ACT Government
Chief Minister, Treasury and Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2021-016

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	33
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [redacted]
To: CMTEDD FOI
Subject: [redacted] - Freedom of Information request
Date: Monday, 1 February 2021 11:52:30 AM
Attachments: image003.png
Signed FOI Request 20210201.pdf

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam

I act for [redacted] trading as [redacted].

Please find **attached** a freedom of information request made by [redacted], under the Freedom of Information Act *2016 (ACT)* for access to the documents detailed in the application, dated 1 February 2021.

Should you require any additional information, please contact the writer directly.

Kind regards,

[redacted]

Freedom of Information – Access Application Form

Applicant details

I wish to make an access application to Chief Minister, Treasury and Economic Development Directorate under the *Freedom of Information Act 2016*.

Name	
Address (where notices relating to this request can be sent – either postal or electronic)	
Telephone (Business hours)	
Telephone (Mobile)	
Email	

What documents are you requesting under the Act?

The Applicant seeks the provision of all documents in the control, possession, or custody of the Chief Minister, Treasury and Economic Development Directorate relating to any application made under the:
Public Unleased Land Act 2013 (ACT) for a public unleased land permit or outdoor dining permit; or
Roads and Public Places Act 1937 (ACT) for a permit or outdoor dining permit,
including any decision made by, or on behalf of, the Chief Minister, Treasury and Economic Development Directorate (or its predecessor) in respect of any application for a public unleased land permit or permit or outdoor dining permit made by, or on behalf of, or issued to the following entities, or in relation to the following businesses:

1. Shoots Scores Pty Ltd (ABN 49 621 205 990) t/as Bleachers Sports Bar, 33 Northbourne Avenue, Canberra ACT 2601;
2. Amici Della Vite Pty Ltd (ABN 90 630 623 602) t/as Amici Bar (or Amici Wine Bar & Deli), 59 Northbourne Avenue, Canberra ACT 2601;
3. Kokomo Joe's Pty Ltd (ABN 93 614 365 365) t/as Kokomo's, 1 Genge Street, Canberra ACT 2601;
4. King O'Malleys Pty Ltd (ABN 99 062 270 553) t/as King O'Malleys, 131 City Walk, Canberra ACT 2601;
5. Lamont Enterprises Pty Ltd (ACN 607 895 858) t/as P.J. O'Reilly's, 52 Alinga Street, Canberra ACT 2601;
6. Civicflow Pty Ltd (ABN 63 097 985 414) t/as Civic Pub, 8 Lonsdale Street, Braddon ACT 2612; and
7. Akiba Canberra Pty Ltd (ABN 91 166 950 527) t/as Akiba, 40 Bunda Street, Canberra ACT 2601.

I would like	a copy of these documents sent to the above address

ACT Government
Chief Minister, Treasury and Economic Development

Our ref: CMTEDDFOI2021-016

[redacted]

Via email: [redacted]

Dear [redacted]

FREEDOM OF INFORMATION REQUEST

I refer to your request submitted under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 1 February 2021, in which you sought access to the following:

Documents relating to any application made under the Public Unleased Land Act 2013 (ACT) for a public unleased land permit or outdoor dining permit; or Roads and Public Places Act 1937 (ACT) for a permit or outdoor dining permit in relation to the following businesses:

- Shoots Scores Pty Ltd (ABN 49 621 205 990) t/as Bleachers Sports Bar, 33 Northbourne Avenue, Canberra ACT 2601;
- Amici Della Vite Pty Ltd (ABN 90 630 623 602) t/as Amici Bar (or Amici Wine Bar & Deli), 59 Northbourne Avenue, Canberra ACT 2601;
- Kokomo Joe's Pty Ltd (ABN 93 614 365 365) t/as Kokomo's, 1 Genge Street, Canberra ACT 2601;
- King O' Malleys Pty Ltd (ABN 99 062 270 553) t/as King O'Malleys, 131 City Walk, Canberra ACT 2601;
- Lamont Enterprises Pty Ltd (ACN 607 895 858) t/as P.J. O'Reilly's, 52 Alinga Street, Canberra ACT 2601;
- Civicflow Pty Ltd (ABN 63 097 985 414) t/as Civic Pub, 8 Lonsdale Street, Braddon ACT 2612; and
- Akiba Canberra Pty Ltd (ABN 91166 950 527) t/as Akiba, 40 Bunda Street, Canberra ACT 2601.

Authority

As an appointed Information Officer under section 18 of the Act, I am authorised to make a decision on access or amendment to government information in the possession or control of CMTEDD.

Timeframes

In accordance with section 40 of the Act, CMTEDD was required to provide a decision on your access application by 1 March 2021 however, following on from third party consultations, the due date is now 23 March 2021.

Decision on access

Searches were completed for relevant documents and 290 documents were identified that fall within the scope of your request. A number of these documents were email chains and to facilitate ease of processing any duplicates have been removed.
Please note that following third party consultation (of which you were previously advised on 17 February 2021), two establishments have contended that the release of their documents could reasonably prejudice their business affairs.

In relation to Shoots Scores Pty Ltd, no documents were found that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of the documents that fall within the scope of your request and the access decision for those documents.

I have decided to grant partial access to four the requested establishments' documents. I have decided to refuse access to two of the requested establishments documents as I consider them to be information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

Statement of Reasons

In reaching my access decisions, I have taken the following into account:

- the Act;
- the content of the documents that fall within the scope of your request;
- the *Human Rights Act 2004*.

Exemption claimed

My reasons for deciding not to grant access to the identified establishments' documents and components of the other establishments' documents are as follows:

<u>Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act</u>

<u>Public Interest</u>

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when 'used in a statute, the term [public interest] derives its content from "the subject matter and the scope and purpose" of the enactment in which it appears'. Section 17(1) of the Act sets out the test,

to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within the documents is within the 'public interest'.

Factors favouring disclosure in the public interest:

(a) disclosure of the information could reasonably be expected to do any of the following:

(xiii) contribute to the administration of justice generally, including procedural fairness

I consider that disclosing the contents of the information sought would contribute to the administration of justice generally. I also note the FOI Act has an express pro-disclosure bias which reflects the importance of public access to government information for the proper working of a representative democracy. This concept is promoted through the objects of the FOI Act. I have considered this overarching concept in making my decision in relation to access.

Factors favouring nondisclosure in the public interest:

(a) disclosure of the information could reasonably be expected to do any of the following:

(ii) prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004;

(xi) prejudice trade secrets, business affairs or research of an agency or person.

I consider that the protection of an individual's right to privacy, especially in the course of dealings with the ACT Government is a significant factor as the parties involved have provided their personal contact information for the purposes of working with the ACT Government. I have considered this information and in my opinion the protection of these individuals' personal details (such as emails addresses and personal phone numbers which are not publicly available) outweighs the benefit which may be derived from releasing them. I consider that these individuals are entitled to expect that the personal information they have supplied as part of this process to the ACT Government will be dealt with in a manner that protects their privacy.

Considering the type of information to be withheld from release, I am satisfied that the factors in favour of release can still be met while protecting the personal information of the individuals involved. I therefore weight the factor for non-disclosure more highly than the factor in favour of release in this instance. As a result, I have decided that release of this information (email addresses, mobile numbers and names of individuals not employed by the ACT Public Service) could prejudice their right to privacy under the *Human Rights Act 2004.*

I have also considered the impact of disclosing information which relates to business affairs. In the case of *Re Mangan and The Treasury [2005] AATA 898* the term 'business

affairs' was interpreted as meaning 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs'. Schedule 2 section 2.2(a)(xi) allows for government information to be withheld from release if disclosure of the information could reasonably be expected to prejudice the trade secrets, business affairs or research of an agency or person. There are a number of instances where the information you have requested reveals information about the financial dealings that are intrinsic to the business affairs of the companies involved. I am satisfied that release of this information would have significant impact on the business affairs of the entities identified as this information is not publicly available.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are applicable for this request because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, the charges have been waived in accordance with section 107(2)(b) of the Act.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published on the CMTEDD disclosure log 3 days after the date of my decision. Your personal contact details will not be published.

You may view CMTEDD disclosure log at https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2020.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form *Applying for an Ombudsman Review* to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
http://www.acat.act.gov.au/

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Philip Dachs
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

17 March 2021

ACT Government
Chief Minister, Treasury and Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
Documents relating to any application made under the Public Unleased Land Act 2013 (ACT) for a public unleased land permit or outdoor dining permit; or Roads and Public Places Act 1937 (ACT) for a permit or outdoor dining permit in relation to the following businesses: • Shoots Scores Pty Ltd (ABN 49 621 205 990) t/as Bleachers Sports Bar, 33 Northbourne Avenue, Canberra ACT 2601; • Amici Della Vite Pty Ltd (ABN 90 630 623 602) t/as Amici Bar (or Amici Wine Bar & Deli), 59 Northbourne Avenue, Canberra ACT 2601; • Kokomo Joe's Pty Ltd (ABN 93 614 365 365) t/as Kokomo's, 1 Genge Street, Canberra ACT 2601; • King O' Malleys Pty Ltd (ABN 99 062 270 553) t/as King O'Malleys, 131 City Walk, Canberra ACT 2601; • Lamont Enterprises Pty Ltd (ACN 607 895 858) t/as P.J. O'Reilly's, 52 Alinga Street, Canberra ACT 2601; • Civicflow Pty Ltd (ABN 63 097 985 414) t/as Civic Pub, 8 Lonsdale Street, Braddon ACT 2612; and • Akiba Canberra Pty Ltd (ABN 91166 950 527) t/as Akiba, 40 Bunda Street, Canberra ACT 2601.	2021-016

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-200	Documents for Akiba Canberra Pty Ltd (ABN 91166 950 527) t/as Akiba, 40 Bunda Street, Canberra ACT 2601		Partial release	Sch 2 s2.2(a)(ii) Sch 2 s2.2(a)(xi)	Yes
2	201-215	Documents for Civicflow Pty Ltd (ABN 63 097 985 414) t/as Civic Pub, 8 Lonsdale Street, Braddon ACT 2612		Partial release	Sch 2 s2.2(a)(ii) Sch 2 s2.2(a)(xi)	Yes
3	216-293	Documents for Kokomo Joe's Pty Ltd (ABN 93 614 365 365) t/as Kokomo's, 1 Genge Street, Canberra ACT 2601		Partial release	Sch 2 s2.2(a)(ii) Sch 2 s2.2(a)(xi)	Yes
4	294-324	Documents for Lamont Enterprises Pty Ltd (ACN 607 895 858) t/as P.J. O'Reilly's, 52 Alinga Street, Canberra ACT 2601		Partial release	Sch 2 s2.2(a)(ii) Sch 2 s2.2(a)(xi)	Yes
5	N/A	Documents for King O' Malleys Pty Ltd (ABN 99 062 270 553) t/as King O'Malleys, 131 City Walk, Canberra ACT 2601		Exempt	Sch 2 s2.2(a)(xi)	No
6	N/A	Documents for Amici Della Vite Pty Ltd (ABN 90 630 623 602) t/as Amici Bar (or Amici Wine Bar & Deli), 59 Northbourne Avenue, Canberra ACT 2601		Exempt	Sch 2 s2.2(a)(xi)	No
7	N/A	Documents for Shoots Scores Pty Ltd (ABN 49 621 205 990) t/as Bleachers Sports Bar, 33 Northbourne Avenue, Canberra ACT 2601		No Documents	N/A	No
Total No of Docs						
7						

From: [redacted]
To: Nasca, Giancarlo
Subject: AKIBA cafe permit
Date: Monday, 20 October 2014 2:54:13 PM
Attachments: image001.png
image002.png
Outdoor seating 20.10.14.pdf

Hi Giancarlo,

I have attached the drawings of the outdoor area as requested.

There are 5 large picnic tables (6 seaters) and 7 smaller tables (4 seaters). Dimensions on attached drawing.
There are also 5 No. 600 x 600 tables (2 seaters)

Do you need me to complete this on the application or will the drawing be sufficient?

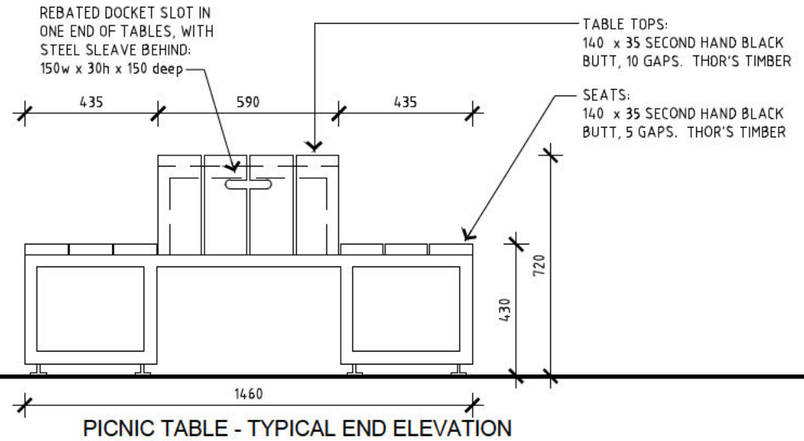
As I mentioned when we met last week, I appreciate the help. Please let me know if there is anything I need to do to expedite the process and ensure I have provided all I need to.

Cheers,

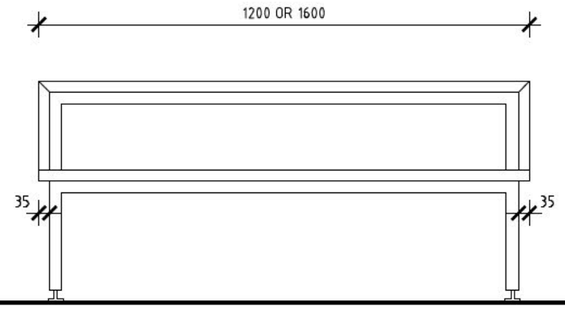
[redacted]

www.akiba.com.au
www.facebook.com/akibacbr
www.twitter.com/akibacbr

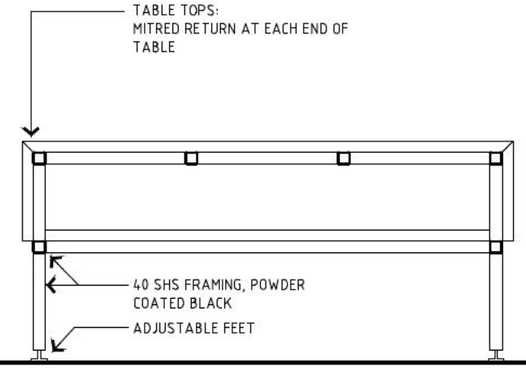




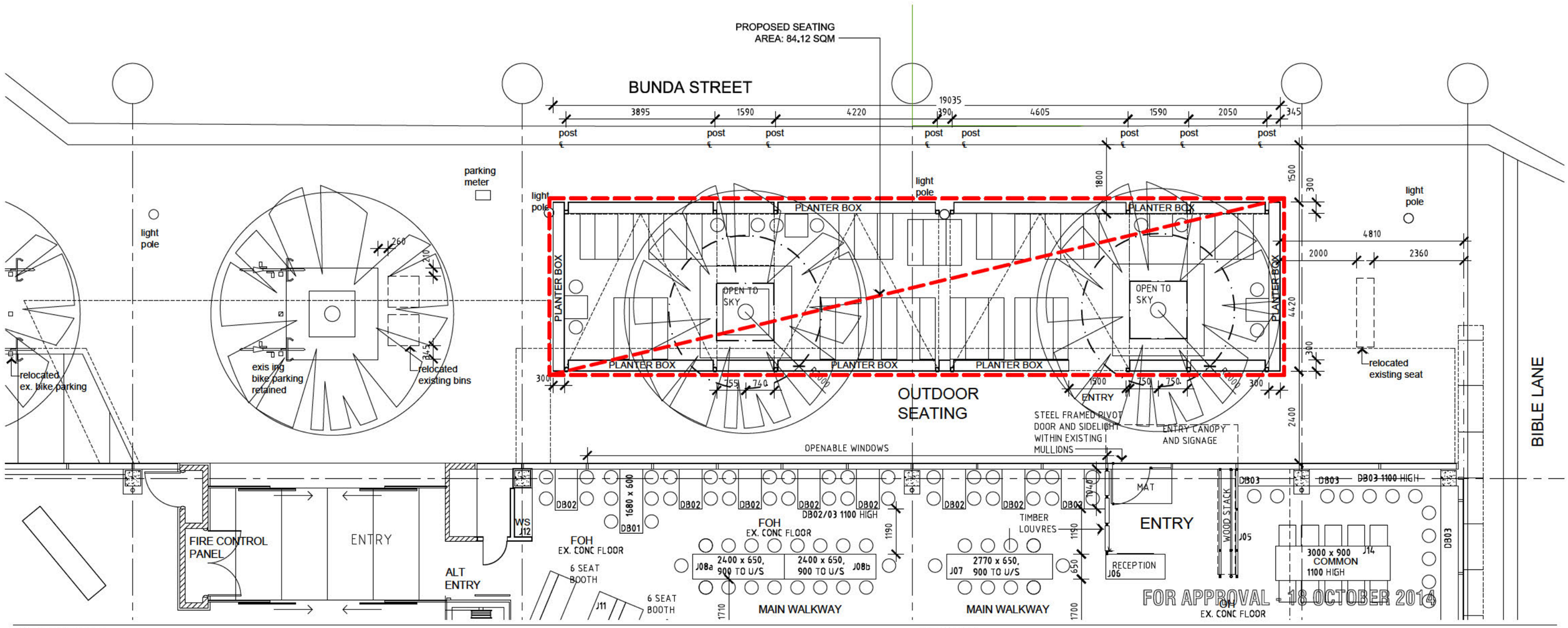
PICNIC TABLE - TYPICAL END ELEVATION
SCALE 1:20



PICNIC TABLE - TYPICAL SIDE ELEVATION
SCALE 1:20



PICNIC TABLE - TYPICAL SECTION
SCALE 1:20



GENERAL NOTE:

ALL DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO CONSTRUCTION AND DISCREPANCIES TO BE CLARIFIED WITH DESIGNER. DO NOT SCALE DRAWINGS, REFER TO FIGURED DIMENSIONS ONLY. READ IN CONJUNCTION WITH SPECIFICATIONS, STRUCTURAL/CIVIL ENGINEERS AND L'SCAPE DRAWINGS. DIMENSIONS ARE IN MM AND MEASURED STRUCTURE TO STRUCTURE. RL'S ARE IN METRES.

MATERIALS KEY:

MS	CUSTOM FOLDED MILD STEEL SHINGLES, CLEAR FINISH
RE	RENDER - DISTRESSED CONCRETE APPEARANCE
CP	COPPER SPLASH BACK - FOOD GRADE
T3	KITCHEN TILES: BLACK GLOSS,
B1	BOARD CLADDING

REFER TO KITCHEN EQUIPMENT SCHEDULE AND KITCHEN CONTRACTOR'S DOCUMENTATION FOR A COMPLETE KITCHEN & BAR EQUIPMENT SCHEDULE & LEGEND.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE TO FOOD SAFETY STANDARDS AND CURRENT EDITION OF AS4674-2004

REVISIONS:

A 18.06.14 Seating area outlined

OUTDOOR SEATING - PROPOSED

A091/A

NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	1:100 @ A3 SIZE	AD	1306

ADAM DETTRICK ARCHITECTS
305/20-22 McKillop St, Melbourne 3000 p 03 9606 0774 f 03 9606 0773
www.adamdettrickarchitects.com.au

From:	Nasca, Giancarlo
To:	[redacted]
Cc:	[redacted] Persic, Drazen
Subject:	Outdoor Dining Permit - Public Notification
Date:	Wednesday, 22 October 2014 5:29:00 PM
Attachments:	image001.jpg Public Consultation Request.pdf Public notice sign for Canberra times and display at the premise.pdf
Importance:	High

Good afternoon

Your application has been forwarded on to stakeholders for comment. Your permit reference is: 21000284

Please find attached a request, and copy of the public notification for the Outdoor Cafe Permit application for **Akiba Restaurant and Bar**.

Print the document ("***Public notice sign for Canberra times and display at the premise***") and affix prominently to the front of the premises tomorrow.
Take a photograph of the signage displayed and email it to me. We will attend the premise to ensure the sign is displayed correctly at the earliest convenience.

The ad then needs to be published in the public notices page of the Canberra Times as soon as possible.
The contact email is classifieds@canberratimes.com.au for your reference. You may also want to call them afterwards to confirm that they have received your submission, ph: 13 63 55.

Please advise me when it is to be published and provide a copy of the printed ad for the application file.

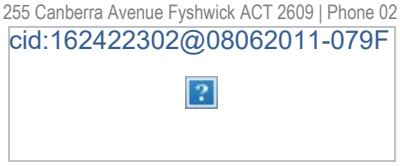
If you have any questions, please contact me on 02 6205 4584 to discuss.

Regards

Giancarlo Nasca | Investigator | Compliance

Office of Regulatory Services | Justice and Community Safety Directorate

255 Canberra Avenue Fyshwick ACT 2609 | Phone 02 6205 4584



ACT Government
Justice and Community Safety

Reference: **21000284**

AKIBA CANBERRA PTY LTD
Akiba Restaurant and Bar
40 Bunda Street
CANBERRA ACT 2601

PUBLIC CONSULTATION NOTICE

Dear Sir/Madam

RE: Request for public consultation period

I refer to an application dated 20 October 2014 seeking a Public Unleased Land Permit for AKIBA CANBERRA PTY LTD of 40 Bunda Street CANBERRA ACT 2601 trading as Akiba Restaurant and Bar.

In assessing your application, we have determined the activity you intend to undertake is likely to have significant impact on other people nearby.

As such, you are requested under section 53 of the *Public Unleased Land Act 2013* to:

a. Display a sign about the application on the public unleased land; and
b. Publish a notice about the application in a daily newspaper.

The sign and notice must state the following:

i. The times for the public unleased land permit;
ii. The activity for the public unleased land permit;
iii. That anyone may give a written submission to the director-general about how the use of the public unleased land, in accordance with the proposed permit, may have significant impact on someone nearby; and
iv. That submissions may be given to the director-general only during the 15 working days after the date of the sign or notice (the 'public consultation period').

The sign and notice must also comply with the requirements prescribed by regulation.

A person who makes a submission about your application may, in writing, withdraw their submission at any time before the application is decided.

Please be advised, if you do not comply with this notice the director-general (or their delegate) need not decide whether your activity is suitable for a Public Unleased Land Permit.

Office of Regulatory Services
Registrations and Fair Trading
255 Canberra Avenue Fyshwick ACT 2609
GPO Box 158 Canberra ACT 2601 / Phone 6207 3000

If you have any further questions, please contact the Office of Regulatory Services, Compliance by phone on (02) 6207 3000, by email at liquor@act.gov.au or by post to GPO Box 158, Canberra ACT 2601.

Yours sincerely



Jon Quiggin
Delegate of the Director-General
Office of Regulatory Services

22 October 2014

PUBLIC CONSULTATION NOTICE FOR OUTDOOR DINING

This Notice satisfies the public consultation notice requirement of the *Public Unleased Land Act 2013*

AKIBA CANBERRA PTY LTD is required to conduct public consultation for an application lodged with the Director-General of the Directorate of Justice and Community Safety on **20 October 2014**. The application is for the issue of a permit for an outdoor cafe on public unleased land which will operate from **40 Bunda Street CANBERRA ACT 2601** trading under the name of **Akiba Restaurant and Bar**.

It is proposed that the permit will operate on **Monday to Sunday** between the hours of **7am and 2am**. The permit allows for the permit holder to operate an outdoor eating and drinking area.

You may make written submissions to the director-general about how the use of the public unleased land in accordance with the proposed permit may have a significant impact on someone lawfully at adjacent or nearby places.

15 day public consultation period from **23/10/2014** UNTIL **12/11/2014**

Written submissions may be made to:

The Delegate of the Director-General
Justice and Community Safety
Office of Regulatory Services
GPO Box 158
CANBERRA ACT 2601

liquor@act.gov.au

From: [redacted]
To: Nasca, Giancarlo
Subject: RE: Outdoor Dining Permit - Public Notification
Date: Thursday, 23 October 2014 11:09:45 AM
Attachments: image002.png
image003.png
image004.jpg
IMG_5880.JPG
IMG_5881.JPG

Hi Giancarlo,

Thanks for your time on the phone today.

I've attached a photo of the public notice signage placed in the window. With reference to the DA for the outdoor structure, the number is 201426293.

Please let me know if there is anything further required of me for this application and I look forward to hearing from you soon.

Cheers,

[redacted]

www.akiba.com.au
www.facebook.com/akibacbr
www.twitter.com/akibacbr

From: Nasca, Giancarlo [mailto:Giancarlo.Nasca@act.gov.au]
Sent: Wednesday, 22 October 2014 5:29 PM
To: Schedule 2.2(a)(ii)
Cc: Schedule 2.2(a)(ii); Persic, Drazen
Subject: Outdoor Dining Permit - Public Notification
Importance: High

Good afternoon

Your application has been forwarded on to stakeholders for comment. Your permit reference is: 21000284

Please find attached a request, and copy of the public notification for the Outdoor Cafe Permit application for **Akiba Restaurant and Bar**.

Print the document ("***Public notice sign for Canberra times and display at the premise***") and affix prominently to the front of the premises tomorrow.
Take a photograph of the signage displayed and email it to me. We will attend the premise to ensure the sign is displayed correctly at the earliest convenience.

The ad then needs to be published in the public notices page of the Canberra Times as soon as possible.
The contact email is classifieds@canberratimes.com.au for your reference. You may also want to call them afterwards to confirm that they have received your submission, ph: 13 63 55.

Please advise me when it is to be published and provide a copy of the printed ad for the application file.

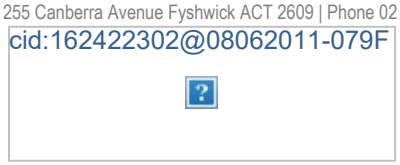
If you have any questions, please contact me on 02 6205 4584 to discuss.

Regards

Giancarlo Nasca | Investigator | Compliance

Office of Regulatory Services | Justice and Community Safety Directorate

255 Canberra Avenue Fyshwick ACT 2609 | Phone 02 6205 4584



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.



PUBLIC CONSULTATION NOTICE FOR OUTDOOR DINING

This Notice satisfies the public consultation notice requirement of the Public Unleased Land Act 2013

AKIBA CANBERRA PTY LTD is required to conduct public consultation for an application lodged with the Director-General of the Director General Justice and Community Safety on **20 October** 2014. The application is for the issue of a permit for an outdoor cafe on public unleased land which will operate from **40 Bunda Street CANBERRA ACT 2601** trading under the name of **Akiba Restaurant and Bar**.

It is proposed that the permit will operate on **Monday to Sunday** between the hours of **7am and 2am**. The permit allows for the permit holder to [illegible] outdoor eating and drinking area.

You may make written submissions to the director-general about how the use of the public unleased land in accordance with the proposed permit may have a significant impact on someone lawfully at adjacent or nearby places.

15 day public consultation period from **23/10/2014** UNTIL **12/11/2014**

Written submissions may be made to:

The Delegate of the Director General
Justice and Community Safety
Office of Regulatory Services
GPO Box 158
CANBERRA ACT 2601

liquor@act.gov.au

Liquo
PUBLIC NOTIFICA

Applicant's Name:	AKIBA CANBERRA PTY LTD
Type of venue:	BAR
Licence class (& sub-class) applied for:	☐ Club ☐ General ☐ On ☐ Special ☒ On ☒ Bar ☐ Nightclub ☐ Restaurant and Cafe
Date application was lodged:	2 / 10 / 2014
15 day public consultation period:	2 / 10 / 2014 UNTIL 2 / 11 / 2014
Business name of premises:	Akiba Restaurant and Bar
Premises address:	40 Bunda Street CITY ACT 2601
Days and times premises proposed to be open to the public:	7 Days 07.00am to 04.00am
Days and times proposed to sell liquor for consumption on the premises:	7 Days [illegible]0am to 04.00am
Days and times proposed to sell liquor for consumption off the premises:	N/A

PUBLIC CONSULTATION NOTICE FOR OUTDOOR DINING

This Notice satisfies the public consultation notice requirement of the *Public Unleased Land Act 2013*

AKIBA CANBERRA PTY LTD is required to conduct public consultation for an application lodged with the Director-General of the Directorate of Justice and Community Safety on **20 October 2014**. The application is for the issue of a permit for an outdoor cafe on public unleased land which will operate from **40 Bunda Street CANBERRA ACT 2601** trading under the name of **Akiba Restaurant and Bar**.

It is proposed that the permit will operate on **Monday to Sunday** between the hours of **7am and 2am**. The permit allows for the permit holder to operate an outdoor eating and drinking area.

You may make written submissions to the director-general about how the use of the public unleased land in accordance with the proposed permit may have a significant impact on someone lawfully at adjacent or nearby places.

15 day public consultation period from **23/10/2014** UNTIL **12/11/2014**

Written submissions may be made to:

The Delegate of the Director-General
Justice and Community Safety
Office of Regulatory Services
GPO Box 158
CANBERRA ACT 2601

liquor@act.gov.au



From: Nasca, Giancarlo
To: [redacted]
Cc:
Subject: Outdoor Dining Permit - RAMP
Date: Thursday, 23 October 2014 11:57:00 AM
Attachments: image001.jpg
Outdoor Cafe Permit - RAMP.docx
RAMP Request.pdf
Importance: High

Good morning

Please find attached a request, and the Risk Assessment Management Plan (RAMP) template to be completed to accompany the Outdoor Dining Permit application for **Akiba Restaurant and Bar**.

Please complete the RAMP and return to me as soon as possible to assist me to progress your application.

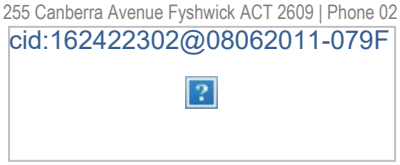
If you require assistance, please contact me on 02 6205 4584 to discuss.

Regards

Giancarlo Nasca | Investigator | Compliance

Office of Regulatory Services | Justice and Community Safety Directorate

255 Canberra Avenue Fyshwick ACT 2609 | Phone 02 6205 4584



ACT Government
Justice and Community Safety

RISK-ASSESSMENT MANAGEMENT PLAN

Public Unleased Land Act 2013

IMPORTANT

This form is to be used to submit a Risk-Assessment Management Plan (RAMP) for approval or amendment under the *Public Unleased Land Act 2013* (the Act). You can access the legislation at www.legislation.act.gov.au. You may also obtain further information and forms at www.ors.act.gov.au.

PRIVACY

The *Public Unleased Land Act 2013* authorises the Director-General to collect the personal information required by this form for the purposes of assessing the RAMP for a premises where an outdoor cafe permit is issued. The Director -General prevents any unreasonable intrusion into a person's privacy in accordance with the *Privacy Act 1988* (C'wlth). The Director-General provides identifiable information to law enforcement organisations and authorised organisations that have legal authority to request information under prescribed circumstances.

CONTACT

Office of Regulatory Services	**GPO Box 158, Canberra ACT 2601**
	255 Canberra Avenue, Fyshwick ACT 2609
Office Hours	**9:00am to 4:30pm Monday to Friday**
General enquiries	**(02) 6207 3000**
Fax number	**(02) 6207 0424**
Email	**ors.bil@act.gov.au**
Website	**www.ors.act.gov.au**

Return completed forms

In Person:	**By Post:**	**Fax to*:**	**Email to**:**
Office of Regulatory Services 255 Canberra Avenue Fyshwick ACT 2609 Hours: 9.00am – 4.30pm	Office of Regulatory Services GPO Box 158 Canberra, ACT 2601	(02) 6207 0424 *Only credit card payment can be accepted via fax.	ors.bil@act.gov.au **Payment can not be accepted via email. Remove and submit the signed payment details page of the application form to ORS with preferred payment method.

TRANSLATING AND INTERPRETING SERVICE

If you require further information or require advice, a language assistance service is available by phoning the Translating and Interpreting Service (TIS) on 13 14 50.

FURTHER INFORMATION ABOUT A RISK-ASSESSMENT MANAGEMENT PLAN

Risk-Assessment Management Plan (RAMP)

Some applications for a permit on public unleased land require a Risk-Assessment Management Plan (RAMP) to be provided to the Director-General for approval. The RAMP is a plan that details the procedures, practices and arrangements for conducting the business of an outdoor cafe on public unleased land.

A RAMP is not required to be supplied with a renewal of a permit - provided there have been NO substantial changes to the premises, procedures or practices. If this is not the case, an amended RAMP must be submitted with the renewal application. Examples of situations that would require a RAMP to be amended could include a change in: trading hours; type of business and procedures.

COMPLETING THE RISK-ASSESSMENT MANAGEMENT PLAN

The following matters must be addressed in a RAMP:

1. Arrangements at the premises with respect to:
   - Type of business to be operated
   - Opening and Trading hours
2. Premises Safety
   - Safety procedures
3. Community Impact
   - Noise – describe noise mitigation strategies to monitor and reduce noise levels, prevent impacts on surrounding areas.

ACT Government
Justice and Community Safety

RISK ASSESSMENT MANAGEMENT PLAN

Public Unleased Land Act 2013

APPLICATION TYPE	Permit No.
☐ RAMP approval for new PERMIT application	
☐ Amendment to Approved RAMP	Current RAMP approval number:
Section amended (*tick all relevant*) ☐ Premises ☐ Premises Safety ☐ Community Impact	

PERMIT-HOLDER DETAILS

SURNAME / ENTITY NAME	FIRST NAME	TITLE (Mr, Ms, Dr)

POSTAL ADDRESS	STATE	POSTCODE

DAYTIME PHONE	FAX
( )	( )

MOBILE	EMAIL ADDRESS

TRADING / PREMISES NAME

LICENSED / PERMITTED PREMISES ADDRESS	STATE	POSTCODE
	ACT	

OFFICE USE ONLY

Received via:	Received by	Date:	Time
Counter / Fax / Email / Post		/ /	: Hrs
Entered into IBS by		Date Entered into IBS	/ /

PREMISES INFORMATION

This is the Risk-Assessment Management Plan for [ ]
trading as [ ].

It is proposed that the outdoor cafe area will be open to the public at the following times:

DAY/S	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
TIME							

All furniture and permitted objects approved by the Permit must be removed from the permitted area and stored safely outside of the permitted hours of this permit?	☐ No	☐ Yes

It is an offence to allow a person to smoke in an outdoor eating and drinking area, accordingly the permit holder must ensure that 'no smoking' signs are prominently displayed in the outdoor cafe area as required by section 9E of the *Smoke-Free Public Places Act 2003*?	☐ No	☐ Yes

PREMISES SAFETY

All permitted furniture, barriers and structures must be kept within the permitted area as marked on the plan by the Office of Regulatory Services and in accordance with the permit so as to ensure unimpeded pedestrian traffic flow and safety to the surrounding area	☐ No	☐ Yes

This will be ensured by doing the following:

COMMUNITY IMPACT

Noise produced by patrons and entertainment in the Outdoor Cafe area will be monitored and mitigated by doing the following:

Note – Noise standards for different noise zones are dealt with in the Environment Protection Regulation 2005

ACT Government
Justice and Community Safety

Reference: **21000284**

AKIBA CANBERRA PTY LTD
Akiba Restaurant and Bar
40 Bunda Street
CANBERRA ACT 2601

RISK MANAGEMENT PLAN NOTICE

Dear Sir/Madam

RE: Request for risk management plan

I refer to an application dated 20 October 2014 seeking a Public Unleased Land Permit for AKIBA CANBERRA PTY LTD of 40 Bunda Street CANBERRA ACT 2601 trading as Akiba Restaurant and Bar.

In assessing your application, we have determined the activity you intend to undertake may cause undue risk to people or property.

As such, I am writing to request you provide a risk management plan for the Public Unleased Land Permit, under section 55 of the *Public Unleased Land Act 2013*.

This risk management plan must:

a. Identify the risks to people and property; and
b. Detail the procedures, practices and arrangements for eliminating or minimising the risks.

Please be advised, if you do not comply with this notice the director-general (or their delegate) need not decide whether you are a suitable person to hold a Public Unleased Land Permit.

If you have any further questions, please contact Giancarlo Nasca at the Compliance Unit on (02) 6205 4584, by email at liquor@act.gov.au or by post to GPO Box 158, Canberra ACT 2601.

Yours sincerely

Jon Quiggin
Delegate of the Director-General
Office of Regulatory Services

23 October 2014

Office of Regulatory Services
Registrations and Fair Trading
255 Canberra Avenue Fyshwick ACT 2609
GPO Box 158 Canberra ACT 2601 / Phone 6207 3000

From: [redacted]
To: Nasca, Giancarlo
Subject: Akiba - Cafe Permit RAMP
Date: Thursday, 23 October 2014 5:09:29 PM
Attachments: image001.png
image002.png
Outdoor Cafe Permit - RAMP.docx

Hi Giancarlo,

Please find attached the requested RAMP for our café permit application.

Please do not hesitate to contact me if anything further is required of me. I appreciate your assistance.

Cheers,

[redacted]

www.akiba.com.au
www.facebook.com/akibacbr
www.twitter.com/akibacbr

ACT Government
Justice and Community Safety

RISK-ASSESSMENT MANAGEMENT PLAN

Public Unleased Land Act 2013

IMPORTANT

This form is to be used to submit a Risk-Assessment Management Plan (RAMP) for approval or amendment under the *Public Unleased Land Act 2013* (the Act). You can access the legislation at www.legislation.act.gov.au. You may also obtain further information and forms at www.ors.act.gov.au.

PRIVACY

The *Public Unleased Land Act 2013* authorises the Director-General to collect the personal information required by this form for the purposes of assessing the RAMP for a premises where an outdoor cafe permit is issued. The Director -General prevents any unreasonable intrusion into a person's privacy in accordance with the *Privacy Act 1988* (C'wlth). The Director-General provides identifiable information to law enforcement organisations and authorised organisations that have legal authority to request information under prescribed circumstances.

CONTACT

Office of Regulatory Services	**GPO Box 158, Canberra ACT 2601**
	255 Canberra Avenue, Fyshwick ACT 2609
Office Hours	**9:00am to 4:30pm Monday to Friday**
General enquiries	**(02) 6207 3000**
Fax number	**(02) 6207 0424**
Email	**ors.bil@act.gov.au**
Website	**www.ors.act.gov.au**

Return completed forms

In Person:	**By Post:**	**Fax to*:**	**Email to**:**
Office of Regulatory Services 255 Canberra Avenue Fyshwick ACT 2609 Hours: 9.00am – 4.30pm	Office of Regulatory Services GPO Box 158 Canberra, ACT 2601	(02) 6207 0424 *Only credit card payment can be accepted via fax.	ors.bil@act.gov.au **Payment can not be accepted via email. Remove and submit the signed payment details page of the application form to ORS with preferred payment method.

TRANSLATING AND INTERPRETING SERVICE

If you require further information or require advice, a language assistance service is available by phoning the Translating and Interpreting Service (TIS) on 13 14 50.

FURTHER INFORMATION ABOUT A RISK-ASSESSMENT MANAGEMENT PLAN

Risk-Assessment Management Plan (RAMP)

Some applications for a permit on public unleased land require a Risk-Assessment Management Plan (RAMP) to be provided to the Director-General for approval. The RAMP is a plan that details the procedures, practices and arrangements for conducting the business of an outdoor cafe on public unleased land.

A RAMP is not required to be supplied with a renewal of a permit - provided there have been NO substantial changes to the premises, procedures or practices. If this is not the case, an amended RAMP must be submitted with the renewal application. Examples of situations that would require a RAMP to be amended could include a change in: trading hours; type of business and procedures.

COMPLETING THE RISK-ASSESSMENT MANAGEMENT PLAN

The following matters must be addressed in a RAMP:

1. Arrangements at the premises with respect to:
   - Type of business to be operated
   - Opening and Trading hours
2. Premises Safety
   - Safety procedures
3. Community Impact
   - Noise – describe noise mitigation strategies to monitor and reduce noise levels, prevent impacts on surrounding areas.

ACT Government
Justice and Community Safety

RISK ASSESSMENT MANAGEMENT PLAN

Public Unleased Land Act 2013

APPLICATION TYPE		Permit No.
☒ RAMP approval for new PERMIT application		
☐ Amendment to Approved RAMP	Current RAMP approval number:	
Section amended (*tick all relevant*)	☐ Premises ☐ Premises Safety ☐ Community Impact	

PERMIT-HOLDER DETAILS

SURNAME / ENTITY NAME	FIRST NAME	TITLE (Mr, Ms, Dr)
Akiba Canberra Pty Ltd		

POSTAL ADDRESS	STATE	POSTCODE
40 Bunda Street, Canberra	ACT	2601

DAYTIME PHONE	FAX
( )	( )

MOBILE	EMAIL ADDRESS
Schedule 2.2(a)(ii)	Schedule 2.2(a)(@akiba.com.au

TRADING / PREMISES NAME
Akiba Restaurant and Bar

LICENSED / PERMITTED PREMISES ADDRESS	STATE	POSTCODE
40 Bunda Street, Canberra	ACT	2601

OFFICE USE ONLY

Received via:	Received by	Date:	Time
Counter / Fax / Email / Post		/ /	: Hrs
Entered into IBS by		Date Entered into IBS	/ /

PREMISES INFORMATION

This is the Risk-Assessment Management Plan for [Akiba Canberra Pty Ltd]
trading as [Akiba Restaurant and Bar].

It is proposed that the outdoor cafe area will be open to the public at the following times:

DAY/S	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
TIME	7am to 2am	7am to 2am	7am to 2am	7am to 2am	7am to 2am	7am to 2am	7am to 2am

All furniture and permitted objects approved by the Permit must be removed from the permitted area and stored safely outside of the permitted hours of this permit?	☒ No	☐ Yes
It is an offence to allow a person to smoke in an outdoor eating and drinking area, accordingly the permit holder must ensure that 'no smoking' signs are prominently displayed in the outdoor cafe area as required by section 9E of the *Smoke-Free Public Places Act 2003*?	☐ No	☒ Yes

PREMISES SAFETY

All permitted furniture, barriers and structures must be kept within the permitted area as marked on the plan by the Office of Regulatory Services and in accordance with the permit so as to ensure unimpeded pedestrian traffic flow and safety to the surrounding area	☐ No	☒ Yes

This will be ensured by doing the following:

The placement of all furniture will be maintained within the boundaries of the approved area as the boundaries will be identified by an overall structure.

COMMUNITY IMPACT

Noise produced by patrons and entertainment in the Outdoor Cafe area will be monitored and mitigated by doing the following:

Constant monitoring of the noise levels from the area by management, crowd controllers during peak periods and service staff.

Patrons will be asked to respect the peaceful enjoyment of the premises by other patrons and passers-by.

There are no immediate neighbouring businesses, residences or community areas in close proximity.

Note – Noise standards for different noise zones are dealt with in the Environment Protection Regulation 2005

From:	Nasca, Giancarlo
To:	Nasca, Giancarlo; Schedule 2.2(a)(ii)
Cc:	Schedule 2.2(a)(ii)
Subject:	Outdoor Dining Permit - Follow up/Outstanding information
Date:	Friday, 5 December 2014 10:29:00 AM
Attachments:	image001.jpg

Good morning

Just touching base. Has there been in progression in moving the street furniture (public seat, bin, bike racks)?

Additionally, any updates on the development application for the structure?

Can you please provide the following information to be added to your application;

1. Copy of the paper ad that was published in the Canberra Times.
2. Copy of the public liability insurance for $20 million with ACT Government noted as an interested party.

Regards

Giancarlo Nasca | Investigator | Compliance

Office of Regulatory Services | Justice and Community Safety Directorate

255 Canberra Avenue Fyshwick ACT 2609 | Phone 02 6205 4584

cid:162422302@08062011-079F

From: Nasca, Giancarlo
To: Schedule 2.2(a)(ii)
Cc: Schedule 2.2(a)(ii)
Subject: RE: Outdoor Dining Permit - Follow up/Outstanding information
Date: Tuesday, 16 December 2014 9:02:00 AM
Attachments: image001.jpg

Good morning

Following up on my email from 5 December 2014.

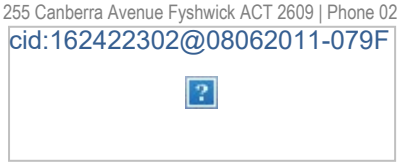
Any updates would be appreciated so that we can look at finalising your outdoor dining permit.

Regards

Giancarlo Nasca | Investigator | Compliance

Office of Regulatory Services | Justice and Community Safety Directorate

255 Canberra Avenue Fyshwick ACT 2609 | Phone 02 6205 4584



From: Nasca, Giancarlo
Sent: Friday, 5 December 2014 10:30 AM
To: Nasca, Giancarlo; Schedule 2.2(a)(ii)'
Cc: Schedule 2.2(a)(ii)'
Subject: Outdoor Dining Permit - Follow up/Outstanding information

Good morning

Just touching base. Has there been in progression in moving the street furniture (public seat, bin, bike racks)?

Additionally, any updates on the development application for the structure?

Can you please provide the following information to be added to your application;

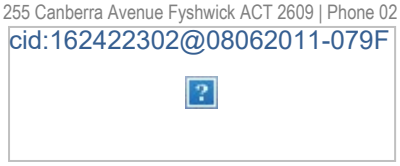
1. Copy of the paper ad that was published in the Canberra Times.
2. Copy of the public liability insurance for $20 million with ACT Government noted as an interested party.

Regards

Giancarlo Nasca | Investigator | Compliance

Office of Regulatory Services | Justice and Community Safety Directorate

255 Canberra Avenue Fyshwick ACT 2609 | Phone 02 6205 4584



From: Nasca, Giancarlo
To: Schedule 2.2(a)(ii)
Subject: RE: Outdoor Dining Permit - Follow up/Outstanding information
Date: Tuesday, 16 December 2014 5:28:00 PM
Attachments: Akiba Restaurant and Bar - Public Liab.pdf
image001.jpg
image002.png
image003.png

Thanks Schedule 2.2(a)(ii)

Can you please contact the insurer and have them add ACT Government as an interested party in relation to the outdoor dining area.

Also, just need that copy of the paper ad as soon as possible.

I drove past today and noticed the temporary fences up and assume work is starting on the structure soon.

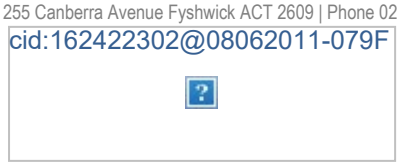
I think I also saw that the street furniture has been removed, can you confirm?

I'll get the permit ready as soon as I can to approve, I also received what I think is the approved DA from TAMS/ACTPLA.

Speak to you shortly.

Regards

Giancarlo Nasca | Investigator | Compliance

Office of Regulatory Services | Justice and Community Safety Directorate
255 Canberra Avenue Fyshwick ACT 2609 | Phone 02 6205 4584


From: Schedule 2.2(a)(ii)
Sent: Tuesday, 16 December 2014 5:19 PM
To: Nasca, Giancarlo
Subject: Fwd: Outdoor Dining Permit - Follow up/Outstanding information

Hi Giancarlo,

Attached is the copy of public liability insurance.

Cheers

Regards,

Schedule 2 2(a)(ii)
General Manager

Schedule 2 2(a)(ii)

www.akiba.com.au

Begin forwarded message:

From: "Nasca, Giancarlo" <Giancarlo.Nasca@act.gov.au>
To: Schedule 2.2(a)(ii)

Cc: 'Schedule 2.2(a)(ii)
Subject: RE: Outdoor Dining Permit - Follow up/Outstanding information
Date: 16 December 2014 9:02:22 am AEDT

Good morning

Following up on my email from 5 December 2014.

Any updates would be appreciated so that we can look at finalising your outdoor dining permit.

Regards

Giancarlo Nasca | Investigator | Compliance

Office of Regulatory Services | Justice and Community Safety Directorate
255 Canberra Avenue Fyshwick ACT 2609 | Phone 02 6205 4584

From: Nasca, Giancarlo
Sent: Friday, 5 December 2014 10:30 AM
To: Nasca, Giancarlo; Schedule 2.2(a)(ii)

Cc: Thomas @ Akiba
Subject: Outdoor Dining Permit - Follow up/Outstanding information

Good morning

Just touching base. Has there been in progression in moving the street furniture (public seat, bin, bike racks)?

Additionally, any updates on the development application for the structure?

Can you please provide the following information to be added to your application;

1. Copy of the paper ad that was published in the Canberra Times.
2. Copy of the public liability insurance for $20 million with ACT Government noted as an interested party.

Regards

Giancarlo Nasca | Investigator | Compliance

Office of Regulatory Services | Justice and Community Safety Directorate

255 Canberra Avenue Fyshwick ACT 2609 | Phone 02 6205 4584

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.

Certificate of Currency

Aon Risk Services Australia Limited
ABN 17 000 434 720 AFSL 241141

Schedule 2.2(a)(ii)
Akiba Restaurant and Bar
C/of D Group, 5 Whyalla Steet
FYSHWICK ACT 2609
Schedule 2 @d-group.com.au

In our capacity as Insurance Brokers to Akiba Restaurant and Bar, we hereby certify that the under mentioned insurance policy is current.

As at Date

10 December 2014

Policy Information

Class of Insurance
Business Insurance

Insurer
AIG Australia Limited ABN: 67 007 483 267

Policy Number
9626820CMB

Expiry Date
14/11/2015

Insured
Akiba Canberra Pty Ltd trading as
Akiba Restaurant and Bar

Premium Paid
Yes

Interest Insured
Public Liability of Restaurant

Situation of Risk
At and from 40 Bunda Street Canberra ACT

Sum Insured
Schedule 2.2(a)(ii)

Remarks

Important notes

- This certificate is a summary of cover only. Please refer to the Policy Wording and Schedule for its full terms and conditions.
- Aon does not guarantee that the insurance outlined in this Certificate will continue to remain in force for the period referred to as the Policy may be cancelled or altered by either party to the contract, at any time, in accordance with the terms of the Policy and the *Insurance Contracts Act 1984 (Cth)*.
- Aon accepts no responsibility or liability to advise any party who may be relying on this Certificate of such alteration to or cancellation of the Policy.
- This Certificate does not:
  - represent an insurance contract or confer rights to the recipient; or
  - amend, extend or alter the Policy.

Contact Us

CRM	Telephone	Email	Branch
Schedule 2.2(a)(ii)	Schedule 2.2(a)(ii)	Schedule 2.2(a)(ii)	Level 10, 15 London Circuit CANBERRA ACT 2601

From: Schedule 2.2(a)(ii)
To: Nasca, Giancarlo
Subject: Re: Outdoor Dining Permit - Follow up/Outstanding information
Date: Tuesday, 16 December 2014 5:37:22 PM
Attachments: image001.png
image002.png

Hi Giancarlo,

I'll get straight onto the liability.

Temporary fencing up. I believe you should have received the approved DA forwarded by Ben this morning. Furniture has been moved. Chasing the paper ad as my email client has deleted records older than 14 days. Could you check that I haven't already sent it to you please?

Thanks for your patience and support through this, it's most appreciated.

Regards,

Schedule 2 2(a)(ii)
General Manager

Schedule 2 2(a)(ii)

www.akiba.com.au



> On 16 Dec 2014, at 5:28 pm, Nasca, Giancarlo <Giancarlo.Nasca@act.gov.au> wrote:
>
> Thanks Schedule 2.2(a)(ii)
>
> Can you please contact the insurer and have them add ACT Government as an interested party in relation to the outdoor dining area.
>
> Also, just need that copy of the paper ad as soon as possible.
>
> I drove past today and noticed the temporary fences up and assume work is starting on the structure soon.
>
> I think I also saw that the street furniture has been removed, can you confirm?
>
> I'll get the permit ready as soon as I can to approve, I also received what I think is the approved DA from TAMS/ACTPLA.
>
> Speak to you shortly.
>
> Regards
>
> **Giancarlo Nasca** | Investigator | Compliance

Office of Regulatory Services | Justice and Community Safety Directorate
255 Canberra Avenue Fyshwick ACT 2609 | Phone 02 6205 4584
<image001.jpg>

From: Schedule 2.2(a)(ii)
Sent: Tuesday, 16 December 2014 5:19 PM
To: Nasca, Giancarlo
Subject: Fwd: Outdoor Dining Permit - Follow up/Outstanding information

Hi Giancarlo,

Attached is the copy of public liability insurance.

Cheers

Regards,

Schedule 2 2(a)(ii)
General Manager

Schedule 2 2(a)(ii)

www.akiba.com.au

<image002.png>
<image003.png>

Begin forwarded message:

From: "Nasca, Giancarlo" <Giancarlo.Nasca@act.gov.au>
To: Schedule 2.2(a)(ii)

Cc: 'Schedule 2.2(a)(ii) >
Subject: RE: Outdoor Dining Permit - Follow up/Outstanding information
Date: 16 December 2014 9:02:22 am AEDT

Good morning

Following up on my email from 5 December 2014.

Any updates would be appreciated so that we can look at finalising your outdoor dining permit.

Regards

Giancarlo Nasca | Investigator | Compliance

Office of Regulatory Services | Justice and Community Safety Directorate
255 Canberra Avenue Fyshwick ACT 2609 | Phone 02 6205 4584

From: Nasca, Giancarlo
Sent: Friday, 5 December 2014 10:30 AM
To: Nasca, Giancarlo; Schedule 2.2(a)(ii)
Cc: Schedule 2.2(a)(ii)
Subject: Outdoor Dining Permit - Follow up/Outstanding information

Good morning

Just touching base. Has there been in progression in moving the street furniture (public seat, bin, bike racks)?

Additionally, any updates on the development application for the structure?

Can you please provide the following information to be added to your application;

1. Copy of the paper ad that was published in the Canberra Times.
2. Copy of the public liability insurance for $20 million with ACT Government noted as an interested party.

Regards

Giancarlo Nasca | Investigator | Compliance

Office of Regulatory Services | Justice and Community Safety Directorate
255 Canberra Avenue Fyshwick ACT 2609 | Phone 02 6205 4584

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<Akiba Restaurant and Bar - Public Liab.pdf>

From: Schedule 2.2(a)(ii)
To: Nasca, Giancarlo
Subject: Fwd: Outdoor area
Date: Thursday, 18 December 2014 1:44:55 PM
Attachments: image001.png
image002.png
image001.jpg
Akiba Rest - Public Liab note ACT Gov.pdf

Hi Giancarlo,

Please see attached.

Regards,

Schedule 2.2(a)(ii)
General Manager

Schedule 2.2(a)(ii)

www.akiba.com.au

Begin forwarded message:

From: Schedule 2.2(a)(ii)
To: Schedule 2.2(a)(ii)
Subject: Outdoor area
Date: 17 December 2014 9:02:37 am AEDT

Public Liability attached

Kind Regards,

Schedule 2.2(a)(ii) | D Group
CFO

5 Whyalla St, Fyshwick, ACT 2609
T: 02 6162 3377 | F: 02 6162 3388 | Schedule 2.2(a)(ii)
Schedule 2.2(a)(ii)@dgroup.com.au
dgroup.com.au

Certificate of Currency

Aon Risk Services Australia Limited
ABN 17 000 434 720 AFSL 241141

Schedule 2.2(a)(ii)
Akiba Restaurant and Bar
C/of D Group, 5 Whyalla Steet
FYSHWICK ACT 2609
Schedule 2 @d-group.com.au

In our capacity as Insurance Brokers to Akiba Restaurant and Bar, we hereby certify that the under mentioned insurance policy is current.

As at Date

16 December 2014

Policy Information

Class of Insurance
Business Insurance

Insurer
AIG Australia Limited ABN: 67 007 483 267

Policy Number
9626820CMB

Expiry Date
14/11/2015

Insured
Akiba Canberra Pty Ltd trading as
Akiba Restaurant and Bar

Premium Paid
Yes

Interest Insured
Public Liability of Restaurant

Situation of Risk
At and from 40 Bunda Street Canberra ACT

Sum Insured
Schedule 2.2(a)(ii)

Interested party
ACT Government (in relation to outdoor dining area)

Important notes

- This certificate is a summary of cover only. Please refer to the Policy Wording and Schedule for its full terms and conditions.
- Aon does not guarantee that the insurance outlined in this Certificate will continue to remain in force for the period referred to as the Policy may be cancelled or altered by either party to the contract, at any time, in accordance with the terms of the Policy and the *Insurance Contracts Act 1984 (Cth)*.
- Aon accepts no responsibility or liability to advise any party who may be relying on this Certificate of such alteration to or cancellation of the Policy.
- This Certificate does not:
  - represent an insurance contract or confer rights to the recipient; or
  - amend, extend or alter the Policy.

Contact Us

CRM	Telephone	Email	Branch
Schedule 2.2(a)(ii)	Schedule 2.2(a)(ii)	Schedule 2.2(a)(ii)	Level 10, 15 London Circuit CANBERRA ACT 2601

From: Schedule 2.2(a)(ii)
To: Info @ AKIBA; Nasca, Giancarlo; Schedule 2.2(a)(ii)
Subject: Fwd: CANBERRA TIMES ADVERTISEMENT-20141024 (A10048130)
Date: Thursday, 18 December 2014 4:11:57 PM
Attachments: CANBERRA TIMES ADVERTISEMENT-20141024.pdf
ATT00001.htm
SIGN (A10040929).pdf
ATT00002.htm

Schedule 2.2(a)(ii)
Senior Project Manager
Schedule 2.2(a)(ii)
Sent from my iPhone

Begin forwarded message:

From: "Wallner, Johanna" <Johanna.Wallner@act.gov.au>
Date: 18 December 2014 4:10:22 pm AEDT
To: Schedule 2.2(a)(ii)
Subject: CANBERRA TIMES ADVERTISEMENT-20141024 (A10048130)

Schedule 2 - please find attached a copy of the public notification in the Canberra Times and the sign that would of been displayed at the block.
Hope this helps!

Johanna Wallner has sent you a copy of "CANBERRA TIMES ADVERTISEMENT-20141024" (A10048130) v1.0 from Objective.

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.

CANBERRA TIMES ADVERTISEMENT

DATE: 24-10-2014

ACT Government
Environment and Planning

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

DA 201426398CT: MULTI DWELLING - 7 NEW DWELLINGS - HERITAGE.
Location: Block: **14** Section: **2**
Suburb: **HARRISON**
MAPLETON AVENUE
Proposed residential development comprising of 7 (seven) dwellings, landscaping and associated civil works and services.

DA 201426367CT: COMMERCIAL - SIGNAGE - ADDITIONS & ALTERATIONS - COMMONWEALTH BANK - HERITAGE.
Location: Block: **16** Section: **1**
Suburb: **CITY**
7 NORTHBOURNE AVENUE
Proposed commercial fit out works for an operational Commonwealth Bank including external signage.

DA 201426336CT: SECONDARY RESIDENCE - ADDITIONS AND ALTERATIONS.
Location: Block: **10** Section: **108**
Suburb: **KALEEN**
41 BALONNE STREET
Proposed conversion of existing studio to a secondary dwelling; proposed addition of wardrobes to eastern side of existing dwelling.

DA 201426293CT: COMMERCIAL - OUTDOOR DINING - SIGNAGE.
Location: Block: **7** Section: **35**
Suburb: **CITY**
40 BUNDA STREET
Proposed construction of outdoor dining area fo AKIBA restaurant (40 Bunda Street), on public land. Installation of signage under existing building awning and on existing building.

DA 201426439CT: LEASE VARIATION.
Location: Block: **3** Section: **10**
Suburb: **FYSHWICK**
24 LITHGOW STREET
Please see application form for full description.

Written representations **MUST** be received by **COB 14 November 2014** to be considered.
Full DA details are at **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**
Representations will be provided to the applicant and made available on the public register unless exclusion is granted.

ACT Government
Environment and Planning

THE Planning and Land Authority ha received the following developmen applications:

DA 201426033CT: LEASE VARIATION.
Location: Block: **13, 18, 19** Section: **6**
Suburb: **HUME**
15 SHEPPARD STREET
Please see application form for further details.

Written representations **MUST** be received by **COB 12 November 2014** to be considered.
Full DA details are at **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**
Representations will be provided to the applicant and made available on the public register unless exclusion is granted.

ACT Government
Environment and Planning

NOTICE OF DEVELOPMENT APPLICATION

Development Application 201426293:
COMMERCIAL-OUTDOOR DINING-SIGNAGE. Proposed construction of outdoor dining area for AKIBA restaurant (40 Bunda Street) on public land. Installation of signage under existing building awning and on existing building.

Location: **Block: 7 Section: 35 Suburb: CITY**
40 BUNDA 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 Planning website - www.actpla.act.gov.au (under 'Comment on a DA')

Written representations **must** be received by the Authority by close of business **14 November 2014.**

Representations can be submitted in the following ways:

Email:
epdcustomerservices@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

From: Schedule 2.2(a)(ii)
To: Nasca, Giancarlo
Cc: Schedule 2.2(a)(ii)
Subject: Fwd: Outdoor area plans
Date: Thursday, 18 December 2014 4:52:25 PM
Attachments: ATT00001.htm
1306 A310 Elevations - outdoor seating Rev A.pdf
1306 A640 Details outdoor seating Rev A.pdf
ATT00002.htm
Outdoor shade structure updated 1.jpg
ATT00003.htm
Outdoor shade structure updated 2.jpg
ATT00004.htm
Outdoor shade structure updated 3.jpg
ATT00005.htm
Outdoor shade structure updated 4.jpg
ATT00006.htm
Outdoor shade structure updated 5.jpg
ATT00007.htm
1306 A091 Proposed outdoor seating plan Rev C.pdf
ATT00008.htm
1306 A092 Foot traffice management plan .pdf
ATT00009.htm
1306 A201 Sections Rev A.pdf
ATT00010.htm

---------- Forwarded message ----------
From: Schedule 2.2(a)(ii)
Date: Thursday, 18 December 2014
Subject: Fwd: Outdoor area plans
To: Schedule 2.2(a)(ii)

Sent from my iPhone

Begin forwarded message:

> **From:** "Schedule 2.2(a)(ii)
> **To:** Schedule 2.2(a)(ii)
> **Cc:** Schedule 2.2(a)(ii)
> **Subject: Fwd: Outdoor area plans**
>
> Schedule 2.2(a)(ii)
> Senior Project Manager
> Schedule 2.2(a)(ii)
> Sent from my iPhone
>
> Begin forwarded message:

From: "Schedule 2.2(a)(ii)
To: "Schedule 2.2(a)(ii)
Subject: Outdoor area plans

Hi Schedule

Revised outdoor structure drawings, model images plus foot traffic management plan attached.

Let me know if you need any more fine tuning.

Regards

Schedule 2.2(a)(ii)

Schedule 2.2(a)(ii)

Director

email: Schedule @adamdettrick.com.au
www.adamdettrickarchitects.com.au

Adam Dettrick Architects awarded 2014 ACT Architecture Award for Narrabundah House.

Adam Dettrick Architects shortlisted for the 2014 Australian Interior Design Awards for MoVida Sydney.

From: Schedule 2.2(a)(ii)
[mailto:Schedule 2.2(a)(ii)
Sent: Monday, 15 December 2014 12:02 PM
To: Schedule 2.2(a)(ii)
Cc: Schedule 2.2(a)(ii)
Subject: Fwd: Decision 7/35 City 201426293

Schedule 2.2(a)(i) please call me asap regarding the below notice.

Thanks

Schedule 2.2(a)(ii)

Senior Project Manager

Schedule 2.2(a)(ii)

Sent from my iPhone

Begin forwarded message:

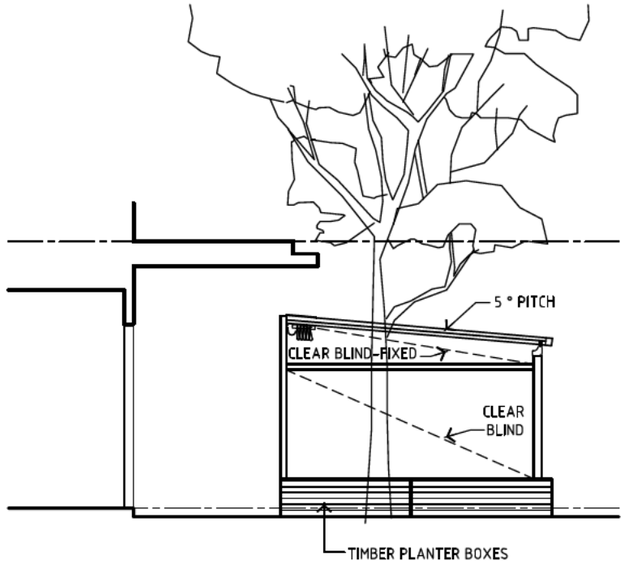
> **From:** "Lefebvre, Ann" <Ann.Lefebvre@act.gov.au>
> **Date:** 15 December 2014 11:34:17 am AEDT
> **To:** Schedule 2.2(a)(ii)
> **Cc:** Schedule 2.2(a)(ii)
> **Subject: Decision 7/35 City 201426293**
>
> Ann Lefebvre has sent you copies of the following 5 documents from Objective:
> "EPD Application for encroachment (minor) - 2 Party" (A10223194) v1.0
> "Notice of Decision - Signed" (A10226741) v1.0
> "COMM-ACTEW-ELECTRICITY" (A10155001) v1.0
> "COMM-ACTEWAGL-

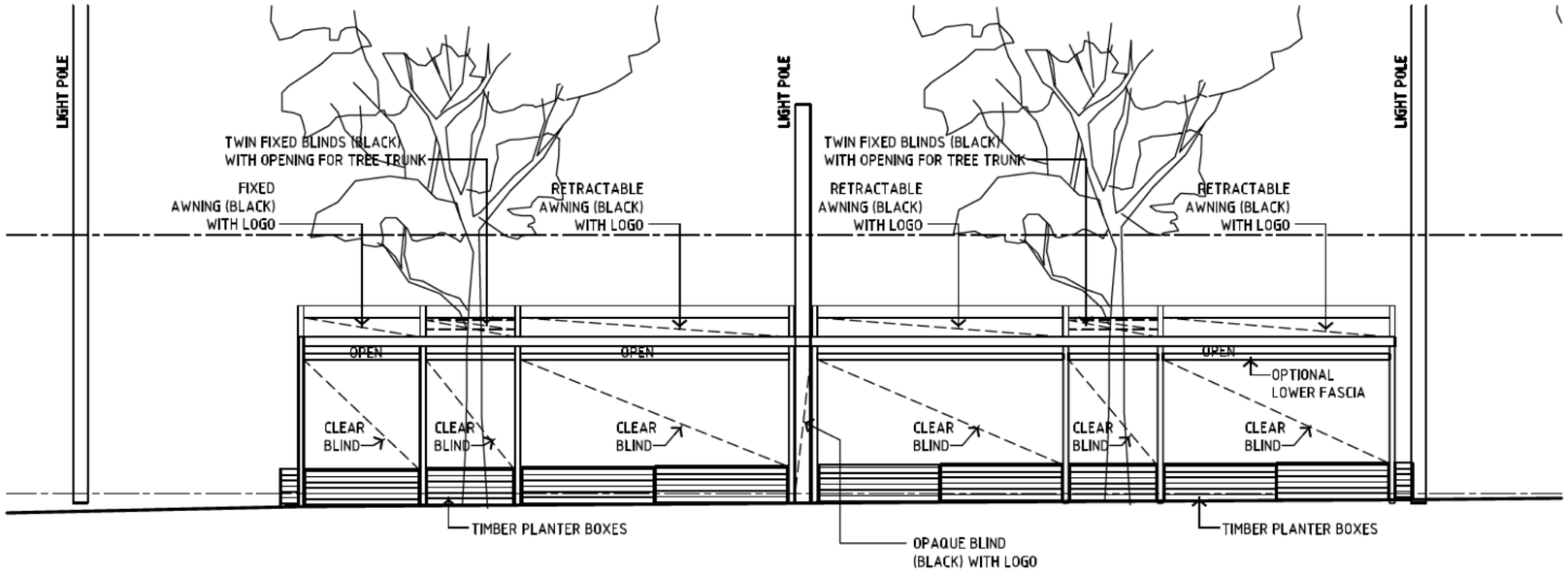
WATER-201426293-7/35
CITY-01" (A10049374)
v1.0
"COMM-JEMENA-
201426293-7/35 CITY-02"
(A10094363) v1.0

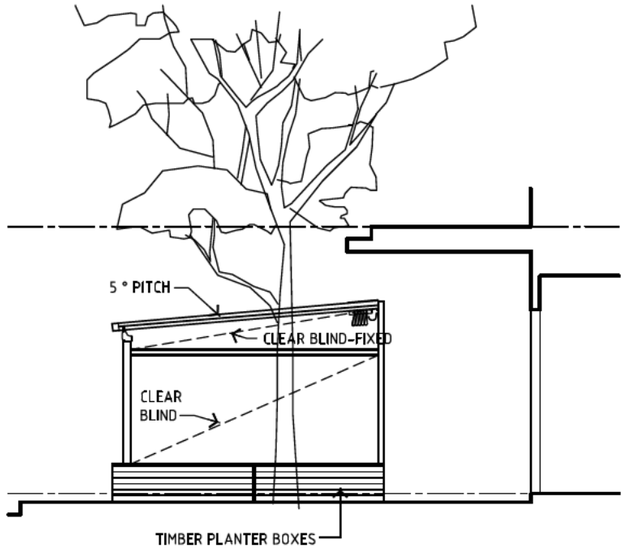
This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

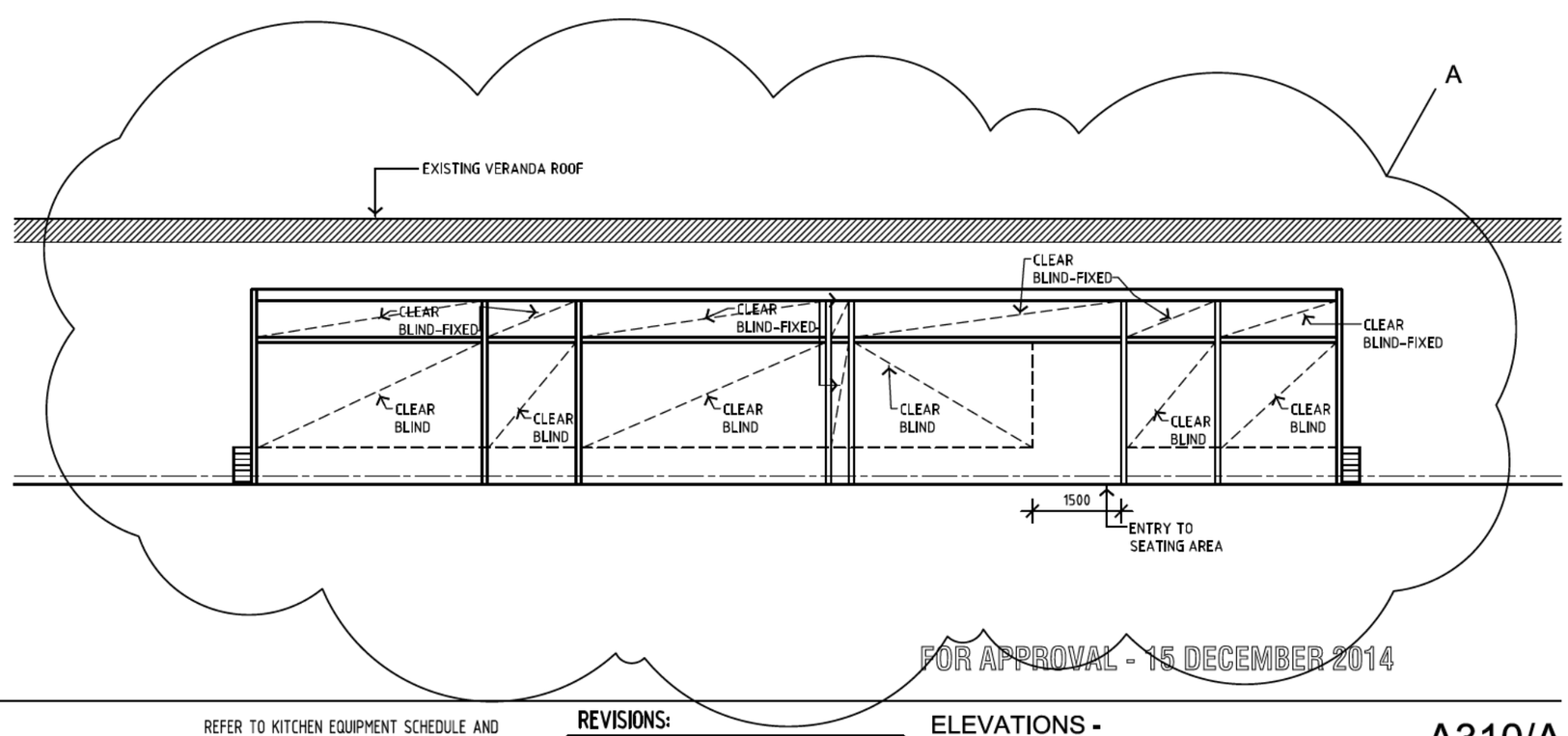
No virus found in this message.
Checked by AVG - www.avg.com
Version: 2014.0.4794 / Virus Database: 4235/8749 - Release Date: 12/16/14

--
Schedule 2.2(a)(ii)









FOR APPROVAL - 15 DECEMBER 2014

GENERAL NOTE:

ALL DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO CONSTRUCTION AND DISCREPANCIES TO BE CLARIFIED WITH DESIGNER. DO NOT SCALE DRAWINGS, REFER TO FIGURED DIMENSIONS ONLY. READ IN CONJUNCTION WITH SPECIFICATIONS, STRUCTURAL/CIVIL ENGINEERS AND L'SCAPE DRAWINGS. DIMENSIONS ARE IN MM AND MEASURED STRUCTURE TO STRUCTURE. RL'S ARE IN METRES.

