



**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 2022-215

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	Yes
5. Fees	N/A
6. Processing time (in working days)	34
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:** [no-reply@act.gov.au](mailto:no-reply@act.gov.au)  
**To:** [CMTEDD FOI](#)  
**Subject:** Freedom of Information request - CMTEDDFOI 2022-215  
**Date:** Tuesday, 19 July 2022 9:50:31 AM

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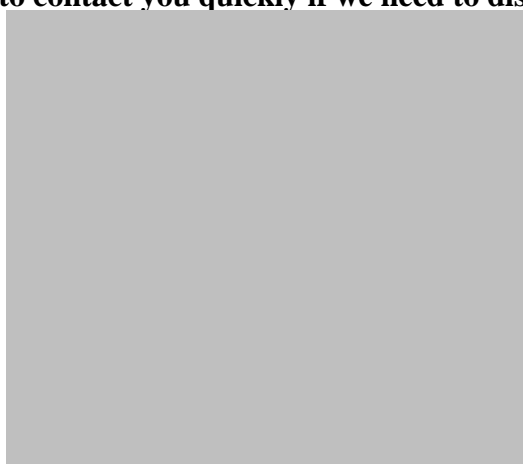
**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

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 personal details in the form fields.

### Request for informati

**(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):

A complete copy of the building file (including any historical documents) for the property located at [redacted] ACT., including but not limited to the following: "planning approvals/consents, planning applications, modification applications, modified development approvals/consents, and incorporated documents such as approved plans and reports, and planning assessment reports"

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: CMTEDDFOI 2022-215



## 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 1 July 2022.

Specifically, you are seeking: *a complete copy of the building file (including any historical documents) for the property located at [REDACTED], including but not limited to the following: "planning approvals/consents, planning applications, modification applications, modified development approvals/consents, and incorporated documents such as approved plans and reports, and planning assessment reports"*.

### 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 is required to provide a decision on your access application by 6 September 2022.

### Decision on access

Searches were completed for relevant documents and 7 documents were identified 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 each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant access in full two documents relevant to your request and partial access to four documents. I have decided to refuse access to one document as I consider it to contain:

- 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 in the following statement of reasons in accordance with section 54(2) of the Act, and the documents released to you are provided as **Attachment B** to this letter.

### **Statement of Reasons**

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

- the Act,
- the information that falls within the scope of your request,
- views of relevant third parties who were consulted under section 38, and
- the *Human Rights Act 2004*.

### **Exemption claimed**

My reasons for deciding not to grant access to one document, and only partial access to four 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 [public interest] 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 under schedule 2.1:

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

- (i) *promote open discussion and accountability*
- (xiii) *contribute to the administration of justice generally, including procedural fairness.*

Having considered the factors identified as relevant in this matter, I consider that release of the information contained in these documents may reasonably be expected to promote open discussion about government operations within the community, particularly those relating to building applications. Disclosure of the information identified as in scope of your request could also contribute to procedural fairness.

Noting that the 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, I must consider the above factors for disclosure against those factors favouring nondisclosure. However, in this case I do give some weight to the factors for disclosure.

Factors favouring nondisclosure in the public interest under schedule 2.2:

(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.*

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

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' is 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. In my opinion, to release methodology and details of a business entity, including intellectual property, in the course of the business entity providing a service to the ACT Government could reasonably be expected to prejudice their business affairs.

When considering the information in scope for your request, and factors in favour of nondisclosure, I have considered the personal information and business information contained in the documents. I believe the release of this information may prejudice the protection of these individuals' right to privacy or any other right under the *Human Rights Act 2004*, in addition to potential adverse effects of releasing commercially sensitive information. I am satisfied that the factors favouring nondisclosure should be afforded significant weight.

Having applied the test outlined in section 17 of the Act and deciding that release of personal and business 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.

A further **129** documents identified as within scope are over 20 years old and are subject to access provisions under section 26 of the *Territory Records Act 2002*.

Section 26 states that:

- (1) *A record of an agency is open to public access under this Act on the next Canberra Day after the end of 20 years after the record, or the original of which it is a copy, came into existence.*
- (2) *A person is entitled to access under this Act to a record of an agency that is open to public access.*

To obtain this information you will need to contact ArchivesACT: [archives@act.gov.au](mailto:archives@act.gov.au)

### **Charges**

Pursuant to the *Freedom of Information (Fees) Determination 2017* (No 2) processing charges are not applicable for this request because the total number of pages to be released to you does not exceed 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, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after three days after the date of my decision. Your personal contact details will not be published. You may view the 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:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto: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](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Stuart', written in a cursive style.

Katharine Stuart  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate  
05 September 2022



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

### WHAT ARE THE PARAMETERS OF THE REQUEST

Reference NO.

A complete copy of the building file (including any historical documents) for the property located at [REDACTED], including but not limited to the following: "planning approvals/consents, planning applications, modification applications, modified development approvals/consents, and incorporated documents such as approved plans and reports, and planning assessment reports"

CMTEDDFOI 2022-215

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Certificate of Occupancy and Use	10 Dec 20	Full release	N/A	Yes
2	2-8	Application for Certificate of Occupancy and Use	10 Dec 20	Partial release	Sch 2 s2.2 (a)(ii) and Sch 2 s2.2 (a)(xi)	Yes
3	9-10	Certificate of Electrical Safety	29 Apr 21	Partial release	Sch 2 s2.2 (a)(ii)	Yes
4	11-13	Certificate of Electrical Safety	21 Feb 17	Partial release	Sch 2 s2.2 (a)(ii)	Yes
5	14	Commencement Notice for Gasfitting Work	19 Jun 12	Partial release	Sch 2 s2.2 (a)(ii)	Yes
6	15-16	Survey report	6 Dec 04	Exempt	Sch 2 s2.2 (a)(xi)	Yes
7	17-46	DA documents	19 Aug 04	Full release	N/A	Yes
<b>Total No of Docs</b>						
7						





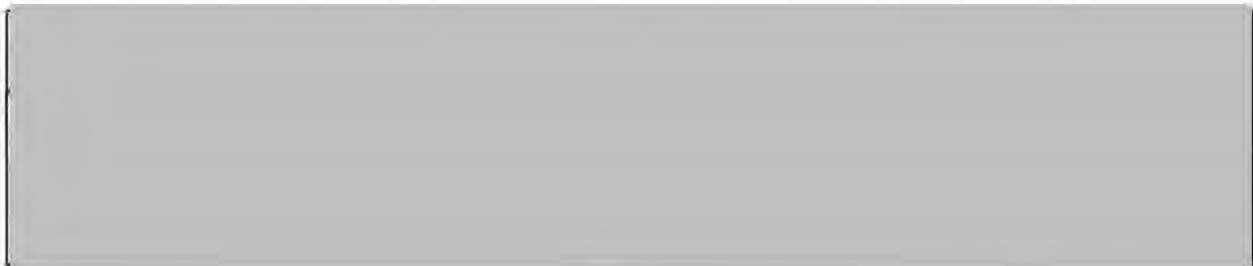
# Access Canberra Building Services

ABN 16 479 763 216  
8 Darling Street Mitchell  
GPO Box 158, Canberra ACT 2601  
www.act.gov.au/accesscbr

## Certificate of Occupancy and Use

This Certificate is issued in accordance with Section 69 (2) of the ACT Building Act 2004.

The building work listed on this certificate has been completed substantially in accordance with the prescribed requirements and is considered fit for occupancy and use.



### Building work

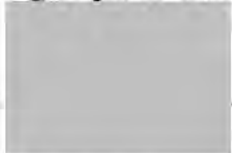
Nature of work	Project item description	Unit	Other description	Occupancy class	Type of construction
NEW	COMPLETION OF PRE-MIX CONCRETE PLANT		OFFICE/AMENITIES BUILDING	5 & 10a	N/A

### Note:

This certificate is issued in accordance with the final inspection report dated 02/11/2020 completed by Mr D Waring.

The issue, under this Part, of a certificate in respect of a building or portion of a building does not affect the liability of a person to comply with the provisions of a law of the Territory (including this Act) relating to the building or portion of the building.

Keryn Borrett  
Delegate of the Registrar:



.....

