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**From:** Darke, Rachel  
**Sent:** Thursday, 20 July 2023 4:43 PM  
**To:** Tankey, Lyn; Gell, Chris  
**Subject:** Query re NOD and Units Plan parking entitlements (UP14971) (DA201833533)  
**Attachments:** UP14971 Metropol Registered Units Plan.pdf; DA2.pdf; RE: Parking and Vehicular access query for an Owners Corporation

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Lyn and Chris,

I'm hoping that you both could assist [redacted] further with [redacted] queries about visitor car parking spaces and the entitlement of these to the Body Corporate in the Units Plan and the conditions regarding parking in the Notice of Decision. Please see email below and attached email for further information.

This query came to me originally for policy advice as I am working in the Parking Co-ordination role for TCCS, but his queries now relate to the Units Plan 14971 and the NOD conditions, which are administered by EPSDD.

Feel free to contact me if you would like some further details as I have spoken with [redacted] on the phone, however I think [redacted] email below puts forward his questions/concerns. Lyn, I have discussed this with Chris on a previous occasion so he has some background on it.

[redacted] can be contacted on [redacted] Sch 2.2(a)(ii) or [redacted] Sch 2.2(a)(ii)

Thanks

Rachel

Rachel Darke | A/g Assistant Director | Parking Coordination  
Phone: 02 6207 0125 | Email: [rachel.darke@act.gov.au](mailto:rachel.darke@act.gov.au)  
Development Coordination | Transport Canberra & City Services | ACT Government  
480 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 |  
[www.cityservices.act.gov.au](http://www.cityservices.act.gov.au)

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**From:** [redacted]  
**Sent:** Monday, 17 July 2023 7:53 PM  
**To:** Darke, Rachel <[Rachel.Darke@act.gov.au](mailto:Rachel.Darke@act.gov.au)>  
**Subject:** Parking and Vehicular Access query regarding Metropol (UP14971)

You don't often get email from [redacted]. [Learn why this is important](#)

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Hi Rachel,

Thanks for your call today. It was very helpful to talk through the current parking situation at the Metropol complex. As I mentioned, we are seeking clarity and guidance on the parking requirements for Metropol. As I mentioned in our conversation, whilst the parking requirements and obligations on the Owners Corporation appear to be clear, this situation is complicated by the parking spaces in question having been titled to a commercial unit that the developer owns.

You mentioned that after speaking with Chris Gell, you were both of the view that bollards should not be permitted in these spaces, and that they really should be owned by the Owners Corporation. I have attached the Units Plan for Metropol (UP14971) where you can see these spaces as subsidiaries to the commercial unit 563, which is owned by NG Landholdings (the developer). We would be grateful for any guidance you can offer here, as it appears this would give the developer the ability to make changes to the access parameters of these spaces that would create a liability for the Owners Corporation (being the entity now responsible for complying with the conditions set out in the DA).

Regarding the DA, I'd also be grateful if you (or Chris) could clarify whether the Planning Requirement highlighted in the attached page from the DA is still relevant, or has it been vacated, requiring visitors to park in the surrounding residential streets in Reid?

Thanks again for your time today, and looking forward to hearing back from you soon.

Sch 2.2(a)

The Developer shall obtain detailed design acceptance certificates (Design Acceptance) from Relevant Authorities for all off-site works and service infrastructure in the Ainslie Avenue road reserve to be returned to the Territory. The Design Acceptance submissions shall be compliant with Relevant Authority standards as a minimum and supported by appropriate reports, designs, documentation and drawings as required by the Relevant Authority.

Works Approval in itself does not guarantee acceptance of these works by the Territory. Any works that are constructed, which do not have Design Acceptance or meet the requirements of the Design Acceptance approval, may be refused Operational Acceptance by the Relevant Authority and not be accepted for handover by the Territory.

Design Acceptance may be required by NCA prior to the issuing of Works Approval.

#### **A2.1.5 Specific Planning Requirements**

The planning requirements are articulated in the *Reid Precinct Map and Code* (Precinct Code), and the National Capital Plan (NCP) and require a consistent high quality urban environment with landscaping to create a prestige setting. The Precinct Code may be subject to change from time to time and the Developer must comply with the requirements of the Precinct Code at all times. The requirements of the National Capital Plan apply to works in the Ainslie Avenue road reserve.

To ensure consistency with the Precinct Code and NCP, the following Specific Planning requirements must be included in the EDP (no priority order intended) as a minimum:

- Driveway access or egress from Ainslie Avenue and Cooyong Street to buildings is not permitted.
- Provision of a road stub at the Akuna Street – Cooyong intersection with signalisation modifications to TCCS requirements shall allow access to the Holding Lease from Cooyong Street.
- Views, landscaping and pedestrian access to be created through a link between Akuna Street in the City to Kogarah Lane in Reid.
- Trunk cycle and pedestrian paths are provided along Cooyong Street between Ainslie Avenue and Boolee Street.
- Quality landscaping adjacent to Ainslie Avenue and Cooyong Street.
- Building setbacks and block boundaries are to meet the requirements of the Precinct Code.
- Provision of 18 on-street car parking spaces on Kogarah Lane.
- **Provision of a minimum 17 publicly available visitor spaces on Site as required by Relevant Authorities.**
- Provide a turning head or a publically accessible vehicle easement through the Site onto Boolee Street and/or Kogarah Lane from the Cooyong Street to ensure that any vehicles accidentally turning into the Site have opportunities to exit.
- Basement access to the Site off Cooyong Street is to be designed so as not to hinder pedestrian movement and to promote pedestrian priority along Cooyong Street and through the Site.

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**From:** TCCS\_DC DevelopmentCoordination  
**Sent:** Tuesday, 4 July 2023 2:57 PM  
**To:** Sch 2.2(a)(ii)  
**Cc:** TCCS\_DC DevelopmentCoordination; Darke, Rachel  
**Subject:** RE: Parking and Vehicular access query for an Owners Corporation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**OFFICIAL**

Good afternoon [redacted]

Thank you for your email.

The Development Coordination Branch acknowledge receipt and have commenced processing your submission/request.

Rachel Darke has been assigned and the timeframe for processing this type of submission/request is **10 Business Days**

Please note that whilst we will endeavour to review and respond within this timeframe, in some cases we may require additional information from you or may be experiencing delays. Should this be the case we will contact you to discuss.