MATERIALS KEY:

MS	CUSTOM FOLDED MILD STEEL SHINGLES, CLEAR FINISH
RE	RENDER - DISTRESSED CONCRETE APPEARANCE
CP	COPPER SPLASH BACK - FOOD GRADE
T3	KITCHEN TILES: BLACK GLOSS,
B1	BOARD CLADDING

REFER TO KITCHEN EQUIPMENT SCHEDULE AND KITCHEN CONTRACTOR'S DOCUMENTATION FOR A COMPLETE KITCHEN & BAR EQUIPMENT SCHEDULE & LEGEND.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE TO FOOD SAFETY STANDARDS AND CURRENT EDITION OF AS4674-2004

REVISIONS:

REV A 15 DEC 14	PLANTERS REMOVED

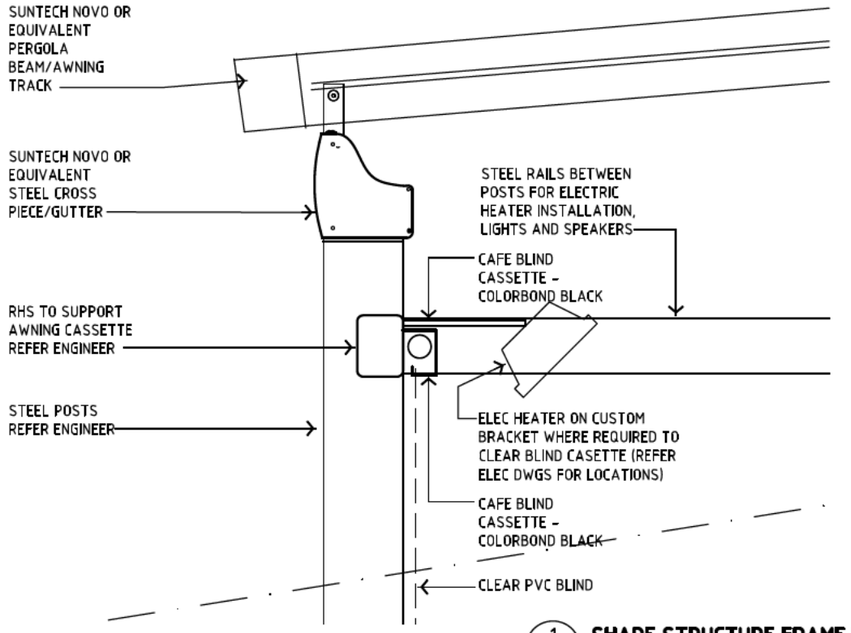
ELEVATIONS - OUTDOOR SEATING

A310/A

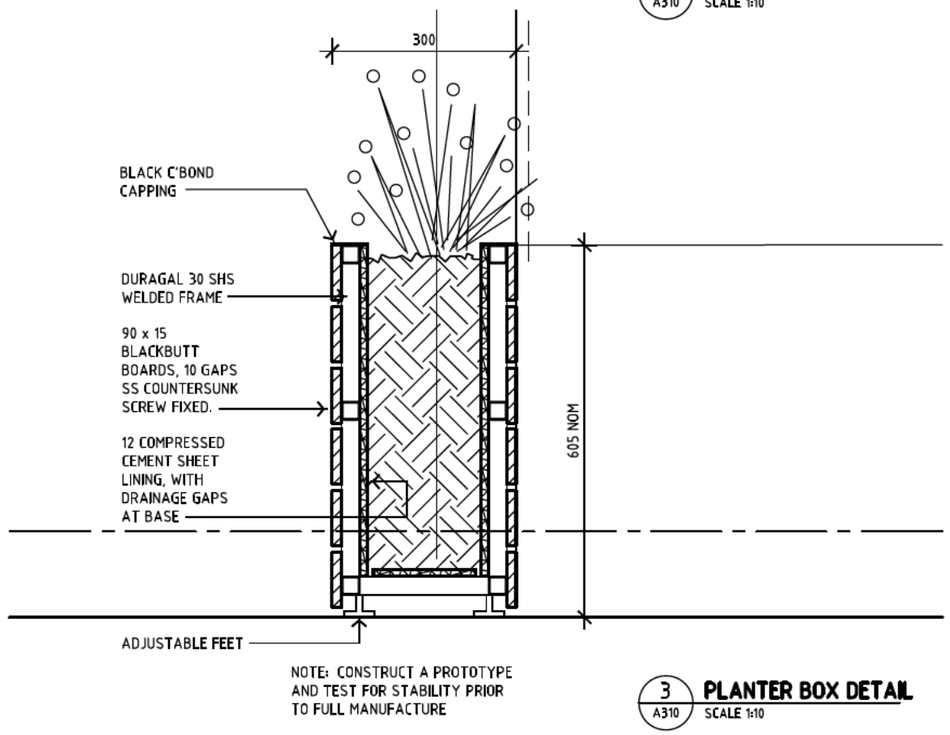
NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	1:100 @ A3 SIZE	AD	1306

ADAM DETTRICK ARCHITECTS
305/20-22 McKillop St, Melbourne 3000 p 03 9606 0774 f 03 9606 0773
www.adamdettrickarchitects.com.au

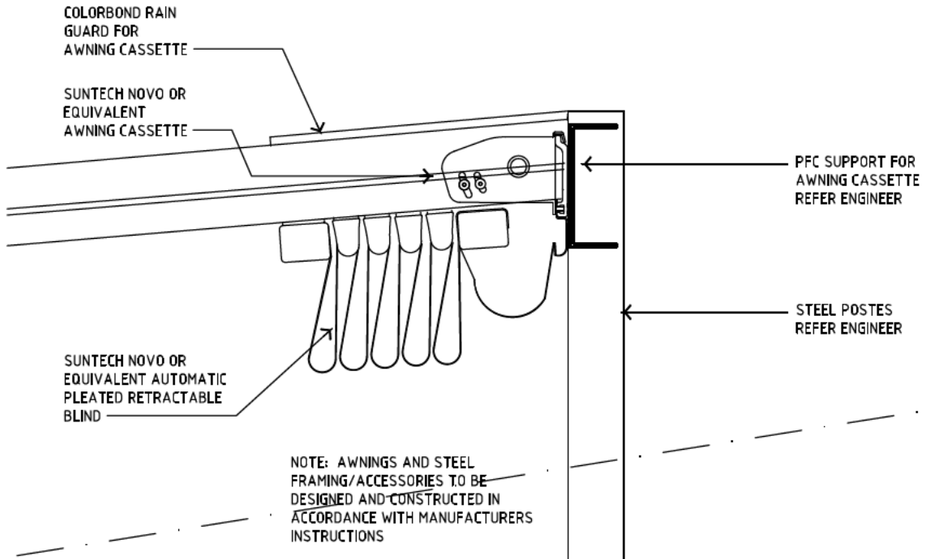


1 A310 **SHADE STRUCTURE FRAME DETAIL**
SCALE 1:10

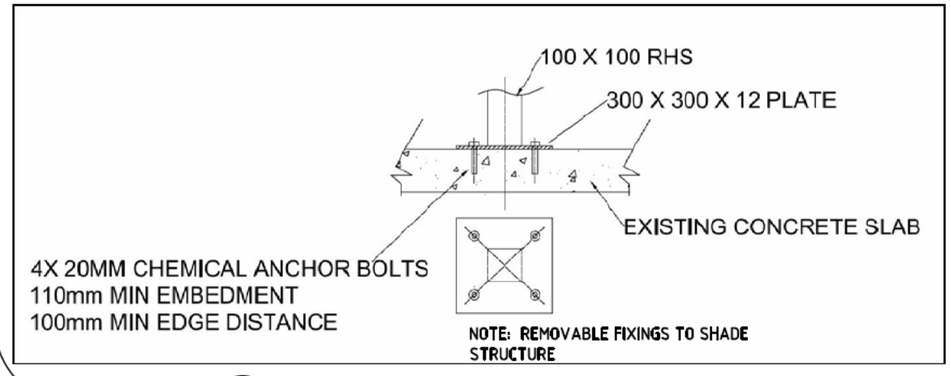


NOTE: CONSTRUCT A PROTOTYPE AND TEST FOR STABILITY PRIOR TO FULL MANUFACTURE

3 A310 **PLANTER BOX DETAIL**
SCALE 1:10



2 A310 **SHADE STRUCTURE FRAME DETAIL**
SCALE 1:10



A

- - **SHADE STRUCTURE GROUND CONNECTION DETAIL**
N.T.S NOTE: CONNECTION DETAIL PROVIDED BY ASPECT SHADE

FOR APPROVAL - 15 DECEMBER 2014

GENERAL NOTE:

ALL DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO CONSTRUCTION AND DISCREPANCIES TO BE CLARIFIED WITH DESIGNER. DO NOT SCALE DRAWINGS, REFER TO FIGURED DIMENSIONS ONLY. READ IN CONJUNCTION WITH SPECIFICATIONS, STRUCTURAL/CIVIL ENGINEERS AND L'SCAPE DRAWINGS. DIMENSIONS ARE IN MM AND MEASURED STRUCTURE TO STRUCTURE. RL'S ARE IN METRES.

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CP	COPPER SPLASH BACK - FOOD GRADE
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B1	BOARD CLADDING

REFER TO KITCHEN EQUIPMENT SCHEDULE AND KITCHEN CONTRACTOR'S DOCUMENTATION FOR A COMPLETE KITCHEN & BAR EQUIPMENT SCHEDULE & LEGEND.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE TO FOOD SAFETY STANDARDS AND CURRENT EDITION OF AS4674-2004

REVISIONS:

REV A 20/11/14	GROUND CONNECTION DETAIL

DETAILS - OUTDOOR SEATING

A640/A

NEW FITOUT AT 40 BUNDA ST, CANBERRA

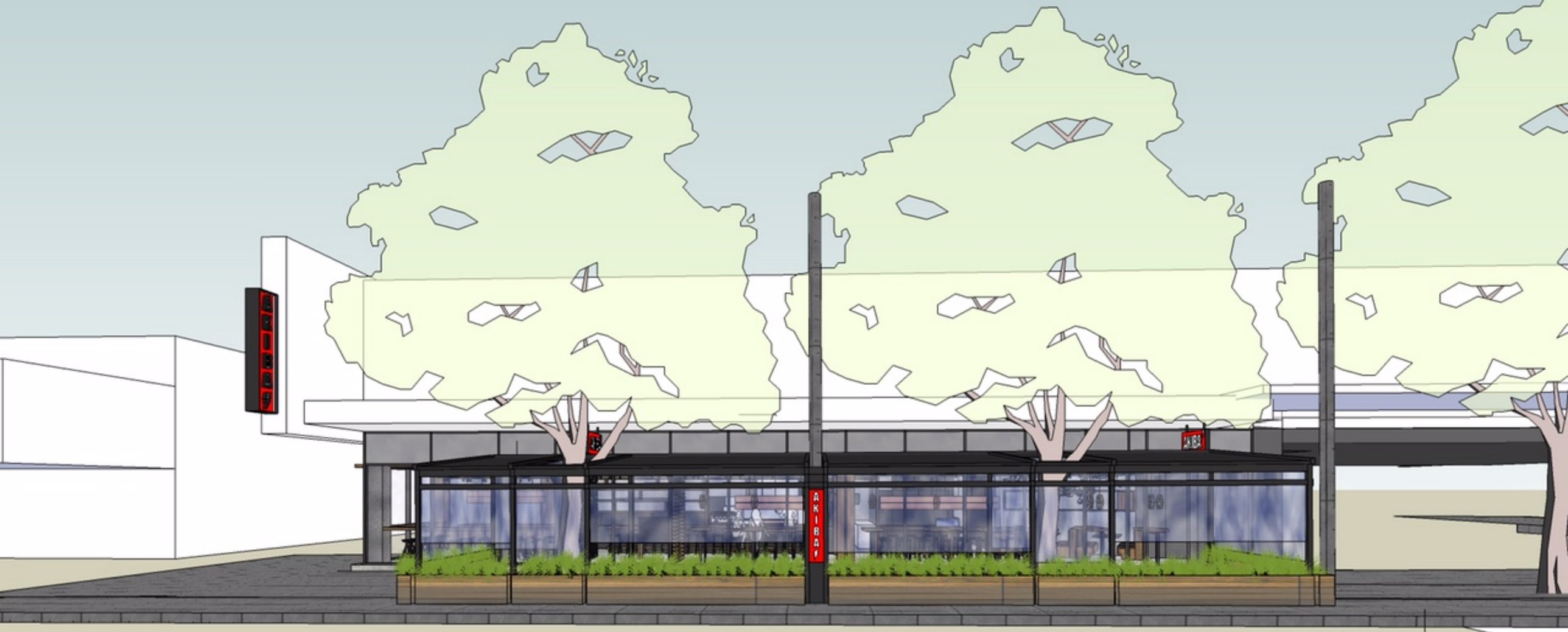
DATE	SCALE	DRAWN BY	JOB No
MAY 13	AS SHOWN @ A3 SIZE	AD	1306

ADAM DETTRICK ARCHITECTS
305/20-22 McKillop St, Melbourne 3000 p 03 9606 0774 f 03 9606 0773
www.adamdettrickarchitects.com.au

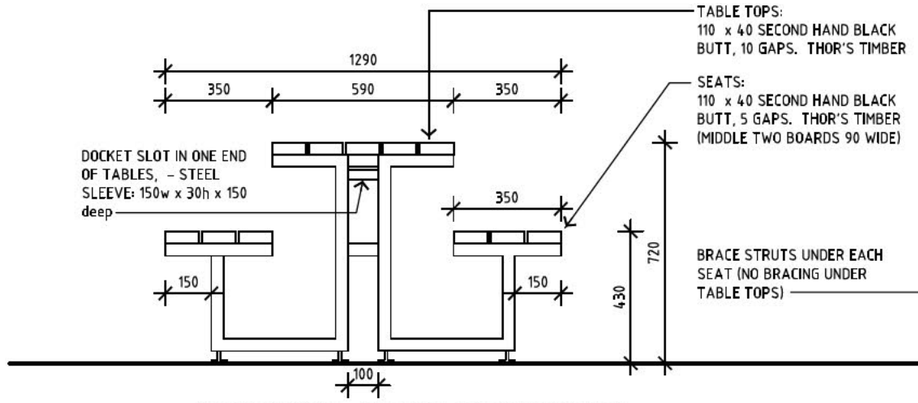

AKIBA'
AKIBA'


AKIBA'
AKIBA'


AKIBA


AKIBA

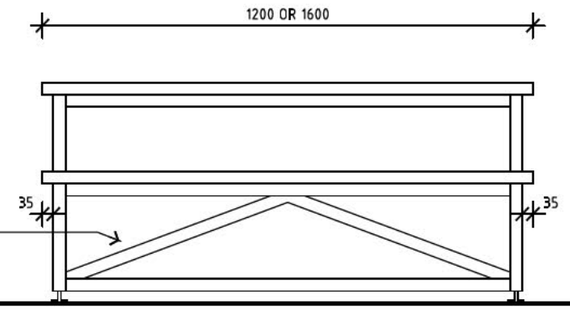

AKIBA



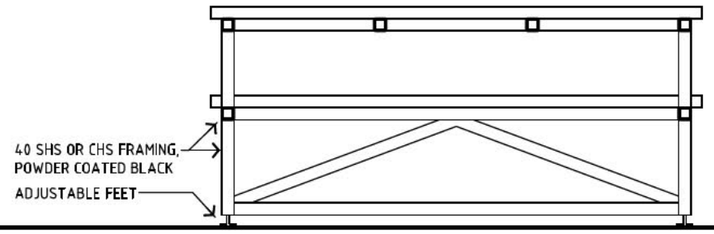
PICNIC TABLE - TYPICAL END ELEVATION
SCALE 1:20

TABLE QUANTITIES:
1200 LONG: 7 NO.
1600 LONG: 5 NO.

NOTE: FURNITURE TO BE REMOVABLE



PICNIC TABLE - TYPICAL SIDE ELEVATION
SCALE 1:20



PICNIC TABLE - TYPICAL SECTION
SCALE 1:20

PROPOSED SEATING AREA: 84.12 SQM

NOTES:
-SHADE STRUCTURE TO BE REMOVABLE
-ALL FURNITURE IS REMOVABLE.

BUNDA STREET

BIBLE LANE

PLANTER BOX

OPEN TO SKY

OUTDOOR SEATING

ENTRY

STEEL FRAMED PIVOT DOOR AND SIDELIGHT WITHIN EXISTING MULLIONS

ENTRY CANOPY AND SIGNAGE

OPENABLE WINDOWS

FIRE CONTROL PANEL

ENTRY

ALT ENTRY

FOH EX. CONC FLOOR

6 SEAT BOOTH

MAIN WALKWAY

TIMBER LOUVRES

RECEPTION J06

MAT

WOOD STACK J05

3000 x 900 COMMON 1100 HIGH J14

DB02/03 1100 HIGH

DB03 1100 HIGH

2400 x 650, 900 TO U/S J08a

2400 x 650, 900 TO U/S J08b

2770 x 650, 900 TO U/S J07

parking meter

light pole

existing bike parking retained

relocated existing bins

relocated ex. bike parking

relocated existing seat

FOR APPROVAL 15 DECEMBER 2014

GENERAL NOTE:

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MATERIALS KEY:

MS	CUSTOM FOLDED MILD STEEL SHINGLES, CLEAR FINISH
RE	RENDER - DISTRESSED CONCRETE APPEARANCE
CP	COPPER SPLASH BACK - FOOD GRADE
T3	KITCHEN TILES: BLACK GLOSS,
B1	BOARD CLADDING

REFER TO KITCHEN EQUIPMENT SCHEDULE AND KITCHEN CONTRACTOR'S DOCUMENTATION FOR A COMPLETE KITCHEN & BAR EQUIPMENT SCHEDULE & LEGEND.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE TO FOOD SAFETY STANDARDS AND CURRENT EDITION OF AS4674-2004

REVISIONS:

A	18.06.14	Seating area outlined
B	18.11.14	Extra notes added
C	15.12.14	Planters remove and gen revision

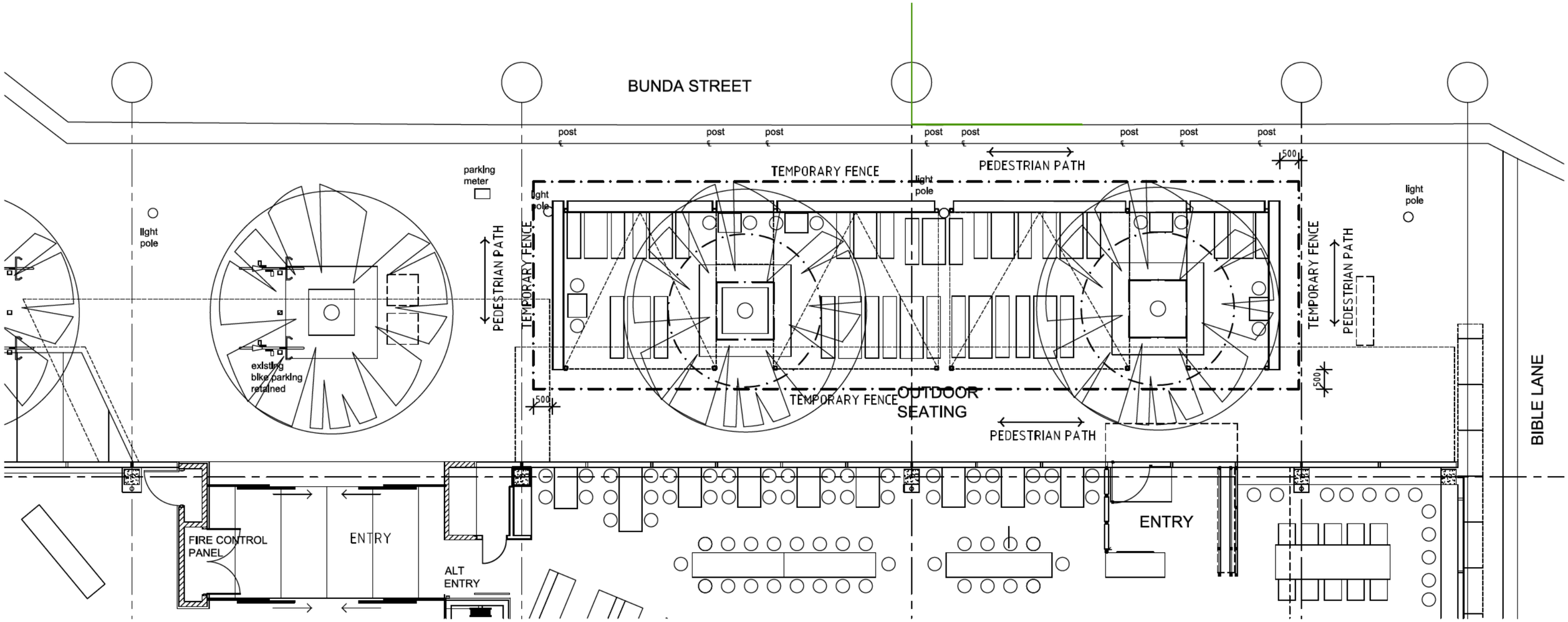
OUTDOOR SEATING - PROPOSED

A091/C

NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	1:100 @ A3 SIZE	AD	1306

ADAM DETTRICK ARCHITECTS
305/20-22 McKillop St, Melbourne 3000 p 03 9606 0774 f 03 9606 0773
www.adamdettrickarchitects.com.au



FOR APPROVAL - 15 DECEMBER 2014

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RE	RENDER - DISTRESSED CONCRETE APPEARANCE
CP	COPPER SPLASH BACK - FOOD GRADE
T3	KITCHEN TILES: BLACK GLOSS,
B1	BOARD CLADDING

REFER TO KITCHEN EQUIPMENT SCHEDULE AND KITCHEN CONTRACTOR'S DOCUMENTATION FOR A COMPLETE KITCHEN & BAR EQUIPMENT SCHEDULE & LEGEND.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE TO FOOD SAFETY STANDARDS AND CURRENT EDITION OF AS4674-2004

REVISIONS:

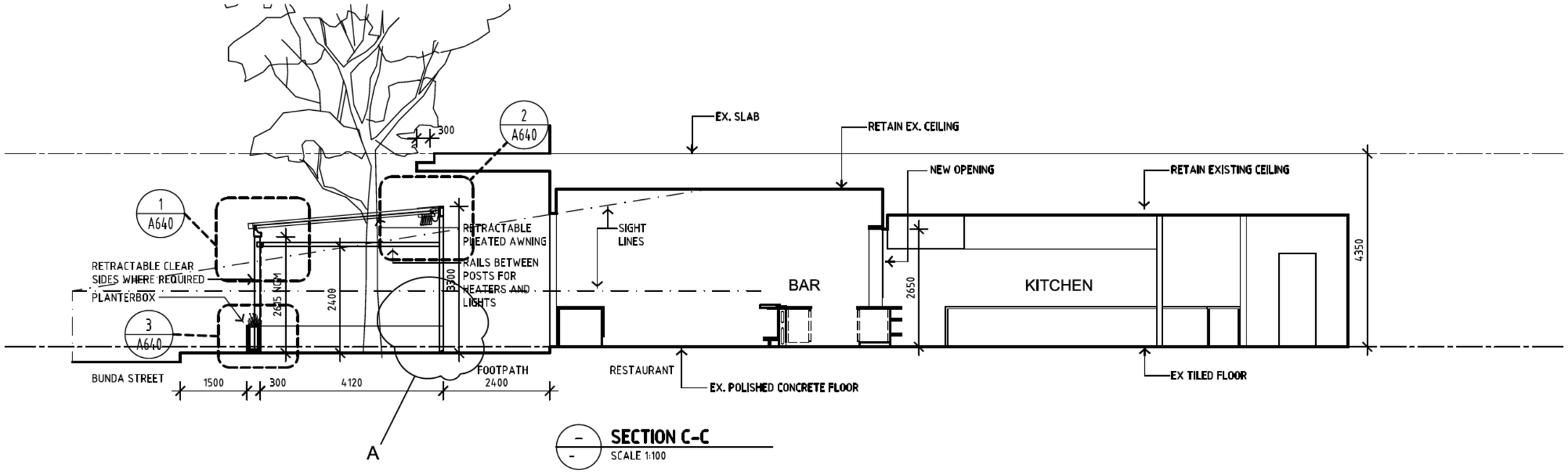
FOOT TRAFFIC MANAGEMENT PLAN

A092

NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	1:100 @ A3 SIZE	AD	1306

ADAM DETTRICK ARCHITECTS
305/20-22 McKillop St, Melbourne 3000 p 03 9606 0774 f 03 9606 0773
www.adamdettrickarchitects.com.au



SECTION C-C
SCALE 1:100

FOR APPROVAL - 15 DECEMBER 2014

GENERAL NOTE:
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ALL WORKS TO BE CARRIED OUT IN ACCORDANCE TO FOOD SAFETY STANDARDS AND CURRENT EDITION OF AS4674-2004

REVISIONS:
REV A 15 DEC 14	PLANTERS REMOVED

SECTIONS

A201/A

NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	1:100 @ A3 SIZE	AD	1306

ADAM DETTRICK ARCHITECTS
305/20-22 McKillop St, Melbourne 3000 p 03 9606 0774 f 03 9606 0773
www.adamdettrickarchitects.com.au

ACT Government
Justice and Community Safety

Akiba Restaurant and Bar
OUTDOOR CAFE PERMIT NUMBER **21000284**

Reference: **21000284**

AKIBA CANBERRA PTY LTD
Akiba Restaurant and Bar
40 Bunda Street
CANBERRA ACT 2601

PERMIT TO PLACE OBJECTS ON PUBLIC UNLEASED LAND
Public Unleased Land Act 2013
(OUTDOOR CAFE AREA)

The Office of Regulatory Services is responsible for the administration of Section 45 of the *Public Unleased Land Act 2013* as it relates to outdoor café areas.

Your application for a Public Unleased Land Permit for the purposes of establishing and operating an outdoor cafe has been approved by the Office of Regulatory Services on behalf of The Director-General.

Should the items covered by this permit change before the expiration date, the following steps will need to be followed prior to approval being granted;

1. Complete the Application for Amendment of an Outdoor Café Permit, available from our website www.ors.act.gov.au.
2. Lodge the application with the Office of Regulatory Services.
3. The Delegate of the Director-General will then assess your application.

If you require any further assistance in relation to this process, please do not hesitate to contact this office on 6207 3000.

Yours sincerely



Giancarlo Nasca
Delegate of the Director-General
19 December 2014

ACT Government
Justice and Community Safety

Akiba Restaurant and Bar
OUTDOOR CAFE PERMIT NUMBER **21000284**

PERMIT TO PLACE OBJECTS ON PUBIC UNLEASED LAND
Public Unleased Land Act 2013
(TERMS AND CONDITIONS)

A permit is granted to the person(s) named in Item 1 of the Schedule ("grantee") to place within the area described in Item 2 of the Schedule ("permitted area") the objects listed in Item 4 of the Schedule ("permitted objects") subject to the following terms and conditions:

1. Period of Permit

This permit is for the period specified in Item 3 of the Schedule.

2. Insurance

The grantee will, for the full period of this permit:

(a) effect and maintain a public liability insurance with a reputable insurer to the value of at least TWENTY MILLION DOLLARS (or such other amount as may be notified to the grantee) a copy of which must be provided to the Fair Trading Compliance Unit of the Office of Regulatory Services; and

(b) indemnify and keep indemnified the Australian Capital Territory, its officers, servants and agents ("those indemnified") against:

(i) all actions, proceedings, claims and demands whatsoever which may be brought, made or prosecuted against them or any of them in respect of loss, damage, death or injury to persons or property occurring in the permitted area or arising out of the presence of use of the furnishings in the permitted area; and

(ii) all costs, damages and expenses which may be incurred by those indemnified in defending, or settling such actions, proceedings, claims and demands.

3. Permitted Objects

(a) This permit is only in respect of the permitted objects. The maximum amount of furniture to be placed in the area is specified in Item 4 of the schedule.

(b) A plan of the permitted area is at Attachment A. The moveable permitted objects may be placed anywhere in the area. The permanent permitted objects may be placed as marked on the plan.

(c) The permit holder may place other fixed objects in the area if the grantee has obtained a licence under the *Planning and Development Act 2007* from the ACT Planning Authority.

4. Use of Objects

The permitted objects are to be placed in the permitted area for the sole purpose of operating an outdoor cafe and all activities related to the outdoor cafe must be confined strictly to the permitted area.

5. Placement Hours

(a) The moveable objects listed in item 4 of the schedule may be placed in the permitted area during the hours specified in item 5 of the schedule.

(b) The permanent objects listed in item 4 of the schedule may be placed in the permitted area at any time while this permit is in force.

(c) The grantee may place other fixed objects in the area if the grantee has obtained a licence under the *Planning and Development Act* 2007 from the ACT Planning and Land Authority regarding those objects. Those objects may be left in the permitted area while that licence is in force and the licence is being complied with. The grantee should be prepared to provide evidence of such if requested.

6. Furniture and objects must remain within permitted area

Objects must not be placed or moved outside the permitted area. All tables and chairs must remain within the boundary and the proprietor must ensure that patrons do not breach this requirement. This includes chairs whilst being used by patrons – the chairs must remain wholly within the permit area.

7. Maintenance

The permitted objects must be maintained to a safe standard of repair.

8. Health and Safety

(a) The grantee will ensure that the permitted objects do not, directly or indirectly, adversely affect the health or safety of persons in or near the permitted area.

(b) The grantee will comply with all relevant laws and regulations relating to the operation of an outdoor cafe and, in particular, those in relation to public health.

9. Illumination

The grantee will keep the permitted objects in the permitted area adequately illuminated.

10. Smoking

The permit holder will ensure that "no smoking" signage is placed within the outdoor eating and drinking area and that smoking is not permitted within the outdoor eating and drinking area in accordance with the *Smoke Free (Public Places) Act 2003*

11. Development Application

This permit is issued in accordance with approved Development Application (DA) 201426293 which now forms part of this permit as Annexure A.

ISSUED BY **Delegate of the Director-General**
Office of Regulatory Services

ACT Government
Justice and Community Safety

Akiba Restaurant and Bar
OUTDOOR CAFE PERMIT NUMBER **21000284**

SCHEDULE

Item 1	**Grantee:**	**AKIBA CANBERRA PTY LTD** **40 Bunda Street CANBERRA ACT 2601**	
	Operating as:	**Akiba Restaurant and Bar**	
	Postal address	**40 Bunda Street CANBERRA ACT 2601**	
	Contact details	Schedule 2.2(a)(ii) [redacted]	
Item 2	**Permitted area**	**77.77 square metres delineated in red on the attached plan**	
Item 3	**Period of permit**	**19 December 2014 to 30 November 2015**	
Item 4	**Permitted objects**	**REMOVABLE OBJECTS** **2 Bins** **2 Waiter Stations**	**PERMANENT OBJECTS** *Permitted in accordance with the* ***Planning and Development Act 2007*** **Steel framed structure (DA 201426293)** **24 Outdoor Café Awnings/blinds** **16 Heaters 22 Planter boxes** **30 Benches 15 Tables**
Item 5	**Permitted hours**	**7am to 2am, Monday to Sunday**	

The below grid indicates how the fee was calculated for your Outdoor Cafe Permit.

Description	Fee per (M^2) per day	Area (M^2)	Total	Fee payable
Akiba Restaurant and Bar - City From: 19-December-2014 To: **30-November-2015**	Schedule 2.2(a)	77.77	Schedule 2.2(a)(ii)	**[Rounded down]** Schedule 2.2(a)(ii)

NOTE:

1. This permit **does not authorise** the drilling of holes into pavements or walls and **does not permit** permanent attachment to pavements or walls and **does not permit** permanent structures to be erected.

2. The placement of permanent objects fixed to the ground requires a licence under the *Planning and Development Act 2007* from the ACT Planning and Land Authority. This process incorporates approval from the land custodian, and/or other interested parties through the Department of Territory and Municipal Services.

3. The Proprietor should note that their public liability insurance may not indemnify them if operating outside the permitted area. Objects placed other than permitted by this permit may be confiscated and forfeited.

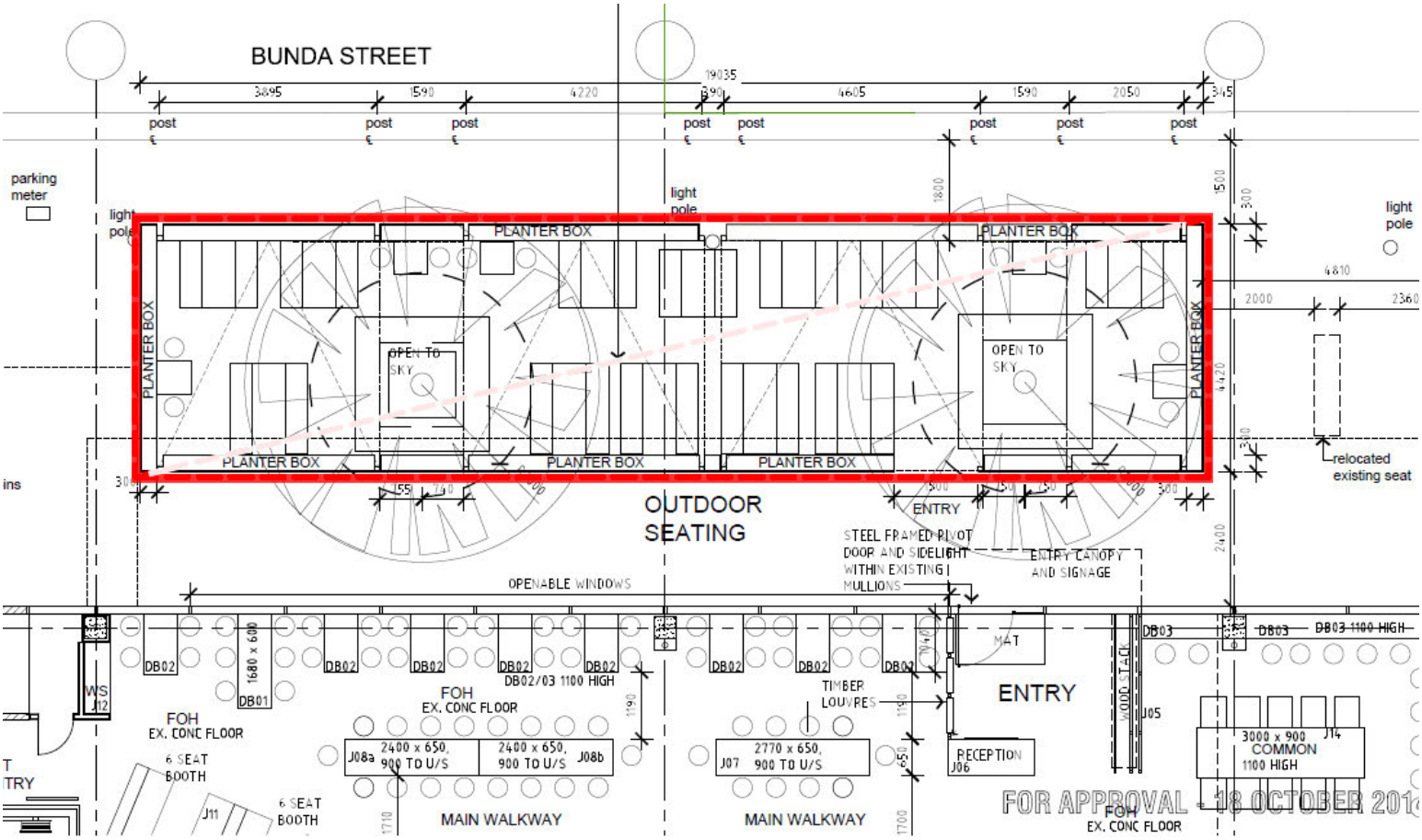
4. To vary the permit area or the permitted objects, please contact the Office of Regulatory Services and request a re-assessment.

ACT Government
Justice and Community Safety

Akiba Restaurant and Bar
OUTDOOR CAFE PERMIT NUMBER **21000284**

OUTDOOR CAFE AREA

DRAWING NOT TO SCALE BUT MEASUREMENTS OF DISTANCE CORRECT AS SHOWN



ACT Government
Justice and Community Safety

Reference: **21000284**

AKIBA CANBERRA PTY LTD
Akiba Restaurant and Bar
40 Bunda Street
CANBERRA ACT 2601

Dear Sir/Madam

I am writing to you in relation to your application for a permit under the *Public Unleased Land Act 2013*.

Application status: **Pending Approval – payment required.**

Under the *Public Unleased Land Act 2013* a permit may be issued for up to 2 years. If you wish to accept this offer for a public unleased land permit please select one of the options below and provide payment for the relevant fee. **Payment options are shown on the reverse side of this invoice.**

Option 1 – [1 year permit]

Description	Fee per (M^2) per day	Area (M^2)	Total	Fee payable
Akiba Restaurant and Bar - City From: 19-December-2014 To: **30-November-2015**	Schedule 2.2(a)	77.77	Schedule 2.2(a)(ii)	**[Rounded down]** Schedule 2.2(a)(ii)

Option 2 – [2 Year Permit]

Description	Fee per (M^2) per day	Area (M^2)	Total	Fee payable
Akiba Restaurant and Bar - City From: 19-December-2014 To: **30-November-2016**	Schedule 2.2(a)	77.77	Schedule 2.2(a)(ii)	**[Rounded down]** Schedule 2.2(a)(ii)

If you wish to request amendments to your permit, please contact our office on 02 6207 3000 to discuss the options available to you. You can also contact us to discuss any questions regarding this letter and the application process.

Yours sincerely

Giancarlo Nasca
Delegate of the Director-General
18 December 2014

Office of Regulatory Services
Registrations and Fair Trading
255 Canberra Avenue Fyshwick ACT 2609
GPO Box 158 Canberra ACT 2601 / Phone 6207 3000

You may make payment by providing a cheque/money order or credit card authorisation for the fee payable. Cheques can be made payable to "Office of Regulatory Services". If you wish to pay by cash or EFTPOS you can do so by attending our office in person.

CREDIT CARD PAYMENT AUTHORITY		
This part is provided for your convenience for payment of the relevant permit renewal fee. Please note that the permit fee is GST exempt.		
Please charge payment of the fee to my:	☐ VISA card	☐ MasterCard
Credit Card Number ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___		Expiry date ____/____
CARD HOLDER'S AUTHORISATION: I consent to the Office of Regulatory Services debiting the following amount from my credit card to the value of **$** _____		
_____ Card holder's full name	_____ Card holder's signature	____ / ____ / _____ Date

In Person:	**By Post:**	**Fax to*:**	**Email to*:**
Office of Regulatory Services 255 Canberra Avenue Fyshwick ACT 2609 Hours: 9.00am – 4.30pm	Office of Regulatory Services Business and Industry Licensing GPO Box 158 Canberra, ACT 2601	(02) 6207 0424 *Only credit card payment can be accepted via fax.	liquor@act.gov.au

ACT Government
Justice and Community Safety

Reference: **21000284**

AKIBA CANBERRA PTY LTD
Akiba Restaurant and Bar
40 Bunda Street
CANBERRA ACT 2601

RISK MANAGEMENT PLAN NOTICE

Dear Sir/Madam

RE: Request for risk management plan

I refer to an application dated 20 October 2014 seeking a Public Unleased Land Permit for AKIBA CANBERRA PTY LTD of 40 Bunda Street CANBERRA ACT 2601 trading as Akiba Restaurant and Bar.

In assessing your application, we have determined the activity you intend to undertake may cause undue risk to people or property.

As such, I am writing to request you provide a risk management plan for the Public Unleased Land Permit, under section 55 of the *Public Unleased Land Act 2013*.

This risk management plan must:

a. Identify the risks to people and property; and
b. Detail the procedures, practices and arrangements for eliminating or minimising the risks.

Please be advised, if you do not comply with this notice the director-general (or their delegate) need not decide whether you are a suitable person to hold a Public Unleased Land Permit.

If you have any further questions, please contact Giancarlo Nasca at the Compliance Unit on (02) 6205 4584, by email at liquor@act.gov.au or by post to GPO Box 158, Canberra ACT 2601.

Yours sincerely

Jon Quiggin
Delegate of the Director-General
Office of Regulatory Services

23 October 2014

Office of Regulatory Services
Registrations and Fair Trading
255 Canberra Avenue Fyshwick ACT 2609
GPO Box 158 Canberra ACT 2601 / Phone 6207 3000

ACT Government
Justice and Community Safety

Reference: **21000284**

AKIBA CANBERRA PTY LTD
Akiba Restaurant and Bar
40 Bunda Street
CANBERRA ACT 2601

PUBLIC CONSULTATION NOTICE

Dear Sir/Madam

RE: Request for public consultation period

I refer to an application dated 20 October 2014 seeking a Public Unleased Land Permit for AKIBA CANBERRA PTY LTD of 40 Bunda Street CANBERRA ACT 2601 trading as Akiba Restaurant and Bar.

In assessing your application, we have determined the activity you intend to undertake is likely to have significant impact on other people nearby.

As such, you are requested under section 53 of the *Public Unleased Land Act 2013* to:

a. Display a sign about the application on the public unleased land; and
b. Publish a notice about the application in a daily newspaper.

The sign and notice must state the following:

i. The times for the public unleased land permit;
ii. The activity for the public unleased land permit;
iii. That anyone may give a written submission to the director-general about how the use of the public unleased land, in accordance with the proposed permit, may have significant impact on someone nearby; and
iv. That submissions may be given to the director-general only during the 15 working days after the date of the sign or notice (the 'public consultation period').

The sign and notice must also comply with the requirements prescribed by regulation.

A person who makes a submission about your application may, in writing, withdraw their submission at any time before the application is decided.

Please be advised, if you do not comply with this notice the director-general (or their delegate) need not decide whether your activity is suitable for a Public Unleased Land Permit.

Office of Regulatory Services
Registrations and Fair Trading
255 Canberra Avenue Fyshwick ACT 2609
GPO Box 158 Canberra ACT 2601 / Phone 6207 3000

If you have any further questions, please contact the Office of Regulatory Services, Compliance by phone on (02) 6207 3000, by email at liquor@act.gov.au or by post to GPO Box 158, Canberra ACT 2601.

Yours sincerely



Jon Quiggin
Delegate of the Director-General
Office of Regulatory Services

22 October 2014

PUBLIC CONSULTATION NOTICE FOR OUTDOOR DINING

This Notice satisfies the public consultation notice requirement of the *Public Unleased Land Act 2013*

AKIBA CANBERRA PTY LTD is required to conduct public consultation for an application lodged with the Director-General of the Directorate of Justice and Community Safety on **20 October 2014**. The application is for the issue of a permit for an outdoor cafe on public unleased land which will operate from **40 Bunda Street CANBERRA ACT 2601** trading under the name of **Akiba Restaurant and Bar**.

It is proposed that the permit will operate on **Monday to Sunday** between the hours of **7am and 2am**. The permit allows for the permit holder to operate an outdoor eating and drinking area.

You may make written submissions to the director-general about how the use of the public unleased land in accordance with the proposed permit may have a significant impact on someone lawfully at adjacent or nearby places.

15 day public consultation period from **23/10/2014** UNTIL **12/11/2014**

Written submissions may be made to:

The Delegate of the Director-General
Justice and Community Safety
Office of Regulatory Services
GPO Box 158
CANBERRA ACT 2601

liquor@act.gov.au

ACT Government
Justice and Community Safety

Reference: **21000284**

AKIBA CANBERRA PTY LTD
Akiba Restaurant and Bar
40 Bunda Street
CANBERRA ACT 2601

NOTIFICATION OF DECISION ON PERMIT APPLICATION

Dear Permit Holder

RE: Public Unleased Land Permit application

I refer to an application dated 20 October 2014 seeking a Public Unleased Land Permit for AKIBA CANBERRA PTY LTD of 40 Bunda Street CANBERRA ACT 2601 trading as Akiba Restaurant and Bar.

The determination of your suitability to hold a public unleased land permit is influenced by the suitability information provided about yourself, any influential persons (for a corporation) and the proposed acitivity.

Your application has now been assessed in accordance with the *Public Unleased Land Act 2013*. Your application for an outdoor cafe permit has been approved based on the information you have provided.

Please find **enclosed** your Public Unleased Land Permit, which entitles you to use the area stipulated on the permit plan for the use of an outdoor cafe, until **30 November 2015**.

If you have any further questions, please contact the Office of Regulatory Services, Compliance by phone on (02) 6207 3000, by email at liquor@act.gov.au or by post to GPO Box 158, Canberra ACT 2601.

Yours sincerely

Derise Cubin
Delegate of the Director-General
Office of Regulatory Services

19 December 2014

Office of Regulatory Services
Registrations and Fair Trading
255 Canberra Avenue Fyshwick ACT 2609
GPO Box 158 Canberra ACT 2601 / Phone 6207 3000

ACT Government
Justice and Community Safety

Reference: **21000284**

AKIBA CANBERRA PTY LTD
Akiba Restaurant and Bar
40 Bunda Street
CANBERRA ACT 2601

Dear Sir/Madam

I am writing to you in relation to your application for a permit under the *Public Unleased Land Act 2013*.

Application status: **Pending Approval – payment required.**

Under the *Public Unleased Land Act 2013* a permit may be issued for up to 2 years. If you wish to accept this offer for a public unleased land permit please select one of the options below and provide payment for the relevant fee. **Payment options are shown on the reverse side of this invoice.**

Option 1 – [1 year permit]

Description	Fee per (M^2) per day	Area (M^2)	Total	Fee payable
Akiba Restaurant and Bar - City From: 19-December-2014 To: **30-November-2015**	Schedule 2.2(a)	77.77	Schedule 2.2(a)(ii)	**[Rounded down]** Schedule 2 2(a)(ii)

Option 2 – [2 Year Permit]

Description	Fee per (M^2) per day	Area (M^2)	Total	Fee payable
Akiba Restaurant and Bar - City From: 19-December-2014 To: **30-November-2016**	Schedule 2.2(a)	77.77	Schedule 2.2(a)(ii)	**[Rounded down]** Schedule 2.2(a)(ii)

If you wish to request amendments to your permit, please contact our office on 02 6207 3000 to discuss the options available to you. You can also contact us to discuss any questions regarding this letter and the application process.

Yours sincerely

Giancarlo Nasca
Delegate of the Director-General
18 December 2014

Office of Regulatory Services
Registrations and Fair Trading
255 Canberra Avenue Fyshwick ACT 2609
GPO Box 158 Canberra ACT 2601 / Phone 6207 3000

You may make payment by providing a cheque/money order or credit card authorisation for the fee payable. Cheques can be made payable to "Office of Regulatory Services". If you wish to pay by cash or EFTPOS you can do so by attending our office in person.

CREDIT CARD PAYMENT AUTHORITY		
This part is provided for your convenience for payment of the relevant permit renewal fee. Please note that the permit fee is GST exempt.		
Please charge payment of the fee to my:	☐ VISA card	☐ MasterCard
Credit Card Number ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___		Expiry date ____/____
CARD HOLDER'S AUTHORISATION: I consent to the Office of Regulatory Services debiting the following amount from my credit card to the value of **$** _____		
_____ Card holder's full name	_____ Card holder's signature	____ / ____ / _____ Date

In Person:	**By Post:**	**Fax to*:**	**Email to*:**
Office of Regulatory Services 255 Canberra Avenue Fyshwick ACT 2609 Hours: 9.00am – 4.30pm	Office of Regulatory Services Business and Industry Licensing GPO Box 158 Canberra, ACT 2601	(02) 6207 0424 *Only credit card payment can be accepted via fax.	liquor@act.gov.au

From: Boersma, Timo
To: Nasca, Giancarlo
Subject: FW: COMM: REFERRAL-TAMS-URBAN TREESCAPES-201426293-7/35 CITY-01
Date: Tuesday, 2 December 2014 4:09:25 PM

Giancarlo

FYI

Timo Boersma | Manager, Land Use Unit | Licensing and Compliance Section
City Services Branch | Parks and City Services Division
Territory and Municipal Services Directorate | ACT Government
Tel (02) 6205 4766| Email: timo.boersma@act.gov.au

From: McHugh, Ben
Sent: Tuesday, 2 December 2014 4:07 PM
To: Henriquez, Jose
Cc: Boersma, Timo
Subject: RE: COMM: REFERRAL-TAMS-URBAN TREESCAPES-201426293-7/35 CITY-01

Hi Jose,

I have inspected the site and following a conversation with the developer I am comfortable with supporting the proposal as submitted.

Regards

Ben

Ben McHugh
Senior Manager | Major Capital Works
Directorate of Territory & Municipal Services · Roads ACT
Level 7, Macarthur House · 12 Wattle Street, Lyneham ACT 2602
Locked Bag 2000 Civic Square · ACT 2600·
Ph: (02) 6207 2738 Mobile: 0421 414 605 Facsimile: (02) 6207 6872
ACT Government Homepage: www.act.gov.au

From: Boersma, Timo
Sent: Wednesday, 19 November 2014 11:31 AM
To: McHugh, Ben
Subject: RE: COMM: REFERRAL-TAMS-URBAN TREESCAPES-201426293-7/35 CITY-01

Ben

Essentially Ben Moseley wants a decision on the 3m pedestrian corridor, the awning overhead and the planter boxes along the corridor. Whatever is negotiated will need to be part of entity advice to ACTPLA through Jose Henriquez.

Regards

Timo Boersma | Manager, Land Use Unit | Licensing and Compliance Section

City Services Branch | Parks and City Services Division
Territory and Municipal Services Directorate | ACT Government
Tel (02) 6205 4766| Email: timo.boersma@act.gov.au

From: McHugh, Ben
Sent: Wednesday, 19 November 2014 11:12 AM
To: Boersma, Timo
Cc: Henriquez, Jose; Gill, Tony; Jenkins, Kylie (TAMS L&C)
Subject: RE: COMM: REFERRAL-TAMS-URBAN TREESCAPES-201426293-7/35 CITY-01

Thanks for the advice below Timo.

Consistency seems to be the issue here. And I can understand why some of the decisions have been made, and advice given. Unfortunately in my opinion the current guidelines do not provide desirable outcomes from the urban design objectives for streets such as Bunda Street.

The structures that are being proposed and constructed for outdoor dining spaces become blockages and barriers to the permeability of the verges and the streets. In Bunda Street where the intent is to open the street up to pedestrians and cyclists with the shared space currently being delivered, these barriers contradict the intent.

The more open and accessible the space is, the more inviting, safe and usable for the community it will become. Perhaps a topic for discussion in the future.

Ben

From: Boersma, Timo
Sent: Tuesday, 18 November 2014 8:30 AM
To: McHugh, Ben
Cc: Henriquez, Jose; Gill, Tony; Jenkins, Kylie (TAMS L&C)
Subject: FW: COMM: REFERRAL-TAMS-URBAN TREESCAPES-201426293-7/35 CITY-01

Ben

Please note I have asked Ben Moseley to talk to you about the outdoor dining arrangements for Akiba restaurant in Bunda st

1. At a pre-app meeting, ACTPLA seem to have advised Akiba that they support a pedestrian corridor of 2.4 met between the building and the outdoor dining area and they support the overlap of the outdoor dining roof with the building awning, provided that fire prevention measures are put in place. On that advice the restaurant installed sprinkler systems in the building and now argue against the 3m pedestrian corridor that TAMS has asked for to accommodate the pedestrians and cyclists intended by the Roads “Shareway Project”.
2. Akiba seem to claim that the light poles in the drawings are existing. Unless you have installed new ones as part of the Bunda st project, they don’t reflect what exists in ACTmapi and I have advised that additional light poles will not be supported. They advise they will install night lighting for the tunnel affect they will

create when the outdoor dining roof blocks street lighting.

3. Contrary to previous TAMS advice, ORS indicate they will support planter boxes and picnic tables that will remain out overnight. On that advice, Akiba has already built the tables and benches, but indicate the furniture won't be bolted down. In anticipation of the increased ORS responsibilities for outdoor dining, I have advised Akiba that seating arrangements will be up to ORS, regardless of the need for a DA.
4. On the basis of the outdoor dining guidelines, I have insisted on the pedestrian link halfway between the two trees, thereby creating two seating areas of about 9m each instead of one privatised area of about 19m long.
5. Please note that ORS have given permission for Schedule 2.2(a)(xi) to occupy the pedestrian corridor between the building and the outdoor dining area during late night trading. This is a trial, but it is possible that Akiba will seek the same.

Regards

Timo Boersma | Manager, Land Use Unit | Licensing and Compliance Section
City Services Branch | Parks and City Services Division
Territory and Municipal Services Directorate | ACT Government
Tel (02) 6205 4766| Email: timo.boersma@act.gov.au

From: Schedule 2.2(a)(ii)
Sent: Monday, 17 November 2014 10:27 PM
To: Henriquez, Jose; Boersma, Timo
Cc: Schedule 2.2(a)(ii)
Subject: Fwd: COMM: REFERRAL-TAMS-URBAN TREESCAPES-201426293-7/35 CITY-01

Jose / Timo,

Please see my notes on your response below, let's meet with Mr Ben McHugh ASAP to move forward on this -

Call me to firm up a time.

Thank you on behalf of Schedule 2.2(a)(ii) & AKIBA Management for your assistance with this urgent matter.

Schedule
.

From: Henriquez, Jose
Sent: Thursday, 13 November 2014 3:56 PM
To: EPD, Customer Services
Cc: TAMS CIS ASG DA COORD; Wallner, Johanna; Jatheendran, Lingam
Subject: COMM: REFERRAL-TAMS-URBAN TREESCAPES-201426293-7/35 CITY-01

Dear App Sec,

DEVELOPMENT APPLICATION NO: 201426293

Project Description:
COMMERCIAL - OUTDOOR DINING - SIGNAGE. Proposed construction of outdoor dining area for AKIBA restaurant (40 Bunda Street) on public land. Installation of signage under existing building awning and on existing building.

BLOCK: 7	**SECTION: 35**	**DIVISION: CITY**

This DA has been assessed in regards to the following:

Traffic		**Driveways/Verge Crossings**	
Parking		**LMPP/Street Trees**	**X**
Public Transport		**Street Lighting**	
Waste Management		**Pedestrian Footpath**	**X**
Stormwater Tie		**Stormwater Easement**	
Noise		**Amendments/Additions/Alteration**	**X**
Further Information		**EDP**	
Lease Variation		**Capital Works**	

X = Areas Assessed.

And our position is:

That It Is Supported	
That It Is Supported With Conditions	
That It Is Not Supported	**X**
That Further Information Is Required	**X**

<u>Comments</u>

The following issues need to be addressed:

LICENCING

1. **The structure should be 1.8m from the kerb of Bunda street, inclusive of the planter boxes. The drawing shows 1.5m from the edge of the planter boxes.**

The structure in inline with other fixed Territory assets ie light poles, for both practical and aspect design, this fits in with the surrounding street scape.

2. **The structure should be 3m from the front of the building. The latest version shows it is only 2.4m when the original drawing indicated 3m. There should be some daylight between the dining roof and the building awning.**

At the pre-app meeting ACTPLA advised that achieving a rain cover between the 2 structures -

would provide both staff and patronage an easily accessible, functioning facility all year around, no matter the weather. The offset to this would be appropriate fire protection to the main building be installed, AKIBA have undertaken this fire separation requirement.

3. **The design should include a 1.2m pedestrian link midway between the two trees.**

This is simply not con jussive to the successful operation of an outdoor area, both from an operational and aesthetic perspective. Patrons will not want random foot traffic through their dining experience...

4. **The proposed light poles are not supported.**

The light poles are existing.

5. **The proposed planter boxes along the building frontage are not supported. They were not included in the original drawings.**

Liquor licensing require a boundary / physical separation between the general public and the licensed area.

6. **The planter boxes on the three sides of the dining area should be no higher than 900mm high, including the plants.**

The existing design complies with this.

7. **The tables and chairs should be moved indoors after business hours as was originally proposed. Fixed benches/picnic tables are not supported in Bunda Street.**

As per initial description, the tables and chairs are movable / removable, however it is not practical that a premise that operates 19 hours a day, with an outdoor seating capacity of 70 patrons be required to stack and pack tables and chairs (and provide storage for) in the middle of Civic for 4-5 hours per night, it is unconscionable to demand this.

8. **As previously advised, the structure should be designed in modules to be easily dismantled at short notice.**

The existing design complies with this.

9. **The opening in the roof around the trees should be at least as large as the permeable part of the tree pit, so the trees get some rain.**

The existing design complies with this.

VERGE & STREET TREES

Documentation that clearly addresses the comments / requirements previously advised needs to be submitted:

In relation to the question of clearances from street trees to outdoor cafe furniture & street furniture) we discussed this issue on 26/11/13. You came up to discuss this in relation to attending pre-app meetings where these questions arise. You wanted to know the situation in relation to potential relocation of

street furniture – to allow for outdoor cafe, and also the cafe furniture itself.

10. **We agreed that for the cafe furniture a clearance of at least 1m from the perimeter of the "tree surround" (might be a permeable surface, but not always) – this will typically mean the cafe furniture zone would be about 2m clear of the tree trunk. This should mean that no furniture will be on the "tree surround" treatment, and there will be space for safe pedestrian / cafe customer movement adjacent to the furniture without walking on the "tree surround".**

The existing design complies with this.

11. **In relation to relocation of street furniture – this would need to be assessed on a case by case basis. If the furniture is proposed to be within 3m of tree and / or beneath tree canopy (whichever is greater), then we would expect to have the proposal referred to us for comment. The specifications for the installation of the furniture need to be clear, and for it to be indicated how the installation either won't impact, or the installation method will minimise impact on the tree/s.**

AKIBA are willing to pay for the relocation of the existing street furniture / bins and bike racks, please advise suitable location for this.

12. **The potential relocation of street furniture will also require broader consultation in relation to the suitability of the proposed new location. (Not related to tree issues, but to issues such as pedestrian access, impact on other adjacent lessee/s.)**

As per point 11.

In relation to the design of a proposed outdoor cafe structure, awning / cover etc and potential impact on street trees:

13. **Consideration must be given for access to maintain the tree/s. The above ground structure must be designed to be removable to allow access for tree maintenance such as pruning. Access by a mini / or travel tower is generally required. This removal may be required at short notice (within 24 hours).**

The existing design complies with this.

14. **Consideration must be given for the trees to receive rainfall at least onto the small permeable zone around the trunk (the "tree surround") of minimum 1.5m x 1.5m square. The cafe awning / roof cover must be designed with wide enough openings around the trees to meet this requirement.**

The existing design complies with this.

15. **The installation of the structure must be achieved without damaging any part of the tree, either above ground (tree canopy & trunk) or below ground (root system). Placement of below ground structures / footings**

etc must be designed to be as far as possible from the tree trunk, and installation methodology must minimise impact on the tree. Hydro-excavation for any below ground installation within the tree protection zone will be required and is to be carried out under the site supervision of a consulting arborist.

The existing design complies with this.

16. **The proponent will need to provide enough detail to demonstrate that the design and installation will meet all of these criteria.**

AKIBA believes that the existing design complies with this requirement.

Specifically in relation to the documentation presented so far for this proposal for the verge of 40 Bunda St (Block 7 Section 35 City):

17. **The arrangement of the outdoor cafe furniture will need to be redesigned so that it is positioned the minimum clearance of 1m from the perimeter of the "tree surround" treatment, or 2m from the tree trunk. (It cannot be closer as there is to be no furniture placed on the "tree surround" treatment, and there must be space for safe pedestrian / cafe customer movement adjacent to the furniture without walking on the "tree surround".**

The existing design complies with this.

18. **The retractable (pleated) awning is likely to be a good feature to enhance the ability to remove the structure for maintenance purposes. It may also improve the chances that the trees will receive rainwater if the awnings are opened up during some rainfall events.**

AKIBA will actively promote the opening of the roof top.

19. **Further detail will be required to demonstrate that the design and installation will meet all of the criteria identified above regarding maintenance access to and protection of the tree/s.**

Please define exactly what TAMS require regards this point.

20. **Relocation of existing street furniture will require consultation with others, but consideration in relation to impact on street tree/s must be included.**

As per point 11.

<u>Additional Comments/Advice (as advice to ACTPLA only, and not to be included in the Notice of Decision)</u>

21. **N/A.**

Kind regards,

JOSE HENRIQUEZ
DEVELOPMENT APPLICATION COORDINATOR
ASSET ACCEPTANCE |OPERATIONAL SUPPORT BRANCH |DIRECTORATE SERVICES DIVISION|
DEPARTMENT OF TERRITORY AND MUNICIPAL SERVICES| ACT GOVERNMENT
PH: +61 2 6207 7480 | FAX: +61 2 6207 7484 |
jose.henriquez@act.gov.au



From: EPD, Customer Services
Sent: Wednesday, 22 October 2014 12:32 PM
To: TAMS CIS ASG DA
Subject: REFERRAL-TAMS-URBAN TREESCAPES-201426293-7/35 CITY-01

MANDATORY REFERRAL

DEVELOPMENT APPLICATION NO: 201426293
BLOCK: 7 SECTION: 35 DIVISION: CITY

Description - COMMERCIAL - OUTDOOR DINING - SIGNAGE. Proposed construction of outdoor dining area for AKIBA restaurant (40 Bunda Street) on public land. Installation of signage under existing building awning and on existing building.

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 **(12/11/2014)**.

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 – EPDcustomerservices@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 |EPDcustomerservices@act.gov.au

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From: Boersma, Timo
To: Nasca, Giancarlo
Subject: FW: Decision 7/35 City 201426293
Date: Monday, 15 December 2014 2:39:28 PM
Attachments: ATT00001.htm
ATT00002.htm
1306 A310 Elevations - outdoor seating Rev A.pdf
ATT00003.htm
1306 A640 Details outdoor seating Rev A.pdf
ATT00004.htm
Outdoor shade structure updated 1.jpg
ATT00005.htm
Outdoor shade structure updated 2.jpg
ATT00006.htm
Outdoor shade structure updated 3.jpg
ATT00007.htm
Outdoor shade structure updated 4.jpg
ATT00008.htm
Outdoor shade structure updated 5.jpg
ATT00009.htm
1306 A091 Proposed outdoor seating plan Rev C.pdf
ATT00010.htm
1306 A092 Foot traffice management plan .pdf
ATT00011.htm
1306 A201 Sections Rev A.pdf
ATT00012.htm

Giancarlo

FYI

Timo Boersma | Manager, Land Use Unit | Licensing and Compliance Section
City Services Branch | Parks and City Services Division
Territory and Municipal Services Directorate | ACT Government
Tel (02) 6205 4766| Email: timo.boersma@act.gov.au

From: Schedule 2.2(a)(ii)
Sent: Monday, 15 December 2014 1:38 PM
To: Henriquez, Jose; Boersma, Timo
Cc: Info
Subject: Fwd: Decision 7/35 City 201426293

Jose / timo

Can you please approve the foot traffic management plan attached.

Thankyou.

Schedule 2.2(a)(ii)

Sent from my iPhone

Begin forwarded message:

> **From:** "Schedule 2.2(a)(ii)
> **To:**
> **Cc:**
> **Subject: RE: Decision 7/35 City 201426293**

Hi Schedule

Revised outdoor structure drawings, model images plus foot traffic management plan attached.

Let me know if you need any more fine tuning.

Regards

Schedule 2.2(a)

Schedule 2.2(a)(ii)
Director

From: Schedule 2.2(a)(ii)
To: Nasca, Giancarlo
Subject: Fwd: Decision 7/35 City 201426293
Date: Tuesday, 16 December 2014 10:28:42 AM
Attachments: EPD Application for encroachment (minor) - 2 Party.pdf
ATT00001.htm
Notice of Decision - Signed.pdf
ATT00002.htm
ActewAGL Application Decision, Application - 144911, City - 735.msg
ATT00003.htm
ActewAGL Application Decision, Application - 144366, City - 735.msg
ATT00004.htm
COMM - Jemena - 201426293 - Block 7 Section 35 City.msg
ATT00005.htm

Schedule 2.2(a)(ii)

Sent from my iPhone

Begin forwarded message:

From: "Lefebvre, Ann" <Ann.Lefebvre@act.gov.au>
Date: 15 December 2014 11:34:17 am AEDT
To: "Schedule 2.2(a)(ii)
Cc: "Schedule 2.2(a)(ii) >
Subject: Decision 7/35 City 201426293

Ann Lefebvre has sent you copies of the following 5 documents from Objective:
"EPD Application for encroachment (minor) - 2 Party" (A10223194) v1.0
"Notice of Decision - Signed" (A10226741) v1.0
"COMM-ACTEW-ELECTRICITY" (A10155001) v1.0
"COMM-ACTEWAGL-WATER-201426293-7/35 CITY-01" (A10049374) v1.0
"COMM-JEMENA-201426293-7/35 CITY-02" (A10094363) v1.0

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ACT Government
Environment and Planning

APPLICATION FOR THE GRANT OF A LICENCE
(Minor Encroachment Only)

PART 1 - PARTIES DETAILS

If space provided is insufficient, please attach separate pages.

LICENSEE (*as is to appear on licence*)

NAME	
ACN OR ABN	
POSTAL ADDRESS	
CONTACT PHONE No	

APPLICANT (*if different from Licensee*)

NAME	
POSTAL ADDRESS	
CONTACT PHONE No	

BRIEF DESCRIPTION OF ORGANISATIONS ACTIVITIES/SERVICES

_____

_____

_____

PART 2 - THE PROPOSAL

PROPOSED USE OF LAND

_____

_____

_____

PART 3 – BLOCK DETAILS

LAND ADJACENT TO:

BLOCK _____

SECTION _____

DIVISION/DISTRICT_____

STREET ADDRESS_____

DEVELOPMENT APPLICATION No (If applicable) _____

PART 4 - THE DEVELOPMENT

TYPE OF BUILDING (eg awning, sign etc):

ENCROACHMENT LOCATION PLAN
plan should show area of unleased land for proposed encroachment and include the following;

- **All elevations and dimensions including area;**
- **Block boundaries and location of encroachment in relation to the building, adjacent Territory land and/or public roads**

INSURANCE DOCUMENTS:
From 1 October 2005, the level of public liability insurance required by a proposed licensee of unleased Territory land is now determined by a legislated process.

Under this legislation in general terms, the licensee will be required to:

1. **nominate each and all of the proposed activities on Territory land or premises ("Premises");**
2. **incorporate those activities in a schedule to the licence (Activity Schedule);**
3. **register and create a risk profile on www.insuranceriskadvice.act.gov.au;**
4. **take out a public liability insurance policy in accordance with the risk rating; and**
5. **submit a certificate of currency of insurance to the custodian department.**

**** Your insurance policy must be approved by the ACT Insurance Agency (ACTIA) and a copy of that approval is required to be submitted also.**

SIGNED:

DATE:

REQUIREMENTS & CHECKLIST

Have you attached:

A plan showing encroachment and surrounding area as per application	☐	**Yes**
Insurance documentation	☐	**Yes**
The application fee	☐	**Yes**
Risk profile	☐	**Yes**

ACT Government
Environment and Planning

Notice of decision

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

Merit track

DA NO: 201426293		**DATE LODGED: 20/10/2014**
DATE OF DECISION: 12 December 2014		
BLOCK: 7	**SECTION: 35**	**SUBURB: CITY**
STREET NO AND NAME: 40 Bunda Street City		
APPLICANT: D Group		
LESSEE: Canberra Theatres Limited		

THE DECISION

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

I, Johanna Wallner, delegate of the planning and land authority, pursuant to section 162 of the Act, hereby **approve subject to conditions** the proposal for:

- **construction of an structure for the purpose of outdoor eating on the verge in front of the building being unleased Territory land;**
- **installation of signage including 2x lightboxes under the existing awning, 1x projecting sign from the existing building and 1x entrance awning that encroach into unleased Territory land; and**
- **relocation of the existing street furniture,**

in accordance with the plans, drawings and other documents and items submitted with the application approval and endorsed as forming part of this approval.

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

Johanna Wallner
Delegate of the planning and land authority
Environment and Planning Directorate
12/12/2014

CONTACT OFFICER

Johanna Wallner
Phone: 62054615
Email: johanna.wallner@act.gov.au

PART 1
CONDITIONS OF APPROVAL

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

A. ADMINISTRATIVE / PROCESS CONDITIONS

A1. FURTHER INFORMATION

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

(a) revised plans, based on the relevant drawings submitted as part of the application, showing:

(i) the positioning of the outdoor cafe furniture no closer than 1m from the perimeter of the 'tree surround' treatment or 2m from the tree trunk. There is to be no furniture placed on the 'tree surround' treatment and there must be space for safe pedestrian/cafe customer movement adjacent to the furniture without walking on the 'tree surround';

(ii) the structure awning having a minimum of 1.5m x 1.5m square opening around the street trees to enable rainfall onto the permeable 'tree surround' area. The retractable awnings are also to be opened up during some rainfall events;

(iii) planter boxes to only three sides of the dining area i.e. not between the structure and the building facade. The planter boxes are also to be no higher than 900mm high including the plants;

(iv) neon strip lighting to the projecting sign removed as it is not compliant with the Signs General Code. The backlight and the pin holes are appropriate but no neon lighting is approved; and

(v) only one canopy sign is approved on the outdoor structure as there is currently unnecessary duplication of the signage inconsistent with the Signs General Code.

The above items ai-aiii must be to the satisfaction of Territory and Municipal Services (TAMS). If endorsement of the above plans is not sought from TAMS prior to lodging the plans with the planning and land authority the plans will be referred for their approval during assessment.

CONDITIONS FOR LICENSING OF ENCROACHMENTS (2-Party)

A2. COMMENCEMENT OF BUILDING WORK

No building work in relation to the encroachment (the works on unleased Territory land that are part of this development approval) is to commence on the site until the lessee has applied for and has been granted a licence in relation to the encroachment, being the 2x lightbox signs under the existing awning, the 1x projecting sign from the existing building and the 1x entrance awning, by the planning and land authority pursuant to section 303 of the *Planning and Development Act 2007* and in the form approved by the planning and land authority.

A3. APPLICATION FOR A LICENCE (See attached application form)

Prior to the commencement of building work, the lessee (the proposed Licensee) must lodge with the Environment and Planning Directorate (EPD) an application for the grant of a licence to occupy and use unleased Territory land, pay the appropriate fee and undertake the following:

(i) Encroachment plan
the lessee (the proposed Licensee) must submit to EPD a plan detailing all dimensions of the proposed encroachment including area, block boundaries and location of encroachment in relation to the building, adjacent unleased Territory land and/or public road. Plan details must be sufficient to enable the preparation of a Spatial Data Mapping System (SDMS) plan and number.

(ii) Public liability insurance
the lessee (the proposed licensee) must obtain public liability insurance in respect of the encroachment by complying with the procedures outlined in the *Financial Management (Public Liability Insurance) Guidelines 2011.*

The procedures are specified below in summary form:

1. nominate each and all of the proposed activities the proposed licensee wishes to undertake on Territory land or premises ("Premises");
2. take out a public liability insurance policy for the term of the licence;
3. submit a certificate of currency in respect of the public liability insurance, which clearly states that the encroachments are covered by the insurance policy; and
4. Comply with obligations in respect of risk management plans if applicable.

This information is to be forwarded to the:

Assistant Manager – General Leasing
Lease Administration
Environment and Planning Directorate
GPO Box 158
CANBERRA ACT 2601
Ph: (02) 6207 8575

Note: The Activity Schedule will form part of the licence agreement

A4. TRANSFER OF TITLE

The lessee must not transfer or assign its interest in the premises unless and until the proposed transferee or assignee is granted a licence by the planning and land authority pursuant to section 303 of the *Planning and Development Act 2007*, under the same terms and conditions as the licence granted in accordance with Conditions A2 and A3 and meets the insurance requirements in accordance with Condition A3.

CONDITIONS FOR LICENSING OF WORKS ON TERRITORY LAND (3-Party)

A5. COMMENCEMENT OF BUILDING WORK

No building work is to commence on unleased Territory land until the proposed Licensee has lodged an Application for the Grant of a Licence in relation to the proposed works on unleased Territory land, being the outdoor eating structure at the Environment and Planning Directorate and in consultation with Territory and Municipal Services Directorate (TAMS) pursuant to section 303 of the *Planning and Development Act 2007* and in the form approved by the planning and land authority.

Note: TAMS requires that any works or structures constructed on unleased Territory land be covered by a licence agreement granted in accordance with Section 303 of the Planning and Development Act 2007.

A6. APPLICATION FOR A LICENCE (Application Form provided by Land Custodian)

Prior to the commencement of the proposed works on unleased Territory land, the proposed Licensee must lodge with the Environment and Planning Directorate (EPD) an application for the grant of a licence to occupy and use unleased Territory land, pay the appropriate fee and undertake the following:

(i) Encroachment plan

the proposed Licensee must submit to EPD a plan detailing all dimensions of the proposed works on unleased Territory land, including area, block boundaries and location of the proposed works on unleased Territory land in relation to any buildings, adjacent unleased Territory land and/or public road. Plan details must be sufficient to enable the preparation of a Spatial Data Mapping System (SDMS) plan and number.

(ii) Public liability insurance

the proposed Licensee must obtain public liability insurance in respect of the proposed works on unleased Territory land by complying with the procedures outlined in the *Financial Management (Public Liability Insurance) Guidelines 2011.*

The procedures are specified below in summary form:

1. nominate each and all of the proposed activities the proposed licensee wishes to undertake on Territory land or premises ("Premises");
2. take out a public liability insurance policy in accordance with the risk rating for the term of the licence;
3. submit a certificate of currency in respect of the public liability insurance, which clearly states that the encroachment/s is/are covered by the insurance policy; and
4. comply with obligations in respect of risk management plans if applicable.

Please contact the Land Custodian, details below, to apply for a licence:

Team Leader Land Use Unit
City Services - Parks and City Services Division
Territory and Municipal Services Directorate
GPO Box 158
CANBERRA ACT 2601
Ph: (02) 6205 4766

Note 1: The Activity Schedule will form part of the licence agreement

A7. TRANSFER OF TITLE

The lessee must not transfer or assign its interest in the premises unless and until the proposed transferee or assignee is granted a licence by the planning and land authority pursuant to section 303 of the *Planning and Development Act 2007*, under the same terms and conditions as the licence granted in accordance with Conditions A5 and A6 and meets the insurance requirements in accordance with Condition A6.

B. PRIOR TO CONSTRUCTION AND/OR DEMOLITION

B1. WORKS ON THE VERGE

In accordance with the public Unleased Land Act 2013 no work is to be undertaken on road verges and other unleased territory Land without the approval of the Territory. Such approval must be obtained from the Senior Manager, Asset Acceptance, TAMS by way of:

(i) a Certificate of Design Acceptance prior to the commencement of any work; and

(ii) a Certificate of Operational Acceptance on completion of all works to be handed over to TAMS.

B2. DESIGN ACCEPTANCE AND OPERATIONAL ACCEPTANCE

A Certificate of Design Acceptance is required for all off-site works from the Senior manager, Asset Acceptance, TAMS, prior to the construction.

In order to obtain the Certificate of Design Acceptance, fully detailed drawings (civil, landscape) prepared by suitably qualified persons for all off-site works including roads, driveways, footpaths, street lighting, stormwater, landscaping (and any other issues that may be found by audit of the plans) and a design report in accordance with Ref No 06: "Requirements for Design Acceptance Submissions", must be certified by a Chartered Engineer/Landscape Architect and submitted to the Senior Manager, Asset Acceptance, TAMS.

The proponents must submit a suitable Work Method Statement as part of their Design Acceptance submission to show how the trees will be protected e.g. temporary trunk protection and a methodology for construction to prevent damage to the trees.

A Certificate of Operational Acceptance on completion of the works is required from the Senior Manager, Asset Acceptance, TAMS, prior to the Certificate of Occupancy.

Similarly a Chartered Engineer/Landscape Architect should certify compliance with TAMS Ref No 08: "Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance is made to the Senior Manager, Asset Acceptance, TAMS on completion of all off-site works.

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

B3. USE OF VERGES OR OTHER UNLEASED TERRITORY LAND

In accordance with the Public Unleased Land Act 2013, road verges and other unleased Territory land must not be used for carrying out of works, including storage of materials or waste, without prior approval of the Territory. Such approval can be obtained from Licensing and Compliance, City Services, parks and City Services, TAMS.

B4. TEMPORARY TRAFFIC MANAGEMENT (TTM)

A TTM plan approval from the Manager, Traffic Management & Safety, Roads ACT, Transport and Infrastructure Division, TAMS. All times during construction the site and surrounds shall be managed in accordance with a Temporary Traffic Management Plan, prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety. This plan is to address, as a minimum, measures to be employed during construction to manage all traffic, including constructions traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction works, and associated traffic control devices.

B5. LANDSCAPE MANAGEMENT & PROTECTION PLAN (LMPP)

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

B6. REPAIR OF DAMAGE TO PUBLIC ASSETS

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

B7. NOTICE OF COMMENCEMENT OF CONSTRUCTION

Notice of Commencement for the Works in unleased Territory land shall be submitted to the Senior Manager, Asset Acceptance, TAMS one week prior to the commencement of works. The Notice shall also include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of TTM.

B8. COMPLIANCE WITH ENTITY REQUIREMENTS

The development must comply with all the relevant conditions imposed by each of the relevant entities which state that requirements need to be addressed prior to construction and/or demolition commencing (refer to Part 3 of this decision).

C. DURING CONSTRUCTION AND/OR DEMOLITION

C1. EXTERNAL LIGHTING

All external lighting is to be in accordance with Australian Standards *AS1158.3.1 Pedestrian Lighting* and *AS4282 – Control of the Obtrusive Effects of Outdoor Lighting*

C2. VENTILATION

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*

C3. ENVIRONMENT PROTECTION

No soil is to be disposed from these works without EPA approval.

No outdoor speakers are permitted.

All works must comply with the *Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011.*

C4. TREE PROTECTION

The installation of the structure must be achieved without damaging any part of the tree, either above ground (tree canopy and trunk) or below ground (root system) as per the Work Method Statement approved as part of the Design Acceptance submission to TAMS.

