Please keep a copy of this receipt / tax invoice for your records.

Date and time **09 Jul 2014 08:06:50**

Form submission ID **99999820140709087686**

Payment receipt number **1385082075**

Quantity	Description of service	Unit value	GST	Total
1	<b>Completeness Check Fee ABN 31 432 729 493</b>	<b>151.09</b>	<b>15.11</b>	<b>166.20</b>
1	<b>Crown Lease Variation Fee ABN 66 893 463 785</b>	<b>1864.70</b>	<b>0.00</b>	<b>1864.70</b>
1	<b>Public Notification ABN 31 432 729 493</b>	<b>1025.30</b>	<b>0.00</b>	<b>1025.30</b>
1	<b>Dial a Search ABN 31 432 729 493</b>	<b>31.27</b>	<b>3.13</b>	<b>34.40</b>

Total amount paid \$ **3090.60**

The total amount includes GST of \$ **18.24**

To save or print a copy of the completed form and receipt / tax invoice go to the "File" menu and select "Save as" or "Print".

Environment and Sustainable Development Directorate

GPO Box 1908  
Canberra ACT 2601  
Telephone: 132281

The personal information is being collected to enable processing of your application. Collection of personal information is authorised by Chapters 7, 8 and 9 of the Planning and Development Act 2007. The information that you provide may be disclosed to the ACT Revenue Office and the Registrar-General's Office. The information may be accessed by other government agencies, ActewAGL, ACTEW Corporation and other commercial organisations interested in development and building information. The Planning and Development Act 2007 requires the details of applications, decisions and orders to be kept on a register and made available for public inspection. Information and documentation relevant to a development application may be made available via the Internet.

Form ID: 1007

Version: 15

Date: 09 Jul 2014

**From:** [ESDD, Customer Services](#)  
**To:** [devapp@actewagl.com.au](mailto:devapp@actewagl.com.au)  
**Subject:** REFERRAL-ACTEWAGL-LIQUID TRADE WASTE-201425608-8/35-FORREST-01  
**Date:** Wednesday, 16 July 2014 8:37:00 AM  
**Attachments:** [PARKING-201425608-PARKING PLAN-01.pdf](#)  
[SITE-201425608-SITE PLAN-01.pdf](#)  
[%ASSESSMENTCUC-201425608-01.pdf](#)  
[%LEASE-201425608-01.pdf](#)  
[APP-201425608-02.pdf](#)  
[APPOINT-201425608-01.pdf](#)  
[ENTITYADVICE-201425608-01.pdf](#)  
[INTPARTY-201425608-01.pdf](#)  
[MISC-201425608-CC RESPONSE-01.pdf](#)  
[MISC-201425608-HISTORIC USE REPORT-01.pdf](#)  
[SCRITERIA-201425608-01.pdf](#)  
[VALUE-201425608-01.pdf](#)

---

**DEVELOPMENT APPLICATION NO: 201425608**

**BLOCK: 8 SECTION: 35 DIVISION: FORREST**

**Description - LEASE VARIATION - Please see application form for description of the lease variation.**

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than 15 working days after the date of this notice (**6/8/14**).

In accordance with Section 150 of the Planning and Development Act 2007 If advice is not received within the prescribed time it will be taken that you have supported the application.

Please forward any written advice via email to Customer Services – [ESDDcustomerservices@act.gov.au](mailto:ESDDcustomerservices@act.gov.au)

Please use the following format in the subject line of the email when providing advice:

COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards

Customer Services

Phone 02 6207 1923

Client Services Branch | Environment and Planning Directorate | 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) | [ESDDcustomerservices@act.gov.au](mailto:ESDDcustomerservices@act.gov.au)

**From:** [ESDD, Customer Services](#)  
**To:** [EPAPanningLiaison; McKeown, Helen](#)  
**Subject:** REFERRAL-EPA-CONTAMINATION-201425608-8/35-FORREST-01  
**Date:** Wednesday, 16 July 2014 8:38:00 AM  
**Attachments:** [plans.obr](#)  
[supporting\\_docs.obr](#)

---

**DEVELOPMENT APPLICATION NO: 201425608**

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COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards

Customer Services

Phone 02 6207 1923

Client Services Branch | Environment and Planning Directorate | 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) | [ESDDcustomerservices@act.gov.au](mailto:ESDDcustomerservices@act.gov.au)

**From:** [ESDD, Customer Services](#)  
**To:** [Heritage Referrals](#)  
**Subject:** REFERRAL-HERITAGE-201425608-8/35-FORREST-01  
**Date:** Wednesday, 16 July 2014 8:39:00 AM  
**Attachments:** [plans.obr](#)  
[supporting docs.obr](#)

---

**DEVELOPMENT APPLICATION NO: 201425608**

**BLOCK: 8 SECTION: 35 DIVISION: FORREST**

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Please use the following format in the subject line of the email when providing advice:

COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards

Customer Services

Phone 02 6207 1923

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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) | [ESDDcustomerservices@act.gov.au](mailto:ESDDcustomerservices@act.gov.au)

**From:** [ESDD, Customer Services](#)  
**To:** [ACTPLA DA South](#)  
**Subject:** REFERRAL-MERIT SOUTH-201425608-8/35-FORREST-01  
**Date:** Wednesday, 16 July 2014 8:42:00 AM  
**Attachments:** [plans.obr](#)  
[supporting\\_docs.obr](#)

---

**DEVELOPMENT APPLICATION NO: 201425608**  
**BLOCK: 8 SECTION: 35 DIVISION: FORREST**  
**Description - LEASE VARIATION - Please see application form for description of the lease variation.**

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Please use the following format in the subject line of the email when providing advice:

COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards

Customer Services

Phone 02 6207 1923

Client Services Branch | Environment and Planning Directorate | 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) | [ESDDcustomerservices@act.gov.au](mailto:ESDDcustomerservices@act.gov.au)



**From:** [ESDD, Customer Services](#)  
**To:** [TAMS CIS ASG DA](#)  
**Subject:** REFERRAL-TAMS-WASTE201425608-8/35-FORREST-01  
**Date:** Wednesday, 16 July 2014 8:36:00 AM  
**Attachments:** [plans.obr](#)  
[supporting\\_docs.obr](#)

---

**DEVELOPMENT APPLICATION NO: 201425608**

**BLOCK: 8 SECTION: 35 DIVISION: FORREST**

**Description - LEASE VARIATION - Please see application form for description of the lease variation.**

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COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards

Customer Services

Phone 02 6207 1923

Client Services Branch | Environment and Planning Directorate | 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) | [ESDDcustomerservices@act.gov.au](mailto:ESDDcustomerservices@act.gov.au)

**From:** [ESDD, Customer Services](#)  
**To:** [ESDD Transport Advice](#)  
**Subject:** REFERRAL-TRANSPORT ADVICE-201425608-8/35-FORREST-01  
**Date:** Wednesday, 16 July 2014 8:41:00 AM  
**Attachments:** [plans.obr](#)  
[supporting\\_docs.obr](#)

---

[Note for Referral: Availability of car parking.](#)

**DEVELOPMENT APPLICATION NO: 201425608**

**BLOCK: 8 SECTION: 35 DIVISION: FORREST**

**Description - LEASE VARIATION - Please see application form for description of the lease variation.**

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than 15 working days after the date of this notice (**6/8/14**).

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Please use the following format in the subject line of the email when providing advice:

COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Regards

Customer Services

Phone 02 6207 1923

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

---

JOB REPORT - Public Notification Generator

---

JOB DATE: 16 July 2014 10:33 am

JOB CODE: 103023

OPERATOR: TINA GIOFFRE

Development Application 201425608

PUBLIC NOTIFICATION


Application lodged on 9 July 2014.

Notification begins on 21 July 2014 and ends on 8 August 2014.

---

SUBJECT BLOCK

---

BLOCK: FORREST SECTION 35 BLOCK 8  
STREET ADDRESS: 2 FITZROY STREET  
LESSEE(S): Natasia Eleni George, Tomislav Ivan Kasunic  
ADDRESS: 

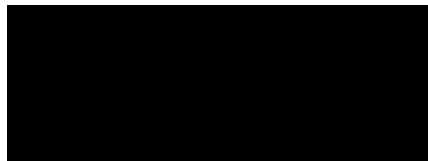
APPL\_TYPE: SUBC  
DEV DESC: LEASE VARIATION - Please see application form for description of the lease variation.

