



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 2021-235

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)	35
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: Freedom of Information request
Date: Monday, 6 September 2021 9:23:43 PM

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.

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

Your details

All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title:

First Name:

Last Name:

Business/Organisation:

Address:

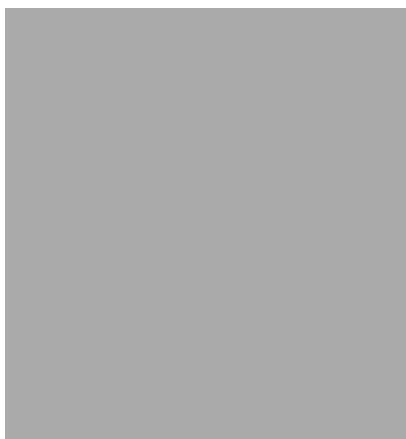
Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:

A large grey rectangular area redacting the user's contact details.

Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field):

Block: 7 Section: 20 - Braddon, ACT EPA notified EPSSD that records indicate that underground fuel storage facilities and other hazardous materials associated with commercial printing are or were located at the Site. This application seeks information relating to the notation on the data base, or warranting the inclusion on the record of the abovementioned property on the register indicating the property, contains or previously contained hazardous materials associated with with commercial printing, including the date and entity or person(s) responsible for providing notification to the EPA.

I do not want to access the following documents in relation to my request::

Thank you.
Freedom of Information Coordinator



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDDFOI 2021-235



FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 6 September 2021.

Specifically, you are seeking information on: *“Block: 7 Section: 20 - Braddon, ACT EPA notified EPSSD that records indicate that underground fuel storage facilities and other hazardous materials associated with commercial printing are or were located at the Site. This application seeks information relating to the notation on the data base or warranting the inclusion on the record of the abovementioned property on the register indicating the property, contains or previously contained hazardous materials associated with commercial printing, including the date and entity or person(s) responsible for providing notification to the EPA”.*

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD was required to provide a decision on your access application by 5 October 2021 however following on from a third-party consultation, the due date is now 26 October 2021.

Decision on access

Searches were completed for relevant documents and 06 documents were identified that fall within the scope of your request.

Four of those documents identified are subject to the *Territory Records Act 2002* by virtue of date range and as such are not part of the Freedom of Information process. We have requested the concerned department to review those documents. The team is reachable on Archives@act.gov.au.

Release of documents under *Freedom of Information Act 2016*

I have decided to grant full access to one document and partial access to one document relevant to your request under *Freedom of Information Act 2016*.

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

My 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 contentions of relevant third parties, and
- the *Human Rights Act 2004*.

Exemption claimed

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

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

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest 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 these 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:*
- (xi) *reveal environmental or health risks or measures relating to public health and safety*

Having considered the factor identified as relevant in this matter, I consider that release of information contained in these documents may contribute to understanding environmental measures.

Factors favouring nondisclosure in the public interest:

Applying the public interest test as set out in section 17 of the Act, I have identified the following factors that favour non-disclosure. I believe these factors are relevant to determine if release of the information contained within these documents is within 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 rights under the Human Rights Act 2004.

Having reviewed the documents, I consider that the protection of an individual's right to privacy, especially when dealing with the ACT Government is a significant factor as parties involved have provided their personal information for the purposes of working with the ACT Government. This, in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individual's involved in this matter.

Individuals are entitled to expect that the personal information they have supplied as part of this process 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 direct contact details of individuals not employed by the ACT Public Service, along with signatures and mobile numbers of those employed by the ACT Public Service) could prejudice their right to privacy under the *Human Rights Act 2004*.

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 2018 processing charges are not applicable for this request because the total number of pages to be released is less than the charging threshold of 50 pages.

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 and my decision in response to your access application will be published in the CMTEDD disclosure log between 3 – 10 days from 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>.

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



Katharine Stuart
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate
26 October 2021



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
Information relating to Block 7 Section 20- Braddon, ACT around the notation on the data base or warranting the inclusion on the record of the abovementioned property on the register indicating the property, contains or previously contained hazardous materials associated with commercial printing, including the date and entity or person(s) responsible for providing notification to the EPA.	CMTEDDFOI 2021-235

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-31	Notice of Decision	2 September 2020	Partial	Sch 2 s2.2 (a)(ii)	Yes
2	32-33	EPA - Statutory Site Audit Notification	6 November 2020	Partial	Sch 2 s2.2 (a)(ii)	Yes
Total No of Docs						
2						



NOTICE OF DECISION

Made under part 7 of the *Planning and Development Act 2007*

I, Chris Gell, delegate of the planning and land authority, pursuant to section 162 of the *Planning and Development Act 2007*, **approve subject to conditions**, the proposal for a **variation to the Crown lease purpose clause to permit residential use limited to multi-unit housing, non-retail commercial use, restaurant, shop and community use excluding child care centre and hospital with educational establishment excluding preschool, primary school, high school, secondary college and any associated residential accommodation, demolition of the existing building, construction of a seven storey building comprising commercial uses on the ground and first floor, 68 residential units on the floors above, three levels of basement car parking, heavy vehicle turn table, modifications to existing verge crossing and other associated works** in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval and substantially in accordance with the draft Instrument of Variation at Attachment 2.

DA Number: 201936262
Block: 7
Section: 20
Suburb: BRADDON
Address: 42 Mort Street
Application lodged: 30 January 2020, 15 April 2020 and
18 June 2020 and 29 June 2020
Assessment track: Merit

This decision contains the following information:

- Part A – conditions of approval
- Part B– reasons for the Decision
- Part C – public notification & entity advice
- Attachment 1 – administrative information
- Attachment 2 – draft Instrument of Variation
- Attachment 3 – TCCS advice

A copy of the development application and this approval may be inspected at the planning and land authority's office from 8.30 am to 4.30 pm, Monday to Friday at 480 Northbourne Avenue, Dickson, ACT 2602

Sch 2.2(a)(ii)

CONTACT / ENQUIRIES

Phone: (02) 6207 6383

Online Form:

https://www.accesscanberra.act.gov.au/app/forms/epd_feedback

Chris Gell
Delegate of the planning
and land authority
2 September 2020

NOTICE OF DECISION

DA 201936262

PART A – CONDITIONS OF APPROVAL

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

**Please note that this approval includes leasing requirements.
THE APPROVAL WILL EXPIRE 2 YEARS AFTER THE APPROVAL TAKES EFFECT or otherwise in accordance with the conditions of approval.**

There are legislative requirements that must be met prior to the registration of the instrument of variation. See Advisory Notes for further information about those legislative requirements.

1. ICON WATER- APPROVAL DOES NOT TAKE EFFECT

- a) The approval **does not** take effect until the lessee has obtained a Statement of Acceptance from Icon Water in relation to water and sewer networks and submits the Statement of Acceptance to the planning and land authority as satisfying this condition of approval under s165 of the Planning and Development Act 2007.
- b) The lessee/applicant must comply with any conditions imposed on a Statement of Acceptance by Icon Water.

Note: Any substantial changes to the development required for the Icon Water Statement of Acceptance will need to be submitted for the consideration of the planning and land authority with an application to amend the approval under s197 of the Planning and Development Act 2007.

2. TRANSPORT CANBERRA AND CITY SERVICES (TCCS) – APPROVAL DOES NOT TAKE EFFECT

- a) The approval **does not** take effect until the lessee has obtained relevant endorsements from Transport Canberra and City Services and submits the endorsements to the planning and land authority as satisfying this condition of approval under s165 of the Planning and Development Act 2007.
- b) The lessee/applicant is to provide a revised Traffic Impact Assessment to the satisfaction of TCCS. Refer to Entity advice in Part C below.
- c) The lessee/applicant is to provide further information in accordance with 2019 Waste Code to the satisfaction of TCCS. Refer to Entity advice in Part C below.
- d) The lessee/applicant must comply with any additional conditions imposed by Transport Canberra and City Services.
- e) Standard TCCS conditions (attached to this Notice of Decision) may also apply. Please refer to TCCS for further information.

Note: Any substantial changes to the development required for TCCS approval will need to be submitted for the consideration of the planning and land authority with an application to amend the approval under s197 of the Planning and Development Act 2007.