C5. COMPLIANCE WITH ENTITY REQUIREMENTS

The development must comply with all the relevant conditions imposed by each of the relevant entities which state that requirements need to be addressed during construction and/or demolition (refer to Part 3 of this decision)

D. POST CONSTRUCTION AND/OR DEMOLITION

D1. ACCESS AROUND STRUCTURE

The structure should be designed in modules to be easily dismantled at short notice to allow for maintenance crews including the tree maintenance crew. Access to the tree/s must be maintained for activities such as pruning. Access by a mini or travel tower is generally required and may require the removal of the structure within 24 hours.

D2. OUTDOOR CAFE FURNITURE

Fixed outdoor furniture is not approved in Bunda St. The placement and removal of all tables and chairs must be in accordance with the requirements of the Office of Regulatory Services.

D3. COMPLIANCE WITH ENTITY REQUIREMENTS

The development must comply with all the relevant conditions imposed by each of the relevant entities which state that requirements need to be addressed post construction and/or demolition (refer to Part 3 of this decision)

E. ADVISORY NOTES

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

E1. ENTITY ADVICE

The applicant is advised to carefully consider all the relevant advice (in addition to the conditions imposed) from each of the entities stated in Part 3 of this decision throughout the process of development (prior to, during and post construction) as applicable.

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

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, City Precinct Map and Code and the Signs General Code.

The key issues identified in the assessment are appropriateness of signage including issues of light spill and duplication, compliance with entity requirements, licensing for encroachments into unleased Territory land and management of works in unleased Territory land. 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*.

EVIDENCE

Application No. 201426293
The Territory Plan zone – CZ1 Core Zone
The Development Codes – Commercial Zones Development Code
- Signs General Code

The Precinct Codes – City Precinct Map and Code
Current Crown Lease – Volume 1860 Folio 9
Representations - none
Entity advice – TAMS, ActewAGL, EPA, NCA

PART 3
PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 24 October 2014 to 14 November 2014. No written representations were received during public notification.

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.

TERRITORY AND MUNICIPAL SERVICES DIRECTORATE

On 11 December 2014 advice was received from Territory and Municipal Services in relation to the proposal. The advice states that the proposal is conditionally supported with the following conditions and that further information is required:

LICENCING

- *The planter boxes on the three sides of the dining area should be no higher than 900mm high, including the plants*
- *The placement and removal of all tables and chairs must be in accordance with the requirements of the Office of regulatory Services*
- *As previously advised, the structure should be designed in modules to be easily dismantled at short notice to allow for the maintenance crews including tree management crew*

VERGE AND STREET TREES

- *Access to the trees must be maintained. The above ground structure must be designed to be removable to allow access for tree maintenance such as pruning. Access by a mini / or travel tower is generally required. This removal may be required at short notice (within 24 hours).*
- *The outdoor cafe furniture must be positioned no closer than 1m from the perimeter of the 'tree surround' treatment or 2m from the tree trunk. There is to be no furniture placed on the 'tree surround' treatment, and there must be space for safe pedestrian/cafe customer movement adjacent to the furniture without walking on the 'tree surround'.*
- *The trees must be able to receive rainfall at least onto the small permeable zone around the trunk (the 'tree surround') of minimum 1.5m x1.5m square. The cafe awning/roof cover must have wide enough openings around the trees to meet this requirement. The retractable awnings are to be opened up during some rainfall events.*
- *The installation of the structure must be achieved without damaging any part of the tree, either above ground (tree canopy and trunk) or below ground (root system). (Note: no below paving installation is proposed). The proponents must submit a suitable Work Method Statement as part of their Design Acceptance submission to TAMS to show how they will protect the trees e.g. temporary trunk protection and a methodology for construction to prevent damage to the trees.*

STANDARD CONDITIONS

Following general conditions will apply as appropriate for Works on and Use of Territory Land in addition to the above:

In accordance with the Public Unleased Land Act 2013 no work is to be undertaken on road verges and other unleased Territory Land without the approval of the Territory. Such approval must be obtained from the Senior Manager, Asset Acceptance, TAMS by the ways of:

1. A certificate of design acceptance prior to the commencement of any work; and
2. A certificate of Operational Acceptance on completion of all works to be handed over to TAMS.

Design Acceptance and Operational Acceptance

A Certificate of Design Acceptance is required for all off-site works from the Senior Manager, Asset Acceptance, TAMS, prior to the construction.

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

A Certificate of Operational Acceptance on completion of the works is required from the Senior Manager, Asset Acceptance, TAMS, prior to the issue of a Certificate of Occupancy.

Similarly a Chartered Engineer/Landscape Architect should certify compliance with TAMS Ref No 08: "Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance is made to the Senior Manager, Asset Acceptance, TAMS on completion of all off-site works.

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

Temporary Traffic Management (TTM)

A TTM plan approval from the Manager, Traffic Management & Safety, Roads ACT, Transport and Infrastructure Division, TAMS. All times during construction the site and surrounds shall be managed in accordance with a Temporary Traffic Management Plan, prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety. This plan is to address, as a minimum, measures to be employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices.

Landscape Management & Protection Plan (LMPP)

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

Use of Verges or other Unleased Territory land

In accordance with the Public Unleased Land Act 2013, road verges and other unleased Territory land must not be used for carrying out of works, including storage of materials or waste, without prior approval of the Territory. Such approval can be obtained from Licensing and Compliance, City Services, Parks and City Services, TAMS.

Repair of Damage to Public Assets

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

Notice of Commencement of Construction

Notice of Commencement for the Works in Unleased Territory Land shall be submitted to the Senior Manager, Asset Acceptance, TAMS one week prior to the commencement of works. The Notice shall also include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of TTM.

Matters raised have been incorporated as either conditions of approval or advice (refer to Conditions A1, B1, B2, B3, B4, B5, B6, B7, B8, C4, C5, D1, D2, D3 and Advisory Note E1).

ENVIRONMENTAL PROTECTION AUTHORITY

On 12 November 2014 advice was received from Environment Protection Authority (EPA) in relation to the proposal. The advice states that the Environment Protection Authority conditionally support the proposal with the following conditions:

- *No soil is to be disposed from these works without EPA approval*
- *No outdoor speakers are permitted*
- *All works must comply with the Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011*
- *All lighting must comply with Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting*

Matters raised have been incorporated as either conditions of approval or advice (refer to Conditions B8, C3, C5, D3 and Advisory Note E1).

ACTEW AGL ELECTRICITY NETWORK

On 19 November 2014 advice was received from the ActewAGL Electricity Network in relation to the proposal. The advice states that the proposal conditionally complies with ActewAGL Electricity Network's requirements and a statement of conditional compliance was issued with the following condition:

- *Development is to comply with minimum clearances to overhead conductors and poles. Ref ActewAGL Drawing 3811-004*
- *Development is to comply with minimum separation requirements to underground assets. Ref ActewAGL Drawing 3832-018*
- *Proponent is responsible for ensuring TAMS streetlight sections approval is obtained for the structure in proximity to streetlight assets prior to the commencement of any development activity*

Matters raised have been incorporated as either conditions of approval or advice (refer to Conditions B8, C5, D3 and Advisory Note E1).

ACTEW AGL GAS NETWORK

On 6 November 2014 advice was received from the ActewAGL Gas in relation to the proposal. The advice states that the proposal conditionally complies with ActewAGL Gas Network's requirements and a statement of conditional compliance was issued with standard conditions.

Matters raised have been incorporated as either conditions of approval or advice (refer to Conditions B8, C5, D3 and Advisory Note E1).

ACTEW AGL WATER DIVISION

On 12 October 2014 advice was received from the ActewAGL Water Division in relation to the proposal. The advice states that the proposal is approved.

NATIONAL CAPITAL AUTHORITY

On 27 November 2014 advice was received from National Capital Authority in relation to the proposal. The advice states that the National Capital Authority have no objections to the proposal.

PART 4
ADMINISTRATIVE INFORMATION

DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise this approval is effective from the day after the date of this notice. The effective date for development applications approved subject conditions could also be adjusted if the approval is reconsidered by the planning and land authority or if an application is made to the ACT Civil and Administrative Tribunal.

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

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

Under section 184 of the Act, the applicant may apply to the planning and land authority to extend the prescribed period to finish the development, but such an application must be made within the original period specified for completion.

A development approval, to which section 184 of the Act applies, continues unless the approval ends under sections 184, 185, 186 or 187 of the Act.

INSPECTION OF THE APPLICATION AND DECISION

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

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 epdcustomerservices@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.

REVIEW BY THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL (ACAT)

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.

APPENDIX 1

CONTACT DETAILS OF RELEVANT AGENCIES

Health Directorate - health protection	Website: www.health.act.gov.au Telephone: (02) 6205 1700
Environment and Planning Directorate *Planning and land authority* - list of certifiers for building approval - demolition information - asbestos information *Environment Protection Authority* - environment protection - water resources - asbestos information *Conservation, Planning and Research* - threatened species/wildlife management	 Website: www.actpla.act.gov.au Telephone: (02) 6207 1923 Website: www.environment.act.gov.au Telephone: (02) 6207 6251 Website: www.environment.act.gov.au Telephone: (02) 6207 1911
Territory and Municipal Services Directorate - tree damaging activity approval - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets	Website: www.tams.act.gov.au Telephone: 132 281 Telephone for asset acceptance: (02) 6207 7480
Utilities - Telstra (networks) - TransACT (networks) - ActewAGL - Electricity reticulation	Telephone: (02) 8576 9799 Telephone: (02) 6229 8000 Telephone: 1100 Telephone: (02) 6293 5738

ADVICE TO APPLICANT

SUBMISSION OF REVISED DRAWINGS AND DOCUMENTATION

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

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

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

FURTHER APPROVALS FOR CONSTRUCTION

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

BUILDING APPROVAL

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

PERMITTED VARIATIONS TO APPROVED DEVELOPMENT

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

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

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

"TREE DAMAGING ACTIVITY" APPROVAL

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

USE OF VERGES OR OTHER UNLEASED TERRITORY LAND

In accordance with the *Public Unleased Land Act of 2013,* road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. Approval can be obtained from the Territory and Municipal Services Directorate.

WORKS ON UNLEASED TERRITORY LAND – DESIGN AND OPERATIONAL ACCEPTANCE

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

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

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

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

CONSTRUCTION REQUIREMENTS

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

DEMOLITION AND ASBESTOS MANAGEMENT

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

ENVIRONMENT PROTECTION

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

REPAIR OF DAMAGE TO PUBLIC ASSETS

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

UTILITY ASSETS RETENTION

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

WATER RESTRICTIONS AND FILLING OF NEW POOLS, PONDS AND FOUNTAINS

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

DRAINAGE

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

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: www.acat.act.gov.au Email: tribunal@act.gov.au 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, 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 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

From:	basubmission_electricity@actewagl.com.au
To:	Wallner, Johanna
Subject:	ActewAGL Application Decision. Application - 144911. City - 7/35
Date:	Wednesday, 19 November 2014 2:09:12 PM
Attachments:	Conditional Approval Electricity144911.pdf 1306 A091 Outdoor seating - proposed Rev B.pdf ELEV-201426293-01.pdf ELEV-201426293-03.pdf Minimum Clearances Guidelines.pdf 3832_018.pdf

ACTEWAGL - ELECTRICITY NETWORKS DIVISION

Approval ID : 144911, City 7 /35

Please note that your application has been assessed for compliance with ActewAGL's Electricity Network and conditionally complies with our Electricity Networks requirements.

Please find attached, your stamped plans together with a conditional statement of compliance.

Separate compliance statements may be required from other entities.

Regards

Schedule 2.2(a)(ii)
ActewAGL Electricity Networks Division

Telephone 02 6293 5770
Facsimile 02 6293 5762
Email devapp@ActewAGL.com.au
GPO Box 366 Canberra ACT 2601
www.ActewAGL.com.au

Please consider our environment before printing this email.

****
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.

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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.
****

Electricity Networks

STATEMENT OF

CONDITIONAL COMPLIANCE

Application No: 144911 **Suburb:** City **Block/Section** 7 / 35

Applcn Type: Non residential/New Construction Inclusions : with Alteration/Addition, with Signage

Attached Plans
1306 A091 Outdoor seating - proposed Rev B.pdf
ELEV-201426293-01.pdf
ELEV-201426293-03.pdf

This application is approved subject to compliance with the following conditions:

Conditions
Development is to comply with minimum clearances to overhead conductors and poles. Ref ActewAGL Drawing 3811-004
Development is to comply with minimum separation requirements to underground assets. Ref ActewAGL Drawing 3832-018
Other:
Proponent is responsible for ensuring TAMS streetlight section approval is obtained for the structure in proximity to streeetlight assets prior to the commencement of any development activity.

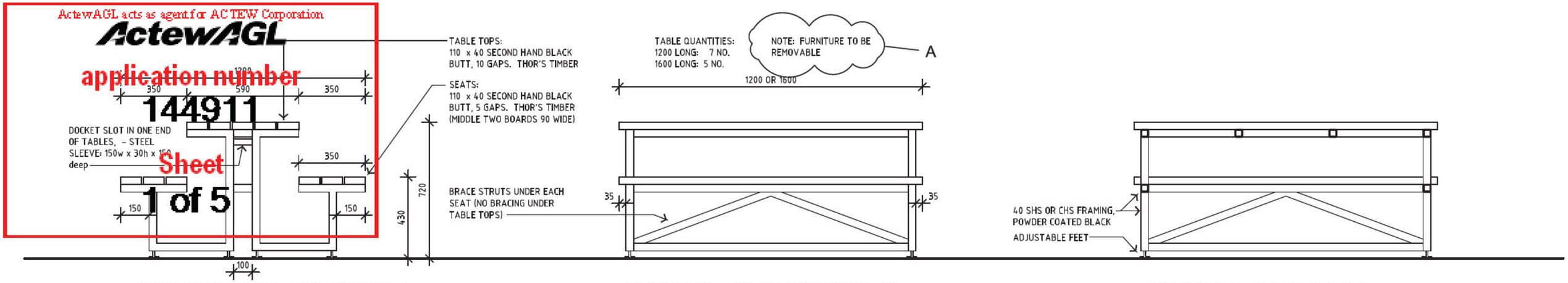
Please Note

- WARNING ActewAGL underground cables may be in or adjacent to this block. It is your responsibility to ascertain the location of such assets.
- Development and Building Applications will need to include any proposed ActewAGL works
- If ActewAGL approval conditions are not met, a breach of the law may result.
- Separate applications are required for water & sewerage, and communication network services.
- Construction of unapproved works may result in action being taken to require the property owner to remove non-compliant structures and/or the property owner to fund rectification works on ActewAGL's electricity network.
- Any attached reticulation or servicing plan is preliminary only. Contact ActewAGL for final plans prior to the commencement of any construction activity.
- A failure of this application to show accurately located electricity assets may result in damage and costs for which the proponent will be liable. Damage to network assets must be reported to ActewAGL.

Comments:

Signed Nadeem Azizi **Date** 19 Nov 2014

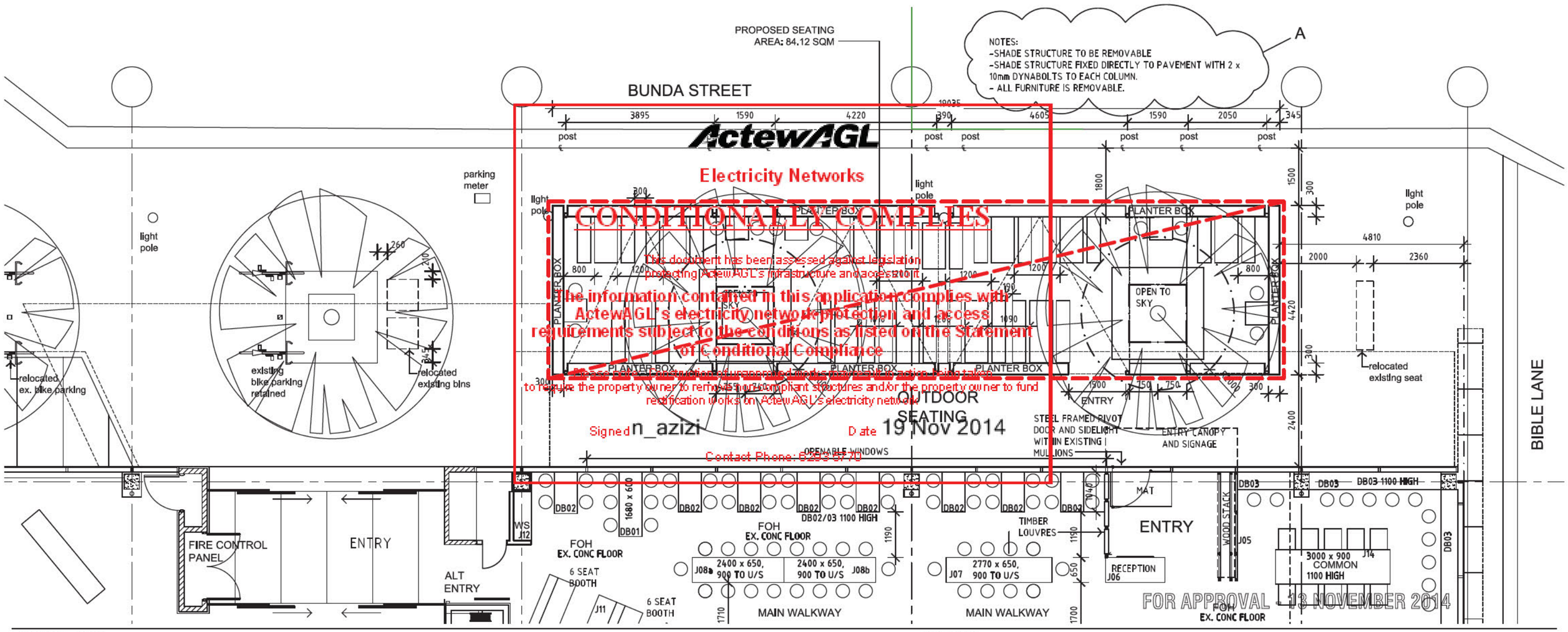
ActewAGL acts as agent for ACTEW Corporation
ActewAGL
application number
144911
Sheet
1 of 5



PICNIC TABLE - TYPICAL END ELEVATION
SCALE 1:20

PICNIC TABLE - TYPICAL SIDE ELEVATION
SCALE 1:20

PICNIC TABLE - TYPICAL SECTION
SCALE 1:20



GENERAL NOTE:

ALL DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO CONSTRUCTION AND DISCREPANCIES TO BE CLARIFIED WITH DESIGNER. DO NOT SCALE DRAWINGS, REFER TO FIGURED DIMENSIONS ONLY. READ IN CONJUNCTION WITH SPECIFICATIONS, STRUCTURAL/CIVIL ENGINEERS AND L'SCAPE DRAWINGS. DIMENSIONS ARE IN MM AND MEASURED STRUCTURE TO STRUCTURE. RL'S ARE IN METRES.

MATERIALS KEY:

MS	CUSTOM FOLDED MILD STEEL SHINGLES, CLEAR FINISH
RE	RENDER - DISTRESSED CONCRETE APPEARANCE
CP	COPPER SPLASH BACK - FOOD GRADE
T3	KITCHEN TILES: BLACK GLOSS,
B1	BOARD CLADDING

REFER TO KITCHEN EQUIPMENT SCHEDULE AND KITCHEN CONTRACTOR'S DOCUMENTATION FOR A COMPLETE KITCHEN & BAR EQUIPMENT SCHEDULE & LEGEND.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE TO FOOD SAFETY STANDARDS AND CURRENT EDITION OF AS4674-2004

REVISIONS:

A	18.06.14	Seating area outlined
B	18.11.14	Extra notes added

OUTDOOR SEATING - PROPOSED

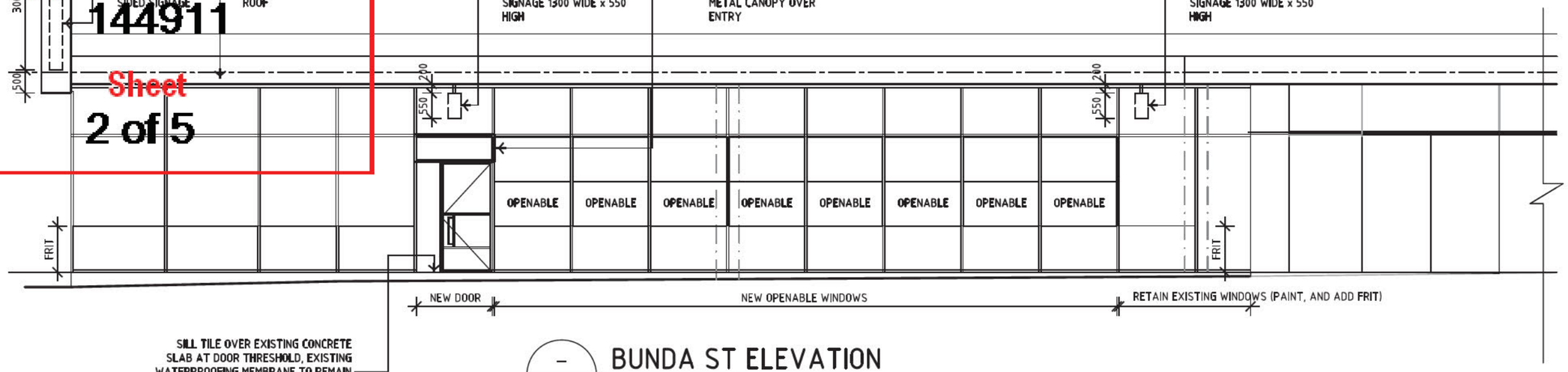
A091/B

NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	1:100 @ A3 SIZE	AD	1306

ADAM DETTRICK ARCHITECTS
305/20-22 McKillop St, Melbourne 3000 p 03 9606 0774 f 03 9606 0773
www.adamdettrickarchitects.com.au

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application number
144911
Sheet
2 of 5



BUNDA ST ELEVATION
SCALE 1:100

NOTE:
PAINT EXISTING WINDOW FRAMES TO SUIT NEW FIT OUT

ActewAGL
Electricity Networks
SIMILAR TO THIS SIGN:
CONDITIONALLY COMPLIES

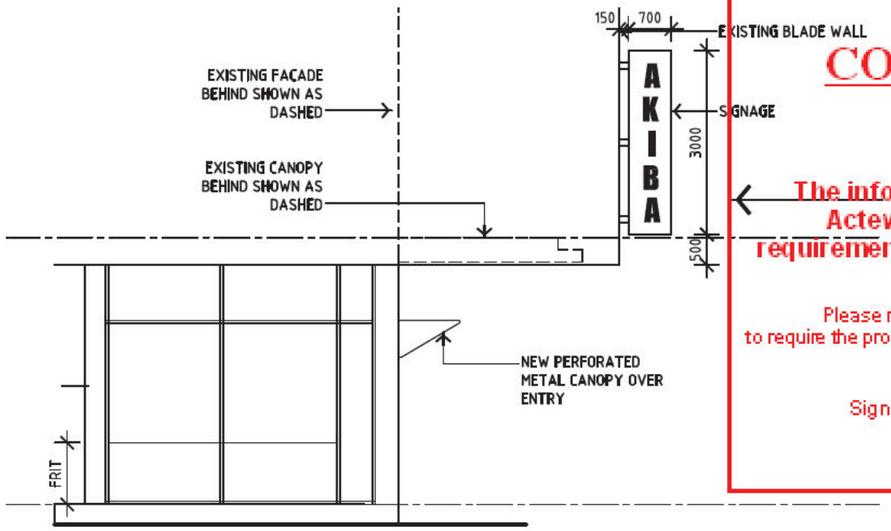
This document has been assessed against legislation protecting ActewAGL's infrastructure and access to it

The information contained in this application complies with ActewAGL's electricity network protection and access requirements subject to the conditions as listed on the Statement of Conditional Compliance

Please note: Construction of unapproved works may result in action being taken to require the property owner to remove non-compliant structures and/or the property owner to fund rectification works on ActewAGL's electricity network

Signed n_azizi Date 9 Nov 2014

Contact Phone: 6293 5770



BIBLE LANE ELEVATION
SCALE 1:100



FOR APPROVAL

GENERAL NOTE:
ALL DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO CONSTRUCTION AND DISCREPANCIES TO BE CLARIFIED WITH DESIGNER. DO NOT SCALE DRAWINGS, REFER TO FIGURED DIMENSIONS ONLY. READ IN CONJUNCTION WITH SPECIFICATIONS, STRUCTURAL/CIVIL ENGINEERS AND L'SCAPE DRAWINGS. DIMENSIONS ARE IN MM AND MEASURED STRUCTURE TO STRUCTURE. RL'S ARE IN METRES.

MATERIALS KEY:

MS	CUSTOM FOLDED MILD STEEL SHINGLES, CLEAR FINISH
RE	RENDER - DISTRESSED CONCRETE APPEARANCE
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B1	BOARD CLADDING

REFER TO KITCHEN EQUIPMENT SCHEDULE AND KITCHEN CONTRACTOR'S DOCUMENTATION FOR A COMPLETE KITCHEN & BAR EQUIPMENT SCHEDULE & LEGEND.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE TO FOOD SAFETY STANDARDS AND CURRENT EDITION OF AS4674-2004

REVISIONS:

REV A 29 MAY 14	ADDITIONAL NOTES
REV B 11 SEP 14	SIGNAGE REVISED

ELEVATIONS
A300/B

NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	1:100 @ A3 SIZE	AD	1306

ADAM DETTRICK ARCHITECTS
305/20-22 McKillop St, Melbourne 3000 p 03 9606 0774 f 03 9606 0773
www.adamdettrickarchitects.com.au

C:\Users\adettrick\Dropbox\1306 Bunda St, Canberra\1 Drawings and specifications\3 current plan\1306 A300 Elevations.dwg, 11/09/2014 5:41:49 PM, Adobe PDF

ActewAGL acts as agent for ACTEW Corporation

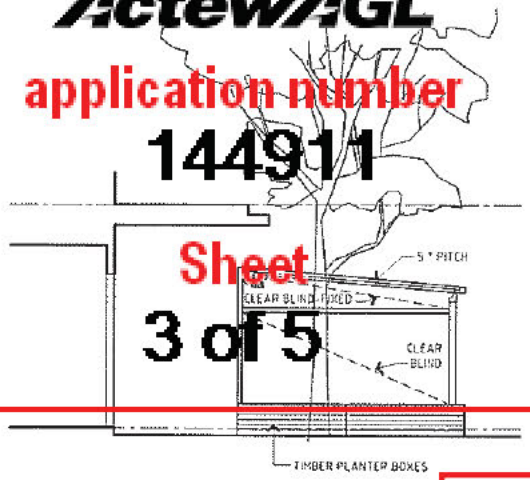
ActewAGL

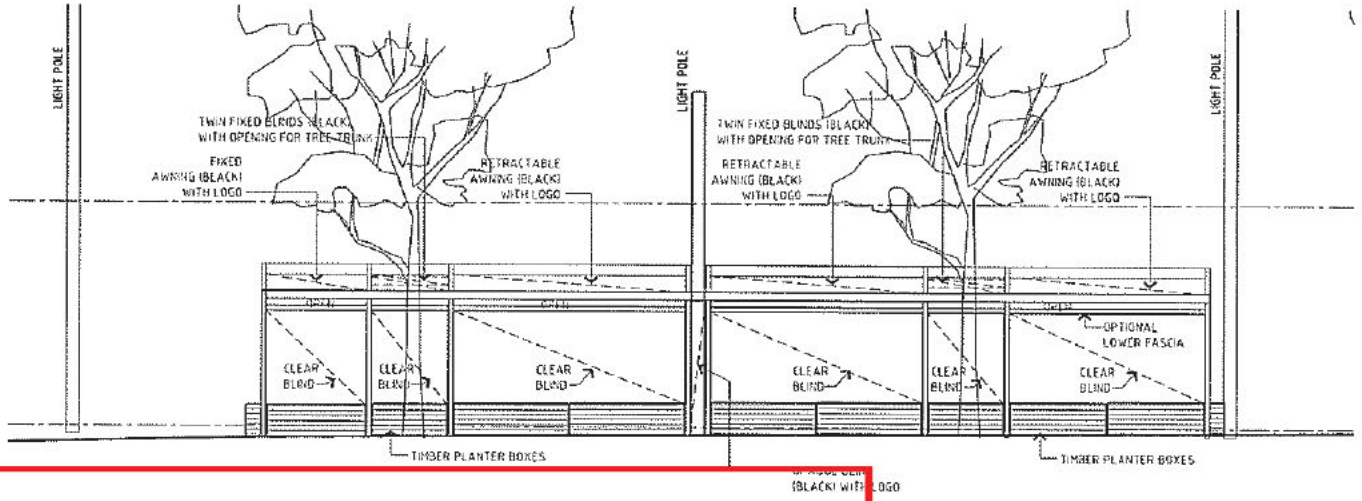
application number

144911

Sheet

3 of 5





ActewAGL

Electricity Networks

CONDITIONALLY COMPLIES

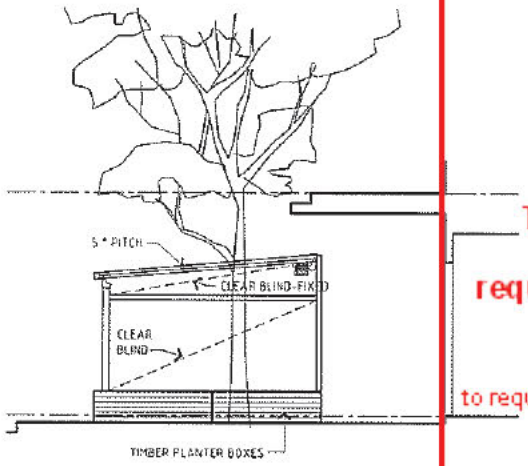
This document has been assessed against legislation protecting ActewAGL's infrastructure and access to it

The information contained in this application complies with ActewAGL's electricity network protection and access requirements subject to the conditions as listed on the Statement of Conditional Compliance

Please note: Construction of unapproved works may result in action being taken to require the property owner to remove non-compliant structures and/or the property owner to fund rectification works on ActewAGL's electricity network

Signed n_azizi Date 19 Nov 2014

Contact Phone: 6293 5770





FOR APPROVAL

GENERAL NOTE:

ALL DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO CONSTRUCTION AND DISCREPANCIES TO BE CLARIFIED WITH DESIGNER. DO NOT SCALE DRAWINGS, REFER TO FIGURED DIMENSIONS ONLY. READ IN CONJUNCTION WITH SPECIFICATIONS, STRUCTURAL/CIVIL ENGINEERS AND LANDSCAPE DRAWINGS. DIMENSIONS ARE IN MM AND MEASURED STRUCTURE TO STRUCTURE. RL'S ARE IN METRES.

MATERIALS KEY:

MS	CUSTOM FOLDED MILD STEEL SHINGLES. CLEAR FINISH
RE	RENDER - DISTRESSED CONCRETE APPEARANCE
CP	COPPER SPLASH BACK - FOOD GRADE
T3	KITCHEN TILES. BLACK GLOSS.
B1	BOARD CLADDING

REFER TO KITCHEN EQUIPMENT SCHEDULE AND KITCHEN CONTRACTOR'S DOCUMENTATION FOR A COMPLETE KITCHEN & BAR EQUIPMENT SCHEDULE & LEGEND.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE TO FOOD SAFETY STANDARDS AND CURRENT EDITION OF AS4674-2004

REVISIONS:

ELEVATIONS - OUTDOOR SEATING

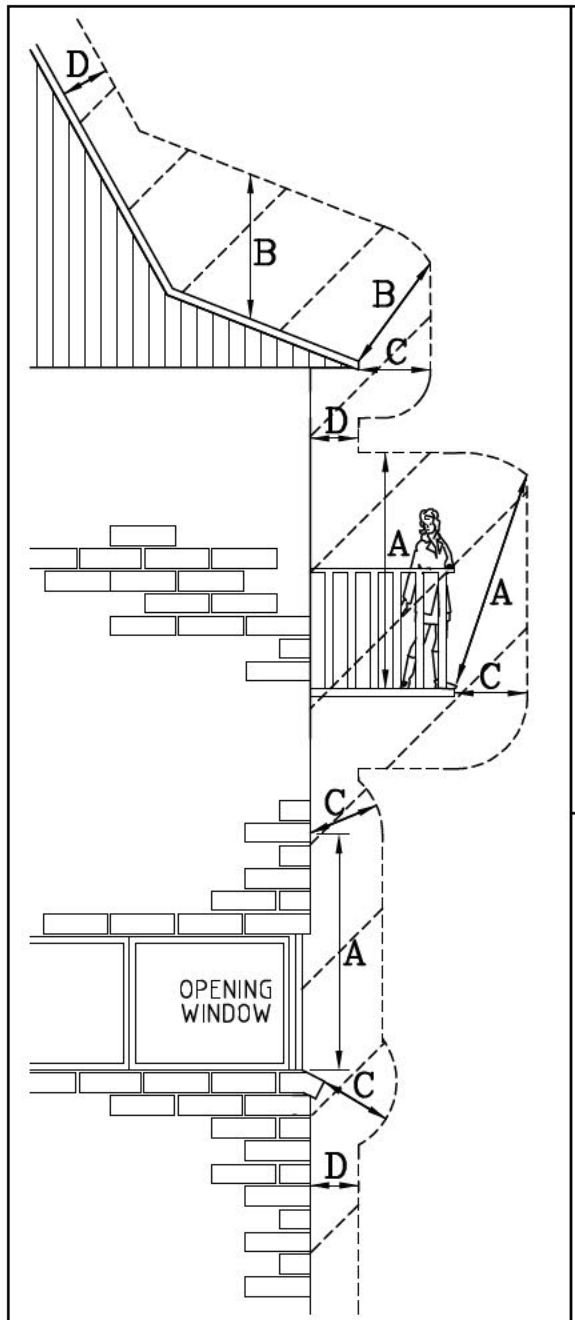
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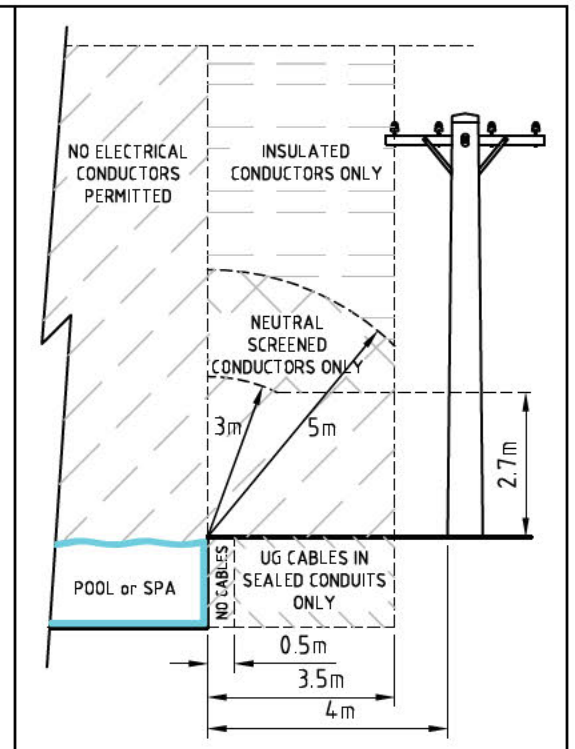
NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	1:100 @ A3 SIZE	AD	1306

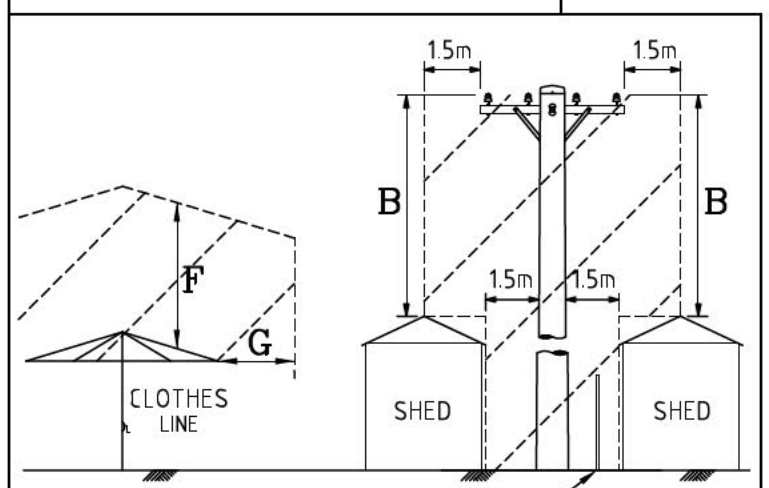
ADAM DETTRICK ARCHITECTS
205/20-22 McKillop St, Melbourne 3000 p 03 9005 0774 f 03 9005 0773
www.adamdettrickarchitects.com.au

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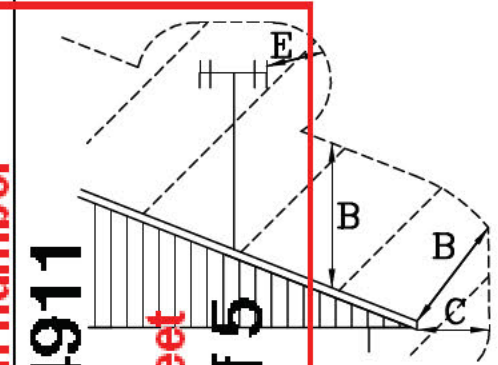




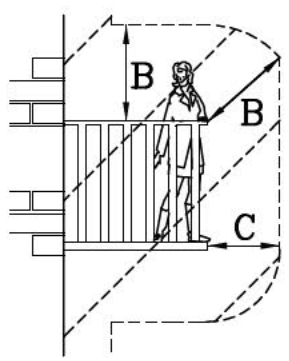
SWIMMING POOLS



STANDARD FENCE



THE ILLUSTRATION APPLIES IF THE HEIGHT OF THE RAILING (OR SIMILAR) PLUS THE DISTANCE 'B' IS GREATER THAN 'A'



OVERHEAD CONDUCTORS MUST NOT COME WITHIN THE SHADED AREA

TABLE 1 – GROUND CLEARANCE
(OTHER THAN INSULATED SERVICE CONDUCTORS)

LOCATION	DISTANCE TO GROUND IN ANY DIRECTION		
	U<1kV	1kV<U<33kV	33kV<U<132kV
OVER LAND WHICH DUE TO ITS STEEPNESS OR SWAMPINESS IS NOT ABLE TO BE TRAVERSED BY VEHICLES.	4.5m	4.5m	5.5m
OVER LAND OTHER THAN THE CARRIAGEWAY OF ROADS.	5.5m (note 4)	5.5m	6.7m
OVER THE CARRIAGEWAY OF MINOR ROADS	6m	6.7m	8m
OVER THE CARRIAGEWAY OF MAJOR ROADS	6.7m (note 5)	6.7m	9m

TABLE 2 – GROUND CLEARANCE
(INSULATED SERVICE CONDUCTORS)

LOCATION	DISTANCE TO GROUND IN ANY DIRECTION
OVER THE CENTRE OF A ROAD.	5.5m
OVER ANY OTHER PART OF A ROAD.	4.6m
OVER A FOOTWAY OR LAND THAT IS LIKELY TO BE USED BY HEAVY VEHICLES	4.6m
OVER A FOOTWAY OR LAND THAT IS NORMALLY USED ONLY BY MOTOR CARS OR VEHICLES OF SIMILAR HEIGHT	3.0m
ELSEWHERE.	2.7m

TABLE 3 – CLEARANCE FROM STRUCTURES

	LOCATION	CONDUCTOR		
		INSULATED U<1kV	BARE or COVERED U<1kV	BARE or INSULATED 1kV<U<33kV
A	VERTICALLY (AND NEAR VERTICALLY), FROM ANY PART OF THE STRUCTURE NORMALLY ACCESSIBLE TO PEOPLE	2.7m	3.7m	4.6m
B	VERTICALLY (AND NEAR VERTICALLY), FROM ANY PART OF THE STRUCTURE NOT NORMALLY ACCESSIBLE TO PEOPLE BUT ON WHICH A PERSON CAN STAND	1.2m	2.7m	3.7m
C	ANY DIRECTION (OTHER THAN VERTICALLY), FROM THOSE PARTS OF THE STRUCTURE NORMALLY ACCESSIBLE TO PERSONS, OR FROM ANY PART NOT NORMALLY ACCESSIBLE TO PERSONS BUT ON WHICH A PERSON COULD STAND.	1.5m (note 3)	2.0m	2.7m
D	ANY DIRECTION (OTHER THAN VERTICALLY), FROM ANY PART OF THE STRUCTURE NOT NORMALLY ACCESSIBLE TO PERSONS.	0.3m (note 3)	1.5m	2.7m
E	ANY DIRECTION, FROM AN OUTDOOR WIRELES OR TELEVISION AERIAL OR PART OF A STAY WIRE FOR THE AERIAL	1.5m	1.5m	1.5m
F	VERTICALLY FROM ANY PART OF A FULLY EXTENDED CLOTHES LINE	1.8m	3.7m	4.6m
G	ANY DIRECTION (OTHER THAN VERTICALLY), FROM ANY PART OF A FULLY EXTENDED CLOTHES LINE	1.8m	3m	3m
H	ANY DIRECTION, FROM THE OUTER EDGE OF THE WATER CONTAINER OF A SWIMMING POOL OR SPA OR THE MAXIMUM WATER LEVEL OF THE POOL (FIGURE IN BRACKETS INDICATES THE REQUIRMENT FOR A NEUTRAL SCREENED CABLE)	5.0m (3.0m)	See Pool Note 3	See Pool Note 3

GENERAL NOTES:

1. THE MINIMUM DISTANCE FROM ANY PART OF AN AERIAL LINE IS TO BE MEASURED FROM THE NEAREST POINT TO WHICH THE LINE SAGS OR SWINGS. FOR SAG THIS IS AT THE MAXIMUM DESIGN OPERATING TEMPERATURE (NORMALLY 65°C FOR DISTRIBUTION LINES and 120°C FOR TRANSMISSION LINES). FOR SWING THIS IS AT THE MAXIMUM DESIGN WIND LOADING (500Pa WIND)
2. COVERED CONDUCTORS TO BE TREATED AS BARE CONDUCTORS
3. THIS CLEARANCE CAN BE FURTHER REDUCED TO ALLOW FOR TERMINATION AT THE POINT OF ATTACHMENT
4. LOW VOLTAGE CONDUCTORS CONSTRUCTED PRIOR TO 1998 REQUIRE ONLY 4.6m GROUND CLEARANCE OVER LAND OTHER THAN ROADS
5. MAJOR ROADS ARE DEFINED AS ROADS WITH DUAL CARRIAGEWAYS OR 100kph (or GREATER) SPEED LIMIT. ALL OTHER ROADS SHALL BE CONSIDERED AS MINOR ROADS

SWIMMING POOL NOTES:

1. NEW AERIAL SERVICE LINES ARE NOT TO BE INSTALLED OVER AN OPEN AIR SWIMMING POOL OR SPA AND NEW SWIMMING POOLS OR SPAS ARE NOT PERMITTED UNDER EXISTING AERIAL SERVICE LINES
2. INSULATED AERIAL SERVICE CONDUCTORS SHALL HAVE AT LEAST 5.0 METRES CLEARANCE TO THE EDGE OF THE SWIMMING POOL OR SPA. (3.0 METRES FOR NEUTRAL SCREENED AERIAL SERVICES)
3. BARE CONDUCTORS ARE NOT PERMITTED ABOVE SWIMMING POOLS OR SPAS OR ABOVE THE AREA WITHIN 3.5m OF THE EDGE OF A SWIMMING POOL OR SPA
4. POLES SHALL NOT BE LOCATED WITHIN 4m OF THE EDGE OF A SWIMMING POOL OR SPA
5. UNDERGROUND CABLES ARE NOT PERMITTED WITHIN 3.5m OF THE EDGE OF AN INGROUND SWIMMING POOL OR SPA. THIS CAN BE REDUCED TO 0.5m PROVIDED THE CABLE IS INSTALLED IN A PLASTIC NON CONDUCTIVE PIPE AND ANY JOINS IN THE PIPE ARE MADE WATERPROOF WITH A NON CONDUCTIVE ADHESIVE.

No	REVISION	DATE	CKD	AUTH
C	ROW H OF TABLE 1 REVISED AND POOL NOTES REVISED	5-6-02	GA	DH
A	HV GROUND CLEARANCE ABOVE MAJOR ROADS REVISED IN TABLE 1	26-7-07	GA	GA
D	NOTE 1 AMENDED TO INCLUDE TRANSMISSION LINE DESIGN TEMP.	13-8-03	GA	SF
H	GENERAL NOTE 3 AND POOL NOTE 5 REVISED	1-4-03	GA	GA
G	SWIMMING POOLS ADDED	31-10-02	GA	DH
D				

Drawn: G SMITH
Designed:
Project Officer:
Design Authority:
Manager Networks: I FREEBODY 18-10-99

ActewAGL

MINIMUM CLEARANCES
INSULATED & BARE
OVERHEAD CONDUCTORS

Scale: NTS
Date: 7-12-98
Sheet No:
File:
Tender No:
CADD File Name: M811-004

A3 3811-004 Rev K

3811-004
A3

application number 144911
Sheet 4 of 5

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ActewAGL

application number 144911

Sheet 5 of 5

MINIMUM SEPARATION REQUIREMENTS

FROM ANY PART OF:	TO NEAREST PART OF:	SEPARATION (m) SEPARATE EARTHING	SEPARATION (m) CMEN & COMBINED EARTHING SITUATIONS
PADMOUNT SUBSTATION	-BUILDING	1.5 (NOTE 3)	1.5 (NOTE 3)
	-PROPERTY BOUNDARY	1.5	1.5
	-FIXED GROUND OBJECTS	1.5	1.5
	-DRIVEWAYS & ROADS	1.5	1.5
	-COMMS CABLES, GAS & WATER PIPES, SEWER LINES	1.5 (NOTE 12)	1.5 (NOTE 12)
	-DESIGNATED HAZARDS	NOTE 5	NOTE 5
	-NON FIRE RATED PARTS OF BUILDINGS	3 (NOTE 3)	3 (NOTE 3)
MINI PILLAR	-BUILDINGS & STRUCTURES	1.2 (NOTE 8)	1.2 (NOTE 8)
	-PROPERTY BOUNDARY	1.2 (NOTE 8)	1.2 (NOTE 8)
	-ROADS	1.2	1.2
	-DRIVEWAYS	1.5	1.5
	-SHRUBS AND SMALL TREES	1.2 (NOTES 8 & 10)	1.2 (NOTES 8 & 10)
HV CABLES (1kV < U ≤ 22kV)	-WATER PIPES	0.5 (H) (NOTE 12)	0.5 (H)(NOTE 12)
	-SEWER PIPE LINES & STORMWATER PIPE LINES	0.6 (H), (NOTES 1 &12)	0.6 (H), (NOTES 1&12)
	-COMMUNICATIONS CABLES	0.3	0.3
	-GAS PIPES	0.3	0.3
	-HV CABLES (22kV < U ≤ 132kV)	0.75 (NOTE 11)	0.75 (NOTE 11)
	-EDGE OF INGROUND SWIMMING POOLS OR SPAS	3.5 (NOTE 9)	3.5 (NOTE 9)
	-HV CABLES (1kV < U ≤ 22kV)	0.2 (MIN)	0.2 (MIN)
LV CABLES (≤ 1kV) SERVICE MAINS CABLE PITS	-WATER PIPES	0.5 (H)	0.5 (H)
	-SEWER PIPE LINES & STORMWATER PIPE LINES	0.6 (H), (NOTES 1 &12)	0.6 (H), (NOTES 1&12)
	-COMMUNICATIONS CABLES	0.15	0.15
	-GAS PIPES	0.15	0.15
	-EDGE OF INGROUND SWIMMING POOLS OR SPAS	3.5 (NOTE 9)	3.5 (NOTE 9)
	-HV CABLES (1kV < U ≤ 22kV)	0.09	0.09

HV EARTHING ELECTRODE(S) HV EARTH CONDUCTORS (NOTE 6)	HV EARTH RESISTANCE 30Ω	10Ω	5Ω	3Ω	
- IN GROUND SWIMMING POOLS, SPAS & CHILDRENS METAL PLAYGROUND EQUIPMENT (NOTE 4)	30	20	15	12	4 (NOTE 4)
- TELECOMMUNICATIONS PITS, PILLARS, JOINTS, EXCHANGES & PABX EQUIPMENT	15	10	8	6	4
-UG UNINSULATED METALWORK AND METAL PIPES	4	3	2	2	2
-METAL FENCING OR METAL CLAD BUILDINGS	4	3	2	2	2
-LV EARTHING ELECTRODE(S)	4	3	2	2	0
-BARE UG LV EARTH CONDUCTORS	4	3	2	2	0

BARE UG LV EARTH CONDUCTORS (INCL. STEEL & CONCRETE POLES) BARE UG LV EARTH CONDUCTORS (NOTE 7)	-UG UNINSULATED METALWORK AND METAL PIPES	2	2
	-CONCRETE REINFORCING BONDED TO HV EARTH	SEE HV ELECTRODE	N/A
	- INGROUND SWIMMING POOLS, SPAS & CHILDRENS METAL PLAYGROUND EQUIPMENT	4	4
	-COMMUNICATIONS EARTH STAKE	0.5	4

RECOMMENDED BURIAL DEPTHS FOR UNDERGROUND LINES (FROM SURFACE TO THE TOP OF THE CABLE)

TYPE OF UNDERGROUND LINE	DIRECT BURIED WITH NO ADDITIONAL MECHANICAL PROTECTION (NOTE 5) NOMINAL (MINIMUM) (mm)	DIRECT BURIED AND COVERED WITH A MECHANICAL COVER NOMINAL (MINIMUM) (mm)	ENCLOSED IN A HEAVY DUTY PIPE OR CONDUIT (NOTE 4) NOMINAL (MINIMUM) (mm)
LV SERVICE LINE	750 (600)	600 (450)	550 (450)
LV MAINS	750 (600)	750 (600)	750 (600)
1kV < U ≤ 22kV	850 (750)	850 (600)	750 (600)
22kV < U ≤ 132kV	NOT PERMITTED	1000 (1000)	1000 (1000)

BURIAL NOTES:

1. FIGURES IN BRACKETS INDICATE MINIMUM REQUIREMENT
2. ALL CABLES INSTALLED UNDER ROADWAYS SHALL HAVE A MINIMUM BURIAL DEPTH OF 750mm
3. MAXIMUM TRENCH DEPTH FOR INSTALLATION OF CABLES IS 1.5 METRES
4. HEAVY DUTY CONDUITS TO AS2053.2 AND CLASS 12 PRESSURE PIPES TO AS1477 MAY BE CONSIDERED SUITABLE FOR THE HEAVY DUTY CATEGORY. (CORFLO TYPES ARE NOT ACCEPTABLE)
5. THIS CATEGORY ALSO INCLUDES CABLES INSTALLED IN CONDUITS THAT ARE NOT RATED AS HEAVY DUTY (FOR EXAMPLE CONDUITS INSTALLED BY UNDERGROUND BORING)

SEPARATION NOTES:

1. CROSSOVER CLEARANCES: SEWER & STORMWATER PIPE LINES – LV CABLES 150mm
   SEWER & STORMWATER PIPE LINES – HV CABLES 300mm
2. (H) – HORIZONTAL CLEARANCE REQUIRED
3. ANY PART OF A BUILDING WITHIN 3 METRES OF THE SUBSTATION SHALL HAVE A ONE HOUR FIRE RATING
4. SUBSTATIONS WITH SEPARATE EARTHING SYSTEMS ARE NOT PERMITTED IN SPECIAL LOCATIONS. LOCATIONS WITHIN 100m OF SCHOOL GROUNDS, CHILDREN'S PLAYGROUND, SWIMMING POOL OR IN A PUBLIC THOROUGHFARE ARE GENERALLY CLASSIFIED AS SPECIAL LOCATIONS.
5. SUBSTATIONS ARE NOT PERMITTED IN HAZARDOUS AREAS. REFER AS2381 OR HB13
6. INCLUDES GRADING RINGS AND EXCLUDES DEEP ELECTRODES
7. BARE UG LV EARTH CONDUCTORS ALSO INCLUDES EARTHS ASSOCIATED WITH MINIPILLARS AND ANY OTHER LV EQUIPMENT THAT IS EARTHED
8. THIS FIGURE CAN BE REDUCED ON ONE SIDE ONLY (NOT THE FRONT) TO 300mm
9. THIS FIGURE CAN BE REDUCED TO 500mm PROVIDED THE CABLE IS INSTALLED IN A HEAVY DUTY PLASTIC NON CONDUCTIVE PIPE AND ANY JOINS IN THE PIPE ARE MADE WATERPROOF WITH A NON CONDUCTIVE ADHESIVE
10. THIS FIGURE SHOULD BE INCREASED FOR TREES THAT WILL GROW TO A HEIGHT IN EXCESS OF THREE METRES AT MATURITY
11. NO STRUCTURES OR SERVICES ARE PERMITTED WITHIN 750mm OF THE VERTICAL PROJECTION OF ANY 132KV CABLES
12. REFER TO THE PROXIMITY GUIDELINES (DM#468024) AS THERE ARE ADDITIONAL REQUIREMENTS FOR WATER, SEWER AND ELECTRICITY ASSETS WITHIN LEASED LAND.
13. SUBSTATION EARTHING DESIGN SHALL COMPLY WITH THE FOLLOWING STANDARDS
    - ENA EG-0 (2010): POWER SYSTEM EARTHING
    - ENA EG-1 (2006): SUBSTATION EARTHING GUIDE
    - AS7000: OVERHEAD LINE DESIGN (FORMERLY ENA C(b)1)

CAD	No	REVISION	DATE	CKD	AUTH
C	K	MINIPILLAR - DRIVEWAY CHANGED TO TAMS DS4-03	08-10-10	AC	BB
A	J	NOTE 12 ADDED	24-5-10	GA	GA
D	H	NON FIRE RATED PARTS ADDED, NOTE 8 REVISED	26-08-08	AC	GA
D	M	NOTE 4 AMENDED	06-02-14	CD	BS
	L	HV-HV & HV-LV SEPARATIONS ADDED. NOTES AMENDED	11.04.13	EA	BS

ActewAGL

Drawn: GA
Designed: gcsmith
Checked:
Branch Engineer: G ASTBURY
Branch Manager: D. Howe

SEPARATION AND COVER REQUIREMENTS FOR CABLES AND PLANT

Scale: NA | Date: | Sheet No:
File: | Tender No:

A3 | 3832-018 | Rev M

CADD File Name: \\SEAPPSPRD38\am\VAULT,D=DRWELECDBP,P=AMCONTEXT_1\Mains\Design_Data\Alignment\3832_018.dwg

From:	BAsubmission_watersewer@actewagl.com.au
To:	EPD, Customer Services
Subject:	ActewAGL Application Decision. Application - 144366. City - 7/35
Date:	Friday, 24 October 2014 11:57:44 AM
Attachments:	Approved144366.pdf ELEV-201426293-01.pdf ELEV-201426293-03.pdf PLAN-201426293-OUTDOORPROPOSED-02.pdf SECTION-201426293-01.pdf

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ACTEWAGL - WATER DIVISION

Approval ID : 144366, City 7 /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

Schedule 2.2(a)(ii)

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
GPO Box 366 Canberra ACT 2601
www.ActewAGL.com.au

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****

ActewAGL acts as agent for ACTEW Corporation

STATEMENT OF COMPLIANCE

Application No: 144366 **Suburb:** City **Block/Section** 7 / 35

Applcn Type: Non residential/Addition Inclusions : of Landscaping, of Other, with Signage

Attached Plans
ELEV-201426293-01.pdf
ELEV-201426293-03.pdf
PLAN-201426293-OUTDOORPROPOSED-02.pdf
SECTION-201426293-01.pdf

The design depicted in this application has been assessed by ActewAGL and complies with ACTEW's water and sewerage network protection and access requirements.

Please Note

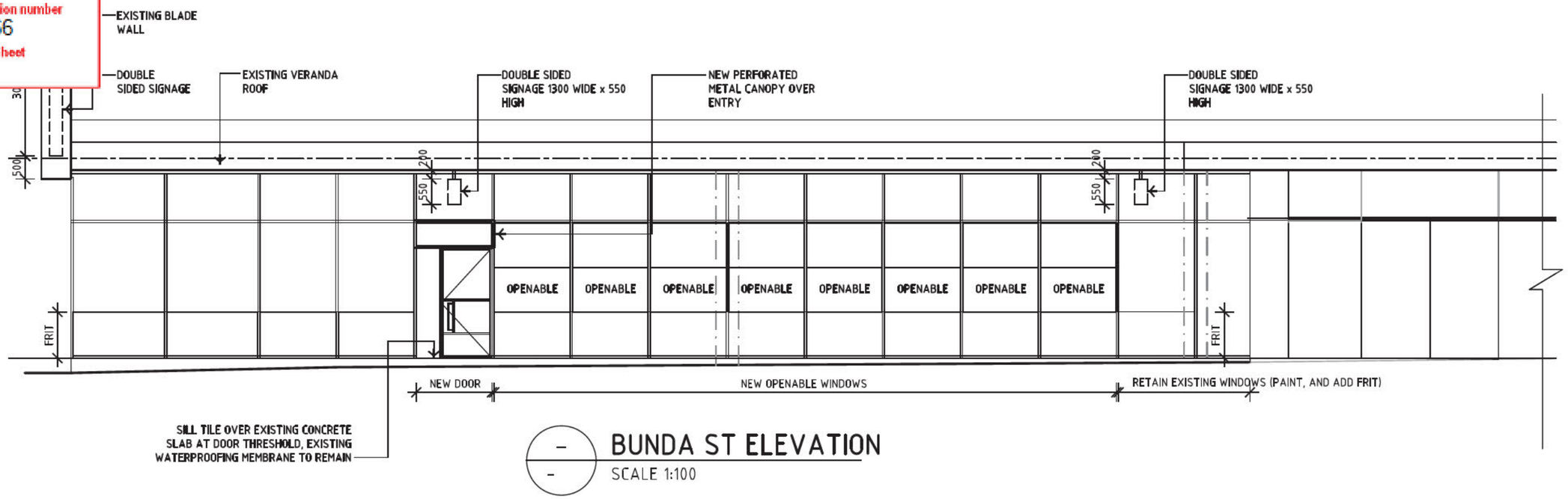
- Separate applications are required for ActewAGL electricity and gas networks.
- Any failure to accurately show existing or proposed structures may result in damage and costs for which the property owner will be liable. Damage to network assets must be reported to ActewAGL.
- Utility conditions may also apply to minor structures and landscaping works that may not have been depicted in this document. Consultation with ActewAGL's Water Division is advised if such structures and landscaping are planned.
- ActewAGL recommend setbacks provided for equipment access to water or sewerage network assets are kept free of obstruction by the property owner.
- Construction of works without the approval of ActewAGL may result in connection to ACTEW's water and sewerage networks being denied and /or action being taken to require the property owner to remove non-compliant services (e.g. sanitary drains) or structures.

Comments:

Signed Eddie Gonzalez **Date** 24 Oct 2014

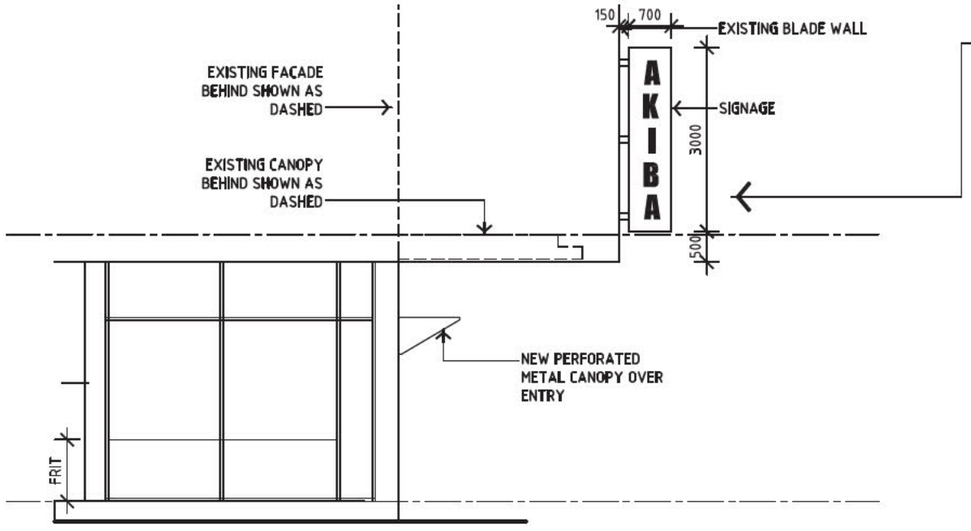
For further information please phone ActewAGL 6248 3555 (then 2).

ActewAGL
application number
144366
Sheet
1 of 4



BUNDA ST ELEVATION
SCALE 1:100

NOTE:
PAINT EXISTING WINDOW FRAMES TO SUIT
NEW FIT OUT



BIBLE LANE ELEVATION
SCALE 1:100

SIMILAR TO THIS SIGN:



ActewAGL acts as agent for ACTEW Corporation
ActewAGL
WATER AND SEWERAGE NETWORK
APPROVED
The design depicted in this document has been assessed by ActewAGL and complies with ACTEW's water and sewerage network protection and access requirements
refer to ActewAGL's 'statement of compliance' for additional advice
Signed Eddie Gonzalez Date 24 Oct 2014
Contact phone: 6248 3555 (then select 2)

FOR APPROVAL

GENERAL NOTE:
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REVISIONS:

REV A 29 MAY 14	ADDITIONAL NOTES
REV B 11 SEP 14	SIGNAGE REVISED

ELEVATIONS
A300/B

NEW FITOUT AT 40 BUNDA ST, CANBERRA

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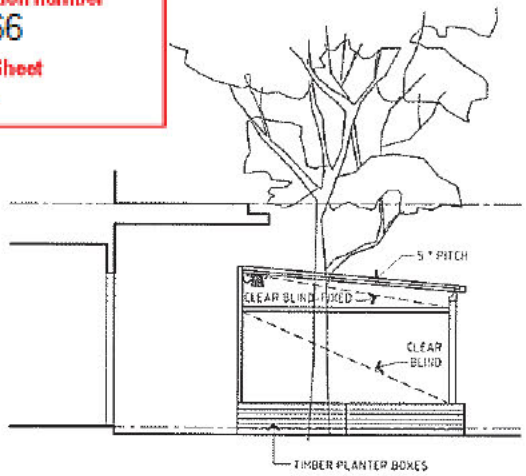
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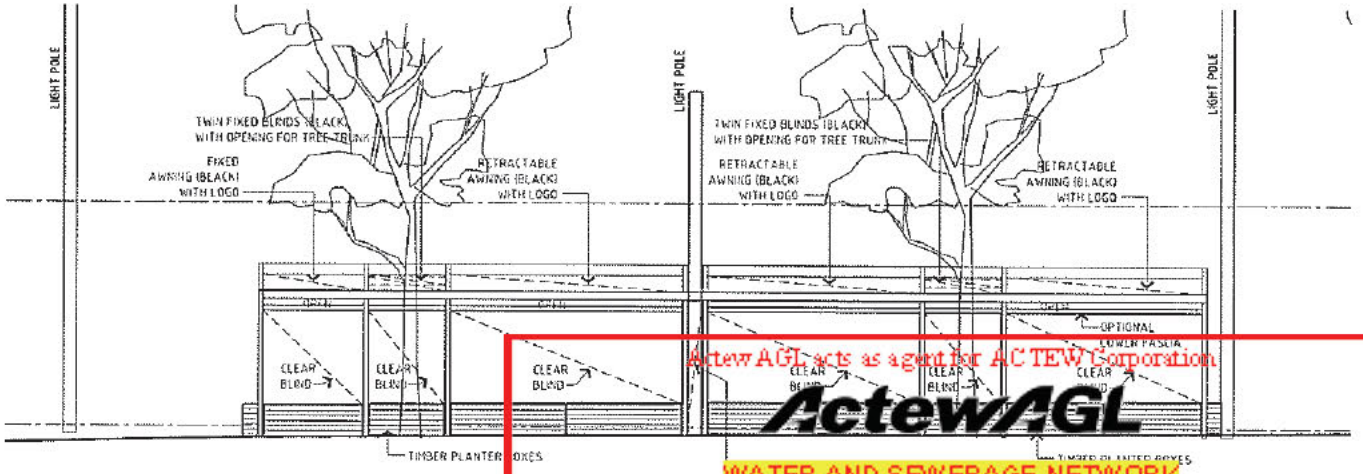
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ActewAGL

application number
144366

Sheet
2 of 4





ActewAGL acts as agent for ACTEW Corporation

ActewAGL

WATER AND SEWERAGE NETWORK

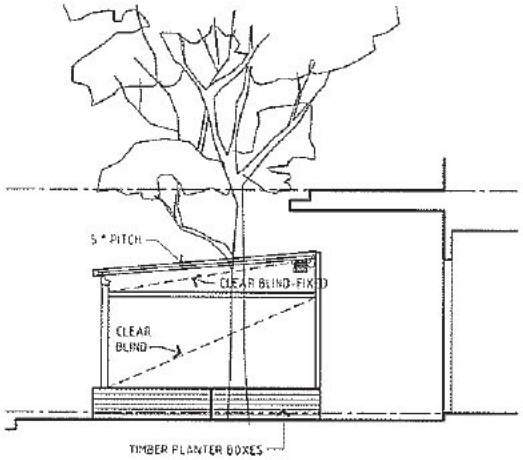
APPROVED

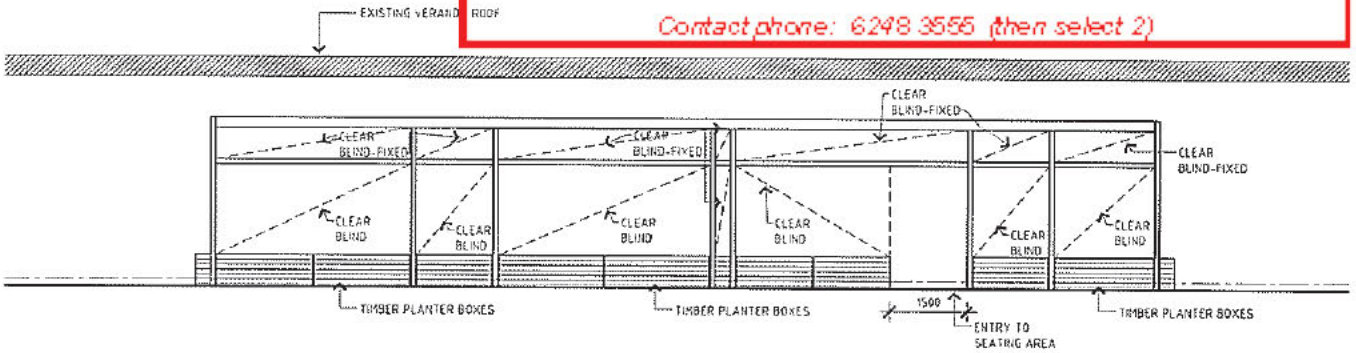
The design depicted in this document has been assessed by ActewAGL and complies with ACTEW's water and sewerage network protection and access requirements

refer to ActewAGL's 'statement of compliance' for additional advice

Signed Eddie Gonzalez Date 24 Oct 2014

Contact phone: 6248 3555 (then select 2)





FOR APPROVAL

GENERAL NOTE:

ALL DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO CONSTRUCTION AND DISCREPANCIES TO BE CLARIFIED WITH DESIGNER. DO NOT SCALE DRAWINGS, REFER TO FIGURED DIMENSIONS ONLY. READ IN CONJUNCTION WITH SPECIFICATIONS, STRUCTURAL/CIVIL ENGINEERS AND LANDSCAPE DRAWINGS. DIMENSIONS ARE IN MM AND MEASURED STRUCTURE TO STRUCTURE. RL'S ARE IN METRES.

MATERIALS KEY:

MS	CUSTOM FOLDED MILD STEEL SHINGLES. CLEAR FINISH
RE	RENDER - DISTRESSED CONCRETE APPEARANCE
CP	COPPER SPLASH BACK - FOOD GRADE
TS	KITCHEN TILES. BLACK GLOSS.
BS	BOARD CLADDING

REFER TO KITCHEN EQUIPMENT SCHEDULE AND KITCHEN CONTRACTOR'S DOCUMENTATION FOR A COMPLETE KITCHEN & BAR EQUIPMENT SCHEDULE & LEGEND.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE TO FOOD SAFETY STANDARDS AND CURRENT EDITION OF AS4674-2004

REVISIONS:

ELEVATIONS - OUTDOOR SEATING

A310

NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	1:100 @ A3 SIZE	AD	1306

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ActewAGL

application number
144366

Sheet
3 of 4

ActewAGL acts as agent for ACTEW Corporation

ActewAGL

WATER AND SEWERAGE NETWORK

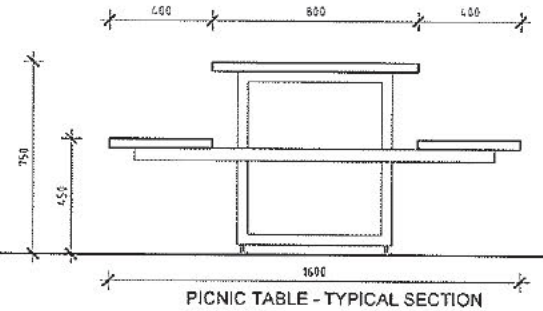
APPROVED

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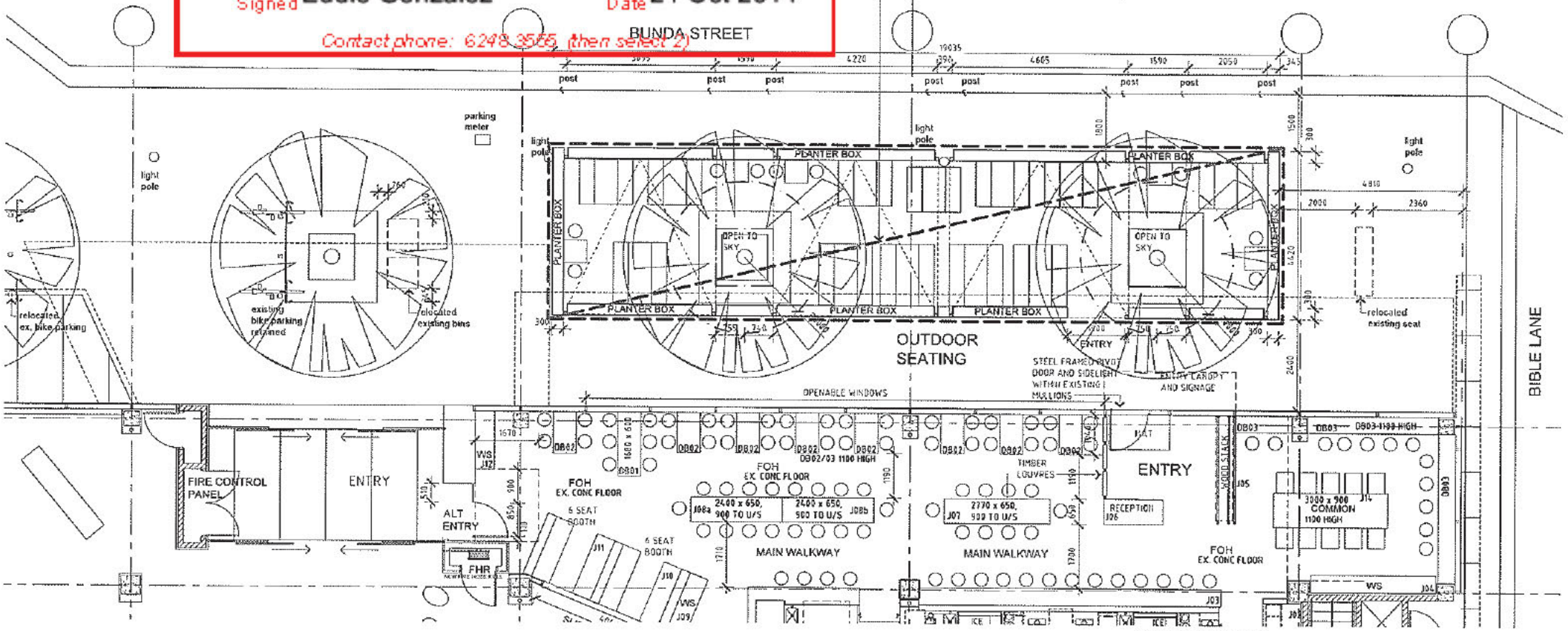
refer to ActewAGL's 'statement of compliance' for additional advice

Signed Eddie Gonzalez Date 24 Oct 2014

Contact phone: 6248 3566 (then select 2)



PICNIC TABLE - TYPICAL SECTION
SCALE 1:20



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CP	COPPER SPLASH BACK - FOOD GRADE
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BI	BOARD CLADDING

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REVISIONS:
A 18.06.14 Seating area outlined

OUTDOOR SEATING - PROPOSED A091/A

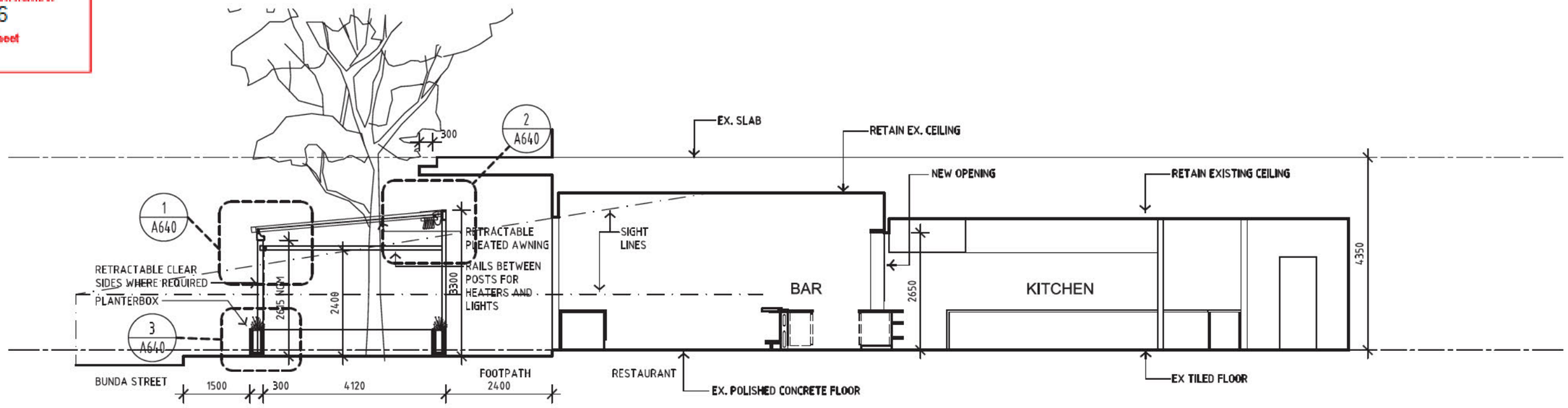
NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	1:100 @ A3 SIZE	AD	1306

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ActewAGL
application number
144366
Sheet
4 of 4



SECTION C-C
SCALE 1:100

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ActewAGL
WATER AND SEWERAGE NETWORK
APPROVED
The design depicted in this document has been assessed by ActewAGL and complies with ACTEW's water and sewerage network protection and access requirements
refer to ActewAGL's 'statement of compliance' for additional advice
Signed Eddie Gonzalez Date 24 Oct 2014
Contact phone: 6248 3555 (then select 2)

FOR APPROVAL

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REVISIONS:

SECTIONS

A201

NEW FITOUT AT 40 BUNDA ST, CANBERRA

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MAY 13	1:100 @ A3 SIZE	AD	1306

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From: Schedule 2.2(a)(ii)
To: ACTPLA Customer Services
Subject: COMM - Jemena - 201426293 - Block 7 Section 35 City
Date: Thursday, 6 November 2014 11:20:52 AM
Attachments: image001.png
document2014-11-06-112824.pdf
BA DA Conditional Approval Docs.pdf

Your application has been assessed by ActewAGL and conditionally complies with our Gas Networks requirements.

Please find attached, your stamped plans together with a statement of compliance.

