

Land (Planning and Environment) Act 1991 - Form 1

Development Application

Type of Application (cross relevant box)

New Application

If you attended a Pre-lodgement meeting please provide the Proposal Number

D. Willenbretch

Minor Amendment (S247)

An amendment to an application with an approval already in force where a Certificate of Occupancy has not been issued.

Has development commenced on the property? No Yes If yes, date of commencement Jan 05

Additional Information (S247) In support of current S247 application

Conditional Approval (S245) - satisfying conditions of approval

Additional Information (S245)

More Information (S233) - providing additional information to a current application which is in response to a written request from the Authority.

Alteration (S226(7)) - to a current application not yet approved

Part 1: Lease/Site details

If more than one lease/site, attach the following details for each lease/site.

Block 1 and 210 *Block 1 Section 10 Gungahlin*
 Section 10 and 222 *Block 2-10 Section 222 Gungahlin*

Unit (if applicable)

Suburb Gungahlin

District

Street Number

Postcode

Street Name via Hibbersoh St, Gungahlin

Part 2: Applicant details

Surname Bisa

First Name Jason

Australian Company Number (ACN) 102 955 895

Company Name Section 10 Gungahlin Pty Limited

If a company, position held within the company Authorised Representative

Postal Address PO Box 1955

Suburb Canberra City

State/Territory ACT

Postcode 2601

Phone Number (business hours) 6247 6200

Email jasonbisa@primespaceproperty.com.au


Fax Number 6257 6655

Unless otherwise specified your plan will be returned via email

Mail

Pick Up

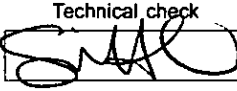
Did you know? Development applications can be lodged electronically. The steps involved are detailed on our website at: www.actpla.act.gov.au



ACT Government

OFFICE USE ONLY

Application number
200602757

Technical check


Public notification
 Yes No

Neighbour notification
 Yes No


	Yes	No
Holding Lease	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Unleased	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <i>Partial section 222 only</i>
EER	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Heritage	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NCA	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Compliance	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pub Reg Exempt	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Fees

D&S	
P/Not	
L/Var	<u>1400 -</u>
Dia/S	<u>25.80</u>
	<u>1425.80</u>

Date received
9 / 6 / 06

Receipt number
24884/2

Receiving officer


Part 3: Lessee (Property Owner) details

1st Lessee's details

Office Use	Surname	McDonald
Init <i>SC</i>	First Name	Anthony
	Company name	Section 10 Gungahlin
Australian Company Number (ACN)		102 955 895
If a company, position held within the company		Director
Postal Address		PO Box 1955
Suburb		Canberra City
State/Territory		ACT
Postcode		2601
Phone Number (business hours)		6247 6200
Fax Number		6257 6655
Email		amcdonald@walthorn.com.au

* Lessee must sign Part 7 of the application form

All lessees must sign authorising the lodgement, and in doing so give authority to the applicant to negotiate any dealings with the application through to its determination by the relevant authority, or a Power of Attorney must be attached. If there are more than two lessees, please ensure that details and authorisation are attached to the application for each lessee.

If the lessee is a registered company, organisation or government agency you must execute this application in the proper manner for that company, organisation or government agency. For example, if the lessee is a community organisation, the full name of the community organisation must be stated and the signatory must identify what position of authority he/she holds in the organisation.

Part 3: Lessee (Property Owner) details

2nd Lessee's details

Office Use	Surname	See attached email
Init	First Name	
	Company name	
Australian Company Number (ACN)		
If a company, position held within the company		
Postal Address		
Suburb		
State/Territory		
Postcode		
Phone Number (business hours)		
Fax Number		
Email		

* Lessee must sign Part 7 of the application form

To verify the signature of a lessee who is other than a registered company, i.e. a community, organisation or government agency, a Letter of Authority must be supplied when lodging the application that empowers the signatory to sign on the behalf of that organisation or government agency.

Any application made over a site which has been Unit Titled will require approval in accordance with the articles of association for that units plan.

Part 4: Fully describe your proposal or list amendments

The proposal is to consolidate the leases over Block 1 Section 10 Division Gungahlin with the lease over Blocks 2 - 10 (inclusive) Section 222 Division Gungahlin.

