



# Notice of decision on Reconsideration

Division 7.3.10 of the *Planning and Development Act 2007*

DA NO: 201630437	DATE RECONSIDERATION LODGED: 24 July 2018	
DATE OF DECISION: 7 December 2018		
BLOCKS: 7 & 26	SECTION: 62	SUBURB: CURTIN
STREET NO AND NAME: 46 Curtin Place		
APPLICANT: Sophia Haridemos		
Lessee: Sophia Haridemos		

## THE APPLICATION

This application seeks reconsideration of the decision by the planning and land authority of 15/2/2017 to refuse the application.

## THE DECISION

I, Brett Phillips, delegate of the planning and land authority, pursuant to section 193 of the *Planning and Development Act 2007*, **substitute the decision at *Attachment A*** for the original decision of the planning and land authority dated 15/2/2017.

## PUBLIC NOTIFICATION

Pursuant to Division 7.3.10 of the Act, public notification including written notice of the reconsideration application was given to anyone who made representation under section 156 about the original application on 31 July 2018 to 17 August 2018. On 13 August 2018, the notification period was extended to 11 September 2018. 216 written representations including 37 in support of the proposal were received during the time allowed. One late representation was also received.

The main issues raised during the notification period, along with commentary, are covered in the attached decision at ***Attachment A***.

## REASONS FOR THE DECISION

The original decision is substituted by the decision at ***Attachment A*** because further information provided by the applicant for reconsideration demonstrated that the proposal is not inconsistent with the *Territory Plan*.

The decision has been revised as a result of an application for reconsideration in accordance with Section 191 of the *Planning and Development Act 2007*.

This application sought reconsideration of the refusal of the proposal for the demolition of the existing buildings on Blocks 7 and part Block 24 Section 62 Curtin and the construction of a six storey mixed use building with three levels of basement car parking. The proposal also sought the consolidation of Blocks 7 and part Block 24, Section 62 Curtin.

The planning and land authority supports the revisions to the previous Notice of Decision because the application for reconsideration, demonstrated that the changes addressed the mandatory and criterion provisions of the *Territory Plan*. These include reducing the building height and setbacks, resulting in a reduced impact to the central courtyard of the Curtin Group Centre.

### **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 Dickson Customer Service Centre at 16 Challis Street, Dickson, ACT.

### **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 Regulations 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.

### **EVIDENCE**

**Application No.** 201630437

**The Territory Plan zone** – CZ1 Core Zone

**The Development Codes** – Commercial Zones Development Code & Multi Unit Housing Development Code

**The Precinct Codes** – Curtin Precinct Map and Code

**General Codes** - Parking and Vehicular Access General Code, Bicycle Parking General Code, Access & Mobility General Code and Crime Prevention Through Environmental Design General Code

**Current Crown Lease** – Volume 1550 Folio 78

**Representations**

**Entity advice**

**Other**

### **DELEGATE**



Brett Phillips

Delegate of the planning and land authority

Environment, Planning and Sustainable Development Directorate

7 December 2018

### **CONTACT OFFICER**

Email: [DAEnquiries@act.gov.au](mailto:DAEnquiries@act.gov.au)

Phone: 6205 2888



# Notice of decision

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

## Merit track

DA NO: 201630437	DATE LODGED: 12/12/2016	
DATE OF DECISION: 7 December 2018		
BLOCKS: 7 & 26	SECTION: 62	SUBURB: CURTIN
STREET NO AND NAME: 46 Curtin Place		
APPLICANT: Sophia Haridemos		
LESSEE: Sophia Haridemos		

### 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, Brett Phillips, delegate of the planning and land authority, pursuant to section 162 of the Act, **approve subject to conditions** the proposal for:

- demolition of the existing building on Block 7 Section 62 Curtin and the existing public toilet building on Block 26 Section 62 Curtin; and
- construction of a mixed-use building, comprising two basement car park levels, ground floor commercial tenancies and four upper residential levels with 35 residential units;
- replacement of public toilets on the ground floor level;
- on and off site landscaping including upgrading surrounding hard surfaces, and the reconfiguration of existing at-grade car parking in the adjoining public carpark;
- installation of a new awning and "solar curtain" above the ground floor and and soffit extensions at upper levels extending over adjoining unleased Territory land;
- installation of a new substation in the Strangways Street verge; and
- other associated works;

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

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

**PART 2** sets out the Reasons for the Decision.

**PART 3** is Public Notification and Entity Advice.

**PART 4** contains administrative information relating to the determination.

### DELEGATE

A handwritten signature in black ink, appearing to be 'Brett Phillips', written over a faint circular stamp.