We understand the importance of your enquiry and appreciate your patience as we work toward providing you with a response.

For further information regarding pre-lodgement Development Application (DA) advice and DA comments, please refer to the General Advisory Note published on our [website](#).

Many thanks

Tash Siebels | Operational Coordinator, Customer Service and Business Improvement  
Phone: 02620 70019 | Email: [TCCS.DCDevelopmentCoordination@act.gov.au](mailto:TCCS.DCDevelopmentCoordination@act.gov.au)  
Development Coordination Branch | Transport Canberra and City Services Directorate | ACT Government  
480 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au) | [www.tccs.act.gov.au](http://www.tccs.act.gov.au)



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**From:** Sch 2.2(a)(ii)  
**Sent:** Monday, 3 July 2023 9:51 AM  
**To:** TCCS\_DC DevelopmentCoordination <[TCCS.DCDevelopmentCoordination@act.gov.au](mailto:TCCS.DCDevelopmentCoordination@act.gov.au)>  
**Subject:** Parking and Vehicular access query for an Owners Corporation

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Hi,

I've been provided this address to direct a query from a TCCS number (02 6207 0019). I believe there is a parking coordination team who may be able to assist.

I am on the Executive Committee for the Metropol complex in the City, and am trying to understand the obligations on the Owners Corporation to comply with the parking requirements set out in both the Parking and Vehicular Access general code, and the DA for the complex (DA201833533).

Metropol currently has approximately 132 spaces available in basement one of the building, and 18 spaces available in the laneway behind the complex for short-stay visitors & guests (which meets the requirements of both the DA and the general code). The basement spaces form part of the entitlements to a commercial unit that the developer owns, who now wishes to install bollards in all of the basement spaces (blocking all access to visitors & short-stay guests). This would leave only 18 laneway spaces for visitors of a complex close to 500 units.

I'm keen to understand our obligations so that we can navigate this, given the impact this will have on the surrounding streets, and complaints that will arise as a result. Grateful for any clarifications you can provide concerning either/both the DA conditions, and the Parking and Vehicular Access general code. Are the number of spaces required in these "guidelines" only?

I'm also happy to discuss this on the phone if that's easier. You can reach me on [Sch 2.2\(a\)\(ii\)](#).

Thanks



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**From:** Gell, Chris  
**Sent:** Tuesday, 25 July 2023 12:10 PM  
**To:** Sch 2.2(a)(ii)  
**Subject:** Metropol-197M  
**Attachments:** BASEMENT 1 FLOOR PLAN-201833533-S197M-03.pdf; BASEMENT 2 FLOOR PLAN-201833533-S197M-02.pdf; BASEMENT 3 FLOOR PLAN-201833533-S197M-01.pdf; NOTICE OF DECISION-201833533-S197M-SIGNED.pdf; Formal correction - DA201833533 - S197M.pdf

OFFICIAL

Hi [REDACTED]  
As discussed, attached are the approved Basement Plans and decision for amendment 197M to the development application for Metropol. This was the last amendment to involve changes to the basement.


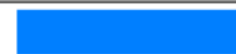

Regards

Chris Gell  
Director, Statutory Planning  
Environment Planning and Sustainable Development Directorate  
P. 02 62072642 e. [chris.gell@act.gov.au](mailto:chris.gell@act.gov.au)

PLANNING AND DEVELOPMENT ACT 2007  
**APPROVAL AMENDED**  
 PURSUANT TO SECTION 198  
 IN RESPECT OF THE NOMINATED  
 AMENDMENTS ONLY




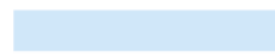




Delegate name Fawzia Majid  
 Date 24/5/2021

**STORAGE CAGE SHEDULE - BASEMENT 01**

	LENGTH	WIDTH	HEIGHT	QUANTITY
	1800 mm	1020 mm	2100 mm	118
	2400 mm	750 mm	2100 mm	26
	2400 mm	800 mm	2100 mm	13

TOTAL: 157

**CARPARK SCHEDULE - BASEMENT 1**

COLOUR CODE	TYPE	QUANTITY
	COMMERCIAL	10
	COMMERCIAL (TANDEM)	10
	PUBLIC	121
	PUBLIC (ACCESSIBLE)	8
	PUBLIC (SMALL CAR)	3
	RESIDENTIAL	67
	RESIDENTIAL (ADAPTABLE)	5
	RESIDENTIAL (SMALL CAR)	1

TOTAL

225



REVISION		
7	S197 DA AMENDMENT ISSUE	30.03.2021
8	S197 DA AMENDMENT ISSUE	12.05.2021

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PROJECT  
 SECTION 7  
 REID  
 ACT, 2612


DRAWN	DATE	CHECKED	PRINT DATE	JOB NO.	SCALE		DRAWING TITLE
NW	12.05.2021	AW	12.05.2021	1804	1:300	@A1	BASEMENT 1 FLOOR PLAN

ISSUE  
 DEVELOPMENT APPLICATION

PLANNING AND DEVELOPMENT ACT 2007  
**APPROVAL AMENDED**  
 PURSUANT TO SECTION 198  
 IN RESPECT OF THE NOMINATED  
 AMENDMENTS ONLY

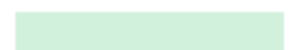
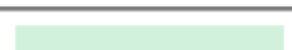


Delegate name Fawzia Majid  
 Date 24/5/2021

**STORAGE CAGE SHEDULE - BASEMENT 02**

	LENGTH	WIDTH	HEIGHT	QUANTITY
	1800 mm	1020 mm	2100 mm	23
	2400 mm	750 mm	2100 mm	166
	2400 mm	800 mm	2100 mm	4

TOTAL: 193

**CARPARK SCHEDULE - BASEMENT 2**

COLOUR CODE	TYPE	QUANTITY
	RESIDENTIAL	266
	RESIDENTIAL (ADAPTABLE)	28
	RESIDENTIAL (SMALL CAR)	4
	RESIDENTIAL (TANDEM)	19

TOTAL

317



REVISION		
7	S197 DA AMENDMENT ISSUE	30.03.2021
8	S197 DA AMENDMENT ISSUE	12.05.2021

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PROJECT  
 SECTION 7  
 REID  
 ACT, 2612