Examples: • New 2 storey residence & garage • Addition of bedroom & ensuite to rear of residence

Part 5: Type of Development

- Single Dwelling**
 - New residence
 - Addition/alteration to existing
 - Demolition/rebuild
 - Outbuildings (Such as carports, garages & pergolas)

- Multiple Dwelling** (incl Dual Occupancy)
 - A10 Core Area or
 - Suburban Area
 - New development _____ No. of new Dwellings to be constructed
 - _____ Total No. of Dwellings
 - Addition/alteration to existing
 - Outbuildings (Such as carports, garages & pergolas)

- Non-Residential** (incl Commercial, Industrial, Rural, Community, Institutional)
 - New building
 - Addition/alteration to existing

- Mixed Use** (combined Non-Residential & Residential Developments)
 - New building _____ No. of Non-Residential Units
 - _____ No. of Residential Dwellings
 - _____ Total number of Dwellings
 - Addition/alteration to existing

- Signage**
- Lease Variation**
 - Clause changes
 - Consolidation
 - Subdivision
 - Encroachment
 - Land Rent Payout

- Home Business** (Please complete Form 2 Home Business Checklist in addition to this form)
- Estate Development Plan** (Please complete Form 3 Estate Development Plan Checklist in addition to this form)
- Public Works** (incl Roads, Stormwater Drainage, Parks, Electricity, Gas, Telecommunications, Water, Sewerage, Services)

Please note that the estimated cost to be stated here is to include the cost of all associated works such as landscaping, parking, etc. as well as off site works.

What is the estimated cost of the development as calculated in accordance with the Building Cost Guide?
 \$ = 00

Existing GFA _____ m²
 and/or
 Added GFA _____ m²
 and/or
 GFA to be demolished _____
 Total GFA _____

GFA means gross floor area

Part 5: Type of Development (continued)

ENERGY RATING: Was the original dwelling first approved after 30 June 1995? No Yes Date (MMYY) _____

TREES: Will there be any groundwork* within 2m of the edge of the canopy of any significant tree on the block or any adjoining block? No Yes
 Will there be any groundwork* within 2m of the edge of the canopy of any tree on public land? No Yes
 (*ground work includes building, trenching, changing the soil level and compacting)

ENVIRONMENTAL IMPACT: Does the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 affect your proposal? (Please refer to page 16 for further information) No Yes

WORKS ON PUBLIC LAND: Are you proposing works or modifications on public land? No Yes (If yes please specify)

New or Existing Services	<input type="checkbox"/> No <input type="checkbox"/> Yes	Road Works	<input type="checkbox"/> No <input type="checkbox"/> Yes	*Driveway	<input type="checkbox"/> No <input type="checkbox"/> Yes
Footpaths	<input type="checkbox"/> No <input type="checkbox"/> Yes	Landscaping	<input type="checkbox"/> No <input type="checkbox"/> Yes	*(If yes, you will need to complete a verge driveway application form).	

Part 6: Exempting Parts of Your Application From the Public Register

The Land (Planning and Environment) Act 1991 requires all applications to be placed on a Public Register.
 If you meet specific criteria you may apply to exclude parts of your application from the Public Register (refer to section 228 Land (Planning and Environment) Act 1991).
 I wish to apply for exemption from the Public Register. No Yes

Information to be excluded from the register

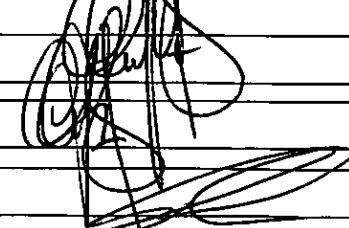
Please give reasons in support of your request for exemption

Part 7: Applicant & Lessee Declaration

I/we the undersigned, hereby apply for approval to carry out the development described on the land specified in this application;
 I/we hereby direct and authorise the ACT Planning and Land Authority to erect sign/s on the subject property(s);
 I/we hereby authorise ACT Planning and Land Authority officers to access the subject property(s) for the purpose of evaluating the proposal;
 I/we understand that this application may be electronically scanned and made available for public inspection via the internet;
 I/we declare that all the information given on this form and its attachments is true and complete; and
 I/we understand that the information submitted with this application form will undergo a documentation check prior to the formal lodgement of the application (and payment of fees), and further information may be required prior to the acceptance of the development application by the Authority.

CONFLICT OF INTEREST DECLARATION: Does the applicant or lessee have any association with ACT Planning and Land Authority staff? No Yes

If yes, please provide details: _____

Applicant's Signature(s)		Date	31-05-06	Office Use Init SC Init SC Init
1st Lessee's Signature(s)		Date	31-05-06	
2nd Lessee's Signature(s)		Date		

Lord, Steve

From: Johnston, Richard
Sent: Thursday, 8 June 2006 2:30 PM
To: Willenbrecht, Debbie; Lord, Steve
Cc: Ponton, Ben
Subject: RE: Block 1 Section 10 Gungahlin

Importance: High

Steve

I understand Jacqui has issued a direction on this sort of issue, but we are prepared to accept this one under the circumstances outlined by Debbie below. We have discussed this with Ben Ponton and he is OK with it, too.