Separate compliance statements are required from other utilities (eg: electricity, water and sewerage, stormwater and communications).

Regards

Schedule 2.2(a)(ii)
Network Development Manager
Jemena
Unit 1, 5-7 Johns Place, Hume, ACT 2620
Schedule 2.2(a)(ii)
Schedule 2.2(a)(ii)@jemena.com.au | www.jemena.com.au



From: basubmission_electricity@actewagl.com.au [mailto:basubmission_electricity@actewagl.com.au]
Sent: Wednesday, 22 October 2014 12:39 PM
To: Schedule 2.2(a)(ii)
Subject: ActewAGL - Notification of Building Application - Application ID : 144354 (Email 2 of 2)

ACTEWAGL - ELECTRICITY NETWORKS DIVISION

A new Development Application has been raised for ActewAGL Electricity Networks and has been sent for your review. **(Application ID : 144354)**

Application is at **40 40 Bunda Street, City** Block/Section **35 /7**
Application Type **Non residential**
Development Type **New Construction**
Inclusions **with Alteration/Addition, with Signage**
Application Received **22 Oct 2014**
Applicant Contact Details **ACT Planning and Land Authority, Linda Southwell, 02 62050060,** ESDDCustomerservices@act.gov.au
Please find attached all submitted documents.

Regards

Schedule 2.2(a)(ii)
ActewAGL Electricity Networks Division

Telephone 02 6293 5770
Facsimile 02 6293 5762
Email devapp@ACtewAGL.com.au

GPO Box 366 Canberra ACT 2601
www.ActewAGL.com.au

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****

ActewAGL

Gas Networks

STATEMENT OF

CONDITIONAL COMPLIANCE

For Non-residential and High Rise Residential

Application N°: 201426293 **Drawings in set** 3

Block: 7 **Section:** 35

Suburb: CITY

This application has been assessed against legislation protecting ActewAGL's gas infrastructure and access to it.

This application is approved subject to compliance with the following conditions:

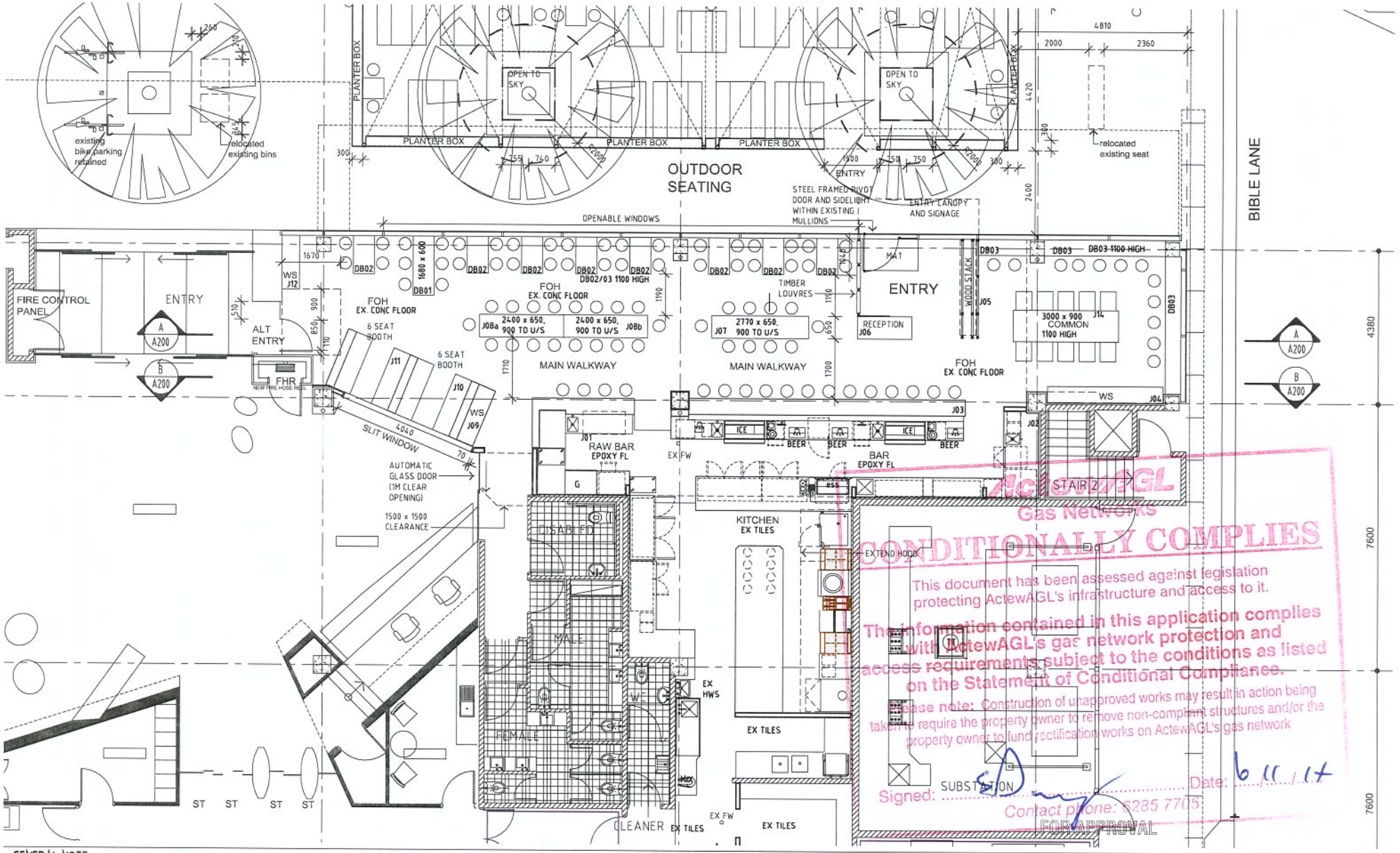
- [x] The location and area allocated for gas regulating and metering equipment is to comply with ActewAGL standards. The following documents provide guidance:
  Ref ActewAGL Document (attached): "Gas Metering Equipment – Prohibited Locations"
  Ref ActewAGL Document (attached): "Gas Metering Equipment – In High Rise Buildings"
  Ref ActewAGL Document (attached): "Gas Metering Equipment – Meter Set Enclosures"
- [x] Development is to comply with minimum separation requirements to underground assets
  - 300mm minimum clearance from major plastic and steel gas mains and steel gas services
  - 150mm minimum clearance from other plastic gas mains and services
- [x] A metering equipment upgrade may be required. A licensed gas fitter should verify loads and metering equipment capacities.
- [x] If a meter relocation or service pipe relocation is required in order to comply with ActewAGL standards, please contact your gas retailer and book a meter relocation. Only people accredited by ActewAGL can carry out this work.
- [ ] Other:

Please note:

- WARNING: ActewAGL underground gas pipes may be in or adjacent to this block. ActewAGL Asset Location Advice may be required. Call 1100.
- Development and Building Applications will need to include any proposed ActewAGL works
- If ActewAGL approval conditions are not met, a breach of the law may result.
- Separate applications are required for water & sewerage, electricity and communication network services.
- Construction of unapproved works may result in action being taken to require the property owner to remove non-compliant structures and/or the property owner to fund rectification works on ActewAGL's gas network
- Any attached reticulation or servicing plan is preliminary only. Contact ActewAGL for final plans prior to the commencement of any construction activity

Signed SD Date 6 / 11 / 14

For further information please phone Steve Donnelly – Jemena 6203 0640



ActewAGL Gas Networks
CONDITIONALLY COMPLIES
This document has been assessed against legislation protecting ActewAGL's infrastructure and access to it.
The information contained in this application complies with ActewAGL's gas network protection and access requirements subject to the conditions as listed on the Statement of Conditional Compliance.
Please note: Construction of unapproved works may result in action being taken to require the property owner to remove non-compliant structures and/or the property owner to fund rectification works on ActewAGL's gas network
Signed: ..... Date: 6/11/14
Contact phone: 6285 7705
FOR APPROVAL

GENERAL NOTE:

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B1	BOARD CLADDING

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REVISIONS:

REV A 12/6/14	FLOOR FINISHES ADDED
REV B 11/8/14	KITCHEN & BAR CHANGES

FLOOR PLAN

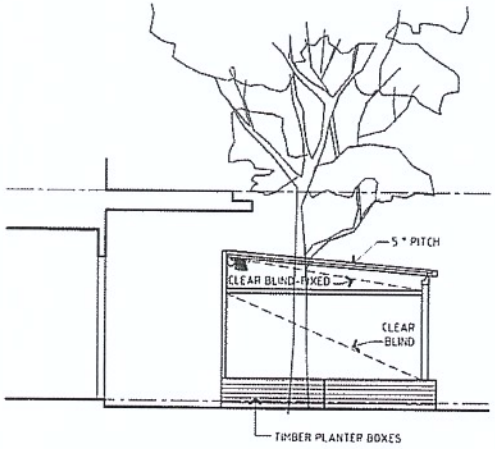
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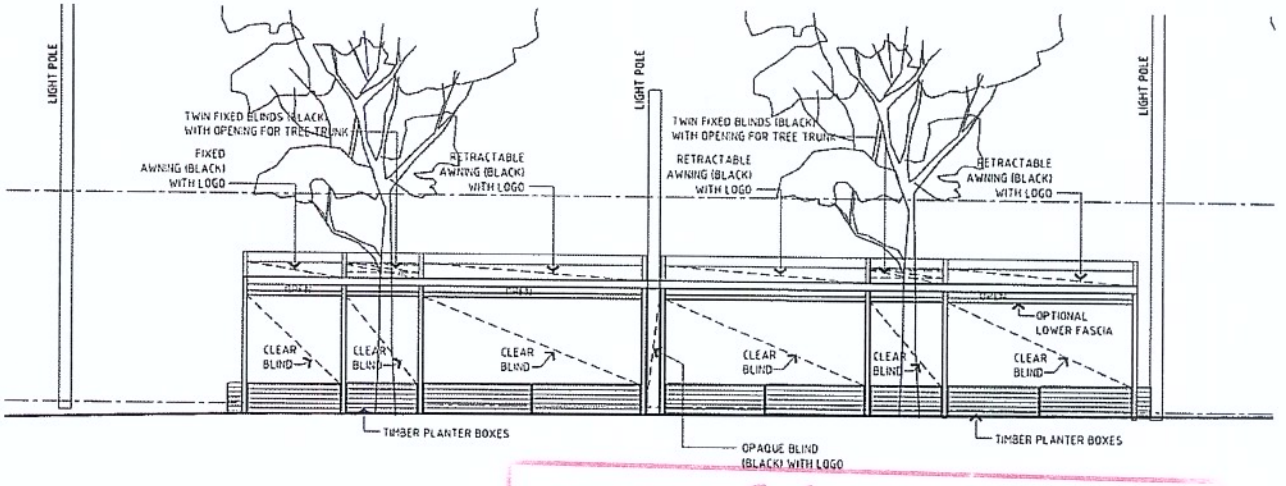
NEW FITOUT AT 40 BUNDA ST, CANBERRA

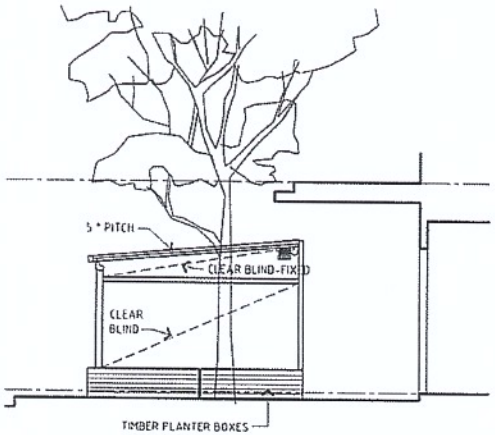
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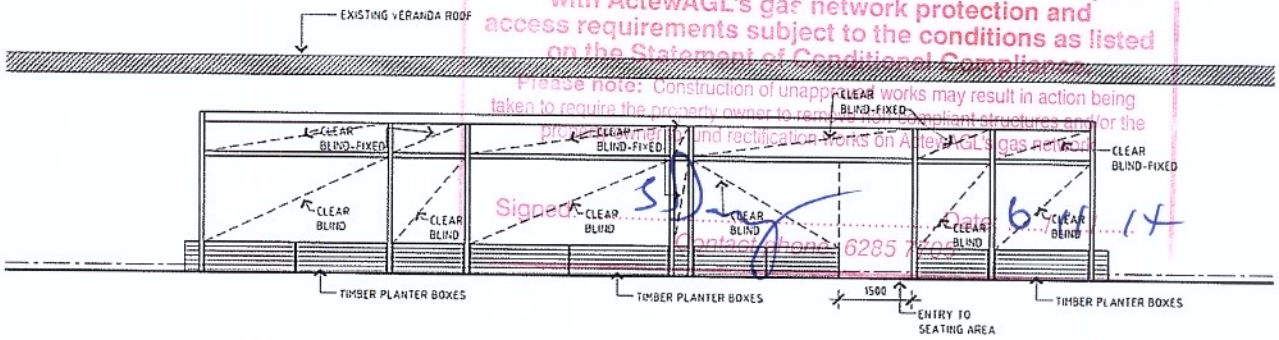
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ActewAGL
Gas Networks
CONDITIONALLY COMPLIES
This document has been assessed against legislation protecting ActewAGL's infrastructure and access to it.
The information contained in this application complies with ActewAGL's gas network protection and access requirements subject to the conditions as listed on the Statement of Conditional Compliance.
Please note: Construction of unapproved works may result in action being taken to require the property owner to remove non-compliant structures and/or the implementation of rectification works on ActewAGL's gas network.
Signed: Date: 6/5/14
Contact phone 6285 7200

FOR APPROVAL

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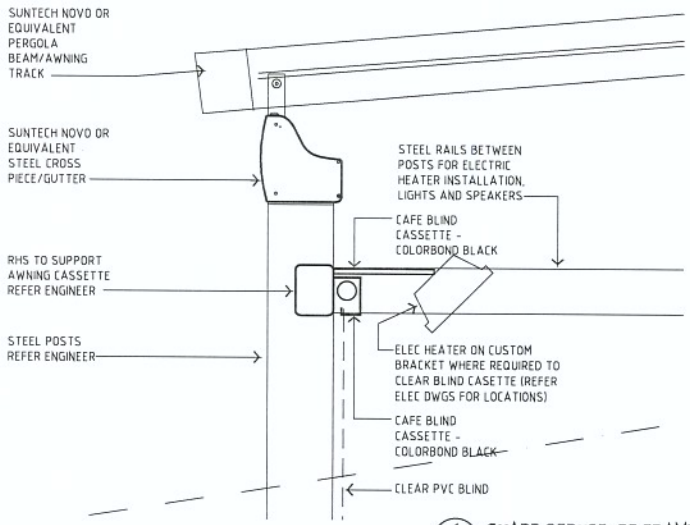
ELEVATIONS - OUTDOOR SEATING

A310

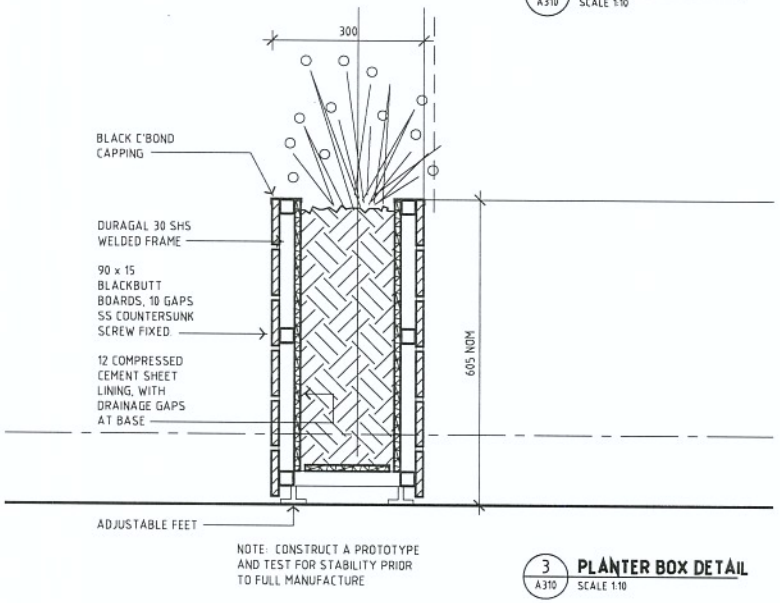
NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	1:100 @ A3 SIZE	AD	1306

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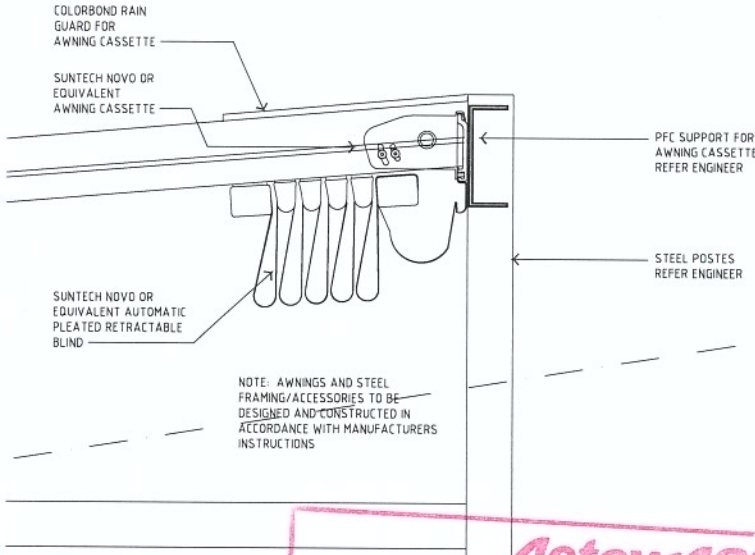


1 A310 **SHADE STRUCTURE FRAME DETAIL** SCALE 1:10



NOTE: CONSTRUCT A PROTOTYPE AND TEST FOR STABILITY PRIOR TO FULL MANUFACTURE

3 A310 **PLANTER BOX DETAIL** SCALE 1:10



NOTE: AWNINGS AND STEEL FRAMING/ACCESSORIES TO BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS

2 A310 **SHADE STRUCTURE FRAME DETAIL** SCALE 1:10

ActewAGL
Gas Networks
CONDITIONALLY COMPLIES
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Signed: ..... Date: 6/11/14
Contact phone: 6285 7705

FOR APPROVAL

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REVISIONS:

DETAILS - OUTDOOR SEATING

A640

NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	AS SHOWN @ A3 SIZE	AD	1306

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ActewAGL

Gas Networks

Gas Metering Equipment
Prohibited Locations

Metering equipment must not be installed in the following locations unless specifically approved by **ActewAGL**:

(a) a bedroom;

(b) a lift shaft or lift motor room;

(c) a room specifically intended for electrical switchgear;

(d) a fire-isolated stairway or passage;

(e) a fire hydrant duct or hose reel cabinet;

(f) sprinkler or hydrant pump room;

(g) near a source of ignition;

(h) in a position that would obstruct egress from a building;

(i) in a position where the meter would be subject to physical damage unless adequately protected;

(j) in an area where excessive temperatures or sudden excessive changes in temperature may occur;

(k) in an area of excessive vibration;

(l) in the foundation area under a building;

(m) in a cavity wall, unless installed in a ventilated enclosure which meets the requirements of **ActewAGL**, and the cavity is sealed;

(n) in a position where access for reading or maintenance is restricted;

(o) in an unventilated position; or

(p) on the ground, a floor which is frequently wetted or on a floor which contains material which may corrode the meter.

For further information please phone Steve Donnelly – Jemena 6203 0640

ActewAGL

Gas Networks

Gas Metering Equipment
In High Rise Buildings

1 General

Where a gas **meter set** is located in a room or enclosure in a high rise building, the door of this room must not open directly onto a fire stair or fire corridor.

2 Meters in Plant Rooms

Gas **meter sets** may be located in plant rooms in which gas fired equipment is located. The enclosing walls and door must have a fire resistance rating of two (2) hours and ventilation must comply with AS 5601.

3 Secondary Meter Set Enclosures

Where a Secondary **meter set** is being installed, the following must apply:

(a) if the **meter set** is located inside the building, then the **meter set** must be enclosed in a two (2) hour fire rated enclosure;

(b) if the **meter set** is located outside the building, then the **meter set** must be suitably protected against impact;

(c) the **meter set** enclosure must be ventilated according to AS 5601;

(d) if ventilation is by mechanical means, it must be limited to the gas **meter set** enclosure only, and it must not vent to any other area of the building;

(e) where the **meter set** enclosure venting duct passes through a wall, it must be fitted with a fire damper;

(f) a gas detector must be installed inside an internal secondary **meter set** enclosure, and be monitored at an approved central location; and

(g) if the internal enclosure is designed to accommodate workmen, then the enclosure must be fitted with a fire sprinkler.

For further information please phone Steve Donnelly – Jemena 6203 0640

ActewAGL

Gas Networks

Gas Metering Equipment
Meter Set Enclosures

When specified by **ActewAGL** an enclosure will be installed to prevent unauthorised access or damage to the meter/regulator set. The schematic drawing of such an enclosure is shown in Fig .3. No other equipment, such as water meters, pumps, compressors, fire hydrants etc must be placed within this compound unless authorised to do so in writing from **ActewAGL**.

Such housing or protection must:

(a) have enough clearance to allow changing and servicing of the **meter set**, and

(b) be ventilated according to the code requirements of AS 5601 Gas Installations.

1 Installation in an Open Enclosure

Meter sets (Copper and Steel) and Regulator Sets with a capacity greater than 75m^3/h must comply with the following requirements:

(c) the location of a **meter set** / regulator set must be approved by **ActewAGL** at the building/site design stage;

(d) the security compound surrounding the **meter set** / **meter kit** must be as per Fig. 3 and locked with an **ActewAGL** supplied padlock;

(e) the security compound must have two entry/exit doors located at opposite sides of the runs;

(f) ventilation of a walled enclosure must comply with AS/NZS 2430.3.1;

(g) within hazardous areas the boundaries must be greater than the **meter set** enclosure;

(h) electrical equipment installed on metering equipment must comply with AS/NZS 2381.1 Electrical equipment for explosive atmospheres and AS/NZS 3000 Electrical installations;

(i) **meter sets** / regulator kit must be installed with adequate clearance for maintenance work to be performed and comply with Fig. 3;

(j) the compound floor of the **meter set** / regulator set must be constructed of concrete and be level; and

ActewAGL

Figure 1

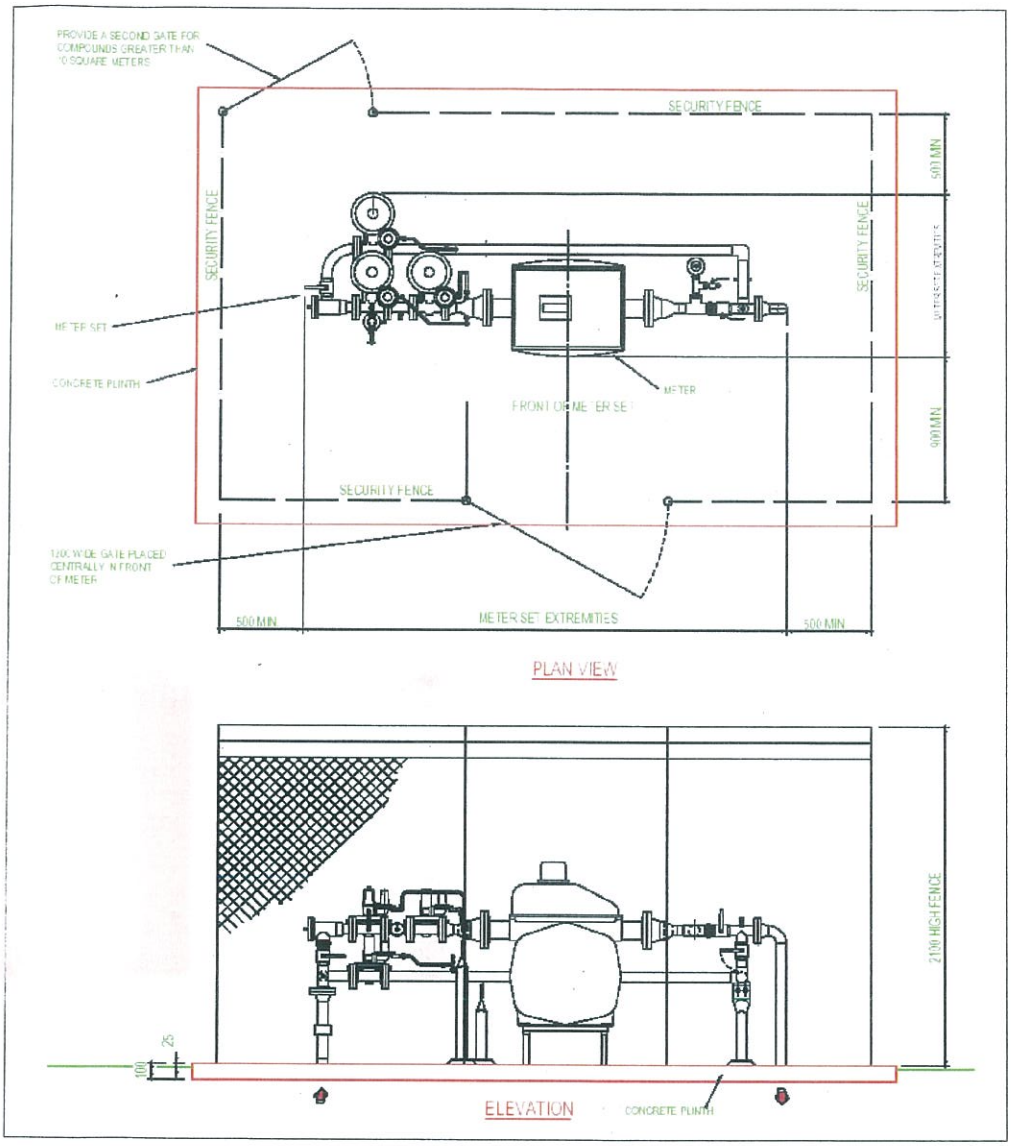
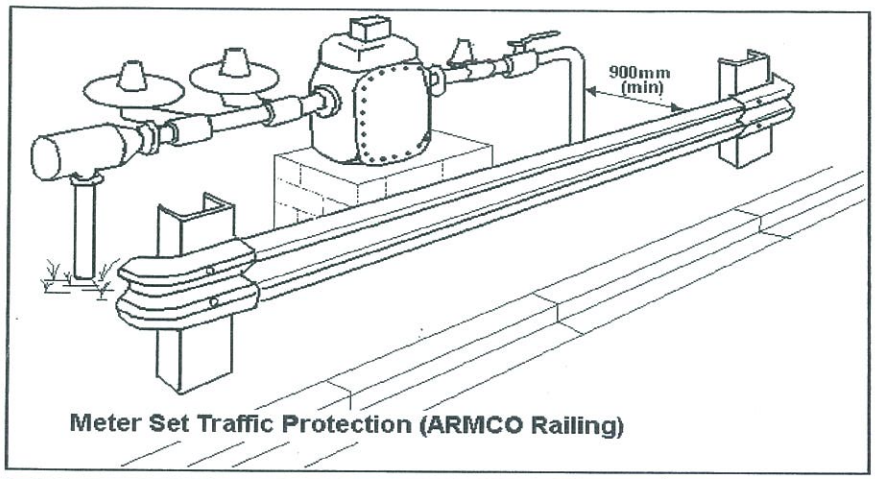
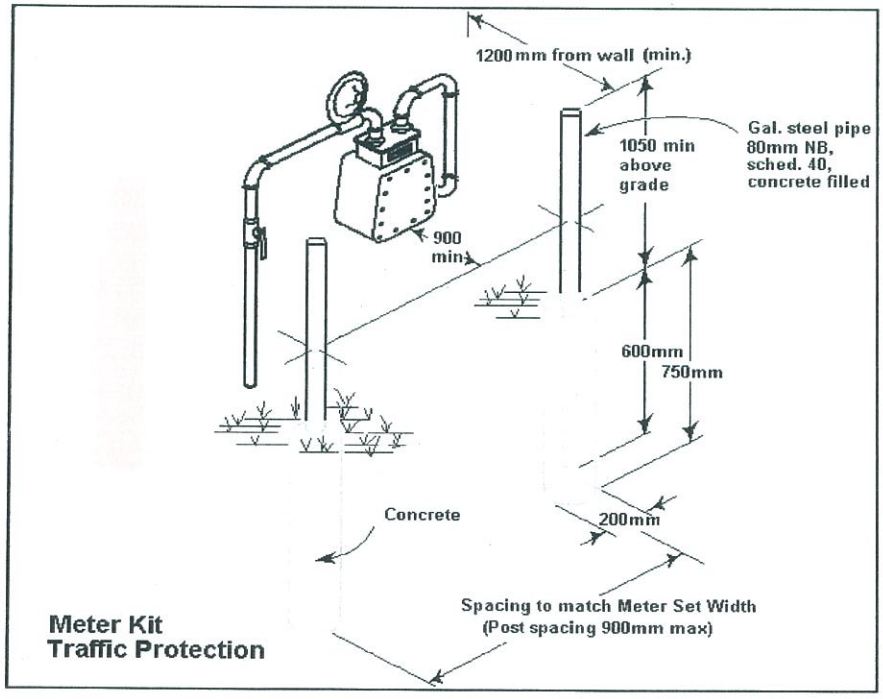


Figure 2





For further information please phone Steve Donnelly – Jemena 6203 0640

(k) appropriate permanent safety barriers (e.g. Armco railing) must be installed between a gas/regulator set and adjacent vehicular traffic path. (see fig 2)

2 Installation in an enclosed area

Meter sets (Copper and Steel) and Regulator Sets with a capacity greater than 75m^3/h must comply with the following requirements:

(l) a room where a **meter set** / regulator set is installed must be situated by an external wall at ground level of the building with adequate ventilation for engulfment protection, unless specifically approved by **ActewAGL**.

(m) the enclosure's walls and door must have a fire resistant rating of two hours;

(n) the enclosure's ventilation must comply with AS 5601;

(o) ventilation by mechanical means must only service the **meter set** / regulator set enclosure only and not vent any other area of the building;

(p) any **meter set** / regulator set ventilation duct that passes through a wall must be fitted with a fire damper;

(q) the enclosure must be fitted with a gas detector and that gas detector must be monitored at all times;

(r) instrumentation and electrical equipment installed within an enclosure must comply with *AS/NZS 2381.1 Electrical Equipment for Explosive Atmospheres* and *AS/NZS 3000 Electrical installations*;

(s) installation in confined space should be avoided; and

(t) a **meter set** / regulator set must not be installed in a room containing an unsealed grease trap.

From: Boersma, Timo
To: Nasca, Giancarlo
Subject: RE: Message from "STRB01L0GP02"
Date: Tuesday, 30 September 2014 4:10:21 PM

Giancarlo

The original proposal had movable seats for 58 people. This one has fixed benches for about 92 people.

regards

Timo Boersma | Manager, Land Use Unit | Licensing and Compliance Section
City Services Branch | Parks and City Services Division
Territory and Municipal Services Directorate | ACT Government
Tel (02) 6205 4766| Email: timo.boersma@act.gov.au

-----Original Message-----
From: Nasca, Giancarlo
Sent: Tuesday, 30 September 2014 10:09 AM
To: Boersma, Timo
Cc: Persic, Drazen
Subject: FW: Message from "STRB01L0GP02"

We haven't received anything in regards to outdoor permit or liquor licence at this time.
We walked past and saw all the bill boards up over the weekend.

Regards

Giancarlo

-----Original Message-----
From: Boersma, Timo
Sent: Thursday, 25 September 2014 1:11 PM
To: Nasca, Giancarlo
Subject: FW: Message from "STRB01L0GP02"

Giancarlo

Do you know anything about this one?

regards

Timo Boersma | Manager, Land Use Unit | Licensing and Compliance Section City Services Branch | Parks and City Services Division Territory and Municipal Services Directorate | ACT Government Tel (02) 6205 4766| Email: timo.boersma@act.gov.au

-----Original Message-----
From: Breitkopf, Suzie
Sent: Thursday, 25 September 2014 11:41 AM
To: Boersma, Timo
Subject: FW: Message from "STRB01L0GP02"

Hi Timo

This looks like an application for outdoor dining. Do you normally have any input into these or should I just refer them directly to JACS?

Thanks

Kind regards,

Suzie Breitkopf
Public Use Bookings officer
Licensing and Compliance | City Services- LM&P Ph. 6205 9883 email publiclanduse@act.gov.au | web. www.tams.act.gov.au P Please consider the environment before printing this e-mail

-----Original Message-----
From: Suzie Breitkopf [mailto:suzie.breitkopf@act.gov.au]
Sent: Thursday, 25 September 2014 12:41 PM
To: Breitkopf, Suzie
Subject: Message from "STRB01L0GP02"

This E-mail was sent from "STRB01L0GP02" (MP C4503).

Scan Date: 09.25.2014 12:40:39 (+1000)

Application to use a Public Place Cover sheet

Permit No: 11996	**Date received:** 24/09/2014	**Decision Date:**	Under Consider'n
Date of event:	**01/11/2014**		
Time of event	(See attached)		
Name of Applicant:	Schedule 2.2(a)(ii)		**No of participants:** 270
Organisation:	**DMP Energy P/L**		
Event Name:	**AKIBA Outdoor Dining**		
Applicants contact details	**Phone (BH):** 61623377	**Mob:** Schedule 2.2(a)(ii)	**Fax:**
	Email: Schedule @d-group.com.au		
Preferred location			
Site	(See attached)		
Other	(See attached)		
Block:	**Section:**	**Suburb:** City	
Street Address:			
Objects associated with event:	Marquee Tent, Chairs/Tables		

Other comments:

Inspecting Officer:	Name	Signature	Date:

Supporting Documentation	**Required** ☑	**Sent** (Date)	**Received** (Date)	**Comments**
SITE PLAN				
INSURANCE				
RISK ASSESSMENT PLAN				
WASTE MANAGEMENT PLAN				
TRAFFIC PLAN				
LANDSCAPE PROTECTION PLAN				
STAKEHOLDER CONSULTATION PLAN				
Approvals				
DISTRICT MANAGER				
RURAL ROADS				
ACTIA (ACT Insurance Authority)				
ROADS ACT				
ESA (Emergency Services Agency)				
AFP (Australian Federal Police)				
EPA (Environmental Protection Authority)				
GRAZING/ AGISTMENT				
TREE SECTION				
FIRE MANAGEMENT				
RESEARCH AND PLANNING				
OTHER				
DIRECTOR SIGN OFF				
Gate & Power Request			**Approved**	
Gate				
Power				

From	To	Region	Location	Site	Other	Suburb	Power	Gate
01/11/2014								
06:00	02:00	City	Other			City		
06:00	02:00	City	Other			City		

Application to use a public place

Permit Number (office use only)

11996

About this form

This form allows you to apply to use public land in the ACT.

If you wish to have an event or activity on unleased land that involves a large number of people or the placement of objects, structures or marquees you will need to complete this application form.

The processing time for **smaller events** (eg. those with less than 100 people, such as weddings and private functions) that are expected to have minimal impact on the surrounding environment or other activities in the area is **28 days** following the receipt of all required information.
The processing time for **larger events** such as markets, festivals, rallies or organisational activities that may impact on the surrounding environment or other activities in the area can be up to **six months**. This is to allow sufficient time for consultation with other agencies and/or the general public as well as the possible adjustment of the application according to feedback.
For further information about booking public land, please contact the Land Use Unit on (02) 6205 8794 or publiclanduse@act.gov.au

For permits on National land within the Parliamentary Triangle including Aspen Island (Carillon), Commonwealth Park, Federation Mall, Kings Park, Lawns of Old Parliament House, Lake Burley Griffin and the Rose Garden, go to National Capital Authority. For bookings associated with EPIC, The Canberra Stadium or Manuka Oval please click on the relevant link.

For more information click on the information button.

All fields are mandatory unless stated otherwise.

The ACT Government is committed to improving the accessibility of web content. To provide feedback or request an accessible version of a document please phone 13 22 81.

Do I need a Permit?

Is your event a:

○ One off event (a use that takes place on a single occasion)

◉ Periodic activity (a use that takes place in the same location on a regular basis)

Activity type

Commercial activities

Please indicate the number of participants for your event (include spectators and participants)

50 - 100 (medium activity)

Will you need power? ○ Yes
◉ No

The fee for power and gate access is administered by the Land Use Unit and payment will be required upon receivership of your approved permit. For information on the fees, please click the information button.

Do you require gate access? ○ Yes
◉ No

Gate access will incur a fee per call-out. Please click the information button for more information.

Gate access for Town and District parks will generally be restricted to larger type events only. For further information refer to the Terms and Conditions.

Is your event

A commerical activity

Is your event organised or run by a/an

Business

Select any objects associated with the event:
(select at least one)

- ☒ Marquee/tent
- ☐ Jumping castle/amusements
- ☐ Stage
- ☐ Barrier/temporary fences
- ☐ Portable toilets
- ☐ Vehicles
- ☐ Caravans/on-site trailers
- ☐ Signage (temporary only)
- ☐ Waste bins
- ☐ Animal farms/reptile display
- ☐ Personal cooking equipment
- ☐ Cooking portable BBQ
- ☐ Public Park BBQ
- ☒ Chairs/tables
- ☐ Camping/tents
- ☐ Firework infrastructure
- ☐ None of the above
- ☐ Other objects

Will liquor be sold at this event? ◉ Yes
○ No

An application for the sale of liquor must be made to the Office of Regulatory Services, a copy of the liquor application must be provide as evidence before your event permit can be granted. Please click on the information button for more details.

An application for approval to sell liquor may incur a fee.

Is road/cycleway/paved footpath/public land closure or traffic redirection required? ◉ Yes
○ No

You will need to contact Roads ACT to discuss the requirement of a temporary traffic management plan and or road closure request. Please click on the information button for more details.

An application for approval of a Temporary Traffic Management (TTM) Plan may incur a fee.
Please click the information button for more information.

Roads to be listed as part of the TTM Plan

Road name

Bunda St

Vehicles associated with the event (optional)

Where is your event?

Event name

AKIBA Outdoor Dining

Select location

Region

City

Location

Other

Site

To view a map of the defined location for your event, please copy the link below and paste it into your web browser

http://maps.googleapis.com/maps/api/staticmap?markers=-35.277673156478215,149.1310017285889&zoom=16&size=900x900&sensor=false

Additional location details (optional)

About your event

Approximate number of participants

70

Approximate number of spectators

200

Will you be charging an admission fee? ○ Yes ◉ No

Will there be any goods for sale? ◉ Yes ○ No

Description of goods

Food and Beverage

Extra fees or charges may apply.

Will there be any items on display? ◯ Yes ◉ No

When is your event?

Date/s of use

Date (dd/mm/yyyy)

01/11/2014

Include the set up time

Start time: 6:00 AM/PM: AM

Include the pack up time

End time: 2:00 AM/PM: AM

Date (dd/mm/yyyy)

Include the set up time

Start time: AM/PM:

Include the pack up time

End time: AM/PM:

Additional requirements

Is overnight access to the site required? ◯ Yes ◉ No

Provide any additional information that you believe may support your application. (optional)

Additional documents including diagrams, maps, risk management plans and insurance coverage may be requested by the Booking Officer.

Applicant information

Name title

Mr

Given name

Schedule 2.2(a)(ii)

Family name

Schedule 2.2(a)(ii)

Address

5 Whyalla Street

Suburb

Fyshwick

State/Territory

ACT

Postcode

2609

Daytime phone number

61623377

Mobile phone number (optional)

Schedule 2.2(a)(ii)

Email address

@d-group.com.au

Organisation (optional)

DMP Energy P/L

ABN (optional)

91166950527

ACN (optional)

166950527

Do you have Public Liability Insurance coverage? (•) Yes ( ) No

Insurance provider

LIAA

Amount of coverage

$ Schedule 2.2(a)(ii) million

Valid till (dd/mm/yyyy)

01/07/2015

Step 5: Submit

Public Liability Insurance

Indemnity
In consideration of the Territory permitting the Applicant to use the public place, the Applicant indemnifies the Territory, its employees and agents against liability in respect of all claims, costs and expenses in relation to all loss, damage, injury or death to persons or property caused by the Applicant, in connection with the use of the public place, except to the extent that the Territory caused the relevant loss, damage or injury.

Claims to be made good
The Applicant must make good at their expense, the amount of all claims, loss, damage, costs and expenses subject of the above indemnity.

Public Liability Insurance - *copy to be provided on request*
During its occupation and use of the public place, the Applicant must effect and maintain:
1. all insurance coverage required to be effected by it by law; and
2. public liability insurance coverage in the amount of not less than $20 million (or any other amount notified by the Territory) in respect of each claim, with an insurance provider approved by the Territory and must produce evidence of that insurance as required by the Territory.

- The outcome of an application cannot be predicted and should not be anticipated. If a permit is required, it must be approved before undertaking the activity.

- False or misleading information may result in cancellation of any approved permits and jeopardise any future applications made under the *Public Unleased Land Act 2013.*

- Please note that this application form DOES NOT guarantee availability or booking of the site and is not approved unless signed by the Booking Officer. To confirm the availability of land, please contact the Public Use Booking Officer via email at publiclanduse@act.gov.au or 02 6205 8794.

- Please note the fee payment on this form is an application fee and additional fees and charges may occur if the application is successful. Refer to fees and charges for more information.

- The applicant is to refer to the standard terms and conditions before submitting the application.

☒ I verify that the information provided above is accurate. I acknowledge that I have completed this form to the best of my knowledge and have read, understood and accepted the Terms and Conditions

Submission Acknowledgement

Your form has been successfully submitted. Please keep a copy of this acknowledgement for your records.

Date and time **24 Sep 2014 06:35:25**

Form submission ID **50011020140924068872**

Thank you for your application.
Your application will now be reviewed by the Land Use Unit.
You can expect a follow up email within 48 hours to confirm your application has been received.

If you have not been contacted within 48 hours or have any concerns, please contact the Land Use Unit on 02 6205 8794 and quote your unique reference number.

Following receipt of all required documentation, the review time for applications is generally 28 days.

Please provide the following documents to enable us to process your application.

- ☐ Risk management plan
- ☐ Public Liability Insurance Coverage
- ☐ Temporary Traffic Management plans
- ☐ Site plan showing object/s location/s, to scale

Email your documents, quoting the form submission ID in the subject heading, to:
publiclanduse@act.gov.au

Office use only

☐ Approved ☐ Not approved

Approved from date

Approved to date

Additional conditions

Signature

Issued under Public Unleased Land Act 2013 Division 3.3.

To save or print a copy of the completed form and acknowledgement go to the "File" menu and select "Save as" or "Print".

Territory and Municipal Services Directorate
ABN 37 307 569 373

GPO Box 352
Canberra ACT 2601

Telephone: **132281**

Any personal information collected will be used to consider your application for approval to use Public Unleased Land under the Public Unleased Land Act 2013, and to verify your compliance with the conditions of use. Your personal information will be used for processing this application, and will be held by the ACT Government to the extent necessary to achieve that purpose. Information you submit as part of this application may be used by the ACT Government for any regulatory functions under the Public Unleased Land Act 2013. Your personal details may also be disclosed to process your payment. Details of your payment information may be released to you or your financial institution if this transaction is queried. Disclosure to third-parties will not be made except in accordance with the Privacy Act 1988 (Cth).

Form ID: 1030

Version: 8

Date: 24 Sep 2014

Breitkopf, Suzie

From: Schedule 2.2(a)(ii)@d-group.com.au]
Sent: Wednesday, 24 September 2014 6:26 AM
To: publiclanduse
Subject: Out door dining area for the new AKIBA restaurant

Hi can someone please call me regarding the outdoor seating area to the GF fit-out to 40 Bunda Street (ACTEWAGL) Building Canberra City.

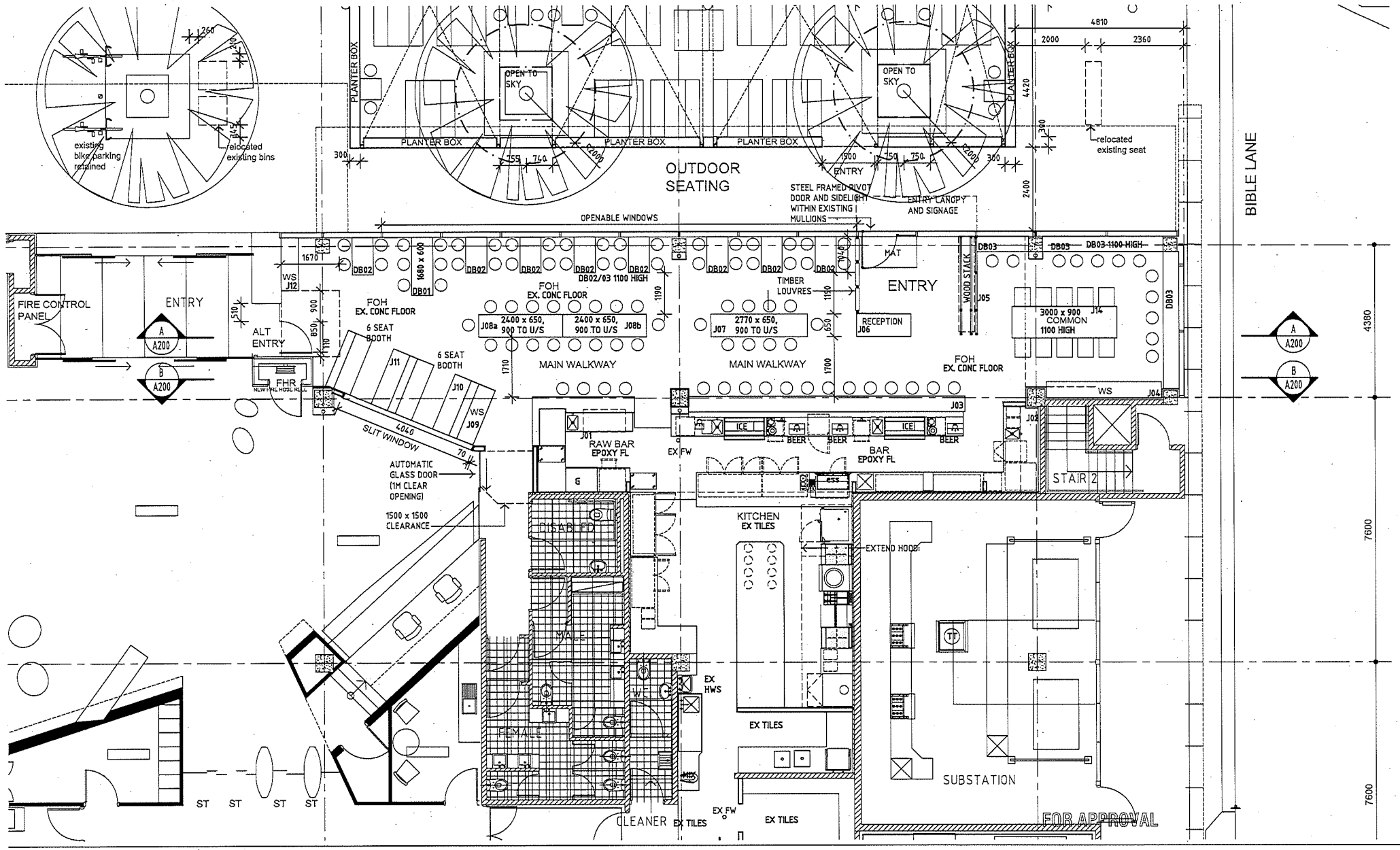
Thanks

Regards,

Schedule 2.2(a)(iii)

5 Whyalla St, Fyshwick, ACT 2609
T: 02 6162 3377 | F: 02 6162 3388 | M: Schedule 2.2(a)(ii)
Schedule 2.2(a)(ii)@d-group.com.au
d-group.com.au





GENERAL NOTE:

ALL DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO CONSTRUCTION AND DISCREPANCIES TO BE CLARIFIED WITH DESIGNER. DO NOT SCALE DRAWINGS, REFER TO FIGURED DIMENSIONS ONLY. READ IN CONJUNCTION WITH SPECIFICATIONS, STRUCTURAL/CIVIL ENGINEERS AND L'SCAPE DRAWINGS. DIMENSIONS ARE IN MM AND MEASURED STRUCTURE TO STRUCTURE. RL'S ARE IN METRES.

MATERIALS KEY:

MS	CUSTOM FOLDED MILD STEEL SHINGLES, CLEAR FINISH
RE	RENDER - DISTRESSED CONCRETE APPEARANCE
CP	COPPER SPLASH BACK - FOOD GRADE
T3	KITCHEN TILES: BLACK GLOSS,
B1	BOARD CLADDING

REFER TO KITCHEN EQUIPMENT SCHEDULE AND KITCHEN CONTRACTOR'S DOCUMENTATION FOR A COMPLETE KITCHEN & BAR EQUIPMENT SCHEDULE & LEGEND.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE TO FOOD SAFETY STANDARDS AND CURRENT EDITION OF AS4674-2004

REVISIONS:

REV A 12/6/14	FLOOR FINISHES ADDED
REV B 11/8/14	KITCHEN & BAR CHANGES

FLOOR PLAN

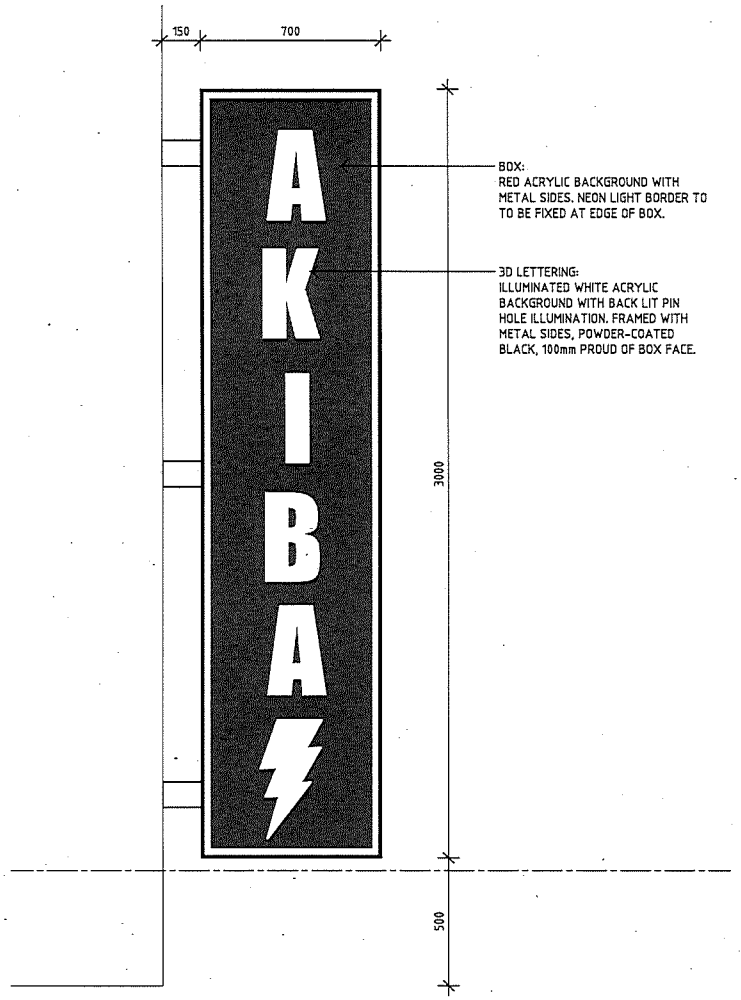
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NEW FITOUT AT 40 BUNDA ST, CANBERRA

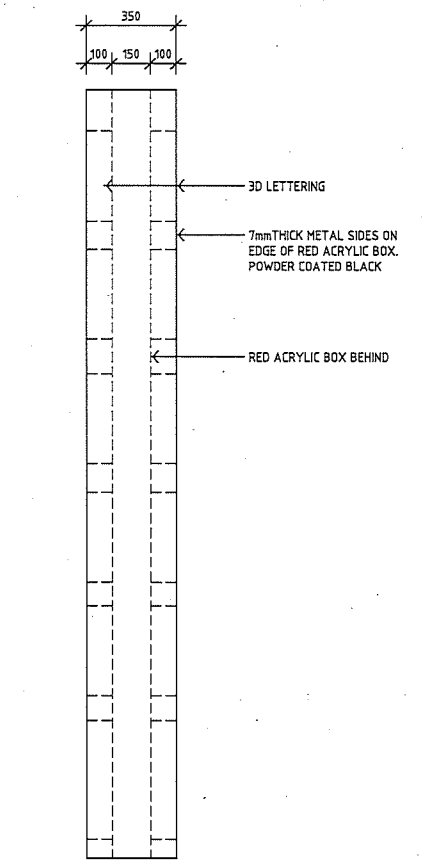
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MAY 13	1:100 @ A3 SIZE	AD	1306

ADAM DETTRICK ARCHITECTS
305/20-22 McKillop St, Melbourne 3000 p 03 9606 0774 f 03 9606 0773
www.adamdettrickarchitects.com.au

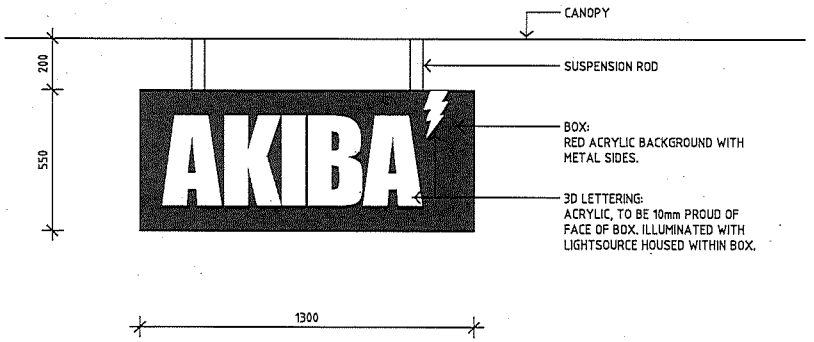
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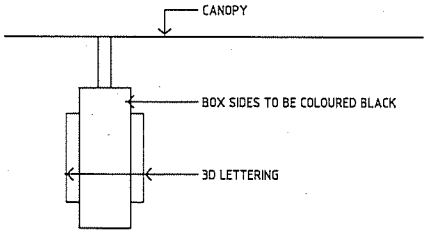
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SCALE 1:20



VERTICAL SIGN ELEVATION SIDES
SCALE 1:20



HORIZONTAL SIGN ELEVATION FRONT
SCALE 1:20





HORIZONTAL SIGN ELEVATION SIDES
SCALE 1:20

FOR APPROVAL

GENERAL NOTE:

ALL DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO CONSTRUCTION AND DISCREPANCIES TO BE CLARIFIED WITH DESIGNER. DO NOT SCALE DRAWINGS, REFER TO FIGURED DIMENSIONS ONLY. READ IN CONJUNCTION WITH SPECIFICATIONS, STRUCTURAL/CIVIL ENGINEERS AND L'SCAPE DRAWINGS. DIMENSIONS ARE IN MM AND MEASURED STRUCTURE TO STRUCTURE. RL'S ARE IN METRES.

MATERIALS KEY:

MS	CUSTOM FOLDED MILD STEEL SHINGLES, CLEAR FINISH
RE	RENDER - DISTRESSED CONCRETE APPEARANCE
CP	COPPER SPLASH BACK - FOOD GRADE
T3	KITCHEN TILES: BLACK GLOSS,
B1	BOARD CLADDING

REFER TO KITCHEN EQUIPMENT SCHEDULE AND KITCHEN CONTRACTOR'S DOCUMENTATION FOR A COMPLETE KITCHEN & BAR EQUIPMENT SCHEDULE & LEGEND.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE TO FOOD SAFETY STANDARDS AND CURRENT EDITION OF AS4674-2004

REVISIONS:

DETAILS - SIGNAGE

A650

NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	AS SHOWN @ A3 SIZE	AD	1306

ADAM DETTRICK ARCHITECTS
305/20-22 McKillop St, Melbourne 3000 p 03 9606 0774 f 03 9606 0773
www.adamdettrickarchitects.com.au

ACT Government
Environment and Sustainable Development

Planning and Development Act 2007, s425

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	7	Section	35	Suburb	Canberra Central
Unit No.		Street Address	40 Bunda Street.		
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	Land Custodian	2nd 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	DMP Energy P/L	Email address	ABN # 91166950527.
OR			
Company Name	DMP Energy P/L	Email address	Schedule 2.2(a)(ii) @ d-group.com.au

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	Schedule 2.2(a)(ii)	Nominee 2		Nominee 3	

Approved form AF 2014 - 4 approved by Dorte Ekelund Planning and Land Authority on 14 March 2014 under the *Planning and Development Act 2007, s425* and revokes approved form AF2013-39
Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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.

1st Lessee's Signature		Date	
2nd Lessee's Signature		Date	

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	Schedule 2.2(a)(ii)	Company Name	DMP Energy P/L
Signature		Date	3/6/14

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	Schedule 2.2(a)(ii)	Agency Name	TAMS (Roads)
Signature		Date	10/6/14
Delegate Name		Agency Name	
Signature		Date	

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

Privacy Notice

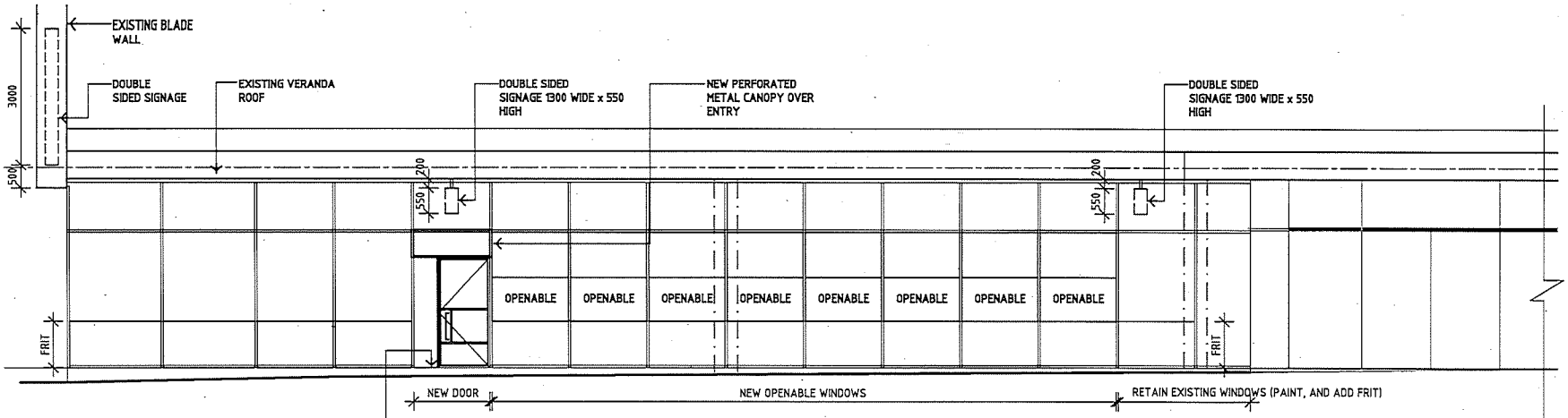
The personal information on this form is being collected to enable processing of your application. Collection of personal information is authorised by Chapters 7, 8 and 9 of the *Planning and Development Act 2007*. The information that you provide may be disclosed to the ACT Revenue Office and the Registrar-General's 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

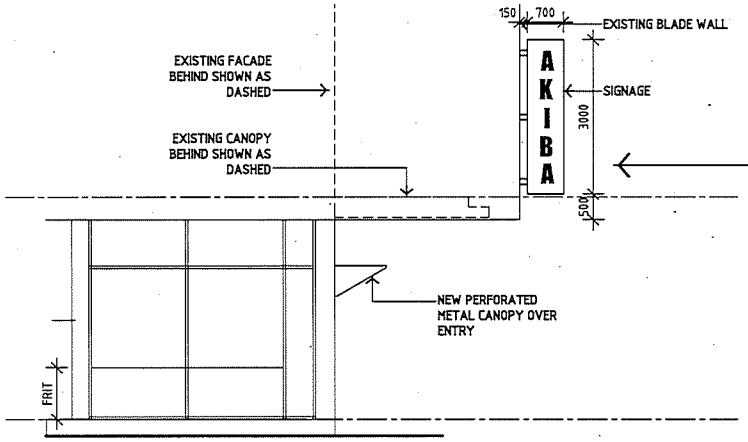
Business Hours: 8.30am - 4.30pm weekdays (excluding Public Holidays)
Email: esddcustomerservices@act.gov.au
Website: www.environment.act.gov.au
Telephone: (02) 6207 1923 TTY: (02) 6207 2622

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au



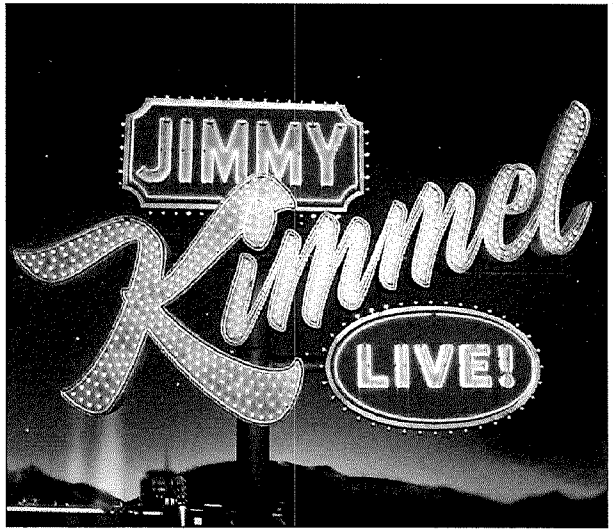
BUNDA ST ELEVATION
SCALE 1:100

NOTE:
PAINT EXISTING WINDOW FRAMES TO SUIT NEW FIT OUT



BIBLE LANE ELEVATION
SCALE 1:100

SIMILAR TO THIS SIGN:



FOR APPROVAL

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MATERIALS KEY:

MS	CUSTOM FOLDED MILD STEEL SHINGLES, CLEAR FINISH
RE	RENDER - DISTRESSED CONCRETE APPEARANCE
CP	COPPER SPLASH BACK - FOOD GRADE
T3	KITCHEN TILES: BLACK GLOSS,
B1	BOARD CLADDING

REFER TO KITCHEN EQUIPMENT SCHEDULE AND KITCHEN CONTRACTOR'S DOCUMENTATION FOR A COMPLETE KITCHEN & BAR EQUIPMENT SCHEDULE & LEGEND.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE TO FOOD SAFETY STANDARDS AND CURRENT EDITION OF AS4674-2004

REVISIONS:

REV A 29 MAY 14	ADDITIONAL NOTES
REV B 11 SEP 14	SIGNAGE REVISED

ELEVATIONS

A300/B

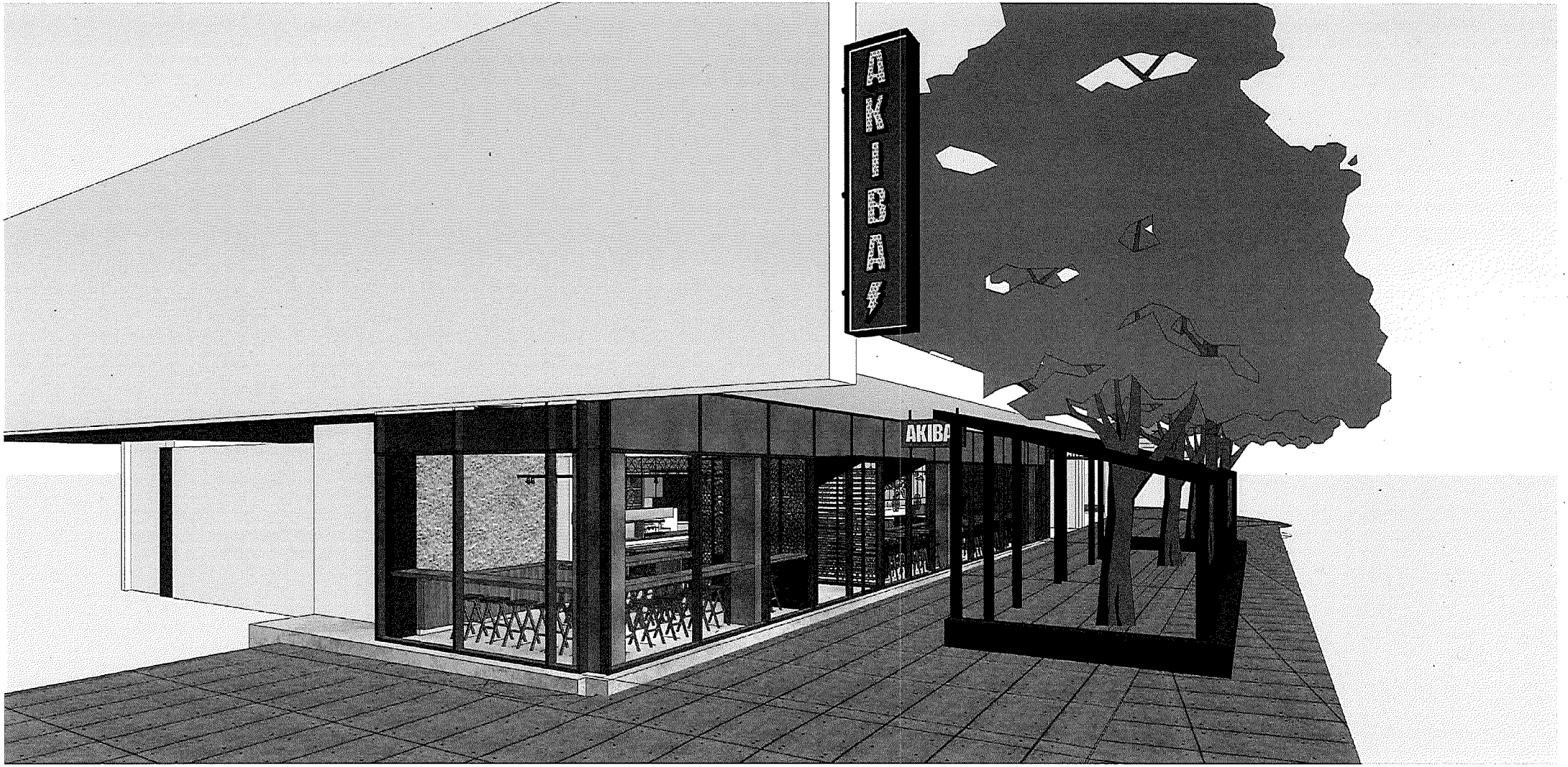
NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	1:100 @ A3 SIZE	AD	1306

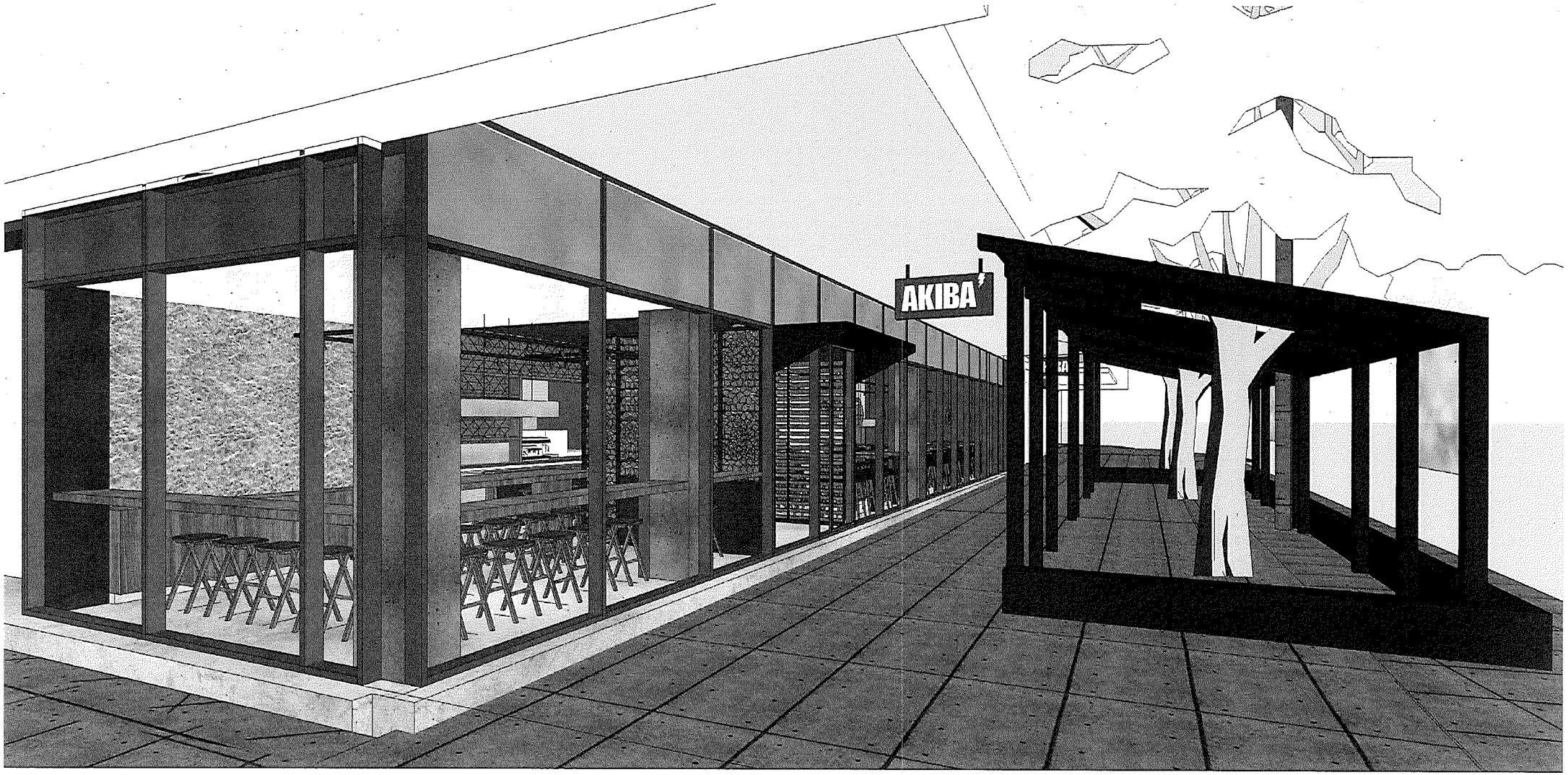
ADAM DETTRICK ARCHITECTS
305/20-22 McKillop St, Melbourne 3000 p 03 9606 0774 f 03 9606 0773
www.adamdettrickarchitects.com.au

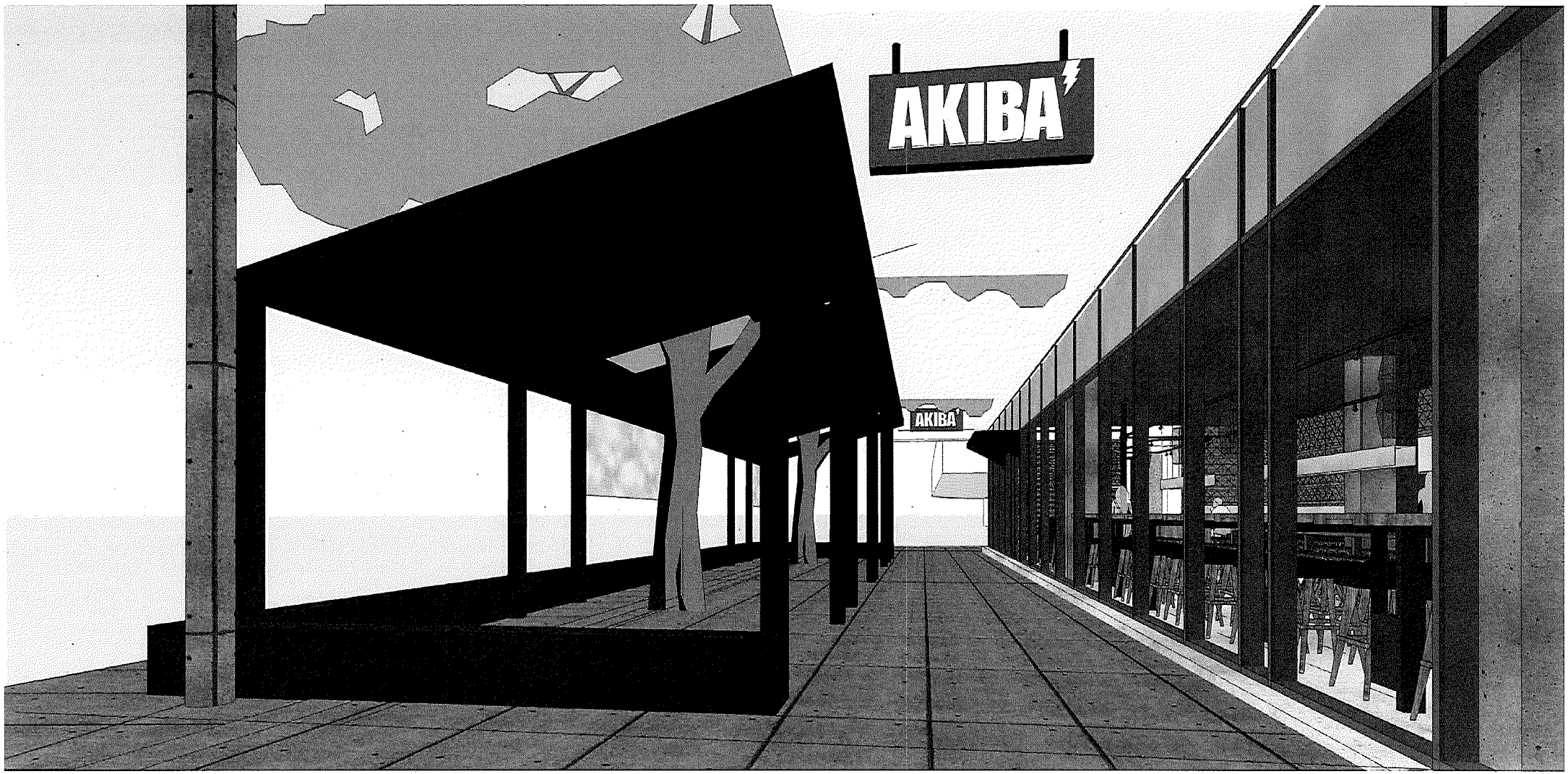
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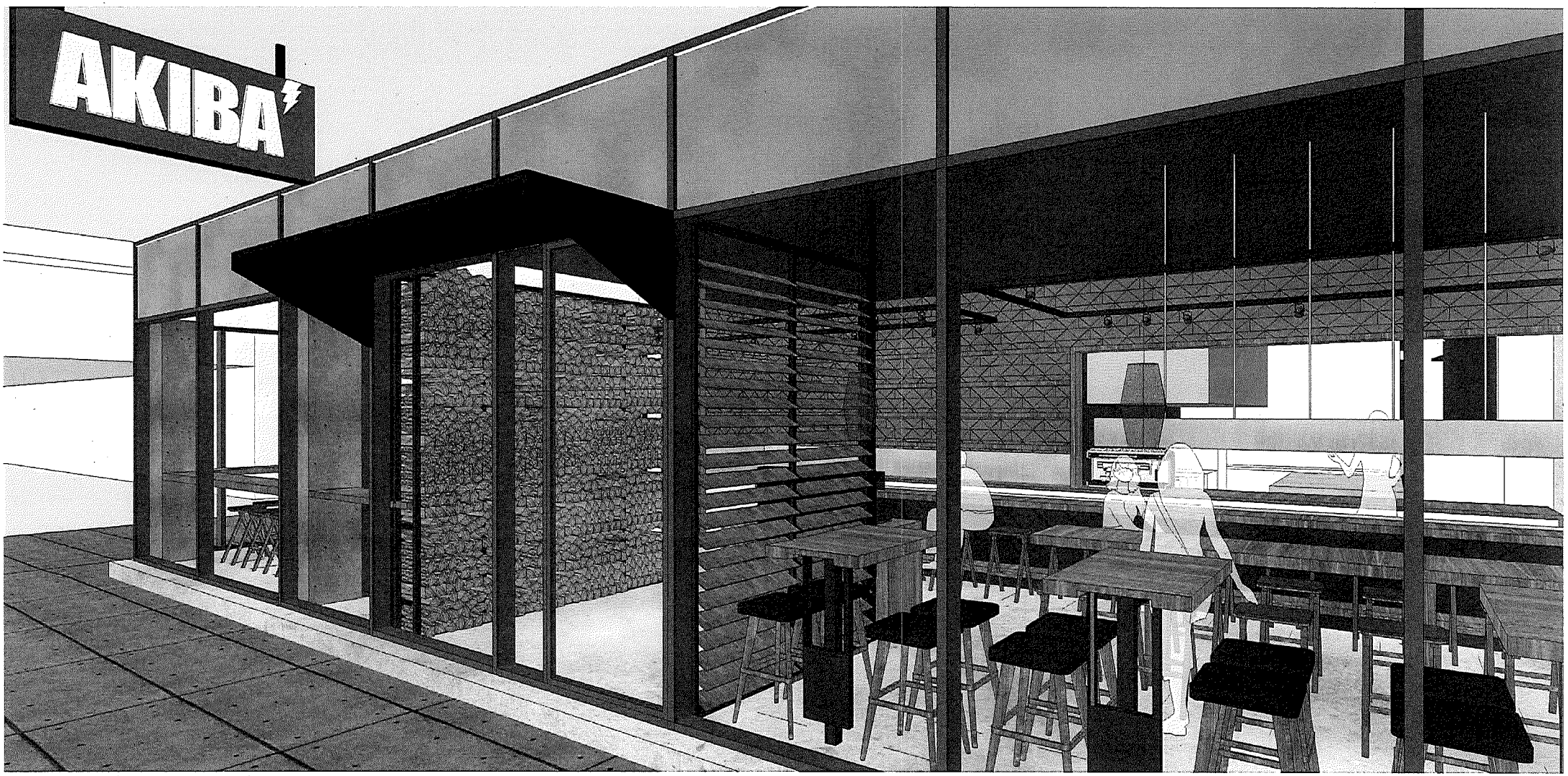