Date 10 / 12 / 2020



**ACT**  
Government

**Access  
Canberra.**

# APPLICATION FOR CERTIFICATE OF OCCUPANCY AND USE

*Building Act 2004, S151*

### WARNING TO OWNERS

It is recommended that owners seek appropriate advice to determine whether the building work and other contract requirements have been completed satisfactorily before signing this form. This form should not be signed before the completion of building work.

### PART A

### PROJECT DETAILS

[Redacted area]

Describe each item of building work to which this application relates: If more than 6 items please attach further details

1.	Office and Amenities Building
2.	
3.	
4.	

Name of Certifier:

Jon Waring

### PART B

### OWNER/LESSEE DETAILS

FULL NAME OF ALL OWNERS – All owners must be listed or application will not be processed  
Please Print - Owner 1 will be considered the contact person in relation to this application

[Redacted area]

Owner 3 \_\_\_\_\_

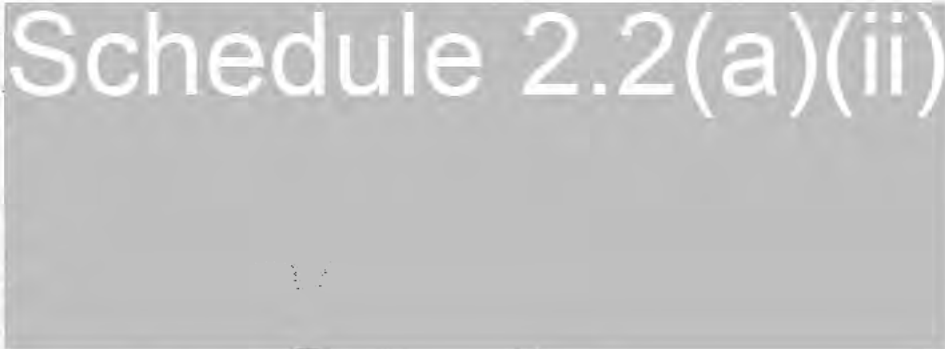
Owner 4 \_\_\_\_\_

Postal Address

Suburb

Phone Number Business Hours

EMAIL ADDRESS



Approved form AF2016-77 approved by David Middlemiss, Construction Occupations Deputy Registrar on 02 August 2016

**PART C DECLARATION BY OWNER/S**

I am/we are: the owner(s) of the above described land

I am/we are satisfied that the building work and related requirements have been completed and hereby apply for a Certificate of Occupancy or Use in respect of the above described work to be issued and (select one option only):

- Email \_\_\_\_\_
- send certificate by post to the owner(s) address       held for collection from Building Services Shopfront - Mitchell
- Other \_\_\_\_\_

**PART D SIGNATURE/S OF OWNER/S**

This form should **not** be signed before the completion of building work.

1 <sup>st</sup> Owner's Signature		Date	10-12-20
2 <sup>nd</sup> Owner's Signature		Date	
3 <sup>rd</sup> Owner's Signature		Date	
4 <sup>th</sup> Owner's Signature		Date	

**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.

Once this form has been completed you should give it to your certifier to lodge or hand deliver to:

**Access Canberra  
Building Services Shopfront,  
8 Darling Street  
Mitchell ACT 2911**

**Privacy Notice**  
The personal information on this form is provided to Access Canberra to enable the processing of your application. The collection of personal information is authorised by the *Building Act 2004*. If all or some of the personal information is not collected Access Canberra cannot process your application. The personal information you provide may be disclosed to Australian Bureau of Statistics, ACT Revenue Office and the Taxation Office. 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. Access Canberra's Information Privacy Policy contains information about how you may access or seek to correct your personal information held by Access Canberra, and how you may complain about an alleged breach of the Territory Privacy Principles. Access Canberra Information Privacy Policy can be found at [www.act.gov.au/accessCBB](http://www.act.gov.au/accessCBB)

**CONTACT INFORMATION**

<b>Email:</b> ACTPLAdevelopmentBA@act.gov.au	<b>Post:</b> Access Canberra Building Services Shopfront Mitchell GPO Box 158 Canberra, ACT 2601	<b>In Person:</b> Please visit <a href="http://www.act.gov.au/accessCBB">www.act.gov.au/accessCBB</a> Or call 132281 to find an Access Canberra Shopfront.
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This form is to be completed by the Building Certifier once satisfied that the building work detailed in this application is complete

**PART A**

**PROJECT DETAILS**

**FULL NAME OF ALL OWNERS** – All owners must be listed or application will not be processed - Please Print

Owner 3

Owner 4

Project Number

Description of Building Works relevant to this application - If more than 6 items please attach further details

Describe each item of building work relevant to this application	BCA Occupancy Class	BCA Construction Type	Builders Name
1 <i>Office and Amenities Building</i>	<i>10a/5</i>	<i>c</i>	
2			
3			
4			
5			

Please indicate if the project involved:

Electrical Work

YES

NO

Plumbing Work

YES

NO

Gas Work

YES

NO

This building work is subject to an alternative solution under the BCA

YES

NO

**PART B**

**CERTIFIERS DETAILS**

Name of Certifier

*Jon Waring*

Company Name

Phone Number Business Hours

Mobile

*Schedule 2.2(a)(ii)*

EMAIL ADDRESS

*Schedule 2.2(a)(ii)*

I am satisfied that the building work detailed in this application is complete. I hereby certify that:

- I have provided all the relevant documents required by subsection 48 of the Building Act 2004 with this application;
- the documentation relating to the building approval has been marked in accordance with the requirements of the Building Act 2004;
- this work has been undertaken in accordance with the building and development provisions within the Crown lease;
- the building work has been completed in accordance with the requirements of the Building Act 2004 and substantially in accordance with the approved plans;
- the building or part of the building as erected or altered is structurally sufficient, sound and stable for the purposes for which it is intended to be occupied or used; and
- the Registrar can issue a Certificate of Occupancy and Use.

If the owner of the land applies for a certificate the Registrar would be justified in issuing a certificate in respect of the work under the subsection below:

69(1)    69(2)    69(3)    71    72   of the Building Act 2004

Certifier Name

Don Waring  
Schedule 2.2(a)(ii)

Licence No.

19812186

Certifier Signature

Date

10-12-20

**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.

**Once complete this form must be lodged with the Access Canberra Building Services Shopfront and a copy must be forwarded to the owners. The owners will not be able to apply for a certificate of occupancy or use if this form is not completed.**

#### Privacy Notice

The personal information on this form is provided to Access Canberra to enable the processing of your application. The collection of personal information is authorised by the *Building Act 2004*. If all or some of the personal information is not collected Access Canberra cannot process your application. The personal information you provide may be disclosed to Australian Bureau of Statistics, ACT Revenue Office and the Taxation Office. 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. Access Canberra's Information Privacy Policy contains information about how you may access or seek to correct your personal information held by Access Canberra, and how you may complain about an alleged breach of the Territory Privacy Principles. Access Canberra Information Privacy Policy can be found at [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)

#### CONTACT INFORMATION

##### Email:

ACTPLAdevelopmentBA@act.gov.au

##### Post:

Access Canberra  
Building Services  
Shopfront Mitchell  
GPO Box 158  
Canberra, ACT 2601

##### In Person:

Please visit  
[www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)  
Or call **132281** to find an  
Access Canberra Shopfront.

Sequence No. 12400

Don Waring

Principal Building Surveyor

File

Reference No. 12

# Building Inspection Record

PO Box 5146 Kingston ACT 2604

Phone: 0412 130 605

Builder		Project description	Office / Amenities Bldg.
Class of Occupancy	10a/5	BA approval Date	12/1/77.
Relevant inspection stage	Final Inspection office/Amenities only.		

## INSPECTION RECORD

Date of Inspection:

1 / 11 / 2020

Time:

10.00 am.

Photographic Record Taken: Yes - No

Remarks / Conditions found:

I have examined & assessed the building noted above and found it to be generally in a 'servicable' condition.

I have also found that the corrective action listed by the Building inspector for the Final Inspection of the work (Dept of Capital Territory - Building Section) have been completed & the required 'Registered Survey' has been completed (refer attachments) & complies with requirements.