3. COMMENCEMENT OF BUILDING WORK

That no building work in relation to this Development Application except demolition and decontamination (if required) is to commence on the site until the Instrument of Variation is registered at Access Canberra (Land Titles and Rental Bonds).

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4. INSTRUMENT OF VARIATION

That the lessee accepts the variation substantially in accordance with the draft Instrument of Variation at Attachment 2.

The Instrument of Variation must be registered at Access Canberra (Land Titles and Rental Bonds) within two years of the approval taking effect.

This includes but is not limited to:

- (i) payment of any lease variation charge;
- (ii) production of certificates of title (if required);
- (iii) lodgement of the instrument at Access Canberra (Land Titles and Rental Bonds) including the payment of any fees.

Please also see the Advisory Notes for additional information on the lease variation.

5. COMMENCEMENT AND COMPLETION

- a) This development must be started (commenced) within three years from the date when this approval take effect.
- b) This development must be finished (completed) within three years from the date when it started, or within such further time as approved in writing by the planning and land authority.

Note: The planning and land authority may extend the time to commence or finish the development if an application, to extend the time to commence or finish the development, is made prior to when the development has to be started or finished – refer to section 184(3) and 188 of the Planning and Development Act 2007.

6. 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 site plan, landscape plan and architectural drawings, based on the relevant drawings submitted as part of the application, showing:

- (i) consistent floor levels;

Note: there are floor level inconsistencies on the floor plans and between the floor plans and elevations etc.

- (ii) a minimum ground floor level floor to ceiling height of 3.6m;

Note: Elevation information shows floor to floor height of 3.5m to 3.6m. There is no section to confirm the minimum floor to ceiling heights.

- (iii) building contained within building envelope further to conditions 4(a)(i) and 4(a)(ii) above;

- (iv) maximum building height of 22m, inclusive of parapets, lift overruns and roof top plant in accordance with Rule 13 of the Braddon Precinct Map and Code;

- (v) dimensioned section through the building inclusive of the three basement levels;

- (vi) details of the access to the easement inclusive of the dimensioned height and width of the access corridor to the satisfaction of TCCS;

- (vii) doors in the western façade at the ground floor level which enclose/secure the building;

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- (viii) cantilevered awning for the full width of the building frontage in accordance with Rule 9 of the Braddon Precinct Map and Code or alternate sun-shading and weather protection measures to the pedestrian path along Mort Street to the satisfaction of the authority and Transport Canberra and City Services (TCCS).

Note: TCCS will require measures to protect existing street trees.

- (ix) reasonable access from all units to the communal open space at level 2, including those units which are accessed from the lobby at the rear of the development, to the satisfaction of the authority,
- (x) daytime living areas have reasonable access to sunlight to the satisfaction of the authority;

Note: The information on the shadow diagram (drawing DA400), solar penetration (drawing DA410) and mid-winter sun study (drawing DA 411) do not demonstrate reasonable access to sunlight.

- (xi) a reduced parking rate of 1 car space per residential unit with the remaining spaces allocated as communal spaces for use by commercial and residential visitors. These spaces are to be clearly marked as visitor parking.
- (xii) articulation and/or material differentiation to internal walls of the ground floor and first floor facing the central open space (waste collection area) with visibility and connectivity between the rear commercial tenancies and the central open area.

Note: consideration should be given to incorporating skylights to provide natural lighting to the central area.

- (xiii) the study in Unit types 04, 06, 07 and 08 are not approved to be used as or modified to be used as bedrooms and must have:
- a) Both of the following:
 - i) a built-in desk
 - ii) access from the dwelling to the study through an opening of at least 1.2m wide; or
 - b) A floor area of not more than 7m².

- (xiv) the location and size of the onsite substation endorsed by Evoenergy further to their Statement of Conditional Compliance dated 17 February 2020.

Note: there are currently two differing locations for the substation shown on Drawing Nos. 120077-E910 Rev 01 and Rev 02 and Drawing No. 120077-E922 Rev 02 prepared by Rudds Consulting Engineers. The authority does not consider the location shown between Units 5 and 6 to be appropriate. The final size and onsite location of the substation is to be endorsed by Evoenergy and be to the satisfaction of the authority.

- (xv) Sightlines for vehicles exiting the site in accordance with AS 2890.1 Off-street car parking.

Note information on Floor plan - Ground Level DA 103 and Civil Works Detail Plan Dwg No.C07 are inconsistent. Sightlines cannot be shown to be available over an adjacent block.

- (xvi) the driveway gradient and transitions from the ground floor level to each basement level in accordance with AS 2890.1 *Off-street car parking*;

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- (xvii) turning templates which demonstrate safe and convenient vehicle movements for:
 - i. vehicles entering and exiting basement level 1 (at the base of the driveway ramp) and
 - ii. to residential spaces – 306, 401, 601 and 603, or reconfigure/relocate the spaces.
 - (xviii) twenty-six (26) spaces are to be allocated to the commercial tenancies.
 - (xix) removal of universal sign of accessibility for those car spaces associated with the units capable of being adaptable.
- Note: these car spaces are for the exclusive use of the respective residents of these units only and must be marked with the associated unit number.*
- (xx) Revised landscape plan which shows floor layout consistent with ground floor plan.
- (b) revised drawings and documentation, based on the relevant documentation and drawings submitted as part of the application, showing, items / issues raised in comments on the proposed development made by Transport Canberra and City Services (TCCS) have been addressed to the satisfaction of TCCS.

Refer to condition 2 above.

Note: Refer to attached advice received from the TCCS. Please contact the TCCS for further details. Any substantial changes to the development required for TCCS approval will need to be submitted for the consideration of the planning and land authority with an application to amend the approval under s197 of the Planning and Development Act 2007.

- (c) an Access Report prepared by a suitably qualified access consultant demonstrating the development complies with the relevant Australian Standards for accessibility and Adaptable Housing;
- (d) revised Pedestrian Wind Environment Statement WF102-01F01(REV0)- WS REPORT dated September 30, 2019 prepared by Windtech which includes consideration of changes in response to condition 4(a)(viii) above and reviews provision of landscaping noting densely foliated vegetation is not proposed along the Mort Street frontage;
- (e) demonstrate balustrades on the third upper floor level or lower facing Mort Street achieve reasonable privacy for residents and screen household items as viewed from the street to the satisfaction of the authority;

Note: It is not clear from the elevations and materials sample schedule this will be achieved.
- (f) revised materials sample schedule including details of all proposed materials consistent with the elevations e.g. SPB, MPR etc;

7. ENVIRONMENT PROTECTION AUTHORITY (EPA)

The development shall comply with the following conditions to the satisfaction of the EPA:

NOISE MANAGEMENT PLAN

- a) The development must be constructed and managed in accordance with the Noise Management Plan titled “Noise Management Plan Block 7, Section 20 Braddon ACT”, Report Number: R320032AC NMP R1 dated 17.6.2020”

Note: the application was amended to remove Indoor recreation facility from the proposal.

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PRIOR TO DEMOLITION WORKS COMMENCING:

- b) A hazardous material survey prepared in accordance with section 8.1 of the *Hazardous Material Environment Protection Policy, 2010* available at www.environment.act.gov.au must be submitted to and be endorsed by the Authority prior to demolition works commencing.

FOLLOWING DEMOLITION AND PRIOR TO THE COMMENCEMENT OF NEW BUILDING WORKS:

Note: Refer to Advisory Notes below

- c) The underground fuel storage tank(s) and related infrastructure must be decommissioned in accordance with the *Dangerous Substances Act 2004* and the *Dangerous Substances (General) Regulation 2004*.
- d) The Site and any off-site impacted areas (including groundwater, if necessary) must be assessed and remediated (if required) by a suitably qualified environmental consultant in accordance with the ACT Government *Contaminated Sites Environment Protection Policy December 2017* and associated guidelines.
- e) All assessment and remedial works must be independently audited by an Authority approved contaminated land auditor.
- f) The remedial action plan (RAP) for any proposed remedial works must be reviewed and endorsed by the auditor with a copy of the RAP endorsement provided to the Authority prior to the commencement of remedial works.