---

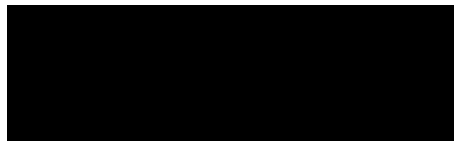
NEIGHBOURING LESSEES

---

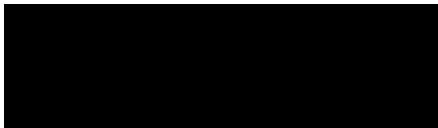
1. BLOCK:  
NAME(S):  
ADDRESS:



2. BLOCK:  
NAME(S):  
ADDRESS:



3. BLOCK:  
NAME(S):  
ADDRESS:



4. BLOCK:  
NAME(S):  
ADDRESS:

5. BLOCK:  
NAME(S):  
ADDRESS:

6. BLOCK:  
NAME(S):  
ADDRESS:

7. BLOCK:  
NAME(S):  
ADDRESS:

8. BLOCK:  
NAME(S):  
ADDRESS:

9. BLOCK:  
NAME(S):  
ADDRESS:



---

APPLICANTS

---

1. NAME(S): REBECCA BLAK PLAN PTY LTD/TRADING AS KNIGHT FRANK TOWN  
PLANNING (NSW)  
ADDRESS: PO BOX 248  
Civic Square  
City ACT 2608

---

INTERESTED PARTIES

---

1. NAME(S): COMMONWEALTH BANK OF AUSTRALIA  
ADDRESS: CNR LONDON CIRCUIT & AINSLIE AVENUE  
CANBERRA ACT 2600

---

S U M M A R Y

---

No of lessee notifications created = 9  
No of developer notifications created = 0  
No of interested party notifications created = 1  
No of advertisement authorisation letters created = 1  
No of outdoor signs created = 1  
No of letters to applicants created = 1

**From:** [EPD, Customer Services](#)  
**To:** [REDACTED]  
**Subject:** REPLACEMENT SIGN: 1 STANDARD SIGN FOR FRIDAY 18TH JULY, 2014 (8/35 FORREST)  
**Date:** Thursday, 31 July 2014 12:50:00 PM  
**Attachments:** [MAP103023.DOC](#)  
[SIGN.pdf](#)

---

Dear [REDACTED]

Please see the attached Map and Sign details for your actioning. The sign was only up for a period of 3 days before the neighbour noticed it was missing. The notification period is until the 8<sup>th</sup> August.

Regards,

Cara Weekes

**Customer Services Officer**

Phone 02 6207 1923

Client Services Branch | Environment and Planning Directorate | ACT Government

Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601

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**ADVICE TO REPRESENTOR AFTER DECISION**

Dear [REDACTED]

**BLOCK: 8 SECTION: 35 SUBURB: FORREST  
DEVELOPMENT APPLICATION NUMBER: 201425608**

Development Application Number 201425608 has been refused.

As you lodged a representation in relation to this Development Application please find attached a copy of the Notice of Decision in accordance with the requirements of Section 171(1)(b) of the *Planning and Development Act 2007*.

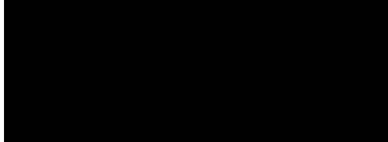
A copy of the application and the decision are also available for inspection on the Public Register. The register can be inspected between 8:30am and 4:30pm weekdays at the ACT Planning and Land Authority Customer Service Centre, 16 Challis Street, Dickson, ACT.

If you require any further information please contact (02) 6207 1923.

Yours sincerely

Customer Services

17 November 2014



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Customer Services

17 November 2014

# Planning Report and Statement against Criteria

**2 Fitzroy Street  
FORREST ACT 2603**

May 2014

Under instruction from  
**The crown lessees**

For the use of  
**ACTPLA and its consultees**

For the purpose of  
**Lease Variation Development Application**



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## Qualifications

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2. This report is current at the date of the development application only.
3. This report is to be read in its entirety and in association with other documentation submitted as part of the Development Application.

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## Executive Summary

This proposal is for a Crown Lease variation as follows:

- Amend Clause 1(d) purpose clause by adding 'non retail commercial use' limited to office;
- Delete Clause 1(e), which limits the use of the existing building to a single unit private dwelling house.

This DA is for a lease variation only; no physical works are proposed.

The table below summarises pertinent site information.

<b>2 Fitzroy Street, Forrest ACT 2603</b>	
<b>Registered Crown Lessee</b>	Tomislav Ivan Kasunic and Natasia Eleni George
<b>Title Details</b>	Block 8 Section 35 Division of Forrest
<b>Land Area</b>	608m <sup>2</sup>
<b>Zoning</b>	CZ5: Mixed Use zone under the ACT Territory Plan 2008
<b>Precinct Code</b>	Forrest precinct map and code
<b>Suburb Precinct Map Labels</b>	RC3: Mixed use commercial area – additional rules and criteria PD1 & PD2 – additional prohibited development
<b>Neighbourhood Plan</b>	Forrest neighbourhood plan
<b>Existing Purpose Clause 1(d)</b>	<i>To use the said land for residential purposes only</i>
<b>Other Controls</b>	The site is subject to ACT heritage registration (Forrest Fire Station Precinct – Section 35 Blocks 2-10 & 12)
<b>Development Application</b>	
<b>Proposed Purpose Clause</b>	To use the said land for residential and non retail commercial use limited to office.
<b>Clauses to be Deleted</b>	Clause 1(e) <i>That the building erected on the said land will be used only as a single unit private dwelling house and any outbuildings erected on the said land shall not be used as a habitation</i>

# 1 Site Particulars

## 1.1 Site Description and Location

### Site Address

2 Fitzroy Street, Forrest, ACT

### Site Area

608m<sup>2</sup>

### Site Description

Block 8 Section 35 Forrest is a rectangular shaped corner block. The site has access and frontages to both the western side of Manuka Circle and southern side of Fitzroy Street. Two verge crossings provide access to two areas of at grade car parking, capable of accommodating five vehicles. The site is screened by a mature hedge and other boundary vegetation.

The property comprises a heritage listed two storey existing brick residence (constructed in 1938/39) with ancillary outbuildings used in association with the dwelling. The dwelling has an existing GFA of circa 143m<sup>2</sup>.

### Surrounding and Adjoining Development

The surrounding development comprises a mix of commercial and similar detached or semi-detached heritage listed homes, some of which have been converted for office usage or office suites and/or home businesses. The site is located opposite Telopea Park High School and Manuka Oval.

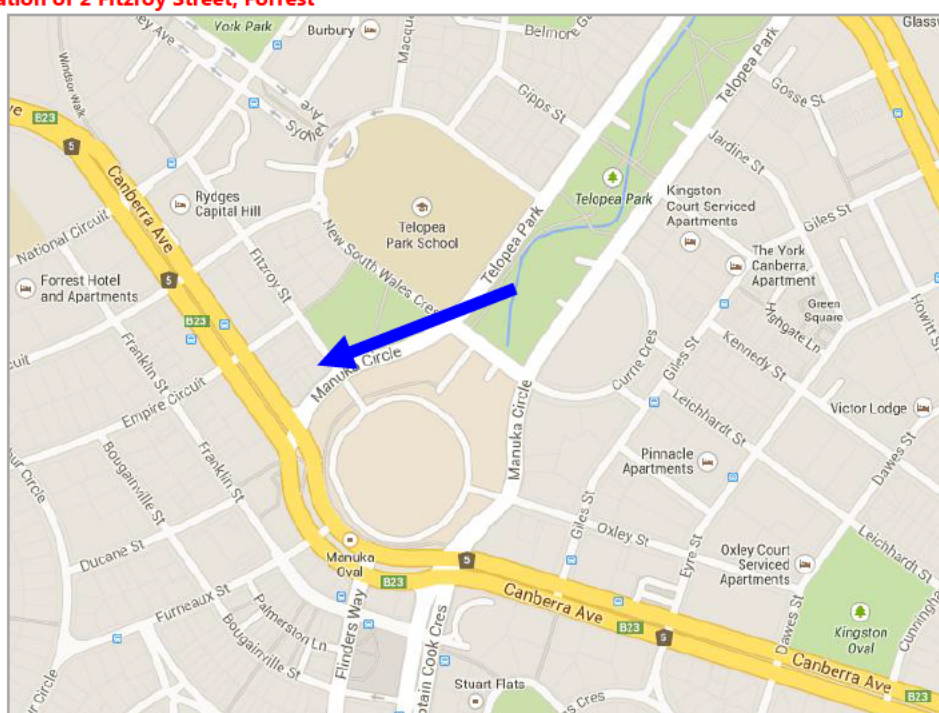
### Road System & Access

Fitzroy Street is a suburban street and adjoins the eastern boundary. The site itself fronts both Manuka Circle and Fitzroy Street and benefits from access off both streets.

