

From: [Crossman, Louise](#)
To: [EPSDD DLO](#)
Cc: [GENTLEMAN](#)
Subject: FW: Letter from Jo Clay MLA
Date: Friday, 26 November 2021 2:40:00 PM
Attachments: [image001.png](#)
[211125 Clay to Gentleman re Mckellar Shops Development Application.pdf](#)

Hi Karley
For reply please
Louise

From: CLAY <CLAY@parliament.act.gov.au>
Sent: Thursday, 25 November 2021 5:11 PM
To: GENTLEMAN <GENTLEMAN@act.gov.au>
Cc: Crossman, Louise <Louise.Crossman@act.gov.au>; Booker, Stephanie <Stephanie.Booker@parliament.act.gov.au>
Subject: Letter from Jo Clay MLA

Dear Gentleman Team,

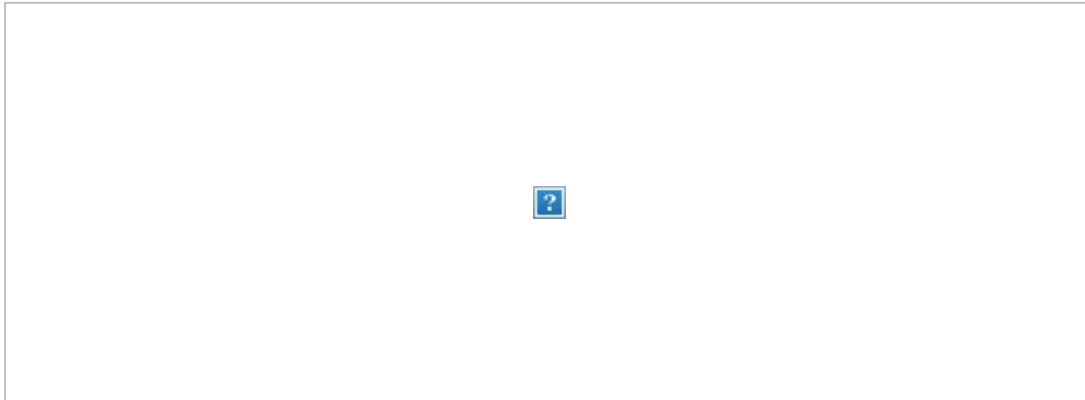
Please see attached letter from Jo Clay MLA regarding Mckellar Shops.

Kind Regards,

Office of Jo Clay MLA | ACT Greens Member for Ginninderra | ACT Greens Spokesperson for Transport, Planning, Parks and Conservation, Animal Welfare, Arts and Culture, Science, Circular Economy and Women

t: (02) 6205 0131 | e: Clay@parliament.act.gov.au

Follow Jo on [Facebook](#)





JO CLAY MLA



(02) 6205 0131 | clay@parliament.act.gov.au | Member for Ginninderra

25 November 2021

Minister Mick Gentleman
Minister for Planning and Land Management
Gentleman@act.gov.au

Dear Mick,

DA202139349 for Block 1, Section 51 McKellar

I am writing about Development Application 202139349 on Block 1, Section 51 McKellar, in the location of the McKellar shops in my capacity as ACT Greens Member for Ginninderra and Planning Spokesperson. I understand that this proposal will soon be considered by the Independent Planning Authority after the consultation period ends on 26 November 2021.

As Greens Member for Ginninderra, I have heard repeated community concerns about the state of McKellar shops, and community desires for a usable, local space. I do not usually comment on individual Development Applications, but this one concerns me deeply because it appears to contradict what the community have asked for.

Block 1, Section 51 McKellar is located on a 2145 square metre area zoned as CZ4 – Local Centre Zone. This was zoned to be the primary community and commercial hub for shops in McKellar. It is the largest commercially zoned area in McKellar. As you know, the objectives of the CZ4 zone are as follows:

- a) Provide for convenience retailing and other accessible, convenient shopping and community and business services to meet the daily needs of local residents, particularly those with mobility issues.*
- b) Provide opportunities for business investment and local employment*
- c) Ensure the mix of uses is appropriate to this level of the commercial hierarchy and enable centres to adapt to changing social and economic circumstances*
- d) Maintain and enhance local residential and environmental amenity through appropriate and sustainable urban design*
- e) Promote the establishment of a cultural and community identity that is representative of, and appropriate to, the place*
- f) Promote active living and active travel*



JO CLAY MLA



(02) 6205 0131 | clay@parliament.act.gov.au | Member for Ginninderra

g) Provide a high quality public realm by facilitating active uses on ground floor level that connects with the wider open space, pedestrian and cycle networks to promote active travel and active living.

h) Encourage an attractive, safe, well-lit and connected pedestrian environment with convenient access to public transport.

