



ACT CIVIL AND ADMINISTRATIVE TRIBUNAL

Our Ref: AT 115/2018

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Dear Sir/Madam

RE: Deakin Residents Association Inc v ACT Planning and Land Authority

Please find enclosed Orders made by the Tribunal on Tuesday 26 February 2019

If you have any queries please contact this office on (02) 6207 1740.

Yours faithfully



Deputy Registrar
4 March 2019

**IN THE AUSTRALIAN CAPITAL TERRITORY
CIVIL AND ADMINISTRATIVE TRIBUNAL**

AT 115/2018

**Deakin Residents Association Inc
Shapen (ACT) Pty Ltd ACN: 618 333 752**

**Applicant
Party Joined**

and

ACT Planning and Land Authority

Respondent

Tribunal: Presidential Member M-T Daniel

Date of Order: 26 February 2019

**CONSENT DECISION PURSUANT TO SECTION 55 OF THE ACT CIVIL AND
ADMINISTRATIVE TRIBUNAL 2008 (ACT)**

1. The Tribunal, being satisfied that:
 - (a) the parties have reached an agreement as to the terms of a decision of the Tribunal that is acceptable to them;
 - (b) the terms of the agreement have been reduced to writing, signed by or on behalf of the parties and lodged with the Tribunal; and
 - (c) the Tribunal is satisfied that a decision consistent with those terms would be within the powers of the Tribunal.

By consent, the Tribunal makes orders in the terms of the agreement as follows:

2. The directions hearing listed on 15 April 2019 and the hearing listed on 30 April 2019 to 3 May 2019 are each vacated.
3. The Applicant and the Party Joined will liaise with Transport Canberra and City Services (TCCS) to identify traffic solutions, including at least one raised zebra crossing to the south of Gawler Crescent on Hopetoun Circuit.
4. The decision under review with respect to Development Application Number 201833904 is confirmed, subject to the following variations:
 - (a) Amendments to the Notice of Decision, page 1, where dot point 2 is deleted and replaced with the following:



- (i) A lease variation to:
- Permit residential use limited to residential care accommodation restricted to a maximum of 102 beds; OR Permit residential use limited to residential care accommodation restricted to a maximum of 105 beds, at the lessee's option;
 - Permit community use limited to community activity centre;
 - Remove gross floor area limitation; and
 - Amend the car parking provisions by removing the requirement for surface 'hardstand' parking.
- (b) The following amendments to the Conditions of Approval, at Part 1 of the Notice of Decision:

A5. INSTRUMENT OF VARIATION

The lessee accepts the variation substantially in accordance with the draft Instruments of Variation at Attachment 1 and at Attachment 1A and shall do all that is necessary to ensure that one of the Instruments of Variation is registered at Access Canberra (Land Titles and Regal Bonds) prior to the end of the approval for the variation of the Crown lease.

A6. FURTHER INFORMATION

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

- (a) Revised site plan, landscape plan and architectural drawings submitted as part of the application, showing:
- (i) Detail of basement and open car spaces demonstrating compliance with Rules or Criteria 1 and 2 of the Access and Mobility General Code;
 - (ii) Annotations on plans specifying compliance of proposed lighting with AS1680.0 and AS1159.3.1, as required by Rules 4 and 5 of the Access and Mobility General Code;
 - (iii) The location of 15 Bicycle parking spaces and end-of-trip facilities, as identified in the Traffic Impact Assessment by Sellick Consultants dated 24 January 2018;
 - (iv) Ground Floor
 - 1. Reduced Seniors Day Care Centre to accommodate a maximum of 20 day visitors;
 - 2. Basement level 1 reconfiguration of existing basement arrangement to accommodate a new ramp linking to additional basement and the reduction of 9 car spaces;



3. Reconfiguration of hydrotherapy pool and gymnasium and other associated areas;
4. Removal of pedestrian entry to and from Hopetoun Circuit;
5. Basement level 2 with an additional 24 car spaces;

Landscaping

6. Relocation of Hopetoun Circuit retaining wall to be closer to the front boundary;
7. Additional landscaping behind the western retaining wall, including the planting of *Brachychito populneus* or similar of advanced maturity;
8. Provision of new screening landscaping adjacent to the northeastern courtyard wall, to the satisfaction of TCCS;

consistent with plans SK201, SK202, SK 203 and LASKI, at Attachment 3.



Presidential Member M-T Daniel