### Services and Amenities

Action Bus stops are located along Canberra Avenue, approximately 200 metres distance from the site.

**Figure 1 Location of 2 Fitzroy Street, Forrest**



Source: Google

## 1.2 Title Details & Relevant Lease Clauses

<b>Current Registered Crown Lessee</b>	
Tomislav Ivan Kasunic and Natasia Eleni George	
<b>Title Description</b>	
Block 8 Section 35 Division of Forrest	
<b>Lease Commenced</b>	
29 July 1983	
<b>Lease Term</b>	
99 years	
<b>Status</b>	
Market lease	
<b>Easements</b>	
Stormwater/drainage easement runs along the southern boundary of the site	
<b>Relevant Lease Clauses</b>	
1(d) Purpose Clause	<i>To use the said land for residential purposes only</i>
1(e)	<i>That the building erected on the said land will be used only as a single unit private dwelling house and any outbuildings erected on the said land shall not be used as a habitation</i>

### 1.3 Town Planning Details

#### Local Government Area and Planning Scheme

ACT Government – ACT Territory Plan 2008

#### Principal Land Use Zoning

CZ5: Mixed use zone

#### Overlays

Nil

#### Precinct Code

Forrest Precinct Map and Code

The Forrest Precinct Map identifies the site as being within the boundaries of the RC3 area (Mixed Use Commercial Area) with additional PD1 & PD2 additional prohibited development controls applying. See overleaf.

#### Zone Development Code

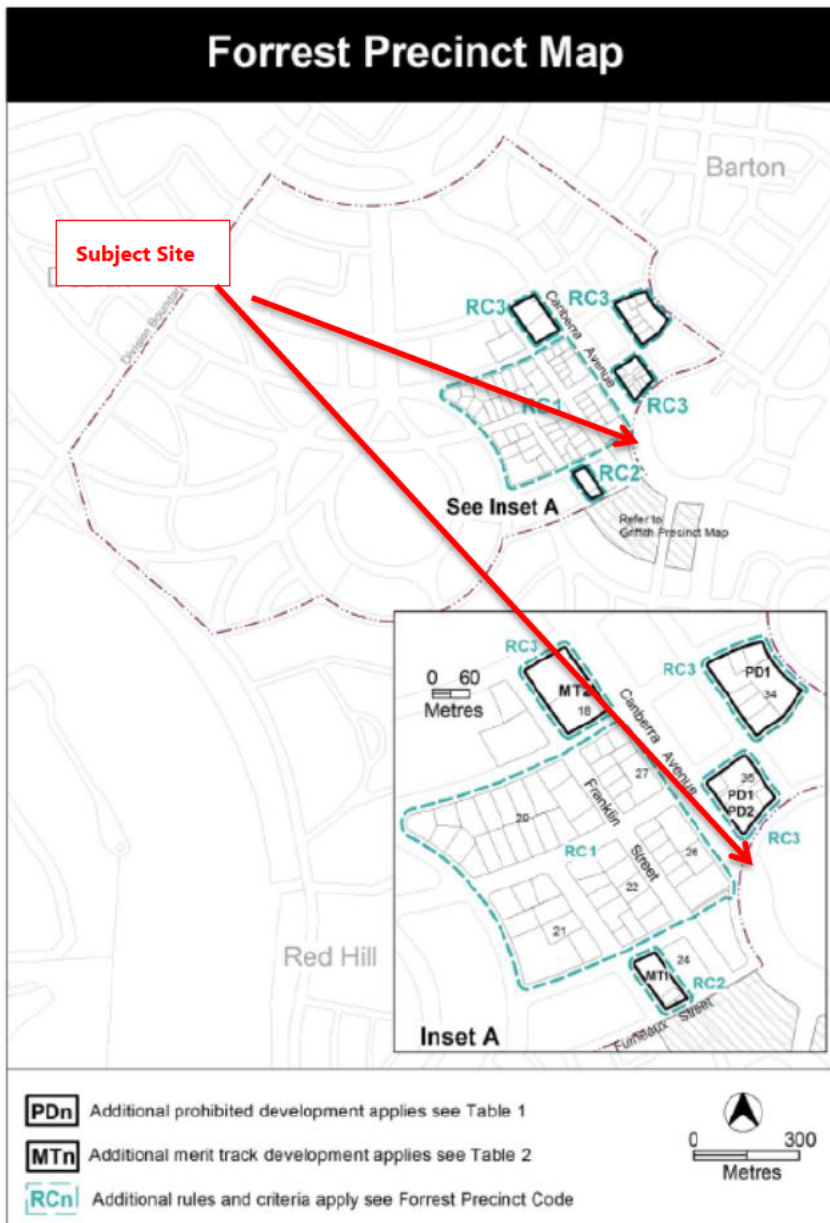
Commercial Zones Development Code

#### General Codes

- Access and Mobility General Code
- Bicycle Parking General Code
- Crime Prevention through Environmental Design General Code
- Lease Variation Code
- Parking and Vehicular Access General Code

#### Other Planning Matters

- Forrest Neighbourhood Plan
- Heritage Registered – 20015. Forrest Fire Station Precinct (Section 35 Blocks 2 – 10 & 12)



## 2 Proposal

The Crown lessees own and operate 'Kascon'; a construction management consultancy specialising in residential projects and commercial building refurbishments. At present the Crown lessee's business employs three people, including the two crown lessees.

The Crown lessees wish to utilise part of the ground floor level of the dwelling as a home business (office) for Kascon. The Crown lessees are mindful that the business may expand in the future and consequently wish to future proof the site by enabling 'office' use (not related to a home business) on the ground floor level. The Crown lessees intend to continue to reside on the upper level of the dwelling.

Consequently this DA proposes to vary the Crown Lease by:

- Amending the purpose Clause 1(d), to add 'non-retail commercial use' limited to office.
- Deleting Clause 1(e).



### **3 Statements Against Criteria**

The site is located within the CZ5: Mixed Use Zone under the Territory Plan. Applicable codes that apply to this proposal have been identified in Section 1.3 of this report.

### 3.1 Forrest Precinct Map and Code

**RC1 – Residential Zone Additional Controls; RC2 – Manuka Group Centre – Not applicable.** The site is located in an RC3 area.

**RC3 – Mixed Use Commercial Area**

#### Element 5: Use

Rules	Criteria	Response
<b>5.1 Restaurant and Shop</b>		
R11 This rule applies to area a shown in Figure 2. Restaurant and shop are ancillary to other permitted uses.	This is a mandatory requirement. There is no applicable criterion.	Not applicable. The site is not located within area a.
<b>5.2 Office</b>		
There is no applicable rule.	C12 This criterion applies to area b shown in Figure 2. Office development achieves all of the following: a) Limited in scale b) Support strategies for locating office employment within existing centres and established out of centres areas in CZ2.	Not applicable. The site is not located within area b.

#### Element 6: Buildings

Rules	Criteria	Response
<b>6.1 Number of Storeys</b>		
R13 This rule applies to area a shown in Figure 2. The maximum number of storeys is 4.	C13 Buildings achieve all of the following: a) Consistency with the desired character b) Reasonable solar access to dwellings on adjoining residential blocks and their associated private open space Buildings are no higher than the established tree canopy along main avenues with primarily landscaped frontages.	Not applicable. The site is not located within area a.
There is no applicable rule.	C14 This criterion applies to area b shown in Figure 2. Buildings achieve all of the following: a) Consistency with the desired character b) Reasonable solar access to dwellings on adjoining residential blocks and their associated private open space The maximum number of storeys is:	Not applicable. The site is not located within area b.

