

Soil Ingestion: A Concern for Acute Toxicity in Children

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Several soil ingestion studies have indicated that some children ingest substantial amounts of soil on given days. Although the EPA has assumed that 95% of children ingest 200 mg soil/day or less for exposure assessment purposes, some children have been observed to ingest up to 25–60 g soil during a single day. In light of the potential for children to ingest such large amounts of soil, an assessment was made of the possibility for soil pica episodes to result in acute intoxication from contaminant concentrations the EPA regards as representing conservative screening values (i.e., EPA soil screening levels and EPA Region III risk-based concentrations for residential soils). For a set of 13 chemicals included in the analysis, contaminant doses resulting from a one-time soil pica episode (5–50 g of soil ingested) were compared with acute dosages shown to produce toxicity in humans in clinical studies or case reports. For four of these chemicals, a soil pica episode was found to result in a contaminant dose approximating or exceeding the acute human lethal dose. For five of the remaining chemicals, the contaminant dose from a soil pica episode was well within the reported dose range in humans for toxicity other than lethality. Because both the exposure episodes and the toxicological response information are derived from observations in humans, these findings are regarded as particularly relevant for human health risk assessment. They suggest that, for some chemicals, ostensibly conservative soil criteria based on chronic exposure using current EPA methodology may not be protective of children during acute soil pica episodes. **Key words:** acute toxicity, exposure assessment, pica, risk assessment, soil ingestion.

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When evaluating risks posed by contaminated soil, incidental soil ingestion is often the most important pathway of exposure. For purposes of estimating risks to children, the EPA [J.W. Porter, unpublished data; (1)] assumes that most children ingest relatively small quantities of soil (e.g., <100 mg/day), while the upper 95th percentile are estimated to ingest 200 mg/day on average. This latter figure has been frequently employed as the assumed soil ingestion rate for children, both in estimating risks from soil contaminants under a residential land use scenario and in setting risk-based cleanup goals. While risk assessments for contaminated sites are directed principally to public health concerns for long-term exposure, the EPA has conceptually addressed the possibility that some children may display, at least on occasion, profound soil ingestion (referred to as soil pica) in quantities far greater than the upper 95th percentile value. For such children, the EPA (2) has proposed that risk assessors assume soil ingestion at a rate of 5 g soil/day. This is routinely ignored in practice, however, and risks from soil pica are rarely addressed explicitly in risk assessments.

Recently, there has been considerable effort by the EPA and state environmental regulatory agencies to define acceptable risk-based levels of contaminants in soils. The New Jersey Department of Environmental Protection was one of the first regulatory agencies to attempt to promulgate comprehensive risk-based soil standards, and in

1992 this department proposed standards for about 100 contaminants in soils (3). The methods used to derive the proposed soil standards were generally consistent with contemporary risk assessment practice, and the values were intended to be health protective for individuals, including children, under circumstances in which the property is used for residential purposes. The proposed soil standards were derived based on the potential for chronic exposure and, consistent with EPA recommendations, a soil ingestion rate of 200 mg soil/day for children was employed. An analysis was subsequently conducted to determine whether the proposed standards would also be health protective under circumstances of shorter, more extensive soil exposure, as might occur with soil pica. The analysis concluded that adverse human health effects were possible from acute or subchronic ingestion of 5 g soil at the proposed standard for nearly 42% of the chemicals and that there was the potential for toxicity from ingestion of as little as 200 mg soil for 17 of these chemicals (4).

For a variety of reasons, the soil standards proposed by the New Jersey Department of Environmental Protection were never implemented. Several states have, however, developed similar lists of soil contaminant concentrations to use as screening tools for sites, and the EPA has recently released its *Soil Screening Guidance*

(5), which provides residential land use risk-based soil concentrations for about 100 chemicals. In general, these soil guidance concentrations are intended to be broadly applicable and conservative and represent safe levels of the contaminants in soils, even under circumstances in which children may have extensive soil contact, such as a backyard, playground, or day care facility.

Our objective for this study was to make a preliminary assessment of the risks posed by soil contaminants at contemporary guidance concentrations when there is soil pica. While addressing the same basic issue—the health protectiveness toward children of soil standards or guidance concentrations—the analysis differed from that conducted previously by Technical Resources, Inc. (TRI) (4) in several important respects. First, we based estimates of soil ingestion during a soil pica episode on observations from other soil ingestion studies (6–10). As discussed below, these studies indicate that soil pica episodes may involve soil quantities much greater than 5 g. Second, the basis for comparison is different: while there are sets of soil criteria available from various states, we selected the EPA *Soil Screening Guidance* concentrations (5) so that the analysis might have relevance from a national perspective. For chemicals without a soil criteria value listed in this source, we used the EPA Region III risk-based soil concentrations for residential land use (11). Finally, the emphasis on the source of toxicity information was somewhat different from that employed previously; many of the conclusions regarding acute and subacute risk in the TRI analysis were based on toxicity values extrapolated from animal data, with the inclusion of substantial uncertainty factors. To avoid the uncertainty inherent in extrapolation of animal data to humans, we used only acute toxicity information derived from clinical studies or case reports in this analysis.

Magnitude and Variability of Soil Pica

Realistic estimates of soil pica are problematic. Estimating the frequency, magnitude, variability, and duration of soil pica has not

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been the object of extensive research. In the course of three soil ingestion studies, we have observed unambiguous soil pica in two children. One child was observed to ingest 20–25 g soil on 2 of 8 days (7,12). A second child displayed more consistent but less striking soil pica in which high soil ingestion (~1–3 g/day) was observed on 4 of 7 days (8). A 1988 study by Wong (9) noted soil pica (>1.0 g/day) in 5 of 24 children of normal mental capability on at least 1 of 4 days (i.e., 1 day of observation per month for 4 months). Nine individual subject-day values out of 84 (10.5%) had soil ingestion estimates >1 g/day. One mentally retarded child displayed consistent massive soil ingestion over the 4 days of 48.3, 60.7, 51.4, and 3.8 g soil. These data suggest that soil pica may vary considerably both between and within individuals and are consistent with observations that generalized pica behavior is common in normal children, but may be more prevalent and of longer duration in mentally retarded children (9).

Soil ingestion studies had very limited durations, usually for about a week or less. Consequently, it has not been possible to obtain a clear understanding of intraindividual variability in soil ingestion activity. Nonetheless, several years after the publication of our initial soil ingestion study in children (6), we developed a methodology to estimate daily soil ingestion in study children (13). This allowed the estimation of up to eight different daily measures of soil ingestion (i.e., a separate estimate for each day of the study) per subject in the original study. Using the median soil ingested for each study child and the standard deviation of these estimates (assuming a log-normal distribution for soil ingestion), we simulated soil ingestion for 365 days for each child and tabulated the frequency of soil pica days (>1 g/day) (13). This model-based prediction indicated that the majority (62%) of children will ingest >1 g soil on 1–2 days/year, while 42% and 33% of children were estimated to ingest >5 and >10 g soil on 1–2 days/year, respectively. These model-based estimates were qualitatively significant because they suggest that soil pica is not restricted to a very small percentage of the normal population of children, but may be expected to occur in a sizable proportion of children throughout the course of the year. The findings also support the hypothesis that there is considerable interindividual variation with respect to soil pica frequency and magnitude. Thus, for the majority of children, soil pica may occur only on a few days of the year, but much more frequently for others. If soil pica is seen as an expected,

although highly variable, activity in a normal population of young children, rather than an unusual activity in a small subset of the population, its implications for risk assessment become more significant.

Relating Soil Pica to Hazard Potential

Thirteen chemicals were selected for the analysis based on the availability of acute human toxicity data and on the suggestion in the TRI study (4) that acute toxicity problems may exist for those chemicals. These chemicals were antimony, arsenic, barium, cadmium, copper, cyanide, fluoride, lead, naphthalene, nickel, pentachlorophenol, phenol, and vanadium. For each of these chemicals, information was sought regarding acute dosages producing lethality, as well as the lowest dosage reported to produce significant nonlethal effects. For the most part, these dosages came from case reports of intoxication following accidental ingestion of the chemical in question. Cases involving ingestion of more than one substance were not considered, given the obvious potential for confounding of the dose-toxicity relationship for the chemical in question. Doses reported to produce acute toxicity were compared with those that would result from acute ingestion by a small child of 5, 25, or 50 g soil containing the chemical at the EPA screening concentration (Table 1) (14–32). To facilitate comparisons, all doses are expressed in terms of milligram per kilogram body weight. Toxic dosages from case reports, in some instances, had to be derived using an assumed body weight based on the description of the subject(s). For the pica child, a 13-kg body weight is assumed, which closely corresponds to the 50th percentile body weight of a 3-year-old child (33).

As shown in Table 1, in the case of arsenic, a pica episode involving soil contaminated at the screening level value would result in an ingested dose of 2, 8, or 15 µg/kg, depending upon whether the child ingests 5, 25, or 50 mg of soil, respectively. The highest of these dosages is well below acute doses identified in our literature survey as associated with toxicity. Similarly, projected doses of antimony, naphthalene, and pentachlorophenol from a soil pica episode involving soil at the screening level were also less than those reported to produce acute toxicity. For the remaining chemicals, however, the amount contained in 5–50 g of soil is within the reported toxic range in humans. In fact, for cyanide, fluoride, phenol, and vanadium, the ingested dose from 25 g of soil exceeds amounts reported to produce lethality.

Discussion

Risk-based soil screening levels and clean-up goals are currently developed based on chronic exposure. The implicit assumption is that contaminant concentration limits that are health protective under chronic exposure circumstances will be protective also for acute exposure. While there is a certain logic to this assumption, it may not be valid when the acute exposure is much larger than the time-averaged chronic exposure. Soil ingestion rates in children appear to provide an excellent example of this situation. While 95% of small children may ingest, on average over time, 200 mg soil/day or less, their soil ingestion behavior can include episodic ingestion of 250 times that amount or more. In establishing soil screening levels and clean-up goals for exposure scenarios that can include contact with soils by small children, it seems reasonable to take this behavior into consideration.

The relatively simple analysis presented here is intended to be preliminary, focusing on a limited group of chemicals, and probably does not address all of the acute toxicity endpoints that may be of potential concern. The results strongly suggest that current methodology for calculating risk-based soil screening levels and clean-up goals based on chronic exposure assumptions may not adequately protect children exhibiting soil pica behavior from acute toxicity from some chemicals. Depending upon the magnitude of soil ingested and the specific contaminant, a soil pica episode may result in the ingestion of doses similar to, or greater than, those observed in clinical reports to produce severe toxicity, including death. While comparisons in this study were based on EPA-derived soil screening values, it should be noted that many states have also developed lists of risk-based soil concentrations using methodology that is similar, for the most part, to that used by the EPA. It is logical to suspect that concerns about the health protectiveness of current soil criteria are relevant to these values as well.

It is important to acknowledge the caveats associated with this analysis. Dose-response data for acute toxicity in humans are generally quite limited, particularly for children. By and large, acute toxicity data come principally from case reports of accidental ingestion in which dose estimation may be uncertain. In situations where a range of doses associated with toxicity has been reported in the literature, the lowest doses were used in the analysis to provide an indication of the dose required for toxicity. In situations where data are extremely limited (e.g., only a few case reports exist), even

Table 1. Estimates of acute toxicity associated with soil pica episodes in young children at EPA soil screening concentrations

Chemical	Soil screening ^a value (mg/kg soil)	Soil intake (g soil/event)	Dose from soil ^b (mg/kg body weight)	Lethal dose (mg/kg body weight)	Reference	Nonlethal toxic dose (mg/kg body weight)	Effects	Reference
Antimony	31	5	0.01	ND	—	0.528	Nausea, vomiting	(14)
		25	0.06					
		50	0.12					
Arsenic	0.4 ^c	5	0.002	1–3	(16)	1	Throat irritation, nausea and vomiting	(15)
		25	0.008					
		50	0.015					
Barium	5,500	5	2.1	43–57	(17)	2.86–7.14	Acute threshold for toxicity in adults	(16)
		25	10.6					
		50	21.2					
Cadmium	78	5	0.03	25	(18)	0.043–0.07	GI irritation and vomiting in children	(18,19)
		25	0.15					
		50	0.30					
Copper	3,100*	5	1.2	14–429	(21)	0.09	Vomiting and diarrhea	(21)
		25	6.0					
		50	11.9					
Cyanide	1,600	5	0.6	0.5	(23)	ND		—
		25	3.1					
		50	6.2					
Fluoride	4,700*	5	1.8	4	(24)	0.04–3.0 ^d	GI effects	(24)
		25	9.0					
		50	18.1					
Lead	400	5	0.2	ND	—	0.02	Decreased ALAD	(25)
		25	0.8					
		50	1.5					
Naphthalene	3,100	5	1.2	ND	—	~70 ^e	Severe bladder pain and near blindness	(26,27)
		25	6.0					
		50	11.9					
Nickel	1,600	5	0.6	570	(29)	0.009 ^g	Contact dermatitis	(29)
		25	3.1					
		50	6.2					
PCP	3	5	0.001	17 ^f	(31)	ND		—
		25	0.006					
		50	0.012					
Phenol	47,000	5	18.1	39 ^f	(31,32)	14	GI effects	(31)
		25	90.4					
		50	180.8					
Vanadium	550	5	0.2	0.86	(33)	ND		—
		25	1.1					
		50	2.1					

Abbreviations: ND, not determined (no acute toxicity doses in humans were identified); GI, gastrointestinal; ALAD, aminolevulinic acid dehydratase; PCP, pentachlorophenol.

^aValues with an asterisk are from the EPA's *Risk-based Concentration Tables, Region III (11)*; values without an asterisk are from the EPA's *Soil Screening Guidance (5)*.

^bCalculated as (soil screening value × soil intake)/13 kg assumed body weight.

^cThis value may be below background levels in some parts of the United States. In such cases, the natural background value would be used.

^dEstimated dose based on an assumed body weight of 35 kg.

^eEstimated dose based on an assumed body weight of 70 kg.

^fEstimated dose based on an assumed body weight of 59 kg.

^gEstimated dose based on an assumed body weight of 5 kg for an infant.

the lowest value of the reported range may overestimate the dose needed to produce toxicity. This is because individual cases do not measure the dose needed to produce a toxic effect such as death; they only indicate that the necessary dose was exceeded, and the lowest among the case reports may be well in excess of the threshold for the toxic effect of concern. On the other hand, the lowest value may reflect a response by an

unusually sensitive individual or special circumstances not generally applicable. Information in the literature regarding toxic but survived doses or no-effect doses in sizable populations of individuals would be helpful in gaining perspective on toxic doses, but are seldom available for acute exposure among humans to environmental chemicals.

