



Notice of decision

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

Merit track

DA NO: 201426052 201426052 (S141A) 201426052 (S144B)	DATE LODGED: 11/09/2014	
DATE OF DECISION: 1 April 2015		
BLOCKS: 20, 22, 23, 24, and 25	SECTION: 39	SUBURB: NARRABUNDAH
STREET NO AND NAME: 24, 26, 28, 30 Boolimba Crescent, and 3 Mindarie Street Narrabundah		
APPLICANT: Philip Leeson Architects		
LESSEE: The Commissioner For Social Housing		

THE DECISION

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

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

- consolidation of Blocks 20, 22, 23, 24 & 25 Section 39 Narrabundah into one block;
- alterations to sewer and electrical easements;
- demolition of four (4) existing dwellings, associated garages and sheds;
- construction of nine (9) dwellings;
- removal of one Regulated tree (Tree No.26) on Block 23; and
- development to be constructed in two stages;

in accordance with the plans, drawings and other documents and items submitted with the application for approval and endorsed as forming part of this approval and substantially in accordance with the draft Crown lease at Attachment 1.

This decision is subject to the conditions of approval at **PART 1** being satisfied. Please note that plans will not be dispatched until all conditions are satisfied (if applicable).

PART 2 sets out the Reasons for the Decision

PART 3 is Public Notification and Entity Advice.

PART 4 contains administrative information relating to the determination.

DELEGATE



George Cilliers
Delegate of the planning and land authority
Environment and Planning Directorate
1/04/2015

CONTACT OFFICER

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PART 1

CONDITIONS OF APPROVAL

Please note that this approval includes leasing requirements.

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

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

A. ADMINISTRATIVE / PROCESS CONDITIONS

A1. FURTHER INFORMATION

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

- (a) revised site plan, landscape plan and architectural drawings, based on the relevant drawings submitted as part of the application, showing:
 - (i) The replacement driveway (on Mindarie Street between Trees T13 & T14 as shown on the Site Plan-Dwg DA01) must be a straight-sided single width driveway of equivalent width to the existing; with allowance for minimal widening/shift to the north to maintain the required clearance from the light pole. The minimum clearance required from Tree T13 is 5m from outside of the trunk to the edge of the driveway. This must be shown on the driveway plan and endorsed by TaMSD before final approval of the DA drawings.

Note: As a consequence of the above, the development must still provide driveway sightlines.
 - (ii) Revised external lighting plan.
 - (iii) The east facing windows of unit 5 are to be altered to obscure direct line of sight facing towards the principal private open space of unit 6.

Note: Refer to Rule 60 and Criteria 60 of the Multi Unit Housing Development Code.

B. CONDITIONS RELATING TO THE CONSOLIDATION OF CROWN LEASES

B1. ISSUE OF CERTIFICATE OF OCCUPANCY AND USE

That no Certificate of Occupancy and Use shall be issued for this development until the consolidated and varied lease that permits multi unit housing has been registered at the Office of Regulatory Services.

Note: The buildings shall not be occupied until a certificate of occupancy and use has been issued.

B2. NEW BLOCK SURVEY

That the lessee shall arrange for a survey of the consolidated block. When advised of the new block number, the Lessee shall lodge the survey plan with the Environment and Planning Directorate for examination and clearance by the Surveyor-General, Surveying and Spatial Data Section, and pay the appropriate examination fee.

The new block survey must show:

- (i) the surveyed block size; and
- (ii) the location of all service easements in accordance with the requirements of the relevant service providers.

B3. SURRENDER AND REGRANT

That the lessee surrender the existing Crown leases over:

- Block 20 Section 39 Division of Narrabundah - (Volume 694 : Folio 78);
- Block 22 Section 39 Division of Narrabundah - (Volume 1611 : Folio 99);
- Block 23 Section 39 Division of Narrabundah - (Volume 1612 : Folio 3);
- Block 24 Section 39 Division of Narrabundah - (Volume 1608 : Folio 24);
- Block 25 Section 39 Division of Narrabundah - (Volume 1608 : Folio 25);

and accept a new Crown lease substantially in accordance with the draft lease appearing at **Attachment 1**.

B4. LEASE REGISTRATION

That the lessee shall do all that is necessary to ensure that the new Crown lease is registered at the Office of Regulatory Services prior to the end of this approval.

C. PRIOR TO CONSTRUCTION AND/OR DEMOLITION**C1. ENVIRONMENT PROTECTION AUTHORITY**

The development shall be in accordance with the following to the satisfaction of the Environment Protection Authority:

- (a) The contractor must submit a Pollution Control Plan (PCP) in accordance with the requirements as set out in schedule 11 of *Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011*. The PCP is to be submitted by the contractor to Environment Protection and endorsed by EPA prior to the undertaking of any works on site.
- (b) Construction and development works to be in accordance with "*Environment Protection Guidelines for Construction and Land Development, March 2011*".
- (c) As the site is greater than 0.3 hectares the construction is an activity listed in Schedule 1 as a Class B activity under the *Environment Protection Act 1997*. The contractor/builder proposing to develop the site must hold an Environmental Authorisation or enter into an Environment Protection Agreement with the Environment Protection Authority (EPA) in respect of that activity **PRIOR TO WORKS COMMENCING**.

- (d) Appropriately ACT licensed contractors must be engaged for the removal, transport and disposal of all hazardous materials found on the site.
- (e) All hazardous materials found on the site must be disposed of at a facility suitably authorised/ licensed to accept the waste.

C2. DESIGN ACCEPTANCE AND OPERATIONAL ACCEPTANCE

A Certificate of Design Acceptance is required for all off-site works from the Senior Manager, Asset Acceptance, Territory and Municipal Services Directorate (TaMSD), prior to the construction.

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

To the satisfaction of TaMSD, the development shall be in accordance with (but is not limited to) the following:

VERGE CROSSING

- (a) The driveway must be constructed in accordance with TaMSD Design Standards.

VERGE / VERGE TREES

- (b) The developer needs to engage a Landscape Architect or Consulting Arborist approved by TaMSD Urban Treescaping to supervise and undertake documentation of all works within tree protection zones. Notes must be included in all relevant plans for works requiring tree protection measures and superintendence by Landscape Architect or Consulting Arborist for all works in the tree protection zones in particular beneath the tree canopies. All excavation beneath the canopies of the verge trees must be carried out by hydro excavation or other recommended methods to ensure minimum or no damage to the tree roots.
- (c) The replacement of the existing driveway must be done without excavating into the ground below the existing bitumen.

PEDESTRIAN NETWORK

- (d) The pedestrian walkway / footpath must take precedence over the driveway.
- (e) All fencing must be placed in a way so that the verge is protected but access to the pedestrian network is provided at all times.