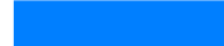

DRAWN	DATE	CHECKED	PRINT DATE	JOB NO.	SCALE	DRAWING TITLE
NW	12.05.2021	AW	12.05.2021	1804	1:300 @A1	BASEMENT 2 FLOOR PLAN

ISSUE  
 DEVELOPMENT APPLICATION

PLANNING AND DEVELOPMENT ACT 2007  
**APPROVAL AMENDED**  
 PURSUANT TO SECTION 198  
 IN RESPECT OF THE NOMINATED  
 AMENDMENTS ONLY

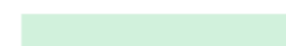
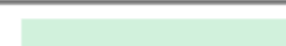

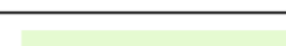
Delegate name Fawzia Majid  
 Date 24/5/2021

**STORAGE CAGE SCHEDULE - BASEMENT 03**

	LENGTH	WIDTH	HEIGHT	QUANTITY
	1800 mm	1020 mm	2100 mm	23
	2400 mm	750 mm	2100 mm	164
	2400 mm	800 mm	2100 mm	9

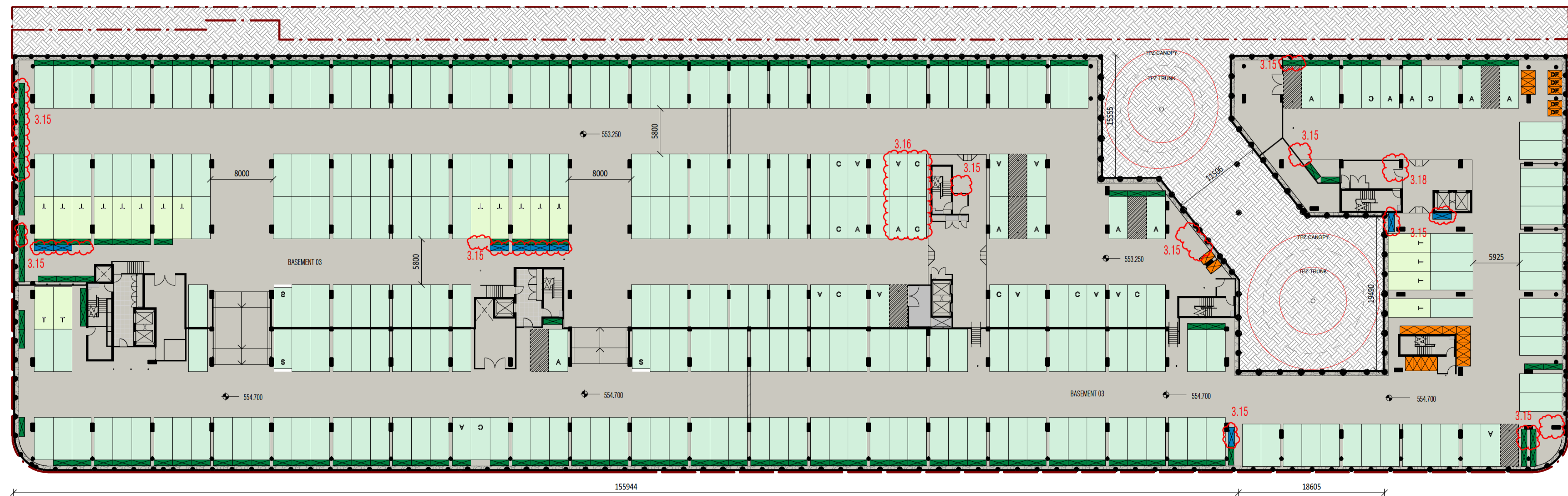
TOTAL: 196

**CARPARK SCHEDULE - BASEMENT 3**

COLOUR CODE	TYPE	QUANTITY
	RESIDENTIAL	273
	RESIDENTIAL (ADAPTABLE)	23
	RESIDENTIAL (SMALL CAR)	3
	RESIDENTIAL (TANDEM)	19

TOTAL

318



14/05/2021 2:31:27 PM BIM 360/11804 - City 7/1804-City7-DA.rvt

**GEOCON**

REVISION			
7	S197 DA AMENDMENT ISSUE	30.03.2021	
8	S197 DA AMENDMENT ISSUE	12.05.2021	

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PROJECT  
 SECTION 7  
 REID  
 ACT, 2612

DRAWN	DATE	CHECKED	PRINT DATE	JOB NO.	SCALE	DRAWING TITLE	ISSUE	DRAWING NO.
NW	12.05.2021	AW	12.05.2021	1804	1:300 @A1	BASEMENT 3 FLOOR PLAN	DEVELOPMENT APPLICATION	DA097



# NOTICE OF DECISION

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

*S197 Amendment*

I, Fawzia Majid, delegate of the planning and land authority, pursuant to section 198 of the *Planning and Development Act 2007*, **approve subject to conditions**, to amend the development approval, in accordance with the application made under section 197 of the Act, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

Pursuant to section 197 of the *Planning and Development Act 2007*, approval is sought to amend development approval No. 201833533 dated 30 April 2019 by:

1. Subdivision amendment to adjust boundary between road reserve of Block 2 Section 7 Reid to align with TCCS approved road design;
2. Landscape amendments;
3. Changes to storage and carparking allocations;
4. Introduction of signage;
5. Awning adjustment;
6. Reinstate solar panels;
7. Minor external amendments and associated site works.

DA Number:	201833533/S197M
Block:	2
Section:	7
Suburb:	Reid
Address:	Cooyong Street
Application lodged:	10 March 2021
Assessment track:	Merit

This decision contains the following information:

- Part A– conditions of Approval
- Part B– reasons for the Decision
- Part C – public notification & entity advice

*A copy of the development application and this approval may be inspected at the planning and land authority's office from 8.30 am to 4.30 pm, Monday to Friday at 480 Northbourne Avenue, Dickson, ACT 2602*

## NOTICE OF DECISION

DA 201833533/S197M



### CONTACT / ENQUIRIES

Phone: (02) 6207 6383

Online Form:

[https://www.accesscanberra.act.gov.au/app/forms/epd\\_feedback](https://www.accesscanberra.act.gov.au/app/forms/epd_feedback)

**Fawzia Majid**  
Delegate of the planning  
and land authority  
24 May 2021

### PART A – CONDITIONS OF APPROVAL

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

#### 1. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

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

##### GENERAL

- Given the Design Review and Operational Acceptance processes have started, the Applicant is to re-submit all the changes in the S197M amendment to the Design Review and Asset Acceptance team/TCCS for further assessment.