	<ul style="list-style-type: none"> <li>a) For office: 2</li> <li>b) For residential use: 3.</li> </ul>	
There is no applicable rule.	<p>C15</p> <p>This criterion applies to area c shown in Figure 2.</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) consistency with the desired character</li> <li>b) Reasonable solar access to dwellings on adjoining residential blocks and their associated private open space</li> </ul> <p>The maximum height of buildings does not exceed the existing building height.</p>	Not applicable. This proposal is for a lease variation only. No building or physical works are proposed.
<b>6.2 Setbacks</b>		
<p>R16</p> <p>This rule applies to area a shown on Figure 2.</p> <p>The minimum front setback is 10m.</p>	<p>C16</p> <p>Building setbacks provide for landscaping consistent with maintaining the character of Canberra Avenue.</p>	Not applicable. The site is not located within area a.
<b>6.3 Materials and Finishes</b>		
<p>R17</p> <p>This rule applies to area a shown on Figure 2.</p> <p>Building colours are off-white to light buff/grey.</p>	<p>C17</p> <p>Any alternative colours used achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) Relate to clearly defined elements of the building</li> <li>b) Are predominantly earthy toned</li> <li>c) Minor elements in the building façade may be accented</li> <li>d) Subsidiary to the main off-white to light buff/grey materials.</li> </ul>	Not applicable. The site is not located within area a.

## 3.2 Commercial Zones Development Code

### Part A – General Controls

#### Element 1: Lease and Development Conditions

Rules	Criteria	Response
<b>1.1 Approved Lease and Development Conditions</b>		
<p>R1</p> <p>This rule applies to blocks affected by approved lease and development conditions that provide for one or more of the following matters:</p> <ul style="list-style-type: none"> <li>a) Plot ratio</li> <li>b) Building envelope</li> <li>c) Building height</li> <li>d) Front street setback</li> <li>e) Side setback</li> <li>f) Rear setback</li> <li>g) Building design</li> <li>h) Materials and finish</li> <li>i) interface</li> <li>j) Vehicle access</li> <li>k) Parking</li> <li>l) Solar access</li> <li>m) Private open space</li> <li>n) Landscaping</li> <li>o) Water sensitive urban design.</li> </ul> <p>Approved lease and development conditions for the matters listed above shall take precedence over the provisions of this code, but only to the extent of any inconsistency.</p>	<p>C1</p> <p>The development meets the intent of any current, relevant lease and development conditions. C3A, CZ5 DC.</p>	<p>Not applicable. Block 8 Section 35 Forrest is not subject to lease and development conditions.</p>

#### Element 2: Use

Rules	Criteria	Response
<b>2.1 Existing Community and Recreation Sites</b>		
<p>R2</p> <p>A development proposal does not reduce the range of community or recreation facilities available.</p>	<p>C2</p> <p>A proposal that reduces the range of community or recreation facilities available demonstrates through a social impact assessment that there is enough land or sufficient other facilities in the locality to meet anticipated demand.</p>	<p>Complies with rule. The proposal does not reduce the range of community or recreation facilities available.</p>

#### Element 3: Buildings

Rules	Criteria	Response
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<b>3.1 Building Design and Materials</b>		
There is no applicable rule.	<p>C3</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) A contribution to the amenity and character of adjacent public spaces</li> <li>b) Interesting, functional and attractive facades that contribute positively to the streetscape and pedestrian experience</li> <li>c) Minimal reflected sunlight</li> <li>d) Articulated buildings forms.</li> </ul>	Not applicable. This application is for a lease variation only; external or physical works are not proposed.
There is no applicable rule.	<p>C4</p> <p>Buildings are of permanent construction.</p>	Noted. The existing building is of permanent construction.
<b>3.2 Plant and Structures</b>		
There is no applicable rule.	<p>C5</p> <p>Plant installations and service structures are integrated with the building design, so they are set back from the building façade and screened from public areas.</p>	Not applicable. This application is for a lease variation only. There are no proposed changes to the existing plant and service structures currently on site.
<b>3.3 Car Parking Structures</b>		
There is no applicable rule.	<p>C6</p> <p>Car parking structures integrate with the built form of adjacent existing development.</p>	Not applicable. Car parking structures are not proposed.
<b>3.4 Materials and Finishes</b>		
There is no applicable rule.	<p>C7</p> <p>Building materials and finishes provide for visual expression and interest. Where extensive glass or solid wall facades are incorporated in buildings:</p> <ul style="list-style-type: none"> <li>a) Transparency is maximised</li> <li>b) Reflectivity is minimised</li> <li>c) Shadow profiles or visible joint detailing are included</li> <li>d) Visually interesting building elements are applied through the use of elements such as colour, articulation, materials selection, shadows or deep framing profiles.</li> </ul>	Not applicable. This application is for a lease variation only. Design, external or physical works are not proposed.
<b>3.5 Storage</b>		
<p>R8</p> <p>Outdoor storage areas comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) Are located behind the building line</li> <li>b) Are screened from view from any road or other public area</li> <li>c) Do not encroach on car parking areas, driveways or landscape areas.</li> </ul>	<p>C8</p> <p>Where the proposed use requires open areas for storage of goods and materials, adequate provision is included in the design and layout of the site for these areas and they do not encroach on car parking, driveways or landscaped areas.</p>	Not applicable. This application relates to a lease variation only.

<b>3.6 Wind</b>		
<p>There is no applicable rule.</p>	<p>C9</p> <p>This criterion applies to buildings with a height of building greater than 19m but less than 28m.</p> <p>The wind patterns associated with the proposed building will not unreasonably reduce the safety and comfort of people in the public realm or other open spaces associated with the development, compared with a similar building on the site with a height of building of 19m.</p> <p>Compliance with this criterion will be demonstrated by a wind assessment report prepared by a suitably qualified person.</p>	<p>Not applicable. The existing building does not have a building height greater than 19m.</p>
<p>R10</p> <p>This rule applies to buildings with a height of building greater than 28m.</p> <p>As a consequence of the proposed development wind speeds do not exceed the following:</p> <p>a) Adjacent main pedestrian areas and routes (as defined in the relevant precinct code): 10m/s</p> <p>b) All other adjacent streets and public places: 16m/s.</p> <p>Compliance with this rule is demonstrated by a wind assessment report prepared by a suitability qualified person.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not applicable. The existing building does not have a building height greater than 28m.</p>
<b>3.7 Ventilation</b>		
<p>R11</p> <p>This rule applies to buildings used or proposed to be used for one or more of the following:</p> <p>a) Food retail</p> <p>b) Restaurant</p> <p>All exhaust and ventilation systems are installed and operated to comply with Australian Standard AS1668.1 The Use of Ventilation and Air-conditioning in Buildings.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not applicable. The building is not used or does not propose to be used for food retail or restaurant.</p>
<b>3.8 Shopping Arcades and Malls – CZ3</b>		
<p>R12</p> <p>This rule applies to CZ3.</p> <p>Internal shopping arcades or malls are not permitted.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not applicable. Block 8 Section 35 Forrest is not situated in a CZ3 zone.</p>
<b>3.9 Supportive Housing and Residential Care Accommodation</b>		
<p>R13</p> <p>All dwellings for the purposes of supportive housing and/or residential care accommodation are designed to comply with the relevant parts of the Residential Zones – Multi Unit Housing Development Code and the relevant Australian Standard for Adaptable Housing.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not applicable. Supportive housing and/or residential care accommodation are not proposed.</p>

## Element 4: Site

Rules	Criteria	Response
<b>4.1 Landscaping</b>		
There is no applicable rule.	C14 Landscaping associated with the development achieves all of the following: <ol style="list-style-type: none"> <li>Response to site attributes, including streetscapes and landscapes of documented heritage significance</li> <li>Appropriate scale relative to the road reserve width and building bulk</li> <li>Vegetation types and landscaping styles which complement the streetscape</li> <li>Integration with parks, reserves and public transport corridors</li> <li>Minimal adverse effect on the structure of the proposed buildings or adjoining buildings</li> <li>Contribution to energy efficiency and amenity by providing substantial shade in summer, especially to west-facing windows and open car park areas and admitting winter sunlight to outdoor and indoor living areas</li> <li>Minimal overlooking between buildings</li> <li>Satisfies utility maintenance requirements</li> <li>Minimises the risk of damage to aboveground and underground utilities</li> <li>Screens aboveground utilities</li> <li>Provides adequate sight lines for vehicles and pedestrians, especially near street corners and intersections</li> <li>Does not obscure or obstruct building entries, paths and driveways to reduce the actual or perceived personal safety and security.</li> </ol>	Not applicable. This application is seeking a lease variation only. There will be no changes to the existing landscaping.
There is no applicable rule.	C15 Tree planting in and around car parks provides shade and softens the visual impact of parking areas.	Not applicable. This application is seeking a lease variation only. There will be no changes to the existing landscaping.
<b>4.2 Lighting</b>		
R16 External lighting is provided to building frontages, to all pathways, roads, laneways and car parking areas in accordance with Australian Standard AS1158 3.1 Pedestrian Lighting.	This is a mandatory requirement. There is no applicable criterion.	Not applicable. This application is for a lease variation only. There are no changes to the existing lighting.
R17 All external lighting provided is in accordance with Australian Standard AS4282 Control of the Obtrusive Effects of Outdoor Lighting.	C17 Light spill is minimised.	Not applicable. This application is for a lease variation only. There are no changes to the existing lighting.
<b>4.3 Easements</b>		

