




ACT
Government

Territory Planning
Authority

NOTICE OF DECISION

Made under part 7.6 of the *Planning Act 2023*

DEVELOPMENT APPLICATION DETAILS	
APPLICATION NUMBER	DA 202443150
LODGEMENT DATE	26 July 2024
SITE DESCRIPTION	Block 13 Section 49 Deakin
CROWN LEASE	Volume: 1512 Folio: 94
TYPE OF DEVELOPMENT	Mixed Use
PROPOSAL DESCRIPTION	<p>Demolition of the existing structures and driveway verge crossings, removal of trees, construction of a mixed use development comprising of two commercial tenancies, 45 dwellings, three levels of basement car parking, new driveway verge crossing, landscaping and associated works.</p> <p>This is a Significant Development (as defined under the <i>Planning Act 2023</i>, S196, 2, (g))</p>
DECISION	APPROVED SUBJECT TO CONDITIONS , pursuant to Section 185 of the <i>Planning Act 2023</i> .
DECISION DATE	13 February 2026
DELEGATE	 Aaron Oshyer
GENERAL LEGAL REQUIREMENTS	All developments must comply with relevant legal requirements under other legislation. Please refer to https://www.planning.act.gov.au/applications-and-assessments/development-applications/complying-with-your-development-approval
CONTENTS	PART 1: Conditions of Approval PART 2: Application Assessment & Reasons for the Decision APPENDIX A: Administrative Information APPENDIX B: Assessment and Environment Advisory Panel Advice APPENDIX C: Referral Entity Advice
ENQUIRIES	DA Gateway Team Phone: (02) 6207 6383 OnlineForm: https://services.accesscanberra.act.gov.au/s/forms/land-planning-and-building-enquiry

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PART 1 CONDITIONS OF APPROVAL

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

1. DATE THIS APPROVAL TAKES EFFECT

Unless any conditions below state otherwise, this approval takes effect 21 working days after the day notice of the approval is given under s196 of the *Planning Act 2023*.

Note: *The effective date for development applications approved subject to conditions may also be adjusted if the approval is reconsidered by the Territory Planning Authority or if an application is made to the ACT Civil and Administrative Tribunal.*

2. FURTHER INFORMATION

The applicant shall lodge with the territory planning authority, an application under section 187 of the *Planning Act 2023* (the Act) seeking approval to address the following conditions:

- a) Revised site plan, area plan, demolition plan, floor plans, landscape plan and elevations, sections, and any other plans based on the relevant drawings submitted as part of the application, showing:
 - i) The retention of protected trees 11-16 located along the Grey Street frontage. An updated Tree Management Plan (TMP) is also required to satisfy this condition, demonstrating how these trees will be protected through the construction process and must be endorsed by the Conservator of Flora and Fauna (Tree Protection Unit). The TMP must also consider any impacts to trees on unleased land.

Note: trees are to be located outside of Private Open Space areas for residential units for ongoing maintenance purposes.
 - ii) Revised floor plan layouts showing residential units without internalised habitable rooms or modifications to ensure that these rooms cannot be enclosed.
 - iii) Rooftop terraces with an area of communal open space accessible to all residents.
 - iv) Reasonable separation provided between entrances to residential units and waste enclosures, to the satisfaction of the territory planning authority.
 - v) Noting the proximity of residential dwellings to waste enclosures, evidence is to be provided from a suitably qualified person demonstrating that residential units will not be detrimentally impacted by noise and/or odour associated with the waste facilities.
 - vi) Floor to ceiling heights for ground floor commercial units are to be increased to 3.5m, or to the satisfaction of the territory planning authority, to provide greater flexibility for a variety of uses.
 - vii) Confirmation of floor to ceiling heights for the residential component of the development demonstrating that floor to floor heights of 3.1m can provide sufficient floor to ceiling heights whilst maintaining adequate space to support structural, acoustic, and waterproofing requirements.
 - viii) Demonstrate that the development will achieve a minimum 35% canopy cover at maturity and sufficient deep root planting within the permeable area of the site, i.e. within area's unimpeded by buildings or structures below ground. The number of advanced stock native trees must also be increased within this area.

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- ix) The ratio of native trees in the Adelaide Avenue frontage is to be increased to meet the landscaping requirements of Development Control Plan No: 171/06/0003, to the satisfaction of the National Capital Authority.
 - x) The two Gleditzia tree plantings proposed along the boundary shared with Block 15 are to be replaced with a more suitable tree species with a mature canopy cover that won't conflict with upper floor balconies and can sustain soil depths of 1 metre (or as agreed to by the territory planning authority), noting that this area is located above the basement.
 - xi) Tree planting locations must be shown in their confirmed arrangement not general location as currently stated on the submitted landscape plans. It is noted that some of the proposed locations appear to conflict with structural elements, such as fencing between courtyards and retaining walls.
 - xii) Identify car parking spaces that are EV ready consistent with the EV ready definition in the Territory Plan 2023.
 - xiii) Provide end of trip facilities for commercial units.
 - xiv) Provide an updated parking arrangement that provides sufficient on-site parking for proposed commercial units. It is noted that there is currently an oversupply of residential parking spaces that could be allocated to the commercial units.
 - xv) Demonstrate safe pedestrian access via an accessible path of travel from ground floor car parking spaces to building entries, including commercial units.
 - xvi) Demonstrate how public and privately accessible spaces will be managed for the development, noting that the commercial units require access through one of the residential foyers to access associated commercial waste facilities.
 - xvii) Updated floor plans to demonstrate location of outdoor clothes drying facilities adequately screened from public view.
- b) Detailed materials, colours and finishes schedule including samples where appropriate detailing measures to limit urban heat island effects and prevent reflectivity to surrounding buildings from windows and proposed screening elements.
 - c) Provide an addendum to the Traffic Impact Assessment (TIA) demonstrating that local traffic network can accommodate for traffic generated by the revised development proposal. The addendum should also confirm that parking provision rates meet the requirements for residential and commercial uses generally in accordance with the Commercial Zones Technical Specifications. The TIA must also address the requirements from CED-DCB as outlined in Condition 7 below.
 - d) Revised Noise Management Plan addressing the noise levels of the loudest permissible use at the property boundary as well as potential impact on residential receivers internal to the development, to the satisfaction of the ACT Environment Protection Authority (EPA).

Notes:

- i) *consider providing all requested information under a single s187 application. This will assist the Authority in providing you a response in the most efficient manner.*
- ii) *any changes to the development required to comply with the above conditions will need to be submitted for the approval of the territory planning authority under s187 of the Planning Act 2023. For any substantial amendments, an application to amend the approval under s205 of the Planning Act 2023 may be required.*

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3. APPROVAL DOES NOT TAKE EFFECT - CROWN LEASE VARIATION

This approval does not take effect until the provisions of the Crown lease for Block 13 Section 49 Division of DEAKIN are varied to permit the approved development.

Note: We are aware that there is an approval in place that may satisfy this condition (DA 202240874). Conditions in relation to this approval are yet to be satisfied.

4. COMPLIANCE WITH CONDITION – APPROVAL NOT TO TAKE EFFECT

In accordance with Section 211 of the *Planning Act 2023*, this approval will end if the lessee has not varied the Crown lease and commenced the approved construction and/or demolition on the site within 36 months of the date of this decision.

5. ICON WATER – WORKS NOT TO COMMENCE

- a) No construction 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 sewerage networks and submits the Statement of Acceptance to the territory planning authority as satisfying this condition of approval under s187 of the *Planning Act 2023*.
- b) The lessee/applicant must address and comply with any additional conditions imposed by ICON Water at **APPENDIX C**.