Brett Phillips  
 Delegate of the planning and land authority  
 Environment, Planning and Sustainable Development Directorate

7 December 2018

**CONTACT OFFICER**

Email: [DAEnquiries@act.gov.au](mailto:DAEnquiries@act.gov.au)

Phone: 6205 2888

## **PART 1 CONDITIONS OF APPROVAL**

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

### **A. ADMINISTRATIVE / PROCESS CONDITIONS**

#### **A1. APPROVAL DOES NOT TAKE EFFECT - GRANT OF CROWN LEASE**

This approval, apart from demolition and basement excavation work, does not take effect until a Crown lease consolidating Block 7 Section 62 Curtin and Block 26 Section 62 Curtin, which permits the approved development, is granted and registered at Access Canberra (Land Titles and Rental Bonds).

Note that no work (including demolition) is to be undertaken on Block 26 Section 62 Curtin until evidence of a direct sale is provided, such as a lease transfer.

*Note: A new development application for the consolidation of the blocks is required.*

#### **A2. COMPLIANCE WITH CONDITION – APPROVAL NOT TO TAKE EFFECT**

In accordance with Section 184(2) (a) of the *Planning and Development Act 2007*, this approval will end if the lessee has not complied with Condition A1 and commenced the approved construction and/or demolition on the site within 24 months of the date of this decision.

#### **A3. ICON WATER STATEMENT OF COMPLIANCE PRIOR TO COMMENCEMENT OF WORK**

No work, including demolition, shall commence on the site until the applicant has obtained a written Statement of Compliance or Conditional Compliance from ICON Water and has submitted this statement to the planning and land authority as satisfying this condition of approval under s165 of the *Planning and Development Act 2007*.

The lessee/applicant must comply with any conditions imposed by Icon Water.

#### Notes

- *Refer to Icon Water "failed to comply" advice at PART 3 ENTITY ADVICE below.*
- *Any "substantial" changes to the development required to comply with Icon Water requirements will need to be submitted for the approval of the planning and land authority with an application to amend the approval under s197 of the *Planning and Development Act 2007*.*

#### **A4. 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 architectural drawings showing:

- (i) all levels of the building above ground floor level not to extend beyond the existing glazed northern façade of the existing Coles building on block 26, section 62 Curtin. Note that the open balconies of apartments at level one only may extend up to 3m beyond this alignment. Refer to the diagram on APPENDIX 2;

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- (ii) provision of additional communal open space (COS) on the rooftop of the 5 storey building, set back from the eastern façade by 3m to the satisfaction of the planning and land authority;
  - (iii) details of privacy screens/planter boxes between the northern balconies and communal open space at Level 1;
  - (iv) obscure or solid balustrades to all balconies at the Levels 1, 2 and 3 to ensure household items are screened from public view, to the satisfaction of the planning and land authority;
  - (v) 13 surplus car parking spaces in the basement clearly notated as 9 residential visitor spaces and 4 commercial staff parking;
  - (vi) an intercom and remote barrier release system to allow access to visitor parking in the basement or another similar solution to the satisfaction of the planning and land authority;
  - (vii) a minimum of 4 bicycle hoops to provide the 7 bicycle parking spaces required to fully comply with the Bicycle Parking General Code in a location approved by Transport Canberra and City Services (TCCS);
  - (viii) relocation of the proposed accessible space in the public carpark to the existing location adjacent to the medical facility (Block 13 Section 62 Curtin) in consultation with and to the satisfaction of Transport Canberra and City Services (TCCS);
  - (ix) relocation of the substation if required by TCCS. (The substation location is to be to the satisfaction of TCCS);
  - (x) pedestrian priority over the driveway to the satisfaction of TCCS;
  - (xi) 4 adaptable units;  
*Note: Revised plans provided only show 3.*
  - (xii) all hot water systems, laundry sinks and dryers within the residential units contained within closets;
  - (xiii) any changes required as a result of Condition A4(b) below to the satisfaction of the planning and land authority;
  - (xiv) screening of clothes drying areas and / or facilities to the satisfaction of the planning and land authority;
- (b) an updated wind assessment report to reflect the revised (reconsideration) proposal;  
*Note: The height of building (as defined in the Territory Plan) is approx. 20.7m to the top of the rooftop plant on the western side. A building over 19m needs a wind assessment under Criterion C9 of the Commercial Zones Development Code.*
  - (c) revised Noise Management Plan to reflect the approved development;

- (d) any relevant revised documentation to address the Icon Water "failed to comply" statement dated 10 August 2018.