Based on the principal (as advise by Government Legal staff) & standard practice by Buildings/ACTPLA, the outstanding matters, now corrected, are deemed to have been completed with the validity period of the original approval. So, it is my strong Recommendation to issue CofO.



immediately

Schedule 2.2(a)(ii)

2 / 11 / 20

Don Waring

Signature

Date

Directions / Instructions to owner and / or Builder:

Date Checked

Outcome

Signature

NIL

# Schedule 2.2(a)(xi)

# Schedule 2.2(a)(xi)



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## Certificate of Electrical Safety - Submission confirmation

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Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

29 Apr 2021 2:15:48 PM

Reference code

6CNSNSWX

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Access Canberra  
ABN 16 479 763 216

GPO Box 158  
Canberra ACT 2601

13 22 81

# Certificate of Electrical Safety



## Customer Details

Organisation   
 Name   
 Contact number

## Address of Work Site

## Work Details

Work tested by  Expiry   
 Name  Contact   
 Licenced Electrical Contractor  Licence number   
 Expiry date  Certificate of Occupancy required?   
 Installation type   
 Category & type of work

Item	QTY	Item	QTY	Load	Item	QTY	Load
Lights	<input type="text"/>	Hot plates	<input type="text"/>	<input type="text"/>	Direct heating	<input type="text"/>	<input type="text"/>
Ceiling fans	<input type="text"/>	Range	<input type="text"/>	<input type="text"/>	Off peak heating	<input type="text"/>	<input type="text"/>
Single socket-outlets	<input type="text"/>	Wall oven	<input type="text"/>	<input type="text"/>	Air conditioning	<input type="text"/>	<input type="text"/>
Double socket-outlets	<input type="text"/>	Wall oven/hot plates	<input type="text"/>	<input type="text"/>	Air con reverse cycle	<input type="text"/>	<input type="text"/>
Multiple socket-outlets	<input type="text"/>	Continuous hot water	<input type="text"/>	<input type="text"/>	Spa	<input type="text"/>	<input type="text"/>
15A socket-outlets	<input type="text"/>	Quick recovery hot water	<input type="text"/>	<input type="text"/>	Sauna	<input type="text"/>	<input type="text"/>
20A socket-outlets	<input type="text"/>	Off peak hot water	<input type="text"/>	<input type="text"/>	Pool heater	<input type="text"/>	<input type="text"/>
Smoke detectors	<input type="text"/>	Instantaneous hot water	<input type="text"/>	<input type="text"/>	Motors	<input type="text"/>	<input type="text"/>
Exhaust fans	<input type="text"/>	Tastics	<input type="text"/>	<input type="text"/>	Renewable energy generation (PV)	<input type="text"/>	<input type="text"/>
Safety switches	<input type="text"/>	Street lights	<input type="text"/>	<input type="text"/>	Battery Storage	<input type="text"/>	<input type="text"/>
		3 phase socket-outlets	<input type="text"/>	<input type="text"/>			

Consumer mains  Main switchboard  Distribution board

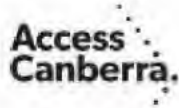
Additional comments

Earth electrode location

Equipotential bond location

I hereby notify that the installation work described in this certificate has been tested in accordance with AS/NZS 3017 and that the work complies with AS/NZS 3000, SAA Wiring Rules; and that I will send a copy of the Certificate of Electrical Safety to the customer within fourteen days as required by the Electricity Safety Act 1971.

Date tested  Submission date



# Certificate of Electrical Safety - Receipt

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Your payment has been successful. Please keep a copy of this receipt for your records.

Date and time

21 Feb 2017 11:02:49 AM

Form submission ID

34003720170221112125

Payment receipt number

1890538290

Reference number

98KVZC

Total amount paid

[REDACTED]

To save a copy of the completed form and receipt, from the File menu select "Save a copy". To print a copy use the Print icon.

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Access Canberra  
ABN 16 479 763 216

GPO Box 158  
Canberra ACT 2601

Phone: 13 22 81

# Certificate of Electrical Safety



## Customer Details

Organisation

Name

Contact number

Schedule 2.2(a)(ii)

## Address of Work Site

Address

## Work Details

Work tested by

200413688

Expiry

13 Aug 2018

Name

Contact

Schedule 2.2(a)(ii)

Licensed Electrical Contractor

Licence number

2009767

Expiry date

15 Sep 2018

Certificate of Occupancy

No

required?

Building project number

Category & type of work

Commercial

New

Installation type

Normal

Item	QTY	Item	QTY	Load	Item	QTY	Load
Lights		Hot plates			Direct heating		
Ceiling fans		Range			Off peak heating		
Single socket-outlets		Wall oven			Air conditioning		
Double socket-outlets		Wall oven/hot plates			Air con reverse cycle		
Multiple socket-outlets		Continuous hot water			Spa		
15A socket-outlets		Quick recovery hot water			Sauna		
20A socket-outlets		Off peak hot water			Pool heater		
Smoke detectors		Instantaneous hot water			Motors		
Exhaust fans		Tastics			Renewable energy generation (PV)		
Safety switches		Street lights			Battery Storage		
		3 phase socket-outlets					

Consumer mains

XLPE - 240 mm<sup>2</sup>

Main switchboard

Yes

Distribution board

Yes

Additional comments

New POE and MSB

Earth electrode location

Right hand side of POE

Equipotential bond location

At POE

I hereby notify that the installation work described in this certificate has been tested in accordance with AS/NZS 3017 and that the work complies with AS/NZS 3000, SAA Wiring Rules; and that I will send a copy of the Certificate of Electrical Safety to the customer within fourteen days as required by the Electricity Safety Act 1971.

Date tested

21 Feb 2017

Submission date

21 Feb 2017

# Switchboards

Enter the number of items to be installed in the boxes below. The fee is calculated on a points basis, with each point equating to a  fee.

\* Please enter the number of units for at least one type.

Class	Item	Value per unit	FM units
<b>Main switchboard</b>	First main switchboard	2X	<input type="text"/>
	> 3 metres: points per 3 metres	1X	<input type="text"/>
	> than 1 supply: points per supply	1X	<input type="text"/>
	MSB with safety services	1X	<input type="text"/>
	POS incorporated in MSB	0	<input type="text"/>
	POS seperate from MSB	1X	1
	Power factor correction	0	<input type="text"/>
	Metre cubicle / box	1X	<input type="text"/>
<b>Distribution boards</b>	Distribution board	1X	<input type="text"/>
	Split services: per service	1X	<input type="text"/>
<b>AES</b>	Control distribution boards where it is not part of the main switch board	1X	<input type="text"/>
	Type of AES x Location of AES	1X	<input type="text"/>
	Per inverter > 1	1X	<input type="text"/>
	First mechanical board	2X	<input type="text"/>
	> 3 metres: points per 3 metres	1X	<input type="text"/>
	With safety services	1X	<input type="text"/>
	> than 1 supply: points per supply	1X	<input type="text"/>
	Distribution board	1X	<input type="text"/>
<b>Temporary supply</b>	Metre box and MSB	1X	<input type="text"/>

Total number of FM units x \$232.00 =

31036

# Commencement Notice for Gasfitting Work

Licensee's ACT Gas Certificate of Compliance



ACT Planning & Land Authority

G002268

The applicant must provide all relevant information in BLOCK LETTERS (please tick boxes below)

<input checked="" type="checkbox"/> Gas Work Commercial	<input type="checkbox"/> New Residential Class 1 or 10a installation	<input type="checkbox"/> Existing Occupied Residential Home (new gas meter)
Gas Type:	<input checked="" type="checkbox"/> Natural Gas	<input type="checkbox"/> Liquid Petroleum
<input type="checkbox"/> Marine	HIN Number _____	<input type="checkbox"/> Mobile
		VIN Number _____

[Redacted area]

[Redacted area] Phone Schedule 2.2(a)(ii)

### PART 3: Builders details

Surname \_\_\_\_\_ Title / First Name \_\_\_\_\_ Mobile \_\_\_\_\_ Phone \_\_\_\_\_

[Redacted area] Mobile Schedule 2.2(a)(ii) Phone \_\_\_\_\_

Street address Schedule 2.2(a)(ii) Suburb \_\_\_\_\_ Postcode 2911

COLA Licence No. 199414491 Expiry Date 09/03/13 Licensee Signature \_\_\_\_\_ Date \_\_\_\_\_