##### AWNING AND SIGNAGES

- The Applicant is to obtain a third party license from the Licensing and Compliance team/TCCS to support the awning and other signages encroachment.

##### PEDESTRIAN NETWORK

- The pedestrian footpath must take precedence over the verge crossings so pedestrians have right of way over vehicles.

Standard TCCS conditions apply, refer to the attachment.

#### 2. PRIOR TO THE ISSUE OF A CERTIFICATE OF OCCUPANCY FOR ANY BUILDINGS ON THE LAND

##### TRANSFER AND GRANT OF EASEMENTS

That the applicant/lessee must prepare an Instrument granting an encumbering Transfer and Grant of Easements (TGE) for registration at Access Canberra (Land Titles and Rental Bonds) against the Crown lease of the proposed new blocks.

*Note: the registration of the TGE's are to occur at the same time as the new Crown lease.*

At a minimum, the TGE's shall address the following:

- protection of the public realm and road reserve above the approved basement stratum parcel (including suitable easements for support over any structural elements)

## NOTICE OF DECISION

DA 201833533/S197M

3. ENVIRONMENT PROTECTION AUTHORITY (EPA)

EPA advised that previously submitted comments stand.

4. ACT EMERGENCY SERVICES AGENCY (ACTESA)

ACTESA supported the proposal with conditions and all previous comments remain valid at this time. Please refer to the attachment.

### CONDITIONS FOR LICENCING OF ENCROACHMENTS (3-Party)

1. COMMENCEMENT OF BUILDING WORK

No building work is to commence on unleased Territory land until the proposed Licensee has been granted a licence in relation to the proposed works on unleased Territory land, being columns encroaching onto unleased territory land, by the Environment and Planning Directorate and in consultation with Transport Canberra and City Services (TCCS) pursuant to section 303 of the *Planning and Development Act 2007* and in the form approved by the planning and land authority.

*Note: TCCS requires that any works or structures constructed on unleased Territory land be covered by a licence agreement granted in accordance with Section 303 of the Planning and Development Act 2007.*

2. APPLICATION FOR A LICENCE (Application Form provided by Land Custodian)

Prior to the commencement of building work, the lessee (the proposed Licensee) must lodge with the Environment, Planning & Sustainable Development Directorate (EPSDD) an application for the grant of a licence to occupy and use unleased Territory land, pay the appropriate fee and undertake the following:

**(i) Encroachment plan**

the proposed Licensee must submit to EPSDD a plan detailing all dimensions of the proposed works on unleased Territory land, including area, block boundaries and location of the proposed works on unleased Territory land in relation to any buildings, adjacent unleased Territory land and/or public road. Plan details must be sufficient to enable the preparation of a Spatial Data Mapping System (SDMS) plan and number.

**(ii) Public liability insurance**

the proposed Licensee must obtain public liability insurance in respect of the proposed works on unleased Territory land by complying with the procedures outlined in the *Financial Management (Public Liability Insurance) Guidelines 2011*.

The procedures are specified below in summary form:

1. nominate each and all of the proposed activities the proposed licensee wishes to undertake on Territory land or premises ("Premises");
2. take out a public liability insurance policy in accordance with the risk rating for the term of the licence;
3. submit a certificate of currency in respect of the public liability insurance, which clearly states that the encroachment/s is/are covered by the insurance policy; and
4. comply with obligations in respect of risk management plans if applicable.

## NOTICE OF DECISION

DA 201833533/S197M

Please contact the Land Custodian, details below, to apply for a licence:

Darren Gerrard - Manager

L&C Licensing

City Services, Transport Canberra and City Services Directorate

ACT Government

Level 1, 255 Canberra Avenue, Fyshwick ACT 2609

GPO Box 158 Canberra ACT 2601

[www.act.gov.au](http://www.act.gov.au) | [www.tccs.act.gov.au](http://www.tccs.act.gov.au)

Email: [Darren.Gerrard@act.gov.au](mailto:Darren.Gerrard@act.gov.au)

Ph: (02) 6205 7245

*Note 1: The Activity Schedule will form part of the licence agreement*

### 3. TRANSFER OF TITLE

The lessee must not transfer or assign its interest in the premises unless and until the proposed transferee or assignee is granted a licence by the planning and land authority pursuant to section 303 of the *Planning and Development Act 2007*, under the same terms and conditions as the licence granted in accordance with Conditions 1 and 2 and meets the insurance requirements in accordance with Condition 2 above.

### **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.*

#### 1. ORIGINAL DECISION

The amended approval is to be read in conjunction with the original decision and its associated conditions and advisory notes.

#### 2. SIGNAGE

All signage installed at the site, including advertising signage and hoarding, should comply with the Australian Association of National Advertisers (AANA) Code of Ethics and the ACT Government's Hoarding Signage Advertising Guidelines available online at:

<https://www.planning.act.gov.au/build-buy-renovate/for-industry/industryresources/hoarding-signage-guidelines>

## NOTICE OF DECISION

DA 201833533/S197M

### PART B – REASONS FOR THE DECISION

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

#### EVIDENCE

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

Development Application:	201833533/S197M
Territory Plan Zones:	CZ5 Mixed Use Zone
Development Codes:	Multi Unit Housing Code
Precinct Code:	Reid Precinct Map and Code
Crown Lease:	N/A (Holding Lease)
Legislative requirements:	Sections 119 and 120 of the <i>Planning and Development Act 2007</i>
Entity advice:	addressed in Part C of this Decision
Representation:	One received

### PART C – PUBLIC NOTIFICATION AND ENTITY ADVICE

#### PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the Act, the application was publicly notified from 16 March 2021 to 8 April 2021. One written representation was received during public notification period.

The issue raised in the representation was considered in the assessment and making of the decision for this development application.

#### ENTITY ADVICE

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

1. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

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

2. ICON WATER

Icon Water provided advice stating that the proposal is supported subject to conditions. Refer to Part A for conditions in regards to complying with entity advice. A copy of the Icon Water advice is attached to this Notice of Decision.