*Note: Refer advisory notes at Condition A3 above;*

A5. INTEGRATION OF LEVELS

- (a) All on-site finished floor levels at ground floor must be integrated with off-site levels of the adjoining off-site public footpaths.
- (b) Finished levels of all adjoining off-site public footpaths proposed to be reconstructed must be integrated with levels of existing public footpaths in the Centre all to the satisfaction of TCCS.

A6. BUILDING ENCROACHMENT

The building (except for the approved encroachments) including footings and the like, must be wholly contained within the subject block boundaries.

A7. NOISE MANAGEMENT

All relevant recommendations in the Noise Management Plan (Report Number 670.10909-R1) dated 13 July 2016 prepared by SLR Global Environmental Solutions, as updated, to reflect the approved development must be implemented on site.

A8. EXTERNAL LIGHTING

All external lighting shall comply with the *Australian Standards AS4282 Control of the obtrusive effects of outdoor lighting*.

A9. VENTILATION SYSTEMS

All exhaust and ventilation systems must be installed and operated to comply with *Australian Standard AS1668.1 - The Use of Ventilation and Air-conditioning in Buildings*.

A10. MATERIALS AND FINISHES

This development must be constructed consistent with the materials and finishes noted on the drawings endorsed under Section 162 of the *Planning and Development Act 2007*, and any drawings subsequently endorsed.

No departures from the above materials and finishes shall be allowed without the prior approval of the planning and land authority of an application to amend the development approval pursuant to Section 197 of the *Planning and Development Act 2007*.

*Note: Any application for amendment that reduces the quality of materials and finishes is unlikely to be supported by the planning and land authority.*

A11. TEMPORARY PUBLIC TOILETS DURING CONSTRUCTION

Prior to the commencement of any works on the site including demolition, the lessee of the subject block must provide (and maintain) temporary public toilets including an accessible toilet in a location approved by and to the satisfaction of TCCS. If required by TCCS, the lessee must obtain a temporary 3 party licence for a duration until the replacement public toilets on the subject site are made publicly available.

Such temporary toilets must be close to existing public footpaths and well lit. The accessible toilet is to be connected to an existing public footpath by an accessible path.

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A12. TRANSPORT CANBERRA & CITY SERVICES (TCCS)

- (a) Prior to the commencement of any work on the site, the applicant/lessee must obtain a Letter of Design Review for all off-site works from the Senior Manager, Development Review and Coordination, TCCS.
- (b) A Certificate of Operational Acceptance on completion of the works must be obtained from the Senior Manager, Development Review and Coordination, TCCS, prior to the issue of a Certificate of Occupancy.
- (c) All off-site works including collection of residential waste from the subject block are to be to the satisfaction of TCCS. All such works must comply with relevant requirements of TCCS. Off-site works must not be carried out without prior written approval from TCCS.
- (d) TCCS agrees that there is a way forward for the management and collection of waste for this development. However, the resolution must be achieved in consultation with and to the satisfaction of TCCS and may require further consultation with the waste collection contractor and ACT NOWaste.

A13. COMMENCEMENT OF BUILDING WORK

No building work is to commence on the site (including demolition and excavation) unless ACT Heritage have been advised a minimum of two weeks previously of the work commencement date. This is to ensure measures can be taken to protect valuable historical records located at the Canberra District and Historical Society in Curtin. Refer "ENITITY ADVICE" under Part 3.

## CONDITIONS FOR LICENCING OF ENCROACHMENTS (2-Party)

A14. COMMENCEMENT OF BUILDING WORK

No building work in relation to the encroachment (the works on unleased Territory land that are part of this development approval) is to commence on the site until the lessee has applied for and has been granted a licence in relation to the encroachments (being awnings, "solar curtain" and soffit extensions) by the planning and land authority pursuant to Section 303 of the *Planning and Development Act 2007* and in the form approved by the planning and land authority.

A15. APPLICATION FOR A LICENCE (See attached application form)

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

(i) ***Encroachment plan***

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

(ii) ***Public liability insurance***

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

Note: The procedures are specified below in summary form.