Note: any changes to the development required to comply with the above conditions will need to be submitted for the approval of the territory planning authority under s187 of the Planning Act 2023. For any substantial amendments an application to amend the approval under s205 of the Planning Act 2023 may be required.

6. CANOPY CONTRIBUTION AGREEMENT (CCA)

As approval has been granted to remove protected trees in relation to this DA (trees 9 and 17), you are required to sign the attached canopy contribution before the trees are removed and before works can proceed on the site. Please see the below process to ensure completion of the agreement:

- a) Review and sign the canopy contribution agreement (CCA).
- b) Return the signed document via email to UrbanForest@act.gov.au so that it can be signed by the Delegate of the Conservator of Flora and Fauna.
- c) The Tree Protection Unit will then email the completed CCA to you and to the Planning team identifying that the condition to enter a CCA has been satisfied.
- d) Retain a copy of the CCA to show the arborist undertaking the tree removal.
- e) The proposed replanting schedule for the CCA must be to the satisfaction of the Conservator of Flora and Fauna.

7. CITY AND ENVIRONMENT DIRECTORATE – DEVELOPMENT COORDINATION BRANCH (FORMERLY TCCS, NOW CED-DCB)

The development must address and comply with the following conditions to the satisfaction of CED-DCB:

Traffic and Parking

- a) Given that the original development traffic was expected to be low (50 vph in peak hour) and the subsequent traffic impact would be minimal, the proponent is to submit an addendum memo outlining the development change and (minimal) impact, and resubmit along with the original TIA report, for record purposes.

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Tree and Landscape:

- b) The proponent must address the following requirements for tree protection on unleased land:
- i) Contractor vehicles are not to park on the verge or within the TPZ of street trees during construction.
 - ii) Materials are not to be stored within TPZ.
 - iii) If pruning is required, to existing trees, the applicant will need to provide information about the proposed work for review and approval. Information must include photos indicating where the branches will be cut. Pruning must not be undertaken without written support from Urban Treescapes.

Waste Management:

Performance Based Solution (PBS)

- c) Regarding the Performance Based Solution (PBS) presented by Sellick Consultants dated 13/11/2025 and shown on supporting drawings, ACT No Waste **support in principle:**
- i) Rear loading for Waste collection and Recycling collection. Indicatively shown in the turning templates.
 - ii) The use of 1,100L hoppers for both Waste and Recycling is supported. Including some 240L MGB's.
 - iii) Reverse entry/forward exit for waste and recycling collection is supported.
 - iv) The Strata management must ensure that the Territory collection takes precedence over the commercial collection and that there are no obstructions preventing collection.

Note: the waste management plan will be reviewed at the application for Design Review.

CED-DCB Standard Conditions:

The following general conditions will apply, as appropriate, for the works and use of Territory land and potential impacts on City and Environment Directorate (CED) services in addition to any specific conditions imposed in the DA Notice of Decision (or referenced in the link above for general legal requirements).

- d) Temporary Traffic Management (TTM) - A TTM plan approval shall be obtained from the Manager of Traffic Management & Safety, Roads ACT, CED prior to commencement of Works. This plan shall be prepared by a suitably qualified person and address measures to be implemented during construction activities to manage all traffic. This includes construction and regular traffic in and around the site, provision of safe pedestrian movements, the provision of parking for construction workers, and associated temporary traffic control devices. For further information, please refer to <http://www.cityservices.act.gov.au/guiding-principles-for-ttmp> and <https://www.cityservices.act.gov.au/roads-and-paths/traffic/temporary-traffic-management>.
- e) Notice of Commencement of construction - A Notice of Commencement for the Works within Unleased Territory Land shall be submitted to Development Coordination Branch, CED one week prior to the commencement of Works. The notice shall include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of TTM.

Note: For all above development related submissions and for all responses to standard conditions, please email: [Email: tccs.dcdevelopmentcoordination@act.gov.au](mailto:tccs.dcdevelopmentcoordination@act.gov.au)

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8. ENVIRONMENT PROTECTION AUTHORITY (EPA)

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

Hazardous Materials

- a) Appropriately ACT licensed contractors and consultants able to perform the full range of licensable duties in the ACT must be engaged for the assessment, removal, transport, and disposal of all hazardous materials found on the site.
- b) All hazardous materials found on the site must be disposed of at a facility lawfully authorised/licensed to accept the waste.

Contamination

- c) All spoil identified at the site must be managed in accordance with EPA *Information Sheet – Spoil Management in the ACT* available at ACT Environment Protection Guidelines.
- d) 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* available at ACT Contaminated Sites.
- e) No soil is to be disposed from the site without EPA approval.

Construction

- f) All works must be carried out in accordance with the Builders' booklet "Preventing Pollution from Residential Building Sites 2023" available at Environment Protection Policies & Guidelines or by calling 132281.
- g) All sediment and erosion control measures must be in place **prior to works commencing** and must be maintained until development completion.
- h) Adjacent roads must be swept clean at all times.

Excavation

- i) All excavations that collect rainwater during a rainstorm event would be considered a sediment control pond and must meet the following condition:
- j) No discharge from pond unless sediment level is less than 60mg/litre.
- k) If sediment level is greater than 60mg/litre, 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.

Noise

- l) Noise from equipment, which is installed permanently or used temporarily during development, including air conditioning units, heat pumps, pool pumps, etc. must comply with the noise standard at the site boundary at all times as per the Environment Protection Regulation 2005.
- m) Please consider the type and location of noise generating equipment prior to installation.
- n) Written assurance should be sought from the supplier/installer of the equipment confirming it complies with the Noise Zone Standard as per the Environment Protection Regulation 2005.

Lights

- o) All external lights must comply with Australian Standards AS4282 Control of the obtrusive effects of outdoor lighting.

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Dust

- p) Where building work generates dust, all reasonable and practicable measures must be taken to minimise that dust. This can often be achieved by damping the ground with a light water spray.

9. COMPLIANCE WITH ENTITY REQUIREMENTS

The development must satisfy the requirements of the following entities as stated in each of their advice.

- a) Icon Water
- b) Evoenergy (Electricity)
- c) ACT Emergency Services Agency (ACTESA)

Copies of advice from the relevant entities are provided at **APPENDIX C**.

10. JEMENA GAS

It is noted that there is a gas network in the vicinity; therefore, all care must be taken around Evoenergy Gas (Jemena) underground assets. Please ensure the appropriate Before you Dig Australia (BYDA) processes are followed during the construction process. If a meter relocation or service pipe relocation is required, you must comply with Evoenergy standards. Please contact your gas retailer to lodge your enquiry. Only personnel accredited by Evoenergy are authorised to carry out this work.

11. LIGHT RAIL

The applicant/lessee is required to consult with Infrastructure Canberra Light Rail team on any matters through the detailed design development which may interfere with the planning for Light Rail Stage 2B, which is currently going through the Environmental Impact Statement process.

12. DEVELOPMENT APPROVAL EXPIRY

Pursuant to Section 211 of the *Planning Act 2023* (the Act), approval related to the design and siting elements of the development will expire **5 years** after the approval takes effect. Under Section 211 of the Act, the applicant may apply to the Territory Planning Authority to extend the approval timeframe within 6 months after the end of the 5-year period.

Extensions to the approval timeframe can only be granted where the Territory Planning Authority are satisfied that the development which the approval related has started and is substantially progressed, and if the works would be approved should they be subject to a DA submitted on the same day as the extension application.

A development approval may also be revoked by the Territory Planning Authority under Section 204 of the Act where satisfied the approval was obtained by fraud or misrepresentation, or, if the approval relates to a place registered or nominated for provisional registration under the *Heritage Act 2004*, if the applicant for the approval is convicted of an offence against chapter 13 of the *Heritage Act 2004*.