PRIOR TO THE COMMENCEMENT OF NEW BUILDING WORKS:

- g) Appropriate Interim Advice from the auditor must be forwarded to the Authority for review and written support indicating that the proposed building works will not impact on the ongoing assessment and remediation of the Site.

FOLLOWING NEW BUILDING WORKS AND PRIOR TO OCCUPATION OF THE SITE:

- h) A copy of the auditor's draft site audit report and site audit statement and any ongoing Site management plan, if required, must be submitted to the Authority for review and comment prior to finalisation of these documents; and
- i) A copy of the auditor's site audit report and site audit statement into the Site's suitability for its proposed and permitted uses must be reviewed and endorsed by the Authority.

ALL STAGES OF DEVELOPMENT:

- j) All soil subject to disposal from the Site must be assessed in accordance with Information Sheet 4 - *Requirements for the reuse and disposal of contaminated soil in the ACT*;
- k) No soil or water is to be disposed from Site without approval by the Authority.
- l) All works must be carried out in accordance with *Environment Protection Guidelines for Construction and Land Development in the ACT March 2011*, available at www.environment.act.gov.au or by calling the Environment Protection Authority Planning Liaison on 6207 5642.

8. BUILDINGS AND ASSOCIATED STRUCTURES

All buildings, structures and associated works including the substructure (i.e. footings etc.) and all drainage e.g. gutters are to be wholly contained within the property boundaries of Block 7 Section 20 Braddon.

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9. ACCESSIBILITY
The development is to be designed in accordance with the requirements of an Access report prepared by a suitably qualified access consultant further to Condition 6(c) above.
10. WIND ASSESSMENT
The development is to be in accordance with the Pedestrian Wind Environment Statement WF102-01F01(REV0)- WS REPORT dated September 30, 2019 prepared by Windtech and as revised further to Condition 6(d) above
11. DRIVEWAY/BASEMENT
The driveway, basement ramps and car parking are to be in accordance with AS2890.1 *Off-street car parking*.
12. VISITOR PARKING
All visitor car parking spaces are to be line marked and clearly identified for use as visitor car parking.
13. VENTILATION
All exhaust and ventilation systems are installed and operated to comply with AS1668.1 *The Use of Ventilation and Air-conditioning in Buildings*.
14. SERVICES
Any service connections e.g. point of entry, meter boxes, gas meters are to be located clear of areas approved for car parking spaces(s) to ensure these services do not reduce the minimum area of the parking spaces and/or restrict vehicular access.

Service connections and outdoor air conditioning/heat pumps are to be suitably screened.
15. EXTERNAL LIGHTING
External lighting is to comply with the following:
(a) Australian Standard AS1158.3.1 Pedestrian Lighting
(b) Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting
16. WASTE MANAGEMENT
All building waste is to be stored on the site in suitable receptacles and collected regularly. The lessee is to take all reasonable steps to ensure that waste, particularly wind borne litter, does not affect adjoining or adjacent properties.
17. 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 awning projections to the west elevation, 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.

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18. 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, Planning & Sustainable Development Directorate (EPSDD) 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 EPSDD 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 [encroachment/s is/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:

Licensing Officer
Leasing Services
Planning Delivery Division
Environment, Planning & Sustainable Development Directorate

GPO Box 158
CANBERRA ACT 2601
Ph: (02) 6207 1923
leasing@act.gov.au

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

19. 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 17 and 18 and meets the insurance requirements in accordance with Condition 18.

NOTICE OF DECISION

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ADVISORY NOTES

ENVIRONMENT PROTECTION AUTHORITY (EPA)

EPA records indicate that underground fuel storage facilities and other hazardous materials associated with commercial printing are or were located at the Site.

The Contaminated Sites Environment Protection Policy 2017 lists fuel storage and printers as past activities associated with land contamination which may pose a risk to human health and the environment.

EXPIRY OF APPROVAL

In accordance with section 185 of the *Planning and Development Act 2007* the lease variation part of this approval will expire 2 years after the date this approval takes effect. Under S188 of the Act, the applicant may apply to the planning and land authority to extend the prescribed period to register the lease variation, but such an application must be made within the original approval period.

UNIMPROVED LAND VALUE FOR RATING PURPOSES

As a consequence of this lease variation, the unimproved value of the property for rating purposes is likely to increase. Where rates assessments have been issued they will be amended to reflect the higher unimproved value from the time of the lease variation.

LEASE VARIATION CHARGE

Prior to the registration of the Instrument of Variation, the lessee must, as is required under the *Planning and Development Act 2007*, pay any assessed Lease Variation Charge. Once advised of the lease variation charge, the charge should be paid not less than 6 months prior to the expiration of this approval. This will ensure that sufficient time remains to enable the Instrument of Variation to be registered at Access Canberra (Land Titles and Rental Bonds) prior to expiry of this approval.

MINIMUM TERM OF LEASE FOR SUBDIVISION UNDER THE UNIT TITLES ACT 2001

If the lessee intends to subdivide this premises under the Unit Titles Act 2001, the Crown lease must have a remaining term of at least 50 years (refer Section 17 Unit Titles Act 2001). To extend the term of the lease, an application for the grant of a further Crown lease can be made to Environment, Planning and Sustainable Development Directorate (EPSDD). The appropriate form can be found at:

<https://form.act.gov.au/smartforms/landing.htm?formCode=1266>

SIGNAGE

All signage installed at the site, including advertising signage and hoarding, should comply with the *Australian Association of National Advertisers (AANA) Code of Ethics* and the *ACT Government's Hoarding Signage Advertising Guidelines* available online at <https://www.planning.act.gov.au/build-buy-renovate/for-industry/industry-resources/hoarding-signage-guidelines>

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

NOTICE OF DECISION

DA 201936262

PART B – REASONS FOR THE DECISION

During the assessment of the proposal the applicant was requested to address matters related to floor to ceiling heights, awnings, deep root planting, amenity of communal open space at level 2, solar access, parking allocation, characteristics of the study rooms as outlined in Parking and Vehicular Access General Code and entity comments.

In response the applicant submitted further information and revised plans under s.141 and s.144 of the Planning and Development Act respectively.

The primary changes from the original submission include:

- Removing from the application the proposed community title subdivision;
- Updated basement plans
- Removing from the application the proposed indoor recreation use.

Residential use has been limited to multi-unit housing as it has not been demonstrated that the other sub-uses permitted under the umbrella term 'residential use' are suitable for the site. It was also suggested that the Authority include noise mitigation requirements. This is not considered appropriate and therefore have not been included in the attached Instrument of Variation.

The umbrella term Community use has been limited to exclude hospital and childcare centre. Educational establishment has been limited to exclude preschool, primary school, high school, secondary college and associated residential accommodation. It has not been demonstrated that these uses are suitable for the site in accordance with the Community and Recreation Facilities Location Guidelines General Code.

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 rules and criteria of the Territory Plan and section 120 of the *Planning and Development Act 2007*.

The following evidence formed part of the assessment of this application:

Development Application:	201936262, 201936262A, 201936262B and 201936262C
Territory Plan Zones:	CZ3 Services Zone
Development Codes:	Commercial Zones Development Code
Precinct Code:	Braddon Precinct Map and Code
Crown Lease:	Volume 23 and Folio 2202
Legislative requirements:	Sections 119 and 120 of the <i>Planning and Development Act 2007</i>
Entity advice:	Refer to Part C of this Decision
Representations:	

NOTICE OF DECISION

DA 201936262

PART C – PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 4 February 2020 to 24 February 2020. Five (5) written representations were received during the public notification period.

The amended applications were not publicly notified. Pursuant to section 146(3) of the Act, the requirement to publicly notify an amended DA can be waived, provided, the requirements of 3(a) and 3(b) of section 146 of the Act, that no-one other than the applicant will be adversely affected by the amendment and the environmental impact caused by the approval of the amendment will do no more than minimally increase the environmental impact of the development.

The planning and land authority considered that no-one other than the applicant will be adversely affected by the amendments and the revised proposal would not increase the environmental impact. Consequently, the authority waived the requirement to publicly notify the amended application.