### PART 5: Description of work - Commercial (see inside front cover for description of work)

Total energy loading in Megajoules 1640

(1) Megajoule loading commercial per meter	(2) (a) New Class 2 apartments or units (Please use separate form)	(2) (b) Additional main gas meter Class 2 megajoules loading rate	(3) & (4) Additional Gasfitting work to Class 2 buildings & Class 2-10	(5) Additional Type A appliance/s work without a flue Class 2-10	(6) Additional Type A appliance/s work with a flue Class 2-10	(7) Commercial kitchen or laundry (plus additional Type A appliances)
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____



Receipt number and date \_\_\_\_\_ Name of Authorising Officer \_\_\_\_\_

### PART 6: Description of work - Residential (see inside front cover for description of work)

New gas meter & installation to residential home (BCA class 1 and 10a) *Note: (Gas installer to book inspection with ACTPLA)* \$ \_\_\_\_\_

New gas meter & installation to existing residential/occupied home *Note: (ACTPLA to arrange inspection with home owner)* \$ \_\_\_\_\_

Receipt number and date \_\_\_\_\_ Name of Authorising Officer \_\_\_\_\_

### PART 7: TYPE A appliances connected and number

Bayonet (external)	Decorative log fire	Ducted heater (external)	HWS Continuous (external)	<input checked="" type="checkbox"/>
Bayonet (internal)	Pool/Spa heater	Ducted heater (internal)	HWS Continuous (internal)	<input type="checkbox"/>
Cooker	Wall furnace	Space heater (fired)	HWS Storage (external)	<input type="checkbox"/>
Cook-top	Wall oven	Space heater (flueless)	HWS Storage (internal)	<input type="checkbox"/>
Hydronic Boiler			Type B appliance connection	<input type="checkbox"/>
Others (specify) _____				

### OFFICE USE ONLY: Gas inspector

Signature of Gas Inspector Schedule 2.2(a)(ii) Date 19/6/2012

# Schedule 2.2(a)(xi)

# Schedule 2.2(a)(xi)





ACT Planning &  
Land Authority

OFFICER : Rhonda Myers  
PHONE : 6207 1814  
FAX : 6207 1862  
REF : 701/18/4 pt2

[REDACTED]  
Schedule 2.2(a)(ii)

Dear [REDACTED]  
[REDACTED]

### **APPLICATION FOR GRANT OF FURTHER CROWN LEASE**

I refer to your application for the grant of a further Crown lease for a term of 99 years. Whilst processing your application I am having difficulty establishing that you have complied with Clause 4(b) of the current Crown lease.

The clause is "4(a) *That the lessee will within eighteen months from the date of commencement of the lease or within such further time as may be approved in writing by the Commonwealth complete the erection of the said building or buildings hardstanding carparking access roads and landscaping in accordance with the said plans and specifications and in accordance with every Statute Ordinance or Regulation applicable thereto;*"

I note that a building permit was granted to A Panteli on 29 April 1982 for completion of the "premix concrete plant". However our records do not contain a Certificate of Occupancy or Use for the concrete plant. Would you please provide evidence that you have been issued with a Certificate of Occupancy or Use, whereby completing the building work in accordance with the Building Act 1972 and meeting the requirements of Clause 4(b) of the Crown lease.

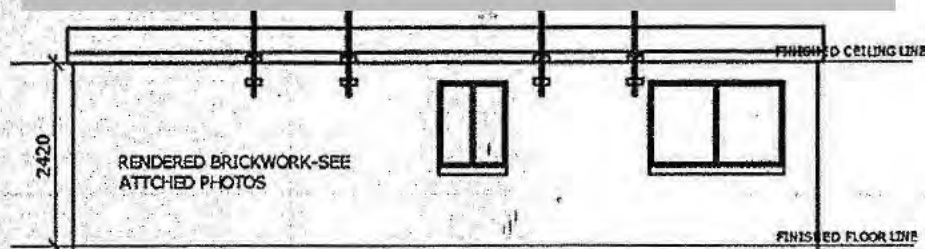
If you wish to discuss the issues raised in this letter, please contact me on 02 6207 1814.

Yours sincerely

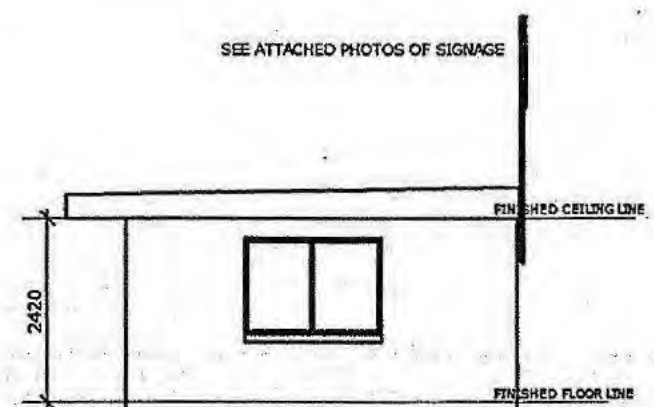
[REDACTED]  
Rhonda Myers  
Leasing and Compliance Section  
Development and  
Building Administration Branch