AKIBA
AKIBA
AKIBA

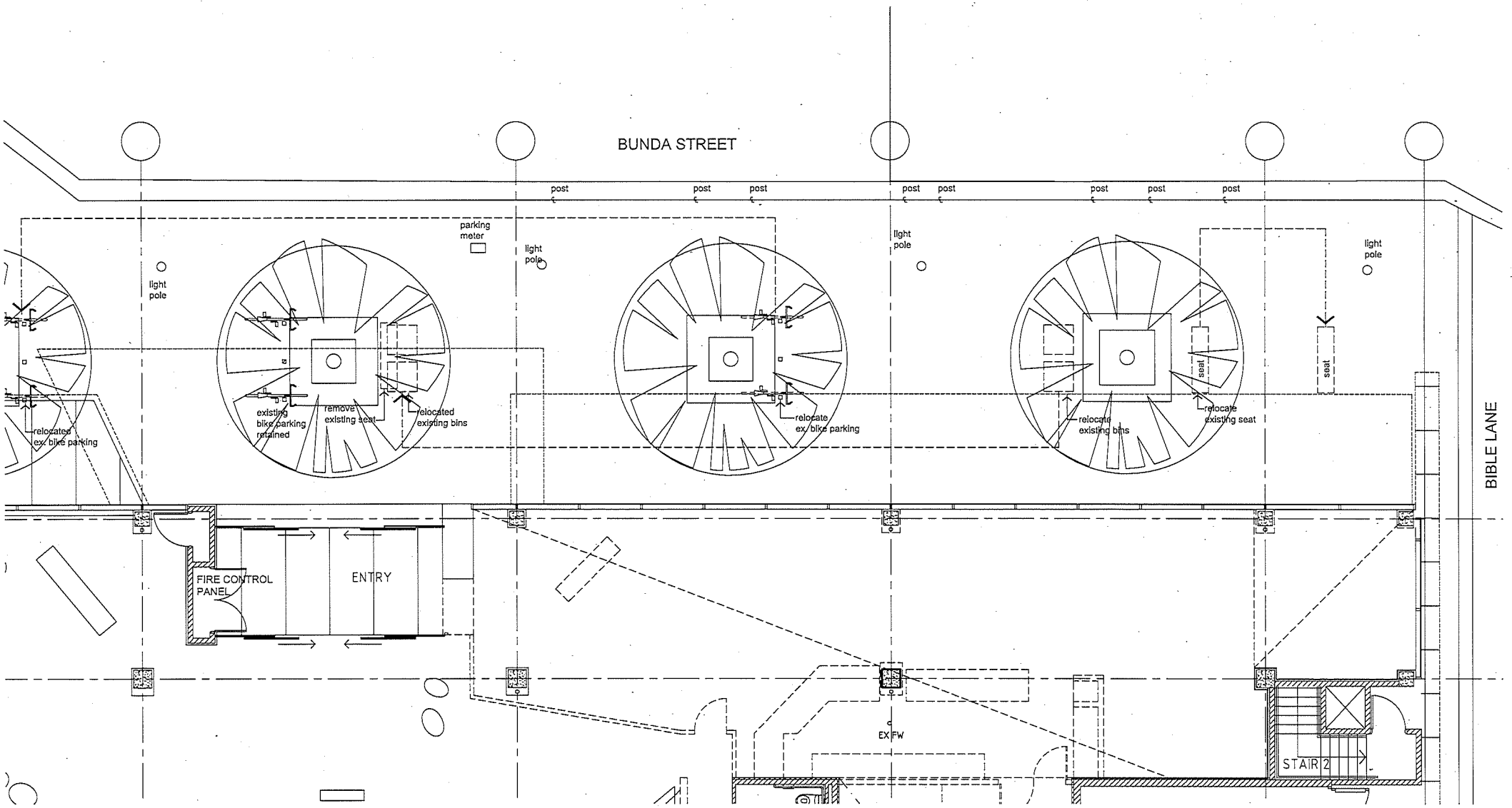

AKIBA

GM-BG


AKIBA


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AKIBA


AKIBA



FOR APPROVAL

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REVISIONS:

OUTDOOR SEATING - EXISTING CONDITIONS

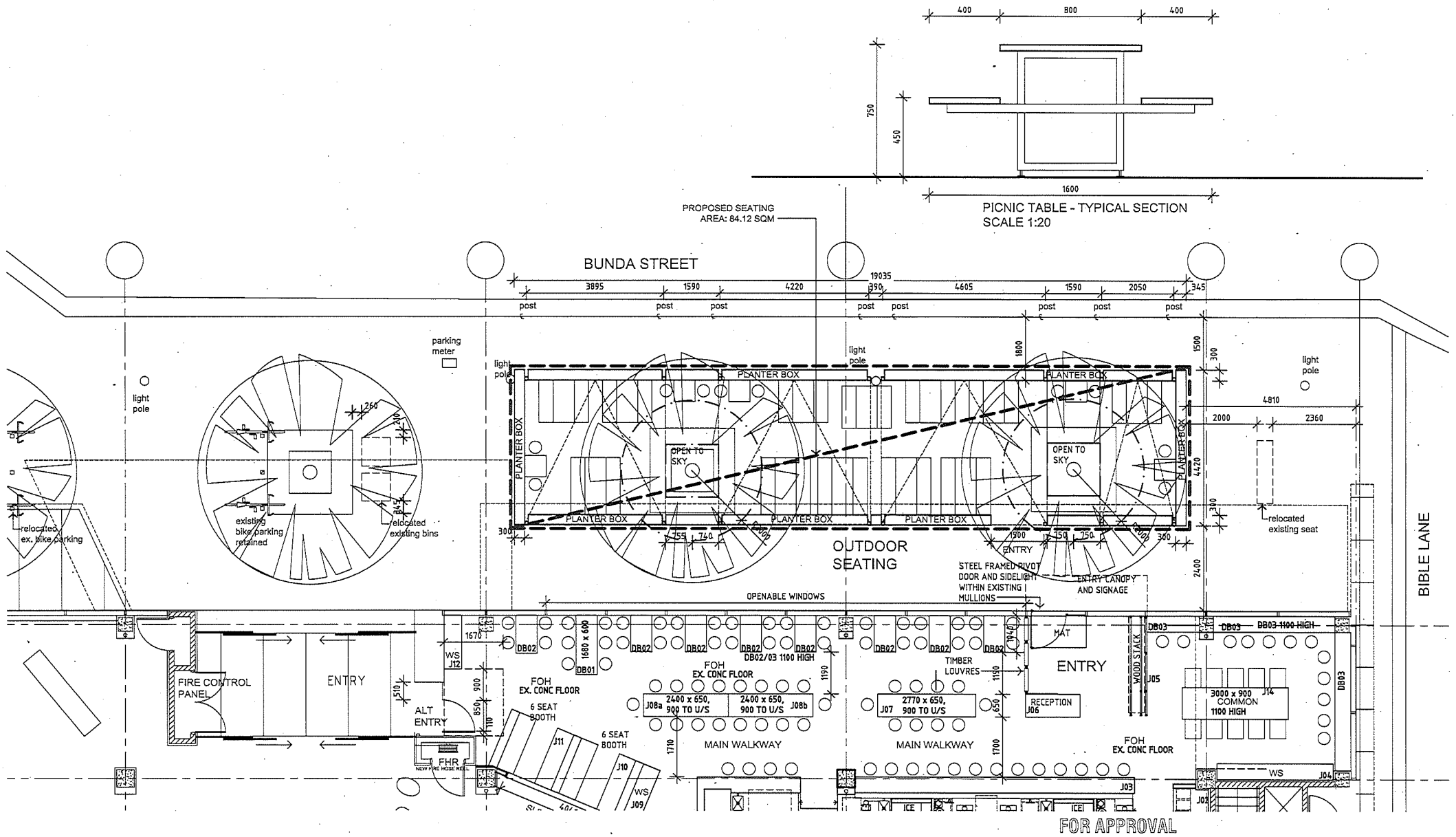
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NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	1:100 @ A3 SIZE	AD	1306

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305/20-22 McKillop St, Melbourne 3000 p 03 9606 0774 f 03 9606 0773
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FOR APPROVAL

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REVISIONS:

A 18.06.14 Seating area outlined

OUTDOOR SEATING - PROPOSED

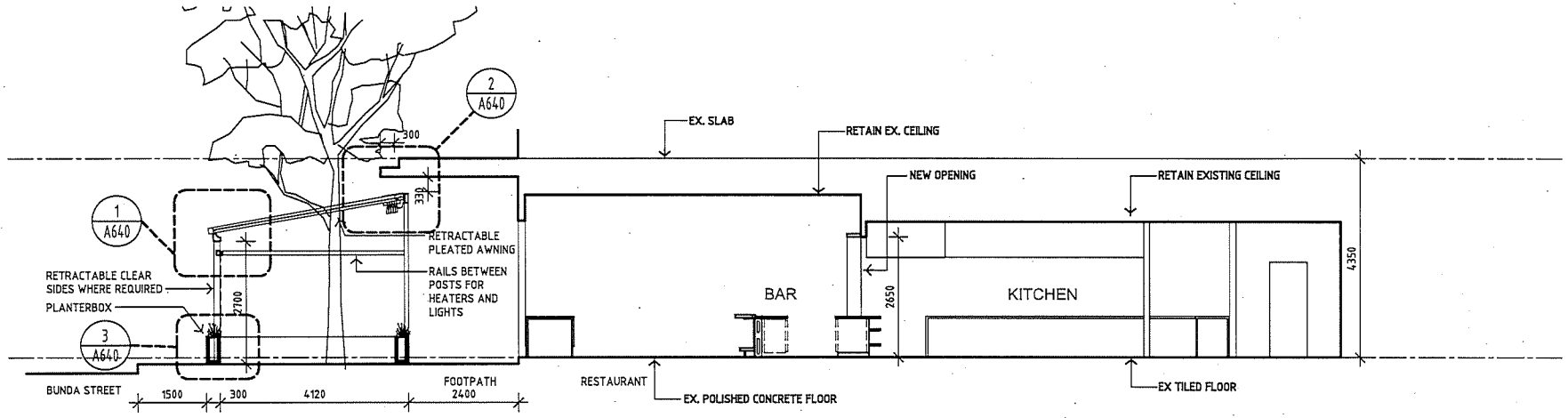
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NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	1:100 @ A3 SIZE	AD	1306

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SECTION C-C
SCALE 1:100

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REVISIONS:

SECTIONS

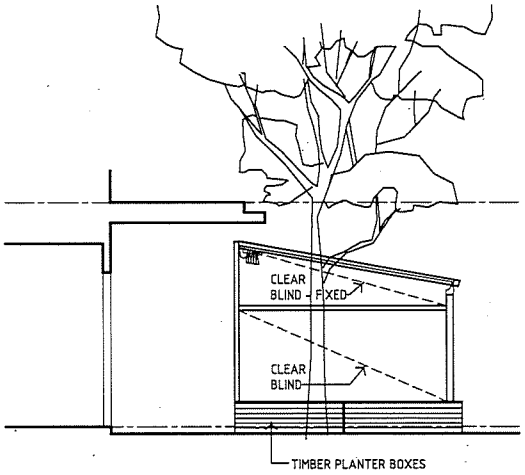
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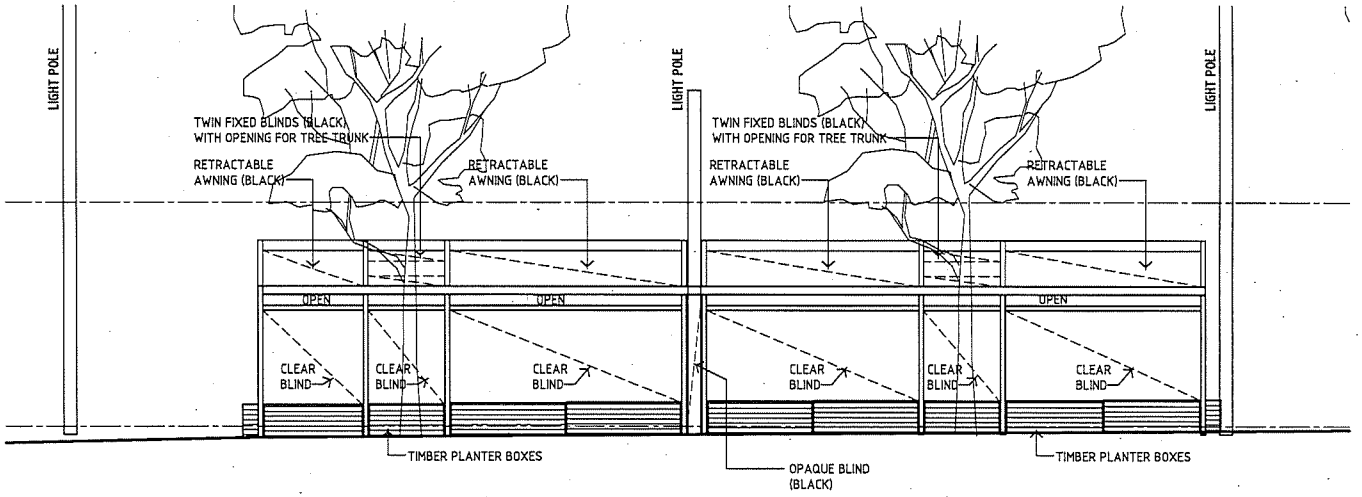
NEW FITOUT AT 40 BUNDA ST, CANBERRA

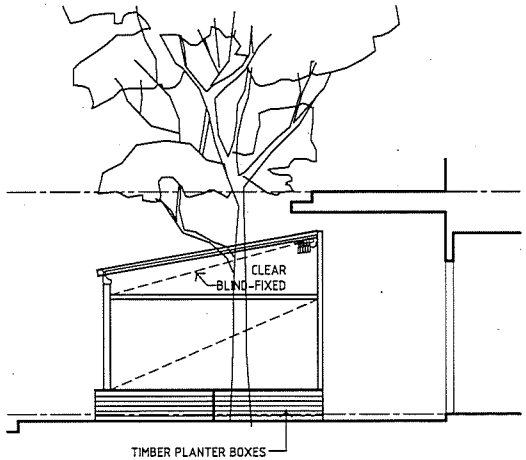
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MAY 13	1:100 @ A3 SIZE	AD	1306

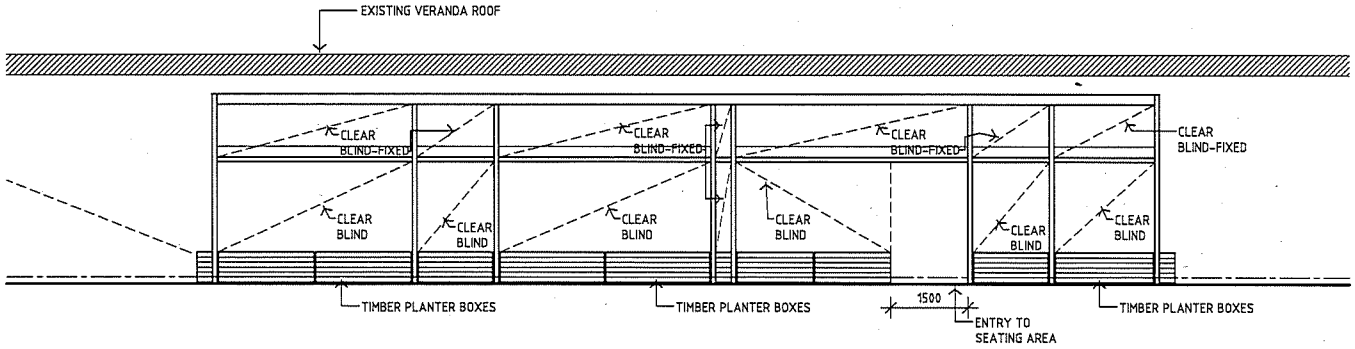
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REVISIONS:

ELEVATIONS - OUTDOOR SEATING

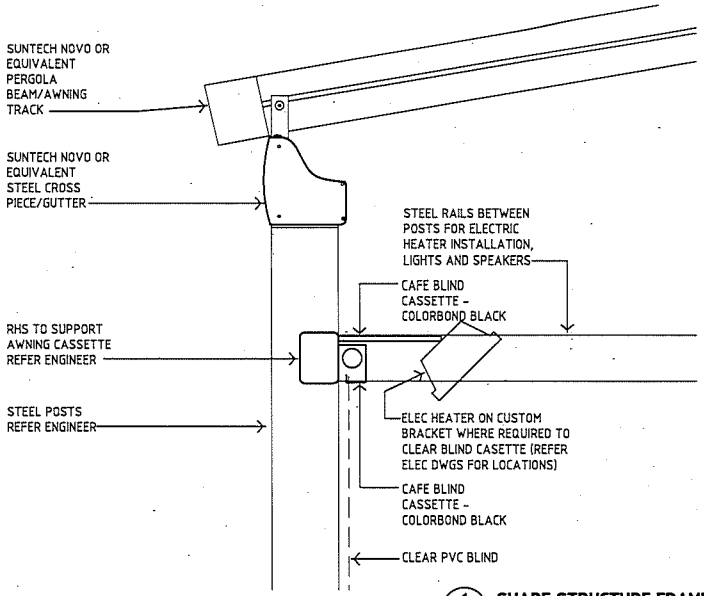
A310

NEW FITOUT AT 40 BUNDA ST, CANBERRA

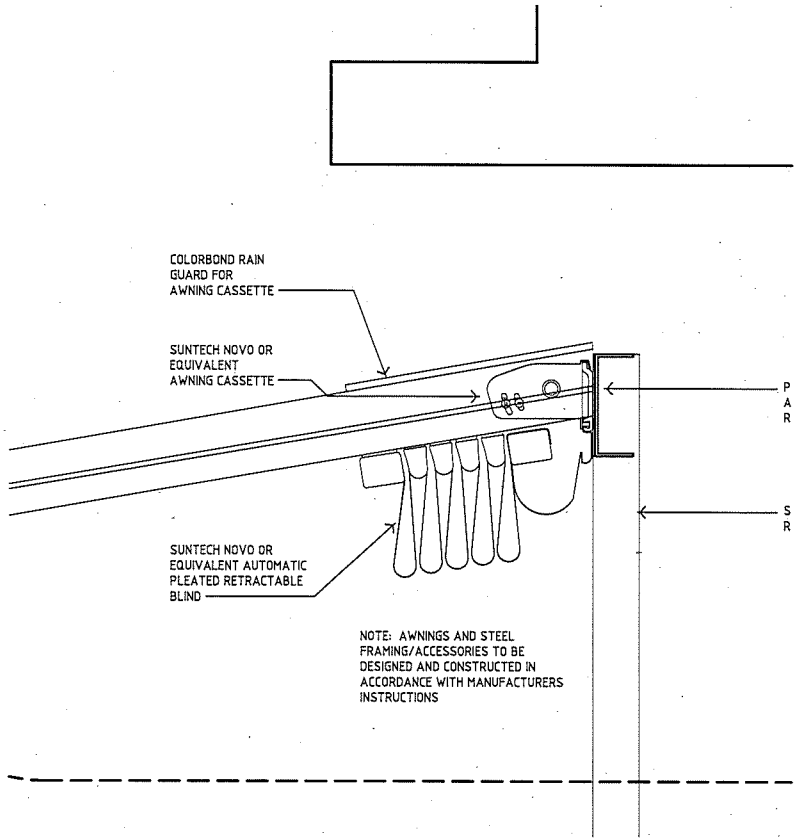
DATE	SCALE	DRAWN BY	JOB No
MAY 13	1:100 @ A3 SIZE	AD	1306

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www.adamdettrickarchitects.com.au

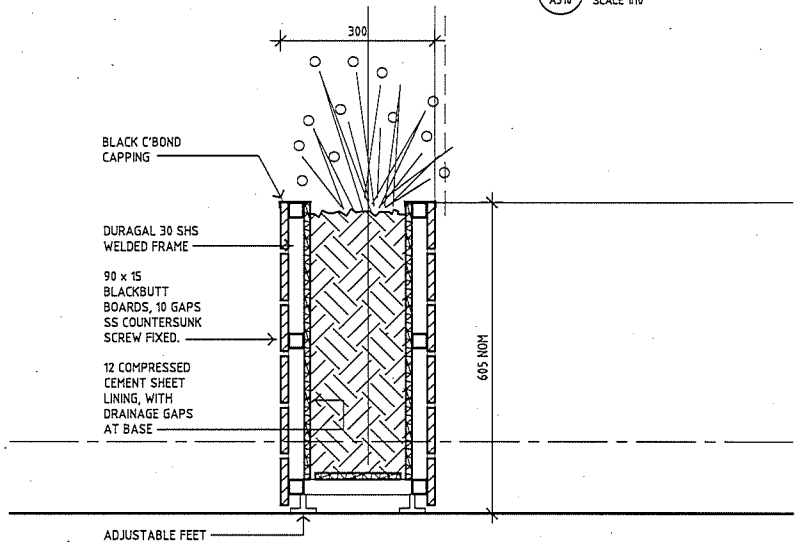
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1 A310 **SHADE STRUCTURE FRAME DETAIL**
SCALE 1:10



2 A310 **SHADE STRUCTURE FRAME DETAIL**
SCALE 1:10



3 A310 **PLANTER BOX DETAIL**
SCALE 1:10

FOR APPROVAL

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REVISIONS:

DETAILS - OUTDOOR SEATING

A640

NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	AS SHOWN @ A3 SIZE	AD	1306

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From:	Nasca, Giancarlo
To:	Boersma, Timo; Bathgate, Brian; Sullivan, PeterJ; Garbode, Julie; Hill, Diana; Brice, Michael; McHugh, Ben; Marshall, Ken; Evans, Colin; Baxter, Rod; Jatheendran, Lingam; Isaks, Paul; Markus, Imogen; Gibson, Roger; Oshyer, Aaron; Gerrard, Darren; Henriquez, Jose; EPD Transport Advice
Cc:	Brennan, Krista; Persic, Drazen
Subject:	Outdoor Dining Permit Application: 21000284 (Akiba Restaurant and Bar)
Date:	Wednesday, 22 October 2014 5:20:00 PM
Attachments:	Application - PENDING.pdf Plan - PENDING.pdf image001.jpg

Dear Stakeholders

Please find attached an application (including proposed plan) for an outdoor dining permit for "**Akiba Restaurant and Bar**" at **40 Bunda Street CANBERRA ACT 2601**. (Block 7 Section 35 CITY)

Can you please provide your advice in relation to issuing a NEW outdoor dining permit for this area and indicate if you/or your department;

a) Support the proposal fully
b) Support the proposal with conditions
c) Don't support the proposal with reasons
d) Require more information
e) Don't have any interest.

NOTE 1: I am under the assumption that there has been a DA application lodged for the proposed structure for this premises.

NOTE 2: A liquor licence application is in progress.

Public consultation for the outdoor dining permit application will commence shortly, so if possible please provide your advice/comments by **5 November 2014**.

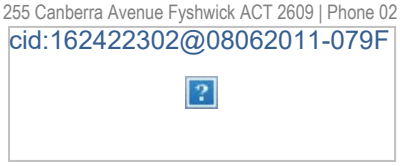
If you require further information, please contact me on (02) 6205 4584 to discuss.

No reply is expected if this proposal does not relate to your department.

Regards

Giancarlo Nasca | Investigator | Compliance

Office of Regulatory Services | Justice and Community Safety Directorate
255 Canberra Avenue Fyshwick ACT 2609 | Phone 02 6205 4584



ACT Government
Justice and Community Safety

APPLICATION FOR AN OUTDOOR CAFE PERMIT 21000284

Public Unleased Land Act 2013

PURPOSE

This form is to be used to apply for an outdoor cafe permit under the *Public Unleased Land Act 2013* (the Act). You can access the legislation and its regulation at www.legislation.act.gov.au. You may also obtain further information and forms at www.ors.act.gov.au.

PRIVACY

The Act authorises the collection of the personal information required by this form for the purposes of issuing a permit under the Act. The ORS prevents any unreasonable intrusion into a person's privacy in accordance with the *Privacy Act 1988* , (C'wlth). The ORS provides identifiable information to law enforcement organisations and authorised organisations that have legal authority to request information under prescribed circumstances. The ORS may consult with other Directorates or agencies affected by your application.

CONTACT

Office of Regulatory Services Shopfront
255 Canberra Avenue, Fyshwick ACT 2609

Opening Hours 9:00am to 4:30pm Monday to Friday

General Enquiries (02) 6207 3000

Office of Regulatory Services Postal Address
GPO Box 158, Canberra City ACT 2601

Website www.ors.act.gov.au Email liquor@act.gov.au

Fax Number (02) 6207 0424

INSTRUCTIONS FOR COMPLETION & IMPORTANT INFORMATION

- Read the Practice Manual at www.ors.gov.au on Outdoor Cafes prior to completing this application form. This form is only to be used if the area you are applying for is on unleased Territory land.
- Complete this form using a black or blue pen only.
- If the applicant is a company, a separate applicant details page of this form must be completed by each company director.
- If the applicant is a partnership, a separate applicant details page must be completed by each partner.
- If you place objects in the area you are applying for without a permit, these items may be removed those objects at your expense.

TRANSLATING AND INTERPRETING SERVICE

If you require further information or require advice, a language assistance service is available by phoning the Translating and Interpreting Service (TIS) on 13 14 50.

COMPLETED FORMS TO BE RETURNED

In Person:	By Post:	By Fax to:	By Email to:
Office of Regulatory Services 255 Canberra Avenue Fyshwick ACT 2609 Hours: 9.00am – 4.30pm	Office of Regulatory Services Fair Trading Compliance GPO Box 158 Canberra, ACT 2601	(02) 6207 0424	liquor@act.gov.au

Schedule 2.2(a)(ii)

ACT Government
Justice and Community Safety

APPLICATION FOR AN OUTDOOR CAFE PERMIT

Public Unleased Land Act 2013

APPLICANT DETAILS *(Each individual proprietor, company director or partner must complete a separate applicant details form)*

TITLE *(Mr, Ms)*	GIVEN NAMES	SURNAME	EMAIL ADDRESS
Mr	Schedule 2.2(a)(ii)	Schedule 2.2(a)(ii)	Schedule 2.2(a)(ii)

HOME ADDRESS *(Property Name, Unit, Flat No, Street Number, Street Name)*	POSTAL ADDRESS *(If different to home address)*
Schedule 2.2(a)(ii)	

CITY / SUBURB / TOWN	STATE / TERRITORY	POSTCODE
Weston	ACT	2611

REGISTERED ADDRESS FOR COMPANY *(If different to home address)*

Equity Partners – 126/24 Lonsdale Street

CITY/ SUBURB/ TOWN	STATE / TERRITORY	POSTCODE
Braddon	ACT	2612

BUSINESS HOURS TELEPHONE NUMBER	MOBILE TELEPHONE NUMBER
(02) Schedule 2.2(a)(ii)	Schedule 2.2(a)(ii)

COMPANY NAME *(If applicable)*	AUSTRALIAN COMPANY NUMBER (A.C.N.) *(If applicable)*
Akiba Canberra Pty Ltd	166 950 527
PARTNERSHIP NAME *(If applicable)*	**AUSTRALIAN BUSINESS NUMBER (A.B.N.)** *(If applicable)*
	91 166 950 527

SUITABILITY INFORMATION *If you tick yes to any of the below please provide further information*

I have had a conviction of, or finding of guilt, for an offence against this Act or another Act anywhere in Australia dealing with the use of public land	☐ Yes ☒ No
I have had proven that I was non compliant with a legal obligation in relation to carrying on an activity on public unleased land	☐ Yes ☒ No
I have been refused a licence, permit or other authority to carry on an activity on public land	☐ Yes ☒ No
I have had action taken against me which reflects on my ability to safely and responsibly carry on an activity on public unleased land.	☐ Yes ☒ No

APPLICANT SIGNATURE

I, Schedule 2.2(a)(ii) nation supplied in this application is true and accurate and understand that the provision of false or misleading information is an offence.

I agree to the ORS consulting with any relevant Directorates or external agencies to seek approvals for my application.

I understand that if a permit is granted I will be responsible for ensuring that approved items in the permit area are safe.

Signature Schedule 2.2(a)(ii) Date: 6/10/15

ACT Government
Justice and Community Safety

APPLICATION FOR AN OUTDOOR CAFE PERMIT

Public Unleased Land Act 2013

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Schedule 2.2(a)(ii)	

CITY / SUBURB / TOWN	STATE / TERRITORY	POSTCODE
Giralang	ACT	2612

REGISTERED ADDRESS FOR COMPANY *(If different to home address)*

Equity Partners – 126/24 Lonsdale Street

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(02) Schedule 2.2(a)(ii)	Schedule 2.2(a)(ii)

COMPANY NAME *(If applicable)*	AUSTRALIAN COMPANY NUMBER (A.C.N.) *(If applicable)*
Akiba Canberra Pty Ltd	1 6 6 [redacted] 9 5 0 [redacted] 5 2 7
PARTNERSHIP NAME *(If applicable)*	AUSTRALIAN BUSINESS NUMBER (A.B.N.) *(If applicable)*
	9 1 [redacted] 1 6 6 [redacted] 9 5 0 [redacted] 5 2 7

SUITABILITY INFORMATION *If you tick yes to any of the below please provide further information*

I have had a conviction of, or finding of guilt, for an offence against this Act or another Act anywhere in Australia dealing with the use of public land	☐ Yes ☒ No
I have had proven that I was non compliant with a legal obligation in relation to carrying on an activity on public unleased land	☐ Yes ☒ No
I have been refused a licence, permit or other authority to carry on an activity on public land	☐ Yes ☒ No
I have had action taken against me which reflects on my ability to safely and responsibly carry on an activity on public unleased land.	☐ Yes ☒ No

APPLICAN Schedule 2.2(a)(ii)

I, [redacted] e information supplied in this application is true and accurate and understand that the provision of false or misleading information is an offence.

I agree to the O Schedule 2.2(a)(ii) vant Directorates or external agencies to seek approvals for my application.

I understand tha [redacted] ill be responsible for ensuring that approved items in the permit area are safe.

Signature: [redacted] Date: 17/10/19

PARTICULARS OF UNLEASED LAND FOR OUTDOOR CAFE

CURRENT PREMISES ADDRESS *(Property Name, Unit, Flat No, Street Number, Street Name) or description of area if no current premises*		
40 Bunda Street		
CITY / SUBURB / TOWN	**STATE / TERRITORY**	**POSTCODE**
Canberra	ACT	2601
PROPOSED OPENING DATE		
TRADING NAME		
Akiba Restaurant and Bar		

PROPOSED TRADING DAYS & HOURS	
DAY	**PROPOSED TIMES**
Monday	7am to midnight
Tuesday	7am to midnight
Wednesday	7am to midnight
Thursday	7am to 1am
Friday	7am to 2am
Saturday	7am to 2am
Sunday	7am to midnight

ACTIVITY FOR THE PERMIT

DETAILS	**DIMENSIONS**	**NUMBER**	**APPROVED**
CHAIRS		68	☐ Yes ☐ No
TABLES		17	☐ Yes ☐ No
BENCHES			☐ Yes ☐ No
TROLLEYS			☐ Yes ☐ No

UMBRELLAS (attach a plan showing support system, anchoring method & Layout)			☐ Yes ☐ No
BARRIERS (attach a plan showing anchoring method & Layout)			☐ Yes ☐ No
AWNINGS (attach a plan showing anchoring method & Layout)			☐ Yes ☐ No
HEATERS (attach a plan showing anchoring method & Layout).			☐ Yes ☐ No
OTHER (state item and attach a plan or picture showing the item)			☐ Yes ☐ No

STREET FURNITURE	*I am seeking to have the following street furniture removed and will pay the full costs of any relocation*	
STREET FURNITURE (provide a description of items you are seeking to remove)		☐ Yes ☐ No

PLANS	*Plans are to be professionally drawn*	
DETAILS	**SPECIFICATION OR DESCRIPTION**	**APPROVED**
A detailed plan clearly showing the positioning of any item to be included in the area, including furniture or equipment to be affixed in the area.		☐ Yes ☐ No
A detailed 1:100 scale plan clearly showing the location, boundaries and dimensions of the area.		☐ Yes ☐ No

LENGTH OF TIME NEW PERMIT REQUIRED *(A permit may be provided for up to two years)*	
Two (2) years	☒
One (1) year	☐
Alternate time period (please specify) _____	☐

CERTIFICATES, APPROVALS & OTHER ATTACHMENTS *(Where applicable)*	ATTACHED
A copy of your public liability insurance certificate to the amount of $20,000,000 with ACT Government as interested party.	☐ Yes ☐ No ☐ N/A

ADAM DETTRICK ARCHITECTS

STATEMENT: REGARDING SPECIFIC CRITERIA FOR CONSIDERING APPROPRIATENESS OF AN OUTDOOR CAFÉ PERMIT

40 BUNDA ST, CANBERRA

26 SEPTEMBER 2014

Statement addressing the criteria for considering the appropriateness of an outdoor café permit, as outlined in the Outdoor Café and Vehicle Verge Permits Practice Manual, July 2013, ACT Government Justice and Community Safety.

Criteria item: Clearance of 3m between active shopfronts and an outdoor cafe

A clearance between active shop fronts and the proposed outdoor café of 2.4m is proposed. This distance was determined during the pre-application meeting, being the path that most people walk along next to the building, and easily defined by an expansion joint in the paving.

Criteria item: clearance of 2m from public seating

Achieved: It is proposed to relocate an existing public seat from within the seating area to a location closer to Bible Lane. In this new location, the seat is 2m from the outdoor seating area, satisfying this criteria. The new location preserves the public amenity of the seat.

Criteria item: 1.2m clearance from other street furniture

Achieved: It is proposed to relocate an existing bike rack and bins within the seating area to new locations outside the seating area, satisfying this criteria. The new locations are strategically located to preserve the pubic amenity provided by these items.

Criteria item: 2m setback from building lines at corner locations

Achieved: The proposed seating area is setback 4.8m from the building line at the corner with Bible Lane.

Criteria item: clearance of 1.2m from road kerbs

Achieved: The proposed seating area is setback 1.5m from the road kerb.

Criteria item: clearance of 1.2m to trees where the clearance between a branch and the ground is less then 2.2m

Achieved: Up to a level of 2.2m above ground level, a 1.2m minimum clearance from trees has been provided.

Criteria item: no encroachment of emergency service vehicle access ways

Achieved: emergency service vehicle access ways are not encroached.

Criteria item: no encroachment of public utilities such as fire hydrants, toilets, service pits, kerbs, ramps and access ways to these items

Achieved: no encroachment on the above public utilities.

Criteria item: continual length of less then 12m

Achieved: The proposed seating area is 19m long, but it is broken into 4 distinct sections separated by existing trees and a light pole.

Criteria item: approval from neighbouring businesses if the permit area is to be in front of a neighbouring business

Achieved: the proposed seating area is not in front of neighbouring businesses.

Criteria item: the permit area will not block main public thoroughfares or entry points for public activities

Achieved: the proposed outdoor seating does not block main public thoroughfares or entry points.

Criteria item: the permit area will not impede other commercial businesses or access to other businesses unless they approve this

Achieved: the proposed outdoor seating does not impede other commercial businesses, or access to other businesses.

Criteria item: the permit area will not impede access for people with disabilities

Achieved: the proposed outdoor seating is at grade, and therefore does not impede access for people with disabilities.

Criteria item: the permit will not create dark corners or unsafe areas

Achieved: the proposed outdoor seating is designed to be open and transparent, and will be lit at night.

Criteria item: the permit will not affect critical sightlines for vehicles or pedestrians

Achieved: The proposed outdoor seating area is setback 1.5m from the Bunda St kerb and 4.8m from Bible Lane.

Criteria item: the permit will not affect public art or a heritage area

Achieved: the outdoor seating area does not affect public art or a heritage area.

Criteria item: the gradient and surface of the area are safe for use of chairs and tables

Achieved: the gradient and surface of the area is relatively smooth and flat, being well suited for chairs and tables.

Criteria item: temporary barriers must not exceed a height of 1m and should not have protruding support braces or horizontal ropes/chains. The preferable option is barriers to ground level for people with low vision

Achieved: temporary barriers will comply with the above criteria.

Criteria item: the objects, if anchored into the ground, will not provide a pedestrian hazard when not in use

Achieved: the shade structure will not provide a pedestrian hazard when not in use.

Criteria item: a shade structure or umbrella's canopy must remain within the permitted area

Achieved: the shade structure is fully within the seating area shown on the plans.

Criteria item: any gas heaters must be located in a safe and well ventilated area.

Achieved: heaters will be installed in accordance with manufacturer's written instructions.

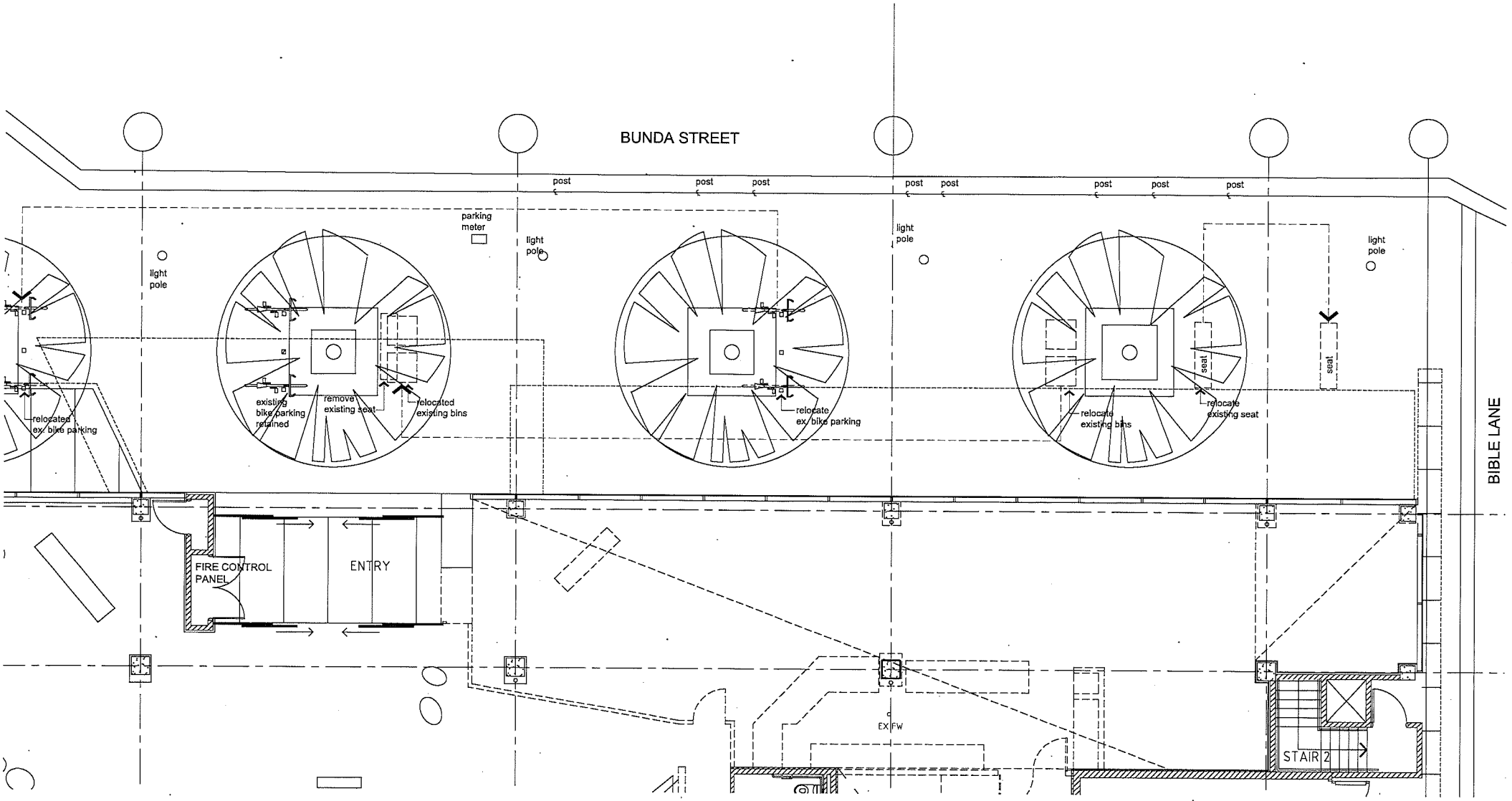
Other key items addressed in the proposed design:

Minimisation of impact on existing street trees

- Café furniture is located 1m clear of the 'tree surround' of each tree.
- Furniture will be fixed to the existing paving or movable, therefore impact on the existing trees will be minimised.
- The above ground structure will be designed to allow access to the trees for maintenance such as pruning.
- A 1.5m x 1.5m space open to the sky is provided at each tree to allow rainfall to be received in this area.
- Hydro-excavation will be used for any below ground installation within the tree protection zone, and will be supervised by a consulting arborist.

Other features of the proposed outdoor seating area:

- Demountable structure to be easily removable, with bolted connections to ground.
- Line of site between traffic and pedestrian preserved due to height of canopy and transparent drop down sides.
- The shade structure is fully detached from the adjacent building, ensuring that fire does not readily transfer from one structure to the other.
- Footings will be clear of underground services to protect these assets.



FOR APPROVAL

GENERAL NOTE:

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MATERIALS KEY:

MS	CUSTOM FOLDED MILD STEEL SHINGLES, CLEAR FINISH
RE	RENDER - DISTRESSED CONCRETE APPEARANCE
CP	COPPER SPLASH BACK - FOOD GRADE
T3	KITCHEN TILES: BLACK GLOSS,
B1	BOARD CLADDING

REFER TO KITCHEN EQUIPMENT SCHEDULE AND KITCHEN CONTRACTOR'S DOCUMENTATION FOR A COMPLETE KITCHEN & BAR EQUIPMENT SCHEDULE & LEGEND.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE TO FOOD SAFETY STANDARDS AND CURRENT EDITION OF AS4674-2004

REVISIONS:

OUTDOOR SEATING - EXISTING CONDITIONS

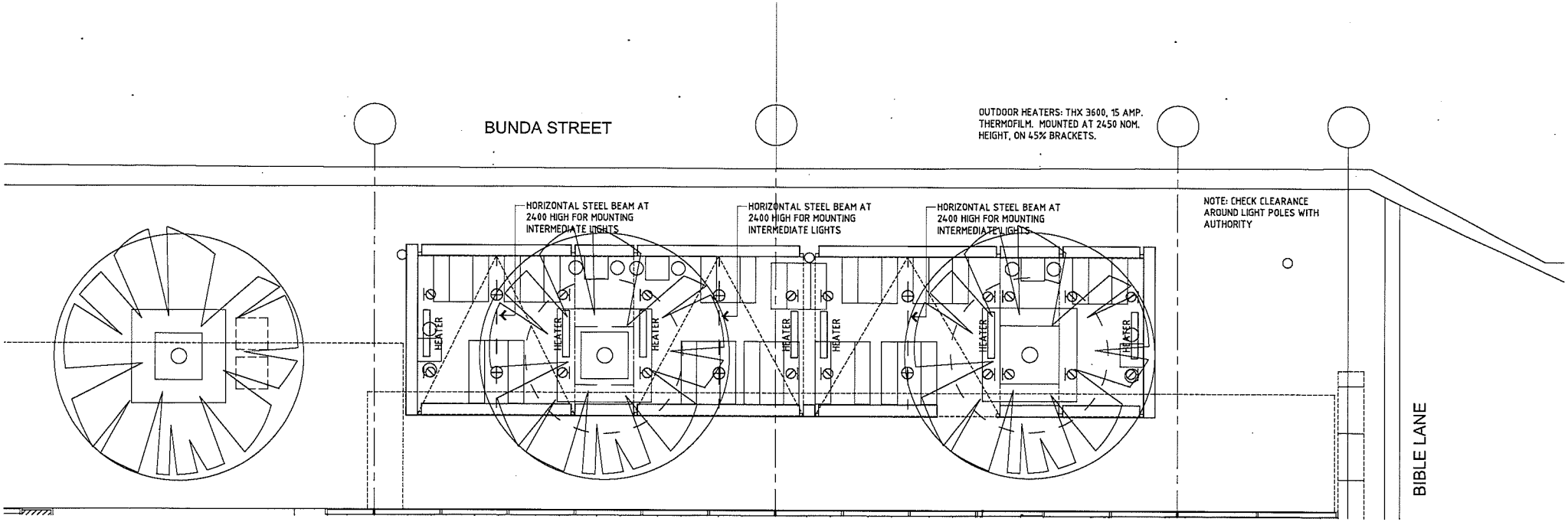
A090

NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	1:100 @ A3 SIZE	AD	1306

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www.adamdettrickarchitects.com.au

C:\Users\Kevin Sutanto\Dropbox\1306 Bunda St, Canberra\1 Drawings and specifications\3 current plan\1306 A090 outdoor seating plan - ex and demo.dwg, 1/10/2014 5:29:07 PM



FOR APPROVAL

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REVISIONS:

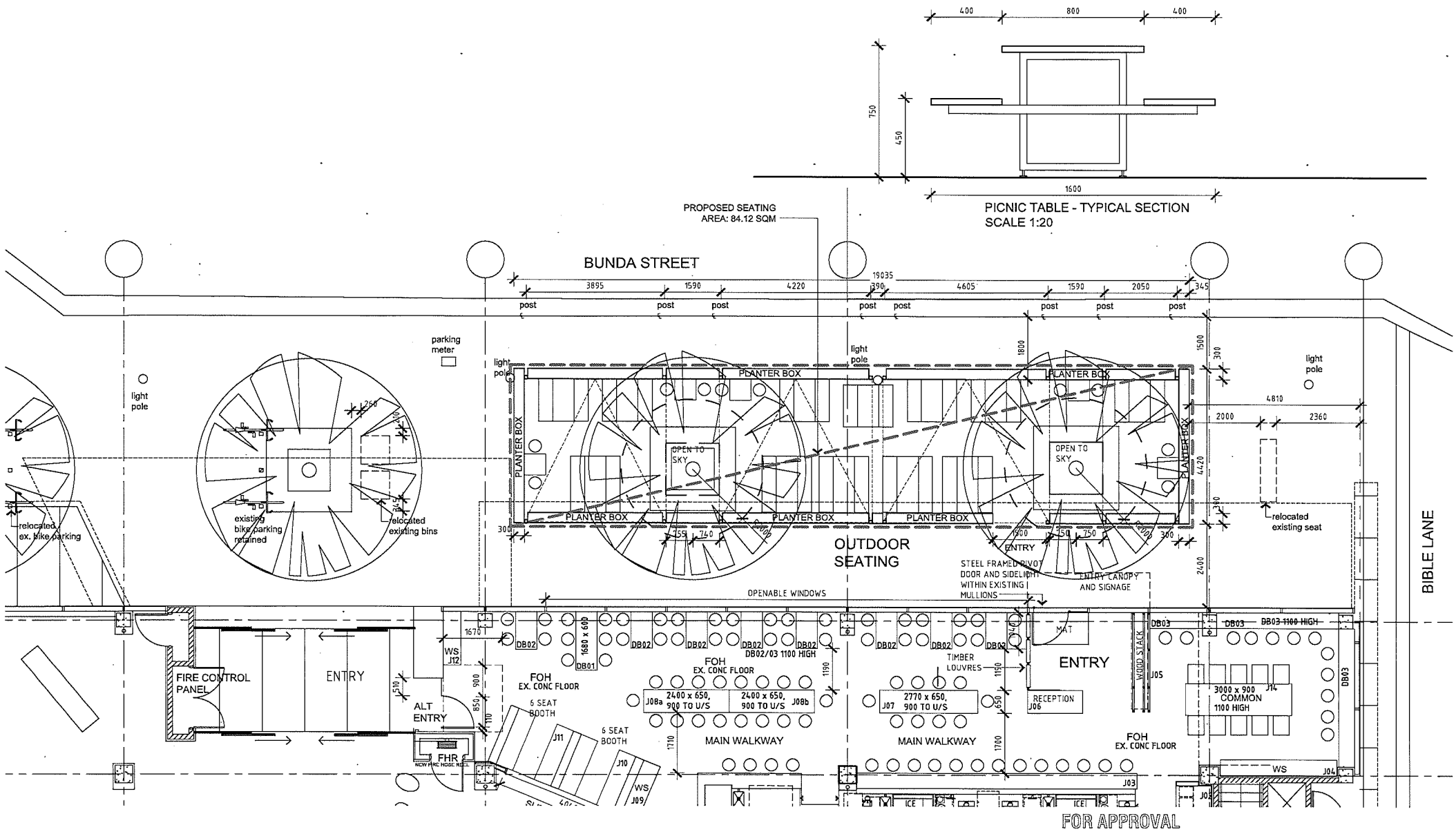
ELECTRICAL PLAN - OUTDOOR SEATING

A710

NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	1:100 @ A3 SIZE	AD	1306

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REVISIONS:

A 18.06.14 Seating area outlined

OUTDOOR SEATING - PROPOSED

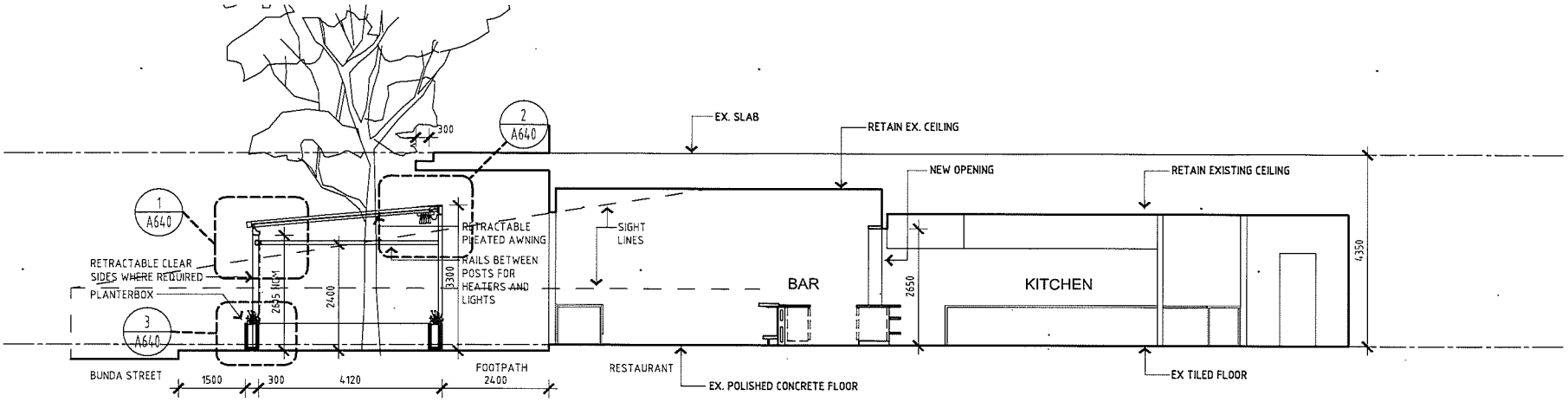
A091/A

NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	1:100 @ A3 SIZE	AD	1306

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C:\Users\Kevin Sutanto\Dropbox\1306 Bunda St, Canberra\1 Drawings and specifications\3 current plan\1306 A091 Proposed outdoor seating plan.dwg, 1/10/2014 5:29:14 PM



SECTION C-C
SCALE 1:100

FOR APPROVAL

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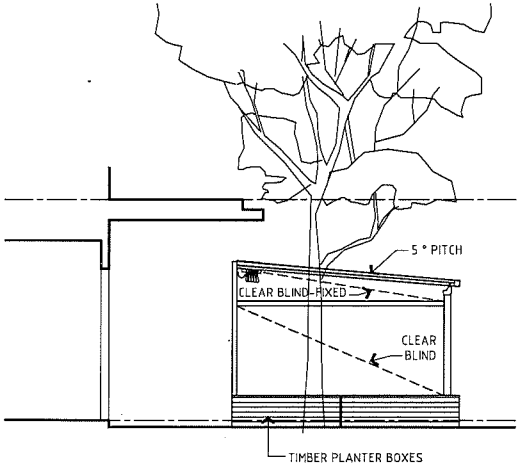
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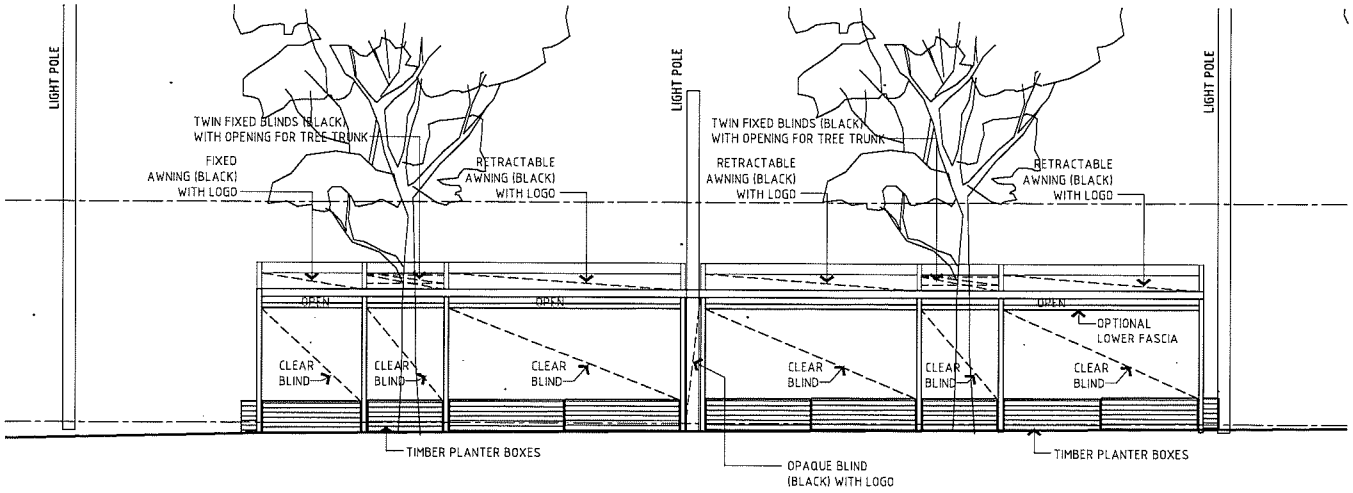
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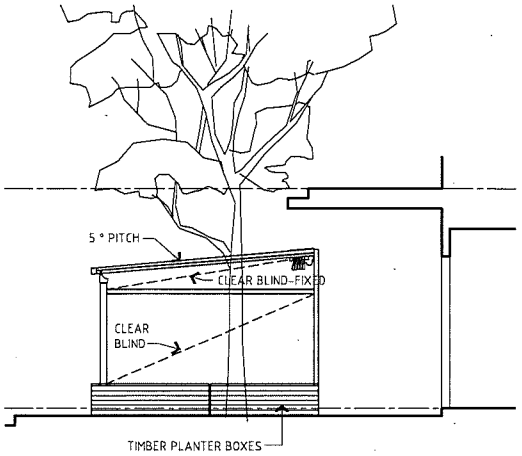
NEW FITOUT AT 40 BUNDA ST, CANBERRA

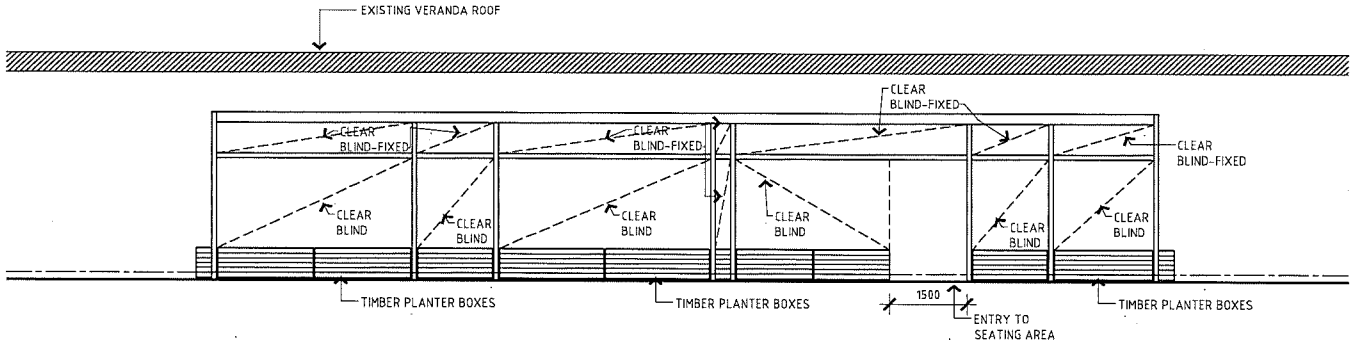
DATE	SCALE	DRAWN BY	JOB No
MAY 13	1:100 @ A3 SIZE	AD	1306

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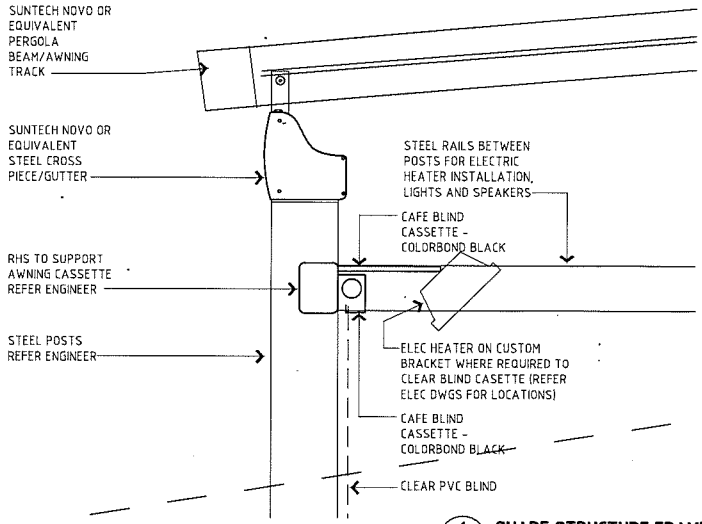
ELEVATIONS - OUTDOOR SEATING

A310

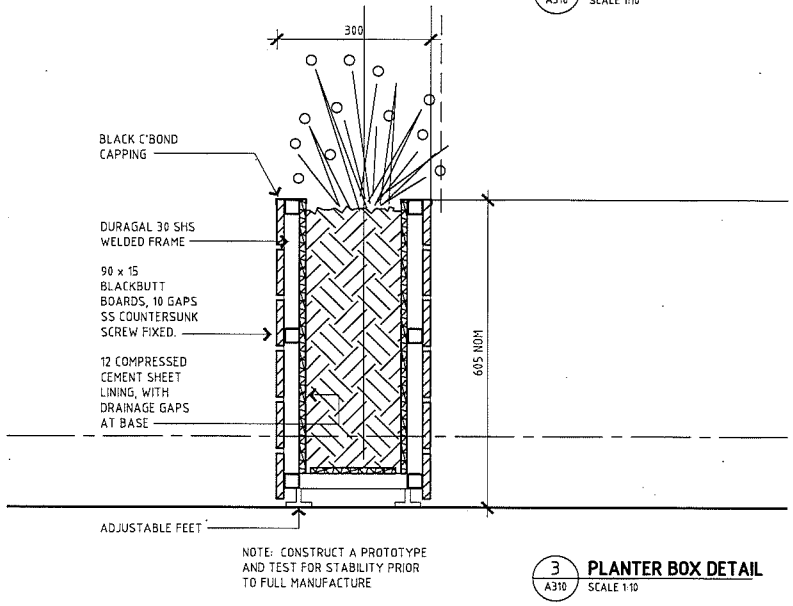
NEW FITOUT AT 40 BUNDA ST, CANBERRA

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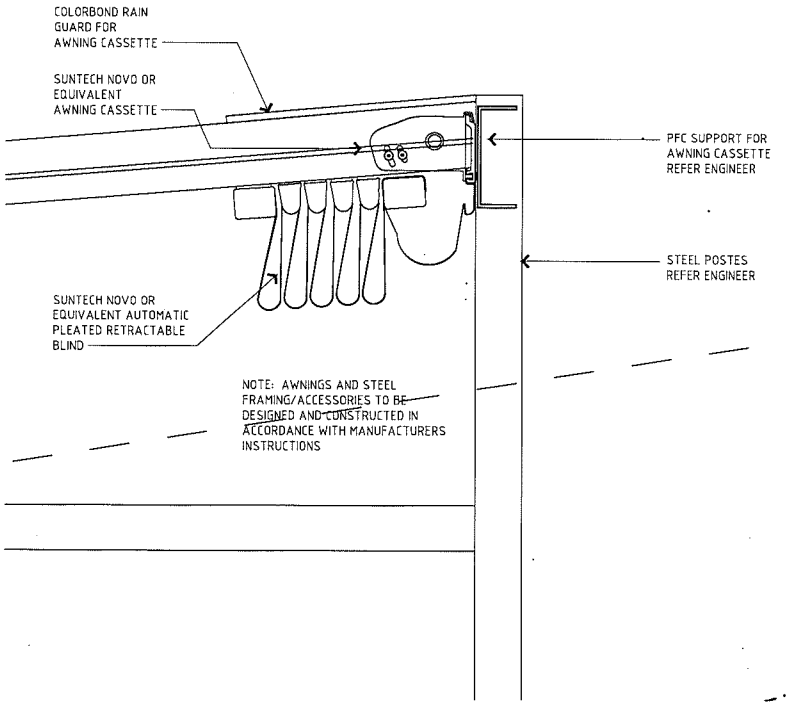


1 A310 **SHADE STRUCTURE FRAME DETAIL**
SCALE 1:10



NOTE: CONSTRUCT A PROTOTYPE AND TEST FOR STABILITY PRIOR TO FULL MANUFACTURE

3 A310 **PLANTER BOX DETAIL**
SCALE 1:10



2 A310 **SHADE STRUCTURE FRAME DETAIL**
SCALE 1:10

FOR APPROVAL

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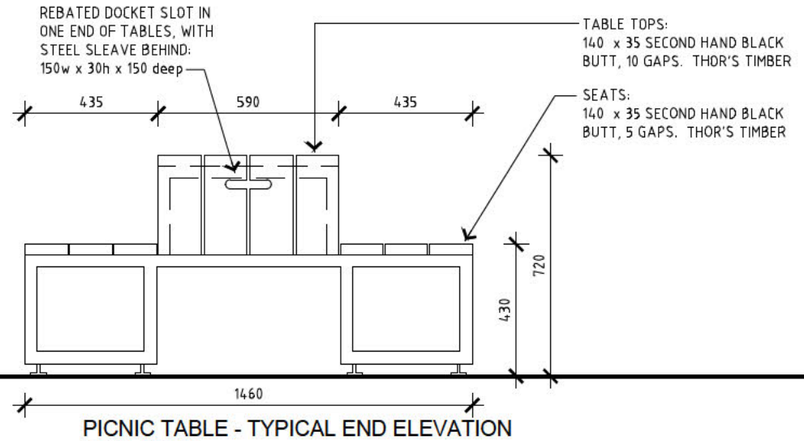
DETAILS - OUTDOOR SEATING

A640

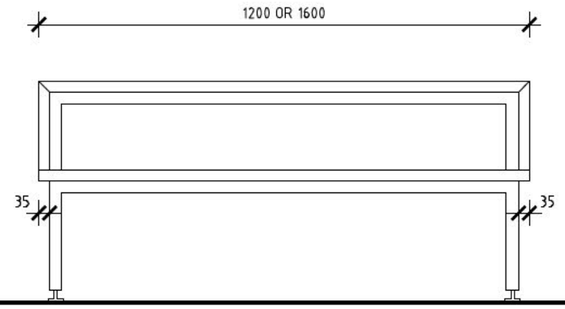
NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	AS SHOWN @ A3 SIZE	AD	1306

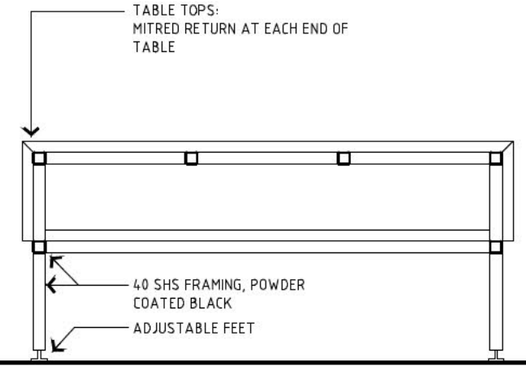
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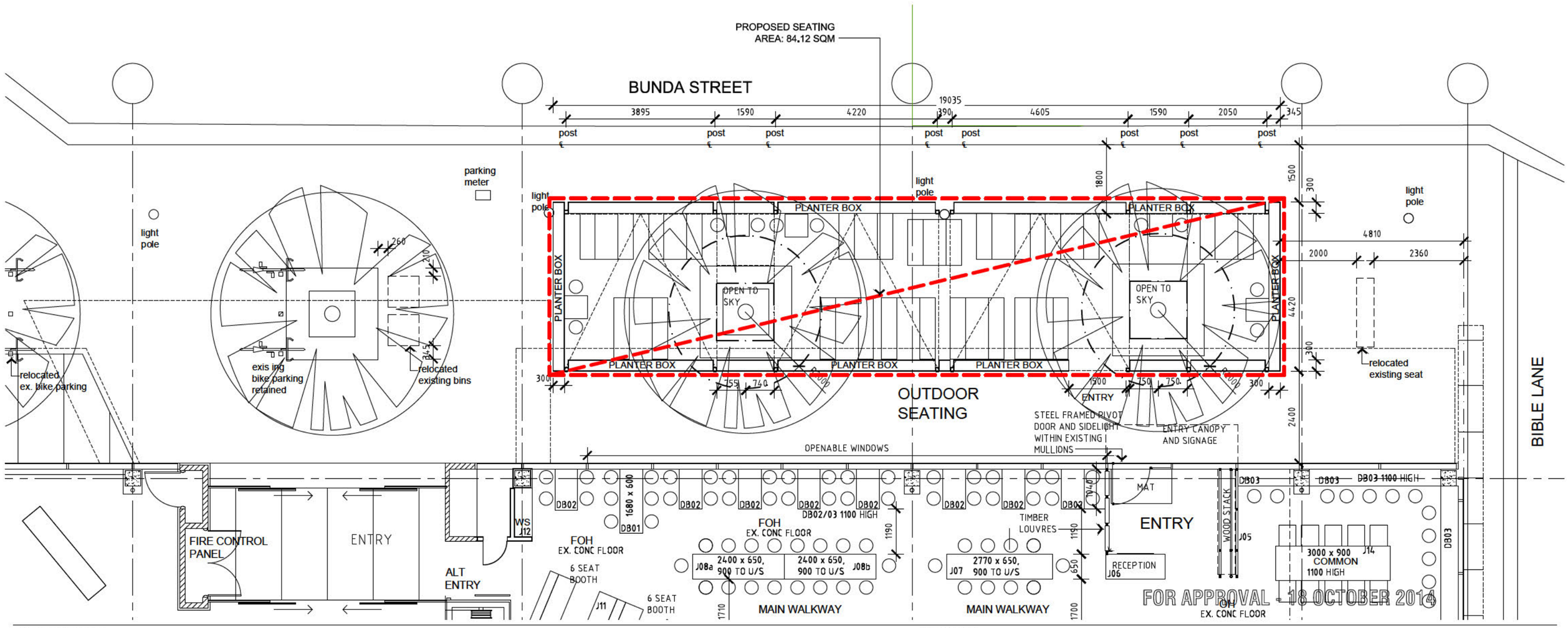
PICNIC TABLE - TYPICAL END ELEVATION
SCALE 1:20



PICNIC TABLE - TYPICAL SIDE ELEVATION
SCALE 1:20



PICNIC TABLE - TYPICAL SECTION
SCALE 1:20



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REVISIONS:

A 18.06.14 Seating area outlined

OUTDOOR SEATING - PROPOSED

A091/A

NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	1:100 @ A3 SIZE	AD	1306

ADAM DETTRICK ARCHITECTS
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www.adamdettrickarchitects.com.au

From: Boersma, Timo
To: Nasca, Giancarlo
Cc: Jenkins, Kylie (TAMS L&C)
Subject: RE: Outdoor Dining Permit Application: 21000284 (Akiba Restaurant and Bar)
Date: Tuesday, 28 October 2014 6:14:07 PM
Attachments: image001.jpg

Giancarlo

Roads ACT have indicated that refurbishment of Bunda street will focus on high volume pedestrian activity interspersed with bicycles. Bikes will be permitted between the building and the outdoor dining area. They are not approving 2.5m and the drawing we had did show 3m in an early version.
There are two street lights nearby. The proposed lights are privately owned for purposes of lighting their advertising on the shade structure. They increase the light spill for residents and other users, compete with the stret lights and increase the visual impact of the singage. They are not supported.
The cafe doesn't need total control. The outdoor area matches the indoor capacity so they should be able to manage both comfortably.
The whole ambience of the Bunda street development is intended to be open and transparent as possible. While the planter boxes may not be supported as a constant wall, some screens may give more space and prevent chars from shifting into the pedestrian corridor.

regards

Timo Boersma | Manager, Land Use Unit | Licensing and Compliance Section
City Services Branch | Parks and City Services Division
Territory and Municipal Services Directorate | ACT Government
Tel (02) 6205 4766| Email: timo.boersma@act.gov.au

From: Nasca, Giancarlo
Sent: Thursday, 23 October 2014 9:05 AM
To: Boersma, Timo
Cc: Persic, Drazen
Subject: RE: Outdoor Dining Permit Application: 21000284 (Akiba Restaurant and Bar)

Thanks Timo.

Do you know what the timeframe on the DA is? Do you also have a copy of a link to it as I haven't seen or heard of it.

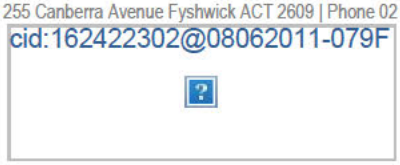
Additionally, does/has the DA gone through public consultation as the applicant was seeking exemption from the need to conduct public consultation for the Outdoor Dining Permit.

I've attached the original document you sent me on 25/9, but the plan appears to be unchanged.

Point 1: Is there a reason that the area needs to be 1.8m off the kerb as our standard is 1.2 and Gus' Cafe would have to be closer to the latter.
Point 2: I have not seen any drawings showing a 3m clearance between the area and the building. Dolce and Solata was approved 100m away for a 2.5m walkway clearance. Additionally, all of Garema place is 2m.

I think 2.5m would be a more reasonable suggestion for change.
Point 3: I did suggest something to this effect to the client when they attended the office as the area is over 12m in continual length. They wish to have better "control" over the area, but I agree with having a pathway between for the public, especially those coming off the taxi rank.
Point 4: Are the light poles not already there?
Point 5: Why are the planter boxes at the front not supported? I think that they warrant investigation by the ACT Fire Brigade for exit capacity.
Point 6: Ok.
Point 7: Ok.
Point 8: Ok.
Point 9: Ok.

Giancarlo Nasca | Investigator | Compliance

Office of Regulatory Services | Justice and Community Safety Directorate
255 Canberra Avenue Fyshwick ACT 2609 | Phone 02 6205 4584


From: Boersma, Timo
Sent: Wednesday, 22 October 2014 5:46 PM
To: Nasca, Giancarlo
Subject: RE: Outdoor Dining Permit Application: 21000284 (Akiba Restaurant and Bar)

Giancarlo

We don't support the design. We previously provided the following advice that will change the foot print of the area they can ask for.

When the DA is actually approved, the Notice of Decision will say the lessee will be required to apply for a permit from the Office of Regulatory Services (not from TAMS).

That said, I had a look at the latest drawings and discussed the matter with land mangers and the people who are redesigning Bunda Street. The advice is that
1 the structure should be 1.8m from the kerb of Bunda street, inclusive of the planter boxes. The drawing shows 1.5m from the edge of the planter boxes.
2 The structure should be 3m from the front of the building. The latest version shows it is only 2.4m when the original drawing indicated 3m. There should be some daylight between the dining roof and the building awning.
3 The design should include a 1.2m pedestrian link midway between the two trees.
4 The proposed light poles are not supported.
5 The proposed planter boxes along the building frontage are not supported. They were not included in the original drawings.
6 The planter boxes on the three sides of the dining area should be no higher than 900mm high, including the plants.
7 The tables and chairs should be moved indoors after business hours as

was originally proposed. Fixed benches/picnic tables are not supported in Bunda Street.
8 As previously advised, the structure should be designed in modules to be easily dismantled at short notice
9 The opening in the roof around the trees should be at least as large as the permeable part of the tree pit, so the trees get some rain.

Regards

Timo Boersma | Manager, Land Use Unit | Licensing and Compliance Section
City Services Branch | Parks and City Services Division
Territory and Municipal Services Directorate | ACT Government
Tel (02) 6205 4766| Email: timo.boersma@act.gov.au

From: Nasca, Giancarlo
Sent: Wednesday, 22 October 2014 5:20 PM
To: Boersma, Timo; Bathgate, Brian; Sullivan, PeterJ; Garbode, Julie; Hill, Diana; Brice, Michael; McHugh, Ben; Marshall, Ken; Evans, Colin; Baxter, Rod; Jatheendran, Lingam; Isaks, Paul; Markus, Imogen; Gibson, Roger; Oshyer, Aaron; Gerrard, Darren; Henriquez, Jose; EPD Transport Advice
Cc: Brennan, Krista; Persic, Drazen
Subject: Outdoor Dining Permit Application: 21000284 (Akiba Restaurant and Bar)

Dear Stakeholders

Please find attached an application (including proposed plan) for an outdoor dining permit for "**Akiba Restaurant and Bar**" at **40 Bunda Street CANBERRA ACT 2601**. (Block 7 Section 35 CITY)

Can you please provide your advice in relation to issuing a NEW outdoor dining permit for this area and indicate if you/or your department;

a) Support the proposal fully
b) Support the proposal with conditions
c) Don't support the proposal with reasons
d) Require more information
e) Don't have any interest.