It would be a good idea to advise other Govt agencies of the requirements if we are going to have to insist on them in future.

Richard Johnston
Director, Leasing Branch
ACT Planning & Land Authority

phone: 6207 1980 fax: 6207 1862

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

From: Willenbrecht, Debbie
Sent: Thursday, 8 June 2006 2:13 PM
To: Johnston, Richard
Subject: Block 1 Section 10 Gungahlin

Richard

The lessees of the above block are attempting to lodge an application accompanied by a letter of offer from the LDA for the consolidation of the existing block with a number of blocks for air rights over encroachments.

There is currently a practice that has been put into place which requires the land custodian to sign the applications. Under previous circumstances the LDA provided a letter which stated that it was their intention to grant a lease. Leasing were not informed of the changed procedure, and as such have informed an applicant that the letter from LDA will suffice. LDA are on a course today and it is imperative that the application be lodged today. Would you please give direction to the Shopfront (Steve Lord) that it is okay to accept this application with the information provided. A copy of the lease, executed by the lessee has also been provided.

Debbie Willenbrecht
Assistant Principal Officer
Leasing Branch

NOTICE OF DECISION

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

APPLICATION NO: 200602757 DATE LODGED: 09/06/2006

BLOCK : 1 SECTION : 10 SUBURB : GUNGAHLIN
BLOCKS : 2-10 SECTION : 222 SUBURB : GUNGAHLIN
ADDRESS: Hibberson Street
APPLICANT : Section 10 Gungahlin Pty Limited
LESSEE : Section 10 Gungahlin Pty Limited

1.0 THE PROPOSAL

The application seeks approval for the consolidation of the Crown lease over block 1 section 10, Gungahlin, with the Crown lease over block 2 to block 10 section 222, Gungahlin.

2.0 THE DECISION

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

I, Michaela Watts, 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:

CONDITIONS RELATING TO THE CONSOLIDATION OF CROWN LEASES

Issue of a Consequential Crown lease

1. that **this approval does not take effect** until a consequential Crown lease in accordance with the Holding lease and Development Deed over Block 1 Section 10 Gungahlin is granted by the Land Development Agency and is registered at the Registrar-General's Office;

Change of Use Charge

2. that if a "Change of Use Charge" is payable, the lessee shall pay it within 28 days of being notified of the amount or within such further time as may be approved by the Planning and Land Authority;

Surrender and Regrant

3. that the lessee surrenders the consequential Crown lease over Block 1 Section 10 Division of Gungahlin and the Crown lease over Blocks 2,3,4,5,6,7,8,9 and 10 Section 222 Division of Gungahlin – (Volume 1775: Folio 23), and accept a new Crown lease substantially in accordance with the form of lease appearing at **Attachment 1**;

Commencement and Termination of Lease

4. that the new Crown lease shall commence on the date of surrender of the existing leases and terminate on the date of termination of the consequential lease referred to in Condition No. 1, or on such further date as may be approved by the Planning and Land Authority under Section 172 of the Land Act;

Lease Registration

5. that the lessee shall do all that is necessary to ensure that the new consolidated Crown lease giving effect to this approval is registered at the Registrar-General's Office within 14 days of being notified that the Crown lease is available for registration or within such further time as may be approved by the Planning and Land Authority;

3.0 DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise this approval is effective 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 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 based on the documents listed in section 5 below.

5.0 EVIDENCE

Application No – 200602757

File No – DA200602757

The Territory Plan Part A – General Principles and Policies

Current Crown leases (Vol 1666:Folio 58 & Vol 1775 Fol 23)

Development Deed for Block 1 Section 10 Gungahlin

Draft consequential lease for Block 1 Section 10 Gungahlin



Michaela Watts

Delegate of the Planning and Land Authority

24 July 2006

1. Contact Telephone Numbers – Relevant Government Agencies

ACT PLANNING AND LAND AUTHORITY

Development Assessment	
DA Enquiries Michaela Watts	6207 1831
Applications Secretariat	6207 1687
Leasing Enquiries	6207 1855

DEPARTMENT OF URBAN SERVICES

Asset Management Services Group	
Asset Acceptance	6207 6594

CHIEF MINISTER'S DEPARTMENT

Environment ACT	
Environment Protection Unit	6207 9777
Significant trees helpline	6207 9777

ACT HEALTH

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. 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.