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PART 2 APPLICATION ASSESSMENT AND REASONS FOR THE DECISION

The plans and documentation submitted as part of the development application and any subsequent information or amendments, as outlined in **Table 1** below, were considered throughout the assessment and decision-making process. All conditions of approval and advice is noted in PART 1

Table 1: Timeline of application

	Reference	Lodgement (L)/ Request (R) Date	Public Notification Period	Number Of Representations Received	Entity Referrals
Development Application (S166)	202443150	L-26 July 2024	8 August 2024 to 4 September 2024	8	1 August 2024 to 29 August 2024
Further Information Requested (S167)	S167A	R-18 October 2024	Not applicable	Not applicable	Not applicable
Amendment (S168)	S179B	L-13 August 2025	18 August 2025 to 29 August 2025	4	13 August 2025 to 27 August 2025
Further Information Requested (S167)	S167C	R-31 October 2025	Not applicable	Not applicable	Not applicable
Amendment (S168)	S168E	L-24 November 2025	1 December 2025 to 19 December 2025	3	26 November 2025 to 15 December 2025

THE ASSESSMENT

The Territory Planning Authority (the Authority) utilises a 3-stage process when assessing and determining all DAs. This allows different officers to work on different aspects of the same application to ensure probity and integrity is upheld during the assessment process.

More information about the assessment process and what's involved is available online at <https://www.planning.act.gov.au/applications-and-assessments/development-applications/after-you-apply>.

For this DA, a total of 4 assessment officers were involved in the assessment and decision-making process.

Post Assessment Review Stage (Quality and Outcomes Assurance) consisted of:

- Review and advice by the Assessment and Environment Advisory Panel (AEAP). AEAP advice is available in **APPENDIX B**.

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THE TERRITORY PLAN – S186(A)-(B)

In making this decision, the decision-maker considered the applicable policies in the Territory Plan and design guides including:

- The Inner South District Policy
- The Commercial Zones Policy
- Urban Design Guide; and
- Housing Design Guide

In accordance with Section 189 of the Act, the DA was **approved subject to conditions** as it was found that the proposal was **consistent with** the Territory Plan, including the above Policies.

While the decision-maker considered all relevant sections in the applicable policies and guides, below provides details on some key assessment themes.

URBAN STRUCTURE AND NATURAL SYSTEMS

The Delegate of the Conservator of Flora and Fauna advised the removal of regulated trees, particularly trees 11-17, are not supported as they do not meet the approval criteria under the *Urban Forest Act 2023*. These proposed tree removals were subject to consideration by the Assessment and Environment Advisory Panel (AEAP). The panel supported the assessing officer's recommendation that trees 9 and 17 could be supported for removal on planning grounds due to site constraints and subject to the lessee entering into a Canopy Contribution Agreement with the Conservator of Flora and Fauna in accordance with the *Urban Forest Act 2023*. The panel also agreed with the recommendation that trees 11-16 should be retained. Conditions have been imposed in **Part 1** consistent with the outcome of the AEAP process.

BUILT FORM AND BUILDING DESIGN

Consistent with Assessment Outcomes 14 – 17 of the Commercial Zones Policy, it was demonstrated that the height, bulk and scale of the development was appropriate in the area and CZ5 zone. CZ5 zones seek to encourage higher density residential development in locations with convenient access to transport corridors, and commercial and employment centres.

Building heights and setbacks for this site are guided by Development Control Plan No: 171/06/0003 under the National Capital Plan. The original DA, S179B and S168E proposal were referred to the NCA for advice. Comments received in response to the original DA raised issues with amenity and sustainability, building height, setbacks and landscaping and dwelling layouts. However, following the receipt of additional information under S179B and S168E, the NCA have supported the DA subject to conditions.

SITE COVERAGE, OPEN SPACE & PERMEABILITY

Site coverage has been assessed as consistent with the *Territory Plan 2023*. The current planning system applies a performance-based approach that prioritises environmental and amenity outcomes rather than a strict numeric limit. The development provides sufficient permeable and landscaped areas to support tree planting, deep soil requirements, stormwater infiltration and urban heat mitigation. Conditions have been included where necessary to increase soft landscaping and update proposed replanting species so that the proposal aligns with the objectives of the relevant codes and maintains a climate-responsive residential environment.

ACCESS AND MOVEMENT

Consistent with Assessment outcomes 7, 8 & 9 of the Commercial Zones Policy it was demonstrated that the proposal is accessible and adaptable while achieving good connections with the surrounding area. Subject to addressing conditions imposed in Part 1 of this Decision, it was assessed that access to and from the site permits safe and legible movement catering for all users including pedestrians and vehicles.

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The application was referred to CED-DCB for advice and they have indicated general support for traffic and access arrangements on the site, including waste management. Outstanding matters regarding the Traffic Impact Assessment are required to be addressed through conditions of approval and will need to be finalised prior to approved plans being released.

PARKING, SERVICES AND UTILITIES

Consistent with Assessment Outcomes 24 to 26 of the Commercial Zones Policy, it has been demonstrated that there is sufficient onsite car parking to cater for the proposed development, with consideration of the site location, existing constraints and proximity to public transport including future light rail network extensions. Outstanding matters regarding parking arrangements, including allocation of parking for commercial uses have been imposed as conditions of approval in Part 1 of this Decision and will need to be finalised prior to approved plans being released.

OTHER STATUTORY CONSIDERATIONS

APPROPRIATE TRANSITION BETWEEN ZONES – S186(D)

The development proposal is in the CZ5 Mixed Use Zone and adjoins Community Facility Zone, RZ2 Suburban Core Zone, TSZ1 Transport Zone and Designated Area. The development has three street frontages, and the only adjoining Block (Block 15) is separated from the proposed development by a parking area which creates an additional buffer between the proposed development and existing buildings and is considered to achieve an appropriate transition between the zones without creating unreasonable impacts to any adjoining sites or surrounds.

SUITABILITY OF THE DEVELOPMENT IN THE CONTEXT OF THE SITE AND SURROUNDS – S186(E)

The site adjoins a school car parking area for Canberra Girls Grammar Junior School and fronts several residential zoned blocks on Grey Street. The site is located within close proximity to Deakin Shops and Adelaide Avenue, where a future light rail stop is proposed to be located. Given the site's proximity to Adelaide Avenue, which is Designated Area, the subject block is also subject to special requirements under the National Capital Plan. The DA was referred to the National Capital Authority, who have conditionally supported the proposal. Also within close proximity to the subject block are the Ambassador Apartments, located at Block 20, Section 12 Deakin, which are of a similar scale to the proposal. The proposed uses for the site will be limited to those conditionally approved under Lease Variation DA 202240874.

THE PROBABLE IMPACT OF THE PROPOSED DEVELOPMENT – S186(F)

The probable impact of the proposed development, including the nature, extent and significance of environmental impacts, were considered as part of the assessment. It is noted that any development will have a level of impact, however the proposed development was deemed to have reasonable impact based on the assessment of the Territory Plan.

THE INTERACTION OF THE PROPOSED DEVELOPMENT WITH ADJOINING OR ADJACENT DEVELOPMENT PROPOSALS – S186(G)

There are no adjoining or adjacent development proposals identified.

NATIONAL CAPITAL DESIGN REVIEW PANEL ADVICE AND THE PROPONENT'S RESPONSE – S186(L)

On 9 May 2023 the National Capital Design Review Panel (NCDRP) provided advice on the development proposal. The NCDRP's advice and the proponent's response was submitted as part of the application and was considered in the making of this decision.