The issues raised in the representation(s) were considered in the assessment and making of the decision for this development application.

ENTITY ADVICE

Pursuant to Division 7.3.3 of the *Planning and Development Act*, the application was referred to the below entities. Where an entity requested conditions to be imposed on this development, those conditions have been incorporated into Part A of this Decision. A summary of entity comments can be found below.

1. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

TCCS provided advice requiring further information to address outstanding traffic and waste issues (refer to Attachment 3). Other matters related to off-site works are subject to TCCS endorsement. Refer to conditions in Part A. A copy of TCCS advice is attached to this Notice of Decision. Please contact TCCS directly on 6207 0019 for further information and advice.

2. ICON WATER

Icon Water advised the proposal is not supported, issuing a “Failed To Comply” Notice dated 11 February 2020. Refer to conditions in Part A of this decision. A copy of the Icon Water advice is attached to this Notice of Decision.

3. EVOENERGY

Evoenergy (Electricity) provided advice stating the proposal is supported subject to conditions. Refer to conditions in Part A. A copy of the Evoenergy advice is attached to this Notice of Decision

4. JEMENA GAS

Jemena provided advice stating the proposal is supported subject to conditions. Refer to conditions in Part A. A copy of the Jemena advice is attached to this Notice of Decision.

5. ENVIRONMENT PROTECTION AUTHORITY (EPA)

The EPA initially advised the proposal was not supported and requested further information. Following referral of the s144C submission the EPA provided advice stating the proposal is supported subject to conditions. Refer to conditions and advisory notes in Part A.

NOTICE OF DECISION

DA 201936262

6. EMERGENCY SERVICES AGENCY (ESA)

The ESA provided advice stating the proposal is supported. A copy of the ESA advice is attached to this Notice of Decision.

7. NATIONAL CAPITAL AUTHORITY (NCA)

The NCA provided advice stating the site is subject to Special Requirements under Section 4.25 of the National Capital Plan (the plan). The proposed development is not inconsistent with the Nation Capital Plan, and the NCA has no concerns.

8. CITY RENEWAL AUTHORITY (CRA)

The CRA initially advised the proposal was not supported and requested further information. Following referral of the s.141B and s144C submission CRA advised they have no comments.

Translation and interpretation services

The ACT Government's translation and interpreter service runs 24 hours a day, every day of the week by calling 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 ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

TRANSLATING AND INTERPRETING SERVICE

131 450

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

ATTACHMENT 1

ADMINISTRATIVE INFORMATION RELATING TO NOTICE OF DECISION

DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise, this approval takes effect the day after the date of this decision. The effective date for development applications approved subject to conditions may 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 *Planning and Development Act 2007* (Act), this approval will expire if:

- the development or any stage of the development is not started within three years after the day the approval takes effect;
- the development is not finished three 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 pursuant to 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, Planning and Sustainable Development Directorate Dickson Customer Service Centre at 480 Northbourne Avenue, Dickson, ACT.

Submission of revised drawings or documentation

If a condition of approval requires the applicant to lodge revised drawings and / or documentation with the planning and land authority for approval pursuant to section 165 of the Act, the submission must be made by completing an application in e-development.

Reconsideration of the Decision

If the applicant is not satisfied with the decision made by the planning and land authority, they are entitled to apply to the planning and land authority for reconsideration within 20 working days of being told of this decision pursuant to section 191 of the Act. A longer timeframe may apply only if granted in writing by the planning and land authority pursuant to section 184 of the Act.

More information is available online at <https://www.planning.act.gov.au/build-buy-reno/build-buy-or-reno/approvals/development-applications/appeal-a-da-decision>.

Please contact Access Canberra Customer Services if you wish to lodge a reconsideration application.

Review by the ACT Civil and Administrative Tribunal (ACAT)

1. Decisions that are reviewable by the ACAT are identified in Schedule 1 of the Act, except for matters that are exempted under Schedule 3 of the *Planning and Development Regulation 2008* (matters exempt from third party review).
2. The notice of decision and this advice have been sent to all people who made a representation in relation to the application.
3. The ACAT is an independent body. It can review a large number of decisions made by ACT Government ministers, officials and statutory authorities on their merits. 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.
4. If you think you have a right of appeal, you may apply to the ACAT for a review of the decision. Application forms can be obtained from the ACAT at the website listed below. You can also download the form from the ACT Legislation Register.
5. If you are unsure of whether you have a right of appeal, you may contact Access Canberra Customer Services who can provide you with assistance.
6. More information on appeal rights is available online at <https://www.planning.act.gov.au/build-buy-renovate/build-buy-or-renovate/approvals/development-applications/appeal-a-da-decision>.
7. If you are applying on behalf of an organisation or association, 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.
8. 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*; and rule 38 of the *ACT Civil and Administrative Tribunal Procedures Rules 2020*).
9. 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. Applications should be made in writing to: the Director General, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. You can ask the ACAT for more details.
10. 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.
11. The following organisations may be able to provide you with advice and assistance if you are eligible:
 - ACT Law Society, telephone 6274 0300ACT
 - Legal Aid Office, telephone 1300 654 314
 - ACT Council of the Ageing, telephone 02 6154 9740
 - Welfare Rights Centre, telephone 1800 226 028

- Environmental Defender's Office (ACT), telephone 02 6243 3460.
12. 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 in the circumstances specified in s 48 of the *ACT Civil and Administrative Tribunal Act 2008*. 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.
 13. You may apply for access to any documents you consider relevant to this decision under the *ACT Freedom of Information Act 2016*. Information about Freedom of information requests is available on the planning and land authority's web site at <https://www.environment.act.gov.au/about/access-government-information> or by contacting us by phone on 02 6207 1923.
 14. 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.

Review by the ACT Supreme Court

1. The Authority's decision may also be subject to judicial review by the ACT Supreme Court under the *Administrative Decisions (Judicial Review) Act 1989* (ADJR Act).
2. Under the ADJR Act, an *eligible person* may make an application for review of a decision.
3. An *eligible person* must demonstrate that their interests are adversely affected by the decision and that the application raises a significant issue of public importance.
4. Section 5 of the ADJR Act sets out the grounds on which a decision can be reviewed.
5. The time limit to make an application for review is 28 days from the date the Notice of Decision is provided to the applicant and those people who made a representation.
6. The ACT Supreme Court is a costs jurisdiction where costs generally follow the event. This means that the unsuccessful party is required to pay the costs of the successful party.
7. For more information on ACT Supreme Court processes and fees, please visit <https://courts.act.gov.au/home>.

Other approvals

A notice of decision under the *Planning and Development Act 2007* grants development approval only. Other approvals may be required, including:

1. Building Approval

Most building work requires building approval under the *Building Act 2004* to ensure it complies with building laws such as the *Building Code of Australia*. The lessee should engage a private building certifier to determine whether building approval is required and assess and approve the building plans before construction commences. A list of certifiers can be obtained from the [Environment, Planning and Sustainable Development Directorate](#).

2. 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 Transport Canberra and City Services Directorate at <https://www.tccs.act.gov.au/city-living/trees>.

3. 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 the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. More information is available from the Transport Canberra and City Services Directorate at https://www.tccs.act.gov.au/city-living/public_land_use.

4. Works on unleased Territory Land

In accordance with the *Public Unleased Land Act 2013*, no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval must be obtained from the Senior Manager, Place Coordination and Planning, Transport Canberra and City Services Directorate by way of:

- (a) a certificate of design acceptance prior to the commencement of any work; and
- (b) a certificate of operational acceptance on completion of all works to be handed over to TCCS.

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.