Only one of the comparisons was based on toxicity data from individuals known to

be sensitive to the toxicant—contact dermatitis from ingestion of nickel in nickel-sensitized subjects. Among these individuals, dermal reactions can occur following ingestion of very small amounts of nickel (34). For some of the other toxicants, the toxicity value used for comparison may not encompass all of those with special sensitivity. For example, in the case of naphthalene, the estimated exposure from ingestion of as much as

50 g contaminated soil was still well below the reported, frankly toxic oral human dose. However, it is generally accepted that there is considerable interindividual variation in susceptibility to naphthalene-induced hemolysis. Individuals with a glucose-6-phosphate dehydrogenase (G-6-PD) deficiency, a red blood cell condition found in 13% of American black males, are known to have enhanced susceptibility to naphthalene (35-37). In addition, infants are considered very sensitive to the hemolytic effects of naphthalene, possibly due to their reduced capacity to conjugate and excrete the chemical (37). In the case of copper, the acute dose used in the comparison table for nausea, vomiting, and diarrhea is from poisonings in adults. There is evidence from a number of case reports that infants and children under 10 years of age are particularly susceptible to gastrointestinal effects from copper in drinking water (38), and this increased sensitivity may be applicable to acute ingestion of copper as well.

The dose estimates used in this analysis are ingested doses rather than absorbed doses, and it is possible that matrix effects of contaminants in soils may retard absorption and thereby mitigate their toxicity to some degree. The extent to which this may occur is difficult to evaluate because reliable data on bioavailability from soils are available for very few chemicals (39). From a toxicological perspective, the expectation that absorption from soils may be diminished is counterbalanced in a number of instances by the severity of the toxic endpoint. For example, even if matrix effects reduced the absorbed dose of chemicals such as cyanide, fluoride, phenol, and vanadium to below lethal levels, serious toxicity could nonetheless result.

The frequency with which children experience acute poisoning from ingestion of contaminated soils is unknown. Quinby and Clappison (40) described a case in which a child became severely intoxicated following ingestion of parathion in contaminated soil, but such reports are rare in the literature. Conceivably, this could reflect, in part, a failure of parents and medical personnel to associate acute illness with soil pica except in obvious cases. Similarly, the likelihood of acute intoxication from consumption of contaminated soil is difficult to predict and is, of course, dependent on the occurrence of a soil pica event at a location with significantly contaminated soil. For example, in the case of the soil pica child who was observed to ingest 20-25 g soil on two occasions (7,12), the levels of lead in her yard were 20-25 ppm. However, if she had ingested soil that had 500-1,000 ppm lead, which is common in some older inner cities, the biological impact may have been more profound,

resulting in a substantial increase in the blood lead level according to the EPA biokinetic uptake model for lead (10). Thus, the possibility of intoxication is complex, being affected by the frequency and magnitude of the pica event, access to contaminated soil, and also the quality of adult supervision.

In addition to interindividual differences in susceptibility to toxic substances, there are likely to be important differences in soil pica activities as well. Within this context, young children have little awareness of the concept of contamination or disgust concerning things they ingest; they also have incomplete knowledge of edible and inedible substances (41-44). Soil ingestion and other pica activity in young children then may not reflect aberrant behavior as much as behavior that declines as care giver socialization efforts and children's sensory discriminations and cognitive advances coalesce to dampen its exercise. Such an explanation also would help to account for the frequent observation that pica activity occurs among the mentally retarded (45-48). These observations reinforce the massive and consistent episodes of soil pica in a mentally retarded child as reported by Wong (9).

The analysis presented here is based exclusively on observations in humans, both in terms of soil pica behavior and doses associated with toxicity. While there are acknowledged limitations in the analysis, as discussed above, two of the greatest sources of uncertainty common to most toxicological evaluations are absent, that is, extrapolation of data from animals to humans and extrapolation of dose beyond the observed range. The selective use of human data contributes to greater confidence in the relevance of the analysis to human health and, at the same time, greater concern for its implications. Given the serious nature of acute toxicity potentially associated with consumption of contaminated soils during a soil pica episode, this analysis suggests that greater attention must be paid by regulatory and public health agencies to this issue when developing health-based criteria and standards for soils. There should also be more careful and explicit consideration of this possibility in risk assessments where contaminated soil and the potential for present or future exposure by children exist.

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NEW

OCCUPATIONAL HEALTH AND PREVENTIVE MEDICINE

The Navy Environmental Health Center will host the **Third Annual Navy Environmental Health and Preventive Medicine Workshop from March 28 to April 4, 1998**, at the **Town and Country Resort and Convention Center in San Diego, California**.

The workshop's theme, "Knowledge, the Most Powerful Form of Prevention," will focus on wellness and prevention in the areas of occupational health and safety, preventive medicine, health promotion, environmental protection, and industrial hygiene. The **Seventh Annual Health Promotion and the Fifth Annual Independent Duty Hospital Corpsman conferences** will run concurrently.

Registration materials, hotel information, and the workshop advance program are available electronically on NEHC's homepage: www-nehc.med.navy.mil or call (757) 363-5508/5512. There is no registration fee for the conference.

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Table T1 - Soil Validation Results 0 to <1 m bgs

Handwritten notes: VS01, KP02, GC VS03, 2/12/15, 2/12/15, 2/12/15

Table with columns: Sample ID, Sample Date, Sample Type, Units, LOR, Site Validation Criteria, V502, RPO %, GC102, V502, GC300, V503, RPO %, GC202, V503, RPO %, GC300. Rows include TPH, TOH, BTEX, Halogenated Benzenes, Metals, COPs, POPs, PAHs, PCBs, and PFAS.

Notes: mg/kg = milligrams per kilogram, µg/g = micrograms per gram, LOR = Limit of Reporting, nd = Not Detected, nc = Not Calculated

PFOS

Handwritten note: 6 1.30 24.30 0666 2.11.92 -



EPDcustomerservices@act.gov.au

Referral-Health-Development Application – 201731430-22-97-CHARNWOOD-01

Dear Sir/Madam,

Thank you for the documentation received on 3 July 2017 regarding a proposed childcare centre in Charnwood.

The Health Protection Service (HPS) notes that the proposed development will include demolition of an existing building on the site of a former Fire Brigade Depot, construction of a single storey, 1217 square meter childcare centre, and construction of 1157 square meter playground, site works and fencing.

Results obtained through the Land Development Agency indicate perfluorooctane sulphonate (PFOS) contamination in three soil samples tested 2015 at levels of between 1.06mg/kg and 1.92mg/kg.

Young children are particularly at risk for increased exposure to soil contaminants, such as PFOS and PFOA from pica (eating soil), greater hand-to-mouth activity (including crawling) and reduced hygiene (i.e. washing of hands). Assessment of the health risk to children of soil contamination at this site was undertaken using the 'Health Based Guidance Values for PFAS – For Use in Site Investigations in Australia,' recently released by the Australian Government Department of Health. These outline a PFOS tolerance value of 20ng/kg/day.

Preliminary calculations suggest a 10kg child (assuming a two year old) would exceed the PFOS tolerable daily intake by consuming just 100mg of soil from the site. A 2006 study conducted in the United States of America found that children aged between two and six years of age consume an average of 138mg/day of soil, or 193mg/day of soil and dust.

The applicant is advised that additional sampling must be undertaken to provide a more complete and up-to-date assessment of the site, focusing on areas likely to be exposed (including playgrounds and landscaped areas). The results and a map indicating sample sites must be provided to the HPS.

HPS requires that the applicant demonstrate suitable mitigation measures to eliminate the exposure of PFOS to vulnerable populations.

There are no other public health concerns in relation to the proposed development.

Please contact Keith Rogers on (02) 6205 1716 if you require any further information.

Yours sincerely



Conrad Barr
Executive Director
Health Protection Service

24 July 2017

Moroney, Rebecca (Health)

From: Moroney, Rebecca (Health)
Sent: Monday, 24 July 2017 2:27 PM
To: HPS
Subject: Referral-Health-Development Application - 201731430-22-97-Charnwood-01
Attachments: Referral-Health-Development Application - 201731430-22-97-Charnwood-01.pdf

Hi Cathie/Kim/David

Could this please be sent off today to EPDcustomerservices@act.gov.au with me as a BCC ?

As usual – it is due to EPDtoday ☺

We like to live on the edge here ;)

Thank you - Bec ☺



Rebecca Moroney

A/g Personal Assistant to the Executive Director of HPS | Business Support Services
Health Protection Service | Population Health Protection and Prevention | ACT Health
Locked Bag 5005 Weston Creek ACT 2611
T 02 6205 4402 | E rebecca.l.moroney@act.gov.au



EPDcustomerservices@act.gov.au

Referral-Health-Development Application – 201731430-22-97-CHARNWOOD-01

Dear Sir/Madam,

Thank you for the documentation received on 3 July 2017 regarding a proposed childcare centre in Charnwood.

The Health Protection Service (HPS) notes that the proposed development will include demolition of an existing building on the site of a former Fire Brigade Depot, construction of a single storey, 1217 square meter childcare centre, and construction of 1157 square meter playground, site works and fencing.

Results obtained through the Land Development Agency indicate perfluorooctane sulphonate (PFOS) contamination in three soil samples tested 2015 at levels of between 1.06mg/kg and 1.92mg/kg.

Young children are particularly at risk for increased exposure to soil contaminants, such as PFOS and PFOA from pica (eating soil), greater hand-to-mouth activity (including crawling) and reduced hygiene (i.e. washing of hands). Assessment of the health risk to children of soil contamination at this site was undertaken using the 'Health Based Guidance Values for PFAS – For Use in Site Investigations in Australia,' recently released by the Australian Government Department of Health. These outline a PFOS tolerance value of 20ng/kg/day.

Preliminary calculations suggest a 10kg child (assuming a two year old) would exceed the PFOS tolerable daily intake by consuming just 100mg of soil from the site. A 2006 study conducted in the United States of America found that children aged between two and six years of age consume an average of 138mg/day of soil, or 193mg/day of soil and dust.

The applicant is advised that additional sampling must be undertaken to provide a more complete and up-to-date assessment of the site, focusing on areas likely to be exposed (including playgrounds and landscaped areas). The results and a map indicating sample sites must be provided to the HPS.

HPS requires that the applicant demonstrate suitable mitigation measures to eliminate the exposure of PFOS to vulnerable populations.

There are no other public health concerns in relation to the proposed development.

Please contact Keith Rogers on (02) 6205 1716 if you require any further information.

Yours sincerely



Conrad Barr
Executive Director
Health Protection Service

24 July 2017

Rogers, Keith (Health)

From: Barr, Conrad (Health)
Sent: Wednesday, 26 July 2017 4:40 PM
To: Stedman, Andrew (Health); Rogers, Keith (Health)
Cc: Moroney, Rebecca (Health); Krsteski, Radomir (Health)
Subject: Fwd: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-comments overdue [SEC=UNCLASSIFIED]
Attachments: ENTITYADVICE-201731430-S141A-01.pdf; ATT00001.htm; SUPP-201731430-S141A-FURTHER INFO RESPONSE-01.pdf; ATT00002.htm; RE: DA2017314430-22/97 Charnwood - HPS comments - clarification from EPA [SEC=UNCLASSIFIED]; ATT00003.htm; FW: Referral-Health-Development Application - 2017314430-22-97-Charnwood-03; ATT00004.htm

Can you please advise me on this?
 Conrad

Begin forwarded message:

From: "Pradhan, Jyoti" <Jyoti.Pradhan@act.gov.au>
To: "Barr, Conrad (Health)" <Conrad.Barr@act.gov.au>
Subject: FW: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-comments overdue [SEC=UNCLASSIFIED]

Good afternoon Mr Barr,

I refer to the subject DA for proposed childcare centre in Charnwood.

The applicant has provided further information in response to the concerns raised in the HPS advice. The information was referred to HPS on 3 July 2017 for further comments.

The comments are now overdue. Could you please check the attached info and provide your comments asap, preferably by Friday please.

Please note that EPA has supported the proposed development.

Regards,
 Jyoti

Jyoti Pradhan

Assessment Officer | DA Merit Assessment - Commercial

(Working hours - Monday to Friday 8.00am - 2.30pm)

Phone 02 6207 1649 | Fax 02 6207 1856 |

Planning Delivery Division | Environment, Planning and Sustainable Development Directorate | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au

From: EPD, Customer Services
Sent: Monday, 3 July 2017 9:45 AM
To: HPS
Subject: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-01 [SEC=UNCLASSIFIED]

PLEASE IGNORE PREVIOUS EMAIL

DEVELOPMENT APPLICATION NO: 201731430 S141A & B
BLOCK: 22 **SECTION:** 97 **DIVISION:** CHARNWOOD

S141 Further Information prior to decision – PROPOSAL FOR NEW COMMERCIAL DEVELOPMENT - demolition of the existing buildings and construction of a childcare centre and pre-school, landscaping, surface car park, services infrastructure, signage and associated site works.

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the above mentioned development application and provide any written advice no later than 15 working days after the date of this notice **(24/07/2017)**.

In accordance with Section 150 of the Planning and Development Act 2007 If advice is not received within the prescribed time it will be taken that you have supported the application.

Please forward any written advice via email to Customer Services

EPDcustomerservices@act.gov.au

Please use the following format in the subject line of the email when providing advice:
COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01
Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Kind Regards

Customer Services

Phone 02 6207 1923

Access Canberra | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601

Access Canberra is an ACT Government service that brings together customer and regulatory services, including the former Environment and Planning Directorates Customer Services Team. Access Canberra has been set up to make it easier for business, community organisations and individuals to work with ACT Government and deliver a more seamless experience.

www.planning.act.gov.au | EPDcustomerservices@act.gov.au

Pieter Van Der Walt

Subject: RE: PFOS & PFOA - AECOM Summary report [SEC=UNCLASSIFIED]

From: "Bvirakare, Faith (Health)" <Faith.Bvirakare@act.gov.au>
To: [REDACTED]@peachandco.com.au>
Subject: PFOS & PFOA - AECOM Summary report [SEC=UNCLASSIFIED]

Hi [REDACTED],

Please find attached a copy of the page in the AECOM Investigations and Site Suitability Status report the HPS referred to when they requested further information regarding PFOS & PFOA.