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

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

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

C3. Temporary Traffic Management (TTM)

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

C4. Landscape Management & Protection Plan (LMPP)

LMPP approval from the Senior Manager, Asset Acceptance, TaMSD. During construction, all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with the Landscape Management Protection Plan (LMPP) approved by the Senior Manager, Asset Acceptance, TaMSD. The LMPP must incorporate measures to ensure the protection of street trees during construction.

This plan is to be implemented before the commencement of works, including demolition on the site and is to be in accordance with TaMSD Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04.

C5. TREE PROTECTION

Tree protection fencing, if required, shall be erected prior to the commencement of any work on the site.

C6. COMPLIANCE WITH ENTITY REQUIREMENTS

The development must comply with all the relevant conditions imposed by each of the relevant entities which states in each of their advice that need to be addressed prior to construction commencing. Refer to **PART 3 - PUBLIC NOTIFICATION AND ENTITY ADVICE** of this Notice of Decision.

D. DURING CONSTRUCTION AND/OR DEMOLITION

D1. TREE PROTECTION

The applicant/lessee shall protect and maintain all existing trees and shrubs located on the subject site, on adjoining blocks overhanging the subject site, on the verge and unleased Territory land immediately adjacent, except for those specifically identified for removal in the approved drawings and a Tree Management Plan (Tree Assessment and Tree Protection Plan, Revision C, dated 8 January 2015).

D2. VERGE MANAGEMENT

During any work undertaken on the site, all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with a Landscape Management Plan approved by the Manager, Asset Acceptance, Operational Support, Directorate Services, Territory and Municipal Services Directorate, TaMSD.

D3. TRAFFIC MANAGEMENT

At all times, the site and surrounds shall be managed in accordance with the approved Temporary Traffic Management (TTM) Plan.

D4. WASTE MANAGEMENT

All building waste is to be stored on the site in suitable receptacles and collected regularly. The lessee is to take all reasonable steps to ensure that waste, particularly wind borne litter, does not affect adjoining or adjacent properties.

D5. COMPLIANCE WITH ENTITY REQUIREMENTS

The development must comply with all the relevant conditions imposed by each of the relevant entities which states in each of their advice that need to be addressed during construction. Refer to **PART 3 - PUBLIC NOTIFICATION AND ENTITY ADVICE** of this Notice of Decision.

E. POST CONSTRUCTION AND/OR DEMOLITION

E1. NA

F. ADVISORY NOTES

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

F1. LEASE VARIATION CHARGE

Prior to the registration of the new Crown lease, the lessee must, as is required under the *Planning and Development Act 2007*, pay any assessed Lease Variation Charge. Once advised of the lease variation charge, the charge should be paid not less than 6 months prior to the expiration of this approval. This will ensure that sufficient time remains to enable the new Crown lease and new survey plan to be registered at the Office of Regulatory Services prior to expiry of this approval.

F2. BLOCK NUMBERS

The new block number will not be provided until the Lease Variation Charge is paid. The new survey plan must be cleared by the Surveyor-General prior to the execution of the new Crown lease.

F3. EXPIRY OF APPROVAL

For approvals that include a lease variation, there is no provision under the *Planning and Development Act 2007* to extend the time frame for compliance with the lease variation and consolidation conditions of the approval beyond 2 years after the date this approval takes effect.

F4. ENTITY ADVICE

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

F5. ACTEWAGL

- Refer to ActewAGL Water and Sewer compliance statement dated 26 September 2014 (Attachment A).
- Refer to ActewAGL Electricity compliance statement dated 7 October 2014 (Attachment B).
- Refer to ActewAGL Gas compliance statement dated 7 October 2014 (Attachment C).

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

PART 2 REASONS FOR THE DECISION

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

- the relevant codes, including the Residential Zones Development Code, Multi Unit Housing Development Code, and the Narrabundah Precinct Map and Code.

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

RZ2 SUBURBAN CORE ZONE OBJECTIVES

Zone Objective a)

Zone Objective a) states:

Provide for the establishment and maintenance of residential areas where the housing is low rise and contains a mix of single dwelling and multi-unit development that is low to medium density in character particularly in areas close to facilities and services in commercial centres

Zone Objective b)

Zone Objective b) states:

Provide opportunities for redevelopment by enabling a limited extent of change with regard to the original pattern of subdivision and the density of dwellings.

There are existing multi unit housing developments within RZ2 zones in Narrabundah. Opportunity for redevelopment has been limited by the dwelling density control, which is determined by the size of the amalgamated site (blocks 20, 22, 23, 24, and 25).

The proposed development will provide a modest increase in the number of dwellings and the density of the development is sympathetic to the pattern of existing development. The proposed development is considered to comply with objective (a) and objective (b).

Zone Objective c)

Zone Objective c) states:

Provide for a wide range of affordable and sustainable housing choices that meet changing household and community needs.

Within the ACT there are a wide range of affordable and sustainable housing choices that meet changing household and community needs. Some of which are provided by the ACT Commissioner for Housing. The proposed development is considered to comply with objective (c).

Zone Objective e)

Zone Objective e) states:

Ensure redevelopment is carefully managed so that it achieves a high standard of residential amenity, makes a positive contribution to the neighbourhood and landscape character of the area and does not have unreasonable negative impacts on neighbouring properties.

Although the two existing duplexes that are to be demolished (Blocks 22, 23, 24, and 25) are currently part of a group of seven (7) duplexes along Boolimba Crescent, the duplexes are not on the ACT Heritage Register and these sites are permitted to be redeveloped. Furthermore, there are also six (6) other duplexes along Sturt Avenue, which are also examples of two storey, red brick with tiled roof, duplexes.

The front elevations of the proposed buildings have articulation elements and incorporate various materials and colours to provide an interesting frontage and a positive contribution to the streetscape. The proposed development will be primarily two storey face brick buildings, which is in recognition of the materials and form of the existing dwellings that will be replaced by the development.

The proposed development is two storeys in height with on grade garages and no basement car parking. The building forms are within the recommended building envelopes and the setbacks to boundaries will not result in adverse impacts on neighbouring developments in regard to privacy and no significant overshadowing of adjoining residences and their private open spaces will occur.

New landscaping in front of the proposed buildings and courtyard walls will enhance the streetscape, along with the retention of all the street trees, which will blend the proposed development into the public domain.

The planning and land authority recognises that there have been numerous redevelopments in the area. There is no planning control over architectural style of a building and the style of single dwellings and multi unit developments evolve over time. The diversity of styles could be due to innovation in building design and construction, more sustainable building materials, change in consumers' taste, demographic changes in the suburb and infill permissible by the planning controls at the time. The proposed development is considered to compliment the diversity of architectural styles in the area and is a permissible form of redevelopment in the RZ2 zone.

The proposed development due to the amalgamated size of the site; allows the development to have a maximum of nine (9) dwellings. The proposed development is located in the RZ2 Suburban Core zone, and will have a plot ratio not exceeding the maximum permitted plot ratio of 50%.