Contact details for relevant agencies

<p>ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601 GPO Box 370, CANBERRA, ACT 2601</p>	<p>www.acat.act.gov.au tribunal@act.gov.au 02 6207 1740 02 6205 4855</p>
<p>ACT Supreme Court 4-6 Knowles Place, CANBERRA CITY ACT 2601 GPO Box 1548, CANBERRA CITY, ACT 2601</p>	<p>www.courts.act.gov.au 02 6205 0000</p>
<p>Environment, Planning and Sustainable Development Directorate 480 Northbourne Avenue DICKSON ACT 2602 GPO Box 158, CANBERRA 2601</p> <ul style="list-style-type: none"> • <i>Planning and land authority</i> <ul style="list-style-type: none"> - list of certifiers for building approval - demolition information - asbestos information • <i>Environment Protection Authority</i> <ul style="list-style-type: none"> - environment protection - water resources - asbestos information • <i>Conservation, Planning and Research</i> <ul style="list-style-type: none"> - threatened species/wildlife management 	<p>www.planning.act.gov.au 02 6207 1923</p> <p>www.environment.act.gov.au 132 281</p> <p>www.environment.act.gov.au 132 281</p>
<p>Transport Canberra and City Services</p> <ul style="list-style-type: none"> - tree damaging activity approval - use of verges or other unleased Territory land - works on unleased Territory land - design 	<p>www.tccs.act.gov.au</p> <p>132 281 02 6207 0019 (place</p>

acceptance - damage to public assets	coordination)
Health Directorate	www.health.act.gov.au 02 6205 1700
Utilities - Telstra (networks) - TransACT (networks) - Icon Water - Electricity reticulation	02 8576 9799 02 6229 8000 02 6248 3111 02 6293 5738

Translation and interpretation services

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ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية، إتصل برقم الهاتف:
CHINESE	如果你需要传译员的帮助，请打电话:
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodioca telefoniрајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:
TRANSLATING AND INTERPRETING SERVICE	
131 450	
Canberra and District - 24 hours a day, seven days a week	

**APPLICATION TO VARY A CROWN LEASE**

Form 044 - AVCL

*Land Titles Act 1925***IMPORTANT INFORMATION**

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

PRIVACY NOTICE

The collection of personal information in this form is required by law under the *Land Titles Act 1925*, to ensure accurate and legal transfer of title or registration of other interests relating to land and for maintaining publicly searchable registers and indexes. Personal information collected on this form will be handled in accordance with the Territory Privacy Principles in Schedule 1 of the Information Privacy Act 2014. More detailed information about how Access Canberra handles this personal information is available at: <https://www.act.gov.au/acprivacy>

INSTRUCTIONS FOR COMPLETION

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

CONTACT AND LODGEMENT INFORMATION

Email:
actlandtitles@act.gov.au
General Enquiries:
6207 0491

In Person:
Environment, Planning and Land Shopfront
Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson
Opening hours - Monday to Friday 8:30am to 4:30pm (*excluding public holidays*)



APPLICATION TO VARY A CROWN LEASE

Form 044 - AVCL

Land Titles Act 1925

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

LODGING PARTY DETAILS			
Name	Email Address	Customer Reference Number	Contact Telephone Number

TITLE AND LAND DETAILS			
Volume & Folio	District/Division	Section	Block
23:2202	BRADDON	20	7

FULL NAME OF REGISTERED PROPRIETOR/S (Surname Last) (ACN required for all companies)	FULL POSTAL ADDRESS
42 Mort Landowner Pty Ltd	3/57 Dacre Street Mitchell ACT 2911

LEGISLATIVE PROVISION TO VARY CROWN LEASE
I, _____, being a delegate of the Planning and Land Authority, apply to you to register the variation which has been made to the Crown lease of the land described above. An approval of the Variation of Lease is submitted herewith in accordance with Section 72A of the <u>Land Titles Act 1925</u>

DETAILS OF DELETED CLAUSES (no longer applicable after registration)
N/A

DETAILS OF VARIATION
<p>AUSTRALIAN CAPITAL TERRITORY PLANNING AND DEVELOPMENT ACT 2007 VARIATION OF A LEASE</p>
<p>Under the <i>Planning and Development Act 2007</i> I, _____, approve the variation of Crown lease specified hereunder:</p> <p>PARTICULARS OF VARIATION</p> <p>FORMER PROVISION</p> <p>Clause 1(f) To use the said land for the following purposes only namely for the main purpose of an</p>

industry (other than a noxious trade) employing not more than seventy (70) persons and for any purpose subsidiary thereto such as a residence or shop;

AMENDED PROVISION

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

- (i) an industry (other than a noxious trade) employing not more than seventy (70) persons and for any purpose subsidiary thereto such as a residence or shop;
- (ii) community use EXCLUDING child care centre and hospital PROVIDED THAT educational establishment excludes preschool, primary school, high school, secondary college and any associated residential accommodation;
- (iii) non retail commercial use;
- (iv) residential use LIMITED TO multi unit housing;
- (v) restaurant; and
- (vi) shop;

ADDED PROVISIONS

replace the full stop (".") at the end of clause 1(h) with a semi-colon (";") and insert the following clauses;

PROVISION OF STORAGE AREAS CARPARKING AND ILLUMINATION

- (i) That the Lessee shall provide and thereafter maintain storage areas covered carparking hardstanding carparking adequately illuminated vehicle access roads pedestrian pathways and vehicle access drives on the land to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;

LANDSCAPING

- (j) That the Lessee shall provide and maintain landscaping on the land to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;

LOADING AND UNLOADING OF VEHICLES

- (k) That the Lessee shall provide and maintain an area for the loading and unloading of vehicles on the land to a standard acceptable to the Authority in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;

PRESERVATION OF TREES

- (l) That the Lessee shall not, without the previous consent in writing of the Territory, remove any tree:
 - (i) that has been identified in a development approval for retention during the period allowed for construction of the building; or
 - (ii) to which the Tree Protection Act 2005, applies;

FACILITIES AND ACCESS FOR PERSONS WITH A DISABILITY

- (m) That the Lessee shall provide and maintain facilities and access on the land for persons with a disability in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority.

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

- 3(dd) That in this lease the expression 'Authority' means the Planning and Land Authority established by section 10 of the Planning and Development Act 2007;
- 3(i) That in this lease the expression 'building' means any building or structure constructed or partially constructed or to be constructed, as the context permits or requires, on or under the land;
- 3(j) That in this lease the expression 'bulky goods retailing' means a shop which includes a loading dock within the building, and where the goods or materials sold or displayed are of such a size, shape or weight as to require:
- a) a large area for handling, storage or display; and/or
 - b) direct vehicular access to the site by members of the public, for the purpose of loading goods or materials into their vehicles after purchase, but does not include any shop used primarily for the sale of food or clothing;
- 3(k) That in this lease the expression 'business agency' means the use of land for the purpose of providing a commercial service directly and regularly to the public;
- 3(l) That in this lease the expression 'childcare centre' means the use of land for the purpose of educating, supervising or caring for children of any age throughout a specified period of time in any one day, which is registered under the Children and Young People Act 2008 or authorised pursuant to the Education and Care Services National Law (ACT) Act 2011 and which does not include residential care;
- 3(m) That in this lease the expression 'community activity centre' means the use of land by a public authority or a body of persons associated for the purpose of providing for the social well being of the community;
- 3(n) That in this lease the expression 'community theatre' means the use of land for a theatre, cinema, concert hall, auditorium or theatrette run by non-profit organisations;
- 3(o) That in this lease the expression 'cultural facility' means the use of land for the purpose of cultural activities to which the public normally has access, but does not include a shop for art, craft or sculpture dealer;
- 3(p) That in this lease the expression 'department store' means a shop in which goods are sold by separate departments within the shop and from which a significant amount or proportion of retail sales occur from at least four of the following types of goods: furniture and floor coverings; fabrics and household textiles; clothing; footwear; household appliances; china, glassware and domestic hardware;
- 3(q) That in this lease the expression 'dwelling' has the same meaning as in the Planning and Development Regulation 2008; 3(i) That in this lease the expression 'community use' means childcare centre, community activity centre, community theatre, cultural facility, educational establishment, health facility, hospital, place of worship, religious associated use;
- 3(r) That in this lease the expression 'educational establishment' means the use of land for the purpose of tuition, training or research directed towards the discovery or application of knowledge, whether or not for the purposes of gain, and may include associated residential accommodation;
- 3(s) That in this lease the expression 'financial establishment' means the use of land for the primary