The report notes that analysis for PFOS & PFOA's and other CoPC's was completed by NATA accredited laboratories. The HPS is requesting that copies of the NATA laboratories results be provided to the HPS for their records noting that these compounds are regarded as emerging public health risk.

If you have any questions please do not hesitate to contact myself or our office on 6205 1700.

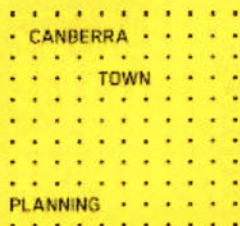
Kind regards



Faith Bvirakare

Public Health Officer | Environmental Health
 Health Protection Service | Population Health Protection & Prevention | ACT Health
 25 Mulley Street Holder ACT | Locked Bag 5005 Weston Creek ACT 2611
 T 02 6205 9616 | M [REDACTED] [REDACTED] [REDACTED] | E faith.bvirakare@act.gov.au | Website | 

 This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.



CANBERRA TOWN PLANNING
2/20 CHALLIS STREET DICKSON
CANBERRATOWNPLANNING.COM.AU
ABN 66 131 577 261

18 June 2017

The Assessing Officer

Development Assessment
Environment, Planning and Sustainable Development Directorate - Planning
Dame Pattie Menzies House, Challis Street, Dickson

Document prepared for Kasperek Architects.

**Response to Further Information Request DA201731430: Block 22 Section
97 Charnwood:**

Peach & Co Childcare Centre

Dear Sir/Madam,

This correspondence has been prepared to provide advice in relation to the Further information requests received from the EPSDD. The advice is prepared on behalf of the Applicant Kasperek Architects.

The Further Information Requests sought advice on a range of matters which we address in turn below:

Further Information request matters as numbered.

The following matters were included in the Further Information Request 1 and is addressed in turn below:

1. Proposed Development: Following comments have been received from Education Directorate. Please justify:

- Anecdotal conversations with current providers in the ACT indicate that there is currently an oversupply of education and care services in the Territory.***

The proposal is supported with a Needs assessment that was prepared Business Geographics Pty Ltd that was submitted with the DA. This assessment indicates that there is capacity in the market for a centre of this size. It should be noted that there is no requirement in the Territory Plan to demonstrate the need for the use at the site and further that the use of Community Use - that include Childcare centre is permissible under the Lease Purpose Clause. This DA only seeks to activate this use by proposal for construction of a building.

2. Access and Mobility:

Drawings DO NOT indicate Continuous accessible path of travel - on-site pedestrian routes not indicated.

There is no separate pedestrian access from the street to the entry - conflict with vehicles; The Access Report states that the proposal is capable of compliance but

Further information required as the detailed design progresses in particular landscape drawings indicating accessible path of travel to the entrance from the allotment boundary.

Please consider updated Architectural site plan DA04 that now show accessible pedestrian path and lighting detail. The pathways will connect with the street path and will be finally resolved in detail design. A second accessible parking space is now included near centre entry within the carpark.

- *No details of Door and Doorways provided. It is a mandatory Rule. The Access Report states that the proposal is capable of compliance but*

Further information required as the detailed design progresses

Applicant is required to provide further information - notes on the drawings in relation to compliance with the relevant Australian Standards will be considered acceptable.

Please consider the information added to Drawing DA05 that require: "Doorways to be in accordance with Clause 13 of AS1428.1 2009".

- *One accessible toilet and shower facility provided. The Access Report states that the proposal is capable of compliance but*

Further information required as the detailed design progresses.

A performance solution is to be documented with respect to BCA requirement F2.4(a) as accessible sanitary facilities are not provided at 50% of the banks of toilets. As all but one bank of toilets is for use by the children who will be learning how to use the facilities and are likely to require assistance requirement to provide accessible facilities to 50% is not considered appropriate.

Please justify.

Please refer to updated Access and Mobility Assessment Report. The report now includes a statement in relation to this.

- *Only one accessible parking space provided. Two required.*

Please consider updated Architectural site plan DA04 that now show a second accessible parking space included near centre entry within the carpark.

3. Parking - the required parking for the proposed development is:

Car parking required:

1 space/centre = 1 space

Plus

2 spaces per 15 childcare places for employee parking = 24 spaces for 176 places

plus

visitor parking as follows:

4 spaces for 60-90 childcare places = accordingly, 8 spaces for 176 places is considered reasonable

plus

1 pick-up/set-down bay per 10 childcare places = 18 spaces for 176 places

Total required: $1+24+8+18 = 51$ spaces

3% Accessible = 2 spaces out of 51 must be accessible.

Proposed parking is 42 spaces + possible 3 kerbside spaces (depending on if TCCS permits this).

During the pick-up drop-off rush hours, parents often park vehicles on the verge if there is no adequate parking available on site. This is not permitted and not safe. There are no other publicly available parking spaces in the vicinity - please justify the parking shortfall.

Please note that 2 accessible parking spaces are now included near centre entry within the carpark as shown in Architectural site plan DA04.

In relation to the Parking requirement and provision we request that you review the updated advice provided by Graeme Shoobridge Advisory (included in this submission). The advice considers these matters specifically as set out in the report provided.

4. Signage: Location of the signs has been provided.

- It is noted that the signs will be illuminated but no size/dimensions, colours, material details provided.
- The signs are assessed against the incorrect type.

Please refer to the Signage Plan DA19 and Overall Elevation DA07 that include updated information in relation to the proposed wall signs. In relation to the Signs General Code these signs are:

- Permissible in the CFZ zone (with approval),
- Permitted (with approval) at Ground Level,
- Will be affixed flat to the wall and not protrude by more than 300mm,
- Will be less than 6sqm and/or 20% of the wall area in question,
- May be illuminated and there will be more than one sign per tenancy. Lighting will be in accordance with Australian standard as4282: the control of obtrusive effects of outdoor lighting. In relation to the number of signs proposed please refer to the C4 assessment of the Signs General Code included in the Statement Against Criteria - noting that this is equally applicable to the proposed wall signs.

5. Waste enclosure on the boundary: Demonstrate that the sightlines will not be affected due to the location of the waste enclosure.

We note that there is no concern in relation to sightlines from vehicles entering the site as the waste enclosure does not obstruct visibility to the off-site pedestrian path network. We note that the visibility upon existing the site is not impeded as the driveway is wide enough to be used as a 2-way access road and drivers exiting the site will approach the off-site pedestrian path along the northern part of the driveway; this create a natural sightline zone over the "entry side" of the driveway. AS note has been added to the Site Plan DA04 that indicate that sightlines are to be maintained as per the intended design.

6. Solar Access:

- *The nursery rooms are very narrow and deep. There are only recessed folding doors facing south-east. Please demonstrate how these rooms will receive adequate natural light and ventilation.*
- *Similarly one of the toddler rooms will also not receive adequate natural light. Please demonstrate.*
- *The passage between the nursery and the preschool rooms will not receive any natural light and will have to rely on artificial lighting whole day. Please justify.*

There are no specific solar ingress provisions for non-residential use provided in the applicable zone codes but the proponent have now provided remote operable roof windows (skylights) to allow sunlight ingress and natural ventilation - Please note the inclusion of remote operable roof windows (skylights) as detailed on Drawings DA05 and DA06.

7. Tree Removal/ground work within TPZ:

- (a) *Tree Protection Unit does not support the removal of regulated trees identified for removal as these trees do not meet Tree Protection Criteria for removal and will need to be considered for removal on Development Grounds.*
- *To consider the removal of trees on Development Grounds, please demonstrate, with various design options, why this particular design option is the best viable option and why removal of these regulated trees is necessary to achieve the best outcome.*
 - *This is required to present the DA to the Major Projects Review Group (MPRG).*
- (b) *It is also noted that*
- i) *The proposed underground stormwater tank needs to be located outside of the tree protection zone of Tree 17 (Eucalyptus melliodora) and hydrosystem & grated pit will not be supported within the tree protection zone of the same tree (Tree 17 Eucalyptus melliodora) and must be relocated;*
 - ii) *The Nappy Change Room located within the tree protection zone of Tree 27 (Eucalyptus bicostata) will need to be constructed using low impact footings (e.g. pier and beam, rebated edge footings or screw in type footings) with a suspended floor within the tree protection zone (dripline + 2 metres). A low impact footing does not cut into the root system except for isolated piers. However, the tree is of poor quality and would likely be supported for removal as the tree meets the criteria 1.1.a (Life expectancy short) as the tree is in decline; and*
 - iii) *Excavation for the proposed fencing piers within the tree protection zones (dripline + 2 metres) of regulated trees 8, 17, 21, 22 and 27 shall not exceed 250mm in diameter and excavation for piers shall be undertaken by hand. If roots of a diameter of 100mm are or greater are encountered upon excavation the pier holes are to be relocated either side of the root.*

Please provide revised drawings and details of tree management and protection as required.

Please refer to Site Options Analysis DA21 that demonstrate some of the options that was considered in preparing the design as proposed. The design approach sought to balance the building design with site constraints and opportunities such as building presence and frontage/visibility to adjoining roads, privacy, tree quality and the like.

Please consider the new position of the relocated stormwater tank as requested as depicted in Civil Drawing DA-04. We note the proposed conditions around construction methodology and suggest that these are captured as conditions of approval with the Notice of Decision.

8. Strategic Planning - Transport Planning and Social Planning:

(a) Access and Mobility:

- i) *The ACT Access and Mobility General Code (Rule 2.1 Criteria 3) requires a continuous path of access travel be provided from the property boundary to the entry of the building. This is so the facility can be accessed safely from the street. The proposed development does not include direct pedestrian access to the child care facility from the property boundary, in this case Lhotsky Street.*
- ii) *The car park does not provide an ideal level of pedestrian access to the facility entrance for customers arriving by vehicle and using the car park, given the use of this car park by parents and carers with very young children. Further consideration of safe access from the car park is required. Options to improve safe pedestrian access could potentially include the use of pedestrian foot paths and the use of a pedestrian crossing within the car park.*

Please consider updated Architectural site plan DA04 that now show accessible pedestrian path and lighting detail. The pathways will connect with the street path and will be finally resolved in detail design.

(b) Accessible Parking:

- i) *Accessible parking is required at a rate of 3% rounded up to the nearest whole number. The proposal includes one accessible park. An additional accessible car park is required.*
- ii) *Accessible car parking spaces should not be located adjacent to the turning space. The accessible car park needs to have direct access to the front entry.*
- iii) *The turning circle for the car park should be provided separately at the rear of the car park.*

A second accessible parking space is now included near centre entry within the carpark.

(c) Walking and Public Transport Access:

- i) *The development is located on two large roads (Florey Drive and Lhotsky Street) which place increased importance on safe pathways for pedestrian and cycle access to the site. However, the existing pathway along Lhotsky Street finishes at the entrance to the site. A pathway should be provided to connect the site to the wider pedestrian and cycle network. The pathway should be well lit (see commentary below in Lighting, Safety and Passive Surveillance)*

Please consider updated Architectural site plan DA04 that now show accessible pedestrian path and lighting detail. The pathways will connect with the street path and will be finally resolved in detail design. We note that the site is serviced by pathways on both boundaries and these connect into the wider pedestrian network.

The site will be primarily used by parents dropping children to the centre by private vehicle and/or use of the existing path network that span both site boundaries. The Crown Lease permits the childcare use. If a new pathway is desired by the Territory then this may be installed as capital Government works - it is not a requirement associated with the sale of the land and is not specifically required as a planning consideration in the Territory Plan in the context of this application.

(d) Landscape and shade:

- i) *If the car park layout was reconfigured to provide islands around the trees it would be possible to retain more trees on site and continue to provide shade.*
- ii) *There is a lack of detail provided on the configuration outdoor play areas. Whilst there is a 40% deep root planting area provided for fall zones for equipment, shade structures and other potential hard stand play areas will likely diminish the area available for deep root planting and permeable landscape.*

Noting the Deep Root Planting area shown in green on DA-04 site plan we suggest that a large proportion of the site will remain permeable and free of hard landscaping - especially in the playground areas. We further note that the play area is provided with a large number of mature trees (proposed to be retained), shade structures on pergola elements) and further (new) tree plantings - all of these will provide specific amenity and shade to these play areas. Fall zones are permeable in their construction and will facilitate infiltration of stormwater as will deep-root areas.

We further note that the licencing provisions require a certain amount of shade be provided in play areas and this development is designed to comply with these requirements. If more shade elements are required to obtain a use licence before operation can commence then the Proponent will seek to have the DA amended and provide further elements to meet such provisions.

The carpark design and location is a function of site access, tree retention strategy and building positioning (and parking provision requirements as per the PVAGC). We are seeking the removal of medium quality regulated trees only in favour of retaining a balanced and high amenity development in the context of a number of design options (As demonstrated in the Architectural design documents provided with this submission). We would gladly consider removing a few of the carparking spaces where practicable to retain some of these trees if we the Authority deem this loss of spaces to be acceptable. Our traffic statement included in this submission demonstrate that the site complies and exceed the provisional requirements of the Parking Code and we could easily delete one or two parking spaces if the Authority deem this to be necessary to retain some of the Trees. We would accept such an outcome as a condition of approval if the Authority deem this to be important.

(e) Built form/Materials:

- i) *The materials are predominately face brick with little use of quality or natural materials. As such there is a lack of high quantity finishes and materials which provides little aesthetic relief and causes problems with high thermal heat gain and glare.*

We strongly object to the suggestion that the use of face brick is of little quality and/or use. The design was deliberately and specifically prepared to be in keeping with the site history and play on the interaction with the historical use of fire station, the design quality of that building and the proposed new building. We note the Canberra Times Architecture (<https://www.domain.com.au/news/childcare-centre-plans-for-former-charnwood-fire-station-site-revealed-20170512-gw3c5w/>) dated 12 May 2017 that sets-out the designer's approach to the building. From this it is clear that the design is generally deliberate including:

- The proposal features a design that "pays homage to the original fire station";

- the red grid feature that formed the former building's distinctive facade will be incorporated into the new design"
- Mr Kasperek said ..."the design would also mirror the station's rectangular form and original brickwork. *"We didn't want it to look like an ordinary residential building, we wanted it to look special and different... ..You don't often get an opportunity to reference a fire station."*
 - ii) *The shade structures do not provide shade to outdoor areas, play areas and the internal building. Details of shade structures particularly on the western play area and facade should be incorporated into the design.*
 - iii) *Metal pergolas are likely to absorb and retain heat making them inappropriate particularly on the western facade.*

Shading components are now added to pergola structures - refer to detail on Drawing DA-06 and other site plan and layout drawings.