<p>R18 Buildings do not encroach over easements or rights of way.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Complies with rule. This application is seeking a lease variation only. Notwithstanding this, the existing building does not encroach over easements or rights of way.</p>
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## Element 5: Access

Rules	Criteria	Response
<b>5.1 Access</b>		
<p>There is no applicable rule.</p>	<p>C19 Driveways and pedestrian entrances to the site are clearly visible from the front boundary.</p>	<p>Complies with criteria. Existing driveways and pedestrian entrances to the site are visible from the front boundary.</p>
<p>R20 Loading docks or vehicular entries to buildings are not located on frontages to the street.</p>	<p>C20 Loading docks and vehicular entries do not dominate the street frontage or conflict with parking and pedestrian movements in front of the building.</p>	<p>Not applicable. The existing development is a residential building and does not contain loading docks. Vehicular entries do not dominate the street frontage or conflict with parking and pedestrian movements.</p>
<b>5.2 Traffic Generation</b>		
<p>There is no applicable rule.</p>	<p>C21 The existing road network can accommodate the amount of traffic that is likely to be generated by the development.</p>	<p>Complies with criteria. Notwithstanding that this application is for a lease variation only, the site is situated on the corner of Fitzroy Street and Manuka Circle. Manuka Circle is an arterial road for the precinct with significant capacity. It is anticipated that the existing road network will readily accommodate the likely demand generated by the proposed lease variation.</p>
<b>5.3 Service Access and Delivery</b>		
<p>R22 Goods loading and unloading facilities comply with all of the following: a) Are located within the site b) Allow for service vehicles to enter and leave the site in a forward direction. <b>Note</b> Loading, unloading and associated manoeuvring areas are in addition to minimum parking requirements.</p>	<p>C22 Facilities for the loading and unloading of goods achieve all of the following: a) Safe and efficient manoeuvring of service vehicles b) Does not unreasonably compromise the safety of pedestrians c) Does not unreasonably compromise traffic movement or the operation of any adjoining road, cycleway or pedestrian pathway d) Does not unreasonably effect on-street or off-street car parking e) Adequate provision for the manoeuvring of vehicles.</p>	<p>Not applicable. This application is for a lease variation only. There are no changes to the existing approved site configuration and servicing arrangements.</p>

## Element 6: Noise

Rules	Criteria	Response
<b>6.1 Potentially Noisy Uses</b>		



<p>R23</p> <p>This rule applies to any of the following:</p> <ul style="list-style-type: none"> <li>a) Club</li> <li>b) Drink establishment</li> <li>c) Emergency services facility</li> <li>d) Hotel</li> <li>e) Indoor recreation facility</li> <li>f) Industry (except light industry)</li> <li>g) Indoor entertainment facility</li> <li>h) Outdoor recreation facility</li> <li>i) Restaurant.</li> </ul> <p>Development complies with a noise management plan prepared by a suitably qualified person and endorsed by the EPA.</p> <p>The noise management plan will detail the proposed design, siting and construction methods that will be employed to ensure compliance with the Noise Zone Standard as detailed in the Environment Protection Regulation 2005, based on the estimated noise levels when the facility is in use.</p> <p><b>Note</b> A condition of development may be imposed to ensure compliance with the endorsed noise management plan.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not applicable. This proposal is to add non retail commercial use limited to office. This does not trigger the requirement for a noise management plan.</p>
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## Element 7: Environment

Rules	Criteria	Response
<p><b>7.1 Water Sensitive Urban Design</b></p>		
<p>R24</p> <p>This rule applies to sites 5,000m<sup>2</sup> or larger.</p> <p>The average annual stormwater pollutant export is reduced for all of the following:</p> <ul style="list-style-type: none"> <li>a) Suspended solids by at least 60%</li> <li>b) Total phosphorous by at least 45%</li> <li>c) Total nitrogen by at least 40%.</li> </ul> <p>Compared with an urban catchment with no water quality management controls.</p> <p><b>Note</b> Compliance with this rule is demonstrated by a WSUD outcomes plan endorsed by a suitably qualified person.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not applicable. Block 8 Section 35 Forrest is less than 5,000m<sup>2</sup>.</p>
<p>R25</p> <p>This rule applies to sites 2,000m<sup>2</sup> or larger.</p> <p>Stormwater management complies with one of the following:</p> <ul style="list-style-type: none"> <li>a) The capacity of the existing pipe (minor) stormwater connection is not exceeded in 1-in-10 year storm event and the capacity of the existing major overland stormwater system is not exceeded in the 1-in-100 year storm event</li> <li>b) The 1-in-5 year and 1-in-100 year stormwater peak run off does not exceed</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not applicable. Block 8 Section 35 Forrest is less than 2,000m<sup>2</sup>.</p>

<p>pre development levels.</p> <p><b>Note</b> Compliance with this rule is demonstrated by a WSUD outcomes plan endorsed by a suitably qualified person.</p>		
<p>R26</p> <p>This rule applies to sites 2,000m<sup>2</sup> or larger.</p> <p>Provision is made for one or more of the following:</p> <p>a) The storage of stormwater equivalent to at least 1.4kl per 100m<sup>2</sup> of impervious area and its release over a period of 1 to 3 days</p> <p>b) Runoff peak flow for the 3 month ARI storm to be no more than pre development levels and release of captured flow over a period of 1 to 3 days.</p> <p><b>Note</b> Compliance with this rule is demonstrated by a WSUD outcomes plan endorsed by a suitably qualified person.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not applicable. Block 8 Section 35 Forrest is less than 2,000m<sup>2</sup>.</p>
<p>R27</p> <p>Evidence is provided that shows the development achieves a minimum 40% reduction in mains water consumption compared to an equivalent development constructed in 2003 using the ACTPLA on-line assessment tool or another tool as included in the Water Ways: WSUD General Code. The 40% target is met without any reliance on landscaping measures to reduce consumption.</p> <p>This requirement does not apply for extensions with an increase in the combined roof area, driveway, car manoeuvring areas and car parking areas of less than 25% of the original area.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not applicable. This application is for a lease variation only.</p>
<p>There is no applicable rule.</p>	<p>C28</p> <p>Underground piping of natural stormwater overland flow paths is minimised.</p>	<p>Not applicable. This application is for a lease variation only.</p>
<p><b>7.2 Earthworks</b></p>		
<p>There is no applicable rule.</p>	<p>C29</p> <p>The extent of earthworks is minimised.</p>	<p>Not applicable. This application is for a lease variation only. Earthworks are not proposed.</p>
<p><b>7.3 Tree Protection</b></p>		
<p>R30</p> <p>This rule applies to a development that has one or more of the following characteristics:</p> <p>a) Requires groundwork within the tree protection zone of a protected tree</p> <p>b) Is likely to cause damage to or removal of any protected trees</p> <p>c) Is a declared site.</p> <p>The authority shall refer the development application to the Conservator of Flora and Fauna.</p> <p><b>Note 1</b> The authority will consider any advice from the Conservator of Flora and Fauna before determining the application.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not applicable. This proposal does not involve any groundwork and does not propose to remove any trees.</p>

<b>Note 2</b> Protected tree and declared site are defined under the Tree Protection Act 2005.		
R31 Trees on development sites may be removed only with the prior agreement in writing of the Territory.	C31 Retained trees are protected and maintained during construction to the satisfaction of the Territory.	Not applicable. This proposal does not involve the removal of any trees.