1. *Nominate each and all of the proposed activities the proposed licensee wishes to undertake on Territory land or premises ("Premises");*
  2. *Take out a public liability insurance policy for the term of the licence;*
  3. *Submit a certificate of currency in respect of the public liability insurance, which clearly states that the encroachment is covered by the insurance policy; and*
  4. *Comply with obligations in respect of risk management plans if applicable.*
- This information is to be forwarded to:*

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

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

A16. TRANSFER OF TITLE

The lessee must not transfer or assign its interest in the premises unless and until the proposed transferee or assignee is granted a licence by the planning and land authority pursuant to section 303 of the *Planning and Development Act 2007*, under the same terms and conditions as the licence granted in accordance with Conditions A13 and A14 and meets the insurance requirements in accordance with Condition A14.

A17. COMPLIANCE WITH ENTITY REQUIREMENTS

The development must comply with all of the conditions imposed by each of the relevant entities as stated in each of their advice.

**B. PRIOR TO CONSTRUCTION AND/OR DEMOLITION**

B1. ENVIRONMENT PROTECTION

- (a) All works must be carried out in accordance with the *Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011* (available by calling 132281).
- (b) Appropriately ACT licensed contractors must be engaged for the removal, transport and disposal of all hazardous materials found on the site.
- (c) All hazardous materials found on the site must be disposed of at a facility suitably authorised/licensed to accept the waste.
- (d) A site specific unexpected finds protocol (UFP) must be prepared by a suitably qualified environmental consultant and implemented during site development works. The UFP must include, amongst other things, appropriate procedures for the identification, assessment, management, validation and disposal of potential contamination at the site and contractor induction procedures into the use of the UFP;
- (e) No soil is to be disposed from site without EPA approval.

*Note: Refer further advice from this entity under Part 3 - ENTITY ADVICE below.*

**B2. TREE PROTECTION**

Tree protection fencing must be erected prior to the commencement of any work on the site including demolition and, maintained for the duration of works to the satisfaction of TCCS.

**B3. TEMPORARY TRAFFIC MANAGEMENT (TTM)**

Prior to the commencement of any work on the site, approval must be obtained for a TTM Plan from the Manager, Traffic Management & Safety, Roads ACT, TCCS. At all times during construction the site and surrounds shall be managed in accordance with a TTM 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.

**B4. LANDSCAPE MANAGEMENT & PROTECTION PLAN (LMPP)**

Prior to the commencement of any work on the site, approval must be obtained for a LMPP from the Senior Manager, Development Review and Coordination, TCCS. This plan is to be implemented before the commencement of works, including demolition on the site and is to be in accordance with *TCCS Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04*. All fencing must be placed so that the verge is protected but access to the pedestrian network is provided at all times.

**B5. 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 Territory Services, TCCS.

**B6. DILAPIDATION REPORT**

A Dilapidation Report for all Government assets adjacent the site must be submitted to Development Review and Coordination Section within TCCS prior to the commencement of any construction on the site and on the completion of works.

**B7. 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 TCCS of any existing damage to public facilities.

**B8. NOTICE OF COMMENCEMENT OF CONSTRUCTION TO TCCS**

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

**B9. WATERPROOFING**

Full details of the proposed method of waterproofing the landscaped and exposed common areas of upper floor levels which are directly above lower level residential units, including the specifications of the materials to be applied and installation methods are to be submitted to the Building Certifier for building approval. These details are to be in accordance with the requirements of Part F1 'Damp and weatherproofing' of the Building Code of Australia.

**C. DURING CONSTRUCTION AND/OR DEMOLITION****C1. SEDIMENT AND EROSION CONTROL**

a) All unsurfaced entry and exit points must be consolidated with crushed aggregate or similar extending from the road kerb to the building line.

b) Temporary sediment controls comprising, as a minimum, geotextile silt fencing along the lowest points of the site & hay bale filters as required are to be installed and maintained daily to prevent sediment from reaching the stormwater mains system.

**C2. 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.

**C3. VERGE MANAGEMENT**

During construction, all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development shall be managed, protected and maintained in accordance with the LMPP approved by TCCS.

**C4. TRAFFIC MANAGEMENT**

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

**C5. 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.

**D. POST CONSTRUCTION AND/OR DEMOLITION**

Not applicable.

**E. ADVISORY NOTES**

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

**E1. CLOTHING BINS**

Any existing charity clothing bins in the adjoining public carpark must only be removed or relocated with prior written consent from the relevant charity operator and TCCS.

E2. OTHER ENTITY APPROVALS

The applicant / lessee must seek any necessary approvals from ACT Health and ACT Emergency Services Agency.