We do not believe that the proposed metal pergolas will have any heat build-up effect given the small extend of these elements in the context of the building proposed and the addition of shade structure. We suggest retaining this finish as a highly durable implementation in a space that is likely to be heavily impacted upon on the day to day activity at the centre. We view this implementation as an appropriate and low maintenance, highly durable response with no evidence of the impacts suggested in the comment to be a supportable concern- especially given the context of large trees and shade structures being proposed in the design.

(f) **Parking:**

- i) 51 car parking spaces are required as per the Parking and Vehicular Access General Code requirements. The application provides for 42 parking places, including 1 accessible space. The proposal falls short of the requirement of car parks by 9 on site (noting an additional 3 on-street spaces are proposed along Lhotsky Street), Provide evidence/ justification that sufficient parking is available to meet the demands of the proposed facility.

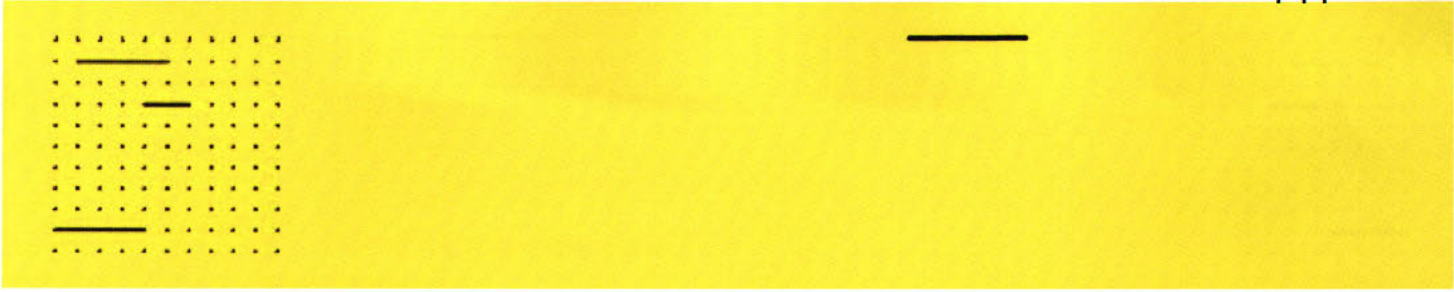
Please refer to the updated advice provided by Graeme Shoobridge Advisory (included in this submission).

9. Health Protection Services:

The HPS supports the EPA's endorsement of the report conducted by AECOM. However, seeks further information regarding the results of the perfluorooctane sulphonate and perfluorooctanoic acid analysis of soil.

We note that the HPS support the EPA endorsement of the AECOM investigation findings and acknowledge the question in relation to the substance listed. It appears that this question is levelled to the EPA as endorsement entity of the report noting that the Lease was sold with this use specifically permitted in the Purpose Clause. There appears to be no evidence that the site is not suitable for the use permitted given this context.

Notwithstanding the proponent will continue his liaison with the EPA during the construction of the proposed building and implement an unexpected discovery protocol in relation to contamination matters through the construction period to provide a framework in which any matters relating to substances such as is listed may be appropriately dealt with if discovered on-site. We will act in accordance with Australian Standards, Best Practice and EPA requirements in this regard.



The request from the Health Protection Services Agency seems to relate to requesting a copy of the test results (laboratory results) that was used in the AECOM assessment presented to the EPA for endorsement. These results were not made available with the sale of the land to the proponent and we do not have a copy of said test results.

The de-contamination works and testing were commissioned by the Territory and endorsed by the EPA prior to the sale of the Lease to the proponent We suggest that the Health Protection Services Agency seek this advice directly from the LDA or EPA as relevant parties in the assessment that relate to the AECOM report. This does not appear to be raised as a matter of concern in the context of the DA and should not be impacting on the assessment of this proposal.

If you have any questions or require anything further, please contact me on [REDACTED].

Yours Sincerely,

[REDACTED] Digitally signed by [REDACTED]
Date: 2017.06.18
16:09:07 +10'00'

[REDACTED]

[REDACTED]

Stedman, Andrew (Health)

From: Rogers, Keith (Health)
Sent: Wednesday, 26 July 2017 4:48 PM
To: Barr, Conrad (Health)
Cc: Stedman, Andrew (Health); Moroney, Rebecca (Health); Krsteski, Radomir (Health)
Subject: Re: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-comments overdue [SEC=UNCLASSIFIED]

Hi Conrad,

This is the PFOS brief requiring significant testing and mitigating mechanisms. I confirmed with Bec that the email was sent to EPA on Monday afternoon.

Regards,

Keith Rogers

Public Health Officer | Environmental Health

Health Protection Service | Population Health Protection and Prevention | ACT Health

25 Mulley Street Holder ACT | Locked Bag 5005 Weston Creek ACT 2611

T 02 6205 1716 | M [REDACTED] [REDACTED] [REDACTED] | E keith.rogers@act.gov.au | www.health.act.gov.au |

On 26 Jul 2017, at 4:40 pm, Barr, Conrad (Health) <Conrad.Barr@act.gov.au> wrote:

Can you please advise me on this?
 Conrad

Begin forwarded message:

From: "Pradhan, Jyoti" <Jyoti.Pradhan@act.gov.au<<mailto:Jyoti.Pradhan@act.gov.au>>>
 To: "Barr, Conrad (Health)" <Conrad.Barr@act.gov.au<<mailto:Conrad.Barr@act.gov.au>>>
 Subject: FW: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-comments overdue [SEC=UNCLASSIFIED]

Good afternoon Mr Barr,

I refer to the subject DA for proposed childcare centre in Charnwood.

The applicant has provided further information in response to the concerns raised in the HPS advice. The information was referred to HPS on 3 July 2017 for further comments.

The comments are now overdue. Could you please check the attached info and provide your comments asap, preferably by Friday please.

Moroney, Rebecca (Health)

From: Moroney, Rebecca (Health)
Sent: Wednesday, 26 July 2017 5:02 PM
To: Pradhan, Jyoti
Cc: Barr, Conrad (Health); Krsteski, Radomir (Health); Rogers, Keith (Health); Smith, Cathie (Health)
Subject: FW: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-comments overdue [SEC=UNCLASSIFIED]
Attachments: Referral-Health-Development Application - 201731430-22-97-Charnwood-01.pdf
Importance: High

Good Afternoon Jyoti

Please see attached comments from HPS for this DA.

Our comments were originally sent on the 24th July, unfortunately to the incorrect email address which is why you did not receive them.

It is very important that you receive these comments as HPS does not agree to this application.

Rebecca Moroney
 PA to Conrad Barr - ED HPS
 Phone : 02 6205 4402

From: Moroney, Rebecca (Health) **On Behalf Of** Barr, Conrad (Health)
Sent: Wednesday, 26 July 2017 4:55 PM
To: Moroney, Rebecca (Health)
Subject: FW: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-comments overdue [SEC=UNCLASSIFIED]

Thank you - Bec ☺

Rebecca Moroney
 PA to Conrad Barr - ED HPS
 Phone : 02 6205 4402

From: Pradhan, Jyoti
Sent: Wednesday, 26 July 2017 4:12 PM
To: Barr, Conrad (Health)
Subject: FW: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-comments overdue [SEC=UNCLASSIFIED]

Good afternoon Mr Barr,

I refer to the subject DA for proposed childcare centre in Charnwood.

The applicant has provided further information in response to the concerns raised in the HPS advice. The information was referred to HPS on 3 July 2017 for further comments.

The comments are now overdue. Could you please check the attached info and provide your comments asap, preferably by Friday please.

Please note that EPA has supported the proposed development.

Regards,
Jyoti

Jyoti Pradhan

Assessment Officer | DA Merit Assessment - Commercial

(Working hours - Monday to Friday 8.00am - 2.30pm)

Phone 02 6207 1649 | Fax 02 6207 1856 |

Planning Delivery Division | Environment, Planning and Sustainable Development Directorate | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au

From: EPD, Customer Services

Sent: Monday, 3 July 2017 9:45 AM

To: HPS

Subject: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-01 [SEC=UNCLASSIFIED]

PLEASE IGNORE PREVIOUS EMAIL

DEVELOPMENT APPLICATION NO: 201731430 S141A & B

BLOCK: 22 **SECTION:** 97 **DIVISION:** CHARNWOOD

S141 Further Information prior to decision – PROPOSAL FOR NEW COMMERCIAL DEVELOPMENT - demolition of the existing buildings and construction of a childcare centre and pre-school, landscaping, surface car park, services infrastructure, signage and associated site works.

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the above mentioned development application and provide any written advice no later than 15 working days after the date of this notice **(24/07/2017)**.

In accordance with Section 150 of the Planning and Development Act 2007 If advice is not received within the prescribed time it will be taken that you have supported the application.

Please forward any written advice via email to Customer Services

EPDcustomerservices@act.gov.au

Please use the following format in the subject line of the email when providing advice:

COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Kind Regards

Customer Services

Phone 02 6207 1923

Access Canberra | **ACT Government**

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EPDcustomerservices@act.gov.au

Referral-Health-Development Application – 201731430-22-97-CHARNWOOD-01

Dear Sir/Madam,

Thank you for the documentation received on 3 July 2017 regarding a proposed childcare centre in Charnwood.

The Health Protection Service (HPS) notes that the proposed development will include demolition of an existing building on the site of a former Fire Brigade Depot, construction of a single storey, 1217 square meter childcare centre, and construction of 1157 square meter playground, site works and fencing.

Results obtained through the Land Development Agency indicate perfluorooctane sulphonate (PFOS) contamination in three soil samples tested 2015 at levels of between 1.06mg/kg and 1.92mg/kg.

Young children are particularly at risk for increased exposure to soil contaminants, such as PFOS and PFOA from pica (eating soil), greater hand-to-mouth activity (including crawling) and reduced hygiene (i.e. washing of hands). Assessment of the health risk to children of soil contamination at this site was undertaken using the 'Health Based Guidance Values for PFAS – For Use in Site Investigations in Australia,' recently released by the Australian Government Department of Health. These outline a PFOS tolerance value of 20ng/kg/day.

Preliminary calculations suggest a 10kg child (assuming a two year old) would exceed the PFOS tolerable daily intake by consuming just 100mg of soil from the site. A 2006 study conducted in the United States of America found that children aged between two and six years of age consume an average of 138mg/day of soil, or 193mg/day of soil and dust.

The applicant is advised that additional sampling must be undertaken to provide a more complete and up-to-date assessment of the site, focusing on areas likely to be exposed (including playgrounds and landscaped areas). The results and a map indicating sample sites must be provided to the HPS.

HPS requires that the applicant demonstrate suitable mitigation measures to eliminate the exposure of PFOS to vulnerable populations.

There are no other public health concerns in relation to the proposed development.

Please contact Keith Rogers on (02) 6205 1716 if you require any further information.

Yours sincerely



Conrad Barr
Executive Director
Health Protection Service

24 July 2017

Moroney, Rebecca (Health)

From: Moroney, Rebecca (Health)
Sent: Wednesday, 26 July 2017 5:03 PM
To: Krsteski, Radomir (Health)
Subject: RE: Referral-Health-Development Application - 2017314430-22-97-Charnwood-03

It had accidentally been sent to the Environmental Health email address instead of EPD

I've sent it to them now

Thank you - Bec 😊

Rebecca Moroney
 PA to Conrad Barr - ED HPS
 Phone : 02 6205 4402

From: Krsteski, Radomir (Health)
Sent: Wednesday, 26 July 2017 4:56 PM
To: Moroney, Rebecca (Health)
Subject: Re: Referral-Health-Development Application - 2017314430-22-97-Charnwood-03

Hi Bec

What is this in relation to?

Sent from my iPhone

On 26 Jul 2017, at 4:50 pm, Moroney, Rebecca (Health) <Rebecca.L.Moroney@act.gov.au> wrote:

HPS sent the response on Monday 5th June as requested – by the due date

Rebecca Moroney
 PA to Conrad Barr - ED HPS
 Phone : 02 6205 4402

From: HPS
Sent: Monday, 5 June 2017 8:56 AM
To: EPD, Customer Services
Subject: FW: Referral-Health-Development Application - 2017314430-22-97-Charnwood-03
Importance: High

Hi there,

Please see attached response from HPS mailbox.

Kind regards

Health Protection Service

<Referral-Health-Development Application - 2017314430-22-97-Charnwood-03.pdf>

Moroney, Rebecca (Health)

From: Moroney, Rebecca (Health)
Sent: Wednesday, 26 July 2017 5:06 PM
To: Barr, Conrad (Health)
Subject: RE: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-comments overdue [SEC=UNCLASSIFIED]

Sorted Conrad

They have our comments now – it had accidentally been sent to Environmental Health address instead of EPD's

Rebecca Moroney
 PA to Conrad Barr - ED HPS
 Phone : 02 6205 4402

From: Moroney, Rebecca (Health) **On Behalf Of** Barr, Conrad (Health)
Sent: Wednesday, 26 July 2017 4:55 PM
To: Moroney, Rebecca (Health)
Subject: FW: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-comments overdue [SEC=UNCLASSIFIED]

Thank you - Bec ☺

Rebecca Moroney
 PA to Conrad Barr - ED HPS
 Phone : 02 6205 4402

From: Pradhan, Jyoti
Sent: Wednesday, 26 July 2017 4:12 PM
To: Barr, Conrad (Health)
Subject: FW: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-comments overdue [SEC=UNCLASSIFIED]

Good afternoon Mr Barr,

I refer to the subject DA for proposed childcare centre in Charnwood.

The applicant has provided further information in response to the concerns raised in the HPS advice. The information was referred to HPS on 3 July 2017 for further comments.

The comments are now overdue. Could you please check the attached info and provide your comments asap, preferably by Friday please.

Please note that EPA has supported the proposed development.

Regards,
 Jyoti

Jyoti Pradhan

Assessment Officer | DA Merit Assessment - Commercial

(Working hours - Monday to Friday 8.00am - 2.30pm)

Phone 02 6207 1649 | Fax 02 6207 1856 |

Planning Delivery Division | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au

From: EPD, Customer Services

Sent: Monday, 3 July 2017 9:45 AM

To: HPS

Subject: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-01 [SEC=UNCLASSIFIED]

PLEASE IGNORE PREVIOUS EMAIL

DEVELOPMENT APPLICATION NO: 201731430 S141A & B

BLOCK: 22 **SECTION:** 97 **DIVISION:** CHARNWOOD

S141 Further Information prior to decision – PROPOSAL FOR NEW COMMERCIAL DEVELOPMENT - demolition of the existing buildings and construction of a childcare centre and pre-school, landscaping, surface car park, services infrastructure, signage and associated site works.