The development is also permitted to have a maximum number of four (4) dwellings in one building, which reduces the bulk and scale. The proposed development will be in the form of two separate two-storey buildings (each building consisting of four (4) dwellings), and one (1) single storey dwelling. The development is considered to be of an appropriate bulk and scale in the RZ2 zone.

The size and scale of the proposed development is appropriate and compatible with other existing two storey and single storey developments in the area and will not have unreasonable negative impacts on neighbouring properties in relation to privacy, noise, traffic, parking and safety.

The proposed development is considered to comply with objective (e).

REVISED PLANS (S141 A)

Pursuant to S141 of the Act, the applicant provided revised plans incorporating the following:

(a) Visitor parking

The original DA did not include on-site visitor parking but has been revised to include three on-site visitor parking spaces.

(b) Front building setbacks

Setbacks to Boolimba Crescent have been increased slightly where necessary to achieve compliance with the 6 metre rule.

(c) Courtyard walls

The front setbacks of courtyard walls facing Boolimba Crescent have been increased slightly where necessary to achieve compliance with 0.7 metre setback requirement to the front boundary. The courtyard wall construction and locations have also been amended to improve the presentation to Boolimba Crescent. The Landscape Plan has also been revised accordingly.

Pursuant to S146B of the *Planning and Development Act 2007(Act)*, the authority waived the requirement to publicly notify the amendment of the development approval.

The authority is satisfied that:

- (a) no-one other than the applicant will be adversely affected by the amendment; and
- (b) the environmental impact caused by the amendment will do no more than minimally increase the environmental impact of the development.

EVIDENCE

Application No. 201426052

File No. 1-2014/17787/1

Territory Lease File No.218/30/20, 218/39/22, 218/39/23, 218/39/24, and 218/39/25

The Territory Plan zone – RZ2 Suburban Core Zone

The Development Codes – Residential Zones Development Code, Multi Unit Housing Development Code

The General Codes – Parking and Vehicular Access General Code, Bicycle Parking General Code, and Crime Prevention through Environmental Design General Code

The Precinct Codes – Narrabundah Precinct Map and Code

Current Crown Lease –

Volume 694 Folio 78

Volume 1611 Folio 99

Volume 1612 Folio 3

Volume 1608 Folio 24

Volume 1608 Folio 25

Representations – Twenty six (26)

Entity advice – Conservator of Flora and Fauna, Territory and Municipal Services Directorate (TaMSD), ActewAGL, Environment Protection Authority

PART 3 PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 22 September 2014 to 14 October 2014. Twenty-six (26) written representations were received during public notification.

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

- (a) *Demolition of the existing duplexes will destroy the appearance of Boolimba Crescent, which are a characteristic of old Narrabundah and should be retained and renovated. The Boolimba Crescent duplexes should be put forward for heritage significance.*

Response

Refer to PART 2 REASONS FOR THE DECISION.

- (b) *The proposed new buildings are too close to the front boundaries and do not comply with the setback requirements of the code.*

Response

Although the front setback for the proposed development will not be uniform along Mindarie Street, Boolimba Crescent, and Lumeah Street, the development will have various articulation elements in its building form and would be compatible with the existing streetscape, which already has developments with various front boundary setbacks.

The development will provide appropriate front setbacks between the new buildings, courtyard walls and the front boundaries to enable substantial landscaping to be established.

- (c) *The front courtyard fences are too close to the footpath and are too close to the front boundaries of the blocks and the courtyard walls will dramatically impact on the streetscape of Boolimba Crescent, and contravenes the concept of having gardens blending into the verge.*

Response

The development will provide courtyard walls at the front, which will be articulated and have varying front setbacks, however, there will still be space in the front to provide substantial landscaping. As the landscaping matures over time, the buildings will become more integrated into the established landscape setting along Boolimba Crescent, Mindarie Street and Lumeah Street.

Courtyard walls are not out of character in Narrabundah as there are other examples of courtyard walls such as on Block 30 Section 39 Narrabundah.

- (d) *Gates, fences and courtyard walls enclosing the POS areas of proposed units facing Boolimba Crescent does not comply with the Multi-Unit housing Code or the Residential Boundary Fences General Code.*

Response

The proposed courtyard walls facing Boolimba Crescent, Mindarie Street, and Lumeah Street comply with the courtyard wall requirements of the Multi Unit Housing Development Code.

- (e) *There was no community consultation prior to the DA being lodged. The proposed development by ACT Housing/Community Services Directorate (CSD) was finalised and lodged without any pre-application community consultation. There have been no yellow notifications signs put up.*

Response

The proposed development does not trigger pre-development application community consultation since the proposed development does not consist of any of the following:

- a building for residential use with 3 or more storeys and 15 or more dwellings;
- a build with a gross floor area of more than 5,000m²;
- a building or structure more than 25 metres above finished ground level; or
- a variation of a lease to remove its concessional status.

Although the proposed development did not trigger pre-development application community consultation, the development application was publicly notified from 22 September 2014 to 14 October 2014. Issues raised by representors have been taken into consideration in the assessment of the development application.

The public notification also included a Notice of Development Application sign being installed at the property.

- (f) *Including the existing 10 public housing units in Mindarie Street, the development will create a total of 19 public houses. The concentration of public housing in this area is not suitable. The development would create a concentration of substance abuse, crime, violence, mental health problems and sociopathic behaviour.*

Response

Within the ACT there are a wide range of affordable and sustainable housing choices that meet changing household and community needs. Some of which are provided by the ACT Commissioner for Housing.

Perceived substance abuse, crime, violence, mental health problems and sociopathic behaviour are not isolated to persons who live in dwellings provided by the ACT Government. These issues also occur within the wider community and criminal behaviour is a matter for the police and relevant authorities to regulate.

- (g) *The development does not provide solar passive design for the units.*

Response

Units 2 to 9 have living areas with north facing windows including principal private open spaces, which will have access to northern sunlight for most of the day. The design of each dwelling meets the requirements of the Multi Unit Housing Development Code for access to sunlight.

- (h) *There is no provision for visitor parking on site and overflow parking will occur along the streets. Spillover street parking will result in unnecessary congestion and poor traffic flow for local residents.*

Response

Although it was considered that there was sufficient capacity in the surrounding public streets for visitor parking, the applicant revised the development to provide three (3) on-site visitor parking spaces. Two of those visitor parking spaces will be located adjacent to the internal driveway opposite unit 8 and unit 9 (accessed off Lumeah Street). One visitor parking space will be located adjacent to the internal driveway, next to unit 1 (accessed off Mindarie Street).

The development application was referred to Territory and Municipal Services Directorate (TaMSD) who did not raise any traffic issues in regards to the proposed development.