3. EVOENERGY ELECTRICITY

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

## NOTICE OF DECISION

DA 201833533/S197M

4. GAS JEMENA

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

5. ENVIRONMENT PROTECTION AUTHORITY (EPA)

EPA advised that previously submitted comments stand. No further comments.

5. ACT EMERGENCY SERVICES AGENCY (ACTESA)

ACTESA supported the proposal with conditions and all previous comments remain valid at this time. Please refer to the attachment.

6. NATIONAL CAPITAL AUTHORITY (NCA)

NCA advised that the proposed amendments are not inconsistent with the National Capital Plan and the NCA has no objections.

7. ACT HERITAGE COUNCIL (the Council)

The Council advised that Block 2 Section 7 Reid does not contain any registered or recorded heritage places or objects. On this basis, there are no *Heritage Act 2004* considerations to the current application.

### Translation and interpretation services

The ACT Government's translation and interpreter service runs 24 hours a day, every day of the week by calling 131 450.

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ако вам је потребна помоћ преводиоца телефонирајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

### TRANSLATING AND INTERPRETING SERVICE

# 131 450

Canberra and District - 24 hours a day, seven days a week

Purdon Planning Pty Ltd  
Unit 4, 1-3 Torrens Street  
Braddon ACT 2612

Dear Purdon Planning Pty Ltd

**BLOCKS 2 SECTION 7 – REID: Application Number: 201833533/S197M**

I refer to the Notice of Decision dated 24/05/2021 concerning the above application.

It came to the attention of the planning and land authority that the wording of condition A2 could unreasonably delay lodgement of a Unit Titles Application.

Consequently, in accordance with section 196 of the *Planning and Development Act 2007*, the Notice of Decision dated 24/05/2021 is formally corrected as follows:

**Condition A2 replaced with the following:**

**2. TRANSFER AND GRANT OF EASEMENTS**

The applicant/lessee must prepare an Instrument granting an encumbering Transfer and Grant of Easements (TGE) for registration at Access Canberra (Land Titles and Rental Bonds) against the Crown lease of the proposed new blocks.

*Note: The registration of the TGE's are to occur prior to registration of any units plan.*

At a minimum, the TGE's shall address the following:

Protection of the public realm and road reserve above the approved basement stratum parcel (including suitable easements for support over any structural elements).

Note: previous heading "PRIOR TO THE ISSUE OF A CERTIFICATE OF OCCUPANCY FOR ANY BUILDINGS ON THE LAND" is deleted.

The remaining conditions of approval set out in the previous Notice of Decision will continue to apply.

If you would like to discuss this matter further, please telephone the contact officer on (02) 6207 6804.

Yours sincerely



George Cilliers  
Delegate planning and land authority  
Environment Planning and Sustainable Development Directorate  
12 August 2021

## Brougham-Pratt, Charlotte

---

**From:** Gell, Chris  
**Sent:** Monday, 28 August 2023 5:47 PM  
**To:** [REDACTED]  
**Cc:** Davies, Richard; EPSD DACoordinator  
**Subject:** RE: Geocon - Metropol Commercial Unit 563

OFFICIAL

Hi [REDACTED]  
Sorry for the delay in responding.  
The only options I could suggest is either standard ticket machines, where people park & place a ticket on their dashboards or a boom gate, such as used at Westfields where the drivers enters past a number plate recognition & leaves via a boom gate. The last option may result in some queuing in the carpark, which should not be a concern to TCCS. I'd recommend talking to other carpark operators to determine the best option.  
We would not support a bollard system due to the potential to restrict parking.  
I've made it clear to the representative of the EC that unless pay parking is introduced, the visitor spaces are all likely to be taken by commuters.

Regards  
Chris

---

**From:** [REDACTED] <[REDACTED]@geocon.com.au>  
**Sent:** Monday, 28 August 2023 9:52 AM  
**To:** Gell, Chris <Chris.Gell@act.gov.au>  
**Cc:** Davies, Richard <Richard.Davies@act.gov.au>; EPSD DACoordinator <DACoordinator@act.gov.au>  
**Subject:** RE: Geocon - Metropol Commercial Unit 563

Some people who received this message don't often get email from [REDACTED] <[REDACTED]@geocon.com.au>. [Learn why this is important](#)

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Morning Chris,

Hope you are well, touching base on the below.

We are aiming to have a full proposal to the EC by the end of August. Any comment/advice from yourself to ensure we are compliant and providing an effective solution is appreciated.

Thanks,

[REDACTED] | Assistant Development Manager  
Level 4, 16-18 Mort Street, Canberra, ACT 2601 | PO Box 5425, Kingston ACT 2604  
[REDACTED] <[REDACTED]@geocon.com.au>  
GEOCON.COM.AU      

MOVE IN NOW



ASPEN VILLAGE  
BLACK DIAMOND

---

**From:** [REDACTED]  
**Sent:** Wednesday, August 16, 2023 9:48 AM  
**To:** Gell, Chris <[Chris.Gell@act.gov.au](mailto:Chris.Gell@act.gov.au)>  
**Cc:** Davies, Richard <[Richard.Davies@act.gov.au](mailto:Richard.Davies@act.gov.au)>; EPSD DACoordinator <[DAcoordinator@act.gov.au](mailto:DAcoordinator@act.gov.au)>  
**Subject:** RE: Geocon - Metropol Commercial Unit 563

Morning Chris,

Can you please confirm how other residential developments alleviate the issue of 'potential to operate as a long term', noting boom gate systems can be operate as long term. We are happy to incorporate any advice provided into the proposal to ensure EPSDD & the EC are satisfied it will remain short term.

Following your advice, Geocon has no intention to operate as a long term carpark and will ensure the carparks will be operate as short time with 24 hour access (To comply with requirements).

To my understanding, a boom gate system will not be approved by TCCS due to boom gate queuing requirements. This is why we are pursuing the option of bollards. We have had multiple attempts to install signage/pay machines rejected by the EC.

Look forward to hearing from you.