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the above mentioned development application and provide any written advice no later than 15 working days after the date of this notice **(24/07/2017)**.

In accordance with Section 150 of the Planning and Development Act 2007 If advice is not received within the prescribed time it will be taken that you have supported the application.

Please forward any written advice via email to Customer Services

EPDcustomerservices@act.gov.au

Please use the following format in the subject line of the email when providing advice:

COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Kind Regards

Customer Services

Phone 02 6207 1923

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Rogers, Keith (Health)

From: Rogers, Keith (Health)
Sent: Thursday, 27 July 2017 11:35 AM
To: Stedman, Andrew (Health)
Subject: FW: DA231430-S141A & B-22/97 CHARNWOOD - ACT HEALTH Comments - condition of approval [SEC=UNCLASSIFIED]
Attachments: Referral-Health-Development Application - 201731430-22-97-Charnwood-01.pdf
Importance: High

Hi Andrew,

See response below regarding the Charnwood DA.

I am happy that EPD will include it as a condition on the NoD to provide us with the required soil tests and mitigation strategies. My question is whether we able to create an endorsement similar to that which the EPA generates?

Thanks,



Keith Rogers | Senior Public Health Officer / Environmental Health
 Health Protection Service | health.act.gov.au
 Phone (02) 6205 1716 | Mobile [REDACTED] [REDACTED]

From: Pradhan, Jyoti
Sent: Thursday, 27 July 2017 11:23 AM
To: Rogers, Keith (Health)
Cc: Barr, Conrad (Health)
Subject: DA231430-S141A & B-22/97 CHARNWOOD - ACT HEALTH Comments - condition of approval [SEC=UNCLASSIFIED]
Importance: High

Good morning Keith,

Thank you for your comments in regards to the proposed child care centre at the above mentioned site in Charnwood.

We discussed the matters raised in your letter with a senior officer. We acknowledge that the applicant must provide the requested information to HPS and all issues must be addressed prior to the construction of the proposed centre.

However, it is preferred (from the DA assessment point of view) that the HPS requested information is included as 'conditions of approval' in the Notice of Decision, which will require the applicant to provide all the information/test reports etc to HPS and seek endorsement. And unless and until the applicant provides the authority a copy of the HPS endorsement on the suitability of the site for the proposed use of a child care centre, the authority will not release approved stamped drawings to the applicant and construction cannot commence on site.

We trust the above course of action is acceptable.

Regards,
 Jyoti

Jyoti Pradhan

Assessment Officer | DA Merit Assessment - Commercial

(Working hours - Monday to Friday 8.00am - 2.30pm)

Phone 02 6207 1649 | Fax 02 6207 1856 |

Planning Delivery Division | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au

From: Moroney, Rebecca (Health)

Sent: Wednesday, 26 July 2017 5:02 PM

To: Pradhan, Jyoti

Cc: Barr, Conrad (Health); Krsteski, Radomir (Health); Rogers, Keith (Health); Smith, Cathie (Health)

Subject: FW: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-comments overdue [SEC=UNCLASSIFIED]

Importance: High

Good Afternoon Jyoti

Please see attached comments from HPS for this DA.

Our comments were originally sent on the 24th July, unfortunately to the incorrect email address which is why you did not receive them.

It is very important that you receive these comments as HPS does not agree to this application.

Rebecca Moroney

PA to Conrad Barr - ED HPS

Phone : 02 6205 4402

From: Moroney, Rebecca (Health) **On Behalf Of** Barr, Conrad (Health)

Sent: Wednesday, 26 July 2017 4:55 PM

To: Moroney, Rebecca (Health)

Subject: FW: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-comments overdue [SEC=UNCLASSIFIED]

Thank you - Bec ☺

Rebecca Moroney

PA to Conrad Barr - ED HPS

Phone : 02 6205 4402

From: Pradhan, Jyoti

Sent: Wednesday, 26 July 2017 4:12 PM

To: Barr, Conrad (Health)

Subject: FW: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-comments overdue [SEC=UNCLASSIFIED]

Good afternoon Mr Barr,

I refer to the subject DA for proposed childcare centre in Charnwood.

The applicant has provided further information in response to the concerns raised in the HPS advice. The information was referred to HPS on 3 July 2017 for further comments.

The comments are now overdue. Could you please check the attached info and provide your comments asap, preferably by Friday please.

Please note that EPA has supported the proposed development.

Regards,

Jyoti

Jyoti Pradhan**Assessment Officer | DA Merit Assessment - Commercial**

(Working hours - Monday to Friday 8.00am - 2.30pm)

Phone 02 6207 1649 | Fax 02 6207 1856 |**Planning Delivery Division** | Environment, Planning and Sustainable Development Directorate | **ACT Government**Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au**From:** EPD, Customer Services**Sent:** Monday, 3 July 2017 9:45 AM**To:** HPS**Subject:** REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-01 [SEC=UNCLASSIFIED]

PLEASE IGNORE PREVIOUS EMAIL

DEVELOPMENT APPLICATION NO: 201731430 S141A & B**LOCK:** 22 **SECTION:** 97 **DIVISION:** CHARNWOOD

S141 Further Information prior to decision – PROPOSAL FOR NEW COMMERCIAL DEVELOPMENT - demolition of the existing buildings and construction of a childcare centre and pre-school, landscaping, surface car park, services infrastructure, signage and associated site works.

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the above mentioned development application and provide any written advice no later than 15 working days after the date of this notice **(24/07/2017)**.

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EPDcustomerservices@act.gov.au

Please use the following format in the subject line of the email when providing advice:

COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Kind Regards

Customer Services

Phone 02 6207 1923

Access Canberra | ACT Government

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EPDcustomerservices@act.gov.au

Referral-Health-Development Application – 201731430-22-97-CHARNWOOD-01

Dear Sir/Madam,

Thank you for the documentation received on 3 July 2017 regarding a proposed childcare centre in Charnwood.

The Health Protection Service (HPS) notes that the proposed development will include demolition of an existing building on the site of a former Fire Brigade Depot, construction of a single storey, 1217 square meter childcare centre, and construction of 1157 square meter playground, site works and fencing.

Results obtained through the Land Development Agency indicate perfluorooctane sulphonate (PFOS) contamination in three soil samples tested 2015 at levels of between 1.06mg/kg and 1.92mg/kg.

Young children are particularly at risk for increased exposure to soil contaminants, such as PFOS and PFOA from pica (eating soil), greater hand-to-mouth activity (including crawling) and reduced hygiene (i.e. washing of hands). Assessment of the health risk to children of soil contamination at this site was undertaken using the 'Health Based Guidance Values for PFAS – For Use in Site Investigations in Australia,' recently released by the Australian Government Department of Health. These outline a PFOS tolerance value of 20ng/kg/day.

Preliminary calculations suggest a 10kg child (assuming a two year old) would exceed the PFOS tolerable daily intake by consuming just 100mg of soil from the site. A 2006 study conducted in the United States of America found that children aged between two and six years of age consume an average of 138mg/day of soil, or 193mg/day of soil and dust.

The applicant is advised that additional sampling must be undertaken to provide a more complete and up-to-date assessment of the site, focusing on areas likely to be exposed (including playgrounds and landscaped areas). The results and a map indicating sample sites must be provided to the HPS.

HPS requires that the applicant demonstrate suitable mitigation measures to eliminate the exposure of PFOS to vulnerable populations.

There are no other public health concerns in relation to the proposed development.

Please contact Keith Rogers on (02) 6205 1716 if you require any further information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Conrad Barr', written in a cursive style.

Conrad Barr
Executive Director
Health Protection Service

 July 2017

Moroney, Rebecca (Health)

From: Moroney, Rebecca (Health)
Sent: Friday, 28 July 2017 9:00 AM
To: Pradhan, Jyoti
Subject: RE: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD [SEC=UNCLASSIFIED]

Thank you Jyoti –it was our mistake not yours. I should have made that clearer .

Thank you - Bec ☺

Rebecca Moroney
 PA to Conrad Barr - ED HPS
 Phone : 02 6205 4402

From: Pradhan, Jyoti
Sent: Thursday, 27 July 2017 8:30 AM
To: Moroney, Rebecca (Health)
Subject: RE: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD [SEC=UNCLASSIFIED]

Good morning Rebecca,

Thank you for the attached comments.

I'll discuss these issues with my manager. I'll contact Keith Rogers if I need any further advice/clarification on the concerns raised.

I'll request the customer service to ensure correct email address is provided.

Regards,
 Jyoti

Jyoti Pradhan

Assessment Officer | DA Merit Assessment - Commercial

(Working hours - Monday to Friday 8.00am - 2.30pm)

Phone 02 6207 1649 | Fax 02 6207 1856 |

Planning Delivery Division | Environment, Planning and Sustainable Development Directorate | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au

From: Moroney, Rebecca (Health)
Sent: Wednesday, 26 July 2017 5:02 PM
To: Pradhan, Jyoti
Cc: Barr, Conrad (Health); Krsteski, Radomir (Health); Rogers, Keith (Health); Smith, Cathie (Health)
Subject: FW: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-comments overdue [SEC=UNCLASSIFIED]
Importance: High

Good Afternoon Jyoti

Please see attached comments from HPS for this DA.
 Our comments were originally sent on the 24th July, unfortunately to the incorrect email address which is why you did not receive them.

It is very important that you receive these comments as HPS does not agree to this application.

Rebecca Moroney
PA to Conrad Barr - ED HPS
Phone : 02 6205 4402

From: Moroney, Rebecca (Health) **On Behalf Of** Barr, Conrad (Health)
Sent: Wednesday, 26 July 2017 4:55 PM
To: Moroney, Rebecca (Health)
Subject: FW: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-comments overdue [SEC=UNCLASSIFIED]

Thank you - Bec ☺

Rebecca Moroney
PA to Conrad Barr - ED HPS
Phone : 02 6205 4402

From: Pradhan, Jyoti
Sent: Wednesday, 26 July 2017 4:12 PM
To: Barr, Conrad (Health)
Subject: FW: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-comments overdue [SEC=UNCLASSIFIED]

Good afternoon Mr Barr,

I refer to the subject DA for proposed childcare centre in Charnwood.

The applicant has provided further information in response to the concerns raised in the HPS advice. The information was referred to HPS on 3 July 2017 for further comments.

The comments are now overdue. Could you please check the attached info and provide your comments asap, preferably by Friday please.

Please note that EPA has supported the proposed development.

Regards,
Jyoti

Jyoti Pradhan

Assessment Officer | DA Merit Assessment - Commercial

(Working hours - Monday to Friday 8.00am - 2.30pm)

Phone 02 6207 1649 | Fax 02 6207 1856 |

Planning Delivery Division | Environment, Planning and Sustainable Development Directorate | **ACT Government**

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From: EPD, Customer Services
Sent: Monday, 3 July 2017 9:45 AM
To: HPS
Subject: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-01 [SEC=UNCLASSIFIED]

PLEASE IGNORE PREVIOUS EMAIL

DEVELOPMENT APPLICATION NO: 201731430 S141A & B
BLOCK: 22 **SECTION:** 97 **DIVISION:** CHARNWOOD

S141 Further Information prior to decision – PROPOSAL FOR NEW COMMERCIAL DEVELOPMENT - demolition of the existing buildings and construction of a childcare centre and pre-school, landscaping, surface car park, services infrastructure, signage and associated site works.

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the above mentioned development application and provide any written advice no later than 15 working days after the date of this notice **(24/07/2017)**.

In accordance with Section 150 of the Planning and Development Act 2007 If advice is not received within the prescribed time it will be taken that you have supported the application.

Please forward any written advice via email to Customer Services

EPDcustomerservices@act.gov.au

Please use the following format in the subject line of the email when providing advice:

COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Kind Regards

Customer Services

Phone 02 6207 1923

Access Canberra | ACT Government

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Rogers, Keith (Health)

From: Pradhan, Jyoti
Sent: Friday, 28 July 2017 10:56 AM
To: Rogers, Keith (Health)
Subject: RE: DA231430-S141A & B-22/97 CHARNWOOD - ACT HEALTH Comments - condition of approval [SEC=UNCLASSIFIED]

Thanks a lot Keith.
 I'll include the amended conditions in the NOD.
 Have a lovely weekend.
 Regards,
 Jyoti

Jyoti Pradhan

Assessment Officer | DA Merit Assessment - Commercial

(Working hours - Monday to Friday 8.00am - 2.30pm)

Phone 02 6207 1649 | Fax 02 6207 1856 |

Planning Delivery Division | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au

From: Rogers, Keith (Health)
Sent: Friday, 28 July 2017 10:53 AM
To: Pradhan, Jyoti
Subject: RE: DA231430-S141A & B-22/97 CHARNWOOD - ACT HEALTH Comments - condition of approval [SEC=UNCLASSIFIED]

Hi Jyoti,

Not a problem. Slight amendments have been made to correct our intent and the name of our service.

A1. APPROVAL NOT TO TAKE EFFECT

This approval shall not take effect and works shall not commence on site until an endorsement from Health Protection Service (ACT Health Directorate) confirming the suitability of the proposed child care centre, is provided to the authority.

CONDITIONS FROM ENTITIES

B1. ACT HEALTH DIRECTORATE - HEALTH PROTECTION SERVICE (HPS)

The applicant/lessee must address the concerns raised by HPS in their letter dated 24 July 2017 (Refer to **Attachment A**).

Note: Stamped plans will not be released till HPS confirms their support for the proposed development.

Kind regards,



Keith Rogers | Senior Public Health Officer / Environmental Health
 Health Protection Service | health.act.gov.au
 Phone (02) 6205 1716 | Mobile [REDACTED]

From: Pradhan, Jyoti
Sent: Friday, 28 July 2017 10:34 AM

To: Rogers, Keith (Health)

Subject: RE: DA231430-S141A & B-22/97 CHARNWOOD - ACT HEALTH Comments - condition of approval
[SEC=UNCLASSIFIED]

Hello Keith,

Thank you for confirming that you are happy with our proposition to include HPS requirements as conditions of approval.

Below I have copied the conditions which will be include in the Notice of decision (NOD):

A2. APPROVAL NOT TO TAKE EFFECT

This approval shall not take effect and works shall not commence on site until an endorsement from Health Protection Services (Health Directorate) confirming the suitability of the site for the proposed child care centre use, is provided to the authority.

