



NOTICE OF DECISION

Made under part 7 of the *Planning and Development Act 2007*

I, Chris Gell, delegate of the planning and land authority, pursuant to section 162 of the *Planning and Development Act 2007*, **approve subject to conditions**, the proposal for a two storey building, approximately 117 car parking spaces, ground level commercial space, upper level cinema space and associated off site works at Block 1 Section 12 GUNGAHLIN, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number: 201936502
Block: 1
Section: 12
Suburb: Gungahlin
Application lodged: 29 November 2019
Assessment track: Merit

This decision contains the following information:

Part A – conditions of approval
Part B– reasons for the Decision
Part C – public notification & entity advice
Attachment 1 – administrative information
Attachment 2 – TCCS Standard Conditions

A copy of the development application and this approval may be inspected at the planning and land authority's office from 8.30 am to 4.30 pm, Monday to Friday at 16 Challis Street, Dickson, ACT 2602

CONTACT / ENQUIRIES

Phone: (02) 6207 6383

Online Form:

https://www.accesscanberra.act.gov.au/app/forms/epd_feedback

Chris Gell

Delegate of the planning
and land authority

7 April 2020

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PART A – CONDITIONS OF APPROVAL

The application is approved in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval. No other conditions apply to this approval.

1. ICON WATER – BUILDING WORKS NOT TO COMMENCE

- a) No building works in relation to this development approval is to commence until the lessee/applicant has obtained a Statement of Acceptance from Icon Water in relation to water and sewer networks.
- b) The lessee/applicant must comply with any conditions imposed on a Statement of Acceptance by Icon Water.

Note: any substantial changes to the development required for the Icon Water Statement of Acceptance 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.

2. TRANSPORT CANBERRA AND CITY SERVICES (TCCS) – BUILDING WORKS NOT TO COMMENCE

- (a) No building works in relation to this development approval is to commence until the lessee/applicant has obtained written approval from Transport Canberra and City Services and submits such approval to the planning and land authority as satisfying this condition of approval under s165 of the Planning and Development Act 2007.
- (b) The lessee/applicant must comply with any additional conditions imposed by Transport Canberra and City Services.

Standard TCCS conditions (attached to this Notice of Decision) also apply. Please refer to TCCS for further information.

Note: Refer to TCCS advice received as recorded in Part C of this decision. Endorsed plans may not be released prior to compliance with this condition - to the discretion of the planning and land authority. Any substantial changes to the development required for TCCS approval will need to be submitted for the consideration of the planning and land authority with an application to amend the approval under s197 of the Planning and Development Act 2007.

3. COMPLIANCE WITH ENTITY REQUIREMENTS

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

4. ENVIRONMENT PROTECTION AUTHORITY (EPA)

The development shall comply with the following conditions to the satisfaction of the EPA:

CONDITIONS:

- (a) A site specific unexpected finds protocol (UFP) must be prepared by a suitably qualified environmental consultant and implemented during site development

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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.

Note: Where remediation and validation is required at the site under the UFP the site validation report must be forwarded to the EPA for review and endorsement prior to occupancy of the site;

- (b) All soil subject to disposal from the site must be assessed in accordance with EPA Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT;
- (c) No soil is to be disposed from site without EPA approval.
- (d) All works must be carried out in accordance with “*Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011*”, available at www.environment.act.gov.au or by calling 132281.
- (e) 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 developing the site must hold an Environmental Authorisation or enter into an Environmental Protection Agreement with the Environment Protection Authority (EPA) in respect of that activity prior to works commencing.
- (f) An Erosion and Sediment Control Plan must be submitted to and be endorsed by the EPA prior to works commencing on site.

ADVICE:

Noise from equipment which may be installed or used at the site, including air conditioning units and other plant equipment 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*.

For sites greater than 1 hectare, sediment control ponds must be incorporated during the construction phase of the development until 85% of the site is stabilised.

Pond construction should be in accordance with the following guidelines:

- (i) Be of adequate size to control all runoff from the site (i.e. 150 cubic metres per hectare of catchment).
- (ii) No discharge from dam 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.
- (iii) Water level must not exceed 20% capacity at all times to allow runoff storage during a rain event.