19 August 2004

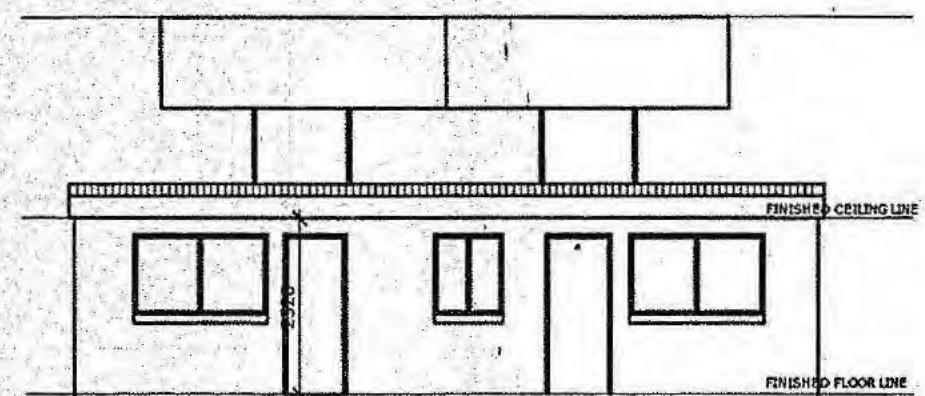
Application No. 199504386A



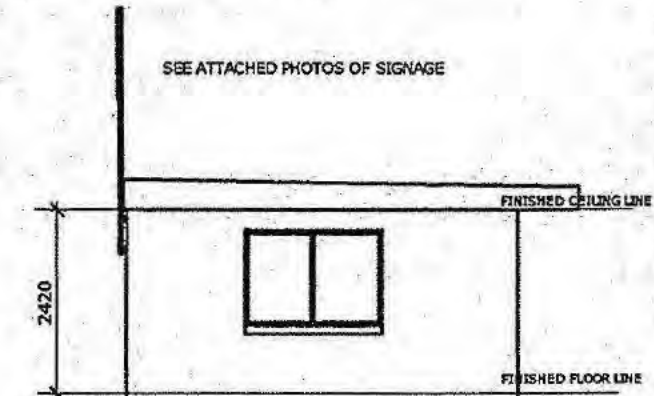
ELEVATION 3



ELEVATION 2

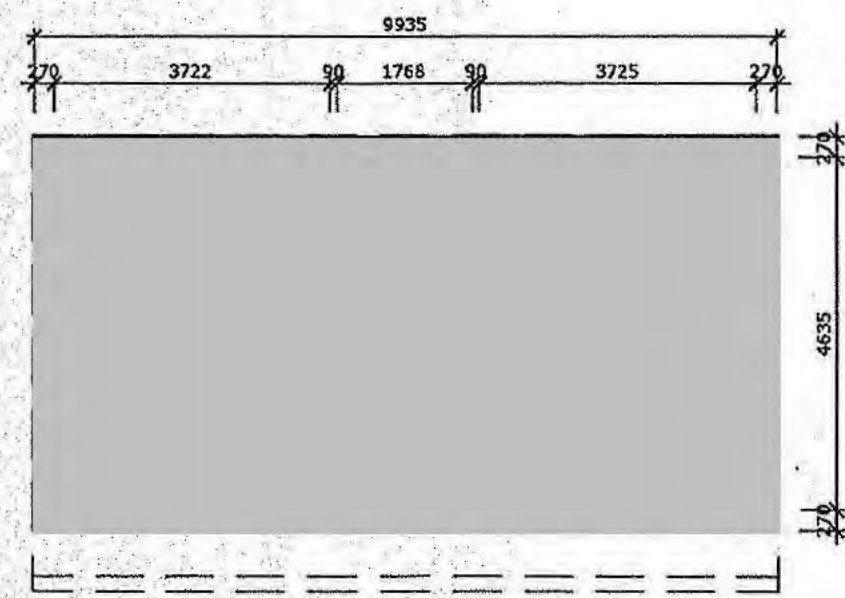


ELEVATION 1

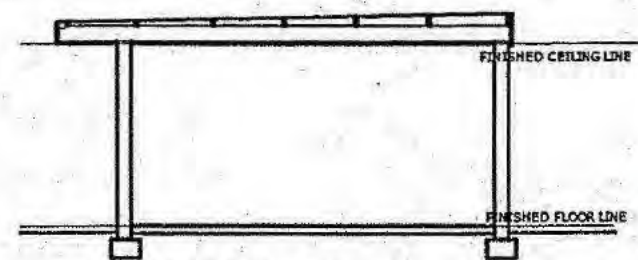


ELEVATION 4

NOTE: STRUCTURE AS COMPLETED AND TO BE READ IN CONJUNCTION WITH PREVIOUSLY APPROVED DRAWINGS



FLOOR PLAN



SECTION A:A

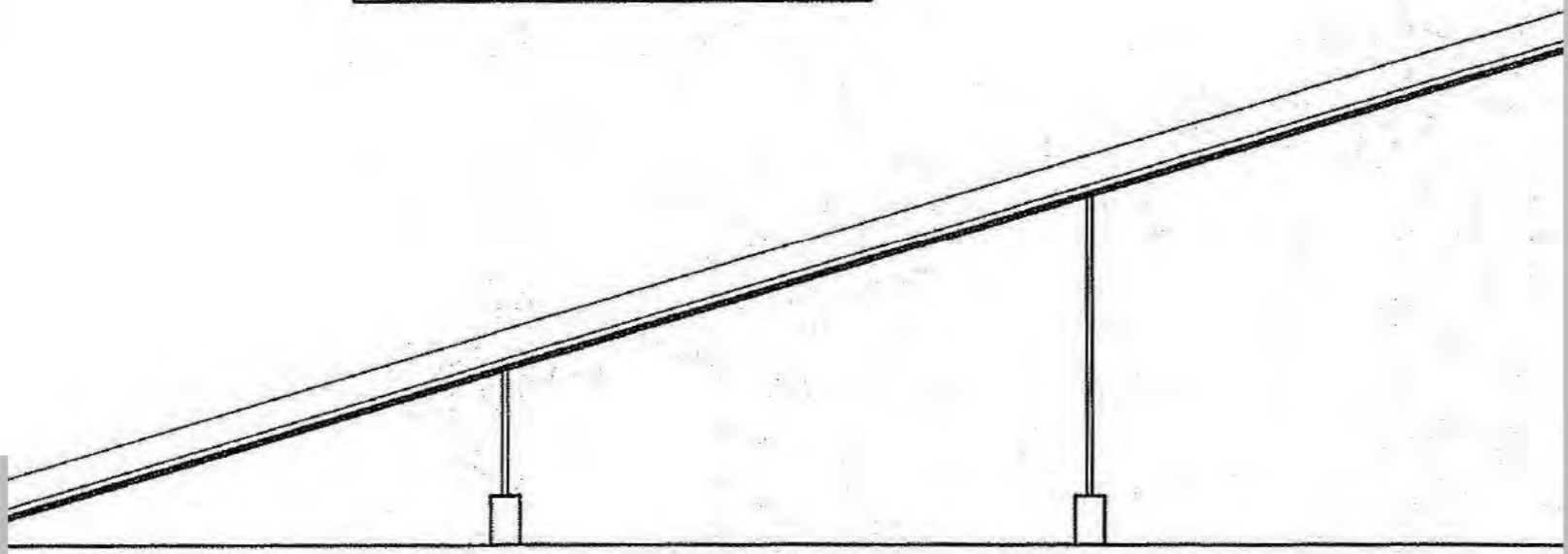
LAND (PLANNING AND ENVIRONMENT) ACT 1991  
**APPROVAL GRANTED**  
PURSUANT TO SECTION 230  
Delegate name: KEN HUNGERFORD  
Date: 28/6/2005

UNFINALISED BUILDING WORK AS PREVIOUSLY APPROVED-

**DRAWINGS INDICATES BUILDING WORK AS CONSTRUCTED**

ation No. 199504386A

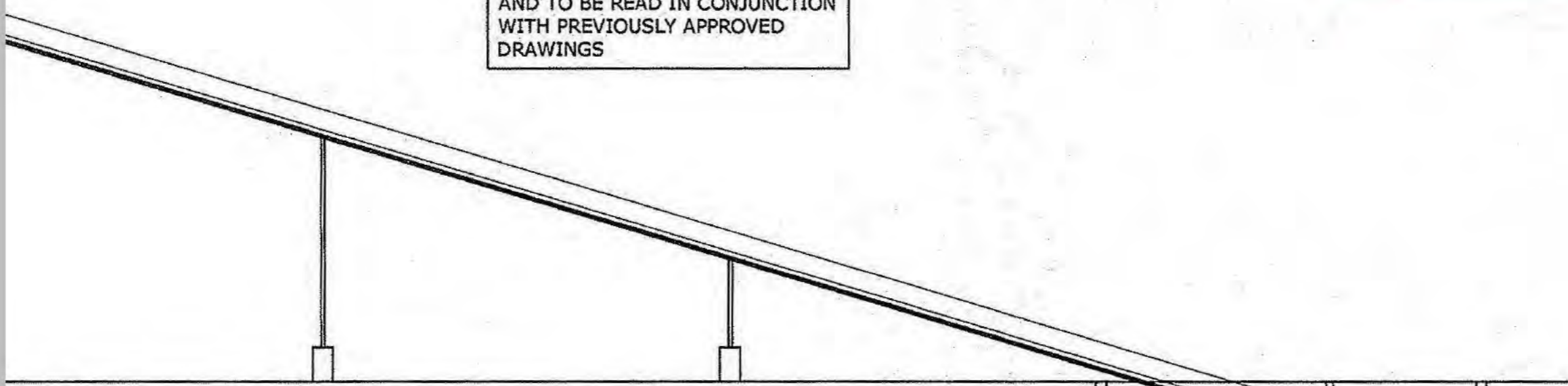
NOTE: STRUCTURE AS COMPLETED  
AND TO BE READ IN CONJUNCTION  
WITH PREVIOUSLY APPROVED  
DRAWINGS



FRONT ELEVATION

LAND (PLANNING AND ENVIRONMENT) ACT 1991  
**APPROVAL GRANTED**  
PURSUANT TO SECTION 230  
Delegate name KEN HUNGERFORD  
Date 28/6/2005

NOTE: STRUCTURE AS COMPLETED  
AND TO BE READ IN CONJUNCTION  
WITH PREVIOUSLY APPROVED  
DRAWINGS



REAR ELEVATION

UNFINALISED BUILDING WORK AS PREVIOUSLY APPROVED-

**DRAWINGS INDICATES BUILDING WORK AS CONSTRUCTED**

[REDACTED]  
Schedule 2.2(a)(ii)  
[REDACTED]

Dear [REDACTED]

## Letter of Decision

[REDACTED]  
**DA NUMBER: 199504386/A**

I refer to the Development Application **Amendment** you lodged on the 09 March 2005 on behalf of [REDACTED]

I wish to advise you that your application has been approved without conditions. This approval is effective from the date of this letter.