CONDITIONS FROM ENTITIES

B2. ACT HEALTH DIRECTORATE - HEALTH PROTECTION SERVICES (HPS)

The applicant/lessee must address the concerns raised by HPS in their letter dated 24 July 2017 (Refer to **Attachment A**).

Note: *Stamped plans will not be released till HPS confirms their support for the proposed development.*

Please let me know if you need any changes made in the above drafted conditions.

Copy of the signed NOD will be provided to HPS for record.

Thank you for your assistance with this matter.

Regards,
Jyoti

Jyoti Pradhan

Assessment Officer | DA Merit Assessment - Commercial

(Working hours - Monday to Friday 8.00am - 2.30pm)

Phone 02 6207 1649 | Fax 02 6207 1856 |

Planning Delivery Division | Environment, Planning and Sustainable Development Directorate | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au

From: Rogers, Keith (Health)

Sent: Friday, 28 July 2017 10:21 AM

To: Pradhan, Jyoti

Subject: RE: DA231430-S141A & B-22/97 CHARNWOOD - ACT HEALTH Comments - condition of approval
[SEC=UNCLASSIFIED]

Good morning Jyoti,

I discussed this with Conrad yesterday afternoon and we are happy to take your preferred approach and include our requirements as conditions of approval.

As we have requested further soil testing across the site to quantify the extent of the site which may be affected, it may be that the proponent can design a centre using appropriate mitigation measures to eliminate the risk of soil consumption by children.

Our endorsement therefore may be of suitable mitigation measures they propose to eliminate/reduce the risk to children.

Kind regards,



Keith Rogers
Senior Public Health Officer | Environmental Health
 Health Protection Service | Population Health Protection and Prevention | ACT Health
 25 Mulley Street Holder ACT | Locked Bag 5005 Weston Creek ACT 2611
 T 02 6205 1716 | M [REDACTED] | E keith.rogers@act.gov.au | www.health.act.gov.au |



Keith Rogers | Senior Public Health Officer / Environmental Health
 Health Protection Service | health.act.gov.au
 Phone (02) 6205 1716 | Mobile 0401 134 072

From: Pradhan, Jyoti
Sent: Thursday, 27 July 2017 11:23 AM
To: Rogers, Keith (Health)
Cc: Barr, Conrad (Health)
Subject: DA231430-S141A & B-22/97 CHARNWOOD - ACT HEALTH Comments - condition of approval [SEC=UNCLASSIFIED]
Importance: High

Good morning Keith,

Thank you for your comments in regards to the proposed child care centre at the above mentioned site in Charnwood.

I've discussed the matters raised in your letter with a senior officer. We acknowledge that the applicant must provide the requested information to HPS and all issues must be addressed prior to the construction of the proposed centre.

However, it is preferred (from the DA assessment point of view) that the HPS requested information is included as 'conditions of approval' in the Notice of Decision, which will require the applicant to provide all the information/test reports etc to HPS and seek endorsement. And unless and until the applicant provides the authority a copy of the HPS endorsement on the suitability of the site for the proposed use of a child care centre, the authority will not release approved stamped drawings to the applicant and construction cannot commence on site.

We trust the above course of action is acceptable.

Regards,
 Jyoti

Jyoti Pradhan

Assessment Officer | DA Merit Assessment - Commercial

(Working hours - Monday to Friday 8.00am - 2.30pm)

Phone 02 6207 1649 | Fax 02 6207 1856 |

Planning Delivery Division | Environment, Planning and Sustainable Development Directorate | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au

From: Moroney, Rebecca (Health)
Sent: Wednesday, 26 July 2017 5:02 PM

To: Pradhan, Jyoti
Cc: Barr, Conrad (Health); Krsteski, Radomir (Health); Rogers, Keith (Health); Smith, Cathie (Health)
Subject: FW: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-comments overdue [SEC=UNCLASSIFIED]
Importance: High

Good Afternoon Jyoti

Please see attached comments from HPS for this DA.

Our comments were originally sent on the 24th July, unfortunately to the incorrect email address which is why you did not receive them.

It is very important that you receive these comments as HPS does not agree to this application.

Rebecca Moroney
 PA to Conrad Barr - ED HPS
 Phone : 02 6205 4402

From: Moroney, Rebecca (Health) **On Behalf Of** Barr, Conrad (Health)
Sent: Wednesday, 26 July 2017 4:55 PM
To: Moroney, Rebecca (Health)
Subject: FW: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-comments overdue [SEC=UNCLASSIFIED]

Thank you - Bec ☺

Rebecca Moroney
 PA to Conrad Barr - ED HPS
 Phone : 02 6205 4402

From: Pradhan, Jyoti
Sent: Wednesday, 26 July 2017 4:12 PM
To: Barr, Conrad (Health)
Subject: FW: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-comments overdue [SEC=UNCLASSIFIED]

Good afternoon Mr Barr,

I refer to the subject DA for proposed childcare centre in Charnwood.

The applicant has provided further information in response to the concerns raised in the HPS advice. The information was referred to HPS on 3 July 2017 for further comments.

The comments are now overdue. Could you please check the attached info and provide your comments asap, preferably by Friday please.

Please note that EPA has supported the proposed development.

Regards,
 Jyoti

Jyoti Pradhan

Assessment Officer | DA Merit Assessment - Commercial

(Working hours - Monday to Friday 8.00am - 2.30pm)

Phone 02 6207 1649 | Fax 02 6207 1856 |

Planning Delivery Division | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au

From: EPD, Customer Services

Sent: Monday, 3 July 2017 9:45 AM

To: HPS

Subject: REFERRAL-ACT HEALTH-201731430-S141A & B-22/97 CHARNWOOD-01 [SEC=UNCLASSIFIED]

PLEASE IGNORE PREVIOUS EMAIL

DEVELOPMENT APPLICATION NO: 201731430 S141A & B

BLOCK: 22 **SECTION:** 97 **DIVISION:** CHARNWOOD

S141 Further Information prior to decision – PROPOSAL FOR NEW COMMERCIAL DEVELOPMENT - demolition of the existing buildings and construction of a childcare centre and pre-school, landscaping, surface car park, services infrastructure, signage and associated site works.

Pursuant to Section 148(1) of the Planning and Development Act 2007 the ACT Planning and Land Authority requests that you consider the above mentioned development application and provide any written advice no later than 15 working days after the date of this notice (**24/07/2017**).

In accordance with Section 150 of the Planning and Development Act 2007 If advice is not received within the prescribed time it will be taken that you have supported the application.

Please forward any written advice via email to Customer Services

EPDcustomerservices@act.gov.au

Please use the following format in the subject line of the email when providing advice:

COMM-Agency Name-20080XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-Heritage-200801234-Block 10 Section 10 Dickson-01

Kind Regards

Customer Services

Phone 02 6207 1923

Access Canberra | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601

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www.planning.act.gov.au | EPDcustomerservices@act.gov.au



EPDcustomerservices@act.gov.au

Referral-Health-Development Application – 201731430-22-97-CHARNWOOD-01

Dear Sir/Madam,

Thank you for the documentation received on 3 July 2017 regarding a proposed childcare centre in Charnwood.

The Health Protection Service (HPS) notes that the proposed development will include demolition of an existing building on the site of a former Fire Brigade Depot, construction of a single storey, 1217 square meter childcare centre, and construction of 1157 square meter playground, site works and fencing.

Results obtained through the Land Development Agency indicate perfluorooctane sulphonate (PFOS) contamination in three soil samples tested 2015 at levels of between 1.06mg/kg and 1.92mg/kg.

Young children are particularly at risk for increased exposure to soil contaminants, such as PFOS and PFOA from pica (eating soil), greater hand-to-mouth activity (including crawling) and reduced hygiene (i.e. washing of hands). Assessment of the health risk to children of soil contamination at this site was undertaken using the 'Health Based Guidance Values for PFAS – For Use in Site Investigations in Australia,' recently released by the Australian Government Department of Health. These outline a PFOS tolerance value of 20ng/kg/day.

Preliminary calculations suggest a 10kg child (assuming a two year old) would exceed the PFOS tolerable daily intake by consuming just 100mg of soil from the site. A 2006 study conducted in the United States of America found that children aged between two and six years of age consume an average of 138mg/day of soil, or 193mg/day of soil and dust.

The applicant is advised that additional sampling must be undertaken to provide a more complete and up-to-date assessment of the site, focusing on areas likely to be exposed (including playgrounds and landscaped areas). The results and a map indicating sample sites must be provided to the HPS.

HPS requires that the applicant demonstrate suitable mitigation measures to eliminate the exposure of PFOS to vulnerable populations.

There are no other public health concerns in relation to the proposed development.

Please contact Keith Rogers on (02) 6205 1716 if you require any further information.

Yours sincerely



Conrad Barr
Executive Director
Health Protection Service

24 July 2017

Stedman, Andrew (Health)

From: Stedman, Andrew (Health) on behalf of Environmental Health
Sent: Monday, 7 August 2017 2:22 PM
To: Krsteski, Radomir (Health); Rogers, Keith (Health)
Subject: FW: NOTICE OF DECISION-201731430-22/97 CHARNWOOD [SEC=UNCLASSIFIED]
Attachments: NOTICE OF DECISION-201731430-SIGNED.PDF

FYI in relation to Charnwood childcare



Andrew Stedman | Environment Team Leader
 Health Protection Service | health.act.gov.au
 Phone (02) 6205 4404 | Mobile [REDACTED]

From: Moroney, Rebecca (Health)
Sent: Monday, 7 August 2017 1:06 PM
To: Environmental Health
Subject: FW: NOTICE OF DECISION-201731430-22/97 CHARNWOOD [SEC=UNCLASSIFIED]

YI

Thank you - Bec ☺

Rebecca Moroney
 PA to Conrad Barr - ED HPS
 Phone : 02 6205 4402

From: Mills, David (Health) **On Behalf Of** HPS
Sent: Monday, 7 August 2017 1:06 PM
To: Moroney, Rebecca (Health)
Subject: FW: NOTICE OF DECISION-201731430-22/97 CHARNWOOD [SEC=UNCLASSIFIED]

From: Breitkopf, Katherine **On Behalf Of** EPD, Customer Services
Sent: Monday, 7 August 2017 12:00 PM
To: 'devapp@actewagl.com.au' <devapp@actewagl.com.au>; HPS <HPS@act.gov.au>; TCCS_SPATAS DA <TCCS.DA@act.gov.au>; McKeown, Helen <Helen.McKeown@act.gov.au>; EmergencyManagement <EmergencyManagement@act.gov.au>; EPAPanningLiaison <EPAPanningLiaison@act.gov.au>; EPD Strategic Planning Referrals <EPDStrategicPlanningReferrals@act.gov.au>; TCCS_CP TreeProtectionACTPLARef <TCCS.TreeProtectionACTPLARef@act.gov.au>; EDU, School Planning <EDUSchoolPlanning@act.gov.au>; Sullivan, Susan <Susan.Sullivan@act.gov.au>
Subject: NOTICE OF DECISION-201731430-22/97 CHARNWOOD [SEC=UNCLASSIFIED]

Good Morning,

Please see attached Notice of Decision for Block 22 Section 97 Suburb CHARNWOOD Development Application No: 201731430

For further contact please contact Jyoti Pradhan on 6207 1649 or by email Jyoti.Pradhan@act.gov.au

Kind Regards

Katherine

Phone 6207 1923

EPDCustomerService@act.gov.au

www.act.gov.au/accesscbr

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Notice of decision

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

Merit track

DA NO: 201731430 201731430/A – S141 201731430/A – S141		DATE LODGED: 1 May 2017 18 June 2017 22 June 2017
DATE OF DECISION: 3 August 2017		
BLOCK: 22	SECTION: 97	SUBURB: CHARNWOOD
STREET NO AND NAME: 35 Lhotsky Street Charnwood		
APPLICANT: Kasperek Architects		
LESSEE: Childcare Investments Aus Pty Limited		

THE DECISION

This application was lodged in the merit track. Pursuant to section 113(2) of the *Planning and Development Act 2007* (Act), the application must be assessed according to the provisions relevant to merit track applications.

I, Jyoti Pradhan, delegate of the planning and land authority, pursuant to section 162 of the Act, hereby **approve subject to conditions** the proposal for:

- **removal of existing nineteen (19) regulated trees** (as indicated on the Tree Management Plan (Project No 1607, Drawing No. DA17 issue B, dated 1/06/2017) prepared by Kasperek Architects)
- **relocation of existing driveway verge crossing and construction of a new driveway verge crossing;**
- **three on-street car parking spaces along Lhotsky Street;**
- **demolition of existing building and associated structures;**
- **construction of a new single storey child care centre for 120 child care spaces and comprising of:**
 - **nursery rooms with attached cot rooms, toddler rooms and pre-school rooms;**
 - **office/admin area;**
 - **kitchen; and**
 - **outdoor play areas;**
- **new surface carpark for minimum 44 car parking spaces;**
- **two illuminated Wall Signs and**
- **associated infrastructure, paving, landscaping and other site works,**

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

This decision is subject to the conditions of approval at **PART 1** being satisfied.

PART 2 sets out the Reasons for the Decision

PART 3 is Public Notification and Entity Advice.

PART 4 contains administrative information relating to the determination.

DELEGATE



Jyoti Pradhan
Delegate of the planning and land authority
Environment Planning and Sustainable Development Directorate
3 August 2017

CONTACT OFFICER

Jyoti Pradhan
Phone: (02) 6207 1649
Email: Jyoti.Pradhan@act.gov.au

PART 1 CONDITIONS OF APPROVAL

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

A. ADMINISTRATIVE / PROCESS CONDITIONS

A1. APPROVAL NOT TO TAKE EFFECT

This approval shall not take effect and works shall not commence on site until an endorsement from Health Protection Service (ACT Health Directorate) confirming the suitability of the proposed child care centre, is provided to the authority.

B. CONDITIONS FROM ENTITIES

B1. ACT HEALTH DIRECTORATE - HEALTH PROTECTION SERVICES (HPS)

The applicant/lessee **must** address the concerns raised by HPS in their letter dated 24 July 2017 (Refer to **Attachment A**).

Note: Stamped plans will not be released till HPS confirms their support for the proposed development.

B2. CONSERVATOR OF FLORA and FAUNA – TREE PROTECTION AUTHORITY

The development proposal shall comply with the following conditions to the satisfaction of the Conservator as noted in the advice dated 21 July 2017.