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- (iv) Regular dredging of the dam must be carried out to remove silt.
- (v) Site drawing and details must be provided to Environment Protection Unit, Environment ACT for approval prior to works commencing.
- (vi) Temporary Erosion & Sediment control ponds must be incorporated into each stage of development. The size of the ponds must be minimum of 150 m³/hectare and the temporary ponds shall not be removed until 85 % of the developments are complete or all the disturbed areas are stabilised. The lessee shall comply with the Environment Protection Act 1997 (the Act) and all relevant policies and guidelines.

All excavations that collect rain water during a rain storm event would be considered as a sediment control pond, and must meet the following condition:

- No discharge from pond unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the pond 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 Robin Brown, the Environment Protection Authority Planning Liaison, at EPAPanningLiaison@act.gov.au or on 02 6207 5642.

5. VENTILATION

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

6. LIGHTING

All external lighting to building frontages and to all pathways, road, laneways and car parking areas must be in accordance with Australian Standard AS1158.3.1 Pedestrian Lighting and all external lighting must be in accordance with Australian Standard *AS4282 – Control of the obstructive effects of outdoor lighting*.

7. NOISE

The development implements and comply with the recommendation by WSP, noise management plan, ref PS112450-NMP-Rev1, dated April 2019.

8. NOISE ATTENUATION

The development must be constructed to comply with relevant Australian standard, AS/NZS: 210.2000 and AS/NZS 3671.

CONDITIONS FOR LICENCING OF ENCROACHMENTS (2-Party)

9. 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 encroachment, being an awning along the frontage to Hinder Street, 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.

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

Prior to the commencement of building work, the lessee (the proposed Licensee) must lodge with the Environment, Planning & 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 the proposed encroachment 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*.

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/s is/are](#) 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 the:

Licensing Officer
Leasing Services
Planning Delivery Division
Environment, Planning & Sustainable Development Directorate
GPO Box 158
CANBERRA ACT 2601
Ph: (02) 6207 1923

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

11. 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 9 and 10 and meets the insurance requirements in accordance with Condition 10.

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PART B – REASONS FOR THE DECISION

The application was approved because it was found to meet the relevant rules and criteria of the Territory Plan and section 120 of the *Planning and Development Act 2007*.

In deciding to approve the application with conditions, a key consideration was the shortfall in car parking spaces provided when compared to the requirements of the Parking and Vehicular Access Code (PVAC). This issue was also raised through representations and entity advice. The application proposes 117 spaces for the cinema while the PVAC requires 416 spaces. The Planning and Land Authority decided to depart from PVAC requirements due to justification provided by the applicant, which included:

- The PVAC is inequitable in that it requires 1 space per 4 seats for cinemas in town centres and 1 space per 12 seats in the city centre (equal to 136 spaces).
- The proposal is adjacent to a light rail stop and existing car parking spaces. The peak usage of the cinema will be after hours and at the weekend, when demand for parking from surrounding commercial uses will be reduced.
- The Gungahlin community has been anticipating a cinema on this site for a considerable time. The applicant has made it clear the development may not be viable if additional parking is required.

A further issue raised by representors was the architectural quality of the building. The assessment considered the functional requirements of a cinema, the façade treatments and that the building will form one four buildings on Section 12 in approving the development.

The following evidence formed part of the assessment of this application:

Development Application:	201936502
Territory Plan Zones:	CZ1 Core Zone
Development Codes:	Commercial Zones Development Code
Precinct Code:	Gungahlin Precinct Map and Code
Crown Lease:	Volume 2204 and Folio 7
Legislative requirements:	Sections 119 and 120 of the <i>Planning and Development Act 2007</i>
Entity advice:	As listed in Part C – Public Notification and Entity Advice.

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PART C – PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 5 December 2019 to 27 December 2019. Five written representations were received during public notification period.

The issues raised in the representations were considered in the assessment and making of the decision for this development application.

ENTITY ADVICE and REQUIREMENTS

Pursuant to Division 7.3.3 of the *Planning and Development Act*, the application was referred to the below entities. Where an entity requested conditions to be imposed on this development, those conditions have been incorporated into Part A of this Decision. A summary of entity comments can be found below.