This Development Application, in its current form, proposes 14 residential units. It includes largely above-ground car parking, despite a large carpark next door and an increasing desire for underground carparking to preserve valuable infill space. Of the 2,145 square metres on this site, only 171 square metres gross floor area is allocated for commercial space.

I note that section 120 of the *Planning and Development Act 2007* lists the considerations that the decision maker must take into account when deciding development applications in the merit track.

I further note that section 120(a) states that the decision maker must consider the objectives for the zone in which the development is proposed to take place. The zone objectives overwhelmingly reflect the need for a local (commercial) centre.

Like residents in other suburbs, McKellar residents want and expect a shop and community hub on this key site. A community centre, green space, a café or coffee van and shops would all be appropriate. Ideally, these should be developed in consultation with the community, which will ensure residents get what they want, community needs are met and businesses are viable.

A mixed use development that is primarily made up of units (it is unclear what a "commercially adaptable residential unit" is) and dedicates a great deal of urban space to car parking does not meet these needs. One small site for a shop is not consistent with community goals, nor the zone objectives for CZ4.

Yours sincerely,

Jo Clay.

From: [EPSD Government Services](#)
To: [EPSDD StatutoryPlanning](#)
Subject: FOR ACTION: Due to GS 7/12 - 21/120536 Ministerial-Correspondence - Gentleman - Jo Clay MLA - DA202139349 Block 1 Section 51 McKellar
Date: Monday, 29 November 2021 12:49:00 PM
Attachments: [21_120536 Ministerial-Correspondence - Gentleman - Jo Clay MLA - DA202139349 Block 1 Section 51 McKellar.obr](#)

Ministerial Correspondence / Brief Request Form
21/120536 Ministerial-Correspondence - Gentleman - Jo Clay MLA - DA202139349
Block 1 Section 51 McKellar

	Due
To Minister's office	10/12/2021
Director-General	
Deputy Director-General	08/12/2021
Government Services	07/12/2021

To:

Climate Change and Energy	Development and Implementation	Office of the Director-General	Corporate Services & Operations
Planning and Urban Policy	Statutory Planning	Office of the Deputy Director-General	City Renewal Authority
Building Reform	Environment, Heritage and Water	Utilities Technical Regulator	Suburban Land Agency

Response By:

Minister	Director-General	Deputy Director-General
Chief Minister	Directorate	

Action Required:

Reply to Correspondence	Directorate Input	Questions and Answers
Information Brief	Officer to attend***	Media Alert / Media Release**
Meeting Brief*	For Information Only	Speech**
Caveat Brief	For Appropriate Action	Speaking Notes**
Arrangements Brief*	Phone Constituent/ Provide Report	Talking Points (as dot points)**

**For up to date meeting/event timing, please see the calendar confirmation email in the attached Objective File.*

*** In consultation with EPSDD Media.*

****Exec will advise you who is required to attend.*

Further Information:

Aimie Burns | Ministerial Liaison Officer – Government Services
 Environment, Planning and Sustainable Development Directorate
 ACT Government | PH: 6207 2156 | www.environment.act.gov.au

From: [EPSD Government Services](#)
To: [EPSDD Ministerials and Corro Executive Office](#)
Subject: FOR PRIORITY DDG (EB) CLEARANCE (Critical Date COB today 13/12/2021) - 21/120536 Ministerial-Correspondence - Gentleman - Jo Clay MLA - DA202139349 Block 1 Section 51 McKellar
Date: Monday, 13 December 2021 3:57:00 PM
Attachments: [21_120536_Ministerial-Correspondence - Gentleman - Jo Clay MLA - DA202139349 Block 1 Section 51 McKellar.obr](#)
Importance: High

UNOFFICIAL

Hello Lisa and Eliza

The attached correspondence has been QA'ed by Gov Services and is now ready for Erin's clearance.

Please note that we are requesting priority clearance as the incoming correspondence is from an MLA and is now overdue to the Minister's Office (it was due Friday 13/12/2021).

If you have any queries please let me know.