**7.4 Heritage**

R32 This rule applies to land containing places or objects registered or provisionally registered under Section 41 of the <i>Heritage Act 2004</i> . The authority shall refer a development application to the Heritage Council. <b>Note</b> The authority will consider any advice from the Heritage Council before determining the application.	This is a mandatory requirement. There is no applicable criterion.	Noted/Complies with rule. As Block 8 Section 35 Forrest forms part of the heritage listed Forrest Fire Station Precinct, the Authority will refer the DA to the Heritage Council. This application is for a lease variation only. Any building works required to activate office use on the site will be subject to design and siting development application.
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**Element 8: Subdivision**

Rules	Criteria	Response
<b>8.1 Subdivision</b>		
R33 Subdivision is only permitted where all of the following are met: a) The subdivision is part of a development application for another assessable development b) It is demonstrated that any residual block can accommodate another assessable development designed in accordance with the relevant sections of this code.	This is a mandatory requirement. There is no applicable criterion.	Not applicable. Subdivision is not proposed.

**Element 9: Demolition**

Rules	Criteria	Response
<b>9.1 Statement of Endorsement</b>		
R34 The DA for demolition is accompanied by a statement of endorsement for utilities (including water, sewerage, stormwater, electricity and gas) in accordance with Section 148 of the <i>Planning and Development Act 2007</i> confirming all of the following: a) All network infrastructure on or immediately adjacent the site has been identified on the plan b) All potentially hazardous substances and conditions (associated with or resulting from the demolition process) that may constitute a risk to utility services have been identified c) All required network disconnections have been identified and the disconnection works comply with utility requirements	This is a mandatory requirement. There is no applicable criterion.	Not applicable. Demolition is not proposed.

d) All works associated with the demolition comply with and are in accordance with utility asset access and protection requirements.		
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**9.2 Hazardous Materials Survey**

<p>R35</p> <p>This rule applies to one of the following:</p> <p>a) The demolition of multi-unit housing (including garages and carports) for which a certificate of occupancy was issued prior to 1985</p> <p>b) Demolition of commercial or industrial premises for which a certificate of occupancy was issued before 2005.</p> <p>Demolition is undertaken in accordance with hazardous materials survey (including an asbestos survey) endorsed by the EPA.</p> <p>A hazardous materials survey includes, as a minimum, the identification of a disposal site for hazardous materials, including asbestos, that complies with one of the following:</p> <p>a) Is a licensed disposal facility in the ACT</p> <p>b) Another site outside the ACT.</p> <p>If hazardous materials, including asbestos, are to be transported for disposal interstate, approval from the EPA prior to removal of material from the site.</p> <p>An appropriately licensed contractor is engaged for the removal and transport of all hazardous materials (including asbestos) present at the site.</p> <p><b>Note</b> If an endorsed hazardous materials survey is required but not provided, the application will be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>	This is a mandatory requirement. There is no applicable criterion.	Not applicable. Demolition works are not proposed.
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**Element 10: Neighbourhood Plans**

Rules	Criteria	Response
<p><b>10.1 Consideration</b></p> <p>There is no applicable rule.</p>	<p>C36</p> <p>Where a Neighbourhood Plan exists, development demonstrates a response to the key strategies of the relevant Neighbourhood Plan.</p>	<p>Complies with criteria. The Forrest neighbourhood plan has identified four key strategies to enhance the future development of Forrest while protecting its existing character. The key strategies pertain to:</p> <p>Residential areas – promote high quality residential development sympathetic to the existing garden suburb neighbourhood character (in terms of scale, form and landscape setting) and diversity of housing choice;</p> <p>Urban open space – redevelopment will not encroach on areas designated as urban open space;</p> <p>Community facilities – retain the integrity of land defined as community facility and ensure that adequate community facility land is available for the needs of</p>

		<p>current and future residents;</p> <p>Movement networks – provide a diversity of accessible transport options.</p> <p>Block 8 Section 35 Forrest does not propose any residential development, it will not encroach upon any urban open space areas and it will not reduce the level of community facilities available within Forrest.</p> <p>The site’s location in close proximity to Canberra Avenue and Manuka Group Centre (within approximately 500 metres) ensures that there is access to a range of transport options.</p>
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**Part B – Additional Controls for Town Centres – Not applicable.** The subject is not situated within a Town Centre.

**Part C – Additional Controls for Group Centres – Not applicable.** The subject is not situated within a Group Centre.

**Part D – Additional Controls for Local Centres – Not applicable.** The subject is not situated within a Local Centre.

**Part E – Additional Controls CZ6 – Not applicable.** The subject is not situated within a CZ6 zone.

**Part F – Residential Uses – Not applicable.** This DA does not propose residential development.

**Part G – Endorsement by Government Agencies (Entities)**

**Element 20: Loading and Unloading Facilities**

Rules	Criteria	Response
<b>20.1 Goods</b>		
R62 Goods loading and unloading facilities are endorsed by TAMS.	This is a mandatory requirement. There is no applicable criterion.	Not applicable.

**Element 21: Waste Management**

Rules	Criteria	Response
<b>21.1 Management of Construction Waste</b>		
R63 This rule applies to development that is likely to generate more than 20m <sup>3</sup> of waste comprising one or more of the following: a) Demolition waste b) Construction waste c) Excavation material. The management of construction waste is to be endorsed by TAMS. <b>Note 1</b> TAMS will endorse waste facilities and management associated with the development if they comply with the current version of the Development Control Code for Best Practice Waste Management in the ACT <b>Note 2</b> TAMS may endorse departures.	This is a mandatory requirement. There is no applicable criterion.	Not applicable. This application is for a lease variation only. There will be no demolition, construction or excavation waste.
<b>21.2 Post Occupancy Waste Management</b>		

<p>R64</p> <p>Post occupancy waste management facilities are to be endorsed by TAMS.</p> <p><b>Note 1:</b> TAMS will endorse post occupancy waste management facilities where they are in accordance with the current version of the Development Control Code for Best Practice Waste Management in the ACT. TAMS may endorse departures.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not applicable. This application is for a lease variation only. No changes to the existing waste management are proposed.</p>
<p>R65</p> <p>A statement of compliance from the relevant agency is provided, which confirms that the discharge (or potential discharge by accident or spillage) of non-domestic liquid waste to the sewerage or stormwater networks complies with utility standards and requirements.</p>	<p>C65</p> <p>If a statement of compliance is not provided the application will be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>	<p>Complies with criteria. This application will be referred to the relevant agency.</p>

## Element 22: Utilities

Rules	Criteria	Response
<b>22.1 Utilities</b>		
<p>R66</p> <p>This rule applies to any proposed encroachment into a registered easement.</p> <p>The proposed encroachment is approved in writing by the relevant service provider.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not applicable. Encroachments are not proposed.</p>
<p>R67</p> <p>A statement of compliance from each relevant utility provider (for water, sewerage, electricity, stormwater and gas) is provided, which confirms that the location and nature of earthworks, utility connections, proposed buildings, pavements and landscape features comply with utility standards, access provisions and asset clearance zones.</p> <p><b>Note 1</b> If there is no stormwater easement for Territory owned stormwater pipes located within the property boundary, a 'Statement of Compliance' for stormwater from TAMSD (Asset Acceptance) is not required to be obtained.</p> <p><b>Note 2</b> Where there is conflict between planning and utility requirements, the utility requirements take precedence over other codified or merit provisions. If a statement of compliance is not provided the application will be referred to the relevant agency in accordance with the requirements of the <i>Planning and Development Act 2007</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not applicable. There are no proposed building works, earthworks, utility connections or landscaping works.</p>
<p>R68</p> <p>All new permanent or long term electricity supply lines are underground.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not applicable. No new permanent or long term electricity supply lines are proposed.</p>
<p>R69</p> <p>Subject to ACTEWAGL approval, all under cover areas drain to the sewer.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not applicable. There are no proposed building works.</p>