- purpose of providing finance, investing money, and providing services to lenders, borrowers and investors on a direct and regular basis;
- 3(t) That in this lease the expression 'health facility' means the use of land for providing health care services (including diagnosis, preventative care or counselling) or medical or surgical treatment to outpatients only;
- 3(u) That in this lease the expression 'hospital' means the use of land for the medical care (including diagnosis, preventative care and counselling) of inpatients, whether or not out-patients are also provided with care or treatment, and may include associated residential accommodation;
- 3(v) That in this lease the expression 'multi unit housing' means the use of land for more than one dwelling and includes but is not limited to dual occupancy housing;
- 3(w) That in this lease the expression 'non retail commercial use' means business agency, financial establishment, office, public agency;
- 3(x) That in this lease the expression 'office' means the use of land for the purpose of administration, clerical, technical, professional or like business activities, including a government office, which does not include dealing with members of the public on a direct and regular basis except where this is ancillary to the main purpose of the office;
- 3(y) That in this lease the expression 'personal service' means a shop used primarily for selling services and in which the sale of goods is ancillary to the service provided;
- 3(z) That in this lease the expression 'place of worship' means the use of land for the primary purposes of religious worship and associated activities by a congregation, religious group or members of the public whether or not the premises are also used for religious instruction, tuition, meetings, training and other community activities;
- 3(aa) That in this lease the expression 'premises' means the land and any building or other improvements on the land;
- 3(bb) That in this lease the expression 'public agency' means the use of land for the purpose of providing a public service directly and regularly to the public and includes a government agency, which provides a commercial service to the public;
- 3(cc) That in this lease the expression 'religious associated use' means the use of land for the activities conducted by religious organisations other than for worship or for offices and may include residential accommodation by ministers of religion;
- 3(dd) That in this lease the expression 'residential use' means caretakers residence, multi unity housing, residential care accommodation, retirement village, secondary residence, single dwelling housing, supportive housing;
- 3(ee) That in this lease the expression 'restaurant' means the use of land for the primary purpose of providing food for consumption on the premises whether or not the premises are licensed premises under the Liquor Act 2010 and whether or not entertainment is provided;
- 3(ff) That in this lease the expression 'retail plant nursery' means a shop used for the propagation and sale of plants, shrubs, trees and garden supplies;
- 3(gg) That in this lease the expression 'shop' means bulky goods retailing, department store, personal service, retail plant nursery, supermarket, take-away food shop;
- 3(hh) That in this lease the expression 'supermarket' means a large shop selling food and other household items where the selection of goods is organised on a self-service basis;
- 3(ii) That in this lease the expression 'take-away food shop' means a shop, which is predominantly for the preparation of food and refreshments for consumption elsewhere;

3(jj) That in this lease the expression 'Territory' means:

- (i) when used in a geographical sense the Australian Capital Territory; and
- (ii) when used in any other sense the body politic established by section 7 of the Australian Capital Territory (Self-Government) Act 1988 (C'th).

EXECUTION BY ACT PLANNING AND LAND AUTHORITY

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

Print full name and address of witness

SENIOR OFFICER GRADE:
POSITION NUMBER:

**ENVIRONMENT PLANNING AND SUSTAINABLE
DEVELOPMENT DIRECTORATE
DAME PATTIE MENZIES HOUSE
16 CHALLIS STREET
DICKSON ACT 2602**

Dated -

Signature of witness

Dated -

OFFICE USE ONLY

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



ACT
Government

Environment, Planning and
Sustainable Development

APPLICATION FOR THE GRANT OF A LICENCE

(2 Party - Minor Encroachment Only)

PART 1 – LICENSEE and APPLICANT DETAILS

LICENSEE (*as is to appear on licence*)

NAME	
A.C.N. or A.B.N.	
POSTAL ADDRESS	
PHONE NUMBER	

APPLICANT (*if different from Licensee*)

NAME	
POSTAL ADDRESS	
PHONE NUMBER	

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 NUMBER (If applicable) DA - _____

PART 4 - THE DEVELOPMENT

TYPE OF ENCROACHMENT

(eg. Awning, signage, facade):

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/s 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. Your insurance Policy must be approved by the ACT Insurance Agency (ACTIA).

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

1. **Submit a Certificate of Currency of insurance to the department;**
** For a 2 party encroachment Licence, EPSDD will seek ACTIA's approval**
2. **Nominate each and all of the proposed activities on Territory land or premises;**
** EPSDD will incorporate those activities in a schedule to the licence (Activity Schedule)**
3. **If the Public Liability Activities rating is higher than 7, a risk management plan may be required: ** EPSDD will let you know about this after submission of the application****

AN APPLICATION FEE IS APPLICABLE

SIGNED:

DATE:

REQUIREMENTS & CHECKLIST

- | | |
|--|------------------------------|
| A plan showing encroachment/s and surrounding area as per application | <input type="checkbox"/> Yes |
| A copy of the Companies/Associations Certificate of Incorporation or Registered Trading Name including A.B.N./A.C.N. | <input type="checkbox"/> Yes |
| Lessee's Public Liability Insurance documentation (Certificate of Currency) | <input type="checkbox"/> Yes |
| Application fee paid | <input type="checkbox"/> Yes |

ATTACHMENT 3 - ADVICE OF TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

TRAFFIC / PUBLIC TRANSPORT

1. Section 3.0 of the report identified that the TIA Guidelines “set out the procedures for the preparation of Transport Impact Assessment reports for such projects”; however, the structure of the report and the lack of analysis in the report is not consistent with the TIA Guidelines for developments of this scale.
2. The TIA Guidelines references the Austroads Guide to Traffic Management (AGTM) Part 12 – Traffic Impacts of Developments. AGTM 12 in turn, references AGTM Part 3 Traffic Studies and Analysis. The report does not adequately address the format or content that is specified in these documents.
3. The following aspects of the TIA Guidelines are not adequately addressed in the report:
 - a) Study Area - The study area for the development is not clearly defined in the report.
 - b) Existing conditions: Site Location and Environs, Land Use, Transport Network, Parking, Existing Traffic Flows, Road Safety.
 - c) Study Period: The report indicates the transport assessment will be conducted for peak hourly conditions, which should consider adjacent street peak hour traffic and the peak hour(s) for development generated traffic as follows:
 - i. Residential, Office, Industrial, Institutional Uses – weekday AM and PM peak hours of adjacent street traffic.
 - ii. Retail, Restaurant, Entertainment – weekday PM peak hour and Saturday afternoon peak hour of adjacent street traffic.
 - iii. Surveys are to be carried out so as to be representative, e.g., school holidays, public holidays, December / January to be avoided unless there is a specific reason.
 - iv. For all land uses, the peak hour of the proposed development, if different than the peak hour of adjacent street traffic, should also be included.
 - v. If both the generated traffic and adjacent street traffic volumes are lower in one peak hour than the other, a lower level of detail may be appropriate for the lower-volume peak hour. Seasonal variation in traffic should also be considered, such as for tourism-oriented businesses that may be busier during school holidays.
 - vi. The appropriate study period for larger, mixed use developments will need to be determined based on the land uses within the development, the interactions between the activities and the surrounding adjacent land uses.
“
 - d) Design Year The report does not reference the opening or design year as part of the assessment.
 - e) Future Base Conditions including Future Land Use, Future Transportation Facilities, Future Base Traffic Flows. The report does not address these elements.
 - f) Traffic Generation - The traffic generation rates adopted for the residential and commercial components of the development are unsubstantiated. The site is outside of the area defined by EAN 14 ACT Traffic Generation Rates for High Density Residential Developments (HDRD) in the Vicinity of Town Centres and Northbourne Avenue Corridor; therefore, the reduced rates cannot be applied.
 - g) Modal Split - The report does not address this topic.
 - h) Approach and Departure Directions - This section of the report does not reference any data source to substantiate the assumptions that have been used.
 - i) Traffic Assignment - The report does not adequately articulate the basis of the assumptions used.
 - j) Non-vehicular and Public Transport Routes - The report provides vague comments such as “within easy walking and cycling distances” and there are no

- references to Municipal Infrastructure Standard 05 – Active Travel or any specific public transport information.
- k) Intersections (including site accesses) - The report provides cursory mentions of the site access and nearby intersections, but does not provide any analysis of the safety, amenity or capacity of these intersections for use by any modes.
 - l) Road Links - Level of Service The report does not mention the levels of service of any links in the immediate road network.
 - m) Parking and Service Vehicles - The report provides basic commentary on the parking provision and layout; however, it does not provide any justification for the proposed allocation of 15 on-street spaces for customer parking. There is no commentary on current usage patterns or occupancy rates for the existing on-street parking. The report does not identify any on-street loading bays that could potentially be used by commercial delivery vehicles or other service vehicles such as furniture delivery vehicle.
 - n) Road Safety - The report does not address any existing crash history for the precinct.
 - o) Onsite circulation and access assessment - The report does not adequately explain how the onsite circulation and access will operate for the different traffic demands e.g. how will the commercial tandem parking spaces operate? Will they impact on residential movements? Where will vehicles wait (internally and/or externally) when there is a commercial vehicle using the car park? There is insufficient commentary on access management and internal circulation e.g. the report indicates that the internal circulation has been designed to minimum standards and that bicycle parking will be in the basement; however, there are no comments regarding the safety or the interactions of cyclists/residential vehicles/commercial vehicles/service vehicles/etc. what is the frequency of service vehicle movements for the commercial deliveries and waste collections?