3. Review of decisions by the Administrative Appeals Tribunal

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, Statutory Planning and Development Services Branch, GPO 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

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 \$153 (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. When lodging an application to be joined as a party to a proceeding you will be required to pay an application fee of not less than \$153 (the Tribunal Registry will advise of the current fee). 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):

Day 1	Application for review lodged at the AAT
Day 16	T-docs lodged and applications for Parties Joined processed
Day 26	Directions Hearing
Day 33	Mediation session
Day 36	Mediation result

Day 50	Mediation successful – consent agreement lodged, case finalised
	Mediation unsuccessful
Day 57	AAT Applicant, and Parties Joined supporting Applicant, Facts and Contentions to be lodged
Day 78	Respondent, and Parties Joined opposing Applicant, Facts and Contentions to be lodged
Day 85	Parties to lodge material in reply
Day 95	Hearing
Day 120	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.

4. 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 τηλεφωνήσετε 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	Ако вам је потребна помоћ преводиоца телефонирајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

TRANSLATING AND INTERPRETING SERVICE

131 450

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

Entered in Register Book Vol.....Folio.....

AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) ACT 1991

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

LEASE GRANTED pursuant to the Land (Planning and Environment) Act 1991

and the Regulations thereunder on the day of

Two thousand and six WHEREBY THE PLANNING AND LAND

AUTHORITY ("the Authority") ON BEHALF OF THE COMMONWEALTH OF

AUSTRALIA ("the Commonwealth") in exercising its functions grants to

LESSEE **SECTION 10 GUNGAHLIN PTY LIMITED A.C.N. 102 955 895** a company
having its registered office at Level 1, Walter Turnbull Building, 44 Sydney

PARCEL Avenue Barton in the Australian Capital Territory ALL THAT piece or parcel of
land situate in ("the Lessee") the Australian Capital Territory containing an area of

1.718 hectares or thereabouts and being **Block 1 Section 10 Division of**

Gungahlin as delineated on **Deposited Plan Number 9898** in the Registrar-

General's Office at Canberra in the said Territory ("the land") AND ALL THAT

piece or parcel of air space between datum level **RL 628.000** and datum level

RL 639.000 in the said Territory containing an area of **151 square metres** or

thereabouts and being **Block 2 Section 222 Division of Gungahlin** AND ALL

THAT piece or parcel of air space between datum level **RL 627.500** and datum

level **RL 639.000** in the said Territory containing an area of **85 square metres** or

thereabouts and being **Block 3 Section 222 Division of Gungahlin** AND ALL

THAT piece or parcel of air space between datum level **RL 627.000** and datum

level **RL 639.000** in the said Territory containing an area of **139 square metres** or

thereabouts and being **Block 4 Section 222 Division of Gungahlin** AND ALL

THAT piece or parcel of air space between datum level **RL 625.900** and datum level **RL 639.000** in the said Territory containing an area of **154 square metres** or thereabouts and being **Block 5 Section 222 Division of Gungahlin** AND ALL THAT piece or parcel of air space between datum level **RL 625.500** and datum level **RL 639.000** in the said Territory containing an area of **184 square metres** or thereabouts and being **Block 6 Section 222 Division of Gungahlin** AND ALL THAT piece or parcel of air space between datum level **RL 625.700** and datum level **RL 639.000** in the said Territory containing an area of **110 square metres** or thereabouts and being **Block 7 Section 222 Division of Gungahlin** AND ALL THAT piece or parcel of air space between datum level **RL 626.100** and datum level **RL 639.000** in the said Territory containing an area of **130 square metres** or thereabouts and being **Block 8 Section 222 Division of Gungahlin** AND ALL THAT piece or parcel of air space between datum level **RL 625.900** and datum level **RL 639.000** in the said Territory containing an area of **130 square metres** or thereabouts and being **Block 9 Section 222 Division of Gungahlin** AND ALL THAT piece or parcel of air space between datum level **RL 627.300** and datum level **RL 639.000** in the said Territory containing an area of **120 square metres** or thereabouts and being **Block 10 Section 222 Division of Gungahlin** as delineated on **Deposited Plan Number 10245** in the Registrar-General's Office at Canberra in the said Territory (“the air space”) RESERVING unto the Territory all minerals TO HOLD unto the Lessee for the term commencing on the day of **Two thousand and six** (“the date of the commencement of the lease”) and terminating on the **Two thousand one hundred and five** (“the date of the termination of the lease”) to be used by the Lessee for the purpose set forth in Clause 3(a) of this lease only YIELDING AND PAYING THEREFOR rent in the amount and in the manner and at the times hereinafter provided and UPON AND SUBJECT TO the covenants conditions and agreements hereinafter contained.