E3. ENVIRONMENT PROTECTION

- Noise from equipment which may be installed or used at the site, including air conditioning units, pool pumps, etc. must comply with the noise standard at the block boundary at all times as per the *Environment Protection Regulation 2005*. Please consider the type and location of noise generating equipment prior to installation. Written assurance should be sought from the supplier/installer of the equipment that it complies with the Noise Zone Standard as per the *Environment Protection Regulation, 2005*.
- All rain water that enters the site and pools in excavations during a rain storm event would be considered as a sediment control pond, and must meet the following conditions:
  - No discharge from dam, all stormwater must be pumped out and disposed in at an approved location.
  - No discharge from pond unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.

For further information please contact the Environment Protection Authority Planning Liaison on 02 6207 5642.

Also see advice from other entities under PART 3 ENTITY ADVICE. 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 Curtin Precinct Map and Code, Commercial Zones Development Code and Multi Unit Housing Development Code.

The key issues identified in the assessment are protection of the amenity of the central courtyard within the Curtin Group Centre, building heights, amenity of the future residents, visual amenity, noise mitigation, pedestrian access, environment protection, tree protection, site servicing and other entity issues.

### **Revised plans**

Following the close of public notification, receiving of entity comments, and completion of an assessment, the planning and land authority requested further information from the applicant to address the issues identified in the assessment.

In response to the above matters, the applicant lodged amended plans and documentation. The key matters addressed are as below.

- Alignment of the upper levels of the development with the glazed façade of the adjacent (Coles) building, having regard to the Curtin Group Centre Master Plan.
- Shadow analysis
- Reduction in the number of units from 36 to 35.
- Details of units, winter gardens & public toilets.
- Clarification on materiality and additional perspectives.
- Provision of communal open space at Level 1.
- Rooftop mechanical plant setback from the façades below.
- Justification for substation location.
- Clarification of building encroachments over unleased land.
- Updated Parking survey undertaken in October 2018.
- Provision of surplus 13 car spaces in the basement for commercial staff parking.

The proposed development reinforces urban consolidation and mixed use in Group Centres. The site is close to other retail, community and recreational facilities. The proposed mixed use development contributes to a diverse, lively and attractive character of the area. The development will generate activity in the adjacent public realm due to active uses on the ground floor with direct pedestrian access from the adjoining public walkways. It also introduces residential use at the upper levels with balconies, increasing passive surveillance and activity in the public realm particularly after business hours. Pedestrian links around the site are maintained and enhanced.

The building is articulated both in the vertical and horizontal plane by introduction of balconies, vertical fins and variation in external materials. All service functions are at the rear of the block with no adverse visual impact on the central courtyard. Mechanical plant is located either in the basement or at roof level setback from the façade below and screened, and will not be readily visible from the central courtyard.

Subject to the condition imposed in relation to the 5 storey component of the building to be set back further to align with the adjacent (Coles) façade, the proposed building height will maintain reasonable solar access to the central courtyard and maintain its existing character. Refer to the further discussion under "Public Notification" at PART 3 below.

All residential parking is to be contained within the site. The applicant provided a Parking survey dated October 2018 which indicated there is spare capacity within the adjoining public carpark to absorb potential additional demand generated by the proposed commercial uses. Refer further discussion under Public Notification at PART 3 below.

A new publicly accessible replacement toilet facility with 2 accessible unisex toilets is to be provided with easy access from the adjoining walkway. Existing trees in the adjoining carpark are to be retained and protected during construction. Adjoining public walkways are to be upgraded with awnings above and permeability through the Centre is to be maintained.

Conditions have been imposed to address key issues and ensure that the proposal is consistent with the Territory Plan and the *Planning and Development Act 2007*.

Subject to the conditions imposed, and having regard to the recently finalised Curtin Group Centre Master Plan, the proposed development is considered to be consistent with the CZ1 – Core Zone objectives, current Curtin Precinct Map and Code, Commercial Zones Development Code and the Multi Unit Housing Development Code. Therefore, the proposal did not warrant a refusal.

#### **EVIDENCE**

**Application No.** 201630437

**The Territory Plan zone** – CZ1 Core Zone

**The Development Codes** – Commercial Zones Development Code & Multi Unit Housing Development Code

**The Precinct Codes** – Curtin Precinct Map and Code

**General Codes** - Parking and Vehicular Access General Code, Bicycle Parking General Code, Access & Mobility General Code and Crime Prevention Through Environmental Design General Code

**Current Crown Lease** – Volume 1550 Folio 78

**Representations**

**Entity advice**

**Other**