NOTE 1: I am under the assumption that there has been a DA application lodged for the proposed structure for this premises.

NOTE 2: A liquor licence application is in progress.

Public consultation for the outdoor dining permit application will commence shortly, so if possible please provide your advice/comments by **5 November 2014**.

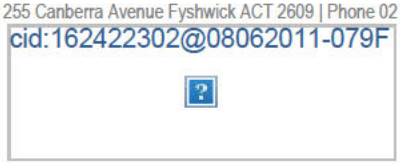
If you require further information, please contact me on (02) 6205 4584 to discuss.

No reply is expected if this proposal does not relate to your department.

Regards

Giancarlo Nasca | Investigator | Compliance

Office of Regulatory Services | Justice and Community Safety Directorate
255 Canberra Avenue Fyshwick ACT 2609 | Phone 02 6205 4584



From: Markus, Imogen
To: Nasca, Giancarlo
Subject: RE: Outdoor Dining Permit Application: 21000284 (Akiba Restaurant and Bar)
Date: Thursday, 23 October 2014 8:19:50 AM
Attachments: image001.jpg

Hi Giancarlo

In principal this outdoor cafe permit is supported, however a TAMS view should be sought to clarify the intended purpose of the footpath and whether the width of the path is acceptable.

Kind regards

Imogen Markus
Phone: 02 6205 3630 | Email: imogen.markus@act.gov.au
Major Projects and Transport | Environment and Planning Directorate | **ACT Government**
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.environment.act.gov.au

---

From: Nasca, Giancarlo
Sent: Wednesday, 22 October 2014 5:20 PM
To: Boersma, Timo; Bathgate, Brian; Sullivan, PeterJ; Garbode, Julie; Hill, Diana; Brice, Michael; McHugh, Ben; Marshall, Ken; Evans, Colin; Baxter, Rod; Jatheendran, Lingam; Isaks, Paul; Markus, Imogen; Gibson, Roger; Oshyer, Aaron; Gerrard, Darren; Henriquez, Jose; EPD Transport Advice
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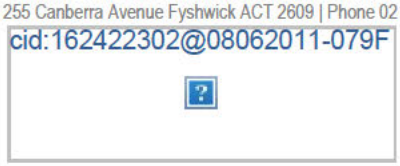
No reply is expected if this proposal does not relate to your department.

Regards

Giancarlo Nasca | Investigator | Compliance

Office of Regulatory Services | Justice and Community Safety Directorate

255 Canberra Avenue Fyshwick ACT 2609 | Phone 02 6205 4584



From: Cootes, Nicky
To: Nasca, Giancarlo
Subject: RE: Outdoor Dining Permit Application: 21000284 (Akiba Restaurant and Bar)
Date: Thursday, 6 November 2014 11:12:19 AM
Attachments: image001.jpg
image002.jpg
image003.jpg

Good Morning Giancarlo,

FYI I have discussed this matter with Ray Brown and we agree that the structure which is subject to a DA will require a S303 Licence. I am recommending that if the DA is approved that it has a licence condition.

Thanks for taking the discussing this application with me.

Regards

Nicky Cootes | Leasing
Phone 02 6207 8851
Leasing | Environment and Planning | **ACT Government**
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.actpla.act.gov.au

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From: Nasca, Giancarlo
Sent: Monday, 27 October 2014 2:15 PM
To: Cootes, Nicky
Subject: RE: Outdoor Dining Permit Application: 21000284 (Akiba Restaurant and Bar)

Hi Nicky

Thanks for the email.
As discussed, speak to Ray Brown, but my permit will be for tables and chairs, your licence will be for the structure if DA is approved and I will add structure onto permit once approval documents are provided to me.

Regards

Giancarlo Nasca | Investigator | Compliance

Office of Regulatory Services | Justice and Community Safety Directorate
255 Canberra Avenue Fyshwick ACT 2609 | Phone 02 6205 4584
cid:162422302@08062011-079F

From: Cootes, Nicky
Sent: Monday, 27 October 2014 10:16 AM
To: Nasca, Giancarlo
Subject: FW: Outdoor Dining Permit Application: 21000284 (Akiba Restaurant and Bar)

Good morning Giancarlo,

Thank you for referring this permit application for comment. The application form indicates that

the Applicant is applying for a permit to cover 68 chairs and 17 tables and as you have noted a DA has been submitted for the structure.

Could you please clarify if the proposed permit will cover the chairs and tables or the chairs, tables and structure should it be approved?

Regards,

Nicky Cootes | Leasing
Phone 02 6207 8851
Leasing | Environment and Planning | **ACT Government**
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.actpla.act.gov.au

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From: Gibson, Roger
Sent: Thursday, 23 October 2014 3:19 PM
To: Cootes, Nicky
Subject: FW: Outdoor Dining Permit Application: 21000284 (Akiba Restaurant and Bar)

Hi Nicky

Here is another one.
If you wish we can discuss.

Roger

ROGER GIBSON | Assistant Manager - General Leasing | Lease Administration
Phone 02 6207 8575
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





From: Nasca, Giancarlo
Sent: Wednesday, 22 October 2014 5:20 PM
To: Boersma, Timo; Bathgate, Brian; Sullivan, PeterJ; Garbode, Julie; Hill, Diana; Brice, Michael; McHugh, Ben; Marshall, Ken; Evans, Colin; Baxter, Rod; Jatheendran, Lingam; Isaks, Paul; Markus, Imogen; Gibson, Roger; Oshyer, Aaron; Gerrard, Darren; Henriquez, Jose; EPD Transport Advice
Cc: Brennan, Krista; Persic, Drazen
Subject: Outdoor Dining Permit Application: 21000284 (Akiba Restaurant and Bar)

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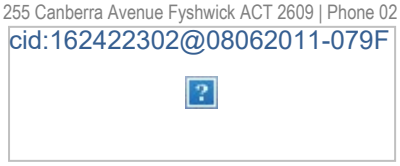
If you require further information, please contact me on (02) 6205 4584 to discuss.

No reply is expected if this proposal does not relate to your department.

Regards

Giancarlo Nasca | Investigator | Compliance

Office of Regulatory Services | Justice and Community Safety Directorate
255 Canberra Avenue Fyshwick ACT 2609 | Phone 02 6205 4584



From:	DiCampli, Nicki
To:	Nasca, Giancarlo
Cc:	Cilliers, George; Wallner, Johanna
Subject:	FW: Outdoor Dining Permit Application: 21000284 (Akiba Restaurant and Bar)
Date:	Wednesday, 5 November 2014 1:45:04 PM
Attachments:	Application - PENDING.pdf Plan - PENDING.pdf image001.jpg

Dear Giancarlo

A development application (DA) was lodged on 20 October 2014. Entity comments are due by 12 November 2014 and public notification of the DA is scheduled to close on 14 November 2014. The application is due to be determined early December 2014.

I can only advise that your application should be subject to the applicant obtaining development approval.

Regards

Nicki Di-Campli

Nicki Di-Campli | Assessment Officer
Phone 02 6207 1963 | Fax 02 6207 1856 | 9.30am to 2.30pm Monday to Friday
Planning Delivery | Environment and Planning Directorate| **ACT Government**
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.planning.act.gov.au

From: Nasca, Giancarlo
Sent: Wednesday, 22 October 2014 5:20 PM
To: Boersma, Timo; Bathgate, Brian; Sullivan, PeterJ; Garbode, Julie; Hill, Diana; Brice, Michael; McHugh, Ben; Marshall, Ken; Evans, Colin; Baxter, Rod; Jatheendran, Lingam; Isaks, Paul; Markus, Imogen; Gibson, Roger; Oshyer, Aaron; Gerrard, Darren; Henriquez, Jose; EPD Transport Advice
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Regards

Giancarlo Nasca | Investigator | Compliance

Office of Regulatory Services | Justice and Community Safety Directorate

255 Canberra Avenue Fyshwick ACT 2609 | Phone 02 6205 4584

cid:162422302@08062011-079F

From: Deschamps, Chris
To: Nasca, Giancarlo
Subject: FW: Outdoor Dining Permit Application: 21000284 (Akiba Restaurant and Bar)
Date: Wednesday, 19 November 2014 9:04:38 AM
Attachments: Application - PENDING.pdf
Plan - PENDING.pdf
image001.jpg

Hi Giancarlo,

I am concerned regarding the access to the street light column within the enclosure.

Can you please ask how this will be addressed.

Regards

Chris Deschamps
Street Light & Asset Acceptance Co-ordinator
TAMS

Ph 02 62076222
Fax 6207 6587
Mob Schedule 2.2(a)(ii) **(Note new number)**

chris.deschamps@act.gov.au

From: Marshall, Ken
Sent: Thursday, 23 October 2014 4:17 PM
To: Deschamps, Chris
Subject: FW: Outdoor Dining Permit Application: 21000284 (Akiba Restaurant and Bar)

From: Nasca, Giancarlo
Sent: Wednesday, 22 October 2014 5:20 PM
To: Boersma, Timo; Bathgate, Brian; Sullivan, PeterJ; Garbode, Julie; Hill, Diana; Brice, Michael; McHugh, Ben; Marshall, Ken; Evans, Colin; Baxter, Rod; Jatheendran, Lingam; Isaks, Paul; Markus, Imogen; Gibson, Roger; Oshyer, Aaron; Gerrard, Darren; Henriquez, Jose; EPD Transport Advice
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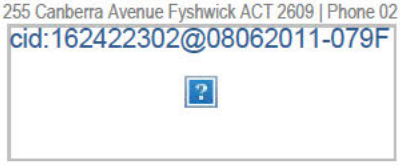
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Regards

Giancarlo Nasca | Investigator | Compliance

Office of Regulatory Services | Justice and Community Safety Directorate

255 Canberra Avenue Fyshwick ACT 2609 | Phone 02 6205 4584



From:	Nasca, Giancarlo
To:	Fernando, Geethaka
Cc:	McHugh, Ben
Bcc:	Harrison, Wendy Maree
Subject:	RE: 3 bike racks outside 40 Bunda street (Akiba Outdoor Dining)
Date:	Thursday, 19 March 2015 10:58:00 AM
Attachments:	Development Application (Akiba).pdf Notice of Decision - Signed.pdf image001.jpg

Hi Geethaka

Thank you for your email.

See attached for the DA application and notice of decision for AKIBA.

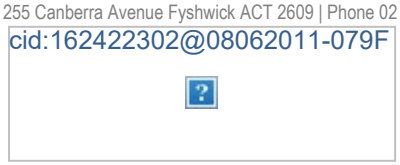
If you require further information, let me know.

Regards

Giancarlo Nasca | Investigator | Compliance

Office of Regulatory Services | Justice and Community Safety Directorate

255 Canberra Avenue Fyshwick ACT 2609 | Phone 02 6205 4584



From: Fernando, Geethaka
Sent: Thursday, 19 March 2015 9:40 AM
To: Nasca, Giancarlo
Subject: 3 bike racks outside 40 Bunda street (Akiba Outdoor Dining)

Hi Giancarlo,

Do you know what happened to the 3 bike racks outside 40 Bunda street?

From what I understand these were removed/relocated to cater for the new Akiba outdoor covered structure (outdoor dining).

Could you let me know who would have undertaken these works?

If you have any concerns, please don't hesitate to call me on 02 6205 2048.

Any help is greatly appreciated.

Regards,
Gee

Geethaka Fernando
Major Capital Works
Directorate of Territory & Municipal Services · Roads ACT
Level 7, Macarthur House · 12 Wattle Street, Lyneham ACT 2602
Ph: (02) 6205 2048 Facsimile: (02) 6207 6872

Planning and Development Act 2007

Development Application

Application Number: **201426293**

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?

◯ Yes

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	Section	Block Number	Unit Number
CITY	35	7	

Street Address

40 BUNDA STREET, CITY

Applicant Details

What type of applicant are you:

◯ Business

ACN or ABN
4008662660

Company Name
D Group

Position held / Title
Project Manager

Salutation
None

First Name
Schedule

Surname
Schedule 2.2(a)(i)

Postal Address 1
5 Whyalla Street

Postal Address 2

Postal Address 3
Fyshwick

Suburb
Fyshwick

State/Territory
ACT

Postcode
2609

Country
Australia

Phone Number
Schedule 2.2(a)(ii)

Fax Number

Mobile Number

Email
Schedule @d-group.com.au

Lessee (Property Owners) Details

Lessee Number: 1

Is the Lessee a:

○ Organisation or Government entity

Australian Company Number (ACN)
60008394054

Company Name
Canberra Theatres Ltd

Position held / Title

Salutation
None

First Name
Schedule 2

Surname
Schedule 2.2(a)(i)

Postal Address 1
113 Canberra Avenue

Postal Address 2

Postal Address 3

Suburb
Griffith

State/Territory
ACT

Postcode
2603

Country

Phone Number

Fax Number

Mobile Number

Email
Schedule 2.2(a)(ii) @jgsproperty.com.au

Lessee Number: 2

Is the Lessee a:

○ Organisation or Government entity

Australian Business Number (ABN)
37307569373

Company Name
TAMS

Position held / Title

Salutation
None

First Name
Tony

Surname
Gill

Postal Address 1
Locked Bag 2000

Postal Address 2

Postal Address 3

Suburb
Civic Square

State/Territory
ACT

Postcode
2608

Country
Australia

Phone Number
132281

Fax Number

Mobile Number

Email
tony.gill@act.gov.au

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.

☐ CZ1 Core 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

Fully Describe Your Proposal

Please provide a full description of your proposal

1.Construction of an Out-door Eating area for the new AKIBA restaurant situated in the GF of the ACTEW AGL Building 40 Bunda Street Civic.
The proposed area is to be constructed on the TAMS footpath as per plans supplied, the existing garbage / recycling bins and street furniture is to be relocated to a nominated area by TAMS at the cost of the applicant.
2.Installation of Signage 2 x Light-boxes under side of existing building awning 1 x neon blade sign on building external design as per drawings.

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
Out-door eating area

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.

☐ Non-Residential (including Commercial and Industrial)

☐ Signage

Non-Residential

Please select a Non-Residential sub type:

☐ Additions/Alterations to existing building

Do the additions exceed 1 storey in height?

○ No

Gross Floor Area (GFA) and Cost of Works

Please ensure that all values contain a decimal point followed by two digits

Gross Floor Area Calculation

A - Gross Floor Area (existing) (m^2)

B - Gross Floor Area to be demolished (m2)

C - Gross Floor Area to be added (m^2)

83.6

D - Total Gross Floor Area of development (A-B+C)(m^2)

83.6

E - COST OF WORKS at D* ($)

Schedule 2.2(a)(xi)

Other Area Calculation (not already included in the areas provided above)

F - Area of other BCA Class 10 structures included in this application (e.g. metal carport, pergola, deck, verandah) (m^2)

G - Parking areas – undercover

H - COST OF WORKS (F & G) ($)

Cost of Associated Works

I - Cost of all associated works such as landscaping ($)

J - Cost of all public works and/or off site works ($)

K - TOTAL COST OF WORKS (E+H+I+J)

*Cost of works **MUST** be calculated in accordance with the current version of Building (General) (Cost of Building Work) Determination OR a summary of costs from a bill of quantities prepared by a quantity surveyor supplied with application. A summary of costs from a bill of quantities MAY be requested for proposals where cost of work is between $0 and $10 million. A summary of costs from a bill of quantities MUST be provided for proposals where cost of work is over $10 million.*

Demolition, Trees

Demolition

Is the *Demolition* item relevant to your proposal?

○ No

Trees

Is the Trees item relevant to your proposal?

○ Yes

Have you provided Entity Endorsement?

○ No

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

○ Yes

Heritage

Heritage

Is the *Heritage* item relevant to your proposal?

○ No

Hazardous Materials, Contamination, Erosion and Sediment Control

Hazardous Material

Is the *Hazardous Materials* item relevant to your proposal?

○ No

Contamination

Is the *Contamination* item relevant to your proposal?

○ No

Erosion and Sediment Control (for sites less than 0.3 of a hectare)

Is the Erosion and Sediment Control (for sites less than 0.3 of a hectare) item relevant to your proposal?

○ No

For works such as class 10 structures, additions and alterations, and backyard swimming pools - a note on the plan that "the development will comply with the ACT Environment Protection Authority, Environment Protection Guidelines for Construction and Land Development in the ACT" is required. In circumstances where there is a reasonable risk that soil from the required earth works in the front of the block will impact on the stormwater system because the block slopes towards the street a separate Erosion & Sediment Control Plan will be required

Erosion and Sediment Control (for sites greater than 0.3 of a hectare)

Is the Erosion and Sediment Control (for sites greater than 0.3 of a hectare) item relevant to your proposal?

○ No

Waste Management, Noise

Waste Management for waste facilities and management

Is the *Waste Management (for waste facilities)* item relevant to your proposal?

○ No

Waste Management for liquid trade waste

Is the *Waste Management (for liquid trade waste)* item relevant to your proposal?

○ No

Noise

Is the Noise Management item relevant to your proposal?

○ Yes

Have you provided Entity Endorsement?

○ Yes

Servicing & Site Management, Utilities

Servicing and Site Management

Is the Servicing and Site Management item relevant to your proposal?

○ Yes

Have you provided Entity Endorsement?

○ Yes

Utilities

Is the *Utilities* item relevant to your proposal?

○ Yes

Please tick the relevant entities

☐ Water
☐ Electricity
☐ Stormwater

Have you provided Entity Endorsement?

○ Yes

National Capital Plan, Crime Prevention, Access & Mobility, Traffic Generation

National Capital Plan

Is the *National Capital Plan* item relevant to your proposal?

○ No

Crime Prevention through Environmental Design

Is the *Crime Prevention* item relevant to your proposal?

○ No

Access and Mobility

Is the Access and Mobility item relevant to your proposal?

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

○ Yes

Traffic Generation

Is the Traffic Generation item relevant to your proposal?

○ No

Site Access, Parking, Landscape, Lighting

Site Access

Is the Site Access item relevant to your proposal?

○ Yes

Have you provided documentation that demonstrates how your proposal complies with the

requirements of the *Territory Plan*?

◯ Yes

Landscape

Is the *Landscape* item relevant to your proposal?

◯ No

Lighting

Is the *Lighting* item relevant to your proposal?

◯ No

Signs, Neighbourhood Plans, Water Sensitive Urban Design

Signs

Is the *Signs* item relevant to your proposal?

◯ Yes

Have you provided documentation that demonstrates how your proposal complies with the requirements of the *Territory Plan*?

◯ Yes

Neighbourhood Plans

Is the *Neighbourhood Plans* item relevant to your proposal?

◯ No

Water Sensitive Urban Design (Mains Water Consumption)

Is the Water Sensitive Urban Design (Mains Water Consumption) item relevant to your proposal?

◯ No

Water Sensitive Urban Design (Stormwater Quality)

Is the Water Sensitive Urban Design (Stormwater Quality) item relevant to your proposal?

◯ No

Driveways (For works on verge only)

PLEASE NOTE: For proposals that include construction or modification of a driveway this application **MUST** be signed by the land custodian (Government Land Custodian - Asset Acceptance) as the works will be undertaken on unleased land **EXCEPT FOR DUAL OCCUPANCY DEVELOPMENT PROPOSALS.** For more information on driveways, garages and carports, please click here.

Does your proposal include construction or modification of driveway/s?

◯ No

Survey Requirements - S.139(2)(i) - P & D Act 2007

If this application is for approval of a development that requires construction work to be carried out on land that has previously been developed and is not leased for rural purposes, a survey certificate for the land where the development is to be carried out (prepared and signed by a registered surveyor) must accompany this application unless exempt by Regulation 25 of the *Planning and Development Regulations 2008*

Do you have a *survey certificate* with this application?

○ Yes

Development Undertaken Without Approval - S.205 - P & D Act 2007

Is this application for development undertaken without approval?

○ No

*If YES – Plans of the development signed by a registered surveyor confirming the location and dimensions of the development **must** be submitted with this application. The plans need to confirm the height, width and length dimensions of the development and the setback dimensions of the development from the block boundaries. The information may be provided on one plan or on a series of plans provided each plan is signed by a registered surveyor.*

Note: For all unapproved development involving construction the location and nature of earthworks, utility connections, proposed buildings, pavements and landscape features must comply with utility standards, access provisions and asset clearance zones. For more information on development exempt from approval, please click here. For more information on development applications for developments undertaken without approval, please refer to S205 under the Planning and Development Act 2007

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 Oct 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 interuption.

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 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 provided to the Environment and Planning Directorate (EPD) to enable the processing of your application. The collection of personal information is authorised by the Planning and Development Act 2007. If all or some of the personal information is not collected EPD cannot process your application. 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. The personal information you provide may be disclosed to Australian Bureau of Statistics, ACT Revenue Office, the Registrar General's Office, ACTEW Corporation, ActewAGL, Territory and Municipal Services Directorate and other Government agencies with a direct interest in the development assessment process. The information may also be disclosed where authorised by law or court order, or where the Directorate reasonably believes that the use or disclosure of the information is reasonably necessary for enforcement-related activities conducted by, or on behalf of, an enforcement body. EPD's Information Privacy Policy contains information about how you may access or seek to correct your personal information held by EPD, and how you may complain about an alleged breach of the Territory Privacy Principles. The EPD Information Privacy Policy can be found at www.environment@act.gov.au

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
Website: www.actpla.act.gov.au

ACT Government
Environment and Sustainable Development

Planning and Development Act 2007, s425

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	7	Section	35	Suburb	Canberra Central
Unit No.	/	Street Address	40 Bunda Street.		
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

2nd Lessee Name: Canberra Theatres Ltd

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: Schedule 2.2(a)(ii) DMP Energy P/L

Email address:

OR

Company Name: D-GROUP

Email address: Schedule 2.2(a) @d-group.com.au

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
Schedule 2.2(a)(ii)		

Approved form AF 2014 - 4 approved by Dorte Ekelund Planning and Land Authority on 14 March 2014 under the *Planning and Development Act 2007*, s425 and revokes approved form AF2013-39
Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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.

1st Lessee's Signature Schedule 2.2(a)(ii) Date 3.7.14

2nd Lessee's Signature Date

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 Schedule 2.2(a)(ii) Company Name OMP Energy P/L

Signature Date 3/6/14

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 Schedule 2.2(a)(ii) Agency Name TAMS / Road

Signature Date 10/6/14

Delegate Name Agency Name

Signature Date

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
Website: www.environment.act.gov.au
Telephone: (02) 6207 1923 TTY: (02) 6207 2622

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Canberra Theatres Limited

A.C.N: 60 008 394 054

19 May 2010

40 BUNDA STREET
CANBERRA CITY

Dear Sir / Madam;

This letter authorizes J G Service Pty Ltd and its agents to act on our behalf in matters relating to operational management of our property at 40 Bunda Street, Canberra City and to represent us in all discussions and at all meetings etc.

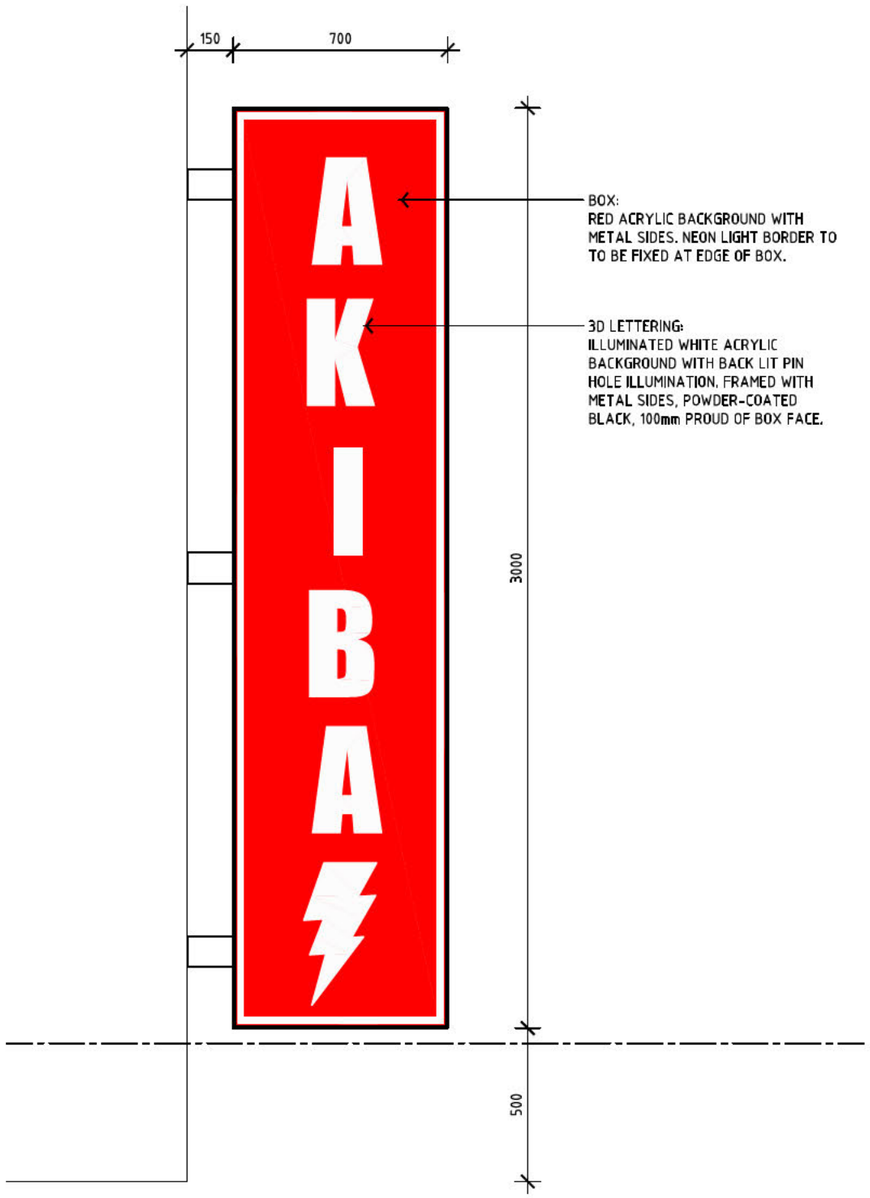
Yours sincerely,
For and on behalf of Canberra Theatres Limited

Schedule 2.2(a)(ii)

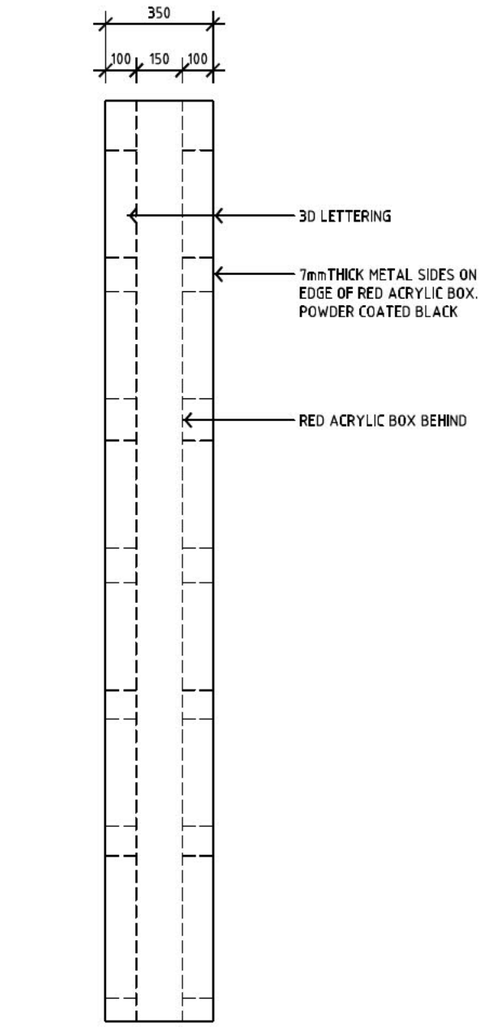
General Manager Property
Amalgamated Holdings Limited

Authorisation exercised in relation to Internal Fitout Cafe/Bar/Restaurant

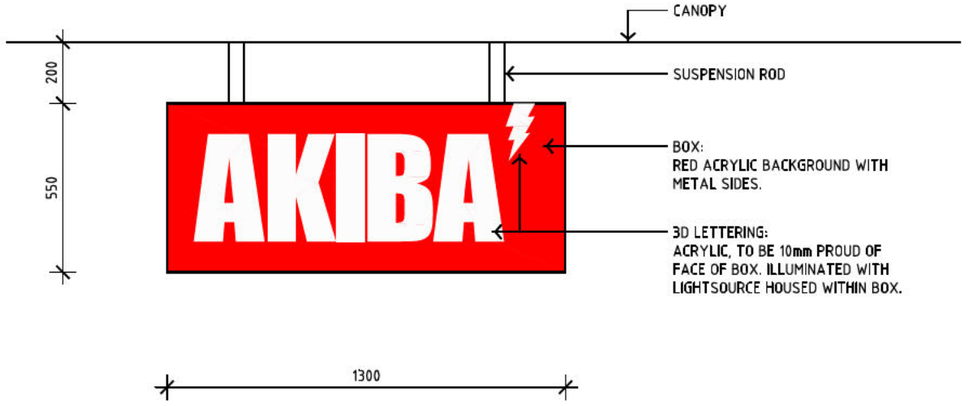
Schedule 2.2(a)(ii)



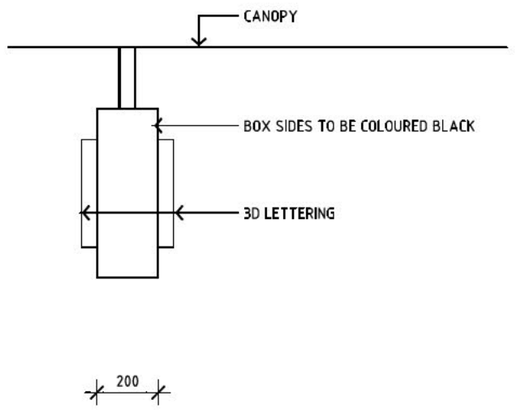
VERTICAL SIGN ELEVATION FRONT
SCALE 1:20



VERTICAL SIGN ELEVATION SIDES
SCALE 1:20



HORIZONTAL SIGN ELEVATION FRONT
SCALE 1:20



HORIZONTAL SIGN ELEVATION SIDES
SCALE 1:20

FOR APPROVAL

GENERAL NOTE:

ALL DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO CONSTRUCTION AND DISCREPANCIES TO BE CLARIFIED WITH DESIGNER. DO NOT SCALE DRAWINGS, REFER TO FIGURED DIMENSIONS ONLY. READ IN CONJUNCTION WITH SPECIFICATIONS, STRUCTURAL/CIVIL ENGINEERS AND L'SCAPE DRAWINGS. DIMENSIONS ARE IN MM AND MEASURED STRUCTURE TO STRUCTURE. RL'S ARE IN METRES.

MATERIALS KEY:

MS	CUSTOM FOLDED MILD STEEL SHINGLES, CLEAR FINISH
RE	RENDER - DISTRESSED CONCRETE APPEARANCE
CP	COPPER SPLASH BACK - FOOD GRADE
T3	KITCHEN TILES: BLACK GLOSS,
B1	BOARD CLADDING

REFER TO KITCHEN EQUIPMENT SCHEDULE AND KITCHEN CONTRACTOR'S DOCUMENTATION FOR A COMPLETE KITCHEN & BAR EQUIPMENT SCHEDULE & LEGEND.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE TO FOOD SAFETY STANDARDS AND CURRENT EDITION OF AS4674-2004

REVISIONS:

DETAILS - SIGNAGE

A650

NEW FITOUT AT 40 BUNDA ST, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
MAY 13	AS SHOWN @ A3 SIZE	AD	1306

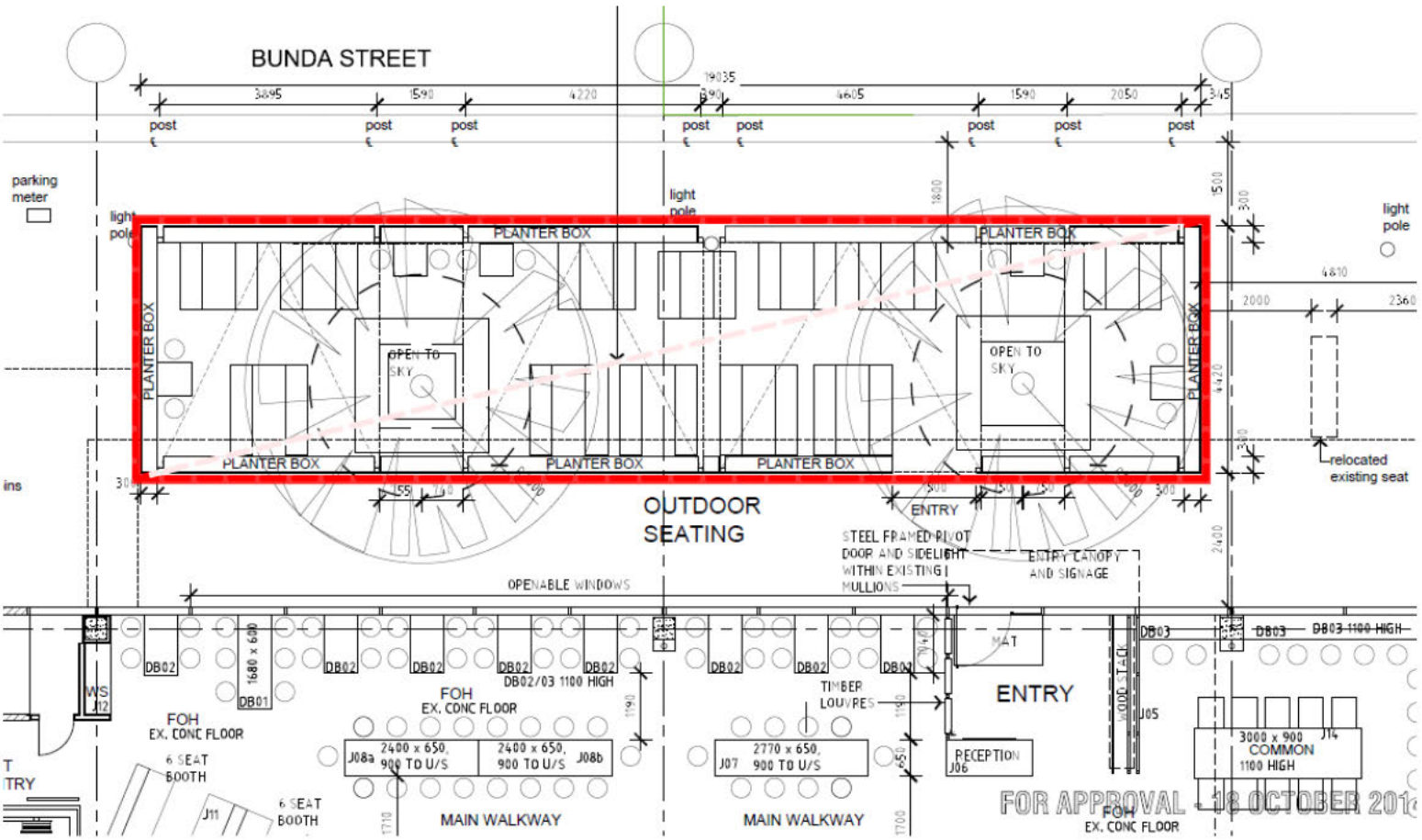
ADAM DETTRICK ARCHITECTS
305/20-22 McKillop St, Melbourne 3000 p 03 9606 0774 f 03 9606 0773
www.adamdettrickarchitects.com.au

ACT Government
Chief Minister, Treasury and Economic Development

Akiba Restaurant and Bar
OUTDOOR DINING PERMIT NUMBER **31000176**

OUTDOOR CAFE AREA

DRAWING NOT TO SCALE BUT MEASUREMENTS OF DISTANCE CORRECT AS SHOWN



PERMIT TO PLACE OBJECTS ON PUBLIC UNLEASED LAND

Public Unleased Land Act 2013

Permit number: **31000176**
Permit holder: **AKIBA CANBERRA PTY LTD**
Location: **40 Bunda Street, Canberra ACT 2600**
Permitted times: **7am to 2am**
Term of permit: **1 December 2020 to 30 November 2021**

TERMS AND CONDITIONS

1) Insurance
The grantee will, for the full period of this permit:
   a) effect and maintain a public liability insurance to the value of at least TWENTY MILLION DOLLARS and;
   b) indemnify and keep indemnified the Australian Capital Territory, its officers, servants and agents ("those indemnified") against:
      i) all actions, proceedings, claims and demands whatsoever which may be brought, made or prosecuted against them or any of them in respect of loss, damage, death or injury to persons or property occurring in the permitted area or arising out of the presence of use of the furnishings in the permitted area; and
      ii) all costs, damages and expenses which may be incurred by those indemnified in defending, or settling such actions, proceedings, claims and demands.

2) Furniture and objects must remain within permitted area
Furniture and objects must not be placed or moved outside the permitted area. All tables, chairs, planter boxes, umbrellas and heaters must remain within the boundary and the grantee must ensure that patrons do not breach this requirement. This includes chairs whilst being used by patrons – the chairs must remain wholly within the permit area.

3) Health and Safety
   a) The grantee will ensure that the permitted objects do not, directly or indirectly, adversely affect the health or safety of persons in or near the permitted area, including people with low vision or blindness.
   b) The grantee will comply with all relevant laws and regulations relating to the operation of an outdoor dining permit and those in relation to public health.

4) Smoking
Smoking is not permitted in the outdoor eating and drinking area in accordance with the *Smoke Free (Public Places) Act 2003*. "No smoking" signage is to be displayed in permit area.

5) Maintenance
The approved area is to be maintained, this includes cleaning of pavements, removal of leaves, rubbish etc. (to be taken away from site, not blown onto public land).

NOTE:

- This permit **does not authorise** the drilling of holes into pavements or walls and **does not permit** permanent attachment to pavements or walls; and permanent or temporary structures to be erected. All structures on outdoor dining areas require approval from Access Canberra prior to installation. If approval is given, it will be noted on your permit.

- The placement of permanent objects fixed to the ground requires an application to be made to Access Canberra. However, if the objects are **not able** to be removed within 48 hours, with limited mechanical assistance, a licence under the *Planning and Development Act 2007* from the Environment, Planning Sustainable Development Directorate may be required. This process incorporates approval from the land custodian, and/or other interested parties through the Transport Canberra and City Services Directorate.

- The Proprietor should note that their public liability insurance may not indemnify them if operating outside the permitted area. Objects placed outside of the permit area may be confiscated and forfeited.

The approved plan for the premises forms part of this permit. To obtain a copy of your approved plan or to vary the permit area or the permitted objects, please contact Access Canberra and request a re-assessment.

ACT Government
Justice and Community Safety

Reference: **21000194**

CIVICFLOW PTY LTD
Civic Pub
PO Box 3065
MANUKA ACT 2603

Dear Permit Holder

Your permit for an outdoor cafe under the *Roads and Public Places Act 1937* is due to expire on **14 November 2013**.

As you may be aware, the *Roads and Public Places Act 1937* was replaced by the *Public Unleased Land Act 2013* (the Act) which came into effect 1 July 2013. The new Act allows for a permit to be issued for up to 2 years.

To enable the Office of Regulatory Services to transition your permit across to the new Act, please find enclosed an 'Application for an Outdoor Cafe Permit – For Expiring Permit Holders' for completion by you.

Please select one of the payment options below and return the application form together with payment for the option you have selected to this office by **14 November 2013.**

Payment options are shown on the reverse side of this invoice.

Option 1 – [1 year permit]

Description	Fee per (M^2) per day	Area (M^2)	Total	Fee payable
Civic Pub - Braddon From: 15-November-2013 To: **30-November-2014**	Schedule 2.2(	54.75	Schedule 2.2(a)(xi)	[Rounded down] Schedule 2.2(a)(xi)

Option 2 – [2 Year Permit]

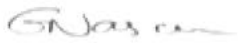
Description	Fee per (M^2) per day	Area (M^2)	Total	Fee payable
Civic Pub - Braddon From: 15-November-2013 To: **31-October-2015**	Schedule 2.2(	54.75	Schedule 2.2(a)(xi)	[Rounded down] Schedule 2.2(a)(xi)

Please provide evidence of your current public liability insurance for the amount of $20 million noting the ACT Government as an interested party for the duration of the permit. The ORS is unable to approve your permit until this has been supplied.

Office of Regulatory Services
Registrations and Fair Trading
255 Canberra Avenue Fyshwick ACT 2609
GPO Box 158 Canberra ACT 2601 / Phone 6207 3000

If you wish to request amendments to your permit, please contact our office on 02 6207 3000 to discuss the options available to you. You can also contact us to discuss any questions regarding this letter and the application process.

Yours sincerely



Giancarlo Nasca
Delegate of the Director-General
1 October 2013

You may make payment by providing a cheque/money order or credit card authorisation for the fee payable. Cheques can be made payable to "Office of Regulatory Services". If you wish to pay by cash or EFTPOS you can do so by attending our office in person.

CREDIT CARD PAYMENT AUTHORITY		
This part is provided for your convenience for payment of the relevant permit renewal fee. Please note that the permit fee is GST exempt.		
Please charge payment of the fee to my:	☐ VISA card	☐ MasterCard
Credit Card Number _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _		Expiry date __/____
CARD HOLDER'S AUTHORISATION: I consent to the Office of Regulatory Services debiting the following amount from my credit card to the value of $ _____		
_____ Card holder's full name	_____ Card holder's signature	__ / ____ / ____ Date

In Person:	**By Post:**	**Fax to*:**	**Email to*:**
Office of Regulatory Services 255 Canberra Avenue Fyshwick ACT 2609 Hours: 9.00am – 4.30pm	Office of Regulatory Services Business and Industry Licensing GPO Box 158 Canberra, ACT 2601	(02) 6207 0424 *Only credit card payment can be accepted via fax.	liquor@act.gov.au

ACT Government
Justice and Community Safety

COMPLETED 24/10 - GN

Reference: **21000194**

CIVICFLOW PTY LTD
Civic Pub
PO Box 3065
MANUKA ACT 2603

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Option 1 – [1 year permit]

Description	Fee per (M^2) per day	Area (M^2)	Total	Fee payable
Civic Pub - Braddon From: 15-November-2013 To: **30-November-2014**	Schedule 2.2(a)(xi)	54.75	Schedule 2.2(a)(xi)	[Rounded down] Schedule 2.2(a)(xi)

Option 2 – [2 Year Permit]

Description	Fee per (M^2) per day	Area (M^2)	Total	Fee payable
Civic Pub - Braddon From: 15-November-2013 To: **31-October-2015**	Schedule 2.2(a)(xi)	54.75	Schedule 2.2(a)(xi)	[Rounded down] Schedule 2.2(a)(xi)

PAID

Please provide evidence of your current public liability insurance for the amount of $20 million noting the ACT Government as an interested party for the duration of the permit. The ORS is unable to approve your permit until this has been supplied.

Office of Regulatory Services
Registrations and Fair Trading
255 Canberra Avenue Fyshwick ACT 2609
GPO Box 158 Canberra ACT 2601 / Phone 6207 3000

ACT Government
Justice and Community Safety

RECEIVED
24 OCT 2013
Office of Regulatory Services

APPLICATION FOR AN OUTDOOR CAFÉ PERMIT

FOR EXPIRING PERMIT HOLDERS

Public Unleased Land Act 2013

APPLICANT DETAILS *(Each individual proprietor, company director or partner must complete a separate applicant details form)*

TITLE (Mr, Ms)	GIVEN NAMES	SURNAME
MR	Schedule 2.2(a)(ii)	Schedule 2.2(a)(ii)

BUSINESS HOURS TELEPHONE NUMBER	MOBILE TELEPHONE NUMBER
( ) Schedule 2.2(a)(xi)	Schedule 2.2(a)(xi)

POSTAL ADDRESS	PHYSICAL ADDRESS
PO Box 3065 MANUKA ACT 2603	8 LONSDALE ST BRADDON ACT 2612

ANY CHANGES TO ADDRESS / OTHER CONTACT DETAILS SINCE LAST PERMIT APPLICATION

—

COMPANY NAME *(If applicable)*	AUSTRALIAN COMPANY NUMBER (A.C.N.) *(If applicable)*
CIVICFLOW P/L	097 985 414
PARTNERSHIP NAME *(If applicable)*	**AUSTRALIAN BUSINESS NUMBER (A.B.N.)** *(If applicable)*
	63 097 985 414

SUITABILITY INFORMATION *If you tick yes to any of the below please provide further information*

I have had a conviction of, or finding of guilt, for an offence against this Act or another Act anywhere in Australia dealing with the use of public land.	☐ Yes	☑ No
I have had proven that I was non compliant with a legal obligation in relation to carrying on an activity on public unleased land.	☐ Yes	☑ No
I have been refused a licence, permit or other authority to carry on an activity on public land.	☐ Yes	☑ No
I have had action taken against me which reflects on my ability to safely and responsibly carry on an activity on public unleased land.	☐ Yes	☑ No

APPLICANT SIGNATURE

I, Schedule 2.2(a)(ii) confirm that the information supplied in this application is true and accurate and understand that the provision of false or misleading information is an offence.

Signature:

Date: / /

62829488

PARTICULARS OF EXPIRING PERMIT

CURRENT PREMISES ADDRESS *(Property Name, Unit, Flat No, Street Number, Street Name) or description of area if no current premises)*

8 LONSDALE ST

CITY / SUBURB / TOWN	STATE / TERRITORY	POSTCODE
BRADDON	ACT	2612

TRADING NAME

The Civic Pub.

PERMIT NUMBER

8956

CHANGES TO PERMIT

Have there been any changes to the public unleased land you are using / wish to use, since your last permit application?	☐ Yes	☑ No
Have there been any changes to the times during which you use the public unleased land (i.e. business opening hours) since your last permit application?	☐ Yes	☑ No
Have there been any changes to the nature of the activity you are using the public unleased land for, since your last permit application?	☐ Yes	☑ No
Have there been any changes to the location plan you provided with your last permit application?	☐ Yes	☑ No

IMPORTANT: If you have answered yes to any of the above questions, please submit a new outdoor café permit application containing all accurate details of your current use of public unleased land.

ANY OTHER RELEVANT CHANGE OF CIRCUMSTANCES SINCE LAST PERMIT ISSUED
(For example, is there a larger or smaller area to be covered, have there been any changes to the equipment you are placing on the public unleased land)

LENGTH OF TIME NEW PERMIT REQUIRED *(A permit may be provided for up to two years)*

Two (2) years	☑
One (1) year	☐
Alternate time period (please specify) _____	☐

62829488

ACT Government
Justice and Community Safety

APPLICATION FOR AN OUTDOOR CAFÉ PERMIT

FOR EXPIRING PERMIT HOLDERS

Public Unleased Land Act 2013

APPLICANT DETAILS *(Each individual proprietor, company director or partner must complete a separate applicant details form)*

TITLE (Mr, Ms)	GIVEN NAMES	SURNAME
MR	Schedule 2.2(a)(ii)	Schedule 2.2(a)(ii)

BUSINESS HOURS TELEPHONE NUMBER	MOBILE TELEPHONE NUMBER
( ) Schedule 2.2(a)(ii)	Schedule 2.2(a)(ii)

POSTAL ADDRESS	PHYSICAL ADDRESS
P O Box 3065 MANUKA 2603	8 LONSDALE ST BRADDON ACT 2612

ANY CHANGES TO ADDRESS / OTHER CONTACT DETAILS SINCE LAST PERMIT APPLICATION

COMPANY NAME *(if applicable)*	AUSTRALIAN COMPANY NUMBER (A.C.N.) *(if applicable)*
CIVICFLOW P/L	097 985 414
PARTNERSHIP NAME *(if applicable)*	**AUSTRALIAN BUSINESS NUMBER (A.B.N.)** *(if applicable)*
	63 097 985 414

SUITABILITY INFORMATION *If you tick yes to any of the below please provide further information*

I have had a conviction of, or finding of guilt, for an offence against this Act or another Act anywhere in Australia dealing with the use of public land.	☐ Yes	☐ No
I have had proven that I was non compliant with a legal obligation in relation to carrying on an activity on public unleased land.	☐ Yes	☐ No
I have been refused a licence, permit or other authority to carry on an activity on public land.	☐ Yes	☐ No
I have had action taken against me which reflects on my ability to safely and responsibly carry on an activity on public unleased land.	☐ Yes	☐ No

APPLICANT SIGNATURE

Schedule 2.2(a)(ii)

I, _____, confirm that the information supplied in this application is true and accurate and understand that the provision of false or misleading information is an offence.

Signature:

Date: 24/10/13

RECEIVED TIME 24. OCT. 9:17

62829488

JUA Underwriting Agency Pty Limited

ACN 004 566 465
ABN 70 004 566 465
AFSL 235411

Locked Bag 11, Royal Exchange NSW 1225, DX 1140 Sydney
Telephone (02) 8272 4800 Facsimile (02) 9247 2411 Free Call 1800 252 263

October 17, 2013

CIVICFLOW PTY LTD T/AS CIVIC PUB
PO BOX 3065
MANUKA ACT 2603

Attn: Schedule 2.2(a)(ii)

Policy No: 80750941/7

SUMMARY of CURRENCY

THIS IS TO CERTIFY that in accordance with the authorisation granted under contract to the undersigned by certain Underwriters whose name and the proportions underwritten by them are listed below and who are bound each for his own part and not for one another, their Heirs, Executors and Administrators, to insure in accordance with the terms and conditions contained in the Policy and Policy Certificate or any subsequent Renewal Certificate or Endorsement Certificate.

Insured	CIVICFLOW PTY LTD T/AS CIVIC PUB
ABN	63 097 985 414
Period Insured	From 14 Nov 2013 to 14 Nov 2014 From Start Date until 4pm on the End Date
Other Parties	CADORENT PTY LTD (OWNER), ACT GOVERNMENT
Cover	Section 1 Fire Section 2 Business Accidental Damage Section 3 Public/Products Liability - Lloyds Hotels

It is declared that the above numbered policy is current to the date shown unless cancelled subsequent to the issue of this certificate.

Yours faithfully,

Schedule 2.2(a)(ii)

RECEIVED TIME 24. OCT. 9:17

62829488

JUA Underwriting Agency Pty Limited

ACN 004 566 465
ABN 70 004 566 465
AFSL 235411

Locked Bag 11, Royal Exchange NSW 1225, DX 1140 Sydney
Telephone (02) 8272 4800 Facsimile (02) 9247 2411 Free Call 1800 252 263

Situation	8 LONSDALE STREET BRADDON ACT 2612	
Class of Business	Business Accidental Damage	
Underwriters	CERTAIN UNDERWRITERS AT LLOYDS One Lime Street, LONDON EC3M 7HA UK	100.00%
Occupation	HOTEL	
Interest	property as insured underfire	Schedule 2.2(a)(xi)
	TOTAL SUM INSURED	

RECEIVED TIME 24. OCT. 9:17

OFFICE OF REGULATORY SERVICES
DEPARTMENT OF JUSTICE & COMMUNITY SAFETY

TAX INVOICE RECEIPT

Receipt Number	Receipt Date	Date Printed:
105880	24/10/2013	24/10/2013

Payment on Behalf of	Payment Made By
	CIVICFLOW PTY LTD Civic Pub PO Box 3065 MANUKA ACT 2603

Fee Description	Licence No.	Charge Code	Payment Method	Amount	Tax	Paid
Fee for the renewal of an Outdoor Cafe Permit, for the period stated in the permit, for a Secondary Area		240.24168.823307.99.99999.99 99.9999	EFTPOS	Schedule 2.2(a)(xi)	$0.00	Schedule 2.2(a)(xi)
Amount Outstanding: 0.00			**TOTALS:**	Schedule 2.2(a)(xi)	**$0.00**	Schedule 2.2(a)(xi)

ORIGINAL

Agent for receiver/collector of public monies	Operator
GN	Giancarlo Nasca

ABN: 98 636 852 025 (Departmental)
ABN: 41 562 230 918 (Territorial)

BUSINESS AND INDUSTRY LICENSING
255 CANBERRA AVENUE FYSHWICK ACT 2609 |
GPO BOX 158 CANBERRA ACT 2601 | PHONE 62070562 | FAX 62070424

ACT Government
Justice and Community Safety

Civic Pub
OUTDOOR CAFE PERMIT NUMBER **21000194**

Reference: **21000194**

CIVICFLOW PTY LTD
Civic Pub
PO Box 3065
MANUKA ACT 2603

PERMIT TO PLACE OBJECTS ON PUBLIC UNLEASED LAND
Public Unleased Land Act 2013
(OUTDOOR CAFE AREA)

The Office of Regulatory Services is responsible for the administration of Section 45 of the *Public Unleased Land Act 2013* as it relates to outdoor café areas.

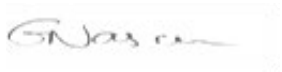
Your application for a Public Unleased Land Permit for the purposes of establishing and operating an outdoor cafe has been approved by the Office of Regulatory Services on behalf of The Director-General.

Should the items covered by this permit change before the expiration date, the following steps will need to be followed prior to approval being granted;

1. Complete the Application for Amendment of an Outdoor Café Permit, available from our website www.ors.act.gov.au.
2. Lodge the application with the Office of Regulatory Services.
3. The Delegate of the Director-General will then assess your application.

If you require any further assistance in relation to this process, please do not hesitate to contact this office on 6207 3000.

Yours sincerely



Giancarlo Nasca
Delegate of the Director-General
24 October 2013

ACT Government
Justice and Community Safety

Civic Pub
OUTDOOR CAFE PERMIT NUMBER **21000194**

PERMIT TO PLACE OBJECTS ON PUBIC UNLEASED LAND
Public Unleased Land Act 2013
(TERMS AND CONDITIONS)

A permit is granted to the person(s) named in Item 1 of the Schedule ("grantee") to place within the area described in Item 2 of the Schedule ("permitted area") the objects listed in Item 4 of the Schedule ("permitted objects") subject to the following terms and conditions:

1. Period of Permit

This permit is for the period specified in Item 3 of the Schedule.

2. Insurance

The grantee will, for the full period of this permit:

(a) effect and maintain a public liability insurance with a reputable insurer to the value of at least TWENTY MILLION DOLLARS (or such other amount as may be notified to the grantee) a copy of which must be provided to the Fair Trading Compliance Unit of the Office of Regulatory Services; and

(b) indemnify and keep indemnified the Australian Capital Territory, its officers, servants and agents ("those indemnified") against:

(i) all actions, proceedings, claims and demands whatsoever which may be brought, made or prosecuted against them or any of them in respect of loss, damage, death or injury to persons or property occurring in the permitted area or arising out of the presence of use of the furnishings in the permitted area; and

(ii) all costs, damages and expenses which may be incurred by those indemnified in defending, or settling such actions, proceedings, claims and demands.

3. Permitted Objects

(a) This permit is only in respect of the permitted objects. The maximum amount of furniture to be placed in the area is specified in Item 4 of the schedule.

(b) A plan of the permitted area is at Attachment A. The moveable permitted objects may be placed anywhere in the area. The permanent permitted objects may be placed as marked on the plan.

(c) The permit holder may place other fixed objects in the area if the grantee has obtained a licence under the *Planning and Development Act 2007* from the ACT Planning Authority.

4. Use of Objects

The permitted objects are to be placed in the permitted area for the sole purpose of operating an outdoor cafe and all activities related to the outdoor cafe must be confined strictly to the permitted area.

5. Placement Hours

(a) The moveable objects listed in item 4 of the schedule may be placed in the permitted area during the hours specified in item 5 of the schedule.

(b) The permanent objects listed in item 4 of the schedule may be placed in the permitted area at any time while this permit is in force.

(c) The grantee may place other fixed objects in the area if the grantee has obtained a licence under the *Planning and Development Act* 2007 from the ACT Planning and Land Authority regarding those objects. Those objects may be left in the permitted area while that licence is in force and the licence is being complied with. The grantee should be prepared to provide evidence of such if requested.

6. Furniture and objects must remain within permitted area

Objects must not be placed or moved outside the permitted area. All tables and chairs must remain within the boundary and the proprietor must ensure that patrons do not breach this requirement. This includes chairs whilst being used by patrons – the chairs must remain wholly within the permit area.

7. Maintenance

The permitted objects must be maintained to a safe standard of repair.

8. Health and Safety

(a) The grantee will ensure that the permitted objects do not, directly or indirectly, adversely affect the health or safety of persons in or near the permitted area.

(b) The grantee will comply with all relevant laws and regulations relating to the operation of an outdoor cafe and, in particular, those in relation to public health.

9. Illumination

The grantee will keep the permitted objects in the permitted area adequately illuminated.

10. Smoking

The permit holder will ensure that "no smoking" signage is placed within the outdoor eating and drinking area and that smoking is not permitted within the outdoor eating and drinking area in accordance with the *Smoke Free (Public Places) Act 2003*

ISSUED BY **Delegate of the Director-General**
Office of Regulatory Services

ACT Government
Justice and Community Safety

Civic Pub
OUTDOOR CAFE PERMIT NUMBER **21000194**

SCHEDULE

Item 1	**Grantee:**	**CIVICFLOW PTY LTD** **8 Lonsdale Street** **BRADDON ACT 2612**	
	Operating as:	**CIVIC PUB**	
	Postal address	**PO Box 3065** **MANUKA ACT 2603**	
	Contact details	Schedule 2.2(a)(ii)	
Item 2	**Permitted area**	**54.75 square metres delineated in red on the attached plan**	
Item 3	**Period of permit**	**15 November 2013 to 31 October 2015**	
Item 4	**Permitted objects**	**REMOVABLE OBJECTS** **16 Chairs (Benches)** **8 Tables (Benches)**	**PERMANENT OBJECTS** *Permitted in accordance with the* ***Planning and Development Act 2007***
Item 5	**Permitted hours**	**11:00am to 11:00pm, Monday to Sunday**	

The below grid indicates how the fee was calculated for your Outdoor Cafe Permit.

Description	Fee per (M^2) per day	Area (M^2)	Total	Fee payable
Civic Pub - Braddon From: 15-November-2013 To: **31-October-2015**	Schedule 2.2(	54.75	Schedule 2.2(a)(xi)	**[Rounded down]** Schedule 2.2(a)(xi)

NOTE:

1. This permit **does not authorise** the drilling of holes into pavements or walls and **does not permit** permanent attachment to pavements or walls and **does not permit** permanent structures to be erected.

2. The placement of permanent objects fixed to the ground requires a licence under the *Planning and Development Act 2007* from the ACT Planning and Land Authority. This process incorporates approval from the land custodian, and/or other interested parties through the Department of Territory and Municipal Services.

3. The Proprietor should note that their public liability insurance may not indemnify them if operating outside the permitted area. Objects placed other than permitted by this permit may be confiscated and forfeited.

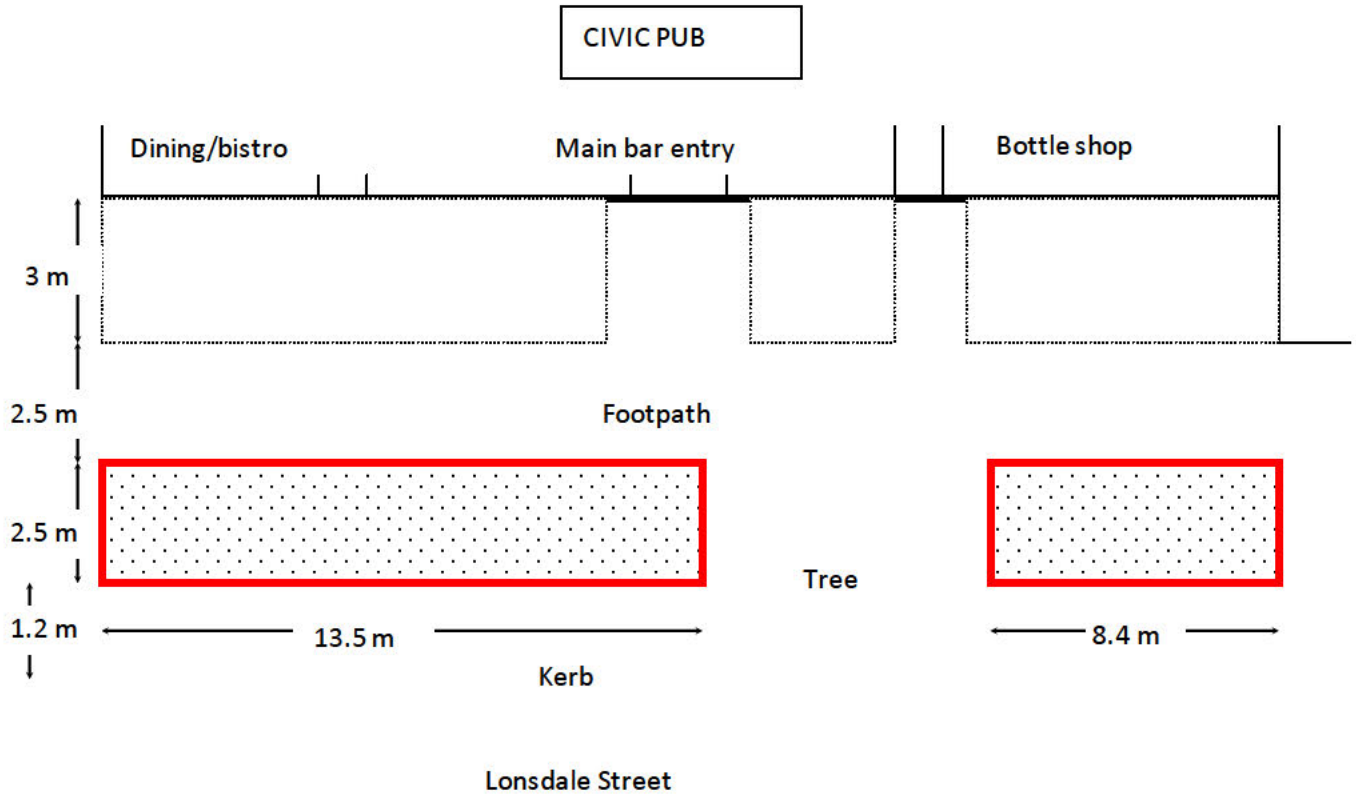
4. To vary the permit area or the permitted objects, please contact the Office of Regulatory Services and request a re-assessment.

ACT Government
Justice and Community Safety

Civic Pub
OUTDOOR CAFE PERMIT NUMBER **21000194**

OUTDOOR CAFE AREA

DRAWING NOT TO SCALE BUT MEASUREMENTS OF DISTANCE CORRECT AS SHOWN



ACT Government
Justice and Community Safety

Reference: **21000194**

CIVICFLOW PTY LTD
Civic Pub
PO Box 3065
MANUKA ACT 2603

NOTIFICATION OF DECISION ON PERMIT APPLICATION

Dear Sir/Madam

RE: Public Unleased Land Permit application

I refer to an application dated 24 October 2013 seeking a Public Unleased Land Permit for CIVICFLOW PTY LTD of 8 Lonsdale Street, BRADDON ACT 2612 trading as Civic Pub.

In assessing your application, we have determined under section 57 of the Public Unleased Land Act 2013 the influential people for your corporation are suitable people to hold a Public Unleased Land Permit and the activity is a suitable activity for the permit also.

Please find attached your Public Unleased Land Permit.

Yours sincerely



Jon Quiggin
Delegate of the Director-General
Office of Regulatory Services
GPO Box 158 Canberra ACT 2601

24 October 2013

From:	Nasca, Giancarlo
To:	"Michael Harrington"
Cc:	Sheather, Sarah
Subject:	21000400 - Outdoor Dining Permit - Invoice
Date:	Thursday, 11 May 2017 11:56:00 AM
Attachments:	image002.jpg t & g plan for outdoor.pdf Invoice.pdf
Importance:	High

Michael

Attached is the invoice for the outdoor area for Kokomo Joe's, dated to commence tomorrow (12 May 2017).

Can you please use this link to apply for the outdoor area (should take you 5 minutes);
https://form.act.gov.au/smartforms/landing.htm?formCode=1217

Then can you please provide payment as soon as possible to enable me to finalise the permit and focus on issuing the liquor licence.
NOTE: I've used the plan from Tongue and Groove (attached) to calculate the invoiced area, please advise if this is requires adjustment.

I'm aware that this is still a structure in the outdoor area and I will start consulting with TTCS as to what is required (either a 303 licence or whether it can be added as a removable object {*option, if structural engineering confirmation is provided*} on the permit – at no charge).

Regards

Giancarlo Nasca

Phone: 02 6205 4584 | **Email:** giancarlo.nasca@act.gov.au



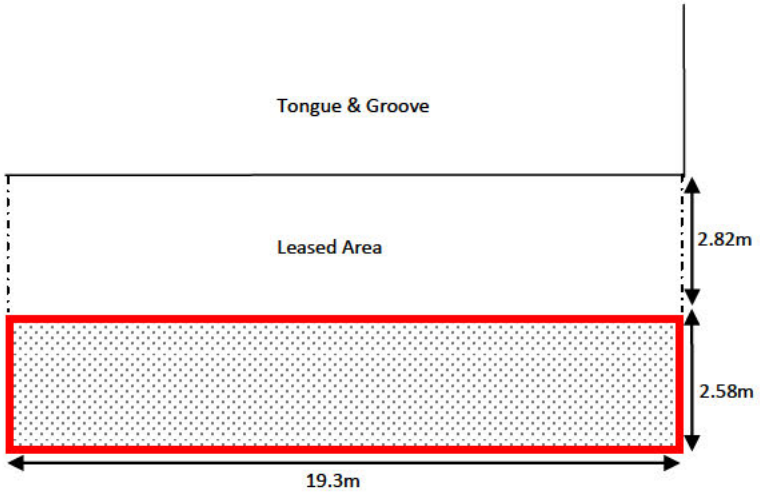
Access Canberra Fyshwick shopfront has closed. Services are now available online or at Access Canberra Service Centres in Tuggeranong, Belconnen and Gungahlin.

For more information visit **www.act.gov.au/accessCBR**

ACT Government
Chief Minister, Treasury and Economic Development

OUTDOOR CAFE AREA

DRAWING NOT TO SCALE BUT MEASUREMENTS OF DISTANCE CORRECT AS SHOWN



Genge Street

Crossing

Crossing

Bunda Street

ACT Government
Chief Minister, Treasury and Economic Development

Outdoor dining permit – New invoice

Reference: **21000400**

KOKOMO JOE'S PTY LTD
T/a Kokomo Joe's
Tenancy 1, ATO Building, Cnr. Bunda & Genge Streets
CANBERRA ACT 2600

Dear Sir/Madam

I am writing to you in relation to your application for a permit under the *Public Unleased Land Act 2013*.

Application status: **Pending Approval – payment required.**

Under the Public Unleased Land Act 2013 a permit may be issued for up to 3 years. If you wish to accept this offer for a public unleased land permit please select one of the options below and provide payment for the relevant fee

Permit details

Area size (M^2) = **49.8**
Area type: **Primary**
Fee per (M^2) per day = Schedule 2
Start Date: **12/05/2017**

Payment options

Option 1: Expiry 30 November 2017 = Schedule 2.2(a)(xi)
Option 2: Expiry 31 May 2018 = Schedule 2.2(a)(xi)
Option 3: Expiry 31 May 2019 = Schedule 2.2(a)(xi)
Option 4: Expiry 28 February 2020 = Schedule 2.2(a)(xi)

Reminder: You must ensure that your public liability insurance remains valid for the duration of the permit.

If you wish to amend your permit or invoice, please contact our office on 02 6207 0400 (option 2).

Please charge payment of the application fee to my:	☐ VISA card	☐ MasterCard
Credit Card Number _ _ _ _ / _ _ _ _ / _ _ _ _ / _ _ _ _		Expiry date _ _ / _ _ _ _
CARD HOLDER'S AUTHORISATION: I consent to Access Canberra debiting the following amount from my credit card to the value of $ ☐☐,☐☐☐.00		
_____ Card holder's full name	_____ Card holder's signature	/ / Date

Access Canberra
liquor@act.gov.au | Phone 6207 0400 (option 2)
www.accesscanberra.act.gov.au

From: Nasca, Giancarlo
To: Schedule 2.2
Subject: FW: 21000400 - Outdoor Dining Permit - Invoice PAYMENT [DLM=For-Official-Use-Only]
Date: Friday, 12 May 2017 2:54:00 PM
Attachments: image001.jpg

Schedule 2.2

Schedule 2.2(a)(xi) .

Regards
Giancarlo

From: Colosimo, Vittorio
Sent: Friday, 12 May 2017 2:37 PM
To: Nasca, Giancarlo
Subject: RE: 21000400 - Outdoor Dining Permit - Invoice PAYMENT [DLM=For-Official-Use-Only]

Schedule 2.2(a)(xi)

From: Nasca, Giancarlo
Sent: Friday, 12 May 2017 2:31 PM
To: Colosimo, Vittorio
Subject: FW: 21000400 - Outdoor Dining Permit - Invoice PAYMENT
Importance: High

Can you pls bank payment -
Schedule 2.2(a)(xi)

Exp

Schedule 2.2(a)(ii)

Send me a copy of the receipt.

Thank you,
Giancarlo

From: Nasca, Giancarlo
Sent: Thursday, 11 May 2017 11:56 AM
To: Schedule 2.2(a)(ii)'
Cc: Sheather, Sarah
Subject: 21000400 - Outdoor Dining Permit - Invoice
Importance: High

Schedule 2.2(a)(i)

Attached is the invoice for the outdoor area for Kokomo Joe's, dated to commence tomorrow (12 May 2017).

Can you please use this link to apply for the outdoor area (should take you 5 minutes);

https://form.act.gov.au/smartforms/landing.htm?formCode=1217

Then can you please provide payment as soon as possible to enable me to finalise the permit and focus on issuing the liquor licence.
NOTE: I've used the plan from Tongue and Groove (attached) to calculate the invoiced area, please advise if this is requires adjustment.

I'm aware that this is still a structure in the outdoor area and I will start consulting with TTCS as to what is required (either a 303 licence or whether it can be added as a removable object {*option, if structural engineering confirmation is provided*} on the permit – at no charge).

Regards

Giancarlo Nasca

Phone: 02 6205 4584 | **Email:** giancarlo.nasca@act.gov.au



Access Canberra Fyshwick shopfront has closed. Services are now available online or at Access Canberra Service Centres in Tuggeranong, Belconnen and Gungahlin.

For more information visit **www.act.gov.au/accessCBR**

From: Nasca, Giancarlo
To: Schedule 2.2
Subject: FW: 21000400 - Outdoor Dining Permit - Invoice
Date: Friday, 12 May 2017 2:55:00 PM
Attachments: image002.jpg
t & g plan for outdoor.pdf
Invoice.pdf
Importance: High

Reminder; can you please also jump on and complete application using smartform below.

Regards,

Giancarlo Nasca

Phone: 02 6205 4584 | **Email:** giancarlo.nasca@act.gov.au

From: Nasca, Giancarlo
Sent: Thursday, 11 May 2017 11:56 AM
To: Schedule 2.2(a)(ii)'
Cc: Sheather, Sarah
Subject: 21000400 - Outdoor Dining Permit - Invoice
Importance: High

Schedule 2.2(a)(i)

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Can you please use this link to apply for the outdoor area (should take you 5 minutes);
https://form.act.gov.au/smartforms/landing.htm?formCode=1217

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NOTE: I've used the plan from Tongue and Groove (attached) to calculate the invoiced area, please advise if this is requires adjustment.

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Regards

Giancarlo Nasca

Phone: 02 6205 4584 | **Email:** giancarlo.nasca@act.gov.au



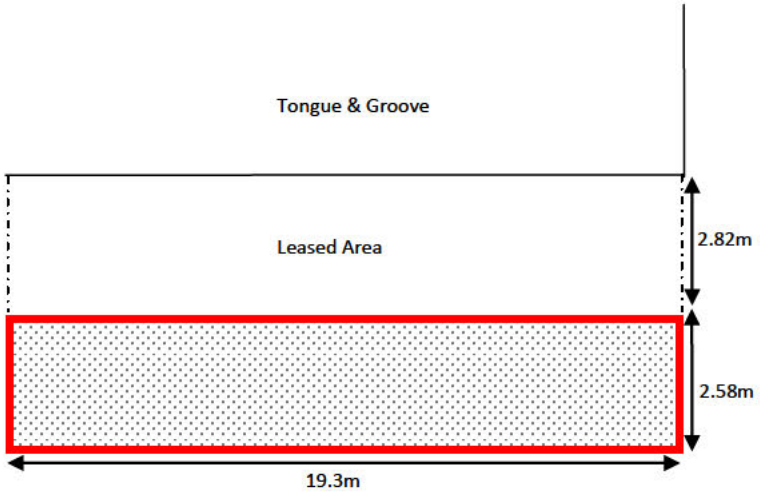
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For more information visit **www.act.gov.au/accessCBR**

ACT Government
Chief Minister, Treasury and Economic Development

OUTDOOR CAFE AREA

DRAWING NOT TO SCALE BUT MEASUREMENTS OF DISTANCE CORRECT AS SHOWN



Genge Street

Crossing

Crossing

Bunda Street

From:	Sheather, Sarah
To:	Schedule 2.2(a)(ii)"
Cc:	Baker, Danny; Nasca, Giancarlo; White, Robyn; Gerrard, Darren
Subject:	21000400 - Outdoor Dining Application - Approved [SEC=UNCLASSIFIED]
Date:	Friday, 12 May 2017 4:46:00 PM
Attachments:	21000400 - Outdoor Dining Permit - Approved Permit.pdf image001.jpg 21000400 Kokomo Joe"s - Outdoor Dining Plan - Approved.pdf

Dear Permit Holder

The Public unleased land (outdoor dining) permit application for **KOKOMO JOE'S PTY LTD** t/a Kokomo Joe's has been approved.

Please find attached your;

- Public unleased land permit
- Premise Plan

Notes on approval

- Payment for this permit will be banked on Monday 15 May 2017
- Application paperwork to be finalised and plan (measurements / size and design) to be clarified/confirmed
- Existing structure conditions will be added once consultation with TCCS is concluded

If you require further information or assistance, please contact Liquor Licensing on 02 6207 0400 (2).

Kind Regards,
Sarah Sheather
Licensing Officer | **Liquor Licensing Unit**
Access Canberra | ACT Government
Phone: 6207 9592
GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accesscbr

161024_AccessCbr_moving_SigBlock

PERMIT TO PLACE OBJECTS ON PUBLIC UNLEASED LAND

Public Unleased Land Act 2013

Permit number: **21000400**
Permit holder: **KOKOMO JOES PTY LTD**
Location: **Tenancy 1, ATO Building Cnr Bunda & Genge Street Canberra ACT 2601**
Permit activity: **Outdoor dining**
Permitted times: **11am to 4am**
Term of permit: **12 May 2017 to 30 November 2017**

TERMS AND CONDITIONS

1) Insurance
   The grantee will, for the full period of this permit:
   a) effect and maintain a public liability insurance to the value of at least TWENTY MILLION DOLLARS and;
   b) indemnify and keep indemnified the Australian Capital Territory, its officers, servants and agents ("those indemnified") against:
      i) all actions, proceedings, claims and demands whatsoever which may be brought, made or prosecuted against them or any of them in respect of loss, damage, death or injury to persons or property occurring in the permitted area or arising out of the presence of use of the furnishings in the permitted area; and
      ii) all costs, damages and expenses which may be incurred by those indemnified in defending, or settling such actions, proceedings, claims and demands.

2) Furniture and objects must remain within permitted area
3) **Furniture and objects must not be placed or moved outside the permitted area**. All tables and chairs must remain within the boundary and the grantee must ensure that patrons do not breach this requirement. This includes chairs whilst being used by patrons – the chairs must remain wholly within the permit area.
4) Health and Safety
   a) The grantee will ensure that the permitted objects do not, directly or indirectly, adversely affect the health or safety of persons in or near the permitted area.
   b) The grantee will comply with all relevant laws and regulations relating to the operation of an outdoor dining permit and, in particular, those in relation to public health.
5) Smoking
6) Smoking is not permitted in the outdoor eating and drinking area in accordance with the *Smoke Free (Public Places) Act 2003.* "No smoking" signage is to be displayed in permit area.