If your proposal requires Building Approval, you should engage the services of a private Building Certifier to assess and approve the building plans. A list of private certifiers is available at the ACT Planning and Land Authority Customer Service Centre, 16 Challis Street Dickson. Office hours are 8.30am to 4.30pm, Monday to Friday. This list is also available on the Authority's website at <http://www.actpla.act.gov.au/bepcon>.

You should also obtain plant location advice from ActewAGL to avoid any conflict with existing plant or service easements. If any service assets require relocation as a result of this application, the relocation can be arranged at your cost. Please contact ActewAGL on 131193 for further assistance.

This decision is not subject to review by the ACT Administrative Appeals Tribunal (AAT) and accordingly you are not entitled to appeal the decision.

If you require any further information please contact the Applications Secretariat on (02) 6207 1687.

Yours Sincerely  
Applications Secretariat.

30 June 2005

**SUBJECT:**

**DEVELOPMENT APPLICATION NO 199504386/A  
ADVICE OF DECISION**

**DEVELOPMENT & BUILDING ADMINISTRATION BRANCH**

FILE COPY  
PUBLIC REGISTER  
COMPLIANCE - APPROVAL ASSURANCE

**ACT LAND INFORMATION CENTRE**

**GOVERNMENT AGENCIES THAT PROVIDED COMMENTS**

LAND INFORMATION CENTRE  
COMPLIANCE SECTION  
CITY MANAGEMENT

I refer to the above Development Application **Amendment** dated 09 March 2005.

The application was approved on 30 June 2005. The specific terms and conditions of the approval and the reasons for the delegate's decision are set out in the attached Notice of Decision and Findings on Material Questions of Fact.

If you require any further information in regard to this matter please contact the Application Secretariat on (02) 6207 1687.

Yours faithfully,  
Applications Secretariat.

30 June 2005

RELEVANT CLAUSES FROM TERRITORY PLAN ( <a href="#">click here</a> for direct link to Territory Plan on-line)	ASSESSMENT OFFICER COMMENTS
<b>1. OBJECTIVES</b> ( <a href="#">click here</a> for objectives information) The objectives of the Industrial Land Use Policies are:	
a) support the diversification and expansion of the ACT's industrial base and employment growth;	OK
b) facilitate investment in a wide range of industrial and related activities, with efficient land utilisation and provision of infrastructure;	OK
c) provide convenient access for ACT and regional residents to industrial goods, services and employment opportunities;	OK
d) make provision for transport-related businesses in locations accessible to major road, rail and air links;	OK
e) encourage the clustering of industrial activities according to the principles of industrial ecology;	OK
f) ensure that industrial development achieves high environmental standards of cleaner production, waste disposal, noise and air quality;	OK
g) encourage the design and construction of industrial and commercial buildings that are energy efficient, functional and flexible;	OK
h) ensure that development along major approach routes and major roads meets appropriate standards of urban design; and	OK
i) accommodate industry associated retailing, services and other commercial uses without jeopardising an adequate supply of industrial land.	OK
<b>2. LAND USE CONTROLS</b> ( <a href="#">click here</a> for controls information)	
<b>3. GENERAL CONTROLS</b>	
<b>3.1 Land Use Restrictions</b>	
COMMUNITY USE	
NON-RETAIL COMMERCIAL USE	
SHOP	
<b>3.2 Mandatory Preliminary Assessments</b>	
<b>3.3 Energy Efficiency</b>	
<b>3.4 High Quality Design and Sustainable Development</b>	
<b>3.5 Restricted Access</b>	
<b>3.6 Unit Title Subdivision</b>	
<b>3.7 Performance Controls</b>	
<b>4. AREA SPECIFIC POLICIES</b>	
<b>4.1 PRECINCT 'a' - GENERAL INDUSTRY</b>	
<b>Primary purposes</b>	
<b>Controls</b>	
(a) Subdivision	
(b) Site Specific Controls Hume Blocks 5 and 6, Section 6 (Hill Station)	

RELEVANT CLAUSES FROM TERRITORY PLAN ( <a href="#">click here</a> for direct link to Territory Plan on-line)	ASSESSMENT OFFICER COMMENTS
Objective	
Land Use	
<b>4.2 PRECINCT 'b' – RETAIL WAREHOUSE AND COMMERCIAL SERVICES</b>	
Primary purposes	
Controls	
(a) Shop Size – Mitchell	
<b>4.3 Precinct 'c' – FOOD ENTERPRISES AND COMPATIBLE ACTIVITIES</b>	
Primary purposes	
Controls	
(a) Land Use Restrictions	
(b) Shop size	
<b>4.4 Precinct 'd' - SCIENCE AND TECHNOLOGY</b>	
Primary purpose	
<b>PLANNING GUIDELINES</b>	NA
<a href="#">Click here to link to all Guideline documents in Territory Plan</a>	
<a href="#">Click here for Guidelines that may apply to the assessment</a>	
<b>SECTION MASTER PLAN</b>	NA
<a href="#">Click here to link to all Section Master Plans</a>	
<b>NEIGHBOURHOOD PLAN</b>	NA
<a href="#">Click here to link to all Plan documents</a>	
<b>HERITAGE PLACES</b>	NA
<a href="#">Click here to the Appendix V Heritage Places Register</a>	





**ACT Planning &  
Land Authority**

## **NOTICE OF DECISION**

UNDER PART 6 OF THE *LAND (PLANNING AND ENVIRONMENT) ACT 1991*

**APPLICATION NO:**

**DATE LODGED:**

**BLOCK:**

**SECTION:**

**SUBURB:**

**ADDRESS:**

**APPLICANT:**

**LESSEE:**

### **1.0 THE PROPOSAL**

The application seeks approval for:

- (a) a variation to the Crown lease to \*; \*consolidation of the Crown leases
- (b) the demolition of \*;
- (c) the erection of a \*storey building; and
- (d) associated landscaping, car parking, paving and other site works.

### **2.0 THE DECISION**

Under section 222 of the *Land (Planning and Environment) Act 1991* ("the Land Act"), the "relevant authority" in relation to this application is the Planning and Land Authority.

I, , delegate of the Planning and Land Authority, pursuant to section 230 of the Act hereby **approve** the application subject to the following conditions imposed pursuant to section 245 of the Act:

#### ***General***

1. that the development is to be carried out only in accordance with the following:
  - (a) drawings by , Job No.

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

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

***Further Information Required***

2. that within 28 days from the date of this decision, or within such further time as may be approved in writing by the Planning and Land Authority, the applicant shall lodge with the Planning and Land Authority for approval:
  - (a) a revised integrated site plan and landscaping plan, based on the relevant drawings referred to in the previous condition, showing:
    - (i)
  - (b) a revised site plan, based on the relevant drawing referred to in the previous condition, showing:
    - (i)
  - (c) a revised landscape plan, based on the relevant drawing referred to in the previous condition, showing:
    - (i)
  - (d) revised architectural drawings, based on the relevant drawing referred to in the previous condition, showing:
    - (i)
  - (e) revised exterior materials sample board, based on the relevant item referred to in the previous condition, showing:
    - (i)
  - (f) details of

***Completion***

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

**Notes:**

1. *Under section 251 of the Land Act this approval will expire if the development is not commenced within two years after the date of approval. There is no provision in the Land Act to extend the period specified for commencement.*
2. *Under section 252 the applicant may apply to the Planning and Land Authority for any extension to the period specified for completion, but such an application must be made within the original period specified for completion.*

**Traffic Management**

4. that at all times during construction the site and surrounds shall be managed in accordance with a Temporary Traffic Management Plan, prepared by the applicant approved by the Manager, Quality Co-ordination, City Management, Department of Urban Services ("DUS"), and, for the installation of traffic control devices, the approval of the Manager, Asset Use, Roads ACT, City Management, DUS, under the *Road Transport (Safety and Traffic Management) Act 1999*. This plan is to address, as a minimum, measures to be employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices;

**Fencing**

5. that, pursuant to sub paragraph 2453(i)(ii) of the Land Act, at the lessee's expense and before the completion of building work, the existing fence on the boundary shall be upgraded to 1.8m high timber lapped and capped fence, or to another standard acceptable to the Planning and Land Authority. The lessee must take all reasonable steps to obtain the written agreement of the respective lessees before the erection of any new fencing. If there is no agreement, the fencing is to be to the satisfaction of the Planning and Land Authority. New fencing shall not extend further forward than the \*existing \*new building line;

**Unleased Territory Land**

6. that, during construction, the verge is to be managed and protected in accordance with a Landscape management and protection plan approved by Canberra Urban Parks and Places, City Management, DUS;
7. that the public footpath is to be continuous across the driveway verge crossing, ie. the footpath is to have precedence;
8. that the existing concrete footpath shall be retained or, if it is to be replaced, it is to be reconstructed at the same level in to the satisfaction of the Territory;

9. that the proposed driveway verge crossing shall be constructed at the applicant's expense in surface, generally in accordance with DUS driveway Type as shown on DUS Drawing DS5-2, or equivalent, with a width at the boundary equivalent to the width of the internal driveway (ie m);

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

### **Protection of Trees**

10. that the applicant/lessee shall protect and maintain in accordance with *Canberra Landscape Guidelines* all existing trees and shrubs on the block and located on the verge immediately adjacent, except for those specifically identified for removal in the approved drawings or related documents.