TERM

INTERPRETATION

1. IN THIS LEASE unless the contrary intention appears:

- (a) “ancillary” means associated with and directly related to, but incidental and subordinate to the predominant use;
- (b) “Authority” means the Planning and Land Authority established by section 7 of the Planning and Land Act 2002;
- (c) “building” means any building or structure, as those terms are defined in section 222 of the Land (Planning and Environment) Act 1991, which requires approval under Part 6 of that Act;
- (d) “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:
 - (i) a large area for handling, storage or display; and/or
 - (ii) 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;
- (e) “business agency” means the use of the land for the purpose of providing a commercial service directly and regularly to the public;
- (f) “carpark” means the use of the land specifically allocated for the parking of motor vehicles;
- (g) “child care centre” means the use of the land for the purpose of 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 1999 and which does not include residential care;
- (h) “community activity centre” means the use of land by a public authority or a body or persons associated for the purpose of providing for the social well being of the community;
- (i) “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;

- (j) “drink establishment” means the use of the land for the sale of alcoholic beverages and spirits to members of the public primarily for consumption on the premises, and which is a licensed premise under the Liquor Act 1975;
- (k) “dwelling” means a building or part of a building used as a self contained residence which must include:
- food preparation facilities;
 - a bath or shower; and
 - a closet pan and wash basin.

It includes outbuildings and works normal to a dwelling;

- (l) “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;
- (m) “gross floor area” means the sum of the area of all floors of the building measured from the external faces of the exterior walls or from the centre lines of walls separating the building from any other building excluding any area used solely for rooftop fixed mechanical plant and/or basement carparking;
- (n) “health facility” means the use of land for providing health care services (including diagnosis, preventative care or counselling) or medical or surgical treatment to out-patients only;
- (o) “indoor entertainment facility” means the use of the land for entertainment where such use is primarily indoors;
- (p) “indoor recreation facility” means the use of the land for sporting activities where such use is primarily indoors;
- (q) “Lessee” shall -
- (i) where the Lessee consists of one person be deemed to include the Lessee and the executors administrators and assigns of the Lessee;
 - (ii) where the Lessee consists of two or more persons be deemed to include in the case of a tenancy in common the persons and each of them and their and each of their executors administrators and assigns and in the case of a joint tenancy be deemed to include the said persons and each of them and their and each of their assigns and the executors administrators and assigns of the survivor of them; and

- (iii) where the Lessee is a corporation be deemed to include such corporation its successors and assigns;
- (r) “office” means the use of the land used for the purpose of administration, 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;
- (s) “outbuilding” means a shed, garage or similar structure that is ancillary to the permitted use of the land as specified in Clause 3(a)(i) of this lease;
- (t) “personal service” means a shop used primarily for selling services and in which the sale of goods is ancillary to the service provided;
- (u) “premises” means the land and the parcels of air space and any building or other improvements on the land or within the parcels of airspace;
- (v) “public agency” means the use of the 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;
- (w) “restaurant” means the use of the 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 1975 and whether or not entertainment is provided;
- (x) “retail plant nursery” means a shop used for the propagation and sale of plants, shrubs, trees and garden supplies;
- (y) “RL” means the reduced level of Australian height datum (in metres above sea level);
- (z) “shop” means the use of land for the purpose of selling, exposing or offering the sale by retail or hire, goods and personal services and includes bulky goods retailing, department store, personal service, retail plant nursery, supermarket and take-away food shop;
- (aa) “supermarket” means a large shop selling food and other household items where the selection of goods is organised on a self-service basis;

- (bb) “take-away food shop” means a shop, which is predominantly for the preparation of food and refreshments for consumption elsewhere;
- (cc) “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);
- (dd) words in the singular include the plural and vice versa;
- (ee) words importing one gender include the other genders.