1. Transport Canberra and City Services (TCCS)

TCCS provided advice stating that the proposal is supported subject to conditions.

Recommended conditions have been imposed in this Notice of Decision - refer to Part A.

Further details of the conditions are as follows:

The conditions must be addressed during the detail design review

- 1) Provide SIDRA analyses for the identified intersections, as shown in the attached figure. The analysis must include anticipated trip generation and access arrangements for Stage 3 with available information at this stage.

REASON:

From the study, the traffic impact from the development on surrounding road network and intersections is unclear and didn't provide clear picture to the TCCS. So, to understand road network & intersection operation from safety and level of service, and to identify any upgrade requirements, it is recommended to undertake SIDRA analyses for the identified intersections, as shown in the attached figure.

- 2) Provide justification for trip generation similar to determining the parking space requirements comparing an existing cinema development (Warriewood, NSW).

REASON:

It's quite surprising to anticipate that each 'Screen' theatre will likely to generate only 13-14 trips out of 205 (approx.) seats, during the peak hour.

- 3) With the development, the traffic on the surrounding road network is expected to increase by 20-30%, (by 144 vehicles in peak). Even if this future (development) traffic is aligned to the growth rate of Gungahlin and is predicted in a planning stage 10 years ago (Gungahlin Town Centre Transportation Study, 2009), it is vital to reassess to match current conditions.

Assess the traffic impact purely from an operation point of view for reasons such as:

- 4) Modelled road network and demographics might differ from what is now in place.

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- 5) With the additional development traffic, verify whether the surrounding road network and intersections can provide adequate capacity, safety and operate within the acceptable level of service (LOS C or better). If not, identify the alternative/ upgrade treatments.
- 6) Complete the items A2.1.2(j) and A2.10 in Table 9.

The report summarises the Deed Compliance against relevant clauses. The study claims that the study has addressed all these clauses. However, with the additional traffic the study should undertake,

- 7) Intersection analyses for appropriate sites to ensure safety and adequate LOS are available. If not, please recommend alternative treatments.
- 8) Access road capacity.
- 9) Rectify the design to fully contain the service truck swept path and 600 mm clearance within the circular roadway, as per the AS 2890.22018 section 3.2.2.
- 10) If there is a control point (such as boom gate), the proponent must demonstrate that adequate queuing area is provided at the control points of the car park entry in accordance with section 3.4 of the Australian Standard 2890.1 and TCCS Engineering Advisory Note (EAN) 06: Queuing at Carpark Entrances. This is to ensure that no queuing on the public road will occur and traffic operation on the public road will not be impacted.
- 11) Traffic control devices plan (TCD) not provided with the DA application. However, the proposed changes to the Traffic Control Devices (TCD) must comply with the applicable standards. This will be checked in detail during the Design Acceptance stage.
- 12) A license must be obtained for the encroachment over territory land due to proposed awning.
- 13) The new 10 trees must be planted on the verge in accordance with Landscape Plan, Project No. J19-006555, Drawing No. L501.1, Revision A, Date 11.11.2019.
- 14) The new trees must be species *Pyrus calleryana* 'capital' in line with the designated street trees for Hinder Street, Gungahlin.
- 15) The new trees must be advanced tree stock that meets the criteria of Australian Standards 2303:2015 Tree Stock for Landscape Use.
- 16) All trees planting are to be carried out by a landscape contractor with horticultural expertise. A 12 month consolidation period is required prior to a formal handover to TCCS.
- 17) The trees to be removed on unleased land must be signposted at least 14 days prior to removal in line with Urban Treescapes public notification procedures.
- 18) A detail stormwater plan must be submitted at the design acceptance stage.
- 19) The elevation drawing must be provided showing that the minimum of 6.8m height clearance at the waste collection location.

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2. Evoenergy

Evoenergy (Electricity) provided advice stating that the proposal is supported. Refer to Part A for conditions regarding complying with entity advice. A copy of the Evoenergy advice is attached to this Notice of Decision.

3. Jemena

Jemena (Gas) provided advice stating that the proposal is supported. Refer to Part A for conditions regarding complying with entity advice. A copy of the Jemena advice is attached to this Notice of Decision.