In their advice the NCDRP provided advice relating to setbacks, appropriate landscaping and sustainability measures and removal of trees. The Panel also did not support proposed subterranean uses and queried the overall programming of the building that included deep set apartment units, internal habitable rooms with no access to natural light or natural cross ventilation, excessively long access corridors with no outlook at ends, poor internal layouts and poor pedestrian access across the proposal.

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The applicant has responded to the concerns raised by the design review panel. Specifically, by providing further amendments to proposed landscaping and deep root planting, building setbacks, building height, the layout of residential units and associated hallways on each floor plate, floor to ceiling heights and providing details on privacy screening measures, traffic, and pedestrians movements. Subject to addressing conditions of approval, the applicant is considered to have suitably addressed all issues raised by the panel in their advice.

ADDITIONAL STATUTORY CONSIDERATIONS

The Authority considered the following Sections of the Planning Act 2023 and found these provisions not to be applicable for this application and proposed development in each case:

- S186(c) - PRE-DECISION ADVICE
- S186(j) - ENVIRONMENTAL SIGNIFICANCE OPINION
- S186(k) - PUBLIC LAND MANAGEMENT PLAN
- S189(1)(b) - LAND MANAGEMENT AGREEMENT
- S189(1)(e) - ADVICE FROM THE COMMONWEALTH

PUBLIC NOTIFICATION AND REPRESENTATIONS (S186 (H))

STAGE 1 PUBLIC NOTIFICATION AND REPRESENTATIONS

Pursuant to Division 7.5.4 of the Act, the application was publicly notified for the periods outlined in **Table 1** and a total of eight (8) representations were received.

The issues raised in the representations were considered in the assessment and making of the decision for this development application. The key issues and a brief response are provided below:

STAGE 2 PUBLIC NOTIFICATION AND REPRESENTATIONS

Pursuant to Division 7.5.4 of the Act, the application was publicly notified for the periods outlined in **Table 1**.

Four (4) representations were received in response to the Stage 2 public notification period.

The issues raised in the representation were considered in the assessment and making of the decision for this development application. The issues and response are summarised below:

S168E PUBLIC NOTIFICATION AND REPRESENTATIONS

Pursuant to Division 7.5.4 of the Act, the amended application was publicly notified for the periods outlined in **Table 1** and a total of three (3) representations were received.

The issues raised in the representation were considered in the assessment and making of the decision for this development application. The issues and response are summarised below:

TRAFFIC IMPACTS

The proposal was assessed against the Territory Plan 2023, Commercial Zone Policy, Inner South District Policy and the relevant Design Guides applicable to the development. The proposed parking and onsite vehicular movements are considered consistent with the Territory Plan, subject to conditions. In addition, the application was referred to CED–DCB (formerly TCCS) who administer traffic and road network assessment. CED–DCB (formerly TCCS) supported with conditions, which have been imposed in **Part 1** of this Decision.

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PARKING

The DA proposes 3 levels of basement parking for residents and visitors, with additional short stay and delivery parking spaces provided on the ground floor.

It is noted that the proposal has not allocated any parking to commercial units. Conditions have been included in **Part 1** of this decision that an updated parking arrangement plan be provided demonstrating sufficient on-site parking for commercial units, noting that there is currently an oversupply of residential parking spaces that could be allocated to these uses.

CONSISTENCY WITH DEVELOPMENT CONTROL PLAN UNDER THE NATIONAL CAPITAL PLAN

Block 13, Section 49 Deakin is subject to special requirements under Development Control Plan No: 171/06/0003 in the National Capital Plan. The original DA, S179B and S168E proposal were referred to the National Capital Authority for advice. Comments received in response to the original DA raised issues with amenity and sustainability, building height, setbacks and landscaping and dwelling layouts. Following the receipt of additional information under S179B and S168E the NCA have supported the DA, subject to conditions, including requirements for additional native trees in the Adelaide Avenue frontage to meet the landscaping requirements of Development Control Plan No: 171/06/0003.

TREE REMOVALS

The Delegate of the Conservator of Flora and Fauna advised the removal of regulated trees, particularly trees 11-17, are not supported as they do not meet the approval criteria under the *Urban Forest Act 2023*. These proposed tree removals were subject to consideration by the Assessment and Environment Advisory Panel (AEAP). The panel supported the assessing officer's recommendation that trees 9 and 17 could be supported for removal on planning grounds due to site constraints and subject to the lessee entering into a Canopy Contribution Agreement with the Conservator of Flora and Fauna in accordance with the *Urban Forest Act 2023*. The panel also agreed with the recommendation that trees 11-16 should be retained. Conditions have been imposed in **Part 1** consistent with the outcomes of the AEAP process.

CED-DCB, have assessed impacts to trees on unleased territory land and have conditionally supported the DA. A condition of approval has been included in **Part 1** of this Decision that an updated tree management plan be provided for trees to be protected on leased and unleased land.

CANOPY CONTRIBUTION REQUIREMENTS

Regulated tree 9 and 17 have been supported for removal under the *Planning Act 2023*, subject to the lessee entering into a Canopy Contribution Agreement (CCA) with the Conservator of Flora and Fauna (the Conservator) in accordance with the *Urban Forest Act 2023*. A separate condition has also been included in **Part 1** of this Decision that the replanting schedule for the CCA must be to the satisfaction of the Conservator.

LANDSCAPING AND DEEP ROOT PLANTING

A condition has been included in the decision that the proposed planting schedule along boundary shared with Block 15 to be replaced with more appropriate species, noting soil volume and canopy spread constraints, and that updated plans be provided showing confirmed locations of tree plantings that do not conflict with other structures on the site.

The conditions of approval also require the applicant to demonstrate that the development will achieve a minimum 35% canopy cover at maturity and sufficient deep root planting within the permeable area of the site, i.e. within area's unimpeded by buildings or structures below ground, and that the number of advanced stock native trees must also be increased within this area.

PRIVACY AND OVERLOOKING

The development has three street frontages, and shares one boundary with Block 15, Section 49 Deakin, which is the Canberra Girls Grammar Junior School. The development fronts the car parking area servicing the school and is considered to be adequately separated from the existing buildings and associated outdoor spaces and that there is minimal privacy or overlooking impacts.

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SITE SUITABILITY AND ZONING

Consistent with Assessment Outcomes 4-6 of the Commercial Zones Policy, it was demonstrated that the development was appropriate in the area and CZ5 zoning. CZ5 zones seek to encourage higher density residential development in locations with convenient access to transport corridors, and commercial and employment centres. The assessment also noted that there are existing buildings within the immediate surrounding area of a similar scale and density.

CONSTRUCTION PARKING

It is a condition of approval that a Temporary Traffic Management (TTM) be obtained from the Manager of Traffic Management & Safety, Roads ACT, CED prior to commencement of Works. This plan must be prepared by a suitably qualified person and address measures to be implemented during construction activities to manage all traffic. This includes construction and regular traffic in and around the site, provision of safe pedestrian movements, the provision of parking for construction workers, and associated temporary traffic control devices. For further information, please refer to <http://www.cityservices.act.gov.au/guiding-principles-for-ttmp> and <https://www.cityservices.act.gov.au/roads-and-paths/traffic/temporary-traffic-management>.

INFRASTRUCTURE UPGRADES

Duplication of Grey Street is matter that falls outside the scope of this development application process. Such requests are best directed to Access Canberra via the [Fix My Street](#) online tool.

ACTIVE TRAVEL REQUIREMENTS

The application was referred to CED-DCB (formerly TCCS) who administer active travel assessment. CED-DCB (formerly TCCS) supported the S168E application, subject to conditions. All CED-DCB conditions have been imposed in **Part 1** of this Decision.