## Element 23: Environmental Management

Rules	Criteria	Response
<b>23.1 Erosion and Sediment Control</b>		
<p>R70</p>		

<p>This rule applies to sites greater than 3,000m<sup>2</sup>. Development complies with a sediment and erosion control concept plan endorsed by the EPA.</p> <p><b>Supporting document</b> A sediment and erosion control concept plan is prepared in accordance with the ACT EPA Environmental Protection Guidelines for Construction and Land Development in the ACT 2011.</p> <p><b>Note</b> A condition of development approval may be imposed to ensure compliance with this rule.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not applicable. Block 8 Section 35 Forrest has a site area less than 3,000m<sup>2</sup>.</p>
<p>• <b>23.2 Contamination</b></p>		
<p>R71</p> <p>This rule applies where an assessment by the proponent in accordance with the ACT Government Strategic Plan – Contaminated Sites Management 1995 and the ACT Environment Protection Policy identifies contamination within or adjacent to the development area, but does not apply if the EPA has provided written advice that there are no contaminated sites within or adjacent to the development area.</p> <p>Development complies with an environmental site assessment report endorsed by EPA.</p> <p><b>Supporting document</b> Environmental site assessment report endorsed by EPA.</p> <p><b>Note</b> A condition of development approval may be imposed to ensure compliance with the endorsed site assessment report.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not applicable. The EPA has provided advice that there are no concerns associated with this site.</p>

### 3.3 Lease Variation General Code

#### Part A – Lease Variations in the Merit or Impact Track

##### Element 1: Variations – General

Rules	Criteria	Response
<b>1.1 Varying Leases - General</b>		
There is no applicable rule.	C1 A lease is varied only where all of the following are achieved: i) The varied lease is consistent with the Territory Plan including all relevant codes ii) The land to which the lease applies is suitable for the development or use authorised by the varied lease.	Complies with criteria. i) The proposed addition of non retail commercial use limited to office is consistent with the Territory Plan (including all relevant codes as evidenced by the statements against criteria submitted as part of this application). The proposal does not alter the existing built form. ii) The Territory Plan currently allows non retail commercial use as a permissible use within this locality. Several immediately surrounding sites, including heritage listed homes, have been converted for office usage or office suites and/or home businesses. The redevelopment of the surrounding buildings for office purposes, indicate prima facie the suitability of the site for this purpose.

##### Element 2: Variations to Increase Rights

Rules	Criteria	Response
<b>2.1 Increasing Rights</b>		
There is no applicable rule.	C2 A right under a lease is increased only when all of the following are achieved if the additional rights are granted and activated: i) Sufficient car parking provided on site or is available off site in accordance with the Parking and Vehicular Access General Code ii) Any increase in traffic flow is within the capacity of the surrounding road network iii) Adequate post occupancy waste management and disposal can be provided to the relevant Territory standard iv) No unreasonable increase in the level of noise for the occupants of dwellings on the block or on adjoining land. <b>Note:</b> Examples of rights are the maximum GFA, the maximum floor area allocated to a particular use, building heights.	Not applicable. This proposal does not increase rights as noted in the criteria.



### Element 3: Variations to Add Uses - General

Rules	Criteria	Response
<b>3.1 Adding Uses Generally</b>		
<p>There is no applicable rule.</p>	<p>C3</p> <p>An additional use is authorised by a lease only when all of the following are achieved if the additional use is granted and activated:</p> <ul style="list-style-type: none"> <li>i) Sufficient car parking is provided on site or is available off site in accordance with the Parking and Vehicular Access General Code</li> <li>ii) Any increase in traffic flow is within the capacity of the surrounding road network</li> <li>iii) Adequate post occupancy waste management and disposal can be provided to the relevant Territory standard</li> <li>iv) No unreasonable increase in level of noise for the occupants of dwellings on the block or on adjoining land</li> <li>v) No unreasonable risk to occupants of the block through any contamination of the block or on adjoining land</li> <li>vi) No unreasonable level of odour for the occupants of dwellings on the block or on adjoining land</li> <li>vii) No unreasonable level of light emission for the occupants of dwellings on the block or on adjoining land.</li> </ul>	<p>Complies with criteria. The proposed use of non retail commercial use limited to office is to enable the Crown Lessee to run their business from the premises. There will be no change to the existing building or existing total gross floor area.</p> <ul style="list-style-type: none"> <li>i) Car parking has been addressed below. This concludes that sufficient parking is available to meet reasonable anticipated needs associated with the lease variation.</li> <li>ii) Additional traffic flows are expected to be de minimus and well within the capacity of the surrounding network, particularly given the proximity of the site to Canberra Avenue.</li> <li>iii) Post occupancy waste measures will occur in conjunction with the existing residential use. Post waste occupancy measures for the office use will be privately contracted. Waste, which is expected to be limited, will be contained within the building prior to pick up.</li> <li>iv) None of the proposed activities are noise producing activities. All will be contained within the building.</li> <li>v) The EPA has endorsed the proposal.</li> <li>vi) None of the proposed activities are odour producing activities. All will be contained within the building.</li> <li>vii) No new external lighting is proposed.</li> </ul>

### Element 4: Variations to Add Particular Uses

Rules	Criteria	Response
<b>4.1 Community and Recreation Facilities</b>		
<p>There is no applicable rule.</p>	<p>C4</p> <p>Community facilities or recreational facilities that are authorised by a lease comply with the Community and Recreational Facilities Locational Guidelines General Code.</p>	<p>Not applicable. This variation does not involve community and recreation facilities.</p>

**4.3 Secondary Residence**

<p>R6 A variation to a lease to authorise a secondary residence is approved only where the block affected by the lease is 500m<sup>2</sup> or larger.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>	<p>Not applicable. This application does not involve a variation to authorise a secondary residence.</p>
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**Part B – Lease Variations in the Code Track – Not applicable** – the proposal will be lodged in the Merit Track

### 3.4 Parking and Vehicular Access General Code

The Parking and Vehicular Access General Code sets out the parking provision rates and locational requirements for development within the ACT. These, and the applicable floor areas, are addressed in the table below:-

Use	Requirement	Max Floor space	Requirement
Residential	2 per dwelling	NA	Two, noting that as a 1930's dwelling the site does not provide any formal car parking. Cars currently park in one of two at grade parking areas.
Office	2.5/100m <sup>2</sup>	143m <sup>2</sup>	Three <sup>1</sup>

Consequently the maximum number of spaces generated will be five on the assumption that the office generation is independent from the residential use. However, as two of the employees currently reside on the site, two of the required office car parking spaces can be absorbed by the residential parking spaces, resulting in a requirement for one additional space. Five spaces are currently available on site.

Recognising that the Authority will wish to assess the worst possible case, the Parking and Vehicular Access General Code enable offsite parking subject to the following requirements:-

Long Stay	Short Stay	Operational	Visitor
On site or within 400m except for residential use where parking is to be on site	On site or within 200m	On-site or within 100m	On site or within 200m

As noted above there are currently five spaces available on site. Circa 30 car parking spaces are available on the western Fitzroy Street verge, with a further 16 on road spaces available on the western side of Fitzroy Street, north of the site. Kerb side parking is available throughout Forrest and Barton, while commercial car parking facilities are available in the Hotel Realm complex to the north, and within Manuka Group Centre to the south. Sufficient car parking is available within the local vicinity to meet the requirement to accommodate two additional spaces.

### 3.5 Bicycle Parking General Code

The site is sufficiently large to accommodate bicycle parking generated by any future office use, should demand eventuate. The proponent will deliver bicycle parking as required.

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<sup>1</sup> Parking figure has been rounded

### **3.6 Access and Mobility General Code**

This application is for a lease variation only and does not contemplate any building works. Should future uses of the site trigger the need for works that require DA approval; the requirements applicable to the new works will be assessed at that time.

### **3.7 Crime Prevention Through Environmental Design**

This application is for a lease variation only and does not contemplate any building works. Should future uses of the site trigger the need for works that require DA approval; the requirements applicable to the new works will be assessed at that time.



**ACT**  
Government

Environment and Planning

## NOTICE OF DEVELOPMENT APPLICATION

**Development Application 201425608:**

LEASE VARIATION - Please see application form for description of the lease variation.

**Location: Block: 8 Section: 35 Suburb: FORREST**  
2 FITZROY STREET

If you feel an application may impact on you in any way you may wish to submit a written representation clearly stating the reasons for your submission.