NOTE:

- This permit **does not authorise** the drilling of holes into pavements or walls and **does not permit** permanent attachment to pavements or walls and **does not permit** permanent structures to be erected.

- The placement of permanent objects fixed to the ground requires an application to be made to Access Canberra. However, if the objects are **not able** to be removed within 48 hours, with limited mechanical assistance, a licence under the *Planning and Development Act 2007* from the Environment and Planning Directorate may be required. This process incorporates approval from the land custodian, and/or other interested parties through the Territory and Municipal Services Directorate.

- The Proprietor should note that their public liability insurance may not indemnify them if operating outside the permitted area. Objects placed outside of the permit area may be confiscated and forfeited.

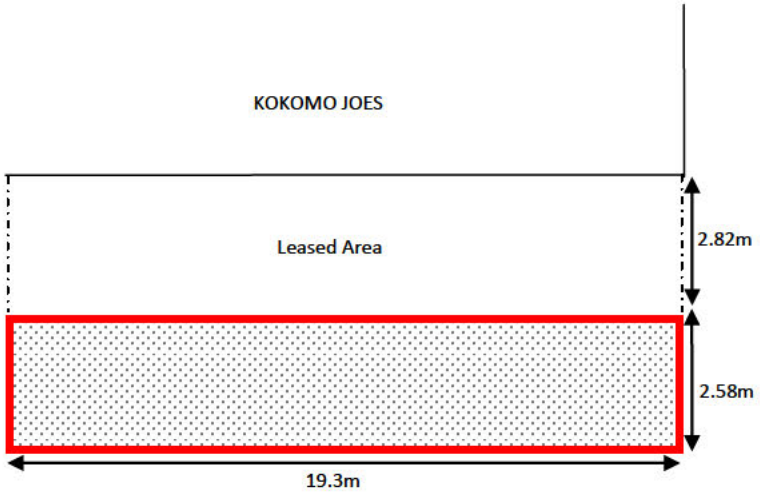
- **The approved plan for the premises forms part of this permit. To obtain a copy of your approved plan or to vary the permit area or the permitted objects, please contact Access Canberra and request a re-assessment.**

ACT Government
Chief Minister, Treasury and Economic Development

Permit number: **21000400**
Permit holder: **KOKOMO JOES PTY LTD**
Location: **Tenancy 1, ATO Building Cnr Bunda & Genge Street Canberra ACT 2601**
Permit activity: **Outdoor dining**
Permitted times: **11am to 4am**
Permit area size: **49.8m²**

OUTDOOR DINING AREA

DRAWING NOT TO SCALE BUT MEASUREMENTS OF DISTANCE CORRECT AS SHOWN



Genge Street

Crossing

Crossing

Bunda Street

From: Nasca, Giancarlo
To: Schedule 2.2(a)(ii) "
Subject: FW: 21000400 - Outdoor Dining Permit - receipt
Date: Monday, 15 May 2017 9:12:00 AM
Attachments: Receipt of Payment.pdf
image001.jpg
t & g plan for outdoor.pdf

Schedule 2.2(a)(ii)

Receipt attached for outdoor area.

Can you please confirm that the plan (that was previously used) remains accurate?

Also, can you please complete the application form as per the below email request.

Regards

Giancarlo Nasca

Phone: 02 6205 4584 | **Email:** giancarlo.nasca@act.gov.au



From: Nasca, Giancarlo
Sent: Thursday, 11 May 2017 11:56 AM
To: Schedule 2.2(a)(ii)'
Cc: Sheather, Sarah
Subject: 21000400 - Outdoor Dining Permit - Invoice
Importance: High

Michael

Attached is the invoice for the outdoor area for Kokomo Joe's, dated to commence tomorrow (12 May 2017).

Can you please use this link to apply for the outdoor area (should take you 5 minutes);
https://form.act.gov.au/smartforms/landing.htm?formCode=1217

Then can you please provide payment as soon as possible to enable me to finalise the permit and focus on issuing the liquor licence.
NOTE: I've used the plan from Tongue and Groove (attached) to calculate the invoiced area, please advise if this is requires adjustment.

I'm aware that this is still a structure in the outdoor area and I will start consulting with TTCS as to what is required (either a 303 licence or whether it can be added as a removable object {*option, if structural engineering confirmation is provided*} on the permit – at no charge).

Regards

Giancarlo Nasca

Phone: 02 6205 4584 | **Email:** giancarlo.nasca@act.gov.au



Access Canberra Fyshwick shopfront has closed. Services are now available online or at Access Canberra Service Centres in Tuggeranong, Belconnen and Gungahlin.

For more information visit **www.act.gov.au/accessCBR**

ACT Government

Receipt

Kokomo Joe's Pty Ltd
Tenancy 1, ATO Building
Cnr Bundah & Genge Streets
CANBERRA, ACT 2600

ABN: 68 367 113 536
Receipt Reference: 295588.1516.1
Date: 15-May-2017 8:59
Cashier: KSO
Counter: LIQ - Karl
Location: Access Canberra Cosmo

Receipt Item:	**Amount**
ABN: 68 367 113 536 - Outdoor Cafe Permit - Primary Area Kokomo Joe's Pty Ltd Tenancy 1, ATO Building Cnr Bundah & Genge Streets CANBERRA, ACT 2600 Reference - 21000400 Description - 1yr - Annual 2016/17	Schedule 2.2(a)(xi)
Total	Schedule 2.2(a)(xi)

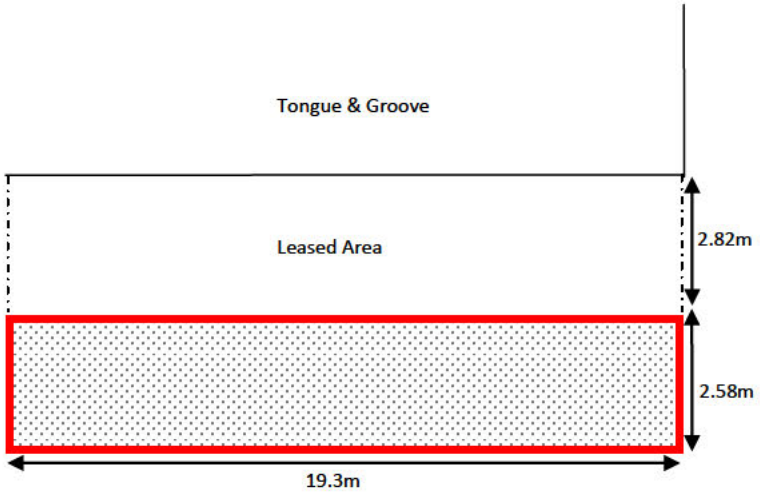
Payment Details:

EFTPOS	Schedule 2.2(a)(xi)

ACT Government
Chief Minister, Treasury and Economic Development

OUTDOOR CAFE AREA

DRAWING NOT TO SCALE BUT MEASUREMENTS OF DISTANCE CORRECT AS SHOWN



Genge Street

Crossing

Crossing

Bunda Street

From: [redacted]@drinksbydesign.com.au
To: [redacted] @ Kokomos
Cc: Nasca, Giancarlo; Schedule 2.2(a)(ii); Schedule 2.2(a)(ii)
Subject: Re: Liquor licensing - Further action required
Date: Sunday, 21 May 2017 9:41:43 PM

Hi Giancarlo,

We have checked over the red line measurements and the red line mapped out is greater than the area we are actually using. I don't have precise measurements as yet but will have them tomorrow (Monday) morning.

Thank you.

On 18 May 2017, at 5:47 pm, [redacted] @ Kokomos <[redacted]@kokomos.com.au> wrote:

> Hi guys, sorry for the delay. Please see responses below.
>
> Thank you [redacted]
>
> > 1. Check the plan (attached) for the outdoor area and confirm that the measurements which are indicated are accurate for the area on public land (in red). Am doing first thing tomorrow morning.
> >
> > 2. Load rating for the mezzanine level (urgent) Load rating is 400kgs per m2. The plaque will be attached tomorrow as soon as it arrives.
> >
> > 3. Replace the first floor occupancy loading sign with the one attached. Confirm. Done
> >
> > Regards
> >
> > Giancarlo Nasca
> > Phone: 02 6205 4584 | Email: giancarlo.nasca@act.gov.au
> >
> > -----Original Message-----
> > From: Nasca, Giancarlo
> > Sent: Tuesday, 16 May 2017 5:11 PM
> > To: [redacted] @ Kokomos'; Schedule 2.2(a)(ii)
> > Cc: Schedule 2.2(a)(ii)
> > Subject: RE: Liquor licensing contact
> >
> > Hi guys
> >
> > Thank you.
> >
> > Required action;
> >
> > 1. Check the plan (attached) for the outdoor area and confirm that

the measurements which are indicated are accurate for the area on public land (in red).

2. [redacted] police check - by Friday!

3. Load rating for the mezzanine level (urgent)

4. Replace the first floor occupancy loading sign with the one attached.

Regards

Giancarlo Nasca
Phone: 02 6205 4584 | Email: giancarlo.nasca@act.gov.au

-----Original Message-----
From: [redacted] @ Kokomos [mailto:[redacted]@kokomos.com.au]
Sent: Tuesday, 16 May 2017 1:42 PM
To: Schedule 2.2(a)(ii)
Cc: Schedule 2.2(a)(ii)
Subject: Re: Liquor licensing contact

Thank you [redacted]. Please feel free to call me whenever you need Giancarlo.

Thank you, [redacted]

> On 16 May 2017, at 1:16 pm, Schedule 2.2(a)(ii) [redacted] wrote:
>
> Hi Giancarlo,
>
> [redacted] is first contact while I am away. Schedule 2.2(a)(ii) [redacted] is second.
>
> Schedule 2.2(a)(ii)
>
> Both email are included above.
>
> Schedule 2.2(a)(ii)
>
> Thanks again for all your help.

Schedule 2.2(a)

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Schedule 2.2(a)(ii)

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.

From: Nasca, Giancarlo
To: Gerrard, Darren; Sheather, Sarah
Subject: RE: Kokomo Joe"s (old Tongue and Groove) - 303 licence [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]
Date: Tuesday, 13 June 2017 12:09:00 PM
Attachments: image001.jpg
image002.jpg
image003.jpg

Actually, yes.
Can you send me over the licence and we will reference it on the permit.
Unsure what that company is, but hope/assume it is the new owners.

Thanks,
Giancarlo

From: Gerrard, Darren
Sent: Wednesday, 7 June 2017 12:46 PM
To: Nasca, Giancarlo; Sheather, Sarah
Subject: RE: Kokomo Joe's (old Tongue and Groove) - 303 licence [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Sorry I'm several week behind on emails, if you really want something from me, keep hassling me I won't be offended.

Do you still want info on this, there is an new licence over this area to Karoom Pty Ltd, I believe the old licence was terminated by EPSD

Regards

Darren Gerrard | A/G Senior Land Use Officer
Ph 62057245 | Email Darren.Gerrard@act.gov.au
Licensing and Compliance, City Presentation|Transport Canberra and City Services Directorate **|ACT Government**
2 Elimatta St Reid | GPO Box 158 Canberra ACT 2601|www.act.gov.au

---

From: Nasca, Giancarlo
Sent: Thursday, 11 May 2017 1:39 PM
To: Gerrard, Darren
Cc: Sheather, Sarah
Subject: Kokomo Joe's (old Tongue and Groove) - 303 licence
Importance: High

Darren

Is there or was there a 303 licence in place for T & G at Tenancy 1, ATO Building Cnr. Bunda & Genge Streets CANBERRA ACT 2600.

Going to reopen, I'm pretty sure there is still a structure there. If the licence is held by Schedule 2.2(a) , may be able to be used as he is current director of new licensee (liquor) company – KOKOMO JOE'S PTY LTD, just need your advice.

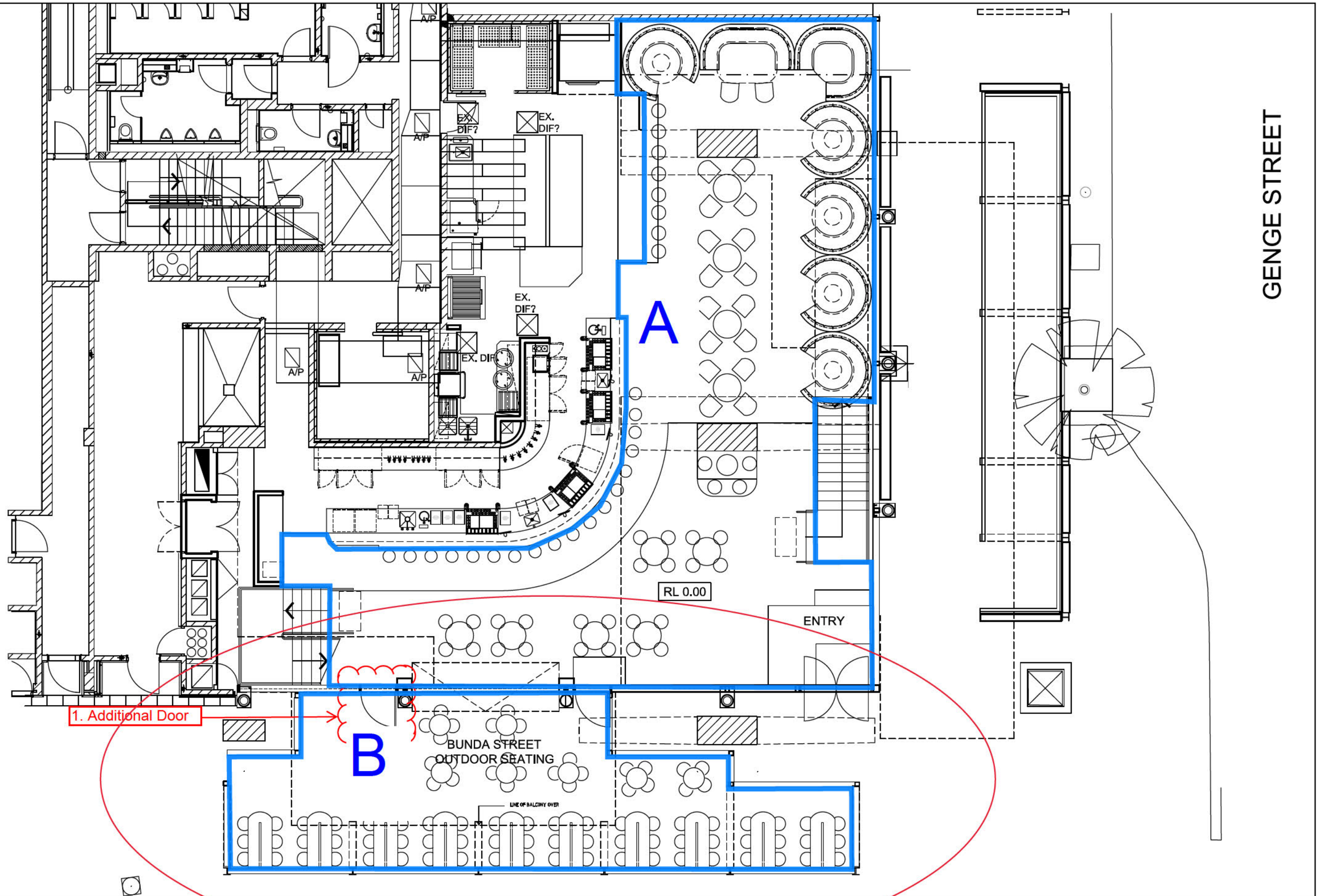
Happy to handle similar to Grill'd Woden, and offer (if the structure is able to be removed with 48 hours) the option of the structural engineering certification to avoid the need for another '303 licence' reissue.

Happy to discuss.

Regards,

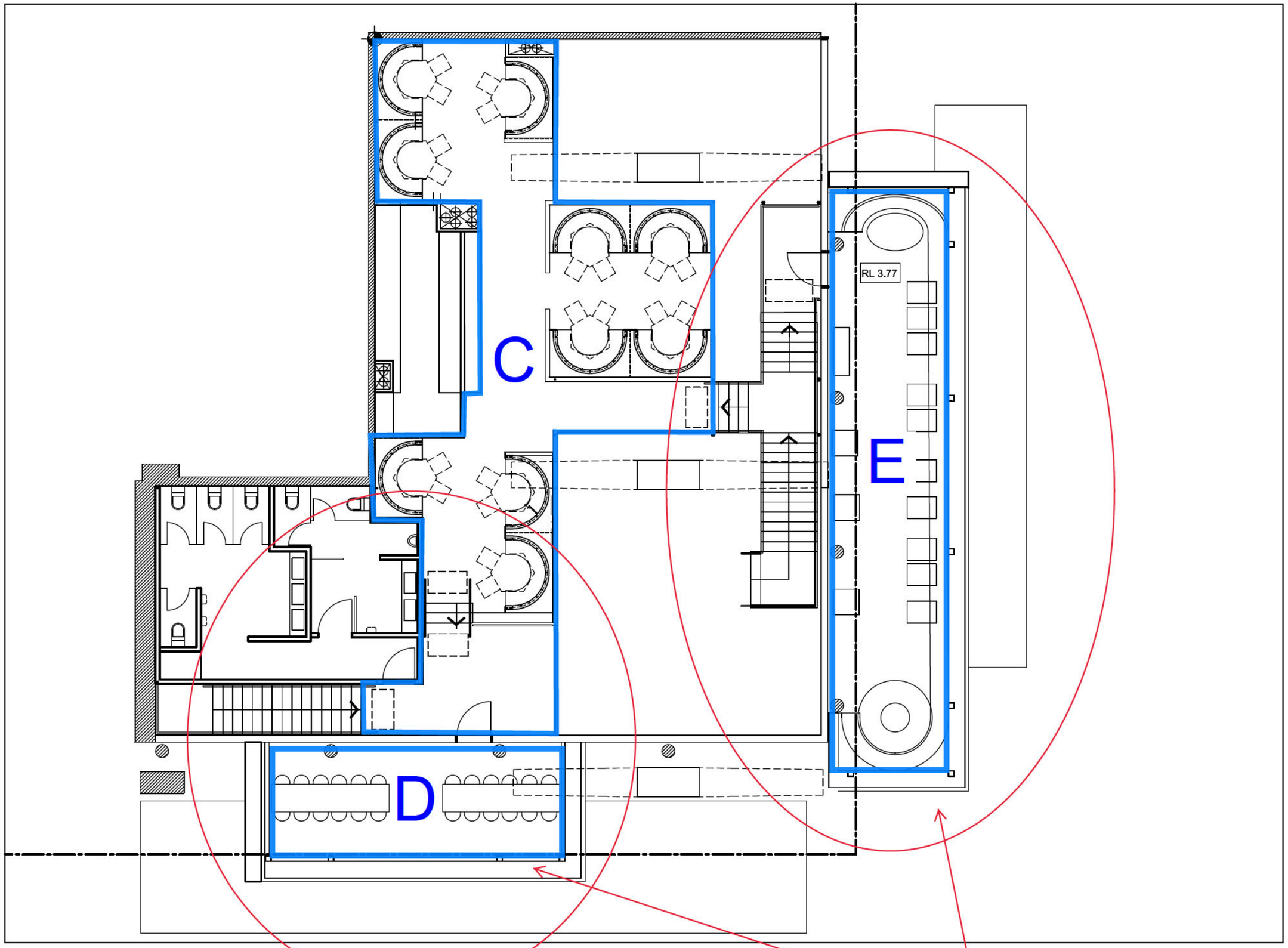
Giancarlo Nasca
Phone 02 6205 4584 | Email giancarlo.nasca@act.gov.au





1 / - GROUND FLOOR PLAN

SCALE 1:100@A3



1
-

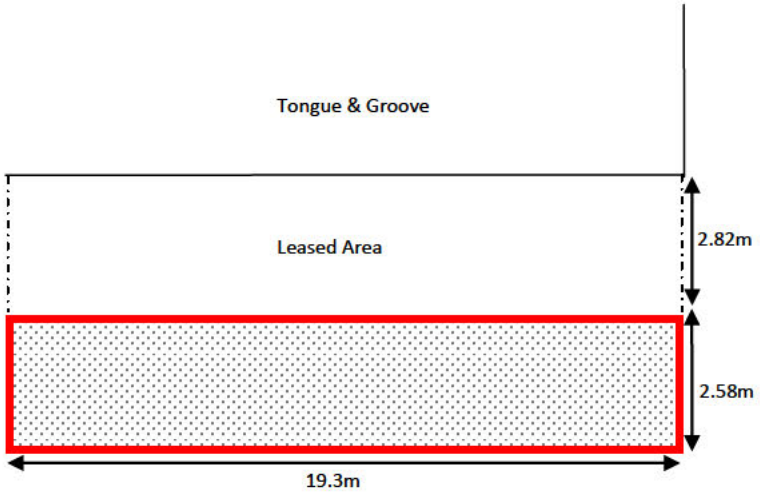
FIRST FLOOR PLAN

SCALE 1:100@A3

ACT Government
Chief Minister, Treasury and Economic Development

OUTDOOR CAFE AREA

DRAWING NOT TO SCALE BUT MEASUREMENTS OF DISTANCE CORRECT AS SHOWN



Genge Street

Crossing

Crossing

Bunda Street

ACT Government
Environment, Planning and Sustainable Development

Date 8 February 2017

LICENCE

BETWEEN

PLANNING AND LAND AUTHORITY

AND

AUSTRALIAN CAPITAL TERRITORY

AND

KAROOM PTY LIMITED

SECTION 303 LICENCE FOR USE OF UNLEASED TERRITORY LAND

SDMS licence ID number: 2909

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SCHEDULE 10

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ATTACHMENT B – Activity Schedule 16

PARTIES: **PLANNING AND LAND AUTHORITY**, the body corporate established by section 10 of the *Planning and Development Act 2007* (ACT) for and on behalf of the Commonwealth of Australia ("Authority")

The entity specified in **Item 2** ("Custodian")

The person specified in **Item 1** ("Licensee")

BACKGROUND

A. The Licensee has applied to the Authority pursuant to section 302 of the *Planning and Development Act 2007* (ACT) for a licence to occupy and use the Land.

B. The Custodian is the custodian of the Land pursuant to section 333 of the *Planning and Development Act 2007* (ACT).

C. The Custodian of the Land has given its written consent to the issue of such a licence and has requested the Authority to grant the licence to the Licensee.

D. The Authority has agreed to grant this licence on the terms and conditions of this licence and the Licensee has agreed to these terms and conditions.

E. The Authority and the Custodian have agreed that the Custodian will be responsible for the management of this licence.

IT IS AGREED by the parties as follows.

1. Interpretation

1.1 Definitions

The following definitions apply in this licence, unless the context otherwise requires.

Contact Officer means, in relation to each party, the representatives whose names and contact details are specified in **Item 10**, or as notified in writing from time to time by one party to the other.

GST Act means *A New Tax System (Goods and Services Tax) Act 1999* (C'wlth).

GST has the same meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (C'wlth).

Guarantor	means the person or persons (if any) described in **Item 9** of **Schedule 1**.
Item	means an item in the Schedule to this licence.
Land	means the unleased Territory land specified in **Item 3**.
Leases Act	means the *Leases (Commercial and Retail) Act 2001* (ACT).
Licence Fee	means the fee specified in **Item 6**.
Outgoings	means any levy, rate, land tax (on a single holding basis only) or other statutory charge imposed on or in respect of the Land or the Building.
Purpose	means that purpose to which the Land is to be put as specified in **Item 4**.
Service Charges	means all charges for services provided in respect of the Land or Building and includes but is not limited to charges for electricity, and water.
Special Conditions	means the special conditions at **Item 11**.
Term	means the period specified at **Item 5.**
Territory	means: (1) when used in a geographical sense, the Australian Capital Territory; and (2) when used in any other sense, the body politic established by section 7 of the *Australian Capital Territory (Self-Government) Act 1988* (C'wlth).

1.2 General

In this licence, unless a contrary intention is expressed:

(1) references to "Licensee" includes any employees, agents or subcontractors of the Licensee;

(2) references to legislation or to any provision of it include any modification or re-enactment of it, any legislative provisions substituted for it and all regulations and statutory instruments issued under it;

(3) words importing a gender include the others; words in the singular number include the plural and vice versa; and where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings;

(4) "include" and "including" are not to be construed as words of limitation;

(5) headings have no effect on the interpretation of the provisions; and

(6) an obligation imposed by this licence on more than one person binds them jointly and severally.

2. Licence

The Authority grants the Licensee a licence under section 303 of the *Planning and Development Act 2007* (ACT) to occupy and use the Land on the terms and conditions contained in this licence.

3. Term of Licence

This licence will commence and expire on those dates specified in **Item 5**.

4. Purpose

The Licensee will use the Land only for the Purpose.

5. Licence Fee and GST

5.1 The Licensee must pay the Licence Fee in the manner described in **Item 6** or as the Custodian otherwise directs in writing.

5.2 Notwithstanding any other provision of this licence, the Licensee must pay to the Custodian from time to time in addition to any other payment under this licence, amounts equivalent to the GST payable by the Custodian in respect of anything which is a supply for the purposes of the GST Act under or in connection with this licence.

6. Licence Only

Nothing contained in this licence will create, or is to be construed as creating, any estate or interest in the Land in favour of the Licensee and the rights granted by this licence are personal to the Licensee.

7. Sub-licence or Assignment

7.1 Subject to **clause 7.3**, the Licensee must not sublet, licence, assign, transfer or mortgage its rights granted by this licence.

7.2 If the Licensee seeks the consent of the Custodian to sub-licence part or all of the Land the Licensee may make a written application to the Custodian and the Custodian may grant its consent, withhold its consent or grant its consent subject to conditions in its absolute discretion.

7.3 The Licensee may grant a sub-licence for part or all of the Land only in accordance with the prior written consent of the Custodian.

8. Obligation to Maintain and Repair

8.1 Licensee must Maintain and Repair

The Licensee must at all times during the term of this licence and at no cost to the Authority or the Custodian:

(1) maintain and repair and keep in repair the Land to the satisfaction of the Custodian; and

(2) keep the Land clean and tidy and free from debris, dry herbage, rubbish and other unsightly or offensive matter.

8.2 End of Licence

When this licence expires or is terminated, the Licensee must leave the Land and give it up in good repair and clean condition to the satisfaction of the Custodian having regard to its condition at the date of commencement of this licence.

9. Failure to Maintain and Repair

9.1 Custodian may give Notice to Repair

If the Licensee breaches its obligations under **clause 8.1** or **clause 8.2** the Custodian may by written notice to the Licensee require the Licensee to effect the necessary work in accordance with the notice.

9.2 Failure to Comply

If the Licensee fails to comply with either **clause 8.1**, **clause 8.2** or the notice under **clause 9.1**, the Custodian may, at the cost of the Licensee, have the necessary works done and recover the cost of those works from the Licensee as if such cost were arrears in the Licence Fee.

10. Nuisance or Danger

The Licensee must not do or permit to be done any act or omission with respect to the Land that may be or become a nuisance or danger.

11. Insurance

11.1 Public Liability

The Licensee, during the Term and any holding over under this Licence, must keep current a public risk liability policy with a Prescribed Insurer for an amount for any single occurrence of not less than the amount referred to in **Item 8**. The policy must indemnify the Authority and the Custodian against all actions and demands of any kind arising from the use as set out in the Activity Schedule in Attachment "B" to this licence agreement and occupation by the Licensee and the Licensee's employees, agents, contractors and invitees of the Premises. The policy must note the Authority's interest.

11.2. Other Insurance

The Licensee will be responsible for insuring the Licensee's Improvements and all other property of the Licensee in the Premises.

11.3. General obligations not to increase Authority's or Custodian's insurance

The Licensee must not do, or permit to be done, anything that would result in any insurance in relation to the Premises being:

(1) unenforceable;

(2) voidable; or

(3) likely to increase the rate of premium on any insurance taken out by the Authority and/or Custodian (except with the approval of the Custodian in writing).

11.4. Fire regulations

In relation to any Licensee's Improvements, the Licensee must comply with the terms of any insurance policy and any sprinkler and fire regulations.

11.5. Production of policy

The Licensee, in respect of any policy of insurance to be taken out by the Licensee, must, on request, produce to the Custodian either a:

(1) policy of insurance; or

(2) certificate of currency for the policy

12. Outgoings and Service Charges

The Licensee must pay all Outgoings and Service Charges in respect of the Land or any part thereof.

13. Services to Land

The Custodian may, at its own expense, and following consultation with the Licensee, relocate any pipes, wires, and other site services to the Land.

14. Obstructions and Hazards

The Licensee must:

(1) provide adequate signage and hazard protection on the Land to the satisfaction of the Custodian, and ensure all hazards on the Land are illuminated between sunset and sunrise;

(2) ensure that every stormwater channel on the Land is kept clear of obstruction at all times; and

(3) ensure, as far as is practicable, that all footpaths and roadways on the Land are kept free from obstruction at all times.

15. Signs

The Licensee must not display or permit to be displayed on the Land any sign, hoarding, or advertisement without the prior written approval of the Custodian or where required by law the prior written consent of the Authority.

16. Management and Compliance with Legislation

The Licensee must:

(1) manage the Land to the satisfaction of the Custodian; and

(2) comply with all laws applicable to the Land.

17. Termination

17.1 Breach of Licence

If the Licensee breaches any provision of this licence, and that breach:

(1) is not capable of remedy; or

(2) is capable of remedy and the Licensee fails to remedy that breach after the expiry of the time frame specified by the Authority or Custodian in a written notice,

the Authority or Custodian may terminate this licence in whole or in part.

17.2 Termination for Reason Other Than Breach

This licence may be terminated by any party giving the other party six (6) months notice in writing, or such earlier termination as agreed by the parties in writing. No party will have any action against any other in respect of termination of this licence pursuant to this clause. The right to terminate early will not prejudice a claim by a party in respect of any breach of this licence arising prior to termination.

17.3 No Repayment on Termination

The Licensee will not be entitled to repayment of the Licence Fee, or any part of it, or any other fee paid under this licence in the event of termination of this licence.

18. Compensation

At the expiration or termination of this Licence, the Licensee will not be entitled to receive any form of compensation from the Authority or Custodian in respect of any Licensee's Improvements or other property of the Licensee on the Premises.

19. Guarantee and Indemnity

19.1 Guarantee

The Guarantor guarantees to the Authority and/or the Custodian the due payment of all moneys due under this Licence (limited to an amount equal to one month's Licence Fee) and the due performance by the Licensee of all the covenants and terms of this Licence by the Licensee.

19.2. **Indemnity**

19.2.1. The Guarantor indemnifies the Authority and/or the Custodian and agrees to keep the Authority and/or the Custodian indemnified from all damages and all costs, losses and expenses which the Authority and/or the Custodian may suffer or incur from any breach or non-observance by the Licensee of any of the covenants and terms in this Licence.

19.2.2. The Guarantor agrees that this indemnity continues and the Guarantor remains liable to the Authority and/or the Custodian notwithstanding that as a consequence of breach or non-observance by the Licensee the Authority and/or the Custodian has exercised any of its rights including its right of re-entry and notwithstanding that the Licensee (being a company) may be wound up or (being a natural person) may be declared bankrupt and notwithstanding that the guarantee now given may for any reason be unenforceable.

19.3. **Not affected by time or other indulgence**

The liability of the Guarantor is not affected by the granting of time or other indulgence or concessions to the Licensee or by the compounding, compromise, release, abandonment, waiver, variation, relinquishment or renewal of any of the rights of the Authority and/or the Custodian against the Licensee or by any neglect or omission to enforce such rights or by anything, which under the law relating to sureties would or might but for this clause release the Guarantor from his obligations.

19.4. **Continuing guarantee**

The guarantee and indemnity now given are to continue until the due performance and observance by the Licensee of all the terms and conditions of this Licence.

19.5. **Limitation**

Without limiting clause 19.4, where this clause is found to be illegal, void or unenforceable, it is to be read down, if possible to be legal, void or enforceable.

20. Special Conditions

In the event of any inconsistency between any Special Condition and any other provision of this licence then, to the extent of any inconsistency, the Special Condition will prevail.

21. Leases Act

If:

(1) the Leases Act applies to this licence; and

(2) there is an inconsistency between the provisions of the Leases Act and the provisions of this licence,

then, to the extent of any inconsistency, the provisions of the Leases Act will prevail.

22. Notices

Any notice, including any other communication, required to be given or sent to either party under this licence must be in writing and given to the relevant Contact Officer. A notice will be deemed to have been given:

(1) if delivered by hand, on delivery;

(2) if sent by prepaid mail, on the expiration of two days after the date on which it was sent;

(3) if sent by facsimile, on the sender's facsimile machine recording that the facsimile has been successfully and properly transmitted to the recipient's address; or

(4) if sent by electronic mail, on the other party's acknowledgment of receipt by any means.

SCHEDULE 1

LICENCE DETAILS

Item 1.	**Licensee**	**KAROOM PTY Limited** *(A.C.N. 607 520 203)* of **PO Box 4011 Manuka ACT 2603**
Item 2.	**Custodian**	**AUSTRALIAN CAPITAL TERRITORY**, the body politic established by section 7 of the *Australian Capital Territory (Self-Government) Act 1988* (C'wlth) represented by **Roads ACT** an administrative unit of the Territory and Municipal Services Directorate ("Territory").
Item 3.	**Land**	SDMS Licence ID number **2909** being **Block 5 Section 89 City** as per the shaded area on the plan at "Attachment A".
Item 4.	**Purpose**	To use the Land only for the placement of two (2) outdoor dining structures.
Item 5.	**Term of Licence**	From the date of this Licence until the expiry of the registered Sublease 2058061 granted to: Karoom Pty Limited (A.C.N. 607 520 203). **Expiring: 13 June 2023** Option to renew if a new sublease is entered into between the lessee and Karoom Pty Limited. A Deed of Variation must be lodged with General Leasing to extend the term in line with the new sublease (prior to the expiry date of this Licence).
Item 6.	**Licence Fee** (Note: The Licence Fee is additional to the fee charged for applying for the Licence which the Minister determines under the *Planning and Development Act 2007* (ACT).)	Schedule 2.2(a)(xi) (including GST).
Item 7.	**Manner of Payment**	To be paid as and when requested by the Custodian.
Item 8.	**Insurance Amount**	Schedule 2.2(a)(xi) All insurance required of it by law.

Schedule 2.2(a)(ii)

Item 9. Guarantor/s

Item 10. Contact Officer

For the Planning and Land Authority

Licencing Officer
Leasing Services
Planning Delivery Division
Environment, Planning & Sustainable Development Directorate
16 Challis Street
DICKSON ACT 2602

GPO Box 158
CANBERRA ACT 2601

Telephone: (02) 6207 1923

For the Custodian

Roads ACT
Territory and Municipal Services
Level 7, MacArthur House
12 Wattle Street
LYNEHAM ACT 2602
Locked bag 2000
CIVIC SQUARE ACT 2608

Ken Marshell
Telephone: (02) 6207 6588
Facsimile: (02 6207 6872
LYNEHAM ACT 2602

For the Licensee

Karoom Pty Limited
PO Box 4011
Manuka ACT 2603

Telephone: Schedule 2.2(a)(ii)

Item 11. Special Conditions

1. Approval is granted under this licence for the two (2) outdoor dining structures, additional permitting will be required for the outdoor dining activity, annual fees will apply.

2. The outdoor dining structures to be constructed in accordance with approved DA No: 201629826 and associated Notice of Decision with the design plans being approved by TCCS Development, Review and Coordination.

3. Licensee will be responsible for the maintenance, repair and cleaning of the land within the licence area.

4. The land custodian is to be consulted and agree to any change in the use of the land prior to implementation.

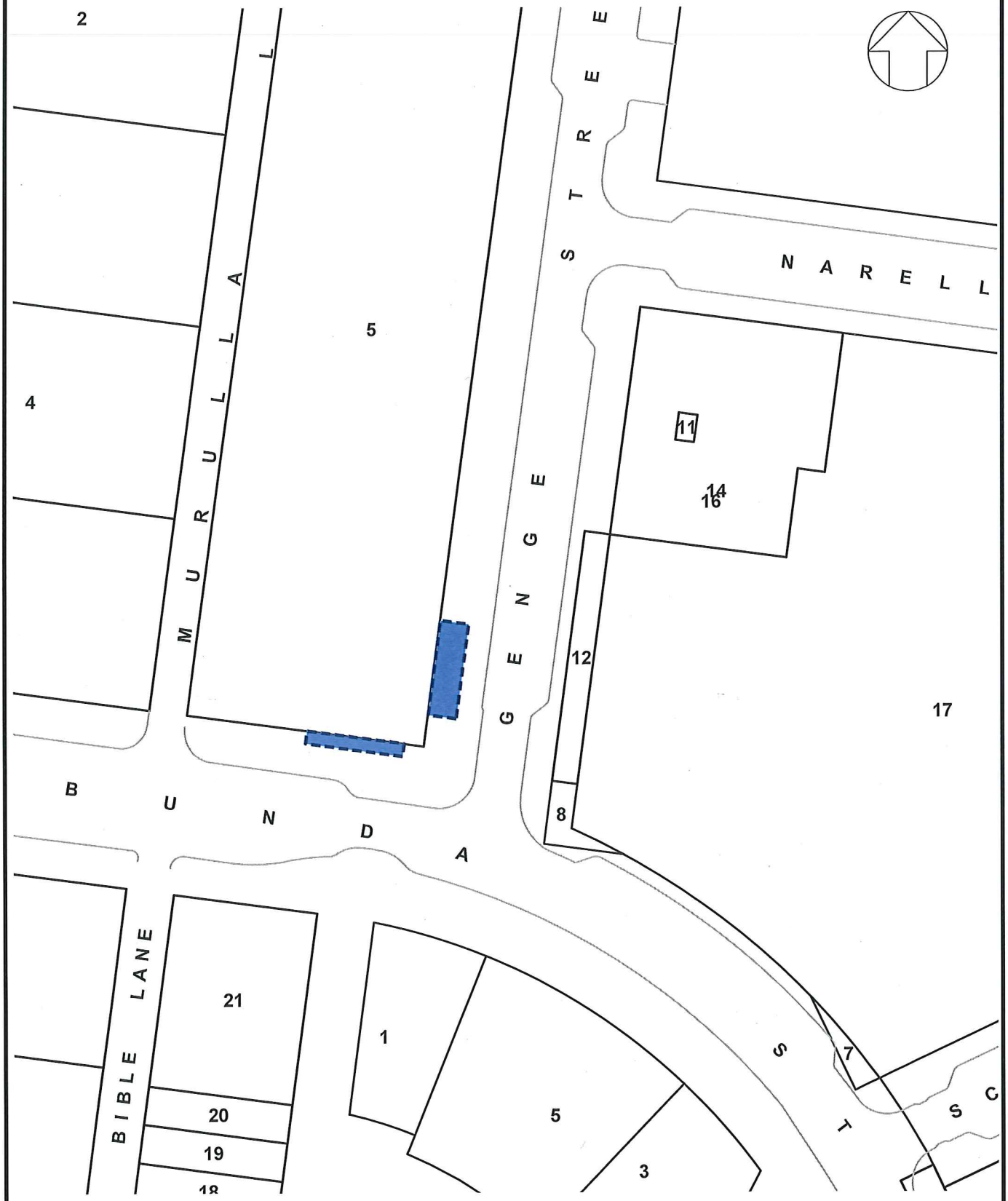
ATTACHMENT A

SDMS: 2909
Floor Plan

LICENCE : 2909

DIVISION: CITY **DATE: 21/12/2016**

SECTION NUMBER: 89 **BLOCK NUMBER: 5**



P12298

GENGE STREET

COOL ROOM
KITCHEN
KITCHEN
MEZZANINE OVER
MEZZANINE OVER
STEPS
MEZZANINE OVER
CATWALK ABOVE
MEZZANINE OVER
MEZZANINE OVER
WS UNDER
STEPS
DISH WASH
STORE ROOM
KEG ROOM
POST MIX TEMPATE
BAR
EDB CPD
ICE MACHINE 870
AV EQUIP & STAND
CCTV CPD
MEZZANINE OVER
RL 0.00
RECEPTION
PLANTER BOX
PLANTER BOX
PLANTER BOX
PLANTER BOX
PLANTER BOX
PLANTER BOX
PLANTER BOX
PLANTER BOX
PLANTER BOX
PLANTER BOX
PLANTER BOX
LEASE BOUNDARY
NEW COLUMN TO MATCH EXISTING
NEW ENTRY DOOR
VERANDA OVER
SW PIT
FIRESTATION DOOR
NEW SHOPFRONT
VERANDA OVER
LEASE BOUNDARY
EX OUTDOOR SEATING MODIFIED
PLANTER BOX
PLANTER BOX
PLANTER BOX
PLANTER BOX
PLANTER BOX
16215 EXCLUDING PLANTER BOXES
OUTDOOR DINING APPLICATION (ODA)
1620
3630 EXCLUDING PLANTER BOXES (ODA)

11 A331
(ODA)
2500
2500
1225
EXCLUDING PLANTER BOXES
2000
15360 EXCLUDING PLANTER BOXES
OUTDOOR DINING APPLICATION (ODA)
2 A310
10 A331
9 A331
A A200
LIGHT POLE
BIN: RELOCATE
R2000
TREE
8 A330
1 A310
7 A330
B A200

REV A 27 JUN 16 GENERAL REVISION
REV B 06 JUL 16 GENERAL REVISION

DEVELOPMENT APPLICATION

PROPOSED GROUND FLOOR PLAN

A100/B

TENANCY 1, 21 GENGE STREET, CITY, CANBERRA

DATE	SCALE	DRAWN BY	JOB No
JUN 15	1:100 @ A3 SIZE	AD	1513

ADAM DETTRICK ARCHITECTS
305/20-22 McKillop Street, Melbourne 3000 **p** 03 9606 0774
www.adamdettrickarchitects.com.au

K:\000 PROJECTS\1513 Tongue and Groove\1 Drawings and specifications\1513 DA2 A100 Proposed Ground Floor Plan.dwg, 8/07/2016 4:47:58 PM

ATTACHMENT B

ACTIVITY SCHEDULE

RISK ANALYSIS
Based on the information you have provided and ACT Insurance Authority your Insurance Risk score is assessed as:

Item	Score
Construction Encroachment	**6**

Please note that the ratings on this page relate to Public Liability. Other insurance requirements, like professional or medical indemnity, are still on a case by case basis by the ACT Insurance Authority.

DATE OF THIS LICENCE 8 February 2017

SIGNED for and on behalf of the
PLANNING AND LAND AUTHORITY
in the presence of:

Schedule 2.2(a)(ii)

Signature of Witness

Natalie Maree Lacey

Print Name

Schedule 2.2(a)(ii)

Signature of Authorised Officer

SAMUEL ZELLER

Print Name

SIGNED for and on behalf of the
ROADS ACT
in the presence of:

Schedule 2.2(a)(ii)

Signature of Witness

Darren Gerrard

Print Name

Schedule 2.2(a)(ii)

Signature of **Roads ACT Delegate**

Ken Marshall

Print Name

SIGNED for and on behalf of
KAROOM PTY LIMITED
(A.C.N. 607 520 203)
in the presence of:

Schedule 2.2(a)(ii)

Signature of Witness

Schedule 2.2(a)(ii)

Print Name

Schedule 2.2(a)(ii)

Signature of Authorised Officer

Schedule 2.2(a)(ii)

Print Name and Position

Schedule 2.2(a)(ii)

Signature of Second Authorised Officer*
*see note below

Schedule 2.2(a)(ii)

Print Name and Position

Affix common
seal
if required under

GUARANTORS

SIGNED by)
)
in the presence of:)
)
Schedule 2.2(a)(ii))
)
.....) .....
Signature of Witness) Signature of Guarantor
)
Toni Gavic) Schedule 2.2(a)(ii)
.....)
Print name) Print Name

SIGNED by)
)
in the presence of:)
)
Schedule 2.2(a)(ii)) Schedule 2.2(a)(ii)
)
.....)
Signature of Witness) Signature of Guarantor
)
Toni Gavic) Schedule 2.2(a)(ii)
.....)
Print name) Print Name

Note:

Date:	Must be dated on the date the last party signs the Licence or, if signed counterparts of the Licence are exchanged, the date of exchange. Also date the cover page.
Individual:	Must be signed by the individual Licensee and witnessed.
Incorporated Association:	Must be signed in accordance with the association's constitution, which may or may not require the common seal to be affixed. As a minimum, 2 authorised officers must sign.
Company:	Must be signed in accordance with section 127 of the *Corporations Act 2001* (Cth), for example, by 2 directors or a director and a secretary. Common seal may be affixed if required under the company's constitution.

From: Ellis, Pamela
To: AC, Liquor; Tupou, Cecilia
Subject: RE: 303 licence for Kokomo Joes [SEC=UNCLASSIFIED]
Date: Thursday, 5 December 2019 10:43:05 AM
Attachments: image002.png
image003.png

UNCLASSIFIED

Hi Cecilia,

I have spoken to Darren about this one and his opinion is that this is not considered subletting. The 303 licenses are usually given to the building owners, as such the outdoor dining permits and liquor permits would be issued to the business owners that are operating within the area. Great idea - a catch up between the teams would be great , I am aware that Sean Sloan and Glenn Tomlinson are keen for a catch up with the teams to discuss compliance matters/ referrals etc. Not sure of who else from Access Canberra may also want to be involved? Let me know when is a good time for you guys. We are a little crazy coming up to the Christmas break so a new year meeting would be a good idea.

Kind Regards,

Pam Ellis
Public Use Coordinator
Phone 02 6205 8538 |Fax 6207 7133
Licensing and Compliance| **City Services** | Transport Canberra and City Services Directorate
ACT Government
Ground Floor, 255 Canberra Avenue, Fyshwick ACT 2609| GPO Box 158 Canberra ACT 2601
www.act.gov.au | www.tccs.act.gov.au | @tccs_act

Connected services for the people of Canberra

From: AC, Liquor <ACLiquor@act.gov.au>
Sent: Thursday, 21 November 2019 7:32 AM
To: Ellis, Pamela <Pamela.Ellis@act.gov.au>
Subject: RE: 303 licence for Kokomo Joes [SEC=UNCLASSIFIED]

Hello Pam,

Does it matter that the 303 licensee is not the same company that holds a liquor licence and outdoor dining permit? But both companies share the same directors. Is this subletting or not? If it is, is there a permission from the land custodian to this arrangement?

Apologies for the many questions. I want to be sure they have the appropriate authorisation to be using those structures. So far, we've come across a couple of permit holders in the CBD have constructed temporary structures without permission. We are working on identifying others too.

P.S, I would like our teams to meet again(but it probably be John and I), we've done the introductions so the next meeting will be to discuss any common arising issues and identify best practices, changes, provide updates on matters etc. I'm not sure if you and Darren have the capacity to before the Christmas break or we can leave it until the new year – let me know.

Kind regards,

Cecilia Tupou|Licensing Officer
Phone: 6207 2343 | Email: ACliquor@act.gov.au
ACT Liquor and Gaming | Licensing and Registrations Division | Access Canberra | ACT Government
GPO Box 158, Canberra City ACT 2601

From: Ellis, Pamela
Sent: Wednesday, 20 November 2019 4:13 PM
To: AC, Liquor <ACLiquor@act.gov.au>
Subject: RE: 303 licence for Kokomo Joes [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Cecilia
Sorry for the delay in responding to you, there is a possibility that there could be 2 licenses over this area. This usually happens when a 2 party and a 3 party license overlap the same area on ACTMAPi
In this case, yes, we have issued a 303 license for the area (see attached) it is under the SDMS layer as – SDMS 2909
Let me know if you need anything else
Kind Regards,

Pam Ellis
Public Use Coordinator
Phone 02 6205 8538 |Fax 6207 7133
Licensing and Compliance| City Services | Transport Canberra and City Services Directorate
ACT Government
Ground Floor, 255 Canberra Avenue, Fyshwick ACT 2609| GPO Box 158 Canberra ACT 2601
www.act.gov.au | www.tccs.act.gov.au | @tccs_act

Connected services for the people of Canberra

From: AC, Liquor <ACLiquor@act.gov.au>
Sent: Wednesday, 20 November 2019 7:27 AM
To: Ellis, Pamela <Pamela.Ellis@act.gov.au>
Subject: 303 licence for Kokomo Joes [SEC=UNCLASSIFIED]
Good morning Pam,
Do you have an active 303 licence for Kokomo Joes Pty Ltd, Tenancy 1, ATO Building Cnr Bunda Street Canberra ACT 2601?
Our permit states there is one, SDMS licence ID number 2902, but on ACTmapi website, the ID number is 2909.
If there is one, could you please send me a copy to keep on file.
Have a lovely day ☺
Kind regards,

Cecilia Tupou|Licensing Officer
Phone: 6207 2343 | Email: ACliquor@act.gov.au
ACT Liquor and Gaming | Licensing and Registrations Division | Access Canberra | ACT Government
GPO Box 158, Canberra City ACT 2601

ACT Government
Chief Minister, Treasury and Economic Development

Fact Sheet

Outdoor dining Measurement Fact Sheet

Date of publication: 27 September 2016

Review Date: 27 September 2017

Public Unleased Land

- **What is Public Unleased Land? –** Public Unleased Land means unleased Territory Land that the public is entitled to use or is open to, or used by, the public.
- **What is a Public Unleased Land Permit?** – A permit issued under the *Public Unleased Land Act 2013* (the Act) which authorises the permit holder to use the stated public unleased land at a stated time and for a stated activity.

Measuring a proposed permit area

In considering an application for an outdoor dining permit, Access Canberra generally requires the following:

Physical requirements -

- Photos of the proposed permit area,
- A plan outlining the proposed permit area and proposed measurements,
- Approval from neighbouring businesses if the permit area is to be in front of a neighbouring business;

Measurement requirements -

- There must be clearance of 2 meters between active shop fronts and an outdoor café,
- A clearance of 2m from public seating,
- 1.2m clearance from other street furniture (i.e. light pole, bike racks, signs, parking meters)
- 2m setback from building lines at corner locations
- Clearance of 1.2m from road kerbs;
- Clearance of 1.2m to trees where the clearance between a branch and the ground is less then 2.2m,
- No encroachment of emergency service vehicle access ways;
- No encroachment of public utilities such as fire hydrants, toilets, service pits, kerbs, ramps and access ways to these items;
- The outdoor area should be no more than 12m in length,
- The permit area will not block main public thoroughfares or entry points for public activities;
- The permit area will not impede other commercial businesses or access to other businesses unless they approve this;
- The permit area will not impede access for people with disabilities;
- The permit will not create dark corners or unsafe areas;
- The permit will not affect critical sightlines for vehicles or pedestrians;
- The permit will not affect public art or a heritage area;
- The gradient and surface of the area are safe for use of chairs and tables;

- Temporary barriers must not exceed a height of 1m and should not have protruding support braces or horizontal ropes/chains. The preferable option is barriers to ground level for people with low vision;
- A shade structure or umbrella's canopy must remain within the permitted area; and
- Any gas heaters must be located in a safe and well ventilated area.

On receipt of evidence that confirms the listed information has been completed to a satisfactory standard, this office will further consider the application.

Contact

Liquor Licensing	**Phone 6207 0400**	**Email: liquor@act.gov.au**

From: Schedule 2.2(a)(ii)
To: Nasca, Giancarlo
Cc: Schedule 2.2(a)(ii) Sheather, Sarah
Subject: Re: Amendment to outdoor dining permit
Date: Friday, 3 November 2017 1:46:23 PM
Attachments: image001.jpg

Great thanks will do.

On Fri, 3 Nov 2017 at 11:42 am, Nasca, Giancarlo <Giancarlo.Nasca@act.gov.au> wrote:

> Schedule 2.2
>
> Sorry for the delay, we're absolutely smashed.
>
> First step, get a plan drawn up for the new outdoor area.
>
> Plan example attached, ensure you include all measurements of the area, walkways, distance to kerbs or/and street furniture, all trees etc.
>
> Note: my understanding is that at this time we are just putting removable objects in the area. Tables, chairs, café barriers, umbrella's etc.
>
> Once that's submitted, we will invoice you, pay that and we will get it done.
>
> After that's finalised, we will do the liquor amendment and get it added to the liquor licence.
>
> Regards
>
> **Giancarlo Nasca**
> **Team Leader – Liquor & Gaming Licensing**
>
> **Phone: 02 6205 4584** | **Email:** giancarlo.nasca@act.gov.au



Access Canberra | Chief Minister, Treasury and Economic Development Directorate | ACT Government

From: Schedule 2.2(a)(ii)
Sent: Monday, 30 October 2017 12:56 PM
To: Schedule 2.2(a)(ii) >; Nasca, Giancarlo <Giancarlo.Nasca@act.gov.au>; Schedule 2.2(a)(ii) >
Subject: Amendment to outdoor dining permit

Hi Giancarlo,

I would like to put a temporary outdoor area on the previously approved Genge st area. Can you please make an amendment to our license allowing us to do that.

I will advise layout of tables etc as we have it designed.

Regards,

Schedule 2.2(a)(ii)

--

Schedule 2.2(a)(ii)

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.

From: Schedule 2.2(a)(ii)
To: Nasca, Giancarlo; Schedule 2.2(a)(ii)
Subject: KOKOMOS ODA.pdf
Date: Wednesday, 15 November 2017 7:08:38 PM
Attachments: KOKOMOS ODA.pdf

Hi Giancarlo,

Attached is the proposed outdoor furniture for the amendment to our outdoor dining permit.

Quite simply we are looking to add 8 picnic tables (2m x1.5m) with a 60cm gap between each. Each table will have a picnic umbrella through the centre. All of this will fit within the current plan.

I would also like some deck chairs between the curved gutter on Genge st and the beginning of our outdoor area. Can we redefine the boundary on that side to follow the line of the gutter? We had previously had this agreed in principle as long as the distance to the curb remains the same.

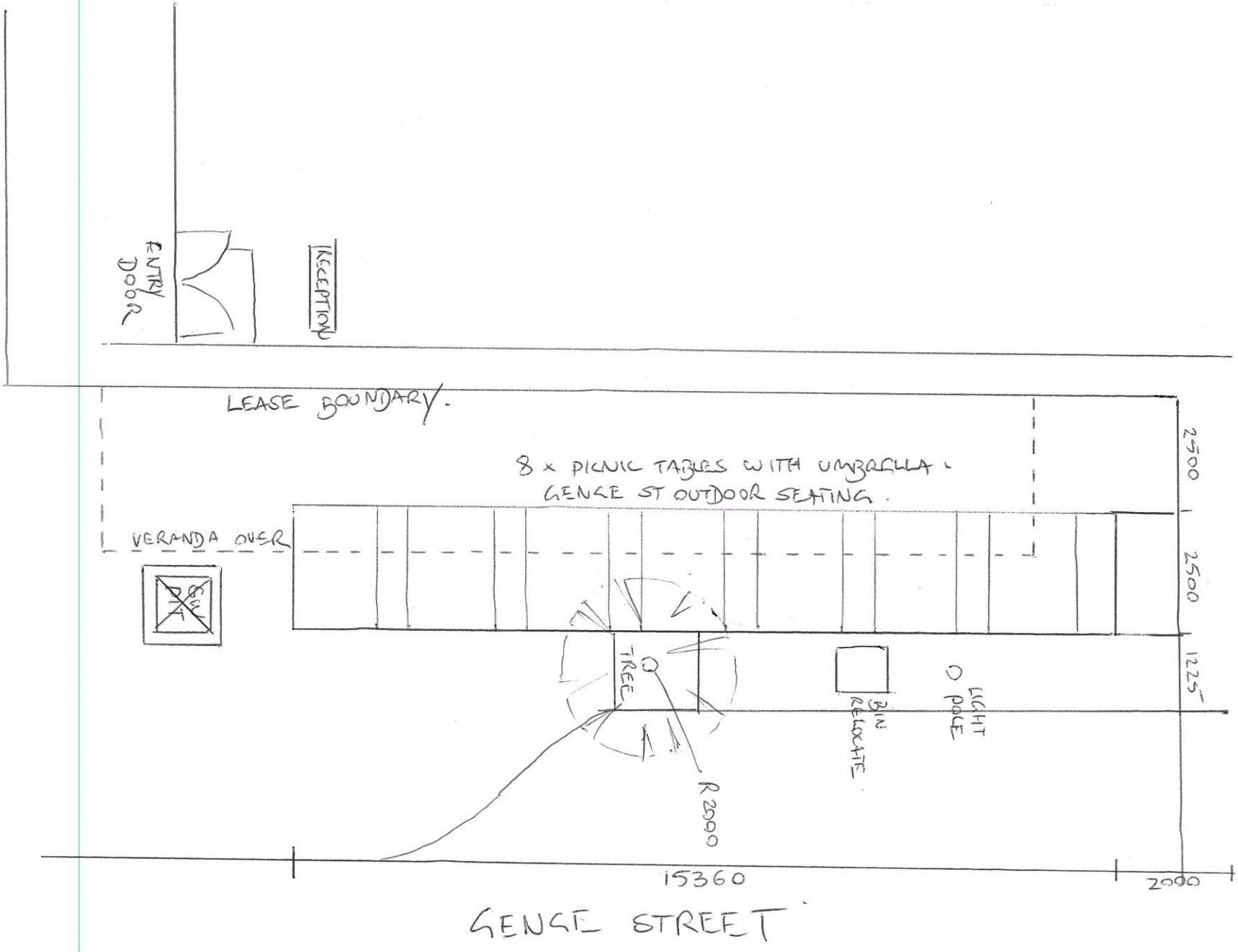
We request to relocate the current bin in the sketch. Please let me know how to go about that.

We will have no barriers around the area unless instructed otherwise.

Ill call tomorrow to discuss.

Regards,

Schedule 2
<table style="border-top: 1px solid #D3D4DE;">
<tr>
<td style="width: 55px; padding-top: 13px;"><a
href="https://www.avast.com/sig-email?utm_medium=email&utm_source=link&utm_campaign=sig-email&utm_content=webmail"
target="_blank"><img
src="https://ipmcdn.avast.com/images/icons/icon-envelope-tick-round-orange-animated-no-repeat-v1.gif"
alt="" width="46" height="29" style="width: 46px; height: 29px;"
/></td>
<td style="width: 470px; padding-top: 12px; color: #41424e;
font-size: 13px; font-family: Arial, Helvetica, sans-serif;
line-height: 18px;">Virus-free. <a
href="https://www.avast.com/sig-email?utm_medium=email&utm_source=link&utm_campaign=sig-email&utm_content=webmail"
target="_blank" style="color: #4453ea;">www.avast.com
</td>
</tr>
</table><a href="#DAB4FAD8-2DD7-40BB-A1B8-4E2AA1F9FDF2" width="1"
height="1">


ENTRY DOOR
RECEPTION
LEASE BOUNDARY.
8 x PICNIC TABLES WITH UMBRELLA.
GENGE ST OUTDOOR SEATING.
VERANDA OVER
CL DN
TREE
BIN RELOCATE
LIGHT POLE
R 2000
2500
2500
1225
15360
2000
GENGE STREET

2500 2500 1225 2000

8 x PICNIC TABLES WITH UMBRELLA.
GENCE ST OUTDOOR SEATING.

LIGHT POLE

BIN RELOCATE

R 2900

TREE

15360

GENCE STREET

Share zone sign

Move bin here

RECEPTION

ENTRY DOOR

LEASE BOUNDARY.

VERANDA OVER

SEWER PIT

Good a te noon

lease ind a tached an nvoice o he add t onal outdoo d ning a ea o 24 25m2 on Gengo St eet
The nvo ce has been g ven o a one yea te m o al gn with you cu ent app oved ou doo ding pe m t 21000400

lease etu n he c edit ca d au ho ity to us at you ea lest convenience

Kind Rega ds
Sa ah Sheathe
cons ng O c a | spac Glam ng nd Hospi al ty cressing Unit
Acce s Ambe a | ACT Gove nment
Mobile 0 13785 2
6 O'Mal Hill Cres ent | ACT 2605 |



Acce s Cambe a | Chie Min ste easu y and Economic Development Di ecto ate | ACT Gove nment

On: Schedule 2 2(a)(i)
Sent: Thu sday 30 November 2017 12:2 AM
To: Nasca Glanca o <Glanca.Nasca@act.gov.au>
Cc: Sheathe Sa ah <Sa ah.Sheathe @act.gov.au>
Sub ect: Re: 21000400 - Outdoo D ning e ms Renewal - App oved [SEC UNC ASSI ED]

H G anca o

W thout he b n be ng an obst uct on an s ues 9 7m x 2 5m w ge us out of t outh e

Thanks

Sa

On Tue 28 Nov 2017 at 2 50 pm Schedule 2 2(a)(i) > w ote

H ggys

He e s equested b n o ocat on

My tab e as a e eady o f we can get that app ova by Thu sday eady fo the weekend wou d be awesome

If oc tat on s an issue p ease et me know We moved the one out f ont of Ak ba ou se ves and maybe ab e o do the same

Rega ds

Sa

On Mon 27 Nov 2017 at 1 53 pm Nasca G anca o <Glanca.Nasca@act.gov.au> w ote

Sa

The iquo enewals a e talking p io ty at he moment due on Thu sday

We need to move that b n be o e we can app ove as it blocks the walkway between the st eet pa k ng

Can you p ease nd cate the p oposed e ocation like and I w ll send he equest over to TCCS

Cost o ellocat on is esponsib ty o he app icant

Rega ds

Glanca to Nasca
Team ea e – am e s
e 2 2 4 4 | e Glanca.nasca@act.gov.au

Access Cambe a | Chie Minis e easu y and Economic De elopment Di ec o a e | ACT Gove nment

On Tue 21 Nov 2017 at 4 45 pm Sheathe Sa ah <Sa ah.Sheathe @act.gov.au> w ote

Sa

Ha th s does not ou ent y include Gengo St eet p ease ange a ha p ea ou ema l

Sa ah Sheathe

On Tue 21 Nov 2017 at 5 37 pm Sheathe Sa ah <Sa ah.Sheathe @act.gov.au> w o e

Thank you fo ewew ng you On doo D n ng Pe m t

P ease f nd attached you ewewed app oved outdoo d n ng pe m t and an nvo ce fo you ddi ence

K nd Rega ds

Sa ah Sheathe
Acce s Cambe a | Chie Minis e easu y and Economic De elopment Di ec o a e | ACT Gove nment
Mobile 0 13785 2
6 O'Mal Hill Cres ent | ACT 2605 |

Th s e ma and any a tachments may be conf dent a and p ope y equi If you a e not he intended ec p ent p ease not y the sende and de e e a cop es of th s ema any a tachments emoved ake y You shou d not copy o use t o any pa pose no d sc ose contents to any o he pe son

ACT Government
Chief Minister, Treasury and Economic Development

Outdoor dining permit – New invoice

Reference: **21000400**

KOKOMO JOE'S PTY LTD
T/a Kokomo Joe's
Tenancy 1, ATO Building Cnr Bunda & Genge Street
Canberra ACT 2601

Dear Permit Holder

I am writing to you in relation to your application for a permit under the *Public Unleased Land Act 2013*.

Application status: **Pending Approval – payment required.**

Under the Public Unleased Land Act 2013 a permit may be issued for up to 3 years. If you wish to accept this offer for a public unleased land permit please select one of the options below and provide payment for the relevant fee

Permit details

Area size (M^2) = **24.25**
Area type: **Primary**
Fee per (M^2) per day = Schedule
Start Date: **1-Dec-17**
Expiry: **30-Nov**

Payment options

1 year permit = Schedule 2.2(a)(xi)
2 year permit =
3 year permit =

Reminder: You must ensure that your public liability insurance remains valid for the duration of the permit. If you wish to amend your permit or invoice, please contact our office on 02 6207 2343.

CREDIT CARD PAYMENT AUTHORITY		
This part is provided for your convenience for payment of the relevant permit renewal fee. Please note that the permit fee is GST exempt.		
Please charge payment of the fee to my:	☐ VISA card	☐ MasterCard
Credit Card Number __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __		Expiry date __/____
CARD HOLDER'S AUTHORISATION: I consent to Access Canberra debiting the following amount from my credit card to the value of **$** _____		
_____ Card holder's full name	_____ Card holder's signature	__ / ___ / ____ Date

Access Canberra
liquor@act.gov.au | Phone 6207 2343
www.accesscanberra.act.gov.au

From: Nasca, Giancarlo
To: Sheather, Sarah
Subject: FW: Outdoor tables.
Date: Monday, 4 December 2017 11:55:27 AM
Attachments: IMG_0325.JPG
ATT00001.txt
IMG_0326.JPG
ATT00002.txt
IMG_0327.JPG
ATT00003.txt
IMG_0328.JPG
ATT00004.txt

-----Original Message-----
From: Schedule 2.2(a)(ii)]
Sent: Friday, 1 December 2017 9:21 AM
To: Nasca, Giancarlo <Giancarlo.Nasca@act.gov.au>
Subject: Outdoor tables.

Please note there is currently 1m gap from bin and 2.5m gap from lease boundary.

In the case that bin is still an issue I can remove the closest table or just not use it. I will put no smoking signs out.

Invoice information has been sent.

I'll resend now.

I plan on using the tables for lunch from 1130am today.

Please let me know what else I need to do If anything.

Regards,

Schedule 2.2


Schedule 2.2(a)(ii)
Schedule 2.2(a)(ii)
Schedule 2.2(a)(ii)
Schedule 2.2(a)(ii)


Schedule 2.2(a)(ii)
Schedule 2.2(a)(ii)


BUNDA ST
SHARED ZONE
GIVE WAY
to pedestrians
waste
to landfill
ACT
Kikomos
GUS
PLACE

From: Nasca, Giancarlo
To: Sheather, Sarah
Subject: FW: Bin relocation
Date: Monday, 4 December 2017 11:57:32 AM
Attachments: image001.jpg

From: Schedule 2.2(a)(ii)
Sent: Thursday, 30 November 2017 10:33 AM
To: Nasca, Giancarlo <Giancarlo.Nasca@act.gov.au>
Subject: Re: Bin relocation

Do you know how quickly that can happen?

Obviously happy if they do it.

Please convey the importance of haste and the offer of us doing the job if they can't do it quickly.

Also can u ask about key access to open the door to undo the bolts.

I am happy to speak with them if that will help speed things up?

Schedule 2.2(a)

On Thu, 30 Nov 2017 at 8:20 am, Nasca, Giancarlo <Giancarlo.Nasca@act.gov.au> wrote:

> We need to get permission from TCCS first – hold off for a bit please.
>
> Regards
>
> **Giancarlo Nasca**
> **Team Leader – Liquor & Gaming Licensing**
> **Phone: 02 6205 4584 | Email:** giancarlo.nasca@act.gov.au
>
> cid:image009.jpg@01D31C1B.E0820B30
>
> Access Canberra | Chief Minister, Treasury and Economic Development Directorate | ACT Government
>
> **From:** Schedule 2.2(a)(ii)
> **Sent:** Wednesday, 29 November 2017 6:40 PM
> **To:** Nasca, Giancarlo <Giancarlo.Nasca@act.gov.au>
> **Subject:** Bin relocation

Hi mate.

I can handle bin relocation through Schedule 2.2(a)(ii) other company D group.

I can do that tomorrow afternoon.

Regards,

Schedule 2.2(a)

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.

ACT Government

Receipt

Kokomo Joe's Pty Ltd
Cnr Bunda & Genge street
CANBERRA, ACT 2600

ABN: 68 367 113 536
Receipt Reference: 312442.1541.1
Date: 01-Dec-2017 15:40
Cashier: RCR
Counter: LIQ - Pauline
Location: Access Canberra Cosmo

Receipt Item:	**Amount**
ABN: 68 367 113 536 - Outdoor Cafe Permit - Primary Area Kokomo Joe's Pty Ltd Cnr Bunda & Genge street CANBERRA, ACT 2600 Reference - 21000400 Description - 1yr - Annual 2017/18	Schedule 2.2(a)(xi)
Total	Schedule 2.2(a)(xi)

Payment Details:

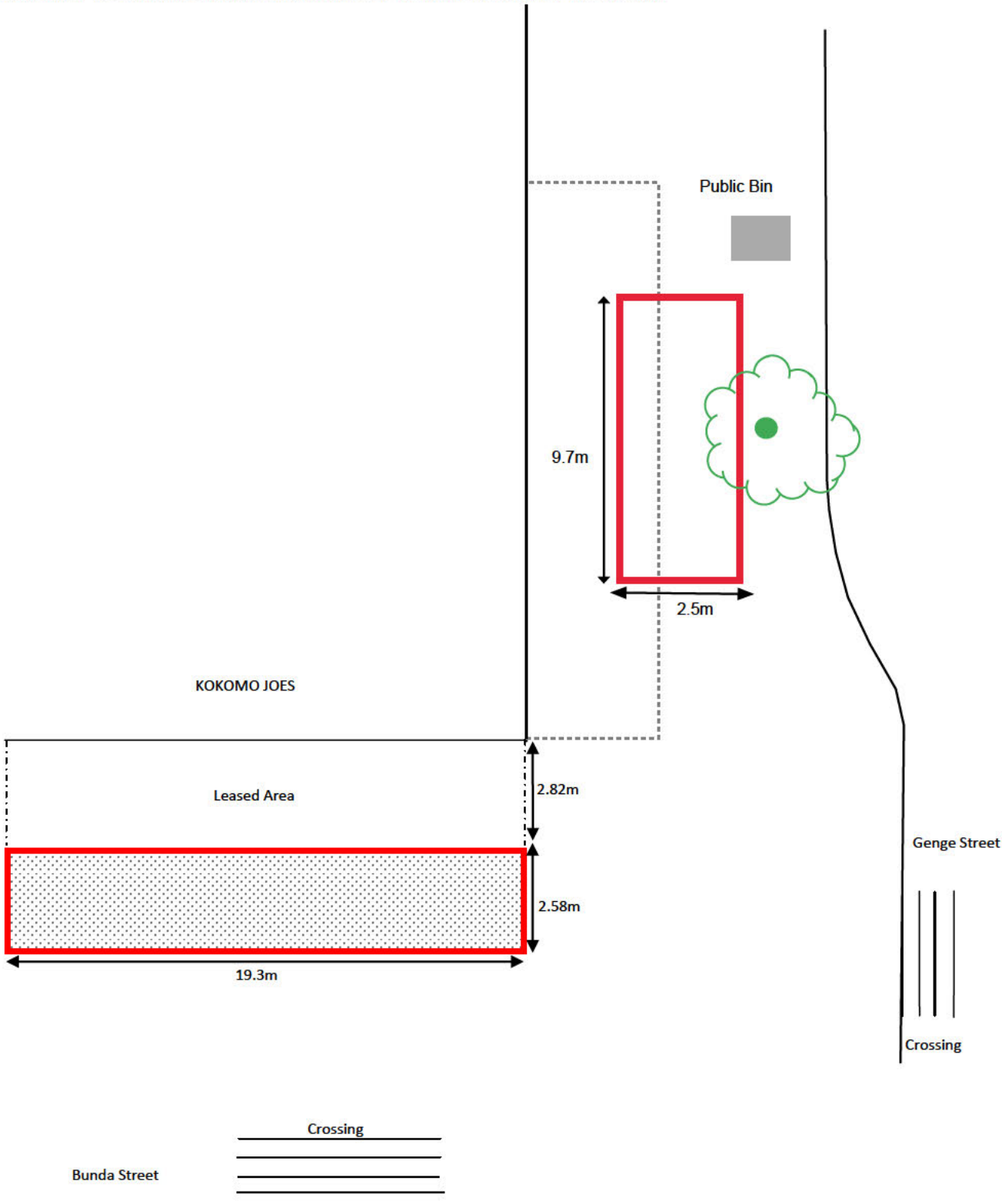
EFTPOS	Schedule 2.2(a)(xi)

ACT Government
Chief Minister, Treasury and Economic Development

Permit number: **21000400**
Permit holder: **KOKOMO JOES PTY LTD**
Location: **Tenancy 1, ATO Building Cnr Bunda & Genge Street Canberra ACT 2601**
Permit activity: **Outdoor dining**
Permitted times: **11am to 4am**
Permit area size: **74.05m²**

OUTDOOR DINING AREA

DRAWING NOT TO SCALE BUT MEASUREMENTS OF DISTANCE CORRECT AS SHOWN



From: Schedule 2.2(a)(ii)
To: Sheather, Sarah
Cc: Nasca, Giancarlo
Subject: Re: 21000400 - Outdoor Dining Permit Amendment [SEC=UNCLASSIFIED]
Date: Monday, 4 December 2017 12:31:30 PM
Attachments: image001.jpg

Ho Sarah/ Giancarlo.

Thanks for your help last week.

Can I get the area finalised this week. Where are at with bin relcocation?

I would also like amendment to follow the line curve of the pavement. I will sketch when back at work tomorrow.

Schedule 2.2(a)

On Fri, 1 Dec 2017 at 4:23 pm, Sheather, Sarah <Sarah.Sheather@act.gov.au> wrote:

> Good afternoon Schedule 2.2(
>
> Please find attached the relevant documentation pertaining to the issue of your public unleased land permit;
>
> Permit Holder - KOKOMO JOE'S PTY LTD - Kokomo Joe's
>
> • Premise Plans to include the additional area on Genge Street
>
> • Receipt
>
> Kind Regards,
>
> Sarah Sheather
>
> Licensing Officer | **Liquor, Gaming and Hospitality Licensing Unit**
>
> **Access Canberra | ACT Government**
>
> Phone: 6207 9592
>
> GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accesscbr



Access Canberra | Chief Minister, Treasury and Economic Development Directorate | ACT Government

From: Schedule 2.2(a)(ii)
Sent: Friday, 1 December 2017 9:22 AM
To: Nasca, Giancarlo <Giancarlo.Nasca@act.gov.au>; Sheather, Sarah <Sarah.Sheather@act.gov.au>
Subject: Fwd: ODA AMMENDMENT

Hi guys,

Here is the invoice cc authorisation that I sent through on 17 November.

Regards,

Schedule 2.2(

.

---------- Forwarded message ---------
From: noreply@akiba.com.au <noreply@akiba.com.au>
Date: Fri, 17 Nov 2017 at 10:40 am
Subject: ODA AMMENDMENT
To: <michael.ross.harrington@gmail.com>

Reply to: noreply@akiba.com.au <noreply@akiba.com.au>
Device Name: A2027489 AKIBA CANBERRA PTY LTD
Device Model: MX-2640N
Location: 40 BUNDA ST, CANBERRA ACT 2601

File Format: PDF (Medium)
Resolution: 200dpi x 200dpi

From: Schedule 2.2(a)(ii)
To: Nasca, Giancarlo; Sheather, Sarah
Subject: Kokomos Genge st Outdoor area
Date: Wednesday, 6 December 2017 1:41:05 PM
Attachments: Akiba Functions_20171206_132252.pdf

Hi Guys,

As discussed I have sketched the requested outdoor area within the guidelines.

Can we please arrange bin relocation this week. As suggested we can manage that through D-Group.

I now request that it is moved directly across the street as smokers are inundating our area currently and despite the bin being there are littering their butts all over our tables and the surrounding area.

Sarah can you please invoice today so that we can get the are in use by friday which is our 2nd biggest day of the year.

Kind Regards,

Schedule 2.2(a)(ii)

Sent from my iPad

From: Sheather, Sarah
To: Ellis, Pamela
Subject: RE: Proposed bin relocation - Kokomo's - Tenancy 1, ATO Building, Cnr. Bunda & Genge Streets CANBERRA ACT 2600. [SEC=UNCLASSIFIED]
Date: Wednesday, 31 January 2018 10:01:00 AM

Good morning Pamela,

I spoke to the owner of Kokomo's and yes he has removed the bin shroud and has it in storage.
I have advised him that it will need to be returned to TCCS, he asked for TCCS to contact him to arrange pickup of the shroud for either complete removal or relocation of the bin

Schedule 2.2(a)(ii)

If you require anything else just let me know

Kind Regards,
Sarah Sheather
Licensing Officer | Liquor, Gaming and Hospitality Licensing Unit
Access Canberra | ACT Government
Phone: 6207 9592
GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accesscbr

Access Canberra | Chief Minister, Treasury and Economic Development Directorate | ACT Government

-----Original Message-----
From: Ellis, Pamela
Sent: Tuesday, 30 January 2018 3:15 PM
To: Sheather, Sarah <Sarah.Sheather@act.gov.au>
Subject: FW: Proposed bin relocation - Kokomo's - Tenancy 1, ATO Building, Cnr. Bunda & Genge Streets CANBERRA ACT 2600. [SEC UNCLASSIFIED]

Good afternoon Sarah,

Could you please send me over the approval for Kokomo's outdoor dining permit?