2. THE LESSEE COVENANTS WITH THE COMMONWEALTH as follows:

- | | |
|---------------------------|--|
| RENT | (a) That the Lessee shall pay to the Authority rent at the rate of five cents per annum if and when demanded payable within one month of the date of any demand made by the Authority relating thereto and served on the Lessee; |
| MANNER OF PAYMENT OF RENT | (b) That any rent or other moneys payable by the Lessee under this lease shall be paid to such person as may be authorised by the Authority for that purpose at Canberra in the said Territory without any deduction whatsoever. |

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

- | | |
|---------|---|
| PURPOSE | (a) To use the premises only for the following purposes: <ul style="list-style-type: none">(i) Block 1 Section 10 Division of Gungahlin shall be used for the purpose of not less than one hundred and one dwellings and one or more of the following purposes:<ul style="list-style-type: none">(A) business agency;(B) carpark;(C) child care centre;(D) community activity centre;(E) drink establishment;(F) financial establishment;(G) health facility; |
|---------|---|

- (H) indoor entertainment facility;
- (I) indoor recreation facility;
- (J) office;
- (K) public agency;
- (L) restaurant; and
- (M) shop

PROVIDED ALWAYS THAT a supermarket with a minimum gross floor area of 1,100 square metres and a maximum gross floor area of 1,345 square metres shall be located on the ground floor AND FURTHER PROVIDED THAT the maximum combined gross floor area used for shop including supermarket shall not exceed 5,620 square metres; and

- (ii) Blocks 2 to 10 Section 222 Division of Gungahlin shall only be used for the purpose of providing shade and shelter by the provision of awnings that are or to be attached to the building constructed on Block 1 Section 10 Division of Gungahlin;

- | | |
|------------------|---|
| GROSS FLOOR AREA | (b) That the combined gross floor area of all buildings erected on the land shall not exceed 16,395 square metres; |
| CARPARKING | (c) That the Lessee shall provide and maintain an approved drained and sealed carparking area 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 | (d) 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; |
| LIGHTING | (e) That the Lessee shall illuminate and keep illuminated all public access areas, carparks and driveways on the land at the Lessee's cost during the evening hours of operation 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

- (f) 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

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

FACILITIES AND
ACCESS FOR PERSONS
WITH A DISABILITY

- (h) 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;

SERVICE AREAS

- (i) That the Lessee shall screen and keep screened all service areas to the satisfaction of the Authority and shall ensure that all plant and machinery contained within the premises is suitably screened from public view;

BUILDING
SUBJECT TO
APPROVAL

- (j) That the Lessee shall not without the previous approval in writing of the Authority erect any building, or make any structural alterations to any building, on the land;

REPAIR

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

FAILURE TO
REPAIR

- (l) If and whenever the Lessee is in breach of the Lessee's obligations to maintain repair and keep in repair the premises the Authority may by notice in writing to the Lessee specifying the repairs and maintenance needed require the Lessee to effect the necessary work in accordance with the notice. If the Authority is of the opinion that a building or some other improvement on the land is beyond reasonable repair the Authority may by notice in writing to the Lessee require the Lessee to remove the building or improvement and may require the Lessee to construct a new building or improvement in place of that removed within the time specified in the notice. If the Lessee does not carry out the required work within the time specified by the Authority any person or persons duly authorised by the Authority with such equipment as is necessary may enter the premises and carry out the necessary work and all costs and

expenses incurred by the Authority in carrying out the work shall be paid by the Lessee to the Authority on demand and from the date of such demand until paid shall for all purposes of this lease be a debt due and payable to the Authority by the Lessee;

RIGHT OF
INSPECTION

- (m) Subject to the provisions of the Land (Planning and Environment) Act 1991 to permit any person or persons authorised by the Authority to enter and inspect the premises at all reasonable times and in any reasonable manner;

RATES AND
CHARGES

- (n) To pay all rates charges and other statutory outgoings assessed levied or payable in respect of the premises as and when the same fall due.

4. THE COMMONWEALTH COVENANTS WITH THE LESSEE as follows:

QUIET
ENJOYMENT

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

5. IT IS MUTUALLY COVENANTED AND AGREED as follows:

TERMINATION

- (a) That if -

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

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

ACCEPTANCE
OF RENT

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

FURTHER LEASE

- (c) Subject to the provisions of the Land (Planning and Environment) Act 1991 the Lessee shall be entitled to a further lease of the land for such further term and at such rent and subject to such conditions as may then be provided or permitted by Statute Ordinance or Regulation;

NOTICES

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

EXERCISE OF
POWERS

- (e) Any and every right, power and or remedy conferred on the Commonwealth or Territory hereunder or implied by law may be exercised on behalf of the Commonwealth or the Territory or as the case may be by –
- (i) the Authority;
 - (ii) an authority or person for the time being authorised by the Authority or by law to exercise those powers or functions of the Commonwealth or Territory; or
 - (iii) the authority or person to whom the Authority has delegated all its powers or functions under the Planning and Land Act 2002 or any Statute Ordinance or Regulation substituted therefore.