GROSS FLOOR AREA (GFA)

At the time of lodgement of this DA, the Territory Plan 2023 included a development control in the Inner South District Policy (assessment requirement 3) limiting the maximum GFA on the subject block to 500m². An assessment of the DA found this to be an error in the transition from the Territory Plan 2008 to the Territory Plan 2023, where the GFA restriction should have been limited to Office Use, as is stated in the now repealed Deakin Precinct Map and Code. The error was raised with the Territory Plan and Coordination Team and a minor amendment to the Inner South District Policy was undertaken to fix the error.

PUBLIC NOTIFICATION PROCESS

The application was lodged as a Significant Development and was subject to a 2-stage assessment process resulting in 2 rounds of public notification. After these periods of notification, a further S168 submission was also notified to the public for comment (S168E). During the public notification period it was identified that some of the documents submitted with the S168E application were missing from the public notification package. These documents were added to the notification documentation, and the public notification period was extended to provide sufficient time for the public to review and provide comment on the S168E application. Please refer to Table 1 for additional details regarding the public notification process.

DOCUMENTATION

The documentation submitted for this application was considered acceptable by the territory planning authority to undertake an assessment of the DA.

REFERRAL ENTITY ADVICE AND ASSESSMENT – S186(I) AND S189(1)

Pursuant to Division 7.5.3 of the Act, the original development application, and the 179B and 168E application, was referred to entities for the time periods outlined in **Table 1**.

The following entities have either supported, conditionally supported or did not support the proposed application. A summary of their comments is provided below. Please refer to **Part 1 Conditions of Approval** for conditions related to entity advice.

NOTICE OF DECISION

DA 202443150

CONSERVATOR OF FLORA AND FAUNA – TREE PROTECTION UNIT (Not Supported)

The Conservator provided advice on tree protection and responded that they did not support the proposed development. The development application was presented to the Assessment and Environment Advisory Panel (AEAP) where the panel supported the departure from referral entity advice pursuant to Section 190 of the Act. Conditions consistent with the panels support include the requirement for a Canopy Contribution Agreement to be entered into and endorsed by the Conservator under the *Urban Forest Act 2023*. The Authority has included Conditions in Part 1 to address this advice. Refer to APPENDIX B for details of the AEAP.

CITY AND ENVIRONMENT DIRECTORATE – DEVELOPMENT COORDINATION BRANCH (CED DCB) – (FORMERLY TRANSPORT CANBERRA AND CITY SERVICES (TCCS))

The original DA, S179B and S168E proposal were referred to CED DCB for advice. Comments received in response to the original DA and S179B application raised issues with traffic and waste management and active travel. Following the receipt of additional information under S168E they supported the DA subject to conditions. Please refer to **Part 1** of this Decision for conditions consistent with the CED DCB advice.

ENVIRONMENTAL PROTECTION AUTHORITY (EPA)

The original DA, S179B and S168E proposal were referred to the EPA who advised they did not support the DA in relation to noise management and lease variation matters. Conditions have been imposed to ensure EPA requirements will be met prior to works commencing. Please refer to **Part 1** of this Decision for conditions consistent with the EPA advice.

It is noted that the EPA provided non-support for a Lease Variation Report. However, these comments do not appear to be applicable to this proposal noting that such a report was not submitted as part of this application and lease variation is not proposed. A condition has been included in Part 1 of this Decision that conditions associated with the lease variation DA for this site (DA202240874) are required to be satisfied prior to the approval taking effect.

NATIONAL CAPITAL AUTHORITY (NCA)

The original DA, S179B and S168E proposal were referred to the NCA for advice. Comments received in response to the original DA raised issues with amenity and sustainability, building height, setbacks and landscaping and dwelling layouts. Following the receipt of additional information under S179B and S168E they supported the DA subject to conditions. Please refer to **Part 1** of this Decision for conditions consistent with the NCA advice.

CITY AND ENVIRONMENT DIRECTORATE - PLANNING AND URBAN POLICY (PUP)

The original DA, S179B and S168E proposal were referred to the PUP for advice. Comments received in response to the DA considered the proposal against NCDRP comments and raised concerns in relation to activation to Hopeton Circuit, internalised habitable rooms, floor to floor heights, waste enclosures and communal areas. Whilst some of these matters were addressed through the S179B and S168E applications, conditions have also been imposed in **Part 1** of this Decision to address any outstanding matters.

ACT EMERGENCY SERVICES AGENCY (ACTESA)

The original DA, S179B and S168E proposal were referred to ACTESA who advised they supported the DA subject to conditions.

A copy of ACTESA advice is attached in **APPENDIX C**, the lessee/applicant must address and comply with the requirements of ACTESA as advised.

ICON WATER

The original DA, S179B and S168E proposal were referred to Icon Water who did not support the DA. A condition has been imposed to ensure Icon Water requirements will be met prior to works commencing. Please refer to **Part 1** for conditions.

A copy of the Icon Water (Statement of Non-Compliance) advice is attached in **APPENDIX C**, the lessee/applicant must address and comply with the requirements of Icon Water as advised.

NOTICE OF DECISION

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EVOENERGY (ELECTRICITY)

The original DA, S178B and S168E proposal was referred to EvoEnergy Electricity who provided advice in support. A condition has been imposed to ensure EvoEnergy Electricity requirements will be met. Please refer to **Part 1** of this Decision for conditions.

A copy of the EvoEnergy Electricity (Conditional Compliance) advice is attached in **APPENDIX C**, the lessee/applicant must address and comply with the requirements of EvoEnergy Electricity as advised.

EVOENERGY (GAS)

The original DA, S179B and S168E proposal was referred to EvoEnergy Gas who advised they do not have any objections to the proposal. Please refer to **Part 1** of this Decision for conditions consistent with the EvoEnergy Gas advice.

INFRASTRUCTURE CANBERRA – LIGHT RAIL (iCBR)

The original DA, S179B and S168E proposal were referred to iCBR for advice. Comments received in response to the original DA and S179B application requested the proponent to coordinate with iCBR regarding the proposal's interactions with light rail. iCBR did not provide any comments in relation to the S168E proposal. Please refer to **Part 1** of this Decision for conditions consistent with iCBR advice.

NOTICE OF DECISION

DA 202443150

APPENDIX A ADMINISTRATIVE INFORMATION

INSPECTION OF THE APPLICATION AND DECISION

A copy of the application and the decision can be inspected on the Territory Planning Authority website and between 9.00am and 4:00pm weekdays at the Land, Planning and Building Shopfront at 8 Darling Street in Mitchell, ACT, 2911.

RECONSIDERATION OF THE DECISION

A reconsideration application is able to be made electronically through the Access Canberra [SmartForms](#) within 20 working days of being told of this decision (or any longer period allowed by the Territory Planning Authority) in accordance with Section 199 of the Act .

REVIEW BY THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL (ACAT)

An eligible entity for a reviewable decision may apply to the ACAT for review of the decision within 20 working days from the date the notice of decision is given to the recipient. Decisions that are reviewable (sometimes referred to as appealable) by the ACAT are identified in Schedule 5 of the Act, except for matters that are exempted under Schedule 6 of the Act. For more information on ACAT processes and fees, please visit www.acat.act.gov.au/.

REVIEW BY THE ACT SUPREME COURT

The Authority's decision may also be subject to judicial review by the ACT Supreme Court under the *Administrative Decisions (Judicial Review) Act 1989* (ADJR Act). Section 5 of the ADJR Act sets out the grounds on which a decision can be reviewed. For more information on ACT Supreme Court processes and fees, please visit courts.act.gov.au/home.

For more information, please refer to:

<https://www.planning.act.gov.au/applications-and-assessments/development-applications/complying-with-your-development-approval>

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APPENDIX B ENVIRONMENT ADVISORY PANEL (AEAP) ADVICE

The AEAP reviews and provides advice on the assessment and determination of Development Applications. It is attended by directors of the authority and external experts such as representatives from referred entities, where required.