WASTE

4. Section 7.3.7 of the 2019 Waste Code states: “The use of truck turntables must be approved by TCCS at the pre-application stage”. Please provide a record of this approval.
5. Notwithstanding of the above item, Section 7.3.7 also states that:
 - a) Truck turntables must have a manual override in case of malfunction.
 - b) Territory waste transporters are not permitted to operate the turntable. Note that this requirement has since changed Regarding the second dot-point, this has changed so that the waste transporter can operate the turntable after being inducted on site.
 - c) Truck turntables must be included in the OMP for the development.
6. It is unclear in drawing C10 whether the two chute rooms feature waste and recycling or whether one room is for waste and the other for recycling.
7. Section 7.3.3 of the 2019 Waste Code states: “If bins or hoppers are used at the discharge point of the chutes, two additional bins/hoppers each for both waste and recycling is recommended. However, at least one additional bin/hopper each for both waste and recycling is mandatory”. The requirement does not appear to be met.
8. Details required in Table 3.8 (see snapshot below) must be submitted. It is unclear in the drawings what type of waste chutes will be used as well as the operational clearances for the waste trucks (refer Image 2 below).
9. The following elements also need clarification:
 - d) Clear height of the driveway’s entrance (refer Image 1).
 - e) Turning demonstration showing encroachment on the kerb (refer Image 3). Also, the vehicles safety envelope appears to be impeded.
 - f) Confirm if manual override will be available for the turntable.
 - g) Confirm location of the secured control device to operate the turntable and who will be operating it, i.e. Strata or Territory waste contractor.

TABLE 3.8 Submission requirements for on-site collection for multi-unit residential developments

Number	Submission Requirement
R1	Each <i>development application</i> must include a completed copy of all relevant Parts of the WRMP (see Appendix 10).
R2	<i>Development application</i> submission documents must include plans, elevations, sections and written descriptions or specifications for collection services, as applicable, showing:
R2.1	<ul style="list-style-type: none"> the location and dimensions of the <i>waste and recycling storage facility</i> with tabulated calculations to demonstrate the adequacy of this space. Refer to A4.3 and www.tccs.act.gov.au/recycling-and-waste/collection/green-bin-program for green waste storage requirements.
R2.2	<ul style="list-style-type: none"> tabulated waste and recycling generation rates per dwelling (i.e. bedrooms) in accordance with Table 7.1.
R2.3	<ul style="list-style-type: none"> a method statement describing how waste and recycling must be transferred from each dwelling to the <i>waste and recycling storage facility</i>.
R2.4	<ul style="list-style-type: none"> the location of any waste and recycling <i>chutes</i> (if included in a proposed development) and the location and dimensions of any <i>waste service compartment</i> on each floor of the building; it must include tabulated calculations to demonstrate the adequacy of these facilities.
R2.5	<ul style="list-style-type: none"> the location of the <i>designated collection point, hopper pad</i> or both for the collection and emptying of the Territory's waste and recycling bins.
R2.6	<ul style="list-style-type: none"> the path of travel for moving bins from the <i>waste and recycling storage facility</i> to the <i>designated collection point</i>; it must indicate dimensions, clearances and gradients, where applicable.
R2.7	<ul style="list-style-type: none"> the path of travel for <i>collection vehicles</i> if collection occurs on site; it must indicate all clearances, travel, turning and manoeuvring paths, ramp access, clearances in all directions and pavement details, where applicable.
R2.8	<ul style="list-style-type: none"> supporting documentary evidence on the type of compaction and associated waste and recycling plant and equipment proposed; this must include the manufacturer, model, compaction ratio, and dimensions – including maximum height at point of lift, volume, and expected weight when fully loaded at the defined compaction ratio.

Image 1



Image 2

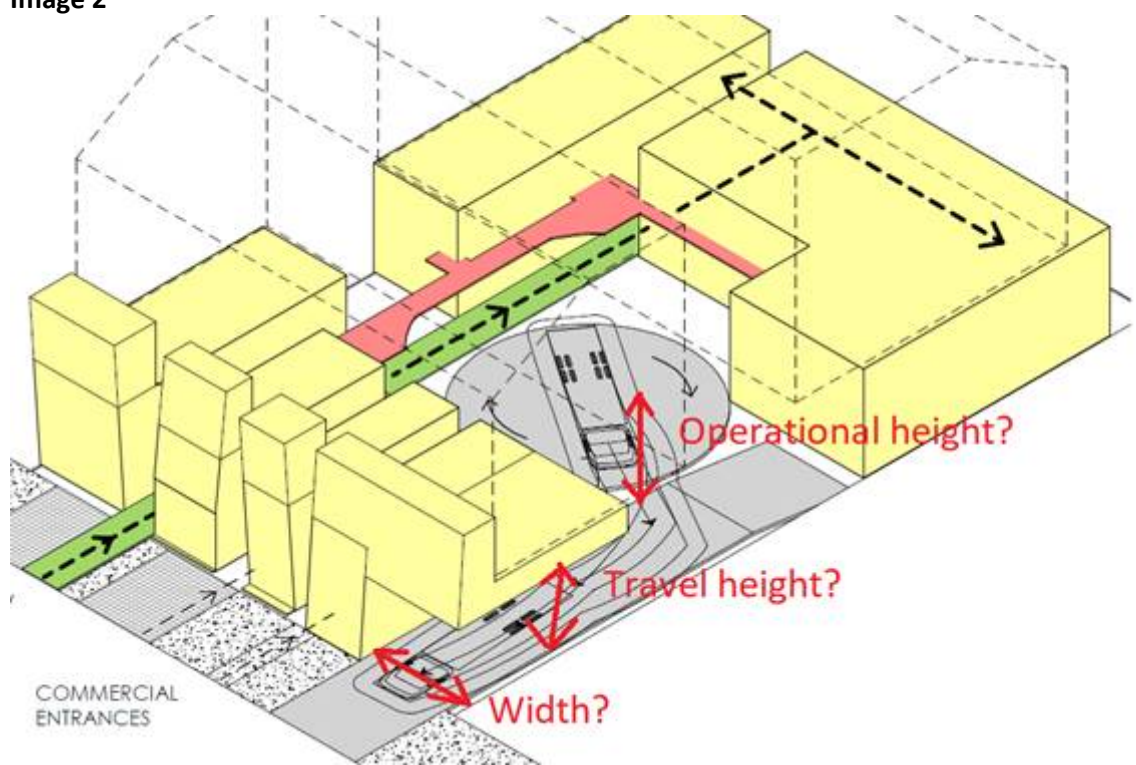
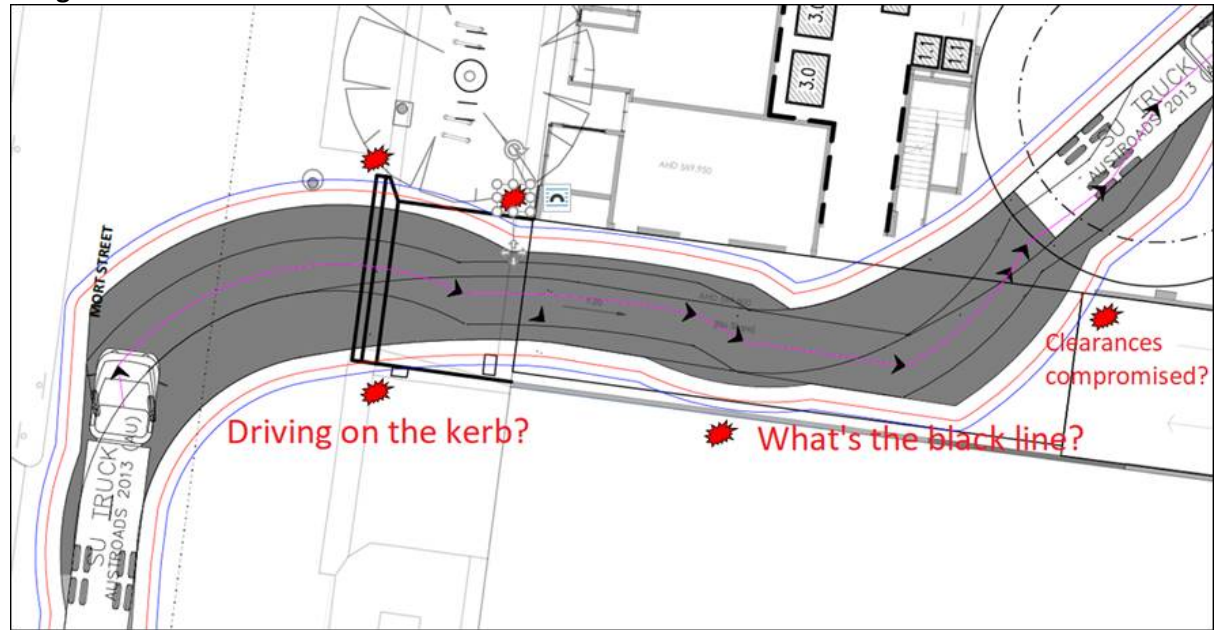