Sincerely

Pen

Pen Hucker | A/g Senior Director Government Services | Email: penelope.hucker@act.gov.au

Telephone: [Sch 2.2\(a\)\(ii\)](#) | Environment, Planning and Sustainable Development Directorate | ACT Government | www.environment.act.gov.au

Level 4 (Snow Gum), 480 Northbourne Ave, DICKSON | GPO Box 158 Canberra ACT 2601

(please note that due to current COVID-19 remote working requirements, I am not physically based in the office. Please feel free to contact me in the first instance via email, telephone or MS Teams)

From: EPSDD StatutoryPlanning <EPSDDStatutoryPlanning@act.gov.au>

Sent: Monday, 13 December 2021 2:34 PM

To: EPSD Government Services <EPSDGovernmentServices@act.gov.au>

Subject: FW: FOR ACTION: Due to GS 7/12 - 21/120536 Ministerial-Correspondence - Gentleman - Jo Clay MLA - DA202139349 Block 1 Section 51 McKellar

UNOFFICIAL

Good afternoon,

Cleared by EGM (Craig Weller acting).

Thanks.

Kind regards,

Lea Edwards

Executive Assistant | Statutory Planning | ACTPLA | Environment, Planning and Sustainable Development Directorate | ACT Government 480 Northbourne Avenue Dickson | GPO Box 158 Canberra ACT 2601 | 02 620 70619 planning.act.gov.au

I acknowledge and pay my respects to Elders and Traditional Custodians of this land - past and present, and acknowledge their continuing cultures and connection to Country and community.

From: Weller, Craig <Craig.Weller@act.gov.au>

Sent: Thursday, 9 December 2021 11:00 AM

To: Davies, Richard <Richard.Davies@act.gov.au>; Ives, Kieran <Kieran.Ives@act.gov.au>

Cc: EPSDD StatutoryPlanning <EPSDDStatutoryPlanning@act.gov.au>

Subject: FW: FOR ACTION: Due to GS 7/12 - 21/120536 Ministerial-Correspondence - Gentleman - Jo Clay MLA - DA202139349 Block 1 Section 51 McKellar

UNOFFICIAL

Thanks Richard, Kieran.

Cleared.

Cheers

Craig

From: Ives, Kieran <Kieran.Ives@act.gov.au>

Sent: Thursday, 2 December 2021 10:30 AM

To: EPSDD StatutoryPlanning <EPSDDStatutoryPlanning@act.gov.au>

Cc: Davies, Richard <Richard.Davies@act.gov.au>

Subject: FW: FOR ACTION: Due to GS 7/12 - 21/120536 Ministerial-Correspondence - Gentleman - Jo Clay MLA - DA202139349 Block 1 Section 51 McKellar

Hi Lea – can you progress this one.

Thanks Richard – perfect.

Cheers

Kieran

Kieran Ives | A/g Senior Director DA Services and Support

Statutory Planning | Environment, Planning and Sustainable Development Directorate | ACT Government

480 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601

T 02 6205 9095 | E kieran.ives@act.gov.au

www.act.gov.au

From: Davies, Richard <Richard.Davies@act.gov.au>

Sent: Thursday, 2 December 2021 10:27

To: Ives, Kieran <Kieran.Ives@act.gov.au>

Cc: EPSDD StatutoryPlanning <EPSDDStatutoryPlanning@act.gov.au>

Subject: FW: FOR ACTION: Due to GS 7/12 - 21/120536 Ministerial-Correspondence - Gentleman - Jo Clay MLA - DA202139349 Block 1 Section 51 McKellar

Hi Kieran,

PN has just recently closed on this DA. Note the MLA has made a representation so is mentioned in the Minister's letter

Please review for clearance

Thanks

Richard

From: EPSDD StatutoryPlanning <EPSDDStatutoryPlanning@act.gov.au>

Sent: Monday, 29 November 2021 1:56 PM

To: Davies, Richard <Richard.Davies@act.gov.au>

Cc: Ives, Kieran <Kieran.Ives@act.gov.au>

Subject: FW: FOR ACTION: Due to GS 7/12 - 21/120536 Ministerial-Correspondence - Gentleman - Jo Clay MLA - DA202139349 Block 1 Section 51 McKellar

UNOFFICIAL

Hi Richard,

This one appears to be for you.

Thanks.