This application was presented for advice on tree removal and design and siting aspects.

AEAP Meeting Date	Date: 29 January 2026
Members Present	<ul style="list-style-type: none"> • Senior Director, DA Assessment • Directors, DA Assessment • Senior Director, Impact Assessment • Director, Leasing • CED-DCB (formerly TCCS) representative • Conservator of Flora and Fauna representative
AEAP Advice and Action Items	<p>The AEAP advice was sought due to the following reasons:</p> <ul style="list-style-type: none"> • Significant development – NCDRP advice • Triggers Urban Design Guide • 12+ residential or commercial units • A potential approval decision would depart from entity advice (including on protected trees) <p>Trees</p> <p>The Assessing Officer noted that the amendment application clarifies that all trees within the site are proposed for removal. Trees 11 to 17 were previously refused approval for removal by the Conservator under the Urban Forest Act. Having regard to the site constraints and noting that Trees 9 and 17 are located in close proximity to the proposed basement footprint, the Assessing Officer recommended that Trees 9 and 17 be approved for removal, with the remaining Trees 11 to 16 retained on design grounds.</p> <p>The representative from TPU advised that a Canopy Contribution Agreement (CCA) is required prior to the issue of any approval. The representative requested that the applicant be required to nominate which trees will form part of the canopy contribution and noting that smaller replacement trees are currently proposed, recommended that larger canopy trees be included as part of the CCA.</p> <p>The representative from Urban Treescapes raised concerns that the existing trees along Grey Street may not reach maturity due to the presence of overhead powerlines. In this context, it was noted that the provision of a secondary layer of planting would be important to maintain the visual quality of the frontage and enhance the overall streetscape amenity.</p> <p>The Panel supports the Assessing Officer’s recommendation to approve the removal of Trees 9 and 17, subject to conditions. This support is provided on the basis that Trees 11 to 16 are retained and that a revised landscape plan is submitted demonstrating the provision of larger, advanced trees with an emphasis on native species.</p>

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Floor-to-Floor Heights

The Planning and Urban Policy (PUP) division recommended that the floor-to-floor heights be increased from 3.1 metres to 3.2 metres. The proposal achieves a floor-to-ceiling heights of 2.7 metres, as detailed in the technical specifications. However, the approved Development Control Plan (DCP) under the current endorsement by the National Capital Authority (NCA) does not permit a further increase in height than currently proposed.

The Panel supports the Assessing Officer's recommendation to impose a condition confirming that the floor-to-floor heights of 3.1 metres is acceptable provided appropriate floor-to-ceiling heights is achieved while also providing adequate space to accommodate acoustic treatments and waterproofing requirements.

Internalised Habitable Rooms

It was noted that the development includes habitable rooms that do not have access to external windows. The Panel supports the Assessing Officer's recommendation to impose a condition requiring either the removal of these rooms from the floor plans or modifications to ensure that the rooms cannot be enclosed.

Rooftop Amenity

The proposal includes private rooftop areas allocated to penthouse units. Comments received from Planning and Urban Policy (PUP) identify the need for more equitable rooftop access for all residents. In this context, the Panel supports the Assessing Officer's recommendation to impose a condition requiring that the rooftop level incorporate communal areas that are accessible to all residents in addition to the proposed private rooftop spaces.

Parking

The Assessing Officer noted that in response to a previous Request for Further Information (RFI), the applicant was required to incorporate commercial tenancies at ground-floor level fronting Hopetoun Circuit in order to enhance street activation. While the applicant has complied with this request, the associated parking arrangements have not been updated to reflect the provision of the commercial tenancies.

It was further noted that the proposal includes an oversupply of approximately 25 residential parking spaces, which could be reallocated to accommodate the parking demand generated by the commercial uses. A condition will be imposed requiring the parking plan to be updated to demonstrate appropriate provision for the commercial tenancies thereby addressing this matter.

Water Room Location

Planning and Urban Policy (PUP) noted that access points to the waste rooms are located immediately adjacent to residential dwellings. To address this issue, the Assessing Officer recommended a conditional approval requiring the relocation of waste room entrances away from the waste enclosures and that advice from a suitably qualified professional be provided to demonstrate that the adjoining residential units will not be unreasonably impacted by noise or odour associated with the waste facilities. The Panel supports this recommendation.

NOTICE OF DECISION

DA 202443150

APPENDIX C REFERRAL ENTITY ADVICE

All referral entity attachments to this decision must be complied with, any changes may result in non-compliance with referral entity requirements. Referral entity advice attached to this decision as follows.

ICON WATER NOTICE

EVOENERGY (ELECTRICITY) NOTICE

EMERGENCY SERVICES AGENCY NOTICE



FAILED TO COMPLY

Application No: 04647/2025

Suburb: DEAKIN **Block/Section** 13 / 49

Application Details:

Mixed Use development

New Construction with Demolition

Inclusions

Nil

Additional Block and Sections

Nil

This statement is in relation to DA 202443150S168E with additional details and amendments (if provided) submitted to Icon Water directly.

The following plans and documentation have been included in our assessment of your application.

APP-202443150-S168E-01.pdf

%FLOORASSESS-202443150-S168E-BASEMENT 2-01.PDF

%FLOORASSESS-202443150-S168E-BASEMENT 3-01.PDF

%FLOORASSESS-202443150-S168E-BASEMENT 1-01.PDF

%FLOORASSESS-202443150-S168E-LEVEL 5-01.PDF

%FLOORASSESS-202443150-S168E-LEVEL 1-01.PDF

%FLOORASSESS-202443150-S168E-GROUND-01.PDF

The design depicted in this application has been assessed by Icon Water and FAILS TO COMPLY with their water and sewerage network protection.

Reasons for Failure to Comply.

- Please complete attached Icon Water Design Form Pack - Minor Works and external services plan (if changes proposed to water and sewer services) and email to hydraulicassetacceptance@iconwater.com.au. Icon Water will then identify whether the Water and Sewerage Capital Contribution Code scheme applies to your development, and will issue a letter to confirm.
On confirmation, please resubmit a Network Protection Compliance application to Icon Water via <https://portal.iconwater.com.au/>
- Design Acceptance for External Services or off site works must be 'In-Principle' design accepted by Icon Water - Developer Services team. Please complete attached Icon Water Design Form Pack - Minor Works and email the external services plan to hydraulicassetacceptance@iconwater.com.au or call Icon Water - Developer Services on 6248 3111.
On obtaining 'In-Principle' design acceptance, please resubmit a Network Protection Compliance application to Icon Water via <https://portal.iconwater.com.au/>
- Icon Water is unable to assess the current application until an 'In-Principle' acceptance of the External Services Plan is obtained. Additional review and requirements including basement excavation, soil/ rock anchor details and Icon Water asset clearances in relation to proposed landscaping and tree will apply once an 'In-Principle' accepted ESP is submitted for assessment.

See Additional Comments below.

The following plans and documentation have NOT been included in our assessment of your application.

