

PART 3 PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 31 July 2018 to 17 August 2018. On 13 August 2018, the public 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 were as follows. Comments are provided as appropriate.

(a) Curtin shops is not a Group Centre but are suburban shops

The Territory Plan map, the Curtin Precinct Map & Code and the Commercial Zones Development Code clearly identify Curtin Shops as a Group Centre.

(b) Current DA for the subject site and the Statesman Hotel DA –they should not each be considered in isolation.

There is no current DA for the redevelopment of the Statesman Hotel. As such, it is not considered reasonable to not determine the current DA for the subject site. When the Statesman Hotel DA is received, it will be assessed on its merits in the context of the relevant Territory Plan requirements at that time.

(c) The proposed public toilet facility is not like for like, with the new facility being smaller than existing. Will the ACT Government retain ownership of the toilet facilities?

The applicant has advised that the current public toilet occupies a 97 sqm block but this includes the circulation space outside the building and a storage space. The actual current toilets occupy less than 10 sqm. There are currently three toilets, one of which is intended to be accessible.

The proposal provides for two fully compliant accessible public toilets which is considered appropriate. It is intended that the lessee of Block 7 Section 62 Curtin will own the replacement toilet facility, but will be required to maintain it and make it available to the public at all times.

Block 26, Section 62 Curtin, the location of the existing toilets, is subject to a direct sale application by the lessee of Block 7.

(d) There is no final Curtin Group Centre Master Plan so it seems a little premature to consider this revised DA. Inconsistencies with the Draft Curtin Group Centre Master Plan and Concept Curtin Precinct Map & Code.

The Concept Curtin Precinct Map & Code does not have statutory effect yet. However, subject to the conditions imposed, the development proposal would be consistent with the recently finalised Curtin Group Centre Master Plan (Master Plan) and is considered to meet all relevant requirements of the current Territory Plan.

(e) The developer has not undertaken the required visual impact assessment.

The visual impact assessment is a proposed requirement identified in the Concept Precinct Code. It is not required under the current provisions of the Territory Plan. However, as part of the amended proposal, the applicant submitted updated elevations to more clearly depict materiality, a composite elevation, perspective views and an artist's rendition.

(f) Location of substation will constrain any future development

The Master Plan no longer identifies the location of the proposed substation as a future development site. The applicant has advised that the 500kVA substation is intended to serve only the proposed development, but with the reduction in scale of the development, and the capacity to readily upgrade to 1000kVA, the substation can serve additional adjoining developments. The proposed location avoids sewer infrastructure that lies adjacent to Strangways Street. The location could be adjusted as part of detailed design and is subject to approval from TCCS who administer the adjacent public carpark and the street verges.

(g) Impact on existing trees in the adjoining public car park.

TCCS administers the adjoining public carpark and has supported this proposal. All off-site works in the adjoining public carpark is subject to further approval from TCCS at the detailed design stage. Conditions have been imposed for tree protection fencing to be erected prior to the commencement of works on site including demolition.

(h) The application is inconsistent with the crown lease. Residential use and non-retail commercial uses are not permitted. A variation to this lease condition was granted in October 2011 which included residential as a permitted use (Notice of Decision for DA 20110077 of 21 October 2011), but since more than two years has passed since that time that variation has lapsed as foreshadowed in that Notice of Decision. It may also be the case that the applicant failed to comply with conditions forming part of the Notice of Decision within the specified time(s).

The subject block is located in a CZ1 Core Zone. Non-retail commercial and residential uses are listed as permissible uses under the CZ1 Core Zone Development Table and therefore these uses are consistent with the Territory Plan.

DA 20110077 included a variation to the Crown lease for Block 7 Section 62 Curtin, to add "non-retail commercial use" and "residential use" to the purpose clause. This DA has been finalised (including compliance with relevant conditions in the decision) and the variation has been registered at the Titles Office on 28 July 2014. Therefore, the proposed development is consistent with the relevant Crown lease.

(i) Justification for 25% less retail space. This reduction will decrease the commercial viability of existing businesses.

Until recently, the building contained 1330sqm of lettable commercial space, some of which was not at street level. The proposal is for 1000sqm of commercial space with more active frontages than that currently exists. The combination of higher quality spaces and introducing residential uses to the Centre is likely to increase the viability of existing businesses.