Thanks,

---

**From:** Gell, Chris <[Chris.Gell@act.gov.au](mailto:Chris.Gell@act.gov.au)>  
**Sent:** Friday, August 11, 2023 8:48 AM  
**To:** [REDACTED] <[\[REDACTED\]@geocon.com.au](mailto:[REDACTED]@geocon.com.au)>  
**Cc:** Davies, Richard <[Richard.Davies@act.gov.au](mailto:Richard.Davies@act.gov.au)>; EPSD DACoordinator <[DAcoordinator@act.gov.au](mailto:DAcoordinator@act.gov.au)>  
**Subject:** RE: Geocon - Metropol Commercial Unit 563

OFFICIAL

Hi [REDACTED]  
As the bollard system has the potential to operate for long term leased carparks it would not be a compliant system. We need to ensure all required visitor spaces are permanently short term with 24 hour access. Controlling commuter's access to free carparking has been done successfully at other residential developments by standard boom gate / number plate recognition or ticket systems.  
I discussed this issue with a member of the executive committee in a phone call from them some time ago. I replied to an email from them earlier this morning. This reply largely contained the factual information I had provided to you previously.

Regards

Chris Gell  
Senior Director, Statutory Planning  
Environment Planning and Sustainable Development Directorate  
P. 02 62072642 e. [chris.gell@act.gov.au](mailto:chris.gell@act.gov.au)

---

**From:** [REDACTED] <[\[REDACTED\]@geocon.com.au](mailto:[REDACTED]@geocon.com.au)>  
**Sent:** Wednesday, 9 August 2023 11:48 AM  
**To:** Gell, Chris <[Chris.Gell@act.gov.au](mailto:Chris.Gell@act.gov.au)>  
**Cc:** Davies, Richard <[Richard.Davies@act.gov.au](mailto:Richard.Davies@act.gov.au)>; EPSD DACoordinator <[DAcoordinator@act.gov.au](mailto:DAcoordinator@act.gov.au)>  
**Subject:** RE: Geocon - Metropol Commercial Unit 563

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Hi Chris,


Thank you for your response, we would like clarification on the following.

The proposed bollard option can be app controlled, facilitating either short term or long term parking arrangements. Noting your comments below with respect to long term carparking, if the system is set up to be solely for short term use will this be deemed a compliant system?


As you have mentioned, we are looking to resolve the issue of commuter's taking advantage of free carparks in a residential development and provide public carparks to the public.

In addition, are you able to confirm if you provided the executive committee written response on this? If so could this be provided? We only ask because they have indicated that you did not put it in writing, which does not seem correct, no issue if not.


Regards,

Assistant Development Manager  
Level 4, 16-18 Mort Street, Canberra, ACT 2601 | PO Box 5425, Kingston ACT 2604  
@geocon.com.au  
GEOCON.COM.AU  



From: Gell, Chris <[Chris.Gell@act.gov.au](mailto:Chris.Gell@act.gov.au)>  
Sent: Wednesday, August 9, 2023 11:09 AM  
To:  <[@geocon.com.au](mailto:@geocon.com.au)>  
Cc: Davies, Richard <[Richard.Davies@act.gov.au](mailto:Richard.Davies@act.gov.au)>; EPSD DAACoordinator <[DACoordinator@act.gov.au](mailto:DACoordinator@act.gov.au)>  
Subject: RE: Geocon - Metropol Commercial Unit 563

OFFICIAL

Hi   
Thanks for your email.

The Metropol Development Application (DA201833533) was approved 30 April 2019. Several amendments were lodged after approval, with the S197L amendment approving a final total of 552 apartments & 135 public car park spaces at basement level. The original approval also included 18 public short-stay spaces in Kogarah Lane. The applications were approved on the basis of the plans and documentation provided and in accordance with the Territory Plan, including the Parking and Vehicular Access Code.

Block 3, Section 7 Reid is zoned CZ5 and the Parking Code requires 1 residential visitor space per 4 dwellings, meaning **138 publicly available visitor spaces are required**. Taking into account the 18 spaces at Kogarah Lane, a minimum of 120 visitor spaces are required in the basement. The Statement Against Criteria for amendment S197L, prepared by Purdon Planning includes the following statements against requirements of the Multi-Unit Housing Development Code: 'Complies with R82. Visitor car parking spaces are provided within the basement level' and 'Complies with R83. Visitor car parking is accessible via intercom'. Please note 'visitor spaces' are considered to be for short-term use.

Following discussions with previous Geocon project managers, my understanding is that the visitor spaces were to operate as part of a 'Wilson's' style paid carpark for short term use. This would ensure all 120 required visitor spaces would be available to the public and not clogged by commuter parking taking advantage of free car parks in a residential development. The operation you are suggesting involves restricting access to these spaces by bollards and leasing them out to individuals for long-term use. This is not visitor car parking and will result in the 120 visitor spaces using the surrounding streets, which will be a major concern to Transport Canberra and City Services (TCCS). Had this been proposed as part of the original application it would not have been approved.

We have significant concerns with this proposal. The removal of 120 publicly available visitor spaces in the basement is contrary to our development approval and would likely require compliance action. This proposal also raises concern with how the visitor carparking of similar large multi-unit developments is assessed and clearly conditioned in the Notice of Decision.

I'd recommend operating a short-term paid parking alternative, which is done in other multi-unit developments close to commercial centres.

Regards

Chris Gell  
Director, Statutory Planning  
Environment Planning and Sustainable Development Directorate  
P. 02 62072642 e. [chris.gell@act.gov.au](mailto:chris.gell@act.gov.au)

---

**From:** [REDACTED] <[\[REDACTED\]@geocon.com.au](mailto:[REDACTED]@geocon.com.au)>  
**Sent:** Thursday, 3 August 2023 2:32 PM  
**To:** Gell, Chris <[Chris.Gell@act.gov.au](mailto:Chris.Gell@act.gov.au)>  
**Subject:** Geocon - Metropol Commercial Unit 563

You don't often get email from [REDACTED] <[\[REDACTED\]@geocon.com.au](mailto:[REDACTED]@geocon.com.au)>. [Learn why this is important](#)

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Hi Chris,

It is my understanding the Metropol EC has reached out to you regarding Unit 563 at Metropol.

Please find attached:

- Stamped basement 1 plan dated 24<sup>th</sup> May 2021
- Registered UP basement 1 plan dated 8<sup>th</sup> September 2021

As the unit owner, as you know we intent to install bollards (in all spaces minus the DDA spaces) and operate as per the attached proposal. It has been suggested by the EC the carpark spaces were intended to be used as visitor spaces for the complex.