- (i) *The Narrabundah Neighbourhood Plan (NNP) has relevance to this development, which mentions Boolimba Crescent as a significant streetscape.*

Response

The reference to neighbourhood plans was deleted from the Multi Unit Housing Development Code with Variation No 306 (V306). DV306 was released for public comment between 3 June 2011 and 6 September 2011. A consultation notice under Section 63 of the *Planning and Development Act 2007* (P&D Act) was published on the ACT Legislation Register on 2 June 2011, in *The Canberra Times* on 8 June 2011 and 11 June 2011 and in *The Chronicle* on 7 June 2011.

The DV 306 overview fact sheet titled "Draft variation 306 – Plan variation to protect suburban character and solar access" was made available to the public during this consultation period. The deletion of the reference to neighbourhood plans from the Multi Unit Housing Development Code was identified as a major change.

A total of 76 written submissions were received, which included a submission from the Inner South Community Council. A number of submissions called for the reinstatement of neighbourhood plans as matters for consideration when a development application is determined under the Territory Plan.

It was recognised that some plans contain statements of desired character that could form the basis for similar statements in precinct codes. Under the definition of "desired character" these statements, when incorporated into precinct codes, will establish the desired character of a particular suburb or neighbourhood in conjunction with the relevant zone objectives.

The Narrabundah Precinct Map and Code does not identify any specific desired character.

- (j) *The density and design does not provide sufficient outdoor recreational space for future residents and the POS provisions are inconsistent with the Multi Unit Housing Development Code.*

Response

Each proposed dwelling will have a principal private open space area that meet the requirements of the Multi Unit Housing Development Code for outdoor recreation and service functions.

- (k) *Privacy provisions are inconsistent with the Multi Unit Housing Development Code.*

Response

Units 2 to 9 will be two storeys and located to the north of the consolidated block with upper floor level setbacks of between 15.5 metres to 30 metres to the southern boundary, which exceeds the minimum setback of 6 metres required by the Code. The upper floor levels of units 2 to 9 will not adversely impact the privacy of the development located on Block 5 and Block 30 Section 39.

The ground floor levels of units 2 to 9 will be more than 9 metres away from the southern boundary, which exceeds the minimum setback of 3 metres required by the Code.

Unit 1 is a single storey dwelling and will be 3 metres from the southern boundary, which will also have a verandah with a setback of 1.5 metres. The verandah for unit 1 is considered to be compatible with the character of the area, since there are neighbouring blocks in the area that have structures located less than 3 metres to the side and rear boundaries.

The development is not considered to adversely impact the privacy of neighbouring properties located to the south of the subject site.

- (l) *Surveillance of the public Footpath and street is inconsistent with the Multi Unit Housing Development Code.*

Response

The development will have building facades with doors and windows facing towards the public domain to provide surveillance of Mindarie Street, Boolimba Crescent and Lumeah Street. Furthermore, principal private open space courtyard areas for each dwelling will also provide surveillance when residents are using the courtyards.

- (m) *The new driveway verge crossing is inconsistent with the Multi Unit Housing Development Code. Driveway access for the development should be along Boolimba Crescent to minimise disruption to residents of Mindarie and Leumeah Streets.*

Response

The five blocks that are subject to this development proposal have two existing driveway crossings along Mindarie Street, a double width driveway crossing along Boolimba Crescent, and one driveway crossing along Lumeah Street. The proposed development will reduce the number of driveway crossings by only having one driveway crossing along Mindarie Street and one driveway crossing along Lumeah Street. There will be no driveway crossing along Boolimba Crescent.

ENTITY ADVICE

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

CONSERVATOR OF FLORA AND FAUNA

On 3 October 2014 advice was received from the Conservator of Flora and Fauna in relation to the proposal. The advice states that the development is not supported due to the following reasons:

As Tree number 26 is the only tree to be kept, it should not be a burden to protect it. The Landscape Plan states that the soil will be cultivated to a depth of 300mm. With this action and the proposed groundwork for sewer and driveway, the tree in all probability will dieback and eventually die.

Replacement of this tree with an advanced species that grows to a similar height would be a better option if ACTPLA allow this proposal. If not, all works within the tree protection zone should be carried out above natural ground level. Sewer, stormwater and electrical services should be dealt with without disturbing more than 10% of the root zone.

The Conservator's comments dated 3 October 2014 advised that the removal of Tree number 26 (*Sophora japonica*-Pagoda tree) may occur if it is replaced with a tree of an advanced species that grows to a similar height. Pursuant to S141 of the Act, the applicant provided a revised landscape plan showing two new trees to replace Tree number 26.

On 5 February 2015 advice was received from the Conservator of Flora and Fauna in relation to the proposal. The advice states that further information is required to address the following:

Clarification is required to ascertain if Tree 21 (*Hibiscus ssp*) and the young nature strip oak will be removed or retained.

Response:

The Tree Assessment & Tree Protection Plan shows that Tree 21 (*Hibiscus ssp*) will be removed and all street trees will be retained.

ENVIRONMENT PROTECTION AUTHORITY (EPA)

On 22 October 2014 advice was received from the Environment Protection Authority in relation to the proposal. The advice states that the development is supported with conditions:

Conditions:

The contractor must submit a Pollution Control Plan (PCP) in accordance with the requirements as set out in schedule 11 of *Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011*. The (PCP) is to be submitted by the contractor to Environment Protection (EP) and endorsed by EPA prior to the undertaking of any works on site.

Construction and development works to be in accordance with "*Environment Protection Guidelines for Construction and Land Development, March 2011*".

As the site is greater than 0.3 hectares the construction is an activity listed in Schedule 1 as a Class B activity under the Environment Protection Act 1997. The contractor/builder proposing to develop the site must hold an Environmental Authorisation or enter into an Environment Protection Agreement with the Environment Protection Authority (EPA) in respect of that activity PRIOR TO WORKS COMMENCING.

Appropriately ACT licensed contractors must be engaged for the removal, transport and disposal of all hazardous materials found on the site.

All hazardous materials found on the site must be disposed off at a facility suitably authorised/ licensed to accept the waste.

Response:

Matters raised have been incorporated as either conditions of approval or advice. Refer to PART 1 CONDITIONS OF APPROVAL in this Notice of Decision.

TERRITORY AND MUNICIPAL SERVICES DIRECTORATE (TaMSD)

On 9 October 2014 advice was received from Territory and Municipal Services Directorate in relation to the proposal. The advice states that the development is not supported and further information is required to address the following:

VERGE TREES

The following comments relate to the potential impact on the street trees.