(j) A residential development is not appropriate at this location meant for shops. Having residential flats so close to the existing shops will also restrict any possible future expansion of restaurants/bars, etc. in the area due to noise considerations.

As noted above "residential use" is permitted on this block under the Territory Plan and the Crown lease for the subject block. The development provides for mixed use with commercial uses on the ground floor and residential uses at the upper levels.

Currently, there is very little, if any, after-hours activity within the Centre. Mixed use developments provide active ground floor uses that promote activity during the day and provide valuable surveillance of the Centre after hours. After-hours activity and overlooking generated by the residential use on site will contribute to prevention of undesirable activities such as vandalism. Residential use on the subject site will also contribute to the viability of the Centre by increasing patronage of businesses in the Centre.

Any future uses such as restaurants are required to comply with relevant noise zone standards of the *ACT Environment Protection Regulation 2005*. As identified in the Noise Management Plan provided with the original DA, the dwellings must be constructed in accordance with the *AS/NZS 2107:2000 – Acoustics – Recommended design sound levels and reverberation times for building interiors (the relevant satisfactory recommended interior design sound level)*.

A condition has been imposed requiring a revised NMP to be submitted and any recommendations to be implemented on site. The EPA who administers the *Environment Protection Regulation 2005* has supported the DA.

(k) Justification for the proposed mix of residential units.

The applicant has provided the following justification:

“As demonstrated by the Census (Quick Stats 2016), the mix of dwellings in Curtin is heavily biased towards large single dwellings (84% separate houses compared to 67% for ACT Average). There is a significant lack of 1 & 2 bedroom dwellings (4 & 11% respectively compared to 7 & 15% Canberra Average). As at 2016, there were 276 dwellings with 1 or 2 bedrooms. At the same time, there were 453 single person households. This project will provide housing choice for the residents of Curtin”.

(l) The proposal for the developer to retain ownership of all the residential units in the development will negatively impact on the amenity of the area.

The future tenure of the proposed residential units is not a matter for consideration under the Territory Plan.

(m) Inappropriate building height and plot ratio not compatible with desired character. Any replacement for the existing building should preserve existing levels of solar access, the human scale and urban-village atmosphere of Curtin shops and comply with a planned future for the Curtin Group Centre. The 5 storey component of the proposed building does not align with the Coles façade.

Rules R45 and R46 of the Commercial Zones Development Code restricts the building height and plot ratio on the subject site to 2 storeys and 100% respectively. The proposal does not meet these rules. However, it meets the relevant criteria, i.e. C45 and C46, which state –

Building comply with all of the following:

- a) are compatible with the desired character*
- b) are appropriate to the scale and function of the use*
- c) minimise detrimental impacts, including overshadowing and excessive scale.*

Desired character is defined under the Territory Plan as “*the form of development in terms of siting, building bulk and scale, and the nature of the resulting streetscape that is consistent with the relevant zone objectives, and any statement of desired character in a relevant precinct code*”.

The current Curtin Precinct Map and Code does not contain any statement of desired character. However, the assessment of this proposal had regard to the recently finalised Curtin Group Centre Master Plan (Master Plan) which clearly defines the desired character. The Master Plan includes key recommendations to protect the amenity of the central courtyard in particular solar access on winter solstice while balancing new opportunities for redevelopment that maintains the Centre’s village character. It envisages greater building heights than currently existing in and around the Centre with a maximum of 6 storeys. Building heights are restricted to one storey around the central courtyard to maintain the character and to ensure adequate solar access in winter.

For the development on the subject site, the Master Plan recommends a maximum building height of 5m to the single storey component adjoining the central courtyard (main square) and a maximum of 18m to the rest of the eastern façade (adjacent the Coles walkway). These height restrictions are in reference to the central courtyard.

The proposed development is consistent with these building height recommendations. However, the proposed 5 storey component of the building extends to the edge of the awning to the adjacent (Coles) building which is inconsistent with the Master Plan. A condition has been imposed requiring the proposed building to align with the façade (wall) of the Coles building rather than its awning.

Subject to the condition imposed, the proposal will be consistent with the desired character defined in the Master Plan and meets Criteria C45 and C46.