Did we have any conditions on them removing the bin shroud from the location?

The maintenance section of TCCS is chasing it and we didn't know if it is to be relocated and if so when it would be re-installed. TCCS Maintenance have also indicated they are happy to re-install the bin shroud if they can collect it from someone/somewhere

Please advise

Kind Regards,

Pamela Ellis | A/g Public Use Coordinator Phone 6205 8538 | Fax 6207 7133 | Email pamela.ellis@act.gov.au Licensing and Compliance | City Presentation | Transport Canberra and City Services ACT Government Reid Office, 2 Elimatta St, Reid ACT 2612 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

-----Original Message-----
From: Walker, Shannon
Sent: Tuesday, 30 January 2018 3:09 PM
To: Ellis, Pamela <Pamela.Ellis@act.gov.au>
Subject: FW: Proposed bin relocation - Kokomo's - Tenancy 1, ATO Building, Cnr. Bunda & Genge Streets CANBERRA ACT 2600. [SEC UNCLASSIFIED]

Hi Pam,

Please see email trail about the bin shroud. Are you able to forward this on to the appropriate areas to find where the bin shroud is.

Thanks

Shannon Walker |Supervisor - Civic/Inner North Horticultural Maintenance & Cleaning Phone 02 6207 7138 | Email: shannon.walker@act.gov.au Place Management, City Presentation, City Services | Transport Canberra and City Services Directorate | ACT Government
Allara Street Depot | 74 Allara Street, City ACT 2602 | GPO Box 158 Canberra ACT 2601 |

-----Original Message-----
From: Bulkeley, Luke
Sent: Tuesday, 30 January 2018 10:50 AM
To: Walker, Shannon <Shannon.Walker@act.gov.au>
Cc: Bathgate, Brian <Brian.Bathgate@act.gov.au>; Nasca, Giancarlo <Giancarlo.Nasca@act.gov.au>; Gerrard, Darren <Darren.Gerrard@act.gov.au>
Subject: FW: Proposed bin relocation - Kokomo's - Tenancy 1, ATO Building, Cnr. Bunda & Genge Streets CANBERRA ACT 2600. [SEC UNCLASSIFIED]

Hi Shannon,

The bin removal was permitted in December, and the proposed relocation most likely not required or completed yet. Can you please follow up with Giancarlo and/or Darren to locate the shroud and get an update. Otherwise a Schedule 2.2(a)(ii) is mentioned below.

Thanks

Luke

-----Original Message-----
From: Nasca, Giancarlo
Sent: Monday, 11 December 2017 9:10 AM
To: Carder, Jane <Jane.Carder@act.gov.au>; Bulkeley, Luke <Luke.Bulkeley@act.gov.au>
Cc: Bathgate, Brian <Brian.Bathgate@act.gov.au>; Gerrard, Darren <Darren.Gerrard@act.gov.au>; Evans, Colin <Colin.Evans@act.gov.au>; Sheather, Sarah <Sarah.Sheather@act.gov.au>
Subject: RE: Proposed bin relocation - Kokomo's - Tenancy 1, ATO Building, Cnr. Bunda & Genge Streets CANBERRA ACT 2600. [SEC UNCLASSIFIED]

Morning all

I noticed on google maps there are already two bins over the other side of the road - FYI

Regards

Giancarlo Nasca
Team Leader – Liquor & Gaming Licensing
Phone: 02 6205 4584 | Email: giancarlo.nasca@act.gov.au

Access Canberra | Chief Minister, Treasury and Economic Development Directorate | ACT Government

-----Original Message-----
From: Carder, Jane
Sent: Friday, 8 December 2017 4:58 PM
To: Bulkeley, Luke <Luke.Bulkeley@act.gov.au>
Cc: Bathgate, Brian <Brian.Bathgate@act.gov.au>; Gerrard, Darren <Darren.Gerrard@act.gov.au>; Evans, Colin <Colin.Evans@act.gov.au>; Nasca, Giancarlo <Giancarlo.Nasca@act.gov.au>
Subject: FW: Proposed bin relocation - Kokomo's - Tenancy 1, ATO Building, Cnr. Bunda & Genge Streets CANBERRA ACT 2600. [SEC UNCLASSIFIED]

Hi Luke

Can you please arrange a response to Giancarlo regarding the relocation of a bin.

Jane Carder | Senior Manager, Place Management Phone 02 62072525 | Fax 02 62075366 | Email jane.carder@act.gov.au City Presentation | City Services | Transport Canberra and City Services Directorate | ACT Government Level 2, Wotso House, 490 Northbourne Avenue, Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

-----Original Message-----
From: Nasca, Giancarlo
Sent: Friday, 8 December 2017 1:09 PM
To: Bathgate, Brian <Brian.Bathgate@act.gov.au>; Gerrard, Darren <Darren.Gerrard@act.gov.au>; Evans, Colin <Colin.Evans@act.gov.au>; Carder, Jane <Jane.Carder@act.gov.au>
Cc: Sheather, Sarah <Sarah.Sheather@act.gov.au>
Subject: FW: Proposed bin relocation - Kokomo's - Tenancy 1, ATO Building, Cnr. Bunda & Genge Streets CANBERRA ACT 2600.

Hi all

I've had an enquiry to relocate a bin outside the premises at Kokomo's - Tenancy 1, ATO Building, Cnr. Bunda & Genge Streets CANBERRA ACT 2600.

It appears the proposed relocation is across the street, in front of a vacant premises with no outdoor dining area.

Kokomo's has applied and in the process of being approved for further outdoor dining seating on Genge street side and the bin causes issues for egress and is also encouraging smokers to congregate near the outdoor area (which is smoke free).

Can you please advise if there are any issues with allowed this relocation?

Schedule 2.2(a)(ii) is the contact person/licensee Schedule 2.2(a)(ii)

Schedu has suggested that he will employ D Group to complete the relocation work and remediation left by the current bolts in the ground.

We will need the bin unlocked to gain access to the current bolts, can you please advise the best person to arrange for this to occur.

https://www.google.com.au/maps/place/Genge St, Canberra ACT 2601/@-35.2774736,149.1321217,3a,75y,274.58h,85.67t/data !3m6!1e1!3m4!1sUeCV_GNT7khznX54VIvCbA!2e0!7i13312!8i6656!4m5!3m4!1s0x6b164d667cb23783:0xc73fa8ff6db6acc4!8m2!3d-35.2769501!4d149.1321883?dcr 0

I will be sending Schedu an application to complete Works approval and he can complete a minor TTMP (to also gain permission to bolt picnic tables to pavement).

Kind regards

Giancarlo Nasca
Team Leader – Liquor & Gaming Licensing
Phone: 02 6205 4584 | Email: giancarlo.nasca@act.gov.au

Access Canberra | Chief Minister, Treasury and Economic Development Directorate | ACT Government

-----Original Message-----
From Schedule 2.2(a)(ii)
Sent: Thursday, 7 December 2017 3:52 PM
To: Nasca, Giancarlo <Giancarlo.Nasca@act.gov.au>; Sheather, Sarah <Sarah.Sheather@act.gov.au>
Subject: Proposed bin relocation.

Hi Guys,

Here is the proposed bin relocation.

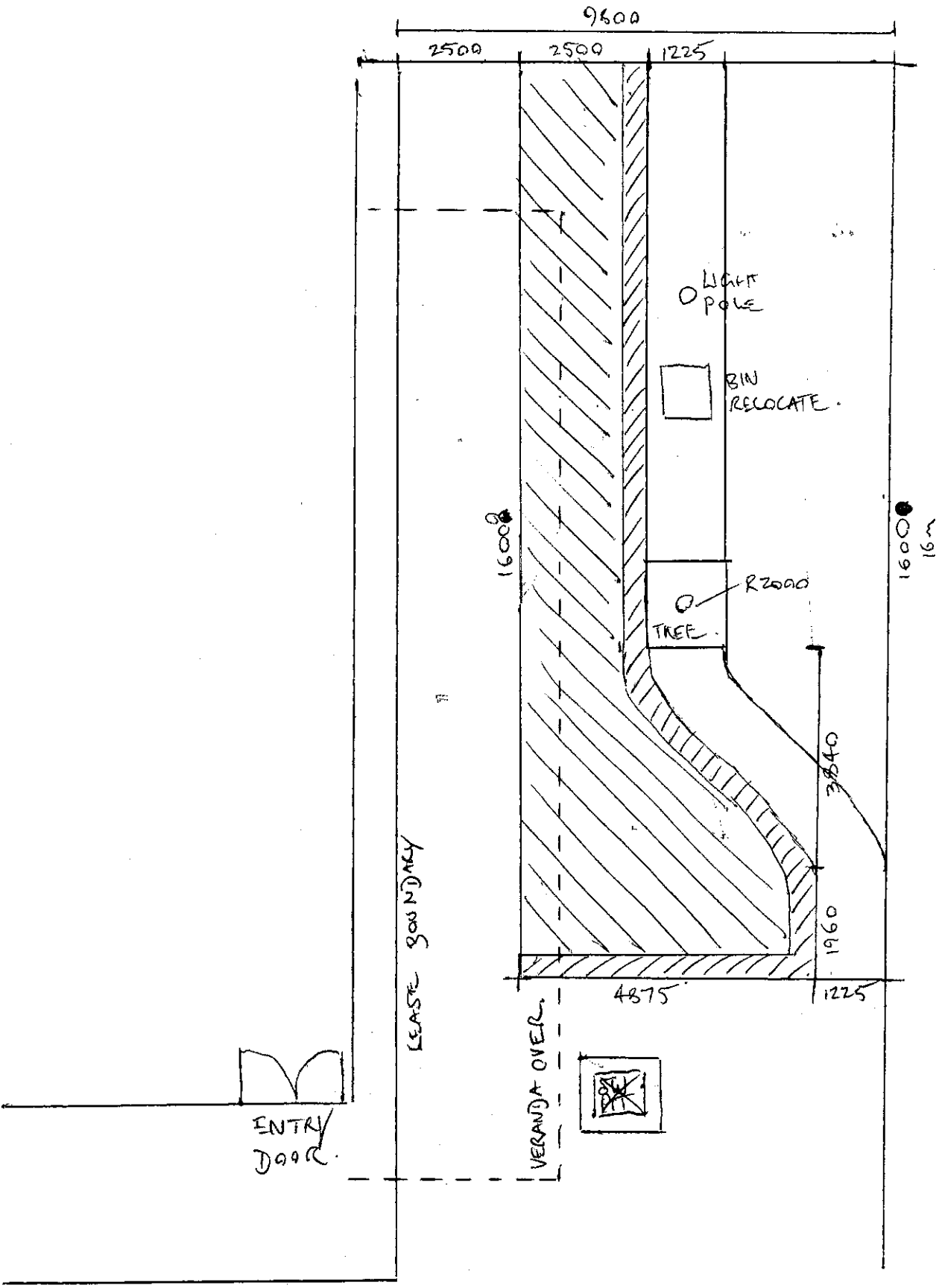
There is a vacant shop there currently which I doubt they will be leasing due to plans to change the CANBERRA centre in next few years.

Regards,

Sched


3:29
Kinn Thai Restaurant
Sammy's Kitchen
VACANT SHOP FRONT
Cream Cafe and Bar
NEW LOCATION
RELOCATE BIN
Yes Optus
Genge St
BIN
BLU GINGER
Kokoro's
Chez Kimchi
Bunda St
Garema
Shorty's
25°
Search for a place or address


Schedule 22(a)(i)



Inside leased are

9x Picnic tables bolted down.

9x Umbrellas

Ground covered in ~~astro~~ artificial turf (not glued).

Boundary planter boxes, (same as akiba 350 W x 700 H).

From: Schedule 2 2(a)(ii) @online.telstra.com.au
To: Nasca, Giancarlo; Sheather, Sarah
Date: Thursday, 11 January 2018 8:10:59 AM
Attachments: IMG_0370.jpg
text_1.txt

Hi Guys,

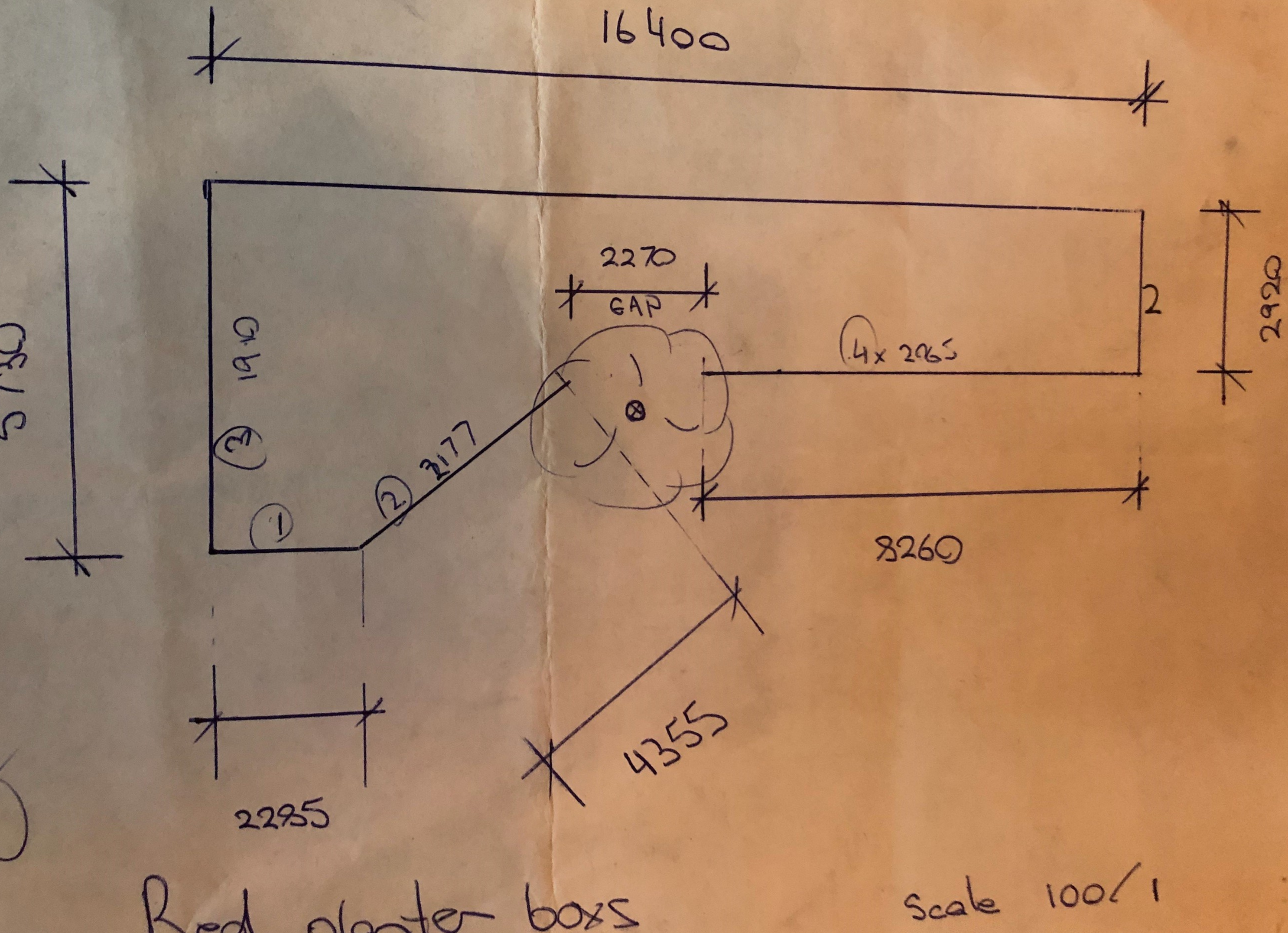
I have a final plan on outdoor area. I am currently fabricating planter boxes.

Can I get an approval on this new area and need to know about moving the bin across the road.

Regards,

Schedule 2.2(a)

Out side eating Area Kokomos



Red planter boxs

Scale 100/1

From: Sheather, Sarah
To: Schedule 2.2(a)(ii)
Cc: Nasca, Giancarlo
Subject: Outdoor Dining Invoice - Genge Street [SEC=UNCLASSIFIED]
Date: Friday, 9 February 2018 2:53:00 PM
Attachments: IMG_0370.jpg
21000400 - Outdoor Dining Permit - Invoice.pdf

Good afternoon Schedule 2.2

Please find attached the invoice for the additional area being used on Genge Street as per your attached plan that has not yet been paid for.

On 01 Dec 2017 you were charged an interim fee for the temporary extended outdoor area of 24.25 meters Squared.

The total area being used on Genge Street is 58.70m ², the invoice attached is for the additional space of 34.45m² that is currently being used

Please return the credit card authority to myself, once this has been paid the liquor licence amendment can be finalised.

If you have any additional questions please contact me on 6207 9592

Kind Regards,
Sarah Sheather
Licensing Officer | Liquor, Gaming and Hospitality Licensing Unit
Access Canberra | ACT Government
Phone: 6207 9592
GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accesscbr

Access Canberra | Chief Minister, Treasury and Economic Development Directorate | ACT Government

-----Original Message-----
From: Schedule 2.2(a)(ii)
Sent: Thursday, 25 January 2018 3:20 PM
To: Nasca, Giancarlo <Giancarlo.Nasca@act.gov.au>; Sheather, Sarah <Sarah.Sheather@act.gov.au>
Subject: Current dimensions.

Hi Giancarlo/ Sarah.

Please let me know when we can amend the current outdoor area plan.

I understand you are busy and just want to ensure we are compliant.

Regards,

Schedule 2.2

ACT Government
Chief Minister, Treasury and Economic Development

Outdoor dining permit – New invoice

Reference: **21000400**

KOKOMO JOE'S PTY LTD
T/a Kokomo Joe's
Tenancy 1, ATO Building Cnr Bunda & Genge Street
Canberra ACT 2601

Dear Permit Holder

I am writing to you in relation to your application for a permit under the *Public Unleased Land Act 2013*.

Application status: **Pending Approval – payment required.**

Under the Public Unleased Land Act 2013 a permit may be issued for up to 3 years. If you wish to accept this offer for a public unleased land permit please select one of the options below and provide payment for the relevant fee

Permit details

Area size (M^2) = **34.45**
Area type: **Primary**
Fee per (M^2) per day = Schedule
Start Date: **9-Feb-18**
Expiry: **30-Nov-18**

Payment option

1 year permit = **$** Schedule 2.2(a)(i)

Reminder: You must ensure that your public liability insurance remains valid for the duration of the permit. If you wish to amend your permit or invoice, please contact our office on 02 6207 2343.

CREDIT CARD PAYMENT AUTHORITY		
This part is provided for your convenience for payment of the relevant permit renewal fee. Please note that the permit fee is GST exempt.		
Please charge payment of the fee to my:	☐ VISA card	☐ MasterCard
Credit Card Number __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __		Expiry date __/____
CARD HOLDER'S AUTHORISATION: I consent to Access Canberra debiting the following amount from my credit card to the value of **$** _____		
_____ Card holder's full name	_____ Card holder's signature	__ / ___ / ____ Date

Access Canberra
liquor@act.gov.au | Phone 6207 2343
www.accesscanberra.act.gov.au

From:	Sheather, Sarah
To:	Schedule 2.2(a)(ii)"
Subject:	21000400 - Outdoor Dining Amendment - Approved - KOKOMO JOE"S PTY LTD T/a Kokomo Joe"s [SEC=UNCLASSIFIED]
Date:	Tuesday, 13 February 2018 11:16:00 AM
Attachments:	image001.jpg 21000400- Outdoor Dining Permit - Approved Permit.pdf 21000400 - Outdoor Dining Plan - Approved.pdf Receipt - Kokomo Joe"s.pdf
Importance:	High

Dear Permit Holder

Your application to amend your public unleased land permit has now been assessed in accordance with the *Public Unleased Land Act 2013* and has been approved based on the information you have provided.

21000400 - KOKOMO JOE'S PTY LTD T/a Kokomo Joe's

Activity of permit: Addition of area on Genge Street

Please find attached the relevant documentation pertaining to the issue of your public unleased land permit;

- Permit Certificate (Note: special conditions added in relation to operating in front of an adjoining premises and the placement of a structure over the area)
- Receipt for payment
- Premise Plans

If you require further information, please contact Access Canberra, Liquor, Gaming and Hospitality on 02 6207 2343.

Kind Regards,

Sarah Sheather
Licensing Officer | **Liquor Licensing Unit**
Access Canberra | ACT Government
Phone: 6207 9592
GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accesscbr

170216_AccessCbr_moving_SigBlock.jpg

PERMIT TO PLACE OBJECTS ON PUBLIC UNLEASED LAND

Public Unleased Land Act 2013

Permit number: **21000400**
Permit holder: **KOKOMO JOES PTY LTD**
Location: **Tenancy 1, ATO Building Cnr Bunda & Genge Street Canberra ACT 2601**
Permit activity: **Outdoor dining**
Permitted times: **11am to 4am**
Term of permit: **01 December 2017 to 30 November 2018**

TERMS AND CONDITIONS

1) Insurance
   The grantee will, for the full period of this permit:
   a) effect and maintain a public liability insurance to the value of at least TWENTY MILLION DOLLARS and;
   b) indemnify and keep indemnified the Australian Capital Territory, its officers, servants and agents ("those indemnified") against:
      i) all actions, proceedings, claims and demands whatsoever which may be brought, made or prosecuted against them or any of them in respect of loss, damage, death or injury to persons or property occurring in the permitted area or arising out of the presence of use of the furnishings in the permitted area; and
      ii) all costs, damages and expenses which may be incurred by those indemnified in defending, or settling such actions, proceedings, claims and demands.

2) Furniture and objects must remain within permitted area
   Furniture and objects must not be placed or moved outside the permitted area. All tables and chairs must remain within the boundary and the grantee must ensure that patrons do not breach this requirement. This includes chairs whilst being used by patrons – the chairs must remain wholly within the permit area.
3) Health and Safety
   a) The grantee will ensure that the permitted objects do not, directly or indirectly, adversely affect the health or safety of persons in or near the permitted area.
   b) The grantee will comply with all relevant laws and regulations relating to the operation of an outdoor dining permit and, in particular, those in relation to public health.
4) Smoking
   Smoking is not permitted in the outdoor eating and drinking area in accordance with the *Smoke Free (Public Places) Act 2003.* "No smoking" signage is to be displayed in permit area.

NOTE:

- This permit **does not authorise** the drilling of holes into pavements or walls and **does not permit** permanent attachment to pavements or walls and **does not permit** permanent structures to be erected.

- The placement of permanent objects fixed to the ground requires an application to be made to Access Canberra. However, if the objects are **not able** to be removed within 48 hours, with limited mechanical assistance, a licence under the *Planning and Development Act 2007* from the Environment and Planning Directorate may be required. This process incorporates approval from the land custodian, and/or other interested parties through the Territory and Municipal Services Directorate.

- The Proprietor should note that their public liability insurance may not indemnify them if operating outside the permitted area. Objects placed outside of the permit area may be confiscated and forfeited.

- **The approved plan for the premises forms part of this permit. To obtain a copy of your approved plan or to vary the permit area or the permitted objects, please contact Access Canberra and request a re-assessment.**

From: Sheather, Sarah
To: Schedule 2.2(a)(ii)"
Subject: 21000400 - Outdoor Dining Permit - Approved Permit [SEC=UNCLASSIFIED]
Date: Friday, 16 February 2018 10:05:00 AM
Attachments: image001.jpg
21000400 - Outdoor Dining Permit - Approved Permit.pdf

Good morning Schedule 2.2,

Please find attached the most current outdoor Dining permit for Kokomo Joe's including the condition for the permanent outdoor structure on public unleased land.

Kind Regards,
Sarah Sheather
Licensing Officer | **Liquor, Gaming and Hospitality Licensing Unit**
Access Canberra | ACT Government
Phone: 6207 9592
GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accesscbr

170216_AccessCbr_moving_SigBlock.jpg



Access Canberra | Chief Minister, Treasury and Economic Development Directorate | ACT Government

PERMIT TO PLACE OBJECTS ON PUBLIC UNLEASED LAND

Public Unleased Land Act 2013

Permit number: **21000400**
Permit holder: **KOKOMO JOES PTY LTD**
Location: **Tenancy 1, ATO Building Cnr Bunda & Genge Street Canberra ACT 2601**
Permit activity: **Outdoor dining**
Permitted times: **11am to 4am**
Term of permit: **01 December 2017 to 30 November 2018**

TERMS AND CONDITIONS

1) Insurance
   The grantee will, for the full period of this permit:
   a) effect and maintain a public liability insurance to the value of at least TWENTY MILLION DOLLARS and;
   b) indemnify and keep indemnified the Australian Capital Territory, its officers, servants and agents ("those indemnified") against:
      i) all actions, proceedings, claims and demands whatsoever which may be brought, made or prosecuted against them or any of them in respect of loss, damage, death or injury to persons or property occurring in the permitted area or arising out of the presence of use of the furnishings in the permitted area; and
      ii) all costs, damages and expenses which may be incurred by those indemnified in defending, or settling such actions, proceedings, claims and demands.

2) Furniture and objects must remain within permitted area
   Furniture and objects must not be placed or moved outside the permitted area. All tables and chairs must remain within the boundary and the grantee must ensure that patrons do not breach this requirement. This includes chairs whilst being used by patrons – the chairs must remain wholly within the permit area.
3) Health and Safety
   a) The grantee will ensure that the permitted objects do not, directly or indirectly, adversely affect the health or safety of persons in or near the permitted area.
   b) The grantee will comply with all relevant laws and regulations relating to the operation of an outdoor dining permit and, in particular, those in relation to public health.
4) Smoking
   Smoking is not permitted in the outdoor eating and drinking area in accordance with the *Smoke Free (Public Places) Act 2003.* "No smoking" signage is to be displayed in permit area.
5) Section 303 Licence
   SDMS licence ID number: 2902 forms part of this permit, for a shade structure on public unleased land.

NOTE:

- This permit **does not authorise** the drilling of holes into pavements or walls and **does not permit** permanent attachment to pavements or walls and **does not permit** permanent structures to be erected.

- The placement of permanent objects fixed to the ground requires an application to be made to Access Canberra. However, if the objects are **not able** to be removed within 48 hours, with limited mechanical assistance, a licence under the *Planning and Development Act 2007* from the Environment and Planning Directorate may be required. This process incorporates approval from the land custodian, and/or other interested parties through the Territory and Municipal Services Directorate.

- The Proprietor should note that their public liability insurance may not indemnify them if operating outside the permitted area. Objects placed outside of the permit area may be confiscated and forfeited.

- **The approved plan for the premises forms part of this permit. To obtain a copy of your approved plan or to vary the permit area or the permitted objects, please contact Access Canberra and request a re-assessment.**

ACT Government
Justice and Community Safety

Reference: **21000123**

O'REILLY'S PTY LTD
PJ O'Reilly's
PO Box 110
FYSHWICK ACT 2609

Dear Permit Holder

Your permit for an outdoor cafe under the *Roads and Public Places Act 1937* expired on **1 July 2013**.

As you may be aware, the *Roads and Public Places Act 1937* was replaced by the *Public Unleased Land Act 2013* (the Act) which came into effect 1 July 2013. The new Act allows for a permit to be issued for up to 2 years.

To enable the Office of Regulatory Services to transition your permit across to the new Act, please find enclosed an 'Application for an Outdoor Cafe Permit – For Expiring Permit Holders' for completion by you.

Please select one of the payment options below and return the application form together with payment for the option you have selected to this office by **7 August 2013.**

Payment options are shown on the reverse side of this invoice.

Option 1 – [1 year permit]

Description		Fee per (M^2) per day	Area (M^2)	Total	Fee payable
PJ O'Reilly's From: To:	 01-August-2013 **31-July-2014**	Schedule 2.2(	85.57	Schedule 2.2(a)(xi)	[Rounded down] Schedule 2.2(a)(xi)

Option 2 – [2 Year Permit]

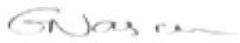
Description		Fee per (M^2) per day	Area (M^2)	Total	Fee payable
PJ O'Reilly's From: To:	 01-August-2013 **31-July-2015**	Schedule 2.2(	85.57	Schedule 2.2(a)(xi)	[Rounded down] Schedule 2.2(a)(xi)

Please provide evidence of your current public liability insurance for the amount of $20 million noting the ACT Government as an interested party for the duration of the permit. The ORS is unable to approve your permit until this has been supplied.

Office of Regulatory Services
Registrations and Fair Trading
255 Canberra Avenue Fyshwick ACT 2609
GPO Box 158 Canberra ACT 2601 / Phone 6207 3000

If you wish to request amendments to your permit, please contact our office on 02 6207 3000 to discuss the options available to you. You can also contact us to discuss any questions regarding this letter and the application process.

Yours sincerely



Giancarlo Nasca
Delegate of the Director-General, Justice and Community Safety
31 July 2013

You may make payment by providing a cheque/money order or credit card authorisation for the fee payable. Cheques can be made payable to "Office of Regulatory Services". If you wish to pay by cash or EFTPOS you can do so by attending our office in person.

CREDIT CARD PAYMENT AUTHORITY		
This part is provided for your convenience for payment of the relevant permit renewal fee. Please note that the permit fee is GST exempt.		
Please charge payment of the fee to my:	☐ VISA card	☐ MasterCard
Credit Card Number _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _		Expiry date __/____
CARD HOLDER'S AUTHORISATION: I consent to the Office of Regulatory Services debiting the following amount from my credit card to the value of $ _____		
_____ Card holder's full name	_____ Card holder's signature	__ / ____ / ____ Date

In Person:	**By Post:**	**Fax to*:**	**Email to*:**
Office of Regulatory Services 255 Canberra Avenue Fyshwick ACT 2609 Hours: 9.00am – 4.30pm	Office of Regulatory Services Business and Industry Licensing GPO Box 158 Canberra, ACT 2601	(02) 6207 0424 *Only credit card payment can be accepted via fax.	liquor@act.gov.au

ACT Government
Justice and Community Safety

21000123.
COMPLETED 2/9 - GN.

APPLICATION FOR AN OUTDOOR CAFÉ PERMIT

FOR EXPIRING PERMIT HOLDERS

Public Unleased Land Act 2013

APPLICANT DETAILS *(Each individual proprietor, company director or partner must complete a separate applicant details form)*

TITLE *(Mr, Ms)*	GIVEN NAMES	SURNAME
Mr.	Schedule 2.2(a)(ii)	Schedule 2.2(a)(ii)

BUSINESS HOURS TELEPHONE NUMBER	MOBILE TELEPHONE NUMBER
(02) 62304752	Schedule 2.2(a)(ii)

ANY CHANGES TO ADDRESS / OTHER CONTACT DETAILS SINCE LAST PERMIT APPLICATION

COMPANY NAME *(If applicable)*	AUSTRALIAN COMPANY NUMBER (A.C.N.) *(If applicable)*
O'Reilly's Pty Ltd	081 333 315
PARTNERSHIP NAME *(If applicable)*	**AUSTRALIAN BUSINESS NUMBER (A.B.N.)** *(If applicable)*
	63 081 333 315

SUITABILITY INFORMATION *If you tick yes to any of the below please provide further information*

I have had a conviction of, or finding of guilt, for an offence against this Act or another Act anywhere in Australia dealing with the use of public land.	☐ Yes	☒ No
I have had proven that I was non compliant with a legal obligation in relation to carrying on an activity on public unleased land.	☐ Yes	☒ No
I have been refused a licence, permit or other authority to carry on an activity on public land.	☐ Yes	☒ No
I have had action taken against me which reflects on my ability to safely and responsibly carry on an activity on public unleased land.	☐ Yes	☒ No

APPLICANT SIGNATURE

I, Schedule 2.2(a)(ii), confirm that the information supplied in this application is true and accurate and unde Schedule 2.2(a)(ii) information is an offence.

Signature: Schedule 2.2(a)(ii) Date: / /

PARTICULARS OF EXPIRING PERMIT

CURRENT PREMISES ADDRESS *(Property Name, Unit, Flat No, Street Number, Street Name) or description of area if no current premises)*

Corner West Row & Alinga St

CITY / SUBURB / TOWN	STATE / TERRITORY	POSTCODE
Canberra	ACT	2601

TRADING NAME

P.J. O'Reillys

PERMIT NUMBER

6930

CHANGES TO PERMIT

Have there been any changes to the public unleased land you are using / wish to use, since your last permit application?	☐ Yes ☒ No
Have there been any changes to the times during which you use the public unleased land (i.e. business opening hours) since your last permit application?	☐ Yes ☒ No
Have there been any changes to the nature of the activity you are using the public unleased land for, since your last permit application?	☐ Yes ☒ No
Have there been any changes to the location plan you provided with your last permit application?	☐ Yes ☒ No

IMPORTANT: If you have answered yes to any of the above questions, please submit a new outdoor café permit application containing all accurate details of your current use of public unleased land.

ANY OTHER RELEVANT CHANGE OF CIRCUMSTANCES SINCE LAST PERMIT ISSUED
(For example, is there a larger or smaller area to be covered, have there been any changes to the equipment you are placing on the public unleased land)

austbrokers Canberra

Austbrokers Canberra Pty Ltd
ABN 36 123 669 992
Corporate Authorised Representative of
Austbrokers Sydney Pty Ltd
ABN 14 061 968 090
AFS Licence No. 244244
Cnr Lyell & Newcastle Streets Fyshwick ACT 2609
PO Box 727 Fyshwick ACT 2609
Tel (02) 6280 5477 Fax (02) 6280 7561
Website: www.abcbr.com.au

Certificate of Insurance

P.J. O'Reilly's
PO Box 110
FYSHWICK ACT 2609

Date: 26.06.2013
Invoice No: I0226882

We confirm insurance has been arranged in accordance with the details shown below and subject to the premium having been paid.

Class Business Pak - BUSI **Policy No.** LAT052927LIA

Insurer Bcoz Underwriting Agencies Pty Ltd
PO Box 13116
LAW COURTS VIC 8010

Period 01.07.2013 to 01.07.2014

Summary of Cover

FIRE AND EXTRANEOUS PERILS:	NOT INSURED
BUSINESS INTERRUPTION:	NOT INSURED
BURGLARY:	NOT INSURED
GLASS:	NOT INSURED
MONEY:	NOT INSURED
BROADFORM LIABILITY:	INSURED
GENERAL PROPERTY:	NOT INSURED
MACHINERY BREAKDOWN	NOT INSURED
ELECTRONIC EQUIPMENT	NOT INSURED

BUSINESS PAK INSURANCE

INSURED: P.J. O'Reilly's
and subsidiary and/or related corporations (as defined under the Australian Companies Codes) all for their respective rights, interests and liabilities.

THE BUSINESS: Principally
Licensed Hotel/Tavern
& all ancillary activities.

INTERESTED PARTY: ACT Government

Austbrokers Canberra Pty Ltd
ABN 36 123 669 992
PO Box 727
FYSHWICK ACT 2609

Phone: 02 6280 5477
Fax: 02 6280 7561

COVERAGE SUMMARY

P.J. O'Reilly's
Business Pak - BUSI

SITUATION(S): Cnr West Row & Alinga Street
CANBERRA CITY ACT 2601

COVERAGE
PROVIDED:

BROADFORM LIABILITY:

Legal liability to third parties with regard to personal injury or death &/or property damage as a result of an occurrence &/or accident arising from the business activities of the Insured &/or their products.

Limit of Liability

a) Public Liability
Limit any one occurrence $ 20,000,000

b) Products Liability
Limit any one occurrence and in the policy aggregate $ 20,000,000

Including :
* Tenants Liability
* Hoists, Cranes & Unregistered Vehicles
* Goods in Physical &/or Legal Control $ 10,000
* Driving Risk
* Cross Liability
* Property Owners Liability
* Treatment Risk $ Not Insured
* Car Parking

DEDUCTIBLE: $ 2,500 Each and Every Claim

EXTENSIONS: Conditions/Extensions as per policy wording

EXCLUSIONS: Exclusions as per Policy

FSRA Clauses

Policy Document

Austbrokers Canberra Pty Ltd
ABN 36 123 669 992
PO Box 727
FYSHWICK ACT 2609

Phone: 02 6280 5477
Fax: 02 6280 7561

COVERAGE SUMMARY

P.J. O'Reilly's
Business Pak - BUSI

Please refer to your Policy Document for a full explanation of your policy conditions and excesses as applicable.

Nett

All returns Premiums issued under this Contract of Insurance will be calculated on a "Nett" Basis, i.e. Nett of Brokers Earnings.

Soft Dollar Disclosure

From time to time we may receive various soft dollar benefits from product issuers and their representatives including the product we recommended. These can include entertainment (e.g. lunches, sporting events, movies etc), conferences (e.g. attendance at a product issuer conference or sponsorship of our Austbroker Group Annual conference), accommodation and travel, business tools (e.g. software), gifts (e.g. product issuer or service provider branded promotional and other occasional small gifts such as bottles or wine or hampers on special occasions etc).

These benefits are provided by a wide range of product issuers and service providers. In most cases they are incidental to or relate to our development of an understanding of the product issuer and service provider and their product ranges and practices etc. Ultimately, this can assist us in better servicing and representing you.

Our policy is that any soft dollar benefits that we or our representatives receive that are reasonably estimated to exceed $300 per item or event are potentially material. They must be disclosed to our Compliance Manager in writing and they will determine if appropriate procedures are in place to manage or avoid any potential conflict of interest which might arise. They only approve benefits where this is the case and retain a record of this which you can request access to.

Advisors

Our advisors receive an annual salary that may include bonuses based on performance criteria (including sales performance) and achievement of company goals. They may also receive certain soft dollar benefits of the type described in this Statement.

PLACED WITH	POLICY NUMBER	PROPORTION
Bcoz Underwriting Agencies Pty Ltd A.B.N. 58 006 080 226 Level 8/310 King Street MELBOURNE VIC 3000 ABN: 58 006 080 226 * SUPPORTING INSURERS	LAT052927LIA	100.0000%

Austbrokers Canberra Pty Ltd
ABN 36 123 669 992
PO Box 727
FYSHWICK ACT 2609

Phone: 02 6280 5477
Fax: 02 6280 7561

COVERAGE SUMMARY

P.J. O'Reilly's
Business Pak - BUSI

- Lloyds of London (Syndicated) 100.0000%
  Lime Street
  London

OFFICE OF REGULATORY SERVICES
DEPARTMENT OF JUSTICE & COMMUNITY SAFETY

TAX INVOICE RECEIPT

Receipt Number	Receipt Date	Date Printed:
104086	16/08/2013	16/08/2013

Payment on Behalf of	Payment Made By
	O'REILLYS PTY LIMITED Corner West Row & Alinga Street CANBERRA ACT 2601

Fee Description	Licence No.	Charge Code	Payment Method	Amount	Tax	Paid
Fee for the renewal of an Outdoor Cafe Permit, for the period stated in the permit, for a Primary Area		240.24168.823307.99.99999.99 99.9999	Cheque 006874 - NAB	Schedule 2.2(a)(xi)	$0.00	Schedule 2.2(a)(xi)
Amount Outstanding: 0.00			**TOTALS:**	Schedule 2.2(a)(ii)	**$0.00**	Schedule 2.2(a)(ii)

ORIGINAL

Agent for receiver/collector of public monies	Operator
GN	Giancarlo Nasca

ABN: 98 636 852 025 (Departmental)
ABN: 41 562 230 918 (Territorial)

BUSINESS AND INDUSTRY LICENSING
255 CANBERRA AVENUE FYSHWICK ACT 2609 |
GPO BOX 158 CANBERRA ACT 2601 | PHONE 62070562 | FAX 62070424

ACT Government
Justice and Community Safety

21000123

O'REILLY'S PTY LTD
PJ O'Reilly's
PO Box 110
FYSHWICK ACT 2609

NOTIFICATION OF DECISION ON PERMIT APPLICATION

Dear Sir/Madam

RE: Public Unleased Land Permit application

I refer to an application dated 16 August 2013 seeking a Public Unleased Land Permit for O'Reilly's Pty Ltd of corner of West Row and Alinga Street Canberra ACT 2601 trading as PJ O'Reilly's.

In assessing your application, we have determined under section 57 of the Public Unleased Land Act the influential people for your corporation are suitable people to hold a Public Unleased Land Permit and the activity is a suitable activity for the permit also.

Please find your Public Unleased Land Permit attached.

Yours sincerely



Jon Quiggin
Delegate of the Director-General, Justice and Community Safety
Office of Regulatory Services
GPO Box 158 Canberra ACT 2601

19 August 2013

ACT Government
Justice and Community Safety

PJ O'Reilly's - City
OUTDOOR CAFE PERMIT NUMBER **21000123**

O'REILLY'S PTY LTD
PJ O'Reilly's
PO Box 110
FYSHWICK ACT 2609

PERMIT TO PLACE OBJECTS ON PUBLIC UNLEASED LAND
Public Unleased Land Act 2013
(OUTDOOR CAFE AREA)

The Office of Regulatory Services is responsible for the administration of Section 45 of the *Public Unleased Land Act 2013* as it relates to outdoor café areas.

Your application for a Public Unleased Land Permit for the purposes of establishing and operating an outdoor cafe has been accepted by the Office of Regulatory Services on behalf of The Director-General.

A copy of your permit will be provided for your records once payment has been made and the permit has been executed by the delegate.

Should the items covered by this permit change before the expiration date, the following steps will need to be followed prior to approval being granted;

1. Complete the application for an Outdoor Café Permit, available from our website www.ors.act.gov.au.
2. Lodge the application with the Office of Regulatory Services.
3. The Delegate of the Director-General will then assess your application, which may include a site inspection.

If you require any further assistance in relation to this process, please do not hesitate to contact this office on 6207 0562.

Yours faithfully

TBuckley

Tanya Buckley
Delegate of the Director-General
19 August 2013

ACT Government
Justice and Community Safety

PJ O'Reilly's - City
OUTDOOR CAFE PERMIT NUMBER **21000123**

PERMIT TO PLACE OBJECTS ON PUBIC UNLEASED LAND
Public Unleased Land Act 2013
(TERMS AND CONDITIONS)

A permit is granted to the person(s) named in Item 1 of the Schedule ("grantee") to place within the area described in Item 2 of the Schedule ("permitted area") the objects listed in Item 4 of the Schedule ("permitted objects") subject to the following terms and conditions:

1. Period of Permit

   This permit is for the period specified in Item 3 of the Schedule.

2. **Insurance**

   The grantee will, for the full period of this permit:

   (a) effect and maintain a public liability insurance with a reputable insurer to the value of at least TWENTY MILLION DOLLARS (or such other amount as may be notified to the grantee) a copy of which must be provided to the Fair Trading Compliance Unit of the Office of Regulatory Services; and

   (b) indemnify and keep indemnified the Australian Capital Territory, its officers, servants and agents ("those indemnified") against:

   (i) all actions, proceedings, claims and demands whatsoever which may be brought, made or prosecuted against them or any of them in respect of loss, damage, death or injury to persons or property occurring in the permitted area or arising out of the presence of use of the furnishings in the permitted area; and

   (ii) all costs, damages and expenses which may be incurred by those indemnified in defending, or settling such actions, proceedings, claims and demands.

3. Permitted Objects

   (a) This permit is only in respect of the permitted objects. The maximum amount of furniture to be placed in the area is specified in Item 4 of the schedule.

   (b) A plan of the permitted area is at Attachment A. The moveable permitted objects may be placed anywhere in the area. The permanent permitted objects may be placed as marked on the plan.

   (c) The permit holder may place other fixed objects in the area if the grantee has obtained a licence under the *Planning and Development Act 2007* from the ACT Planning Authority.

4. Use of Objects

   The permitted objects are to be placed in the permitted area for the sole purpose of operating an outdoor cafe and all activities related to the outdoor cafe must be confined strictly to the permitted area.

5. Placement Hours

(a) The moveable objects listed in item 4 of the schedule may be placed in the permitted area during the hours specified in item 5 of the schedule.

(b) The permanent objects listed in item 4 of the schedule may be placed in the permitted area at any time while this permit is in force.

(c) The grantee may place other fixed objects in the area if the grantee has obtained a licence under the *Planning and Development Act* 2007 from the ACT Planning and Land Authority regarding those objects. Those objects may be left in the permitted area while that licence is in force and the licence is being complied with. The grantee should be prepared to provide evidence of such if requested.

6. Furniture and objects must remain within permitted area

Objects must not be placed or moved outside the permitted area. All tables and chairs must remain within the boundary and the proprietor must ensure that patrons do not breach this requirement. This includes chairs whilst being used by patrons – the chairs must remain wholly within the permit area.

7. Maintenance

The permitted objects must be maintained to a safe standard of repair.

8. Health and Safety

(a) The grantee will ensure that the permitted objects do not, directly or indirectly, adversely affect the health or safety of persons in or near the permitted area.

(b) The grantee will comply with all relevant laws and regulations relating to the operation of an outdoor cafe and, in particular, those in relation to public health.

9. Illumination

The grantee will keep the permitted objects in the permitted area adequately illuminated.

Smoking

10. The permit holder will ensure that "no smoking" signage is placed within the outdoor eating and drinking area and that smoking is not permitted within the outdoor eating and drinking area in accordance with the *Smoke Free (Public Places) Act 2003*

T Buckley

ISSUED BY **Tanya Buckley** 19 August 2013
Delegate of the Director-General
Office of Regulatory Services

ACT Government
Justice and Community Safety

PJ O'Reilly's - City
OUTDOOR CAFE PERMIT NUMBER **21000123**

SCHEDULE

Item 1	**Grantee:** **Operating as:** **Postal address:** **Contact details:**	**O'REILLY'S PTY LTD** **Corner West Row & Alinga Street Canberra ACT 2601** **PJ O'Reilly's** **PO Box 110 Fyshwick ACT 2609** Schedule 2.2(a)(ii)	
Item 2	**Permitted area**	**85.57 metres delineated in red on the attached plan**	
Item 3	**Period of permit**	**1 August 2013 to 31 July 2014**	
Item 4	**Permitted objects**	**REMOVABLE OBJECTS** **86 Chairs** **30 Tables**	**PERMANENT OBJECTS** *Permitted in accordance with the* ***Planning and Development Act 2007***
Item 5	**Permitted hours**	**11.00am to 12.00am (midnight), Monday to Sunday**	

The below grid indicates the fee you have paid for the Cafe Outdoor Permit.

Description	Fee per (M^2) per day	Area (M^2)	Total	Fee payable
PJ O'Reilly's From: 01-August-2013 To: **31-July-2014**	Schedule 2.2(	85.57	Schedule 2.2(a)(xi)	**[Rounded down]** Schedule 2.2(a)(xi)

NOTE:

1. This permit **does not authorise** the drilling of holes into pavements or walls and **does not permit** permanent attachment to pavements or walls and **does not permit** permanent structures to be erected.

2. The placement of permanent objects fixed to the ground requires a licence under the *Planning and Development Act 2007* from the ACT Planning and Land Authority. This process incorporates approval from the land custodian, and/or other interested parties through the Department of Territory and Municipal Services.

3. The Proprietor should note that their public liability insurance may not indemnify them if operating outside the permitted area. Objects placed other than permitted by this permit may be confiscated and forfeited.

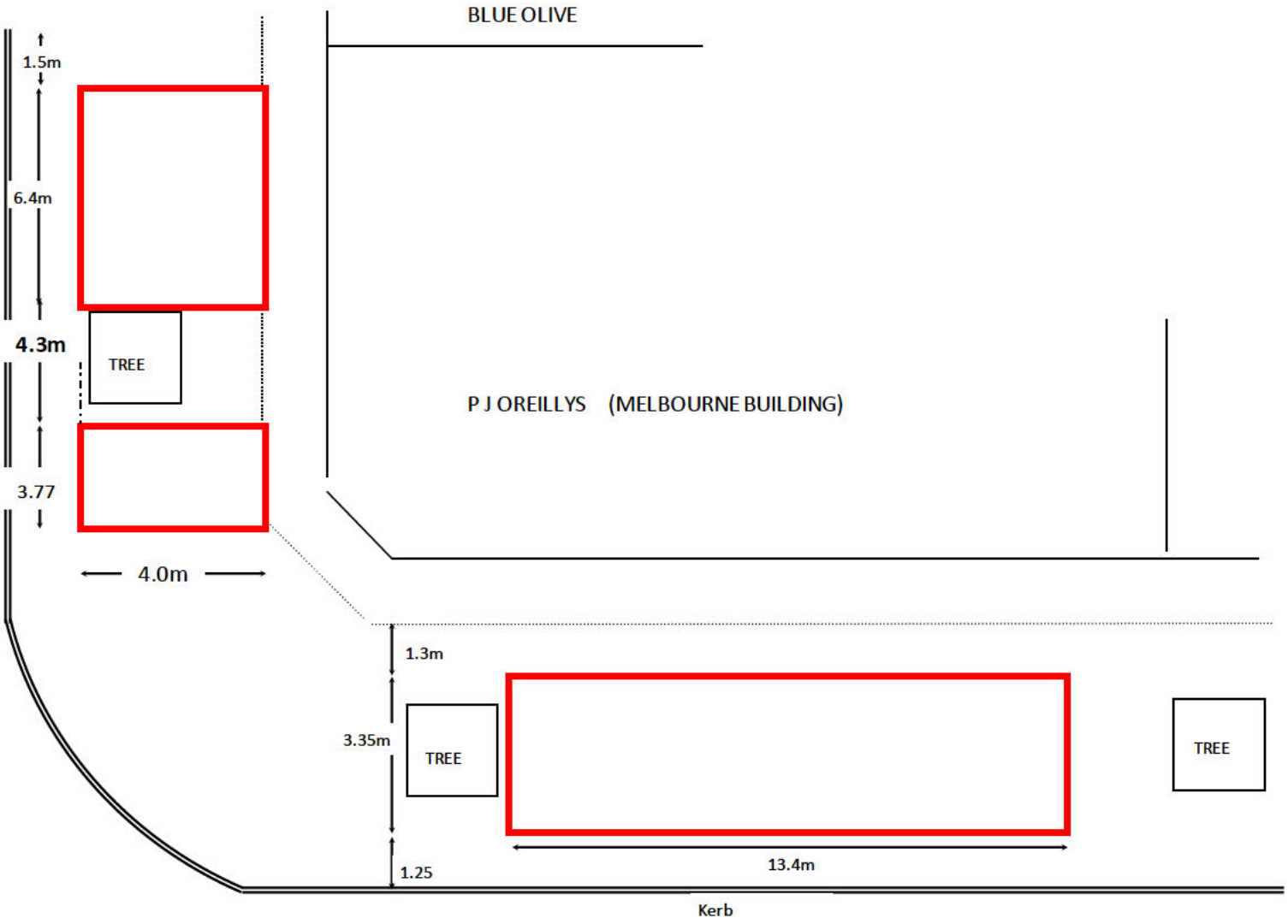
4. To vary the permit area or the permitted objects, please contact the Office of Regulatory Services and request a re-assessment.

ACT Government
Justice and Community Safety

PJ O'Reilly's - City
OUTDOOR CAFE PERMIT NUMBER **21000123**

OUTDOOR CAFE AREA

DRAWING NOT TO SCALE BUT MEASUREMENTS OF DISTANCE CORRECT AS SHOWN



From: Nasca, Giancarlo
To: Schedule 2.2(a)(ii)
Cc: Schedule 2.2(a)(ii) Nixon, David
Subject: Liquor/Outdoor - Amendment
Date: Tuesday, 2 February 2016 11:04:00 AM
Attachments: image001.jpg
Application to amend a liquor licence or permit - Outdoor area.pdf
Plan.pdf
Invoice.pdf
Credit Card Authorisation1.pdf
Notice to remove objects.pdf
IMG_0749.JPG
IMG_0750.JPG

Schedule 2.2(a)(ii)

We attended the premises last Wednesday at 10am, as per our appointment. I was unable to contact you when I called your mobile at the time.

We have measured the outdoor areas to establish what the correct sizes are and what amendments need to be made.

Please find attached the following documents;

1. Application for to amend the liquor licence and outdoor dining permit, fee Schedule 2.2
2. Updated plan with accurate measurements
3. New invoice for increase in size of area, fee Schedule 2.2
4. Credit card authority for payment of amendment fee and invoice.
5. Removal notice for planter boxes on tree bed, tables and chairs placed outside of approved area. (Photos included)

Please provide the required information and remove the planter boxes and chairs within 7 days.

If you require further information, please contact me on 02 6205 4584.

Regards

Giancarlo Nasca | Investigator | Fair Trading | Liquor Compliance

Phone: 02 6205 4584 | **Email:** giancarlo.nasca@act.gov.au

Registrations and Fair Trading | Access Canberra | ACT Government

255 Canberra Avenue, Fyshwick ACT 2609 | www.act.gov.au

BIL 003

ACT Government

Access Canberra

PART A - APPLICATION TO AMEND A LIQUOR LICENCE OR PERMIT

Liquor Act 2010
Liquor Regulation 2010

APPLICATION DETAILS – MUST BE COMPLETED

CURRENT LICENCE / PERMIT DETAILS					
☐ Licence	☐ Permit	Number:			
If a Licence, select class	☐ General	☐ On	☐ Off	☐ Club	☐ Special
If you hold an ***on licence,*** please identify sub-class		☐ Bar	☐ Nightclub	☐ Café and Restaurant	
If a Permit, select type		☐ Commercial		☐ Non-commercial	

LICENSEE / PERMIT HOLDER (APPLICANT'S) NAME			
REGISTERED BUSINESS NAME OF PREMISES / TRADING NAME			
LICENSED / PERMITTED PREMISES ADDRESS	**SUBURB**	**STATE**	**POSTCODE**
		ACT	
CONTACT PERSON FOR LICENSED / PERMITTED PREMISES		**PHONE NUMBER**	
		( )	

AMENDMENT APPLICATION TYPE

☐ Change to Suitable Persons (complete Part B and Part C)			
☐ Amendment of Partnership - dissolution of licensee/permit-holder (complete Part D) OR - additional partner to be licensee/permit-holder (complete Part B and Part C)			
☐ Change to Trading Hours (complete Part E)			
☐ Change of On Licence sub-class; to: (complete Part F)	☐ Bar	☐ Nightclub	☐ Café and Restaurant
☐ Alteration to licensed / permitted premises (complete Part G)			
☐ Amendment to licence /permit (complete Part H)			

OFFICE USE ONLY			
Received via:	Received by	Date:	Time
Counter / Fax / Email / Post		/ /	: Hrs
Entered into IBS by		Date Entered into IBS	/ /

BIL 003

APPLICATION TO AMEND A LIQUOR LICENCE OR PERMIT

Liquor Act 2010
Liquor Regulation 2010

AMENDMENT TO A LICENCE OR PERMIT
Complete this part if you wish to amend a licence or permit in a way not already described, e.g. occupancy loading, adults-only area or a condition. Attach any supporting documentation to the application.
Provide a brief description of what you wish to have amended on your licence or permit:
Provide a rationale for why you require this amendment:

The Commissioner may only amend the licence or permit if satisfied that the following continue to be suitable persons:

a) the licensee or permit-holder;
b) close associates;
c) influential persons;
d) the premises; and
e) for licences, the persons with day-to-day control.

It is an offence for a person to fail to inform the Commissioner about changes to their suitability information within seven (7) days of the change occurring. The maximum penalty is 20 penalty units.

I, name _____, being the licensee / permit-holder for premises address/business name _____ confirm that the suitability information for persons and the permitted premises, provided in the application for a general licence/on licence/off licence/club licence/special licence/commercial permit/non-commercial permit, is still true and correct.

Signature ×	Date / /

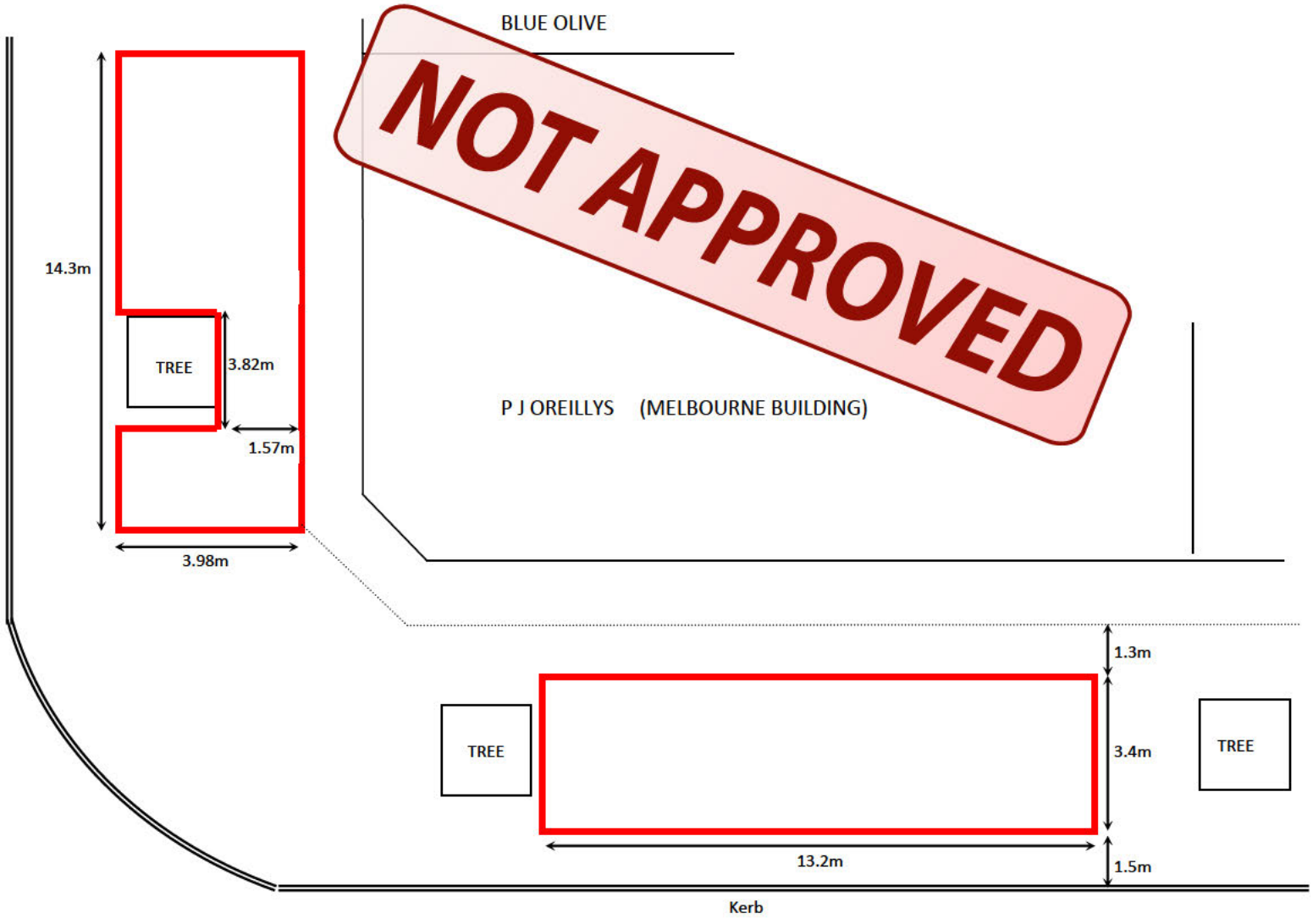
OFFICE USE ONLY			
Entered into IBS by		Date Entered into IBS	

ACT Government
Chief Minister, Treasury and Economic Development

PJ O'Reilly's - City
OUTDOOR DINING PERMIT NUMBER **21000123**

OUTDOOR DINING AREA

DRAWING NOT TO SCALE BUT MEASUREMENTS OF DISTANCE CORRECT AS SHOWN



WEST ROW

ACT Government
Chief Minister, Treasury and Economic Development

Reference: **21000123**

LAMONT ENTERPRISES (ACT) PTY LTD
PJ O'Reilly's
Corner West Row & Alinga Street
CANBERRA ACT 2601

Dear Sir/Madam

I am writing to you in relation to a required amendment to a permit under the *Public Unleased Land Act 2013*.

Application status: **Pending Approval – application & payment required.**

Please provide payment for the relevant fee.

Description	Fee per (M^2) per day	Area (M^2)	Total	Fee payable
PJ O'Reilly's - City From: 02-February-2016 To: **31-May-2016**	Schedule 2.2(a)	7.01	Schedule 2.2(a)(xi)	**[Rounded down]** Schedule 2.2(a)(xi)

If you wish to request amendments to your permit, please contact our office on 02 6207 3000 to discuss the options available to you. You can also contact us to discuss any questions regarding this letter and the application process.

Yours sincerely

Giancarlo Nasca
Delegate of the Director-General
2 February 2016

Access Canberra
Registrations and Fair Trading
255 Canberra Avenue Fyshwick ACT 2609
GPO Box 158 Canberra ACT 2601 / Phone 6207 3000

ACT Government
Chief Minister, Treasury and Economic Development

Reference: **21000123**

LAMONT ENTERPRISES (ACT) PTY LTD
PJ O'Reilly's
Corner West Row & Alinga Street
CANBERRA ACT 2601

REMOVAL DIRECTION
Direction to remove objects from Public Unleased Land

Public Unleased Land Act 2013, Part 4, section 98-99

Dear Sir/Madam

RE: Direction to remove objects

I refer to Public Unleased Land Permit number 21000123, held by LAMONT ENTERPRISES (ACT) PTY LTD of the premises trading as PJ O'Reilly's.

The public unleased land in question is Corner West Row & Alinga Street CANBERRA ACT 2601.

During an inspection on 27 January 2016, it was identified that there were objects placed outside of the permitted area recognised on your permit. You are required under section 98 of the *Public Unleased Land Act 2013* (the Act) to remove the objects (planter boxes, tables and chairs) from this public unleased land, as placement of those objects is not permitted under your permit.

The objects are to be removed by **9 February 2016.**

If the objects are not removed by 9 February 2016, you may be committing an offence under section 99 of the Act and an infringement may be issued. The objects may also be removed and disposed of under sections 105 and 106 of the Act.

If you have any further questions, please contact the Access Canberra, Compliance by phone on (02) 6207 3000, by email at liquor@act.gov.au or by post to GPO Box 158, Canberra ACT 2601.

Yours sincerely

James Mullan
Delegate of the Director-General,
Access Canberra

2 February 2016

Access Canberra
Registrations and Fair Trading
255 Canberra Avenue Fyshwick ACT 2609
GPO Box 158 Canberra ACT 2601 / Phone 6207 3000


LING
DISPLAY SUITE
harvest
SUBWAY
PEDESTRIANS


P.J. O'Reilly's

From: Hogan, Lara
To: Curtin, Daniel
Subject: Liquor/Outdoor - Amendment - PJ O"Reilly"s City
Date: Tuesday, 5 April 2016 2:32:00 PM
Attachments: image001.jpg
Application to amend a liquor licence or permit - Outdoor area.pdf
Plan.pdf
Invoice.pdf
Credit Card Authorisation1.pdf
Notice to remove objects.pdf
IMG_0749.JPG
IMG_0750.JPG
Outdoor Dining Permit - CURRENT APPROVED PERMIT.docx

Hi Dan

Could you please ask your team to follow up on PJ O'Reilly's in the City.

From the file it appears they have extended the outdoor area and Giancarlo had arranged a meeting with them on 2 February 2016 however they did not attend.

He subsequently sent them the below documents for them to either remove the objects or amend the liquor licence and outdoor dining permit.

There seems to have been no follow up to see if the objects have been removed. I have attached the current approved permit (which is the last attachment).

If this isn't making sense please ask your team to ask me.

Thanks

Lara

From: Nasca, Giancarlo
Sent: Tuesday, 2 February 2016 11:05 AM
To: Schedule 2.2(a)(ii) '
Cc: Schedule 2.2(a)(ii) '; Nixon, David
Subject: Liquor/Outdoor - Amendment

Nathan

We attended the premises last Wednesday at 10am, as per our appointment. I was unable to contact you when I called your mobile at the time.

We have measured the outdoor areas to establish what the correct sizes are and what amendments need to be made.

Please find attached the following documents;

1. Application for to amend the liquor licence and outdoor dining permit, fee Schedule 2.2
2. Updated plan with accurate measurements
3. New invoice for increase in size of area, fee Schedule 2.2
4. Credit card authority for payment of amendment fee and invoice.
5. Removal notice for planter boxes on tree bed, tables and chairs placed outside of

approved area. (Photos included)

Please provide the required information and remove the planter boxes and chairs within 7 days.

If you require further information, please contact me on 02 6205 4584.

Regards

Giancarlo Nasca | Investigator | Fair Trading | Liquor Compliance

Phone: 02 6205 4584 | **Email:** giancarlo.nasca@act.gov.au

Registrations and Fair Trading | Access Canberra | ACT Government

255 Canberra Avenue, Fyshwick ACT 2609 | www.act.gov.au



ACT Government
Chief Minister, Treasury and Economic Development

PJ O'Reilly's - City
OUTDOOR DINING PERMIT NUMBER **21000123**

Reference: **21000123**

LAMONT ENTERPRISES (ACT) PTY LTD
PJ O'Reilly's
Corner West Row & Alinga Street
CANBERRA ACT 2601

PERMIT TO PLACE OBJECTS ON PUBLIC UNLEASED LAND
Public Unleased Land Act 2013
(OUTDOOR DINING AREA)

Access Canberra is responsible for the administration of Section 45 of the *Public Unleased Land Act 2013* as it relates to outdoor dining areas.

Your application for a Public Unleased Land Permit for the purposes of establishing and operating an outdoor dining has been approved by Access Canberra on behalf of The Director-General.

Should the items covered by this permit change before the expiration date, the following steps will need to be followed prior to approval being granted;

1. Complete the Application for Amendment of an Outdoor Dining Permit, available from our website www.ors.act.gov.au.
2. Lodge the application with Access Canberra.
3. The Delegate of the Director-General will then assess your application.

If you require any further assistance in relation to this process, please do not hesitate to contact this office on 6207 3000.

Yours sincerely

Giancarlo Nasca
Delegate of the Director-General
8 October 2015

ACT Government
Chief Minister, Treasury and Economic Development

PJ O'Reilly's - City
OUTDOOR DINING PERMIT NUMBER **21000123**

PERMIT TO PLACE OBJECTS ON PUBIC UNLEASED LAND
Public Unleased Land Act 2013
(TERMS AND CONDITIONS)

A permit is granted to the person(s) named in Item 1 of the Schedule ("grantee") to place within the area described in Item 2 of the Schedule ("permitted area") the objects listed in Item 4 of the Schedule ("permitted objects") subject to the following terms and conditions:

1. Period of Permit

   This permit is for the period specified in Item 3 of the Schedule.

2. Insurance

The grantee will, for the full period of this permit:

(a) effect and maintain a public liability insurance with a reputable insurer to the value of at least TWENTY MILLION DOLLARS (or such other amount as may be notified to the grantee) a copy of which must be provided to the Fair Trading Compliance Unit of Access Canberra; and

(b) indemnify and keep indemnified the Australian Capital Territory, its officers, servants and agents ("those indemnified") against:

(i) all actions, proceedings, claims and demands whatsoever which may be brought, made or prosecuted against them or any of them in respect of loss, damage, death or injury to persons or property occurring in the permitted area or arising out of the presence of use of the furnishings in the permitted area; and

(ii) all costs, damages and expenses which may be incurred by those indemnified in defending, or settling such actions, proceedings, claims and demands.

3. Permitted Objects

(a) This permit is only in respect of the permitted objects. The maximum amount of furniture/objects to be placed in the area is specified in Item 4 of the schedule.

(b) A plan of the permitted area is attached. The moveable permitted objects may be placed anywhere in the area.

(c) The permit holder may place other fixed objects (removable within 48 hours, with limited mechanical assistance) in the area if the grantee has obtained permission from Access Canberra.

4. Use of Objects

The permitted objects are to be placed in the permitted area for the sole purpose of operating an outdoor dining area and all activities related to the outdoor dining must be confined strictly to the permitted area.

5. Placement Hours

(a) The moveable objects listed in item 4 of the schedule may be placed in the permitted area during the hours specified in item 5 of the schedule.

(b) The permanent objects listed in item 4 of the schedule may be placed in the permitted area at any time while this permit is in force.

6. Furniture and objects must remain within permitted area

Objects must not be placed or moved outside the permitted area. All tables and chairs must remain within the boundary and the grantee must ensure that patrons do not breach this requirement. This includes chairs whilst being used by patrons – the chairs must remain wholly within the permit area.

7. Maintenance

The permitted objects must be maintained to a safe standard of repair.

8. Health and Safety

(a) The grantee will ensure that the permitted objects do not, directly or indirectly, adversely affect the health or safety of persons in or near the permitted area.

(b) The grantee will comply with all relevant laws and regulations relating to the operation of an outdoor dining and, in particular, those in relation to public health.

9. Illumination

The grantee will keep the permitted objects in the permitted area adequately illuminated.

10. Smoking

The permit holder will ensure that "no smoking" signage is placed within the outdoor eating and drinking area and that smoking is not permitted within the outdoor eating and drinking area in accordance with the *Smoke Free (Public Places) Act 2003*

ISSUED BY **Delegate of the Director-General**
Access Canberra

ACT Government
Chief Minister, Treasury and Economic Development

PJ O'Reilly's - City
OUTDOOR DINING PERMIT NUMBER **21000123**

SCHEDULE

Item 1	**Grantee:** **Operating as:** **Postal address** **Contact details**	**LAMONT ENTERPRISES (ACT) PTY LTD** **Corner West Row & Alinga Street CANBERRA ACT 2601** **PJ O'Reilly's** **Corner West Row & Alinga Street CANBERRA ACT 2601** Schedule 2.2(a)(ii)	
Item 2	**Permitted area**	**85.57 metres delineated in red on the attached plan**	
Item 3	**Period of permit**	**8 October 2015 to 31 May 2016**	
Item 4	**Permitted objects**	**REMOVABLE OBJECTS** **86 Chairs** **30 Tables**	**PERMANENT OBJECTS** *Permitted in accordance with the* ***Planning and Development Act 2007***
Item 5	**Permitted hours**	**11am to 12 midnight, Monday to Sunday**	

The below grid indicates how the fee was calculated for your Outdoor Dining Permit.

Description		Fee per (M^2) per day	Area (M^2)	Total	Fee payable
PJ O'Reilly's					**[Rounded down]**
From:	01-August-2014				
To:	**31-May-2016**	Schedule 2.2(a	85.57	Schedule 2 2(a)(xi)	Schedule 2 2(a)(xi)

NOTE:

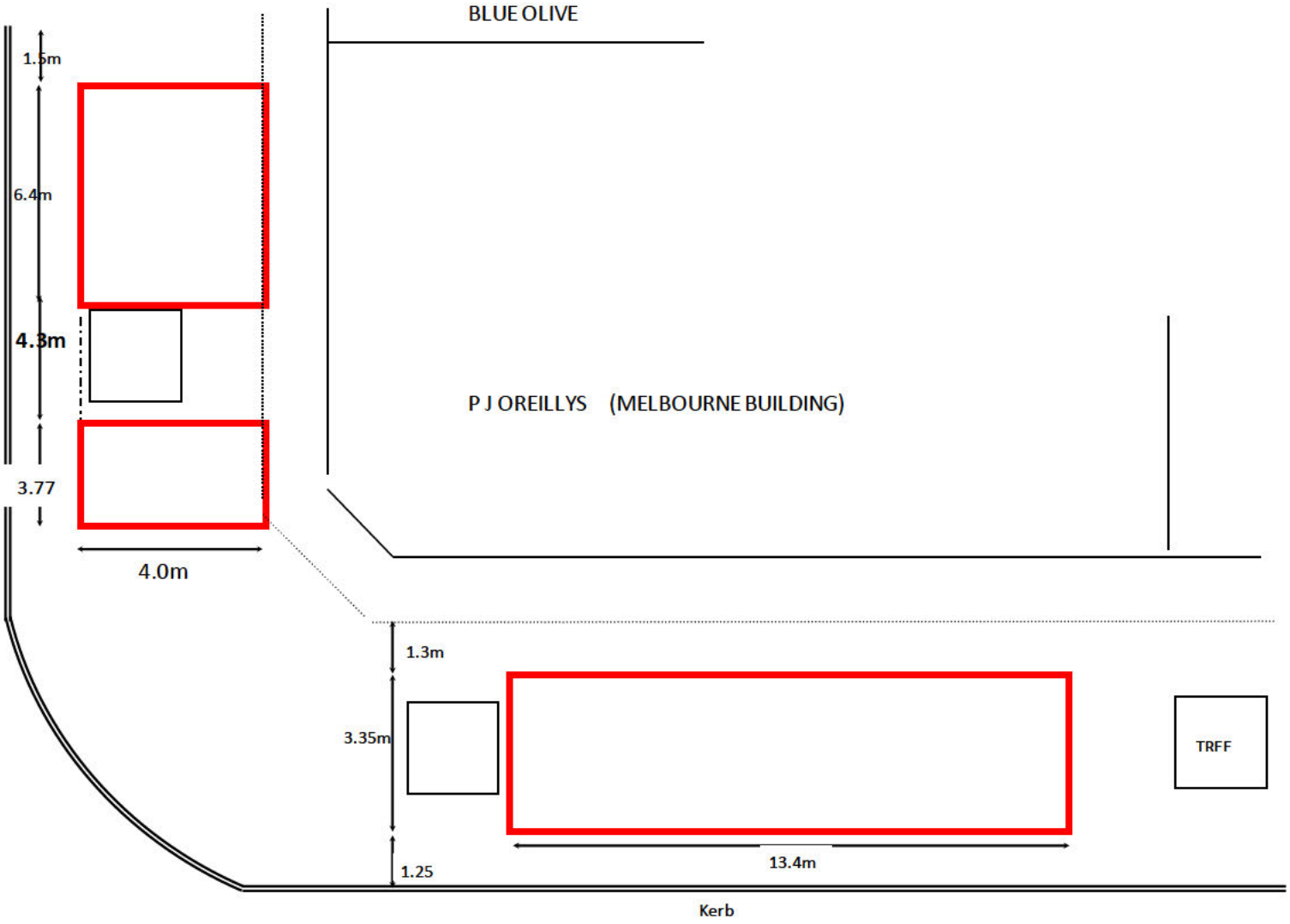
1. This permit **does not automatically authorise** the drilling of holes into pavements or walls and **does not permit** permanent attachment to pavements or walls and **does not permit** permanent structures to be erected.
2. The placement of permanent objects fixed to the ground requires an application to be made to Access Canberra. However, if the objects are **not able** to be removed within 48 hours, with limited mechanical assistance, a licence under the *Planning and Development Act 2007* from the Environment and Planning Directorate may be required. This process incorporates approval from the land custodian, and/or other interested parties through the Territory and Municipal Services Directorate.
3. The Proprietor should note that their public liability insurance may not indemnify them if operating outside the permitted area. Objects placed other than permitted by this permit may be confiscated and forfeited.
4. To vary the permit area or the permitted objects, please contact Access Canberra and request a re-assessment.

ACT Government
Chief Minister, Treasury and Economic Development

PJ O'Reilly's - City
OUTDOOR DINING PERMIT NUMBER **21000123**

OUTDOOR DINING AREA

DRAWING NOT TO SCALE BUT MEASUREMENTS OF DISTANCE CORRECT AS SHOWN



ACT Government
Chief Minister, Treasury and Economic Development

PJ O'Reilly's - City
OUTDOOR DINING PERMIT NUMBER **21000123**

OUTDOOR DINING AREA

DRAWING NOT TO SCALE BUT MEASUREMENTS OF DISTANCE CORRECT AS SHOWN