It is our understanding from the stamped plans that this is incorrect. As the commercial owner we see we can operate the carpark on either a long term or a short term basis.

Could you please confirm our understanding, or alternatively please outline the requirements we must meet to operate the carpark.

Regards,

[REDACTED] | Assistant Development Manager  
Level 4, 16-18 Mort Street, Canberra, ACT 2601 | PO Box 5425, Kingston ACT 2604



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**From:** Gell, Chris  
**Sent:** Wednesday, 9 August 2023 9:27 AM  
**To:** Sch 2.2(a)(ii)  
**Subject:** RE: Metropol-197M

OFFICIAL

Hi [REDACTED]  
Sorry for the delay. I'm trying to get advice from Leasing on your questions.  
Chris

---

**From:** Sch 2.2(a)(ii)  
**Sent:** Wednesday, 2 August 2023 10:05 PM  
**To:** Gell, Chris <Chris.Gell@act.gov.au>  
**Subject:** Re: Metropol-197M

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Hi Chris,

Thanks for your email and time the other day discussing the DA and parking requirements at Metropol, and for sending through the parking plans (I had not seen these before). It was very helpful to talk through the issues and I think it will be helpful in informing our next steps.

To summarise our conversation:

- the DA requirement for visitor spaces has not been vacated (which are in addition to the amount required by the parking and vehicular access code),
- the primary purpose of these spaces is for visitors and guests of the residential and commercial units within the complex, and any action that would prevent short-term use of the spaces (eg through bollards, monthly leases etc) would likely not comply with the DA,
- should the OC install roller doors to address safety and security issues (as we intend), the inclusion of an intercom would likely meet our obligations under the DA, as guests and visitors would have a means of accessing the spaces,
- the non-compliance team can be engaged through Access Canberra should we wish to escalate the issue, but only once there is a case of non-compliance for them to investigate (ie they will not engage proactively and we would have to wait for Geocon to install the bollards),
- TCCS does not support the installation of bollards in these spaces for the purposes we discussed and would likely remove them should they be installed.

As I mentioned on our call, Geocon believes the Unit Titles (Management) Act 2011 (UTMA) grants them rights to use these spaces as they see fit, as they have been allocated on the Units Plan as subsidiaries to a commercial unit they are the owner of. I believe the Owners Corporation has been put in a difficult situation due, in part, to how these units have been titled: should we reject the application (as all advice we have received to date suggests we must under the UTMA), [REDACTED]

[REDACTED] via negotiation undertaken with Geocon where all relevant compliance requirements are known.

As we discussed, I believe there are likely significant consequences to approving the installation of bollards that would likely result in irate neighbouring developments impacted by an influx of parking in their streets. This may lead to consequences for the Owners Corporation, being the entity now required to uphold the conditions of the DA and Parking Code.

Whilst I believe Geocon will do everything they can to vary their parking proposal to facilitate short-term access to these spaces (eg. through a smaller number of designated "visitor" spaces via QR codes), I do not see how the Owners Corporation could approve the application without being a party to the commercial terms of the contract with the parking operator (ie. nothing would prevent them from varying access to these spaces at a later date). I agree with you that using a car park operator to enforce equitable usage of shared spaces is sensible (you cited a development near you in Dickson that did something similar to great effect), however I feel common sense suggests this should be at the behest of the Owners Corporation.

When I asked on our call if you knew of a channel to interrogate/question the details of the Units Plan, you said you were unsure. You mentioned that you discussed the matter with Lyn Tankey (who signed off on the Units Plan) but only mentioned that she had deferred to you to reach out to me. Given that I do not know how we otherwise satisfy our legal obligations as an Owners Corporation, I believe we need clarity on this. We would be grateful if you could assist by:

1. Providing a contact of someone who can interrogate the justification for how these spaces came to be titled to Geocon and not the Owners Corporation, as I am unsure under what basis these spaces have been permitted to be titled to a unit Geocon owns. Was it clear that a commercial entity was to own these spaces rather than the Owners Corporation? Was it ever suggested or implied the spaces would be titled to a commercial unit for the benefit of the Owners Corporation (ie that the OC would own)? I know of other developments that have common property (eg. whole apartments for onsite building managers) that are separately titled but owned by the Owners Corporation.
2. Can you provide the contact details of someone who will take our escalation of the issue? I appreciated our conversation and found it useful, but without further detail in writing the Owners Corporation remains exposed to action and negotiating without some form of written advice is difficult. Owners have already begun to question where the visitor spaces are and ask where their guests should park, and it feels unfair to them that the developer now suggests they should park on a suburban street 100m away, despite having been obligated to provide an on-site solution.
3. Can you (or someone you can escalate/forward this to) clarify how, should the Units Plan be confirmed to be correct, the Owners Corporation may be able to ensure that any parking requirements under the DA or Parking Code might be upheld? The UTMA and the DA and Parking Code requirements appear not to marry up appropriately to ensure this can be handled by relevant parties.

We greatly appreciate any assistance you can provide on this matter.

Many thanks,

Sch 2.2(a)()

On Tue, 25 Jul 2023 at 12:10, Gell, Chris <[Chris.Gell@act.gov.au](mailto:Chris.Gell@act.gov.au)> wrote:

**OFFICIAL**

Hi Sch 2.2(a)()

As discussed, attached are the approved Basement Plans and decision for amendment 197M to the development application for Metropol. This was the last amendment to involve changes to the basement.

Regards

Chris Gell

Director, Statutory Planning

Environment Planning and Sustainable Development Directorate

P. 02 62072642 e. [chris.gell@act.gov.au](mailto:chris.gell@act.gov.au)

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**From:** Gell, Chris  
**Sent:** Friday, 11 August 2023 4:16 PM  
**To:** Sch 2.2(a)(ii)  
**Subject:** FW: Metropol-197M

OFFICIAL

Hi [REDACTED]  
Sorry – please ignore the repose to ‘question 2’ below.