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

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

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

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

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

The key issues identified in the assessment are \*

Conditions have been imposed to address the key issues and ensure that the proposal is consistent with the Territory Plan. In particular \*

Delegate of the Planning and Land Authority

## FINDINGS ON MATERIAL QUESTIONS OF FACT

### APPLICATION NO.:

**BLOCK      SECTION      SUBURB**

## 1.0 FINDINGS

### 1.1 Statutory Requirements

The proposal involves:

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

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

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

### 1.2 Time Frames for Decision

The application was lodged on . Under the Land (Planning and Environment) Regulations the prescribed time for a decision is 45 working days, ie by .

At the request of the applicant an extension of the prescribed time was granted to .

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

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

### 1.3 Description of Proposal

The proposal is described in drawings and supporting documents submitted as part of Development Application Number 2003.

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

The subject site has an area of and frontage(s) of to .

The land falls approximately m from to . Vegetation comprises

#### **1.5 Crown Lease**

The current Crown \*lease was \*leases were granted under the for a period of years commencing on for the purpose(s) of The Crown \*lease also contains \*leases also contain the following relevant provisions The Crown \*lease has been \*leases have been varied previously.

The proposal is not inconsistent with the provisions of the Crown lease.

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

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

Clause 9.1(a) of Part A3 provides that the proposal cannot be approved if it is inconsistent with the B3 Industrial Land Use Policies. These policies comprise “objectives” and “controls”, as follows.

##### *Objectives*

The objectives are to:

- a) *support the diversification and expansion of the ACT's industrial base and employment growth;*
- b) *facilitate investment in a wide range of industrial and related activities, with efficient land utilisation and provision of infrastructure;*
- c) *provide convenient access for ACT and regional residents to industrial goods, services and employment opportunities;*
- d) *make provision for transport-related businesses in locations accessible to major road, rail and air links;*
- e) *encourage the clustering of industrial activities according to the principles of industrial ecology;*
- f) *ensure that industrial development achieves high environmental standards of cleaner production, waste disposal, noise and air quality;*
- g) *encourage the design and construction of industrial and commercial buildings that are energy efficient, functional and flexible;*
- h) *ensure that development along major approach routes and major roads meets appropriate standards of urban design; and*

- i) *accommodate industry associated retailing, services and other commercial uses without jeopardising an adequate supply of industrial land.*

It is considered that the proposal meets these objectives.

#### *Controls*

The relevant controls are 2.1 and 2.2.

The proposal is consistent with these controls.

### **1.6.2 Area Specific Land Use Policies – B1 Increased Density Development (maximum two storeys)**

Clause 9.1(a) of Part A3 provides that the proposal cannot be approved if it is inconsistent with the Area Specific Policies for Precinct “”.

These policies comprise “objectives” and “controls”, as follows.

#### *Objectives*

The relevant objectives are:

It is considered that the proposal meets these objectives.

#### *Controls*

The relevant controls are:

It is considered that the proposal meets these controls.

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

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

#### Requirement under the Guidelines

m<sup>2</sup>@ spaces/m<sup>2</sup>

#### Provision

The provision of parking is met.

#### **1.6.4 [INSERT NAME OF GUIDELINE]**

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

The proposal complies with all relevant provisions.

The proposal complies with all relevant provisions except for:

#### **1.6.5 Heritage Places Register**

Clause 9.1(f) of Part A3 provides that the proposal cannot be approved if it is inconsistent with the relevant provisions of any Heritage Places Register at Appendix V or Interim Heritage Register.

#### **1.6.6 Public Submissions**

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

#### **1.6.7 Additional Matters for Consideration**

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

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

\*Relevant matters for consideration that have not been adequately addressed in the previous assessment are:

#### **1.7 Significant Trees**

On full the Conservator of Flora and Fauna granted approval to under the *Tree Protection (Interim Scheme) Act 2001*.

## **2.0 PUBLIC NOTIFICATION**



Pursuant to section 229 of the Land Act, the application was publicly notified from to . written submissions were received.

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

(a) *Issue*

Comment:

### **3.0 GOVERNMENT AGENCIES COMMENTS**

- 3.1 Department of Urban Services
- 3.2 ActewAGL
- 3.3 Conservator of Flora and Fauna
- 3.4 Heritage Council

### **4.0 EVIDENCE**

- Application No – [include amendments]
- File No -
- The Territory Plan Part A – General Principles and Policies
- The Territory Plan Part B3 – Industrial Land Use Policies
- The Territory Plan Part B3 – Area Specific Policies for Area B3
- Current Crown lease (Vol :Folio..... )
- Agency comments
- Public submissions

Delegate of the Planning and Land Authority

## 1. Contact Telephone Numbers – Relevant Government Agencies

### ACT PLANNING AND LAND AUTHORITY

#### Development Assessment

DA Enquiries	6207
Applications Secretariat	6207 1687

### DEPARTMENT OF URBAN SERVICES

#### City Management

Asset Acceptance	6207 6594
Roads ACT	6207 6677
ACT NOWaste	6207 6323
Canberra Urban Parks and Places	
Open Space and Built Assets	6207 2500

#### Environment ACT

Environment Protection Unit	6207 9777
Significant trees helpline	6207 9777

### DEPARTMENT OF HEALTH AND COMMUNITY CARE

Health Protection Service	6205 1700
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### OTHERS

#### Telstra

Network Planning Engineer (Ted Murray)	6219 1213
--	-----------

#### ActewAGL

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

#### TransACT

Networks (Craig Seaton)	6229 8000
-------------------------	-----------

## 2. Further Approvals

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

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

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

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

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

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

Approval from the Conservator of Flora and Fauna is required before a *Tree Damaging Activity* can be undertaken.

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

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

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

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

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

### **3. Conditions of Approval**

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

### **4. Building Approval**

Most building work requires Building Approval. If this applies to your proposal you should engage the services of a private building certifier to assess and approve the building plans. A list of private certifiers is available at the ACT Planning and Land Authority Customer Service Centre, 16 Challis Street Dickson. Office hours are 8.30am to 4.30pm, Monday to Friday. The list is also available on the Authority's website at [www.actpla.act.gov.au/bepcon](http://www.actpla.act.gov.au/bepcon).

### **5. Reconsideration of the Decision**

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

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

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

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

### **6. Review of decisions by the Administrative Appeals Tribunal**

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

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

become a party to the proceedings. The following notes are provided in accordance with the ACT Administrative Appeals Tribunal (AAT) Code of Practice.

#### *Reasons*

If a decision has been made and you, as the applicant, have not already been given reasons for the decision, you are entitled to apply for a statement of reasons to explain why the decision was made. If you wish to obtain a statement of reasons you must make your request within 28 days of the date of this decision. Applications should be made to the Director, Development and Building Administration Branch, PO Box 1908, CANBERRA ACT 2601.

This provision does not apply to objectors.

#### *Review By The ACT Administrative Appeals Tribunal (AAT)*

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

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

Contact details for the Tribunal are as follows:

Location:

Tribunals Branch  
Magistrates Court  
4 Knowles Place  
CANBERRA ACT 2601

Postal Address:

GPO Box 370  
CANBERRA ACT 2601

Telephone: 02 6217 4261

Facsimile: 02 6217 4505

Document Exchange: DX 5691

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

#### *Powers of the AAT*

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

The Tribunal can agree with; change or reject the original decision; substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with Tribunal recommendations.