Image 3



TRANSPORT CANBERRA and CITY SERVICES (TCCS)

STANDARD CONDITIONS

The following general conditions will apply, as appropriate, for the Works and use of Territory land in addition to the conditions imposed in the Notice of Decision. Please contact TCCS for further information and advice.

Early Works or prior to construction

In accordance with the Public Unleased Land Act 2013 no Works are to be undertaken without the approval of the TCCS. Such approval must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch TCCS by the ways of (1) a Letter of Early Works Approval for demolition and/or earthworks only; and/or (2) a Letter of Design Review, prior to the commencement of any Works.

Fees and charges will apply for Early Works Approval as per TCCS "GEN-06 - Submissions and Inspections Guideline Principles and Related Fees and Charges for TCCS and Industry".

Design Review

In order to obtain the Letter of Design Review, 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 TCCS "REF-06 - Requirements for Design Review Submissions", must be certified by a Chartered Engineer/Landscape Architect and submitted to the relevant Senior Director of the TCCS Development Coordination Branch.

Waste and Recycling Management Plan (WRMP) review

A WRMP in accordance with the relevant revision of the Development Control Code for Best Practice Waste Management in the ACT must also be submitted at the Design Review stage.

Operational Acceptance/Soft Landscape Consolidation Commencement

On completion of the Works a Certificate of Operational Acceptance is required from the relevant Senior Director of the TCCS Development Coordination Branch, prior to the issuance of a Certificate of Occupancy.

Where required, a Certificate of Soft Landscape Consolidation Commencement must also be obtained from the relevant Senior Director of the TCCS Development Coordination Branch for the placement of soft landscape works on consolidation.

A Chartered Engineer/Landscape Architect must certify compliance with TCCS "REF 08 - Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance and/or Consolidation Commencement is made to the relevant Senior Director of the TCCS Development Coordination Branch on completion of all Works.

Final Acceptance/Soft Landscape Handover

A Certificate of Final Acceptance for all civil and hard landscape works must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch at the end of the required Defects Liability Period (DLP) as noted in the Certificate of Operational Acceptance.

A Certificate of Soft Landscape Handover for all soft landscape works must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch at the end of the required Consolidation Period as noted in the Certificate of Consolidation Commencement.

Temporary Traffic Management (TTM)

A TTM plan approval from the Manager of TCCS Traffic Management & Safety, Roads ACT, must be obtained prior to commencement of Works. This plan must be prepared by a suitably qualified person and address, as a minimum, measures to be employed at all times during construction activities to manage all traffic, including construction and regular traffic in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated temporary traffic control devices.

Landscape Management & Protection Plan (LMPP)

LMPP approval must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch or the delegated authority. During construction, all existing vegetation (trees, shrubs and grass) located within the verge and unleased Territory land immediately adjacent to the development must be managed, protected and maintained in accordance with the approved LMPP. This plan must be implemented before the commencement of any Works, including demolition on the site, and must be in accordance with TCCS "REF 04 - Requirements for the Protection of Public Landscape Assets Adjacent to Development Works".

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 from TCCS. If required, such approval can be obtained from TCCS Licensing and Compliance.

Repair of damage to public assets

Before the Works commence TCCS must be notified of any existing damage to public assets via a Dilapidation Report. The applicant/lessee is held responsible for repairing any damage to ACT Government's assets, caused by the development activities, to the satisfaction of TCCS. If a Dilapidation Report is not provided, any pre-existing damage must also be repaired at the applicant/lessee's cost.

Notice of Commencement of construction

A Notice of Commencement for the Works within Unleased Territory Land must be submitted to TCCS one week prior to the commencement of Works. The notice must also include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of TTM.

ENVIRONMENT PROTECTION AUTHORITY

STATUTORY SITE AUDIT NOTIFICATION

Environment Protection Act 1997

SITE AUDITORS DETAILS:

Name: Sch 2.2(a)(ii) Ph: Sch 2.2(a)(ii)
Company: Harwood Environmental Consultants Fax: N/A
Address: Suite F, Building 38, Suakin Drive
Mosman, NSW 2088
Accredited by (State Authority): NSW
Accreditation No: 0304 File Reference No: 20033

NOTIFICATION NUMBER: 359

SITE LOCATION:

Block: 7 Section: 20 Division: Braddon District: _____
Deposited Plan No.: DP 201936262
Street Address: 42 Mort Street
Braddon, ACT Postcode: 2612

SITE AUDIT REQUESTED BY:

Name: Sch 2.2(a)(ii)
Company: Core Building Group (ACT) Pty Ltd
Address: 3/57 Dacre Street
Mitchell, ACT Postcode: 2911
Phone: Sch 2.2(a)(ii) Fax: _____
Date request received: 30/10/2020

Notification must be sent to the EPA within 7 days of receiving the request.

NATURE OF STATUTORY REQUIREMENTS:

A Requirement under the ~~Environment Protection Act 1997~~

Type of instrument imposing the requirement (e.g. assessment order):

~~Date of issue:~~ _____

A requirement imposed by an environmental planning instrument (EPI)

Name and number of EPI: _____

A development approval given under the *Planning and Development Act 2007*.

Approval authority: ACT Govt Notice of Decision

Date approval granted: 02/09/2020

Comments: The development involves the development of a mixed use multi-storey building ground floor commercial and residential apartments above with 3 levels of basement parking.

This statutory audit site audit is conducted for the purpose of determining:

The suitability of the land for the current/proposed land use(s), from a contamination perspective; and/or

~~The nature and extent of the assessment or remediation undertaken, as the case requires; and/or~~

~~The nature and extent of any contamination or remaining contamination of the land; and/or~~

~~What further assessment or remediation, as the case requires, is necessary before the land is suitable for any specified use or range of uses; and/or~~

~~The suitability and appropriateness of an assessment proposal, remediation proposal, remedial action plan or environment management plan.~~

Estimated time within which audit will be completed: 24 Months

I certify that the information supplied in this form and any attached pages is correct.

Sch 2.2(a)(ii)

Signed: _____ Date: 06/11/2020

Notification must be sent to the EPA within 7 days of receiving the request.