SHADOW-202443150-S168E-01-R.pdf
WASTE-202443150-S168E-02.pdf
%WASTE-202443150-S168E-01.PDF
TREE-202443150-S168E-02.pdf
LSCAPE-202443150-S168E-PLANTING-01.PDF
LSCAPE-202443150-S168E-GA LEGEND AND NOTES-01.pdf
TREE-202443150-S168E-01 (1).pdf
CROSSECT-202443150-S168E-02.PDF
WASTEREPORT-202443150-S168E-01.PDF
%ROOF-202443150-S168E-01.PDF
CROSSECT-202443150-S168E-01.PDF
LSCAPE-202443150-S168E-GA-01.pdf
ELEV-202443150-S168E-02.PDF
OFFSITWORKS-202443150-S168E-02.PDF
S168STATE-202443150-S168E-01.PDF
LSCAPE-202443150-S168E-DETAILS-01.pdf

LSCAPE-202443150-S168E-GA-02.pdf
LSCAPE-202443150-S168E-GA ROOF-01.pdf
VERGE-202443150-S168E-01 (1).pdf
INDEX-202443150-S168E-01.PDF
TREE-202443150-S168E-01.pdf
%PLAN-202443150-S168E-ADAPTABLE UNIT-02.PDF
ROOF-202443150-S168E-01.pdf
LSCAPE-202443150-S168E-03.PDF
LSCAPE-202443150-S168E-01.PDF
LSCAPE-202443150-S168E-OFF-SITE DETAILS-01.pdf
LSCAPE-202443150-S168E-MATERIALS-02.pdf
LSCAPE-202443150-S168E-MATERIALS-01.pdf
OFFSITWORKS-202443150-S168E-LEGEND AND NOTES-01.pdf
TREE SURVEY-202443150-S168E-01.pdf
CROSSECT-202443150-S168E-04.PDF
SHADOW-202443150-S168E-02-R.pdf
%TURNTEMPLATE-202443150-S168E-01.pdf
OFFSITWORKS-202443150-S168E-01.PDF
%SOLAR-202443150-S168E-01.PDF
OFFSITWORKS-202443150-S168E-03.PDF
LSCAPE-202443150-S168E-02.PDF
TREETCANOPY-202443150-S168E-01.PDF
FLOORREG-202443150-S168E-GROUND-01.pdf
CROSSECT-202443150-S168E-03.PDF
ELEV-202443150-S168E-01.PDF
VERGE-202443150-S168E-01.PDF
VERGE-202443150-S168E-02.PDF
SOLAR-202443150-S168E-01.PDF
%PLAN-202443150-S168E-ADAPTABLE UNIT-01.PDF
WASTEREPORT-202443150-S168E-02.PDF
LSCAPE-202443150-S168E-SITE-01.PDF
FLOORREG-202443150-S168E-LEVEL 1-01.pdf
WASTE-202443150-S168E-01.pdf

A new application must be made to Icon Water in order to ensure that subsequent changes to the plans meet Icon Water compliance requirements. You may also need to resubmit the application to other referral entities to ensure the changes comply with their requirements.

WARNING

Failure to comply with these conditions is likely to result in interference with an Icon Water sewer or water asset. Part 14 of the Utilities (Technical Regulation) Act 2000 applies, which indicates a person who interferes with a utility asset may be subject to prosecution. The current maximum penalty is 200 penalty units, imprisonment for two years, or both. In addition, the landholder can be ordered at their expense to stop the interference, which may involve removal of the building work or that part of the building work that is causing, or is likely to cause, interference.

Comments:

Nil

Signed Bibek Ligal

Date

10/12/2025

For further information please phone Icon Water 6248 3111.



Electricity Networks

STATEMENT OF

CONDITIONAL COMPLIANCE

Application No: 227539 **Suburb:** Deakin

Block/Section 13 / 49

Appcn Type: Mixed Use/New Construction with Demolition Inclusions : Basement, Landscape

Attached Plans

%FLOORASSESS-202443150-S168E-BASEMENT 1-01.PDF

%FLOORASSESS-202443150-S168E-BASEMENT 2-01.PDF

%FLOORASSESS-202443150-S168E-BASEMENT 3-01.PDF

%FLOORASSESS-202443150-S168E-GROUND-01.PDF

%FLOORASSESS-202443150-S168E-LEVEL 1-01.PDF

%FLOORASSESS-202443150-S168E-LEVEL 5-01.PDF

ELEV-202443150-S168E-02.PDF

FLOORREG-202443150-S168E-GROUND-01.pdf

FLOORREG-202443150-S168E-LEVEL 1-01.pdf

LSCAPE-202443150-S168E-SITE-01.PDF

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

Conditions

A Minimum of 1.0M clearance is required within the block boundary for the proposed or existing Meter Box.

An area for a substation must be allowed for within the developed block/s. The substation requirements will be determined when the proponent submits the electrical load (to AS3000) of the development to Evoenergy. The area will be 14.2m (L) x 6.2m (W) for all padmount substation loads within 1,500kVA. If a compliant padmount substation location cannot be provided (including earthing system) then the proponent must allow for an Indoor Chamber Type Substation. If the load exceeds 1.5MVA an Indoor Chamber Type substation will be required. Evoenergy may consider an Indoor Chamber Type Substation for loads <1.5MVA to suit project and spatial requirements if requested by the proponent. Evoenergy may determine that twin padmount substations will be installed if the load does not exceed 3MVA. The required area for twin padmount substations is project specific.

Construction work methods must consider the impact of erecting and working from scaffolding in proximity to existing and proposed Evoenergy assets.

Components/Structures must comply with the attached Evoenergy document 'PO 07475 - Scaffolding Work Near Overhead Powerlines' and also Worksafe ACT requirements.

Development is to comply with minimum 1.5m machinery access clear of obstacles and vegetation to assets within the block.

Development is to comply with minimum clearances to overhead conductors and poles. Ref Evoenergy Drawing 3811-004

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

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

Proponent is required to submit an "Application for Electricity Network Connection or Alteration form via: <https://www.evoenergy.com.au/Forms/ElecConnectionOrAlteration> prior to commencement of any development activity to negotiate the connection of new and/or relocation of existing electricity assets.

Proposed and existing development is to comply with minimum 1.5m machinery access clear of obstacles and vegetation to assets within or adjacent to the block. The development must maintain existing access arrangements to Evoenergy assets that located within or adjacent to the block at all time.

- No development activity shall be undertaken
- a) within an electricity easement or,
- b) that restricts access to Evoenergy asset/s

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

The proponent is responsible for ensuring that Evoenergy's Design and Siting requirements for substations are met. This includes but not limited to meeting all the requirements of Evoenergy Drawing 3832-018, in particular that no underground uninsulated metal work, metal pipes, metal fencing or metal clad buildings are within 7 meters of any part of a padmount substation. Unhindered direct access to the substation will be required 24/7.

Underground HV cable from pole 61130 on SW corner of block will need to be relocated as it runs through block 13

Please Note

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

Comments:

Signed Peter Drummond

Date 03 Dec 2025

For further information please phone Evoenergy Electricity Networks: 6293 5770

Evoenergy Gas Networks: 6203 0640



ACT Emergency Services Agency
Development Application Review

ACTESA | 9 Amberley Avenue | Fairbairn Business Park | Majura ACT 2609

DEVELOPMENT APPLICATION NO: 202443150

DATE RECEIVED: 18th September 2024

BLOCKS: 13	SECTION: 49	DIVISION: DEAKIN
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DESCRIPTION OF THE PROPOSAL:

PROPOSAL FOR 6 STOREY MIXED USE COMMERCIAL AND RESIDENTIAL DEVELOPMENT - demolition of the existing structures and driveway verge crossings, removal of trees, construction of mixed-use development comprising of 3 commercial tenancies, 50 dwellings, two levels basement car parking, new driveway verge crossings, landscaping and associated works.

COMMENTS PROVIDED FROM:

ACTF&R ACTRFS ACTSES ACTAS

ACT Emergency Services Agency's (ACTESA) position on the Development Application is:	
That the proposal is supported	
That the proposal is supported with conditions	X
That the proposal is not supported	
That further information is required for assessment	



ACT Fire & Rescue (ACTF&R) has assessed the proposal regarding the following:

Criteria	Assessed	Not Applicable
Fire Station Response Area		X
Water Supply	X	
Fire Brigade Access	X	
Bushfire Protection Requirements		X
Hazardous Materials	X	
Street Furniture, Landscaping and Tree Planting	X	
Building Fire Safety Systems		X

ACTF&R Advice

Fire Station Response Area:

The proposed development's location indicates that ACTF&R will be able to respond operationally to the area and its surroundings.