(a) All proposed tree removal and tree protection works must be in accordance with the following plans as submitted:

- Demolition Plan, (Project No 1607, Drawing No. DA16 issue B, dated 1/06/2017, prepared by Kasperek Architects);
- Site Plan & External Lighting (Project No 1607, Drawing No. DA04 issue C, dated 22/06/2017, prepared by Kasperek Architects.)
- Tree Management Plan (Project No 1607, Drawing No. DA17 issue C, dated 1/06/2017, prepared by Kasperek Architects.); and
- Stormwater Management Plan (Job No. 17PEACH1, Drawing No. DA04 issue C, dated 6/06/2017, prepared by Pierre Dragh Consulting Engineers Pty Ltd).

B3. ENVIRONMENT PROTECTION AUTHORITY (EPA)

Applicant must comply with the conditions of approval imposed by the Environment Protection Authority, **prior to works commencing** on site.

Please refer to the conditions of approval at **C1** below.

B4. CUSTODIAN OF THE LAND – TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

Verge Crossing

- (a) The verge crossing must be constructed in accordance with TCCS Design Standards;
- (b) The levels on the verge must not be altered as a result of the new constructed verge crossing;

- (c) Any infrastructure assets such as street lighting, mini-pillars, signage etc must be a minimum of 1.5m away from the closest edge of the driveway. In case of stormwater sumps this minimum distance must be 1.2m;

Pedestrian Network

- (d) The pedestrian footpath must take precedence over the verge crossings so pedestrians have right of way over vehicles;

Verge

- (e) The verge must be protected at all times during construction;
- (f) There must be no encroachments on Unleased Territory Land;
- (g) All excavation within the tree protection zones of the verge trees must be carried out through hand digging, hydro excavation or any other recommended methods to ensure minimal damage to the tree roots;
- (h) Any new services located within tree protection zones (canopy plus 2m) must be installed by using trenchless methodology beneath tree root systems (i.e. under-boring beneath 650mm);
- (i) A Landscape Management and Protection Plan (LMPP) must be submitted to Development Review & Coordination and approved prior to commencement of works;
- (j) A dilapidation report for all government assets adjacent to the site must be submitted to Development Review & Coordination prior to commencement and on completion of works;

Waste

- (k) Waste Truck Dimensions must not exceed 3.4m long and 2.4m in height;

On-Street Parking

- (l) On-street parking spaces must comply with TCCS requirements for on-street parking;
- (m) Any proposed parking signs and line-marking must be as per the Australian Standards, AS 1742.11; and
- (n) Compliance with the above must be demonstrated at the Design Acceptance Stage.

Note: See further advice from TCCS under **Part 3: ENTITY ADVICE** below.

B5. ACT EDUCATION DIRECTORATE – CHILDREN'S EDUCATION AND CARE ASSURANCE (CECA)

The applicant/lessee/service provider must contact CECA for further details and information regarding the proposed child care centre design and operations **prior to final design and works commencing on site.**

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

C1. ENVIRONMENT PROTECTION AUTHORITY (EPA)

1. Contaminated Sites:

- (a) a site specific unexpected finds protocol must be developed by a suitably qualified environmental consultant and implemented during development works at the site;

- (b) All soil subject to disposal from site must be assessed in accordance with Environment Protection Authority Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT; and
- (c) No soil is to be disposed from site without EPA approval.

2. Hazardous Materials:

- (a) A hazardous materials survey prepared by a suitably qualified consultant in accordance with section 8.1 of the Authority's Hazardous Materials Environment Protection Policy November 2010 must be submitted to and be endorsed by the Environmental Quality Unit prior to works commencing.

The survey must identify all potential hazardous materials associated with the alteration of the structure and any residues or wastes remaining within the structure. The survey must identify all hazardous material including fuel tanks, asbestos, lead, PCB containing materials, Synthetic Mineral Fibre (SMF), Ozone Depleting Substances etc..

- (b) Appropriately ACT licensed contractors must be engaged for the removal, transport and disposal of all hazardous materials found on the site.

3. Environment Protection:

- (a) Construction and development works should be in accordance with "Environment Protection Guidelines for Construction and Land Development, 2011".

Construction/development on a site of 0.3 hectares or greater is an activity listed in Schedule 1 of the Environment Protection Act 1997 as a Class B activity. Therefore, the contractor/builder proposing to develop the site must hold an Environmental Authorisation or enter into an Environment Protection Agreement with the EPA in respect of that activity **prior to final design and works commencing on site.**

- (b) A site specific unexpected finds protocol must be developed by a suitably qualified environmental consultant and implemented during development works at the site.

C2. SEDIMENT AND EROSION CONTROL

That prior to any work on the site commencing, the applicant/lessee must submit two copies of the Sediment and Erosion Control Plan to Environment Protection Authority for approval

C3. DESIGN REVIEW

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.

C4. TEMPORARY TRAFFIC MANAGEMENT (TTM)

A TTM plan approval is required 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.

C5. LANDSCAPE MANAGEMENT & PROTECTION PLAN (LMPP)

LMPP approval is required 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 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 the site and is to be in accordance with *TCCS Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04*.

C6. NOTICE OF COMMENCEMENT OF CONSTRUCTION

Notice of Commencement of Construction 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 programmed implementation of the TTM.

C7. 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.

C8. 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, the applicant/lessee must notify TCCS of any existing damage to public facilities.

C9. TREE PROTECTION

Tree protection fencing, if required, shall be erected prior to the commencement of any work on the site.

D. DURING CONSTRUCTION AND/OR DEMOLITION

D1. LANDSCAPE MANAGEMENT AND PROTECTION

During any work undertaken on the site, 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 approved Landscape Management and Protection Plan (LMPP) approved by the Senior Manager, Development Review and Coordination, TCCS.

D2. TREE PROTECTION

The applicant/lessee shall protect and maintain all existing trees and shrubs located on the subject site, on adjoining blocks overhanging the subject site, on the verge and unleased Territory land immediately adjacent, except for those specifically identified for removal in the approved drawings and a Tree Management Plan.

D3. TRAFFIC MANAGEMENT

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

D4. SEDIMENT AND EROSION CONTROL

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

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

D5. WASTE MANAGEMENT

All building waste is to be stored on the site in suitable receptacles and collected regularly. The lessee is to take all reasonable steps to ensure that waste, particularly wind borne litter, does not affect adjoining or adjacent properties.

E. **ADVISORY NOTES**

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

E1. ENVIRONMENT PROTECTION

(a) All rain water that enters the site and pools in excavations during a rain storm event would be considered as a sediment control pond, and must meet the following conditions.

1. No discharge from dam. All stormwater must be pumped out and disposed in at an approved location.
2. No discharge from pond unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.

E2. EXTERNAL LIGHTING

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

E3. ACT HEALTH DIRECTORATE- HEALTH PROTECTION SERVICES (HPS)

Prior to work commencing on site the applicant/lessee must submit a 'Food Business Registration and Fit-Out Assessment' application (with suitably detailed plans) for approval by HPS.

E4. ACT EMERGENCY SERVICES AGENCY (ESA)

Prior to commencing work on site the applicant/lessee must consider and address the advice from ESA in their letter dated 18 May 2017 (Refer to **Attachment B**).

E5. ICON Water

The proposal must comply with the Statement of Conditional Acceptance dated 10 May 2017, by ICON Water (Refer to **Attachment C**).

E6. ACTEWAGL:

- (a) The proposal must comply with the Statement of Conditional Compliance dated 23 May 2017, by Actew – Electricity Networks Division (Refer to **Attachment D**).
- (b) The proposal must comply with the Statement of Conditional Compliance dated 16 May 2017, by Actew AGL - Gas Networks Division (Refer to **Attachment E**).

E7. ENTITY ADVICE:

The applicant is advised to carefully consider all the relevant advice (in addition to the conditions imposed) from each of the entities stated in **PART 3 PUBLIC NOTIFICATION AND ENTITY ADVICE** of this Notice of Decision throughout the process of development (prior to, during & post construction) as applicable.

Refer to **Appendix 1** for information about approvals that may be required for construction.

PART 2 REASONS FOR THE DECISION

The application satisfactorily meets the requirements for approval. The application was approved because, based on the documentation and in the form modified by the imposed conditions, it was considered to meet:

- the relevant codes, being
 - the Charnwood Precinct Map and Code;
 - the Community Facility Zone Development Code;
 - the Community and Recreation Facilities Location Guidelines General Code; and
 - the Signs General Code.
- the advice of the Conservator of Flora and Fauna in relation to the proposal.

The key issues identified in the assessment are in relation to,

1. Suitability of Site for a Child Care Centre – HPS requirements:

HPS advised that the EPA endorsement of the site investigation report conducted by AECOME Australia Pty Ltd is supported. However, HPS requested further information from the applicant in relation to the results of the perfluorooctane sulphonate (PFOS) and perfluorooctanoic acid analysis of the soil.

EPA also confirmed that the above additional information, be requested from the applicant.

In response, the applicant advised that the information requested was not made available to them at the time of purchase of the site from the Land Development Agency (LDA). The applicant also confirmed that all works on site would be carried out in accordance with the EPA requirements and relevant Australian Standards.

Further to receiving this response from the applicant, HPS has advised that the results obtained through LDA has provided evidence that PFOS contamination levels on site is considered unacceptable due to its potential health impact on children. HPS has raised concerns in relation to the suitability of the site for the proposed child care centre.

HPS has advised the applicant to provide a complete and up-to-date assessment of the site, focusing on areas likely to be exposed (including playgrounds and landscaped areas). HPS requires that the applicant demonstrates suitable mitigation measures to eliminate the exposure of (PFOS) to vulnerable populations (refer to **Attachment A**).

Condition of approval has been included to provide HPS endorsement confirming the suitability of the proposed child care centre. Refer **PART 1 CONDITIONS OF APPROVAL** for more details.

2. Removal of Existing Regulated Trees and Tree Damaging activity:

The subject development includes removal of nineteen (19) regulated trees. The development also includes tree damaging activity under the canopy of existing regulated trees on site.

The Conservator of Flora and Fauna - Tree Protection Authority did not support the proposed removal of regulated trees. The advice stated that the trees proposed for removal were of low to medium quality. However, the trees did not meet the Tree Protection Criteria for removal pursuant to the Section 82 of the *Tree Protection Act 2005* and therefore need to be considered for removal on development grounds.

To consider the removal of trees on development grounds pursuant to section 119 (2) of the Act, the applicant was advised to provide additional information on any realistic alternatives to the development proposed or aspects of it.

Applicant provided drawings and further information, which was also referred back to the Tree Protection Authority for further review.

On 21 July 2017, the Conservator liaison advised that the proposed removal of the regulated trees identified for removal on the Tree Management Plan (Project No 1607, Drawing No. DA17 issue B, dated 1/06/2017, prepared by Kasperek Architects) was supported pursuant to conditions of approval. Refer **PART 1 CONDITIONS OF APPROVAL** for details.

3. Entity requirements:

- Environment Protection Authority;
- Transport Canberra and City Services (TCCS);
- ACT Education Directorate;
- ICON Water;
- Actew AGL – Electricity Networks Division; and
- Actew AGL – Gas Networks Division.

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

EVIDENCE

Application No. 201731430

File No. 1-2017/07672

The Territory Plan Zone – CFZ Community Facility Zone

The Development Codes – Community Facility Zone Development Code

Community and Recreation Facilities Location Guidelines
General Code

Signs General Code

The Precinct Codes – Charnwood Precinct Map and Code

Current Crown Lease – Volume 2270 Folio 56

Representations – No representations received

Entity advice – ACT Health Directorate – Health Protection Services

Conservator of Flora and Fauna

Tree Protection Authority

Environment Protection Authority

Custodian of the Land - Transport Canberra and City Services

ACT Education Directorate

Emergency Services Agency

ICON Water

ActewAGL

– Electricity Networks Division

– Gas Networks Division

PART 3 PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 8 May 2017 to 26 May 2017. No written representations were received during public notification.

ENTITY ADVICE

Pursuant to Division 7.3.3 of the Act, the application was referred to entities and advice was received. The referral entities' comments are as follows. A response to the advice is provided as appropriate.

ACT HEALTH DIRECTORATE - HEALTH PROTECTION SERVICES (HPS)

1. On 5 June 2017 advice was received from HPS in relation to the proposal. The advice stated that,
 - (a) The applicant is required to submit a 'Food Business Registration and Fit-Out Assessment' application (with suitably detailed plans) for approval, prior to commencement of construction; and
 - (b) Further information is required in relation to the results of the perfluorooctane sulphonate (PFOS) and perfluorooctanoic acid analysis of the soil.
 - In response to item (b), the applicant advised that the above results were not available to them but confirmed that all works will be in accordance with EPA requirements.
2. On 26 July 2017 further advice was received from HPS in relation to the proposal.

The advice states that the applicant must provide a more complete and up-to-date site assessment and to demonstrate suitable mitigation measures to eliminate the exposure of PFOS to vulnerable populations.

Response:

Matters noted have been incorporated as **conditions of approval and advice**.

A copy of the HPS advice is included at **Attachment A**.

CONSERVATOR OF FLORA and FAUNA

On 18 May 2017 advice was received from the Conservator liaison in relation to the proposal. The advice states that,

Dasyurus Macalatus (Spotted tail quolls) are a largely solitary animal that have a large home range and are highly mobile. At some point in the past a quoll was seen in the vicinity and the works proposed would not impact on that species.

Response:

Matters noted have been incorporated as **advice to the applicant**.

CONSERVATOR OF FLORA and FAUNA – TREE PROTECTION AUTHORITY

1. On 22 May 2017 advice was received from the Conservator liaison in relation to the proposed removal of regulated trees on the site.

The advice stated that the trees proposed for removal were of low to medium quality.

However, the trees did not meet the Tree Protection Criteria for removal pursuant to the Section 82 of the *Tree Protection Act 2005* and therefore need to be considered for removal on Development Grounds

- The applicant provided drawings and further information, which was also referred back to the Tree Protection Authority for further review.
2. On 21 July 2017 further advice was received from the Conservator liaison in relation to the proposal. The advice states that the proposal is supported provided all works are in accordance with the following plans as submitted for assessment:
- Demolition Plan, (Project No 1607, Drawing No. DA16 issue B, dated 1/06/2017, prepared by Kasperek Architects);
 - Site Plan & External Lighting (Project No 1607, Drawing No. DA04 issue C, dated 22/06/2017, prepared by Kasperek Architects.)
 - Tree Management Plan (Project No 1607, Drawing No. DA17 issue C, dated 1/06/2017, prepared by Kasperek Architects.); and
 - Stormwater Management Plan (Job No. 17PEACH1, Drawing No. DA04 issue C, dated 6/06/2017, prepared by Pierre Dragh Consulting Engineers Pty Ltd).