4. Icon Water

Icon Water provided advice stating that the proposal is not supported, however a condition has been imposed in Part A of this decision that the approval does not take effect until written endorsement is provided by Icon Water.

5. Environmental Protection Authority (EPA)

The EPA provided advice stating that the proposal is supported subject to conditions. Recommended conditions and recommended advice have been imposed in this Notice of Decision - refer to Part A.

6. ACT Emergency Services Agency (ESA)

The ESA advised the proposed development is supported with standard conditions. A copy of the ESA advice is attached to this Notice of Decision.

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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-għajnuna 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	Ako vam je potrebna pomoć prevodioca telefonirajte:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
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ATTACHMENT 1

ADMINISTRATIVE INFORMATION RELATING TO NOTICE OF DECISION

DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise this approval takes effect the day after the date of this decision. 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 *Planning and Development Act 2007* (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 pursuant to section 189 of the Act.

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.

Submission of revised drawings or documentation

If a condition of approval requires the applicant to lodge revised drawings and / or documentation with the planning and land authority for approval pursuant to section 165 of the Act, the submission must be made by completing an application in e-development.

Reconsideration of the Decision

If the applicant is not satisfied with the decision made by the planning and land authority, they are entitled to apply to the planning and land authority for reconsideration within 20 working days of being told of this decision pursuant to section 191 of the Act. A longer timeframe may apply only if granted in writing by the planning and land authority pursuant to section 184 of the Act.

Review by the ACT Civil and Administrative Tribunal (ACAT)

1. Decisions that are reviewable by the ACAT are identified in Schedule 1 of the Act, except for matters that are exempted under Schedule 3 of the *Planning and Development Regulations 2008* (matters exempt from third party review).
2. The notice of decision and this advice has been sent to all people who made a representation in relation to the application.
3. The ACAT is an independent body. It can review a large number of decisions made by ACT Government ministers, officials and statutory authorities on their merits. 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.

4. If you think you have a right of appeal, you may apply for a review. Application forms can be obtained from the ACAT. You can also download the form from the ACT Legislation Register.
5. 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.
6. 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*).
7. 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 Director General, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. Ask the ACAT for more details.
8. 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.
9. The following organisations may be able provide you with advice and assistance if you are eligible:
 - ACT Attorney-General, write to the Director General, Justice and Community Safety Directorate, GPO Box 158, CANBERRA, ACT, 2601
 - the ACT Legal Aid Office, telephone 1300 654 314
 - ACT Council of the Ageing, telephone 02 6154 9740
 - Welfare Rights Centre, telephone 1800 226 028
 - Environmental Defender's Office (ACT), telephone 02 6243 3460.
10. 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.
11. 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.
12. 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.

Other approvals

A notice of decision grants development approval only. Other approvals may be required, including:

1. Building Approval

Most building work requires building approval to ensure it complies with building laws such as the *Building Code of Australia*. The lessee should engage a private building certifier to determine whether building approval is required and assess and approve the building plans before construction commences. A list of certifiers can be obtained from the [Environment, Planning and Sustainable Development Directorate](#).

2. 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 Directorate.

3. 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 Directorate.

4. Works on unleased Territory Land

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 Development Review and Coordination, Transport Canberra and City Services Directorate by way of:

- (a) a certificate of design acceptance prior to the commencement of any work; and
- (b) 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.

Contact details for relevant agencies

ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601 GPO Box 370, CANBERRA, ACT, 2601	www.acat.act.gov.au tribunal@act.gov.au 02 6207 1740 02 6205 4855
Health Directorate	www.health.act.gov.au 02 6205 1700
Environment, Planning and Sustainable Development Directorate <i>Planning and land authority</i> <ul style="list-style-type: none">- list of certifiers for building approval- demolition information- asbestos information	www.planning.act.gov.au 02 6207 1923

Environment Protection Authority - environment protection - water resources - asbestos information Conservation, Planning and Research - threatened species/wildlife management	www.environment.act.gov.au 02 6207 6251 www.environment.act.gov.au 02 6207 1911
Transport Canberra and City Services - tree damaging activity approval - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets	www.tccs.gov.au 132 281 02 6207 0019 (place coordination)
Utilities - Telstra (networks) - TransACT (networks) - Icon Water - Electricity reticulation	02 8576 9799 02 6229 8000 02 6248 3111 02 6293 5738