ACTF&R Support with Conditions

Water Supplies:

Fire Risk Types are designated dependent on land use zones aligning with the ACT *Territory Plan 2008*. **Commercial land use (non-core, i.e. CZ2-CZ6) and Community Facility (CFZ) are classified as FRT3**, with a minimum available firefighting flow provision of 60 l/s. The proponents must seek clarification from ICON Water to determine the adequacy of existing infrastructure, including hydrant spacing, for the proposed development.

ACT Fire and Rescue Access:

All roads and driveways on the development site must be suitably constructed to allow access and egress for firefighting vehicles, crews, and equipment.

Paths of travel that traverse or are close to basement surfaces or water retention pits require pavement loading suitable for ACTF&R Pumper/Specialist Vehicles access/egress.

ACTF&R Access requirements for building greater than 3 storeys

Where buildings are greater than 3 stories or have an effective height above 10 metres high, the “Rosenbauer 42m Hydraulic Aerial Platform (HLP)” aerial appliance may be required to access the upper levels in an emergency. The Aerial Platform has the following dimensions:

- Length: 12.3m
- Minimum height clearance: 3.9m
- Width: 2.9m inc. mirrors (Vehicle is 2.55m)
- Weight: 29t, with point loads up to 250kN at any jacking outrigger
- Minimum turning circle (kerb to kerb): 25m
- Minimum turning circle (wall to wall): 30m
- Working footprint: 12.3m x 8m

Turning circle, wall to wall measurement is the total minimum distance required to turn the HLP around. Kerb to Kerb is the road distance required but must have a minimum of 2.5m clear on each side past the kerb with a rise of no more than 120mm.

Appropriate access and a working footprint is required to at least one corner of all buildings to give the HLP access to two sides of a building. When set up, the HLP requires a working footprint of 12.5m x 8m with a maximum gradient of 7 degrees and should not be further than 15m from the building wall. Potential point loads up to 250kN (within surface area of 0.5 m²) may be applied by the ground pads and must be considered for pavement loadings and particular care taken when in close proximity to basement or podium surfaces.

ACT Fire and Rescue Access:

ACTF&R Pumper (including Combined Aerial Pumping Appliance CAPA) dimensions:

- Length: 9.4m
- Width: 2.5m (excluding mirrors)
- Height: 3.8m
- Weight: 26 tonnes
- Turning circle: 20.8m
- Working footprint: 4.5m

ACTF&R CAPA – Combined Aerial Pumping Appliance dimensions:

- Length: 9.4m
- Width: 2.5m (excluding mirrors)
- Height: 3.8m
- Weight: 26 tonnes
- Turning circle: 20.8m
- Working footprint: 4.5m

Alternative Energy Supplies and Storage

With the ACT Government leading the way in renewable energy, there has been a significant uptake of new alternative energy and energy storage systems incorporated into new building designs and on-site infrastructure. These include, but are not limited to, battery energy storage systems, EV charging stations, hydrogen technology, and large-scale solar panels.

A local renewable energy facility guideline is currently under development. In the interim, the CFA document ***Design Guidelines and Model Requirements for Renewable Energy Facilities*** can provide guidance when designing these facilities.

The ACT Fire and Rescue Fire Safety Guideline—***FSG-22 Electric Vehicles and EV Charging Equipment in the Built Environment***—is accessible on the ESA website.

Any new developments incorporating alternative energy systems and storage on their site are required to contact the ACTF&R Fire Safety Section at 62078370 or ACTFRFireSafety@act.gov.au to discuss the proposal and seek assurance that the design is compliant with ACTF&R requirements.

Bushfire Protection Requirements:

This development is outside the area declared by the ESA as a Bushfire-Prone Area. Although applying bushfire protection measures is not mandatory, they should be considered, as these simple measures can improve the survival of any structure in the event of a nearby bushfire or structural fire.

Hazardous Materials:

Where works include demolishing existing buildings, the proponent must undertake asbestos management per the Building Act 2004, Dangerous Substances Act 2004, Work Health and Safety Act 2011 and Work Health and Safety (How to Safely remove asbestos Code of Practice) approval 2014.

ACTF&R requests notification on the commencement and completion of all significant asbestos removal. Submit notifications to ACTF&R Communication Centre at 62004111.

Street Furniture, Landscaping and Tree Planting:

ACTF&R has the following requirements concerning the location of street furniture, landscaping, existing trees and tree planting with the following criteria applying:

- Street furniture, landscaping, and trees must not impede or cover in-ground and above-ground hydrants, other water supplies and all service shut-offs;
- Hydrants are identified, easily accessible and do not have vehicles parking over them, and
- Street furniture, landscaping, and trees must allow the progress of emergency service vehicles attending the facility. The minimum height clearance for ACTF&R vehicles is 4.5 metres. Site maintenance should include pruning any overhanging branches over driveways and pathways.

Building Fire Safety System:

Compliance with the National Construction Code and inbuilt fire safety systems are **outside** the scope of this document and will be assessed separately by the ACTF&R Fire Safety Section at the building approval stage.

All significant alterations, construction, alternate building solutions or extensions of buildings greater than 500m2 will require a fire safety review at the building application to ensure NCC compliance.

For further information regarding building fire safety reviews, please get in touch with ACTF&R Fire Safety Section at 62078370 or ACTFRFireSafety@act.gov.au

ACTF&R Further Information:

Please email actfr.riskplanning@act.gov.au for further information regarding these comments.

ACTESA Further Information:

Please email ACTESA Emergency Management at EmergencyManagement@act.gov.au for further information regarding Development Applications.



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Glenn Brewer
A/g Chief Officer,
ACT Fire & Rescue
14th October 2024

Canopy Contribution Form



For details on requirements to enter a Canopy Contribution Agreement, see s36 of the [Urban Forest Act 2023](#). Please complete all mandatory fields and return to urbanforest@act.gov.au

Instructions

Complete the section titled application details, below. All mandatory fields must be completed.

Application Details

Applicant/Proponent* Details

**The person submitting this form and/or associated documents such as a Development or Building application.*

***Name**

***Postal Address**

***Mobile**

***Email Address**

***Lessee/Leaseholder^ Details**

^the person listed on the Crown Lease of the property where the tree(s) is/are located, commonly referred to as the owner of the property.

Lessee and Applicant are the same entity; or
Complete the below fields.

Name

Postal Address

Mobile

Email Address

**Is the Lessee a homeowner* as defined in the Urban Forest Regulation 2023 Part 2 5 (1)?*

i.e. They have been living on the land for at least 2 years; or intend to live on the land for at least

2 years; or the person is an owners' corporation holding the lease for the land and the application is not in relation to development works.

yes the lessee is a home-owner as defined in the Urban Forest Regulation 2023 Part 2 5 (1)

no the lessee does not meet the definition of a homeowner.

*Canopy Contribution Table

	Regulated (private)	Public	Total
	Tree number, plan identifier/s	Tree number, plan identifier/s	
Number of protected tree removals proposed			
Number of retained protected trees			
Proposed number of replants, assuming all removals are approved for homeowners			
Type of replant proposed (for non-homeowners [^])	Identifier on landscape plans	Identifier on landscape plans	
Conifer			
Introduced under 10m			
Introduced 10-15m			
Introduced 15m+			
Native under 10m			
Native 10-15m			
Native 15m+			

[^] For non-homeowners please use the [Tree Calculator](#).