(n) Privacy impacts on proposed dwellings.

As the ground floor is relatively high (at 5m) and has an awning, and each subsequent floor has an extended soffit, people close to the building will not be afforded a view into the units. However, to ensure household items are screened from public view a condition has been imposed requiring obscure or solid balustrades to all balconies at the Levels 1, 2 and 3

(o) There is no mention of whether they will have recycling facilities for the residents.

The Waste Management Plan provided with the DA indicates recycling facilities will be provided.

(p) Noise impacts on residents from mechanical equipment on site and on Coles building

Noise related issues are governed by the *Environment Protection Regulation 2005* which is administered by the Environment Protection Authority (EPA). EPA has supported the proposal. Refer EPA advice in relation to this matter at ADVISORY NOTES, PART 1 above.

Mechanical equipment including air conditioning units is proposed to be located on the rooftop of the building setback from the facades below. The Noise Management Plan (NMP) submitted with the DA included assessment of noise from on-site and off-site mechanical equipment. A condition has also been included requiring all recommendations in the NMP to be implemented on site. Refer condition at PART 1 above.

The Coles building will also need to comply with relevant noise standards under the *Environment Protection Regulation 2005*.

(q) No communal open space for residents and impact of large roof space on amenity of residents of the proposed building

Communal open space has been provided on the ground floor roof which reduces the expanse of metal roof at this level. Additional COS is also required on the roof.

(r) Traffic impacts on adjoining public roads and within the adjoining public carpark. All site servicing arrangements impinge on scarce public space.

The traffic study submitted with the development application concluded that the traffic generated by the proposed development is not expected to have a significant impact on the existing operation of Carruthers Street, Strangways Street and Theodore Street. This study was referred to TCCS who administer traffic matters. TCCS has supported the development application and not raised any concerns in relation to traffic or safety.

TCCS who administers the adjoining public carpark have supported the site servicing arrangements with further details to be finalised to the detailed design phase.

(s) *Relocation of existing accessible parking adjacent the medical facility is not appropriate. Proposal results in pedestrian and vehicle conflict along the Western boundary for people with disabilities who need direct access to the medical facility.*

Conditions have been imposed requiring the accessible space to be relocated closer to the medical facility in consultation with TCCS who administer the public carpark and for pedestrian priority across the driveways. Details will be established at the Design Review stage, in consultation with TCCS.

(t) *The proposal to move the delivery and waste collection areas increases risk to pedestrians, particularly to the very young and older visitors to the shops.*

TCCS who administers approvals of driveway locations and configuration, and waste collection have supported the DA with conditions. Conditions have been imposed for all such off-site works to comply with TCCS requirements.

A condition has been imposed to provide pedestrian priority across the driveways.

(u) *Inadequate on site parking and 2016 parking survey is outdated, proposal does not provide any parking for delivery of goods to the retail area.*

The Parking and Vehicular Access General Code (PVA Code) states -

"...the performance approach adopted in these codes provides the flexibility to enable a proposal to be supported where the proponent can demonstrate to the satisfaction of the Territory that the objectives can be met either by provision of a lesser on-site rate 'or' by utilising spare capacity in publicly available on-street or off-site parking".

The PVA Code permits the following car parking provision in Group Centres.

- *Long stay parking to be on-site or within 400m*
- *Short stay parking to be on site or within 200m*
- *Operational parking to be on-site or within 100m*
- *Visitor parking to be on site or within 200m*

The car parking requirement for the proposed development is as follows.

60 spaces for 1000sqm of commercial use
48 spaces for residents for 35 residential units
9 residential visitor spaces.

The proposed development requires a total provision of 117 car parking spaces. In the revised proposal, a total of 61 car spaces have been provided within the basement including 4 accessible spaces for people with disabilities. 48 spaces are nominated for residents (including 4 accessible spaces) and 13 for commercial staff parking.

Therefore, it is proposed that the residual parking demand of 56 spaces (9 residential use visitor spaces and 47 commercial use spaces) is met by utilising existing capacity within the adjacent public car parks.

It is noted that the use of offsite parking to support the commercial uses on this site is a long-established arrangement within the Curtin Group Centre. Past commercial uses on the site generated a demand of 79 spaces. In effect, the proposed commercial use on site generates less demand than the past commercial uses and the proposed building will be perpetuating an existing situation rather than generating a shortfall of parking spaces.