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From: EPSD Government Services <EPSDGovernmentServices@act.gov.au>

Sent: Monday, 29 November 2021 12:50 PM

To: EPSDD StatutoryPlanning <EPSDDStatutoryPlanning@act.gov.au>

Subject: FOR ACTION: Due to GS 7/12 - 21/120536 Ministerial-Correspondence - Gentleman - Jo Clay MLA - DA202139349 Block 1 Section 51 McKellar

Ministerial Correspondence / Brief Request Form
21/120536 Ministerial-Correspondence - Gentleman - Jo Clay MLA - DA202139349
Block 1 Section 51 McKellar

	Due
To Minister's office	10/12/2021
Director-General	
Deputy Director-General	08/12/2021
Government Services	07/12/2021

To:

Climate Change and Energy	Development and Implementation	Office of the Director-General	Corporate Services & Operations
Planning and Urban Policy	Statutory Planning	Office of the Deputy Director-General	City Renewal Authority
Building Reform	Environment, Heritage and Water	Utilities Technical Regulator	Suburban Land Agency

Response By:

Minister Chief Minister	Director-General Directorate	Deputy Director-General
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Action Required:

Reply to Correspondence Information Brief	Directorate Input Officer to attend***	Questions and Answers Media Alert / Media Release**
Meeting Brief*	For Information Only	Speech**
Caveat Brief	For Appropriate Action	Speaking Notes**
Arrangements Brief*	Phone Constituent/ Provide Report	Talking Points (as dot points)**

**For up to date meeting/event timing, please see the calendar confirmation email in the attached Objective File.*

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****Exec will advise you who is required to attend.*

Further Information:

Aimie Burns | Ministerial Liaison Officer – Government Services
Environment, Planning and Sustainable Development Directorate
ACT Government | PH: 6207 2156 | www.environment.act.gov.au

From: [EPSD Government Services](#)
To: [EPSDD DLO](#)
Subject: KARLEY - 21/120536 Ministerial-Correspondence - Gentleman - Jo Clay MLA - DA202139349 Block 1 Section 51 McKellar
Date: Monday, 13 December 2021 4:58:00 PM
Attachments: [21_120536 Ministerial-Correspondence - Gentleman - Jo Clay MLA - DA202139349 Block 1 Section 51 McKellar.obr](#)

UNOFFICIAL

Hello Karley

Please find attached a reply from Minister Gentleman to Ms Clay.

Please note that this response was due to the Minister's Office last Friday 10/12/2021. Apologies for the delay.

If you have any queries please let me know.

Sincerely

Pen

Pen Hucker | A/g Senior Director Government Services | Email: penelope.hucker@act.gov.au

Telephone: [Sch 2.2\(a\)\(ii\)](#) | Environment, Planning and Sustainable Development Directorate | ACT Government | www.environment.act.gov.au

Level 4 (Snow Gum), 480 Northbourne Ave, DICKSON | GPO Box 158 Canberra ACT 2601

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From: EPSDD Ministerials and Corro Executive Office

<EPSDDMinisterialsandCorroExecutiveOffice@act.gov.au>

Sent: Monday, 13 December 2021 4:41 PM

To: EPSD Government Services <EPSDGovernmentServices@act.gov.au>; Brady, Erin <Erin.Brady@act.gov.au>

Cc: EPSDD Ministerials and Corro Executive Office

<EPSDDMinisterialsandCorroExecutiveOffice@act.gov.au>

Subject: Progress on A/g EBM clearance - 21/120536 Ministerial-Correspondence - Gentleman - Jo Clay MLA - DA202139349 Block 1 Section 51 McKellar

Importance: High

UNOFFICIAL

Hi Team GS

Please progress this MLA correspondence on A/g EBM clearance, noting it is due today.

Erin – for awareness.

Jo Clay MLA has written to Minister Gentleman about DA 202139349 on Block 1 Section 51 McKellar (McKellar shops). The response outlines the process now the consultation period has closed and that the Minister cannot intervene. Though generic, it covers what can be said at this point in time, noting Ms Clay will receive a copy of the Authority's decision.

Thanks

Lisa

From: EPSD Government Services <EPSDGovernmentServices@act.gov.au>

Sent: Monday, 13 December 2021 3:57 PM

To: EPSDD Ministerials and Corro Executive Office

<EPSDDMinisterialsandCorroExecutiveOffice@act.gov.au>

Subject: FOR PRIORITY DDG (EB) CLEARANCE (Critical Date COB today 13/12/2021) - 21/120536 Ministerial-Correspondence - Gentleman - Jo Clay MLA - DA202139349 Block 1 Section 51 McKellar

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UNOFFICIAL

Thanks Richard, Kieran.