1. Advice was previously provided to the proponent that the proposed verge crossing on Mindarie Street is not supported as it is too close to Trees 14 & 15 (as per Site Plan DA01, 2/5/14). Extension to the existing driveway was suggested as a better option to minimise impact on street trees. The proponent was advised to seek advice from Urban Treescapes in relation to the verge trees.
2. The pre-DA communication with Urban Treescapes did not result in an endorsed proposal for the proposed driveway on Mindarie Street.
3. TaMSD Asset Acceptance have advised that the width of the new driveway on Mindarie Street as proposed will not meet TaMSD standards, and thus the clearance from the trees as shown will not be achievable – this advice was provided to the project architect on 29/7/14 by Urban Treescapes. The proposed clearance from the street trees is not adequate.
4. The plans currently submitted for the DA have not been revised in light of the concerns and lack of endorsement (from Urban Treescapes) in relation to the significant impact that this proposal would have on the adjacent street trees.
5. The proposed use of the existing and extension to the verge crossing on Lumeah Street is endorsed.
6. The proposed new driveway on Mindarie Street is not endorsed, as it is too close to the mature street trees and its installation will adversely impact on their root systems.
7. The use of either or both the existing driveways on Mindarie Street with some widening is likely to be achievable with a lesser impact on the adjacent street trees. Alternatively the use of the exiting driveway (already double width) on the Boolimba Crescent verge would be endorsed.
8. External Services Plan (C201 A, 30/6/14) is not endorsed.

9. Disconnection of existing services must be done by abandoning in situ where they exist beneath a tree canopy. Further detail will be required to show how the disconnection will be done without impacting on street trees - excavation to disconnect from the main where beneath the canopies of the verge trees must be carried out under the site supervision of the Landscape Architect and or Consulting Arborist and done by hydro excavation to ensure minimal damage to tree roots.
10. The installation of the new water tie across the verge (only one shown, on Boolimba Crescent) is not far enough from the tree trunks – this requires relocation to be outside tree canopy zones.
11. The street trees on the Boolimba Crescent verge have not been accurately surveyed and depicted on plans – there are two younger / smaller street trees that are not shown on most of the plans (only shown on Drawing 301 B, which has different tree numbering to the Survey plan (11425_D_DC01) and the pre-DA Site Plan (DA01, 2/5/14).
12. All work beneath the tree canopies must be carried out under the site supervision of the Landscape Architect and or Consulting Arborist approved by TaMSD Urban Treescapes. Notes must be included in all relevant plans for off-site works requiring tree protection measures and superintendence by Landscape Architect for all works beneath tree canopies.
13. The Developer is required to engage a Consulting Arborist or Landscape Architect approved by TaMSD Urban Treescapes for on-site superintendence during all excavation works beneath tree canopies, restoration or any other works that occur beneath tree canopies; for regular inspection and reporting that all tree protection measures are being complied with and that the LMPP fencing is installed as approved and remains in place throughout the project.
14. The replacement of the existing driveway surface must be done without excavating into the ground below the existing bitumen. Removal of the existing bitumen surface must be done without damaging any tree roots that may be just below the surface.
15. The Landscape Management and Protection Plan requires amendment to improve the protection of street trees during construction – maximise the fenced zones to incorporate tree canopies, don't break the fencing (for pedestrian access) near a tree trunk, make it at edge of canopy zone; show all trees accurately; amend in accordance with revised driveway proposal, as current proposal is not endorsed.

WASTE

16. All wheelie bins along the verge must satisfy the height clearance required to all street trees for kerb-side collection.

Pursuant to S141 of the Act, the applicant provided revised plans and documents to address the above, which were referred to Territory and Municipal Services Directorate for comments.

On 11 February 2015 advice was received from Territory and Municipal Services Directorate in relation to the proposal. The advice states that the development is supported with conditions.

Conditions

VERGE CROSSING

1. The driveway must be constructed in accordance with TaMSD Design Standards.

2. The proposed replacement of driveway (Mindarie Street between T13 & T14) must be a straight-sided single width driveway, of equivalent width to existing; with allowance for minimal widening / shift north to maintain required clearance from the light pole, the minimum clearance required from Tree T13 will be 5m from outside of trunk to edge of the driveway. This must be shown in the driveway plan and endorsed by TaMSD before final approval of the DA drawings.

VERGE / VERGE TREES

3. The developer needs to engage a Landscape Architect or Consulting Arborist approved by TaMSD Urban Treescapes to supervise and undertake documentation of all works within tree protection zones. Notes must be included in all relevant plans for works requiring tree protection measures and superintendence by Landscape Architect or Consulting Arborist for all works in the tree protection zones in particular beneath the tree canopies. All excavation beneath the canopies of the verge trees must be carried out by hydro excavation or other recommended methods to ensure minimum or no damage to the tree roots.
4. The replacement of the existing driveway must be done without excavating into the ground below the existing bitumen.

PEDESTRIAN NETWORK

5. The pedestrian walkway / footpath must take precedence over the driveway.
6. All fencing must be placed in a way so that the verge is protected but access to the pedestrian network is provided at all times.

PARKING

7. All parking demand and supply for the proposed development must be checked and endorsed by the Environment and Planning Directorate (EPD).

Standard Conditions

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

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

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

Design Acceptance and Operational Acceptance

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

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

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

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

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

Temporary Traffic Management (TTM)

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

Landscape Management & Protection Plan (LMPP)

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

Use of Verges or other Unleased Territory land

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

Repair of Damage to Public Assets

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

Notice of Commencement of Construction

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

Response:

Parking demand and supply for the proposed development has been assessed by EPD.

Matters raised have been incorporated as either conditions of approval or advice. Refer to PART 1 CONDITIONS OF APPROVAL in this Notice of Decision.

ActewAGL - WATER AND SEWER

On 26 September 2014 advice was received from ActewAGL Water Division in relation to the proposal. The advice states that the development conditionally complies with the ACTEW water and sewerage network access and asset protection requirements.

Response:

Matters raised have been incorporated as either conditions of approval or advice. Refer to PART 1 CONDITIONS OF APPROVAL in this Notice of Decision.

ActewAGL- ELECTRICITY

On 7 October 2014 advice was received from ActewAGL Electricity Networks Division in relation to the proposal. The advice states that the development conditionally complies with ActewAGL Electricity Networks requirements.

Response:

Matters raised have been incorporated as either conditions of approval or advice. Refer to PART 1 CONDITIONS OF APPROVAL in this Notice of Decision.

ACTEWAGL - GAS

On 7 October 2014 advice was received from Jemena Gas Networks (NSW) Limited in relation to the proposal. The advice states that the development application conditionally complies with the Gas Networks requirements.

Response:

Matters raised have been incorporated as either conditions of approval or advice. Refer to PART 1 CONDITIONS OF APPROVAL in this Notice of Decision.

PART 4

ADMINISTRATIVE INFORMATION

DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise, this approval takes effect 20 working days after the day this notice of decision is given to every person who made a representation on the application. The effective date for development applications approved subject conditions could be adjusted if the approval is reconsidered by the planning and land authority or if an application is made to the ACT Civil and Administrative Tribunal.