I had a leasing enquiry in addition to yours & sent both in the same email to leasing for an opinion. Unfortunately I thought the response to Q2 as responding to the second part of your question. The first two parts of your question are addressed in the response to question 1 below (just to make it a bit more confusing).  
Regards  
Chris

---

**From:** Gell, Chris  
**Sent:** Friday, 11 August 2023 8:13 AM  
**To:** Sch 2.2(a)(ii)  
**Subject:** RE: Metropol-197M

OFFICIAL

Hi [REDACTED]  
Sorry for the delay.

I received an email from Geocon outlining their intentions. I made it absolutely clear that changing short term visitor carparks into long term leased car parks would be in breach of their development approval and would likely be subject to compliance action. Following is part of that email, which contains our position on the assessment and requirements:

The Metropol Development Application (DA201833533) was approved 30 April 2019. Several amendments were lodged after approval, with the S197L amendment approving a final total of 552 apartments & 135 public car park spaces at basement level. The original approval also included 18 public short-stay spaces in Kogarah Lane. The applications were approved on the basis of the plans and documentation provided and in accordance with the Territory Plan, including the Parking and Vehicular Access Code.

Block 3, Section 7 Reid is zoned CZ5 and the Parking Code requires 1 residential visitor space per 4 dwellings, meaning **138 publicly available visitor spaces are required**. Taking into account the 18 spaces at Kogarah Lane, a minimum of 120 visitor spaces are required in the basement. The Statement Against Criteria for amendment S197L, prepared by Purdon Planning includes the following statements against requirements of the Multi-Unit Housing Development Code: *‘Complies with R82. Visitor car parking spaces are provided within the basement level’* and *‘Complies with R83. Visitor car parking is accessible via intercom’*. Please note ‘visitor spaces’ are considered to be for short-term use.

Following discussions with previous Geocon project managers, my understanding is that the visitor spaces were to operate as part of a ‘Wilsons’ style paid carpark for short term use. This would ensure all 120 required visitor spaces would be available to the public and not clogged by commuter parking taking advantage of free car parks in a residential development. The operation you are suggesting involves restricting access to these spaces by bollards and leasing them out to individuals for long-term use. This is not visitor car parking and will result in the 120 visitor spaces using the surrounding streets, which will be a major concern to Transport Canberra and City Services (TCCS).

I've received the following from DA leasing in regard to your questions 1 & 2. At this stage, I anticipate Geocon won't be following through with the bollards, so you are welcome to contact me in the future in terms of question 3.

Question 1:

The development approval over the site shows a number of visitor parking spaces, which are to be made available for the visitors to the site. It is acknowledged that when the site was unit titled these spaces were included in a unit and do not form part of the common property. Being owned by an individual lessee does not dissolve that Lessee of their obligation to operate the site in accordance with a development approval. The authority would consider that the restriction of access to the visitors spaces and the long term leasing of those spaces as commuter parking would be inconsistent with the approved plans.

Question 2:

If a development application is lodged for works only, where the works are contained wholly within the unit boundary, the owners corporation consent is not required. There is a requirement in the Unit Titles (Management) Act 2011 default rules that a unit holder must gain the support of the owners corporation prior to commencing construction. It is possible that some default rules can be altered by special resolution. These should be registered with Land Titles against the Units Plan. It is suggested that the enquirer check the Unit Titles (Management) Act 2011 and the Land Titles database for the default and any altered rules. If a development application was to include a lease variation additional documentation and consents are required.

Regards

Chris Gell  
Senior Director, Statutory Planning  
Environment Planning and Sustainable Development Directorate  
P. 02 62072642 e. [chris.gell@act.gov.au](mailto:chris.gell@act.gov.au)

---

From: Sch 2.2(a)(ii) >  
Sent: Wednesday, 2 August 2023 10:05 PM  
To: Gell, Chris <[Chris.Gell@act.gov.au](mailto:Chris.Gell@act.gov.au)>  
Subject: Re: Metropol-197M

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Hi Chris,

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To summarise our conversation:

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- should the OC install roller doors to address safety and security issues (as we intend), the inclusion of an intercom would likely meet our obligations under the DA, as guests and visitors would have a means of accessing the spaces,

- the non-compliance team can be engaged through Access Canberra should we wish to escalate the issue, but only once there is a case of non-compliance for them to investigate (ie they will not engage proactively and we would have to wait for Geocon to install the bollards),
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ia negotiation undertaken with Geocon where all relevant compliance requirements are known.

As we discussed, I believe there are likely significant consequences to approving the installation of bollards that would likely result in irate neighbouring developments impacted by an influx of parking in their streets. This may lead to consequences for the Owners Corporation, being the entity now required to uphold the conditions of the DA and Parking Code.

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When I asked on our call if you knew of a channel to interrogate/question the details of the Units Plan, you said you were unsure. You mentioned that you discussed the matter with Lyn Tankey (who signed off on the Units Plan) but only mentioned that she had deferred to you to reach out to me. Given that I do not know how we otherwise satisfy our legal obligations as an Owners Corporation, I believe we need clarity on this. We would be grateful if you could assist by:

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2. Can you provide the contact details of someone who will take our escalation of the issue? I appreciated our conversation and found it useful, but without further detail in writing the Owners Corporation remains exposed to action and negotiating without some form of written advice is difficult. Owners have already begun to question where the visitor spaces are and ask where their guests should park, and it feels unfair to them that the developer now suggests they should park on a suburban street 100m away, despite having been obligated to provide an on-site solution.
3. Can you (or someone you can escalate/forward this to) clarify how, should the Units Plan be confirmed to be correct, the Owners Corporation may be able to ensure that any parking requirements under the DA or Parking Code might be upheld? The UTMA and the DA and Parking Code requirements appear not to marry up appropriately to ensure this can be handled by relevant parties.

We greatly appreciate any assistance you can provide on this matter.

Many thanks,

On Tue, 25 Jul 2023 at 12:10, Gell, Chris <[Chris.Gell@act.gov.au](mailto:Chris.Gell@act.gov.au)> wrote:

OFFICIAL

Hi [REDACTED]

As discussed, attached are the approved Basement Plans and decision for amendment 197M to the development application for Metropol. This was the last amendment to involve changes to the basement.

Regards

Chris Gell

Director, Statutory Planning

Environment Planning and Sustainable Development Directorate

P. 02 62072642 e. [chris.gell@act.gov.au](mailto:chris.gell@act.gov.au)

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