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Cheers

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Sent: Monday, 29 November 2021 1:56 PM

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Cc: Ives, Kieran <Kieran.Ives@act.gov.au>

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Executive Assistant | Statutory Planning | ACTPLA | Environment, Planning and Sustainable Development Directorate | ACT Government 480 Northbourne Avenue Dickson | GPO Box 158 Canberra ACT 2601 | 02 620 70619 planning.act.gov.au

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From: EPSD Government Services <EPSDGovernmentServices@act.gov.au>

Sent: Monday, 29 November 2021 12:50 PM

To: EPSDD StatutoryPlanning <EPSDDStatutoryPlanning@act.gov.au>

Subject: FOR ACTION: Due to GS 7/12 - 21/120536 Ministerial-Correspondence - Gentleman - Jo Clay MLA - DA202139349 Block 1 Section 51 McKellar

Ministerial Correspondence / Brief Request Form

**21/120536 Ministerial-Correspondence - Gentleman - Jo Clay MLA - DA202139349
Block 1 Section 51 McKellar**

	Due
To Minister's office	10/12/2021

Director-General	
Deputy Director-General	08/12/2021
Government Services	07/12/2021

To:

Climate Change and Energy	Development and Implementation	Office of the Director-General	Corporate Services & Operations
Planning and Urban Policy	Statutory Planning	Office of the Deputy Director-General	City Renewal Authority
Building Reform	Environment, Heritage and Water	Utilities Technical Regulator	Suburban Land Agency

Response By:

Minister Chief Minister	Director-General Directorate	Deputy Director-General
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Reply to Correspondence Information Brief	Directorate Input Officer to attend***	Questions and Answers Media Alert / Media Release**
Meeting Brief*	For Information Only	Speech**
Caveat Brief	For Appropriate Action	Speaking Notes**
Arrangements Brief*	Phone Constituent/ Provide Report	Talking Points (as dot points)**

**For up to date meeting/event timing, please see the calendar confirmation email in the attached Objective File.*

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****Exec will advise you who is required to attend.*

Further Information:

Aimie Burns | Ministerial Liaison Officer – Government Services
Environment, Planning and Sustainable Development Directorate
ACT Government | PH: 6207 2156 | www.environment.act.gov.au

From: [GENTLEMAN](#)
To: [EPSDD DLO](#)
Subject: FW: Correspondence from Minister gentleman MLA
Date: Thursday, 16 December 2021 3:40:11 PM
Attachments: [Response - Gentleman - Jo Clay MLA.pdf](#)
[image001.jpg](#)

Was sent

From: GENTLEMAN <GENTLEMAN@act.gov.au>
Sent: Thursday, 16 December 2021 3:37 PM
To: CLAY <CLAY@parliament.act.gov.au>
Subject: Correspondence from Minister gentleman MLA

Dear Ms Clay

Please find attached correspondence from Minister Mick Gentleman MLA, Minister for Planning and Land Management,

Kind regards,

Office of Mick Gentleman MLA

Member for Brindabella

Minister for Planning and Land Management

Minister for Police and Emergency Services

Minister for Corrections

Minister for Industrial Relations and Workplace Safety

Manager for Government Business

t: 620 50218 | e: gentleman@act.gov.au



Please note that from 1 January 2018 ACT Government ministerial diaries are subject to publication on the ACT Government's open access website under section 23 of the *Freedom of Information Act 2016*.




Mick Gentleman MLA
Manager of Government Business
Minister for Planning and Land Management
Minister for Police and Emergency Services
Minister for Corrections
Minister for Industrial Relations and Workplace Safety

Member for Brindabella

21/120536

Ms Jo Clay MLA
Member for Ginninderra
clay@parliament.act.gov.au

Dear Ms Clay 

Thank you for your email of 25 November 2021 about the development application (DA 202139349) proposing redevelopment of the former McKellar shops site.

In the ACT, development decisions are primarily made by the independent planning and land authority (the Authority). I am advised the Authority is currently assessing the proposed development. As part of the assessment process, the Authority is required to consider all written representations received during the public notification period and advice received from relevant entities such as the Transport Canberra and City Services Directorate, and utilities. I understand that twelve representations were received by the Authority in response to this DA including a representation from yourself.

As the development is currently under consideration by the Authority it would not be appropriate for me to comment further at this time. However, I can advise that once the Authority has determined this development application, all representors will be provided with a copy of the Authority's decision.

Thank you for writing to me in relation to this matter, I trust this information is of assistance to you.

Yours sincerely


Mick Gentleman MLA
16/12/2021

ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601

 +61 2 6205 0218  gentleman@act.gov.au

 @GENTLEMANMick

 MickGentleman

 mick.gentleman