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TCCS Standard Conditions

The following TCCS general conditions will apply as appropriate for the Works on and including the Use of the subject Territory Land as additional conditions to the Notice of Decision Conditions of Approval of which these general conditions are attached:

TCCS Standard Conditions:

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, Development Review and Coordination, TCCS by the ways of:

1. A Letter of Design Review 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.

Design Review and Operational Acceptance

A Letter of Design Review is required for all off-site works from the Senior Manager, Development Review and Coordination, TCCS, prior to the construction.

In order to obtain the Letter of Design Review, 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 Review Submissions", must be certified by a Chartered Engineer/Landscape Architect and submitted to the Senior Manager, Development Review and Coordination, TCCS.

A Certificate of Operational Acceptance on completion of the works is required from the Senior Manager, Development Review and Coordination, TCCS, prior to the issue of a Certificate of Occupancy.

Similarly a Chartered Engineer/Landscape Architect should certify compliance with TCCS Ref No 08: "Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance is made to the Senior Manager, Development Review and Coordination, TCCS 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, TCCS. 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, Development Review and Coordination, TCCS. 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, Development Review and Coordination, TCCS. This plan is to be implemented before the commencement of works, including demolition on

TCCS Standard Conditions

the site and is to be in accordance with TCCS 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 Territory Services, TCCS.

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.

Notice of Commencement of Construction

Notice of Commencement for the Works in Unleased Territory Land shall be submitted to the Senior Manager, Development Review and Coordination, TCCS 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.



ACT
Government

Environment, Planning and
Sustainable Development

APPLICATION FOR THE GRANT OF A LICENCE

(2 Party - Minor Encroachment Only)

PART 1 – LICENSEE and APPLICANT DETAILS

LICENSEE (*as is to appear on licence*)

NAME	
A.C.N. or A.B.N.	
POSTAL ADDRESS	
PHONE NUMBER	

APPLICANT (*if different from Licensee*)

NAME	
POSTAL ADDRESS	
PHONE NUMBER	

BRIEF DESCRIPTION OF ORGANISATIONS ACTIVITIES/SERVICES

PART 2 - THE PROPOSAL

PROPOSED USE OF LAND

PART 3 – BLOCK DETAILS

LAND ADJACENT TO:

BLOCK _____

SECTION _____

DIVISION/DISTRICT _____

STREET ADDRESS _____

DEVELOPMENT APPLICATION NUMBER (If applicable) **DA** - _____

PART 4 - THE DEVELOPMENT

TYPE OF ENCROACHMENT

(eg. Awning, signage, facade):

ENCROACHMENT LOCATION PLAN

Plan should show area of unleased land for proposed encroachment and include the following;

- All elevations and dimensions including area;
- Block boundaries and location of encroachment/s in relation to the building, adjacent Territory land and/or public roads.

INSURANCE DOCUMENTS:

From 1 October 2005, the level of public liability insurance required by a proposed licensee of unleased Territory land is now determined by a legislated process. Your insurance Policy must be approved by the ACT Insurance Agency (ACTIA).

Under this legislation in general terms, the licensee will be required to:

1. **Submit a Certificate of Currency of insurance to the department;**
** For a 2 party encroachment Licence, EPSDD will seek ACTIA's approval**
2. **Nominate each and all of the proposed activities on Territory land or premises;**
** EPSDD will incorporate those activities in a schedule to the licence (Activity Schedule)**
3. **If the Public Liability Activities rating is higher than 7, a risk management plan may be required: ** EPSDD will let you know about this after submission of the application****

AN APPLICATION FEE IS APPLICABLE

SIGNED:

DATE:

REQUIREMENTS & CHECKLIST

A plan showing encroachment/s and surrounding area as per application

☐ Yes

A copy of the Companies/Associations Certificate of Incorporation or Registered Trading Name including A.B.N./A.C.N.

☐ Yes

Lessee's Public Liability Insurance documentation (Certificate of Currency)

☐ Yes

Application fee paid

☐ Yes