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

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

.....

Delegate

.....

Witness

Signed by **SECTION 10 GUNGAHLIN**)
PTY LIMITED (A.C.N. 102 955 895) by:)

.....

Signature

.....

Signature

.....

Name in full

.....

Name in full

.....

Director/Secretary

.....

Director/Secretary

Development Application: 200602757
Unit: Block: 1 Section: 10
Assessment Officer: Michaela Watts

Application Type: LVAR
Division: GUNGAHLIN

PART B2B - TOWN CENTRES LAND USE POLICIES

RELEVANT CLAUSES FROM TERRITORY PLAN	YES	NO	JUSTIFY	N/A
1. OBJECTIVES The objectives of the Town Centres (Commercial 'B') Land Use Policies are:				
(a) to provide the main focus for the district population for shopping, community and cultural facilities, entertainment and recreation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) to provide opportunities for business investment and employment whilst facilitating the decentralisation of employment from the Central National Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) to encourage a mix of land uses, including residential uses, which contribute to an active and diverse character	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) to provide an urban structure which is simple, legible and flexible	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) to maintain and enhance environmental amenity and encourage a standard of urban design consistent with the function of the centre	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) to encourage activities particularly at street frontage level which contribute to pedestrian activity and social interaction.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. CONTROLS				
2.1 Land Use Use the link above to view a table of Land Use Controls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.2 Depletion of Community and Recreation Uses Proposals which would have the effect of depleting the range of community or recreational facilities available within the centre may be subject to mandatory preliminary assessment in accordance with Part IV of the Land Act (see Appendix II).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.3 Main Pedestrian Areas and Routes a) Main pedestrian areas and routes shall be retained unless it can be shown that as part of any change, the pedestrian access and circulation system is adequately maintained;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) The impact of any increased overshadowing of the main pedestrian areas and routes may be considered in assessing development proposals; and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Retail uses, Display windows, Shop fronts and Business agencies, Clubs, Drink establishments, Financial establishments, Hotels, Indoor recreation facilities, Indoor entertainment facilities, Public agencies, Restaurants, Shops, Community activity centres and similar uses shall be encouraged along building frontages to main pedestrian areas and main pedestrian routes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RELEVANT CLAUSES FROM TERRITORY PLAN	YES	NO	JUSTIFY	N/A
2.4 Design Consistency Buildings and other physical elements shall reflect the design themes of the centre.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.5 Building Colours and Materials Building colours and materials shall be consistent with existing development within the particular town centre. Large areas of highly reflective glass shall not be permitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.6 Wind Testing Assessment of wind effects shall be required for buildings higher than 19 metres to determine if wind testing is needed. Wind testing shall be required for all buildings higher than 28 metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.7 Rooftop Plant Rooftop plant installations shall be an integrated part of the building design, shall generally be set back from the building facade and shall be screened as much as possible from public view.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.8 Undergrounding of Electricity Lines All new permanent or long term electricity supply lines shall be underground.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.9 Tuggeranong Town Centre	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(a) Waterfront Areas in Tuggeranong Town Centre All development on sites with a boundary to the lake foreshore shall require special consideration. This includes Sections 6, 45, 54, 57, 58 and 59. Uses, building design and access arrangements for cars and pedestrians for these developments shall be such that along the frontage facing the water, the development shall be attractive and promote pedestrian activity. This shall not be at the expense of also "addressing" other frontages as appropriate e.g. Anketell Street.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Main Street Frontages in Tuggeranong Town Centre Development with a frontage to the principal streets, particularly Anketell Street and Soward Way, shall maintain as much as possible a continuous building line to the street, compatibility of scale and design treatment, and a sense of "address" (e.g. entries, active uses, windows, minimal blank walls).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Design Consistency Masonry materials shall generally be of earth tones and roofs predominantly red to match existing roof scape. Pitched roofs and awnings shall be incorporated into the building form where practical. Generally, pedestrian areas shall be treated with block paving to match existing paving.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Height Buildings shall generally be no higher than 4 storeys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.10 Gungahlin Town Centre	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(a) Urban Design				
i) Building forms, colours and materials shall provide human scale, harmony and variety.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Ground floor levels of buildings shall be integrated with adjoining verge or finished site levels for easy access, with any necessary level changes occurring within property boundaries.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RELEVANT CLAUSES FROM TERRITORY PLAN	YES	NO	JUSTIFY	N/A
iii) Buildings shall be joined at party walls and be built to the front property boundary on a continuous alignment, although this alignment may vary to provide small spaces for activities along the main street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Buildings which front the streets in the retail core are articulated into narrow width modules except for community facilities and clubs, which may be wider where, circumstances require.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Buildings are generally built to the perimeter of street blocks with special architectural emphasis given to corner buildings and focal points to provide interest and variety.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