However, since the Traffic and Parking Assessment Report relied on a 2016 parking survey, the applicant was asked to undertake a parking survey. Consequently, a revised report including the findings of a recent parking survey undertaken in October 2018 was submitted for consideration. This report indicated that there is spare capacity within the existing public carparks in the Centre to absorb the parking generated by the commercial uses.

Since residential use is new on site, it was required that all of the 9 residential visitor parking be provided in the basement and the surplus 4 spaces in the basement be allocated for commercial staff parking. (This approach was considered by the EPSDD Transport Planning Unit to be satisfactory).

A condition has also been imposed to provide 7 bicycle spaces in accordance with the Bicycle Parking General Code. It also noted that there is ready access to public transport with bus stops close to the subject block. The site is also very well connected by pedestrian and cycle paths.

It is noted that there is a loading zone along the southern side of the subject block within the adjoining public carpark and no changes are proposed to this.

In light of the above, it is considered that the proposed parking within the development complies with the PVA Code and is considered acceptable.

(v) The proposal for underground car parking is unnecessary.

The Territory Plan requires all parking for residents of the residential units to be on site. The Territory Plan also requires active uses on the ground floor. As such the basement is warranted.

(w) An updated Wind Study is missing, as is an updated Noise Management Plan.

Relevant conditions have been imposed to address this issue. Refer conditions at PART 1 above.

(x) Impact of construction including access to public toilets; safe pedestrian access; location of construction workers parking, equipment, materials & site sheds; noise, dust, etc.;

A condition of approval requires temporary public toilets including an accessible toilet to be made available prior to commencement of works. Refer condition at PART 1 above.

TCCS who manage the adjoining public car park has supported the DA subject to conditions. A condition has been imposed for a Temporary Traffic Management Plan (TTM Plan) to be approved by TCCS prior to commencement of any work on the site.

The plan is to address 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, location of construction equipment & machinery, the provision of parking for construction workers, and associated traffic control devices. At all times during construction, the site and surrounds is to be managed in accordance with this TTM Plan. Refer condition at PART 1 above.

Noise and other pollution during construction are regulated by the *Environment Protection Act 1997* which the developer needs to comply with. The applicant has advised that all construction activities will meet the relevant requirements of this Act including noise, dust and other controls.

It is acknowledged that it is likely there will be some impact during construction. However, the replacement of the existing vacant building with a mixed use development will improve the amenity of the Centre in the long term and outweighs any short term inconvenience.

(y) *Protection from damaging airborne particles of valuable historical records held by the CDHS, some of which are listed on the ACT Heritage Register.*

Advice was sought from the ACT Heritage Unit in relation to this matter. ACT Heritage considered that dust from proposed construction works is unlikely to have a detrimental effect on the heritage significance of the 'Jefferis and Whelen volumes'. Refer details under ACT Heritage under ENTITY ADVICE below.

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.

ACT HERITAGE

Following advice was received from this entity in relation to the proposal.

The 'Jefferis and Whelen Historical Documentation of Canberra' is registered on the ACT Heritage Register as an object, which is currently housed at the Canberra District and Historical Society in Curtin.

While accumulation of dust can trigger chemical degradation of paper, there are also a range of simple measures to manage this risk, such as the regular dusting of books and shelves and, the use of archival boxes. Archival storage facilities also often adopt other measures for their collections, such as the use of HEPA filter vacuums and the installation of air filter systems that remove large dust and pollution particles.

Further, where construction work in the ACT will generate dust, the Environment Protection Authority (EPA) requires that reasonable and practicable measures be adopted to minimise dust to ensure air quality is not affected.

In this context, ACT Heritage considers that dust from proposed construction works is unlikely to have a detrimental effect on the heritage significance of the Jefferis and Whelen volumes, on the basis that reasonable dust control measures would be identified through the DA process and that simple controls for dust are available.

Further, it should be noted that the Jefferis and Whelen volumes are registered as an 'object', and that there is no *Heritage Act 2004* constraint to their movement to another building during the construction process, if this is considered warranted.

Comment – The advice is noted.

TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

Advice was received from this entity in relation to the proposal. The advice states that the application is not supported and further information is required.

The proposed offsite waste collection, for this DA, cannot be endorsed at this point in time due to the following issues.

- Waste/recycling hoppers cannot be collected from a public road or car park.
- As commented before, a new block needs to be created to provide a 'right of way' for service vehicles to access this site as well as future contiguous block created as part of the Curtin Master Plan. The proposed block could not become a gazetted road.

- The proposed collection area and heavy vehicle circulation route is very close to the existing public car park. A risk assessment/safety audit will be required before this option can be fully considered by TCCS.
- No information has been provided regarding the potential impacts to the existing trees adjacent to the proposed collection area.

Comment - The applicant was asked to address these issues.

Subsequently after discussions with the developer, TCCS advised the following.

TCCS support the reconsideration DA with the conditions provided below being resolved during the detailed design phase.

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.

Conditions should be imposed regarding off-site works as appearing at PART 1 above.

Comment - Refer to conditions at PART 1 above.

Evoenergy Electricity

Evoenergy Electricity has supported the development proposal subject to conditions.

Comment - Refer to condition at PART 1 above in relation to entity advice.

Icon Water

Advice dated 10 August 2018 was received from this entity in relation to the proposal that the application fails to comply with ICON requirements for the following reasons.

- Please resubmit with basement plans
- Please resubmit with cross-sections
- Applicant to provide the following before a Building Approval can be issued.

Basement wall/footing structural details including shoring, excavation method and soil nails/rock anchors to demonstrate how Icon Water assets are protected during excavation, construction and future servicing. Access to sewer tie. Any departure from current rules to be negotiated with Icon Water before any works on site commences.

Comment - The applicant was asked to address these issues. The applicant advised that a shoring drawing will be prepared and submitted for approval prior to construction. A condition has been imposed that no work shall commence on site until ICON Water endorsement is obtained and that all relevant requirements have to be met. Refer to condition above at PART 1.

Evoenergy Gas

Evoenergy Gas has supported the development proposal subject to conditions.

Comment - Refer to condition at PART 1 above in relation to entity advice.

Environment Protection Authority (EPA)

EPA has supported the proposal subject to the conditions and advice.

Comment - Refer to conditions and advice at PART 1 above and the entity advice section.

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 also be adjusted if the approval is reconsidered by the planning and land authority or if an application is made to the ACT Civil and Administrative Tribunal.

Pursuant to section 184 of the 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.

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.

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 1

CONTACT DETAILS OF RELEVANT AGENCIES

<p>Health Directorate - health protection</p>	<p>Website: www.health.act.gov.au Telephone: (02) 6205 1700</p>
<p>Environment, Planning & Sustainable Development Directorate</p> <p><i>Planning and land authority</i></p> <ul style="list-style-type: none"> - list of certifiers for building approval - demolition information - asbestos information <p><i>Environment Protection Authority</i></p> <ul style="list-style-type: none"> - environment protection - water resources - asbestos information <p><i>Conservation, Planning and Research</i></p> <ul style="list-style-type: none"> - threatened species/wildlife management 	<p>Website: www.actpla.act.gov.au Telephone: (02) 6207 1923</p> <p>Website: www.environment.act.gov.au Telephone: (02) 6207 6251</p> <p>Website: www.environment.act.gov.au Telephone: (02) 6207 1911</p>
<p>Transport Canberra & City Services Directorate</p> <ul style="list-style-type: none"> - tree damaging activity approval - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets 	<p>Website: www.tccs.act.gov.au Telephone: 132 281 Telephone for asset acceptance: (02) 6207 7480</p>
<p>Utilities</p> <ul style="list-style-type: none"> - Telstra (networks) - TransACT (networks) - Icon Water - Electricity reticulation 	<p>Telephone: (02) 8576 9799 Telephone: (02) 6229 8000 Telephone: (02) 6248 3111 Telephone: (02) 6293 5738</p>

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 Transport Canberra and City Services.

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 Transport Canberra and City Services.

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 Senior Manager, Development Review and Coordination, TCCS 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 TCCS

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

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 TCCS.

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 TCCS 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. Icon Water's 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 Icon Water'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 Icon Water's 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.