Response:

Matters noted have been incorporated as **conditions of approval**.

ENVIRONMENT PROTECTION AUTHORITY (EPA)

1. On 30 May 2017 advice was received from EPA in relation to the proposal. The advice states that the proposal is supported subject to conditions of approval.
2. On 3 July 2017 further advice was received from EPA in relation to the proposal. The advice states that the proposal is supported as per the conditions of approval provided previously.

Conditions:

Contaminated Sites:

- (a) a site specific unexpected finds protocol must be developed by a suitably qualified environmental consultant and implemented during development works at the site;
- (b) All soil subject to disposal from site must be assessed in accordance with Environment Protection Authority Information Sheet 4 - *Requirements for the reuse and disposal of contaminated soil in the ACT*; and
- (c) No soil is to be disposed from site without EPA approval.

Hazardous Materials:

- (d) A hazardous materials survey prepared by a suitably qualified consultant in accordance with section 8.1 of the *Authority's Hazardous Materials Environment Protection Policy November 2010* must be submitted to and be endorsed by the Environmental Quality Unit prior to works commencing.
- (e) The survey must identify all potential hazardous materials associated with the alteration of the structure and any residues or wastes remaining within the structure. The survey must identify all hazardous material including fuel tanks, asbestos, lead, PCB containing materials, Synthetic Mineral Fibre (SMF), Ozone Depleting Substances etc.

- (f) Appropriately ACT licensed contractors must be engaged for the removal, transport and disposal of all hazardous materials found on the site.

Environment Protection:

- (g) Construction and development works should be in accordance with "*Environment Protection Guidelines for Construction and Land Development, 2011*".

Construction/development on a site of 0.3 hectares or greater is an activity listed in Schedule 1 of the *Environment Protection Act 1997* as a Class B activity. Therefore, the contractor/builder proposing to develop the site must hold an Environmental Authorisation or enter into an Environment Protection Agreement with the EPA in respect of that activity **prior to works commencing**.

- (h) A site specific unexpected finds protocol must be developed by a suitably qualified environmental consultant and implemented during development works at the site.

Response:

Matters noted have been incorporated as **conditions of approval and advice**.

Note: *Relevant EPA conditions and advice has been included under PART 1 CONDITIONS OF APPROVAL.*

CUSTODIAN OF THE LAND – TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

1. On 23 May 2017 and 25 May 2017 advice was received from TCCS in relation to the proposal. The advice states that the proposal is supported subject to conditions of approval.
2. On 24 July 2017 further advice was received from TCCS in relation to the proposal. The advice states that the proposal is supported (as per the conditions of approval provided previously).

Conditions:

Verge Crossing

- (a) The verge crossing must be constructed in accordance with TCCS Design Standards;
- (b) The levels on the verge must not be altered as a result of the new constructed verge crossing;
- (c) Any infrastructure assets such as street lighting, mini-pillars, signage etc must be a minimum of 1.5m away from the closest edge of the driveway. In case of stormwater sumps this minimum distance must be 1.2m;

Pedestrian Network

- (d) The pedestrian footpath must take precedence over the verge crossings so pedestrians have right of way over vehicles;

Verge

- (e) The verge must be protected at all times during construction;
- (f) There must be no encroachments on Unleased Territory Land;
- (g) All excavation within the tree protection zones of the verge trees must be carried out through hand digging, hydro excavation or any other recommended methods to ensure minimal damage to the tree roots;

- (h) Any new services located within tree protection zones (canopy plus 2m) must be installed by using trenchless methodology beneath tree root systems (i.e. under-boring beneath 650mm);
- (i) A Landscape Management and Protection Plan (LMPP) must be submitted to Development Review & Coordination and approved prior to commencement of works;
- (j) A dilapidation report for all Govt. assets adjacent to the site must be submitted to Development Review & Coordination prior to commencement and on completion of works;

Waste

- (k) Waste Truck Dimensions must not exceed 3.4m long and 2.4m in height;

On-Street Parking

- (l) On-street parking spaces must comply with TCCS requirements for on-street parking;
- (m) Any proposed parking signs and line-marking must be as per the Australian Standards, AS 1742.11; and
- (n) Compliance with the above must be demonstrated at the Design Acceptance Stage.

Standard Conditions:

(a) Certificate of Design Review and Operational Acceptance

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.

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.

(b) Temporary Traffic Management (TTM)

A TTM plan approval is required 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.

(c) Landscape Management & Protection Plan (LMPP)

LMPP approval is required 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 the site and is to be in accordance with *TCCS Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04*.

(d) 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.

(e) 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.

(f) 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.

Response:

Matters noted have been incorporated as **conditions of approval**.

Note: *Relevant TCCS conditions and advice has been included under PART 1 CONDITIONS OF APPROVAL.*

ACT EDUCATION DIRECTORATE – CHILDREN'S EDUCATION AND CARE ASSURANCE (CECA)

1. On 3 May 2017 advice was received from Education Directorate in relation to the proposal requesting further information on feasibility, needs analysis and the selection of an approved provider to operate the proposed child care centre.
 - The applicant provided additional information, which was also referred back to the CECA for further review.

2. On 26 July 2017 further advice was received from CECA supporting the proposal in principle with following condition of approval:
- (a) The applicant/lessee/service provider must contact CECA for further details and information regarding the proposed child care centre design and operations **prior to final design and works commencing on site.**

Response:

Matters noted have been incorporated as **conditions of approval.**

EMERGENCY SERVICES AGENCY (ESA)

On 23 May 2017 advice was received from ESA in relation to the proposal. The advice states that the proposal is supported with advice included in the letter dated 18 May 2017.

Response:

Matters noted have been incorporated as **advice to the applicant.**

A copy of the letter is included at **Attachment B.**

ICON WATER

On 10 May 2017, a Statement of Conditional Acceptance was issued by ICON WATER in relation to the proposal.

Response:

Matters noted have been incorporated as **advice to the applicant.**

A copy of the Statement is included at **Attachment C.**

ACTEWAGL

Electricity Networks Division

On 23 May 2017, a Statement of Conditional Compliance was issued by ActewAGL – Electricity Networks Division in relation to the proposal.

Response:

Matters noted have been incorporated as **advice to the applicant.**

A copy of the Statement is included at **Attachment D.**

Gas Networks Division (Jemena)

On 16 May 2017, a Statement of Conditional Compliance was issued by ActewAGL – Gas Networks Division (Jemena) in relation to the proposal.

Response:

Matters noted have been incorporated as **advice to the applicant.**

A copy of the Statement is included at **Attachment E.**

PART 4 ADMINISTRATIVE INFORMATION

DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise this approval is effective from the day after the date of this notice. The effective-date for development applications approved subject conditions could also be adjusted if the approval is reconsidered by the planning and land authority or if an application is made to the ACT Civil and Administrative Tribunal.

Pursuant to section 184 of the Act, this approval will expire if:

- the development or any stage of the development is not started within two years after the day the approval takes effect;
- the development is not finished two years after the day the development begins; or
- the development approval relates to land comprised in a lease that requires the development to be completed on a stated date – the date stated in the lease for completion of the development, or the approval is revoked under section 189 of the Act.

Under section 184 of the Act, the applicant may apply to the planning and land authority to extend the prescribed period to finish the development, but such an application must be made within the original period specified for completion.

A development approval, to which section 184 of the Act applies, continues unless the approval ends under sections 184, 185, 186 or 187 of the Act.

INSPECTION OF THE APPLICATION AND DECISION

A copy of the application and the decision can be inspected between 8:30am and 4:30pm weekdays at the Environment, Planning and Sustainable Development Directorate (EPSDD) Dickson Customer Service Centre at 16 Challis Street, Dickson, ACT.

RECONSIDERATION OF THE DECISION

If the applicant is not satisfied with the decision to approve the application subject to conditions, they are entitled to apply to the planning and land authority for reconsideration within 20 working days of being told of this decision or within any longer period allowed by the planning and land authority.

To submit an application for reconsideration, documents must be provided electrically by email to epdcustomerservices@act.gov.au or provided at the customer service centre on a CD/DVD. The delegate of the Authority reconsidering the decision must be different from, and senior to, the original decision maker. An application for reconsideration does not prevent an application for a review of the same decision being made to the ACT Civil and Administrative Tribunal. Application forms and further information about reconsideration are available from the planning and land authority's website and Customer Service Centres.

REVIEW BY THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL (ACAT)

Decisions that are reviewable by the ACAT are identified in Schedule 1 of the *Planning and Development Act 2007*, except for those precluded under Schedule 3 of the *Planning and Development Regulation 2008* – Matters exempt from third-party ACAT review.

APPENDIX 1

CONTACT DETAILS OF RELEVANT AGENCIES

Health Directorate - health protection	Website: www.health.act.gov.au Telephone: (02) 6205 1700
Environment, Planning and Sustainable Development Directorate (EPSDD) <i>Planning and land authority</i> <ul style="list-style-type: none"> - list of certifiers for building approval - demolition information - asbestos information <i>Environment Protection Authority</i> <ul style="list-style-type: none"> - environment protection - water resources - asbestos information <i>Conservation, Planning and Research</i> <ul style="list-style-type: none"> - threatened species/wildlife management 	Website: www.planning.act.gov.au Telephone: (02) 6207 1923 Website: www.environment.act.gov.au Telephone: (02) 6207 6251 Website: www.environment.act.gov.au Telephone: (02) 6207 1911
Transport Canberra and City Services Directorate <ul style="list-style-type: none"> - tree damaging activity approval - use of verges or other unleased Territory land - works on unleased Territory land - design acceptance - damage to public assets 	Website: www.tccs.act.gov.au Telephone: 132 281 Telephone for asset acceptance: (02) 6207 7480
Utilities <ul style="list-style-type: none"> - Telstra (networks) - TransACT (networks) - ActewAGL - Electricity reticulation 	Telephone: (02) 8576 9799 Telephone: (02) 6229 8000 Telephone: 1100 Telephone: (02) 6293 5738

ADVICE TO APPLICANT

SUBMISSION OF REVISED DRAWINGS AND DOCUMENTATION

If a condition of approval requires the applicant to lodge revised drawings and/or documentation with the planning and land authority for approval under section 165 of the *Planning and Development Act 2007* the submission shall be made by:

- Completing an application for S165 Satisfying Conditions of Approval and submitting the documentation online using edevelopment. More information on edevelopment can be found at http://www.actpla.act.gov.au/tools_resources/e-services/edevelopment

For further information regarding the lodgement of this information please contact Customer Service Centre by Phone: (02) 6207 1923, Email: epdcustomerservices@act.gov.au or on the planning and land authority website at www.planning.act.gov.au.

FURTHER APPROVALS FOR CONSTRUCTION

The Notice of Decision grants development approval, but does not cover building approval or approvals which may be required during construction, which commonly include the following.

BUILDING APPROVAL

Most building work requires building approval to ensure it complies with building laws such as the Building Code of Australia. If this applies to this proposal, the lessee should engage a private building certifier to assess and approve the building plans before construction begins. A list of licensed certifiers and information about building approval is available from the planning and land authority's website and Customer Service Centres.

PERMITTED VARIATIONS TO APPROVED DEVELOPMENT

Under section 35 of the *Planning and Development Regulation 2008* the development as built may vary from the approved development in accordance with section 35 and the permitted construction tolerances and other permitted variations identified in Schedule 1A of that regulation.

Note 1 The development may still need building approval, or further building approval, under the *Building Act 2004*

Note 2 The development must also comply with the lease for the land on which it is carried out.

"TREE DAMAGING ACTIVITY" APPROVAL

A Tree Management Plan under the *Tree Protection Act 2005* is required for approval where it is proposed to undertake groundwork within the tree protection zone of a protected tree or likely to cause damage to, or remove, any trees defined as protected trees by that Act. More information is available from the Transport Canberra and City Services (TCCS).

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 (TCCS).

WORKS ON UNLEASED TERRITORY LAND – DESIGN AND OPERATIONAL ACCEPTANCE

In accordance with the *Public Unleased Land Act of 2013*, no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval must be obtained from the Manager Asset Acceptance, Asset Services Group, TCCS by way of:

1. a certificate of design acceptance prior to the commencement of any work and
2. a certificate of operational acceptance on completion of all works to be handed over to TCCS.

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

A certificate of compliance under s296 of the *Planning and Development Act 2007* may not be issued unless a certificate of design acceptance **AND** a certificate of operational acceptance has both been obtained from TCCS.

CONSTRUCTION REQUIREMENTS

The following information are some key requirements that apply to building work in the Territory. Other requirements may apply to this development.

DEMOLITION AND ASBESTOS MANAGEMENT

Demolition and asbestos management must be undertaken in accordance with the *Building Act 2004* (including the Building Code of Australia) and the *Dangerous Substances Act 2004*. Information about demolition and asbestos management is available from the planning and land authority's web site and Customer Service Centres.

ENVIRONMENT PROTECTION

All building work must be undertaken in accordance with the *Environment Protection Act 1997*, particularly but not exclusively in relation to noise and pollution control. More information is available from the Environment Protection Authority.

REPAIR OF DAMAGE TO PUBLIC ASSETS

The applicant/lessee is held responsible for all damage to ACT Government assets (including footpaths) caused by the development and they must properly repair any damage to those assets. Before work commences, they should notify the Transport Canberra and City Services (TCCS) of any existing damage to public facilities.

UTILITY ASSETS RETENTION

The lessee should obtain a plant location advice from ActewAGL to avoid conflict with existing plant or electrical easements. The lessee will be responsible for the costs associated with the relocation of assets, if necessary. The lessee is to ensure that the water service and water meter are retained in position and in good condition. ActewAGL water meters are accountable items and must not be removed from the site or otherwise disposed of.

REVIEW OF THE DECISION

The following notes are provided in accordance with regulation 7 of the *ACT Civil and Administrative Tribunal Regulation 2009*. Refer to the Review by the ACT Civil and Administrative Tribunal (ACAT) section of the Notice of Decision for information about its relevance to this development application.

CONTACT DETAILS

The review authority is the ACT Civil and Administrative Tribunal (ACAT).

Location	Contact details
ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601	Website: www.acat.act.gov.au Email: tribunal@act.gov.au Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT; 2601

POWERS OF THE ACAT

The ACAT is an independent body. It can review on their merits a large number of decisions made by ACT Government ministers, officials and statutory authorities. 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.