vi) Visible frontages, including side or return elevations, shall be designed as part of the main building elevation. Corner alignments shall be chamfered, and provide entrances to activities within the buildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
vii) Blank facades or open structure car parks on main pedestrian movement routes are not permitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
viii) Corner buildings shall visually emphasise the corner with special architectural features.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ix) Primary and public entrances to buildings shall be provided from street frontages or main pedestrian areas or routes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
x) Street facades shall be articulated with elements such as awnings, balconies, emphasised entrances, verandahs, loggias, colonnades and like elements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Building Height Building height shall not exceed 4 storeys and shall not be less than 2 storeys (except for service stations, community facilities or ancillary structures, which may be one storey where circumstances require).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. PUBLIC NOTIFICATION AND APPEAL PROVISIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. AREA SPECIFIC POLICIES The Area Specific Policies identify specific objectives and/or controls relating to subareas within the overall Town Centres Land Use Policy Area. These sub-areas are identified on Figures 1 - 4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.1 Precinct 'a' - Retail Core	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Objectives				
a) to make provision for a range of retail and service outlets accessible to consumers;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) to make provision for an efficient distribution of retail functions;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) to promote evening and weekend activity;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) to encourage the provision of an attractive pedestrian environment; and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) to provide safe access to shops for pedestrians and for consumers by public and private transport.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Controls				
(a) Land Use Restrictions				
Service stations Retail sales (excluding the sale, hire or display of automotive goods): Maximum gross floor area shall not exceed 150m ² .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RELEVANT CLAUSES FROM TERRITORY PLAN	YES	NO	JUSTIFY	N/A
<i>b) Gungahlin Town Centre</i>				
i) Active frontages incorporating Business agency, COMMUNITY USE, Public agency, Restaurant, Shop, or similar uses shall be required at ground floor level building frontages along streets within the retail core;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Business agency, Cultural facility, Office, RESIDENTIAL USE, Restaurant, Shop or similar uses shall be the only uses permitted on the first floor level of buildings within the retail core;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Offices shall not be permitted above the first floor level of buildings in the retail core to encourage the development of residential and commercial accommodation uses above first floor;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Retail "anchors" such as supermarkets and discount department stores shall be located on separate Sections (generally a maximum of one anchor per Section) to encourage a multiplicity of movement routes along the Main Street and to increase the viability of speciality retail at street frontages; and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Mid-Section public pedestrian walkways or "arcades", as shown in Figure 5, shall be provided with active frontages between Main Street and parking or other uses in the centre of Sections and may be covered.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.2 Precinct 'b' - Business Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objectives				
a) to make provision for offices and business services within planned commercial centres;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) to make provision for a wide range of office accommodation sizes and location in the town centres;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) to make provision for a range of business and personal services within each centre;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) to enable Commonwealth government departments to efficiently consolidate in town centres; and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) to provide convenient services for the local workforce.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Controls				
a) Land Use Restriction				
Shops Shall be limited to a scale appropriate to providing convenient shopping and personal services for the local workforce and residents.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.3 Precinct 'c' - Mixed Services Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objectives				
a) to make provision for a range of conveniently located service and relatively low rent commercial activities;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) to accommodate retail-related uses requiring large floor areas; and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RELEVANT CLAUSES FROM TERRITORY PLAN	YES	NO	JUSTIFY	N/A
c) to provide for a wider range of commercial development in the Mixed Services precinct, provided that this development does not undermine the function of the retail cores and business areas of the town centres and the viability of the commercial hierarchy.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Controls				
(a) Building Height The height of buildings shall not exceed 2 storeys.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Plot Ratio The maximum plot ratio shall be 1:1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Internal Malls Internal retail arcades or retail malls shall not be permitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Land Use Restrictions - Shops - Service Station - Produce Market	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.4 Precinct 'd' - Car Parking Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objectives				
Controls				
(a) Development in Car Parking Areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Land Use Restrictions - Service Station	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PLANNING GUIDELINES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SECTION MASTER PLAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NEIGHBOURHOOD PLAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HERITAGE PLACES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>