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

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

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

- the lease variation is not completed two years after the day the approval takes effect.

Conditional Approval

This approval will expire if, in accordance with Section 165(3)(d) of the Act, a condition has deferred the effect of the development approval **and** imposed a time frame during which another approval must be revoked, amended or given, and the time frame has expired.

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

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

INSPECTION OF THE APPLICATION AND DECISION

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

RECONSIDERATION OF THE DECISION

If the applicant is not satisfied with the decision to approve the application subject to conditions, they are entitled to apply to the planning and land authority for reconsideration within 20 working days of being told of this decision or within any longer period allowed by the planning and land authority.

To submit an application for reconsideration, documents must be provided electrically by email to epdcustomerservices@act.gov.au or provided at the customer service centre on a CD/DVD. The delegate of the Authority reconsidering the decision must be different from, and senior to, the original decision maker. An application for reconsideration does not prevent an application for a review of the same decision being made to the ACT Civil and Administrative Tribunal. Application forms and further information about reconsideration are available from the planning and land authority's website and Customer Service Centres.

REVIEW BY THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL (ACAT)

Decisions that are reviewable by the ACAT are identified in Schedule 1 of the *Planning and Development Act 2007*, except for those precluded under Schedule 3 of the *Planning and Development Regulation 2008* – Matters exempt from third-party ACAT review.

This Notice of decision has also been sent to all people who made representations in relation to the proposal.

APPENDIX 1CONTACT DETAILS OF RELEVANT AGENCIES

Health Directorate - health protection	Website: www.health.act.gov.au Telephone: (02) 6205 1700
Environment and Planning Directorate <i>Planning and land authority</i> <ul style="list-style-type: none"> - list of certifiers for building approval - demolition information - asbestos information <i>Environment Protection Authority</i> <ul style="list-style-type: none"> - environment protection - water resources - asbestos information <i>Conservation, Planning and Research</i> <ul style="list-style-type: none"> - threatened species/wildlife management 	 Website: www.actpla.act.gov.au Telephone: (02) 6207 1923 Website: www.environment.act.gov.au Telephone: (02) 6207 6251 Website: www.environment.act.gov.au Telephone: (02) 6207 1911
Territory and Municipal Services Directorate <ul style="list-style-type: none"> - tree damaging activity approval - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets 	Website: www.tams.act.gov.au Telephone: 132 281 Telephone for asset acceptance: (02) 6207 7480
Utilities <ul style="list-style-type: none"> - Telstra (networks) - TransACT (networks) - ActewAGL - Electricity reticulation 	Telephone: (02) 8576 9799 Telephone: (02) 6229 8000 Telephone: 1100 Telephone: (02) 6293 5738

ADVICE TO APPLICANT

SUBMISSION OF REVISED DRAWINGS AND DOCUMENTATION

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

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

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

FURTHER APPROVALS FOR CONSTRUCTION

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

BUILDING APPROVAL

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

PERMITTED VARIATIONS TO APPROVED DEVELOPMENT

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

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

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

"TREE DAMAGING ACTIVITY" APPROVAL

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

USE OF VERGES OR OTHER UNLEASED TERRITORY LAND

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

WORKS ON UNLEASED TERRITORY LAND – DESIGN AND OPERATIONAL ACCEPTANCE

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

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

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

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

CONSTRUCTION REQUIREMENTS

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

DEMOLITION AND ASBESTOS MANAGEMENT

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

ENVIRONMENT PROTECTION

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

REPAIR OF DAMAGE TO PUBLIC ASSETS

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

UTILITY ASSETS RETENTION

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

WATER RESTRICTIONS AND FILLING OF NEW POOLS, PONDS AND FOUNTAINS

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

DRAINAGE

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

REVIEW OF THE DECISION

The following notes are provided in accordance with regulation 7 of the *ACT Civil and Administrative Tribunal Regulation 2009*. Refer to the Review by the ACT Civil and Administrative Tribunal (ACAT) section of the Notice of Decision for information about its relevance to this development application.

CONTACT DETAILS

The review authority is the ACT Civil and Administrative Tribunal (ACAT).

Location	Contact details
ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601	Website: www.acat.act.gov.au Email: tribunal@act.gov.au Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601

POWERS OF THE ACAT

The ACAT is an independent body. It can review on their merits a large number of decisions made by ACT Government ministers, officials and statutory authorities. The ACAT can agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with ACAT recommendations.

APPLICATIONS TO THE ACAT

To apply for a review, obtain an application form from the ACAT. You can also download the form from the ACT Legislation Register <http://www.legislation.act.gov.au/af/2009-278/current/pdf/2009-278.pdf>.

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

TIME LIMITS FOR APPLICATIONS

The time limit to make a request for a review is 28 days from the date of this Notice of decision. The time limit can be extended in some circumstances (refer to sections 10 (2), 10(3), 25(1)(e) and 25(2) of the *ACT Civil & Administrative Tribunal Act 2008*; section 7 of the *ACT Civil and Administrative Tribunal Procedure Rules 2009 (No 2)*; and section 409 of the *Planning and Development Act 2007*).

FEES

Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted.

Write to: The Chief Executive, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. Ask the ACAT for more details.

TIME LIMITS FOR REVIEWS OF DECISIONS

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

FORMS OF LEGAL, FINANCIAL AND OTHER ADVICE AND ASSISTANCE

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

- ACT Attorney-General, write to The Chief Executive, Justice and Community Safety Directorate, GPO Box 158, CANBERRA, ACT, 2601;
- the ACT Legal Aid Office, telephone 1300 654314;
- Legal Advice Bureau, telephone (02) 6247 5700;
- ACT Council of the Ageing, telephone (02) 6282 3777;
- Welfare Rights and Legal Centre, telephone (02) 6247 2177; and
- Environmental Defender's Office (ACT), telephone (02) 6247 9420.

AWARDING OF COSTS

You will have to pay any costs involved in preparing or presenting your case. The ACAT also has the power to award costs against a party if the party contravenes a direction of the ACAT and the ACAT considers it in the interests of justice to make such an order. This power is in addition to the power of the ACAT to strike out a party and to dismiss an application for failure to comply with the ACAT's directions.

ACCESS TO DOCUMENTS ABOUT THE DECISION

You may apply for access to any documents you consider relevant to this decision under the ACT Freedom of Information Act 1989. Information about Freedom of information requests is available on the planning and land authority's web site or by contacting us by phone on (02) 6207 1923.

PROCEDURES OF THE ACAT

The procedures of the ACAT are outlined on the ACAT's website, including in the Guide to the Land and Planning Division and the Guide to the Hearing. Contact the ACAT for alternative ways to access information about the ACAT's procedures.

TRANSLATION AND INTERPRETER SERVICES

The ACT Government's translation and interpreter service runs 24 hours a day, every day of the week. Telephone 131 450.