The application is available for public inspection between 8.30am and 4.30pm weekdays at the **Customer Services Centre, Dame Pattie Menzies House, Ground Floor (right hand building), 16 Challis Street, DICKSON ACT.**

An electronic version of the application can also be viewed on the Environment and Sustainable Development website - [www.actpla.act.gov.au](http://www.actpla.act.gov.au) (under 'Comment on a DA')

Written representations **must** be received by the Authority by close of business **8 August 2014.**

Representations can be submitted in the following ways:

**Email:**

esddcustomerservices@act.gov.au

**Post:**

Customer Services  
Centre  
PO Box 365  
Mitchell ACT 2911

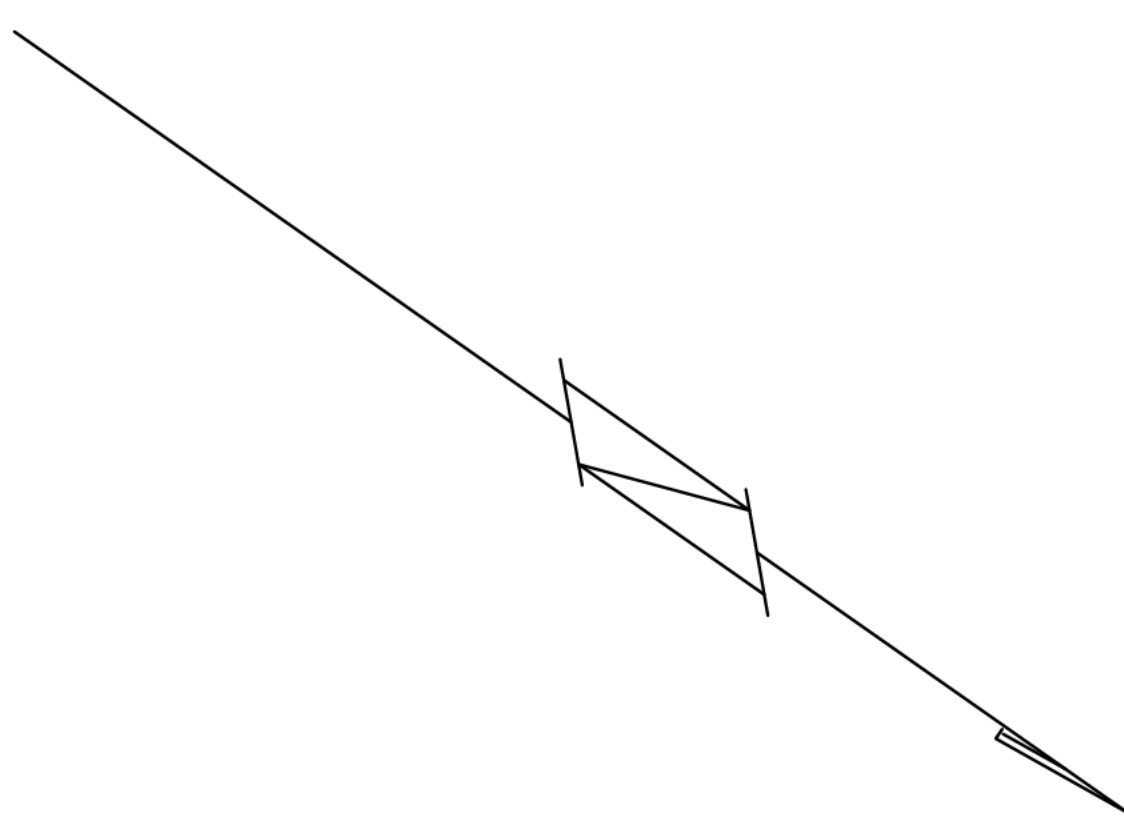
**By Hand:**

Dame Pattie Menzies  
House  
16 Challis Street,  
DICKSON ACT

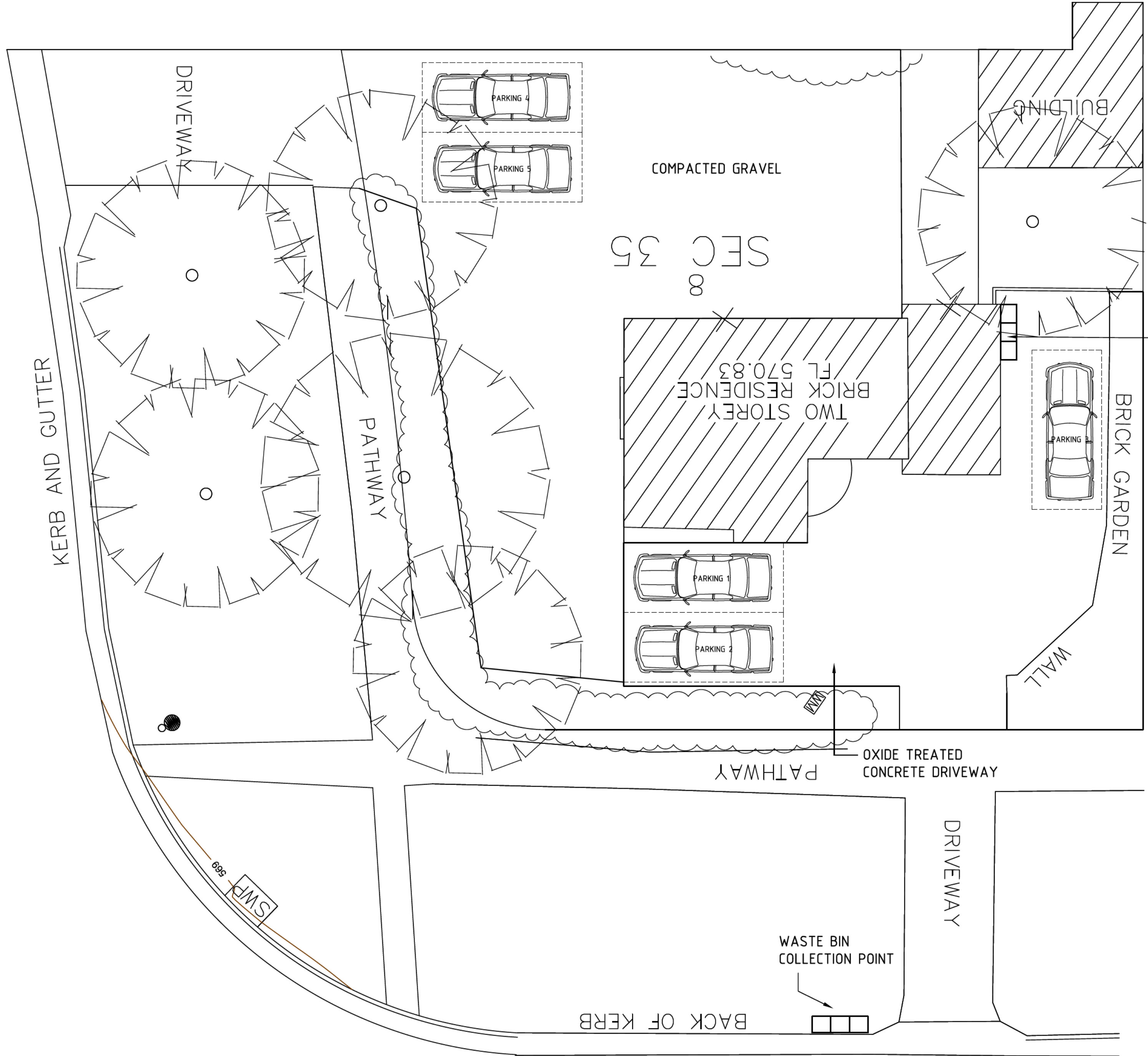
It is standard practice for the Authority to acknowledge, in writing, any representations received as a result of public notification within 3-4 business days of the submission being received. If you don't receive this acknowledgement please contact the Authority. If you make your representation within the prescribed notification period the issues raised in your submission will be taken into consideration during the assessment of the development application and you will be notified in writing once the decision has been made.

A copy of your representation will be forwarded to the development application applicant and placed on the public register unless exclusion has been granted. The Planning and Land Authority may approve or refuse to approve an exclusion application (see website for further information).

***For more information, please phone the Dickson Customer Service Centre on 6207 1923***



MANUKA CIRCLE



WASTE BIN STORAGE.  
TAKEN TO KERB FOR  
COLLECTION

FITZROY STREET

BACK OF KERB

WASTE BIN  
COLLECTION POINT

DRIVEWAY

PATHWAY

OXIDE TREATED  
CONCRETE DRIVEWAY

WALL

BRICK GARDEN

PARKING 3

TWO STOREY  
BRICK RESIDENCE  
FL 570.83

PARKING 1

PARKING 2

SEC 8  
35

COMPACTED GRAVEL

PARKING 4

PARKING 5

PATHWAY

KORB AND GUTTER

DRIVEWAY

BUILDING