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

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

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

If you are applying on behalf of an organisation or association of persons, whether incorporated or not, the Tribunal in deciding whether to support this application will consider the effect of the decision being reviewed on the interests of the organisation or association in terms of its objects or purposes. A copy of the relevant documents will be required to be lodged with the Tribunal.

### *Fees*

When lodging an application with the Tribunal you will be required to pay an application fee of not less than \$149 (the Tribunal Registry will advise of the current fee). However, no fee is payable if you are receiving legal or financial assistance from the Attorney-General (see below). If you are unable to pay the application fee you can apply to have the fee waived on the grounds of hardship, subject to approval. Ask at the Tribunal Registry for more details.

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

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

### *Legal Assistance*

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

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

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

### *Access To Documents*

You may apply for access to any documents you consider relevant to this decision under the *ACT Freedom of Information Act 1989*. For more information on how you can obtain these documents please send your request

to: The Manager, Government and Assembly Relations, ACT Planning and Land Authority, PO Box 1908, Canberra ACT 2601 or phone the Customer Services Centre 02 6207 1923.

#### *What The AAT Will Do*

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

#### *Party To A Proceeding*

The decision-maker, under direction from the Tribunal, may be required to give notice of the appeal to certain persons who will then be given an opportunity to apply to be joined as a party to the proceedings. Check with the Tribunal Registry for more information on whether your interests would be best served by becoming a party to a proceeding or lodging a separate appeal.

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

#### *Directions Hearing*

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

#### *Mediation*

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

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

### *Hearing*

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

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

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

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

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

### *Time For Deciding Cases*

The Tribunal is required to decide appeals in land and planning and tree protection cases within 120 days after the lodging of the appeal, unless that period is extended by the Tribunal upon it being satisfied that it is in the interests of justice to do so.

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

<b>Day 1</b>	Application for review lodged at the AAT
<b>Day 16</b>	T-docs lodged and applications for Parties Joined processed
<b>Day 26</b>	Directions Hearing
<b>Day 33</b>	Mediation session



<b>Day 36</b>	Mediation result
<b>Day 50</b>	Mediation successful – consent agreement lodged, case finalised
	Mediation unsuccessful
<b>Day 57</b>	AAT Applicant, and Parties Joined supporting Applicant, Facts and Contentions to be lodged
<b>Day 78</b>	Respondent, and Parties Joined opposing Applicant, Facts and Contentions to be lodged
<b>Day 85</b>	Parties to lodge material in reply
<b>Day 95</b>	Hearing
<b>Day 120</b>	Delivery of Decision

### *Costs*

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

In the Authority's view you are **not** entitled to apply for a review of (appeal) this decision to the Administrative Appeals Tribunal (AAT).

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

This Notice of Decision has been sent to all objectors to the proposal. They may seek a review of (appeal) the decision under the Land Act Regulations.

## **7. Other Advice**

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

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

### ***ActewAGL***

The lessee should obtain a plant location advice from ActewAGL to avoid conflict with existing plant or electrical easements. The lessee will be responsible for the costs associated with the relocation of assets, if necessary.

The lessee is to ensure that the water service and water meter are retained in position and in good condition. ActewAGL water meters are accountable items and must not be removed from the site or otherwise disposed of.

### ***Drainage***

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

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

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

### ***Environment Protection***

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

## 8. Translation and Interpretation Service

ENGLISH	If you need interpreting help, telephone:
ARABIC	إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
PERSIAN	اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodioca telefonirajte:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

### **TRANSLATING AND INTERPRETING SERVICE**

**131 450**

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

RELEVANT CLAUSES FROM TERRITORY PLAN	ASSESSMENT OFFICER COMMENTS
<p><b>1. OBJECTIVES</b>  <a href="#">Link to Signs Policy [V155] [V91]</a>                      The objectives of the Signs Policies are:                      (a) to ensure that advertisements and signs complement the attractiveness, safety, legibility and amenity, of the natural, modified and built environments both by day and night;                      (b) to ensure that advertisements and signs do not compromise the role of the Territory as the setting of the National Capital and Seat of Government of the Commonwealth;                      (c) to ensure that advertisements and signs are not incompatible with the existing or future desired character of the locality;                      (d) to support the role of signs and advertising as an important factor in identifying the commercial character and vitality in locations such as at ground floor level in retail, mixed services and industrial areas; and,                      (e) to ensure that signage on places registered on the interim Heritage Places Register and the Heritage Places Register appropriately recognises the heritage value of the site.</p>	
<b>CONTROLS</b>	
<b>2.1 Permissible Signs</b>	OK
<b>2.2 Signage Master Plan</b>	NA
<b>2.3 Content of Sign</b>	OK
<p><b>2.4 Scale and Location of Signs on Buildings</b>                      The scale of a sign shall be compatible with the building on which it is affixed, as well as nearby buildings, streets and other existing signs. In most cases, appropriate dimensions can be achieved by restricting signs to grid locations or panels. This ensures that the original architectural character (set by the lines of awnings, windows, doors, parapet lines etc) remains dominant. Generally, building designs can be broken into a grid based on the alignments of the glazed and solid panels.</p>	<p>The scale and shape of the sign mounted above the roof of the lunch room/office is considered to be consistent with the scale of the site, the scale of structures in the back ground, the marking of the address point for heavy vehicles into the site and the content of the sign only identifies the business.</p> <p>The sign mounted on the towers is consistent with blending the sign with the structure</p>
<b>2.5 Traffic Safety</b>	OK
<b>2.6 Installation Fixings</b>	OK
<b>2.7 Animated Signs</b>	OK
<b>2.8 Clutter</b>	OK
<b>2.9 Illumination</b>	OK
<b>2.10 Heritage Places</b>	NA
<b>2.11 Areas Subject to Special Requirements of the National Capital Plan</b>	NA
<b>2.12 Environmental Controls</b>	NA
<b>2.13 Performance Controls</b>	
<b>Performance Criteria</b>	
<b>Acceptable Solution for Specific Sign Type</b>	

RELEVANT CLAUSES FROM TERRITORY PLAN	ASSESSMENT OFFICER COMMENTS
<p><b>Roof Sign</b></p> <ul style="list-style-type: none"> <li>- <b>Extent</b> Contained within the actual or created outline of a building or appear as if it were a part of the original building if part of a structure creating a changed building outline</li> <li>- <b>Character</b> Consists of separate characters and symbols</li> <li>- <b>Maximum number</b> ONE per building frontage</li> </ul>	
<p><b>Wall Sign</b></p> <ul style="list-style-type: none"> <li>- <b>Maximum thickness</b> 300mm</li> <li>- <b>Maximum number</b> One per tenancy</li> <li>- <b>Maximum surface area</b> 20% of wall space or six square metres, whichever is the lesser</li> <li>- <b>Location</b> Ground floor level and first floor level</li> </ul>	<p>Appears to be less than 6 sq.m in area</p> <p>Therefore OK</p>
<b>PLANNING GUIDELINES</b>	NA
<a href="#">Click here to link to all Guideline documents in Territory Plan</a>	
<a href="#">Click here for Guidelines that may apply to the assessment</a>	
<b>SECTION MASTER PLAN</b>	NA
<a href="#">Click here to link to all Section Master Plans</a>	
<b>NEIGHBOURHOOD PLAN</b>	NA
<a href="#">Click here to link to all Plan documents</a>	
<b>HERITAGE PLACES</b>	NA
<a href="#">Click here to the Appendix V Heritage Places Register</a>	

54 540

Application No. 1995 04386A



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49 540

LAND (PLANNING AND ENVIRONMENT) ACT 1991  
**APPROVAL GRANTED**  
 PURSUANT TO SECTION 230  
 Delegate name KEN HUNGERFORD  
 Date 28/6/2005

- SCALE 1: 250

UNFINALISED BUILDING WORK AS PREVIOUSLY APPROVED-

**DRAWINGS INDICATES BUILDING WORK AS CONSTRUCTED**