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية، إتصل برقم الهاتف:
CHINESE	如果你需要传译员的帮助，请打电话:
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ако вам је потребна помоћ преводиоца телефонирајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

TRANSLATING AND INTERPRETING SERVICE

131 450

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

ActewAGL acts as agent for ACTEW Corporation



STATEMENT OF CONDITIONAL COMPLIANCE

Application No: 143831 **Suburb:** Narrabundah **Block/Section** 22 / 39
Applcn Type: Multi residential (low rise residential) /New Construction with
Demolition Inclusions : inc Landscape, with Garages

Attached Plans

COMPSTREET-201426052-ELEVATION-01.pdf
DEMO-201426052-01.pdf
DEMO-201426052-02.pdf
ENTITYADVICE-201426052-ACTEW SEWER ENDORSEMENT-01.pdf
SITE-201426052-STAGING-01.pdf

Conditions

A sewer maintenance structure is located on this block. Unobstructed 24 hour - 7 day a week access a minimum 1.5m wide is to be maintained across the land to the asset.

ACTEW Corporation assets shall be protected for the duration of the construction works from short term load shedding from construction machinery or vibration and groundwater ingress or infiltration. Any damage to ACTEW assets resulting from the construction works shall be repaired by ACTEW Water at the contractors expense. Access to ACTEW assets including sewer structures, manholes, hydrants and valves is to be maintained for the duration of the construction works.

ACTEW Water accepts only standard concrete with expansion joints, and maximum 100mm density within sewer easement or pipe protection envelope.

As per Criterion 1 - Easement and other access Clearances of the Planning and Development Regulation 2008. No structures are to be built over ACTEW easements, pipe protection envelopes or access passages without ActewAGL approval. In accordance with this provision, access is to be maintained across land in these areas

Location of the water meter is to be clear of driveways and footpaths with a 1m radius unhindered access maintained. If required, relocation of the water service is to be undertaken by ACTEW Water at the lessee's cost. Relocations further than 1.5m laterally require a Hydraulic plan to be approved by ACTEW prior to applying for the relocation. Evidence of this being performed and constructed is to be forwarded to ACTEW Water the certificate of occupation is issued.

Other

Protection of water and sewer networks to be in accordance with the attached checklist

WATER METER: to be clear off driveways, courtyard walls, retaining walls, letterboxes and any other structures that would compromise a 1m radius unhindered access.

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Please Note:

Separate applications are required for ActewAGL electricity and gas networks. Any failure to accurately show existing or proposed structures may result in damage and costs for which the property owner will be liable. Damage to network assets must be reported to ActewAGL.

Utility conditions may also apply to minor structures and landscaping works that may not have been depicted in this document. Consultation with ActewAGL's Water Division is advised if such structures and landscaping are planned.

ActewAGL recommend setbacks provided for equipment access to water or sewerage network assets are kept free of obstruction by the property owner.

Construction of works without the approval of ActewAGL may result in connection to ACTEW's water and sewerage networks being denied and /or action being taken to require the property owner to remove non-compliant services (e.g. sanitary drains) or structures.

Please refer to Info Sheets

Demolition check list .pdf

WARNING

Failure to comply with these conditions is likely to result in interference with an ACTEW Corporation water or sewer asset. Sections 123 to 125 of the Utilities Act 2000 apply, which indicates a person who interferes with a utility asset may be subject to prosecution. The current maximum penalty is a fine of \$50,000, imprisonment for six months or both. In addition the land-holder can be ordered at their expense to stop the interference, which may involve removal of the building work or that part of the building work that is causing, or is likely to cause interference.

Comments:

Signed

Eddie Gonzalez

Date

26 Sep 2014

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



Electricity Networks

STATEMENT OF

CONDITIONAL COMPLIANCE

Application No: 143820 **Suburb:** Narrabundah **Block/Section** 20 / 39

Applcn Type: Multi residential (low rise residential) /New Construction with
Demolition Inclusions : with Garages, with Shed

Addtnl Block/Sect 22/39, 23/39, 24/39, 25/39

Attached Plans

%FLOORASSESS-201426052-FIRST FLOOR-01.pdf

%FLOORASSESS-201426052-GROUND FLOOR-01.pdf

DEMO-201426052-01.pdf

DEMO-201426052-02.pdf

ELEV-201426052-01.pdf

SITE-201426052-STAGING-01.pdf

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

Conditions

A new underground service is required.

Development is to comply with minimum clearances to overhead conductors. Ref ActewAGL Drawing 3811-004

Development is to comply with minimum separation requirements to underground assets. Ref ActewAGL Drawing 3832-018

Installation of electrical conduits (on or off block) will be the responsibility of the proponent.

Proponent is required to submit the Request for "Preliminary Network Advice" form to enworks@actewagl.com.au (available on ActewAGL website) prior to commencement of any development activity to negotiate the connection of new and/or relocation of existing electricity assets.

The location of the proposed or existing Point of Entry/ Meter Box is to comply with ActewAGL's Service and Installation rules.

There are further conditions not specified in this statement that require the proponent to contact ActewAGL prior to the re submission of plans.

Please Note

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

Comments:

Signed Michael Hogg

Date 07 Oct 2014



Gas Networks

STATEMENT OF

CONDITIONAL COMPLIANCE

For Residential except High Rise

Application No: 143820

Drawings in set: 29

Block: 20

Section: 39

Suburb: Narrabundah

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

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

- Attached statement for Gas Networks
- The location and area allocated for gas regulating and metering equipment is to comply with ActewAGL standards. The following documents provide guidance:
Ref ActewAGL Drawings (attached): "Exclusion Zone – Domestic Meter Installation"
"Domestic Gas Meter Location Reference Drawings"
Ref ActewAGL Document (attached): "Gas Metering Equipment – Prohibited Locations"
- Development is to comply with minimum separation requirements to underground assets
 - 300mm minimum clearance from major plastic and steel gas mains and steel gas services
 - 150mm minimum clearance from other plastic gas mains and services
- A metering equipment upgrade may be required. A licensed gas fitter should verify loads and metering equipment capacities.
- If a meter relocation or service pipe relocation is required in order to comply with ActewAGL standards, please contact your gas retailer and book a meter relocation. Only people accredited by ActewAGL can carry out this work.
- Compliance with ActewAGL's Service and Installation Rules and all other relevant legislation including the ACT Utilities Act (2000)
- Other:

Please note:

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

For further information please phone Steve Donnelly - Jemena 6203 0640

**This is a market value
lease - s238(2)(a)(ii) Planning
and Development Act 2007**

AUSTRALIAN CAPITAL TERRITORY

PLANNING AND DEVELOPMENT ACT 2007

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

LEASE GRANTED pursuant to the Planning and Development Act 2007 and the
Regulations made under that Act on the day of Two
thousand and WHEREBY THE PLANNING AND LAND
AUTHORITY (“the Authority”) ON BEHALF OF THE COMMONWEALTH
LESSEE OF AUSTRALIA (“the Commonwealth”) in exercising its functions grants to the
COMMISSIONER FOR SOCIAL HOUSING (“the Lessee”) ALL THAT piece
LAND or parcel of land situate in the Australian Capital Territory containing an area of
(TBA) square metres or thereabouts and being **Block X Section 39 Division of**
NARRABUNDAH as delineated on **Deposited Plan Number** in the
Registrar-General’s Office at Canberra in the said Territory (“the land”)
RESERVING unto the Territory all minerals and the right to the use, flow and
TERM control of ground water under the surface of the land TO HOLD unto the Lessee
for the term commencing on the day of
Two thousand and (“the date of the commencement of the lease”)
and terminating on the **tenth** day of **December Two thousand and eighty one** to
be used by the Lessee for the purpose set out in Clause 3(a) of this lease only
YIELDING AND PAYING THEREFOR rent in the amount and in the manner and
at the times provided for in this lease and UPON AND SUBJECT TO the
covenants conditions and agreements contained in this lease.

INTERPRETATION 1. IN THIS LEASE unless the contrary intention appears:

- (a) “Authority” means the Planning and Land Authority established by section 10 of the Planning and Development Act 2007;
- (b) “building” means any building or structure constructed or partially constructed or to be constructed, as the context permits or requires, on or under the land;
- (c) “class” for a building or structure, means the class of building or structure under the building code as defined in the Building Act 2004;
- (d) “dual occupancy housing” means the use of land that was originally used or leased for the purposes of single dwelling housing for two dwellings;
- (e) “dwelling”:
 - (i) means a class 1 building, or a self-contained part of a class 2 building, that:
 - (A) includes the following that are accessible from within the building, or the self-contained part of the building:
 - (1) not more than 2 kitchens;
 - (2) at least 1 bath or shower;
 - (3) at least 1 toilet pan; and
 - (B) does not have access from another building that is either a class 1 building or the self-contained part of a class 2 building; and
 - (ii) includes any ancillary parts of the building and any class 10a buildings associated with the building;
- (f) “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 said persons and each of them and their and each of their

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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;

(g) “multi-unit housing” means the use of land for more than one dwelling and includes but is not limited to dual occupancy housing;

(h) “premises” means the land and any building or other improvements on the land;

(i) “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);

(j) words in the singular include the plural and vice versa;

(k) words importing one gender include the other genders;

(l) a reference in this lease to any statute or statutory provision shall include a reference to any statute or statutory provision that amends, extends, consolidates or replaces the statute or statutory provision and to any other regulation, instrument or other subordinate legislation made under the statute.

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 to the Authority 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 land for the purpose of multi-unit housing;

EASEMENT FOR SERVICES

(b) That:

- (i) the Authority, on behalf of the Commonwealth, grants over that part of the land identified as a services easement on the Deposited Plan an easement (“Easement”) in favour of:
- (A) the Territory and its successors;
 - (B) ACTEW Corporation Limited A.C.N. 069 381 960 and its successors; and
 - (C) ActewAGL Distribution A.B.N. 76 670 568 688 a partnership of ACTEW Distribution Ltd A.C.N. 073 025 224 and Jemena Networks (ACT) Pty Ltd A.C.N. 008 552 663 and their successors;
- (collectively or separately referred to as the “service provider”);
- (ii) the service provider may:
- (A) provide, maintain and replace services supplied by that service provider through the land within the site of the Easement; and
 - (B) do anything reasonably necessary for that purpose, including without limitation:
 - (1) entering or passing through the land;
 - (2) taking anything on to the land; and
 - (3) carrying out work, including without limitation, constructing, placing, repairing or maintaining pipes, poles, wires, cables, conduits, structures and equipment;
- (iii) in exercising the powers in Clause 3(b)(ii), the service provider must take all reasonable steps to:
- (A) ensure that the work carried out on the land causes as little disruption, inconvenience and damage as is practicable; and

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(B) ensure that the land is restored as soon as practicable to a condition that is similar to its condition before the work was carried out;

(iv) Clause 3(b)(iii)(B), does not require the service provider to restore:

(A) the land to a condition that would result in:

(1) an interference with:

(i) any service on or through the land; or

(ii) access to any service on or through the land; or

(2) a contravention of a law of the Territory; or

(B) any building or structure placed or constructed on any part of the land comprising the Easement;

(v) the Lessee must not place or construct, nor permit to be placed or constructed, a building or structure or any part of a building or structure on any part of the land comprising the Easement;

(vi) for the purposes of the Easement, “services”, includes, without limitation, the supply of water, gas, electricity and discharge or drainage of water, stormwater and sewerage; and

(vii) nothing in this clause diminishes or affects any rights or powers of a service provider conferred under any statute, regulation or law;

PROVISION OF
HYDRAULIC MAINS
STORMWATER
DRAINS AND
SEWER LINES

(c) That the Lessee shall provide and thereafter maintain hydraulic mains stormwater drains sewer lines hydraulic fire mains and hydrants on the land in accordance with plans and specifications prepared by the Lessee and previously submitted to and approved in writing by the Authority;

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PROVISION OF
STORAGE AREAS
CARPARKING
AND ILLUMINATION

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

PROVISION OF
FACILITIES FOR
ELECTRICAL AND
TELEPHONE CABLES

(e) That the Lessee shall provide facilities on the land to a standard acceptable to the Authority to enable electrical and telephone cables and wires to be installed underground;

LANDSCAPING

(f) That the Lessee shall provide and thereafter 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;

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, applies;

SERVICE AREAS

(h) 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

(i) That the Lessee shall not without the previous approval in writing of the Authority, except where exempt by law, erect any building, or make any structural alterations to any building, on the land;

REPAIR

(j) 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

(k) 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

- (l) Subject to the provisions of the Planning and Development Act 2007 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

- (m) To pay all rates charges and other statutory outgoings assessed levied or payable in respect of the premises as and when they are due for payment.

4. THE COMMONWEALTH COVENANTS WITH THE LESSEE as follows:

QUIET ENJOYMENT

That the Lessee paying the rent and all other money due 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 shall have been formally demanded or not); or
 - (ii) the said land is at any time not used for a period of one year for the purpose for which this lease is granted; or

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- (iii) the Lessee shall fail to observe or perform any other of the covenants contained in this lease 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 the said Clauses;

FURTHER LEASE

- (c) Subject to the Lessee paying all money required to be paid under the provisions of the Planning and Development Act 2007 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 or remedy conferred on the Commonwealth or Territory in this lease, by law 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) an authority or person to whom the Authority has delegated all its powers or functions under the Planning and Development Act 2007.

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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

The Official Seal of the Commissioner for)
Social Housing was hereunto affixed)
in the presence of)

DRAFT

